

THE ONE HUNDRED AND FIFTEENTH DAY

CARSON CITY (Wednesday), May 31, 2023

Senate called to order at 9:17 p.m.

President Anthony presiding.

Roll called.

All present.

Prayer by Senator Ira Hansen.

This prayer comes from the Franciscans.

May God bless you with discomfort, discomfort at easy answers, half-truths and superficial relationships, discomfort so that you may live deep within your heart.

May God bless you with anger, anger at injustice, oppression and exploitation of people, anger so that you may work for justice, freedom and peace.

May God bless you with tears, tears to shed for those who suffer pain, rejection, starvation and war, tears so that you will reach out to comfort them and turn their pain into joy.

May God bless you with foolishness, foolishness to believe that you can make a difference in this world, foolishness so that you will do what others claim cannot be done.

In the Name of our Savior, Jesus Christ.

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.

MOTIONS, RESOLUTIONS AND NOTICES

Senator Cannizzaro moved that Senate Bill No. 439 and Assembly Bill No. 285 be taken from the Secretary's Desk and placed on the General File.

Motion carried.

Senator Cannizzaro moved that Assembly Bills Nos. 285 and 330 be taken from their positions on the General File and placed at the top of the General File.

Motion carried.

GENERAL FILE AND THIRD READING

Assembly Bill No. 285.

Bill read third time.

The following amendment was proposed by Senator Lange:

Amendment No. 821.

SUMMARY—Revises provisions governing school safety and student behavior. (BDR 34-638)

AN ACT relating to education; removing certain requirements for the use of restorative disciplinary practices in public schools; requiring certain schools to provide a progressive discipline plan based on restorative justice to certain pupils; revising provisions governing the development of a plan of discipline by the board of trustees of a school district or governing body of a charter school or university school for profoundly gifted pupils; revising provisions

governing age and certain other requirements for the suspension, expulsion and permanent expulsion of pupils; requiring the provision and reporting of a plan to provide education services to certain pupils; revising provisions governing the reporting of certain data concerning discipline of pupils; and providing other matters properly relating thereto.

Legislative Counsel's Digest:

Existing law requires the board of trustees of each school district to establish a plan to provide for the restorative discipline of pupils, developed: (1) in accordance with the statewide framework for restorative justice developed by the Department of Education; and (2) with input from certain school personnel and the parents and guardians of pupils. (NRS 392.4644) Existing law: (1) to the extent that money is available, requires the Department to develop a statewide framework for restorative justice; and (2) sets forth requirements for that framework. (NRS 388.1333) Section 5 of this bill removes the requirement to establish such a plan, instead requiring that the board of trustees of each school district, the governing body of each charter school and the governing body of each university school for profoundly gifted pupils establish a plan of progressive discipline. Section 5 also requires such entities to include within such a plan: (1) disciplinary practices based on restorative justice; (2) methods of alternative conflict resolution and interventions based on social and emotional learning; and (3) provisions for the placement of a pupil in a more restrictive educational environment at the school or at a different school. Sections 1 and 2 of this bill make conforming changes relating to the removal of this requirement. Section 2.5 of this bill: (1) requires the Department to develop the statewide framework for restorative justice regardless of funding; and (2) requires the framework developed by the Department to include certain training on school climate for teachers, administrators and other school staff.

Existing law requires, in general, that a public school provide a plan of action based on restorative justice before removing a pupil from a classroom or the premises of the school or suspending or expelling the pupil. Existing law requires the Department to develop one or more examples of such a plan of action, with certain required elements. (NRS 392.472) Section 9 of this bill requires a public school to instead provide a progressive discipline plan based on restorative justice: (1) to a pupil who has been suspended for at least 5 cumulative days during a school year; and (2) within 2 days after removing a pupil. Section 9 additionally requires an example of a progressive discipline plan developed by the Department to include certain determinations concerning an individualized education program. Further, section 9 requires the plan to be made available to certain personnel. Sections 3 and 4 of this bill provide similar ~~[authorization]~~ requirements concerning the provision of progressive discipline plans based on restorative justice for charter schools and university schools for profoundly gifted pupils.

Existing law requires a public school to offer certain education services to a pupil who is removed from a classroom or the premises of a public school for more than 2 days. (NRS 392.4645) Section 5.5 of this bill requires the public

school to on or before August 1 of each year, develop or review and revise a plan to offer such services to, without limitation, pupils who are less than 11 years of age and requires the plan to include: (1) an option to provide such services in an in-person setting; (2) the location of such services; and (3) a plan for the pupil to complete certain assignments. Section 5.5 requires each public school to, on or before August 1 of each year, submit such a plan to: (1) the board of trustees of the school district, governing body of the charter school or governing body of the university school for profoundly gifted pupils, as applicable; (2) the State Board of Education; and (3) the Joint Interim Standing Committee on Education. Section 5.5 also requires each school district to, on or before August 1 of each year, collect a representative sample of the plans developed and submit a copy of the sampled plans to the: (1) Joint Interim Standing Committee on Education; (2) Department of Education; and (3) State Board . ~~[of Education.]~~ Section 1 requires the plan developed pursuant to section 5.5 to be included in the annual report of accountability for the quality of schools and the educational achievement of pupils.

Existing law authorizes, under certain circumstances, the suspension, expulsion or permanent expulsion of a pupil who attends a public school, charter school or university school for profoundly gifted pupils and who is at least 11 years of age. (NRS 388A.495, 388C.150, 392.466, 392.467) Existing law further provides that a pupil who is less than 11 years of age may be suspended, expelled or permanently expelled by the public school in which the pupil is enrolled if such a punishment is approved by the board of trustees of the school district. (NRS 392.466) ~~[Sections 3, 4 and]~~ Section 7 of this bill ~~[provide]~~ provides for the suspension, expulsion or permanent expulsion of certain pupils who are at least 11 years of age. ~~[Sections 3, 4 and]~~ Section 7: (1) ~~[provide]~~ provides that pupils who are less than 11 years of age may, following review and approval by certain school officials, be suspended in certain situations; and (2) ~~[prohibit]~~ prohibits, in general, the expulsion or permanent expulsion of a pupil who is less than 11 years of age. Sections 3 and 4 apply these provisions to the discipline of certain pupils in charter schools and university schools for profoundly gifted pupils, respectively.

Under existing law, a public school is prohibited, in general, from permanently expelling a pupil who is less than 11 years of age, except for certain situations in which such a punishment is authorized by the board of trustees of a school district. (NRS 392.466, 392.467) Section 8 of this bill additionally prohibits a public school, in general, from expelling such a pupil. Section 7 provides that, for a pupil who sells or distributes a controlled substance in certain situations or commits ~~[an act of violence against certain persons]~~ a battery other than a battery intended to result in the bodily injury of an employee of the school in various school settings: (1) the pupil may be suspended if he or she is less than 11 years of age and may also be expelled or permanently expelled if he or she is at least 11 years of age; (2) the suspension of a pupil who is less than 6 years of age must be reviewed by the superintendent of the school district or his or her designee; and (3) if the

removal is of a pupil with a disability, such removal must comply with federal law. Additionally, section 7 provides that, for a pupil who commits a battery which is intended to result in the bodily injury of an employee of the school: (1) the pupil shall be suspended or expelled if he or she is at least 8 years of age; (2) the suspension of a pupil who is less than 6 years of age must be reviewed and approved by the superintendent of the school district or his or her designee; and (3) if the removal is of a pupil with a disability, such removal must comply with federal law. Finally section 7 provides that a pupil who is found in possession of a firearm at a public school or an activity or school bus of a public school: (1) shall be suspended, expelled or permanently expelled if he or she is at least 11 years of age; (2) shall be suspended or expelled if he or she is at least 8 but less than 11 years of age; (3) may be suspended if he or she is at least 6 but less than 8 years of age; (4) may be suspended if he or she is less than 6 years of age upon review and approval by the superintendent of the school district or his or her designee; and (5) if the pupil is a pupil with a disability, any removal of the pupil must comply with federal law. Sections 3 and 4 apply similar provisions to charter schools and university schools for profoundly gifted pupils, respectively.

Existing law provides the process for the principal of a school to deem a pupil a habitual disciplinary problem. (NRS 392.4655) Existing law additionally provides the process by which, after a principal determines a pupil is not a habitual disciplinary problem, a teacher may appeal the decision to the board of trustees of the school district. Section 6 of this bill provides that a pupil must be at least 11 years of age to be deemed a habitual disciplinary problem. Section 6 additionally requires that the pupil be deemed a habitual disciplinary problem if the school has written evidence showing that the pupil did not make efforts to enter into or participate in a plan of behavior. Section 6 revises the persons to whom a pupil or legal guardian of a pupil may appeal a determination that the pupil is a habitual disciplinary problem.

Existing law requires, in general, that the principal of a school deem a pupil a habitual disciplinary problem following a determination that homelessness is not the cause of the behavior of the pupil. (NRS 392.4655) Existing law also requires that, to suspend or expel a pupil in certain situations, a determination be made that the behavior of a pupil is not caused by homelessness or being in foster care. (NRS 392.466, 392.467) Section 6 removes the requirement that a principal presume the behavior of a pupil is due to homelessness unless evidence indicates otherwise. Additionally, section 6 requires that, before deeming a pupil to be a habitual disciplinary problem, a determination be made that: (1) homelessness is not a factor in the behavior of the pupil; and (2) the placement of the pupil in foster care is not a factor in his or her behavior. Similar requirements are prescribed by sections 7 and 8.

Existing law requires each public school to collect data on the discipline of pupils. (NRS 392.462) Section 4.5 of this bill requires such data collection to occur quarterly. Section 4.5 also requires the data collection to include data on: (1) the implementation of a plan for progressive discipline; (2) the training

that teachers and administrators have received regarding the plan; (3) the number of staff positions in the school that are vacant; (4) the average class size for each grade in the school; and (5) the ratio of pupils to school counselors, psychologists and social workers. Section 4.5 additionally requires the principal of each school to, before August 1 of each year, report the data to: (1) the board of trustees of the school district; (2) the Joint Interim Standing Committee on Education; (3) the Superintendent of Public Instruction; and (4) the Department of Education.

Existing law requires the Department to include in the statewide system of accountability for public schools data to recognize public schools that reduce the frequency of suspension, expulsion or removal of pupils from school. (NRS 385A.605) Section 1.5 of this bill requires certain data collected pursuant to section 4.5 to be included in the statewide system of accountability.

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

Section 1. NRS 385A.250 is hereby amended to read as follows:

385A.250 1. The annual report of accountability prepared pursuant to NRS 385A.070 must include information on the discipline of pupils, including, without limitation:

(a) Records of incidents involving weapons or violence for each school in the district, including, without limitation, each charter school sponsored by the district.

(b) Records of incidents involving the use or possession of alcoholic beverages or controlled substances for each school in the district, including, without limitation, each charter school sponsored by the district.

(c) Records of the suspension or expulsion, or both, of pupils required or authorized pursuant to NRS 392.466 and 392.467.

(d) The number of pupils who are deemed habitual disciplinary problems pursuant to NRS 392.4655, for each school in the district and the district as a whole, including, without limitation, each charter school sponsored by the district.

(e) For each school in the district and the district as a whole, including, without limitation, each charter school sponsored by the district, and categorized by types of incidents and the demographics identified in subsection 1 of NRS 388.1235:

(1) The number of reported violations of NRS 388.135 occurring at a school or otherwise involving a pupil enrolled at a school, regardless of the outcome of the investigation conducted pursuant to NRS 388.1351;

(2) The number of incidents determined to be discrimination based on race, bullying or cyber-bullying after an investigation is conducted pursuant to NRS 388.1351;

(3) The number of incidents resulting in suspension or expulsion, or both, for discrimination based on race, bullying or cyber-bullying; and

(4) Any actions taken to reduce the number of incidents of discrimination based on race, bullying or cyber-bullying including, without limitation,

training that was offered or other policies, practices and programs that were implemented.

(f) For each high school in the district, including, without limitation, each charter school sponsored by the district that operates as a high school, and for high schools in the district as a whole:

(1) The number and percentage of pupils whose violations of the code of honor relating to cheating prescribed pursuant to NRS 392.461 or any other code of honor applicable to pupils enrolled in high school were reported to the principal of the high school, reported by the type of violation;

(2) The consequences, if any, to the pupil whose violation is reported pursuant to subparagraph (1), reported by the type of consequence;

(3) The number of any such violations of a code of honor in a previous school year by a pupil whose violation is reported pursuant to subparagraph (1), reported by the type of violation; and

(4) The process used by the high school to address violations of a code of honor which are reported to the principal.

(g) For each school in the district, including, without limitation, each charter school sponsored by the district, information on:

(1) The plan ~~{for restorative justice and the process}~~ for progressive discipline used by the school ~~{;}~~ and *any disciplinary practices based on restorative justice used by the school; ~~and~~*

(2) The plan developed pursuant to subsection 4 of NRS 392.4645; and

~~(3)~~ The manner in which the school trains employees on restorative justice and progressive discipline.

2. The information included pursuant to subsection 1 must allow such information to be disaggregated by:

(a) Pupils who are economically disadvantaged;

(b) Pupils from major racial and ethnic groups;

(c) Pupils with disabilities;

(d) Pupils who are English learners;

(e) Pupils who are migratory children;

(f) Gender;

(g) Pupils who are homeless;

(h) Pupils in foster care; and

(i) Pupils whose parent or guardian is a member of the Armed Forces of the United States, a reserve component thereof or the National Guard.

3. As used in this section:

(a) "Bullying" has the meaning ascribed to it in NRS 388.122.

(b) "Cyber-bullying" has the meaning ascribed to it in NRS 388.123.

(c) "Discrimination based on race" has the meaning ascribed to it in NRS 388.1235.

(d) "Expulsion" has the meaning ascribed to it in NRS 392.4603.

(e) "Restorative justice" has the meaning ascribed to it in NRS 392.472.

(f) "Suspension" has the meaning ascribed to it in NRS 392.4607.

Sec. 1.5. NRS 385A.605 is hereby amended to read as follows:

385A.605 The Department shall include in the statewide system of accountability for public schools data ~~to~~ :

1. To recognize public schools that reduce the frequency of the suspension, expulsion or removal of pupils from school as a means of discipline, including, without limitation, a reduction in the occurrences of the suspension, expulsion or removal of pupils that disproportionately affect pupils who belong to a group of pupils listed in subsection 2 of NRS 385A.250 ~~to~~ ; and

2. *That is collected pursuant to NRS 392.462 and submitted to the Department pursuant to paragraph (d) of subsection 2 of that section.*

Sec. 2. NRS 388.133 is hereby amended to read as follows:

388.133 1. The Department shall, in consultation with the governing bodies, educational personnel, local associations and organizations of parents whose children are enrolled in schools throughout this State, and individual parents and legal guardians whose children are enrolled in schools throughout this State, prescribe by regulation a policy for all school districts and schools to provide a safe and respectful learning environment that is free of discrimination based on race, bullying and cyber-bullying.

2. The policy must include, without limitation:

(a) Requirements and methods for reporting violations of NRS 388.135, including, without limitation, violations among teachers and violations between teachers and administrators, coaches and other personnel of a school district or school;

(b) Requirements and methods for addressing the rights and needs of persons with diverse gender identities or expressions;

(c) ~~Requirements and methods~~ *Recommendations* for restorative disciplinary practices that align with the statewide framework for restorative justice ; ~~[if such a framework is developed pursuant to NRS 388.133;]~~ and

(d) A policy for use by school districts and schools to train members of the governing body and all administrators, teachers and all other personnel employed by the governing body. The policy must include, without limitation:

(1) Training in the appropriate methods to facilitate positive human relations among pupils by eliminating the use of discrimination based on race, bullying and cyber-bullying so that pupils may realize their full academic and personal potential;

(2) Training in methods to prevent, identify and report incidents of discrimination based on race, bullying and cyber-bullying;

(3) Training concerning the needs of persons with diverse gender identities or expressions;

(4) Training concerning the needs of pupils with disabilities and pupils with autism spectrum disorder;

(5) Methods to promote a positive learning environment;

(6) Methods to improve the school environment in a manner that will facilitate positive human relations among pupils; and

(7) Methods to teach skills to pupils so that the pupils are able to replace inappropriate behavior with positive behavior.

Sec. 2.5. NRS 388.1333 is hereby amended to read as follows:

388.1333 1. ~~[To the extent that money is available, the]~~ The Department shall develop a statewide framework for restorative justice. The statewide framework must, without limitation:

(a) In accordance with NRS 392.472, establish standards for a *progressive discipline* plan ~~[of action]~~ based on restorative justice to enable a public school to address the unique needs of pupils enrolled in the school;

(b) Provide for the identification of and address the needs of homeless pupils, unaccompanied pupils or pupils in foster care;

(c) Address the occurrences of the suspension, expulsion or removal of pupils from school that disproportionately affect pupils who belong to a group of pupils listed in subsection 2 of NRS 385A.250; *and*

(d) Provide for the improvement of school climate, culture and safety and pupil outcomes by providing information *and training for teachers, administrators and other school staff* on, without limitation:

(1) Multi-tiered systems of support;

(2) Early warning systems;

(3) Positive behavioral interventions and support;

(4) The provision of school social workers;

(5) Curriculum on social and emotional learning; ~~and~~

(6) Trauma-informed practices; ~~and~~

~~—(e) Provide for training for teachers, administrators and other school staff in:~~

~~—(1)}~~ (7) Child and adolescent development;

~~{{2}}~~ (8) Restorative justice, including, without limitation, positive behavioral interventions and support, conflict resolution and de-escalation techniques; and

~~{{3}}~~ (9) Psychology, trauma and chronic stress, the effect of trauma and chronic stress on pupils and learning and effective responses to trauma and chronic stress.

2. The Department may apply for grants, gifts and donations of money to carry out the objectives of the statewide framework for restorative justice.

3. As used in this section:

(a) "Foster care" has the meaning ascribed to it in 45 C.F.R. § 1355.20.

(b) "Homeless pupil" has the meaning ascribed to the term "homeless children and youths" in 42 U.S.C. § 11434a(2).

(c) "Restorative justice" has the meaning ascribed to it in NRS 392.472.

(d) "Unaccompanied pupil" has the meaning ascribed to the term "unaccompanied youth" in 42 U.S.C. § 11434a(6).

Sec. 3. NRS 388A.495 is hereby amended to read as follows:

388A.495 1. A governing body of a charter school shall adopt:

(a) Written rules of behavior required of and prohibited for pupils attending the charter school; and

(b) Appropriate punishments for violations of the rules.

2. ~~[[§] A pupil enrolled in a charter school shall only be suspended or expelled in a manner consistent with the requirements for the suspension or expulsion of a pupil enrolled in a public school within a school district as set forth in NRS 392.4601 to 392.472, inclusive.~~

3. ~~Except as otherwise provided in [subsection 3,] NRS 392.467, if suspension or expulsion of a pupil is used as a punishment for a violation of the rules, the charter school shall ensure that, before the suspension or expulsion, the pupil and, if the pupil is under 18 years of age, the parent or guardian of the pupil, has been given notice of the charges against him or her, an explanation of the evidence and an opportunity for a hearing. If a pupil is suspended or expelled, the pupil or, if the pupil is under 18 years of age, the parent or guardian of the pupil may appeal the suspension or expulsion in accordance with the provisions of NRS 392.4671. The charter school shall ensure that a pupil who is suspended or expelled and is appealing the suspension or expulsion or a pupil who is being considered for suspension or expulsion continues to attend school and receives an appropriate education in the least restrictive environment possible as required by NRS 392.4673. The provisions of chapter 241 of NRS do not apply to any hearing or proceeding conducted pursuant to this section. Such a hearing or proceeding must be closed to the public.~~

~~[3.— A pupil who is at least 11 years of age and who poses a continuing danger to persons or property or an ongoing threat of disrupting the academic process, or who is selling or distributing any controlled substance or who is found to be in possession of a firearm or dangerous weapon as provided in NRS 392.466 may be removed from the charter school only after the charter school has made a reasonable effort to complete a plan of action based on restorative justice with the pupil in accordance with the provisions of NRS 392.466 and 392.467, immediately upon being given an explanation of the reasons for the removal of the pupil and pending proceedings, which must be conducted as soon as practicable after removal, for his or her suspension or expulsion, except that:~~

~~—(a) A pupil who is less than 11 years of age may not be expelled or permanently expelled pursuant to this section.~~

~~—(b) A pupil who is less than 6 years of age may be suspended pursuant to this section, and the suspension must be reviewed and approved by the governing body of the charter school.~~

~~—(c) For a pupil with a disability who has been suspended or expelled pursuant to this section, the charter school in which the pupil is enrolled shall make available to the pupil a free appropriate public education in compliance with the Individuals with Disabilities Education Act, 20 U.S.C. §§ 1400 et seq., for each school day the pupil is suspended or expelled after the pupil has been removed for 10 cumulative days.]~~

4. ~~[Any pupil who sells or distributes any controlled substance while on the premises of any charter school, at an activity sponsored by a charter school~~

~~or on any charter school bus shall meet with the school and his or her parent or legal guardian. The school may provide a plan for progressive discipline based on restorative justice to the parent or legal guardian of the pupil or, if the pupil is an unaccompanied pupil, the pupil. The pupil may be suspended, expelled or permanently expelled from the school, except that:~~

~~— (a) A pupil who is less than 11 years of age may not be expelled or permanently expelled pursuant to this section.~~

~~— (b) A pupil who is less than 6 years of age may be suspended pursuant to this section, and the suspension must be reviewed and approved by the governing body of the charter school.~~

~~— (c) For a pupil with a disability who has been suspended or expelled pursuant to this section, the charter school in which the pupil is enrolled shall make available to the pupil a free appropriate public education in compliance with the Individuals with Disabilities Education Act, 20 U.S.C. §§ 1400 et seq., for each school day the pupil is suspended or expelled after the pupil has been removed for 10 cumulative days.~~

~~— 5. A pupil with a disability who is at least 11 years of age and who is enrolled in a charter school may, in accordance with the procedural policy adopted by the governing body of the charter school for such matters and only after the governing body or its designee has reviewed the circumstances and determined that the action is in compliance with the Individuals with Disabilities Education Act, 20 U.S.C. §§ 1400 et seq., be:~~

~~— (a) Suspended from the charter school pursuant to this section for not more than 5 days for each occurrence of proscribed conduct.~~

~~— (b) Expelled from school pursuant to this section.~~

~~— (c) Permanently expelled from school pursuant to this section.~~

~~— 5.6.7~~ A copy of the rules of behavior, prescribed punishments and procedures to be followed in imposing punishments must be:

(a) Distributed to each pupil at the beginning of the school year and to each new pupil who enters school during the year.

(b) Available for public inspection at the charter school.

~~{6.7.7}~~ 5. The governing body of a charter school may adopt rules relating to the truancy of pupils who are enrolled in the charter school if the rules are at least as restrictive as the provisions governing truancy set forth in NRS 392.130 to 392.220, inclusive. If a governing body adopts rules governing truancy, it shall include the rules in the written rules adopted by the governing body pursuant to subsection 1.

~~{7.8.7}~~ 6. As used in this section:

(a) "Expel" or "expulsion" has the meaning ascribed to it in NRS 392.4603.

~~(b) ["Permanently expelled" means the disciplinary removal of a pupil from the school in which the pupil is currently enrolled.~~

~~— (1) Except as otherwise provided in subparagraph (2), without the possibility of returning to the school in which the pupil is currently enrolled or another public school within the school district, and~~

~~(2) With the possibility of enrolling in a program or public school for alternative education for pupils who are expelled or permanently expelled after being permanently expelled.~~

~~(c) "Pupil with a disability" has the meaning ascribed to it in NRS 388.417.~~

~~(d) "Suspend" or "suspension" has the meaning ascribed to it in NRS 392.4607.~~

Sec. 4. NRS 388C.150 is hereby amended to read as follows:

388C.150 1. The governing body of a university school for profoundly gifted pupils shall adopt:

(a) Written rules of behavior for pupils enrolled in the university school, including, without limitation, prohibited acts; and

(b) Appropriate punishments for violations of the rules.

2. ~~[(b)]~~ A pupil enrolled in a university school for profoundly gifted pupils shall only be suspended or expelled in a manner consistent with the requirements for the suspension or expulsion of a pupil enrolled in a public school within a school district as set forth in NRS 392.4601 to 392.472, inclusive.

3. ~~Except as otherwise provided in subsection 3,~~ NRS 392.467, if suspension or expulsion of a pupil is used as a punishment for a violation of the rules, the university school for profoundly gifted pupils shall ensure that, before the suspension or expulsion, the pupil has been given notice of the charges against him or her, an explanation of the evidence and an opportunity for a hearing. If a pupil is suspended or expelled, the pupil or, if the pupil is under 18 years of age, the parent or guardian of the pupil may appeal the suspension or expulsion in accordance with the provisions of NRS 392.4671. The university school shall ensure that a pupil who is suspended or expelled and is appealing the suspension or expulsion or a pupil who is being considered for suspension or expulsion continues to attend school and receives an appropriate education in the least restrictive environment possible as required by NRS 392.4673. The provisions of chapter 241 of NRS do not apply to any hearing or proceeding conducted pursuant to this section. Such a hearing or proceeding must be closed to the public.

~~[(3)] A pupil who is at least 11 years of age and who poses a continuing danger to persons or property or an ongoing threat of disrupting the academic process, or who is selling or distributing any controlled substance or who is found to be in possession of a firearm or dangerous weapon as provided in NRS 392.466 may be removed only after from the university school for profoundly gifted pupils has made a reasonable effort to complete a plan of action based on restorative justice with the pupil in accordance with the provisions of NRS 392.466 and 392.467. immediately upon being given an explanation of the reasons for the removal of the pupil and pending proceedings, which must be conducted as soon as practicable after removal, for his or her suspension or expulsion, except that:~~

~~(a) A pupil who is less than 11 years of age may not be expelled or permanently expelled pursuant to this section.~~

~~—(b) A pupil who is less than 6 years of age may be suspended pursuant to this section, and the suspension must be reviewed and approved by the governing body of the university school for profoundly gifted pupils.~~

~~—(c) For a pupil with a disability who has been suspended or expelled pursuant to this section, the university school for profoundly gifted pupils in which the pupil is enrolled shall make available to the pupil a free appropriate public education in compliance with the Individuals with Disabilities Education Act, 20 U.S.C. §§ 1400 et seq., for each school day the pupil is suspended or expelled after the pupil has been removed for 10 cumulative days.~~

4. ~~{Any pupil who sells or distributes any controlled substance while on the premises of any university school for profoundly gifted pupils, at an activity sponsored by a university school for profoundly gifted pupils or on any bus owned by a university school for profoundly gifted pupils shall meet with the school and his or her parent or legal guardian. The school may provide a plan for progressive discipline based on restorative justice to the parent or legal guardian of the pupil or, if the pupil is an unaccompanied pupil, the pupil. The pupil may be suspended, expelled or permanently expelled from the school, except that:~~

~~—(a) A pupil who is less than 11 years of age may not be expelled or permanently expelled pursuant to this section.~~

~~—(b) A pupil who is less than 6 years of age may be suspended pursuant to this section, and the suspension must be reviewed and approved by the governing body of the university school for profoundly gifted pupils.~~

~~—(c) For a pupil with a disability who has been suspended or expelled pursuant to this section, the university school for profoundly gifted pupils in which the pupil is enrolled shall make available to the pupil a free appropriate public education in compliance with the Individuals with Disabilities Education Act, 20 U.S.C. §§ 1400 et seq., for each school day the pupil is suspended or expelled after the pupil has been removed for 10 cumulative days.~~

~~—5. A pupil with a disability who is at least 11 years of age and who is enrolled in a university school for profoundly gifted pupils may, in accordance with the procedural policy adopted by the governing body of the university school for such matters and only after the governing body or its designee has reviewed the circumstances and determined that the action is in compliance with the Individuals with Disabilities Education Act, 20 U.S.C. §§ 1400 et seq., be:~~

~~—(a) Suspended from the university school pursuant to this section for not more than 5 days for each occurrence of proscribed conduct.~~

~~—(b) Expelled from school pursuant to this section.~~

~~—(c) Permanently expelled from school pursuant to this section.~~

~~—5.6.} A copy of the rules of behavior, prescribed punishments and procedures to be followed in imposing punishments must be:~~

(a) Distributed to each pupil at the beginning of the school year and to each new pupil who enters the university school for profoundly gifted pupils during the year.

(b) Available for public inspection at the university school.

~~{6. 7.}~~ 5. The governing body of a university school for profoundly gifted pupils may adopt rules relating to the truancy of pupils who are enrolled in the university school if the rules are at least as restrictive as the provisions governing truancy set forth in NRS 392.130 to 392.220, inclusive. If the governing body adopts rules governing truancy, it shall include the rules in the written rules adopted by the governing body pursuant to subsection 1.

~~{7. 8.}~~ 6. As used in this section:

(a) "Expel" or "expulsion" has the meaning ascribed to it in NRS 392.4603.

(b) ~~["Permanently expelled" means the disciplinary removal of a pupil from the school in which the pupil is currently enrolled;~~

~~— (1) Except as otherwise provided in subparagraph (2), without the possibility of returning to the school in which the pupil is currently enrolled or another public school within the school district; and~~

~~— (2) With the possibility of enrolling in a program or public school for alternative education for pupils who are expelled or permanently expelled after being permanently expelled;~~

~~— (c) "Pupil with a disability" has the meaning ascribed to it in NRS 388.417.~~

~~— (d) "Suspend" or "suspension" has the meaning ascribed to it in NRS 392.4607.~~

Sec. 4.5. NRS 392.462 is hereby amended to read as follows:

392.462 Each public school shall *quarterly* collect data on the discipline of pupils ~~{,}~~ and the plans developed pursuant to NRS 392.4644. Such data must include, without limitation, the number of expulsions and suspensions of pupils, *the number of staff positions in the school that are vacant, the average class size for each grade in the school, the implementation of each plan, the training received by teachers and administrators regarding each plan,* ~~{and}~~ the number of placements of pupils in another school ~~{,}~~ and the ratio of pupils to school counselors, school psychologists and school social workers. Such data must be disaggregated into the subgroups of pupils listed in subsection 2 of NRS 385A.250 and the types of offense. The principal of each public school shall:

1. Review the data and take appropriate action;

2. ~~{Report}~~ On or before August 1 of each year, report the data to ~~{the}~~ :

(a) The board of trustees of the school district ~~{each quarter,}~~ or the governing body of the public school, as applicable;

(b) The Joint Interim Standing Committee on Education; ~~{and}~~

(c) The Superintendent of Public Instruction; and

(d) The Department; and

3. To the extent allowed by the Family Educational Rights and Privacy Act of 1974, 20 U.S.C. § 1232g, post the data on the Internet website maintained by the public school.

Sec. 5. NRS 392.4644 is hereby amended to read as follows:

392.4644 1. The board of trustees of each school district , *the governing body of each charter school and the governing body of each university school for profoundly gifted pupils* shall establish a plan to provide for the ~~restorative~~ progressive discipline of pupils and on-site review of disciplinary decisions. The plan must:

(a) Be developed with the input and participation of teachers, school administrators , *school counselors, school social workers, school psychologists, behavior analysts* and other educational personnel and support personnel who are employed ~~by~~ at the *public school* , ~~district,~~ pupils who are enrolled in *the public school or* schools within the school district , *as applicable*, and the parents and guardians of pupils who are enrolled in *the public school or* schools within the school district ~~[-]~~ , *as applicable*.

(b) Be consistent with the written rules of behavior prescribed in accordance with NRS 392.463.

(c) Include, without limitation, provisions designed to address the specific disciplinary needs and concerns of *the public school or* each school within the school district ~~[-]~~ , *as applicable*.

(d) ~~Provide restorative disciplinary practices which include, without limitation:~~

- ~~—(1) Holding a pupil accountable for his or her behavior;~~
- ~~—(2) Restoration or remedies related to the behavior of the pupil;~~
- ~~—(3) Relief for any victim of the pupil; and~~
- ~~—(4) Changing the behavior of the pupil.~~

~~—(e) Provide for~~ *Prescribe methods of alternative conflict resolution and interventions based on social and emotional learning that are developed to avoid the need for the removal of a pupil.*

(c) Include provisions that authorize the temporary removal of a pupil from a classroom or other premises of a public school [in accordance with] pursuant to NRS 392.4645.

(f) Provide for the placement of a pupil in *a more restrictive educational environment at that school or at a different public school or school* within the school district , *as applicable*, in accordance with NRS 392.466.

(g) Include the names of any members of a committee to review the temporary alternative placement of pupils required by NRS 392.4647.

(h) ~~{Be in accordance with the statewide framework for restorative justice developed pursuant to NRS 388.1333, including, without limitation, by addressing the occurrences of the suspension, expulsion or removal of pupils from school that disproportionately affect pupils who belong to a group of pupils listed in subsection 2 of NRS 385A.250.~~

~~—(i)} Be provided to each school over which the board of trustees or governing body has authority and posted on the Internet website maintained by the public school . ~~district.~~~~

(i) Be in accordance with a plan to use disciplinary practices based on restorative justice developed pursuant to subsection 2, if applicable.

2. *The board of trustees of a school district shall, in addition to establishing a plan to provide for the progressive discipline of pupils pursuant to subsection 1, establish a plan to use disciplinary practices based on restorative justice. Such a plan must:*

(a) Authorize the use of disciplinary practices based on restorative justice which include, without limitation:

- (1) Holding a pupil accountable for his or her behavior;*
- (2) Restoration or remedies related to the behavior of the pupil;*
- (3) Relief for any victim of the pupil; and*
- (4) Changing the behavior of the pupil; and*

(b) Be in accordance with the statewide framework for restorative justice developed pursuant to NRS 388.1333, including, without limitation, by addressing the occurrences of the suspension, expulsion or removal of pupils from schools that disproportionately affect pupils who belong to a group of pupils listed in subsection 2 of NRS 385A.250.

3. On or before September 15 of each year, the principal of each public school shall:

(a) Review the plan established by subsection 1 in consultation with the teachers, school administrators, school counselors, school social workers, school psychologists, behavior analysts and other educational personnel and support personnel who are employed at the school, ~~and~~ the parents and guardians of pupils, ~~and~~ the pupils who are enrolled in the school ~~}; and, if applicable, the organizational team established pursuant to NRS 388G.700;~~

(b) Determine whether and to what extent the occurrences of the suspension, expulsion or removal of pupils from school disproportionately affect pupils who belong to a group of pupils listed in subsection 2 of NRS 385A.250; and

(c) Based upon the review, recommend to the board of trustees of the school district or governing body of the charter school or university school for profoundly gifted pupils, as applicable, revisions to the plan, as recommended by the teachers, school administrators, school counselors, school social workers, school psychologists, behavior analysts and other educational personnel and support personnel, ~~and~~ the parents and guardians of pupils, ~~and~~ the pupils who are enrolled in the school ~~}; and, if applicable, the organizational team established pursuant to NRS 388G.700, if necessary.};~~

~~—(d) Post a copy of the plan or the revised plan, as provided by the school district, on the Internet website maintained by the school; and~~

~~—(e) Distribute to each teacher, school administrator and all educational support personnel who are employed at or assigned to the school a written or electronic copy of the plan or the revised plan, as provided by the school district.~~

~~—3.}~~ 4. On or before September 30 of each year, the board of trustees of each school district and the governing body of each charter school or university school for profoundly gifted pupils shall issue a revised plan that appropriately reflects comments provided by teachers, school administrators,

school counselors, school social workers, school psychologists, behavior analysts, other educational personnel and support personnel, the parents and guardians of pupils, the pupils who are enrolled in the school and, if applicable, organizational teams established pursuant to NRS 388G.700.

5. *Not more than 14 days after the receipt of a plan established pursuant to subsection 1 or a revised plan issued pursuant to subsection 4, the principal of each school shall:*

(a) Post a copy of the plan or the revised plan on the Internet website maintained by the school; and

(b) Distribute to each teacher, school administrator, school counselors, school social workers, school psychologists, behavior analysts, and all educational support personnel who are employed at or assigned to the school and, if applicable, the organizational team a written or electronic copy of the plan or the revised plan.

6. *On or before November 15 of each year, the board of trustees of each school district and the governing body of each charter school or university school for profoundly gifted pupils shall:*

(a) Submit a written report to the Superintendent of Public Instruction that reports the progress of each school ~~{within the district}~~ over which the board of trustees or governing body has authority in complying with the requirements of this section, including, without limitation, addressing the occurrences of the suspension, expulsion or removal of pupils from school that disproportionately affect pupils who belong to a group of pupils listed in subsection 2 of NRS 385A.250; and

(b) Post a copy of the report on the Internet website maintained by the school district ~~[-~~

~~4-]~~, charter school or university school for profoundly gifted pupils, as applicable.

7. *If the Superintendent of Public Instruction determines that the data collected pursuant to NRS 392.462 indicates disproportionality in disciplinary actions or is insufficient to determine whether disproportionality exists, the Superintendent shall issue a written notice to the school district, charter school or university school for profoundly gifted pupils, as applicable, listing the specific areas of concern and providing a specific corrective period for the school district, charter school or university school for profoundly gifted pupils, as applicable, to implement a framework to reduce the disproportionality or correct the insufficiency of the data, as applicable. The specific corrective period must be at least 12 months but not more than 36 months, and must include required monitoring of the progress made by the school district, charter school or university school for profoundly gifted pupils, as applicable. If, after the conclusion of the specific corrective period, the school district, charter school or university school for profoundly gifted pupils, as applicable, fails to:*

(a) Make measurable progress in addressing the disproportionality or insufficiency listed in the notice issued pursuant to this subsection; or

(b) *Provide the required progress reports,*
 ➡ *the Superintendent may issue an alternative plan for the school district, charter school or university school for profoundly gifted pupils, as applicable, for mandatory implementation.*

8. As used in this section ~~["restorative"]~~ :

(a) *"Behavior analyst" has the meaning ascribed to it in NRS 641D.030.*

(b) *"Restorative justice" has the meaning ascribed to it in NRS 392.472.*

Sec. 5.5. NRS 392.4645 is hereby amended to read as follows:

392.4645 1. ~~{Except as otherwise provided in subsection 5, the The plan for progressive discipline established pursuant to subsection 1 of NRS 392.4644 must provide for the temporary removal of a}~~ A pupil may be temporarily removed from a classroom or other premises of a public school if, in the judgment of the teacher or other staff member responsible for the classroom or other premises, as applicable, the pupil has engaged in behavior that seriously interferes with the ability of the teacher to teach the other pupils in the classroom and with the ability of the other pupils to learn or with the ability of the staff member to discharge his or her duties. ~~{The plan must provide that, upon}~~ Upon the removal of a pupil from a classroom or any other premises of a public school pursuant to this section, the principal of the school shall provide ~~{an}~~ a written explanation of the reason for the removal of the pupil to the pupil and offer the pupil an opportunity to respond to the explanation. Within 24 hours after the removal of a pupil pursuant to this section, the principal of the school shall notify the parent or legal guardian of the pupil of the removal.

2. Except as otherwise provided in subsection 3, a pupil who is removed from a classroom or any other premises of a public school pursuant to this section may be assigned to a temporary alternative placement pursuant to which the pupil:

(a) Is separated, to the extent practicable, from pupils who are not assigned to a temporary alternative placement;

(b) Studies or remains under the supervision of appropriate personnel of the school district; and

(c) Is prohibited from engaging in any extracurricular activity sponsored by the school.

3. The principal shall not assign a pupil to a temporary alternative placement if the suspension or expulsion of a pupil who is removed from the classroom pursuant to this section is:

(a) Required by NRS 392.466; or

(b) Authorized by NRS 392.467 and the principal decides to proceed in accordance with that section.

➡ If the principal proceeds in accordance with NRS 392.466 or 392.467, the pupil must be removed from school in accordance with those sections and the provisions of NRS 392.4642 to 392.4648, inclusive, do not apply to the pupil.

4. A public school must , on or before August 1 of each year, develop or review and revise a plan to offer a pupil , including, without limitation, a pupil

who is less than 11 years of age, who is removed from a classroom or any other premises of the public school pursuant to this section or NRS 392.466 for more than 2 school days:

(a) Education services to prevent the pupil from losing academic credit or becoming disengaged from school during the period the pupil is removed from a classroom or any other premises of the public school; and

(b) Appropriate positive behavioral interventions and support, trauma-informed support and a referral to a school social worker or school counselor.

5. ~~{Before}~~ A plan developed by a public school pursuant to subsection 4 must include:

(a) An option to provide such education and support services to a pupil in an in-person setting;

(b) The location where such services will be provided to the pupil; and

(c) A plan for the pupil to complete any assignments or course work missed during his or her removal.

6. Each public school shall, on or before August 1 of each year, submit the plan that is developed or reviewed and revised pursuant to subsection 4 to:

(a) The board of trustees of the school district, governing body of the charter school or governing body of the university school for profoundly gifted pupils, as applicable;

(b) The State Board; and

(c) The Joint Interim Standing Committee on Education.

7. Upon removing a pupil from a classroom or any other premises of a public school pursuant to this section for more than 1 school day, the principal of the school must contact the local educational agency liaison for homeless pupils designated in accordance with the McKinney-Vento Homeless Assistance Act of 1987, 42 U.S.C. §§ 11301 et seq., or a contact person at a school, including, without limitation, a school counselor or school social worker, to make a determination of whether the pupil is a homeless pupil.

~~{6.7.}~~ 8. Each school district shall, on or before August 1 of each year, collect a representative sample of the plans developed pursuant to subsection 4 and submit a copy of the sampled plans to:

(a) The Joint Interim Standing Committee on Education;

(b) The Department; and

(c) The State Board.

~~{8.7}~~ 9. The sample of plans that is collected pursuant to subsection 7 must correspond with the proportion of pupils within the school district who are:

(a) Economically disadvantaged;

(b) From major racial and ethnic groups;

(c) Pupils with disabilities;

(d) English learners;

(e) Migratory children;

(f) Of each gender;

(g) Homeless;

(h) *In foster care; and*

(i) *Pupils whose parent or guardian is a member of the Armed Forces of the United States, a reserve component thereof or the National Guard.*

~~9.7~~ 10. As used in this section, "homeless pupil" has the meaning ascribed to the term "homeless children and youths" in 42 U.S.C. § 11434a(2).

Sec. 6. NRS 392.4655 is hereby amended to read as follows:

392.4655 1. Except as otherwise provided in this section, a principal of a school shall deem a pupil *who is at least 11 years of age and* enrolled in the school a habitual disciplinary problem if the school has written evidence which documents that in 1 school year:

(a) The pupil has threatened or extorted, or attempted to threaten or extort, another pupil or a teacher or other personnel employed by the school two or more times or the pupil has a record of five significant suspensions from the school for any reason;

(b) *The school has made reasonable efforts to develop a plan of behavior pursuant to subsection 5 and the pupil has not* ~~entered~~ *made efforts to enter into* ~~and participated~~ *or participate in such a plan of behavior ;* ~~pursuant to subsection 6; and~~

(c) ~~The behavior~~ *homelessness* of the pupil was not ~~caused by homelessness;~~ *a factor in his or her behavior*, as determined in consultation with the local educational agency liaison for homeless pupils designated in accordance with the McKinney-Vento Homeless Assistance Act of 1987, 42 U.S.C. §§ 11301 et seq., or a contact person at a school, including, without limitation, a school counselor or school social worker ~~;~~ *;* and

(d) *The placement in foster care of the pupil was not a factor in his or her behavior, as determined in consultation with a contact person at the school, including, without limitation, a school counselor or school social worker.*

2. ~~A principal of a school shall presume that the behavior of the pupil was caused by homelessness unless the principal determines the behavior was not caused by homelessness pursuant to subsection 1.~~

~~3.~~ At least one teacher of a pupil who is enrolled in elementary school and at least two teachers of a pupil who is enrolled in junior high, middle school or high school may request that the principal of the school deem a pupil a habitual disciplinary problem. Upon such a request, the principal of the school shall meet with each teacher who made the request to review the pupil's record of discipline. If, after the review, the principal of the school determines that the provisions of subsection 1 do not apply to the pupil, a teacher who submitted a request pursuant to this subsection may appeal that determination to the ~~board of trustees~~ *superintendent of the school district* ~~;~~ *or the administrative head of the charter school or university school for profoundly gifted pupils, as applicable.* Upon receipt of such a request, the ~~board of trustees~~ *superintendent or administrative head* shall review the initial request and determination pursuant to the procedure established by the board of trustees *of the school district or the governing body of the charter school or university school for profoundly gifted pupils, as applicable,* for such matters.

~~{4.}~~ 3. If a pupil is suspended, the school in which the pupil is enrolled shall provide written notice to the parent or legal guardian of the pupil or, if the pupil is an unaccompanied pupil, the pupil that contains:

(a) A description of the act committed by the pupil and the date on which the act was committed;

(b) An explanation that if the pupil receives five significant suspensions on his or her record during the current school year and has not entered into and participated in a plan of behavior pursuant to subsection ~~{6.}~~ 5, the pupil will be deemed a habitual disciplinary problem;

(c) An explanation that, pursuant to subsection ~~{5.}~~ 8 of NRS 392.466, a pupil who is deemed a habitual disciplinary problem may be:

(1) Suspended from school; or

(2) Expelled from school under extraordinary circumstances as determined by the principal of the school;

(d) If the pupil is a pupil with a disability, an explanation of the effect of subsection ~~{10.}~~ ~~9.~~ 12 of NRS 392.466, including, without limitation, that if it is determined in accordance with 20 U.S.C. § 1415 that the pupil's behavior is not a manifestation of the pupil's disability, he or she may be suspended or expelled from school in the same manner as a pupil without a disability; and

(e) A summary of the provisions of subsection ~~{6.}~~ 5.

~~{5.}~~ 4. A school shall provide the notice required by subsection ~~{4.}~~ 3 for each suspension on the record of a pupil during a school year. Such notice must be provided at least 7 days before the school deems the pupil a habitual disciplinary problem.

~~{6.}~~ 5. If a pupil, *including, without limitation, a pupil who is less than 11 years of age*, is suspended, the school in which the pupil is enrolled shall develop, in consultation with the pupil and the parent or legal guardian of the pupil, a plan of behavior for the pupil. The parent or legal guardian of the pupil or, if the pupil is an unaccompanied pupil, the pupil may choose for the pupil not to participate in the plan of behavior. If the parent or legal guardian of the pupil or the pupil chooses for the pupil not to participate, the school shall inform the parent or legal guardian or the pupil of the consequences of not participating in the plan of behavior. Such a plan must be designed to prevent the pupil from being deemed a habitual disciplinary problem and may include, without limitation:

(a) A plan for graduating if the pupil is deficient in credits and not likely to graduate according to schedule.

(b) Information regarding schools with a mission to serve pupils who have been:

(1) Expelled or suspended from a public school, including, without limitation, a charter school; or

(2) Deemed to be a habitual disciplinary problem pursuant to this section.

(c) A voluntary agreement by the parent or legal guardian to attend school with his or her child.

(d) A voluntary agreement by the pupil and, if the pupil is not an unaccompanied pupil, the pupil's parent or legal guardian to attend counseling, programs or services available in the *school*, school district or community.

(e) A voluntary agreement by the pupil and, if the pupil is not an unaccompanied pupil, the pupil's parent or legal guardian that the pupil will attend summer school, intersession school or school on Saturday, if any of those alternatives are offered by the *school or* school district.

~~{7.}~~ 6. If a pupil commits the same act for which notice was provided pursuant to subsection ~~{4}~~ 3 after he or she enters into a plan of behavior pursuant to subsection ~~{6.}~~ 5, the pupil shall be deemed to have not successfully completed the plan of behavior and may be deemed a habitual disciplinary problem.

~~{8.}~~ 7. A pupil may, pursuant to the provisions of this section, enter into one plan of behavior per school year.

~~{9.}~~ 8. The parent or legal guardian of a pupil or, if the pupil is an unaccompanied pupil, a pupil who has entered into a plan of behavior with a school pursuant to this section may appeal to the ~~{board of trustees}~~ *superintendent of the school district or the administrative head of the charter school or university school for profoundly gifted pupils, as applicable*, a determination made by the school concerning the contents of the plan of behavior or action taken by the school pursuant to the plan of behavior. Upon receipt of such a request, the ~~{board of trustees}~~ *superintendent of the school district or the administrative head of the charter school or university school for profoundly gifted pupils, as applicable*, shall review the determination in accordance with the procedure established by the board of trustees *of the school district or the governing body of the charter school or university school for profoundly gifted pupils, as applicable*, for such matters.

~~{10.}~~ 9. As used in this section:

(a) "Foster care" has the meaning ascribed to it in 45 C.F.R. § 1355.20.

(b) "Significant suspension" means the school in which the pupil is enrolled:

(1) Prohibits the pupil from attending school for 3 or more consecutive days; and

(2) Requires a conference or some other form of communication with the parent or legal guardian of the pupil before the pupil is allowed to return to school.

~~{(b)}~~ (c) "Unaccompanied pupil" has the meaning ascribed to the term "unaccompanied youth" in 42 U.S.C. § 11434a(6).

Sec. 7. NRS 392.466 is hereby amended to read as follows:

392.466 1. Except as otherwise provided in this section, any pupil who ~~{commits a battery which results in the bodily injury of an employee of the school or who}~~ sells or distributes any controlled substance while on the premises of any public school, at an activity sponsored by a public school or on any school bus ~~{and who is at least 11 years of age}~~ shall meet with the school and his or her parent or legal guardian. The school shall provide a plan

of action based on restorative justice to the parent or legal guardian of the pupil or, if the pupil is an unaccompanied pupil, the pupil. The pupil may be suspended, expelled or permanently expelled from the school, ~~in which case the pupil shall~~ except that:

(a) ~~Enroll in a private school pursuant to chapter 394 of NRS or be homeschooled; or~~ A pupil who is less than 11 years of age may not be expelled or permanently expelled pursuant to this ~~section~~ subsection.

(b) ~~Enroll in a program of independent study provided pursuant to NRS 389.155 for pupils who have been suspended or expelled from public school or a program of distance education provided pursuant to NRS 388.820 to 388.874, inclusive, if the pupil qualifies for enrollment and is accepted for enrollment in accordance with the requirements of the applicable program.~~ A pupil who is less than 6 years of age may be suspended pursuant to this ~~section~~ subsection, and the suspension must be reviewed and approved by the superintendent of the school district or the administrative head of the charter school or university school for profoundly gifted pupils, as applicable, or his or her designee.

(c) For a pupil with a disability who has been suspended or expelled pursuant to this ~~section~~ subsection, the school in which the pupil is enrolled shall make available to the pupil a free appropriate public education in compliance with the Individuals with Disabilities Education Act, 20 U.S.C. §§ 1400 et seq., for each school day the pupil is suspended or expelled after the pupil has been removed for 10 cumulative days.

2. Except as otherwise provided in this section, any pupil who commits a battery against an employee of the school while on the premises of any public school, at an activity sponsored by a public school or on any school bus shall meet with the school and his or her parent or legal guardian. The school shall provide a plan of action based on restorative justice to the parent or legal guardian of the pupil or, if the pupil is an unaccompanied pupil, the pupil. The pupil may be suspended, expelled or permanently expelled from the school, except that:

(a) A pupil who is less than 8 years of age may not be expelled or permanently expelled pursuant to this subsection.

(b) A pupil who is less than 6 years of age may be suspended pursuant to this subsection, and the suspension must be reviewed and approved by the superintendent of the school district or the administrative head of the charter school or university school for profoundly gifted pupils, as applicable, or his or her designee.

(c) For a pupil with a disability who has been suspended or expelled pursuant to this subsection, the school in which the pupil is enrolled shall make available to the pupil a free appropriate public education in compliance with the Individuals with Disabilities Education Act, 20 U.S.C. §§ 1400 et seq., for each school day the pupil is suspended or expelled after the pupil has been removed for 10 cumulative days.

3. Except as otherwise provided in this section, any pupil who commits a battery which is intended to result in the bodily injury of an employee of the school while on the premises of any public school, at an activity sponsored by a public school or on any school bus shall meet with the school and his or her parent or legal guardian. The school shall provide a plan of action based on restorative justice to the parent or legal guardian of the pupil or, if the pupil is an unaccompanied pupil, the pupil. The pupil shall be suspended, expelled or permanently expelled from the school, except that:

(a) A pupil who is less than 8 years of age may not be expelled or permanently expelled pursuant to this subsection.

(b) A pupil who is less than 6 years of age may be suspended pursuant to this subsection, and the suspension must be reviewed and approved by the superintendent of the school district or the administrative head of the charter school or university school for profoundly gifted pupils, as applicable, or his or her designee.

(c) For a pupil with a disability who has been suspended or expelled pursuant to this subsection, the school in which the pupil is enrolled shall make available to the pupil a free appropriate public education in compliance with the Individuals with Disabilities Education Act, 20 U.S.C. §§ 1400 et seq., for each school day the pupil is suspended or expelled after the pupil has been removed for 10 cumulative days.

4. An employee who is a victim of a battery which ~~(results)~~ is intended to result in the bodily injury of an employee of the school may appeal to the school ~~the~~ a plan of action provided pursuant to subsection ~~4.1~~ 3 if:

(a) The employee feels any actions taken pursuant to such plan are inappropriate; and

(b) For a pupil with a disability who committed the battery, the board of trustees of the school district or the governing body of the charter school or university school for profoundly gifted pupils, as applicable, or its designee has reviewed the circumstances and determined that such an appeal is in compliance with the Individuals with Disabilities Education Act, 20 U.S.C. §§ 1400 et seq.

~~{3.}~~ 5. Except as otherwise provided in this section, any pupil, ~~of any age,~~ including, without limitation, a pupil with a disability, who poses a continuing danger to persons or property or an ongoing threat of disrupting the academic process or who is found in possession of ~~a firearm or~~ a dangerous weapon other than a firearm while on the premises of any public school, at an activity sponsored by a public school or on any school bus ~~must, for the first occurrence, be expelled from the school for a period of not less than 1 year, although the pupil may be placed in another kind of school for a period not to exceed the period of the expulsion. For a second occurrence, the pupil must be permanently expelled from the school.~~

~~4.}~~ may be removed from the public school immediately upon being given an explanation of the reasons for the removal of the pupil and pending

proceedings, which must be conducted as soon as practicable after removal, for his or her suspension, expulsion or permanent expulsion, except that:

(a) A pupil who is less than 11 years of age may not be expelled or permanently expelled pursuant to this subsection.

(b) A pupil who is less than 6 years of age may be suspended pursuant to this subsection only after the suspension is reviewed and approved by the superintendent of the school district or the administrative head of the charter school or university school for profoundly gifted pupils, as applicable, or his or her designee.

(c) For a pupil with a disability who has been suspended or expelled pursuant to this subsection, the public school in which the pupil is enrolled shall make available to the pupil a free appropriate public education in compliance with the Individuals with Disabilities Education Act, 20 U.S.C. §§ 1400 et seq., for each school day the pupil is suspended or expelled after the pupil has been removed for 10 cumulative days.

6. Except as otherwise provided in this section, any pupil, including, without limitation, a pupil with a disability, who is found in possession of a firearm while on the premises of any public school, at an activity sponsored by a public school or on any school bus must be removed from the public school immediately upon being given an explanation of the reasons for the removal of the pupil and pending proceedings, which must be conducted as soon as practicable after removal, for his or her suspension, expulsion or permanent expulsion. A pupil who is:

(a) Eleven years of age or older shall be suspended, expelled or permanently expelled pursuant to this section.

(b) At least 8 but less than 11 years of age shall be suspended or expelled pursuant to this subsection.

(c) At least 6 but less than 8 years of age may be suspended pursuant to this subsection.

(d) Less than 6 years of age may be suspended pursuant to this subsection only after the suspension is reviewed and approved by the superintendent of the school district or the administrative head of the charter school or university school for profoundly gifted pupils, as applicable, or his or her designee.

(e) A pupil with a disability who has been suspended or expelled pursuant to this subsection must be provided with a free appropriate public education in compliance with the Individuals with Disabilities Education Act, 20 U.S.C. §§ 1400 et seq., by the public school in which the pupil is enrolled for each school day the pupil is suspended or expelled after the pupil has been removed for 10 cumulative days.

7. If a school is unable to retain a pupil in the school pursuant to ~~subsection~~ subsections 1 to 6, inclusive, for the safety of any person or because doing so would not be in the best interest of the pupil, the pupil may be suspended, expelled or placed in another school. If a pupil, including, without limitation, a pupil who is less than 11 years of age, is placed in another

school, the current school of the pupil shall explain what services will be provided to the pupil at the new school that the current school is unable to provide to address the specific needs and behaviors of the pupil. The ~~school district of the~~ current school of the pupil shall coordinate with the new school to create a plan of action based on restorative justice for the pupil and to ensure that any resources required to execute the plan of action based on restorative justice are available at the new school.

~~5.7~~ 8. Except as otherwise provided in this section, if a pupil is deemed a habitual disciplinary problem pursuant to NRS 392.4655, the pupil is at least 11 years of age and the school has made a reasonable effort to complete a plan of action based on restorative justice with the pupil, based on the seriousness of the acts which were the basis for the discipline, the pupil may be:

- (a) Suspended from the school; or
- (b) Expelled from the school under extraordinary circumstances as determined by the principal of the school.

~~6.1~~ 9. If the pupil is expelled, or the period of the pupil's suspension is for one school semester, the pupil must:

- (a) Enroll in a private school pursuant to chapter 394 of NRS or be homeschooled; ~~or~~

- (b) Enroll in a program of independent study provided pursuant to NRS 389.155 for pupils who have been suspended or expelled from public school or a program of distance education provided pursuant to NRS 388.820 to 388.874, inclusive, if the pupil qualifies for enrollment and is accepted for enrollment in accordance with the requirements of the applicable program ~~;~~

- (c) *Enroll in a program of alternative education provided by the school district in which the pupil resides. Each school district shall, alone or through a partnership with another school district, provide a program of alternative education pursuant to this paragraph in an in-person setting that allows each pupil enrolled in the program to receive educational services in the least restrictive educational environment.*

~~7.1~~ 10. The superintendent of schools of a school district *or the administrative head of a charter school or university school for profoundly gifted pupils, as applicable*, may, for good cause shown in a particular case in that school district ~~;~~ *or public school, as applicable*, allow a modification to a suspension or expulsion pursuant to subsections 1 to ~~5.7~~ 8, inclusive, if such modification is set forth in writing. The superintendent *or the administrative head of a charter school or university school for profoundly gifted pupils, as applicable*, shall allow such a modification if ~~the superintendent~~ *he or she* determines that a plan of action based on restorative justice may be used successfully.

~~8.1~~ 11. This section does not prohibit a pupil from having in his or her possession a knife or firearm with the approval of the principal of the school. A principal may grant such approval only in accordance with the policies or regulations adopted by the board of trustees of the school district ~~;~~ *or the*

governing body of the charter school or university school for profoundly gifted pupils, as applicable.

~~[9.] Except as otherwise provided in this subsection and subsection 3, a pupil who is less than 11 years of age must not be permanently expelled from school. In extraordinary circumstances, a school may request an exception to this subsection from the board of trustees of the school district. A pupil who is at least 11 years of age may be suspended, expelled or permanently expelled from school pursuant to this section only after the board of trustees of the school district or its designee has reviewed the circumstances and approved this action in accordance with the procedural policy adopted by the board for such issues.~~

~~—10.]~~ 12. Except as otherwise provided in subsection ~~[3,]~~ 5 or 6, a pupil with a disability who is at least 11 years of age may, in accordance with the procedural policy adopted by the board of trustees of the school district *or the governing body of the charter school or university school for profoundly gifted pupils, as applicable*, for such matters and only after the board of trustees of the school district *or governing body, as applicable*, or its designee has reviewed the circumstances and determined that the action is in compliance with the Individuals with Disabilities Education Act, 20 U.S.C. §§ 1400 et seq., be:

(a) Suspended from school pursuant to this section for not more than 5 days. Such a suspension may be imposed pursuant to this paragraph for each occurrence of conduct proscribed by subsection 1.

(b) Expelled from school pursuant to this section.

(c) Permanently expelled from school pursuant to this section.

~~[11.]~~ ~~10.]~~ 13. A homeless pupil or a pupil in foster care who is at least 11 years of age may be suspended or expelled from school pursuant to this section only if a determination is made that *homelessness or being in foster care was not a factor* in the behavior that led to the consideration for suspension or expulsion. ~~[was not caused by homelessness or being in foster care.]~~ The person responsible for making a determination of whether or not *homelessness or being in foster care was a factor* in the behavior ~~[was caused by homelessness or being in foster care]~~ shall presume that *homelessness or being in foster care was not a factor* in the behavior ~~[was caused by homelessness or being in foster care]~~ unless the person determines ~~[that the behavior was not caused by homelessness or being in foster care]~~ *otherwise* pursuant to this subsection. A determination that *homelessness was not a factor* in the behavior ~~[was not caused by homelessness]~~ must be made in consultation with the local educational agency liaison for homeless pupils designated in accordance with the McKinney-Vento Homeless Assistance Act of 1987, 42 U.S.C. §§ 11301 et seq., or a contact person at a school, including, without limitation, a school counselor or school social worker. A determination that *being in foster care was not a factor* in the behavior ~~[was not caused by being in foster care]~~ must be made in consultation with an

advocate for pupils in foster care at the school in which the pupil is enrolled or the school counselor of the pupil.

~~{12. 11.}~~ 14. The provisions of chapter 241 of NRS do not apply to any hearing or proceeding conducted pursuant to this section. Such hearings or proceedings must be closed to the public.

~~{13. 12.}~~ 15. As used in this section:

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

(b) "Bodily injury" means any actual damage or injury to a person that interferes with or is detrimental to the health of the person and is more than merely accidental, transient or trifling in nature.

(c) "Dangerous weapon" includes, without limitation, a blackjack, slungshot, billy, sand-club, sandbag, metal knuckles, dirk or dagger, a nunchaku or trefoil, as defined in NRS 202.350, a butterfly knife or any other knife described in NRS 202.350, a switchblade knife as defined in NRS 202.265, or any other object which is used, or threatened to be used, in such a manner and under such circumstances as to pose a threat of, or cause, bodily injury to a person.

~~{(e)}~~ (d) "Firearm" includes, without limitation, any pistol, revolver, shotgun, explosive substance or device, and any other item included within the definition of a "firearm" in 18 U.S.C. § 921, as that section existed on July 1, 1995.

~~{(d)}~~ (e) "Foster care" has the meaning ascribed to it in 45 C.F.R. § 1355.20.

~~{(e)}~~ (f) "Homeless pupil" has the meaning ascribed to the term "homeless children and youths" in 42 U.S.C. § 11434a(2).

~~{(f)}~~ (g) "Permanently expelled" means the disciplinary removal of a pupil from the school in which the pupil is currently enrolled:

(1) Except as otherwise provided in subparagraph (2), without the possibility of returning to the school in which the pupil is currently enrolled or another public school within the school district; and

(2) With the possibility of enrolling in a program or public school for alternative education for pupils who are expelled or permanently expelled after being permanently expelled.

~~{(g)}~~ (h) "Restorative justice" has the meaning ascribed to it in NRS 392.472.

~~{(h)}~~ (i) "Unaccompanied pupil" has the meaning ascribed to the term "unaccompanied youth" in 42 U.S.C. § 11434a(6).

~~{14. 13.}~~ 16. The provisions of this section do not prohibit a pupil who is suspended or expelled from enrolling in a charter school that is designed exclusively for the enrollment of pupils with disciplinary problems if the pupil is accepted for enrollment by the charter school pursuant to NRS 388A.453 or 388A.456. Upon request, the governing body of a charter school must be provided with access to the records of the pupil relating to the pupil's suspension or expulsion in accordance with applicable federal and state law

before the governing body makes a decision concerning the enrollment of the pupil.

Sec. 8. NRS 392.467 is hereby amended to read as follows:

392.467 1. Except as otherwise provided in subsections ~~{5,}~~ 4 and ~~{6,}~~ 5 and NRS 392.466, the board of trustees of a school district *or the governing body of a charter school or university school for profoundly gifted pupils, as applicable*, or its designee may authorize the suspension or expulsion of any pupil who is at least 11 years of age from ~~{any}~~ a public school. ~~{within the school district.}~~ Except as otherwise provided in this subsection and ~~{subsection 3,}~~ subsections 5 and 6 of NRS 392.466, a pupil who is less than 11 years of age must not be *expelled or* permanently expelled from school. In extraordinary circumstances, a school may request an exception to the prohibition set forth in this subsection against *expelling or* permanently expelling a pupil who is less than 11 years of age from school from the board of trustees of the school district ~~{,}~~ *or the governing body of the charter school or university school, as applicable.*

2. Except as otherwise provided in subsection ~~{6,}~~ 5, no pupil may be suspended or expelled until the pupil has been given notice of the charges against him or her, an explanation of the evidence and an opportunity for a hearing, except that a pupil who *poses a continuing danger to persons or property or an ongoing threat of disrupting the academic process or who is selling or distributing any controlled substance or* is found to be in possession of a firearm or a dangerous weapon as provided in NRS 392.466 may be removed from the school immediately upon being given an explanation of the reasons for his or her removal and pending proceedings, to be conducted as soon as practicable after removal, for the pupil's suspension or expulsion.

3. ~~{The board of trustees of a school district or its designee may authorize the expulsion, suspension or removal of a pupil who has been charged with a crime from the school at which the pupil is enrolled regardless of the outcome of any criminal or delinquency proceedings brought against the pupil only if the school:~~

~~—(a) Conducts an independent investigation of the conduct of the pupil; and~~

~~—(b) Gives notice of the charges brought against the pupil by the school to the pupil.~~

~~—4.}~~ The provisions of chapter 241 of NRS do not apply to any hearing or proceeding conducted pursuant to this section. Such hearings or proceedings must be closed to the public.

~~{5.}~~ 4. The board of trustees of a school district *or the governing body of a charter school or university school for profoundly gifted pupils, as applicable*, or its designee shall not authorize the expulsion, suspension or removal of any pupil from the public school system solely for offenses related to attendance or because the pupil is declared a truant or habitual truant in accordance with NRS 392.130 or 392.140.

~~{6.}~~ 5. A pupil with a disability may, in accordance with the procedural policy adopted by the board of trustees of the school district *or the governing*

body of the charter school or university school for profoundly gifted pupils, as applicable, for such matters and only after the board of trustees of the school district or the governing body of the charter school or university school for profoundly gifted pupils, as applicable, or its designee has reviewed the circumstances and determined that the action is in compliance with the Individuals with Disabilities Education Act, 20 U.S.C. §§ 1400 et seq., be:

(a) Suspended from school pursuant to this section for not more than 5 days for each occurrence of proscribed conduct.

(b) Expelled from school pursuant to this section.

(c) Permanently expelled from school pursuant to this section.

~~{7.}~~ 6. A homeless pupil or a pupil in foster care who is at least 11 years of age may be suspended or expelled from school pursuant to this section only if a determination is made that *homelessness or being in foster care was not a factor* in the behavior that led to the consideration for suspension or expulsion. ~~{was not caused by homelessness or being in foster care.}~~ The person responsible for making a determination of whether or not *homelessness or being in foster care was a factor* in the behavior ~~{was caused by homelessness or being in foster care}~~ shall presume that *homelessness or being in foster care was not a factor* in the behavior ~~{was caused by homelessness or being in foster care}~~ unless the person determines ~~{that the behavior was not caused by homelessness or being in foster care}~~ otherwise pursuant to this subsection. A determination that *homelessness was not a factor* in the behavior ~~{was not caused by homelessness}~~ must be made in consultation with the local educational agency liaison for homeless pupils designated in accordance with the McKinney-Vento Homeless Assistance Act of 1987, 42 U.S.C. §§ 11301 et seq., or a contact person at a school, including, without limitation, a school counselor or school social worker. A determination that *being in foster care was not a factor* in the behavior ~~{was not caused by being in foster care}~~ must be made in consultation with an advocate for pupils in foster care at the school in which the pupil is enrolled or the school counselor of the pupil.

~~{8.}~~ 7. As used in this section:

(a) "Foster care" has the meaning ascribed to it in 45 C.F.R. § 1355.20.

(b) "Homeless pupil" has the meaning ascribed to the term "homeless children and youths" in 42 U.S.C. § 11434a(2).

(c) "Permanently expelled" means the disciplinary removal of a pupil from the school in which the pupil is currently enrolled:

(1) Except as otherwise provided in subparagraph (2), without the possibility of returning to the school in which the pupil is currently enrolled or another public school within the school district; and

(2) With the possibility of enrolling in a program or public school for alternative education for pupils who are expelled or permanently expelled after being permanently expelled.

Sec. 9. NRS 392.472 is hereby amended to read as follows:

392.472 1. Except as otherwise provided in NRS 392.466, ~~{and to the extent practicable,}~~ a public school shall provide a *progressive discipline* plan

~~{of action}~~ based on restorative justice ~~{before}~~ :

(a) To a pupil , including, without limitation, a pupil who is less than 11 years of age, who has received at least 5 cumulative days of suspension during a school year; and

(b) Within 2 days after removing a pupil , including, without limitation, a pupil who is less than 11 years of age, from a classroom or other premises of the public school or suspending or expelling a pupil from school ~~{-}~~ for a period of at least 3 days. Such a plan must include information concerning the provision of education services to the pupil during his or her removal pursuant to subsection 4 of NRS 392.4645.

2. The Department shall develop one or more examples of a *progressive discipline* plan ~~{of action}~~ based on restorative justice which ~~{may}~~ must include, without limitation:

- (a) Positive behavioral interventions and support;
- (b) A plan for behavioral intervention;
- (c) A referral to a team of student support;
- (d) A referral to an individualized education program team ~~{-}~~ to determine:
 - (1) *Whether an individualized education program is needed for the pupil;*
 - (2) *Whether an individualized education program, if one has been developed, has been appropriately implemented; and*
 - (3) *Whether any adjustments should be made to an individualized education plan that has been developed;*
- (e) A referral to appropriate community-based services; ~~{and}~~
- (f) A conference with the principal of the school or his or her designee and any other appropriate personnel ~~{-}~~ ;
- (g) *A determination of the need for a referral to a school social worker;*
- (h) *Guidelines for the provision of notice to a pupil to initiate his or her reinstatement; and*
- (i) *A plan for the reinstatement of a pupil who was expelled.*

3. ~~{The Department may approve a plan of action based on restorative justice that meets the requirements of this section submitted by a public school. —4-}~~

The Department, in consultation with the Office for a Safe and Respectful Learning Environment, shall post on its Internet website a guidance document that includes, without limitation:

- (a) A description of the statewide framework for restorative justice developed pursuant to NRS 388.1333 and the requirements of this section and NRS 392.462;
- (b) ~~{A timeline for implementation of the requirements of this section and NRS 392.462 by a public school; —(c)-}~~
- (c) One or more models of restorative justice and best practices relating to restorative justice;
- ~~{(d)}~~ (c) A curriculum for professional development relating to restorative justice and references for one or more consultants or presenters qualified to provide additional information or training relating to restorative justice; and

~~{{(e)}}~~ (d) One or more examples of a *progressive discipline plan* ~~{of action}~~ based on restorative justice developed pursuant to subsection 2.

4. *A progressive discipline plan based on restorative justice developed pursuant to this section shall be made available to any teacher or appropriate personnel of the school district who administers temporary alternative placement after the removal of a pupil.*

5. As used in this section:

(a) "Individualized education program team" has the meaning ascribed to it in 20 U.S.C. § 1414(d)(1)(B).

(b) "Restorative justice" means nonpunitive intervention and support provided by the school to a pupil to improve the behavior of the pupil and remedy any harm caused by the pupil.

Sec. 10. 1. This section becomes effective upon passage and approval.

2. Section 2.5 of this act becomes effective upon passage and approval for the purpose of creating a statewide framework for restorative justice and developing the training required pursuant to paragraph (d) of subsection 1 of that section, and on July 1, 2028, for all other purposes.

3. Sections 1, 1.5, 2 and 3 to 9, inclusive, of this act become effective on July 1, 2023.

Senator Lange moved the adoption of the amendment.

Remarks by Senator Lange.

Amendment No. 821 to Assembly Bill No. 285 provides for the suspension, expulsion or permanent expulsion of certain pupils who commit a battery other than a battery intended to result in the bodily injury of a school employee. It provides for the suspension or expulsion of a pupil who is at least eight years of age or the suspension of a pupil who is younger than six, under certain circumstances, for a pupil who commits a battery intended to result in the bodily injury of a school employee. It provides that a pupil in possession of a firearm at a public school, school activity or on a school bus must be suspended, expelled or permanently expelled if the pupil is at least 11 years of age or suspended or expelled if the pupil is between 8 and 11 years of age. Additionally, such a pupil may be suspended if he or she is younger than eight years under certain circumstances. It provides that the alternative education plan must be completed by August 1 of each year and must be submitted to the board of trustees of each school district, governing body of each charter school or university school for profoundly gifted students, the State Board of Education and the Joint Interim Standing Committee on Education. It removes an erroneous reference to firearms in section 7 regarding discipline for dangerous weapons.

Amendment adopted.

Assembly Bill No. 285.

Bill read third time.

Remarks by Senator Flores.

Assembly Bill No. 285 requires the board of trustees of each school district and the governing bodies of each charter and university school to establish a plan of progressive discipline, which must include discipline practices based on restorative justice, alternative conflict resolution and interventions based on social and emotional learning and provisions to place a pupil in a more restrictive educational environment. It further requires a public school to provide a plan of progressive discipline based on restorative justice to certain pupils who have been removed from the classroom, and it requires a school to offer certain educational services to certain pupils who have been removed.

The bill outlines certain conditions in which a child who is at least 11 years of age can be suspended, expelled or permanently expelled and specifies that a child under 11 years of age may

not be expelled or permanently expelled. Pupils who are younger than six years of age may be suspended upon review and approval by certain school officials. Additionally, Assembly Bill No. 285 provides for the suspension or expulsion of a pupil who is at least eight years of age or suspension of a pupil who is younger than six years of age, under certain circumstances, who commits a battery intended to result in bodily injury of a school employee. It also provides that a pupil in possession of a firearm at a public school, school activity or school bus must be suspended, expelled or permanently expelled if the pupil is at least 11 years of age, must be suspended or expelled if the pupil is in between the ages of 8 and 11 or may be suspended if younger than the age of 8, under certain circumstances.

It further outlines the process for which a pupil who is at least 11 years of age may be deemed as a habitual disciplinary problem and further outlines the process for an appeal of such a determination. The bill requires a public school to develop a plan to offer certain educational services to a pupil who is removed from school for more than two days, which must include options to provide in-person services and a plan to complete any missed assignments during his or her removal.

Nevada's Department of Education must develop a statewide framework for restorative justice and include certain school climate training for teachers, administrators and other school staff. Finally, it requires the collection and reporting of certain information related to the offering of certain educational services to removed pupils, the discipline of pupils, the implementation of a progressive discipline plan and the training of educational personnel on such a plan. Certain data collection is required to be included in the statewide system of accountability.

Roll call on Assembly Bill No. 285:

YEAS—20.

NAYS—Ohrenschall.

Assembly Bill No. 285 having received a constitutional majority, Mr. President declared it passed, as amended.

Bill ordered transmitted to the Assembly.

Assembly Bill No. 330.

Bill read third time.

The following amendment was proposed by Senator Cannizzaro:

Amendment No. 851.

SUMMARY—Revises provisions governing education. (BDR 34-1087)

AN ACT relating to education; requiring a suspension or expulsion in a charter school or a university school for profoundly gifted pupils to be consistent with such punishments in certain public schools; requiring a plan for restorative discipline for public schools to include consideration of certain data relating to pupil discipline; authorizing the Superintendent of Public Instruction to require implementation of an alternative plan for restorative discipline if a public school fails to take certain actions relating to disproportionality in pupil discipline; requiring a plan for restorative discipline to reflect the authority to temporarily remove a pupil from the classroom; requiring certain actions by a school at the time of a suspension or expulsion of a pupil for committing certain acts; revising the persons to whom the appeals of certain disciplinary determinations may be made; revising requirements for policies for the appeal of suspensions and expulsions; and providing other matters properly relating thereto.

Legislative Counsel's Digest:

Existing law establishes certain provisions relating to the behavior and discipline of pupils. (NRS 392.4601-392.472) Sections 2 and 3 of this bill apply these provisions to charter schools and university schools for profoundly gifted pupils.

Section 3.3 of this bill establishes: (1) requirements for proper notification to a pupil and the parent or legal guardian of the pupil, if the pupil is less than 18 years of age, of the policy to appeal a suspension or expulsion; (2) a 5-day timeline for a pupil or, if the pupil is less than 18 years of age, the parent or guardian of the pupil to appeal the suspension or expulsion; (3) a 5-day timeline for a hearing to be scheduled upon receipt of such an appeal; (4) the method for determining whether a pupil who is suspended or expelled or is being considered for suspension or expulsion may be considered for temporary alternative placement; and (5) that education services are required to be provided to the pupil to prevent the pupil from losing academic credit or being disengaged from school during the period the pupil is suspended or expelled. Sections 3.5 and 3.7 of this bill make conforming changes to indicate the proper placement of section 3.3 in the Nevada Revised Statutes.

Under existing law, the board of trustees of each school district is required to establish a plan to provide for the restorative discipline of pupils, which must be developed with the input of certain school personnel and the parents and guardians of pupils. (NRS 392.4644) Existing law also requires each public school to collect and submit data on the discipline of pupils and categorize such data by various subgroups of pupils. (NRS 392.462) Section 4 of this bill requires that the data be reported to the superintendent of the school district or to the administrative head of a charter school. Section 6 also requires the Superintendent of Public Instruction to review data on the disproportionality of punishments and provide a corrective period for any deficient schools to make progress in addressing any disproportionalities or any insufficiency in such data.

Existing law requires a plan to provide for the restorative discipline of pupils to provide for the temporary removal of a pupil from a classroom or other premises of a public school under certain circumstances. (NRS 392.4645) Section 7 instead authorizes the temporary removal of a pupil from a classroom or other premises of a public school under such circumstances, and section 6 requires a plan to provide for the restorative discipline of pupils to include provisions for such a temporary removal.

Existing law requires that a pupil who has been removed from the classroom or other premises of a public school must have a conference within 3 days after removal, with certain exceptions. If such a conference is not held within 3 days, the pupil is required to be allowed to return to the classroom or other premises, with certain exceptions. (NRS 392.4646) Section 8 of this bill removes the requirement if, in the judgment of the principal, the pupil continues to pose a threat and the superintendent has authorized an extension of the removal.

Existing law provides certain requirements concerning the determination that a pupil is deemed a habitual disciplinary problem. (NRS 392.4655) Section 9 of this bill revises the persons to whom a pupil or parent or legal guardian of a pupil may appeal such a determination.

Existing law authorizes, under certain circumstances, the suspension, expulsion or permanent expulsion of a pupil who attends a public school, charter school or university school for profoundly gifted pupils and who is at least 11 years of age. (NRS 388A.495, 388C.150, 392.466, 392.467) Existing law further provides that a pupil who is less than 11 years of age may be suspended, expelled or permanently expelled by the public school in which the pupil is enrolled if such a punishment is approved by the board of trustees of the school district. (NRS 392.466) Section 10 of this bill provides for the suspension, expulsion or permanent expulsion of certain pupils who are at least 11 years of age. Section 10: (1) provides that pupils who are less than 11 years of age may, following review and approval by certain school officials, be suspended in certain situations; and (2) prohibits, in general, the expulsion or permanent expulsion of a pupil who is less than 11 years of age.

~~Under existing law, [certain pupils may be suspended or expelled from school for: (1) committing a battery which results in the bodily injury of an employee of the school; or (2) selling or distributing any controlled substance in certain circumstances. (NRS 392.466) Section 10 of this bill: (1) revises the circumstances under which a pupil is expelled or assigned to a temporary alternative placement; and (2) requires the pupil to be permanently expelled for the second occurrence. Section 10 also requires a school to develop and implement a reentry plan based on restorative justice practices following the first occurrence.] a public school is prohibited, in general, from permanently expelling a pupil who is less than 11 years of age, except for certain situations in which such a punishment is authorized by the board of trustees of a school district. (NRS 392.466, 392.467) Section 10 provides that, for a pupil who sells or distributes a controlled substance in certain situations or commits a battery other than a battery intended to result in the bodily injury of an employee of the school in various school settings: (1) the pupil may be suspended if he or she is less than 11 years of age and may also be expelled or permanently expelled if he or she is at least 11 years of age; (2) the suspension of a pupil who is less than 6 years of age must be reviewed by the superintendent of the school district or his or her designee; and (3) if the removal is of a pupil with a disability, such removal must comply with federal law. Additionally, section 10 provides that, for a pupil who commits a battery which is intended to result in the bodily injury of an employee of the school: (1) the pupil shall be suspended or expelled if he or she is at least 8 years of age; (2) the suspension of a pupil who is less than 6 years of age must be reviewed and approved by the superintendent of the school district or his or her designee; and (3) if the removal is of a pupil with a disability, such removal must comply with federal law. Finally, section 10 provides that a pupil who is found in possession of a firearm at a public school or an activity or school bus of a~~

public school: (1) shall be suspended, expelled or permanently expelled if he or she is at least 11 years of age; (2) shall be suspended or expelled if he or she is at least 8 but less than 11 years of age; (3) may be suspended if he or she is at least 6 but less than 8 years of age; (4) may be suspended if he or she is less than 6 years of age upon review and approval by the superintendent of the school district or his or her designee; and (5) if the pupil is a pupil with a disability, any removal of the pupil must comply with federal law. Sections 10 and 11 of this bill: (1) prohibit the permanent expulsion of a pupil who is less than 6 years of age; and (2) authorize a homeless pupil or a pupil in foster care of any age to be suspended or expelled for not more than 5 days if the principal determines that the conduct of the pupil poses an ongoing threat.

Existing law provides that a pupil may not be suspended or expelled unless the pupil is given the opportunity for a hearing. (NRS 392.467) Section 11 removes the hearing requirement before suspension or expulsion for certain pupils who: (1) pose a danger to other persons or property; (2) threaten to disrupt the academic process; (3) are selling or distributing a controlled substance; or (4) are in possession of a firearm or other dangerous weapon.

Existing law provides certain requirements concerning the process for appealing a suspension or expulsion. (NRS 392.4671) Section 12 of this bill makes these requirements applicable to significant suspensions, expulsions or permanent expulsions.

Existing law requires that, with certain exceptions, a public school must provide a plan of action based on restorative justice to a pupil before removing, suspending or expelling the pupil. (NRS 392.472) Section 13 of this bill allows a pupil to be temporarily removed in certain circumstances without first providing such a plan.

Section 13.5 of this bill amends Assembly Bill No. 285 to resolve a conflict.

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

Section 1. NRS 388.133 is hereby amended to read as follows:

388.133 1. The Department shall, in consultation with the governing bodies, educational personnel, local associations and organizations of parents whose children are enrolled in schools throughout this State, and individual parents and legal guardians whose children are enrolled in schools throughout this State, prescribe by regulation a policy for all school districts and schools to provide a safe and respectful learning environment that is free of discrimination based on race, bullying and cyber-bullying.

2. The policy must include, without limitation:

(a) Requirements and methods for reporting violations of NRS 388.135, including, without limitation, violations among teachers and violations between teachers and administrators, coaches and other personnel of a school district or school;

(b) Requirements and methods for addressing the rights and needs of persons with diverse gender identities or expressions;

(c) Requirements and methods for restorative disciplinary practices that align with the statewide framework for restorative justice if such a framework is developed pursuant to NRS 388.1333; and

(d) A policy for use by school districts and schools to train members of the governing body and all administrators, teachers and all other personnel employed by the governing body. The policy must include, without limitation:

(1) Training in the appropriate methods to facilitate positive human relations among pupils by eliminating the use of discrimination based on race, bullying and cyber-bullying so that pupils may realize their full academic and personal potential;

(2) Training in methods to prevent, identify and report incidents of discrimination based on race, bullying and cyber-bullying;

(3) Training concerning the needs of persons with diverse gender identities or expressions;

(4) Training concerning the needs of pupils with disabilities and pupils with autism spectrum disorder;

(5) Methods to promote a positive learning environment;

(6) Methods to improve the school environment in a manner that will facilitate positive human relations among pupils; and

(7) Methods to teach skills to pupils so that the pupils are able to replace inappropriate behavior with positive behavior.

3. *As used in this section, "restorative justice" has the meaning ascribed to it in NRS 392.472.*

Sec. 2. NRS 388A.495 is hereby amended to read as follows:

388A.495 1. A governing body of a charter school shall adopt:

(a) Written rules of behavior required of and prohibited for pupils attending the charter school; and

(b) Appropriate punishments for violations of the rules.

2. ~~[[H]]~~ *A pupil enrolled in a charter school shall only be suspended or expelled in a manner consistent with the requirements for the suspension or expulsion of a pupil enrolled in a public school within a school district as set forth in NRS 392.4601 to 392.472, inclusive.*

3. *Except as otherwise provided in NRS 392.467, if suspension or expulsion of a pupil is used as a punishment for a violation of the rules, the charter school shall ensure that, ~~{before}~~ at the time of the suspension or expulsion, the pupil and, if the pupil is under 18 years of age, the parent or guardian of the pupil, ~~has been~~ are given notice of the charges against him or her, an explanation of the evidence and an opportunity for a hearing. If a pupil is significantly suspended, ~~{or}~~ expelled ~~{,}~~ or permanently expelled, the pupil or, if the pupil is under 18 years of age, the parent or guardian of the pupil may appeal the significant suspension, expulsion or permanent expulsion in accordance with the provisions of NRS 392.4671. The charter school shall ensure that a pupil who is significantly suspended, ~~{or}~~ expelled or permanently expelled and is appealing the significant suspension, expulsion or permanent expulsion or a pupil who is being considered for significant*

suspension, *expulsion* or *permanent* expulsion continues to attend school and receives an appropriate education in the least restrictive environment possible as required by NRS 392.4673. The provisions of chapter 241 of NRS do not apply to any hearing or proceeding conducted pursuant to this section. Such a hearing or proceeding must be closed to the public.

~~{3. A pupil who is at least 11 years of age and who poses a continuing danger to persons or property or an ongoing threat of disrupting the academic process, who is selling or distributing any controlled substance or who is found to be in possession of a dangerous weapon as provided in NRS 392.466 may be removed from the charter school only after the charter school has made a reasonable effort to complete a plan of action based on restorative justice with the pupil in accordance with the provisions of NRS 392.466 and 392.467.}~~

~~4. [A pupil with a disability who is at least 11 years of age and who is enrolled in a charter school may, in accordance with the procedural policy adopted by the governing body of the charter school for such matters and only after the governing body or its designee has reviewed the circumstances and determined that the action is in compliance with the Individuals with Disabilities Education Act, 20 U.S.C. §§ 1400 et seq., be:~~

~~—(a) Suspended from the charter school pursuant to this section for not more than 5 days for each occurrence of proscribed conduct.~~

~~—(b) Expelled from school pursuant to this section.~~

~~—(c) Permanently expelled from school pursuant to this section.~~

~~—5.} A copy of the rules of behavior, prescribed punishments and procedures to be followed in imposing punishments must be:~~

(a) Distributed to each pupil at the beginning of the school year and to each new pupil who enters school during the year.

(b) Available for public inspection at the charter school.

~~{6.}~~ 5. The governing body of a charter school may adopt rules relating to the truancy of pupils who are enrolled in the charter school if the rules are at least as restrictive as the provisions governing truancy set forth in NRS 392.130 to 392.220, inclusive. If a governing body adopts rules governing truancy, it shall include the rules in the written rules adopted by the governing body pursuant to subsection 1.

~~{7.}~~ 6. As used in this section:

(a) "Expel" or "expulsion" has the meaning ascribed to it in NRS 392.4603.

(b) "Permanently expelled" means the disciplinary removal of a pupil from the school in which the pupil is currently enrolled:

(1) Except as otherwise provided in subparagraph (2), without the possibility of returning to the school in which the pupil is currently enrolled or another public school within the school district; and

(2) With the possibility of enrolling in a program or public school for alternative education for pupils who are expelled or permanently expelled after being permanently expelled.

(c) ~~["Pupil with a disability" has the meaning ascribed to it in NRS 388.417.] "Significantly suspended" has the meaning ascribed to "significant suspension" in NRS 392.4655.~~

(d) "Suspend" or "suspension" has the meaning ascribed to it in NRS 392.4607.

Sec. 3. NRS 388C.150 is hereby amended to read as follows:

388C.150 1. The governing body of a university school for profoundly gifted pupils shall adopt:

(a) Written rules of behavior for pupils enrolled in the university school, including, without limitation, prohibited acts; and

(b) Appropriate punishments for violations of the rules.

2. ~~[(1)]~~ A pupil enrolled in a university school for profoundly gifted pupils shall only be suspended or expelled in a manner consistent with the requirements for the suspension or expulsion of a pupil enrolled in a public school within a school district as set forth in NRS 392.4601 to 392.472, inclusive.

3. *Except as otherwise provided in NRS 392.467, if suspension or expulsion of a pupil is used as a punishment for a violation of the rules, the university school for profoundly gifted pupils shall ensure that, ~~before~~ at the time of the suspension or expulsion, the pupil ~~has been~~ is given notice of the charges against him or her, an explanation of the evidence and an opportunity for a hearing. If a pupil is significantly suspended , ~~for~~ expelled ~~or~~ or permanently expelled, the pupil or, if the pupil is under 18 years of age, the parent or guardian of the pupil may appeal the significant suspension , expulsion or permanent expulsion in accordance with the provisions of NRS 392.4671. The university school shall ensure that a pupil who is significantly suspended , ~~for~~ expelled or permanently expelled and is appealing the significant suspension , expulsion or permanent expulsion or a pupil who is being considered for significant suspension , expulsion or permanent expulsion continues to attend school and receives an appropriate education in the least restrictive environment possible as required by NRS 392.4673. The provisions of chapter 241 of NRS do not apply to any hearing or proceeding conducted pursuant to this section. Such a hearing or proceeding must be closed to the public.*

~~[3.— A pupil who is at least 11 years of age and who poses a continuing danger to persons or property or an ongoing threat of disrupting the academic process, who is selling or distributing any controlled substance or who is found to be in possession of a dangerous weapon as provided in NRS 392.466 may be removed only after the university school for profoundly gifted pupils has made a reasonable effort to complete a plan of action based on restorative justice with the pupil in accordance with the provisions of NRS 392.466 and 392.467.]~~

4. ~~[A pupil with a disability who is at least 11 years of age and who is enrolled in a university school for profoundly gifted pupils may, in accordance with the procedural policy adopted by the governing body of the university~~

school for such matters and only after the governing body or its designee has reviewed the circumstances and determined that the action is in compliance with the Individuals with Disabilities Education Act, 20 U.S.C. §§ 1400 et seq., be:

- ~~—(a) Suspended from the university school pursuant to this section for not more than 5 days for each occurrence of proscribed conduct.~~
- ~~—(b) Expelled from school pursuant to this section.~~
- ~~—(c) Permanently expelled from school pursuant to this section.~~

~~—5.}~~ A copy of the rules of behavior, prescribed punishments and procedures to be followed in imposing punishments must be:

(a) Distributed to each pupil at the beginning of the school year and to each new pupil who enters the university school for profoundly gifted pupils during the year.

(b) Available for public inspection at the university school.

~~{6.}~~ 5. The governing body of a university school for profoundly gifted pupils may adopt rules relating to the truancy of pupils who are enrolled in the university school if the rules are at least as restrictive as the provisions governing truancy set forth in NRS 392.130 to 392.220, inclusive. If the governing body adopts rules governing truancy, it shall include the rules in the written rules adopted by the governing body pursuant to subsection 1.

~~{7.}~~ 6. As used in this section:

(a) "Expel" or "expulsion" has the meaning ascribed to it in NRS 392.4603.

(b) "Permanently expelled" means the disciplinary removal of a pupil from the school in which the pupil is currently enrolled:

(1) Except as otherwise provided in subparagraph (2), without the possibility of returning to the school in which the pupil is currently enrolled or another public school within the school district; and

(2) With the possibility of enrolling in a program or public school for alternative education for pupils who are expelled or permanently expelled after being permanently expelled.

~~(c) ["Pupil with a disability" has the meaning ascribed to it in NRS 388.417.] "Significantly suspended" has the meaning ascribed to "significant suspension" in NRS 392.4655.~~

(d) "Suspend" or "suspension" has the meaning ascribed to it in NRS 392.4607.

Sec. 3.3. Chapter 392 of NRS is hereby amended by adding thereto a new section to read as follows:

1. *If a pupil is suspended or expelled from a public school, the board of trustees of the school district or the governing body of the charter school or university school for profoundly gifted pupils in which the pupil is enrolled or the designee of the board of trustees or governing body, as applicable, shall provide, on the same day that the pupil is suspended or expelled, a notice of the policy for appealing a suspension or expulsion of a pupil adopted by the board of trustees or governing body, as applicable, pursuant to NRS 392.4671,*

to the pupil and, if the pupil is less than 18 years of age, the parent or legal guardian of the pupil. A notice provided pursuant to this subsection must:

(a) Include information regarding the timelines for appealing the suspension or expulsion, as applicable, pursuant to subsection 2;

(b) Be written clearly and in a manner that allows the pupil and, if the pupil is less than 18 years of age, the parent or legal guardian of the pupil, to understand each provision of the policy; and

(c) To the extent practicable, be provided in as many languages as possible.

2. Not later than 5 school days after receiving notification of the suspension or expulsion of the pupil pursuant to NRS 392.4671, the pupil or, if the pupil is less than 18 years of age, the parent or legal guardian of the pupil may file an appeal pursuant to the policy adopted by the board of trustees of the school district or the governing body of the charter school or university school for profoundly gifted pupils, as applicable, pursuant to NRS 392.4671.

3. Not later than 5 school days after receiving notification of an appeal of a suspension or expulsion made pursuant to the policy adopted pursuant to NRS 392.4671, the board of trustees of the school district or the governing body of the charter school or university school for profoundly gifted pupils or the designee of the board of trustees or governing body, as applicable, must schedule a hearing.

4. A pupil who is suspended or expelled or is being considered for suspension or expulsion:

(a) May be considered for temporary alternative placement pursuant to NRS 392.4645 if, in the judgment of the principal after consideration of the seriousness of the acts which were the basis for the discipline of the pupil:

(1) The temporary alternative placement will serve as the least restrictive environment possible, pursuant to NRS 392.4673; and

(2) The pupil does not pose a serious threat to the safety of the school.

(b) Must be provided education services to prevent the pupil from losing academic credit or becoming disengaged from school during the period of suspension or expulsion.

5. As used in this section, "principal" means the lead administrator of a public school, including, without limitation, such an administrator who is referred to by another title.

Sec. 3.5. NRS 392.4601 is hereby amended to read as follows:

392.4601 As used in NRS 392.4601 to 392.472, inclusive, and section 3.3 of this act, unless the context otherwise requires, the words and terms defined in NRS 392.4603, 392.4605 and 392.4607 have the meanings ascribed to them in those sections.

Sec. 3.7. NRS 392.4609 is hereby amended to read as follows:

392.4609 The Department shall adopt any regulations necessary to carry out the provisions of NRS 392.4601 to 392.472, inclusive, and section 3.3 of this act, including, without limitation, regulations which establish timelines for the purposes of subsection 1 of NRS 392.4671.

Sec. 4. NRS 392.462 is hereby amended to read as follows:

392.462 Each public school shall collect data on the discipline of pupils. Such data must include, without limitation, the number of expulsions and suspensions of pupils and the number of placements of pupils in another school. Such data must be disaggregated into the subgroups of pupils listed in subsection 2 of NRS 385A.250 and the types of offense. The principal of each public school shall:

1. Review the data and take appropriate action;
2. Report the data to the ~~board of trustees~~ *superintendent of the school district or the administrative head of the charter school or university school for profoundly gifted pupils, as applicable*, each quarter; and
3. To the extent allowed by the Family Educational Rights and Privacy Act of 1974, 20 U.S.C. § 1232g, post the data on the Internet website maintained by the public school.

Sec. 5. NRS 392.4634 is hereby amended to read as follows:

392.4634 1. ~~[Except as otherwise provided in subsection 3, a]~~ A pupil enrolled in kindergarten or grades 1 to 8, inclusive, may not be disciplined, including, without limitation, pursuant to NRS 392.466, for:

- (a) Simulating a firearm or dangerous weapon while playing; or
 - (b) Wearing clothing or accessories that depict a firearm or dangerous weapon or express an opinion regarding a constitutional right to keep and bear arms,
- ↪ unless it substantially disrupts the educational environment ~~[]~~ , *creates a risk of harm to another person or places another person in reasonable fear of harm.*

2. Simulating a firearm or dangerous weapon includes, without limitation:
 - (a) Brandishing a partially consumed pastry or other food item to simulate a firearm or dangerous weapon;
 - (b) Possessing a toy firearm or toy dangerous weapon that is 2 inches or less in length;
 - (c) Possessing a toy firearm or toy dangerous weapon made of plastic building blocks which snap together;
 - (d) Using a finger or hand to simulate a firearm or dangerous weapon;
 - (e) Drawing a picture or possessing an image of a firearm or dangerous weapon; and
 - (f) Using a pencil, pen or other writing or drawing implement to simulate a firearm or dangerous weapon.

3. ~~[A pupil who simulates a firearm or dangerous weapon may be disciplined when disciplinary action is consistent with a policy adopted by the board of trustees of the school district and such simulation:~~

- ~~—(a) Substantially disrupts learning by pupils or substantially disrupts the educational environment at the school;~~
- ~~—(b) Causes bodily harm to another person; or~~
- ~~—(c) Places another person in reasonable fear of bodily harm.~~

~~4. Except as otherwise provided in subsection 5, a school, school district, board of trustees of a school district or other entity shall not adopt any policy, ordinance or regulation which conflicts with this section.~~

~~5.]~~ The provisions of this section shall not be construed to prohibit a school from establishing and enforcing a policy requiring pupils to wear a school uniform as authorized pursuant to NRS 386.855.

~~6.]~~ 4. As used in this section:

(a) "Dangerous weapon" has the meaning ascribed to it in NRS 392.466.

(b) "Firearm" has the meaning ascribed to it in NRS 392.466.

Sec. 6. NRS 392.4644 is hereby amended to read as follows:

392.4644 1. The ~~board of trustees~~ *superintendent* of each school district ~~and the administrative head of each charter school and university school for profoundly gifted pupils~~ shall establish a plan to provide for the restorative discipline of pupils and on-site review of disciplinary decisions. The plan must:

(a) Be developed with the input and participation of teachers, school administrators and other educational personnel and support personnel who are employed by the school district, pupils who are enrolled in schools within the school district and the parents and guardians of pupils who are enrolled in schools within the school district.

(b) Be consistent with the written rules of behavior prescribed in accordance with NRS 392.463.

(c) Include, without limitation, provisions designed to address the specific disciplinary needs and concerns of each school within the school district.

(d) Provide restorative disciplinary practices which include, without limitation:

(1) Holding a pupil accountable for his or her behavior;

(2) Restoration or remedies related to the behavior of the pupil;

(3) Relief for any victim of the pupil; and

(4) Changing the behavior of the pupil.

(e) ~~Provide for~~ *Include provisions that authorize* the temporary removal of a pupil from a classroom or other premises of a public school ~~in accordance with~~ *pursuant to* NRS 392.4645.

(f) Provide for the placement of a pupil in a different school ~~within the school district~~ in accordance with NRS 392.466.

(g) Include the names of any members of a committee to review the temporary alternative placement of pupils required by NRS 392.4647.

(h) Be in accordance with the statewide framework for restorative justice developed pursuant to NRS 388.1333 . ~~including, without limitation, by addressing~~

(i) *Include consideration of the results of the data collected and reported pursuant to NRS 392.462 and include methods for addressing* the occurrences of the suspension, expulsion or removal of pupils from school that disproportionately affect pupils who belong to a group of pupils listed in subsection 2 of NRS 385A.250.

~~[(i) Be posted on the Internet website maintained by the school district.]~~

2. On or before September 15 of each year, the principal of each public school shall:

(a) Review the plan established by subsection 1 in consultation with the teachers, school administrators and other educational personnel and support personnel who are employed at the school , ~~and~~ the parents and guardians of pupils and the pupils who are enrolled in the school ~~[-] and, if applicable, the organizational team established pursuant to NRS 388G.700;~~

(b) Determine whether and to what extent the occurrences of the suspension, expulsion or removal of pupils from school disproportionately affect pupils who belong to a group of pupils listed in subsection 2 of NRS 385A.250; *and*

(c) Based upon the review, recommend to the ~~board of trustees]~~ superintendent of the school district or ~~governing body]~~ the administrative head of the charter school or university school for profoundly gifted pupils, as applicable, revisions to the plan, as recommended by the teachers, school administrators and other educational personnel and support personnel , ~~and~~ the parents and guardians of pupils and the pupils who are enrolled in the school ~~[-] and, if applicable, the organizational team established pursuant to NRS 388G.700, if necessary . [-]~~

~~—(d) Post a copy of the plan or the revised plan, as provided by the school district, on the Internet website maintained by the school; and~~

~~—(e) Distribute to each teacher, school administrator and all educational support personnel who are employed at or assigned to the school a written or electronic copy of the plan or the revised plan, as provided by the school district.]~~

3. On or before September 30 of each year, the ~~board of trustees]~~ superintendent of each school district and the ~~governing body]~~ administrative head of each charter school or university school for profoundly gifted pupils shall issue a revised plan that appropriately reflects comments provided by teachers, school administrators, other educational personnel and support personnel and, if applicable, organizational teams pursuant to subsection 2.

4. Not more than 14 days after the receipt of the revised plan issued pursuant to subsection 3, the principal of each school shall:

(a) Post a copy of the plan or the revised plan on the Internet website maintained by the school; *and*

(b) Distribute to each teacher, school administrator and all educational support personnel who are employed at or assigned to the school and, if applicable, the organizational team a written or electronic copy of the plan or the revised plan.

5. On or before November 15 of each year, the board of trustees of each school district *and the governing body of each charter school or university school for profoundly gifted pupils* shall:

(a) Submit a written report to the Superintendent of Public Instruction that reports the progress of each school ~~[within the district]~~ in complying with the

requirements of this section, including, without limitation, addressing the occurrences of the suspension, expulsion or removal of pupils from school that disproportionately affect pupils who belong to a group of pupils listed in subsection 2 of NRS 385A.250; and

(b) Post a copy of the report on the Internet website maintained by the school district [-

~~4. As used in this section, "restorative justice" has the meaning ascribed to it in NRS 392.472.]~~, charter school or university school for profoundly gifted pupils, as applicable.

6. *If the Superintendent of Public Instruction determines that the data collected pursuant to NRS 392.462 indicates disproportionality in disciplinary actions or is insufficient to determine whether disproportionality exists, the Superintendent shall issue a written notice to the school district, charter school or university school for profoundly gifted pupils, as applicable, listing the specific areas of concern and providing a specific corrective period for the school district, charter school or university school for profoundly gifted pupils, as applicable, to implement a framework to reduce the disproportionality or correct the insufficiency of the data, as applicable. The specific corrective period shall be at least 12 months and not more than 36 months, and shall include required monitoring of the progress made by the school district, charter school or university school for profoundly gifted pupils, as applicable. If, following the conclusion of the specific corrective period, the school district, charter school or university school for profoundly gifted pupils, as applicable, fails to:*

(a) *Make measurable progress in addressing the disproportionality or insufficiency listed in the notice received pursuant to this subsection; or*

(b) *Provide the required progress reports,*
 ➔ *the Superintendent of Public Instruction may issue an alternative plan for the school district, charter school or university school for profoundly gifted pupils, as applicable, for mandatory implementation.*

Sec. 7. NRS 392.4645 is hereby amended to read as follows:

392.4645 1. ~~[Except as otherwise provided in subsection 5, the plan established pursuant to NRS 392.4644 must provide for the temporary removal of a]~~ A pupil may be temporarily removed from a classroom or other premises of a public school if, in the judgment of the teacher or other staff member responsible for the classroom or other premises, as applicable, the pupil has engaged in behavior that seriously interferes with the ability of the teacher to teach the other pupils in the classroom and with the ability of the other pupils to learn or with the ability of the staff member to discharge his or her duties. ~~[The plan must provide that, upon]~~ Upon the removal of a pupil from a classroom or any other premises of a public school pursuant to this section, the principal of the school shall provide an explanation of the reason for the removal of the pupil to the pupil and offer the pupil an opportunity to respond to the explanation. Within 24 hours after the removal of a pupil pursuant to

this section, the principal of the school shall notify the parent or legal guardian of the pupil of the removal.

2. Except as otherwise provided in subsection 3, a pupil who is removed from a classroom or any other premises of a public school pursuant to this section may be assigned to a temporary alternative placement pursuant to which the pupil:

(a) Is separated, to the extent practicable, from pupils who are not assigned to a temporary alternative placement;

(b) Studies or remains under the supervision of appropriate personnel of the school district; and

(c) Is prohibited from engaging in any extracurricular activity sponsored by the school.

3. The principal shall not assign a pupil to a temporary alternative placement if the suspension or expulsion of a pupil who is removed from the classroom pursuant to this section is:

(a) Required by NRS 392.466; or

(b) Authorized by NRS 392.467 and the principal decides to proceed in accordance with that section.

➡ If the principal proceeds in accordance with NRS 392.466 or 392.467, the pupil must be removed from school in accordance with those sections and the provisions of NRS 392.4642 to 392.4648, inclusive, do not apply to the pupil.

4. A public school must offer a pupil who is removed from a classroom or any other premises of the public school pursuant to this section for more than 2 school days:

(a) Education services to prevent the pupil from losing academic credit or becoming disengaged from school during the period the pupil is removed from a classroom or any other premises of the public school; and

(b) Appropriate positive behavioral interventions and support, trauma-informed support and a referral to a school social worker or school counselor.

5. ~~Before~~ ~~When~~ Upon removing a pupil from a classroom or any other premises of a public school pursuant to this section for more than 1 school day, the principal of the school must contact the local educational agency liaison for homeless pupils designated in accordance with the McKinney-Vento Homeless Assistance Act of 1987, 42 U.S.C. §§ 11301 et seq., or a contact person at a school, including, without limitation, a school counselor or school social worker, to make a determination of whether the pupil is a homeless pupil.

6. As used in this section, "homeless pupil" has the meaning ascribed to the term "homeless children and youths" in 42 U.S.C. § 11434a(2).

Sec. 8. NRS 392.4646 is hereby amended to read as follows:

392.4646 1. Except as otherwise provided in this section, not later than 3 school days after a pupil is removed from a classroom or any other premises of a public school pursuant to NRS 392.4645, a conference must be held with:

(a) The pupil;

(b) A parent or legal guardian of the pupil, unless the pupil is an unaccompanied pupil;

(c) The principal of the school; and

(d) The teacher or other staff member who removed the pupil.

↪ The principal shall give an oral and written notice of the conference to each person who is required to participate.

2. After receipt of the notice required pursuant to subsection 1, the parent or legal guardian of the pupil may, not later than 3 school days after the removal of the pupil, request that the date of the conference be postponed. The principal shall accommodate such a request. If the date of the conference is postponed pursuant to this subsection, the principal shall send written notice to the parent or legal guardian confirming that the conference has been postponed at the request of the parent or legal guardian.

3. If a parent or legal guardian of a pupil refuses to attend a conference, the principal of the school shall send a written notice to the parent or legal guardian confirming that the parent or legal guardian has waived the right to a conference provided by this section and authorized the principal to recommend the placement of the pupil pursuant to subsection 6.

4. Except as otherwise provided in this subsection, a pupil must not return to the classroom or other premises of the public school from which the pupil was removed before the conference is held. If the conference is not held within 3 school days after the removal of the pupil, the pupil, including, without limitation, an unaccompanied pupil or a pupil in foster care, must be allowed to return to the classroom or other premises unless:

(a) The parent or legal guardian of the pupil refuses to attend the conference;

(b) The failure to hold a conference is attributed to the action or inaction of the pupil, including, without limitation, an unaccompanied pupil or a pupil in foster care, or the parent or legal guardian of the pupil; ~~or~~

(c) The parent or legal guardian requested that the date of the conference be postponed ~~to~~ ; or

(d) If:

(1) *In the judgment of the principal, there is a reasonable expectation that the pupil poses a threat to employees of the school or other pupils enrolled at the school; and*

(2) *The principal has received written authorization from the superintendent of the school district or the administrative head of the charter school or university school for profoundly gifted pupils, as applicable, to extend the period for which the pupil is removed from the classroom or other premises of the public school.*

5. During the conference, the teacher who removed the pupil from the classroom, the staff member who removed the pupil from the other premises of the public school or the principal shall provide the pupil and, if the pupil is not an unaccompanied pupil, the pupil's parent or legal guardian with an explanation of the reason for the removal of the pupil from the classroom or

other premises. The pupil and, if the pupil is not an unaccompanied pupil, the pupil's parent or legal guardian must be granted an opportunity to respond to the explanation of the pupil's behavior and to indicate whether the removal of the pupil from the classroom or other premises was appropriate in their opinion based upon the behavior of the pupil. If the pupil is a homeless pupil, the conference must include consideration of and interventions to mitigate the impact of homelessness on the behavior of the pupil.

6. Upon conclusion of the conference or, if a conference is not held pursuant to subsection 3 not later than 3 school days after the removal of a pupil from a classroom or other premises of a public school ~~or~~ *or such period as deemed appropriate by the superintendent or administrative head, as applicable, pursuant to paragraph (d) of subsection 4*, the principal shall recommend whether to return the pupil to the classroom or other premises or continue the temporary alternative placement of the pupil if the pupil has been assigned to a temporary alternative placement.

7. As used in this section:

(a) "Foster care" has the meaning ascribed to it in 45 C.F.R. § 1355.20.

(b) "Homeless pupil" has the meaning ascribed to the term "homeless children and youths" in 42 U.S.C. § 11434a(2).

(c) "Unaccompanied pupil" has the meaning ascribed to the term "unaccompanied youth" in 42 U.S.C. § 11434a(6).

Sec. 9. NRS 392.4655 is hereby amended to read as follows:

392.4655 1. Except as otherwise provided in this section, a principal of a school shall deem a pupil enrolled in the school a habitual disciplinary problem if the school has written evidence which documents that in 1 school year:

(a) The pupil has threatened or extorted, or attempted to threaten or extort, another pupil or a teacher or other personnel employed by the school two or more times or the pupil has a record of five significant suspensions from the school for any reason;

(b) The pupil has not entered into and participated in a plan of behavior pursuant to subsection 6; and

(c) The behavior of the pupil was not caused by homelessness, as determined in consultation with the local educational agency liaison for homeless pupils designated in accordance with the McKinney-Vento Homeless Assistance Act of 1987, 42 U.S.C. §§ 11301 et seq., or a contact person at a school, including, without limitation, a school counselor or school social worker.

2. A principal of a school shall presume that the behavior of the pupil was caused by homelessness unless the principal determines the behavior was not caused by homelessness pursuant to subsection 1.

3. At least one teacher of a pupil who is enrolled in elementary school and at least two teachers of a pupil who is enrolled in junior high, middle school or high school may request that the principal of the school deem a pupil a habitual disciplinary problem. Upon such a request, the principal of the school

shall meet with each teacher who made the request to review the pupil's record of discipline. If, after the review, the principal of the school determines that the provisions of subsection 1 do not apply to the pupil, a teacher who submitted a request pursuant to this subsection may appeal that determination to the ~~board of trustees~~ *superintendent of the school district [-] or the administrative head of the charter school or university school for profoundly gifted pupils, as applicable.* Upon receipt of such a request, the ~~board of trustees~~ *superintendent or administrative head* shall review the initial request and determination pursuant to the procedure established by the board of trustees *of the school district or the governing body of the charter school or university school for profoundly gifted pupils, as applicable,* for such matters.

4. If a pupil is suspended, the school in which the pupil is enrolled shall provide written notice to the parent or legal guardian of the pupil or, if the pupil is an unaccompanied pupil, the pupil that contains:

(a) A description of the act committed by the pupil and the date on which the act was committed;

(b) An explanation that if the pupil receives five significant suspensions on his or her record during the current school year and has not entered into and participated in a plan of behavior pursuant to subsection 6, the pupil will be deemed a habitual disciplinary problem;

(c) An explanation that, pursuant to subsection ~~(5)~~ 8 of NRS 392.466, a pupil who is deemed a habitual disciplinary problem may be:

(1) Suspended from school; or

(2) Expelled from school under extraordinary circumstances as determined by the principal of the school;

(d) If the pupil is a pupil with a disability, an explanation of the effect of subsection ~~(4)~~ 12 of NRS 392.466, including, without limitation, that if it is determined in accordance with 20 U.S.C. § 1415 that the pupil's behavior is not a manifestation of the pupil's disability, he or she may be suspended or expelled from school in the same manner as a pupil without a disability; and

(e) A summary of the provisions of subsection 6.

5. A school shall provide the notice required by subsection 4 for each suspension on the record of a pupil during a school year. Such notice must be provided at least 7 days before the school deems the pupil a habitual disciplinary problem.

6. If a pupil is suspended, the school in which the pupil is enrolled shall develop, in consultation with the pupil and the parent or legal guardian of the pupil, a plan of behavior for the pupil. The parent or legal guardian of the pupil or, if the pupil is an unaccompanied pupil, the pupil may choose for the pupil not to participate in the plan of behavior. If the parent or legal guardian of the pupil or the pupil chooses for the pupil not to participate, the school shall inform the parent or legal guardian or the pupil of the consequences of not participating in the plan of behavior. Such a plan must be designed to prevent the pupil from being deemed a habitual disciplinary problem and may include, without limitation:

(a) A plan for graduating if the pupil is deficient in credits and not likely to graduate according to schedule.

(b) Information regarding schools with a mission to serve pupils who have been:

(1) Expelled or suspended from a public school, including, without limitation, a charter school; or

(2) Deemed to be a habitual disciplinary problem pursuant to this section.

(c) A voluntary agreement by the parent or legal guardian to attend school with his or her child.

(d) A voluntary agreement by the pupil and, if the pupil is not an unaccompanied pupil, the pupil's parent or legal guardian to attend counseling, programs or services available in the school district or community.

(e) A voluntary agreement by the pupil and, if the pupil is not an unaccompanied pupil, the pupil's parent or legal guardian that the pupil will attend summer school, intersession school or school on Saturday, if any of those alternatives are offered by the school district.

7. If a pupil commits the same act for which notice was provided pursuant to subsection 4 after he or she enters into a plan of behavior pursuant to subsection 6, the pupil shall be deemed to have not successfully completed the plan of behavior and may be deemed a habitual disciplinary problem.

8. A pupil may, pursuant to the provisions of this section, enter into one plan of behavior per school year.

9. The parent or legal guardian of a pupil or, if the pupil is an unaccompanied pupil, a pupil who has entered into a plan of behavior with a school pursuant to this section may appeal to the ~~{board of trustees}~~ *superintendent of the school district or the administrative head of the charter school or university school for profoundly gifted pupils, as applicable*, a determination made by the school concerning the contents of the plan of behavior or action taken by the school pursuant to the plan of behavior. Upon receipt of such a request, the ~~{board of trustees}~~ *superintendent of the school district or the administrative head of the charter school or university school for profoundly gifted pupils, as applicable*, shall review the determination in accordance with the procedure established by the board of trustees *of the school district or the governing body of the charter school or university school for profoundly gifted pupils, as applicable*, for such matters.

10. As used in this section:

(a) "Significant suspension" means the school in which the pupil is enrolled:

(1) Prohibits the pupil from attending school for 3 or more consecutive days; and

(2) Requires a conference or some other form of communication with the parent or legal guardian of the pupil before the pupil is allowed to return to school.

(b) "Unaccompanied pupil" has the meaning ascribed to the term "unaccompanied youth" in 42 U.S.C. § 11434a(6).

Sec. 10. NRS 392.466 is hereby amended to read as follows:

392.466 1. Except as otherwise provided in this section, any pupil who ~~[commits a battery which results in the bodily injury of an employee of the school or who]~~ sells or distributes any controlled substance while on the premises of any public school, at an activity sponsored by a public school or on any school bus ~~[and who is at least 11 years of age]~~ shall meet with the school and his or her parent or legal guardian. The school shall provide a plan of action based on restorative justice to the parent or legal guardian of the pupil or, if the pupil is an unaccompanied pupil, the pupil. The pupil may be ~~suspended for~~, expelled or permanently expelled from the school, ~~[in which case the pupil shall: or be assigned to a temporary alternative placement pursuant to subsection 2 of NRS 392.4645. Following such a removal, the school must develop a reentry plan for the pupil that is based on restorative justice practices and, if the pupil is not an unaccompanied pupil, provide such a plan to the parent or legal guardian of the pupil. For the second occurrence, the pupil shall be permanently expelled from the school and:] except that:~~

(a) ~~[Enroll in a private school pursuant to chapter 394 of NRS or be homeschooled; or]~~ A pupil who is less than 11 years of age may not be expelled or permanently expelled pursuant to this subsection.

(b) ~~[Enroll in a program of independent study provided pursuant to NRS 389.155 for pupils who have been suspended or expelled from public school or a program of distance education provided pursuant to NRS 388.820 to 388.874, inclusive, if the pupil qualifies for enrollment and is accepted for enrollment in accordance with the requirements of the applicable program.] A pupil who is less than 6 years of age may be suspended pursuant to this subsection, and the suspension must be reviewed and approved by the superintendent of the school district or the administrative head of the charter school or university school for profoundly gifted pupils, as applicable, or his or her designee.~~

(c) For pupil with a disability who has been suspended or expelled pursuant to this subsection, the school in which the pupil is enrolled shall make available to the pupil a free appropriate public education in compliance with the Individuals with Disabilities Education Act, 20 U.S.C. §§ 1400 et seq., for each school day the pupil is suspended or expelled after the pupil has been removed for 10 cumulative days.

2. Except as otherwise provided in this section, any pupil who commits a battery against an employee of the school while on the premises of any public school, at an activity sponsored by a public school or on any school bus shall meet with the school and his or her parent or legal guardian. The school shall provide a plan of action based on restorative justice to the parent or legal guardian of the pupil or, if the pupil is an unaccompanied pupil, the pupil. The pupil may be suspended, expelled or permanently expelled from the school, except that:

(a) A pupil who is less than 8 years of age may not be expelled or permanently expelled pursuant to this subsection.

(b) A pupil who is less than 6 years of age may be suspended pursuant to this subsection, and the suspension must be reviewed and approved by the superintendent of the school district or the administrative head of the charter school or university school for profoundly gifted pupils, as applicable, or his or her designee.

(c) For a pupil with a disability who has been suspended or expelled pursuant to this subsection, the school in which the pupil is enrolled shall make available to the pupil a free appropriate public education in compliance with the Individuals with Disabilities Education Act, 20 U.S.C. §§ 1400 et seq., for each school day the pupil is suspended or expelled after the pupil has been removed for 10 cumulative days.

3. Except as otherwise provided in this section, any pupil who commits a battery which is intended to result in the bodily injury of an employee of the school while on the premises of any public school, at an activity sponsored by a public school or on any school bus shall meet with the school and his or her parent or legal guardian. The school shall provide a plan of action based on restorative justice to the parent or legal guardian of the pupil or, if the pupil is an unaccompanied pupil, the pupil. The pupil shall be suspended, expelled or permanently expelled from the school, except that:

(a) A pupil who is less than 8 years of age may not be expelled or permanently expelled pursuant to this subsection.

(b) A pupil who is less than 6 years of age may be suspended pursuant to this subsection, and the suspension must be reviewed and approved by the superintendent of the school district or the administrative head of the charter school or university school for profoundly gifted pupils, as applicable, or his or her designee.

(c) For a pupil with a disability who has been suspended or expelled pursuant to this subsection, the school in which the pupil is enrolled shall make available to the pupil a free appropriate public education in compliance with the Individuals with Disabilities Education Act, 20 U.S.C. §§ 1400 et seq., for each school day the pupil is suspended or expelled after the pupil has been removed for 10 cumulative days.

4. An employee who is a victim of a battery which ~~(results)~~ is intended to result in the bodily injury of an employee of the school may appeal to the school ~~(the)~~ a plan of action provided pursuant to subsection ~~(1)~~ 3 if:

(a) The employee feels any actions taken pursuant to such plan are inappropriate; and

(b) For a pupil with a disability who committed the battery, the board of trustees of the school district or governing body of the charter school or university school for profoundly gifted pupils, as applicable, or its designee has reviewed the circumstances and determined that such an appeal is in compliance with the Individuals with Disabilities Education Act, 20 U.S.C. §§ 1400 et seq.

~~(2)~~ 5. Except as otherwise provided in this section, any pupil, ~~for any age,~~ including, without limitation, a pupil with a disability, who poses a

continuing danger to persons or property or an ongoing threat of disrupting the academic process or who is found in possession of ~~a firearm or~~ a dangerous weapon *other than a firearm* while on the premises of any public school, at an activity sponsored by a public school or on any school bus ~~must, for the first occurrence, be expelled from the school for a period of not less than 1 year, although the pupil may be placed in another kind of school for a period not to exceed the period of the expulsion. For a second occurrence, the pupil must be permanently expelled from the school.~~

~~4.]~~ may be removed from the public school immediately upon being given an explanation of the reasons for the removal of the pupil and pending proceedings, which must be conducted as soon as practicable after removal, for his or her suspension, expulsion or permanent expulsion, except that:

(a) A pupil who is less than 11 years of age may not be expelled or permanently expelled pursuant to this subsection.

(b) A pupil who is less than 6 years of age may be suspended pursuant to this subsection only after the suspension is reviewed and approved by the superintendent of the school district or the administrative head of the charter school or university school for profoundly gifted pupils, as applicable, or his or her designee.

(c) For a pupil with a disability who has been suspended or expelled pursuant to this subsection, the public school in which the pupil is enrolled shall make available to the pupil a free appropriate public education in compliance with the Individuals with Disabilities Education Act, 20 U.S.C. §§ 1400 et seq., for each school day the pupil is suspended or expelled after the pupil has been removed for 10 cumulative days.

6. Except as otherwise provided in this section, any pupil, including, without limitation, a pupil with a disability, who is found in possession of a firearm while on the premises of any public school, at an activity sponsored by a public school or on any school bus must be removed from the public school immediately upon being given an explanation of the reasons for the removal of the pupil and pending proceedings, which must be conducted as soon as practicable after removal, for his or her suspension, expulsion or permanent expulsion. A pupil who is:

(a) Eleven years of age or older shall be suspended, expelled or permanently expelled pursuant to this section.

(b) At least 8 but less than 11 years of age shall be suspended or expelled pursuant to this subsection.

(c) At least 6 but less than 8 years of age may be suspended pursuant to this subsection.

(d) Less than 6 years of age may be suspended pursuant to this subsection only after the suspension is reviewed and approved by the superintendent of the school district or the administrative head of the charter school or university school for profoundly gifted pupils, as applicable, or his or her designee.

(e) A pupil with a disability who has been suspended or expelled pursuant to this subsection must be provided with a free appropriate public education in compliance with the Individuals with Disabilities Education Act, 20 U.S.C. §§ 1400 et seq., by the public school in which the pupil is enrolled for each school day the pupil is suspended or expelled after the pupil has been removed for 10 cumulative days.

7. If a school is unable to retain a pupil in the school pursuant to ~~[subsection]~~ subsections 1 to 6, inclusive, for the safety of any person or because doing so would not be in the best interest of the pupil, the pupil may be suspended, expelled or placed in another school. If a pupil , including, without limitation, a pupil who is less than 11 years of age, is placed in another school, the current school of the pupil shall explain what services will be provided to the pupil at the new school that the current school is unable to provide to address the specific needs and behaviors of the pupil. The ~~[school district of the]~~ current school of the pupil shall coordinate with the new school to create a plan of action based on restorative justice for the pupil and to ensure that any resources required to execute the plan of action based on restorative justice are available at the new school.

~~{5.}~~ 8. Except as otherwise provided in this section, if a pupil is deemed a habitual disciplinary problem pursuant to NRS 392.4655 ~~[, the pupil is at least 11 years of age]~~ and the school has made a reasonable effort to complete a plan of action based on restorative justice with the pupil, based on the seriousness of the acts which were the basis for the discipline, the pupil may be:

- (a) Suspended from the school; or
- (b) Expelled from the school under extraordinary circumstances as determined by the principal of the school.

~~{6.}~~ 9. If the pupil is expelled, or the period of the pupil's suspension is for one school semester, the pupil must:

- (a) Enroll in a private school pursuant to chapter 394 of NRS or be homeschooled; ~~for~~
- (b) Enroll in a program of independent study provided pursuant to NRS 389.155 for pupils who have been suspended or expelled from public school or a program of distance education provided pursuant to NRS 388.820 to 388.874, inclusive, if the pupil qualifies for enrollment and is accepted for enrollment in accordance with the requirements of the applicable program ~~for~~ ; or

(c) Enroll in a program of alternative education provided by the school district in which the pupil resides. Each school district shall, alone or through a partnership with another school district, provide a program of alternative education pursuant to this paragraph in an in-person setting that allows each pupil enrolled in the program to receive educational services in the least restrictive educational environment.

~~{7.}~~ 10. The superintendent of schools of a school district or the administrative head of a charter school or university school for profoundly gifted pupils may, for good cause shown in a particular case ~~for~~ in that school

district, or public school, as applicable, allow a modification to a suspension or expulsion pursuant to subsections 1 to ~~5~~, 8, inclusive, if such modification is set forth in writing. The superintendent or the administrative head of a charter school or university school for profoundly gifted pupils, as applicable, shall allow such a modification if ~~the superintendent~~ he or she determines that a plan of action based on restorative justice may be used successfully.

~~8.~~ 11. This section does not prohibit a pupil from having in his or her possession a knife or firearm with the approval of the principal of the school. A principal may grant such approval only in accordance with the policies or regulations adopted by the board of trustees of the school district ~~or the governing body of the charter school or university school for profoundly gifted pupils, as applicable.~~

~~9.~~ Except as otherwise provided in this subsection and subsection ~~3~~, or ~~11~~, a pupil who is at least 6 years of age but less than 11 years of age must not be permanently expelled from school. In extraordinary circumstances, a school may request an exception to this subsection from the board of trustees ~~superintendent of the school district, or the administrative head of a charter school or university school for profoundly gifted pupils, as applicable.~~ A pupil who is at least 11 years of age may be suspended, expelled or permanently expelled from school pursuant to this section only after the board of trustees of the school district or its designee has reviewed the circumstances and approved this action in accordance with the procedural policy adopted by the board for such issues. ~~only if the suspension, expulsion or permanent expulsion is conducted consistent with policies adopted by the board of trustees or governing body, as applicable, pursuant to NRS 392.467.~~

~~10.~~ A pupil who is less than 6 years of age must not be permanently expelled from school.

~~11.~~ 12. Except as otherwise provided in subsection ~~3~~, 5 or 6, a pupil with a disability who is at least 11 years of age may, in accordance with the procedural policy adopted by the board of trustees of the school district or governing body of the charter school or university school for profoundly gifted pupils, as applicable, for such matters and only after the board of trustees of the school district or governing body, as applicable, or its designee has reviewed ~~an administrative review of~~ the circumstances and determined ~~a determination~~ that the action is in compliance with the Individuals with Disabilities Education Act, 20 U.S.C. §§ 1400 et seq., be:

(a) Suspended from school pursuant to this section for not more than ~~5~~ 10 days. Such a suspension may be imposed pursuant to this paragraph for each occurrence of conduct proscribed by subsection 1.

(b) Expelled from school pursuant to this section.

(c) Permanently expelled from school pursuant to this section.

~~11.~~ 13. A homeless pupil or a pupil in foster care ~~who is at least 11 years of age~~ may be suspended ~~or expelled~~ from school pursuant to this section ~~only~~ for not more than 5 days if, following a review of all available information, the principal determines that the conduct of the pupil poses an

ongoing threat to the pupil or other persons at the school and if a determination is made that the behavior that led to the consideration for suspension or expulsion was not caused by homelessness or being in foster care. The person responsible for making a determination of whether or not the behavior was caused by homelessness or being in foster care shall presume that the behavior was caused by homelessness or being in foster care unless the person determines that the behavior was not caused by homelessness or being in foster care pursuant to this subsection. A determination that the behavior was not caused by homelessness must be made in consultation with the local educational agency liaison for homeless pupils designated in accordance with the McKinney-Vento Homeless Assistance Act of 1987, 42 U.S.C. §§ 11301 et seq., or a contact person at a school, including, without limitation, a school counselor or school social worker. A determination that the behavior was not caused by being in foster care must be made in consultation with an advocate for pupils in foster care at the school in which the pupil is enrolled or the school counselor of the pupil.

~~{12. 13.}~~ 14. *The principal of a public school may, at his or her discretion, reduce or eliminate the period of suspension, convert an expulsion to a suspension or otherwise reduce, eliminate or alter a disciplinary action imposed upon a pupil who commits a battery which results in the bodily injury of an employee of the school.*

~~{14.}~~ 15. *The principal of a public school may reduce the period of suspension or convert an expulsion to a suspension for a pupil who distributes a controlled substance while on the premises of a public school, at an activity sponsored by a public school or on a school bus if:*

- (a) The pupil is less than 11 years of age;*
- (b) The pupil has not engaged in such proscribed conduct before; and*
- (c) After a thorough review of the facts and circumstances, the principal determines that the pupil did not know that the substance being distributed was a controlled substance.*

~~{15.}~~ 16. *The provisions of chapter 241 of NRS do not apply to any hearing or proceeding conducted pursuant to this section. Such hearings or proceedings must be closed to the public.*

~~{13. 16.}~~ 17. *As used in this section:*

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

(b) "Bodily injury" means any actual damage or injury to a person that interferes with or is detrimental to the health of the person and is more than merely accidental, transient or trifling in nature.

(c) "Dangerous weapon" includes, without limitation, a blackjack, slungshot, billy, sand-club, sandbag, metal knuckles, dirk or dagger, a nunchaku or trefoil, as defined in NRS 202.350, a butterfly knife or any other knife described in NRS 202.350, a switchblade knife as defined in NRS 202.265, or any other object which is used, or threatened to be used, in

such a manner and under such circumstances as to pose a threat of, or cause, bodily injury to a person.

~~[(e)]~~ (d) "Firearm" includes, without limitation, any pistol, revolver, shotgun, explosive substance or device, and any other item included within the definition of a "firearm" in 18 U.S.C. § 921, as that section existed on July 1, 1995.

~~[(d)]~~ (e) "Foster care" has the meaning ascribed to it in 45 C.F.R. § 1355.20.

~~[(e)]~~ (f) "Homeless pupil" has the meaning ascribed to the term "homeless children and youths" in 42 U.S.C. § 11434a(2).

~~[(f)]~~ (g) "Permanently expelled" means the disciplinary removal of a pupil from the school in which the pupil is currently enrolled:

(1) Except as otherwise provided in subparagraph (2), without the possibility of returning to the school in which the pupil is currently enrolled or another public school within the school district; and

(2) With the possibility of enrolling in a program or public school for alternative education for pupils who are expelled or permanently expelled after being permanently expelled.

~~[(g)]~~ (h) "Restorative justice" has the meaning ascribed to it in NRS 392.472.

~~[(h)]~~ (i) "Unaccompanied pupil" has the meaning ascribed to the term "unaccompanied youth" in 42 U.S.C. § 11434a(6).

~~[14-17]~~ 18. The provisions of this section do not prohibit a pupil who is suspended or expelled from enrolling in a charter school that is designed exclusively for the enrollment of pupils with disciplinary problems if the pupil is accepted for enrollment by the charter school pursuant to NRS 388A.453 or 388A.456. Upon request, the governing body of a charter school must be provided with access to the records of the pupil relating to the pupil's suspension or expulsion in accordance with applicable federal and state law before the governing body makes a decision concerning the enrollment of the pupil.

Sec. 11. NRS 392.467 is hereby amended to read as follows:

392.467 1. Except as otherwise provided in subsections ~~[5 and]~~ 6 and 7, and NRS 392.466, the board of trustees of a school district *or governing body of a charter school or university school for profoundly gifted pupils, as applicable*, or its designee may authorize the suspension or expulsion of any pupil who is at least 11 years of age from ~~[any]~~ a public school ~~. [within the school district.]~~ Except as otherwise provided in this subsection and [subsection 3] subsections 5 and 6 of NRS 392.466, a pupil who is *at least 6 years of age but less than 11 years of age* must not be expelled or permanently expelled from school . In [absent] extraordinary circumstances ~~[,]~~ a school may request an exception to the prohibition set forth in this subsection against expelling or permanently expelling a pupil who is less than 11 years of age from school from the board of trustees of the school district [,] or the governing body of the charter school or university school, as applicable.

2. *A pupil who is less than 6 years of age must not be permanently expelled from school.*

3. Except as otherwise provided in subsection ~~{6.}~~ 7, no pupil may be suspended or expelled until the pupil has been given notice of the charges against him or her, an explanation of the evidence and an opportunity ~~{for}~~ to schedule a hearing, except that a pupil who ~~{is}~~ :

(a) *Poses a continuing danger to persons or property;*

(b) *Is an ongoing threat of disrupting the academic process;*

(c) *Is selling or distributing any controlled substance; or*

(d) *Is found to be in possession of a firearm or a dangerous weapon as provided in NRS 392.466 ,*

➡ may be removed from the school immediately upon being given an explanation of the reasons for his or her removal and pending proceedings, to be conducted as soon as practicable after removal, for the pupil's suspension or expulsion.

~~{3.}~~ 4. The board of trustees of a school district *or governing body of a charter school or university school for profoundly gifted pupils, as applicable*, or its designee may authorize the expulsion, suspension or removal of a pupil who has been charged with a crime from the school at which the pupil is enrolled regardless of the outcome of any criminal or delinquency proceedings brought against the pupil only if the school:

(a) Conducts an independent investigation of the conduct of the pupil; and

(b) Gives notice of the charges brought against the pupil by the school to the pupil.

~~{4.}~~ 5. The provisions of chapter 241 of NRS do not apply to any hearing or proceeding conducted pursuant to this section. Such hearings or proceedings must be closed to the public.

~~{5.}~~ 6. The board of trustees of a school district *or governing body of a charter school or university school for profoundly gifted pupils, as applicable*, or its designee shall not authorize the expulsion, suspension or removal of any pupil from the public school system solely for offenses related to attendance or because the pupil is declared a truant or habitual truant in accordance with NRS 392.130 or 392.140.

~~{6.}~~ 7. A pupil with a disability may, in accordance with the procedural policy adopted by the board of trustees of the school district *or governing body of the charter school or university school for profoundly gifted pupils, as applicable*, for such matters and only after ~~{the board of trustees of the school district or its designee has reviewed}~~ *an administrative review of the circumstances and {determined} a determination* that the action is in compliance with the Individuals with Disabilities Education Act, 20 U.S.C. §§ 1400 et seq., be:

(a) Suspended from school pursuant to this section for not more than ~~{5}~~ 10 days for each occurrence of proscribed conduct.

(b) Expelled from school pursuant to this section.

(c) Permanently expelled from school pursuant to this section.

~~{7-}~~ 8. A homeless pupil or a pupil in foster care ~~[who is at least 11 years of age]~~ may be suspended ~~for expelled~~ from school pursuant to this section ~~[only]~~ for not more than 5 days if, following a review of all available information, the principal determines that the conduct of the pupil poses an ongoing threat to the pupil or other persons at the school and if a determination is made that the behavior that led to the consideration for suspension or expulsion was not caused by homelessness or being in foster care. The person responsible for making a determination of whether or not the behavior was caused by homelessness or being in foster care shall presume that the behavior was caused by homelessness or being in foster care unless the person determines that the behavior was not caused by homelessness or being in foster care pursuant to this subsection. A determination that the behavior was not caused by homelessness must be made in consultation with the local educational agency liaison for homeless pupils designated in accordance with the McKinney-Vento Homeless Assistance Act of 1987, 42 U.S.C. §§ 11301 et seq., or a contact person at a school, including, without limitation, a school counselor or school social worker. A determination that the behavior was not caused by being in foster care must be made in consultation with an advocate for pupils in foster care at the school in which the pupil is enrolled or the school counselor of the pupil.

~~{8-}~~ 9. As used in this section:

- (a) "Foster care" has the meaning ascribed to it in 45 C.F.R. § 1355.20.
- (b) "Homeless pupil" has the meaning ascribed to the term "homeless children and youths" in 42 U.S.C. § 11434a(2).

(c) "Permanently expelled" means the disciplinary removal of a pupil from the school in which the pupil is currently enrolled:

(1) Except as otherwise provided in subparagraph (2), without the possibility of returning to the school in which the pupil is currently enrolled or another public school within the school district; and

(2) With the possibility of enrolling in a program or public school for alternative education for pupils who are expelled or permanently expelled after being permanently expelled.

Sec. 12. NRS 392.4671 is hereby amended to read as follows:

392.4671 1. The board of trustees of each school district and the governing body of each charter school or university school for profoundly gifted pupils, as applicable, shall adopt a policy for appealing the *significant* suspension, *expulsion* or *permanent* expulsion of a pupil enrolled in the school district, charter school or university school, as applicable. The policy must provide, without limitation, that:

(a) The board of trustees of a school district, the governing body of a charter school or university school for profoundly gifted pupils or the designee of the board of trustees or governing body, as applicable, may authorize the *significant* suspension, *expulsion* or *permanent* expulsion of a pupil within the timeline established by the Department pursuant to NRS 392.4609;

(b) Within the timeline established by the Department pursuant to NRS 392.4609, the board of trustees of a school district, the governing body of a charter school or university school for profoundly gifted pupils or the designee of the board of trustees or governing body, as applicable, shall notify the pupil and, if the pupil is under 18 years of age, the parent or legal guardian of the pupil who is ~~suspended~~ *given a significant suspension, expelled or permanently expelled* of:

- (1) The *significant suspension, expulsion or permanent expulsion*;
- (2) The right to appeal the *significant suspension, expulsion or permanent expulsion*; and
- (3) Information on the appeal policy adopted by the board of trustees of the school district or the governing body of the charter school or university school, as applicable;

(c) A pupil or, if the pupil is under 18 years of age, the parent or legal guardian of the pupil, who is ~~suspended~~ *given a significant suspension, expelled or permanently expelled* may file an appeal with the board of trustees of the school district, the governing body of the charter school or university school for profoundly gifted pupils or the designee of the board of trustees or governing body, as applicable, within the timeline established by the Department pursuant to NRS 392.4609;

(d) The board of trustees of a school district, the governing body of a charter school or university school for profoundly gifted pupils or the designee of the board of trustees or governing body, as applicable, shall schedule a hearing on an appeal of a *significant suspension, expulsion or permanent expulsion* of a pupil within the timeline established by the Department pursuant to NRS 392.4609; and

(e) After conducting a hearing pursuant to this subsection, the board of trustees of a school district, the governing body of a charter school or university school for profoundly gifted pupils or the designee of the board of trustees or governing body, as applicable, may not increase the initial *significant suspension or expulsion* of a pupil.

2. The board of trustees of a school district, the governing body of a charter school or university school for profoundly gifted pupils or the designee of the board of trustees or governing body, as applicable, shall post the appeal policy on the Internet website of the school district and each school within the district or of the charter school or university school, as applicable.

3. The provisions of chapter 241 of NRS do not apply to any hearing conducted pursuant to this section. Such hearings must be closed to the public.

4. *As used in this section:*

(a) *"Permanently expelled" has the meaning ascribed to it in NRS 392.466.*

(b) *"Significant suspension" has the meaning ascribed to it in NRS 392.4655.*

Sec. 13. NRS 392.472 is hereby amended to read as follows:

392.472 1. Except as otherwise provided in NRS 392.4645 and 392.466 and to the extent practicable, a public school shall provide a plan of action

based on restorative justice before removing a pupil from a classroom or other premises of the public school or suspending or expelling a pupil from school.

2. The Department shall develop one or more examples of a plan of action which may include, without limitation:

- (a) Positive behavioral interventions and support;
- (b) A plan for behavioral intervention;
- (c) A referral to a team of student support;
- (d) A referral to an individualized education program team;
- (e) A referral to appropriate community-based services; and
- (f) A conference with the principal of the school or his or her designee and any other appropriate personnel.

3. The Department may approve a plan of action based on restorative justice that meets the requirements of this section submitted by a public school.

4. The Department, in consultation with the Office for a Safe and Respectful Learning Environment, shall post on its Internet website a guidance document that includes, without limitation:

- (a) A description of the statewide framework for restorative justice developed pursuant to NRS 388.1333 and the requirements of this section and NRS 392.462;
- (b) A timeline for implementation of the requirements of this section and NRS 392.462 by a public school;
- (c) One or more models of restorative justice and best practices relating to restorative justice;
- (d) A curriculum for professional development relating to restorative justice and references for one or more consultants or presenters qualified to provide additional information or training relating to restorative justice; and
- (e) One or more examples of a plan of action based on restorative justice developed pursuant to subsection 2.

5. As used in this section:

(a) "Individualized education program team" has the meaning ascribed to it in 20 U.S.C. § 1414(d)(1)(B).

(b) "Restorative justice" means nonpunitive intervention and support provided by the school to a pupil to improve the behavior of the pupil and remedy any harm caused by the pupil.

Sec. 13.5. Section 5 of Assembly Bill No. 285 of this session is hereby amended to read as follows:

Sec. 5. NRS 392.4644 is hereby amended to read as follows:

392.4644 1. The ~~board of trustees~~, superintendent of each school district ~~and the governing body~~, administrative head of each charter school and ~~the governing body of each~~ university school for profoundly gifted pupils shall establish a plan to provide for the ~~restorative~~ progressive discipline of pupils and on-site review of disciplinary decisions. The plan must:

- (a) Be developed with the input and participation of teachers, school administrators, *school counselors, school social workers, school*

psychologists, behavior analysts and other educational personnel and support personnel who are employed ~~by~~ at the public school , ~~district,~~ pupils who are enrolled in the public school or schools within the school district , as applicable, and the parents and guardians of pupils who are enrolled in the public school or schools within the school district ~~;~~ , as applicable.

(b) Be consistent with the written rules of behavior prescribed in accordance with NRS 392.463.

(c) Include, without limitation, provisions designed to address the specific disciplinary needs and concerns of the public school or each school within the school district ~~;~~ , as applicable.

(d) ~~Provide restorative disciplinary practices which include, without limitation:~~

- ~~— (1) Holding a pupil accountable for his or her behavior;~~
- ~~— (2) Restoration or remedies related to the behavior of the pupil;~~
- ~~— (3) Relief for any victim of the pupil; and~~
- ~~— (4) Changing the behavior of the pupil.~~

~~(e) Provide for~~ Prescribe methods of alternative conflict resolution and interventions based on social and emotional learning that are developed to avoid the need for the removal of a pupil.

(e) Include provisions that authorize the temporary removal of a pupil from a classroom or other premises of a public school ~~in accordance with~~ pursuant to NRS 392.4645.

(f) Provide for the placement of a pupil in a more restrictive educational environment at that school or at a different public school or school within the school district , as applicable, in accordance with NRS 392.466.

(g) Include the names of any members of a committee to review the temporary alternative placement of pupils required by NRS 392.4647.

(h) ~~Be in accordance with the statewide framework for restorative justice developed pursuant to NRS 388.1333, including, without limitation, by addressing the occurrences of the suspension, expulsion or removal of pupils from school that disproportionately affect pupils who belong to a group of pupils listed in subsection 2 of NRS 385A.250.~~

(i)] Be provided to each school over which the board of trustees or governing body has authority and posted on the Internet website maintained by the public school . ~~district.~~

(i) Be in accordance with a plan to use disciplinary practices based on restorative justice developed pursuant to subsection 2, if applicable.

2. The ~~board of trustees~~ superintendent of a school district shall, in addition to establishing a plan to provide for the progressive discipline of pupils pursuant to subsection 1, establish a plan to use disciplinary practices based on restorative justice. Such a plan must:

(a) Authorize the use of disciplinary practices based on restorative justice which include, without limitation:

- (1) Holding a pupil accountable for his or her behavior;
- (2) Restoration or remedies related to the behavior of the pupil;
- (3) Relief for any victim of the pupil; and
- (4) Changing the behavior of the pupil; and

(b) Be in accordance with the statewide framework for restorative justice developed pursuant to NRS 388.1333, including, without limitation, by addressing the occurrences of the suspension, expulsion or removal of pupils from schools that disproportionately affect pupils who belong to a group of pupils listed in subsection 2 of NRS 385A.250.

3. On or before September 15 of each year, the principal of each public school shall:

(a) Review the plan established by subsection 1 in consultation with the teachers, school administrators, school counselors, school social workers, school psychologists, behavior analysts and other educational personnel and support personnel who are employed at the school, ~~and~~ the parents and guardians of pupils, ~~and~~ the pupils who are enrolled in the school ~~;~~ and, if applicable, the organizational team established pursuant to NRS 388G.700;

(b) Determine whether and to what extent the occurrences of the suspension, expulsion or removal of pupils from school disproportionately affect pupils who belong to a group of pupils listed in subsection 2 of NRS 385A.250; and

(c) Based upon the review, recommend to the ~~board of trustees~~ superintendent of the school district or ~~governing body~~ the administrative head of the charter school or university school for profoundly gifted pupils, as applicable, revisions to the plan, as recommended by the teachers, school administrators, school counselors, school social workers, school psychologists, behavior analysts and other educational personnel and support personnel, ~~and~~ the parents and guardians of pupils, ~~and~~ the pupils who are enrolled in the school ~~;~~ and, if applicable, the organizational team established pursuant to NRS 388G.700, if necessary. ~~;~~

~~—(d) Post a copy of the plan or the revised plan, as provided by the school district, on the Internet website maintained by the school; and~~

~~—(e) Distribute to each teacher, school administrator and all educational support personnel who are employed at or assigned to the school a written or electronic copy of the plan or the revised plan, as provided by the school district.~~

~~3.]~~ 4. On or before September 30 of each year, the ~~board of trustees~~ superintendent of each school district and the ~~governing body~~ administrative head of each charter school or university school for profoundly gifted pupils shall issue a revised plan that appropriately reflects comments provided by teachers, school administrators, school

counselors, school social workers, school psychologists, behavior analysts, other educational personnel and support personnel, the parents and guardians of pupils, the pupils who are enrolled in the school and, if applicable, organizational teams established pursuant to NRS 388G.700.

5. Not more than 14 days after the receipt of a plan established pursuant to subsection 1 or a revised plan issued pursuant to subsection 4, the principal of each school shall:

(a) Post a copy of the plan or the revised plan on the Internet website maintained by the school; and

(b) Distribute to each teacher, school administrator, school counselors, school social workers, school psychologists, behavior analysts, and all educational support personnel who are employed at or assigned to the school and, if applicable, the organizational team a written or electronic copy of the plan or the revised plan.

6. On or before November 15 of each year, the board of trustees of each school district and the governing body of each charter school or university school for profoundly gifted pupils shall:

(a) Submit a written report to the Superintendent of Public Instruction that reports the progress of each school ~~[within the district]~~ over which the board of trustees or governing body has authority in complying with the requirements of this section, including, without limitation, addressing the occurrences of the suspension, expulsion or removal of pupils from school that disproportionately affect pupils who belong to a group of pupils listed in subsection 2 of NRS 385A.250; and

(b) Post a copy of the report on the Internet website maintained by the school district ~~+~~

~~—4.1~~, charter school or university school for profoundly gifted pupils, as applicable.

7. If the Superintendent of Public Instruction determines that the data collected pursuant to NRS 392.462 indicates disproportionality in disciplinary actions or is insufficient to determine whether disproportionality exists, the Superintendent shall issue a written notice to the school district, charter school or university school for profoundly gifted pupils, as applicable, listing the specific areas of concern and providing a specific corrective period for the school district, charter school or university school for profoundly gifted pupils, as applicable, to implement a framework to reduce the disproportionality or correct the insufficiency of the data, as applicable. The specific corrective period must be at least 12 months but not more than 36 months, and must include required monitoring of the progress made by the school district, charter school or university school for profoundly gifted pupils, as applicable. If, after the conclusion of the specific corrective period, the school district, charter school or university school for profoundly gifted pupils, as applicable, fails to:

(a) Make measurable progress in addressing the disproportionality or insufficiency listed in the notice issued pursuant to this subsection; or

(b) Provide the required progress reports,
 ↳ the Superintendent may issue an alternative plan for the school district, charter school or university school for profoundly gifted pupils, as applicable, for mandatory implementation.

8. As used in this section ~~[-"restorative"]~~ :

(a) "Behavior analyst" has the meaning ascribed to it in NRS 641D.030.

(b) "Restorative justice" has the meaning ascribed to it in NRS 392.472.

Sec. 14. 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. 15. (Deleted by Amendment)

Sec. 16. 1. This section and sections 1 to 13, inclusive, 14 and 15 of this act ~~becomes~~ become effective upon passage and approval.

2. Section 13.5 of this act becomes effective upon passage and approval if and only if Assembly Bill No. 285 of this session is enacted by the Legislature and approved by the Governor.

Senator Cannizzaro moved the adoption of the amendment.

Remarks by Senator Cannizzaro.

Amendment No. 851 to Assembly Bill No. 330 adds language concerning a plan of action based on restorative justice for a pupil who sells or distributes any controlled substance; provides for the suspension, expulsion and permanent expulsion of a pupil who is at least 11 years of age or the suspension of a pupil who is younger than 6, under certain circumstances, for a pupil who sells or distributes any controlled substance; provides for the suspension, expulsion, or permanent expulsion of a pupil who is at least eight years of age or the suspension of a pupil who is younger than six, under certain circumstances, for a pupil who commits a battery against a school employee; provides similar provisions for the suspension or expulsion of a pupil who commits a battery intended to result in the bodily injury of a school employee; removes an erroneous reference to firearms with regard to the discipline for dangerous weapons and provides that a pupil who poses an ongoing threat or danger, disrupts the academic process or possesses a weapon other than a firearm may be removed from a school and provides for the suspension, expulsion and permanent expulsion of a pupil who is at least 11 years of age or the suspension of a pupil younger than 6, under certain circumstances.

Amendment adopted.

Bill read third time.

Remarks by Senators Titus and Seevers Gansert.

SENATOR TITUS:

Assembly Bill No. 330 makes various changes to pupil discipline and behavior. It establishes certain conditions concerning disciplinary notifications and appeals and requires the reporting and review of certain disciplinary data, including data concerning disproportionality of punishments.

The bill also outlines provisions concerning the removal of a pupil from a classroom or school, including requiring the provision of a plan for the restorative discipline of a temporarily removed pupil, removing certain requirements concerning the return of a pupil under certain circumstances, and removing the requirement that a pupil be given the opportunity for a hearing prior to suspension or expulsion under certain circumstances.

The bill outlines certain conditions in which a child who is at least 11 years of age can be suspended, expelled or permanently expelled and specifies that a child under 11 years of age may not be expelled or permanently expelled. Pupils who are younger than six years of age may be suspended upon review and approval by certain school officials. Additionally, Assembly Bill No. 330 provides for the suspension or expulsion of a pupil who is at least eight years of age or the suspension of a pupil who is younger than six years of age, under certain circumstances, who commits a battery intended to result in the bodily injury of a school employee. It also provides that a pupil in possession of a firearm at a public school, school activity or school bus must be suspended, expelled or permanently expelled if the pupil is at least 11 years of age, must be suspended or expelled if the pupil is between the ages of 8 and 11 or may be suspended if younger than 8 years of age, under certain circumstances. The bill further sets forth an appeals process for deeming a pupil a habitual disciplinary problem.

Finally, it prohibits the permanent expulsion of a pupil less than six years of age and outlines disciplinary actions that may be taken for a pupil who is homeless or in foster care.

SENATOR SEEVERS GANSERT:

I support Assembly Bill No. 330. I appreciate the work that has been done to try to make our schools safer through the combination of this and the Assemblywoman from District 27's bill, Assembly Bill No. 285, that we voted upon a moment ago. We have all heard of assaults in schools. It can be on a teacher, other personnel or another child. We have heard about firearms and all sort of things that have been happening in the schools. I think the processes outlined between these two pieces of legislation will significantly help improve safety in our schools. I urge your support.

Roll call on Assembly Bill No. 330:

YEAS—20.

NAYS—Ohrenschall.

Assembly Bill No. 330 having received a constitutional majority, Mr. President declared it passed, as amended.

Bill ordered transmitted to the Assembly.

MOTIONS, RESOLUTIONS AND NOTICES

Senator Cannizzaro moved that all necessary rules be suspended and that Assembly Bills Nos. 285 and 330 be immediately transmitted to the Assembly.

Motion carried.

Bill ordered transmitted to the Assembly.

Senator Cannizzaro moved that Assembly Bill No. 448 be taken from its position on the General File and placed on the General File for the next legislative day.

Motion carried.

GENERAL FILE AND THIRD READING

Senate Bill No. 58.

Bill read third time.

Remarks by Senator Nguyen.

Senate Bill No. 58, as amended, allows the Supreme Court to employ such persons as it deems necessary to provide an appropriate staff for the Judicial Department of the State Government with the salaries and benefits determined by the Supreme Court, within the limits of money available for those purposes. The bill also requires the Supreme Court to report quarterly to the Interim Finance Committee during the 2023-2025 biennium regarding any change made during that calendar quarter to the salaries approved for positions in the Judicial Department Staff Salaries budget account by the 2023 Legislature.

Roll call on Senate Bill 58:

YEAS—20.

NAYS—Daly.

Senate Bill 58 having received a constitutional majority, Mr. President declared it passed, as amended.

Bill ordered transmitted to the Assembly.

Senate Bill No. 439.

Bill read third time.

Amendment No. 784 was proposed by the Committee on Finance.

Senator Dondero Loop withdrew Amendment No. 784 to Senate Bill No. 439.

The following amendment was proposed by Senator Harris:

Amendment No. 818.

SUMMARY—Revises provisions relating to communicable diseases. (BDR 40-987)

AN ACT relating to communicable diseases; requiring certain state and local agencies to develop policies to provide uninterrupted services during a public health emergency to certain persons; requiring a public or private detention facility to take certain measures to ensure the access of prisoners to treatment for and methods to prevent the acquisition of human immunodeficiency virus; revising provisions governing certain crimes committed by prisoners; ~~requiring the board of trustees of a school district to establish a course or unit of a course of evidence-based, factual instruction in sexuality education;~~ requiring certain public and private health insurers to provide certain coverage; requiring such an insurer to reimburse an advanced practice registered nurse or physician assistant at the same rate as a physician for certain services; authorizing providers of health care to receive credit toward requirements for continuing education for certain training relating to the human immunodeficiency virus; requiring certain providers of health care to complete such training; providing that the repeal or revision of certain crimes applies retroactively; and providing other matters properly relating thereto.

Legislative Counsel's Digest:

Existing law requires the Division of Public and Behavioral Health of the Department of Health and Human Services and district, county and city health departments to perform certain functions relating to public health in this State, including certain duties relating to the control of communicable diseases. (NRS 439.150-439.265, 439.340, 439.350, 439.360, 439.366, 439.367, 439.3675, 439.405, 439.410, 439.460, 439.470) Existing law also requires a district health officer or the Chief Medical Officer to perform certain duties relating to the control of communicable diseases. (Chapter 441A of NRS) Existing law prescribes certain responsibilities of the Division of Health Care Financing and Policy of the Department concerning the administration of the Medicaid program. (NRS 422.061, 422.063) Section 1 of this bill requires the

Department and all district, county and city boards of health to develop policies to provide uninterrupted services during a public health emergency to persons who have been diagnosed with the human immunodeficiency virus or persons who are at a high risk of acquiring the human immunodeficiency virus. Section 2 of this bill makes a conforming change to indicate the proper placement of section 1 in the Nevada Revised Statutes.

Existing law requires the Director of the Department of Corrections to establish standards for the medical and dental services of each institution or facility under the control of the Department. (NRS 209.381) Existing law also requires a sheriff, chief of police or town marshal to arrange for the administration of medical care required by prisoners while in his or her custody. (NRS 211.140) Sections 11 and 12 of this bill impose certain requirements on the operators of public and private prisons, jails and detention facilities to ensure the access of prisoners to treatment for human immunodeficiency virus and methods of preventing the acquisition of human immunodeficiency virus.

Existing law prohibits a prisoner from using, propelling, discharging, spreading or concealing human excrement or bodily fluid with intent or under circumstances where it is reasonably likely that the excrement or fluid will come in contact with another person. Under most circumstances, a violation is a gross misdemeanor, a category D felony or a category B felony, depending on the circumstances of the prisoner's confinement. However, if the prisoner knew at the time of the offense that any portion of the excrement or bodily fluid contained a communicable disease that causes or is reasonably likely to cause substantial bodily harm, the violation is a category A felony, regardless of whether the communicable disease was transmitted. (NRS 212.189) Section 13 of this bill instead provides that such a violation is only a category A felony where: (1) the communicable disease was likely to be transmitted by his or her conduct; and (2) the communicable disease was actually transmitted as a result of the conduct. Section 78 of this bill provides that the provisions of section 13 apply retroactively to violations that occurred before the effective date of that section, if the person who committed the violation has not been convicted before that date.

Existing law requires public and private health plans, including Medicaid and health plans for state government employees, to cover an examination and testing of a pregnant woman for *Chlamydia trachomatis*, gonorrhea, hepatitis B, hepatitis C and syphilis. (NRS 287.04335, 422.27173, 689A.0412, 689B.0315, 689C.1675, 695A.1856, 695B.1913, 695C.1737, 695G.1714) Sections 16, 22, 34, 42, 47, 52, 55, 60, 65, 67 and 72 of this bill additionally require such insurance plans to cover: (1) testing for, treatment of and prevention of sexually transmitted diseases; and (2) condoms for certain covered persons.

Existing law requires certain public and private health plans, including ~~Medicaid and~~ health plans for state government employees, to cover drugs that prevent the acquisition of human immunodeficiency virus and any related

laboratory or diagnostic procedures. (NRS 287.010, 287.04335, ~~422.27235, 422.4025,~~ 689A.0437, 689B.0312, 689C.1671, 695A.1843, 695B.1924, 695C.1743, 695G.1705) Sections ~~25,~~ 31, 37, 44, 51, 57, 62, 68 and 74 of this bill require such insurance plans to cover all such drugs approved by the United States Food and Drug Administration and all drugs approved by the Food and Drug Administration for treating human immunodeficiency virus or hepatitis C without restrictions, other than step therapy. Sections 23, 37, 44, 51, 57, 62, 68 and 74 of this bill require such insurance plans to: (1) cover any service to test for, prevent or treat those diseases provided by a provider of primary care if the service is covered when provided by a specialist and certain other requirements are met; and (2) reimburse an advanced practice registered nurse or a physician assistant for such services at a rate equal to that provided to a physician. Sections 16, 20, ~~25,~~ 31, 33, 41, 46, 52, 54, 59, 64, 67 and 71 impose similar requirements regarding: (1) coverage of certain drugs approved by the Food and Drug Administration to treat substance use disorder; (2) coverage of services for the treatment of substance use disorder provided by a provider of primary care; and (3) reimbursement for such services provided by an advanced practice registered nurse. Sections 14.5-15.5 of this bill make conforming changes to exempt local governmental agencies that provide health insurance to employees through a plan of self-insurance from the amendatory provisions of section 44 while maintaining existing requirements that apply to such insurance. Sections 36, 38, 49 and 50 of this bill make conforming changes to indicate that the coverage required by sections 33 and 46 is in addition to certain coverage of services for the treatment of substance use disorder that certain insurers are required by existing law to provide. Sections 14 and 39 of this bill make conforming changes to indicate the proper placement of sections 20, 22, 33 and 34 in the Nevada Revised Statutes. Section 69 of this bill authorizes the Commissioner of Insurance to suspend or revoke the certificate of a health maintenance organization that fails to comply with the requirements of section 64 or 65. The Commissioner would also be authorized to take such action against any health insurer who fails to comply with the requirements of sections 33, 34, 37, 41-44, 46, 47, 50, 54-57, 59-62, 67, 68 or 71-74 of this bill. (NRS 680A.200, 695C.330)

~~[Existing law requires the board of trustees of each school district to establish a course or unit of a course of instruction concerning acquired immune deficiency syndrome, the human reproductive system, related communicable diseases and sexual responsibility which must be taught by a teacher or school nurse whose qualifications have been approved by the board of trustees. (NRS 389.036) Section 17 of this bill instead requires the board of trustees of a school district to establish a course or unit of a course of evidence-based, factual instruction in sexuality education. Section 17 additionally authorizes a provider of health care or other qualified person approved by the board of trustees to teach such a course. Section 18 of this bill requires the standards adopted by the Council to Establish Academic Standards for Public Schools for instruction in health to include standards for sexuality~~

~~education. Section 18 also authorizes the Council to include topics related to sexuality education in the standards for other courses where appropriate.~~

Existing law requires the Department of Health and Human Services to develop a list of preferred prescription drugs to be used for the Medicaid program. Existing law requires the Department to: (1) include on that list drugs for the prevention of human immunodeficiency virus; and (2) include drugs prescribed to treat the human immunodeficiency virus on a list of drugs that are excluded from the restrictions imposed on drugs that are on the list of preferred prescription drugs. (NRS 422.4025) Section 25 of this bill requires the Medicaid program to cover a prescription drug that is not on the list of preferred prescription drugs if the drug is: (1) used to treat hepatitis C, used to provide medication-assisted treatment for opioid use disorder, used to support safe withdrawal from substance use disorder or is in the same class as a prescription drug on the list of preferred prescription drugs; and (2) is unsuitable for a recipient of Medicaid for certain reasons.

Existing law requires physicians, osteopathic physicians, physician assistants and nurses to complete certain continuing education in order to renew their licenses. (NRS 630.253, 632.343, 633.471) Sections 28-30 and 75 of this bill require such a provider of health care who provides or supervises the provision of emergency medical care or primary care in a hospital to complete before the first renewal of their license or, for currently practicing providers, the next renewal of their license, at least 2 hours of training in stigma, discrimination and unrecognized bias toward persons who have acquired or are at a high risk of acquiring human immunodeficiency virus. Section 27 of this bill authorizes any provider of health care to use training in that subject in place of not more than 2 hours of any other training that the provider is required to complete, other than continuing education relating to ethics.

Senate Bill No. 275 of the 2021 Legislative Session repealed certain criminal offenses for which an element of the offense was having the human immunodeficiency virus. (Section 24, chapter 491, Statutes of Nevada 2021, at page 3199) Section 77 of this bill provides that the repeal of those offenses applies retroactively to violations that occurred before the effective date of Senate Bill No. 275.

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

Section 1. Chapter 441A of NRS is hereby amended by adding thereto a new section to read as follows:

1. *The Department of Health and Human Services and all district, county and city boards of health shall develop policies to provide uninterrupted services during a public health emergency to persons who have been diagnosed with the human immunodeficiency virus or who are at a high risk of acquiring the human immunodeficiency virus and who are receiving services from the Department or any division thereof or the district, county or*

city health department, as applicable. Such policies may provide, without limitation, for the delivery of such services during a public health emergency:

- (a) Over the Internet;
- (b) Using an application for a mobile device; or
- (c) By calling or sending text messages from a telephone number that is not generally blocked or identified as a source of unwanted calls or messages.

2. As used in this section:

(a) "Mobile device" includes, without limitation, a smartphone or a tablet computer.

(b) "Public health emergency" means:

(1) A public health emergency or other health event identified by a health authority pursuant to NRS 439.970; or

(2) A state of emergency or declaration of disaster proclaimed pursuant to NRS 414.070 that relates to or affects public health.

Sec. 2. NRS 441A.334 is hereby amended to read as follows:

441A.334 As used in this section and NRS 441A.335 and 441A.336, and section 1 of this act, "provider of health care" means a physician, nurse or physician assistant licensed in accordance with state law.

Sec. 3. (Deleted by amendment.)

Sec. 4. (Deleted by amendment.)

Sec. 5. (Deleted by amendment.)

Sec. 6. (Deleted by amendment.)

Sec. 7. (Deleted by amendment.)

Sec. 8. (Deleted by amendment.)

Sec. 9. (Deleted by amendment.)

Sec. 10. (Deleted by amendment.)

Sec. 11. Chapter 209 of NRS is hereby amended by adding thereto a new section to read as follows:

1. *The Department or the operator of a private facility or institution shall not enter into a contract or other agreement with any person or entity to provide medical services to offenders who are diagnosed with human immunodeficiency virus unless the person or entity demonstrates that at least 95 percent of the patients who are diagnosed with human immunodeficiency virus to whom the person or entity provides medical services:*

(a) *Are offered treatment on the same day as the diagnosis; and*

(b) *Are able to begin such treatment not later than 7 days after diagnosis.*

2. *Except as otherwise provided in subsection 3, an institution, facility or private facility or institution shall take reasonable measures to ensure the availability of:*

(a) *Any drug prescribed for treating the human immunodeficiency virus in the form recommended by the prescribing practitioner to each offender who has been diagnosed with human immunodeficiency virus to the same extent and under the same conditions as other medical care for offenders.*

(b) Methods of preventing the acquisition of human immunodeficiency virus, including, without limitation, drugs approved by the United States Food and Drug Administration for that purpose, to all offenders free of charge.

3. An institution, facility or private facility or institution:

(a) Is not required to make available a drug described in subsection 2 for which a prescription is required to an offender for whom such a prescription has not been issued.

(b) Shall take reasonable measures to make available to all offenders a provider of health care who is authorized to issue a prescription for a drug described in subsection 2.

(c) Shall not demand, request or suggest that a provider of health care refrain from issuing a prescription for a drug described in subsection 2 to an offender or take any other measure to prevent a provider of health care from issuing such a prescription.

4. As used in this section, "provider of health care" has the meaning ascribed to it in NRS 629.031.

Sec. 12. Chapter 211 of NRS is hereby amended by adding thereto a new section to read as follows:

1. A sheriff, chief of police or town marshal who is responsible for a county, city or town jail or detention facility shall not enter into a contract or other agreement with any person or entity to provide medical services to prisoners who are diagnosed with human immunodeficiency virus unless the person or entity demonstrates that at least 95 percent of the patients who are diagnosed with human immunodeficiency virus to whom the person or entity provides medical services:

(a) Are offered treatment on the same day as the diagnosis; and

(b) Are able to begin such treatment not later than 7 days after diagnosis.

2. Except as otherwise provided in subsection 3, a county, city or town jail or detention facility shall take reasonable measures to ensure the availability of:

(a) Any drug prescribed for treating the human immunodeficiency virus in the form recommended by the prescribing practitioner to each prisoner who has been diagnosed with human immunodeficiency virus to the same extent and under the same conditions as other medical care for prisoners.

(b) Methods of preventing the acquisition of human immunodeficiency virus, including, without limitation, drugs approved by the United States Food and Drug Administration for that purpose, to all prisoners free of charge.

3. A county, city or town jail or detention facility:

(a) Is not required to make available a drug described in subsection 2 for which a prescription is required to a prisoner for whom such a prescription has not been issued.

(b) Shall take reasonable measures to make available to all prisoners a provider of health care who is authorized to issue a prescription for a drug described in subsection 2.

(c) Shall not demand, request or suggest that a provider of health care refrain from issuing a prescription for a drug described in subsection 2 to an offender or take any other measure to prevent a provider of health care from issuing such a prescription.

4. As used in this section, "provider of health care" has the meaning ascribed to it in NRS 629.031.

Sec. 13. NRS 212.189 is hereby amended to read as follows:

212.189 1. Except as otherwise provided in subsection 10, a prisoner who is under lawful arrest, in lawful custody or in lawful confinement shall not knowingly:

(a) Store or stockpile any human excrement or bodily fluid;
(b) Sell, supply or provide any human excrement or bodily fluid to any other person;

(c) Buy, receive or acquire any human excrement or bodily fluid from any other person; or

(d) Use, propel, discharge, spread or conceal, or cause to be used, propelled, discharged, spread or concealed, any human excrement or bodily fluid:

(1) With the intent to have the excrement or bodily fluid come into physical contact with any portion of the body of another person, including, without limitation, an officer or employee of a prison or law enforcement agency, whether or not such physical contact actually occurs; or

(2) Under circumstances in which the excrement or bodily fluid is reasonably likely to come into physical contact with any portion of the body of another person, including, without limitation, an officer or employee of a prison or law enforcement agency, whether or not such physical contact actually occurs.

2. Except as otherwise provided in subsection 4, if a prisoner who is under lawful arrest or in lawful custody violates any provision of subsection 1, the prisoner is guilty of:

(a) For a first offense, a gross misdemeanor.

(b) For a second offense or any subsequent offense, a category D felony and shall be punished as provided in NRS 193.130.

3. Except as otherwise provided in subsection 4, if a prisoner who is in lawful confinement, other than residential confinement, violates any provision of subsection 1, the prisoner is guilty of a category B felony and shall be punished by imprisonment in the state prison for a minimum term of not less than 2 years and a maximum term of not more than 10 years, and may be further punished by a fine of not more than \$10,000.

4. If a prisoner who is under lawful arrest, in lawful custody or in lawful confinement violates any provision of paragraph (d) of subsection 1 and, at the time of the offense, the prisoner knew that any portion of the excrement or bodily fluid involved in the offense contained a communicable disease that causes or is reasonably likely to cause substantial bodily harm, ~~whether or not the communicable disease is likely to be transmitted as a result of the offense~~ and the communicable disease was actually transmitted to a victim as

a result of the offense, the prisoner is guilty of a category A felony and shall be punished by imprisonment in the state prison:

(a) For life with the possibility of parole, with eligibility for parole beginning when a minimum of 10 years has been served; or

(b) For a definite term of 25 years, with eligibility for parole beginning when a minimum of 10 years has been served,

➔ and may be further punished by a fine of not more than \$50,000.

5. A sentence imposed upon a prisoner pursuant to subsection 2, 3 or 4:

(a) Is not subject to suspension or the granting of probation; and

(b) Must run consecutively after the prisoner has served any sentences imposed upon the prisoner for the offense or offenses for which the prisoner was under lawful arrest, in lawful custody or in lawful confinement when the prisoner violated the provisions of subsection 1.

6. In addition to any other penalty, the court shall order a prisoner who violates any provision of paragraph (d) of subsection 1 to reimburse the appropriate person or governmental body for the cost of any examinations or testing:

(a) Conducted pursuant to paragraphs (a) and (b) of subsection 8; or

(b) Paid for pursuant to subparagraph (2) of paragraph (c) of subsection 8.

7. The warden, sheriff, administrator or other person responsible for administering a prison shall immediately and fully investigate any act described in subsection 1 that is reported or suspected to have been committed in the prison.

8. If there is probable cause to believe that an act described in paragraph (d) of subsection 1 has been committed in a prison:

(a) Each prisoner believed to have committed the act or to have been the bodily source of any portion of the excrement or bodily fluid involved in the act shall submit to any appropriate examinations and testing to determine whether each such prisoner has any communicable disease.

(b) If possible, a sample of the excrement or bodily fluid involved in the act must be recovered and tested to determine whether any communicable disease is present in the excrement or bodily fluid.

(c) If the excrement or bodily fluid involved in the act came into physical contact with any portion of the body of an officer or employee of a prison or law enforcement agency:

(1) The results of any examinations or testing conducted pursuant to paragraphs (a) and (b) must be provided to each such officer, employee or other person; and

(2) For each such officer or employee:

(I) Of a prison, the person or governmental body operating the prison where the act was committed shall pay for any appropriate examinations and testing requested by the officer or employee to determine whether a communicable disease was transmitted to the officer or employee as a result of the act; and

(II) Of any law enforcement agency, the law enforcement agency that employs the officer or employee shall pay for any appropriate examinations and testing requested by the officer or employee to determine whether a communicable disease was transmitted to the officer or employee as a result of the act.

(d) The results of the investigation conducted pursuant to subsection 7 and the results of any examinations or testing conducted pursuant to paragraphs (a) and (b) must be submitted to the district attorney of the county in which the act was committed or to the Office of the Attorney General for possible prosecution of each prisoner who committed the act.

9. If a prisoner is charged with committing an act described in paragraph (d) of subsection 1 and a victim or an intended victim of the act was an officer or employee of a prison or law enforcement agency, the prosecuting attorney shall not dismiss the charge in exchange for a plea of guilty, guilty but mentally ill or nolo contendere to a lesser charge or for any other reason unless the prosecuting attorney knows or it is obvious that the charge is not supported by probable cause or cannot be proved at the time of trial.

10. The provisions of this section do not apply to a prisoner who is in residential confinement or to a prisoner who commits an act described in subsection 1 if the act:

(a) Is otherwise lawful and is authorized by the warden, sheriff, administrator or other person responsible for administering the prison, or his or her designee, and the prisoner performs the act in accordance with the directions or instructions given to the prisoner by that person;

(b) Involves the discharge of human excrement or bodily fluid directly from the body of the prisoner and the discharge is the direct result of a temporary or permanent injury, disease or medical condition afflicting the prisoner that prevents the prisoner from having physical control over the discharge of his or her own excrement or bodily fluid; or

(c) Constitutes voluntary sexual conduct with another person in violation of the provisions of NRS 212.187.

Sec. 14. 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 20 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. 14.5. Chapter 287 of NRS is hereby amended by adding thereto a new section to read as follows:

1. *The governing body of any county, school district, municipal corporation, political subdivision, public corporation or other local governmental agency of the State of Nevada that provides health insurance through a plan of self-insurance shall provide coverage for:*

(a) *Drugs approved by the United States Food and Drug Administration for preventing the acquisition of human immunodeficiency virus;*

(b) *Laboratory testing that is necessary for therapy that uses such a drug;*
and

(c) *The services described in NRS 639.28085, when provided by a pharmacist who participates in the network plan of the governing body.*

2. *The governing body of any county, school district, municipal corporation, political subdivision, public corporation or other local governmental agency of the State of Nevada that provides health insurance through a plan of self-insurance shall reimburse a pharmacist who participates in the network plan of the governing body for the services described in NRS 639.28085 at a rate equal to the rate of reimbursement provided to a physician, physician assistant or advanced practice registered nurse for similar services.*

3. *The governing body of any county, school district, municipal corporation, political subdivision, public corporation or other local governmental agency of the State of Nevada that provides health insurance through a plan of self-insurance may subject the benefits required by subsection 1 to reasonable medical management techniques.*

4. *The governing body of any county, school district, municipal corporation, political subdivision, public corporation or other local governmental agency of the State of Nevada that provides health insurance through a plan of self-insurance shall ensure that the benefits required by subsection 1 are made available to an insured through a provider of health care who participates in the network plan of the governing body.*

5. *A plan of self-insurance described in subsection 1 that is delivered, issued for delivery or renewed on or after January 1, 2024, has the legal effect of including the coverage required by subsection 1, and any provision of the plan that conflicts with the provisions of this section is void.*

6. *As used in this section:*

(a) *"Medical management technique" means a practice which is used to control the cost or use of health care services or prescription drugs. The term includes, without limitation, the use of step therapy, prior authorization and categorizing drugs and devices based on cost, type or method of administration.*

(b) *"Network plan" means a plan of self-insurance provided by the governing body of a local governmental agency under which the financing and delivery of medical care, including items and services paid for as medical care, are provided, in whole or in part, through a defined set of providers under contract with the governing body. The term does not include an arrangement for the financing of premiums.*

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

Sec. 15. 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.031, *inclusive*, 689B.0313 to 689B.050, *inclusive*, 689B.265, 689B.287 and 689B.500 apply to coverage provided pursuant to this paragraph, except that the provisions of NRS 689B.0378, 689B.03785 and 689B.500 only apply to coverage for active officers and employees of the governing body, or the dependents of such officers and employees.

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

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

exceeds the compensation to which a trustee is entitled, the difference must be paid by the trustee.

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

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

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

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

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

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

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

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

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

Sec. 15.5. NRS 287.040 is hereby amended to read as follows:

287.040 The provisions of NRS 287.010 to 287.040, inclusive, *and section 14.5 of this act* do not make it compulsory upon any governing body of any county, school district, municipal corporation, political subdivision, public corporation or other local governmental agency of the State of Nevada, except as otherwise provided in NRS 287.021 or subsection 4 of NRS 287.023 or in an agreement entered into pursuant to subsection 3 of NRS 287.015, to pay any premiums, contributions or other costs for group insurance, a plan of benefits or medical or hospital services established pursuant to NRS 287.010, 287.015, 287.020 or paragraph (b), (c) or (d) of subsection 1 of NRS 287.025, for coverage under the Public Employees' Benefits Program, or to make any contributions to a trust fund established pursuant to NRS 287.017, or upon any officer or employee of any county, school district, municipal corporation, political subdivision, public corporation or other local governmental agency of

this State to accept any such coverage or to assign his or her wages or salary in payment of premiums or contributions therefor.

Sec. 16. NRS 287.04335 is hereby amended to read as follows:

287.04335 If the Board provides health insurance through a plan of self-insurance, it shall comply with the provisions of NRS 686A.135, 687B.352, 687B.409, 687B.723, 687B.725, 689B.0353, 689B.255, 695C.1723, 695G.150, 695G.155, 695G.160, 695G.162, 695G.1635, 695G.164, 695G.1645, 695G.1665, 695G.167, 695G.1675, 695G.170 to 695G.174, inclusive, *and sections 71 and 72 of this act*, 695G.176, 695G.177, 695G.200 to 695G.230, inclusive, 695G.241 to 695G.310, inclusive, and 695G.405, in the same manner as an insurer that is licensed pursuant to title 57 of NRS is required to comply with those provisions.

Sec. 17. ~~[NRS 389.036 is hereby amended to read as follows:~~

~~389.036 1. The board of trustees of a school district shall [establish]:~~

~~(a) Establish a course or unit of a course of [:~~

~~(a) Factual] evidence based, factual instruction [concerning the human immunodeficiency virus; and~~

~~(b) Instruction on the human reproductive system, related communicable diseases and sexual responsibility.~~

~~2.] in sexuality education. The course of instruction must comply with the standards of content and performance for a course of study in health established by the Council to Establish Academic Standards for Public Schools pursuant to NRS 389.520 and must be appropriate for the ages of the pupils who receive the instruction. The course must include, without limitation, instruction concerning:~~

~~(1) Reproductive and sexual anatomy and physiology, including, without limitation, biological, psychosocial and emotional changes that accompany maturation;~~

~~(2) Puberty, pregnancy, parenting, body image and gender stereotypes;~~

~~(3) The human immunodeficiency virus and other sexually transmitted infections and related communicable diseases;~~

~~(4) The benefits, potential side effects and proper use of methods approved by the United States Food and Drug Administration for preventing pregnancy and sexually transmitted infections;~~

~~(5) The ways in which the use of alcohol and drugs affect responsible decision making;~~

~~(6) The impact of media and peers on the thoughts, feelings and behaviors of pupils related to sexuality;~~

~~(7) How to identify, prevent and respond to domestic violence, sexual abuse and sexual assault, including, without limitation, medical and legal resources and counseling for survivors of such crimes;~~

~~(8) Statutes related to age of consent and statutory rape, including, without limitation, NRS 200.366, 200.727, 201.230, 201.540 and 201.550, and preventing statutory rape;~~

~~—(9) Statutes related to the transmission and possession of sexually explicit images, including, without limitation, NRS 200.604, 200.727, 200.730 and 200.780, and avoiding participation in such acts and exploitation of others through the creation and transmission of such images over the Internet or in any other manner; and~~

~~—(10) The manner in which to locate and access reproductive health services, including, without limitation, obtaining contraceptives, barrier methods, cancer screenings and testing for and the treatment of sexually transmitted infections; and~~

~~—(b) Periodically revise the content of the course or unit of a course of instruction established pursuant to paragraph (a) as necessary to ensure that the content is current, appropriate for the ages of the pupils and, as applicable, medically accurate.~~

~~—2. The course or unit of a course established pursuant to subsection 1 must:~~

~~—(a) Use instructional methods and materials that promote the inclusion and acceptance of pupils regardless of race, gender, gender identity or expression, religion, sexual orientation, ethnic or cultural background or disability;~~

~~—(b) Promote the development of skills, including, without limitation, setting goals that are needed to make responsible decisions about sexuality and sexual behavior throughout life;~~

~~—(c) Be designed to provide equally meaningful instruction to pupils regardless of their level of sexual experience or whether they are currently engaging in sexual activity;~~

~~—(d) Emphasize that abstaining from sexual activity is the only way to ensure the avoidance of pregnancy and sexually transmitted infections;~~

~~—(e) Emphasize the use of interpersonal skills to develop healthy relationships, including, without limitation, friendships, marriage and romantic and familial relationships; and~~

~~—(f) Involve the parents or guardians of pupils in the instruction provided and encourage pupils to communicate with their families concerning issues relating to sexuality.~~

~~—3. Each board of trustees shall appoint an advisory committee consisting of:~~

~~—(a) Five parents of children who attend schools in the district; and~~

~~—(b) Four representatives, one from each of four of the following professions or occupations:~~

~~—(1) Medicine or nursing;~~

~~—(2) Counseling;~~

~~—(3) Religion;~~

~~—(4) Pupils who attend schools in the district; or~~

~~—(5) Teaching.~~

~~{→ This}~~

~~—4. The advisory committee appointed pursuant to subsection 3 shall advise the district concerning the content of and materials to be used in a course or~~

~~unit of a course of instruction established pursuant to this section, and the recommended ages of the pupils to whom the course or unit is offered. The final decision on these matters must be that of the board of trustees.~~

~~[3.] 5. The subjects of the [courses] *course or unit of a course of instruction* may be taught only by a teacher, [or] school nurse [whose qualifications have], *provider of health care or other person who has been [previously] approved by the board of trustees. The board of trustees may approve a person for the purposes of this subsection if it determines that the person has demonstrated competency in the applicable subject and the use of the required instructional materials.*~~

~~[4.] 6. The parent or guardian of each pupil to whom a course or unit of a course of instruction established pursuant to this section is offered must first be furnished written notice that the course or unit of a course will be offered. The notice must be given in the usual manner used by the local district to transmit written material to parents, and must contain a form for the signature of the parent or guardian of the pupil consenting to the pupil's attendance. Upon receipt of the written consent of the parent or guardian, the pupil may attend the course [,] or unit of a course. If the written consent of the parent or guardian is not received, the pupil must be excused from such attendance without any penalty as to credits or academic standing. Any course or unit of a course offered pursuant to this section is not a requirement for graduation.~~

~~[5.] 7. All instructional materials to be used in a course or unit of a course of instruction established pursuant to this section must be available for inspection by parents or guardians of pupils at reasonable times and locations before the course is taught, and appropriate written notice of the availability of the material must be furnished to all parents and guardians.~~

~~8. As used in this section, "provider of health care" has the meaning ascribed to it in NRS 629.031.] (Deleted by amendment.)~~

~~Sec. 18. [NRS 389.520 is hereby amended to read as follows:
389.520 1. The Council shall:~~

~~(a) Establish standards of content and performance, including, without limitation, a prescription of the resulting level of achievement, for the grade levels set forth in subsection 5, based upon the content of each course, that is expected of pupils for the following courses of study:~~

~~(1) English language arts;~~

~~(2) Mathematics;~~

~~(3) Science;~~

~~(4) Social studies, which includes only the subjects of history, geography, economics, civics, financial literacy and multicultural education;~~

~~(5) The arts;~~

~~(6) Computer education and technology, which includes computer science and computational thinking;~~

~~(7) Health;~~

~~(8) Physical education; and~~

~~(9) A foreign or world language.~~

~~—(b) Establish a schedule for the periodic review and, if necessary, revision of the standards of content and performance. The review must include, without limitation, the review required pursuant to NRS 390.115 of the results of pupils on the examinations administered pursuant to NRS 390.105.~~

~~—(c) Assign priorities to the standards of content and performance relative to importance and degree of emphasis and revise the standards, if necessary, based upon the priorities.~~

~~—2. The standards for computer education and technology must include a policy for the ethical, safe and secure use of computers and other electronic devices. The policy must include, without limitation:~~

~~—(a) The ethical use of computers and other electronic devices, including, without limitation:~~

~~—(1) Rules of conduct for the acceptable use of the Internet and other electronic devices; and~~

~~—(2) Methods to ensure the prevention of:~~

~~—(I) Cyber bullying;~~

~~—(II) Plagiarism; and~~

~~—(III) The theft of information or data in an electronic form;~~

~~—(b) The safe use of computers and other electronic devices, including, without limitation, methods to:~~

~~—(1) Avoid cyber bullying and other unwanted electronic communication, including, without limitation, communication with on-line predators;~~

~~—(2) Recognize when an on-line electronic communication is dangerous or potentially dangerous; and~~

~~—(3) Report a dangerous or potentially dangerous on-line electronic communication to the appropriate school personnel;~~

~~—(c) The secure use of computers and other electronic devices, including, without limitation:~~

~~—(1) Methods to maintain the security of personal identifying information and financial information, including, without limitation, identifying unsolicited electronic communication which is sent for the purpose of obtaining such personal and financial information for an unlawful purpose;~~

~~—(2) The necessity for secure passwords or other unique identifiers;~~

~~—(3) The effects of a computer contaminant;~~

~~—(4) Methods to identify unsolicited commercial material; and~~

~~—(5) The dangers associated with social networking Internet sites; and~~

~~—(d) A designation of the level of detail of instruction as appropriate for the grade level of pupils who receive the instruction.~~

~~—3. The standards for social studies must include multicultural education, including, without limitation, information relating to contributions made by men and women from various racial and ethnic backgrounds. The Council shall consult with members of the community who represent the racial and ethnic diversity of this State in developing such standards.~~

~~—4. The standards for health must include [mental].~~

~~—(a) Mental health and the relationship between mental health and physical health.~~

~~—(b) Standards for sexuality education. The standards for other courses may include topics relating to sexuality education where appropriate.~~

~~—5. The Council shall establish standards of content and performance for each grade level in kindergarten and grades 1 to 8, inclusive, for English language arts and mathematics. The Council shall establish standards of content and performance for the grade levels selected by the Council for the other courses of study prescribed in subsection 1.~~

~~—6. The Council shall forward to the State Board the standards of content and performance established by the Council for each course of study. The State Board shall:~~

~~—(a) Adopt the standards for each course of study, as submitted by the Council; or~~

~~—(b) If the State Board objects to the standards for a course of study or a particular grade level for a course of study, return those standards to the Council with a written explanation setting forth the reason for the objection.~~

~~—7. If the State Board returns to the Council the standards of content and performance for a course of study or a grade level, the Council shall:~~

~~—(a) Consider the objection provided by the State Board and determine whether to revise the standards based upon the objection; and~~

~~—(b) Return the standards or the revised standards, as applicable, to the State Board.~~

~~→ The State Board shall adopt the standards of content and performance or the revised standards, as applicable.~~

~~—8. The Council shall work in cooperation with the State Board to prescribe the examinations required by NRS 390.105.~~

~~—9. As used in this section:~~

~~—(a) "Computer contaminant" has the meaning ascribed to it in NRS 205.4737.~~

~~—(b) "Cyber bullying" has the meaning ascribed to it in NRS 388.123.~~

~~—(c) "Electronic communication" has the meaning ascribed to it in NRS 388.124.) (Deleted by amendment.)~~

Sec. 19. Chapter 422 of NRS is hereby amended by adding thereto the provisions set forth as sections 20 and 21 of this act.

Sec. 20. 1. *The Director shall include in the State Plan for Medicaid a requirement that the State pay the nonfederal share of expenses for any service for the treatment of substance use disorder provided by a provider of primary care if the service is included in the State Plan when provided by a specialist and:*

(a) The service is within the scope of practice of the provider of primary care; or

(b) The provider of primary care is capable of providing the service safely and effectively in consultation with a specialist and the provider engages in such consultation.

2. As used in this section, "primary care" means the practice of family medicine, pediatrics, internal medicine, obstetrics and gynecology and midwifery.

Sec. 21. (Deleted by amendment.)

Sec. 22. NRS 422.27173 is hereby amended to read as follows:

422.27173 The Director shall include in the State Plan for Medicaid a requirement that the State must pay the nonfederal share of expenditures incurred for :

1. Testing for and the treatment and prevention of sexually transmitted diseases, including, without limitation, Chlamydia trachomatis, gonorrhea, syphilis, human immunodeficiency virus and hepatitis B and C, for all recipients of Medicaid, regardless of age. Services covered pursuant to this section must include, without limitation, the examination of a pregnant woman for the discovery of:

~~{1-}~~ (a) Chlamydia trachomatis, gonorrhea, hepatitis B and hepatitis C in accordance with NRS 442.013.

~~{2-}~~ (b) Syphilis in accordance with NRS 442.010.

2. Condoms for recipients of Medicaid.

Sec. 23. NRS 422.27235 is hereby amended to read as follows:

422.27235 1. The Director shall include in the State Plan for Medicaid a requirement that the State pay the nonfederal share of expenditures incurred for:

~~{1-}~~ (a) Any laboratory testing that is necessary for therapy that uses a drug approved by the United States Food and Drug Administration for preventing the acquisition of human immunodeficiency virus . ~~{- and }~~

~~{2-}~~ (b) The services of a pharmacist described in NRS 639.28085. The State must provide reimbursement for such services at a rate equal to the rate of reimbursement provided to a physician, physician assistant or advanced practice registered nurse for similar services.

(c) Any service to test for, prevent or treat human immunodeficiency virus or hepatitis C provided by a provider of primary care if the service is covered when provided by a specialist and:

(1) The service is within the scope of practice of the provider of primary care; or

(2) The provider of primary care is capable of providing the service safely and effectively in consultation with a specialist and the provider engages in such consultation.

2. The Director shall include in the State Plan for Medicaid a requirement that the State reimburse an advanced practice registered nurse or a physician assistant for any service to test for, prevent or treat human immunodeficiency virus or hepatitis C at a rate equal to the rate of reimbursement provided to a physician for similar services.

3. As used in this section, "primary care" means the practice of family medicine, pediatrics, internal medicine, obstetrics and gynecology and midwifery.

Sec. 24. (Deleted by amendment.)

Sec. 25. NRS 422.4025 is hereby amended to read as follows:

422.4025 1. The Department shall:

(a) By regulation, develop a list of preferred prescription drugs to be used for the Medicaid program and the Children's Health Insurance Program, and each public or nonprofit health benefit plan that elects to use the list of preferred prescription drugs as its formulary pursuant to NRS 287.012, 287.0433 or 687B.407; and

(b) Negotiate and enter into agreements to purchase the drugs included on the list of preferred prescription drugs on behalf of the health benefit plans described in paragraph (a) or enter into a contract pursuant to NRS 422.4053 with a pharmacy benefit manager, health maintenance organization or one or more public or private entities in this State, the District of Columbia or other states or territories of the United States, as appropriate, to negotiate such agreements.

2. The Department shall, by regulation, establish a list of prescription drugs which must be excluded from any restrictions that are imposed by the Medicaid program on drugs that are on the list of preferred prescription drugs established pursuant to subsection 1. The list established pursuant to this subsection must include, without limitation:

(a) Prescription drugs that are prescribed for the treatment of the human immunodeficiency virus, including, without limitation, antiretroviral medications;

(b) Antirejection medications for organ transplants;

(c) Antihemophilic medications; and

(d) ~~Any prescription drug described in paragraph (b) of subsection 4; and~~

~~(e)~~ Any prescription drug which the Board identifies as appropriate for exclusion from any restrictions that are imposed by the Medicaid program on drugs that are on the list of preferred prescription drugs.

3. The regulations must provide that the Board makes the final determination of:

(a) Whether a class of therapeutic prescription drugs is included on the list of preferred prescription drugs and is excluded from any restrictions that are imposed by the Medicaid program on drugs that are on the list of preferred prescription drugs;

(b) Which therapeutically equivalent prescription drugs will be reviewed for inclusion on the list of preferred prescription drugs and for exclusion from any restrictions that are imposed by the Medicaid program on drugs that are on the list of preferred prescription drugs; and

(c) Which prescription drugs should be excluded from any restrictions that are imposed by the Medicaid program on drugs that are on the list of preferred prescription drugs based on continuity of care concerning a specific diagnosis, condition, class of therapeutic prescription drugs or medical specialty.

4. The list of preferred prescription drugs established pursuant to subsection 1 must include, without limitation:

(a) Any prescription drug determined by the Board to be essential for treating sickle cell disease and its variants; and

(b) Prescription ~~[All prescription]~~ drugs ~~[approved by the United States Food and Drug Administration]~~ to prevent ~~for~~

~~— (1) Prevent~~ the acquisition of human immunodeficiency virus ~~for~~ ~~hepatitis C or treat those diseases.~~

~~— (2) Provide medication assisted treatment for opioid use disorder, including, without limitation, buprenorphine, methadone and naltrexone.~~

~~— (3) Support safe withdrawal from substance use disorder, including, without limitation, lofexidine.]~~

5. The regulations must provide that each new pharmaceutical product and each existing pharmaceutical product for which there is new clinical evidence supporting its inclusion on the list of preferred prescription drugs must be made available pursuant to the Medicaid program with prior authorization until the Board reviews the product or the evidence.

6. The Medicaid program must cover a prescription drug that is not included on the list of preferred prescription drugs as if the drug were included on that list if:

(a) The drug is:

(1) Used to treat hepatitis C;

(2) Used to provide medication-assisted treatment for opioid use disorder;

(3) Used to support safe withdrawal from substance use disorder; or

(4) In the same class as a drug on the list of preferred prescription drugs; and

(b) All preferred prescription drugs within the same class as the drug are unsuitable for a recipient of Medicaid because:

(1) The recipient is allergic to all preferred prescription drugs within the same class as the drug;

(2) All preferred prescription drugs within the same class as the drug are contraindicated for the recipient or are likely to interact in a harmful manner with another drug that the recipient is taking;

(3) The recipient has a history of adverse reactions to all preferred prescription drugs within the same class as the drug; or

(4) The drug has a unique indication that is supported by peer-reviewed clinical evidence or approved by the United States Food and Drug Administration.

7. On or before February 1 of each year, the Department shall:

(a) Compile a report concerning the agreements negotiated pursuant to paragraph (b) of subsection 1 and contracts entered into pursuant to NRS 422.4053 which must include, without limitation, the financial effects of obtaining prescription drugs through those agreements and contracts, in total and aggregated separately for agreements negotiated by the Department, contracts with a pharmacy benefit manager, contracts with a health maintenance organization and contracts with public and private entities from

this State, the District of Columbia and other states and territories of the United States; and

(b) Post the report on an Internet website maintained by the Department and submit the report to the Director of the Legislative Counsel Bureau for transmittal to:

(1) In odd-numbered years, the Legislature; or

(2) In even-numbered years, the Legislative Commission.

Sec. 26. NRS 608.156 is hereby amended to read as follows:

608.156 1. ~~[(1)]~~ *In addition to any benefits required by NRS 608.1555, an employer provides health benefits for his or her employees, the employer shall provide benefits for the expenses for the treatment of alcohol and substance use disorders. The annual benefits provided by the employer must ~~consist of:~~ include, without limitation:*

(a) Treatment for withdrawal from the physiological effects of alcohol or drugs, with a maximum benefit of \$1,500 per calendar year.

(b) Treatment for a patient admitted to a facility, with a maximum benefit of \$9,000 per calendar year.

(c) Counseling for a person, group or family who is not admitted to a facility, with a maximum benefit of \$2,500 per calendar year.

2. The maximum amount which may be paid in the lifetime of the insured for any combination of the treatments listed in subsection 1 is \$39,000.

3. Except as otherwise provided in NRS 687B.409, these benefits must be paid in the same manner as benefits for any other illness covered by the employer are paid.

4. The employee is entitled to these benefits if treatment is received in any:

(a) Program for the treatment of alcohol or substance use disorders which is certified by the Division of Public and Behavioral Health of the Department of Health and Human Services.

(b) Hospital or other medical facility or facility for the dependent which is licensed by the Division of Public and Behavioral Health of the Department of Health and Human Services, is accredited by The Joint Commission or CARF International and provides a program for the treatment of alcohol or substance use disorders as part of its accredited activities.

Sec. 27. NRS 629.093 is hereby amended to read as follows:

629.093 Unless a specific statute or regulation requires or authorizes a greater number of hours, a provider of health care may use credit earned for continuing education relating to Alzheimer's disease *or the stigma, discrimination and unrecognized bias toward persons who have acquired or are at a high risk of acquiring human immunodeficiency virus* in place of not more than 2 hours each year of the continuing education that the provider of health care is required to complete, other than any continuing education relating to ethics that the provider of health care is required to complete.

Sec. 28. NRS 630.253 is hereby amended to read as follows:

630.253 1. The Board shall, as a prerequisite for the:

(a) Renewal of a license as a physician assistant; or

(b) Biennial registration of the holder of a license to practice medicine, ➡ require each holder to submit evidence of compliance with the requirements for continuing education as set forth in regulations adopted by the Board.

2. These requirements:

(a) May provide for the completion of one or more courses of instruction relating to risk management in the performance of medical services.

(b) Must provide for the completion of a course of instruction, within 2 years after initial licensure, relating to the medical consequences of an act of terrorism that involves the use of a weapon of mass destruction. The course must provide at least 4 hours of instruction that includes instruction in the following subjects:

(1) An overview of acts of terrorism and weapons of mass destruction;

(2) Personal protective equipment required for acts of terrorism;

(3) Common symptoms and methods of treatment associated with exposure to, or injuries caused by, chemical, biological, radioactive and nuclear agents;

(4) Syndromic surveillance and reporting procedures for acts of terrorism that involve biological agents; and

(5) An overview of the information available on, and the use of, the Health Alert Network.

(c) Must provide for the completion by a holder of a license to practice medicine of a course of instruction within 2 years after initial licensure that provides at least 2 hours of instruction on evidence-based suicide prevention and awareness as described in subsection 6.

(d) Must provide for the completion of at least 2 hours of training in the screening, brief intervention and referral to treatment approach to substance use disorder within 2 years after initial licensure.

(e) Must provide for the biennial completion by each psychiatrist and each physician assistant practicing under the supervision of a psychiatrist of one or more courses of instruction that provide at least 2 hours of instruction relating to cultural competency and diversity, equity and inclusion. Such instruction:

(1) May include the training provided pursuant to NRS 449.103, where applicable.

(2) Must be based upon a range of research from diverse sources.

(3) Must address persons of different cultural backgrounds, including, without limitation:

(I) Persons from various gender, racial and ethnic backgrounds;

(II) Persons from various religious backgrounds;

(III) Lesbian, gay, bisexual, transgender and questioning persons;

(IV) Children and senior citizens;

(V) Veterans;

(VI) Persons with a mental illness;

(VII) Persons with an intellectual disability, developmental disability or physical disability; and

(VIII) Persons who are part of any other population that a psychiatrist or a physician assistant practicing under the supervision of a psychiatrist may need to better understand, as determined by the Board.

(f) Must allow the holder of a license to receive credit toward the total amount of continuing education required by the Board for the completion of a course of instruction relating to genetic counseling and genetic testing.

(g) Must provide for the completion by a physician or physician assistant who provides or supervises the provision of emergency medical services in a hospital or primary care of at least 2 hours of training in the stigma, discrimination and unrecognized bias toward persons who have acquired or are at a high risk of acquiring human immunodeficiency virus within 2 years after beginning to provide or supervise the provision of such services or care.

3. The Board may determine whether to include in a program of continuing education courses of instruction relating to the medical consequences of an act of terrorism that involves the use of a weapon of mass destruction in addition to the course of instruction required by paragraph (b) of subsection 2.

4. The Board shall encourage each holder of a license who treats or cares for persons who are more than 60 years of age to receive, as a portion of their continuing education, education in geriatrics and gerontology, including such topics as:

- (a) The skills and knowledge that the licensee needs to address aging issues;
- (b) Approaches to providing health care to older persons, including both didactic and clinical approaches;
- (c) The biological, behavioral, social and emotional aspects of the aging process; and
- (d) The importance of maintenance of function and independence for older persons.

5. The Board shall encourage each holder of a license to practice medicine to receive, as a portion of his or her continuing education, training concerning methods for educating patients about how to effectively manage medications, including, without limitation, the ability of the patient to request to have the symptom or purpose for which a drug is prescribed included on the label attached to the container of the drug.

6. The Board shall require each holder of a license to practice medicine to receive as a portion of his or her continuing education at least 2 hours of instruction every 4 years on evidence-based suicide prevention and awareness, which may include, without limitation, instruction concerning:

- (a) The skills and knowledge that the licensee needs to detect behaviors that may lead to suicide, including, without limitation, post-traumatic stress disorder;
- (b) Approaches to engaging other professionals in suicide intervention; and
- (c) The detection of suicidal thoughts and ideations and the prevention of suicide.

7. The Board shall encourage each holder of a license to practice medicine or as a physician assistant to receive, as a portion of his or her continuing education, training and education in the diagnosis of rare diseases, including, without limitation:

- (a) Recognizing the symptoms of pediatric cancer; and
- (b) Interpreting family history to determine whether such symptoms indicate a normal childhood illness or a condition that requires additional examination.

8. A holder of a license to practice medicine may not substitute the continuing education credits relating to suicide prevention and awareness required by this section for the purposes of satisfying an equivalent requirement for continuing education in ethics.

9. Except as otherwise provided in NRS 630.2535, a holder of a license to practice medicine may substitute not more than 2 hours of continuing education credits in pain management, care for persons with an addictive disorder or the screening, brief intervention and referral to treatment approach to substance use disorder for the purposes of satisfying an equivalent requirement for continuing education in ethics.

10. As used in this section:

- (a) "Act of terrorism" has the meaning ascribed to it in NRS 202.4415.
- (b) "Biological agent" has the meaning ascribed to it in NRS 202.442.
- (c) "Chemical agent" has the meaning ascribed to it in NRS 202.4425.
- (d) *"Primary care" means the practice of family medicine, pediatrics, internal medicine, obstetrics and gynecology and midwifery.*
- (e) "Radioactive agent" has the meaning ascribed to it in NRS 202.4437.
- ~~{(e)}~~ (f) "Weapon of mass destruction" has the meaning ascribed to it in NRS 202.4445.

Sec. 29. NRS 632.343 is hereby amended to read as follows:

632.343 1. The Board shall not renew any license issued under this chapter until the licensee has submitted proof satisfactory to the Board of completion, during the 2-year period before renewal of the license, of 30 hours in a program of continuing education approved by the Board in accordance with regulations adopted by the Board. Except as otherwise provided in subsection 3, the licensee is exempt from this provision for the first biennial period after graduation from:

- (a) An accredited school of professional nursing;
- (b) An accredited school of practical nursing;
- (c) An approved school of professional nursing in the process of obtaining accreditation; or
- (d) An approved school of practical nursing in the process of obtaining accreditation.

2. The Board shall review all courses offered to nurses for the completion of the requirement set forth in subsection 1. The Board may approve nursing and other courses which are directly related to the practice of nursing as well as others which bear a reasonable relationship to current developments in the

field of nursing or any special area of practice in which a licensee engages. These may include academic studies, workshops, extension studies, home study and other courses.

3. The program of continuing education required by subsection 1 must include:

(a) For a person licensed as an advanced practice registered nurse:

(1) A course of instruction to be completed within 2 years after initial licensure that provides at least 2 hours of instruction on suicide prevention and awareness as described in subsection 6.

(2) The ability to receive credit toward the total amount of continuing education required by subsection 1 for the completion of a course of instruction relating to genetic counseling and genetic testing.

(b) For each person licensed pursuant to this chapter, a course of instruction, to be completed within 2 years after initial licensure, relating to the medical consequences of an act of terrorism that involves the use of a weapon of mass destruction. The course must provide at least 4 hours of instruction that includes instruction in the following subjects:

(1) An overview of acts of terrorism and weapons of mass destruction;

(2) Personal protective equipment required for acts of terrorism;

(3) Common symptoms and methods of treatment associated with exposure to, or injuries caused by, chemical, biological, radioactive and nuclear agents;

(4) Syndromic surveillance and reporting procedures for acts of terrorism that involve biological agents; and

(5) An overview of the information available on, and the use of, the Health Alert Network.

(c) For each person licensed pursuant to this chapter, one or more courses of instruction that provide at least 2 hours of instruction relating to cultural competency and diversity, equity and inclusion to be completed biennially. Such instruction:

(1) May include the training provided pursuant to NRS 449.103, where applicable.

(2) Must be based upon a range of research from diverse sources.

(3) Must address persons of different cultural backgrounds, including, without limitation:

(I) Persons from various gender, racial and ethnic backgrounds;

(II) Persons from various religious backgrounds;

(III) Lesbian, gay, bisexual, transgender and questioning persons;

(IV) Children and senior citizens;

(V) Veterans;

(VI) Persons with a mental illness;

(VII) Persons with an intellectual disability, developmental disability or physical disability; and

(VIII) Persons who are part of any other population that a person licensed pursuant to this chapter may need to better understand, as determined by the Board.

(d) For a person licensed as an advanced practice registered nurse, at least 2 hours of training in the screening, brief intervention and referral to treatment approach to substance use disorder to be completed within 2 years after initial licensure.

(e) For each person licensed pursuant to this chapter who provides or supervises the provision of emergency medical services in a hospital or primary care, at least 2 hours of training in the stigma, discrimination and unrecognized bias toward persons who have acquired or are at a high risk of acquiring human immunodeficiency virus to be completed within 2 years after beginning to provide or supervise the provision of such services or care.

4. The Board may determine whether to include in a program of continuing education courses of instruction relating to the medical consequences of an act of terrorism that involves the use of a weapon of mass destruction in addition to the course of instruction required by paragraph (b) of subsection 3.

5. The Board shall encourage each licensee who treats or cares for persons who are more than 60 years of age to receive, as a portion of their continuing education, education in geriatrics and gerontology, including such topics as:

- (a) The skills and knowledge that the licensee needs to address aging issues;
- (b) Approaches to providing health care to older persons, including both didactic and clinical approaches;
- (c) The biological, behavioral, social and emotional aspects of the aging process; and
- (d) The importance of maintenance of function and independence for older persons.

6. The Board shall require each person licensed as an advanced practice registered nurse to receive as a portion of his or her continuing education at least 2 hours of instruction every 4 years on evidence-based suicide prevention and awareness or another course of instruction on suicide prevention and awareness that is approved by the Board which the Board has determined to be effective and appropriate.

7. The Board shall encourage each person licensed as an advanced practice registered nurse to receive, as a portion of his or her continuing education, training and education in the diagnosis of rare diseases, including, without limitation:

- (a) Recognizing the symptoms of pediatric cancer; and
- (b) Interpreting family history to determine whether such symptoms indicate a normal childhood illness or a condition that requires additional examination.

8. As used in this section:

- (a) "Act of terrorism" has the meaning ascribed to it in NRS 202.4415.
- (b) "Biological agent" has the meaning ascribed to it in NRS 202.442.

(c) "Chemical agent" has the meaning ascribed to it in NRS 202.4425.

(d) *"Primary care" means the practice of family medicine, pediatrics, internal medicine, obstetrics and gynecology and midwifery.*

(e) "Radioactive agent" has the meaning ascribed to it in NRS 202.4437.

~~[(e)]~~ (f) "Weapon of mass destruction" has the meaning ascribed to it in NRS 202.4445.

Sec. 30. NRS 633.471 is hereby amended to read as follows:

633.471 1. Except as otherwise provided in subsection ~~14~~ 15 and NRS 633.491, every holder of a license, except a physician assistant, issued under this chapter, except a temporary or a special license, may renew the license on or before January 1 of each calendar year after its issuance by:

(a) Applying for renewal on forms provided by the Board;

(b) Paying the annual license renewal fee specified in this chapter;

(c) Submitting a list of all actions filed or claims submitted to arbitration or mediation for malpractice or negligence against the holder during the previous year;

(d) Subject to subsection ~~13,~~ 14, submitting evidence to the Board that in the year preceding the application for renewal the holder has attended courses or programs of continuing education approved by the Board in accordance with regulations adopted by the Board totaling a number of hours established by the Board which must not be less than 35 hours nor more than that set in the requirements for continuing medical education of the American Osteopathic Association; and

(e) Submitting all information required to complete the renewal.

2. The Secretary of the Board shall notify each licensee of the requirements for renewal not less than 30 days before the date of renewal.

3. The Board shall request submission of verified evidence of completion of the required number of hours of continuing medical education annually from no fewer than one-third of the applicants for renewal of a license to practice osteopathic medicine or a license to practice as a physician assistant. Subject to subsection ~~13,~~ 14, upon a request from the Board, an applicant for renewal of a license to practice osteopathic medicine or a license to practice as a physician assistant shall submit verified evidence satisfactory to the Board that in the year preceding the application for renewal the applicant attended courses or programs of continuing medical education approved by the Board totaling the number of hours established by the Board.

4. The Board shall require each holder of a license to practice osteopathic medicine to complete a course of instruction within 2 years after initial licensure that provides at least 2 hours of instruction on evidence-based suicide prevention and awareness as described in subsection 9.

5. The Board shall encourage each holder of a license to practice osteopathic medicine to receive, as a portion of his or her continuing education, training concerning methods for educating patients about how to effectively manage medications, including, without limitation, the ability of the patient to

request to have the symptom or purpose for which a drug is prescribed included on the label attached to the container of the drug.

6. The Board shall encourage each holder of a license to practice osteopathic medicine or as a physician assistant to receive, as a portion of his or her continuing education, training and education in the diagnosis of rare diseases, including, without limitation:

(a) Recognizing the symptoms of pediatric cancer; and

(b) Interpreting family history to determine whether such symptoms indicate a normal childhood illness or a condition that requires additional examination.

7. The Board shall require, as part of the continuing education requirements approved by the Board, the biennial completion by a holder of a license to practice osteopathic medicine of at least 2 hours of continuing education credits in ethics, pain management, care of persons with addictive disorders or the screening, brief intervention and referral to treatment approach to substance use disorder.

8. The continuing education requirements approved by the Board must allow the holder of a license as an osteopathic physician or physician assistant to receive credit toward the total amount of continuing education required by the Board for the completion of a course of instruction relating to genetic counseling and genetic testing.

9. The Board shall require each holder of a license to practice osteopathic medicine to receive as a portion of his or her continuing education at least 2 hours of instruction every 4 years on evidence-based suicide prevention and awareness which may include, without limitation, instruction concerning:

(a) The skills and knowledge that the licensee needs to detect behaviors that may lead to suicide, including, without limitation, post-traumatic stress disorder;

(b) Approaches to engaging other professionals in suicide intervention; and

(c) The detection of suicidal thoughts and ideations and the prevention of suicide.

10. A holder of a license to practice osteopathic medicine may not substitute the continuing education credits relating to suicide prevention and awareness required by this section for the purposes of satisfying an equivalent requirement for continuing education in ethics.

11. The Board shall require each holder of a license to practice osteopathic medicine to complete at least 2 hours of training in the screening, brief intervention and referral to treatment approach to substance use disorder within 2 years after initial licensure.

12. The Board shall require each psychiatrist or a physician assistant practicing under the supervision of a psychiatrist to biennially complete one or more courses of instruction that provide at least 2 hours of instruction relating to cultural competency and diversity, equity and inclusion. Such instruction:

(a) May include the training provided pursuant to NRS 449.103, where applicable.

(b) Must be based upon a range of research from diverse sources.

(c) Must address persons of different cultural backgrounds, including, without limitation:

- (1) Persons from various gender, racial and ethnic backgrounds;
- (2) Persons from various religious backgrounds;
- (3) Lesbian, gay, bisexual, transgender and questioning persons;
- (4) Children and senior citizens;
- (5) Veterans;
- (6) Persons with a mental illness;
- (7) Persons with an intellectual disability, developmental disability or physical disability; and
- (8) Persons who are part of any other population that a psychiatrist or physician assistant practicing under the supervision of a psychiatrist may need to better understand, as determined by the Board.

13. *The Board shall require each holder of a license to practice osteopathic medicine or as a physician assistant who provides or supervises the provision of emergency medical services in a hospital or primary care to complete at least 2 hours of training in the stigma, discrimination and unrecognized bias toward persons who have acquired or are at a high risk of acquiring human immunodeficiency virus within 2 years after beginning to provide or supervise the provision of such services or care.*

14. The Board shall not require a physician assistant to receive or maintain certification by the National Commission on Certification of Physician Assistants, or its successor organization, or by any other nationally recognized organization for the accreditation of physician assistants to satisfy any continuing education requirement pursuant to paragraph (d) of subsection 1 and subsection 3.

~~{14.}~~ 15. Members of the Armed Forces of the United States and the United States Public Health Service are exempt from payment of the annual license renewal fee during their active duty status.

16. *As used in this section, "primary care" means the practice of family medicine, pediatrics, internal medicine, obstetrics and gynecology and midwifery.*

Sec. 31. NRS 687B.225 is hereby amended to read as follows:

687B.225 1. Except as otherwise provided in NRS 689A.0405, 689A.0412, 689A.0413, 689A.0437, 689A.044, 689A.0445, 689B.031, 689B.0312, 689B.0313, 689B.0315, 689B.0317, 689B.0374, 689C.1671, 689C.1675, 695A.1843, 695A.1856, 695B.1912, 695B.1913, 695B.1914, 695B.1924, 695B.1925, 695B.1942, 695C.1713, 695C.1735, 695C.1737, 695C.1743, 695C.1745, 695C.1751, 695G.170, 695G.1705, 695G.171, 695G.1714 and 695G.177, *and sections 33, 41, 46, 54, 59, 64 and 71 of this act*, any contract for group, blanket or individual health insurance or any contract by a nonprofit hospital, medical or dental service corporation or organization for dental care which provides for payment of a certain part of medical or dental care may require the insured or member to obtain prior

authorization for that care from the insurer or organization. The insurer or organization shall:

(a) File its procedure for obtaining approval of care pursuant to this section for approval by the Commissioner; and

(b) Respond to any request for approval by the insured or member pursuant to this section within 20 days after it receives the request.

2. The procedure for prior authorization may not discriminate among persons licensed to provide the covered care.

Sec. 32. Chapter 689A of NRS is hereby amended by adding thereto the provisions set forth as sections 33, 34 and 35 of this act.

Sec. 33. 1. *An insurer that offers or issues a policy of health insurance shall include in the policy coverage for:*

(a) *All drugs approved by the United States Food and Drug Administration to:*

(1) *Provide medication-assisted treatment for opioid use disorder, including, without limitation, buprenorphine, methadone and naltrexone.*

(2) *Support safe withdrawal from substance use disorder, including, without limitation, lofexidine.*

(b) *Any service for the treatment of substance use disorder provided by a provider of primary care if the service is covered when provided by a specialist and:*

(1) *The service is within the scope of practice of the provider of primary care; or*

(2) *The provider of primary care is capable of providing the service safely and effectively in consultation with a specialist and the provider engages in such consultation.*

2. *An insurer shall provide the coverage required by paragraph (a) of subsection 1 regardless of whether the drug is included in the formulary of the insurer.*

3. *An insurer shall not:*

(a) *Subject the benefits required by paragraph (a) of subsection 1 to medical management techniques, other than step therapy;*

(b) *Limit the covered amount of a drug described in paragraph (a) of subsection 1; or*

(c) *Refuse to cover a drug described in paragraph (a) of subsection 1 because the drug is dispensed by a pharmacy through mail order service.*

4. *An insurer shall ensure that the benefits required by subsection 1 are made available to an insured through a provider of health care who participates in the network plan of the insurer.*

5. *A policy of health insurance subject to the provisions of this chapter that is delivered, issued for delivery or renewed on or after January 1, 2024, has the legal effect of including the coverage required by subsection 1, and any provision of the policy that conflicts with the provisions of this section is void.*

6. *As used in this section:*

(a) "Medical management technique" means a practice which is used to control the cost or use of health care services or prescription drugs. The term includes, without limitation, the use of step therapy, prior authorization and categorizing drugs and devices based on cost, type or method of administration.

(b) "Network plan" means a policy of health insurance offered by an insurer under which the financing and delivery of medical care, including items and services paid for as medical care, are provided, in whole or in part, through a defined set of providers under contract with the insurer. The term does not include an arrangement for the financing of premiums.

(c) "Primary care" means the practice of family medicine, pediatrics, internal medicine, obstetrics and gynecology and midwifery.

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

Sec. 34. 1. An insurer that offers or issues a policy of health insurance shall include in the policy:

(a) Coverage of testing for and the treatment and prevention of sexually transmitted diseases, including, without limitation, *Chlamydia trachomatis*, gonorrhea, syphilis, human immunodeficiency virus and hepatitis B and C, for all insureds, regardless of age. Such coverage must include, without limitation, the coverage required by NRS 689A.0412 and 689A.0437.

(b) Unrestricted coverage of condoms for insureds who are 13 years of age or older.

2. A policy of health insurance subject to the provisions of this chapter that is delivered, issued for delivery or renewed on or after January 1, 2024, has the legal effect of including the coverage required by subsection 1, and any provision of the policy that conflicts with the provisions of this section is void.

Sec. 35. (Deleted by amendment.)

Sec. 36. NRS 689A.030 is hereby amended to read as follows:

689A.030 A policy of health insurance must not be delivered or issued for delivery to any person in this State unless it otherwise complies with this Code, and complies with the following:

1. The entire money and other considerations for the policy must be expressed therein.

2. The time when the insurance takes effect and terminates must be expressed therein.

3. It must purport to insure only one person, except that a policy may insure, originally or by subsequent amendment, upon the application of an adult member of a family, who shall be deemed the policyholder, any two or more eligible members of that family, including the husband, wife, domestic partner as defined in NRS 122A.030, dependent children, from the time of birth, adoption or placement for the purpose of adoption as provided in NRS 689A.043, or any child on or before the last day of the month in which

the child attains 26 years of age, and any other person dependent upon the policyholder.

4. The style, arrangement and overall appearance of the policy must not give undue prominence to any portion of the text, and every printed portion of the text of the policy and of any endorsements or attached papers must be plainly printed in light-faced type of a style in general use, the size of which must be uniform and not less than 10 points with a lowercase unspaced alphabet length not less than 120 points. "Text" includes all printed matter except the name and address of the insurer, the name or the title of the policy, the brief description, if any, and captions and subcaptions.

5. The exceptions and reductions of indemnity must be set forth in the policy and, other than those contained in NRS 689A.050 to 689A.290, inclusive, must be printed, at the insurer's option, with the benefit provision to which they apply or under an appropriate caption such as "Exceptions" or "Exceptions and Reductions," except that if an exception or reduction specifically applies only to a particular benefit of the policy, a statement of that exception or reduction must be included with the benefit provision to which it applies.

6. Each such form, including riders and endorsements, must be identified by a number in the lower left-hand corner of the first page thereof.

7. The policy must not contain any provision purporting to make any portion of the charter, rules, constitution or bylaws of the insurer a part of the policy unless that portion is set forth in full in the policy, except in the case of the incorporation of or reference to a statement of rates or classification of risks, or short-rate table filed with the Commissioner.

8. The policy must provide benefits for expense arising from care at home or health supportive services if that care or service was prescribed by a physician and would have been covered by the policy if performed in a medical facility or facility for the dependent as defined in chapter 449 of NRS.

9. ~~The~~ *Except as otherwise provided in this subsection, the policy must provide* ~~at the option of the applicant,~~ *benefits for expenses incurred for the treatment of alcohol or substance use disorder . ~~unless~~ *Except for the benefits required by section 34 of this act, such benefits must be provided:**

(a) *At the option of the applicant; and*

(b) *Unless the policy provides coverage only for a specified disease or provides for the payment of a specific amount of money if the insured is hospitalized or receiving health care in his or her home.*

10. The policy must provide benefits for expense arising from hospice care.

Sec. 37. NRS 689A.0437 is hereby amended to read as follows:

689A.0437 1. An insurer that offers or issues a policy of health insurance shall include in the policy coverage for:

(a) ~~Drugs~~ *All drugs* approved by the United States Food and Drug Administration for preventing the acquisition of human immunodeficiency virus ~~or~~ *or treating human immunodeficiency virus or hepatitis C in the form*

recommended by the prescribing practitioner, regardless of whether the drug is included in the formulary of the insurer;

(b) Laboratory testing that is necessary for therapy that uses ~~such~~ a drug ~~to~~ to prevent the acquisition of human immunodeficiency virus;

(c) Any service to test for, prevent or treat human immunodeficiency virus or hepatitis C provided by a provider of primary care if the service is covered when provided by a specialist and:

(1) The service is within the scope of practice of the provider of primary care; or

(2) The provider of primary care is capable of providing the service safely and effectively in consultation with a specialist and the provider engages in such consultation; and

~~{{e}}~~ *(d) The services described in NRS 639.28085, when provided by a pharmacist who participates in the network plan of the insurer.*

2. An insurer that offers or issues a policy of health insurance shall reimburse ~~at~~ :

(a) A pharmacist who participates in the network plan of the insurer for the services described in NRS 639.28085 at a rate equal to the rate of reimbursement provided to a physician, physician assistant or advanced practice registered nurse for similar services.

(b) An advanced practice registered nurse or a physician assistant who participates in the network plan of the insurer for any service to test for, prevent or treat human immunodeficiency virus or hepatitis C at a rate equal to the rate of reimbursement provided to a physician for similar services.

3. An insurer ~~may subject~~ shall not:

(a) Subject the benefits required by subsection 1 to ~~reasonable~~ medical management techniques ~~to~~, other than step therapy;

(b) Limit the covered amount of a drug described in paragraph (a) of subsection 1;

(c) Refuse to cover a drug described in paragraph (a) of subsection 1 because the drug is dispensed by a pharmacy through mail order service; or

(d) Prohibit or restrict access to any service or drug to treat human immunodeficiency virus or hepatitis C on the same day on which the insured is diagnosed.

4. An insurer shall ensure that the benefits required by subsection 1 are made available to an insured through a provider of health care who participates in the network plan of the insurer.

5. A policy of health insurance subject to the provisions of this chapter that is delivered, issued for delivery or renewed on or after ~~October~~ January 1, ~~2021~~, 2024, has the legal effect of including the coverage required by subsection 1, and any provision of the policy that conflicts with the provisions of this section is void.

6. As used in this section:

(a) "Medical management technique" means a practice which is used to control the cost or use of health care services or prescription drugs. The term

includes, without limitation, the use of step therapy, prior authorization and categorizing drugs and devices based on cost, type or method of administration.

(b) "Network plan" means a policy of health insurance offered by an insurer under which the financing and delivery of medical care, including items and services paid for as medical care, are provided, in whole or in part, through a defined set of providers under contract with the insurer. The term does not include an arrangement for the financing of premiums.

(c) *"Primary care" means the practice of family medicine, pediatrics, internal medicine, obstetrics and gynecology and midwifery.*

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

Sec. 38. NRS 689A.046 is hereby amended to read as follows:

689A.046 1. ~~[(The)]~~ *In addition to the benefits required by section 33 of this act, the benefits provided by a policy for health insurance for treatment of alcohol or substance use disorder must ~~[consist of]~~ include, without limitation:*

(a) Treatment for withdrawal from the physiological effect of alcohol or drugs, with a minimum benefit of \$1,500 per calendar year.

(b) Treatment for a patient admitted to a facility, with a minimum benefit of \$9,000 per calendar year.

(c) Counseling for a person, group or family who is not admitted to a facility, with a minimum benefit of \$2,500 per calendar year.

2. Except as otherwise provided in NRS 687B.409, these benefits must be paid in the same manner as benefits for any other illness covered by a similar policy are paid.

3. The insured person is entitled to these benefits if treatment is received in any:

(a) Facility for the treatment of alcohol or substance use disorder which is certified by the Division of Public and Behavioral Health of the Department of Health and Human Services.

(b) Hospital or other medical facility or facility for the dependent which is licensed by the Division of Public and Behavioral Health of the Department of Health and Human Services, accredited by The Joint Commission or CARF International and provides a program for the treatment of alcohol or substance use disorder as part of its accredited activities.

Sec. 39. NRS 689A.330 is hereby amended to read as follows:

689A.330 If any policy is issued by a domestic insurer for delivery to a person residing in another state, and if the insurance commissioner or corresponding public officer of that other state has informed the Commissioner that the policy is not subject to approval or disapproval by that officer, the Commissioner may by ruling require that the policy meet the standards set forth in NRS 689A.030 to 689A.320, inclusive ~~[-]~~, *and sections 33 and 34 of this act.*

Sec. 40. Chapter 689B of NRS is hereby amended by adding thereto the provisions set forth as sections 41, 42 and 43 of this act.

Sec. 41. 1. *An insurer that offers or issues a policy of group health insurance shall include in the policy coverage for:*

(a) All drugs approved by the United States Food and Drug Administration to:

(1) Provide medication-assisted treatment for opioid use disorder, including, without limitation, buprenorphine, methadone and naltrexone.

(2) Support safe withdrawal from substance use disorder, including, without limitation, lofexidine.

(b) Any service for the treatment of substance use disorder provided by a provider of primary care if the service is covered when provided by a specialist and:

(1) The service is within the scope of practice of the provider of primary care; or

(2) The provider of primary care is capable of providing the service safely and effectively in consultation with a specialist and the provider engages in such consultation.

2. *An insurer shall provide the coverage required by paragraph (a) of subsection 1 regardless of whether the drug is included in the formulary of the insurer.*

3. *An insurer shall not:*

(a) Subject the benefits required by paragraph (a) of subsection 1 to medical management techniques, other than step therapy;

(b) Limit the covered amount of a drug described in paragraph (a) of subsection 1; or

(c) Refuse to cover a drug described in paragraph (a) of subsection 1 because the drug is dispensed by a pharmacy through mail order service.

4. *An insurer shall ensure that the benefits required by subsection 1 are made available to an insured through a provider of health care who participates in the network plan of the insurer.*

5. *A policy of group health insurance subject to the provisions of this chapter that is delivered, issued for delivery or renewed on or after January 1, 2024, has the legal effect of including the coverage required by subsection 1, and any provision of the policy that conflicts with the provisions of this section is void.*

6. *As used in this section:*

(a) "Medical management technique" means a practice which is used to control the cost or use of health care services or prescription drugs. The term includes, without limitation, the use of step therapy, prior authorization and categorizing drugs and devices based on cost, type or method of administration.

(b) "Network plan" means a policy of group health insurance offered by an insurer under which the financing and delivery of medical care, including items and services paid for as medical care, are provided, in whole or in part, through a defined set of providers under contract with the insurer. The term does not include an arrangement for the financing of premiums.

(c) "Primary care" means the practice of family medicine, pediatrics, internal medicine, obstetrics and gynecology and midwifery.

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

Sec. 42. 1. An insurer that offers or issues a policy of group health insurance shall include in the policy:

(a) Coverage of testing for and the treatment of and prevention of sexually transmitted diseases, including, without limitation, *Chlamydia trachomatis*, gonorrhea, syphilis, human immunodeficiency virus and hepatitis B and C, for all insureds, regardless of age. Such coverage must include, without limitation, the coverage required by NRS 689B.0312 and 689B.0315.

(b) Unrestricted coverage of condoms for insureds who are 13 years of age or older.

2. A policy of group health insurance subject to the provisions of this chapter that is delivered, issued for delivery or renewed on or after January 1, 2024, has the legal effect of including the coverage required by subsection 1, and any provision of the policy that conflicts with the provisions of this section is void.

Sec. 43. (Deleted by amendment.)

Sec. 44. NRS 689B.0312 is hereby amended to read as follows:

689B.0312 1. An insurer that offers or issues a policy of group health insurance shall include in the policy coverage for:

(a) ~~{Drugs}~~ All drugs approved by the United States Food and Drug Administration for preventing the acquisition of human immunodeficiency virus ~~{;}~~ or treating human immunodeficiency virus or hepatitis C in the form recommended by the prescribing practitioner, regardless of whether the drug is included in the formulary of the insurer;

(b) Laboratory testing that is necessary for therapy that uses ~~{such}~~ a drug ~~{;}~~ to prevent the acquisition of human immunodeficiency virus;

(c) Any service to test for, prevent or treat human immunodeficiency virus or hepatitis C provided by a provider of primary care if the service is covered when provided by a specialist and:

(1) The service is within the scope of practice of the provider of primary care; or

(2) The provider of primary care is capable of providing the service safely and effectively in consultation with a specialist and the provider engages in such consultation; and

~~{(c)}~~ (d) The services described in NRS 639.28085, when provided by a pharmacist who participates in the network plan of the insurer.

2. An insurer that offers or issues a policy of group health insurance shall reimburse ~~{a}~~ :

(a) A pharmacist who participates in the network plan of the insurer for the services described in NRS 639.28085 at a rate equal to the rate of reimbursement provided to a physician, physician assistant or advanced practice registered nurse for similar services.

(b) *An advanced practice registered nurse or a physician assistant who participates in the network plan of the insurer for any service to test for, prevent or treat human immunodeficiency virus or hepatitis C at a rate equal to the rate of reimbursement provided to a physician for similar services.*

3. An insurer ~~may subject~~ shall not:

(a) *Subject the benefits required by subsection 1 to ~~reasonable~~ medical management techniques ~~[-]~~, other than step therapy;*

(b) *Limit the covered amount of a drug described in paragraph (a) of subsection 1;*

(c) *Refuse to cover a drug described in paragraph (a) of subsection 1 because the drug is dispensed by a pharmacy through mail order service; or*

(d) *Prohibit or restrict access to any service or drug to treat human immunodeficiency virus or hepatitis C on the same day on which the insured is diagnosed.*

4. An insurer shall ensure that the benefits required by subsection 1 are made available to an insured through a provider of health care who participates in the network plan of the insurer.

5. A policy of group health insurance subject to the provisions of this chapter that is delivered, issued for delivery or renewed on or after ~~October~~ January 1, ~~2021,~~ 2024, has the legal effect of including the coverage required by subsection 1, and any provision of the policy that conflicts with the provisions of this section is void.

6. As used in this section:

(a) "Medical management technique" means a practice which is used to control the cost or use of health care services or prescription drugs. The term includes, without limitation, the use of step therapy, prior authorization and categorizing drugs and devices based on cost, type or method of administration.

(b) "Network plan" means a policy of group health insurance offered by an insurer under which the financing and delivery of medical care, including items and services paid for as medical care, are provided, in whole or in part, through a defined set of providers under contract with the insurer. The term does not include an arrangement for the financing of premiums.

(c) "Primary care" means the practice of family medicine, pediatrics, internal medicine, obstetrics and gynecology and midwifery.

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

Sec. 45. Chapter 689C of NRS is hereby amended by adding thereto the provisions set forth as sections 46, 47 and 48 of this act.

Sec. 46. 1. A carrier that offers or issues a health benefit plan shall include in the plan coverage for:

(a) All drugs approved by the United States Food and Drug Administration to:

(1) Provide medication-assisted treatment for opioid use disorder, including, without limitation, buprenorphine, methadone and naltrexone.

(2) Support safe withdrawal from substance use disorder, including, without limitation, lofexidine.

(b) Any service for the treatment of substance use disorder provided by a provider of primary care if the service is covered when provided by a specialist and:

(1) The service is within the scope of practice of the provider of primary care; or

(2) The provider of primary care is capable of providing the service safely and effectively in consultation with a specialist and the provider engages in such consultation.

2. A carrier shall provide the coverage required by paragraph (a) of subsection 1 regardless of whether the drug is included in the formulary of the carrier.

3. A carrier shall not:

(a) Subject the benefits required by paragraph (a) of subsection 1 to medical management techniques, other than step therapy;

(b) Limit the covered amount of a drug described in paragraph (a) of subsection 1; or

(c) Refuse to cover a drug described in paragraph (a) of subsection 1 because the drug is dispensed by a pharmacy through mail order service.

4. A carrier shall ensure that the benefits required by subsection 1 are made available to an insured through a provider of health care who participates in the network plan of the carrier.

5. A health benefit plan subject to the provisions of this chapter that is delivered, issued for delivery or renewed on or after January 1, 2024, has the legal effect of including the coverage required by subsection 1, and any provision of the plan that conflicts with the provisions of this section is void.

6. As used in this section:

(a) "Medical management technique" means a practice which is used to control the cost or use of health care services or prescription drugs. The term includes, without limitation, the use of step therapy, prior authorization and categorizing drugs and devices based on cost, type or method of administration.

(b) "Network plan" means a health benefit plan offered by a carrier under which the financing and delivery of medical care, including items and services paid for as medical care, are provided, in whole or in part, through a defined set of providers under contract with the carrier. The term does not include an arrangement for the financing of premiums.

(c) "Primary care" means the practice of family medicine, pediatrics, internal medicine, obstetrics and gynecology and midwifery.

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

Sec. 47. 1. A carrier that offers or issues a health benefit plan shall include in the plan:

(a) Coverage of testing for and the treatment and prevention of sexually transmitted diseases, including, without limitation, Chlamydia trachomatis, gonorrhea, syphilis, human immunodeficiency virus and hepatitis B and C, for all insureds, regardless of age. Such coverage must include, without limitation, the coverage required by NRS 689C.1671 and 689C.1675.

(b) Unrestricted coverage of condoms for insureds who are 13 years of age or older.

2. A health benefit plan subject to the provisions of this chapter that is delivered, issued for delivery or renewed on or after January 1, 2024, has the legal effect of including the coverage required by subsection 1, and any provision of the plan that conflicts with the provisions of this section is void.

Sec. 48. (Deleted by amendment.)

Sec. 49. NRS 689C.166 is hereby amended to read as follows:

689C.166 Each group health insurance policy must contain in substance a provision for benefits payable for expenses incurred for the treatment of alcohol or substance use disorder, as provided in NRS 689C.167 ~~[-]~~ and section 46 of this act.

Sec. 50. NRS 689C.167 is hereby amended to read as follows:

689C.167 1. ~~[The]~~ In addition to the benefits required by section 46 of this act, the benefits provided by a group policy for health insurance, as required by NRS 689C.166, for the treatment of alcohol or substance use disorders must ~~[consist of:]~~ include, without limitation:

(a) Treatment for withdrawal from the physiological effects of alcohol or drugs, with a minimum benefit of \$1,500 per calendar year.

(b) Treatment for a patient admitted to a facility, with a minimum benefit of \$9,000 per calendar year.

(c) Counseling for a person, group or family who is not admitted to a facility, with a minimum benefit of \$2,500 per calendar year.

2. Except as otherwise provided in NRS 687B.409, these benefits must be paid in the same manner as benefits for any other illness covered by a similar policy are paid.

3. The insured person is entitled to these benefits if treatment is received in any:

(a) Facility for the treatment of alcohol or substance use disorders which is certified by the Division of Public and Behavioral Health of the Department of Health and Human Services.

(b) Hospital or other medical facility or facility for the dependent which is licensed by the Division of Public and Behavioral Health of the Department of Health and Human Services, is accredited by The Joint Commission or CARF International and provides a program for the treatment of alcohol or substance use disorders as part of its accredited activities.

Sec. 51. NRS 689C.1671 is hereby amended to read as follows:

689C.1671 1. A carrier that offers or issues a health benefit plan shall include in the plan coverage for:

(a) ~~{Drugs}~~ All drugs approved by the United States Food and Drug Administration for preventing the acquisition of human immunodeficiency virus ~~{,}~~ or treating human immunodeficiency virus or hepatitis C in the form recommended by the prescribing practitioner, regardless of whether the drug is included in the formulary of the carrier;

(b) Laboratory testing that is necessary for therapy that uses ~~{such}~~ a drug ~~{,}~~ to prevent the acquisition of human immunodeficiency virus;

(c) Any service to test for, prevent or treat human immunodeficiency virus or hepatitis C provided by a provider of primary care if the service is covered when provided by a specialist and:

(1) The service is within the scope of practice of the provider of primary care; or

(2) The provider of primary care is capable of providing the service safely and effectively in consultation with a specialist and the provider engages in such consultation; and

~~{(e)}~~ (d) The services described in NRS 639.28085, when provided by a pharmacist who participates in the health benefit plan of the carrier.

2. A carrier that offers or issues a health benefit plan shall reimburse ~~{a}~~ :

(a) A pharmacist who participates in the health benefit plan of the carrier for the services described in NRS 639.28085 at a rate equal to the rate of reimbursement provided to a physician, physician assistant or advanced practice registered nurse for similar services.

(b) An advanced practice registered nurse or a physician assistant who participates in the network plan of the carrier for any service to test for, prevent or treat human immunodeficiency virus or hepatitis C at a rate equal to the rate of reimbursement provided to a physician for similar services.

3. A carrier ~~{may subject}~~ shall not:

(a) Subject the benefits required by subsection 1 to ~~{reasonable}~~ medical management techniques ~~{,}~~, other than step therapy;

(b) Limit the covered amount of a drug described in paragraph (a) of subsection 1;

(c) Refuse to cover a drug described in paragraph (a) of subsection 1 because the drug is dispensed by a pharmacy through mail order service; or

(d) Prohibit or restrict access to any service or drug to treat human immunodeficiency virus or hepatitis C on the same day on which the insured is diagnosed.

4. A carrier shall ensure that the benefits required by subsection 1 are made available to an insured through a provider of health care who participates in the network plan of the carrier.

5. A health benefit plan subject to the provisions of this chapter that is delivered, issued for delivery or renewed on or after ~~{October}~~ January 1, ~~{2021,}~~ 2024, has the legal effect of including the coverage required by subsection 1, and any provision of the plan that conflicts with the provisions of this section is void.

6. As used in this section:

(a) "Medical management technique" means a practice which is used to control the cost or use of health care services or prescription drugs. The term includes, without limitation, the use of step therapy, prior authorization and categorizing drugs and devices based on cost, type or method of administration.

(b) "Network plan" means a health benefit plan offered by a carrier under which the financing and delivery of medical care, including items and services paid for as medical care, are provided, in whole or in part, through a defined set of providers under contract with the carrier. The term does not include an arrangement for the financing of premiums.

(c) *"Primary care" means the practice of family medicine, pediatrics, internal medicine, obstetrics and gynecology and midwifery.*

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

Sec. 52. NRS 689C.425 is hereby amended to read as follows:

689C.425 A voluntary purchasing group and any contract issued to such a group pursuant to NRS 689C.360 to 689C.600, inclusive, are subject to the provisions of NRS 689C.015 to 689C.355, inclusive, *and sections 46 and 47 of this act* to the extent applicable and not in conflict with the express provisions of NRS 687B.408 and 689C.360 to 689C.600, inclusive.

Sec. 53. Chapter 695A of NRS is hereby amended by adding thereto the provisions set forth as sections 54, 55 and 56 of this act.

Sec. 54. 1. *A society that offers or issues a benefit contract shall include in the contract coverage for:*

(a) *All drugs approved by the United States Food and Drug Administration to:*

(1) Provide medication-assisted treatment for opioid use disorder, including, without limitation, buprenorphine, methadone and naltrexone.

(2) Support safe withdrawal from substance use disorder, including, without limitation, lofexidine.

(b) Any service for the treatment of substance use disorder provided by a provider of primary care if the service is covered when provided by a specialist and:

(1) The service is within the scope of practice of the provider of primary care; or

(2) The provider of primary care is capable of providing the service safely and effectively in consultation with a specialist and the provider engages in such consultation.

2. *A society shall provide the coverage required by paragraph (a) of subsection 1 regardless of whether the drug is included in the formulary of the society.*

3. *A society shall not:*

(a) Subject the benefits required by paragraph (a) of subsection 1 to medical management techniques, other than step therapy;

(b) Limit the covered amount of a drug described in paragraph (a) of subsection 1; or

(c) Refuse to cover a drug described in paragraph (a) of subsection 1 because the drug is dispensed by a pharmacy through mail order service.

4. A society shall ensure that the benefits required by subsection 1 are made available to an insured through a provider of health care who participates in the network plan of the society.

5. A benefit contract subject to the provisions of this chapter that is delivered, issued for delivery or renewed on or after January 1, 2024, has the legal effect of including the coverage required by subsection 1, and any provision of the contract that conflicts with the provisions of this section is void.

6. As used in this section:

(a) "Medical management technique" means a practice which is used to control the cost or use of health care services or prescription drugs. The term includes, without limitation, the use of step therapy, prior authorization and categorizing drugs and devices based on cost, type or method of administration.

(b) "Network plan" means a benefit contract offered by a society under which the financing and delivery of medical care, including items and services paid for as medical care, are provided, in whole or in part, through a defined set of providers under contract with the society. The term does not include an arrangement for the financing of premiums.

(c) "Primary care" means the practice of family medicine, pediatrics, internal medicine, obstetrics and gynecology and midwifery.

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

Sec. 55. 1. A society that offers or issues a benefit contract shall include in the contract:

(a) Coverage of testing for and the treatment and prevention of sexually transmitted diseases, including, without limitation, *Chlamydia trachomatis*, gonorrhea, syphilis, human immunodeficiency virus and hepatitis B and C, for all insureds, regardless of age. Such coverage must include, without limitation, the coverage required by NRS 695A.1843 and 695A.1856.

(b) Unrestricted coverage of condoms for insureds who are 13 years of age or older.

2. A benefit contract subject to the provisions of this chapter that is delivered, issued for delivery or renewed on or after January 1, 2024, has the legal effect of including the coverage required by subsection 1, and any provision of the contract that conflicts with the provisions of this section is void.

Sec. 56. (Deleted by amendment.)

Sec. 57. NRS 695A.1843 is hereby amended to read as follows:

695A.1843 1. A society that offers or issues a benefit contract shall include in the benefit coverage for:

(a) ~~Drugs~~ All approved by the United States Food and Drug Administration for preventing the acquisition of human immunodeficiency

virus ~~[-]~~ or treating human immunodeficiency virus or hepatitis C in the form recommended by the prescribing practitioner, regardless of whether the drug is included in the formulary of the society;

(b) Laboratory testing that is necessary for therapy that uses ~~[-]~~ a drug ~~[-]~~ to prevent the acquisition of human immunodeficiency virus;

(c) Any service to test for, prevent or treat human immunodeficiency virus or hepatitis C provided by a provider of primary care if the service is covered when provided by a specialist and:

(1) The service is within the scope of practice of the provider of primary care; or

(2) The provider of primary care is capable of providing the service safely and effectively in consultation with a specialist and the provider engages in such consultation; and

~~[-]~~ (d) The services described in NRS 639.28085, when provided by a pharmacist who participates in the network plan of the society.

2. A society that offers or issues a benefit contract shall reimburse ~~[-]~~ :

(a) A pharmacist who participates in the network plan of the society for the services described in NRS 639.28085 at a rate equal to the rate of reimbursement provided to a physician, physician assistant or advanced practice registered nurse for similar services.

(b) An advanced practice registered nurse or a physician assistant who participates in the network plan of the society for any service to test for, prevent or treat human immunodeficiency virus or hepatitis C at a rate equal to the rate of reimbursement provided to a physician for similar services.

3. A society ~~may subject~~ shall not:

(a) Subject the benefits required by subsection 1 to ~~reasonable~~ medical management techniques ~~[-]~~, other than step therapy;

(b) Limit the covered amount of a drug described in paragraph (a) of subsection 1;

(c) Refuse to cover a drug described in paragraph (a) of subsection 1 because the drug is dispensed by a pharmacy through mail order service; or

(d) Prohibit or restrict access to any service or drug to treat human immunodeficiency virus or hepatitis C on the same day on which the insured is diagnosed.

4. A society shall ensure that the benefits required by subsection 1 are made available to an insured through a provider of health care who participates in the network plan of the society.

5. A benefit contract subject to the provisions of this chapter that is delivered, issued for delivery or renewed on or after ~~October~~ January 1, ~~2021,~~ 2024, has the legal effect of including the coverage required by subsection 1, and any provision of the plan that conflicts with the provisions of this section is void.

6. As used in this section:

(a) "Medical management technique" means a practice which is used to control the cost or use of health care services or prescription drugs. The term

includes, without limitation, the use of step therapy, prior authorization and categorizing drugs and devices based on cost, type or method of administration.

(b) "Network plan" means a 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) "Primary care" means the practice of family medicine, pediatrics, internal medicine, obstetrics and gynecology and midwifery.

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

Sec. 58. Chapter 695B of NRS is hereby amended by adding thereto the provisions set forth as sections 59, 60 and 61 of this act.

Sec. 59. 1. A hospital or medical services corporation that offers or issues a policy of health insurance shall include in the policy coverage for:

(a) All drugs approved by the United States Food and Drug Administration to:

(1) Provide medication-assisted treatment for opioid use disorder, including, without limitation, buprenorphine, methadone and naltrexone.

(2) Support safe withdrawal from substance use disorder, including, without limitation, lofexidine.

(b) Any service for the treatment of substance use disorder provided by a provider of primary care if the service is covered when provided by a specialist and:

(1) The service is within the scope of practice of the provider of primary care; or

(2) The provider of primary care is capable of providing the service safely and effectively in consultation with a specialist and the provider engages in such consultation.

2. A hospital or medical services corporation shall provide the coverage required by paragraph (a) of subsection 1 regardless of whether the drug is included in the formulary of the hospital or medical services corporation.

3. A hospital or medical services corporation shall not:

(a) Subject the benefits required by paragraph (a) of subsection 1 to medical management techniques, other than step therapy;

(b) Limit the covered amount of a drug described in paragraph (a) of subsection 1; or

(c) Refuse to cover a drug described in paragraph (a) of subsection 1 because the drug is dispensed by a pharmacy through mail order service.

4. A hospital or medical services corporation shall ensure that the benefits required by subsection 1 are made available to an insured through a provider of health care who participates in the network plan of the hospital or medical services corporation.

5. A policy of health insurance subject to the provisions of this chapter that is delivered, issued for delivery or renewed on or after January 1, 2024,

has the legal effect of including the coverage required by subsection 1, and any provision of the policy that conflicts with the provisions of this section is void.

6. As used in this section:

(a) "Medical management technique" means a practice which is used to control the cost or use of health care services or prescription drugs. The term includes, without limitation, the use of step therapy, prior authorization and categorizing drugs and devices based on cost, type or method of administration.

(b) "Network plan" means a policy of health insurance offered by a hospital or medical services corporation under which the financing and delivery of medical care, including items and services paid for as medical care, are provided, in whole or in part, through a defined set of providers under contract with the hospital or medical services corporation. The term does not include an arrangement for the financing of premiums.

(c) "Primary care" means the practice of family medicine, pediatrics, internal medicine, obstetrics and gynecology and midwifery.

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

Sec. 60. 1. A hospital or medical services corporation that offers or issues a policy of health insurance shall include in the policy:

(a) Coverage of testing for and the treatment and prevention of sexually transmitted diseases, including, without limitation, Chlamydia trachomatis, gonorrhea, syphilis, human immunodeficiency virus and hepatitis B and C, for all insureds, regardless of age. Such coverage must include, without limitation, the coverage required by NRS 695B.1913 and 695B.1924.

(b) Unrestricted coverage of condoms for insureds who are 13 years of age or older.

2. A policy of health insurance subject to the provisions of this chapter that is delivered, issued for delivery or renewed on or after January 1, 2024, has the legal effect of including the coverage required by subsection 1, and any provision of the policy that conflicts with the provisions of this section is void.

Sec. 61. (Deleted by amendment.)

Sec. 62. NRS 695B.1924 is hereby amended to read as follows:

695B.1924 1. A hospital or medical services corporation that offers or issues a policy of health insurance shall include in the policy coverage for:

(a) ~~Drugs~~ All drugs approved by the United States Food and Drug Administration for preventing the acquisition of human immunodeficiency virus ~~or~~ or treating human immunodeficiency virus or hepatitis C in the form recommended by the prescribing practitioner, regardless of whether the drug is included in the formulary of the hospital or medical services organization;

(b) Laboratory testing that is necessary for therapy using ~~such~~ a drug ~~to~~ to prevent the acquisition of human immunodeficiency virus;

(c) Any service to test for, prevent or treat human immunodeficiency virus or hepatitis C provided by a provider of primary care if the service is covered when provided by a specialist and:

(1) The service is within the scope of practice of the provider of primary care; or

(2) The provider of primary care is capable of providing the service safely and effectively in consultation with a specialist and the provider engages in such consultation; and

~~{{(e)}}~~ *(d) The services described in NRS 639.28085, when provided by a pharmacist who participates in the network plan of the hospital or medical services corporation.*

2. A hospital or medical services corporation that offers or issues a policy of health insurance shall reimburse ~~{a}~~ :

(a) A pharmacist who participates in the network plan of the hospital or medical services corporation for the services described in NRS 639.28085 at a rate equal to the rate of reimbursement provided to a physician, physician assistant or advanced practice registered nurse for similar services.

(b) An advanced practice registered nurse or a physician assistant who participates in the network plan of the hospital or medical services corporation for any service to test for, prevent or treat human immunodeficiency virus or hepatitis C at a rate equal to the rate of reimbursement provided to a physician for similar services.

3. A hospital or medical services corporation ~~{may subject}~~ shall not:

(a) Subject the benefits required by subsection 1 to ~~{reasonable}~~ medical management techniques ~~{,}~~, other than step therapy;

(b) Limit the covered amount of a drug described in paragraph (a) of subsection 1;

(c) Refuse to cover a drug described in paragraph (a) of subsection 1 because the drug is dispensed by a pharmacy through mail order service; or

(d) Prohibit or restrict access to any service or drug to treat human immunodeficiency virus or hepatitis C on the same day on which the insured is diagnosed.

4. A hospital or medical services corporation shall ensure that the benefits required by subsection 1 are made available to an insured through a provider of health care who participates in the network plan of the hospital or medical services corporation.

5. A policy of health insurance subject to the provisions of this chapter that is delivered, issued for delivery or renewed on or after ~~{October}~~ January 1, ~~{2021,}~~ 2024, has the legal effect of including the coverage required by subsection 1, and any provision of the policy that conflicts with the provisions of this section is void.

6. As used in this section:

(a) "Medical management technique" means a practice which is used to control the cost or use of health care services or prescription drugs. The term includes, without limitation, the use of step therapy, prior authorization and

categorizing drugs and devices based on cost, type or method of administration.

(b) "Network plan" means a policy of health insurance offered by a hospital or medical services corporation under which the financing and delivery of medical care, including items and services paid for as medical care, are provided, in whole or in part, through a defined set of providers under contract with the hospital or medical services corporation. The term does not include an arrangement for the financing of premiums.

(c) "Primary care" means the practice of family medicine, pediatrics, internal medicine, obstetrics and gynecology and midwifery.

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

Sec. 63. Chapter 695C of NRS is hereby amended by adding thereto the provisions set forth as sections 64, 65 and 66 of this act.

Sec. 64. 1. A health maintenance organization that offers or issues a health care plan shall include in the plan coverage for:

(a) All drugs approved by the United States Food and Drug Administration to:

(1) Provide medication-assisted treatment for opioid use disorder, including, without limitation, buprenorphine, methadone and naltrexone.

(2) Support safe withdrawal from substance use disorder, including, without limitation, lofexidine.

(b) Any service for the treatment of substance use disorder provided by a provider of primary care if the service is covered when provided by a specialist and:

(1) The service is within the scope of practice of the provider of primary care; or

(2) The provider of primary care is capable of providing the service safely and effectively in consultation with a specialist and the provider engages in such consultation.

2. A health maintenance organization shall provide the coverage required by paragraph (a) of subsection 1 regardless of whether the drug is included in the formulary of the health maintenance organization.

3. A health maintenance organization shall not:

(a) Subject the benefits required by paragraph (a) of subsection 1 to medical management techniques, other than step therapy;

(b) Limit the covered amount of a drug described in paragraph (a) of subsection 1; or

(c) Refuse to cover a drug described in paragraph (a) of subsection 1 because the drug is dispensed by a pharmacy through mail order service.

4. A health maintenance organization shall ensure that the benefits required by subsection 1 are made available to an enrollee through a provider of health care who participates in the network plan of the health maintenance organization.

5. A health care plan subject to the provisions of this chapter that is delivered, issued for delivery or renewed on or after January 1, 2024, has the

legal effect of including the coverage required by subsection 1, and any provision of the plan that conflicts with the provisions of this section is void.

6. As used in this section:

(a) "Medical management technique" means a practice which is used to control the cost or use of health care services or prescription drugs. The term includes, without limitation, the use of step therapy, prior authorization and categorizing drugs and devices based on cost, type or method of administration.

(b) "Network plan" means a health care plan offered by a health maintenance organization under which the financing and delivery of medical care, including items and services paid for as medical care, are provided, in whole or in part, through a defined set of providers under contract with the health maintenance organization. The term does not include an arrangement for the financing of premiums.

(c) "Primary care" means the practice of family medicine, pediatrics, internal medicine, obstetrics and gynecology and midwifery.

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

Sec. 65. 1. A health maintenance organization that offers or issues a health care plan shall include in the plan:

(a) Coverage of testing for and the treatment and prevention of sexually transmitted diseases, including, without limitation, Chlamydia trachomatis, gonorrhea, syphilis, human immunodeficiency virus and hepatitis B and C, for all enrollees, regardless of age. Such coverage must include, without limitation, the coverage required by NRS 695C.1737 and 695C.1743.

(b) Unrestricted coverage of condoms for enrollees who are 13 years of age or older.

2. A health care plan subject to the provisions of this chapter that is delivered, issued for delivery or renewed on or after January 1, 2024, has the legal effect of including the coverage required by subsection 1, and any provision of the plan that conflicts with the provisions of this section is void.

Sec. 66. (Deleted by amendment.)

Sec. 67. NRS 695C.050 is hereby amended to read as follows:

695C.050 1. Except as otherwise provided in this chapter or in specific provisions of this title, the provisions of this title are not applicable to any health maintenance organization granted a certificate of authority under this chapter. This provision does not apply to an insurer licensed and regulated pursuant to this title except with respect to its activities as a health maintenance organization authorized and regulated pursuant to this chapter.

2. Solicitation of enrollees by a health maintenance organization granted a certificate of authority, or its representatives, must not be construed to violate any provision of law relating to solicitation or advertising by practitioners of a healing art.

3. Any health maintenance organization authorized under this chapter shall not be deemed to be practicing medicine and is exempt from the provisions of chapter 630 of NRS.

4. The provisions of NRS 695C.110, 695C.125, 695C.1691, 695C.1693, 695C.170, 695C.1703, 695C.1705, 695C.1709 to 695C.173, inclusive, 695C.1733, 695C.17335, 695C.1734, 695C.1751, 695C.1755, 695C.1759, 695C.176 to 695C.200, inclusive, and 695C.265 do not apply to a health maintenance organization that provides health care services through managed care to recipients of Medicaid under the State Plan for Medicaid or insurance pursuant to the Children's Health Insurance Program pursuant to a contract with the Division of Health Care Financing and Policy of the Department of Health and Human Services. This subsection does not exempt a health maintenance organization from any provision of this chapter for services provided pursuant to any other contract.

5. The provisions of NRS 695C.1694 to 695C.1698, inclusive, 695C.1701, 695C.1708, 695C.1728, 695C.1731, 695C.17333, 695C.17345, 695C.17347, 695C.1735, 695C.1737, 695C.1743, 695C.1745 and 695C.1757 and sections 64 and 65 of this act apply to a health maintenance organization that provides health care services through managed care to recipients of Medicaid under the State Plan for Medicaid.

Sec. 68. NRS 695C.1743 is hereby amended to read as follows:

695C.1743 1. A health maintenance organization that offers or issues a health care plan shall include in the plan coverage for:

(a) ~~Drugs~~ All drugs approved by the United States Food and Drug Administration for preventing the acquisition of human immunodeficiency virus ~~or treating human immunodeficiency virus or hepatitis C in the form recommended by the prescribing practitioner, regardless of whether the drug is included in the formulary of the health maintenance organization;~~

(b) Laboratory testing that is necessary for therapy that uses ~~such~~ a drug ~~to prevent the acquisition of human immunodeficiency virus;~~

(c) Any service to test for, prevent or treat human immunodeficiency virus or hepatitis C provided by a provider of primary care if the service is covered when provided by a specialist and:

(1) The service is within the scope of practice of the provider of primary care; or

(2) The provider of primary care is capable of providing the service safely and effectively in consultation with a specialist and the provider engages in such consultation; and

~~(e)~~ (d) The services described in NRS 639.28085, when provided by a pharmacist who participates in the network plan of the health maintenance organization.

2. A health maintenance organization that offers or issues a health care plan shall reimburse ~~at~~ :

(a) A pharmacist who participates in the network plan of the health maintenance organization for the services described in NRS 639.28085 at a

rate equal to the rate of reimbursement provided to a physician, physician assistant or advanced practice registered nurse for similar services.

(b) An advanced practice registered nurse or a physician assistant who participates in the network plan of the health maintenance organization for any service to test for, prevent or treat human immunodeficiency virus or hepatitis C at a rate equal to the rate of reimbursement provided to a physician for similar services.

3. A health maintenance organization ~~[may subject]~~ shall not:

(a) Subject the benefits required by subsection 1 to ~~[reasonable]~~ medical management techniques ~~[,]~~, other than step therapy;

(b) Limit the covered amount of a drug described in paragraph (a) of subsection 1;

(c) Refuse to cover a drug described in paragraph (a) of subsection 1 because the drug is dispensed by a pharmacy through mail order service; or

(d) Prohibit or restrict access to any service or drug to treat human immunodeficiency virus or hepatitis C on the same day on which the enrollee is diagnosed.

4. A health maintenance organization shall ensure that the benefits required by subsection 1 are made available to an enrollee through a provider of health care who participates in the network plan of the health maintenance organization.

5. A health care plan subject to the provisions of this chapter that is delivered, issued for delivery or renewed on or after ~~[October]~~ January 1, ~~[2021,]~~ 2024, has the legal effect of including the coverage required by subsection 1, and any provision of the plan that conflicts with the provisions of this section is void.

6. As used in this section:

(a) "Medical management technique" means a practice which is used to control the cost or use of health care services or prescription drugs. The term includes, without limitation, the use of step therapy, prior authorization and categorizing drugs and devices based on cost, type or method of administration.

(b) "Network plan" means a health care plan offered by a health maintenance organization under which the financing and delivery of medical care, including items and services paid for as medical care, are provided, in whole or in part, through a defined set of providers under contract with the health maintenance organization. The term does not include an arrangement for the financing of premiums.

(c) "Primary care" means the practice of family medicine, pediatrics, internal medicine, obstetrics and gynecology and midwifery.

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

Sec. 69. NRS 695C.330 is hereby amended to read as follows:

695C.330 1. The Commissioner may suspend or revoke any certificate of authority issued to a health maintenance organization pursuant to the

provisions of this chapter if the Commissioner finds that any of the following conditions exist:

(a) The health maintenance organization is operating significantly in contravention of its basic organizational document, its health care plan or in a manner contrary to that described in and reasonably inferred from any other information submitted pursuant to NRS 695C.060, 695C.070 and 695C.140, unless any amendments to those submissions have been filed with and approved by the Commissioner;

(b) The health maintenance organization issues evidence of coverage or uses a schedule of charges for health care services which do not comply with the requirements of NRS 695C.1691 to 695C.200, inclusive, *and sections 64 and 65 of this act* or 695C.207;

(c) The health care plan does not furnish comprehensive health care services as provided for in NRS 695C.060;

(d) The Commissioner certifies that the health maintenance organization:

(1) Does not meet the requirements of subsection 1 of NRS 695C.080; or

(2) Is unable to fulfill its obligations to furnish health care services as required under its health care plan;

(e) The health maintenance organization is no longer financially responsible and may reasonably be expected to be unable to meet its obligations to enrollees or prospective enrollees;

(f) The health maintenance organization has failed to put into effect a mechanism affording the enrollees an opportunity to participate in matters relating to the content of programs pursuant to NRS 695C.110;

(g) The health maintenance organization has failed to put into effect the system required by NRS 695C.260 for:

(1) Resolving complaints in a manner reasonably to dispose of valid complaints; and

(2) Conducting external reviews of adverse determinations that comply with the provisions of NRS 695G.241 to 695G.310, inclusive;

(h) The health maintenance organization or any person on its behalf has advertised or merchandised its services in an untrue, misrepresentative, misleading, deceptive or unfair manner;

(i) The continued operation of the health maintenance organization would be hazardous to its enrollees or creditors or to the general public;

(j) The health maintenance organization fails to provide the coverage required by NRS 695C.1691; or

(k) The health maintenance organization has otherwise failed to comply substantially with the provisions of this chapter.

2. A certificate of authority must be suspended or revoked only after compliance with the requirements of NRS 695C.340.

3. If the certificate of authority of a health maintenance organization is suspended, the health maintenance organization shall not, during the period of that suspension, enroll any additional groups or new individual contracts,

unless those groups or persons were contracted for before the date of suspension.

4. If the certificate of authority of a health maintenance organization is revoked, the organization shall proceed, immediately following the effective date of the order of revocation, to wind up its affairs and shall conduct no further business except as may be essential to the orderly conclusion of the affairs of the organization. It shall engage in no further advertising or solicitation of any kind. The Commissioner may, by written order, permit such further operation of the organization as the Commissioner may find to be in the best interest of enrollees to the end that enrollees are afforded the greatest practical opportunity to obtain continuing coverage for health care.

Sec. 70. Chapter 695G of NRS is hereby amended by adding thereto the provisions set forth as sections 71, 72 and 73 of this act.

Sec. 71. 1. *A managed care organization that offers or issues a health care plan shall include in the plan coverage for:*

(a) *All drugs approved by the United States Food and Drug Administration to:*

(1) *Provide medication-assisted treatment for opioid use disorder, including, without limitation, buprenorphine, methadone and naltrexone.*

(2) *Support safe withdrawal from substance use disorder, including, without limitation, lofexidine.*

(b) *Any service for the treatment of substance use disorder provided by a provider of primary care if the service is covered when provided by a specialist and:*

(1) *The service is within the scope of practice of the provider of primary care; or*

(2) *The provider of primary care is capable of providing the service safely and effectively in consultation with a specialist and the provider engages in such consultation.*

2. *A managed care organization shall provide the coverage required by paragraph (a) of subsection 1 regardless of whether the drug is included in the formulary of the managed care organization.*

3. *A managed care organization shall not:*

(a) *Subject the benefits required by paragraph (a) of subsection 1 to medical management techniques, other than step therapy;*

(b) *Limit the covered amount of a drug described in paragraph (a) of subsection 1; or*

(c) *Refuse to cover a drug described in paragraph (a) of subsection 1 because the drug is dispensed by a pharmacy through mail order service.*

4. *A managed care organization shall ensure that the benefits required by subsection 1 are made available to an insured through a provider of health care who participates in the network plan of the managed care organization.*

5. *A health care plan subject to the provisions of this chapter that is delivered, issued for delivery or renewed on or after January 1, 2024, has the*

legal effect of including the coverage required by subsection 1, and any provision of the plan that conflicts with the provisions of this section is void.

6. As used in this section:

(a) "Medical management technique" means a practice which is used to control the cost or use of health care services or prescription drugs. The term includes, without limitation, the use of step therapy, prior authorization and categorizing drugs and devices based on cost, type or method of administration.

(b) "Network plan" means a health care plan offered by a managed care organization under which the financing and delivery of medical care, including items and services paid for as medical care, are provided, in whole or in part, through a defined set of providers under contract with the managed care organization. The term does not include an arrangement for the financing of premiums.

(c) "Primary care" means the practice of family medicine, pediatrics, internal medicine, obstetrics and gynecology and midwifery.

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

Sec. 72. 1. A managed care organization that offers or issues a health care plan shall include in the plan:

(a) Coverage of testing for, treatment of and prevention of sexually transmitted diseases, including, without limitation, Chlamydia trachomatis, gonorrhea, syphilis, human immunodeficiency virus and hepatitis B and C, for all insureds, regardless of age. Such coverage must include, without limitation, the coverage required by NRS 695G.1705 and 695G.1714.

(b) Unrestricted coverage of condoms for insureds who are 13 years of age or older.

2. A health care plan subject to the provisions of this chapter that is delivered, issued for delivery or renewed on or after January 1, 2024, has the legal effect of including the coverage required by subsection 1, and any provision of the plan that conflicts with the provisions of this section is void.

Sec. 73. (Deleted by amendment.)

Sec. 74. NRS 695G.1705 is hereby amended to read as follows:

695G.1705 1. A managed care organization that offers or issues a health care plan shall include in the plan coverage for:

(a) ~~Drugs~~ All drugs approved by the United States Food and Drug Administration for preventing the acquisition of human immunodeficiency virus ~~or~~ or treating human immunodeficiency virus or hepatitis C in the form recommended by the prescribing practitioner, regardless of whether the drug is included in the formulary of the managed care organization;

(b) Laboratory testing that is necessary for therapy that uses ~~such~~ a drug ~~to prevent the acquisition of human immunodeficiency virus~~;

(c) Any service to test for, prevent or treat human immunodeficiency virus or hepatitis C provided by a provider of primary care if the service is covered when provided by a specialist and:

(1) *The service is within the scope of practice of the provider of primary care; or*

(2) *The provider of primary care is capable of providing the service safely and effectively in consultation with a specialist and the provider engages in such consultation; and*

~~[(e)]~~ (d) *The services described in NRS 639.28085, when provided by a pharmacist who participates in the network plan of the managed care organization.*

2. A managed care organization that offers or issues a health care plan shall reimburse ~~it~~ :

(a) A pharmacist who participates in the network plan of the managed care organization for the services described in NRS 639.28085 at a rate equal to the rate of reimbursement provided to a physician, physician assistant or advanced practice registered nurse for similar services.

(b) *An advanced practice registered nurse or a physician assistant who participates in the network plan of the managed care organization for any service to test for, prevent or treat human immunodeficiency virus or hepatitis C at a rate equal to the rate of reimbursement provided to a physician for similar services.*

3. A managed care organization ~~may subject~~ shall not:

(a) *Subject the benefits required by subsection 1 to ~~reasonable~~ medical management techniques ~~it~~, other than step therapy;*

(b) *Limit the covered amount of a drug described in paragraph (a) of subsection 1;*

(c) *Refuse to cover a drug described in paragraph (a) of subsection 1 because the drug is dispensed by a pharmacy through mail order service; or*

(d) *Prohibit or restrict access to any service or drug to treat human immunodeficiency virus or hepatitis C on the same day on which the insured is diagnosed.*

4. A managed care organization shall ensure that the benefits required by subsection 1 are made available to an insured through a provider of health care who participates in the network plan of the managed care organization.

5. A health care plan subject to the provisions of this chapter that is delivered, issued for delivery or renewed on or after ~~October~~ January 1, ~~2021,~~ 2024, has the legal effect of including the coverage required by subsection 1, and any provision of the plan that conflicts with the provisions of this section is void.

6. As used in this section:

(a) "Medical management technique" means a practice which is used to control the cost or use of health care services or prescription drugs. The term includes, without limitation, the use of step therapy, prior authorization and categorizing drugs and devices based on cost, type or method of administration.

(b) "Network plan" means a health care plan offered by a managed care organization under which the financing and delivery of medical care, including

items and services paid for as medical care, are provided, in whole or in part, through a defined set of providers under contract with the managed care organization. The term does not include an arrangement for the financing of premiums.

(c) "Primary care" means the practice of family medicine, pediatrics, internal medicine, obstetrics and gynecology and midwifery.

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

Sec. 75. 1. The first application that a physician, osteopathic physician or physician assistant licensed pursuant to chapter 630 or 633 of NRS or a nurse who provides or supervises the provision of emergency medical services in a hospital or primary care and who is licensed on January 1, 2024, submits to renew his or her license on or after that date must include, without limitation, proof that the applicant has completed at least 2 hours of training in the stigma, discrimination and unrecognized bias toward persons who have acquired or are at a high risk of acquiring human immunodeficiency virus, as required by NRS 630.253, 632.343 and 633.471, as amended by sections 28, 29 and 30 of this act, respectively, as applicable.

2. As used in this section, "primary care" means the practice of family medicine, pediatrics, internal medicine, obstetrics and gynecology and midwifery.

Sec. 76. The Legislature hereby finds and declares that:

1. In *Lapinski v. State*, 84 Nev. 611, 613 (1968), the Nevada Supreme Court held that "the power to define crimes and penalties lies exclusively in the legislature."

2. The Nevada Supreme Court has further held in *Tellis v. State*, 84 Nev. 587, 591 (1968), *Sparkman v. State*, 95 Nev. 76, 82 (1979) and *State v. Dist. Ct. (Pullin)*, 124 Nev. 564, 567-68 (2008), that the penalty for a crime is determined by the law in effect at the time the offender committed the crime and not the law in effect at the time the offender is sentenced unless the Legislature has expressed its clear intent that a statute ameliorating the penalty apply retroactively.

3. NRS 441A.118 states that "[t]he Legislature hereby finds and declares that the spread of communicable diseases is best addressed through public health measures rather than criminalization."

4. For those reasons, the Legislature is exercising its exclusive power to define the acts which subject a person to criminal penalties by:

(a) Retroactively applying the provisions of section 24 of chapter 491, Statutes of Nevada 2021, at page 3199, which repealed certain criminal offenses that were based on a person having the human immunodeficiency virus, to apply to conduct that occurred before those offenses were repealed; and

(b) Making certain offenses which were punishable as category A felonies before the effective date of section 13 of this act based on the potential to spread a communicable disease instead punishable as category B felonies, category D felonies or gross misdemeanors.

Sec. 77. 1. The provisions of section 24 of chapter 491, Statutes of Nevada 2021, at page 3199, apply to any violation of NRS 201.205 or 201.358, as those sections existed before the enactment of section 24 of chapter 491, Statutes of Nevada 2021, at page 3199, if the violation occurred before, on or after June 6, 2021, and the person was convicted on or after the effective date of this section.

2. If, before June 6, 2021, a person committed a violation of a NRS 201.205 or 201.358, as those sections existed before the enactment of section 24 of chapter 491, Statutes of Nevada 2021, at page 3199, and the person was not charged for that violation before the effective date of this section, the person must not be charged for that violation.

3. Each court in this State shall cancel each outstanding bench warrant issued by the court for a person who failed to appear in court in relation to an alleged violation of NRS 201.205 or 201.358, as those sections existed before the enactment of section 24 of chapter 491, Statutes of Nevada 2021, at page 3199.

4. The Central Repository for Nevada Records of Criminal History shall remove from each database or compilation of records of criminal history maintained by the Central Repository all records of bench warrants issued for a person who failed to appear in court in relation to an alleged violation of NRS 201.205 or 201.358, as those sections existed before the enactment of section 24 of chapter 491, Statutes of Nevada 2021, at page 3199.

Sec. 78. 1. The provisions of NRS 212.189, as amended by section 13 of this act, apply to any violation of that section, that occurred before, on or after the effective date of that section, if the person was not convicted before the effective date of that section.

2. If a person commits a violation of a NRS 212.189 which is punishable as a category A felony before the effective date of section 13 of this act, and the violation is punishable as a category B felony, a category D felony or a gross misdemeanor pursuant to NRS 212.189, as amended by section 13 of this act, the person must not be charged with or convicted of a category A felony, if the violation occurs on or after the effective date of section 13 of this act, and may only be charged with and convicted of a category B felony, category D felony or gross misdemeanor, as applicable, on or after the effective date of section 13 of this act.

Sec. 79. 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. 80. 1. This section and sections 3 to 10, inclusive, 13, 76, 77 and 78 of this act become effective upon passage and approval.

2. Sections 1, 2, 11, 12, 14 to 75, inclusive, and 79 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 the adoption of the amendment.

Remarks by Senator Harris.

Amendment No. 818 to Senate Bill No. 439 removes the provisions of the bill related to sexual education.

Amendment adopted.

Bill read third time.

Remarks by Senators Harris and Titus.

SENATOR HARRIS:

Senate Bill No. 439, as amended, requires the development of policies and imposes certain requirements related to a public health emergency and requires insurance plans to cover certain tests, treatments and materials to certain covered persons as well as certain drugs with limited restrictions.

Additionally, the bill exempts certain entities from certain provisions and authorizes the suspension or revocation of a certificate for insurers who fail to comply with certain restrictions.

This bill imposes requirements on the operators of private and public prisons, jails and detention centers to ensure access to treatment related to human immunodeficiency virus and related matters and specifies conditions related to certain felonies and misdemeanors.

SENATOR TITUS:

I support Senate Bill No. 439. As a county health officer, it is critical that treatment continues regardless of where you are. The accessibility of this medication is critical. I also appreciate the sponsor of this bill for the amendment we just passed. That made me more comfortable with the bill, and I appreciate working with all of you. I urge your support of this important legislation.

Roll call on Senate Bill No. 439:

YEAS—21.

NAYS—None.

Senate Bill No. 439 having received a constitutional majority, Mr. President declared it passed, as amended.

Bill ordered transmitted to the Assembly.

Senate Bill No. 467.

Bill read third time.

Remarks by Senator Titus.

Senate Bill No. 467, as amended, appropriates \$1,415,085 from the State General Fund to the Department of Taxation for the relocation of its Carson City office.

Roll call on Senate Bill No. 467:

YEAS—21.

NAYS—None.

Senate Bill No. 467 having received a constitutional majority, Mr. President declared it passed, as amended.

Bill ordered transmitted to the Assembly.

Senate Bill No. 475.

Bill read third time.

Remarks by Senator Seevers Gansert.

Senate Bill No. 475, as amended, makes appropriations from the State General Fund and authorizes expenditures not appropriated from the State General Fund or State Highway Fund to the Department of Employment, Training and Rehabilitation for the replacement of computer

hardware and associated software as follows: General Fund appropriations of \$8,840 for the Commission on Postsecondary Education, General Fund appropriations of \$19,907 and expenditures of \$73,546 for the Bureau of Vocational Rehabilitation and General Fund appropriations of \$2,117 for Nevada P20 Workforce Reporting budget account.

Roll call on Senate Bill No. 475:

YEAS—21.

NAYS—None.

Senate Bill No. 475 having received a constitutional majority, Mr. President declared it passed, as amended.

Bill ordered transmitted to the Assembly.

Senate Bill No. 480.

Bill read third time.

Remarks by Senator Goicoechea.

Senate Bill No. 480, as amended, makes a supplemental appropriation of \$14,967,394 from the State General Fund to the Division of Forestry of the State Department of Conservation and Natural Resources for an unanticipated shortfall related to firefighting costs in 2023. Senate Bill No. 480, as amended, also requires the Legislative Counsel Bureau's Audit Division to review the billing practices of the Division of Forestry with respect to the Forest Fire Suppression budget during the 2023-2024 interim and to present a final report to the Audit Subcommittee of the Legislative Commission by January 31, 2025.

I hope they get a better billing practice in place.

Roll call on Senate Bill No. 480:

YEAS—21.

NAYS—None.

Senate Bill No. 480 having received a constitutional majority, Mr. President declared it passed, as amended.

Bill ordered transmitted to the Assembly.

Senate Bill No. 495.

Bill read third time.

Remarks by Senator Dondero Loop.

Senate Bill No. 495, as amended, makes General Fund appropriations and authorizations to the Division of Child and Family Services of the Department of Health and Human Services in the following amounts: \$686,846 in General Fund appropriations for the Information Services budget account for the replacement of computer hardware and associated software; \$179,070 in General Fund appropriations for the Information Services budget account for the replacement of two computer servers; 343,646 in General Fund appropriations for the Summit View Youth Center budget account for deferred maintenance projects; \$55,030 in General Fund appropriations for the Summit View Youth Center budget account for the replacement of commercial cleaning and kitchen equipment; \$143,948 in General Fund appropriations for the Caliente Youth Center budget account for the replacement of equipment for security and operations; \$96,988 in General Fund appropriations, as amended, for the Caliente Youth Center budget account for the replacement of vehicles; \$61,103 in General Fund appropriations, as amended, for the Caliente Youth Center budget account for deferred maintenance projects; \$363,767 in General Fund appropriations for the Nevada Youth Training Center budget account for deferred maintenance projects; \$190,692 in General Fund appropriations for the Nevada Youth Training Center budget account for the replacement of vehicles; \$90,894 in General Fund appropriations and authorizes \$90,893 for the Youth Parole Services budget account for the replacement of radios; \$467,040 in General Fund appropriations for the Southern Nevada Child and Adolescent Services budget account for

deferred maintenance projects; and \$21,917 in General Fund appropriations for the Southern Nevada Child and Adolescent Services budget account for the replacement of water heaters.

Roll call on Senate Bill No. 495:

YEAS—21.

NAYS—None.

Senate Bill No. 495 having received a constitutional majority, Mr. President declared it passed, as amended.

Bill ordered transmitted to the Assembly.

Senate Bill No. 498.

Bill read third time.

Remarks by Senator Nguyen.

Senate Bill No. 498, as amended, makes General Fund appropriations to the Division of Museums and History of the Department of Tourism and Cultural Affairs in the total amounts as follows: \$11,204 for the Museums and History Administration budget account for the replacement of computer hardware and associated software and the costs of computer subscription services; \$86,710 for the Lost City Museum budget account for the replacement of computer hardware and associated software, deferred maintenance projects and replacement of a vehicle; \$66,422 for the Nevada Historical Society budget account for the replacement of computer hardware and associated software, purchase of office furniture and deferred maintenance projects; \$84,389 for the Nevada State Museum, Carson City, budget account for the replacement of computer hardware and associated software, cost of a building surge protection system and costs of updating the online plant collection database; \$132,664 for the Nevada State Museum, Las Vegas, budget account for the replacement of computer hardware and associated software, replacement of a vehicle and deferred maintenance projects; and \$805,393 for the Nevada State Railroad Museum budget account for the replacement of computer hardware and associated software, replacement of vehicles and deferred maintenance projects.

Roll call on Senate Bill No. 498:

YEAS—21.

NAYS—None.

Senate Bill No. 498 having received a constitutional majority, Mr. President declared it passed, as amended.

Bill ordered transmitted to the Assembly.

Assembly Bill No. 62.

Bill read third time.

Remarks by Senator Neal.

Assembly Bill No. 62 expands the existing exemption from real and personal property taxes for certain low-income or very low-income housing.

Roll call on Assembly Bill No. 62:

YEAS—21.

NAYS—None.

Assembly Bill No. 62 having received a constitutional majority, Mr. President declared it passed.

Bill ordered transmitted to the Assembly.

Assembly Bill No. 403.

Bill read third time.

Remarks by Senator Doñate.

Assembly Bill No. 403 removes the designation as a "facility for the dependent" of a halfway house for persons recovering from alcohol or other substance use disorders, thereby eliminating the licensing but preserving the certification requirement in order to receive public funding through the Division of Public and Behavioral Health of the Department of Health and Human Services.

Roll call on Assembly Bill No. 403:

YEAS—21.

NAYS—None.

Assembly Bill No. 403 having received a constitutional majority, Mr. President declared it passed.

Bill ordered transmitted to the Assembly.

Assembly Bill No. 463.

Bill read third time.

Remarks by Senator Doñate.

Assembly Bill No. 463 transfers the authority and duties to license and regulate certain childcare facilities from the Division of Public and Behavioral Health to the Division of Welfare and Supportive Services within the Department of Health and Human Services.

Roll call on Assembly Bill No. 463:

YEAS—21.

NAYS—None.

Assembly Bill No. 463 having received a constitutional majority, Mr. President declared it passed.

Bill ordered transmitted to the Assembly.

Senator Cannizzaro moved that the Senate take a brief recess.

Motion carried.

Senate in recess at 9:54 p.m.

SENATE IN SESSION

At 10:22 p.m.

President Anthony presiding.

Quorum present.

Mr. President announced that Senate Bills Nos. 58, 467, 475, 480, 495 and 498 would be immediately transmitted to the Assembly.

REPORTS OF COMMITTEE

Mr. President:

Your Committee on Finance, to which was referred Senate Bill No. 469, 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. 319, 425, 428 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 was re-referred Senate Bill No. 107, has had the same under consideration, and begs leave to report the same back with the recommendation: Do pass, as amended.

Also, your Committee on Finance, to which was referred Senate Bill No. 492, has had the same under consideration, and begs leave to report the same back with the recommendation: Amend, and do pass as amended.

Also, your Committee on Finance, to which were re-referred Senate Bills Nos. 246, 277, 327, 364, 443, 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*

Mr. President:

Your Committee on Revenue and Economic Development, to which was referred Assembly Bill No. 41, has had the same under consideration, and begs leave to report the same back with the recommendation: Amend, and do pass as amended.

DINA NEAL, *Chair*

MESSAGES FROM THE ASSEMBLY

ASSEMBLY CHAMBER, Carson City, May 30, 2023

To the Honorable the Senate:

I have the honor to inform your honorable body that the Assembly on this day passed Assembly Bills Nos. 15, 345, 461, 462, 469, 470, 471, 472, 473, 474, 475, 476, 477, 478, 479, 481.

Also, I have the honor to inform your honorable body that the Assembly on this day passed, as amended, Assembly Bills Nos. 46, 140, 147, 148, 151, 239, 257, 277, 281, 299, 328, 389, 399.

Also, I have the honor to inform your honorable body that the Assembly on this day respectfully refused to concur in Senate Amendments Nos. 560, 674 to Assembly Bill No. 423.

Also, I have the honor to inform your honorable body that the Assembly on this day concurred in the Senate Amendment No. 706 to Assembly Bill No. 22; Senate Amendment No. 540 to Assembly Bill No. 23; Senate Amendment No. 687 to Assembly Bill No. 33; Senate Amendment No. 620 to Assembly Bill No. 34; Senate Amendment No. 548 to Assembly Bill No. 35; Senate Amendment No. 539 to Assembly Bill No. 39; Senate Amendment No. 686 to Assembly Bill No. 52; Senate Amendment No. 584 to Assembly Bill No. 54; Senate Amendment No. 565 to Assembly Bill No. 55; Senate Amendment No. 724 to Assembly Bill No. 57; Senate Amendment No. 576 to Assembly Bill No. 60; Senate Amendments Nos. 732, 733 to Assembly Bill No. 65; Senate Amendment No. 619 to Assembly Bill No. 70; Senate Amendments Nos. 558, 746 to Assembly Bill No. 74; Senate Amendment No. 728 to Assembly Bill No. 75; Senate Amendment No. 567 to Assembly Bill No. 114; Senate Amendment No. 664 to Assembly Bill No. 121; Senate Amendment No. 556 to Assembly Bill No. 127; Senate Amendment No. 610 to Assembly Bill No. 132; Senate Amendment No. 688 to Assembly Bill No. 143; Senate Amendment No. 538 to Assembly Bill No. 163; Senate Amendment No. 611 to Assembly Bill No. 169; Senate Amendment No. 689 to Assembly Bill No. 172; Senate Amendments Nos. 585, 789 to Assembly Bill No. 175; Senate Amendment No. 616 to Assembly Bill No. 191; Senate Amendment No. 673 to Assembly Bill No. 193; Senate Amendments Nos. 615, 718 to Assembly Bill No. 202; Senate Amendment No. 586 to Assembly Bill No. 207; Senate Amendment No. 690 to Assembly Bill No. 213; Senate Amendment No. 638 to Assembly Bill No. 218; Senate Amendments Nos. 712, 735 to Assembly Bill No. 220; Senate Amendment No. 666 to Assembly Bill No. 231; Senate Amendment No. 587 to Assembly Bill No. 241; Senate Amendment No. 695 to Assembly Bill No. 242; Senate Amendment No. 738 to Assembly Bill No. 244; Senate Amendment No. 644 to Assembly Bill No. 250; Senate Amendment No. 559 to Assembly Bill No. 256; Senate Amendment No. 692 to Assembly Bill No. 262; Senate Amendment No. 613 to Assembly Bill No. 267; Senate Amendment No. 566 to Assembly Bill No. 272; Senate Amendments Nos. 570, 740 to Assembly Bill No. 334; Senate Amendment No. 677 to Assembly Bill No. 340; Senate Amendment No. 608 to Assembly Bill No. 356; Senate Amendment No. 656 to Assembly Bill No. 364; Senate Amendment No. 607 to Assembly Bill No. 371; Senate Amendment No. 606 to Assembly Bill No. 373; Senate Amendment No. 694 to Assembly Bill No. 391; Senate Amendment No. 564 to Assembly Bill No. 405; Senate Amendments Nos. 655, 722 to Assembly Bill No. 408; Senate Amendment No. 555 to Assembly Bill No. 410; Senate Amendment No. 554 to Assembly Bill No. 415; Senate Amendments Nos. 572, 779 to Assembly Bill No. 432; Senate

Amendment No. 553 to Assembly Bill No. 437; Senate Amendment No. 643 to Assembly Bill No. 439; Senate Amendment No. 747 to Assembly Bill No. 465.

CAROL AIELLO-SALA
Assistant Chief Clerk of the Assembly

ASSEMBLY CHAMBER, Carson City, May 31, 2023

To the Honorable the Senate:

I have the honor to inform your honorable body that the Assembly on this day passed Assembly Bills Nos. 260, 388, 443, 457, 480, 486, 492, 496, 500, 504, 508, 509, 512, 523.

Also, I have the honor to inform your honorable body that the Assembly on this day passed, as amended, Assembly Bills Nos. 7, 16, 50, 72, 77, 130, 135, 153, 156, 161, 184, 192, 195, 201, 203, 226, 232, 246, 270, 304, 310, 430, 451, 460, 485, 493, 495, 498, 502, 503, 505, 510, 511, 516, 517.

CAROL AIELLO-SALA
Assistant Chief Clerk of the Assembly

INTRODUCTION, FIRST READING AND REFERENCE

Assembly Bill No. 7.

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

Motion carried.

Assembly Bill No. 15.

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

Motion carried.

Assembly Bill No. 16.

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

Motion carried.

Assembly Bill No. 46.

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

Motion carried.

Assembly Bill No. 50.

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

Motion carried.

Assembly Bill No. 72.

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

Motion carried.

Assembly Bill No. 77.

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

Motion carried.

Assembly Bill No. 130.

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

Motion carried.

Assembly Bill No. 135.

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

Motion carried.

Assembly Bill No. 140.

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

Motion carried.

Assembly Bill No. 147.

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

Motion carried.

Assembly Bill No. 148.

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

Motion carried.

Assembly Bill No. 151.

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

Motion carried.

Assembly Bill No. 153.

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

Motion carried.

Assembly Bill No. 156.

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

Motion carried.

Assembly Bill No. 161.

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

Motion carried.

Assembly Bill No. 184.

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

Motion carried.

Assembly Bill No. 192.

Senator Lange moved that the bill be referred to the Committee on Legislative Operations and Elections.

Motion carried.

Assembly Bill No. 195.

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

Motion carried.

Assembly Bill No. 201.

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

Motion carried.

Assembly Bill No. 203.

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

Motion carried.

Assembly Bill No. 226.

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

Motion carried.

Assembly Bill No. 232.

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

Motion carried.

Assembly Bill No. 239.

Senator Lange moved that the bill be referred to the Committee on Legislative Operations and Elections.

Motion carried.

Assembly Bill No. 246.

Senator Lange moved that the bill be referred to the Committee on Legislative Operations and Elections.

Motion carried.

Assembly Bill No. 257.

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

Motion carried.

Assembly Bill No. 260.

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

Motion carried.

Assembly Bill No. 270.

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

Motion carried.

Assembly Bill No. 277.

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

Motion carried.

Assembly Bill No. 281.

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

Motion carried.

Assembly Bill No. 299.

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

Motion carried.

Assembly Bill No. 304.

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

Motion carried.

Assembly Bill No. 310.

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

Motion carried.

Assembly Bill No. 328.

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

Motion carried.

Assembly Bill No. 345.

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

Motion carried.

Assembly Bill No. 388.

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

Motion carried.

Assembly Bill No. 389.

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

Motion carried.

Assembly Bill No. 399.

Senator Lange moved that the bill be referred to the Committee on Legislative Operations and Elections.

Motion carried.

Assembly Bill No. 430.

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

Motion carried.

Assembly Bill No. 443.

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

Motion carried.

Assembly Bill No. 451.

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

Motion carried.

Assembly Bill No. 457.

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

Motion carried.

Assembly Bill No. 460.

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

Motion carried.

Assembly Bill No. 461.

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

Motion carried.

Assembly Bill No. 462.

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

Motion carried.

Assembly Bill No. 469.

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

Motion carried.

Assembly Bill No. 470.

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

Motion carried.

Assembly Bill No. 471.

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

Motion carried.

Assembly Bill No. 472.

Senator Lange moved that the bill be referred to the Committee on Finance.
Motion carried.

Assembly Bill No. 473.

Senator Lange moved that the bill be referred to the Committee on Finance.
Motion carried.

Assembly Bill No. 474.

Senator Lange moved that the bill be referred to the Committee on Finance.
Motion carried.

Assembly Bill No. 475.

Senator Lange moved that the bill be referred to the Committee on Finance.
Motion carried.

Assembly Bill No. 476.

Senator Lange moved that the bill be referred to the Committee on Finance.
Motion carried.

Assembly Bill No. 477.

Senator Lange moved that the bill be referred to the Committee on Finance.
Motion carried.

Assembly Bill No. 478.

Senator Lange moved that the bill be referred to the Committee on Finance.
Motion carried.

Assembly Bill No. 479.

Senator Lange moved that the bill be referred to the Committee on Finance.
Motion carried.

Assembly Bill No. 480.

Senator Lange moved that the bill be referred to the Committee on Finance.
Motion carried.

Assembly Bill No. 481.

Senator Lange moved that the bill be referred to the Committee on Finance.
Motion carried.

Assembly Bill No. 485.

Senator Lange moved that the bill be referred to the Committee on Finance.
Motion carried.

Assembly Bill No. 486.

Senator Lange moved that the bill be referred to the Committee on Finance.
Motion carried.

Assembly Bill No. 492.

Senator Lange moved that the bill be referred to the Committee on Finance.
Motion carried.

Assembly Bill No. 493.

Senator Lange moved that the bill be referred to the Committee on Finance.
Motion carried.

Assembly Bill No. 495.

Senator Lange moved that the bill be referred to the Committee on Finance.
Motion carried.

Assembly Bill No. 496.

Senator Lange moved that the bill be referred to the Committee on Finance.
Motion carried.

Assembly Bill No. 498.

Senator Lange moved that the bill be referred to the Committee on Finance.
Motion carried.

Assembly Bill No. 500.

Senator Lange moved that the bill be referred to the Committee on Finance.
Motion carried.

Assembly Bill No. 502.

Senator Lange moved that the bill be referred to the Committee on Finance.
Motion carried.

Assembly Bill No. 503.

Senator Lange moved that the bill be referred to the Committee on
Commerce and Labor.
Motion carried.

Assembly Bill No. 504.

Senator Lange moved that the bill be referred to the Committee on Finance.
Motion carried.

Assembly Bill No. 505.

Senator Lange moved that the bill be referred to the Committee on Finance.
Motion carried.

Assembly Bill No. 508.

Senator Lange moved that the bill be referred to the Committee on Finance.
Motion carried.

Assembly Bill No. 509.

Senator Lange moved that the bill be referred to the Committee on Finance.
Motion carried.

Assembly Bill No. 510.

Senator Lange moved that the bill be referred to the Committee on Finance.
Motion carried.

Assembly Bill No. 511.

Senator Lange moved that the bill be referred to the Committee on Finance.
Motion carried.

Assembly Bill No. 512.

Senator Lange moved that the bill be referred to the Committee on Finance.
Motion carried.

Assembly Bill No. 516.

Senator Lange moved that the bill be referred to the Committee on Revenue
and Economic Development.
Motion carried.

Assembly Bill No. 517.

Senator Lange moved that the bill be referred to the Committee on
Government Affairs.
Motion carried.

Assembly Bill No. 523.

Senator Lange moved that the bill be referred to the Committee on Finance.
Motion carried.

UNFINISHED BUSINESS

CONSIDERATION OF ASSEMBLY AMENDMENTS

Senate Joint Resolution No. 3.

The following Assembly amendment was read:

Amendment No. 536.

SUMMARY—Urges the United States Bureau of Reclamation to consider certain actions, alternatives and measures for the protection and management of the Colorado River. (BDR R-349)

SENATE JOINT RESOLUTION—Urging the United States Bureau of Reclamation to consider certain actions, alternatives and measures for the protection and management of the Colorado River.

WHEREAS, The Colorado River is the most vital water source in Nevada and much of the western United States, sustaining the life and livelihood of 7 western states, 22 Indian tribes and Mexico; and

WHEREAS, The Colorado River supports the needs of 40 million people in the United States and Mexico, irrigates over 5 million acres of land, generates hydropower for several million people and supports recreational and tourism industries; and

WHEREAS, Ninety percent of Southern Nevada's water supply comes from the Colorado River via Lake Mead; and

WHEREAS, Facing unprecedented drought and aridification, the Colorado River is in crisis with Lake Mead currently at 28 percent capacity; and

WHEREAS, The Colorado River is also overallocated with more water committed for use than is available from the Colorado River in an average year resulting in a structural deficit in the Colorado River; and

WHEREAS, The seven Colorado River Basin states of Arizona, California, Colorado, Nevada, New Mexico, Utah and Wyoming have yet to reach a consensus on a plan to decrease current water use; and

WHEREAS, The Federal Government intends to take unilateral action regarding the management of the Colorado River if the Colorado River Basin states do not present a reasonable plan for water management; and

WHEREAS, The Southern Nevada Water Authority and the Colorado River Commission, on behalf of the State of Nevada, have urged all users of the Colorado River in every state and sector to work together towards a solution to the water crisis and to reduce water demands to reflect the hydrological reality of the Colorado River Basin; and

WHEREAS, In August 2022, the Southern Nevada Water Authority, on behalf of the State of Nevada, submitted a letter to the United States Bureau of Reclamation listing 12 recommendations to address the crisis on the Colorado River, including adopting methods to account for evaporation and system losses in the Colorado River and investing in long-term, durable water conservation to permanently reduce the structural deficit in the Colorado River; and

WHEREAS, In November 2022, the United States Bureau of Reclamation announced its intention to prepare a supplemental environmental impact statement for the December 2007 Record of Decision entitled "Colorado River Interim Guidelines for Lower Basin Shortages and Coordinated Operations for Lake Powell and Lake Mead"; and

WHEREAS, In December 2022, the Southern Nevada Water Authority and the Colorado River Commission, on behalf of the State of Nevada, submitted a proposed alternative to the United States Bureau of Reclamation for consideration in the supplemental environmental impact statement process that presented recommendations to address the structural deficit in the Colorado River; and

WHEREAS, In January 2023, representatives of Nevada joined with the representatives of five other Colorado River Basin states to submit to the United States Bureau of Reclamation a Consensus-Based Modeling Alternative to help stabilize the water levels of Lake Mead and Lake Powell and asked the Bureau to consider and model the Consensus-Based Modeling Alternative in the supplemental environmental impact statement process; and

WHEREAS, The recommendations of Nevada and the Consensus-Based Modeling Alternative to address the Colorado River crisis present a solid starting point for further discussions on the management of the Colorado River; and

WHEREAS, The current Colorado River crisis is dire but solvable if the Colorado River Basin States, the Federal Government and Mexico cooperate to address the crisis; and

WHEREAS, Federal money and other funding mechanisms can aid with short-term water management and prevent the future depletion of the already depleted Colorado River, but the long-term sustainability of the Colorado River system requires the investment of additional money to implement permanent reductions in demand for Colorado River water; now, therefore, be it

RESOLVED BY THE SENATE AND ASSEMBLY OF THE STATE OF NEVADA, JOINTLY, That the members of the 82nd Session of the Nevada Legislature strongly support the pursuit of a collaboration-based framework to address the structural deficit in the Colorado River; and be it further

RESOLVED, That the members of the 82nd Session of the Nevada Legislature support the inclusion of mechanisms to account for evaporation and system losses in the Colorado River in the future management of the Colorado River; and be it further

RESOLVED, That the members of the 82nd Session of the Nevada Legislature hereby urge the United States Bureau of Reclamation to amend existing federal regulations to prohibit the inefficient delivery, application or use of any water from the Colorado River by all sectors and users of water from the Colorado River to limit unnecessary water losses on the Colorado River; and be it further

~~RESOLVED, That the members of the 82nd Session of the Nevada Legislature hereby urge the United States Bureau of Reclamation to consider and model the Consensus-Based Modeling Alternative submitted by Arizona, Colorado, Nevada, New Mexico, Utah and Wyoming in the supplemental environmental impact statement process; and be it further~~

RESOLVED, That the Secretary of the Senate prepare and transmit a copy of this resolution to the United States Secretary of the Interior, the United States Commissioner of the Bureau of Reclamation and the Nevada Congressional Delegation; and be it further

RESOLVED, That this resolution becomes effective upon passage.

Senator Pazina moved that the Senate concur in Assembly Amendment No. 536 to Senate Joint Resolution No. 3.

Motion carried by a constitutional majority.

Bill ordered enrolled.

Senate Bill No. 34.

The following Assembly amendments were read:

Amendment No. 543.

SUMMARY—Revises provisions relating to legal representation in certain actions or proceedings. (BDR 3-422)

AN ACT relating to legal services; authorizing the Attorney General or the chief legal officer or other authorized representative of a political subdivision of this State to provide legal representation to certain officers or employees of the State or a political subdivision thereof in certain actions or proceedings; revising provisions relating to special counsel employed by the Attorney

General; revising provisions governing the legal representation of certain persons by the Attorney General; and providing other matters properly relating thereto.

Legislative Counsel's Digest:

Existing law requires the Attorney General or the chief legal officer or other authorized representative of a political subdivision of this State to provide legal counsel to certain officers or employees of the State or a political subdivision of the State who are named as defendants in a civil action and certain other persons who are not officers or employees of the State or a political subdivision. Existing law authorizes the Attorney General, chief legal officer or other authorized representative to employ special counsel with respect to such civil actions if the Attorney General, chief legal officer or other authorized representative, as applicable, determines that it is impracticable, uneconomical or could constitute a conflict of interest for the legal service to be provided by the Attorney General, chief legal officer or other authorized representative. (NRS 41.0339)

Section 1 of this bill authorizes the Attorney General or the chief legal officer or other authorized representative of a political subdivision of the State to represent certain officers or employees of the State or a political subdivision thereof who are summoned or subpoenaed to appear in an action or proceeding in which the person is not a named defendant if: (1) the person submits a written request for representation; and (2) the Attorney General, chief legal officer or other authorized representative, as applicable, determines that such representation is in the best interest of the State or a political subdivision of the State. Section 1 also authorizes the Attorney General, chief legal officer or other authorized representative to employ special counsel with respect to such actions or proceedings if the Attorney General, chief legal officer or other authorized representative, as applicable, determines that it is impracticable, uneconomical or could constitute a conflict of interest for the legal service to be provided by the Attorney General, chief legal officer or other authorized representative. Section 2 of this bill makes a conforming change to indicate the appropriate placement of section 1 in the Nevada Revised Statutes.

Existing law defines the term "state judicial officer" to mean a justice of the Supreme Court, senior justice, judge of a district court or senior judge. (NRS 41.03385) Section 3.3 of this bill revises the term to include a judge or senior judge of the Court of Appeals.

Existing law requires that certain determinations relating to the employment of special counsel be made by the Attorney General prior to trial. (NRS 41.03435) Section 3.7 of this bill removes the requirement that such determinations be made prior to trial.

In general, existing law: (1) provides that the Attorney General and his or her deputies are the legal advisers on all state matters arising in the Executive Department of the State Government; and (2) prohibits persons in the Executive Department from employing other counsel to represent the State or any agency in the Executive Department unless the Attorney General and the

deputies of the Attorney General are disqualified to act in the matter. (NRS 228.110) Section 4 of this bill authorizes a person in the Executive Department to employ counsel other than the Attorney General to represent the State or any agency in the Executive Department if the Attorney General determines that it is impracticable, uneconomical or could constitute a conflict of interest for the Attorney General or a deputy of the Attorney General to serve as the legal adviser on the matter. Section 4 also requires compensation for such counsel to be paid out of: (1) the Reserve for Statutory Contingency Account; or (2) available federal grants or a permanent fund in the State Treasury other than the State General Fund.

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

Section 1. Chapter 41 of NRS is hereby amended by adding thereto a new section to read as follows:

1. *The official attorney may represent any present or former local judicial officer, state judicial officer, ~~immune contractor or~~ officer or employee of the State or a political subdivision, immune contractor or State Legislator summoned or subpoenaed to appear in an action or proceeding in which the person is not a named defendant, if:*

(a) Within 7 days after the delivery or service of the summons or subpoena, the person submits a written request for representation to the official attorney, and, if the person has an administrative supervisor, his or her administrative supervisor, unless a waiver is granted pursuant to subsection 9; and

(b) The official attorney determines that such representation is in the best interest of the State or a political subdivision of the State.

2. *As soon as reasonably practicable after receiving a request pursuant to subsection 1, the official attorney shall determine whether to represent the person who submitted the request and provide written notice of his or her determination to that person.*

3. *No fact pertaining to the arrangements or circumstances by which the State or a political subdivision or any attorney thereof represents any person or does not represent a person pursuant to this section is admissible in evidence in any action or proceeding, except in connection with an application to withdraw as the attorney of record.*

4. *If the official attorney determines that it is impracticable, uneconomical or could constitute a conflict of interest for the official attorney to provide the legal services associated with representing a person pursuant to this section, the official attorney may employ special counsel to render such legal services. Compensation for special counsel employed by an official attorney pursuant to this subsection must be paid in accordance with the requirements prescribed by NRS 41.03435 or 41.0344, as applicable.*

5. *At any time after a written request is submitted pursuant to subsection 1, the person requesting representation may employ his or her own counsel to represent him or her in the action or proceeding. At that time, the State or political subdivision is excused from any duty to represent that person and is*

not liable for any expenses associated with the action or proceeding, including, without limitation, court costs and attorney's fees.

6. The official attorney may apply to a court to withdraw from representing a person pursuant to this section at any time after the official attorney has appeared in an action or proceeding to represent the person upon notice to the person. Such notice must include, without limitation, the reason for the requested withdrawal.

7. If a court grants a motion to withdraw brought by the official attorney pursuant to subsection 6, the State or any political subdivision has no duty to continue to represent the person who is the subject of the motion to withdraw.

8. The provisions of this section do not abrogate or otherwise alter or affect any immunity from, or protection against, any civil action or civil liability which is provided by law to a local judicial officer, state judicial officer, ~~immune contractor or~~ officer or employee of the State or a political subdivision, immune contractor, State Legislator, member of a state board or commission or member of a local board or commission for any act or omission relating to the person's public duties or employment.

9. The official attorney may waive the requirement for notification prescribed by paragraph (a) of subsection 1 for good cause shown.

10. Nothing in this section shall be construed to require an official attorney to represent any present or former local judicial officer, state judicial officer, ~~immune contractor or~~ officer or employee of the State or a political subdivision, immune contractor or State Legislator in any action or proceeding.

11. As used in this section, "action or proceeding" means any action, suit, matter, cause, hearing, appeal or proceeding.

Sec. 2. NRS 41.03375 is hereby amended to read as follows:

41.03375 As used in NRS 41.03375 to 41.03473, inclusive, and section 1 of this act, unless the context otherwise requires, the words and terms defined in NRS 41.03377, 41.0338 and 41.03385 have the meanings ascribed to them in those sections.

Sec. 3. (Deleted by amendment.)

Sec. 3.3. NRS 41.03385 is hereby amended to read as follows:

41.03385 "State judicial officer" means a justice or senior justice of the Supreme Court, ~~senior justice,~~ judge or senior judge of the Court of Appeals or judge or senior judge of a district court. ~~for senior judge.~~

Sec. 3.7. NRS 41.03435 is hereby amended to read as follows:

41.03435 The Attorney General may employ special counsel whose compensation must be fixed by the Attorney General, subject to the approval of the State Board of Examiners, if the Attorney General determines ~~at any time prior to trial~~ that it is impracticable, uneconomical or could constitute a conflict of interest for the legal service to be rendered by the Attorney General or a deputy attorney general. Compensation for special counsel must be paid out of:

1. The Reserve for Statutory Contingency Account; or

2. Available federal grants or a permanent fund in the State Treasury other than the State General Fund.

Sec. 4. NRS 228.110 is hereby amended to read as follows:

228.110 1. Except as otherwise provided in NRS 228.111 to 228.1118, inclusive, and 228.112 to 228.1127, inclusive, or by specific statute:

(a) The Attorney General and the duly appointed deputies of the Attorney General shall be the legal advisers on all state matters arising in the Executive Department of the State Government.

(b) No officer, commissioner or appointee of the Executive Department of the Government of the State of Nevada shall employ any attorney at law or counselor at law to represent the State of Nevada within the State, or to be compensated by state funds, directly or indirectly, as an attorney acting within the State for the State of Nevada or any agency in the Executive Department thereof unless ~~the~~ :

(1) *The Attorney General and the deputies of the Attorney General are disqualified to act in such matter ~~[-]~~ ; or*

(2) *The Attorney General determines that it is impracticable, uneconomical or could constitute a conflict of interest for the Attorney General or a deputy of the Attorney General to serve as the legal adviser in such matter.*

2. *Compensation for any attorney or counselor at law employed as special counsel by the Attorney General must be paid in accordance with the requirements prescribed by NRS 41.03435.*

3. All claims for legal services rendered in violation of this section shall be void.

Sec. 5. 1. This section and ~~[section]~~ sections 3 , 3.3 and 3.7 of this act become effective upon passage and approval.

2. Sections 1, 2 and 4 of this act become effective on October 1, 2023.

Amendment No. 711.

SUMMARY—Revises provisions relating to legal representation in certain actions or proceedings. (BDR 3-422)

AN ACT relating to legal services; authorizing the Attorney General or the chief legal officer or other authorized representative of a political subdivision of this State to provide legal representation to certain officers or employees of the State or a political subdivision thereof in certain actions or proceedings; revising provisions relating to special counsel employed by the Attorney General; revising provisions governing the legal representation of certain persons by the Attorney General; and providing other matters properly relating thereto.

Legislative Counsel's Digest:

Existing law requires the Attorney General or the chief legal officer or other authorized representative of a political subdivision of this State to provide legal counsel to certain officers or employees of the State or a political subdivision of the State who are named as defendants in a civil action and certain other persons who are not officers or employees of the State or a

political subdivision. Existing law authorizes the Attorney General, chief legal officer or other authorized representative to employ special counsel with respect to such civil actions if the Attorney General, chief legal officer or other authorized representative, as applicable, determines that it is impracticable, uneconomical or could constitute a conflict of interest for the legal service to be provided by the Attorney General, chief legal officer or other authorized representative. (NRS 41.0339)

Section 1 of this bill authorizes the Attorney General or the chief legal officer or other authorized representative of a political subdivision of the State to represent certain officers or employees of the State or a political subdivision thereof who are summoned or subpoenaed to appear in an action or proceeding in which the person is not a named defendant if: (1) the person submits a written request for representation; and (2) the Attorney General, chief legal officer or other authorized representative, as applicable, determines that such representation is in the best interest of the State or a political subdivision of the State. Section 1 also authorizes the Attorney General, chief legal officer or other authorized representative to employ special counsel with respect to such actions or proceedings if the Attorney General, chief legal officer or other authorized representative, as applicable, determines that it is impracticable, uneconomical or could constitute a conflict of interest for the legal service to be provided by the Attorney General, chief legal officer or other authorized representative. Section 2 of this bill makes a conforming change to indicate the appropriate placement of section 1 in the Nevada Revised Statutes.

Existing law defines the term "state judicial officer" to mean a justice of the Supreme Court, senior justice, judge of a district court or senior judge. (NRS 41.03385) Section 3.3 of this bill revises the term to include a judge or senior judge of the Court of Appeals.

Existing law requires that certain determinations relating to the employment of special counsel be made by the Attorney General prior to trial. (NRS 41.03435) Section 3.7 of this bill removes the requirement that such determinations be made prior to trial.

In general, existing law: (1) provides that the Attorney General and his or her deputies are the legal advisers on all state matters arising in the Executive Department of the State Government; and (2) prohibits persons in the Executive Department from employing other counsel to represent the State or any agency in the Executive Department unless the Attorney General and the deputies of the Attorney General are disqualified to act in the matter. (NRS 228.110) Section 4 of this bill authorizes a person in the Executive Department to employ counsel other than the Attorney General to represent the State or any agency in the Executive Department if the Attorney General determines that it is impracticable, uneconomical or could constitute a conflict of interest for the Attorney General or a deputy of the Attorney General to serve as the legal adviser on the matter. Section 4 also requires compensation for such counsel to be paid out of: (1) the Reserve for Statutory Contingency

Account; or (2) available federal grants or a permanent fund in the State Treasury other than the State General Fund.

Section 4.3 of this bill requires the Office of the Attorney General to submit a report, on or before July 1 of each odd-numbered year, to the Director of the Legislative Counsel Bureau for distribution to the Joint Interim Standing Committee on the Judiciary that includes, without limitation, a list of each contract for outside legal counsel entered into by the Executive Department of State Government during the immediately preceding biennium and, for each such contract, the names of the parties to the contract and the monetary amount of the contract.

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

Section 1. Chapter 41 of NRS is hereby amended by adding thereto a new section to read as follows:

1. *The official attorney may represent any present or former local judicial officer, state judicial officer, officer or employee of the State or a political subdivision, immune contractor or State Legislator summoned or subpoenaed to appear in an action or proceeding in which the person is not a named defendant, if:*

(a) Within 7 days after the delivery or service of the summons or subpoena, the person submits a written request for representation to the official attorney, and, if the person has an administrative supervisor, his or her administrative supervisor, unless a waiver is granted pursuant to subsection 9; and

(b) The official attorney determines that such representation is in the best interest of the State or a political subdivision of the State.

2. *As soon as reasonably practicable after receiving a request pursuant to subsection 1, the official attorney shall determine whether to represent the person who submitted the request and provide written notice of his or her determination to that person.*

3. *No fact pertaining to the arrangements or circumstances by which the State or a political subdivision or any attorney thereof represents any person or does not represent a person pursuant to this section is admissible in evidence in any action or proceeding, except in connection with an application to withdraw as the attorney of record.*

4. *If the official attorney determines that it is impracticable, uneconomical or could constitute a conflict of interest for the official attorney to provide the legal services associated with representing a person pursuant to this section, the official attorney may employ special counsel to render such legal services. Compensation for special counsel employed by an official attorney pursuant to this subsection must be paid in accordance with the requirements prescribed by NRS 41.03435 or 41.0344, as applicable.*

5. *At any time after a written request is submitted pursuant to subsection 1, the person requesting representation may employ his or her own counsel to represent him or her in the action or proceeding. At that time, the State or political subdivision is excused from any duty to represent that person and is*

not liable for any expenses associated with the action or proceeding, including, without limitation, court costs and attorney's fees.

6. The official attorney may apply to a court to withdraw from representing a person pursuant to this section at any time after the official attorney has appeared in an action or proceeding to represent the person upon notice to the person. Such notice must include, without limitation, the reason for the requested withdrawal.

7. If a court grants a motion to withdraw brought by the official attorney pursuant to subsection 6, the State or any political subdivision has no duty to continue to represent the person who is the subject of the motion to withdraw.

8. The provisions of this section do not abrogate or otherwise alter or affect any immunity from, or protection against, any civil action or civil liability which is provided by law to a local judicial officer, state judicial officer, officer or employee of the State or a political subdivision, immune contractor, State Legislator, member of a state board or commission or member of a local board or commission for any act or omission relating to the person's public duties or employment.

9. The official attorney may waive the requirement for notification prescribed by paragraph (a) of subsection 1 for good cause shown.

10. Nothing in this section shall be construed to require an official attorney to represent any present or former local judicial officer, state judicial officer, officer or employee of the State or a political subdivision, immune contractor or State Legislator in any action or proceeding.

11. As used in this section, "action or proceeding" means any action, suit, matter, cause, hearing, appeal or proceeding.

Sec. 2. NRS 41.03375 is hereby amended to read as follows:

41.03375 As used in NRS 41.03375 to 41.03473, inclusive, and section 1 of this act, unless the context otherwise requires, the words and terms defined in NRS 41.03377, 41.0338 and 41.03385 have the meanings ascribed to them in those sections.

Sec. 3. (Deleted by amendment.)

Sec. 3.3. NRS 41.03385 is hereby amended to read as follows:

41.03385 "State judicial officer" means a justice or senior justice of the Supreme Court, ~~senior justice,~~ judge or senior judge of the Court of Appeals or judge or senior judge of a district court. ~~for senior judge.~~

Sec. 3.7. NRS 41.03435 is hereby amended to read as follows:

41.03435 The Attorney General may employ special counsel whose compensation must be fixed by the Attorney General, subject to the approval of the State Board of Examiners, if the Attorney General determines ~~at any time prior to trial~~ that it is impracticable, uneconomical or could constitute a conflict of interest for the legal service to be rendered by the Attorney General or a deputy attorney general. Compensation for special counsel must be paid out of:

1. The Reserve for Statutory Contingency Account; or

2. Available federal grants or a permanent fund in the State Treasury other than the State General Fund.

Sec. 4. NRS 228.110 is hereby amended to read as follows:

228.110 1. Except as otherwise provided in NRS 228.111 to 228.1118, inclusive, and 228.112 to 228.1127, inclusive, or by specific statute:

(a) The Attorney General and the duly appointed deputies of the Attorney General shall be the legal advisers on all state matters arising in the Executive Department of the State Government.

(b) No officer, commissioner or appointee of the Executive Department of the Government of the State of Nevada shall employ any attorney at law or counselor at law to represent the State of Nevada within the State, or to be compensated by state funds, directly or indirectly, as an attorney acting within the State for the State of Nevada or any agency in the Executive Department thereof unless ~~the~~ :

(1) *The Attorney General and the deputies of the Attorney General are disqualified to act in such matter ~~[-]~~ ; or*

(2) *The Attorney General determines that it is impracticable, uneconomical or could constitute a conflict of interest for the Attorney General or a deputy of the Attorney General to serve as the legal adviser in such matter.*

2. *Compensation for any attorney or counselor at law employed as special counsel by the Attorney General must be paid in accordance with the requirements prescribed by NRS 41.03435.*

3. All claims for legal services rendered in violation of this section shall be void.

Sec. 4.3. On or before July 1 of each odd-numbered year, the Office of the Attorney General shall submit a report to the Director of the Legislative Counsel Bureau for distribution to the Joint Interim Standing Committee on the Judiciary that includes, without limitation:

1. A list of each contract entered into pursuant to NRS 228.110, as amended by section 4 of this act during the immediately preceding biennium; and

2. For each such contract listed in the report, the names of the parties to the contract and the monetary amount of the contract.

Sec. 4.7. The provisions of subsection 1 of NRS 218D.380 do not apply to any provision of this act which adds or revises a requirement to submit a report to the Legislature.

Sec. 5. 1. This section and sections 3, 3.3 and 3.7 of this act become effective upon passage and approval.

2. Sections 1, 2, ~~and~~ 4, 4.3 and 4.7 of this act become effective on October 1, 2023.

Senator Scheible moved that the Senate concur in Assembly Amendments Nos. 543 and 711 to Senate Bill No. 34.

Motion carried by a constitutional majority.

Bill ordered enrolled.

Senate Bill No. 61.

The following Assembly amendment was read:

Amendment No. 590.

SUMMARY—Revises provisions relating to exploitation involving the deposits or proceeds of an account held by an older person or a vulnerable person in joint tenancy. (BDR 15-427)

AN ACT relating to crimes; providing that the holding of an account in joint tenancy does not, in and of itself, convey to the persons named on the account legal ownership of the account and the deposits and proceeds of the account in a manner that would preclude such a person from committing or being prosecuted for exploitation involving the control or conversion of any deposits or proceeds of the account; and providing other matters properly relating thereto.

Legislative Counsel's Digest:

Existing law sets forth certain circumstances in which a deposit made in the names of two or more persons creates an account held in joint tenancy. Existing law provides, with certain exceptions, that the use by a depositor of the term "joint account," or a similar term, in designating the ownership of an account indicates the intent of the depositor that the account be held in joint tenancy. If an account is intended to be held in joint tenancy, existing law provides that the account or proceeds from the account are owned by the persons named on the account. (NRS 100.085)

In 1996, the Nevada Supreme Court held that the status of a defendant as a joint account holder under NRS 100.085 did not preclude her conviction for theft of money from the joint account because the jury could have concluded that the criminal intent and actions of the defendant arose before she placed the money into the joint account. (*Walch v. State*, 112 Nev. 25, 31-33 (1996)) In 2018, the Nevada Court of Appeals determined that NRS 100.085 establishes a presumption that a joint account holder has ownership of, and the authority to use, money in a joint account. The Court held that, under the reasoning of the Nevada Supreme Court, for a joint account holder to be convicted of theft based on the withdrawal or misuse of money from a joint account, the State is required to establish that the criminal intent of the joint account holder arose before the money was deposited into the joint account. (*Natko v. State*, 134 Nev. 841, 843-44 (Nev. Ct. App. 2018))

Existing law imposes criminal penalties on a person who exploits or who conspires to exploit an older person or vulnerable person. (NRS 200.5099, 200.50995) Existing law defines "exploitation" to mean, in general, any act taken by a person who has the trust and confidence of an older person or a vulnerable person or any use of the power of attorney or guardianship of an older person or a vulnerable person to obtain control of or to convert the person's money, assets or property with the intention of permanently depriving the person of the ownership, use, benefit or possession of his or her money, assets or property. (NRS 200.5092) Sections 1 and 5.5 of this bill provide that the mere fact that an account of an older person or a vulnerable person is held

in joint tenancy does not, in and of itself, convey to the persons named on the account legal ownership of the account and the deposits and proceeds of the account in such a way that would preclude any of those persons from committing or being prosecuted for exploitation involving the control or conversion of any deposits or proceeds of the account, regardless of when the intent to commit exploitation arose.

Section 2-4 and 6 of this bill make conforming changes to indicate the proper placement of section 1 in the Nevada Revised Statutes.

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

Section 1. Chapter 200 of NRS is hereby amended by adding thereto a new section to read as follows:

1. The mere fact that an account of an older person or a vulnerable person is held in joint tenancy pursuant to NRS 100.085 does not, in and of itself, convey to all persons named on the account legal ownership of the account and the deposits and proceeds of the account in a manner that would preclude such a person from committing or being prosecuted for exploitation involving the control or conversion of any deposits or proceeds of the account if the facts and circumstances demonstrate that exploitation has occurred, regardless of whether the intent to commit exploitation arose before, during or after the creation of the account.

2. Nothing in this section shall be construed to relieve the State of its burden of proving beyond a reasonable doubt each element of the crime of exploitation.

Sec. 2. NRS 200.5092 is hereby amended to read as follows:

200.5092 As used in NRS 200.5091 to 200.50995, inclusive, and section 1 of this act, unless the context otherwise requires:

1. "Abandonment" means:

(a) Desertion of an older person or a vulnerable person in an unsafe manner by a caretaker or other person with a legal duty of care; or

(b) Withdrawal of necessary assistance owed to an older person or a vulnerable person by a caretaker or other person with an obligation to provide services to the older person or vulnerable person.

2. "Abuse" means willful:

(a) Infliction of pain or injury on an older person or a vulnerable person;

(b) Deprivation of food, shelter, clothing or services which are necessary to maintain the physical or mental health of an older person or a vulnerable person;

(c) Infliction of psychological or emotional anguish, pain or distress on an older person or a vulnerable person through any act, including, without limitation:

(1) Threatening, controlling or socially isolating the older person or vulnerable person;

(2) Disregarding the needs of the older person or vulnerable person; or

(3) Harming, damaging or destroying any property of the older person or vulnerable person, including, without limitation, pets;

(d) Nonconsensual sexual contact with an older person or a vulnerable person, including, without limitation:

(1) An act that the older person or vulnerable person is unable to understand or to which the older person or vulnerable person is unable to communicate his or her objection; or

(2) Intentional touching, either directly or through the clothing, of the genitalia, anus, groin, breast, inner thigh or buttocks of the older person or vulnerable person; or

(e) Permitting any of the acts described in paragraphs (a) to (d), inclusive, to be committed against an older person or a vulnerable person.

3. "Exploitation" means any act taken by a person who has the trust and confidence of an older person or a vulnerable person or any use of the power of attorney or guardianship of an older person or a vulnerable person to:

(a) Obtain control, through deception, intimidation or undue influence, over the older person's or vulnerable person's money, assets or property with the intention of permanently depriving the older person or vulnerable person of the ownership, use, benefit or possession of his or her money, assets or property; or

(b) Convert money, assets or property of the older person or vulnerable person with the intention of permanently depriving the older person or vulnerable person of the ownership, use, benefit or possession of his or her money, assets or property.

↪ As used in this subsection, "undue influence" means the improper use of power or trust in a way that deprives a person of his or her free will and substitutes the objectives of another person. The term does not include the normal influence that one member of a family has over another.

4. "Isolation" means preventing an older person or a vulnerable person from having contact with another person by:

(a) Intentionally preventing the older person or vulnerable person from receiving visitors, mail or telephone calls, including, without limitation, communicating to a person who comes to visit the older person or vulnerable person or a person who telephones the older person or vulnerable person that the older person or vulnerable person is not present or does not want to meet with or talk to the visitor or caller knowing that the statement is false, contrary to the express wishes of the older person or vulnerable person and intended to prevent the older person or vulnerable person from having contact with the visitor;

(b) Physically restraining the older person or vulnerable person to prevent the older person or vulnerable person from meeting with a person who comes to visit the older person or vulnerable person; or

(c) Permitting any of the acts described in paragraphs (a) and (b) to be committed against an older person or a vulnerable person.

↪ The term does not include an act intended to protect the property or physical or mental welfare of the older person or vulnerable person or an act performed pursuant to the instructions of a physician of the older person or vulnerable person.

5. "Neglect" means the failure of a person or a manager of a facility who has assumed legal responsibility or a contractual obligation for caring for an older person or a vulnerable person or who has voluntarily assumed responsibility for his or her care to provide food, shelter, clothing or services which are necessary to maintain the physical or mental health of the older person or vulnerable person.

6. "Older person" means a person who is 60 years of age or older.

7. "Protective services" means services the purpose of which is to prevent and remedy the abuse, neglect, exploitation, isolation and abandonment of older persons or vulnerable persons. The services may include:

(a) The investigation, evaluation, counseling, arrangement and referral for other services and assistance; and

(b) Services provided to an older person or a vulnerable person who is unable to provide for his or her own needs.

8. "Vulnerable person" means a person 18 years of age or older who:

(a) Suffers from a condition of physical or mental incapacitation because of a developmental disability, organic brain damage or mental illness; or

(b) Has one or more physical or mental limitations that restrict the ability of the person to perform the normal activities of daily living.

Sec. 3. NRS 200.50925 is hereby amended to read as follows:

200.50925 For the purposes of NRS 200.5091 to 200.50995, inclusive, *and section 1 of this act*, a person:

1. Has "reasonable cause to believe" if, in light of all the surrounding facts and circumstances which are known or which reasonably should be known to the person at the time, a reasonable person would believe, under those facts and circumstances, that an act, transaction, event, situation or condition exists, is occurring or has occurred.

2. Acts "as soon as reasonably practicable" if, in light of all the surrounding facts and circumstances which are known or which reasonably should be known to the person at the time, a reasonable person would act within approximately the same period under those facts and circumstances.

Sec. 4. NRS 200.5099 is hereby amended to read as follows:

200.5099 1. Except as otherwise provided in subsection 6, any person who abuses an older person or a vulnerable person is guilty:

(a) For the first offense, of either of the following, as determined by the court:

(1) A category C felony and shall be punished as provided in NRS 193.130; or

(2) A gross misdemeanor and shall be punished by imprisonment in the county jail for not more than 364 days, or by a fine of not more than \$2,000, or by both fine and imprisonment; or

(b) For the second and all subsequent offenses or if the person has been previously convicted of violating a law of any other jurisdiction that prohibits the same or similar conduct, of a category B felony and shall be punished by imprisonment in the state prison for a minimum term of not less than 2 years and a maximum term of not more than 6 years,
➡ unless a more severe penalty is prescribed by law for the act or omission which brings about the abuse.

2. Except as otherwise provided in subsection 7, any person who has assumed responsibility, legally, voluntarily or pursuant to a contract, to care for an older person or a vulnerable person and who neglects the older person or vulnerable person, causing the older person or vulnerable person to suffer physical pain or mental suffering, permits or allows the older person or vulnerable person to suffer unjustifiable physical pain or mental suffering or permits or allows the older person or vulnerable person to be placed in a situation where the older person or vulnerable person may suffer physical pain or mental suffering as the result of abuse or neglect is guilty:

(a) For the first offense, of either of the following, as determined by the court:

(1) A category C felony and shall be punished as provided in NRS 193.130; or

(2) A gross misdemeanor and shall be punished by imprisonment in the county jail for not more than 364 days, or by a fine of not more than \$2,000, or by both fine and imprisonment; or

(b) For the second and all subsequent offenses, of a category B felony and shall be punished by imprisonment in the state prison for a minimum term of not less than 2 years and a maximum term of not more than 6 years,
➡ unless a more severe penalty is prescribed by law for the act or omission which brings about the abuse or neglect.

3. Except as otherwise provided in subsection 4, any person who exploits an older person or a vulnerable person shall be punished:

(a) For the first offense, if the value of any money, assets and property obtained or used:

(1) Is less than \$650, of either of the following, as determined by the court:

(I) A category C felony as provided in NRS 193.130; or

(II) A gross misdemeanor by imprisonment in the county jail for not more than 364 days, or by a fine of not more than \$2,000, or by both fine and imprisonment;

(2) Is at least \$650, but less than \$5,000, 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; or

(3) Is \$5,000 or more, for a category B felony by imprisonment in the state prison for a minimum term of not less than 2 years and a maximum term

of not more than 20 years, or by a fine of not more than \$25,000, or by both fine and imprisonment; or

(b) For the second and all subsequent offenses, regardless of the value of any money, assets and property obtained or used, for a category B felony by imprisonment in the state prison for a minimum term of not less than 2 years and a maximum term of not more than 20 years, or by a fine of not more than \$25,000, or by both fine and imprisonment,

➡ unless a more severe penalty is prescribed by law for the act which brought about the exploitation. The monetary value of all of the money, assets and property of the older person or vulnerable person which have been obtained or used, or both, may be combined for the purpose of imposing punishment for an offense charged pursuant to this subsection.

4. If a person exploits an older person or a vulnerable person and the monetary value of any money, assets and property obtained cannot be determined, the person shall be punished:

(a) For the first offense, of either of the following, as determined by the court:

(1) A category C felony as provided in NRS 193.130; or

(2) A gross misdemeanor by imprisonment in the county jail for not more than 364 days, or by a fine of not more than \$2,000, or by both fine and imprisonment; or

(b) For the second and all subsequent offenses, for a category B felony by imprisonment in the state prison for a minimum term of not less than 2 years and a maximum term of not more than 20 years, or by a fine of not more than \$25,000, or by both fine and imprisonment,

➡ unless a more severe penalty is prescribed by law for the act which brought about the exploitation.

5. Any person who isolates or abandons an older person or a vulnerable person is guilty:

(a) For the first offense, of either of the following, as determined by the court:

(1) A category C felony and shall be punished as provided in NRS 193.130; or

(2) A gross misdemeanor and shall be punished by imprisonment in the county jail for not more than 364 days, or by a fine of not more than \$2,000, or by both fine and imprisonment; or

(b) For the second and all subsequent offenses, of a category B felony and shall be punished by imprisonment in the state prison for a minimum term of not less than 2 years and a maximum term of not more than 10 years, and may be further punished by a fine of not more than \$5,000,

➡ unless a more severe penalty is prescribed by law for the act or omission which brings about the isolation or abandonment.

6. A person who violates any provision of subsection 1, if substantial bodily or mental harm or death results to the older person or vulnerable person, is guilty of a category B felony and shall be punished by imprisonment in the

state prison for a minimum term of not less than 2 years and a maximum term of not more than 20 years, unless a more severe penalty is prescribed by law for the act or omission which brings about the abuse.

7. A person who violates any provision of subsection 2, if substantial bodily or mental harm or death results to the older person or vulnerable person, shall be punished for a category B felony by imprisonment in the state prison for a minimum term of not less than 2 years and a maximum term of not more than 20 years, unless a more severe penalty is prescribed by law for the act or omission which brings about the abuse or neglect.

8. In addition to any other penalty imposed against a person for a violation of any provision of NRS 200.5091 to 200.50995, inclusive, *and section 1 of this act* the court shall order the person to pay restitution.

9. As used in this section:

(a) "Allow" means to take no action to prevent or stop the abuse or neglect of an older person or a vulnerable person if the person knows or has reason to know that the older person or vulnerable person is being abused or neglected.

(b) "Permit" means permission that a reasonable person would not grant and which amounts to a neglect of responsibility attending the care and custody of an older person or a vulnerable person.

(c) "Substantial mental harm" means an injury to the intellectual or psychological capacity or the emotional condition of an older person or a vulnerable person as evidenced by an observable and substantial impairment of the ability of the older person or vulnerable person to function within his or her normal range of performance or behavior.

Sec. 5. (Deleted by amendment.)

Sec. 5.5. NRS 100.085 is hereby amended to read as follows:

100.085 1. When a deposit has been made in the name of the depositor and one or more other persons, and in a form intended to be paid or delivered to any one of them, or the survivor or survivors of them, the deposit is the property of the persons as joint tenants. If an account is intended to be held in joint tenancy, the account or proceeds from the account are owned by the persons named, and may be paid or delivered to any of them during the lifetime of all, or to the survivor or survivors of them after the death of less than all of the tenants, or the last of them to survive, and payment or delivery is a valid and sufficient release and discharge of the depository.

2. The making of a deposit in the form of a joint tenancy vests title to the deposit in the survivor or survivors.

3. When a deposit has been made in the name of the depositor and one or more other persons, and in a form to be paid or delivered to the survivor or survivors of them, but one or more of the other persons is not authorized to withdraw from the deposit during the life of the depositor or depositors, the person or persons so restricted have no present interest in the deposit, but upon the death of the last depositor entitled to withdraw, the deposit is presumed to belong to the survivor or survivors. Unless written notice of a claim against the deposit has been given by a survivor or a third person before payment or

delivery, payment or delivery to a survivor is a valid and sufficient release and discharge of the depository.

4. For the purposes of this section, unless a depositor specifically provides otherwise, the use by the depositor of any of the following words or terms in designating the ownership of an account indicates the intent of the depositor that the account be held in joint tenancy:

- (a) Joint;
- (b) Joint account;
- (c) Jointly held;
- (d) Joint tenants;
- (e) Joint tenancy; or
- (f) Joint tenants with right of survivorship.

5. *As set forth in section 1 of this act, the mere fact that an account of an older person or a vulnerable person is held in joint tenancy pursuant to this section does not, in and of itself, convey to all persons named on the account legal ownership of the account and the deposits and proceeds of the account in a manner that would preclude such a person from committing or being prosecuted for exploitation involving the control or conversion of any deposits or proceeds of the account if the facts and circumstances demonstrate that exploitation has occurred, regardless of whether the intent to commit exploitation arose before, during or after the creation of the account.*

6. *As used in this section:*

- (a) *"Exploitation" has the meaning ascribed to it in NRS 200.5092.*
- (b) *"Older person" has the meaning ascribed to it in NRS 200.5092.*
- (c) *"Vulnerable person" has the meaning ascribed to it in NRS 200.5092.*

Sec. 6. NRS 162C.330 is hereby amended to read as follows:

162C.330 1. The provisions of this chapter must not be construed to affect the requirement of any person to report the abuse, neglect, exploitation, isolation or abandonment of an older person or a vulnerable person as provided in NRS 200.5091 to 200.50995, inclusive ~~{-}~~, *and section 1 of this act.*

2. As used in this section, the words and terms defined in NRS 200.5091 to 200.50995, inclusive, *and section 1 of this act* have the meanings ascribed to them in those sections.

Senator Scheible moved that the Senate concur in Assembly Amendment No. 590 to Senate Bill No. 61.

Motion carried by a constitutional majority.

Bill ordered enrolled.

Senate Bill No. 63.

The following Assembly amendment was read:

Amendment No. 632.

SUMMARY—Revises provisions relating to the Judicial Department of State Government. (BDR 1-435)

AN ACT relating to the Judicial Department of State Government; making various changes relating to the policies and procedures of the Judicial

Department; authorizing a judge to hold court by means of remote communication in certain circumstances; requiring the Nevada Supreme Court to prescribe certain policies and procedures relating to the Judicial Department by rule; authorizing a judge or justice of the peace to have a partner or associate who practices law in this State under certain circumstances; revising the duties of the Court Administrator; replacing the term "regulation" with "rule" for purposes of certain provisions of law relating to the Judicial Department; revising provisions relating to court interpreters; codifying in statute language from the Nevada Constitution relating to the expiration of the term of office for a justice appointed to fill a vacancy on the Nevada Supreme Court; revising provisions concerning the provision of certain resources to the Supreme Court and the district courts; providing that certain orders for protection issued in another state are not subject to certain requirements to be given full faith and credit in this State; repealing obsolete provisions relating to the Judicial Department; repealing various provisions relating to court seals, qualifications of certain employees and reports; and providing other matters properly relating thereto.

Legislative Counsel's Digest:

Existing law requires various courts in this State to follow certain policies and procedures. (Chapters 1-5 of NRS) Section 1 of this bill replaces a requirement that the telephone number for the office of each judge be published in a telephone directory with a requirement that the contact information for the office of each judge be made available to the public. (NRS 1.055)

Existing law authorizes a judge to issue an order directing that court be held at a location other than the location at which the judge regularly holds court under certain specific emergency circumstances. (NRS 1.070) Section 2 of this bill authorizes a judge to issue an order directing, instead, that court be held: (1) at any other place or location other than the place or location at which the judge regularly holds court under more generalized emergency circumstances; and (2) by means of remote communication when necessary to promote the interest of justice. Section 3 of this bill makes a conforming change relating to the appearance of parties by means of remote communication if a judge issues an order directing that court be held remotely.

Section 4 of this bill removes an obsolete prohibition against excluding a minor who is a law student from a criminal trial.

Existing law authorizes: (1) the Nevada Supreme Court to adopt rules relating to the electronic filing, storage and reproduction of documents filed with the court of justice in this State; and (2) each court of justice to provide for such filing, storage and documentation in accordance with the rules adopted by the Supreme Court. (NRS 1.117) Section 5 of this bill instead requires the Supreme Court to adopt such rules and removes the explicit statutory authorization for other courts of justice in this State to provide for such filing, storage and documentation in accordance with such rules.

Existing law authorizes certain courts to conduct business on nonjudicial days for the purpose of receiving telephone calls relating to the issuance of certain orders for protection. (NRS 1.130) Section 6 of this bill expands the purposes for which such courts are authorized to transact business on nonjudicial days by authorizing the courts to conduct business on nonjudicial days for the purposes of receiving any electronic communication relating to the issuance of a temporary or emergency order for protection. Section 31 of this bill makes conforming changes related to the granting of such an order.

Existing law requires each court of justice to have a seal and prescribes requirements relating to the custody and use of such seals. (NRS 1.140-1.190) Section 37 of this bill repeals various provisions which prescribe requirements relating to seals. Section 7 of this bill instead requires: (1) each court of justice in this State to have a seal; and (2) the Nevada Supreme Court to adopt rules relating to the format, use and storage of such seals.

Existing law prescribes a procedure for disqualifying certain judges for actual or implied bias or prejudice and requires any party to an action or proceeding pending in certain courts who seeks to disqualify a judge for actual or implied bias or prejudice to: (1) file an affidavit specifying the facts upon which the disqualification is sought; and (2) if the party is represented by an attorney, have the attorney of record file a certificate which states that the affidavit is filed in good faith and not interposed for delay. (NRS 1.235) Section 8 of this bill: (1) removes the requirement that an attorney must file such a certificate and instead requires any party, regardless of whether the party is represented by an attorney, to file an affidavit that includes certain statements supporting the assertion that the affidavit is filed in good faith.

Existing law prohibits a judge or justice of the peace from having a partner acting as an attorney or counsel in any court in this State. (NRS 1.270) Section 8.5 of this bill additionally prohibits a judge or justice of the peace from having an associate acting as an attorney under the same circumstances. Section 8.5 creates an exception to these prohibitions for part-time judges under certain circumstances.

Existing law requires the Nevada Supreme Court to appoint a Court Administrator and prescribes the duties of the Court Administrator. (NRS 1.330, 1.360) Section 9 of this bill removes from the duties of the Court Administrator the duty to: (1) examine the condition of the dockets of the courts; and (2) make certain recommendations relating to the assignment of district judges.

Existing law provides for the adoption of regulations by the Commission on Judicial Selection, the Court Administrator, the Nevada Supreme Court and certain chief judges or justices relating to the Judicial Department of State Government. (NRS 1.400, 1.510, 1.520, 2.410, 3.025, 4.155, 4.157, 5.021) In general, existing law requires regulations adopted by agencies of the Executive Department of the State Government to be adopted through a rulemaking process. (Chapter 233B of NRS) Sections 10, 12-15, 25, 26, 28-30 and 32-34

of this bill replace the term "regulation" with the term "rule" and make conforming changes related to this change.

Section 11 of this bill revises provisions governing the compensation of court interpreters and translators.

Existing law requires the Chief Justice of the Nevada Supreme Court to appoint a committee to provide certain advice relating to the certification or registration of court interpreters. Existing law also prescribes the membership and duties of the committee. (NRS 1.530) Section 14 of this bill removes requirements relating to the appointment of certain members of the committee. Section 14 also: (1) authorizes the chair of the committee to designate a vice chair of the committee; and (2) revises the contents of the annual report the committee is required to submit to the Legislature.

Section 16 of this bill replaces certain requirements prescribed by existing law relating to the process by which a person may petition the Court Administrator to determine whether his or her criminal history will disqualify him or her from obtaining a certificate or registration as a court interpreter with a requirement that the Court Administrator adopt rules for this process.

Existing law codifies in statute certain provisions relating to the process set forth in the Nevada Constitution regarding the filling of vacancies in the office of justice of the Nevada Supreme Court. (Nev. Const. Art. 6, § 20; NRS 2.040) Section 17 of this bill additionally codifies in statute the date on which the term of office for a justice appointed to fill a vacancy on the Court expires. Section 18 of this bill removes a requirement that certain rules adopted by the Court be published and take effect within a prescribed period. (NRS 2.120)

Sections 19 and 27 of this bill revise and modernize statutory language relating to: (1) the circumstances under which certain courts may direct the sheriff of a county to provide a place to conduct court; and (2) the resources a county is required to provide upon receiving such a directive.

Section 20 of this bill removes provisions relating to the use of a facsimile signature by a justice of the Nevada Supreme Court and replaces those provisions with a requirement that the Court provide by rule for the use of a digital or electronic signature by each justice of the Court.

Existing law authorizes or requires the Nevada Supreme Court to employ certain officers and employees. (NRS 2.200-2.310) Section 24 of this bill revises provisions relating to the employment by the Court of certain employees by: (1) removing language authorizing a majority of justices of the Court to employ certain persons; and (2) authorizing the Court to employ personnel necessary for the operation, maintenance and improvement of the Court and the State Court System. Section 21 of this bill removes outdated language relating to the expiration of the term of a person elected to the office of Clerk of the Nevada Supreme Court. Sections 22 and 23 of this bill remove language authorizing a majority of justices to appoint and employ persons for the safety and security of the justices and employees of the Nevada Supreme Court.

Existing law authorizes a court to issue certain orders for protection against high-risk behavior. (NRS 33.500-33.670) Existing law additionally provides, under certain circumstances, that an order for protection against domestic violence which is issued by the court of another state, territory or Indian tribe within the United States is valid and must be accorded full faith and credit and enforced by the courts and law enforcement officers of this State as if it were issued by a court in this State. (NRS 33.085) Section 30.5 of this bill similarly requires an order for protection against high-risk behavior which is issued by the court of another state, territory or Indian tribe within the United States to be accorded full faith and credit and enforced by the courts and law enforcement officers of this State.

Existing law requires five justices of the Nevada Supreme Court and each judge of the Court of Appeals, other than the initial three judges, to be elected. (NRS 281.010) Section 35 of this bill removes the references to: (1) the specific number of justices on the Nevada Supreme Court; and (2) the initial judges appointed to the Court of Appeals.

Section 37 repeals various provisions of law relating to the Judicial Department, including provisions relating to the seals of certain courts, the qualifications of certain employees and the submission of certain reports.

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

Section 1. NRS 1.055 is hereby amended to read as follows:

1.055 ~~{A}~~ *The contact information for the office of each judge ~~for any court of justice for~~ in this State ~~{shall cause the telephone number of his or her office that is located within the court to}~~ must be ~~{published in the telephone directory that is provided}~~ made available to the public . ~~{in the jurisdiction in which the court is located.}~~*

Sec. 2. NRS 1.070 is hereby amended to read as follows:

1.070 1. A judge authorized to hold or preside at a court appointed to be held in a city, precinct or town, may, by an order filed with the county clerk and published as he or she may prescribe, direct that the court be held or continued ~~{at}~~ :

(a) *At any other place or location in the city or county than that appointed, when ~~{war, pestilence, or other public calamity, or the dangers thereof, or the destruction of the building appointed for holding the court, may}~~ emergency conditions which impair the ability of the court to perform its basic functions render it necessary; ~~{and}~~ or*

(b) *By means of remote communication when necessary to promote the interest of justice.*

2. *A judge who directs that the court be held or continued at another place or location pursuant to subsection 1 may, in the same manner, revoke the order and, in his or her discretion, appoint another place ~~{in the same city}~~ or ~~{county}~~ location for holding or continuing the court.*

3. *As used in this section, "remote communication" means communication through telephone or videoconferencing.*

Sec. 3. NRS 1.080 is hereby amended to read as follows:

1.080 When the court is held at a place *or location* appointed as provided in NRS 1.070, every person held to appear at the court shall appear at the place *or location* so appointed.

Sec. 4. NRS 1.090 is hereby amended to read as follows:

1.090 The sitting of every court of justice ~~[shall]~~ *must* be public except as otherwise provided by law, ~~[;]~~ but the judge of any court may exclude any minor during any criminal trial therein except ~~[such minor be on trial, or]~~ *when the minor is on trial or is testifying as a witness. [; or when the minor shall be a law student preparing to apply for a license to practice law.]*

Sec. 5. NRS 1.117 is hereby amended to read as follows:

1.117 ~~[1.]~~ The Supreme Court ~~[may]~~ *shall* adopt rules not inconsistent with the laws of this State to provide for the electronic filing, storage and reproduction of documents filed with the courts of justice.

~~[2. If the Supreme Court adopts such rules, each court of justice may provide for the electronic filing, storage and reproduction of documents filed with the court in accordance with those rules.]~~

Sec. 6. NRS 1.130 is hereby amended to read as follows:

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

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

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

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

(d) To receive *electronic* communications ~~[by telephone and for]~~ *related to* the issuance of:

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

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

(e) *For the issuance of any temporary or emergency order listed in paragraph (d).*

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

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

All proceedings instituted, and all writs issued, and all official acts done on any of the days above specified, under and by virtue of this section, shall have

all the validity, force and effect of proceedings commenced on other days, whether a lien be obtained or a levy made under and by virtue of the writ.

2. Nothing herein contained shall affect private transactions of any nature whatsoever.

3. *As used in this section, "electronic communication" includes, without limitation, communication made by telephone, wireless phone or electronic mail or through the use of an Internet or network site.*

Sec. 7. NRS 1.140 is hereby amended to read as follows:

1.140 ~~{The Supreme Court, the Court of Appeals, the district courts, the justice courts and those municipal courts designated as courts of record pursuant to NRS 5.010}~~

1. Each court of justice in this State shall have a seal.

2. *The Supreme Court shall adopt rules relating to the format of a seal required by subsection 1 and the use and storage of any such seal.*

Sec. 8. NRS 1.235 is hereby amended to read as follows:

1.235 1. Any party to an action or proceeding pending in any court other than the Supreme Court or the Court of Appeals, who seeks to disqualify a judge for actual or implied bias or prejudice must file an affidavit specifying the facts upon which the disqualification is sought. The affidavit ~~{of a party represented by an attorney must be accompanied by a certificate of the attorney of record}~~ must contain a statement that the affidavit is filed in good faith and is not ~~{interposed for delay.}~~ :

(a) *Interposed for delay;*

(b) *Intended to harass a judge; or*

(c) *Filed for the purpose of:*

(1) *Unnecessarily increasing the costs of litigation; or*

(2) *Attempting to prevent prosecution.*

2. Except as otherwise provided in subsections ~~{2}~~ 3 and ~~{3,}~~ 4 the affidavit must be filed:

(a) Not less than 20 days before the date set for trial or hearing of the case;

or

(b) Not less than 3 days before the date set for the hearing of any pretrial matter.

~~{2,}~~ 3. Except as otherwise provided in this subsection and subsection ~~{3,}~~ 4, if a case is not assigned to a judge before the time required under subsection ~~{1}~~ 2 for filing the affidavit, the affidavit must be filed:

(a) Within 10 days after the party or the party's attorney is notified that the case has been assigned to a judge;

(b) Before the hearing of any pretrial matter; or

(c) Before the jury is empaneled, evidence taken or any ruling made in the trial or hearing,

↪ whichever occurs first. If the facts upon which disqualification of the judge is sought are not known to the party before the party is notified of the assignment of the judge or before any pretrial hearing is held, the affidavit may be filed not later than the commencement of the trial or hearing of the case.

~~{3.}~~ 4. If a case is reassigned to a new judge and the time for filing the affidavit under subsection ~~{1.}~~ 2 and paragraph (a) of subsection ~~{2.}~~ 3 has expired, the parties have 10 days after notice of the new assignment within which to file the affidavit, and the trial or hearing of the case must be rescheduled for a date after the expiration of the 10-day period unless the parties stipulate to an earlier date.

~~{4.}~~ 5. At the time the affidavit is filed, a copy must be served upon the judge sought to be disqualified. Service must be made by delivering the copy to the judge personally or by leaving it at the judge's chambers with some person of suitable age and discretion employed therein.

~~{5.}~~ 6. Except as otherwise provided in subsection ~~{6.}~~ 7, the judge against whom an affidavit alleging bias or prejudice is filed shall proceed no further with the matter and shall:

(a) If the judge is a district judge, immediately transfer the case to another department of the court, if there is more than one department of the court in the district, or request the judge of another district court to preside at the trial or hearing of the matter;

(b) If the judge is a justice of the peace, immediately arrange for another justice of the peace to preside at the trial or hearing of the matter as provided pursuant to NRS 4.032, 4.340 or 4.345, as applicable; or

(c) If the judge is a municipal judge, immediately arrange for another municipal judge to preside at the trial or hearing of the matter as provided pursuant to NRS 5.023 or 5.024, as applicable.

~~{6.}~~ 7. A judge may challenge an affidavit alleging bias or prejudice by filing a written answer with the clerk of the court within 5 judicial days after the affidavit is ~~filed,~~ served, admitting or denying any or all of the allegations contained in the affidavit and setting forth any additional facts which bear on the question of the judge's disqualification. The question of the judge's disqualification must thereupon be heard and determined by ~~another judge agreed upon by the parties or, if they are unable to agree, by~~ a judge appointed:

(a) If the judge is a district judge, by the presiding judge of the judicial district in judicial districts having more than one judge, or if the presiding judge of the judicial district is sought to be disqualified, by the judge having the greatest number of years of service;

(b) If the judge is a justice of the peace, by the presiding judge of the justice court in justice courts having more than one justice of the peace, or if the presiding judge is sought to be disqualified, by the justice of the peace having the greatest number of years of service;

(c) If the judge is a municipal judge, by the presiding judge of the municipal court in municipal courts having more than one municipal judge, or if the presiding judge is sought to be disqualified, by the municipal judge having the greatest number of years of service; or

(d) If there is no presiding judge, by the Supreme Court.

Sec. 8.5. NRS 1.270 is hereby amended to read as follows:

1.270 ~~{No}~~

1. *Except as otherwise provided in subsection 2, no judge or justice of the peace shall have a partner or associate acting as attorney or counsel in any court in this State.*

2. *A part-time judge may have a partner or associate who practices law in this State if the partner or associate does not engage in the practice of law before the part-time judge or in any court subject to the appellate jurisdiction of a court in which the part-time judge sits.*

Sec. 9. NRS 1.360 is hereby amended to read as follows:

1.360 Under the direction of the Supreme Court, the Court Administrator shall:

1. Examine the administrative procedures employed in the ~~{offices of the judges, clerks, court reporters and employees of all}~~ courts of this State and make recommendations ~~{, through the Chief Justice,}~~ for the improvement ~~{of those procedures;}~~ thereof;

2. ~~{Examine the condition of the dockets of the courts and determine the need for assistance by any court;}~~

~~—3. Make recommendations to and carry out the directions of the Chief Justice relating to the assignment of district judges where district courts are in need of assistance;~~

~~—4.}~~ Develop a uniform system for collecting and compiling statistics and other data regarding the operation of the State Court System and transmit that information to the Supreme Court so that proper action may be taken in respect thereto;

~~{5.}~~ 3. Prepare and submit a budget of state appropriations necessary for the maintenance , ~~{and}~~ operation *and improvement* of the State Court System and make recommendations in respect thereto;

~~{6.}~~ 4. Develop procedures for accounting, internal auditing, procurement and disbursement for the State Court System;

~~{7.}~~ 5. Collect statistical and other data and make reports relating to the expenditure of all public money for the maintenance and operation of the State Court System and the offices connected therewith;

~~{8.}~~ 6. Compile statistics from the information required to be maintained by the clerks of the district courts pursuant to NRS 3.275 regarding criminal and civil cases and make reports as to the cases filed in the district courts;

~~{9.}~~ 7. Formulate and submit to the Supreme Court recommendations of policies or proposed legislation for the improvement of the State Court System;

~~{10.}~~ 8. On or before January 1 of each year, submit to the Director of the Legislative Counsel Bureau a written report:

(a) Compiling the information submitted to the Court Administrator pursuant to NRS 3.243, 4.175 and 5.045 during the immediately preceding fiscal year; and

(b) Concerning:

(1) The distribution of money deposited in the special account created ~~by~~ *pursuant to* NRS 176.0613 to assist with funding and establishing specialty court programs;

(2) The current status of any specialty court programs to which money from the account was allocated since the last report;

(3) Statistics compiled from information required to be maintained by clerks of the district courts pursuant to NRS 3.275 concerning specialty courts, including, without limitation, the number of participants in such programs, the nature of the criminal charges that were filed against participants, the number of participants who have completed the programs and the disposition of the cases; and

(4) Such other related information as the Court Administrator deems appropriate; and

~~{11.}~~ 9. Attend to such other matters as may be assigned by the Supreme Court or prescribed by law.

Sec. 10. NRS 1.400 is hereby amended to read as follows:

1.400 The Commission on Judicial Selection may adopt ~~{regulations}~~ *rules* for the operation of the Commission and for maintaining the confidentiality of its proceedings and records.

Sec. 11. NRS 1.500 is hereby amended to read as follows:

1.500 Interpreters and translators shall receive such fees as the court ~~{by whom they are employed shall certify to be just.}~~ *determines are reasonable and necessary.*

Sec. 12. NRS 1.510 is hereby amended to read as follows:

1.510 1. ~~{The}~~ *Subject to the limits of legislative appropriation, the* Court Administrator shall, with the advice of the committee established pursuant to NRS 1.530, adopt ~~{regulations which, subject to the availability of funding, establish}~~ *rules establishing* a program for the certification or registration of court interpreters for persons with limited English proficiency who are witnesses, defendants and litigants.

2. The ~~{regulations established}~~ *rules adopted* pursuant to subsection 1 must set forth:

(a) The specific languages for which court interpreters may obtain certification or registration . ~~{, based upon the need for interpreters of those languages.}~~

(b) Any examination and the qualifications which are required for:

(1) Certification or registration; and

(2) Renewal of the certification or registration.

(c) The circumstances under which the Court Administrator will deny, suspend or refuse to renew a certificate or registration.

(d) The circumstances under which the Court Administrator will take disciplinary action against a certified or registered court interpreter.

(e) The circumstances under which a court or juvenile court must proceed if a certified or registered interpreter is not available.

(f) Except as otherwise provided in NRS 50.050, the rate and source of the compensation to be paid for services provided by a certified or registered court interpreter.

3. An application for a certificate or registration as a court interpreter pursuant to subsection 1 must include the social security number of the applicant.

4. Every applicant for certification or registration as a court interpreter pursuant to subsection 1 must submit with his or her application:

- (a) A complete set of his or her fingerprints; and
- (b) Written permission authorizing the Court Administrator to forward the fingerprints to the Central Repository for Nevada Records of Criminal History for its initial report on the criminal history of the applicant and for reports thereafter upon renewal of the certification or registration, and for submission to the Federal Bureau of Investigation for its report on the criminal history of the applicant.

5. Except as otherwise provided by a specific ~~[regulation]~~ rule of the Court Administrator, it is grounds for disciplinary action for a certified or registered court interpreter to act as interpreter in any action in which:

- (a) The spouse of the court interpreter is a party;
- (b) A party or witness is otherwise related to the court interpreter;
- (c) The court interpreter is biased for or against one of the parties; or
- (d) The court interpreter otherwise has an interest in the outcome of the proceeding.

6. As used in this section, "person with limited English proficiency" means a person who speaks a language other than English and who cannot readily understand or communicate in the English language.

Sec. 13. NRS 1.520 is hereby amended to read as follows:

1.520 The Court Administrator may:

1. With the advice of the committee established pursuant to NRS 1.530, adopt any ~~[regulations]~~ rules necessary to carry out a program for the certification ~~[and]~~ or registration of court interpreters ~~[.] established pursuant to NRS 1.510.~~

2. Impose on a certified or registered court interpreter:

- (a) Any fees necessary to reimburse the Court Administrator for the cost of administering the program; and
- (b) A fine for any violation of a ~~[regulation]~~ rule of the Court Administrator adopted pursuant to this section or NRS 1.510.

Sec. 14. NRS 1.530 is hereby amended to read as follows:

1.530 1. The Chief Justice shall appoint, from a list of recommendations submitted ~~[to the Chief Justice]~~ by the Court Administrator, a committee to advise the Court Administrator regarding the adoption of ~~[regulations]~~ rules pursuant to NRS 1.510 and 1.520. The committee must consist of:

- (a) A district judge;
- (b) A justice of the peace or municipal judge ; ~~[in a county whose population is less than 100,000;]~~

- (c) An administrator of a district court;
- (d) An administrator of a justice court or municipal court ; ~~in a county whose population is less than 100,000;~~
- (e) A representative of the Nevada System of Higher Education;
- (f) A representative of a nonprofit organization ~~for~~ which serves persons who speak a language other than English;
- (g) A person certified to act as an interpreter for a court of this State or a federal court;
- (h) A person certified to act as an interpreter for a court of this State in the Spanish language; and
- (i) A person certified or registered to act as an interpreter for a court of this State in a language other than Spanish.

2. The Court Administrator is ex officio chair of the committee ~~and may designate another member of the committee to serve as the vice chair of the committee.~~

3. Members of the committee shall serve in that capacity without any additional compensation.

4. The committee shall submit an annual report to the Chief Justice and to the Director of the Legislative Counsel Bureau for transmittal to the Legislature and make the annual report available to the public. The annual report must contain, without limitation:

(a) A summary of the activities of the committee during the immediately preceding ~~fiscal~~ year, including any ~~development of recommendations for~~ revisions to the Nevada State Court Language Access Plan adopted by the Nevada Certified Court Interpreter Program as established pursuant to NRS 1.510; and

(b) Statistical information concerning the usage of court interpreters ~~in courts of this State for persons with limited English proficiency~~, including, without limitation, information on the usage of ~~certified~~ :

(1) *Certified* and registered court interpreters ; and ~~the demand for court interpreters for persons with limited English proficiency in courts of this State.~~

(2) *Court interpreters who are not certified or registered when a certified or registered court interpreter is not available.*

5. As used in this section, "person with limited English proficiency" has the meaning ascribed to it in NRS 1.510.

Sec. 15. NRS 1.540 is hereby amended to read as follows:

1.540 1. It is unlawful for a person to act as a certified or registered court interpreter or advertise or put out any sign or card or other device which might indicate to the public that the person is entitled to practice as a certified or registered court interpreter without a certificate or registration as an interpreter issued by the Court Administrator pursuant to NRS 1.510 and 1.520.

2. No civil action may be instituted, nor recovery therein be had, for a violation of the provisions of this section or NRS 1.510 or 1.520 or a violation

of a ~~[regulation]~~ rule adopted by the Court Administrator pursuant to NRS 1.510 or 1.520.

Sec. 16. NRS 1.545 is hereby amended to read as follows:

1.545 1. The Court Administrator shall ~~[develop and implement a]~~ *adopt rules prescribing the process* by which a person with a criminal history may petition the Court Administrator to review the criminal history of the person to determine if the person's criminal history will disqualify the person from obtaining a certificate or registration as a court interpreter pursuant to NRS 1.510.

2. ~~[Not later than 90 days after a petition is submitted to the Court Administrator pursuant to subsection 1, the Court Administrator shall inform the person of the determination of the Court Administrator of whether the person's criminal history will disqualify the person from obtaining a certificate or registration. The Court Administrator is not bound by his or her determination of disqualification or qualification and may rescind such a determination at any time.]~~

~~—3. The Court Administrator may provide instructions to a person who receives a determination of disqualification to remedy the determination of disqualification. A person may resubmit a petition pursuant to subsection 1 not earlier than 6 months after receiving instructions pursuant to this subsection if the person remedies the determination of disqualification.~~

~~—4. A person with a criminal history may petition the Court Administrator at any time, including, without limitation, before obtaining any education or paying any fee required to obtain a certificate or registration.~~

~~—5. A person may submit a new petition to the Court Administrator not earlier than 2 years after the final determination of the initial petition submitted to the Court Administrator.~~

~~—6.] The Court Administrator may [impose] adopt rules establishing a fee of up to \$50 upon the person to fund the administrative costs in complying with the provisions of this section. [The Court Administrator may waive such fees or allow such fees to be covered by funds from a scholarship or grant.]~~

~~—7. The Court Administrator may post on its Internet website:~~

~~—(a) The requirements to obtain a certification or registration as a court interpreter; and~~

~~—(b) A list of crimes, if any, that would disqualify a person from obtaining a certification or registration as a court interpreter from the Court Administrator.~~

~~—8. The Court Administrator may request the criminal history record of a person who petitions the Court Administrator for a determination pursuant to subsection 1. To the extent consistent with federal law, if the Court Administrator makes such a request of a person, the Court Administrator shall require the person to submit his or her criminal history record which includes a report from:~~

~~—(a) The Central Repository for Nevada Records of Criminal History; and~~

~~—(b) The Federal Bureau of Investigation.~~

~~—9. A person who petitions the Court Administrator for a determination pursuant to subsection 1 shall not submit false or misleading information to the Court Administrator.~~

~~—10. The Court Administrator shall, on or before the 20th day of January, April, July and October, submit to the Director of the Legislative Counsel Bureau in an electronic format prescribed by the Director, a report that includes:~~

~~—(a) The number of petitions submitted to the Court Administrator pursuant to subsection 1;~~

~~—(b) The number of determinations of disqualification made by the Court Administrator pursuant to subsection 1;~~

~~—(c) The reasons for such determinations; and~~

~~—(d) Any other information that is requested by the Director or which the Court Administrator determines would be helpful.~~

~~—11. The Director shall transmit a compilation of the information received pursuant to subsection 10 to the Legislative Commission quarterly, unless otherwise directed by the Commission.]~~

Sec. 17. NRS 2.040 is hereby amended to read as follows:

2.040 Whenever any vacancy ~~[shall occur]~~ occurs in the office of justice of the Supreme Court, the Governor shall fill the same by granting a commission ~~[] to a candidate put forth by the Commission on Judicial Selection, which [shall expire at] expires on the first Monday of January following the next general election by the people and upon the qualification of his or her successor, at which election a justice [shall] must be chosen for the balance of the unexpired term.~~

Sec. 18. NRS 2.120 is hereby amended to read as follows:

2.120 1. The Supreme Court may make rules not inconsistent with the Constitution and laws of the State for its own government, the government of the district courts, and the government of the State Bar of Nevada. Such rules shall be published promptly upon adoption and take effect on a date specified by the Supreme Court . ~~[which in no event shall be less than 30 days after entry of an order adopting such rules.]~~

2. The Supreme Court, by rules adopted and published from time to time, shall regulate original and appellate civil practice and procedure, including, without limitation, pleadings, motions, writs, notices and forms of process, in judicial proceedings in all courts of the State, for the purpose of simplifying the same and of promoting the speedy determination of litigation upon its merits. Such rules shall not abridge, enlarge or modify any substantive right and shall not be inconsistent with the Constitution of the State of Nevada. Such rules shall be published promptly upon adoption and take effect on a date specified by the Supreme Court . ~~[which in no event shall be less than 60 days after entry of an order adopting such rules.]~~

Sec. 19. NRS 2.150 is hereby amended to read as follows:

2.150 If ~~[a room in which to hold the court, together with attendants, fuel, lights and stationery, suitable and sufficient for the transaction of business, is]~~

an appropriate facility and any necessary staff, materials and technological resources are not provided by the State, the Court may ~~{direct}~~ order the ~~{sheriff of any county where the session is held}~~ State to provide ~~{a room, attendants, fuel, lights and stationery,}~~ *an appropriate facility and any staff, materials and technological resources reasonably necessary for the transaction of the business of the Court*, and the expenses must be paid out of the State Treasury.

Sec. 20. NRS 2.195 is hereby amended to read as follows:

2.195 ~~{1.—Each justice of the}~~ The Supreme Court ~~{may use a facsimile}~~ shall provide by rule for the use of a digital signature or electronic signature ~~{produced through a mechanical device in place of the justice's handwritten signature whenever the necessity arises and upon approval}~~ by each justice of the Supreme Court . ~~{, subject to the following conditions:~~

~~—(a) That the mechanical device must be of such a nature that the facsimile signature may be removed from the mechanical device and kept in a separate secure place.~~

~~—(b) That the use of the facsimile signature may be made only under the direction and supervision of the justice whose signature it represents.~~

~~—(c) That the entire mechanical device must at all times be kept in a vault, securely locked, when not in use, to prevent any misuse of the device.~~

~~2.—No facsimile signature produced through a mechanical device authorized by the provisions of this section may be combined with the signature of another officer.}~~

Sec. 21. NRS 2.200 is hereby amended to read as follows:

2.200 ~~{1.}~~ The Supreme Court shall appoint a Clerk of the Supreme Court ~~{; but any person elected to the office of Clerk of the Supreme Court before July 1, 1957, shall continue to hold such office until the expiration of the term for which he or she may have been elected.~~

~~2.—The Clerk of the Supreme Court shall hold office and be removable} who serves at the pleasure of the Supreme Court.~~

Sec. 22. NRS 2.290 is hereby amended to read as follows:

2.290 The Supreme Court ~~{, or a majority thereof,}~~ is authorized to designate any person appointed and employed pursuant to NRS 2.295 to act as Bailiff of the Supreme Court.

Sec. 23. NRS 2.295 is hereby amended to read as follows:

2.295 The Supreme Court ~~{, or a majority thereof,}~~ is authorized to appoint and employ one or more persons to provide for the safety and security of the justices and employees of the Supreme Court and to carry out any necessary police duties at the direction of the Chief Justice to maintain safe and reasonable access to justice for residents of Nevada.

Sec. 24. NRS 2.300 is hereby amended to read as follows:

2.300 The Supreme Court ~~{, or a majority thereof,}~~ is authorized to employ ~~{stenographic clerks, law clerks, legal assistants, legal secretaries and other}~~ necessary employees ~~{within the limits of the appropriation made for the}~~

~~support of the Supreme Court.] for the operation, maintenance and improvement of the Court and the State Court System.~~

Sec. 25. NRS 2.410 is hereby amended to read as follows:

2.410 The Supreme Court Law Library ~~{shall}~~ *must* be under the supervision and control of the Supreme Court, which may make and enforce such rules ~~[and regulations]~~ as may be necessary for the government, use and services of the Library. Such rules ~~[or regulations shall]~~ *must* assure that the Library is accessible for public use and to users in all parts of the State.

Sec. 26. NRS 3.025 is hereby amended to read as follows:

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

2. The Chief Judge shall:

- (a) Assign cases to each judge in the judicial district;
- (b) Prescribe the hours of court;
- (c) Adopt such other rules ~~[or regulations]~~ as are necessary for the orderly conduct of court business; and
- (d) Perform all other duties of the Chief Judge or of a presiding judge that are set forth in this chapter and any other provision of NRS.

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

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

(b) A child involved in the case is also involved in any other pending case or was involved in any other previously decided case assigned to a department of the family court in the judicial district, other than a case within the jurisdiction of the juvenile court pursuant to title 5 of NRS,

➡ the Chief Judge shall assign the case to the department of the family court to which the other case is presently assigned or, if the other case has been decided, to the department of the family court that decided the other case, unless a different assignment is required by another provision of NRS, a court rule or the Revised Nevada Code of Judicial Conduct or the Chief Judge determines that a different assignment is necessary because of considerations related to the management of the caseload of the district judges within the judicial district. If a case described in this subsection is heard initially by a master, the recommendation, report or order of the master must be submitted to the district judge of the department of the family court to which the case has been assigned pursuant to this subsection for consideration and decision by that district judge.

Sec. 27. NRS 3.100 is hereby amended to read as follows:

3.100 1. Except as otherwise provided in this subsection, the district courts shall hold court at the county seat of their respective counties. The board

of county commissioners may establish one or more additional locations within the county for the district court to hold court.

2. ~~[If a room for holding court at the county seat is not provided by the county, together with attendants, fuel, lights and stationery, suitable and sufficient for the transaction of business, the court may direct the sheriff to provide such room, attendants, fuel, lights and stationery.]~~ *The board of county commissioners shall:*

(a) *Provide and furnish an appropriate facility for the transaction of the business of the court; and* ~~[the expenses thereof shall be a county charge.]~~

(b) *Appropriate a budget to the district court which includes, without limitation, money for the payment of expenses which are reasonable and necessary to carry out the powers and duties of the district court in the administration of justice.*

3. ~~[An office at each county seat must be provided and furnished by and at the expense of the several counties for the several district judges. Whenever the county commissioners of any county neglect or refuse to provide and furnish such an office for the use of the district judge, the district judge may make an order, which must be entered upon the minutes of the court, requiring the sheriff to provide and furnish the office. The necessary expenses incurred therein are a legal and valid claim against the county.]~~ *Except as otherwise provided in this subsection, the board of county commissioners may require the district court to expend money, appropriated for a specific purpose. The board of county commissioners shall not impose any specific requirements regarding the expenditure of money that interfere with the ability of the district court to carry out its constitutional functions.*

4. *If the board of county commissioners neglects or refuses to provide the district court with the resources ~~[required by subsection 2]~~ reasonable and necessary to perform the constitutional functions of the district court, the district court may order the board to provide such resources to be paid out of the county treasury.*

5. *No money shall be drawn from the county treasury to pay for any expense incurred or any expenditure made on behalf of the district court except as appropriated by the board of county commissioners in accordance with the budgeting process of the county.*

Sec. 28. NRS 4.155 is hereby amended to read as follows:

4.155 In townships where more than one justice of the peace has been provided for by NRS 4.020, such justices of the peace shall have concurrent and coextensive jurisdiction within the territorial limits provided by law, and may make such rules ~~[and regulations,]~~ not inconsistent with law, as will enable them to transact judicial business in a convenient and lawful manner.

Sec. 29. NRS 4.157 is hereby amended to read as follows:

4.157 1. The justices of the peace of each justice court having more than one justice of the peace shall choose from among those justices of the peace a chief justice of the peace who is to be the presiding judge of that court.

2. The chief justice of the peace shall:

- (a) Assign cases to each justice of the peace of the justice court;
- (b) Prescribe the hours of court;
- (c) Adopt such other rules ~~for regulations~~ as are necessary for the orderly conduct of court business; and
- (d) Perform all other duties of the chief justice of the peace or of the presiding judge of a justice court that are set forth in this chapter and any other provision of NRS.

Sec. 30. NRS 5.021 is hereby amended to read as follows:

5.021 1. The municipal judges of each municipal court having more than one municipal judge shall choose from among those municipal judges a chief municipal judge who is to be the presiding judge of that court.

2. The chief municipal judge shall:

- (a) Assign cases to each judge in the municipal court;
- (b) Prescribe the hours of court;
- (c) Adopt such other rules ~~for regulations~~ as are necessary for the orderly conduct of court business; and
- (d) Perform all other duties of the chief municipal judge or of the presiding judge of a municipal court that are set forth in this chapter and any other provision of NRS.

Sec. 30.5. Chapter 33 of NRS is hereby amended by adding thereto a new section to read as follows:

1. *An order for protection against high-risk behavior, or the behaviors described in NRS 33.550, issued by the court of another state, territory or Indian tribe within the United States is valid and must be accorded full faith and credit and enforced by the courts of this State as if it were issued by a court in this State, regardless of whether the order has been registered in this State, if a court in this State determines that:*

(a) The issuing court had jurisdiction over the parties and the subject matter under the laws of the state, territory or Indian tribe in which the order was issued; and

(b) The adverse party was given reasonable notice and an opportunity to be heard before the order was issued or, in the case of an emergency order, the adverse party was given reasonable notice and an opportunity to be heard within the time required by the laws of the issuing state, territory or tribe and, in any event, within a reasonable time after the order was issued.

2. A law enforcement officer shall enforce an order for protection against high-risk behavior issued by a court of another state, territory or Indian tribe and shall make an arrest for a violation thereof in the same manner that a law enforcement officer would make an arrest for a violation of an emergency or extended order issued by a court of this State unless it is apparent to the officer that the order is not authentic on its face. An officer shall determine that an order is authentic on its face if the order contains:

- (a) The names of the parties;*
- (b) Information indicating that the order has not expired; and*

(c) Information indicating that the court which issued the order had legal authority to issue the order as evidenced by a certified copy of the order, a file-stamped copy of the order, an authorized signature or stamp of the court which issued the order or another indication of the authority of the court which issued the order.

3. An officer may determine that any order is authentic on its face.

4. In enforcing an order for protection against high-risk behavior issued by a court of another state, territory or Indian tribe or arresting a person for a violation of such an order, a law enforcement officer may rely upon:

(a) A copy of an order for protection against high-risk behavior that has been provided to the officer;

(b) An order for protection against high-risk behavior that is included in the Central Repository for Nevada Records of Criminal History or in any national crime information database;

(c) Oral or written confirmation from a law enforcement agency or court in the jurisdiction in which the order for protection against high-risk behavior was issued that the order is valid and effective; or

(d) An examination of the totality of the circumstances concerning the existence of a valid and effective order for protection against high-risk behavior.

5. The fact that an order has not been registered or included in the Central Repository for Nevada Records of Criminal History or in any national crime information database is not grounds for a law enforcement officer to refuse to enforce the terms of the order unless it is apparent to the officer that the order is not authentic on its face.

6. A court or law enforcement officer who enforces an order for protection against high-risk behavior issued by a court of another state, territory or Indian tribe based upon a reasonable belief that the order is valid or who refuses to enforce such an order based upon a reasonable belief that the order is not valid and the employer of such a law enforcement officer are immune from civil and criminal liability for any action taken or not taken based on that belief.

Sec. 31. NRS 33.020 is hereby amended to read as follows:

33.020 1. If it appears to the satisfaction of the court from specific facts shown by a verified application that an act of domestic violence has occurred or there exists a threat of domestic violence, the court may grant a temporary or extended order. A court shall only consider whether the act of domestic violence or the threat thereof satisfies the requirements of NRS 33.018 without considering any other factor in its determination to grant the temporary or extended order.

2. A temporary or extended order must not be granted to the applicant or the adverse party unless the applicant or the adverse party has requested the order and has filed a verified application that an act of domestic violence has occurred or there exists a threat of domestic violence. If the applicant reasonably believes that disclosing his or her address and contact information

in the application would jeopardize his or her safety, the applicant may decline to disclose his or her address and contact information in the application. If the applicant declines to disclose his or her address and contact information in the application, then such information:

(a) Must be disclosed to the court and, for criminal justice purposes, to any other authorized agency of criminal justice to allow the agency of criminal justice to carry out any duty required pursuant to NRS 33.017 to 33.100, inclusive;

(b) Must be maintained in a separate, confidential, electronic document or database which is not publicly accessible; and

(c) Must not be released, disclosed or made accessible to the public, except as authorized by the court.

3. The court may require the applicant or the adverse party, or both, to appear before the court before determining whether to grant the temporary or extended order.

4. A temporary order may be granted with or without notice to the adverse party. An extended order may only be granted after notice to the adverse party and a hearing on the application.

5. A hearing on an application for an extended order must be held within 45 days after the date on which the application for the extended order is filed. If the adverse party has not been served pursuant to NRS 33.060 or 33.065 and fails to appear at the hearing, the court may, upon a showing that law enforcement, after due diligence, has been unable to serve the adverse party or that the adverse party has sought to avoid service by concealment, set a date for a second hearing which must be held within 90 days after the date on which the first hearing was scheduled.

6. If the adverse party has not been served pursuant to NRS 33.060 or 33.065 and fails to appear on the date set for a second hearing on an application for an extended order pursuant to subsection 5, the court may, upon a showing that law enforcement, after due diligence, has been unable to serve the adverse party or that the adverse party has sought to avoid service by concealment, set a date for a third hearing which must be held within 90 days after the date on which the second hearing was scheduled.

7. The court shall rule upon an application for a temporary order within 1 judicial day after it is filed.

8. If it appears to the satisfaction of the court from specific facts communicated by ~~telephone~~ *electronic means* to the court by an alleged victim that an act of domestic violence has occurred and the alleged perpetrator of the domestic violence has been arrested and is presently in custody pursuant to NRS 171.137, the court may grant a temporary order. Before approving an order under such circumstances, the court shall confirm with the appropriate law enforcement agency that the applicant is an alleged victim and that the alleged perpetrator is in custody. Upon approval by the court, the signed order may be transmitted to the facility where the alleged perpetrator is in custody by electronic or telephonic transmission to a facsimile machine. If such an

order is received by the facility holding the alleged perpetrator while the alleged perpetrator is still in custody, the order must be personally served by an authorized employee of the facility before the alleged perpetrator is released. The court shall mail a copy of each order issued pursuant to this subsection to the alleged victim named in the order and cause the original order to be filed with the court clerk on the first judicial day after it is issued.

9. In a county whose population is 52,000 or more, the court shall be available 24 hours a day, 7 days a week, including nonjudicial days and holidays, to receive *electronic* communications ~~{by telephone}~~ and for the issuance of a temporary order pursuant to subsection 8.

10. In a county whose population is less than 52,000, the court may be available 24 hours a day, 7 days a week, including nonjudicial days and holidays, to receive *electronic* communications ~~{by telephone}~~ and for the issuance of a temporary order pursuant to subsection 8.

11. The clerk of the court shall inform the protected party upon the successful transfer of information concerning the registration to the Central Repository for Nevada Records of Criminal History as required pursuant to NRS 33.095.

12. As used in this section, "agency of criminal justice" has the meaning ascribed to it in NRS 179A.030.

Sec. 31.5. NRS 33.500 is hereby amended to read as follows:

33.500 As used in NRS 33.500 to 33.670, inclusive, *and section 30.5 of this act*, unless the context otherwise requires, the words and terms defined in NRS 33.510 to 33.540, inclusive, have the meanings ascribed to them in those sections.

Sec. 32. NRS 50.054 is hereby amended to read as follows:

50.054 1. Except as otherwise provided by a ~~{regulation}~~ *rule* of the Court Administrator adopted pursuant to NRS 1.510 and 1.520, a person shall not act as an interpreter in a proceeding if the interpreter is:

- (a) The spouse of a witness;
- (b) Otherwise related to a witness;
- (c) Biased for or against one of the parties; or
- (d) Otherwise interested in the outcome of the proceeding.

2. Before undertaking his or her duties, the interpreter shall swear or affirm that he or she will:

(a) To the best of his or her ability, interpret accurately to the person with limited English proficiency in the language of the person, questions and statements addressed to the person;

(b) Make a true interpretation of the statements of the person with limited English proficiency in an understandable manner; and

(c) Repeat the statements of the person with limited English proficiency to the best of his or her ability.

3. While in the proper performance of his or her duties, an interpreter has the same rights and privileges as the person with limited English proficiency including the right to examine all relevant material, but is not entitled to waive

or exercise any of those rights or privileges on behalf of the person with limited English proficiency.

4. If an interpreter appointed for a person with limited English proficiency is not effectively or accurately communicating with or on behalf of the person, and that fact becomes known to the person who appointed the interpreter, another interpreter must be appointed.

5. Claims against a county, municipality, this State or any agency thereof for the compensation of an interpreter in a criminal proceeding or other proceeding for which an interpreter must be provided at public expense must be paid in the same manner as other claims against the respective entities are paid. Payment may be made only upon the certificate of the judge, magistrate or other person presiding over the proceedings that the interpreter has performed the services required and incurred the expense claimed.

6. As used in this section:

(a) "Interpreter" means a person who has a certificate or registration as an interpreter issued by the Court Administrator pursuant to NRS 1.510 and 1.520.

(b) "Person with limited English proficiency" has the meaning ascribed to it in NRS 1.510.

Sec. 33. NRS 50.0545 is hereby amended to read as follows:

50.0545 1. An interpreter must be appointed at public expense for a person with limited English proficiency who is a defendant or a witness in a criminal proceeding.

2. If a certified or registered court interpreter is not available, a court shall appoint an interpreter in accordance with the ~~regulations~~ rules adopted pursuant to paragraph (e) of subsection 2 of NRS 1.510.

3. As used in this section:

(a) "Interpreter" means a person who has a certificate or registration as an interpreter issued by the Court Administrator pursuant to NRS 1.510 and 1.520.

(b) "Person with limited English proficiency" has the meaning ascribed to it in NRS 1.510.

Sec. 34. NRS 62D.405 is hereby amended to read as follows:

62D.405 1. The juvenile court shall appoint at public expense an interpreter for a person with limited English proficiency in all proceedings conducted pursuant to the provisions of this title if the person with limited English proficiency is:

(a) The child who is alleged to be or has been adjudicated delinquent or in need of supervision;

(b) A parent or guardian of the child that is alleged to be or has been adjudicated delinquent or in need of supervision; or

(c) A person who appears as a witness.

2. If a certified or registered court interpreter is not available, the juvenile court shall appoint an interpreter in accordance with the ~~regulations~~ rules adopted pursuant to paragraph (e) of subsection 2 of NRS 1.510.

3. As used in this section:

(a) "Interpreter" means a person who has a certificate or registration as an interpreter issued by the Court Administrator pursuant to NRS 1.510 and 1.520.

(b) "Person with limited English proficiency" has the meaning ascribed to it in NRS 1.510.

Sec. 35. NRS 281.010 is hereby amended to read as follows:

281.010 1. The following officers must be elected:

- (a) A Governor.
- (b) A Lieutenant Governor.
- (c) Two United States Senators.
- (d) The number of members of the House of Representatives of the United States to which this State may be entitled.
- (e) The number of presidential electors to which this State may be entitled.
- (f) ~~Five justices~~ Justices of the Supreme Court.
- (g) Judges of the Court of Appeals. ~~[other than the initial three judges.]~~
- (h) District judges.
- (i) Senators and members of the Assembly.
- (j) A Secretary of State.
- (k) A State Treasurer.
- (l) A State Controller.
- (m) An Attorney General.
- (n) Other officers whose elections are provided for by law.
- (o) For each county, and the equivalent officers for Carson City:
 - (1) One county clerk, who is ex officio clerk of the board of county commissioners and *may also be* clerk of the district court of the county.
 - (2) One sheriff.
 - (3) One district attorney.
 - (4) One public administrator, except where otherwise provided by law.
 - (5) One county assessor, except where otherwise provided by law.
 - (6) One county treasurer, except where otherwise provided by law.
 - (7) The number of county commissioners as provided by law.
 - (8) One county recorder, who is ex officio county auditor in counties in which a county comptroller has not been appointed.
 - (9) Justices of the peace.
 - (10) Constables, except where otherwise provided by law.

2. All officers who are not elected must be appointed.

Sec. 36. 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. 37. NRS 1.060, 1.150, 1.170, 1.180, 2.210, 2.230, 2.255, 2.270, 2.420, 2.440 and 2.450 are hereby repealed.

Sec. 38. 1. This section becomes effective upon passage and approval.

2. Sections 1 to ~~37~~ 7, inclusive, ~~8.5 to 26, inclusive, and 28 to 37, inclusive~~, of this act become effective:

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

(b) On January 1, 2024, for all other purposes.

3. Sections 8 and 27 of this act become effective on July 1, 2023.

LEADLINES OF REPEALED SECTIONS

1.060 Adjournment on absence of judge.

1.150 Clerk of district court to procure seal; form of seal.

1.170 Custody of seal.

1.180 Documents to which seal affixed.

2.210 Qualifications of Clerk.

2.230 Deputy clerks.

2.255 Penalties for violations by Clerk.

2.270 Destruction of obsolete exhibits by Clerk.

2.420 Hours of use by public.

2.440 Qualifications of Librarian.

2.450 Biennial report.

Senator Scheible moved that the Senate concur in Assembly Amendment No. 632 to Senate Bill No. 63.

Motion carried by a constitutional majority.

Bill ordered enrolled.

Senate Bill No. 76.

The following Assembly amendment was read:

Amendment No. 668.

SUMMARY—Establishes provisions governing certain products that contain intentionally added perfluoroalkyl and polyfluoroalkyl substances. (BDR ~~[40-291]~~ 52-291)

AN ACT relating to hazardous materials; prohibiting, with certain exceptions, the sale and distribution of certain products containing intentionally added perfluoroalkyl and polyfluoroalkyl substances; requiring, with certain exceptions, manufacturers of cookware containing intentionally added perfluoroalkyl and polyfluoroalkyl substances to provide certain information to a customer; providing a penalty; and providing other matters properly relating thereto.

Legislative Counsel's Digest:

Existing law prohibits, with certain exceptions, the discharge, use or release of any Class B firefighting foam that contains intentionally added perfluoroalkyl and polyfluoroalkyl substances for the purpose of testing the Class B firefighting foam or firefighting training. (NRS 459.682) Beginning on ~~January~~ October 1, 2024, section 21 of this bill prohibits, with certain exceptions, a manufacturer from selling, offering for sale, distributing for sale or distributing for use any carpet or rug, fabric treatment, food packaging, ~~for~~ juvenile product, cosmetics, indoor textile furnishings or indoor upholstered furniture that contains intentionally added perfluoroalkyl and polyfluoroalkyl

substances. Section 21 also ~~[requires]~~ authorizes a manufacturer of such products to include a ~~[statement]~~ sticker on the product label that states "NO PFAS" to inform consumers that perfluoroalkyl and polyfluoroalkyl substances were not intentionally added or used to make the product. ~~[Section 24 of this bill amends section 21 to also prohibit, beginning July 1, 2024, a manufacturer from selling, offering for sale, distributing for sale or distributing for use any cosmetics, indoor textile furnishings or indoor upholstered furniture that contain intentionally added perfluoroalkyl and polyfluoroalkyl substances.]~~

Section 22 of this bill requires, with certain exceptions, a manufacturer of cookware sold in this State that contains intentionally added perfluoroalkyl and polyfluoroalkyl substances to ~~[include]~~ list those substances on the cookware product label and on any product listing for online sales: (1) that the product contains intentionally added perfluoroalkyl and polyfluoroalkyl substances; and (2) an Internet address and quick response code for a website that contains certain information about the intentionally added perfluoroalkyl and polyfluoroalkyl substances. Section 22 also authorizes a manufacturer of cookware that does not contain intentionally added perfluoroalkyl and polyfluoroalkyl substances to include a sticker on the product label that states "NO PFAS" to inform consumers that the product does not contain intentionally added perfluoroalkyl and polyfluoroalkyl substances.

Section 23 of this bill provides that a person who willfully and knowingly violates the provisions of section 21 ~~[,] or 22 [or 24]~~ is ~~[subject to a maximum civil penalty of \$1,000.]~~ guilty of a misdemeanor.

Section 20 of this bill provides an exception to the requirements and prohibitions set forth in this bill to the extent that such provisions are preempted by or conflict with federal law.

Sections 3-19 of this bill define certain terms related to these requirements.

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

Section 1. Chapter ~~[459]~~ 597 of NRS is hereby amended by adding thereto the provisions set forth as sections 2 to 23, inclusive, of this act.

Sec. 2. *As used in sections 2 to 23, inclusive, of this act, the words and terms defined in sections 3 to 19, inclusive, of this act have the meanings ascribed to them in those sections.*

Sec. 3. *"Adult mattress" means any mattress other than a toddler mattress, crib mattress or other sleep product for infants.*

Sec. 4. *"Carpet or rug" means a fabric product marketed or intended for use as a floor covering in a household or business.*

Sec. 5. (Deleted by amendment.)

Sec. 6. *"Component" means an identifiable component of a product, regardless of whether the manufacturer of the product is the manufacturer of the component.*

Sec. 7. *"Cookware" means a durable houseware product that is used in a residence or kitchen to prepare, dispense or store food or beverages,*

including, without limitation, any pot, pan, skillet, grill, baking sheet, baking mold, tray, bowl or cooking utensil.

Sec. 8. 1. "Cosmetic" means a product that is intended to be rubbed onto or introduced into, poured, sprinkled, sprayed on or otherwise applied to the human body for the purposes of cleaning, cleansing, beautifying, promoting or altering the appearance of a person, including, without limitation, any skin moisturizer, perfume, lipstick, nail polish, eye or facial makeup, shampoo, conditioner, permanent wave, hair dye or deodorant.

2. The term does not include:

(a) A product that requires a prescription for distribution or dispensation; or

(b) Hydrofluoroolefins used as propellants in cosmetics.

Sec. 9. "Fabric treatment" means a product applied to fabric to give the fabric one or more characteristics, including, without limitation, stain resistance or water resistance. The term does not include hydrofluoroolefins used as propellants in fabric treatments.

Sec. 10. "Food packaging" means a package or packaging component that is used in direct contact with food and is composed, in substantial part, of paper, paperboard or other materials originally derived from plant fibers.

Sec. 11. 1. "Intentionally added perfluoroalkyl and polyfluoroalkyl substances" means perfluoroalkyl and polyfluoroalkyl substances that a manufacturer has intentionally added to a product and that have a functional or technical effect on the product. The term includes, without limitation, perfluoroalkyl and polyfluoroalkyl substances that are intentional breakdown products of an added chemical that also have a functional or technical effect on the product.

2. The term does not include the use of recycled materials which may contain perfluoroalkyl and polyfluoroalkyl substances due to the use of perfluoroalkyl and polyfluoroalkyl substances in the original product.

Sec. 11.5. 1. "Juvenile product" means a product designed by a manufacturer for use by an infant or child less than 12 years of age, including, without limitation, a bassinet, child restraint system for use in motor vehicles, changing pad, toddler mattress, crib mattress or other sleep product for infants, high chair, infant carrier, infant seat, polyurethane foam mat, pad or pillow, nap cot, play mat, playpen or stroller.

2. The term does not include:

(a) Electronic products, including, without limitation, any personal computer and any associated equipment, audio and video equipment, calculator, wireless phone, gaming console, handheld device incorporating a video screen or any associated peripheral device such as a mouse, keyboard, power supply unit or power cord;

(b) An internal component of a juvenile product that is not designed or intended to come into direct contact with the skin or mouth of a child as a result of the reasonably foreseeable use of the product; ~~for~~

(c) An adult mattress ~~for~~; or

(d) An off-highway vehicle, as defined in NRS 490.060, designed for use by a child, a replacement part for such an off-highway vehicle and any protective clothing or equipment intended for use by a child while operating such an off-highway vehicle.

Sec. 12. "Manufacturer" means a person that manufactures or assembles a product. The term includes, without limitation, the importer or first domestic distributor of the product if a product is imported into the United States and the manufacturer does not have a presence in the United States.

Sec. 13. "Package" means the material that is intended or used to contain, protect, handle, deliver or present a product.

Sec. 14. "Packaging component" means an individual part of a package, including, without limitation, the interior or exterior blocking, bracing, cushioning, weatherproofing, exterior strapping, coating, closure, ink or label.

Sec. 15. "Perfluoroalkyl and polyfluoroalkyl substances" has the meaning ascribed to it in NRS 459.678.

Sec. 16. 1. "Product" means an item, and any component of such an item, that is manufactured, assembled or otherwise prepared for sale or distribution to a customer and that is sold or distributed for personal, residential, commercial or industrial use, including, without limitation, for use in making other products.

2. The term does not include:

(a) Any drug, medical device, biologic or diagnostic regulated by the United States Food and Drug Administration or the United States Department of Agriculture;

(b) Any drug, medical device, biologic, parasiticide or diagnostic administered or used to treat animals regulated by the United States Food and Drug Administration pursuant to the Federal Food, Drug and Cosmetic Act, 21 U.S.C. §§ 351 et seq., the United States Department of Agriculture pursuant to the Virus-Serum-Toxin Act, 21 U.S.C. §§ 151 et seq. or the United States Environmental Protection Agency pursuant to the Federal Insecticide, Fungicide and Rodenticide Act, 7 U.S.C. §§ 136 et seq.;

(c) A veterinary pesticide product approved by the United States Environmental Protection Agency for use in animals;

(d) Medical food, as defined in section 5(b)(3) of the Orphan Drug Act, 21 U.S.C. § 360ee(b)(3);

(e) Infant formula, as defined in NRS 597.990;

(f) Any packaging used for a product described in ~~paragraph (a), (b) or (c)~~ paragraphs (a) to (e), inclusive; or

~~(e)~~ (g) A used product offered for sale or resale.

Sec. 17. "Textile" means any product made in whole or in part from a natural or synthetic fiber, yarn or fabric, including, without limitation, leather, cotton, silk, jute, hemp, wool, nylon or polyester. The term does not include any textile used in a medical, professional or industrial setting.

Sec. 18. "Textile furnishing" means a type of textile intended for use in households and businesses, including, without limitation, any drapery, floor covering, furnishing, bedding, towel or tablecloth. The term does not include a textile furnishing intended for use in a medical, professional or industrial setting.

Sec. 19. "Upholstered furniture" means any article of furniture that is:

1. Designed for sitting, resting or reclining; and
2. Wholly or partially stuffed with filling material.

Sec. 20. The provisions of sections 2 to 23, inclusive, of this act do not apply to the extent that those provisions are preempted by or conflict with federal law, including, without limitation, any provision of federal law requiring the use of products that contain intentionally added perfluoroalkyl and polyfluoroalkyl substances ~~for~~ or authorizing the use of intentionally added perfluoroalkyl and polyfluoroalkyl substances in a product or any product surface that comes into contact with food or beverages.

Sec. 21. 1. A manufacturer shall not sell, offer for sale, distribute for sale or distribute for use in this State any of the following types of products if the product contains intentionally added perfluoroalkyl and polyfluoroalkyl substances:

- (a) Carpets or rugs;
- (b) Fabric treatments;
- (c) Food packaging; ~~for~~
- (d) Juvenile products ~~for~~;
- (e) Cosmetics;
- (f) Indoor textile furnishings; or
- (g) Indoor upholstered furniture.

2. A manufacturer of the products described in subsection 1 ~~shall~~ may include on the product label a ~~statement that is clearly visible and legible in both English and Spanish that reads: "NO PERFLUOROALKYL OR POLYFLUOROALKYL SUBSTANCES WERE INTENTIONALLY ADDED OR USED TO MAKE THIS PRODUCT."~~ sticker suitable to the size of the product label stating "NO PFAS" to inform the consumer that the product does not contain intentionally added perfluoroalkyl and polyfluoroalkyl substances.

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

- (a) A product which contains perfluoroalkyl and polyfluoroalkyl substances due to the use of recycled materials containing perfluoroalkyl and polyfluoroalkyl substances in the original product; ~~for~~
- (b) A carpet or rug that was manufactured or imported before ~~January~~ October 1, 2024 ~~for~~ or
- (c) Any other textile product, other than a carpet or rug, that was manufactured or imported before October 1, 2024.

Sec. 22. 1. A manufacturer of cookware sold in this State that contains intentionally added perfluoroalkyl and polyfluoroalkyl substances in the handle of the product or in any product surface that comes into contact with any food or beverages shall:

(a) Except as otherwise provided in subsection 3, ~~include~~ list the presence of those substances on the product label. ~~+~~

~~(1) That the product contains intentionally added perfluoroalkyl and polyfluoroalkyl substances; and~~

~~(2) A~~ The list of such substances must be prefaced by the phrase "This product contains:"

(b) Except as otherwise provided in subsection 3, include on the product label a statement, in both English and Spanish, that reads: "For more information about ~~the perfluoroalkyl and polyfluoroalkyl substances~~ chemicals in ~~the~~ this product, visit" followed by:

~~((1))~~ (1) An Internet address for a website that provides information about why the perfluoroalkyl and polyfluoroalkyl substances are intentionally added; and

~~((1))~~ (2) A quick response (QR) code or other machine-readable code used for storing an Internet address for the website that provides information about why the perfluoroalkyl and polyfluoroalkyl substances are intentionally added;

~~((b))~~ (c) Include in any product listing for online sales in this State, the information required to be included on the product label pursuant to ~~paragraph (a)~~ paragraphs (a) and (b); and

~~((c))~~ (d) Ensure that the information required pursuant to paragraphs (a) ~~and~~ (b) and (c) is clearly visible and legible to the customer on the label and on the product listing for online sales.

2. A manufacturer ~~shall~~ of cookware:

(a) Shall not claim on the packaging for cookware that the cookware is free of perfluoroalkyl and polyfluoroalkyl substances, unless no individual perfluoroalkyl or polyfluoroalkyl compound has been intentionally added to the cookware.

(b) That does not contain intentionally added perfluoroalkyl and polyfluoroalkyl substances may include on the product label a sticker suitable to the size of the product stating "NO PFAS" to inform the consumer that the product does not contain intentionally added perfluoroalkyl and polyfluoroalkyl substances.

3. Cookware that meets the following requirements is exempt from the requirements of ~~paragraph~~ paragraphs (a) and (b) of subsection 1:

(a) The surface area of the cookware cannot fit a product label of at least 2 square inches; and

(b) The cookware does not have:

(1) An exterior or wrapper on which a product label can appear or be affixed; or

(2) A tag or other attachment with information about the product attached to the cookware.

4. Except as otherwise provided in subsection 3, a manufacturer shall not sell, offer for sale, distribute for sale or distribute for use any cookware that contains one or more intentionally added perfluoroalkyl and polyfluoroalkyl

substances in the handle of the product or in any product surface that comes into contact with food or beverages, unless the manufacturer and the cookware comply with the requirements of this section.

Sec. 23. A person who willfully and knowingly violates the provisions of section 21 or 22 of this act is ~~subject to a civil penalty not to exceed \$1,000,]~~ guilty of a misdemeanor.

Sec. 24. ~~[Section 21 of this act is hereby amended to read as follows:~~
~~Sec. 21. 1. A manufacturer shall not sell, offer for sale, distribute for sale or distribute for use in this State any of the following types of products if the product contains intentionally added perfluoroalkyl and polyfluoroalkyl substances:~~

- ~~— (a) Carpets or rugs;~~
- ~~— (b) Fabric treatments;~~
- ~~— (c) Food packaging; [or]~~
- ~~— (d) Juvenile products [.] ;~~
- ~~— (e) Cosmetics;~~
- ~~— (f) Indoor textile furnishings; or~~
- ~~— (g) Indoor upholstered furniture.~~

~~2. A manufacturer of the products described in subsection 1 shall include on the product label a statement that is clearly visible and legible in both English and Spanish that reads: "NO PERFLUOROALKYL OR POLYFLUOROALKYL SUBSTANCES WERE INTENTIONALLY ADDED OR USED TO MAKE THIS PRODUCT."~~

~~3. The provisions of this section do not apply to:~~

- ~~— (a) A product which contains perfluoroalkyl and polyfluoroalkyl substances due to the use of recycled materials containing perfluoroalkyl and polyfluoroalkyl substances in the original product; [or]~~
- ~~— (b) A carpet or rug that was manufactured or imported before January 1, 2024 [.] ; or~~
- ~~— (c) Any other textile product, other than a carpet or rug, that was manufactured or imported before July 1, 2024.] (Deleted by amendment.)~~

Sec. 25. ~~[1.] This [section and sections 1 to 23, inclusive, of this act become effective on January 1, 2024.~~

~~2. Section 24 of this act becomes effective on July]~~ act becomes effective on October 1, 2024.

Senator Pazina moved that the Senate concur in Assembly Amendment No. 668 to Senate Bill No. 76.

Motion carried by a constitutional majority.

Bill ordered enrolled.

Senate Bill No. 293.

The following Assembly amendment was read:

Amendment No. 704.

SUMMARY—Revises provisions relating to distributed generation systems. (BDR 52-459)

AN ACT relating to energy; revising certain contractual requirements for an agreement for the purchase or lease of a distributed generation system and a power purchase agreement; imposing various requirements on solar installation companies; revising ~~the definition of "distributed generation system";~~ certain definitions; prohibiting a person from engaging in certain activities relating to residential photovoltaic systems unless the person is licensed by the State Contractors' Board or is an employee of such a person; and providing other matters properly relating thereto.

Legislative Counsel's Digest:

Existing law imposes certain requirements on solar installation companies that sell and install distributed generation systems in this State. Existing law prescribes certain contractual requirements for an agreement for the purchase or lease of a distributed generation system and a power purchase agreement. (NRS 598.9801-598.9822) Section 3 of this bill authorizes a purchaser or lessee who enters into or signs an agreement for the purchase or lease of a distributed generation system or a power purchase agreement to rescind or cancel the agreement by providing certain notice to the solar installation company within 3 business days after the agreement was entered into or signed.

Existing law requires an agreement for the purchase or lease of a distributed generation system or a power purchase agreement to include a cover page containing certain information. (NRS 598.9809, 598.9813, 598.9816) Sections 6-8 of this bill require such a cover page to include certain additional information. Section 2 of this bill requires a solar installation company to: (1) verbally communicate the information that is required to be included in the cover page to a purchaser or lessee, as applicable, in person or via a telephone call or videoconference that is recorded; and (2) maintain each recording ~~for such a telephone call~~ for not less than ~~10~~ 4 years after the date ~~on which the telephone call is made.~~ of any final inspection of the distributed generation system. ~~[Section 9 of this bill requires.]~~ If a solar installation company, or its employees or agents advertise or negotiate certain terms for the purchase or lease of a distributed generation system or a power purchase agreement in a language other than English, section 9 of this bill requires the company to provide a translation of the contract, agreement or certain required notices in that language to certain persons before the execution of ~~an~~ the contract or agreement ~~[for the purchase or lease of a distributed generation system or a power purchase agreement , to provide a copy of the cover page to the purchaser or lessee, as applicable, in the language that the majority of the solicitation, offer or transaction for the agreement occurred, if the majority of the language that was used was a language other than English.]~~ resulting from such advertising or negotiations. Section 4 of this bill makes a conforming change to indicate the proper placement of sections ~~2 and~~ 1.3-3 of this bill in the Nevada Revised Statutes.

Existing law defines "distributed generation system" as a system or facility for the generation of electricity: (1) that uses solar energy to generate

electricity; (2) that is located on the property of a customer of an electric utility; (3) that is connected on the customer's side of the electricity meter; (4) that provides electricity primarily to offset customer load on that property; and (5) the excess generation from which is periodically exported to the grid in accordance with the provisions governing net metering systems. (NRS 598.9804) Section 5 of this bill revises the definition of "distributed generation system" to mean a system or facility for the residential generation of electricity that uses solar energy to generate electricity. Section 5.5 of this bill revises the definition of "solar installation company."

Section 9 ~~(of this bill)~~ provides that if a solar installation company executes an agreement for the purchase or lease of a distributed generation system or a power purchase agreement and knowingly fails to comply with requirements set forth under existing law governing such agreements and sections ~~(2-)~~ 1.3-9 of this bill, the agreement is voidable by the purchaser or lessee, as applicable.

Existing law prohibits a person from performing any work on residential photovoltaic systems used to produce electricity without the proper license or other authorization under state law. (NRS 624.860) Section 10 of this bill revises that prohibition to ~~[(1)]~~ prohibit a person from performing such work ~~, or providing a bid for or executing a contract to perform such work,~~ unless the person holds a license issued by the State Contractors' Board or is an employee of such a person. ~~[(1)]~~ ~~and (2) additionally prohibit a person from advertising, soliciting or offering to enter into an agreement for the purchase or lease of a distributed generation system or a power purchase agreement unless the person holds such a license or is an employee of such a person.~~ Section 10 provides that a person who does not hold such a license and is not an employee of a person who holds such a license is authorized to generate leads or referrals for a residential photovoltaic system used to produce electricity if the person does not provide a quote or offer for the sale or installation of such a system.

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

Section 1. Chapter 598 of NRS is hereby amended by adding thereto the provisions set forth as sections ~~(2 and)~~ 1.3 to 3, inclusive, of this act.

Sec. 1.3. "Offset" means the amount of alternating current kilowatt hours generated by a distributed generation system divided by prior consumption, to the extent data on prior consumption is available.

Sec. 1.7. "Production" means the amount of alternating current kilowatt hours generated by a distributed generation system.

Sec. 2. 1. A solar installation company shall, ~~through~~ in person or by telephone [(1)] or videoconference, verbally [(communicate)] :

(a) Confirm the identity of a purchaser or lessee under an agreement for the purchase or lease of a distributed generation system or a host customer under a power purchase agreement;

(b) Communicate to [(a)] the purchaser, [(or)] lessee [(under an agreement for the purchase or lease of a distributed generation system)] or [(a)] host

customer ~~under a power purchase agreement~~ the information required to be included in a cover page pursuant to NRS 598.9809, 598.9813 or 598.9816, as applicable ~~to~~; and

(c) Confirm that the purchaser, lessee or host customer understands the information communicated pursuant to paragraph (b).

2. The verbal communication required by subsection 1 must be:

(a) Recorded by the solar installation company; and

(b) ~~Provided:~~

~~— (1) At~~ Conducted at the time of the execution of the agreement or within 48 hours after the execution of the agreement. ~~to~~ and

~~— (2) Before the installation of any distributed generation system under the agreement.~~

3. A solar installation company shall not commence the installation of any distributed generation system under an agreement until the recording required pursuant to this section has been made.

4. A solar installation company shall maintain the recording ~~of a verbal communication made~~ required pursuant to this section for not less than ~~10~~ 4 years after the ~~recording is made.~~ date of the final inspection of the distributed generation system within the jurisdiction in which the distributed generation system is located.

Sec. 3. Any purchaser or lessee who enters into or signs an agreement for the purchase or lease of a distributed generation system or host customer who enters into a power purchase agreement may rescind or cancel the agreement, without any penalty or obligation, by giving notice in writing to the solar installation company either by delivering, mailing or telegraphing such notice or sending such notice by electronic mail not later than midnight of the third business day after the date the agreement was entered into or signed. The notice must be addressed to the solar installation company at the solar installation company's place of business, or another place designated in the agreement, or sent to the electronic mail address set forth on the cover page required by NRS 598.9809, 598.9813 or 598.9816, as applicable, and must contain words indicating the intent of the purchaser, lessee or host customer to rescind or cancel the transaction previously entered into.

Sec. 4. NRS 598.9801 is hereby amended to read as follows:

598.9801 As used in NRS 598.9801 to 598.9822, inclusive, and sections ~~1.2 and~~ 1.3 to 3, inclusive, of this act, unless the context otherwise requires, the words and terms defined in NRS 598.9802 to 598.9808, inclusive, and sections 1.3 and 1.7 of this act have the meanings ascribed to them in those sections.

Sec. 5. NRS 598.9804 is hereby amended to read as follows:

598.9804 "Distributed generation system" means a system or facility for the residential generation of electricity ~~to~~:

~~— 1. That~~ that uses solar energy to generate electricity. ~~to~~

~~— 2. That is located on the property of a customer of an electric utility;~~

~~— 3. That is connected on the customer's side of the electricity meter;~~

~~4. That provides electricity primarily to offset customer load on that property; and~~

~~5. The excess generation from which is periodically exported to the grid in accordance with the provisions governing net metering systems used by customer generators pursuant to NRS 704.766 to 704.776, inclusive.]~~

Sec. 5.5. NRS 598.9808 is hereby amended to read as follows:

598.9808 1. "Solar installation company" means any form of business organization or any other nongovernmental legal entity, including, without limitation, a corporation, partnership, association, trust or unincorporated organization, that ~~[transacts]~~ holds a license issued pursuant to chapter 624 of NRS which authorizes the performance of work concerning a distributed generation system and, directly or indirectly, on its own behalf or on behalf of another:

(a) Performs or offers to perform any work concerning a distributed generation system;

(b) Advertises, solicits or offers to enter into an agreement described in NRS 598.9801 to 598.9822, inclusive, and sections 1.3 to 3, inclusive, of this act; or

(c) Transacts business ~~[directly with a residential customer of an electric utility]~~ to:

~~[(a)]~~ (1) Sell and install a distributed generation system; or

~~[(b)]~~ (2) Install a distributed generation system owned by a third party from whom the customer:

~~[(1)]~~ (I) Leases a distributed generation system; or

~~[(2)]~~ (II) Purchases electricity generated by a distributed generation system.

2. The term does not include ~~[entities that are third party:~~

~~(a) Owners of a distributed generation system; or~~

~~(b) Financiers of a distributed generation system who do not sell or install the distributed generation system.]~~

a person who generates leads or referrals to perform work concerning a distributed generation system for persons who hold a license issued pursuant to chapter 624 of NRS authorizing the performance of such work, if such activity is limited to:

(a) Serving as the source of a referral;

(b) Providing the contact information of a person who holds a license issued pursuant to chapter 624 of NRS to a prospective purchaser or lessee;

(c) Setting up appointments on behalf of a person who holds a license issued pursuant to chapter 624 of NRS; or

(d) Advertising through print media.

Sec. 6. NRS 598.9809 is hereby amended to read as follows:

598.9809 An agreement for the lease of a distributed generation system must include a cover page that ~~[provides]~~ :

1. Prominently displays the following information at the top of the cover page in at least 16-point font:

(a) Notice of the right to rescind or cancel the agreement ~~with~~, without any penalty or obligation, within 3 business days after the execution of the agreement, as provided in section 3 of this act.

(b) An electronic mail address to which a notice of rescission or cancellation may be sent pursuant to section 3 of this act and notice that the lessee may send such a notice to that electronic mail address.

(c) Notice of the requirement to make and maintain a recording pursuant to section 2 of this act.

(d) Notice that, before the installation of the distributed generation system, the lessee will have the opportunity to confirm that no representations, offers or promises were made at any time concerning the lease of the distributed generation system other than what is contained in the agreement.

2. Provides the following information in at least 10-point font:

~~{1.}~~ (a) The amounts due at the signing for and at the completion of the installation or any inspection of the distributed generation system.

~~{2.}~~ (b) An estimated timeline for the installation of the distributed generation system.

~~{3.}~~ (c) The estimated amount of the monthly payments due under the lease in the first year of operation of the distributed generation system.

~~{4.}~~ (d) The length of the term of the lease.

~~{5.}~~ (e) A description of any warranties.

~~{6.}~~ (f) The rate of any payment increases.

~~{7.}~~ (g) The identification of any state or federal tax incentives that are included in calculating the amount of the monthly payments due under the lease.

~~{8.}~~ (h) The estimated production of the distributed generation system in the first year of operation ~~;~~

~~—9.—~~ and an explanation that:

(1) The lessee will always receive a power bill if the premises of the lessee are connected to the power grid;

(2) The estimated production or offset is based on available data on prior consumption; and

(3) Any change in consumption by the lessee will impact the estimated offset, or savings, in relation to the production.

(i) A description of the terms for renewal or any other options available at the end of the term of the lease.

~~{10.}~~ (j) A description of any option to purchase the distributed generation system before the end of the term of the lease.

~~{11.}~~ (k) Notice of the existence of the Recovery Fund administered by the State Contractors' Board pursuant to NRS 624.470.

~~{12.}~~ (l) Notice that a person financially damaged by a licensed contractor who performs work on a residence may be eligible to recover certain financial damages from the Recovery Fund.

~~{13.}~~ (m) Notice that a host customer may file a complaint with the Public Utilities Commission of Nevada.

~~{14.}~~ (n) Contact information for the State Contractors' Board and the Public Utilities Commission of Nevada, including, without limitation, a telephone number.

(o) Notice that the lessee, before the execution of the agreement, may request any document used in the solicitation, offer or transaction for the agreement in any language.

Sec. 7. NRS 598.9813 is hereby amended to read as follows:

598.9813 An agreement for the purchase of a distributed generation system must include a cover page that ~~{provides}~~ :

1. Prominently displays the following information at the top of the cover page in at least 16-point font:

(a) Notice of the right to rescind or cancel the agreement ~~{with}~~ , without any penalty or obligation, within 3 business days after the execution of the agreement, as provided in section 3 of this act.

(b) An electronic mail address to which a notice of rescission or cancellation may be sent pursuant to section 3 of this act and notice that the purchaser may send such a notice to that electronic mail address.

(c) Notice of the requirement to make and maintain a recording pursuant to section 2 of this act.

(d) Notice that, before the installation of the distributed generation system, the purchaser will have the opportunity to confirm that no representations, offers or promises were made at any time concerning the purchase of the distributed generation system other than what is contained in the agreement.

2. Provide the following information in at least 10-point font:

~~{1.}~~ (a) The size of the distributed generation system.

~~{2.}~~ (b) The length of the term of the warranty for the distributed generation system.

~~{3.}~~ (c) An estimated timeline for the installation of the distributed generation system.

~~{4.}~~ (d) A description of any warranties.

~~{5.}~~ (e) The total cost of the distributed generation system.

~~{6.}~~ (f) The estimated value of any portfolio energy credits and rebates of any incentives included in the calculation of the total cost of the distributed generation system.

~~{7.}~~ (g) The amounts due at the signing for and at the completion of the installation of the distributed generation system.

~~{8.}~~ (h) The estimated production of the distributed generation system in the first year of operation.

~~=9.}~~ and an explanation that:

(1) The purchaser will always receive a power bill if the premises of the purchaser are connected to the power grid;

(2) The estimated production or offset is based on available data on prior consumption; and

(3) Any change in consumption by the purchaser will impact the estimated offset, or savings, in relation to the production.

~~__~~(i) Notice of the existence of the Recovery Fund administered by the State Contractors' Board pursuant to NRS 624.470.

~~{10.}~~ (j) Notice that a person financially damaged by a licensed contractor who performs work on a residence may be eligible to recover certain financial damages from the Recovery Fund.

~~{11.}~~ (k) Notice that a host customer may file a complaint with the Public Utilities Commission of Nevada.

~~{12.}~~ (l) Contact information for the State Contractors' Board and Public Utilities Commission of Nevada, including, without limitation, a telephone number.

(m) *Notice that the purchaser, before the execution of the agreement, may request any document used in the solicitation, offer or transaction for the agreement in any language.*

Sec. 8. NRS 598.9816 is hereby amended to read as follows:

598.9816 A power purchase agreement for the sale of the output of a distributed generation system must include a cover page that ~~[provides]~~ :

1. *Prominently displays the following information at the top of the cover page in at least 16-point font:*

(a) *Notice of the right to rescind or cancel the agreement ~~[with]~~, without any penalty or obligation, within 3 business days after the execution of the agreement, as provided in section 3 of this act.*

(b) *An electronic mail address to which a notice of rescission or cancellation may be sent pursuant to section 3 of this act and notice that the host customer may send such a notice to that electronic mail address.*

~~(c) Notice of the requirement to make and maintain a recording pursuant to section 2 of this act.~~

~~(d) Notice that, before the installation of the distributed generation system, the host customer will have the opportunity to confirm that no representations, offers or promises were made at any time concerning the sale of the output of the distributed generation system other than what is contained in the agreement.~~

2. *Provides the following information in at least 10-point font:*

~~{1.}~~ (a) The rate of any increase in the payments to be made during the term of the agreement and, if applicable, the date of the first such increase.

~~{2.}~~ (b) An estimated timeline for the installation of the distributed generation system.

~~{3.}~~ (c) The rate of electricity per kilowatt-hour of electricity for the first year of the agreement.

~~{4.}~~ (d) The length of the term of the agreement.

~~{5.}~~ (e) The amounts due at the signing for and at the completion of the installation or any inspection of the distributed generation system.

~~{6.}~~ (f) The estimated production of the distributed generation system in the first year of operation.

~~=7.}~~ *and an explanation that:*

(1) The host customer will always receive a power bill if the premises of the host customer are connected to the power grid;

(2) The estimated production or offset is based on available data on prior consumption; and

(3) Any change in consumption by the host customer will impact the estimated offset, or savings, in relation to the production.

(g) A description of the options available at the end of the term of the agreement.

~~{8.}~~ (h) A description of any option to purchase the distributed generation system before the end of the term of the agreement.

~~{9.}~~ (i) Notice of the existence of the Recovery Fund administered by the State Contractors' Board pursuant to NRS 624.470.

~~{10.}~~ (j) Notice that a person financially damaged by a licensed contractor who performs work on a residence may be eligible to recover certain financial damages from the Recovery Fund.

~~{11.}~~ (k) Notice that a host customer may file a complaint with the Public Utilities Commission of Nevada.

~~{12.}~~ (l) Contact information for the State Contractors' Board and the Public Utilities Commission of Nevada, including, without limitation, a telephone number.

(m) Notice that the host customer, before execution of the agreement, may request any document used in the solicitation, offer or transaction for the power purchase agreement in any language.

Sec. 9. NRS 598.9822 is hereby amended to read as follows:

598.9822 1. A host customer may file a complaint concerning a solar installation company with the Public Utilities Commission of Nevada. Upon receipt of a complaint, the Commission may direct the host customer to the appropriate agency or person to resolve the complaint.

2. The failure of a person to comply with NRS 598.9801 to 598.9822, inclusive, ~~and sections 1.3 to 3, inclusive,~~ of this act constitutes a deceptive trade practice for the purposes of NRS 598.0903 to 598.0999, inclusive.

3. *If a solar installation company executes with a purchaser or lessee an agreement for the purchase or lease of a distributed generation system or with a host customer a power purchase agreement and knowingly fails to comply with any requirement of NRS 598.9801 to 598.9822, inclusive, and sections ~~{2 and} 1.3 to 3, inclusive,~~ of this act, including, without limitation, by failing to include any disclosure or information required by NRS 598.9801 to 598.9822, inclusive, and sections ~~{2 and} 1.3 to 3, inclusive,~~ of this act, or knowingly failing to maintain a recording of a verbal communication as required by section 2 of this act, the agreement is voidable by the purchaser, lessee or host customer. The actions of persons who solely conduct administrative duties or provide administrative services directly to and for the benefit of the solar installation company are not imputed to the solar installation company for the purposes of this subsection.*

4. A violation of any provision of NRS 598.9801 to 598.9822, inclusive, and sections ~~1.2 and~~ 1.3 to 3, inclusive, of this act constitutes consumer fraud for the purposes of NRS 41.600.

~~4.~~ 5. Any document described in NRS 598.9809 to 598.9821, inclusive, and sections ~~1.2 and~~ 1.3 to 3, inclusive, of this act must be provided in:

(a) English; or

(b) ~~Spanish,~~ Any other language, if any person so requests, ~~before the execution of the relevant document.~~

6. ~~6.1. If a solar installation company before the execution of an agreement for the purchase or lease of a distributed generation system or a power purchase agreement, shall provide the purchaser, lessee or host customer, as applicable, a copy of the cover page required by NRS 598.9809, 598.9813 or 598.9816, as applicable, in the language that the majority of the solicitation, offer or transaction for the agreement occurred, if the majority of the language that was used was a language other than English,~~ advertises its services or negotiates orally or in writing any of the requirements of NRS 598.9801 to 598.9822, inclusive, and sections 1.3 to 3, inclusive, of this act in a language other than English or permits an employee or agent of the solar installation company to so advertise or negotiate, the solar installation company must deliver a translation of any contract, agreement or notice described in NRS 598.9801 to 598.9822, inclusive, and sections 1.3 to 3, inclusive, of this act resulting from such advertising or negotiations in the language in which such advertising was made or such negotiations occurred to a person who is a party to such a contract or agreement, or who may sign the contract or agreement, or who is entitled to receive such notice. The translation of the contract, agreement or notice must be provided before the execution of the contract or agreement and include, without limitation, every term and condition in the contract, agreement or notice.

Sec. 10. NRS 624.860 is hereby amended to read as follows:

624.860 ~~1.1. A person shall not, directly or indirectly on his or her own behalf or on behalf of another,~~ perform or offer to perform, provide any proposal or bid for or execute a contract to perform any work concerning a residential photovoltaic system used to produce electricity ~~, or advertise, solicit or offer to enter into an agreement described in NRS 598.9801 to 598.9822, inclusive, and sections 2 and 3 of this act~~ unless the person holds:

~~1. A~~ :

~~1(a).~~ 1. Holds a license issued pursuant to this chapter which authorizes the person to perform such work or concerning a residential photovoltaic system used to produce electricity; or

~~1(b).~~ 2. Is an employee of a person described in paragraph (a).

~~2. Any other license, certificate, registration or permit under state law which authorizes the person to perform such work. The provisions of this section do not prohibit a person who does not hold a license issued pursuant to this chapter and who is not an employee of a person who holds a license issued pursuant to this chapter from generating leads or referrals for a~~

~~residential photovoltaic system used to produce electricity if the person does not provide a quote or offer for the sale or installation of such a residential photovoltaic system.] subsection 1.~~

Sec. 10.5. This act becomes effective on January 1, 2024.

Senator Harris moved that the Senate concur in Assembly Amendment No. 704 to Senate Bill No. 293.

Senators Seevers Gansert, Buck and Krasner requested a roll call vote on Senator Harris' motion.

Remarks by Senators Seevers Gansert and Doñate.

SENATOR SEEVERS GANSERT:

I was requesting a roll call vote because there was an amendment that was added in the Assembly that requires that anyone who is trying to perform a solar contract has to hold a certain license, or they must be an employee. Right now, we have many independent contractors who work in that industry. They are making requests for business and doing different types of things related to the solar industry, not necessarily installation.

SENATOR DOÑATE:

In response to the remarks of my colleague from the north, that was in the original provisions of the bill that was passed out in the Senate. That was kept as it moved on to the Assembly. The provisions we added were additional exceptions that were in addition to what could be exempt from 1099 workers.

Roll call on Senator Harris' motion:

YEAS—13.

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

Motion carried by a constitutional majority.

Bill ordered enrolled.

Senate Bill No. 309.

The following Assembly amendment was read:

Amendment No. 589.

SUMMARY—Makes various changes relating to health care. (BDR 15-498)

AN ACT relating to crimes; establishing the crime of fertility fraud; creating a cause of action for a person who has suffered injury as a result of fertility fraud; providing that certain acts that constitute fertility fraud are subject to various statutory provisions relating to sex offenders; prohibiting a health care facility from taking certain actions relating to assisted reproduction; authorizing the imposition of civil penalties for certain violations committed by a health care facility; providing penalties; and providing other matters properly relating thereto.

Legislative Counsel's Digest:

Section 5 of this bill provides that a provider of health care who, in rendering services for assisted reproduction, knowingly implants his or her own human reproductive material in a patient without the express consent of the patient is guilty of fertility fraud. Section 5 also provides that a provider of health care who, in rendering services for assisted reproduction, knowingly uses or provides a patient with human reproductive material other than the human

reproductive material the patient expressly consented to the use or receipt of is guilty of fertility fraud. Section 5 makes the crime of fertility fraud a category B felony, punishable 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.

Section 6 of this bill: (1) prohibits a person from conveying to a patient false information or information the person reasonably should have known was false relating to assisted reproduction; and (2) provides that a person who violates such a prohibition is guilty of a category C felony. Sections 5 and 6 also require the Attorney General to provide certain notice to each professional licensing board that has issued a license, certificate or registration to a person who violates section 5 or 6. Sections 3 and 4 of this bill define certain terms for the purposes of sections 5 and 6.

Section 8 of this bill authorizes a person who has suffered an injury as a result of a violation of section 5 to bring a civil action to recover damages. Section 7 of this bill requires the person to commence such an action within 3 years after the later of the date on which the person discovers : (1) the facts constituting fertility fraud [1] ; or (2) any medical or genetic disorder which results from the human reproductive material implanted in, used on or provided to a patient in violation of section 5.

Section 20 of this bill prohibits a health care facility from providing a patient with human reproductive material for assisted reproduction except in accordance with any written agreement entered into between: (1) the health care facility and the patient; and (2) the health care facility and the donor. Section 20 also: (1) authorizes the Attorney General to collect a civil penalty of not more than \$10,000 for each violation of this prohibition; and (2) requires the Attorney General to notify certain entities responsible for licensing health care facilities if such a civil penalty is imposed. Section 19 of this bill authorizes the Division of Public and Behavioral Health of the Department of Health and Human Services to suspend or revoke any license issued by the Division to a health care facility for a violation of section 20.

Existing law defines the term "sexual offense" for the purpose of requiring persons convicted of certain sexual offenses to be prohibited from certain employment, to register as a sex offender, to comply with certain mandatory conditions of probation or parole and to fulfill certain other requirements. (NRS 118A.335, 176.0913, 176A.410, 179D.095, 179D.097, 179D.441, 213.1099, 213.1245) Section 15 of this bill revises the list of sexual offenses to which these statutory provisions apply to include certain violations of section 5. Section 16 of this bill makes a conforming change related to the numbering changes made in section 15.

Existing law prohibits a court from ordering the victim of or a witness to certain sexual offenses to take or submit to a psychological or psychiatric examination. (NRS 50.700) Section 9 of this bill adds certain violations of section 5 to the list of sexual offenses to which that prohibition applies.

Existing law: (1) requires a court to include a special sentence of lifetime supervision for any person convicted of certain sexual offenses; and (2) provides certain conditions of lifetime supervision. (NRS 176.0931, 213.1243) Sections 10 and 17 of this bill add certain violations of section 5 to the list of sexual offenses that require a special sentence of lifetime supervision and for which conditions of lifetime supervision apply.

Existing law: (1) requires that a person convicted of certain sexual offenses undergo a psychosexual evaluation as part of the presentence investigation report prepared by the Division of Parole and Probation of the Department of Public Safety; and (2) prohibits a court from granting probation to or suspending the sentence of a person convicted of certain sexual offenses, unless the person who conducts the evaluation certifies that the person convicted of the sexual offense does not represent a high risk to reoffend. (NRS 176.135, 176A.110) Sections 11 and 12 of this bill add certain violations of section 5 to the list of sexual offenses that require a psychosexual evaluation to be conducted and for which a court is prohibited from granting probation to or suspending the sentence of a person, unless the person who conducts the psychosexual evaluation certifies that the person does not represent a high risk to reoffend.

Existing law similarly requires the Department of Corrections to assess each prisoner who has been convicted of a sexual offense before a scheduled parole hearing to determine the prisoner's risk to reoffend. (NRS 213.1214) Section 18 of this bill adds certain violations of section 5 to the list of offenses which require such an assessment.

Existing law requires a court to provide certain documentation to each victim and witness and certain other persons if an offender is convicted of certain sexual offenses. (NRS 178.5698) Section 13 of this bill requires that such documentation be provided to such persons if an offender is convicted of certain violations of section 5.

Section 14 of this bill makes the provisions of law which prohibit a person convicted of a sexual offense from petitioning a court to seal the records relating to such a conviction applicable to a person convicted of certain violations of section 5. (NRS 179.245)

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

Section 1. Chapter 200 of NRS is hereby amended by adding thereto the provisions set forth as sections 2 to 6, inclusive, of this act.

Sec. 2. *As used in sections 2 to 6, inclusive, of this act, unless the context otherwise requires, the words and terms defined in sections 3 and 4 of this act have the meanings ascribed to them in those sections.*

Sec. 3. *"Assisted reproduction" has the meaning ascribed to it in NRS 126.510.*

Sec. 4. *"Human reproductive material" means a gamete or human organism at any stage of development from fertilized ovum to embryo.*

Sec. 5. 1. A provider of health care who, in rendering services for assisted reproduction:

(a) Knowingly implants his or her own human reproductive material in a patient without the express consent of the patient is guilty of fertility fraud.

(b) Knowingly uses or provides a patient with human reproductive material other than the human reproductive material the patient expressly consented to the use or receipt of is guilty of fertility fraud.

2. Unless a greater penalty is provided by statute, a person convicted of the crime of fertility fraud is guilty of a category B felony and shall be punished by imprisonment in the state prison for a minimum term of not less than 2 years and a maximum term of not more than 15 years, and may be further be punished by a fine of not more than \$10,000.

3. Upon conviction of a person for the crime of fertility fraud, the Attorney General shall give notice of the conviction to each professional licensing board that has issued a license, certificate or registration to the person.

4. As used in this section, "provider of health care" means a physician or physician assistant licensed pursuant to chapter 630, 630A or 633 of NRS or an advanced practice registered nurse licensed under chapter 632 of NRS.

Sec. 6. 1. A person shall not knowingly convey to a patient false information or information the person reasonably should have known was false relating to assisted reproduction, including, without limitation, false information or information the person reasonably should have known was false concerning:

(a) The identity, date of birth or address of the donor at the time of donation;

(b) The human reproductive material used or provided to the patient for assisted reproduction;

(c) The medical history of the donor or family of the donor, including, without limitation:

(1) Past and current illnesses of the donor; and

(2) Genetic information of the donor; and

(d) The social history of the donor.

2. A person who violates this section is guilty of a category C felony and shall be punished as provided in NRS 193.130.

3. Upon conviction of a person for a violation of the provisions of this section, the Attorney General shall give notice of the conviction to each professional licensing board that has issued a license, certificate or registration to the person.

4. As used in this section:

(a) "Genetic information" means any information that is obtained from a genetic test.

(b) "Genetic test" means a test, including a laboratory test that uses deoxyribonucleic acid extracted from the cells of a person or a diagnostic test, to determine the presence of abnormalities or deficiencies, including carrier status, that:

- (1) Are linked to physical or mental disorders or impairments; or*
- (2) Indicate a susceptibility to illness, disease, impairment or any other disorder, whether physical or mental.*

Sec. 7. NRS 11.190 is hereby amended to read as follows:

11.190 Except as otherwise provided in NRS 40.4639, 125B.050 and 217.007, actions other than those for the recovery of real property, unless further limited by specific statute, may only be commenced as follows:

1. Within 6 years:

(a) Except as otherwise provided in NRS 62B.420 and 176.275, an action upon a judgment or decree of any court of the United States, or of any state or territory within the United States, or the renewal thereof.

(b) An action upon a contract, obligation or liability founded upon an instrument in writing, except those mentioned in the preceding sections of this chapter.

2. Within 4 years:

(a) An action on an open account for goods, wares and merchandise sold and delivered.

(b) An action for any article charged on an account in a store.

(c) An action upon a contract, obligation or liability not founded upon an instrument in writing.

(d) Except as otherwise provided in NRS 11.245, an action against a person alleged to have committed a deceptive trade practice in violation of NRS 598.0903 to 598.0999, inclusive, but the cause of action shall be deemed to accrue when the aggrieved party discovers, or by the exercise of due diligence should have discovered, the facts constituting the deceptive trade practice.

3. Within 3 years:

(a) An action upon a liability created by statute, other than a penalty or forfeiture.

(b) An action for waste or trespass of real property, but when the waste or trespass is committed by means of underground works upon any mining claim, the cause of action shall be deemed to accrue upon the discovery by the aggrieved party of the facts constituting the waste or trespass.

(c) An action for taking, detaining or injuring personal property, including actions for specific recovery thereof, but in all cases where the subject of the action is a domestic animal usually included in the term "livestock," which has a recorded mark or brand upon it at the time of its loss, and which strays or is stolen from the true owner without the owner's fault, the statute does not begin to run against an action for the recovery of the animal until the owner has actual knowledge of such facts as would put a reasonable person upon inquiry as to the possession thereof by the defendant.

(d) Except as otherwise provided in NRS 112.230 and 166.170, an action for relief on the ground of fraud or mistake, but the cause of action in such a case shall be deemed to accrue upon the discovery by the aggrieved party of the facts constituting the fraud or mistake.

(e) An action pursuant to NRS 40.750 for damages sustained by a financial institution or other lender because of its reliance on certain fraudulent conduct of a borrower, but the cause of action in such a case shall be deemed to accrue upon the discovery by the financial institution or other lender of the facts constituting the concealment or false statement.

(f) An action pursuant to section 8 of this act, but the cause of action shall be deemed to accrue upon the discovery by the aggrieved party of the facts constituting fertility fraud ~~fraud~~ or of any medical or genetic disorder which results from the human reproductive material implanted in, used on or provided to a patient in violation of section 5 of this act, whichever occurs later.

4. Within 2 years:

(a) An action against a sheriff, coroner or constable upon liability incurred by acting in his or her official capacity and in virtue of his or her office, or by the omission of an official duty, including the nonpayment of money collected upon an execution.

(b) An action upon a statute for a penalty or forfeiture, where the action is given to a person or the State, or both, except when the statute imposing it prescribes a different limitation.

(c) An action for libel, slander, assault, battery, false imprisonment or seduction.

(d) An action against a sheriff or other officer for the escape of a prisoner arrested or imprisoned on civil process.

(e) Except as otherwise provided in NRS 11.215, an action to recover damages for injuries to a person or for the death of a person caused by the wrongful act or neglect of another. The provisions of this paragraph relating to an action to recover damages for injuries to a person apply only to causes of action which accrue after March 20, 1951.

(f) An action to recover damages under NRS 41.740.

5. Within 1 year:

(a) An action against an officer, or officer de facto to recover goods, wares, merchandise or other property seized by the officer in his or her official capacity, as tax collector, or to recover the price or value of goods, wares, merchandise or other personal property so seized, or for damages for the seizure, detention or sale of, or injury to, goods, wares, merchandise or other personal property seized, or for damages done to any person or property in making the seizure.

(b) An action against an officer, or officer de facto for money paid to the officer under protest, or seized by the officer in his or her official capacity, as a collector of taxes, and which, it is claimed, ought to be refunded.

Sec. 8. Chapter 41 of NRS is hereby amended by adding thereto a new section to read as follows:

1. *A person who has suffered an injury as a result of a violation of section 5 of this act may bring an action for the recovery of his or her actual*

damages and any punitive damages which the facts may warrant if the person is or was, at the time of assisted reproduction:

(a) A patient who gave birth to a child conceived through assisted reproduction as a result of a violation of section 5 of this act;

(b) The spouse of a patient who gave birth to a child conceived through assisted reproduction as a result of a violation of section 5 of this act;

(c) A child conceived through assisted reproduction as a result of a violation of section 5 of this act; or

(d) A donor whose human reproductive material resulted in the birth of a child conceived through assisted reproduction as a result of a violation of section 5 of this act.

2. Each child born as a result of a violation of section 5 of this act constitutes the basis for a separate cause of action.

3. A person who prevails in an action brought pursuant to subsection 1 may recover his or her actual damages, attorney's fees and costs and any punitive damages that the facts may warrant.

4. The liability imposed by this section is in addition to any other liability imposed by law.

5. For the purposes of this section, a violation of section 5 of this act shall be deemed to have been committed where the procedure for assisted reproduction occurred or at the principal place of business of the provider of health care.

6. As used in this section:

(a) "Assisted reproduction" has the meaning ascribed to it in NRS 126.510.

(b) "Human reproductive material" has the meaning ascribed to it in section 4 of this act.

(c) "Provider of health care" has the meaning ascribed to it in section 5 of this act.

Sec. 9. NRS 50.700 is hereby amended to read as follows:

50.700 1. In any criminal or juvenile delinquency action relating to the commission of a sexual offense, a court may not order the victim or a witness to the sexual offense to take or submit to a psychological or psychiatric examination.

2. The court may exclude the testimony of a licensed psychologist, psychiatrist or clinical social worker who performed a psychological or psychiatric examination on the victim or witness if:

(a) There is a prima facie showing of a compelling need for an additional psychological or psychiatric examination of the victim or witness by a licensed psychologist, psychiatrist or clinical social worker; and

(b) The victim or witness refuses to submit to an additional psychological or psychiatric examination by a licensed psychologist, psychiatrist or clinical social worker.

3. In determining whether there is a prima facie showing of a compelling need for an additional psychological or psychiatric examination of the victim or witness pursuant to subsection 2, the court must consider whether:

(a) There is a reasonable basis for believing that the mental or emotional state of the victim or witness may have affected his or her ability to perceive and relate events relevant to the criminal prosecution; and

(b) Any corroboration of the offense exists beyond the testimony of the victim or witness.

4. If the court determines there is a prima facie showing of a compelling need for an additional psychological or psychiatric examination of the victim or witness, the court shall issue a factual finding that details with particularity the reasons why an additional psychological or psychiatric examination of the victim or witness is warranted.

5. If the court issues a factual finding pursuant to subsection 4 and the victim or witness consents to an additional psychological or psychiatric examination, the court shall set the parameters for the examination consistent with the purpose of determining the ability of the victim or witness to perceive and relate events relevant to the criminal prosecution.

6. As used in this section, "sexual offense" includes, without limitation:

(a) An offense that is found to be sexually motivated pursuant to NRS 175.547 or 207.193;

(b) Sexual assault pursuant to NRS 200.366;

(c) Statutory sexual seduction pursuant to NRS 200.368;

(d) Battery with intent to commit sexual assault pursuant to NRS 200.400;

(e) Abuse of a child pursuant to NRS 200.508, if the abuse involved sexual abuse or sexual exploitation;

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

(g) *Fertility fraud pursuant to paragraph (a) of subsection 1 of section 5 of this act;*

(h) Incest pursuant to NRS 201.180;

~~[(h)]~~ (i) Open or gross lewdness pursuant to NRS 201.210;

~~[(i)]~~ (j) Indecent or obscene exposure pursuant to NRS 201.220;

~~[(j)]~~ (k) Lewdness with a child pursuant to NRS 201.230;

~~[(k)]~~ (l) Pandering or sex trafficking of a child pursuant to NRS 201.300;

~~[(l)]~~ (m) An offense involving the administration of a drug to another person with the intent to enable or assist the commission of a felony pursuant to NRS 200.405, if the felony is an offense listed in this section;

~~[(m)]~~ (n) An offense involving the administration of a controlled substance to another person with the intent to enable or assist the commission of a crime of violence pursuant to NRS 200.408, if the crime of violence is an offense listed in this section;

~~[(n)]~~ (o) Sexual penetration of a dead human body pursuant to NRS 201.450;

~~[(o)]~~ (p) Luring a child or a person with mental illness pursuant to NRS 201.560;

~~[(p)]~~ (q) Any other offense that has an element involving a sexual act or sexual conduct with another person; or

~~{{(q)}}~~ (r) Any attempt or conspiracy to commit an offense listed in this subsection.

Sec. 10. NRS 176.0931 is hereby amended to read as follows:

176.0931 1. If a defendant is convicted of a sexual offense, the court shall include in sentencing, in addition to any other penalties provided by law, a special sentence of lifetime supervision.

2. The special sentence of lifetime supervision commences after any period of probation or any term of imprisonment and any period of release on parole.

3. A person sentenced to lifetime supervision may petition the sentencing court or the State Board of Parole Commissioners for release from lifetime supervision. The sentencing court or the Board shall grant a petition for release from a special sentence of lifetime supervision if:

(a) The person has complied with the requirements of the provisions of NRS 179D.010 to 179D.550, inclusive;

(b) The person has not been convicted of an offense that poses a threat to the safety or well-being of others for an interval of at least 10 consecutive years after the person's last conviction or release from incarceration, whichever occurs later; and

(c) The person is not likely to pose a threat to the safety of others, as determined by a licensed, clinical professional who has received training in the treatment of sexual offenders, if released from lifetime supervision.

4. A person who is released from lifetime supervision pursuant to the provisions of subsection 3 remains subject to the provisions for registration as a sex offender and to the provisions for community notification, unless the person is otherwise relieved from the operation of those provisions pursuant to the provisions of NRS 179D.010 to 179D.550, inclusive.

5. As used in this section:

(a) "Offense that poses a threat to the safety or well-being of others" includes, without limitation:

(1) An offense that involves:

(I) A victim less than 18 years of age;

(II) A crime against a child as defined in NRS 179D.0357;

(III) A sexual offense as defined in NRS 179D.097;

(IV) A deadly weapon, explosives or a firearm;

(V) The use or threatened use of force or violence;

(VI) Physical or mental abuse;

(VII) Death or bodily injury;

(VIII) An act of domestic violence;

(IX) Harassment, stalking, threats of any kind or other similar acts;

(X) The forcible or unlawful entry of a home, building, structure, vehicle or other real or personal property; or

(XI) The infliction or threatened infliction of damage or injury, in whole or in part, to real or personal property.

(2) Any offense listed in subparagraph (1) that is committed in this State or another jurisdiction, including, without limitation, an offense prosecuted in:

(I) A tribal court.

(II) A court of the United States or the Armed Forces of the United States.

(b) "Sexual offense" means:

(1) A violation of NRS 200.366, subsection 4 of NRS 200.400, NRS 200.710, 200.720, subsection 2 of NRS 200.730, NRS 201.180, 201.230, 201.450, 201.540 or 201.550 or paragraph (a) or (b) of subsection 4 or paragraph (a) or (b) of subsection 5 of NRS 201.560 ~~or~~ *or paragraph (a) of subsection 1 of section 5 of this act;*

(2) An attempt to commit an offense listed in subparagraph (1); or

(3) An act of murder in the first or second degree, kidnapping in the first or second degree, false imprisonment, burglary or invasion of the home if the act is determined to be sexually motivated at a hearing conducted pursuant to NRS 175.547.

Sec. 11. 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) *Fertility fraud pursuant to paragraph (a) of subsection 1 of section 5 of this act;*

(g) Incest pursuant to NRS 201.180;

~~[(g)]~~ (h) Open or gross lewdness pursuant to NRS 201.210, if punished as a felony;

~~[(h)]~~ (i) Indecent or obscene exposure pursuant to NRS 201.220, if punished as a felony;

~~[(i)]~~ (j) Lewdness with a child pursuant to NRS 201.230;

~~[(j)]~~ (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. 12. 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) *Fertility fraud pursuant to paragraph (a) of subsection 1 of section 5 of this act.*

(g) Incest pursuant to NRS 201.180.

~~[(g)]~~ (h) Open or gross lewdness pursuant to NRS 201.210.

~~[(h)]~~ (i) Indecent or obscene exposure pursuant to NRS 201.220.

~~[(i)]~~ (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. 13. NRS 178.5698 is hereby amended to read as follows:

178.5698 1. The prosecuting attorney, sheriff or chief of police shall, upon the request of a victim or witness, inform the victim or witness:

(a) When the defendant is released from custody at any time before or during the trial, including, without limitation, when the defendant is released pending trial or subject to electronic supervision;

(b) If the defendant is so released, the amount of bail required, if any; and

(c) Of the final disposition of the criminal case in which the victim or witness was directly involved.

2. A request for information pursuant to subsection 1 must be made:

(a) In writing; or

(b) By telephone through an automated or computerized system of notification, if such a system is available.

3. If an offender is convicted of a sexual offense or an offense involving the use or threatened use of force or violence against the victim, the court shall provide:

(a) To each witness, documentation that includes:

(1) A form advising the witness of the right to be notified pursuant to subsection 5;

(2) The form that the witness must use to request notification in writing; and

(3) The form or procedure that the witness must use to provide a change of address after a request for notification has been submitted.

(b) To each person listed in subsection 4, documentation that includes:

(1) A form advising the person of the right to be notified pursuant to subsection 5 or 6 and NRS 176.015, 176A.630, 178.4715, 209.392, 209.3923, 209.3925, 209.429, 209.521, 213.010, 213.040, 213.095 and 213.131 or NRS 213.10915;

(2) The forms that the person must use to request notification; and

(3) The forms or procedures that the person must use to provide a change of address after a request for notification has been submitted.

4. The following persons are entitled to receive documentation pursuant to paragraph (b) of subsection 3:

(a) A person against whom the offense is committed.

(b) A person who is injured as a direct result of the commission of the offense.

(c) If a person listed in paragraph (a) or (b) is under the age of 18 years, each parent or guardian who is not the offender.

(d) Each surviving spouse, parent and child of a person who is killed as a direct result of the commission of the offense.

(e) A relative of a person listed in paragraphs (a) to (d), inclusive, if the relative requests in writing to be provided with the documentation.

5. Except as otherwise provided in subsection 6, if the offense was a felony and the offender is imprisoned, the warden of the prison shall, if the victim or witness so requests in writing and provides a current address, notify the victim or witness at that address when the offender is released from the prison.

6. If the offender was convicted of a violation of subsection 3 of NRS 200.366 or a violation of subsection 1, paragraph (a) of subsection 2 or subparagraph (2) of paragraph (b) of subsection 2 of NRS 200.508, the warden of the prison shall notify:

(a) The immediate family of the victim if the immediate family provides their current address;

(b) Any member of the victim's family related within the third degree of consanguinity, if the member of the victim's family so requests in writing and provides a current address; and

(c) The victim, if the victim will be 18 years of age or older at the time of the release and has provided a current address,

↪ before the offender is released from prison.

7. The warden must not be held responsible for any injury proximately caused by the failure to give any notice required pursuant to this section if no address was provided to the warden or if the address provided is inaccurate or not current.

8. As used in this section:

(a) "Immediate family" means any adult relative of the victim living in the victim's household.

(b) "Sexual offense" means:

- (1) Sexual assault pursuant to NRS 200.366;
- (2) Statutory sexual seduction pursuant to NRS 200.368;
- (3) Battery with intent to commit sexual assault pursuant to NRS 200.400;
- (4) An offense involving pornography and a minor pursuant to NRS 200.710 to 200.730, inclusive;
- (5) *Fertility fraud pursuant to paragraph (a) of subsection 1 of section 5 of this act;*
- (6) Incest pursuant to NRS 201.180;
- ~~{{(6)}} (7) Open or gross lewdness pursuant to NRS 201.210;~~
- ~~{{(7)}} (8) Indecent or obscene exposure pursuant to NRS 201.220;~~
- ~~{{(8)}} (9) Lewdness with a child pursuant to NRS 201.230;~~
- ~~{{(9)}} (10) Sexual penetration of a dead human body pursuant to NRS 201.450;~~
- ~~{{(10)}} (11) Sexual conduct between certain employees of a school or volunteers at a school and a pupil pursuant to NRS 201.540;~~
- ~~{{(11)}} (12) Sexual conduct between certain employees of a college or university and a student pursuant to NRS 201.550;~~
- ~~{{(12)}} (13) Luring a child or a person with mental illness pursuant to NRS 201.560, if punished as a felony;~~
- ~~{{(13)}} (14) An offense that, pursuant to a specific statute, is determined to be sexually motivated; or~~
- ~~{{(14)}} (15) An attempt to commit an offense listed in this paragraph.~~

Sec. 14. NRS 179.245 is hereby amended to read as follows:

179.245 1. Except as otherwise provided in subsection 6 and NRS 176.211, 176A.245, 176A.265, 176A.295, 179.247, 179.259, 201.354 and 453.3365, a person may petition the court in which the person was convicted for the sealing of all records relating to a conviction of:

(a) A category A felony, a crime of violence or residential burglary pursuant to NRS 205.060 after 10 years from the date of release from actual custody or discharge from parole or probation, whichever occurs later;

(b) Except as otherwise provided in paragraphs (a) and (e), a category B, C or D felony after 5 years from the date of release from actual custody or discharge from parole or probation, whichever occurs later;

(c) A category E felony after 2 years from the date of release from actual custody or discharge from parole or probation, whichever occurs later;

(d) Except as otherwise provided in paragraph (e), any gross misdemeanor after 2 years from the date of release from actual custody or discharge from probation, whichever occurs later;

(e) A violation of NRS 422.540 to 422.570, inclusive, a violation of NRS 484C.110 or 484C.120 other than a felony, or a battery which constitutes domestic violence pursuant to NRS 33.018 other than a felony, after 7 years

from the date of release from actual custody or from the date when the person is no longer under a suspended sentence, whichever occurs later;

(f) Except as otherwise provided in paragraph (e), if the offense is punished as a misdemeanor, a battery pursuant to NRS 200.481, harassment pursuant to NRS 200.571, stalking pursuant to NRS 200.575 or a violation of a temporary or extended order for protection, after 2 years from the date of release from actual custody or from the date when the person is no longer under a suspended sentence, whichever occurs later; or

(g) Any other misdemeanor after 1 year from the date of release from actual custody or from the date when the person is no longer under a suspended sentence, whichever occurs later.

2. A petition filed pursuant to subsection 1 must:

(a) Be accompanied by the petitioner's current, verified records received from the Central Repository for Nevada Records of Criminal History;

(b) If the petition references NRS 453.3365, include a certificate of acknowledgment or the disposition of the proceedings for the records to be sealed from all agencies of criminal justice which maintain such records;

(c) Include a list of any other public or private agency, company, official or other custodian of records that is reasonably known to the petitioner to have possession of records of the conviction and to whom the order to seal records, if issued, will be directed; and

(d) Include information that, to the best knowledge and belief of the petitioner, accurately and completely identifies the records to be sealed, including, without limitation, the:

(1) Date of birth of the petitioner;

(2) Specific conviction to which the records to be sealed pertain; and

(3) Date of arrest relating to the specific conviction to which the records to be sealed pertain.

3. Upon receiving a petition pursuant to this section, the court shall notify the law enforcement agency that arrested the petitioner for the crime and the prosecuting attorney, including, without limitation, the Attorney General, who prosecuted the petitioner for the crime. The prosecuting attorney and any person having relevant evidence may testify and present evidence at any hearing on the petition.

4. If the prosecuting agency that prosecuted the petitioner for the crime stipulates to the sealing of the records, the court shall apply the presumption set forth in NRS 179.2445 and seal the records. If the prosecuting agency does not stipulate to the sealing of the records or does not file a written objection within 30 days after receiving notification pursuant to subsection 3 and the court makes the findings set forth in subsection 5, the court may order the sealing of the records in accordance with subsection 5 without a hearing. If the court does not order the sealing of the records or the prosecuting agency files a written objection, a hearing on the petition must be conducted. At the hearing, unless an objecting party presents evidence sufficient to rebut the

presumption set forth in NRS 179.2445, the court shall apply the presumption and seal the records.

5. If the court finds that, in the period prescribed in subsection 1, the petitioner has not been charged with any offense for which the charges are pending or convicted of any offense, except for minor moving or standing traffic violations, the court may order sealed all records of the conviction which are in the custody of any agency of criminal justice or any public or private agency, company, official or other custodian of records in the State of Nevada, and may also order all such records of the petitioner returned to the file of the court where the proceeding was commenced from, including, without limitation, the Federal Bureau of Investigation and all other agencies of criminal justice which maintain such records and which are reasonably known by either the petitioner or the court to have possession of such records.

6. A person may not petition the court to seal records relating to a conviction of:

- (a) A crime against a child;
- (b) A sexual offense;
- (c) Invasion of the home with a deadly weapon pursuant to NRS 205.067;
- (d) A violation of NRS 484C.110 or 484C.120 that is punishable as a felony pursuant to paragraph (c) of subsection 1 of NRS 484C.400;
- (e) A violation of NRS 484C.430;
- (f) A homicide resulting from driving or being in actual physical control of a vehicle while under the influence of intoxicating liquor or a controlled substance or resulting from any other conduct prohibited by NRS 484C.110, 484C.130 or 484C.430;
- (g) A violation of NRS 488.410 that is punishable as a felony pursuant to NRS 488.427; or
- (h) A violation of NRS 488.420 or 488.425.

7. The provisions of paragraph (e) of subsection 1 and paragraph (d) of subsection 6 must not be construed to preclude a person from being able to petition the court to seal records relating to a conviction for a violation of NRS 484C.110 or 484C.120 pursuant to this section if the person was found guilty of a violation of NRS 484C.110 or 484C.120 that is punishable pursuant to:

- (a) Paragraph (b) of subsection 1 of NRS 484C.400; or
- (b) Paragraph (c) of subsection 1 of NRS 484C.400 but had a judgment of conviction entered against him or her for a violation of paragraph (b) of subsection 1 of NRS 484C.400 because the person participated in the statewide sobriety and drug monitoring program established pursuant to NRS 484C.392.

8. If the court grants a petition for the sealing of records pursuant to this section, upon the request of the person whose records are sealed, the court may order sealed all records of the civil proceeding in which the records were sealed.

9. As used in this section:

(a) "Crime against a child" has the meaning ascribed to it in NRS 179D.0357.

(b) "Sexual offense" means:

(1) Murder of the first degree committed in the perpetration or attempted perpetration of sexual assault or of sexual abuse or sexual molestation of a child less than 14 years of age pursuant to paragraph (b) of subsection 1 of NRS 200.030.

(2) Sexual assault pursuant to NRS 200.366.

(3) Statutory sexual seduction pursuant to NRS 200.368, if punishable as a felony.

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

(5) An offense involving the administration of a drug to another person with the intent to enable or assist the commission of a felony pursuant to NRS 200.405, if the felony is an offense listed in this paragraph.

(6) An offense involving the administration of a controlled substance to another person with the intent to enable or assist the commission of a crime of violence, if the crime of violence is an offense listed in this paragraph.

(7) Abuse of a child pursuant to NRS 200.508, if the abuse involved sexual abuse or sexual exploitation.

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

(9) *Fertility fraud pursuant to paragraph (a) of subsection 1 of section 5 of this act.*

(10) Incest pursuant to NRS 201.180.

~~{{(10)}}~~ (11) Open or gross lewdness pursuant to NRS 201.210, if punishable as a felony.

~~{{(11)}}~~ (12) Indecent or obscene exposure pursuant to NRS 201.220, if punishable as a felony.

~~{{(12)}}~~ (13) Lewdness with a child pursuant to NRS 201.230.

~~{{(13)}}~~ (14) Sexual penetration of a dead human body pursuant to NRS 201.450.

~~{{(14)}}~~ (15) Sexual conduct between certain employees of a school or volunteers at a school and a pupil pursuant to NRS 201.540.

~~{{(15)}}~~ (16) Sexual conduct between certain employees of a college or university and a student pursuant to NRS 201.550.

~~{{(16)}}~~ (17) Luring a child or a person with mental illness pursuant to NRS 201.560, if punishable as a felony.

~~{{(17)}}~~ (18) An attempt to commit an offense listed in this paragraph.

Sec. 15. NRS 179D.097 is hereby amended to read as follows:

179D.097 1. "Sexual offense" means any of the following offenses:

(a) Murder of the first degree committed in the perpetration or attempted perpetration of sexual assault or of sexual abuse or sexual molestation of a child less than 14 years of age pursuant to paragraph (b) of subsection 1 of NRS 200.030.

- (b) Sexual assault pursuant to NRS 200.366.
- (c) Statutory sexual seduction pursuant to NRS 200.368.
- (d) Battery with intent to commit sexual assault pursuant to subsection 4 of NRS 200.400.
- (e) An offense involving the administration of a drug to another person with the intent to enable or assist the commission of a felony pursuant to NRS 200.405, if the felony is an offense listed in this subsection.
- (f) An offense involving the administration of a controlled substance to another person with the intent to enable or assist the commission of a crime of violence, if the crime of violence is an offense listed in this section.
- (g) Abuse of a child pursuant to NRS 200.508, if the abuse involved sexual abuse or sexual exploitation.
- (h) An offense involving pornography and a minor pursuant to NRS 200.710 to 200.730, inclusive.
- (i) *Fertility fraud pursuant to paragraph (a) of subsection 1 of section 5 of this act.*
- (j) Incest pursuant to NRS 201.180.
- ~~[(j)]~~ (k) Open or gross lewdness pursuant to NRS 201.210.
- ~~[(k)]~~ (l) Indecent or obscene exposure pursuant to NRS 201.220.
- ~~[(l)]~~ (m) Lewdness with a child pursuant to NRS 201.230.
- ~~[(m)]~~ (n) Sexual penetration of a dead human body pursuant to NRS 201.450.
- ~~[(n)]~~ (o) Sexual conduct between certain employees of a school or volunteers at a school and a pupil pursuant to NRS 201.540.
- ~~[(o)]~~ (p) Sexual conduct between certain employees of a college or university and a student pursuant to NRS 201.550.
- ~~[(p)]~~ (q) Luring a child or a person with mental illness pursuant to NRS 201.560, if punished as a felony.
- ~~[(q)]~~ (r) Sex trafficking pursuant to NRS 201.300.
- ~~[(r)]~~ (s) Any other offense that has an element involving a sexual act or sexual conduct with another.
- ~~[(s)]~~ (t) An attempt or conspiracy to commit an offense listed in paragraphs (a) to ~~[(r)]~~ (s), inclusive.
- ~~[(t)]~~ (u) An offense that is determined to be sexually motivated pursuant to NRS 175.547 or 207.193.
- ~~[(u)]~~ (v) An offense committed in another jurisdiction that, if committed in this State, would be an offense listed in this subsection. This paragraph includes, without limitation, an offense prosecuted in:
 - (1) A tribal court.
 - (2) A court of the United States or the Armed Forces of the United States.
- ~~[(v)]~~ (w) An offense of a sexual nature committed in another jurisdiction, whether or not the offense would be an offense listed in this section, if the person who committed the offense resides or has resided or is or has been a student or worker in any jurisdiction in which the person is or has been required by the laws of that jurisdiction to register as a sex offender because

of the offense. This paragraph includes, without limitation, an offense prosecuted in:

- (1) A tribal court.
- (2) A court of the United States or the Armed Forces of the United States.
- (3) A court having jurisdiction over juveniles.

2. Except for the offenses described in paragraphs ~~((a))~~ (o) and ~~((e))~~ (p) of subsection 1, the term does not include an offense involving consensual sexual conduct if the victim was:

- (a) An adult, unless the adult was under the custodial authority of the offender at the time of the offense; or
- (b) At least 13 years of age and the offender was not more than 4 years older than the victim at the time of the commission of the offense.

Sec. 16. NRS 179D.495 is hereby amended to read as follows:

179D.495 If a person who is required to register pursuant to NRS 179D.010 to 179D.550, inclusive, has been convicted of an offense described in paragraph ~~((r))~~ (s) of subsection 1 of NRS 179D.097, paragraph (e) of subsection 1 or subsection 3 of NRS 179D.115 or subsection 7 or 9 of NRS 179D.117, the Central Repository shall determine whether the person is required to register as a Tier I offender, Tier II offender or Tier III offender.

Sec. 17. NRS 213.107 is hereby amended to read as follows:

213.107 As used in NRS 213.107 to 213.157, inclusive, unless the context otherwise requires:

1. "Board" means the State Board of Parole Commissioners.
2. "Chief" means the Chief Parole and Probation Officer.
3. "Division" means the Division of Parole and Probation of the Department of Public Safety.
4. "Residential confinement" means the confinement of a person convicted of a crime to his or her place of residence under the terms and conditions established by the Board.
5. "Responsivity factors" means characteristics of a person that affect his or her ability to respond favorably or unfavorably to any treatment goals.
6. "Risk and needs assessment" means a validated, standardized actuarial tool that identifies risk factors that increase the likelihood of a person reoffending and factors that, when properly addressed, can reduce the likelihood of a person reoffending.
7. "Sex offender" means any person who has been or is convicted of a sexual offense.
8. "Sexual offense" means:

(a) A violation of NRS 200.366, subsection 4 of NRS 200.400, NRS 200.710, 200.720, subsection 2 of NRS 200.730, NRS 201.180, 201.230, 201.450, 201.540 or 201.550 or paragraph (a) or (b) of subsection 4 or paragraph (a) or (b) of subsection 5 of NRS 201.560 ~~or~~ *or paragraph (a) of subsection 1 of section 5 of this act;*

- (b) An attempt to commit any offense listed in paragraph (a); or

(c) An act of murder in the first or second degree, kidnapping in the first or second degree, false imprisonment, burglary or invasion of the home if the act is determined to be sexually motivated at a hearing conducted pursuant to NRS 175.547.

9. "Standards" means the objective standards for granting or revoking parole or probation which are adopted by the Board or the Chief.

Sec. 18. NRS 213.1214 is hereby amended to read as follows:

213.1214 1. The Department of Corrections shall assess each prisoner who has been convicted of a sexual offense to determine the prisoner's risk to reoffend in a sexual manner using a currently accepted standard of assessment. The completed assessment must include, without limitation, a determination of the prisoner's level of risk to reoffend in a sexual manner, including, without limitation, whether the prisoner is a high risk to reoffend in a sexual manner for the purposes of subsection 3 of NRS 213.1215. The Director shall ensure a completed assessment is provided to the Board before, but not sooner than 120 days before, a scheduled parole hearing.

2. The Director shall:

(a) Ensure that any employee of the Department who completes an assessment pursuant to subsection 1 is properly trained to assess the risk of an offender to reoffend in a sexual manner.

(b) Establish a procedure to:

(1) Ensure the accuracy of each completed assessment provided to the Board; and

(2) Correct any error occurring in a completed assessment provided to the Board.

3. This section does not create a right in any prisoner to be assessed or reassessed more frequently than the prisoner's regularly scheduled parole hearings or under a current or previous standard of assessment and does not restrict the Department from conducting additional assessments of a prisoner if such assessments may assist the Board in determining whether parole should be granted or continued. No cause of action may be brought against the State, its political subdivisions, or the agencies, boards, commissions, departments, officers or employees of the State or its political subdivisions for assessing, not assessing or considering or relying on an assessment of a prisoner, if such decisions or actions are made or conducted in compliance with the procedures set forth in this section.

4. The Board shall consider an assessment prepared pursuant to this section before determining whether to grant or revoke the parole of a person convicted of a sexual offense.

5. The Board may adopt by regulation the manner in which the Board will consider an assessment prepared pursuant to this section in conjunction with the standards adopted by the Board pursuant to NRS 213.10885.

6. As used in this section:

(a) "Director" means the Director of the Department of Corrections.

(b) "Reoffend in a sexual manner" means to commit a sexual offense.

(c) "Sex offender" means a person who, after July 1, 1956, is or has been:

(1) Convicted of a sexual offense; or

(2) Adjudicated delinquent or found guilty by a court having jurisdiction over juveniles of a sexual offense listed in subparagraph ~~[(20)]~~ (21) of paragraph (d).

➡ The term includes, but is not limited to, a sexually violent predator or a nonresident sex offender who is a student or worker within this State.

(d) "Sexual offense" means any of the following offenses:

(1) Murder of the first degree committed in the perpetration or attempted perpetration of sexual assault or of sexual abuse or sexual molestation of a child less than 14 years of age pursuant to paragraph (b) of subsection 1 of NRS 200.030.

(2) Sexual assault pursuant to NRS 200.366.

(3) Statutory sexual seduction pursuant to NRS 200.368.

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

(5) An offense involving the administration of a drug to another person with the intent to enable or assist the commission of a felony pursuant to NRS 200.405, if the felony is an offense listed in this paragraph.

(6) An offense involving the administration of a controlled substance to another person with the intent to enable or assist the commission of a crime of violence pursuant to NRS 200.408, if the crime of violence is an offense listed in this paragraph.

(7) Abuse of a child pursuant to NRS 200.508, if the abuse involved sexual abuse or sexual exploitation.

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

(9) *Fertility fraud pursuant to paragraph (a) of subsection 1 of section 5 of this act.*

(10) Incest pursuant to NRS 201.180.

~~[(10)]~~ (11) Open or gross lewdness pursuant to NRS 201.210.

~~[(11)]~~ (12) Indecent or obscene exposure pursuant to NRS 201.220.

~~[(12)]~~ (13) Lewdness with a child pursuant to NRS 201.230.

~~[(13)]~~ (14) Sexual penetration of a dead human body pursuant to NRS 201.450.

~~[(14)]~~ (15) Sexual conduct between certain employees of a school or volunteers at a school and a pupil pursuant to NRS 201.540.

~~[(15)]~~ (16) Sexual conduct between certain employees of a college or university and a student pursuant to NRS 201.550.

~~[(16)]~~ (17) Luring a child or a person with mental illness pursuant to NRS 201.560, if punished as a felony.

~~[(17)]~~ (18) An attempt or conspiracy to commit an offense listed in subparagraphs (1) to ~~[(16)]~~ (17), inclusive.

~~[(18)]~~ (19) An offense that is determined to be sexually motivated pursuant to NRS 175.547 or 207.193.

~~{{(19)}}~~ (20) An offense committed in another jurisdiction that, if committed in this State, would be an offense listed in this paragraph. This subparagraph includes, but is not limited to, an offense prosecuted in:

(I) A tribal court.

(II) A court of the United States or the Armed Forces of the United States.

~~{{(20)}}~~ (21) An offense of a sexual nature committed in another jurisdiction, whether or not the offense would be an offense listed in this paragraph, if the person who committed the offense resides or has resided or is or has been a student or worker in any jurisdiction in which the person is or has been required by the laws of that jurisdiction to register as a sex offender because of the offense. This subparagraph includes, but is not limited to, an offense prosecuted in:

(I) A tribal court.

(II) A court of the United States or the Armed Forces of the United States.

(III) A court having jurisdiction over juveniles.

➔ Except for the offenses described in subparagraphs (15) and (16), the term does not include an offense involving consensual sexual conduct if the victim was an adult, unless the adult was under the custodial authority of the offender at the time of the offense, or if the victim was at least 13 years of age and the offender was not more than 4 years older than the victim at the time of the commission of the offense.

Sec. 19. NRS 449.160 is hereby amended to read as follows:

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

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

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

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

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

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

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

(g) Violation of the provisions of NRS 458.112.

(h) *Violation of the provisions of section 20 of this act.*

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. 20. Chapter 629 of NRS is hereby amended by adding thereto a new section to read as follows:

1. *A health care facility shall not provide a patient with human reproductive material for assisted reproduction except in accordance with any written agreement entered into between:*

- (a) The health care facility and the patient; and*
- (b) The health care facility and the donor.*

2. *A health care facility that violates the provisions of this section is subject to a civil penalty of not more than \$10,000 for each violation. This penalty must be recovered in a civil action, brought in the name of the State of Nevada by the Attorney General. In such an action, the Attorney General may recover reasonable attorney's fees and costs. If a civil penalty is imposed against a health care facility for violating the provisions of this section, the Attorney General shall, within 30 days after the imposition of the civil penalty, notify:*

- (a) The Division of Public and Behavioral Health of the Department of Health and Human Services, if the violation was committed by a medical facility or medical laboratory.*

(b) *The occupational licensing board responsible for licensing the provider of health care who oversees an unlicensed health care facility, if the violation was committed by a health care facility that is not a medical facility or medical laboratory.*

3. *As used in this section:*

(a) *"Assisted reproduction" has the meaning ascribed to it in NRS 126.510.*

(b) *"Health care facility" means a medical facility, sperm bank, laboratory, clinic or office of a provider of health care that provides services relating to assisted reproduction.*

(c) *"Human reproductive material" means a gamete or human organism at any stage of development from fertilized ovum to embryo.*

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

(e) *"Medical laboratory" has the meaning ascribed to it in NRS 652.060.*

(f) *"Provider of health care" has the meaning ascribed to it in section 5 of this act.*

Sec. 21. The amendatory provisions of this act apply to a cause of action that accrues on or after July 1, 2023.

Sec. 22. This act becomes effective on July 1, 2023.

Senator Scheible moved that the Senate concur in Assembly Amendment No. 589 to Senate Bill No. 309.

Motion carried by a constitutional majority.

Bill ordered enrolled.

Senate Bill No. 317.

The following Assembly amendment was read:

Amendment No. 653.

SUMMARY—Establishes provisions relating to resources for persons experiencing homelessness. (BDR 38-981)

AN ACT relating to public welfare; authorizing a provider of homeless services to authorize the use of the provider's address as a temporary mailing address by a person experiencing homelessness for certain purposes; requiring the Division of Welfare and Supportive Services of the Department of Health and Human Services to publish a list of such providers; and providing other matters properly relating thereto.

Legislative Counsel's Digest:

Existing law requires the Department of Health and Human Services to provide certain services to persons who are transient, at imminent risk of homelessness or homeless. (NRS 422A.680) Section 7 of this bill authorizes a provider of homeless services to authorize a person experiencing homelessness to utilize the provider's address as a temporary mailing address, if that person is ~~a Nevada resident~~ receiving other services from the provider ~~and is a Nevada resident or a person who is not currently a Nevada resident and who the provider determines intends to remain in the State of Nevada for at least 6 months.~~ A person authorized to use a temporary mailing address under section 7 may use that temporary mailing address for various purposes,

including applying for public assistance, enrolling a family member in school, enrolling in an institution of the Nevada System of Higher Education, obtaining housing and seeking or retaining employment. Section 7 requires a provider of homeless services to notify the Division of Welfare and Supportive Services of the Department within 30 days after authorizing a person experiencing homelessness to use the provider's address as that person's temporary address. Section 7 further requires the Division, within the limits of legislative appropriation, to publish on the Internet website maintained by the Division a list of providers of homeless services that authorize a person experiencing homelessness to use the provider's address as that person's temporary mailing address. Finally, section 7 provides that nothing in this bill shall be construed to prohibit a person actually residing at a provider of homeless services from using the address of that provider for the purpose of registering to vote or receiving voting materials by mail.

Section 8 of this bill authorizes the Administrator of the Division to adopt regulations to carry out the provisions of sections 2-8 of this bill.

Sections 3-6 of this bill define terms relating to the provision of a temporary address for a person experiencing homelessness.

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

Section 1. Chapter 422A of NRS is hereby amended by adding thereto the provisions set forth as sections 2 to 8, inclusive, of this act.

Sec. 2. *As used in sections 2 to 8, inclusive, of this act, unless the context otherwise requires, the words and terms defined in sections 3 to 6, inclusive, of this act have the meanings ascribed to them in those sections.*

Sec. 3. *"Nevada resident" means a person who has:*

1. *Actually resided in this State for at least 6 months; or*
2. *A valid driver's license or identification card issued by the Department of Motor Vehicles of this State, other than such an identification card which indicates that the person is a seasonal resident.*

Sec. 4. *"Person experiencing homelessness" means a person who is transient, at imminent risk of homelessness or homeless.*

Sec. 5. *"Provider of homeless services" means an organization that:*

1. *Is a governmental entity or is exempt from taxation pursuant to section 501(c)(3) of the Internal Revenue Code, 26 U.S.C. § 501(c)(3);*
2. *Operates in this State; and*
3. *Primarily provides services to persons experiencing homelessness.*

Sec. 6. *"Temporary mailing address" means a mailing address which a person experiencing homelessness is authorized to use pursuant to section 7 of this act.*

Sec. 7. 1. *A provider of homeless services may authorize a person to use the provider's address as that person's temporary mailing address for a period of time not to exceed 180 days if that person is:*

(a) A Nevada resident ~~+~~ or a person who is not currently a Nevada resident and who the provider determines intends to remain in the State of Nevada for at least 6 months;

(b) A person in crisis; and

(c) Receiving services from the provider of homeless services.

2. A person experiencing homelessness may use a temporary mailing address to:

(a) Apply for public assistance;

(b) Enroll a family member in a school or other public educational facility;

(c) Enroll in an institution of the Nevada System of Higher Education;

(d) Obtain permanent or temporary housing, including, without limitation, supportive housing;

(e) Seek or retain employment; or

(f) Facilitate any other purpose prescribed by the Administrator of the Division.

3. A provider of homeless services that authorizes a person experiencing homelessness to use the provider's address as a temporary mailing address shall notify the Division within 30 days after the authorization is given.

4. Within the limits of legislative appropriation, the Division shall publish a list of all the providers of homeless services that authorize a person experiencing homelessness to use the provider's address as the person's temporary mailing address on an Internet website maintained by the Division.

5. Nothing in this section shall be construed to prohibit a person actually residing at a provider of homeless services from using the address of that provider of homeless services where the person resides for the purpose of registering to vote or receiving voting materials by mail.

Sec. 8. The Administrator may adopt regulations to carry out the provisions of sections 2 to 8, inclusive, of this act.

Sec. 9. 1. This section becomes effective upon passage and approval.

2. Sections 1 to 8, inclusive, of this act become effective:

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

(b) On January 1, 2024, for all other purposes.

Senator Doñate moved that the Senate concur in Assembly Amendment No. 653 to Senate Bill No. 317.

Motion carried by a constitutional majority.

Bill ordered enrolled.

Senate Bill No. 336.

The following Assembly amendment was read:

Amendment No. 670.

SUMMARY—Revises provisions relating to the regulation of certain healing arts. (BDR 54-886)

AN ACT relating to health care; exempting certain conduct of certain practitioners of healing arts practicing within their authorized scope of authority from provisions governing certain practitioners of other healing arts; enacting provisions governing the certification and regulation of certified registered nurse anesthetists; authorizing a certified registered nurse anesthetist to order, prescribe, possess and administer controlled substances, poisons, dangerous drugs and devices under certain circumstances; and providing other matters properly relating thereto.

Legislative Counsel's Digest:

Existing law authorizes a physician, physician assistant, dentist, advanced practice registered nurse, podiatric physician or optometrist to prescribe and dispense controlled substances and dangerous drugs under certain circumstances. (NRS 453.226, 454.215, 639.235) Existing law provides that provisions of existing law governing the practice of physicians, physician assistants, perfusionists and practitioners of respiratory care do not apply to any person permitted to practice any other healing art under title 54 of NRS who does so within the scope of that authority. (NRS 630.047) Sections 1, 2.2 and 3-5 of this bill provide similar exemptions from provisions governing dentists, nurses, osteopathic physicians and physician assistants, podiatrists and optometrists for practitioners of healing arts who are acting within the scope of their authority. Section 6 of this bill provides that the provisions of sections 1, 2.2 and 3-5 apply to any conduct by a practitioner of a healing art before, on or after the effective date of this bill which has not been the subject of a final order from the Board of Dental Examiners of Nevada, the State Board of Nursing, the State Board of Osteopathic Medicine, the State Board of Podiatry or the Nevada State Board of Optometry. Section 6 also requires those boards to terminate any investigation or disciplinary proceedings for conduct that is outside the scope of those boards.

Existing law: (1) provides for the certification of certified registered nurse anesthetists by the State Board of Nursing; and (2) authorizes a certified registered nurse anesthetist to administer anesthetic agents to a person under the care of a licensed physician, dentist or podiatric physician. (NRS 632.014) Section 2.4 of this bill requires the State Board of Nursing to issue a certificate of registration to practice as a certified registered nurse anesthetist to a registered nurse who meets the requirements prescribed by existing law for such certification and any additional requirements prescribed by the Board. Section 2.4 also requires the Board to adopt regulations governing certified registered nurse anesthetists.

Existing law authorizes a registered nurse to possess and administer controlled substances and dangerous drugs under certain circumstances. (NRS 453.375, 454.213) Sections 2.6, 5.1, 5.5 and 5.9 of this bill additionally authorize a certified registered nurse anesthetist working under the supervision of a physician licensed to practice medicine or osteopathic medicine in this State to order, prescribe, possess and administer controlled substances, poisons, dangerous drugs and devices to treat a person under the care of a

licensed physician in a critical access hospital before, during and after surgery or childbirth. Sections 5.2-5.4 and 5.6-5.85 of this bill make additional changes necessary to authorize a certified registered nurse anesthetist to order, prescribe, possess and administer controlled substances, poisons, dangerous drugs and devices in such circumstances. A certified registered nurse anesthetist who unlawfully possesses, prescribes or administers a controlled substance, dangerous drug or poison would be subject to discipline and criminal and civil penalties to the same extent as other practitioners who unlawfully possess, prescribe or administer such drugs. (NRS 453.236, 453.305, 453.326, 453.3363, 453.553, 454.170, 454.356)

Section 2.8 of this bill makes a conforming change to remove a provision now duplicated in section 2.4.

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

Section 1. NRS 631.115 is hereby amended to read as follows:

631.115 1. Except as otherwise provided in subsection 2 of NRS 631.317, this chapter does not apply to:

~~{1-}~~ (a) A legally qualified physician or surgeon unless he or she practices dentistry as a specialty.

~~{2-}~~ (b) A dentist, dental hygienist or dental therapist of the United States Army, Navy, Air Force, Public Health Service, Coast Guard or Department of Veterans Affairs in the discharge of his or her official duties, including, without limitation, providing medical care in a hospital in accordance with an agreement entered into pursuant to NRS 449.2455.

(c) Any person permitted to practice any other healing art under this title who does so within the scope of that authority.

2. As used in this section, "healing art" has the meaning ascribed to it in NRS 630.0122.

Sec. 2. Chapter 632 of NRS is hereby amended by adding thereto the provisions set forth as section 2.2, 2.4 and 2.6 of this act.

Sec. 2.2. 1. Except as otherwise provided in NRS 632.472, this chapter does not apply to any person permitted to practice any other healing art under this title who does so within the scope of that authority.

2. As used in this section, "healing art" has the meaning ascribed to it in NRS 630.0122.

Sec. 2.4. 1. The Board shall issue a certificate of registration to practice as a certified registered nurse anesthetist to an applicant who:

(a) Has successfully completed a nationally accredited program in the science of anesthesia; and

(b) Meets any additional requirements prescribed by the Board pursuant to subsection 2.

2. The Board shall adopt regulations to carry out the provisions of this section and section 2.6 of this act, including, without limitation, regulations:

(a) Specifying any additional training, education and experience necessary for certification as a certified registered nurse anesthetist;

(b) Delineating the authorized scope of practice of a certified registered nurse anesthetist; and

(c) Establishing the procedure to apply for certification as a certified registered nurse anesthetist.

Sec. 2.6. 1. A certified registered nurse anesthetist may:

(a) ~~[Order,]~~ Under the supervision of a physician licensed pursuant to chapter 630 or 633 of NRS, order, prescribe, possess and administer controlled substances, poisons, dangerous drugs and devices to treat a patient under the care of a licensed physician in a critical access hospital in preparation for surgery or childbirth, during surgery or childbirth and while a patient recovers from surgery or childbirth.

(b) Possess and administer controlled substances, poisons, dangerous drugs and devices in other circumstances under which a registered nurse is authorized to possess and administer controlled substances, poisons, dangerous drugs and devices.

2. A certified registered nurse anesthetist shall not order or prescribe a controlled substance, poison, dangerous drug or device except as authorized by paragraph (a) of subsection 1.

3. As used in this section, "critical access hospital" means a hospital which has been certified as a critical access hospital by the Secretary of Health and Human Services pursuant to 42 U.S.C. 1395i-4(e).

Sec. 2.8. NRS 632.014 is hereby amended to read as follows:

632.014 "Certified registered nurse anesthetist" means a registered nurse who ~~is~~:

~~1. Has completed a nationally accredited program in the science of anesthesia; and~~

~~2. Is~~ is certified by the Board pursuant to section 2.4 of this act to administer anesthetic agents to a person under the care of a licensed physician, a licensed dentist or a licensed podiatric physician.

Sec. 3. NRS 633.171 is hereby amended to read as follows:

633.171 1. This chapter does not apply to:

(a) The practice of medicine or perfusion pursuant to chapter 630 of NRS, dentistry, chiropractic, podiatry, optometry, respiratory care, faith or Christian Science healing, nursing, veterinary medicine or fitting hearing aids.

(b) A medical officer of the Armed Forces or a medical officer of any division or department of the United States in the discharge of his or her official duties, including, without limitation, providing medical care in a hospital in accordance with an agreement entered into pursuant to NRS 449.2455.

(c) Osteopathic physicians who are called into this State, other than on a regular basis, for consultation or assistance to a physician licensed in this State, and who are legally qualified to practice in the state where they reside.

(d) Osteopathic physicians who are temporarily exempt from licensure pursuant to NRS 633.420 and are practicing osteopathic medicine within the scope of the exemption.

(e) The performance of medical services by a student enrolled in an educational program for a physician assistant which is accredited by the Accreditation Review Commission on Education for the Physician Assistant, Inc., or its successor organization, as part of such a program.

(f) A physician assistant of any division or department of the United States in the discharge of his or her official duties unless licensure by a state is required by the division or department of the United States.

(g) *Any person permitted to practice any other healing art under this title who does so within the scope of that authority.*

2. This chapter does not repeal or affect any law of this State regulating or affecting any other healing art.

3. This chapter does not prohibit:

(a) Gratuitous services of a person in cases of emergency.

(b) The domestic administration of family remedies.

Sec. 4. NRS 635.015 is hereby amended to read as follows:

635.015 1. This chapter does not apply:

(a) To commissioned surgeons of the United States Army, Navy or Marine Hospital Service in the actual performance of their official duties, including, without limitation, providing medical care in a hospital in accordance with an agreement entered into pursuant to NRS 449.2455.

(b) To physicians licensed in the State of Nevada.

(c) *To any person permitted to practice any other healing art under this title who does so within the scope of that authority.*

2. This chapter does not prohibit the manufacture, recommendation, advertisement, demonstration or sale of arch-support shoes, foot appliances or remedies by retail dealers.

3. *As used in this section, "healing art" has the meaning ascribed to it in NRS 630.0122.*

Sec. 5. NRS 636.027 is hereby amended to read as follows:

636.027 This chapter:

1. Applies to any person who is licensed to practice optometry pursuant to this chapter and any other person engaged in the practice of optometry in this State.

2. Must not be construed to apply to ~~physicians~~ :

(a) Physicians and surgeons duly licensed to practice in this State.

(b) *Any person permitted to practice any other healing art under this title who does so within the scope of that authority.*

3. *As used in this section, "healing art" has the meaning ascribed to it in NRS 630.0122.*

Sec. 5.1. NRS 639.0125 is hereby amended to read as follows:

639.0125 "Practitioner" means:

1. A physician, dentist, veterinarian or podiatric physician who holds a license to practice his or her profession in this State;

2. A hospital, pharmacy or other institution licensed, registered or otherwise permitted to distribute, dispense, conduct research with respect to or administer drugs in the course of professional practice or research in this State;

3. An advanced practice registered nurse who has been authorized to prescribe controlled substances, poisons, dangerous drugs and devices;

4. A physician assistant who:

(a) Holds a license issued by the Board of Medical Examiners; and

(b) Is authorized by the Board to possess, administer, prescribe or dispense controlled substances, poisons, dangerous drugs or devices under the supervision of a physician as required by chapter 630 of NRS;

5. A physician assistant who:

(a) Holds a license issued by the State Board of Osteopathic Medicine; and

(b) Is authorized by the Board to possess, administer, prescribe or dispense controlled substances, poisons, dangerous drugs or devices under the supervision of an osteopathic physician as required by chapter 633 of NRS; or

6. An optometrist who is certified by the Nevada State Board of Optometry to prescribe and administer pharmaceutical agents pursuant to NRS 636.288, when the optometrist prescribes or administers pharmaceutical agents within the scope of his or her certification.

7. A certified registered nurse anesthetist ~~when he or she~~ who orders, prescribes, possesses or administers controlled substances, poisons, dangerous drugs or devices ~~under the conditions prescribed by paragraph (a) of subsection 1 of~~ in accordance with section 2.6 of this act.

Sec. 5.2. Chapter 453 of NRS is hereby amended by adding thereto a new section to read as follows:

"Certified registered nurse anesthetist" has the meaning ascribed to it in NRS 632.014.

Sec. 5.25. NRS 453.016 is hereby amended to read as follows:

453.016 As used in this chapter, the words and terms defined in NRS 453.021 to 453.141, inclusive, *and section 5.2 of this act* have the meanings ascribed to them in those sections except in instances where the context clearly indicates a different meaning.

Sec. 5.3. NRS 453.038 is hereby amended to read as follows:

453.038 "Chart order" means an order entered on the chart of a patient:

1. In a hospital, facility for intermediate care or facility for skilled nursing which is licensed as such by the Division of Public and Behavioral Health of the Department; or

2. Under emergency treatment in a hospital by a physician, advanced practice registered nurse, *certified registered nurse anesthetist*, dentist or podiatric physician, or on the written or oral order of a physician, physician assistant licensed pursuant to chapter 630 or 633 of NRS, advanced practice registered nurse, *certified registered nurse anesthetist*, dentist or podiatric physician authorizing the administration of a drug to the patient.

Sec. 5.4. NRS 453.091 is hereby amended to read as follows:

453.091 1. "Manufacture" means the production, preparation, propagation, compounding, conversion or processing of a substance, either directly or indirectly by extraction from substances of natural origin, or independently by means of chemical synthesis, or by a combination of extraction and chemical synthesis, and includes any packaging or repackaging of the substance or labeling or relabeling of its container.

2. "Manufacture" does not include the preparation, compounding, packaging or labeling of a substance by a pharmacist, physician, physician assistant licensed pursuant to chapter 630 or 633 of NRS, dentist, podiatric physician, advanced practice registered nurse, *certified registered nurse anesthetist* or veterinarian:

(a) As an incident to the administering or dispensing of a substance in the course of his or her professional practice; or

(b) By an authorized agent under his or her supervision, for the purpose of, or as an incident to, research, teaching or chemical analysis and not for sale.

Sec. 5.5. NRS 453.126 is hereby amended to read as follows:

453.126 "Practitioner" means:

1. A physician, dentist, veterinarian or podiatric physician who holds a license to practice his or her profession in this State and is registered pursuant to this chapter.

2. An advanced practice registered nurse who holds a certificate from the State Board of Pharmacy authorizing him or her to dispense or to prescribe and dispense controlled substances.

3. A scientific investigator or a pharmacy, hospital or other institution licensed, registered or otherwise authorized in this State to distribute, dispense, conduct research with respect to, to administer, or use in teaching or chemical analysis, a controlled substance in the course of professional practice or research.

4. A euthanasia technician who is licensed by the Nevada State Board of Veterinary Medical Examiners and registered pursuant to this chapter, while he or she possesses or administers sodium pentobarbital pursuant to his or her license and registration.

5. A physician assistant who:

(a) Holds a license from the Board of Medical Examiners; and

(b) Is authorized by the Board to possess, administer, prescribe or dispense controlled substances under the supervision of a physician as required by chapter 630 of NRS.

6. A physician assistant who:

(a) Holds a license from the State Board of Osteopathic Medicine; and

(b) Is authorized by the Board to possess, administer, prescribe or dispense controlled substances under the supervision of an osteopathic physician as required by chapter 633 of NRS.

7. An optometrist who is certified by the Nevada State Board of Optometry to prescribe and administer pharmaceutical agents pursuant to

NRS 636.288, when the optometrist prescribes or administers pharmaceutical agents within the scope of his or her certification.

8. *A certified registered nurse anesthetist ~~when he or she~~ who orders, prescribes, possesses or administers controlled substances ~~under the conditions prescribed by paragraph (a) of subsection 1 of~~ in accordance with section 2.6 of this act.*

Sec. 5.6. NRS 453.128 is hereby amended to read as follows:

453.128 1. "Prescription" means:

(a) An order given individually for the person for whom prescribed, directly from a physician, physician assistant licensed pursuant to chapter 630 or 633 of NRS, dentist, podiatric physician, optometrist, advanced practice registered nurse, *certified registered nurse anesthetist* or veterinarian, or his or her agent, to a pharmacist or indirectly by means of an order signed by the practitioner or an electronic transmission from the practitioner to a pharmacist; or

(b) A chart order written for an inpatient specifying drugs which he or she is to take home upon his or her discharge.

2. The term does not include a chart order written for an inpatient for use while he or she is an inpatient.

Sec. 5.7. NRS 453.226 is hereby amended to read as follows:

453.226 1. Every practitioner or other person who dispenses any controlled substance within this State or who proposes to engage in the dispensing of any controlled substance within this State shall obtain biennially a registration issued by the Board in accordance with its regulations. A person must present proof that he or she is authorized to access the database of the program established pursuant to NRS 453.162 before the Board may issue or renew a registration.

2. A person registered by the Board in accordance with the provisions of NRS 453.011 to 453.552, inclusive, *and section 5.2 of this act* to dispense or conduct research with controlled substances may possess, dispense or conduct research with those substances to the extent authorized by the registration and in conformity with the other provisions of those sections.

3. The following persons are not required to register and may lawfully possess and distribute controlled substances pursuant to the provisions of NRS 453.011 to 453.552, inclusive ~~and~~, *and section 5.2 of this act*:

(a) An agent or employee of a registered dispenser of a controlled substance if he or she is acting in the usual course of his or her business or employment;

(b) A common or contract carrier or warehouseman, or an employee thereof, whose possession of any controlled substance is in the usual course of business or employment;

(c) An ultimate user or a person in possession of any controlled substance pursuant to a lawful order of a physician, physician assistant licensed pursuant to chapter 630 or 633 of NRS, dentist, advanced practice registered nurse, *certified registered nurse anesthetist*, podiatric physician or veterinarian or in lawful possession of a schedule V substance; or

(d) A physician who:

(1) Holds a locum tenens license issued by the Board of Medical Examiners or a temporary license issued by the State Board of Osteopathic Medicine; and

(2) Is registered with the Drug Enforcement Administration at a location outside this State.

4. The Board may waive the requirement for registration of certain dispensers if it finds it consistent with the public health and safety.

5. A separate registration is required at each principal place of business or professional practice where the applicant dispenses controlled substances.

6. The Board may inspect the establishment of a registrant or applicant for registration in accordance with the Board's regulations.

Sec. 5.75. NRS 453.336 is hereby amended to read as follows:

453.336 1. Except as otherwise provided in subsection 6, a person shall not knowingly or intentionally possess a controlled substance, unless the substance was obtained directly from, or pursuant to, a prescription or order of a physician, physician assistant licensed pursuant to chapter 630 or 633 of NRS, dentist, podiatric physician, optometrist, advanced practice registered nurse, *certified registered nurse anesthetist* or veterinarian while acting in the course of his or her professional practice, or except as otherwise authorized by the provisions of NRS 453.005 to 453.552, inclusive ~~{ }~~, *and section 5.2 of this act.*

2. Except as otherwise provided in subsections 3, 4 and 5 and in NRS 453.3363, and unless a greater penalty is provided in NRS 212.160, 453.3385 or 453.339, a person who violates this section:

(a) For a first or second offense, if the controlled substance is listed in schedule I or II and the quantity possessed is less than 14 grams, or if the controlled substance is listed in schedule III, IV or V and the quantity possessed is less than 28 grams, is guilty of possession of a controlled substance and shall be punished for a category E felony as provided in NRS 193.130. In accordance with NRS 176.211, the court shall defer judgment upon the consent of the person.

(b) For a third or subsequent offense, if the controlled substance is listed in schedule I or II and the quantity possessed is less than 14 grams, or if the controlled substance is listed in schedule III, IV or V and the quantity possessed is less than 28 grams, or if the offender has previously been convicted two or more times in the aggregate of any violation of the law of the United States or of any state, territory or district relating to a controlled substance, is guilty of possession of a controlled substance and shall be punished for a category D felony as provided in NRS 193.130, and may be further punished by a fine of not more than \$20,000.

(c) If the controlled substance is listed in schedule I or II and the quantity possessed is 14 grams or more, but less than 28 grams, or if the controlled substance is listed in schedule III, IV or V and the quantity possessed is 28 grams or more, but less than 200 grams, is guilty of low-level possession

of a controlled substance and shall be punished for a category C felony as provided in NRS 193.130.

(d) If the controlled substance is listed in schedule I or II and the quantity possessed is 28 grams or more, but less than 42 grams, or if the controlled substance is listed in schedule III, IV or V and the quantity possessed is 200 grams or more, is guilty of mid-level possession of a controlled substance and shall be punished for a category B felony by imprisonment in the state prison for a minimum term of not less than 1 year and a maximum term of not more than 10 years and by a fine of not more than \$50,000.

(e) If the controlled substance is listed in schedule I or II and the quantity possessed is 42 grams or more, but less than 100 grams, is guilty of high-level possession of a controlled substance and shall be punished for a category B felony by imprisonment in the state prison for a minimum term of not less than 2 years and a maximum term of not more than 15 years and by a fine of not more than \$50,000.

3. Unless a greater penalty is provided in NRS 212.160, 453.337 or 453.3385, a person who is convicted of the possession of flunitrazepam or gamma-hydroxybutyrate, or any substance for which flunitrazepam or gamma-hydroxybutyrate is an immediate precursor, is guilty of a category B felony and shall be punished by imprisonment in the state prison for a minimum term of not less than 1 year and a maximum term of not more than 6 years.

4. Unless a greater penalty is provided pursuant to NRS 212.160, a person who is convicted of the possession of 1 ounce or less of marijuana is guilty of a misdemeanor and shall be punished by:

(a) Performing not more than 24 hours of community service;

(b) Attending the live meeting described in paragraph (a) of subsection 2 of NRS 484C.530 and complying with any other requirements set forth in that section; or

(c) Being required to undergo an evaluation in accordance with subsection 1 of NRS 484C.350,

➡ or any combination thereof.

5. Unless a greater penalty is provided pursuant to NRS 212.160, a person who is convicted of the possession of more than 1 ounce, but less than 50 pounds, of marijuana or more than one-eighth of an ounce, but less than one pound, of concentrated cannabis is guilty of a category E felony and shall be punished as provided in NRS 193.130.

6. It is not a violation of this section if a person possesses a trace amount of a controlled substance and that trace amount is in or on a hypodermic device obtained from a sterile hypodermic device program pursuant to NRS 439.985 to 439.994, inclusive.

7. The court may grant probation to or suspend the sentence of a person convicted of violating this section.

8. If a person fulfills the terms and conditions imposed for a violation of subsection 4, the court shall, without a hearing, order sealed all documents,

papers and exhibits in that person's record, minute book entries and entries on dockets, and other documents relating to the case in the custody of such other agencies and officers as are named in the court's order. The court shall cause a copy of the order to be sent to each agency or officer named in the order. Each such agency or officer shall notify the court in writing of its compliance with the order.

9. As used in this section:

(a) "Controlled substance" includes flunitrazepam, gamma-hydroxybutyrate and each substance for which flunitrazepam or gamma-hydroxybutyrate is an immediate precursor.

(b) "Marijuana" does not include concentrated cannabis.

(c) "Sterile hypodermic device program" has the meaning ascribed to it in NRS 439.986.

Sec. 5.8. NRS 453.381 is hereby amended to read as follows:

453.381 1. In addition to the limitations imposed by NRS 453.256 and 453.3611 to 453.3648, inclusive, a physician, physician assistant, dentist, advanced practice registered nurse, *certified registered nurse anesthetist* or podiatric physician may prescribe or administer controlled substances only for a legitimate medical purpose and in the usual course of his or her professional practice, and he or she shall not prescribe, administer or dispense a controlled substance listed in schedule II for himself or herself, his or her spouse or his or her children except in cases of emergency.

2. A veterinarian, in the course of his or her professional practice only, and not for use by a human being, may prescribe, possess and administer controlled substances, and the veterinarian may cause them to be administered by a veterinary technician under the direction and supervision of the veterinarian.

3. A euthanasia technician, within the scope of his or her license, and not for use by a human being, may possess and administer sodium pentobarbital.

4. A pharmacist shall not fill an order which purports to be a prescription if the pharmacist has reason to believe that it was not issued in the usual course of the professional practice of a physician, physician assistant, dentist, advanced practice registered nurse, *certified registered nurse anesthetist*, podiatric physician or veterinarian.

5. Any person who has obtained from a physician, physician assistant, dentist, advanced practice registered nurse, *certified registered nurse anesthetist*, podiatric physician or veterinarian any controlled substance for administration to a patient during the absence of the physician, physician assistant, dentist, advanced practice registered nurse, *certified registered nurse anesthetist*, podiatric physician or veterinarian shall return to him or her any unused portion of the substance when it is no longer required by the patient.

6. A manufacturer, wholesale supplier or other person legally able to furnish or sell any controlled substance listed in schedule II shall not provide samples of such a controlled substance to registrants.

7. A salesperson of any manufacturer or wholesaler of pharmaceuticals shall not possess, transport or furnish any controlled substance listed in schedule II.

8. A person shall not dispense a controlled substance in violation of a regulation adopted by the Board.

Sec. 5.85. NRS 453.391 is hereby amended to read as follows:

453.391 A person shall not:

1. Unlawfully take, obtain or attempt to take or obtain a controlled substance or a prescription for a controlled substance from a manufacturer, wholesaler, pharmacist, physician, physician assistant, dentist, advanced practice registered nurse, *certified registered nurse anesthetist*, veterinarian or any other person authorized to administer, dispense or possess controlled substances.

2. While undergoing treatment and being supplied with any controlled substance or a prescription for any controlled substance from one practitioner, knowingly obtain any controlled substance or a prescription for a controlled substance from another practitioner without disclosing this fact to the second practitioner.

Sec. 5.9. NRS 454.00958 is hereby amended to read as follows:

454.00958 "Practitioner" means:

1. A physician, dentist, veterinarian or podiatric physician who holds a valid license to practice his or her profession in this State.

2. A pharmacy, hospital or other institution licensed or registered to distribute, dispense, conduct research with respect to or to administer a dangerous drug in the course of professional practice in this State.

3. When relating to the prescription of poisons, dangerous drugs and devices:

(a) An advanced practice registered nurse who holds a certificate from the State Board of Pharmacy permitting him or her so to prescribe; or

(b) A physician assistant who holds a license from the Board of Medical Examiners and a certificate from the State Board of Pharmacy permitting him or her so to prescribe.

4. An optometrist who is certified to prescribe and administer pharmaceutical agents pursuant to NRS 636.288 when the optometrist prescribes or administers dangerous drugs which are within the scope of his or her certification.

5. A *certified registered nurse anesthetist* ~~when he or she~~ who orders, prescribes, possesses or administers poisons, dangerous drugs or devices ~~under the conditions prescribed by paragraph (a) of subsection 1 of~~ in accordance with section 2.6 of this act.

Sec. 6. 1. The provisions of NRS 631.115, 633.171, 635.015 and 636.027, as amended by sections 1, 3, 4 and 5 of this act, respectively, and section 2.2 of this act apply to any conduct that:

(a) Occurred before, on or after the effective date of this ~~act,~~ section; and

(b) Has not been the subject of a final order of a regulatory body.

2. A regulatory body shall terminate any investigation or disciplinary proceedings:

(a) Against a person permitted to practice any healing art under title 54 of NRS for conduct outside the scope of the regulatory body; or

(b) Which are otherwise inconsistent with the amendatory provisions of this act.

3. As used in this section:

(a) "Healing art" has the meaning ascribed to it in NRS 630.0122.

(b) "Regulatory body" means the Board of Dental Examiners of Nevada, the State Board of Nursing, the State Board of Osteopathic Medicine, the State Board of Podiatry and the Nevada State Board of Optometry.

Sec. 7. 1. This section and sections 1, 2, 2.2, 3, 4, ~~and~~ 5 and 6 of this act become effective upon passage and approval.

2. Sections 2.4, 2.6, 2.8 and 5.1 to 5.9, inclusive, of this act become effective:

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

(b) On January 1, 2024, for all other purposes.

Senator Spearman moved that the Senate concur in Assembly Amendment No. 670 to Senate Bill No. 336.

Motion carried by a two-thirds majority.

Bill ordered enrolled.

Senate Bill No. 391.

The following Assembly amendment was read:

Amendment No. 705.

SUMMARY—Revises provisions relating to governmental entities. (BDR 20-936)

AN ACT relating to governmental entities; revising provisions prohibiting certain counties, cities and unincorporated towns from sounding sirens, bells or alarms for certain purposes; establishing civil penalties for violations of such prohibitions; authorizing the Attorney General to bring a civil action to recover such penalties; and providing other matters properly relating thereto.

Legislative Counsel's Digest:

Existing law prohibits a county, city or town in this State from sounding a siren, bell or alarm that was previously sounded on certain days or times in association with an ordinance enacted by the county, city or town which required persons of a particular race, ethnicity, ancestry, national origin or color to leave the county or a city, town or township within the county by a certain time. (NRS 244.159, 268.0199, 269.234)

This bill revises these provisions by prohibiting a county, a city and an unincorporated town that sounds or sounded such a siren, bell or alarm in association with such an ordinance from sounding a siren, bell or alarm for a purpose other than: (1) alerting persons to an emergency; (2) testing the siren,

bell or alarm at reasonable time intervals of not more than once every 6 months; or (3) celebrating or recognizing a legal holiday on the day of the legal holiday or the day on which the legal holiday is recognized by existing law. This bill authorizes the Attorney General to bring a civil action to collect a monetary penalty from a county, city or unincorporated town for each violation. This bill prohibits a county, city or unincorporated town from taking adverse employment action against the employee for reporting such a violation to the Attorney General.

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

Section 1. NRS 244.159 is hereby amended to read as follows:

244.159 1. A county in this State may not sound a siren, bell or alarm ~~at a time during which the~~ if a siren, bell or alarm is currently or was previously sounded on specific days or times in association with an ordinance enacted by the county which required persons of a particular race, ethnicity, ancestry, national origin or color to leave the county or a city, town or township within the county by a specific time ~~for~~ for a purpose other than:

(a) Alerting persons to an emergency;
(b) Testing the siren, bell or alarm at reasonably scheduled intervals of not more than once every 6 months; or
(c) Celebrating or recognizing a day declared to be a legal holiday pursuant to NRS 236.015 on the day of the legal holiday or the day on which the legal holiday is recognized.

2. Any county that sounds a siren, bell or alarm in violation of subsection 1 is subject to a penalty of not more than \$50,000 for each violation. The Attorney General may recover the penalty in a civil action brought in the name of the State of Nevada in any court of competent jurisdiction. Such an action must be commenced within 1 year after the violation.

3. A county shall not take adverse employment action against an employee who reports a violation of this section to the Office of the Attorney General.

Sec. 2. NRS 268.0199 is hereby amended to read as follows:

268.0199 1. A city in this State may not sound a siren, bell or alarm ~~at a time during which the~~ if a siren, bell or alarm is currently or was previously sounded on specific days or times in association with an ordinance enacted by the city which required persons of a particular race, ethnicity, ancestry, national origin or color to leave the city by a specific time ~~for~~ for a purpose other than:

(a) Alerting persons to an emergency;
(b) Testing the siren, bell or alarm at reasonably scheduled intervals of not more than once every 6 months; or
(c) Celebrating or recognizing a day declared to be a legal holiday pursuant to NRS 236.015 on the day of the legal holiday or the day on which the legal holiday is recognized.

2. Any city that sounds a siren, bell or alarm in violation of subsection 1 is subject to a penalty of not more than \$50,000 for each violation. The

Attorney General may recover the penalty in a civil action brought in the name of the State of Nevada in any court of competent jurisdiction. Such an action must be commenced within 1 year after the violation.

3. A city shall not take adverse employment action against an employee who reports a violation of this section to the Office of the Attorney General.

Sec. 3. NRS 269.234 is hereby amended to read as follows:

269.234 1. An unincorporated town in this State may not sound a siren, bell or alarm ~~at a time during which the~~ if a siren, bell or alarm is currently or was previously sounded on specific days or times in association with an ordinance enacted by the town which required persons of a particular race, ethnicity, ancestry, national origin or color to leave the town by a specific time ~~for a purpose other than:~~

(a) Alerting persons to an emergency;

(b) Testing the siren, bell or alarm at reasonably scheduled intervals of not more than once every 6 months; or

(c) Celebrating or recognizing a day declared to be a legal holiday pursuant to NRS 236.015 on the day of the legal holiday or the day on which the legal holiday is recognized.

2. Any unincorporated town that sounds a siren, bell or alarm in violation of subsection 1 is subject to a penalty of not more than \$50,000 for each violation. The Attorney General may recover the penalty in a civil action brought in the name of the State of Nevada in any court of competent jurisdiction. Such an action must be commenced within 1 year after the violation.

3. An unincorporated town shall not take adverse employment action against an employee who reports a violation of this section to law enforcement.

Sec. 4. This act becomes effective upon passage and approval.

Senator Flores moved that the Senate concur in Assembly Amendment No. 705 to Senate Bill No. 391.

Motion carried by a constitutional majority.

Bill ordered enrolled.

Senate Bill No. 417.

The following Assembly amendment was read:

Amendment No. 702.

SUMMARY—Revises provisions governing common-interest communities. (BDR 10-970)

AN ACT relating to common-interest communities; revising provisions relating to the requirement that the executive board of a unit-owners' association make certain records available for review at a designated location; ~~requiring a unit's owner to pay the actual costs incurred by the association in providing such records under certain circumstances; prohibiting certain persons from taking retaliatory action against a unit owners' association or certain other persons associated with the association; prohibiting certain persons within a common-interest community from bullying another person~~

~~within that same common interest community; revising the definition of the term violation relating to violations of the laws governing common interest communities;]~~ authorizing the Commission for Common-Interest Communities and Condominium Hotels or a hearing panel to impose certain sanctions on a person who files certain affidavits with the Real Estate Division of the Department of Business and Industry; ~~[requiring the Division to take certain actions before referring an affidavit relating to a violation to the Ombudsman for Owners in Common Interest Communities and Condominium Hotels;]~~ and providing other matters properly relating thereto. Legislative Counsel's Digest:

~~— [Existing law requires the executive board of a unit owners' association of a common interest community to make certain financial records available for review at the business office of the association or some other nearby location including, among other records, certain personnel records of the employees of the association relating to the number of hours worked and the salaries and benefits of those employees. (NRS 116.31175) Section 1 of this bill excludes from the records the executive board must make available any personnel records of the employees of the association, including, without limitation, employment contracts, information regarding the salaries and benefits of employees and any other information concerning the employees of the association.~~

~~— Existing law requires the executive board to provide, upon request: (1) a copy of such records to the unit's owner or the Ombudsman for Owners in Common Interest Communities and Condominium Hotels; (2) a copy in electronic format at no charge to the unit's owner or the Ombudsman; or (3) if the board is unable to provide a copy in electronic format, a copy in paper format at a cost not to exceed a certain amount per page of the record.] Existing law prohibits the executive board of a unit-owners' association of a common-interest community from requiring a unit's owner to pay an amount in excess of \$10 per hour to review any books, records, contracts or other papers of the association. (NRS 116.31175) Section 1 ~~[revises this prohibition and instead authorizes the executive board to require a unit's owner or Ombudsman to pay the actual costs incurred by the association for the unit's owner to review any such record.~~~~

~~— Existing law provides that if a unit's owner is the subject of a retaliatory action based on certain complaints or requests, the unit's owner may bring an action to recover compensatory damages and attorney's fees and costs. (NRS 116.31182) Section 2 of this bill prohibits a unit's owner, tenant or guest or invitee of a unit's owner or tenant to take, or direct or encourage another person to take, any retaliatory action against the executive board, a member of the executive board, a community manager or an officer, employee or agent of the association based on certain actions taken by the executive board, member, community manager or officer, employee or agent. Section 2 also provides that the executive board, member, community manager or officer, employee or~~

~~agent may bring an action to recover compensatory damages and attorney's fees and costs from the person who took such a retaliatory action.~~

~~Existing law prohibits certain persons within a common interest community from threatening, harassing or otherwise engaging in certain courses of conduct against another person within that same common interest community. (NRS 116.31184) Section 2.5 of this bill additionally prohibits certain persons within a common interest community from bullying another person within that same common interest community.~~

~~Section 3 of this bill revises the definition of the term "violation" for the purposes of existing law relating to violations of the laws governing common interest communities to include a violation of the provision of law that prohibits a person from threatening, harassing or otherwise engaging in bullying or a course of conduct against certain persons in a unit owners' association which: (1) causes harm or serious emotional distress, or the reasonable apprehension thereof to that person; or (2) creates a hostile environment for that person. (NRS 116.31184, 116.745)]~~ increases the maximum hourly amount the executive board may require a unit's owner to pay to review any books, records, contracts or other papers of the association to \$25 per hour.

Existing law authorizes a person who is aggrieved by an alleged violation to file with the Real Estate Division of the Department of Business and Industry a written affidavit which includes certain information. Existing law authorizes the Commission for Common-Interest Communities and Condominium Hotels or a hearing panel to impose ~~[certain]~~ an administrative [fines] fine of not more than \$1,000 against [a] any person who knowingly files a false or fraudulent affidavit with the Division. (NRS 116.760) Section 4 of this bill : (1) increases the maximum amount of the administrative fine to not more than \$10,000; and (2) additionally authorizes the Commission or hearing panel to impose sanctions that disqualify a person from serving as a member of the executive board for a period of not more than 10 years against any person who knowingly files a [vexatious, misleading, retaliatory, frivolous,] false or fraudulent affidavit with the Division.

~~[Existing law provides that upon receipt of such an affidavit, the Division must refer the affidavit to the Ombudsman. (NRS 116.765) Section 5 of this bill requires the Division to determine whether the alleged violation, if assumed to be true, would constitute a violation before referring the affidavit to the Ombudsman.]~~

Section 4 also authorizes the Commission or a hearing panel to designate a person as a vexatious affiant if the Commission or hearing panel has imposed an administrative fine or sanctions against the person for knowingly filing a false or fraudulent affidavit with the Division on two or more occasions. Under section 4, if the Commission or a hearing panel has designated a person as a vexatious affiant, then: (1) the Commission or hearing panel is required to transmit a copy of the order designating the person as a vexatious affiant to the Division; and (2) the Division shall not thereafter accept an affidavit filed by

the person unless the person first submits a copy of the affidavit to the Ombudsman for Owners in Common-Interest Communities and Condominium Hotels and, after reviewing the affidavit, the Ombudsman grants leave for the person to file the affidavit with the Division.

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

Section 1. NRS 116.31175 is hereby amended to read as follows:

116.31175 1. Except as otherwise provided in subsection 4, the executive board of an association shall, upon the written request of a unit's owner, make available the books, records and other papers of the association for review at the business office of the association or a designated business location not to exceed 60 miles from the physical location of the common-interest community and during the regular working hours of the association, including, without limitation:

- (a) The financial statement of the association;
- (b) The budgets of the association required to be prepared pursuant to NRS 116.31151;
- (c) The study of the reserves of the association required to be conducted pursuant to NRS 116.31152; and
- (d) All contracts to which the association is a party and all records filed with a court relating to a civil or criminal action to which the association is a party.

2. The executive board shall provide a copy of any of the records described in paragraphs (a), (b) and (c) of subsection 1 to a unit's owner or the Ombudsman within 21 days after receiving a written request therefor. Such records must be provided in electronic format at no charge to the unit's owner or, if the association is unable to provide the records in electronic format, the executive board may charge a fee to cover the actual costs of preparing a copy, but the fee may not exceed 25 cents per page for the first 10 pages, and 10 cents per page thereafter.

3. If the executive board fails to provide a copy of any of the records pursuant to subsection 2 within 21 days, the executive board must pay a penalty of \$25 for each day the executive board fails to provide the records.

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

(a) The personnel records of the employees of the association, except for those records relating to the number of hours worked and the salaries and benefits of those employees; ~~including, without limitation, employment contracts, information regarding the salaries and benefits of employees and any other information concerning the employees of the association;~~

(b) The records of the association relating to another unit's owner, including, without limitation, any architectural plan or specification submitted by a unit's owner to the association during an approval process required by the governing documents, except for those records described in subsection 5; and

(c) Any document, including, without limitation, minutes of an executive board meeting, a reserve study and a budget, if the document:

(1) Is in the process of being developed for final consideration by the executive board; and

(2) Has not been placed on an agenda for final approval by the executive board.

5. The executive board of an association shall maintain a general record concerning each violation of the governing documents, other than a violation involving a failure to pay an assessment, for which the executive board has imposed a fine, a construction penalty or any other sanction. The general record:

(a) Must contain a general description of the nature of the violation and the type of the sanction imposed. If the sanction imposed was a fine or construction penalty, the general record must specify the amount of the fine or construction penalty.

(b) Must not contain the name or address of the person against whom the sanction was imposed or any other personal information which may be used to identify the person or the location of the unit, if any, that is associated with the violation.

(c) Must be maintained in an organized and convenient filing system or data system that allows a unit's owner to search and review the general records concerning violations of the governing documents.

6. If the executive board refuses to allow a unit's owner to review the books, records or other papers of the association, the Ombudsman may:

(a) On behalf of the unit's owner and upon written request, review the books, records or other papers of the association during the regular working hours of the association; and

(b) If the Ombudsman is denied access to the books, records or other papers, request the Commission, or any member thereof acting on behalf of the Commission, to issue a subpoena for their production.

7. The books, records and other papers of an association must be maintained for at least 10 years. The provisions of this subsection do not apply to:

(a) The minutes of a meeting of the units' owners which must be maintained in accordance with NRS 116.3108; or

(b) The minutes of a meeting of the executive board which must be maintained in accordance with NRS 116.31083.

8. The executive board shall not ~~may~~ require a unit's owner to pay an amount in excess of [\$10] \$25 per hour ~~[the actual costs incurred by the association for the unit's owner]~~ to review any books, records, contracts or other papers of the association pursuant to the provisions of subsection 1.

~~[9. As used in this section, "actual costs" includes, without limitation:~~

~~(a) The cost of gathering, preparing, copying or providing records, regardless of format;~~

~~(b) The cost of retrieving records from storage; and~~

~~—(c) Any other related cost incurred by the association in allowing a unit's owner to review any books, records, contracts or other papers of the association.]~~

Sec. 2. ~~[NRS 116.31183 is hereby amended to read as follows:~~

~~—116.31183 1. An executive board, a member of an executive board, a community manager or an officer, employee or agent of an association shall not take, or direct or encourage another person to take, any retaliatory action against a unit's owner because the unit's owner has:~~

~~—(a) Complained in good faith about any alleged violation of any provision of this chapter or the governing documents of the association;~~

~~—(b) Recommended the selection or replacement of an attorney, community manager or vendor; or~~

~~—(c) Requested in good faith to review the books, records or other papers of the association;~~

~~—2. A unit's owner, a tenant or a guest or invitee of a unit's owner or tenant shall not take, or direct or encourage another person to take, any retaliatory action against the executive board, a member of the executive board, a community manager or an officer, employee or agent of the association because the executive board, member of the executive board, community manager or officer, employee or agent of the association has:~~

~~—(a) In good faith, provided a unit's owner or, if different, the person against whom a fine will be imposed, with a notice of the applicable provisions of law or governing documents of the association that form the basis of an alleged violation;~~

~~—(b) Failed in good faith to respond to a request or demand within the prescribed period pursuant to the governing documents of the association or this chapter; or~~

~~—(c) Refused in good faith to provide confidential information of the association upon request or to otherwise engage in an unlawful activity.~~

~~—3. In addition to any other remedy provided by law, upon a violation of this section, a unit's owner, member of the executive board, community manager or officer, employee or agent of an association may bring a separate action to recover:~~

~~—(a) Compensatory damages; and~~

~~—(b) Attorney's fees and costs of bringing the separate action.~~

~~—4. As used in this section:~~

~~—(a) "Retaliatory action" includes, without limitation, making defamatory statements on social media or another similar online forum.~~

~~—(b) "Social media" has the meaning ascribed to it in NRS 232.003.]~~

~~(Deleted by amendment.)~~

Sec. 2.5. ~~[NRS 116.31184 is hereby amended to read as follows:~~

~~—116.31184 1. A community manager, an agent or employee of the community manager, a member of the executive board, an officer, employee or agent of an association, a unit's owner or a guest or tenant of a unit's owner shall not willfully and without legal authority threaten, harass or otherwise~~

~~engage in bullying or a course of conduct against any other person who is the community manager of his or her common interest community or an agent or employee of that community manager, a member of the executive board of his or her association, an officer, employee or agent of his or her association, another unit's owner in his or her common interest community or a guest or tenant of a unit's owner in his or her common interest community which:~~

~~— (a) Causes harm or serious emotional distress, or the reasonable apprehension thereof, to that person; or~~

~~— (b) Creates a hostile environment for that person.~~

~~2. A person who violates the provisions of subsection 1 is guilty of a misdemeanor.~~

~~3. As used in this section, "bullying:"~~

~~(a) Means written, verbal or electronic expressions or physical acts or gestures, or any combination thereof, that are directed at a person or group of persons, or a single severe and willful act or expression that is directed at a person or group of persons, and:~~

~~— (1) Have the effect of:~~

~~— (I) Damaging the property of a person; or~~

~~— (II) Placing a person in reasonable fear of damage to the property of the person;~~

~~— (2) Interfere with the rights of a person by:~~

~~— (I) Creating an intimidating or hostile environment for the person; or~~

~~— (II) Substantially interfering with the ability of the person to participate in or benefit from services, activities or privileges provided by a common interest community; or~~

~~— (3) Are acts or conduct described in subparagraph (1) or (2) and are based upon the:~~

~~— (I) Actual or perceived race, color, national origin, ancestry, religion, gender identity or expression, sexual orientation, physical or mental disability of a person, sex or any other distinguishing characteristics or background of a person; or~~

~~— (II) Association of a person with another person having one or more of those actual or perceived characteristics;~~

~~— (b) Includes, without limitation:~~

~~— (1) Repeated or pervasive taunting, name calling, belittling, mocking or use of put downs or demeaning humor regarding the actual or perceived race, color, national origin, ancestry, religion, gender identity or expression, sexual orientation, physical or mental disability of a person, sex or any other distinguishing characteristic or background of a person;~~

~~— (2) Behavior that is intended to harm another person by damaging or manipulating his or her relationships with others by conduct that includes, without limitation, spreading false rumors;~~

~~— (3) Repeated or pervasive intimidation such as the use of aggressive, menacing or disrespectful gestures;~~

~~(4) Threats of harm to the possessions of a person, whether such threats are transmitted verbally, electronically or in writing;~~

~~(5) Blackmail, extortion or demands for protection money or involuntary loans or donations;~~

~~(6) Except as otherwise provided in NRS 116.345, blocking access to any property or facility of a common interest community;~~

~~(7) Stalking; and~~

~~(8) Physically harmful contact with or injury to another person or his or her property.] (Deleted by amendment.)~~

Sec. 3. ~~[NRS 116.745 is hereby amended to read as follows:~~
~~116.745 As used in NRS 116.745 to 116.795, inclusive, unless the context otherwise requires, "violation" means a violation of:~~

~~1. Any provision of this chapter ; [except NRS 116.31184;]~~

~~2. Any regulation adopted pursuant to this chapter; or~~

~~3. Any order of the Commission or a hearing panel.] (Deleted by amendment.)~~

Sec. 4. NRS 116.760 is hereby amended to read as follows:

116.760 1. Except as otherwise provided in this section, a person who is aggrieved by an alleged violation may, not later than 1 year after the person discovers or reasonably should have discovered the alleged violation, file with the Division a written affidavit that sets forth the facts constituting the alleged violation. The affidavit may allege any actual damages suffered by the aggrieved person as a result of the alleged violation.

2. An aggrieved person may not file such an affidavit unless the aggrieved person has provided the respondent by certified mail, return receipt requested, with written notice of the alleged violation set forth in the affidavit. The notice must:

(a) Be mailed to the respondent's last known address.

(b) Specify, in reasonable detail, the alleged violation, any actual damages suffered by the aggrieved person as a result of the alleged violation, and any corrective action proposed by the aggrieved person.

3. A written affidavit filed with the Division pursuant to this section must be:

(a) On a form prescribed by the Division.

(b) Accompanied by evidence that:

(1) The respondent has been given a reasonable opportunity after receiving the written notice to correct the alleged violation; and

(2) Reasonable efforts to resolve the alleged violation have failed.

4. The Commission or a hearing panel may impose ~~an~~ either or both of the following:

(a) An administrative fine of not more than ~~[\$1,000 against a]~~ \$10,000; or

(b) Sanctions disqualifying a person from serving as a member of the executive board for a period of not more than 10 years,

↪ against any person who knowingly files a ~~frivolous, misleading, retaliatory, frivolous,~~ false or fraudulent affidavit with the Division.

5. The Commission or a hearing panel may designate a person as a vexatious affiant if the Commission or a hearing panel has imposed an administrative fine or sanctions against the person pursuant to subsection 4 for knowingly filing a false or fraudulent affidavit with the Division on two or more occasions. If the Commission or a hearing panel has designated a person as a vexatious affiant pursuant to this subsection, the Commission or hearing panel shall transmit a copy of the order designating the person as a vexatious affiant to the Division and the Division shall not thereafter accept an affidavit filed by the person unless:

(a) The person first submits a copy of the affidavit to the Ombudsman; and
(b) After reviewing the affidavit, the Ombudsman grants leave for the person to file the affidavit with the Division.

Sec. 5. ~~[NRS 116.765 is hereby amended to read as follows:~~

~~116.765 1. Upon receipt of an affidavit that complies with the provisions of NRS 116.760, if the Division determines that the alleged violation, if assumed to be true, would constitute a violation of this chapter, the Division shall refer the affidavit to the Ombudsman.~~

~~2. The Ombudsman shall give such guidance to the parties as the Ombudsman deems necessary to assist the parties to resolve the alleged violation.~~

~~3. If the parties are unable to resolve the alleged violation with the assistance of the Ombudsman, the Ombudsman shall provide to the Division a report concerning the alleged violation and any information collected by the Ombudsman during his or her efforts to assist the parties to resolve the alleged violation.~~

~~4. Upon receipt of the report from the Ombudsman, the Division shall conduct an investigation to determine whether good cause exists to proceed with a hearing on the alleged violation.~~

~~5. If, after investigating the alleged violation, the Division determines that the allegations in the affidavit are not frivolous, false or fraudulent and that good cause exists to proceed with a hearing on the alleged violation, the Administrator shall file a formal complaint with the Commission and schedule a hearing on the complaint before the Commission or a hearing panel.]~~
 (Deleted by amendment.)

Senator Scheible moved that the Senate concur in Assembly Amendment No. 702 to Senate Bill No. 417.

Motion carried by a constitutional majority.

Bill ordered enrolled.

Senate Bill No. 418.

The following Assembly amendment was read:

Amendment No. 699.

SUMMARY—Revises provisions relating to candidates ~~[to the]~~ for judicial office, [of district judge.] (BDR ~~[1-803]~~ 24-803)

AN ACT relating to judiciary; requiring a candidate ~~{to the}~~ for judicial office {of district judge} who is not the incumbent to {submit an application attesting} complete and file a questionnaire containing certain information relating to his or her qualifications for office; authorizing a candidate for judicial office who is the incumbent to complete and file such a questionnaire; requiring the filing officer to post such a questionnaire on the internet website of the filing officer, and providing other matters properly relating thereto.

Legislative Counsel's Digest:

Existing law sets forth certain qualifications for a person seeking to be a candidate ~~{to the office of district judge, which include that the person: (1) has attained the age of 25 years; (2) is an attorney licensed and admitted to practice law in the courts of this State at the time of election or appointment; (3) has been licensed to practice law in this State, another State or the district of Columbia for a total of not less than 10 years at any time preceding the election or appointment, at least 2 of which must have been in this State; (4) is a qualified elector and has been a bona fide resident of this State for 2 years preceding the election or appointment; and (5) has not ever been removed or retired from judicial office.}~~ for the office of justice of the Nevada Supreme Court, judge of the Court of Appeals, judge of a district court, justice of the peace or municipal judge. (NRS 2.020, 2A.020, 3.060, ~~4~~, 4.010, 5.020) With certain exceptions, existing law further requires certain persons, including candidates for these judicial offices, to file a declaration of candidacy with the appropriate filing officer and pay a filing fee before his or her name may be printed on a ballot to be used at a primary election. (NRS 293.177) This bill requires a person seeking to be a candidate ~~{to the}~~ for judicial office {of district judge} who is not the incumbent to {submit} complete and file with his or her declaration of candidacy ~~{the same application}~~ a questionnaire that is prescribed by the ~~{Commission on Judicial Selection for a person who applies to fill a vacancy in the office of district judge.}~~ Nevada Supreme Court which includes, without limitation, information on: (1) the education of the candidate; and (2) the qualifications possessed by the candidate which are relevant to the judicial office for which he or she is filing a declaration of candidacy. This bill also authorizes a candidate for judicial office who is the incumbent to complete and file such a questionnaire. This bill further requires the filing officer ~~{with whom the person files the declaration of candidacy}~~ , upon receipt of such a questionnaire, to publish the {application} questionnaire on the Internet website of the filing officer. {Finally, this bill provides that such an application must not include any information or material that is confidential.}

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

Section 1. ~~{NRS 3.060 is hereby amended to read as follows:
3.060 1. A person may not be a candidate for and is not eligible to the office of district judge unless the person:
(a) Has attained the age of 25 years.~~

~~— (b) Is an attorney licensed and admitted to practice law in the courts of this State at the time of the election or appointment.~~

~~— (c) Has been an attorney licensed and admitted to practice law in the courts of this State, another state or the District of Columbia for a total of not less than 10 years at any time preceding the election or appointment, at least 2 years of which have been in this State.~~

~~— (d) Is a qualified elector and has been a bona fide resident of this State for 2 years next preceding the election or appointment.~~

~~— (e) Has not ever been removed from any judicial office by the Legislature or removed or retired from any judicial office by the Commission on Judicial Discipline.~~

~~— 2. Except as otherwise provided in this subsection, each person who seeks to be a candidate to the office of district court must submit to the filing officer with his or her declaration of candidacy the same application that is prescribed by the Commission on Judicial Selection for a person who applies to fill a vacancy in the office of district judge. Upon receipt, the filing officer shall post the person's application on the Internet website of the filing officer. An application that is submitted or posted pursuant to this subsection must not include any information or material that is confidential pursuant to the rules of the Commission or any provision of federal or state law.~~

~~— 3. For the purposes of this section, a person is eligible to be a candidate for the office of district judge if a decision to remove or retire the person from a judicial office is pending appeal before the Supreme Court or has been overturned by the Supreme Court.~~

~~— 4. As used in this section:~~

~~— (a) "Declaration of candidacy" has the meaning ascribed to it in NRS 293.0455.~~

~~— (b) "Filing officer" has the meaning ascribed to it in NRS 293.057.] (Deleted by amendment.)~~

Sec. 2. Chapter 293 of NRS is hereby amended by adding thereto a new section to read as follows:

1. A candidate for judicial office who is not the incumbent shall complete and file with the filing officer, along with the declaration of candidacy for that office, a questionnaire prescribed by the Nevada Supreme Court. The questionnaire must include, without limitation, information on:

(a) The education of the candidate; and

(b) The qualifications possessed by the candidate which are relevant to the judicial office for which he or she is filing.

2. A candidate for judicial office who is the incumbent may complete and file with the filing officer the questionnaire described in subsection 1 within the time period prescribed by NRS 293.177 for a candidate to file a declaration of candidacy.

3. Upon receipt of the questionnaire completed and filed pursuant to subsection 1 or 2, the filing officer shall post the questionnaire on the Internet website of the filing officer.

Sec. 3. Chapter 293C of NRS is hereby amended by adding thereto a new section to read as follows:

1. A candidate for the office of municipal judge who is not the incumbent shall complete and file with the city clerk, along with the declaration of candidacy for that office, a questionnaire prescribed by the Nevada Supreme Court. The questionnaire must include, without limitation, information on:

(a) The education of the candidate; and

(b) The qualifications possessed by the candidate which are relevant to the office of municipal judge.

2. A candidate for the office of municipal judge who is the incumbent may complete and file with the city clerk the questionnaire described in subsection 1 within the time period prescribed by NRS 293C.175 for a candidate for the office of municipal judge to file a declaration of candidacy.

3. Upon receipt of the questionnaire completed and filed pursuant to subsection 1 or 2, the city clerk shall post the questionnaire on the Internet website of the city clerk.

Sec. 4. The provisions of NRS 354.599 do not apply to any additional expenses of a local government that are related to the provisions of this act.

Senator Scheible moved that the Senate concur in Assembly Amendment No. 699 to Senate Bill No. 418.

Motion carried by a constitutional majority.

Bill ordered enrolled.

Senate Bill No. 104.

The following Assembly amendments were read:

Amendment No. 634.

SUMMARY—Revises provisions relating to traffic offenses.
(BDR 43-309)

AN ACT relating to vehicles; revising provisions relating to certain traffic and related violations; revising provisions relating to the suspension of the driver's license of a person; and providing other matters properly relating thereto.

Legislative Counsel's Digest:

During the 2021 Legislative Session, the Legislature enacted Assembly Bill No. 116 (A.B. 116), which established civil penalties for certain traffic and related violations and enacted procedures for the adjudication of such violations. (Assembly Bill No. 116, chapter 506, Statutes of Nevada 2021, at page 3297) The procedures for the adjudication of civil infractions prescribed by A.B. 116 were based, in part, on the procedures for the adjudication of criminal violations prescribed by chapter 176 of NRS.

During the 2021 Legislative Session, the Legislature also enacted Senate Bill No. 219 (S.B. 219), which revised certain statutory provisions upon which the requirements prescribed by A.B. 116 were based by removing the authority of a court to suspend the driver's license of a defendant or prohibit a defendant from applying for a driver's license for a specified period as a result of any

delinquent fine, administrative assessment, fee or restitution owed. (Senate Bill No. 219, chapter 505, Statutes of Nevada 2021, at page 3292)

Section 2 of this bill makes a technical change to align provisions relating to the adjudication of certain traffic and related civil infractions with the changes made by S.B. 219. Specifically, section 2 removes the authority of a court to order the suspension of the driver's license of a person or prohibit a person from applying for a driver's license for a specified period as a result of a delinquent fine, administrative assessment or fee associated with a civil penalty imposed for a traffic or related violation. (NRS 484A.7047) Section 1 of this bill makes a conforming change relating to the removal of the authority of a court to suspend the driver's license of a person pursuant to section 2.

Section 3 of this bill provides that if, on or after the effective date of this bill, a person is subject to a suspension of his or her driver's license or a delay in the issuance of a driver's license imposed for failure to pay a delinquent fine, administrative assessment or fee, the Department of Motor Vehicles must: (1) immediately reinstate the driver's license of the person or the ability of the person to apply for the issuance of a driver's license; and (2) notify the person, as soon as possible, of the reinstatement of his or her driver's license or ability to apply for the issuance of a driver's license. Section 3 also provides that the Department may not charge any fee for such reinstatement of a driver's license or require a person to undergo any physical or mental examination to be eligible for such reinstatement of a driver's license.

Existing law prescribes the required contents of traffic citations and civil infraction citations. (NRS 484A.630, 484A.7035) Sections 1.3 and 1.4 of this bill revise the required contents of such citations.

Existing law provides that the juvenile court has exclusive original jurisdiction over a child who is alleged to have committed an act designated as a delinquent act, unless an exception applies. (NRS 62B.330, 62B.390) Under existing law, certain offenses are not considered delinquent acts and are therefore excluded from the jurisdiction of the juvenile court. (NRS 62B.330) Section 2.76 of this bill provides that violations of law that are punishable as civil infractions are not considered delinquent acts and are therefore excluded from the jurisdiction of the juvenile court. Existing law grants justice courts and municipal courts jurisdiction to hear and dispose of violations of law that are punishable as civil infractions. (NRS 4.370, 5.050) Therefore, section 2.76 clarifies that justice courts and municipal courts have jurisdiction to hear and dispose of violations of law that are punishable as civil infractions, regardless of the age of the person alleged to have committed the violation.

Existing law authorizes a peace officer to request the electronic mail address and mobile telephone number of a person to whom a traffic citation is issued for the purpose of enabling the court in which the person is required to appear to communicate with the person. (NRS 484A.630) Section 1.4 similarly authorizes a peace officer to request the electronic mail address and mobile telephone number of a person to whom a civil infraction citation is issued for the same purpose.

Existing law requires a court to send certain notice to a person who receives a civil infraction citation. (NRS 484A.704) Section 1.6 of this bill requires this notice to include certain information regarding any online program of dispute resolution established by the court.

Existing law: (1) authorizes certain courts and traffic violations bureaus to establish a system through which certain persons may perform certain actions related to a traffic citation or civil infraction citation; and (2) prescribes certain requirements relating to any such system. (NRS 484A.615) Section 1.2 of this bill additionally requires any such system to be capable of allowing certain persons to submit the state registration number of the vehicle the person was driving when the citation was issued.

Existing law requires a person who receives a civil infraction citation to respond to the citation within 90 days after the date on which the citation is issued. Section 1.6 instead requires such a person to respond to the citation within 90 days after the date on which the citation is issued or filed with the court, whichever is later. Section 1.4 makes a conforming change relating to the revised deadline set forth in section 1.6.

Under existing law, if a person receiving a civil infraction citation does not contest the determination that the person has committed the civil infraction set forth in the citation, the person must respond to the citation by: (1) indicating that the person does not contest the determination; and (2) submitting full payment of the monetary penalty specified in the citation. (NRS 484A.704) Section 1.6 revises this requirement by authorizing such a person to request that the court waive or reduce the monetary penalty specified in the citation or enter into a payment plan with the person in lieu of requiring the person to submit full payment of the monetary penalty specified in the citation. Section 1.8 of this bill authorizes the court to waive or reduce the monetary penalty or enter into a payment plan with a person who submits a request pursuant to section 1.6 under certain circumstances.

Existing law establishes the procedures for a hearing at which a person may contest whether the person committed a violation set forth in a civil infraction citation and generally requires the person to post a bond in an amount equal to the monetary penalty, administrative assessments and fees specified in the civil infraction citation or alternatively deposit such an amount in cash with the court. (NRS 484A.7041) Section 1.7 of this bill revises this requirement to instead require the person to post a bond equal to \$50 or the amount of the monetary penalty, administrative assessments and fees specified in the civil infraction citation, whichever is less, or alternatively deposit such an amount in cash with the court. Under existing law, any bond posted or cash deposited with the court must be forfeited upon the court's finding that the person committed a civil infraction. (NRS 484A.7041) Section 1.7 requires the court to enter a default judgment against the person for any amount remaining unsatisfied.

Existing law authorizes a court having jurisdiction over a civil infraction to reduce any moving violation for which a person was issued a civil infraction

citation to a nonmoving violation if the court determines that any circumstances warrant such a reduction. (NRS 484A.7043) Section 1.8 clarifies that the court is not required to hold a hearing before reducing a moving violation to a nonmoving violation.

—Under existing law, any civil penalty assessed against a person who is found to have committed a civil infraction must be paid to: (1) the treasurer of the city in which the civil infraction occurred; or (2) if the civil infraction did not occur in a city, the treasurer of the county in which the civil infraction occurred. (NRS 484A.7043) Section 1.8 instead requires any such civil penalty to be paid to the treasurer of the city or county, as applicable, in which the civil infraction citation was filed.

Existing law: (1) authorizes a prosecuting attorney to elect to treat certain traffic and related offenses that are punishable as a misdemeanor instead as a civil infraction; and (2) provides a procedure for making such an election. Pursuant to this procedure, existing law requires the prosecuting attorney to make the election on or before the time scheduled for the first appearance of the defendant. (NRS 484A.7049) Section 2.2 of this bill: (1) authorizes the prosecuting attorney to make the election at any time before the court enters a judgment of conviction; and (2) eliminates certain procedural requirements relating to making such an election. Section 2.2 also authorizes the district attorney or city attorney of any county or city, respectively, to authorize a traffic enforcement agency over whom the district attorney or city attorney has jurisdiction to elect to treat certain traffic and related offenses that are punishable as a misdemeanor instead as a civil infraction.

Existing law authorizes a peace officer to arrest a person without a warrant if the peace officer has reasonable cause for believing that the person has committed homicide by vehicle, certain offenses involving driving under the influence and certain other traffic and related offenses. (NRS 484A.710) Section 2.6 of this bill authorizes a peace officer who has reasonable cause for believing that a person has committed a violation for which existing law authorizes the peace officer to arrest a person to also arrest the person without a warrant for an offense that is punishable as a civil infraction. Section 2.4 of this bill makes a conforming change relating to arrests authorized by section 2.6.

Existing law provides certain persons with immunity from liability for certain acts or omissions under certain circumstances. (Chapter 41 of NRS) Section 2.7 of this bill provides that a prosecuting attorney who prosecutes a person charged with a civil infraction or a violation of a traffic ordinance that is punishable by the imposition of a civil penalty is immune from liability to the same extent as a prosecuting attorney who prosecutes a person charged with violating a criminal law of this State. Sections 2.72 and 2.74 of this bill make conforming changes to indicate the proper placement of section 2.7 in the Nevada Revised Statutes.

Section 2.8 of this bill authorizes a board of county commissioners to provide by ordinance that a violation of a traffic ordinance enacted by the board imposes a civil penalty instead of a criminal sanction.

Section 2.9 of this bill requires the Department of Public Safety, in consultation with law enforcement agencies and courts of this State, to: (1) study best practices for developing and implementing a standardized, statewide uniform civil infraction citation; and (2) submit its findings and recommendations for legislation to the Joint Interim Standing Committee on the Judiciary. Section 2.95 of this bill requires justice courts and municipal courts, on or before January 1, 2024, to adopt rules governing the practice and procedure for setting aside a default judgment in an action relating to a civil infraction.

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

Section 1. NRS 483.443 is hereby amended to read as follows:

483.443 1. The Department shall, upon receiving notification from a district attorney or other public agency collecting support for children pursuant to NRS 425.510 that a court has determined that a person:

(a) Has failed to comply with a subpoena or warrant relating to a proceeding to establish paternity or to establish or enforce an obligation for the support of a child; or

(b) Is in arrears in the payment for the support of one or more children,
➡ send a written notice to that person that his or her driver's license is subject to suspension.

2. The notice must include:

(a) The reason for the suspension of the license;

(b) The information set forth in subsections 3, 5 and 6; and

(c) Any other information the Department deems necessary.

3. If a person who receives a notice pursuant to subsection 1 does not, within 30 days after receiving the notice, comply with the subpoena or warrant or satisfy the arrearage as required in NRS 425.510, the Department shall suspend the license without providing the person with an opportunity for a hearing.

4. The Department shall suspend immediately the license of a defendant if so ordered pursuant to NRS 62B.420 . ~~for 484A.7047.~~

5. The Department shall reinstate the driver's license of a person whose license was suspended pursuant to this section if it receives:

(a) A notice from : ~~any of the following:~~

(1) The district attorney or other public agency pursuant to NRS 425.510 that the person has complied with the subpoena or warrant or has satisfied the arrearage pursuant to that section ~~[-]~~ ;

(2) A traffic commissioner, referee, hearing master, municipal judge, justice of the peace or district judge, as applicable ~~[-, that a delinquency for which the suspension was ordered pursuant to NRS 484A.7047 has been discharged.] ; or~~

(3) A judge of the juvenile court that an unsatisfied civil judgment for which the suspension was ordered pursuant to NRS 62B.420 has been satisfied; and

(b) Payment of the fee for reinstatement of a suspended license prescribed in NRS 483.410.

6. The Department shall not require a person whose driver's license was suspended pursuant to this section to submit to the tests and other requirements which are adopted by regulation pursuant to subsection 1 of NRS 483.495 as a condition of the reinstatement of the license.

Sec. 1.2. NRS 484A.615 is hereby amended to read as follows:

484A.615 1. A court having jurisdiction over an offense for which a traffic citation must be issued pursuant to NRS 484A.630 or that is punishable as a civil infraction pursuant to NRS 484A.703 to 484A.705, inclusive, or its traffic violations bureau may establish a system by which, except as otherwise provided in subsection 6, the court or traffic violations bureau may allow:

(a) A person who has been issued a traffic citation or a civil infraction citation that is filed with the court or traffic violations bureau to perform certain actions approved by the court or traffic violations bureau, including, without limitation, to make a plea and state his or her defense or, if authorized, any mitigating circumstances, by mail, by electronic mail, over the Internet or by other electronic means.

(b) A peace officer who issued a civil infraction citation to a person or, if the provisions of NRS 484A.7049 apply, a peace officer who halted a person, to perform certain actions approved by the court or traffic violations bureau, including, without limitation, to submit a written statement under oath by mail, by electronic mail, over the Internet or by other electronic means in lieu of his or her personal appearance at the hearing held pursuant to NRS 484A.7041 to contest the determination that the person who has been issued the civil infraction citation committed a civil infraction.

2. Except as otherwise provided in subsection 6, if a court or traffic violations bureau has established a system pursuant to subsection 1, the court or traffic violations bureau may allow:

(a) A person described in paragraph (a) of subsection 1 to use the system to perform certain actions approved by the court or traffic violations bureau, including, without limitation, to make a plea or state his or her defense or, if authorized, any mitigating circumstances in lieu of making a plea and statement of his or her defense or any mitigating circumstances in court.

(b) A peace officer described in paragraph (b) of subsection 1 to use the system to perform certain actions approved by the court or traffic violations bureau, including, without limitation, to submit a written statement under oath in lieu of making a personal appearance in court.

3. Any plea or statement submitted through the system by a person or peace officer pursuant to subsection 2 must be received by the court before the date on which the person is required to appear in court pursuant to the traffic citation or civil infraction citation.

4. If a court or traffic violations bureau allows an eligible person to whom a traffic citation or civil infraction citation is issued to use a system established pursuant to subsection 1 to make a plea and state his or her defense or, if authorized, any mitigating circumstances and the person chooses to make a plea and state his or her defense or any mitigating circumstances by using such a system, the person waives any relevant constitutional right, including, without limitation, the right to a trial, the right to confront any witnesses and the right to counsel, as applicable.

5. Any system established pursuant to subsection 1 must:

(a) For the purpose of authenticating that the person making the plea and statement of his or her defense or any mitigating circumstances or performing any other approved action is the person to whom the traffic citation or civil infraction citation was issued, be capable of requiring the person to submit any of the following information, as applicable, at the discretion of the court or traffic violations bureau:

- (1) The traffic citation number or civil infraction citation number;
- (2) The name and address of the person;
- (3) The state registration number of the ~~person's~~ vehicle ~~[-]~~ *the person was driving when the traffic citation or civil infraction citation was issued*, if any;
- (4) The number of the driver's license of the person, if any;
- (5) The offense charged or the civil infraction for which the citation was issued; and
- (6) Any other information required by any rules adopted by the Nevada Supreme Court pursuant to subsection 7.

(b) For the purposes of authenticating that the peace officer submitting the written statement or performing any other approved action is the peace officer who issued the civil infraction citation, be capable of requiring the peace officer to submit any of the following information at the discretion of the court or traffic violations bureau:

- (1) The civil infraction citation number;
- (2) The civil infraction for which the citation was issued; and
- (3) The first initial, last name and personnel number of the peace officer.

(c) Provide notice to each person who uses the system to make a plea and statement of his or her defense or any mitigating circumstances that the person waives any relevant constitutional right, including, without limitation, the right to a trial, the right to confront any witnesses and the right to counsel, as applicable.

(d) If a plea and statement of the defense or mitigating circumstances of a person or a written statement of a peace officer is submitted by electronic mail, over the Internet or by other electronic means:

- (1) Confirm receipt of:
 - (I) The plea and statement to the person making the plea; and
 - (II) The written statement to the peace officer; or
- (2) Make available to:

(I) The person making the plea a copy of the plea and statement; and

(II) The peace officer submitting the written statement a copy of the written statement.

6. A person who has been issued a traffic citation for any of the following offenses may not make a plea and state his or her defense or any mitigating circumstances by using a system established pursuant to subsection 1:

(a) Aggressive driving in violation of NRS 484B.650;

(b) Reckless driving in violation of NRS 484B.653;

(c) Vehicular manslaughter in violation of NRS 484B.657; or

(d) Driving, operating or being in actual physical control of a vehicle while under the influence of intoxicating liquor or a controlled substance in violation of NRS 484C.110 or 484C.120, as applicable.

7. The Nevada Supreme Court may adopt rules not inconsistent with the laws of this State to carry out the provisions of this section.

Sec. 1.3. NRS 484A.630 is hereby amended to read as follows:

484A.630 1. Whenever a person is halted by a peace officer for any violation of chapters 484A to 484E, inclusive, of NRS and is not taken before a magistrate as required or permitted by NRS 484A.720 and 484A.730, the peace officer must prepare a traffic citation manually or electronically in the form of a complaint issuing in the name of "The State of Nevada," containing a notice to appear in court, the name and address of the person, the state registration number of the ~~{person's}~~ vehicle ~~{,}~~ *the person was driving when the citation was issued*, if any, the number of the person's driver's license, if any, the offense charged, including a brief description of the offense and the NRS citation, the time and place when and where the person is required to appear in court, and such other pertinent information as may be necessary. The peace officer may also request, and the person may provide, the electronic mail address and mobile telephone number of the person for the purpose of enabling the court in which the person is required to appear to communicate with the person. If the peace officer requests such information, the peace officer shall expressly inform the person that providing such information is voluntary and, if the person provides such information, the person thereby gives his or her consent for the court to communicate with the person through such means. The peace officer shall sign the citation and deliver a copy of the citation to the person charged with the violation. If the citation is prepared electronically, the peace officer shall sign the copy of the citation that is delivered to the person charged with the violation.

2. The time specified in the notice to appear must be at least 5 days after the alleged violation.

3. The place specified in the notice to appear must be before a magistrate, as designated in NRS 484A.750.

4. The person charged with the violation may give his or her written promise to appear in court by signing or physically receiving at least one copy of the traffic citation prepared by the peace officer and thereupon the peace officer shall not take the person into physical custody for the violation. If the

citation is prepared electronically, the peace officer shall indicate on the electronic record of the citation whether the person charged gave his or her written promise to appear. A copy of the citation that is signed by the person charged or the electronic record of the citation which indicates that the person charged gave his or her written promise to appear suffices as proof of service.

5. If the person charged with the violation refuses to sign a copy of the traffic citation but physically receives a copy of the citation delivered by the peace officer:

(a) The receipt shall be deemed personal service of the notice to appear in court;

(b) A copy of the citation signed by the peace officer suffices as proof of service; and

(c) The peace officer shall not take the person into physical custody for the violation.

Sec. 1.4. NRS 484A.7035 is hereby amended to read as follows:

484A.7035 1. When a person is halted by a peace officer in this State for any violation of chapters 483 to 484E, inclusive, 486 or 490 of NRS that is a civil infraction, *or, if authorized by a traffic enforcement agency pursuant to NRS 484A.7049, for a violation of certain such provisions that is punishable as a misdemeanor*, or a prosecuting attorney elects to treat a violation of chapters 483 to 484E, inclusive, 486 or 490 of NRS that is punishable as a misdemeanor instead as a civil infraction in accordance with NRS 484A.7049, the peace officer or prosecuting attorney, as applicable, may prepare a civil infraction citation manually or electronically in the form of a complaint issuing in the name of "The State of Nevada," containing : ~~[-, except as otherwise provided in paragraph (a) of subsection 2 of NRS 484A.7049;-]~~

(a) A statement that the citation represents a determination by a peace officer or prosecuting attorney that a civil infraction has been committed by the person named in the citation and that the determination will be final unless contested as provided in NRS 484A.703 to 484A.705, inclusive;

(b) A statement that a civil infraction is not a criminal offense;

(c) The name, date of birth, residential address and mailing address, if different from the residential address, telephone number and electronic mail address of the person who is being issued the citation and an indication as to whether the person has agreed to receive communications relating to the civil infraction by text message;

(d) The state registration number of the ~~[-person's-]~~ vehicle ~~[-,]~~ *the person was driving when the citation was issued*, if any;

(e) The number of the person's driver's license, if any;

(f) The civil infraction for which the citation was issued;

(g) The personnel number or other unique agency identification number of the peace officer issuing the citation ~~[-and the address and phone number of the agency which employs the peace officer-]~~ or, if a prosecuting attorney is issuing the citation, the personnel number or other unique agency identification number of the peace officer who halted the person for the violation or the

volunteer appointed pursuant to NRS 484B.470 who issued the citation ~~and the address and phone number of the agency which employs the peace officer or volunteer,~~ preprinted or printed legibly on the citation;

(h) A statement of the options provided pursuant to NRS 484A.703 to 484A.705, inclusive, for responding to the citation and the procedures necessary to exercise these options;

(i) A statement that, at any hearing to contest the determination set forth in the citation, the facts that constitute the infraction must be proved by a preponderance of the evidence and the person may subpoena witnesses, including, without limitation, the peace officer or duly authorized member or volunteer of a traffic enforcement agency who issued the citation or halted the person; and

(j) A statement that the person must respond to the citation as provided in NRS 484A.703 to 484A.705, inclusive, within 90 calendar days ~~[-] after the date on which the citation is issued or filed with the court, whichever is later.~~

2. *The peace officer may also request, and the person may provide, the electronic mail address and mobile telephone number of the person for the purpose of enabling the court in which the person is required to appear to communicate with the person. If the peace officer requests such information, the peace officer shall expressly inform the person that providing such information is voluntary and, if the person provides such information, the person thereby gives his or her consent for the court to communicate with the person through such means.*

3. A peace officer who issues a civil infraction citation pursuant to subsection 1 shall sign the citation and deliver a copy of the citation to the person charged with the civil infraction. If the citation is prepared electronically, the peace officer shall sign the copy of the citation that is delivered to the person charged with the violation.

~~[-]~~ 4. A civil infraction citation may be served by delivering a copy of the citation to the person charged with the civil infraction pursuant to this section or NRS 484A.7049. The acceptance of a civil infraction citation by the person charged with the civil infraction shall be deemed personal service of the citation and a copy of the citation signed by the peace officer or prosecuting attorney, as applicable, constitutes proof of service. If a person charged with a civil infraction refuses to accept a civil infraction citation, the copy of the citation signed by the peace officer or prosecuting attorney, as applicable, constitutes proof of service.

Sec. 1.6. NRS 484A.704 is hereby amended to read as follows:

484A.704 1. Any person who receives a civil infraction citation pursuant to NRS 484A.7035 or 484A.7049 shall respond to the citation as provided in this section not later than 90 calendar days after the date on which the citation is issued ~~[-] or filed with the court, whichever is later.~~

2. If a person receiving a civil infraction citation does not contest the determination that the person has committed the civil infraction set forth in the citation, the person must respond to the citation by indicating that the person

does not contest the determination and submitting ~~[full]~~ *in person, by mail or through the Internet or other electronic means:*

(a) Full payment of the monetary penalty, the administrative assessment and any fees to the court specified in the citation, or its traffic violations bureau ~~[, in person, by mail or through the Internet or other electronic means.]~~ ; or

(b) *A request that the court waive or reduce the monetary penalty or enter into a payment plan with the person, if the person believes that full payment of the monetary penalty and administrative assessment is excessive in relation to his or her financial resources or is not within his or her present financial ability to pay. Such a request must include any supporting documentation.*

3. If a person receiving a civil infraction citation wishes to contest the determination that the person has committed the civil infraction set forth in the citation, the person must respond by requesting in person, by mail or through the Internet or other electronic means a hearing for that purpose. The court shall notify the person in writing of the time, place and date of the hearing, but the date of the hearing must not be earlier than 9 calendar days after the court provides notice of the hearing.

4. Except as otherwise provided in ~~[this]~~ subsection ~~[,]~~ 5, not less than 30 days before the deadline for a person to respond to a civil infraction citation, the court must send to the address or electronic mail address of the person, as indicated on the civil infraction citation issued to the person ~~[, a]~~ :

(a) *A reminder that the person must respond to the civil infraction citation within 90 calendar days after the date on which the civil infraction citation is issued ~~[,]~~ or filed with the court, whichever is later; and*

(b) *If the court has established an online program of dispute resolution, notice of the availability of the program and instructions for participation in the program.*

5. If the person agreed to receive communications relating to the civil infraction by text message, the court may send ~~[such a]~~ the notice required by subsection 4 to the telephone number of the person as indicated on the civil infraction citation.

6. If the person does not respond to the civil infraction citation in the manner specified by subsection 2 or 3 within 90 calendar days after the date on which the civil infraction citation is issued ~~[,]~~ or filed with the court, whichever is later, the court must enter an order pursuant to NRS 484A.7043 finding that the person committed the civil infraction and assessing the monetary penalty and administrative assessments prescribed for the civil infraction. A person who has been issued a civil infraction citation and who fails to respond to the civil infraction citation as required by this section may not appeal an order entered pursuant to this section.

~~[5.]~~ 7. If any person issued a civil infraction citation fails to appear at a hearing requested pursuant to subsection 3, the court must enter an order pursuant to NRS 484A.7043 finding that the person committed the civil infraction and assessing the monetary penalty and administrative assessments prescribed for the civil infraction. A person who has been issued a civil

infraction citation and who fails to appear at a hearing requested pursuant to subsection 3 may not appeal an order entered pursuant to this subsection.

~~{6.}~~ 8. In addition to any other penalty imposed, any person who is found by the court to have committed a civil infraction pursuant to subsection ~~{5}~~ 7 shall pay the witness fees, per diem allowances, travel expenses and other reimbursement in accordance with NRS 50.225.

~~{7.}~~ 9. If a court has established a system pursuant to NRS 484A.615, any person issued a civil infraction citation may, if authorized by the court, use the system to perform any applicable actions pursuant to this section.

Sec. 1.7. NRS 484A.7041 is hereby amended to read as follows:

484A.7041 1. If, pursuant to subsection 3 of NRS 484A.704, a person receiving a civil infraction citation requests a hearing to contest the determination that the person has committed the civil infraction set forth in the citation, the hearing must be conducted in accordance with this section.

2. Except as otherwise provided in this subsection, before a hearing to contest the determination that a person has committed a civil infraction, the court shall require the person to post a bond equal to ~~\$50 or~~ the amount of the full payment of the monetary penalty, the administrative assessment and any fees specified in the civil infraction citation ~~{1.}, whichever is less.~~ In lieu of posting such a bond, the person may instead deposit cash with the court in the amount of the bond required pursuant to this subsection. ~~{Any bond posted or cash deposited with the court pursuant to this subsection must be forfeited upon}~~ Upon the court's finding that the person committed the civil infraction ~~{1.}~~ :

(a) Any bond posted or cash deposited with the court pursuant to this subsection must be forfeited; and

(b) The court shall enter a default judgment against the person for any amount remaining unsatisfied.

3. Any person whom the court determines is unable to pay the costs of defending the action or is a client of a program for legal aid in accordance with NRS 12.015 must not be required to post a bond or deposit cash with the court in accordance with ~~{this}~~ subsection ~~{1.}~~

~~3.1.2.~~

4. The person who requested the hearing may, at his or her expense, be represented by counsel, and a city attorney or district attorney, in his or her discretion and as applicable, may represent the plaintiff.

~~{4.}~~ 5. A hearing conducted pursuant to this section must be conducted by the court without a jury. In lieu of the personal appearance at the hearing by the peace officer who issued the civil infraction citation, the court may consider the information contained in the civil infraction citation and any other written statement submitted under oath by the peace officer. If the court has established a system pursuant to NRS 484A.615, the peace officer may, if authorized by the court, use the system to submit such a statement. The person named in the civil infraction citation may subpoena witnesses, including,

without limitation, the peace officer who issued the citation, and has the right to present evidence and examine witnesses present in court.

~~[5.]~~ 6. After consideration of the evidence and argument, the court shall determine whether a civil infraction was committed by the person named in the civil infraction citation. The court must find by a preponderance of the evidence that the person named in the civil infraction citation committed a civil infraction. If it has not been established by a preponderance of the evidence that the infraction was committed by the person named in the citation, the court must enter an order dismissing the civil infraction citation in the court's records. If it has been established by a preponderance of the evidence that the infraction was committed, the court must enter in the court's records an order pursuant to NRS 484A.7043.

~~[6.]~~ 7. An appeal from the court's determination or order may be taken in the same manner as any other civil appeal from a municipal court or justice court, as applicable, except that:

(a) The notice of appeal must be filed not later than 7 calendar days after the court enters in the court's records an order pursuant to NRS 484A.7043;

(b) If the appellant is the person charged with the civil infraction, any bond required to be given by the appellant in order to secure a stay of execution of the order of the court during the pendency of the appeal must equal the amount of the monetary penalty and administrative assessments which the court has ordered the appellant to pay pursuant to NRS 484A.7043. Any bond must be forfeited if the order of the court is affirmed on appeal; and

(c) If a prosecuting attorney does not represent the plaintiff during the proceedings in the justice court or municipal court, the appellate court shall review the record and any arguments presented by the person charged with the civil infraction and render a decision.

Sec. 1.8. NRS 484A.7043 is hereby amended to read as follows:

484A.7043 1. Except as otherwise provided in this section, a person who is found to have committed a civil infraction shall be punished by a civil penalty of not more than \$500 per violation unless a greater civil penalty is authorized by specific statute. Except as otherwise provided in NRS 484A.792, any civil penalty collected pursuant to NRS 484A.703 to 484A.705, inclusive, must be paid to:

(a) The treasurer of the city in which the civil infraction ~~occurred;~~ *citation was filed*; or

(b) If the civil infraction did not occur in a city, the treasurer of the county in which the civil infraction ~~occurred;~~ *citation was filed*.

2. If a person is found to have committed a civil infraction, in addition to any civil penalty imposed on the person, the court shall order the person to pay the administrative assessments set forth in NRS 176.059, 176.0611, 176.0613 and 176.0623 in the amount that the person would be required to pay if the civil penalty were a fine imposed on a defendant who pleads guilty or guilty but mentally ill or is found guilty or guilty but mentally ill of a misdemeanor. If, in lieu of a civil penalty, the court authorizes a person to successfully

complete a course of traffic safety approved by the Department of Motor Vehicles, the court must order the person to pay the amount of the administrative assessment that corresponds to the civil penalty for which the defendant would have otherwise been responsible. The administrative assessments imposed pursuant to this subsection must be collected and distributed in the same manner as the administrative assessments imposed and collected pursuant to NRS 176.059, 176.0611, 176.0613 and 176.0623.

3. If the court determines that a civil penalty or administrative assessment *specified in the civil infraction citation or imposed pursuant to this section is:*

(a) Excessive in relation to the financial resources of the defendant, the court may waive or reduce the monetary penalty accordingly.

(b) Not within the defendant's present financial ability to pay, the court may enter into a payment plan with the person.

4. A court having jurisdiction over a civil infraction pursuant to NRS 484A.703 to 484A.705, inclusive, may:

(a) In addition to ordering a person who is found to have committed a civil infraction to pay a civil penalty and administrative assessments pursuant to this section, order the person to successfully complete a course of traffic safety approved by the Department of Motor Vehicles.

(b) Waive or reduce the civil penalty that a person who is found to have committed a civil infraction would otherwise be required to pay if the court determines that any circumstances warrant such a waiver or reduction.

(c) Reduce any moving violation for which a person was issued a civil infraction citation to a nonmoving violation if the court determines that any circumstances warrant such a reduction.

5. Nothing in this section shall be construed to require a court having jurisdiction over a civil infraction pursuant to NRS 484A.703 to 484A.705, inclusive, to hold a hearing before reducing a moving violation for which a person was issued a civil infraction citation to a nonmoving violation.

Sec. 2. NRS 484A.7047 is hereby amended to read as follows:

484A.7047 1. If a civil penalty, administrative assessment or fee is imposed upon a person who is found to have committed a civil infraction pursuant to NRS 484A.703 to 484A.705, inclusive, whether or not the civil penalty, administrative assessment or fee is in addition to any other punishment, and the civil penalty, administrative assessment or fee or any part of it remains unpaid after the time established by the court for its payment, the delinquent person is liable for a collection fee, to be imposed by the court at the time it finds that the civil penalty, administrative assessment or fee is delinquent, of:

(a) Not more than \$100, if the amount of the delinquency is less than \$2,000.

(b) Not more than \$500, if the amount of the delinquency is \$2,000 or greater, but is less than \$5,000.

(c) Ten percent of the amount of the delinquency, if the amount of the delinquency is \$5,000 or greater.

2. The city or county that is responsible for collecting a delinquent civil penalty, administrative assessment or fee may, in addition to attempting to collect the delinquent amounts through any other lawful means, contract with a collection agency licensed pursuant to NRS 649.075 to collect the delinquent amounts owed by a person who is found to have committed a civil infraction. The collection agency must be paid as compensation for its services an amount not greater than the amount of the collection fee imposed pursuant to subsection 1 in accordance with the provisions of the contract.

3. If a court finds that a person committed a civil infraction, the civil penalty, administrative assessments and fees prescribed for the civil infraction may be enforced in the manner provided by law for the enforcement of a judgment for money rendered in a civil action except that the judgment and any lien for the judgment expires 10 years after the date the judgment was docketed and may not be renewed. The court may ~~[-~~

~~-(a) Request] request~~ that the city or county in which the court has jurisdiction undertake collection of the delinquency, including, without limitation, the original amount of the civil judgment entered pursuant to this subsection and the collection fee, by attachment or garnishment of the property, wages or other money receivable of the delinquent person.

~~[(b) Order the suspension of the driver's license of the delinquent person. If the delinquent person does not possess a driver's license, the court may prohibit him or her from applying for a driver's license for a specified period. If the delinquent person is already the subject of a court order suspending or delaying the issuance of his or her driver's license, the court may order the additional suspension or delay, as appropriate, to apply consecutively with the previous order. At the time the court issues an order pursuant to this paragraph suspending the driver's license of a delinquent person or delaying the ability of a delinquent person to apply for a driver's license, the court shall, within 5 days after issuing the order, forward to the Department a copy of the order. The Department shall report a suspension pursuant to this paragraph to an insurance company or its agent inquiring about the delinquent person's driving record, but such a suspension must not be considered for the purpose of rating or underwriting.]~~

4. Money collected from a collection fee imposed pursuant to subsection 1 must be distributed in the following manner:

(a) Except as otherwise provided in paragraph (c), if the money is collected by or on behalf of a municipal court, the money must be deposited in a special fund in the appropriate city treasury. The city may use the money in the fund only to develop and implement a program for the collection of civil penalties, administrative assessments and fees and to hire additional personnel necessary for the success of such a program.

(b) Except as otherwise provided in paragraph (c), if the money is collected by or on behalf of a justice court, the money must be deposited in a special fund in the appropriate county treasury. The county may use the money in the special fund only to:

(1) Develop and implement a program for the collection of civil penalties, administrative assessments and fees and to hire additional personnel necessary for the success of such a program; or

(2) Improve the operations of a court by providing funding for:

(I) A civil law self-help center; or

(II) Court security personnel and equipment for a regional justice center that includes the justice courts of that county.

(c) If the money is collected by a collection agency, after the collection agency has been paid its fee pursuant to the terms of the contract, any remaining money must be deposited in the state, city or county treasury, whichever is appropriate, to be used only for the purposes set forth in paragraph (a) or (b).

Sec. 2.2. NRS 484A.7049 is hereby amended to read as follows:

484A.7049 1. A prosecuting attorney may, *at any time before a court having jurisdiction over the alleged offense enters a judgment of conviction against a defendant*, elect to treat a violation of a provision of chapters 483 to 484E, inclusive, 486 or 490 of NRS that is punishable as a misdemeanor, other than a violation of NRS 484C.110 or 484C.120, as a civil infraction pursuant to NRS 484A.703 to 484A.705, inclusive.

2. ~~The prosecuting attorney shall make the election described in subsection 1 on or before the time scheduled for the first appearance of the defendant by:~~

~~—(a) Preparing a civil infraction citation in accordance with subsection 1 of NRS 484A.7035 that contains all applicable information that is known to the prosecuting attorney, signing the citation and filing the citation with a court having jurisdiction over the alleged offense or with its traffic violations bureau;~~

~~—(b) Filing notice of the prosecuting attorney's election with the court having jurisdiction of the underlying criminal charge; and~~

~~—(c) Delivering a copy of the notice and citation to the defendant.~~

~~3. Upon the filing of a notice pursuant to paragraph (b) of subsection 2, the court shall dismiss the underlying criminal charge.]~~ district attorney or city attorney of any county or city, respectively, may authorize a traffic enforcement agency over whom the district attorney or city attorney, as applicable, has jurisdiction to elect to treat a violation of a provision of chapters 483 to 484E, inclusive, 486 or 490 of NRS that is punishable as a misdemeanor, other than a violation of NRS 484C.110 or 484C.120, as a civil infraction pursuant to NRS 484A.703 to 484A.705, inclusive. If so authorized, a traffic enforcement agency may authorize a peace officer employed by the agency to treat a violation of such provisions as a civil infraction pursuant to NRS 484A.703 to 484A.705, inclusive.

Sec. 2.4. NRS 484A.705 is hereby amended to read as follows:

484A.705 Notwithstanding any other provision of law, if a person commits a violation of a provision of chapters 483 to 484E, inclusive, 486 or 490 of NRS that is punishable as a civil infraction while the person is under

the influence of alcohol or a controlled substance, the person may ~~[instead]~~ be ~~[charged]~~ :

1. *Charged* with a misdemeanor ~~[]~~ ; and
2. *Arrested*, if authorized pursuant to NRS 484A.710.

Sec. 2.6. NRS 484A.710 is hereby amended to read as follows:

484A.710 1. Any peace officer may, without a warrant, arrest a person if the officer has reasonable cause for believing that the person has committed ~~[any]~~ :

(a) Any of the following offenses:

~~[(a)]~~ (1) Homicide by vehicle;

~~[(b)]~~ (2) A violation of NRS 484C.110 or 484C.120;

~~[(c)]~~ (3) A violation of NRS 484C.430;

~~[(d)]~~ (4) A violation of NRS 484C.130;

~~[(e)]~~ (5) Failure to stop, give information or render reasonable assistance in the event of a crash resulting in death or personal injuries in violation of NRS 484E.010 or 484E.030;

~~[(f)]~~ (6) Failure to stop or give information in the event of a crash resulting in damage to a vehicle or to other property legally upon or adjacent to a highway in violation of NRS 484E.020 or 484E.040;

~~[(g)]~~ (7) Reckless driving;

~~[(h)]~~ (8) Driving a motor vehicle on a highway or on premises to which the public has access at a time when the person's driver's license has been cancelled, revoked or suspended; or

~~[(i)]~~ (9) Driving a motor vehicle in any manner in violation of the restrictions imposed in a restricted license issued to the person pursuant to NRS 483.490.

(b) *An offense that is punishable as a civil infraction, if the officer has reasonable cause for believing that the person has committed an offense listed in paragraph (a).*

2. Whenever any person is arrested as authorized in this section, the person must be taken without unnecessary delay before the proper magistrate as specified in NRS 484A.750.

Sec. 2.65. NRS 484A.760 is hereby amended to read as follows:

484A.760 Whenever any person is taken into custody by a peace officer for the purpose of taking him or her before a magistrate or court as authorized or required in chapters 484A to 484E, inclusive, of NRS upon any charge other than a felony or the offenses enumerated in ~~[paragraphs (a) to (e)]~~ *subparagraphs (1) to (5), inclusive, of paragraph (a) of subsection 1 of NRS 484A.710*, and no magistrate is available at the time of arrest, and there is no bail schedule established by the magistrate or court and no lawfully designated court clerk or other public officer who is available and authorized to accept bail upon behalf of the magistrate or court, the person must be released from custody upon the issuance to the person of a misdemeanor citation or traffic citation and the person signing a promise to appear, as

provided in NRS 171.1773 or 484A.630, respectively, or physically receiving a copy of the traffic citation, as provided in NRS 484A.630.

Sec. 2.7. Chapter 41 of NRS is hereby amended by adding thereto a new section to read as follows:

A prosecuting attorney who prosecutes a person charged with a civil infraction or a violation of a traffic ordinance that is punishable by imposition of a civil penalty is immune from liability to the same extent as a prosecuting attorney who prosecutes a person charged with violating a criminal law of this State.

Sec. 2.72. NRS 41.0307 is hereby amended to read as follows:

41.0307 As used in NRS 41.0305 to 41.039, inclusive ~~{-}~~, *and section 2.7 of this act:*

1. "Employee" includes an employee of a:

(a) Part-time or full-time board, commission or similar body of the State or a political subdivision of the State which is created by law.

(b) Charter school.

(c) University school for profoundly gifted pupils described in chapter 388C of NRS.

2. "Employment" includes any services performed by an immune contractor.

3. "Immune contractor" means any natural person, professional corporation or professional association which:

(a) Is an independent contractor with the State pursuant to NRS 333.700; and

(b) Contracts to provide medical services for the Department of Corrections.

↪ As used in this subsection, "professional corporation" and "professional association" have the meanings ascribed to them in NRS 89.020.

4. "Public officer" or "officer" includes:

(a) A member of a part-time or full-time board, commission or similar body of the State or a political subdivision of the State which is created by law.

(b) A public defender and any deputy or assistant attorney of a public defender or an attorney appointed to defend a person for a limited duration with limited jurisdiction.

(c) A district attorney and any deputy or assistant district attorney or an attorney appointed to prosecute a person for a limited duration with limited jurisdiction.

Sec. 2.74. NRS 41.031 is hereby amended to read as follows:

41.031 1. The State of Nevada hereby waives its immunity from liability and action and hereby consents to have its liability determined in accordance with the same rules of law as are applied to civil actions against natural persons and corporations, except as otherwise provided in NRS 41.032 to 41.038, inclusive, *and section 2.7 of this act*, 485.318, subsection 3 and any statute which expressly provides for governmental immunity, if the claimant complies with the limitations of NRS 41.010 or the limitations of NRS 41.032 to 41.036,

inclusive. The State of Nevada further waives the immunity from liability and action of all political subdivisions of the State, and their liability must be determined in the same manner, except as otherwise provided in NRS 41.032 to 41.038, inclusive, *and section 2.7 of this act*, subsection 3 and any statute which expressly provides for governmental immunity, if the claimant complies with the limitations of NRS 41.032 to 41.036, inclusive.

2. An action may be brought under this section against the State of Nevada or any political subdivision of the State. In any action against the State of Nevada, the action must be brought in the name of the State of Nevada on relation of the particular department, commission, board or other agency of the State whose actions are the basis for the suit. An action against the State of Nevada must be filed in the county where the cause or some part thereof arose or in Carson City. In an action against the State of Nevada, the summons and a copy of the complaint must be served upon:

(a) The Attorney General, or a person designated by the Attorney General, at the Office of the Attorney General in Carson City; and

(b) The person serving in the office of administrative head of the named agency.

3. The State of Nevada does not waive its immunity from suit conferred by Amendment XI of the Constitution of the United States.

Sec. 2.76. NRS 62B.330 is hereby amended to read as follows:

62B.330 1. Except as otherwise provided in this title, the juvenile court has exclusive original jurisdiction over a child living or found within the county who is alleged or adjudicated to have committed a delinquent act.

2. For the purposes of this section, a child commits a delinquent act if the child:

(a) Violates a county or municipal ordinance other than those:

(1) Specified in paragraph (f) or (g) of subsection 1 of NRS 62B.320;

(2) Concerning an offense related to tobacco; or

(3) Relating to the consumption or possession of alcohol or the possession of 1 ounce or less of marijuana that are punishable pursuant to paragraph (a) of subsection 1 of NRS 62E.173.

(b) Violates any rule or regulation having the force of law; or

(c) Commits an act designated a criminal offense pursuant to the laws of the State of Nevada.

3. For the purposes of this section, each of the following acts shall be deemed not to be a delinquent act, and the juvenile court does not have jurisdiction over a person who is charged with committing such an act:

(a) Murder or attempted murder and any other related offense arising out of the same facts as the murder or attempted murder, regardless of the nature of the related offense, if the person was 16 years of age or older when the murder or attempted murder was committed.

(b) A felony resulting in death or substantial bodily harm to the victim and any other related offense arising out of the same facts as the felony, regardless of the nature of the related offense, if:

(1) The felony was committed on the property of a public or private school when pupils or employees of the school were present or may have been present, at an activity sponsored by a public or private school or on a school bus while the bus was engaged in its official duties; and

(2) The person intended to create a great risk of death or substantial bodily harm to more than one person by means of a weapon, device or course of action that would normally be hazardous to the lives of more than one person.

(c) A category A or B felony and any other related offense arising out of the same facts as the category A or B felony, regardless of the nature of the related offense, if the person was at least 16 years of age but less than 18 years of age when the offense was committed, and:

(1) The person is not identified by law enforcement as having committed the offense and charged before the person is at least 20 years, 3 months of age, but less than 21 years of age; or

(2) The person is not identified by law enforcement as having committed the offense until the person reaches 21 years of age.

(d) A violation of a provision of chapters 483 to 484E, inclusive, 486 or 490 of NRS that is punishable as a civil infraction pursuant to NRS 484A.703 to 484A.705, inclusive.

(e) Any other offense if, before the offense was committed, the person previously had been convicted of a criminal offense.

Sec. 2.8. NRS 244.3575 is hereby amended to read as follows:

244.3575 A board of county commissioners may by ordinance provide that ~~the~~ :

1. *The violation of a specific ordinance regulating parking imposes a civil penalty in an amount not to exceed \$155, instead of a criminal sanction.*

2. *A violation of a traffic ordinance enacted by the board of county commissioners pursuant to NRS 484A.400 imposes a civil penalty in an amount not to exceed \$500, instead of a criminal sanction.*

Sec. 2.9. On or before July 1, 2024, the Department of Public Safety, in consultation with law enforcement agencies and courts of this State, shall:

1. Study uniform civil infraction citations used in different states to determine best practices for developing and implementing a standardized, statewide uniform civil infraction citation in this State ~~that may be issued through the electronic traffic citation system developed pursuant to NRS 484B.830;~~ an

2. Submit its findings and any recommendations for legislation resulting from the study to the Director of the Legislative Counsel Bureau for transmittal to the Joint Interim Standing Committee on the Judiciary.

Sec. 2.95. On or before January 1, 2024, the justice courts and municipal courts in this State shall adopt rules governing the practice and procedure for setting aside a default judgment entered in an action initiated pursuant to NRS 484A.703 to 484A.705, inclusive.

Sec. 3. 1. If, on or after the effective date of this act, a person is subject to:

(a) A suspension of his or her driver's license pursuant to paragraph (b) of subsection 3 of NRS 484A.7047; or

(b) A court order delaying the issuance of a driver's license pursuant to paragraph (b) of subsection 3 of NRS 484A.7047,

➔ as that section existed before the effective date of this act, the Department of Motor Vehicles shall immediately reinstate the driver's license of the person or the ability of the person to apply for the issuance of a driver's license, as applicable, and shall notify the person, as soon as possible, of the reinstatement of his or her driver's license or ability to apply for the issuance of a driver's license, as applicable.

2. The Department of Motor Vehicles may not:

(a) Charge any fee for the reinstatement of the driver's license of a person in accordance with this section; or

(b) Require a person to undergo any physical or mental examination pursuant to NRS 483.330 or 483.495 to be eligible for reinstatement of his or her driver's license.

Sec. 4. The amendatory provisions of this act apply to offenses committed before, on or after the effective date of this act.

Sec. 5. This act becomes effective upon passage and approval.

Amendment No. 737.

SUMMARY—Revises provisions relating to traffic offenses. (BDR 43-309)

AN ACT relating to vehicles; revising provisions relating to certain traffic and related violations; revising provisions relating to the suspension of the driver's license of a person; and providing other matters properly relating thereto.

Legislative Counsel's Digest:

During the 2021 Legislative Session, the Legislature enacted Assembly Bill No. 116 (A.B. 116), which established civil penalties for certain traffic and related violations and enacted procedures for the adjudication of such violations. (Assembly Bill No. 116, chapter 506, Statutes of Nevada 2021, at page 3297) The procedures for the adjudication of civil infractions prescribed by A.B. 116 were based, in part, on the procedures for the adjudication of criminal violations prescribed by chapter 176 of NRS.

During the 2021 Legislative Session, the Legislature also enacted Senate Bill No. 219 (S.B. 219), which revised certain statutory provisions upon which the requirements prescribed by A.B. 116 were based by removing the authority of a court to suspend the driver's license of a defendant or prohibit a defendant from applying for a driver's license for a specified period as a result of any delinquent fine, administrative assessment, fee or restitution owed. (Senate Bill No. 219, chapter 505, Statutes of Nevada 2021, at page 3292)

Section 2 of this bill makes a technical change to align provisions relating to the adjudication of certain traffic and related civil infractions with the changes made by S.B. 219. Specifically, section 2 removes the authority of a court to order the suspension of the driver's license of a person or prohibit a person from applying for a driver's license for a specified period as a result of a delinquent fine, administrative assessment or fee associated with a civil penalty imposed for a traffic or related violation. (NRS 484A.7047) Section 1 of this bill makes a conforming change relating to the removal of the authority of a court to suspend the driver's license of a person pursuant to section 2.

Section 3 of this bill provides that if, on or after the effective date of this bill, a person is subject to a suspension of his or her driver's license or a delay in the issuance of a driver's license imposed for failure to pay a delinquent fine, administrative assessment or fee, the Department of Motor Vehicles must: (1) immediately reinstate the driver's license of the person or the ability of the person to apply for the issuance of a driver's license; and (2) notify the person, as soon as possible, of the reinstatement of his or her driver's license or ability to apply for the issuance of a driver's license. Section 3 also provides that the Department may not charge any fee for such reinstatement of a driver's license or require a person to undergo any physical or mental examination to be eligible for such reinstatement of a driver's license.

Existing law prescribes the required contents of traffic citations and civil infraction citations. (NRS 484A.630, 484A.7035) Sections 1.3 and 1.4 of this bill revise the required contents of such citations.

Existing law provides that the juvenile court has exclusive original jurisdiction over a child who is alleged to have committed an act designated as a delinquent act, unless an exception applies. (NRS 62B.330, 62B.390) Under existing law, certain offenses are not considered delinquent acts and are therefore excluded from the jurisdiction of the juvenile court. (NRS 62B.330) Section 2.76 of this bill provides that violations of law that are punishable as civil infractions are not considered delinquent acts and are therefore excluded from the jurisdiction of the juvenile court. Existing law grants justice courts and municipal courts jurisdiction to hear and dispose of violations of law that are punishable as civil infractions. (NRS 4.370, 5.050) Therefore, section 2.76 clarifies that justice courts and municipal courts have jurisdiction to hear and dispose of violations of law that are punishable as civil infractions, regardless of the age of the person alleged to have committed the violation.

Existing law authorizes a peace officer to request the electronic mail address and mobile telephone number of a person to whom a traffic citation is issued for the purpose of enabling the court in which the person is required to appear to communicate with the person. (NRS 484A.630) Section 1.4 similarly authorizes a peace officer to request the electronic mail address and mobile telephone number of a person to whom a civil infraction citation is issued for the same purpose.

Existing law requires a court to send certain notice to a person who receives a civil infraction citation. (NRS 484A.704) Section 1.6 of this bill requires this

notice to include certain information regarding any online program of dispute resolution established by the court.

Existing law: (1) authorizes certain courts and traffic violations bureaus to establish a system through which certain persons may perform certain actions related to a traffic citation or civil infraction citation; and (2) prescribes certain requirements relating to any such system. (NRS 484A.615) Section 1.2 of this bill additionally requires any such system to be capable of allowing certain persons to submit the state registration number of the vehicle the person was driving when the citation was issued.

Existing law requires a person who receives a civil infraction citation to respond to the citation within 90 days after the date on which the citation is issued. Section 1.6 instead requires such a person to respond to the citation within 90 days after the date on which the citation is issued or filed with the court, whichever is later. Section 1.4 makes a conforming change relating to the revised deadline set forth in section 1.6.

Under existing law, if a person receiving a civil infraction citation does not contest the determination that the person has committed the civil infraction set forth in the citation, the person must respond to the citation by: (1) indicating that the person does not contest the determination; and (2) submitting full payment of the monetary penalty specified in the citation. (NRS 484A.704) Section 1.6 revises this requirement by authorizing such a person to request that the court waive or reduce the monetary penalty specified in the citation or enter into a payment plan with the person in lieu of requiring the person to submit full payment of the monetary penalty specified in the citation. Section 1.8 of this bill authorizes the court to waive or reduce the monetary penalty or enter into a payment plan with a person who submits a request pursuant to section 1.6 under certain circumstances.

Existing law establishes the procedures for a hearing at which a person may contest whether the person committed a violation set forth in a civil infraction citation and generally requires the person to post a bond in an amount equal to the monetary penalty, administrative assessments and fees specified in the civil infraction citation or alternatively deposit such an amount in cash with the court. (NRS 484A.7041) Section 1.7 of this bill ~~revises this requirement to instead require the person to post a bond equal to \$50 or the amount of the monetary penalty, administrative assessments and fees specified in the civil infraction citation, whichever is less, or alternatively deposit such an amount in cash with the court. Under existing law, any bond posted or cash deposited with the court must be forfeited upon the court's finding that the person committed a civil infraction. (NRS 484A.7041) Section 1.7 requires the court to enter a default judgment against the person for any amount remaining unsatisfied.] eliminates the requirement that a person who requests a hearing must post a bond or deposit cash with the court.~~

Existing law authorizes a court having jurisdiction over a civil infraction to reduce any moving violation for which a person was issued a civil infraction citation to a nonmoving violation if the court determines that any

circumstances warrant such a reduction. (NRS 484A.7043) Section 1.8 clarifies that the court is not required to hold a hearing before reducing a moving violation to a nonmoving violation.

Under existing law, any civil penalty assessed against a person who is found to have committed a civil infraction must be paid to: (1) the treasurer of the city in which the civil infraction occurred; or (2) if the civil infraction did not occur in a city, the treasurer of the county in which the civil infraction occurred. (NRS 484A.7043) Section 1.8 instead requires any such civil penalty to be paid to the treasurer of the city or county, as applicable, in which the civil infraction citation was filed.

Existing law: (1) authorizes a prosecuting attorney to elect to treat certain traffic and related offenses that are punishable as a misdemeanor instead as a civil infraction; and (2) provides a procedure for making such an election. Pursuant to this procedure, existing law requires the prosecuting attorney to make the election on or before the time scheduled for the first appearance of the defendant. (NRS 484A.7049) Section 2.2 of this bill: (1) authorizes the prosecuting attorney to make the election at any time before the court enters a judgment of conviction; and (2) eliminates certain procedural requirements relating to making such an election. Section 2.2 also authorizes the district attorney or city attorney of any county or city, respectively, to authorize a traffic enforcement agency over whom the district attorney or city attorney has jurisdiction to elect to treat certain traffic and related offenses that are punishable as a misdemeanor instead as a civil infraction. Finally, section 2.2 provides that a bench warrant may not be issued for a violation that is treated as a civil infraction.

Existing law authorizes a peace officer to arrest a person without a warrant if the peace officer has reasonable cause for believing that the person has committed homicide by vehicle, certain offenses involving driving under the influence and certain other traffic and related offenses. (NRS 484A.710) Section 2.6 of this bill authorizes a peace officer who has reasonable cause for believing that a person has committed a violation for which existing law authorizes the peace officer to arrest a person to also arrest the person without a warrant for an offense that is punishable as a civil infraction. Section 2.4 of this bill makes a conforming change relating to arrests authorized by section 2.6.

Existing law establishes the jurisdiction of justice courts. (NRS 4.370) Section 2.67 of this bill authorizes the justice court to transfer original jurisdiction of a civil infraction to the district court or juvenile court if: (1) the person charged with the civil infraction is a person under 18 years of age; and (2) the district court or juvenile court, as applicable, approves the transfer.

Existing law provides certain persons with immunity from liability for certain acts or omissions under certain circumstances. (Chapter 41 of NRS) Section 2.7 of this bill provides that a prosecuting attorney who prosecutes a person charged with a civil infraction or a violation of a traffic ordinance that is punishable by the imposition of a civil penalty is immune from liability to

the same extent as a prosecuting attorney who prosecutes a person charged with violating a criminal law of this State. Sections 2.72 and 2.74 of this bill make conforming changes to indicate the proper placement of section 2.7 in the Nevada Revised Statutes.

Section 2.8 of this bill authorizes a board of county commissioners to provide by ordinance that a violation of a traffic ordinance enacted by the board imposes a civil penalty instead of a criminal sanction.

Section 2.9 of this bill requires the Department of Public Safety, in consultation with law enforcement agencies and courts of this State, to: (1) study best practices for developing and implementing a standardized, statewide uniform civil infraction citation; and (2) submit its findings and recommendations for legislation to the Joint Interim Standing Committee on the Judiciary. Section 2.95 of this bill requires justice courts and municipal courts, on or before January 1, 2024, to adopt rules governing the practice and procedure for setting aside a default judgment in an action relating to a civil infraction.

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

Section 1. NRS 483.443 is hereby amended to read as follows:

483.443 1. The Department shall, upon receiving notification from a district attorney or other public agency collecting support for children pursuant to NRS 425.510 that a court has determined that a person:

(a) Has failed to comply with a subpoena or warrant relating to a proceeding to establish paternity or to establish or enforce an obligation for the support of a child; or

(b) Is in arrears in the payment for the support of one or more children,
↪ send a written notice to that person that his or her driver's license is subject to suspension.

2. The notice must include:

(a) The reason for the suspension of the license;

(b) The information set forth in subsections 3, 5 and 6; and

(c) Any other information the Department deems necessary.

3. If a person who receives a notice pursuant to subsection 1 does not, within 30 days after receiving the notice, comply with the subpoena or warrant or satisfy the arrearage as required in NRS 425.510, the Department shall suspend the license without providing the person with an opportunity for a hearing.

4. The Department shall suspend immediately the license of a defendant if so ordered pursuant to NRS 62B.420 . ~~for 484A.7047.~~

5. The Department shall reinstate the driver's license of a person whose license was suspended pursuant to this section if it receives:

(a) A notice from : ~~any of the following;~~

(1) The district attorney or other public agency pursuant to NRS 425.510 that the person has complied with the subpoena or warrant or has satisfied the arrearage pursuant to that section ; ~~;~~

(2) A traffic commissioner, referee, hearing master, municipal judge, justice of the peace or district judge, as applicable ~~[, that a delinquency for which the suspension was ordered pursuant to NRS 484A.7047 has been discharged.] ; or~~

(3) A judge of the juvenile court that an unsatisfied civil judgment for which the suspension was ordered pursuant to NRS 62B.420 has been satisfied; and

(b) Payment of the fee for reinstatement of a suspended license prescribed in NRS 483.410.

6. The Department shall not require a person whose driver's license was suspended pursuant to this section to submit to the tests and other requirements which are adopted by regulation pursuant to subsection 1 of NRS 483.495 as a condition of the reinstatement of the license.

Sec. 1.2. NRS 484A.615 is hereby amended to read as follows:

484A.615 1. A court having jurisdiction over an offense for which a traffic citation must be issued pursuant to NRS 484A.630 or that is punishable as a civil infraction pursuant to NRS 484A.703 to 484A.705, inclusive, or its traffic violations bureau may establish a system by which, except as otherwise provided in subsection 6, the court or traffic violations bureau may allow:

(a) A person who has been issued a traffic citation or a civil infraction citation that is filed with the court or traffic violations bureau to perform certain actions approved by the court or traffic violations bureau, including, without limitation, to make a plea and state his or her defense or, if authorized, any mitigating circumstances, by mail, by electronic mail, over the Internet or by other electronic means.

(b) A peace officer who issued a civil infraction citation to a person or, if the provisions of NRS 484A.7049 apply, a peace officer who halted a person, to perform certain actions approved by the court or traffic violations bureau, including, without limitation, to submit a written statement under oath by mail, by electronic mail, over the Internet or by other electronic means in lieu of his or her personal appearance at the hearing held pursuant to NRS 484A.7041 to contest the determination that the person who has been issued the civil infraction citation committed a civil infraction.

2. Except as otherwise provided in subsection 6, if a court or traffic violations bureau has established a system pursuant to subsection 1, the court or traffic violations bureau may allow:

(a) A person described in paragraph (a) of subsection 1 to use the system to perform certain actions approved by the court or traffic violations bureau, including, without limitation, to make a plea or state his or her defense or, if authorized, any mitigating circumstances in lieu of making a plea and statement of his or her defense or any mitigating circumstances in court.

(b) A peace officer described in paragraph (b) of subsection 1 to use the system to perform certain actions approved by the court or traffic violations bureau, including, without limitation, to submit a written statement under oath in lieu of making a personal appearance in court.

3. Any plea or statement submitted through the system by a person or peace officer pursuant to subsection 2 must be received by the court before the date on which the person is required to appear in court pursuant to the traffic citation or civil infraction citation.

4. If a court or traffic violations bureau allows an eligible person to whom a traffic citation or civil infraction citation is issued to use a system established pursuant to subsection 1 to make a plea and state his or her defense or, if authorized, any mitigating circumstances and the person chooses to make a plea and state his or her defense or any mitigating circumstances by using such a system, the person waives any relevant constitutional right, including, without limitation, the right to a trial, the right to confront any witnesses and the right to counsel, as applicable.

5. Any system established pursuant to subsection 1 must:

(a) For the purpose of authenticating that the person making the plea and statement of his or her defense or any mitigating circumstances or performing any other approved action is the person to whom the traffic citation or civil infraction citation was issued, be capable of requiring the person to submit any of the following information, as applicable, at the discretion of the court or traffic violations bureau:

(1) The traffic citation number or civil infraction citation number;
(2) The name and address of the person;
(3) The state registration number of the ~~person's~~ vehicle ~~[,]~~ *the person was driving when the traffic citation or civil infraction citation was issued*, if any;

(4) The number of the driver's license of the person, if any;
(5) The offense charged or the civil infraction for which the citation was issued; and

(6) Any other information required by any rules adopted by the Nevada Supreme Court pursuant to subsection 7.

(b) For the purposes of authenticating that the peace officer submitting the written statement or performing any other approved action is the peace officer who issued the civil infraction citation, be capable of requiring the peace officer to submit any of the following information at the discretion of the court or traffic violations bureau:

(1) The civil infraction citation number;
(2) The civil infraction for which the citation was issued; and
(3) The first initial, last name and personnel number of the peace officer.
(c) Provide notice to each person who uses the system to make a plea and statement of his or her defense or any mitigating circumstances that the person waives any relevant constitutional right, including, without limitation, the right to a trial, the right to confront any witnesses and the right to counsel, as applicable.

(d) If a plea and statement of the defense or mitigating circumstances of a person or a written statement of a peace officer is submitted by electronic mail, over the Internet or by other electronic means:

(1) Confirm receipt of:

- (I) The plea and statement to the person making the plea; and
- (II) The written statement to the peace officer; or

(2) Make available to:

- (I) The person making the plea a copy of the plea and statement; and
- (II) The peace officer submitting the written statement a copy of the

written statement.

6. A person who has been issued a traffic citation for any of the following offenses may not make a plea and state his or her defense or any mitigating circumstances by using a system established pursuant to subsection 1:

- (a) Aggressive driving in violation of NRS 484B.650;
- (b) Reckless driving in violation of NRS 484B.653;
- (c) Vehicular manslaughter in violation of NRS 484B.657; or
- (d) Driving, operating or being in actual physical control of a vehicle while under the influence of intoxicating liquor or a controlled substance in violation of NRS 484C.110 or 484C.120, as applicable.

7. The Nevada Supreme Court may adopt rules not inconsistent with the laws of this State to carry out the provisions of this section.

Sec. 1.3. NRS 484A.630 is hereby amended to read as follows:

484A.630 1. Whenever a person is halted by a peace officer for any violation of chapters 484A to 484E, inclusive, of NRS and is not taken before a magistrate as required or permitted by NRS 484A.720 and 484A.730, the peace officer must prepare a traffic citation manually or electronically in the form of a complaint issuing in the name of "The State of Nevada," containing a notice to appear in court, the name and address of the person, the state registration number of the ~~person's~~ vehicle ~~[-]~~ *the person was driving when the citation was issued*, if any, the number of the person's driver's license, if any, the offense charged, including a brief description of the offense and the NRS citation, the time and place when and where the person is required to appear in court, and such other pertinent information as may be necessary. The peace officer may also request, and the person may provide, the electronic mail address and mobile telephone number of the person for the purpose of enabling the court in which the person is required to appear to communicate with the person. If the peace officer requests such information, the peace officer shall expressly inform the person that providing such information is voluntary and, if the person provides such information, the person thereby gives his or her consent for the court to communicate with the person through such means. The peace officer shall sign the citation and deliver a copy of the citation to the person charged with the violation. If the citation is prepared electronically, the peace officer shall sign the copy of the citation that is delivered to the person charged with the violation.

2. The time specified in the notice to appear must be at least 5 days after the alleged violation.

3. The place specified in the notice to appear must be before a magistrate, as designated in NRS 484A.750.

4. The person charged with the violation may give his or her written promise to appear in court by signing or physically receiving at least one copy of the traffic citation prepared by the peace officer and thereupon the peace officer shall not take the person into physical custody for the violation. If the citation is prepared electronically, the peace officer shall indicate on the electronic record of the citation whether the person charged gave his or her written promise to appear. A copy of the citation that is signed by the person charged or the electronic record of the citation which indicates that the person charged gave his or her written promise to appear suffices as proof of service.

5. If the person charged with the violation refuses to sign a copy of the traffic citation but physically receives a copy of the citation delivered by the peace officer:

(a) The receipt shall be deemed personal service of the notice to appear in court;

(b) A copy of the citation signed by the peace officer suffices as proof of service; and

(c) The peace officer shall not take the person into physical custody for the violation.

Sec. 1.4. NRS 484A.7035 is hereby amended to read as follows:

484A.7035 1. When a person is halted by a peace officer in this State for any violation of chapters 483 to 484E, inclusive, 486 or 490 of NRS that is a civil infraction, *or, if authorized by a traffic enforcement agency pursuant to NRS 484A.7049, for a violation of certain such provisions that is punishable as a misdemeanor*, or a prosecuting attorney elects to treat a violation of chapters 483 to 484E, inclusive, 486 or 490 of NRS that is punishable as a misdemeanor instead as a civil infraction in accordance with NRS 484A.7049, the peace officer or prosecuting attorney, as applicable, may prepare a civil infraction citation manually or electronically in the form of a complaint issuing in the name of "The State of Nevada," containing : ~~[, except as otherwise provided in paragraph (a) of subsection 2 of NRS 484A.7049;]~~

(a) A statement that the citation represents a determination by a peace officer or prosecuting attorney that a civil infraction has been committed by the person named in the citation and that the determination will be final unless contested as provided in NRS 484A.703 to 484A.705, inclusive;

(b) A statement that a civil infraction is not a criminal offense;

(c) The name, date of birth, residential address and mailing address, if different from the residential address, telephone number and electronic mail address of the person who is being issued the citation and an indication as to whether the person has agreed to receive communications relating to the civil infraction by text message;

(d) The state registration number of the ~~[person's]~~ vehicle ~~[,]~~ *the person was driving when the citation was issued*, if any;

(e) The number of the person's driver's license, if any;

(f) The civil infraction for which the citation was issued;

(g) The personnel number or other unique agency identification number of the peace officer issuing the citation ~~and the address and phone number of the agency which employs the peace officer~~ or, if a prosecuting attorney is issuing the citation, the personnel number or other unique agency identification number of the peace officer who halted the person for the violation or the volunteer appointed pursuant to NRS 484B.470 who issued the citation ~~and the address and phone number of the agency which employs the peace officer or volunteer,~~ preprinted or printed legibly on the citation;

(h) A statement of the options provided pursuant to NRS 484A.703 to 484A.705, inclusive, for responding to the citation and the procedures necessary to exercise these options;

(i) A statement that, at any hearing to contest the determination set forth in the citation, the facts that constitute the infraction must be proved by a preponderance of the evidence and the person may subpoena witnesses, including, without limitation, the peace officer or duly authorized member or volunteer of a traffic enforcement agency who issued the citation or halted the person; and

(j) A statement that the person must respond to the citation as provided in NRS 484A.703 to 484A.705, inclusive, within 90 calendar days ~~[-]~~ *after the date on which the citation is issued or filed with the court, whichever is later.*

2. *The peace officer may also request, and the person may provide, the electronic mail address and mobile telephone number of the person for the purpose of enabling the court in which the person is required to appear to communicate with the person. If the peace officer requests such information, the peace officer shall expressly inform the person that providing such information is voluntary and, if the person provides such information, the person thereby gives his or her consent for the court to communicate with the person through such means.*

3. A peace officer who issues a civil infraction citation pursuant to subsection 1 shall sign the citation and deliver a copy of the citation to the person charged with the civil infraction. If the citation is prepared electronically, the peace officer shall sign the copy of the citation that is delivered to the person charged with the violation.

~~{3-}~~ 4. A civil infraction citation may be served by delivering a copy of the citation to the person charged with the civil infraction pursuant to this section or NRS 484A.7049. The acceptance of a civil infraction citation by the person charged with the civil infraction shall be deemed personal service of the citation and a copy of the citation signed by the peace officer or prosecuting attorney, as applicable, constitutes proof of service. If a person charged with a civil infraction refuses to accept a civil infraction citation, the copy of the citation signed by the peace officer or prosecuting attorney, as applicable, constitutes proof of service.

Sec. 1.6. NRS 484A.704 is hereby amended to read as follows:

484A.704 1. Any person who receives a civil infraction citation pursuant to NRS 484A.7035 or 484A.7049 shall respond to the citation as provided in

this section not later than 90 calendar days after the date on which the citation is issued ~~[-]~~ or filed with the court, whichever is later.

2. If a person receiving a civil infraction citation does not contest the determination that the person has committed the civil infraction set forth in the citation, the person must respond to the citation by indicating that the person does not contest the determination and submitting ~~[-]~~ in person, by mail or through the Internet or other electronic means:

(a) Full payment of the monetary penalty, the administrative assessment and any fees to the court specified in the citation, or its traffic violations bureau ~~[-, in person, by mail or through the Internet or other electronic means.]~~ ; or

(b) A request that the court waive or reduce the monetary penalty or enter into a payment plan with the person, if the person believes that full payment of the monetary penalty and administrative assessment is excessive in relation to his or her financial resources or is not within his or her present financial ability to pay. Such a request must include any supporting documentation.

3. If a person receiving a civil infraction citation wishes to contest the determination that the person has committed the civil infraction set forth in the citation, the person must respond by requesting in person, by mail or through the Internet or other electronic means a hearing for that purpose. The court shall notify the person in writing of the time, place and date of the hearing, but the date of the hearing must not be earlier than 9 calendar days after the court provides notice of the hearing.

4. Except as otherwise provided in ~~[-this-]~~ subsection ~~[-]~~ 5, not less than 30 days before the deadline for a person to respond to a civil infraction citation, the court must send to the address or electronic mail address of the person, as indicated on the civil infraction citation issued to the person ~~[-a-]~~ :

(a) A reminder that the person must respond to the civil infraction citation within 90 calendar days after the date on which the civil infraction citation is issued ~~[-]~~ or filed with the court, whichever is later; and

(b) If the court has established an online program of dispute resolution, notice of the availability of the program and instructions for participation in the program.

5. If the person agreed to receive communications relating to the civil infraction by text message, the court may send ~~[-such a-]~~ the notice required by subsection 4 to the telephone number of the person as indicated on the civil infraction citation.

6. If the person does not respond to the civil infraction citation in the manner specified by subsection 2 or 3 within 90 calendar days after the date on which the civil infraction citation is issued ~~[-]~~ or filed with the court, whichever is later, the court must enter an order pursuant to NRS 484A.7043 finding that the person committed the civil infraction and assessing the monetary penalty and administrative assessments prescribed for the civil infraction. A person who has been issued a civil infraction citation and who fails to respond to the civil infraction citation as required by this section may not appeal an order entered pursuant to this section.

~~{5.}~~ 7. If any person issued a civil infraction citation fails to appear at a hearing requested pursuant to subsection 3, the court must enter an order pursuant to NRS 484A.7043 finding that the person committed the civil infraction and assessing the monetary penalty and administrative assessments prescribed for the civil infraction. A person who has been issued a civil infraction citation and who fails to appear at a hearing requested pursuant to subsection 3 may not appeal an order entered pursuant to this subsection.

~~{6.}~~ 8. In addition to any other penalty imposed, any person who is found by the court to have committed a civil infraction pursuant to subsection ~~{5}~~ 7 shall pay the witness fees, per diem allowances, travel expenses and other reimbursement in accordance with NRS 50.225.

~~{7.}~~ 9. If a court has established a system pursuant to NRS 484A.615, any person issued a civil infraction citation may, if authorized by the court, use the system to perform any applicable actions pursuant to this section.

Sec. 1.7. NRS 484A.7041 is hereby amended to read as follows:

484A.7041 1. If, pursuant to subsection 3 of NRS 484A.704, a person receiving a civil infraction citation requests a hearing to contest the determination that the person has committed the civil infraction set forth in the citation, the hearing must be conducted in accordance with this section.

2. ~~{Except as otherwise provided in this subsection, before a hearing to contest the determination that a person has committed a civil infraction, the court shall require the person to post a bond equal to \$50 or the amount of the full payment of the monetary penalty, the administrative assessment and any fees specified in the civil infraction citation ., whichever is less. In lieu of posting such a bond, the person may instead deposit cash with the court in the amount of the bond required pursuant to this subsection. Any bond posted or cash deposited with the court pursuant to this subsection must be forfeited upon the court's finding that the person committed the civil infraction.}~~
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~~—(a) Any bond posted or cash deposited with the court pursuant to this subsection must be forfeited; and~~

~~—(b) The court shall enter a default judgment against the person for any amount remaining unsatisfied.~~

~~—3. Any person whom the court determines is unable to pay the costs of defending the action or is a client of a program for legal aid in accordance with NRS 12.015 must not be required to post a bond or deposit cash with the court in accordance with this subsection. — 3.2.~~

~~—4.}~~ The person who requested the hearing may, at his or her expense, be represented by counsel, and a city attorney or district attorney, in his or her discretion and as applicable, may represent the plaintiff.

~~{4.5.}~~ 3. A hearing conducted pursuant to this section must be conducted by the court without a jury. In lieu of the personal appearance at the hearing by the peace officer who issued the civil infraction citation, the court may consider the information contained in the civil infraction citation and any other written statement submitted under oath by the peace officer. If the court has

established a system pursuant to NRS 484A.615, the peace officer may, if authorized by the court, use the system to submit such a statement. The person named in the civil infraction citation may subpoena witnesses, including, without limitation, the peace officer who issued the citation, and has the right to present evidence and examine witnesses present in court.

~~{5.6.}~~ 4. After consideration of the evidence and argument, the court shall determine whether a civil infraction was committed by the person named in the civil infraction citation. The court must find by a preponderance of the evidence that the person named in the civil infraction citation committed a civil infraction. If it has not been established by a preponderance of the evidence that the infraction was committed by the person named in the citation, the court must enter an order dismissing the civil infraction citation in the court's records. If it has been established by a preponderance of the evidence that the infraction was committed, the court must enter in the court's records an order pursuant to NRS 484A.7043.

~~{6.7.}~~ 5. An appeal from the court's determination or order may be taken in the same manner as any other civil appeal from a municipal court or justice court, as applicable, except that:

(a) The notice of appeal must be filed not later than 7 calendar days after the court enters in the court's records an order pursuant to NRS 484A.7043;

(b) If the appellant is the person charged with the civil infraction, any bond required to be given by the appellant in order to secure a stay of execution of the order of the court during the pendency of the appeal must equal the amount of the monetary penalty and administrative assessments which the court has ordered the appellant to pay pursuant to NRS 484A.7043. Any bond must be forfeited if the order of the court is affirmed on appeal; and

(c) If a prosecuting attorney does not represent the plaintiff during the proceedings in the justice court or municipal court, the appellate court shall review the record and any arguments presented by the person charged with the civil infraction and render a decision.

Sec. 1.8. NRS 484A.7043 is hereby amended to read as follows:

484A.7043 1. Except as otherwise provided in this section, a person who is found to have committed a civil infraction shall be punished by a civil penalty of not more than \$500 per violation unless a greater civil penalty is authorized by specific statute. Except as otherwise provided in NRS 484A.792, any civil penalty collected pursuant to NRS 484A.703 to 484A.705, inclusive, must be paid to:

(a) The treasurer of the city in which the civil infraction ~~{occurred,}~~ *citation was filed*; or

(b) If the civil infraction did not occur in a city, the treasurer of the county in which the civil infraction ~~{occurred,}~~ *citation was filed*.

2. If a person is found to have committed a civil infraction, in addition to any civil penalty imposed on the person, the court shall order the person to pay the administrative assessments set forth in NRS 176.059, 176.0611, 176.0613 and 176.0623 in the amount that the person would be required to pay if the

civil penalty were a fine imposed on a defendant who pleads guilty or guilty but mentally ill or is found guilty or guilty but mentally ill of a misdemeanor. If, in lieu of a civil penalty, the court authorizes a person to successfully complete a course of traffic safety approved by the Department of Motor Vehicles, the court must order the person to pay the amount of the administrative assessment that corresponds to the civil penalty for which the defendant would have otherwise been responsible. The administrative assessments imposed pursuant to this subsection must be collected and distributed in the same manner as the administrative assessments imposed and collected pursuant to NRS 176.059, 176.0611, 176.0613 and 176.0623.

3. If the court determines that a civil penalty or administrative assessment *specified in the civil infraction citation or* imposed pursuant to this section is:

(a) Excessive in relation to the financial resources of the defendant, the court may waive or reduce the monetary penalty accordingly.

(b) Not within the defendant's present financial ability to pay, the court may enter into a payment plan with the person.

4. A court having jurisdiction over a civil infraction pursuant to NRS 484A.703 to 484A.705, inclusive, may:

(a) In addition to ordering a person who is found to have committed a civil infraction to pay a civil penalty and administrative assessments pursuant to this section, order the person to successfully complete a course of traffic safety approved by the Department of Motor Vehicles.

(b) Waive or reduce the civil penalty that a person who is found to have committed a civil infraction would otherwise be required to pay if the court determines that any circumstances warrant such a waiver or reduction.

(c) Reduce any moving violation for which a person was issued a civil infraction citation to a nonmoving violation if the court determines that any circumstances warrant such a reduction.

5. *Nothing in this section shall be construed to require a court having jurisdiction over a civil infraction pursuant to NRS 484A.703 to 484A.705, inclusive, to hold a hearing before reducing a moving violation for which a person was issued a civil infraction citation to a nonmoving violation.*

Sec. 2. NRS 484A.7047 is hereby amended to read as follows:

484A.7047 1. If a civil penalty, administrative assessment or fee is imposed upon a person who is found to have committed a civil infraction pursuant to NRS 484A.703 to 484A.705, inclusive, whether or not the civil penalty, administrative assessment or fee is in addition to any other punishment, and the civil penalty, administrative assessment or fee or any part of it remains unpaid after the time established by the court for its payment, the delinquent person is liable for a collection fee, to be imposed by the court at the time it finds that the civil penalty, administrative assessment or fee is delinquent, of:

(a) Not more than \$100, if the amount of the delinquency is less than \$2,000.

(b) Not more than \$500, if the amount of the delinquency is \$2,000 or greater, but is less than \$5,000.

(c) Ten percent of the amount of the delinquency, if the amount of the delinquency is \$5,000 or greater.

2. The city or county that is responsible for collecting a delinquent civil penalty, administrative assessment or fee may, in addition to attempting to collect the delinquent amounts through any other lawful means, contract with a collection agency licensed pursuant to NRS 649.075 to collect the delinquent amounts owed by a person who is found to have committed a civil infraction. The collection agency must be paid as compensation for its services an amount not greater than the amount of the collection fee imposed pursuant to subsection 1 in accordance with the provisions of the contract.

3. If a court finds that a person committed a civil infraction, the civil penalty, administrative assessments and fees prescribed for the civil infraction may be enforced in the manner provided by law for the enforcement of a judgment for money rendered in a civil action except that the judgment and any lien for the judgment expires 10 years after the date the judgment was docketed and may not be renewed. The court may ~~[-~~

~~-(a) Request]~~ *request* that the city or county in which the court has jurisdiction undertake collection of the delinquency, including, without limitation, the original amount of the civil judgment entered pursuant to this subsection and the collection fee, by attachment or garnishment of the property, wages or other money receivable of the delinquent person.

~~{(b) Order the suspension of the driver's license of the delinquent person. If the delinquent person does not possess a driver's license, the court may prohibit him or her from applying for a driver's license for a specified period. If the delinquent person is already the subject of a court order suspending or delaying the issuance of his or her driver's license, the court may order the additional suspension or delay, as appropriate, to apply consecutively with the previous order. At the time the court issues an order pursuant to this paragraph suspending the driver's license of a delinquent person or delaying the ability of a delinquent person to apply for a driver's license, the court shall, within 5 days after issuing the order, forward to the Department a copy of the order. The Department shall report a suspension pursuant to this paragraph to an insurance company or its agent inquiring about the delinquent person's driving record, but such a suspension must not be considered for the purpose of rating or underwriting.}~~

4. Money collected from a collection fee imposed pursuant to subsection 1 must be distributed in the following manner:

(a) Except as otherwise provided in paragraph (c), if the money is collected by or on behalf of a municipal court, the money must be deposited in a special fund in the appropriate city treasury. The city may use the money in the fund only to develop and implement a program for the collection of civil penalties, administrative assessments and fees and to hire additional personnel necessary for the success of such a program.

(b) Except as otherwise provided in paragraph (c), if the money is collected by or on behalf of a justice court, the money must be deposited in a special fund in the appropriate county treasury. The county may use the money in the special fund only to:

(1) Develop and implement a program for the collection of civil penalties, administrative assessments and fees and to hire additional personnel necessary for the success of such a program; or

(2) Improve the operations of a court by providing funding for:

(I) A civil law self-help center; or

(II) Court security personnel and equipment for a regional justice center that includes the justice courts of that county.

(c) If the money is collected by a collection agency, after the collection agency has been paid its fee pursuant to the terms of the contract, any remaining money must be deposited in the state, city or county treasury, whichever is appropriate, to be used only for the purposes set forth in paragraph (a) or (b).

Sec. 2.2. NRS 484A.7049 is hereby amended to read as follows:

484A.7049 1. A prosecuting attorney may, *at any time before a court having jurisdiction over the alleged offense enters a judgment of conviction against a defendant*, elect to treat a violation of a provision of chapters 483 to 484E, inclusive, 486 or 490 of NRS that is punishable as a misdemeanor, other than a violation of NRS 484C.110 or 484C.120, as a civil infraction pursuant to NRS 484A.703 to 484A.705, inclusive.

2. ~~The prosecuting attorney shall make the election described in subsection 1 on or before the time scheduled for the first appearance of the defendant by:~~

~~—(a) Preparing a civil infraction citation in accordance with subsection 1 of NRS 484A.7035 that contains all applicable information that is known to the prosecuting attorney, signing the citation and filing the citation with a court having jurisdiction over the alleged offense or with its traffic violations bureau;~~

~~—(b) Filing notice of the prosecuting attorney's election with the court having jurisdiction of the underlying criminal charge; and~~

~~—(c) Delivering a copy of the notice and citation to the defendant.~~

~~3. Upon the filing of a notice pursuant to paragraph (b) of subsection 2, the court shall dismiss the underlying criminal charge.]~~ district attorney or city attorney of any county or city, respectively, may authorize a traffic enforcement agency over whom the district attorney or city attorney, as applicable, has jurisdiction to elect to treat a violation of a provision of chapters 483 to 484E, inclusive, 486 or 490 of NRS that is punishable as a misdemeanor, other than a violation of NRS 484C.110 or 484C.120, as a civil infraction pursuant to NRS 484A.703 to 484A.705, inclusive. If so authorized, a traffic enforcement agency may authorize a peace officer employed by the agency to treat a violation of such provisions as a civil infraction pursuant to NRS 484A.703 to 484A.705, inclusive.

3. A bench warrant may not be issued for a violation treated as a civil infraction pursuant to this section.

Sec. 2.4. NRS 484A.705 is hereby amended to read as follows:

484A.705 Notwithstanding any other provision of law, if a person commits a violation of a provision of chapters 483 to 484E, inclusive, 486 or 490 of NRS that is punishable as a civil infraction while the person is under the influence of alcohol or a controlled substance, the person may ~~instead~~ be ~~charged~~ :

1. Charged with a misdemeanor ~~[-]~~ ; and
2. Arrested, if authorized pursuant to NRS 484A.710.

Sec. 2.6. NRS 484A.710 is hereby amended to read as follows:

484A.710 1. Any peace officer may, without a warrant, arrest a person if the officer has reasonable cause for believing that the person has committed ~~any~~ :

(a) Any of the following offenses:

- ~~[(a)]~~ (1) Homicide by vehicle;
- ~~[(b)]~~ (2) A violation of NRS 484C.110 or 484C.120;
- ~~[(c)]~~ (3) A violation of NRS 484C.430;
- ~~[(d)]~~ (4) A violation of NRS 484C.130;
- ~~[(e)]~~ (5) Failure to stop, give information or render reasonable assistance in the event of a crash resulting in death or personal injuries in violation of NRS 484E.010 or 484E.030;
- ~~[(f)]~~ (6) Failure to stop or give information in the event of a crash resulting in damage to a vehicle or to other property legally upon or adjacent to a highway in violation of NRS 484E.020 or 484E.040;
- ~~[(g)]~~ (7) Reckless driving;
- ~~[(h)]~~ (8) Driving a motor vehicle on a highway or on premises to which the public has access at a time when the person's driver's license has been cancelled, revoked or suspended; or
- ~~[(i)]~~ (9) Driving a motor vehicle in any manner in violation of the restrictions imposed in a restricted license issued to the person pursuant to NRS 483.490.

(b) An offense that is punishable as a civil infraction, if the officer has reasonable cause for believing that the person has committed an offense listed in paragraph (a).

2. Whenever any person is arrested as authorized in this section, the person must be taken without unnecessary delay before the proper magistrate as specified in NRS 484A.750.

Sec. 2.65. NRS 484A.760 is hereby amended to read as follows:

484A.760 Whenever any person is taken into custody by a peace officer for the purpose of taking him or her before a magistrate or court as authorized or required in chapters 484A to 484E, inclusive, of NRS upon any charge other than a felony or the offenses enumerated in ~~paragraphs (a) to (e),~~ *subparagraphs (1) to (5), inclusive, of paragraph (a) of subsection 1 of NRS 484A.710*, and no magistrate is available at the time of arrest, and there

is no bail schedule established by the magistrate or court and no lawfully designated court clerk or other public officer who is available and authorized to accept bail upon behalf of the magistrate or court, the person must be released from custody upon the issuance to the person of a misdemeanor citation or traffic citation and the person signing a promise to appear, as provided in NRS 171.1773 or 484A.630, respectively, or physically receiving a copy of the traffic citation, as provided in NRS 484A.630.

Sec. 2.67. NRS 4.370 is hereby amended to read as follows:

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

(w) In any action to determine whether a person has committed a civil infraction punishable pursuant to NRS 484A.703 to 484A.705, inclusive. Upon approval of the district court or juvenile court, as applicable, the justice court may transfer original jurisdiction of a civil infraction punishable pursuant to NRS 484A.703 to 484A.705, inclusive, to the district court or juvenile court, as applicable, if the person charged with the civil infraction is a person under 18 years of age.

2. The jurisdiction conferred by this section does not extend to civil actions, other than for forcible entry or detainer, in which the title of real property or mining claims or questions affecting the boundaries of land are involved.

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

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

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

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

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

Sec. 2.7. Chapter 41 of NRS is hereby amended by adding thereto a new section to read as follows:

A prosecuting attorney who prosecutes a person charged with a civil infraction or a violation of a traffic ordinance that is punishable by imposition of a civil penalty is immune from liability to the same extent as a prosecuting attorney who prosecutes a person charged with violating a criminal law of this State.

Sec. 2.72. NRS 41.0307 is hereby amended to read as follows:

41.0307 As used in NRS 41.0305 to 41.039, inclusive ~~{-}~~, and section 2.7 of this act:

1. "Employee" includes an employee of a:

(a) Part-time or full-time board, commission or similar body of the State or a political subdivision of the State which is created by law.

(b) Charter school.

(c) University school for profoundly gifted pupils described in chapter 388C of NRS.

2. "Employment" includes any services performed by an immune contractor.

3. "Immune contractor" means any natural person, professional corporation or professional association which:

(a) Is an independent contractor with the State pursuant to NRS 333.700; and

(b) Contracts to provide medical services for the Department of Corrections.

↪ As used in this subsection, "professional corporation" and "professional association" have the meanings ascribed to them in NRS 89.020.

4. "Public officer" or "officer" includes:

(a) A member of a part-time or full-time board, commission or similar body of the State or a political subdivision of the State which is created by law.

(b) A public defender and any deputy or assistant attorney of a public defender or an attorney appointed to defend a person for a limited duration with limited jurisdiction.

(c) A district attorney and any deputy or assistant district attorney or an attorney appointed to prosecute a person for a limited duration with limited jurisdiction.

Sec. 2.74. NRS 41.031 is hereby amended to read as follows:

41.031 1. The State of Nevada hereby waives its immunity from liability and action and hereby consents to have its liability determined in accordance with the same rules of law as are applied to civil actions against natural persons and corporations, except as otherwise provided in NRS 41.032 to 41.038, inclusive, *and section 2.7 of this act*, 485.318, subsection 3 and any statute which expressly provides for governmental immunity, if the claimant complies with the limitations of NRS 41.010 or the limitations of NRS 41.032 to 41.036, inclusive. The State of Nevada further waives the immunity from liability and action of all political subdivisions of the State, and their liability must be determined in the same manner, except as otherwise provided in NRS 41.032 to 41.038, inclusive, *and section 2.7 of this act*, subsection 3 and any statute which expressly provides for governmental immunity, if the claimant complies with the limitations of NRS 41.032 to 41.036, inclusive.

2. An action may be brought under this section against the State of Nevada or any political subdivision of the State. In any action against the State of Nevada, the action must be brought in the name of the State of Nevada on relation of the particular department, commission, board or other agency of the State whose actions are the basis for the suit. An action against the State of Nevada must be filed in the county where the cause or some part thereof arose

or in Carson City. In an action against the State of Nevada, the summons and a copy of the complaint must be served upon:

(a) The Attorney General, or a person designated by the Attorney General, at the Office of the Attorney General in Carson City; and

(b) The person serving in the office of administrative head of the named agency.

3. The State of Nevada does not waive its immunity from suit conferred by Amendment XI of the Constitution of the United States.

Sec. 2.76. NRS 62B.330 is hereby amended to read as follows:

62B.330 1. Except as otherwise provided in this title, the juvenile court has exclusive original jurisdiction over a child living or found within the county who is alleged or adjudicated to have committed a delinquent act.

2. For the purposes of this section, a child commits a delinquent act if the child:

(a) Violates a county or municipal ordinance other than those:

(1) Specified in paragraph (f) or (g) of subsection 1 of NRS 62B.320;

(2) Concerning an offense related to tobacco; or

(3) Relating to the consumption or possession of alcohol or the possession of 1 ounce or less of marijuana that are punishable pursuant to paragraph (a) of subsection 1 of NRS 62E.173.

(b) Violates any rule or regulation having the force of law; or

(c) Commits an act designated a criminal offense pursuant to the laws of the State of Nevada.

3. ~~For~~ Except as otherwise provided in NRS 4.370, for the purposes of this section, each of the following acts shall be deemed not to be a delinquent act, and the juvenile court does not have jurisdiction over a person who is charged with committing such an act:

(a) Murder or attempted murder and any other related offense arising out of the same facts as the murder or attempted murder, regardless of the nature of the related offense, if the person was 16 years of age or older when the murder or attempted murder was committed.

(b) A felony resulting in death or substantial bodily harm to the victim and any other related offense arising out of the same facts as the felony, regardless of the nature of the related offense, if:

(1) The felony was committed on the property of a public or private school when pupils or employees of the school were present or may have been present, at an activity sponsored by a public or private school or on a school bus while the bus was engaged in its official duties; and

(2) The person intended to create a great risk of death or substantial bodily harm to more than one person by means of a weapon, device or course of action that would normally be hazardous to the lives of more than one person.

(c) A category A or B felony and any other related offense arising out of the same facts as the category A or B felony, regardless of the nature of the

related offense, if the person was at least 16 years of age but less than 18 years of age when the offense was committed, and:

(1) The person is not identified by law enforcement as having committed the offense and charged before the person is at least 20 years, 3 months of age, but less than 21 years of age; or

(2) The person is not identified by law enforcement as having committed the offense until the person reaches 21 years of age.

(d) *A violation of a provision of chapters 483 to 484E, inclusive, 486 or 490 of NRS that is punishable as a civil infraction pursuant to NRS 484A.703 to 484A.705, inclusive.*

(e) Any other offense if, before the offense was committed, the person previously had been convicted of a criminal offense.

Sec. 2.8. NRS 244.3575 is hereby amended to read as follows:

244.3575 A board of county commissioners may by ordinance provide that ~~the~~ :

1. *The violation of a specific ordinance regulating parking imposes a civil penalty in an amount not to exceed \$155, instead of a criminal sanction.*

2. *A violation of a traffic ordinance enacted by the board of county commissioners pursuant to NRS 484A.400 imposes a civil penalty in an amount not to exceed \$500, instead of a criminal sanction.*

Sec. 2.9. On or before July 1, 2024, the Department of Public Safety, in consultation with law enforcement agencies and courts of this State, shall:

1. Study uniform civil infraction citations used in different states to determine best practices for developing and implementing a standardized, statewide uniform civil infraction citation in this State that may be issued through the electronic traffic citation system developed pursuant to NRS 484B.830; and

2. Submit its findings and any recommendations for legislation resulting from the study to the Director of the Legislative Counsel Bureau for transmittal to the Joint Interim Standing Committee on the Judiciary.

Sec. 2.95. On or before January 1, 2024, the justice courts and municipal courts in this State shall adopt rules governing the practice and procedure for setting aside a default judgment entered in an action initiated pursuant to NRS 484A.703 to 484A.705, inclusive.

Sec. 3. 1. If, on or after the effective date of this act, a person is subject to:

(a) A suspension of his or her driver's license pursuant to paragraph (b) of subsection 3 of NRS 484A.7047; or

(b) A court order delaying the issuance of a driver's license pursuant to paragraph (b) of subsection 3 of NRS 484A.7047,

➡ as that section existed before the effective date of this act, the Department of Motor Vehicles shall immediately reinstate the driver's license of the person or the ability of the person to apply for the issuance of a driver's license, as applicable, and shall notify the person, as soon as possible, of the reinstatement

of his or her driver's license or ability to apply for the issuance of a driver's license, as applicable.

2. The Department of Motor Vehicles may not:

(a) Charge any fee for the reinstatement of the driver's license of a person in accordance with this section; or

(b) Require a person to undergo any physical or mental examination pursuant to NRS 483.330 or 483.495 to be eligible for reinstatement of his or her driver's license.

Sec. 4. The amendatory provisions of this act apply to offenses committed before, on or after the effective date of this act.

Sec. 5. This act becomes effective upon passage and approval.

Senator Scheible moved that the Senate not concur in Assembly Amendments Nos. 634 and 737 to Senate Bill No. 104.

Motion carried.

Bill ordered transmitted to the Assembly.

Senate Bill No. 161.

The following Assembly amendment was read:

Amendment No. 648.

SUMMARY—~~[Provides for the use of certain federal benefits]~~ Establishes programs to facilitate the purchase of menstrual products. (BDR 38-811)

AN ACT relating to public assistance; providing for the use of benefits under certain federal programs for persons with low incomes to purchase menstrual products; authorizing the establishment of a program to assist certain recipients of public assistance in the purchase of menstrual products; and providing other matters properly relating thereto.

Legislative Counsel's Digest:

Existing federal law establishes the Supplemental Nutrition Assistance Program, which provides assistance to certain low-income families for the purchase of food. (7 U.S.C. §§ 2011 et seq.) Existing federal law also establishes the Special Supplemental Nutrition Program for Women, Infants and Children, which provides, through eligible local agencies, nutrition education and supplemental foods to pregnant women, mothers, infants and children less than 5 years of age with low household incomes. (42 U.S.C. § 1786) Existing law requires the Department of Health and Human Services to administer these programs within this State. (NRS 422A.338) This bill requires the Department to authorize recipients of benefits provided under those programs to use such benefits to purchase menstrual products: (1) to the extent authorized by federal law; and (2) to the extent that federal funding is available. This bill also authorizes the Department to: (1) establish and administer a program to provide assistance for the purpose of purchasing menstrual products to recipients of benefits provided through programs for which the Division of Welfare and Supportive Services of the Department is responsible; and (2) accept gifts, grants and donations for the purposes of establishing such a program.

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

Section 1. Chapter 422A of NRS is hereby amended by adding thereto a new section to read as follows:

1. *To the extent authorized by federal law and to the extent that federal funding is available, the Department shall authorize recipients of benefits provided under Supplemental Nutrition Assistance or the Special Supplemental Nutrition Program for Women, Infants and Children established by 42 U.S.C. § 1786 to use such benefits to purchase menstrual products.*

2. *The Department shall take any action necessary to obtain federal authorization and federal funding to carry out the provisions of subsection 1, including, without limitation, applying for any necessary federal waiver.*

3. *To the extent that money is available for this purpose, the Department, through the Division, may establish and administer a program to provide assistance for the purpose of purchasing menstrual products to recipients of benefits provided through programs for which the Division is responsible. The Department may accept gifts, grants and donations from any source for the purpose of establishing and administering such a program.*

4. *As used in this section, "menstrual products" includes, without limitation, sanitary napkins, tampons or similar products used in connection with the menstrual cycle.*

Sec. 2. 1. This section becomes effective upon passage and approval.

2. Section 1 of this act becomes 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 Doñate moved that the Senate not concur in Assembly Amendment No. 648 to Senate Bill No. 161.

Motion carried.

Bill ordered transmitted to the Assembly.

Senate Bill No. 196.

The following Assembly amendment was read:

Amendment No. 602.

SUMMARY—Revises provisions relating to interscholastic activities and events. (BDR 34-868)

AN ACT relating to interscholastic activities; prohibiting certain persons from requiring a pupil to participate in certain out-of-school activities as a condition of participating in a sanctioned sport or spirit squad at a school; providing for a system of progressive discipline for certain violations; requiring certain persons to submit a report concerning any association with an out-of-school activity relating to a sanctioned sport or spirit squad; requiring certain school employees to notify a pupil and the parent or legal guardian of the pupil of certain rights afforded to the pupil before the pupil

participates in a sanctioned sport or other interscholastic activity or event; providing for additional eligibility for certain pupils to participate in certain interscholastic activities; and providing other matters properly relating thereto. Legislative Counsel's Digest:

Existing law requires the Nevada Interscholastic Activities Association to adopt rules and regulations as is necessary to govern interscholastic activities and events in this State. (NRS 385B.060) Existing regulations: (1) authorize a coach of a school to assist a pupil in voluntarily participating in an activity related to a sanctioned sport that is conducted during a period that is not the season for the sanctioned sport under certain circumstances; and (2) prohibit such participation from being a condition for qualifying for a team or for accepting the pupil as a member of a team during the season for the sanctioned sport. (NAC 385B.370) Section 3 of this bill codifies that prohibition into law and, if a person is found to have violated this prohibition, authorizes the Executive Director of the Association to prohibit the person from coaching, managing or otherwise being associated with a sanctioned sport or spirit squad at a school for not more than 1 year. Section 3 also requires the Association to adopt regulations prescribing a system of progressive discipline for violations of section 4 or 5 of this bill.

Section 4 of this bill requires each coach, manager or other person associated with a sanctioned sport or spirit squad at a school that is affiliated with or a member of the Association to submit to the Executive Director of the Association an annual report that includes certain information concerning whether the coach, manager or other person also coaches, manages or is otherwise associated with an out-of-school activity related to the same sanctioned sport or spirit squad at the school.

Section 5 of this bill requires the coach, manager or director of a sanctioned sport or other interscholastic activity or event at a school, before a pupil participates in a sanctioned sport or other interscholastic activity or event and annually thereafter, to notify each participating pupil and his or her parent or legal guardian of certain rights afforded to the pupil while participating in the sanctioned sport or other interscholastic activity or event. Section 5 requires the Association to prescribe the form and contents of such notification.

Section 2 of this bill defines the term "out-of-school activity" for the purpose of sections 3-5. Section 6 of this bill makes a conforming change to indicate the proper placement of section 2 in the Nevada Revised Statutes.

Existing regulations provide that a pupil is eligible to participate in a sanctioned sport for not more than 8 consecutive semesters and 4 seasons. (NAC 385B.708) On March 12, 2020, the Governor of the State of Nevada issued the Declaration of Emergency for COVID-19. On May 20, 2022, the Governor issued the Proclamation Terminating Declaration of Emergency Related to COVID-19. Section 7 of this bill provides that a pupil who was enrolled in grade 9, 10, 11 or 12 at any time during the state of emergency is eligible to participate in any sanctioned sport, spirit squad or other interscholastic activity for which the rules governing eligibility are established

by the Nevada Interscholastic Activities Association or the board of trustees of a school district for at least 10 consecutive semesters and 5 seasons ~~if~~ if the pupil has not completed the credits required to graduate and receive a high school diploma.

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

Section 1. Chapter 385B of NRS is hereby amended by adding thereto the provisions set forth as sections 2 to 5, inclusive, of this act.

Sec. 2. *"Out-of-school activity" means an activity that is not associated with a school, including, without limitation, a club team or athletic camp or program.*

Sec. 3. 1. *A coach, manager or other person associated with a sanctioned sport or spirit squad at a school shall not:*

(a) Condition qualification for a team or acceptance of a pupil as a member of a team for the sanctioned sport or spirit squad on the participation of the pupil in an out-of-school activity; or

(b) Otherwise compel the participation of a pupil in an out-of-school activity.

2. *If a person violates subsection 1, the Executive Director of the Nevada Interscholastic Activities Association may prohibit the person from coaching, managing or otherwise being associated with a sanctioned sport or spirit squad at a school for not more than 1 year from the date on which the person was found to have violated subsection 1.*

3. *The Nevada Interscholastic Activities Association shall adopt:*

(a) Regulations prescribing a system of progressive discipline for violations of section 4 or 5 of this act that ends in the permanent prohibition on a person who has committed such violations being associated with a sanctioned sport or spirit squad at a school.

(b) Any other regulations necessary to carry out the provisions of this section and sections 4 and 5 of this act.

4. *As used in this section, "spirit squad" includes, without limitation, any cheer, student, dance, drill, pom or mascot group of a school that is authorized to participate in interscholastic activities and events pursuant to NRS 385B.065.*

Sec. 4. 1. *On or before July 1 of each year, each coach, manager or other person who is associated with a sanctioned sport or spirit squad shall submit a report to the Executive Director of the Nevada Interscholastic Activities Association that includes information about whether the coach, manager or other person also coaches, manages or is otherwise associated with an out-of-school activity related to the same sanctioned sport or spirit squad at the school. The report must include, for the immediately preceding school year:*

(a) The name of the person;

(b) The number of pupils who:

(1) *Are members of a team that participates in a sanctioned sport or spirit squad at the school and is coached or managed by the person, or with whom the person is otherwise associated; and*

(2) *Participate in an out-of-school activity related to the sanctioned sport or spirit squad that is coached or managed by the person, or with whom the person is otherwise associated;*

(c) *The number of pupils who:*

(1) *Tried out for a team that participates in a sanctioned sport or spirit squad at the school and is coached or managed by the person, or with whom the person is otherwise associated;*

(2) *Were not accepted as a member of that team or spirit squad; and*

(3) *Do not participate in an out-of-school activity related to the sanctioned sport or spirit squad that is coached or managed by the person, or with whom the person is otherwise associated;*

(d) *The number of pupils who:*

(1) *Tried out for a team that participates in a sanctioned sport or spirit squad at the school and is coached or managed by the person, or with whom the person is otherwise associated;*

(2) *Were accepted as a member of that team or spirit squad; and*

(3) *Do not participate in an out-of-school activity related to the sanctioned sport or spirit squad that is coached or managed by the person, or with whom the person is otherwise associated;*

(e) *The percentage of pupils on a team that participates in a sanctioned sport or spirit squad at the school that is coached or managed by the person, or with whom the person is otherwise associated, who also participate in an out-of-school activity that is coached or managed by the person, or with whom the person is otherwise associated; and*

(f) *Any other information required by the Nevada Interscholastic Activities Association to ensure compliance with subsection 1 of section 3 of this act.*

2. *If the Nevada Interscholastic Activities Association requires the use of an electronic system for the registration of pupils to participate in a sanctioned sport or spirit squad or coaches, managers or other persons who are associated with a sanctioned sport or spirit squad, the Nevada Interscholastic Activities Association must provide for the submission of the report required pursuant to subsection 1 and the provision of notice pursuant to section 5 of this act through the electronic system.*

3. *As used in this section, "spirit squad" includes, without limitation, any cheer, student, dance, drill, pom or mascot group of a school that is authorized to participate in interscholastic activities or events pursuant to NRS 385B.065.*

Sec. 5. 1. *Before a pupil participates in a sanctioned sport or other interscholastic activity or event at a school, and annually thereafter, the coach, manager or director of the sanctioned sport or other interscholastic activity or event shall notify each participating pupil and his or her parent or legal guardian of the rights of the pupil while the pupil is participating in the*

sanctioned sport or other interscholastic activity or event, including, where applicable, that a person may not:

(a) *Compel the participation of the pupil in an out-of-school activity; and*
 (b) *Condition qualification for a team or acceptance of the pupil as a member of a team that participates in a sanctioned sport or spirit squad at the school on participation of the pupil in an out-of-school activity.*

2. *The Nevada Interscholastic Activities Association shall prescribe the form and contents of the notice required to be provided to a pupil pursuant to subsection 1.*

3. *As used in this section, "spirit squad" includes, without limitation, any cheer, student, dance, drill, pom or mascot group of a school that is authorized to participate in interscholastic activities or events pursuant to NRS 385B.065.*

Sec. 6. NRS 385B.010 is hereby amended to read as follows:

385B.010 As used in this chapter, unless the context otherwise requires, the words and terms defined in NRS 385B.015 to 385B.045, inclusive, *and section 2 of this act* have the meanings ascribed to them in those sections.

Sec. 7. 1. A pupil who was enrolled in grade 9, 10, 11 or 12 in a school, as defined in NRS 385B.040, at any time between March 12, 2020, and May 19, 2022, is eligible to participate in any sanctioned sport, spirit squad or other interscholastic activity for which the rules governing eligibility are established by the Nevada Interscholastic Activities Association or the board of trustees of a school district for at least 10 consecutive semesters and 5 seasons if the pupil ~~otherwise~~:

(a) *Has not completed the credits required to graduate and receive a high school diploma; and*

(b) *Otherwise* meets the eligibility criteria established for the sanctioned sport, spirit squad or activity.

2. As used in this section:

(a) "Sanctioned sport" has the meaning ascribed to it in NRS 385B.030.

(b) "Spirit squad" has the meaning ascribed to it in section 4 of this act.

Sec. 8. 1. This section becomes effective on passage and approval.

2. Section 7 of this act becomes effective on July 1, 2023.

3. 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 January 1, 2024, for all other purposes.

Senator Lange moved that the Senate not concur in Assembly Amendment No. 602 to Senate Bill No. 196.

Motion carried.

Bill ordered transmitted to the Assembly.

Senate Bill No. 283.

The following Assembly amendment was read:

Amendment No. 681.

SUMMARY—Revises certain provisions relating to health care records. (BDR 54-555)

AN ACT relating to health care; requiring ~~[certain persons and entities]~~ a custodian of health care records to furnish health care records electronically under certain circumstances; prohibiting ~~[such persons and entities]~~ a custodian of health care records from charging a fee that exceeds a certain amount to furnish health care records electronically if the health care records are maintained electronically; authorizing a person to disclose the genetic information of another person in accordance with certain federal law; requiring an insurer, third-party administrator or employer to furnish health care records in certain circumstances; prescribing the maximum amount of any fee charged to furnish health care records in those circumstances; and providing other matters properly relating thereto.

Legislative Counsel's Digest:

Existing law requires each custodian of health care records to make health care records available for inspection by a patient, certain representatives of a patient and certain government officials. (NRS 629.061) Upon request of such a person, section 1 of this bill requires a custodian of health care records to electronically transmit the health care records to the person or, if the patient has provided written authorization for records to be furnished to another person or entity, to that person or entity.

Existing law authorizes a custodian of health care records to charge certain fees for furnishing a copy of health care records. (NRS 629.061) Section 1 : (1) generally prohibits a custodian of health care records from charging a fee that exceeds ~~[\$15]~~ \$40 or other amounts prescribed by existing law for furnishing a copy of health care records electronically if the custodian of health care records maintains such health care records electronically ~~[f]~~ ; and (2) authorizes a custodian of health care records, other than the health care records of a state or local governmental entity, to charge certain additional fees in certain circumstances. Section 2 of this bill makes a conforming change to indicate the proper placement of section 1 in the Nevada Revised Statutes.

Existing law prohibits a person from disclosing or compelling a person to disclose the identity of a person who was the subject of a genetic test or any genetic information of another person, with certain exceptions, without first obtaining the informed consent of that person or his or her legal guardian. (NRS 629.171) Section 1.5 of this bill adds an exception to this prohibition to authorize a person to disclose such information as permitted by the Health Insurance Portability and Accountability Act of 1996, Public Law 104-191.

Existing law provides for the payment of compensation to employees who are injured or disabled as a result of an occupational injury or disease. (Chapters 616A-616D and 617 of NRS) Existing law entitles any injured employee or a person who has been authorized by the injured employee to information from the records of an insurer or employer to the extent necessary for the proper presentation of such a claim. (NRS 616B.012) Existing regulations: (1) prescribe a process for an injured employee or person who has

been authorized by the injured employee to request such information from the records of an insurer or employer; and (2) prohibit an insurer or employer from charging a fee that is more than 30 cents per page when providing the requested information. (NAC 616B.008)

Upon receiving such a request for health care records, ~~[that asks for the records to be furnished electronically,]~~ section 3 of this bill requires an insurer, third-party administrator or employer to ~~[electronically transmit]~~ furnish any health care records to the injured employee or his or her legal representative. Section 3 authorizes an insurer, third-party administrator or employer to electronically transmit such health care records using a method of secure electronic transmission. Section 3 ~~[prohibits an insurer, third-party administrator or employer from charging a fee that exceeds \$15 for furnishing a copy of the health care records electronically if the insurer, third party administrator or employer maintains such health care records electronically.]~~ prescribes the maximum amounts of fees for furnishing health care records in response to such a request, which depend on whether the records are furnished by electronic mail, through a secure electronic method of file sharing or in a nonelectronic format. Section 4 of this bill makes a conforming change to clarify that section 3 provides an exception to the general requirement that information obtained from an insurer or employer remain confidential.

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

Section 1. Chapter 629 of NRS is hereby amended by adding thereto a new section to read as follows:

1. *If a person who is authorized to request a copy of health care records of a patient pursuant to NRS 629.061 requests that a copy of such records be furnished electronically, the custodian of health care records must electronically transmit a copy of the requested records to the person or, if the patient has provided written authorization for records to be furnished to another person or entity, to that person or entity. Such records must be furnished in an electronic format using a method of secure electronic transmission that complies with applicable federal and state law.*

2. ~~[[If]]~~ Except as otherwise provided in subsections 3 and 4, if a custodian of health care records maintains health care records electronically, any fee to furnish those records electronically pursuant to subsection 1 must not exceed ~~[\$15]~~ \$40 or the amount per page prescribed by NRS 629.061, whichever is less.

3. If the total amount of the fee chargeable pursuant to subsection 2 for the furnishing of health care records electronically is less than \$5, a custodian of health care records, other than a custodian of the health care records of a state or local governmental entity, may charge a fee of \$5 for the furnishing of those health care records.

4. A custodian of health care records, other than a custodian of the health care records of a state or local governmental entity, may charge the following

fees to furnish health care records electronically, in addition to the total amount of the fee charged pursuant to subsection 2 or 3:

(a) A fee of \$5 for written confirmation that no health care records were found.

(b) A fee of \$5 for furnishing a copy of a certificate of the custodian of health care records.

(c) A fee of \$20 for a copy of a printed film sheet.

(d) A fee of \$25 for furnishing a copy of radiologic images in any form other than a printed film sheet.

~~3.7~~ 5. As used in this section, "secure" :

(a) "Custodian of health care records" has the meaning ascribed to it in NRS 629.016 and additionally includes a covered entity or business associate, as those terms are defined in 45 C.F.R. § 160.103.

(b) "Health care records" has the meaning ascribed to it in NRS 629.021 and additionally includes individually identifiable health information, as defined in 45 C.F.R. § 160.103.

(c) "Secure electronic transmission" means the sending of information from one computer system to another computer system in such a manner as to ensure that:

~~1(a)~~ (1) No person other than the intended recipient receives the information;

~~1(b)~~ (2) The identity and signature of the sender of the information can be authenticated; and

~~1(c)~~ (3) The information which is received by the intended recipient is identical to the information that was sent.

Sec. 1.5. NRS 629.171 is hereby amended to read as follows:

629.171 It is unlawful to disclose or to compel a person to disclose the identity of a person who was the subject of a genetic test or to disclose genetic information of that person in a manner that allows identification of the person, without first obtaining the informed consent of that person or his or her legal guardian pursuant to NRS 629.181, unless the information is disclosed:

1. To conduct a criminal investigation, an investigation concerning the death of a person or a criminal or juvenile proceeding;

2. To determine the parentage or identity of a person pursuant to NRS 56.020;

3. To determine the paternity of a person pursuant to NRS 126.121 or 425.384;

4. Pursuant to an order of a court of competent jurisdiction;

5. By a physician and is the genetic information of a deceased person that will assist in the medical diagnosis of persons related to the deceased person by blood;

6. To a federal, state, county or city law enforcement agency to establish the identity of a person or dead human body;

7. To determine the presence of certain preventable or inheritable disorders in an infant pursuant to NRS 442.008 or a provision of federal law;

8. To carry out the provisions of NRS 442.300 to 442.330, inclusive; ~~for~~

9. By an agency of criminal justice pursuant to NRS 179A.075 ~~for~~; or

10. As permitted by the Health Insurance Portability and Accountability Act of 1996, Public Law 104-191, and the regulations adopted pursuant thereto.

Sec. 2. NRS 641.2291 is hereby amended to read as follows:

641.2291 1. A program of education for mental health professionals approved by the Board, a mental health professional or a person receiving training for mental health professionals is not required to retain a recording of the provision of mental health services by a psychologist to a patient that meets the requirements of subsection 2 if:

(a) The recording is used for a training activity that is part of a program of education for mental health professionals approved by the Board;

(b) The patient has provided informed consent in writing on a form that meets the requirements prescribed by the Board pursuant to subsection 3 to the use of the recording in the training activity;

(c) Destroying the recording does not result in noncompliance with the obligations described in subsection 4; and

(d) The recording is destroyed after the expiration of the period of time prescribed by the Board pursuant to paragraph (b) of subsection 3.

2. A recording of the provision of mental health services by a psychologist to a patient used for the purpose described in paragraph (a) of subsection 1:

(a) Must meet all requirements of the Health Insurance Portability and Accountability Act of 1996, Public Law 104-191, and any regulations adopted pursuant thereto, that are designed to prevent the reproduction, copying or theft of the recording; and

(b) Must not contain any personally identifiable information relating to the patient unless the patient has provided informed consent in writing specifically authorizing the inclusion of that information in the recording.

3. The Board shall adopt regulations:

(a) Prescribing requirements governing the provision of informed written consent pursuant to paragraph (b) of subsection 1, including, without limitation, requirements governing:

(1) The form on which such informed written consent must be provided; and

(2) The length of time that a psychologist who obtains such informed written consent must maintain the informed written consent;

(b) Prescribing the length of time that a program of education for mental health professionals, a mental health professional or a person receiving training for mental health professionals that uses a recording of the provision of mental health services by a psychologist to a patient for the purposes described in paragraph (a) of subsection 1 may retain the recording before destroying it; and

(c) Defining "training activity" for the purposes of this section.

4. The provisions of this section do not abrogate, alter or otherwise affect the obligation of a psychologist to comply with the applicable requirements of chapter 629 of NRS, including, without limitation, the requirement to retain records concerning the mental health services that he or she provides to patients in accordance with NRS 629.051 to 629.069, inclusive ~~[-]~~ , and section 1 of this act.

5. Except where necessary for compliance with subsection 4, a recording of the provision of mental health services by a psychologist to a patient that is used for a training activity by a program of education for mental health professionals, a mental health professional or a person receiving training for mental health professionals in accordance with the provisions of this section is not a health care record for the purposes of chapter 629 of NRS.

6. As used in this section, "mental health professional" means a psychologist, a marriage and family therapist, a clinical professional counselor, a social worker, a master social worker, an independent social worker, a clinical social worker, a clinical alcohol and drug counselor, an alcohol and drug counselor or problem gambling counselor.

Sec. 3. Chapter 616B of NRS is hereby amended by adding thereto a new section to read as follows:

1. *If an injured employee or his or her legal representative requests health care records ~~electronically~~ from an insurer, third-party administrator or employer pursuant to subsection ~~4~~ 2 of NRS 616B.012, any other provision of chapters 616A to 616D, inclusive, or chapter 617 of NRS or any regulation adopted pursuant thereto, the insurer, third-party administrator or employer shall ~~electronically transmit~~ furnish a copy of the requested records to the injured employee or legal representative. Such records ~~must~~ may be furnished in an electronic format using a method of secure electronic transmission that complies with applicable federal and state law.*

2. *If an insurer, third-party administrator or employer maintains health care records electronically, any fee to furnish those records ~~electronically~~ in an electronic format pursuant to subsection 1 must not exceed ~~\$15~~ :*

(a) Fifteen dollars for records able to be delivered by electronic mail; or
(b) Twenty-five dollars for records required to be delivered using a secure electronic method of file sharing.

3. *Any fee to furnish health care records in a form that is not electronic pursuant to subsection 1 must not exceed 30 cents per page.*

4. *As used in this section:*

(a) "Health care records" has the meaning ascribed to it in NRS 629.021 ~~[-]~~ and additionally includes individually identifiable health information, as defined in 45 C.F.R. § 160.103.

(b) "Secure electronic transmission" has the meaning ascribed to it in section 1 of this act.

Sec. 4. NRS 616B.012 is hereby amended to read as follows:

616B.012 1. Except as otherwise provided in this section and NRS 239.0115, 607.217, 616B.015, 616B.021 and 616C.205, and section 3 of

this act, information obtained from any insurer, employer or employee is confidential and may not be disclosed or be open to public inspection in any manner which would reveal the person's identity.

2. Any claimant or legal representative of the claimant is entitled to information from the records of the insurer, to the extent necessary for the proper presentation of a claim in any proceeding under chapters 616A to 616D, inclusive, or chapter 617 of NRS.

3. The Division and Administrator are entitled to information from the records of the insurer which is necessary for the performance of their duties. The Administrator may, by regulation, prescribe the manner in which otherwise confidential information may be made available to:

(a) Any agency of this or any other state charged with the administration or enforcement of laws relating to industrial insurance, unemployment compensation, public assistance or labor law and industrial relations;

(b) Any state or local agency for the enforcement of child support;

(c) The Internal Revenue Service of the Department of the Treasury;

(d) The Department of Taxation; and

(e) The State Contractors' Board in the performance of its duties to enforce the provisions of chapter 624 of NRS.

➔ Information obtained in connection with the administration of a program of industrial insurance may be made available to persons or agencies for purposes appropriate to the operation of a program of industrial insurance.

4. Upon written request made by a public officer of a local government, an insurer shall furnish from its records the name, address and place of employment of any person listed in its records. The request must set forth the social security number of the person about whom the request is made and contain a statement signed by proper authority of the local government certifying that the request is made to allow the proper authority to enforce a law to recover a debt or obligation owed to the local government. Except as otherwise provided in NRS 239.0115, the information obtained by the local government is confidential and may not be used or disclosed for any purpose other than the collection of a debt or obligation owed to the local government. The insurer may charge a reasonable fee for the cost of providing the requested information.

5. To further a current criminal investigation, the chief executive officer of any law enforcement agency of this State may submit to the Administrator a written request for the name, address and place of employment of any person listed in the records of an insurer. The request must set forth the social security number of the person about whom the request is made and contain a statement signed by the chief executive officer certifying that the request is made to further a criminal investigation currently being conducted by the agency. Upon receipt of a request, the Administrator shall instruct the insurer to furnish the information requested. Upon receipt of such an instruction, the insurer shall furnish the information requested. The insurer may charge a reasonable fee to cover any related administrative expenses.

6. Upon request by the Department of Taxation, the Administrator shall provide:

(a) Lists containing the names and addresses of employers; and

(b) Other information concerning employers collected and maintained by the Administrator or the Division to carry out the purposes of chapters 616A to 616D, inclusive, or chapter 617 of NRS,

➔ to the Department for its use in verifying returns for the taxes imposed pursuant to chapters 363A, 363B, 363C and 363D of NRS. The Administrator may charge a reasonable fee to cover any related administrative expenses.

7. Any person who, in violation of this section, discloses information obtained from files of claimants or policyholders or obtains a list of claimants or policyholders under chapters 616A to 616D, inclusive, or chapter 617 of NRS and uses or permits the use of the list for any political purposes, is guilty of a gross misdemeanor.

8. All letters, reports or communications of any kind, oral or written, from the insurer, or any of its agents, representatives or employees are privileged and must not be the subject matter or basis for any lawsuit if the letter, report or communication is written, sent, delivered or prepared pursuant to the requirements of chapters 616A to 616D, inclusive, or chapter 617 of NRS.

9. The provisions of this section do not prohibit the Administrator or the Division from:

(a) Disclosing any nonproprietary information relating to an uninsured employer or proof of industrial insurance; or

(b) Notifying an injured employee or the surviving spouse or dependent of an injured employee of benefits to which such persons may be entitled in addition to those provided pursuant to the provisions of chapters 616A to 616D, inclusive, or chapter 617 of NRS but only if:

(1) The notification is solely for the purpose of informing the recipient of benefits that are available to the recipient; and

(2) The content of the notification is limited to information concerning services which are offered by nonprofit entities.

Sec. 5. The provisions of NRS 354.599 do not apply to any additional expenses of a local government that are related to the provisions of this act.

Senator Spearman moved that the Senate not concur in Assembly Amendment No. 681 to Senate Bill No. 283.

Motion carried.

Bill ordered transmitted to the Assembly.

Senate Bill No. 334.

The following Assembly amendment was read:

Amendment No. 596.

SUMMARY—Revises provisions relating to energy storage systems that are used to meet certain biennial energy storage targets. (BDR 58-30)

AN ACT relating to energy; authorizing an energy storage system that retains, stores and delivers energy through a system that uses only green

hydrogen for the purposes of meeting certain biennial storage targets; and providing other matters properly relating thereto.

Legislative Counsel's Digest:

Existing law requires the Public Utilities Commission of Nevada to establish by regulation biennial targets for the procurement of energy storage systems by an electric utility which has had a gross annual operating revenue of \$250,000,000 or more in this State if the Commission determines such targets to be in the public interest. (NRS 704.187, 704.792, 704.796) Existing regulations establish such targets, with a target for the procurement of energy storage systems with a cumulative capacity of 1,000 megawatts by December 31, 2030. (LCB File No. R106-19) Under existing law, to qualify as an energy storage system for the purpose of meeting the biennial targets, an energy storage system is required to be commercially available technology that is capable of retaining, storing and delivering energy after storage by chemical, thermal or mechanical means. (NRS 704.793) Section 2.8 of this bill authorizes technology that retains, stores and delivers energy through hydrogen storage and use systems that only use green hydrogen to be used to meet the existing biennial energy storage targets. Section 2.4 of this bill defines the term "green hydrogen" as hydrogen produced through a certain process that is completely powered by hourly-matched, geographically deliverable renewable energy ~~that is new or otherwise would have been curtailed~~. Section 2.6 of this bill makes a conforming change to make this definition applicable to existing law governing biennial energy storage targets.

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. 2.4. Chapter 704 of NRS is hereby amended by adding thereto a new section to read as follows:

"Green hydrogen" means hydrogen that is produced by splitting water molecules into hydrogen and oxygen through an electrolysis process that is completely powered by hourly-matched, geographically deliverable renewable energy ~~that is new or otherwise would have been curtailed~~.

Sec. 2.6. NRS 704.791 is hereby amended to read as follows:

704.791 As used in NRS 704.791 to 704.797, inclusive, *and section 2.4 of this act*, unless the context otherwise requires, the words and terms defined in NRS 704.792, 704.793 and 704.794 *and section 2.4 of this act* have the meanings ascribed to them in those sections.

Sec. 2.8. NRS 704.793 is hereby amended to read as follows:

704.793 "Energy storage system" means commercially available technology that is capable of retaining energy, storing the energy for a period of time and delivering the energy after storage, including, without limitation, by chemical, thermal or mechanical means ~~that is new or otherwise would have been curtailed~~ *or through a hydrogen storage and use system that only uses green hydrogen*.

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

Senator Harris moved that the Senate not concur in Assembly Amendment No. 596 to Senate Bill No. 334.

Motion carried.

Bill ordered transmitted to the Assembly.

Senate Bill No. 370

The following Assembly amendments were read:

Amendment No. 679.

SUMMARY—Revises provisions relating to the protection of consumer information. (BDR 52-42)

AN ACT relating to data privacy; requiring certain entities to develop, maintain and make available on the Internet a policy concerning the privacy of consumer health data; prohibiting such an entity from collecting or sharing consumer health data without the affirmative, voluntary consent of a consumer in certain circumstances; requiring such an entity to perform certain actions upon the request of a consumer; requiring such an entity to establish a process to appeal the denial of such a request; requiring such an entity to take certain actions to protect the security of consumer health data; limiting the circumstances under which a processor is authorized to process consumer health data; requiring a processor to assist certain entities in complying with certain requirements; prohibiting a person from selling or offering to sell consumer health data under certain circumstances; prohibiting the implementation of a geofence under certain circumstances; prohibiting discrimination against a consumer for certain reasons; authorizing certain civil enforcement; requiring certain persons to develop, maintain and make publicly available a policy concerning the storage and retention of biometric identifiers; establishing requirements governing storing, transmitting, protecting, collecting and sharing biometric identifiers; prohibiting the sale of a biometric identifier; providing penalties; and providing other matters properly relating thereto.

Legislative Counsel's Digest:

Existing federal law and regulations contain various protections for health information maintained or used: (1) by a person or entity that provides health care, an insurer or a business associate of a person or entity that provides health care or an insurer; or (2) for scientific research. (42 U.S.C. §§ 11101 et seq.; Pub. L. No. 104-191, 100 Stat. 2548; 21 C.F.R. Parts 46, 50 and 56, 42 C.F.R. Parts 2 and 3, 45 C.F.R. Parts 160 and 164) Sections 2-34 of this bill prescribe various protections for consumer health data that is maintained and used by other persons and nongovernmental entities and for other purposes. Section 7 of this bill defines the term "consumer" to mean a natural person who has requested a product or service from a regulated entity and who resides in this State or whose consumer health data is collected in this State, except for a natural person acting in an employment context or as an agent of a governmental entity. Section 8 of this bill defines the term "consumer health data" to mean personally identifiable information that is linked or reasonably

capable of being linked to a consumer and is used by a regulated entity to identify the health status of the consumer. Section 15 of this bill defines the term "regulated entity" to refer to a person who: (1) conducts business in this State or produces or provides products or services that are targeted to consumers in this State; and (2) determines the purpose and means of processing, sharing or selling consumer health data. Sections 3-6, 9-11, ~~12-14~~, 12.5-14 and 16-19 of this bill define certain other terms. Section 20 of this bill provides that the provisions of sections 2-34 do not apply to certain persons, entities and data, including: (1) certain persons and entities whose collection and disclosure of data is specifically regulated by federal law; and (2) certain data that is collected or disclosed under certain provisions of federal law or regulations or state law.

Section 21 of this bill requires a regulated entity to develop, maintain and make available a policy concerning the privacy of consumer health data. Section 21 also prohibits a regulated entity from: (1) taking certain actions with regard to consumer health data that are inconsistent with the policy without the affirmative, voluntary consent of the consumer; or (2) entering into a contract for the processing of consumer health data that is inconsistent with the policy. Section 22 of this bill generally prohibits a regulated entity from collecting or sharing consumer health data without the affirmative, voluntary consent of the consumer to whom the data relates, except to the extent necessary to provide a product or service that the consumer has requested from the regulated entity. Section 22 of this bill prescribes certain requirements governing such consent.

Section 24 of this bill requires a regulated entity, upon the request of a consumer, to: (1) confirm whether the regulated entity is collecting, sharing or selling consumer health data concerning the consumer; (2) provide the consumer with a list of all third parties with whom the regulated entity has shared or to whom the regulated entity has sold consumer health data relating to the consumer; (3) cease collecting or sharing consumer health data relating to the consumer; or (4) delete consumer health data concerning the consumer. Section 24 also requires a regulated entity to establish a secure and reliable means of making such a request. Section 25 of this bill prescribes requirements governing the response to such a request, including a requirement that a regulated entity provide information in response to such a request free of charge in most circumstances. However, if a consumer submits more than two requests in a year and those requests are manifestly unfounded, excessive or repetitive, section 25 authorizes the regulated entity to charge a reasonable fee to provide such information. Section 26 of this bill prescribes requirements governing the time within which a regulated entity or an affiliate, processor or other third party with which a regulated entity has shared data must delete consumer health data in response to a request for such deletion. Section 27 of this bill requires a regulated entity to establish a process to appeal the refusal of the regulated entity to act on a request made pursuant to section 24.

Section 28 of this bill requires a regulated entity to limit access to and establish, implement and maintain policies and procedures to protect the security of consumer health data. Section 29 of this bill requires a processor who processes consumer health data on behalf of a regulated entity to only process such data in accordance with a written contract between the processor and the regulated entity. Section 29 also requires such a processor to assist the regulated entity in complying with the provisions of sections 2-34.

Section 30 of this bill prohibits a person from selling or offering to sell consumer health data without the written authorization of the consumer to whom the data pertains or beyond the scope of such authorization, with certain exceptions. Section 30 also prohibits a person from conditioning the provision of goods or services on a consumer providing such authorization. Section 30 requires a person who sells consumer health data to: (1) establish a means by which a consumer may revoke such written authorization; and (2) provide a copy of such written authorization to the consumer and purchaser. Section 30 also requires both a seller and a purchaser of consumer health data to maintain such written authorization for at least 6 years after the expiration of the written authorization. Section 17 of this bill exempts certain activity from the definition of the term "sell," thereby exempting such activity from the requirements of section 30.

Section 31 of this bill prohibits a person from implementing a geofence within 1,750 feet of any person or entity that provides in-person health care services or products for certain purposes. Section 33 of this bill prohibits a regulated entity from discriminating against a consumer for taking any action authorized by sections 2-34 or to enforce those provisions.

Sections 34.1-34.9 of this bill establish provisions for the protection of biometric identifiers. Section 34.1 of this bill sets forth certain legislative findings concerning biometric identifiers. Section 34.3 of this bill defines "biometric identifier" to mean biometric data relating to the ~~face,~~ faceprint, fingerprint or iris of a specific natural person, ~~that uniquely identifies that specific natural person.~~ Sections 34.35-34.45 of this bill define certain other terms. Section 34.5 of this bill provides that the provisions of sections 34.1-34.9 do not apply to: (1) certain entities whose collection and sharing of data is specifically regulated by federal law; (2) photographs collected, possessed or shared for purposes other than verifying the identity of a person; (3) information collected, possessed or shared for certain medical or scientific purposes; (4) governmental or tribal entities; ~~for~~ (5) a person who is in the business of manufacturing or selling automobiles; ~~or~~ ; (6) certain persons in the gaming industry; (7) law enforcement; or (8) with certain exceptions, biometric identifiers collected for certain purposes relating to security. Section 34.6 of this bill authorizes the provision of information or consent under sections 34.1-34.9 electronically. Section 34.7 of this bill requires a person who possesses a biometric identifier of another to develop, maintain and comply with a publicly available written policy setting forth a schedule for the retention and destruction of biometric identifiers. Section 34.7

also establishes requirements governing the storage, transmittal and protection of biometric identifiers. Section 34.8 of this bill prescribes requirements governing collecting and sharing biometric identifiers. Section 34.8 also prohibits the sale of biometric identifiers.

Existing law provides that a variety of actions constitute deceptive trade practices. (NRS 118A.275, 205.377, 228.620, 370.695, 597.997, 603.170, 604B.910, 676A.770; chapter 598 of NRS) Existing law authorizes a court to impose a civil penalty of not more than \$12,500 for each violation upon a person whom the court finds has engaged in a deceptive trade practice directed toward an elderly person or a person with a disability. (NRS 598.0973) Additionally, existing law authorizes a court to make such additional orders or judgments as may be necessary to restore to any person in interest any money or property which may have been acquired by means of any deceptive trade practice. (NRS 598.0993) In addition to these enforcement mechanisms, existing law provides that when the Commissioner of Consumer Affairs or the Director of the Department of Business and Industry has cause to believe that a person has engaged or is engaging in any deceptive trade practice, the Commissioner or Director may request that the Attorney General represent him or her in instituting an appropriate legal proceeding, including an application for an injunction or temporary restraining order. (NRS 598.0979) Existing law provides that if a person violates a court order or injunction resulting from a complaint brought by the Commissioner, the Director, the district attorney of any county of this State or the Attorney General, the person is required to pay a civil penalty of not more than \$10,000 for each violation. Furthermore, if a court finds that a person has willfully engaged in a deceptive trade practice, the person who committed the violation: (1) may be required to pay an additional civil penalty not more than \$5,000 for each violation; and (2) is guilty of a felony or misdemeanor, depending on the value of the property or services lost as a result of the deceptive trade practice. (NRS 598.0999) With certain exceptions, sections 34 and 34.9 of this bill provide that a person who violates any provision of sections 2-34.9 of this bill is guilty of a deceptive trade practice. Sections 1, 34 and 34.9 of this bill provide that a person injured by such a violation does not have a private right of action. Sections 34 and 34.9 additionally provide that the provisions of sections 2-34.9 must not be construed to affect any other provision of law.

Section 35 of this bill exempts consumer health data and biometric identifiers from provisions of existing law governing information collected on the Internet from consumers because those provisions are less stringent than the provisions of sections 2-34.9.

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

Section 1. NRS 598.0977 is hereby amended to read as follows:

598.0977 ~~HH~~ *Except as otherwise provided in sections 34 and 34.9 of this act*, an elderly person or a person with a disability suffers damage or injury as a result of a deceptive trade practice, he or she or his or her legal representative,

if any, may commence a civil action against any person who engaged in the practice to recover the actual damages suffered by the elderly person or person with a disability, punitive damages, if appropriate, and reasonable attorney's fees. The collection of any restitution awarded pursuant to this section has a priority over the collection of any civil penalty imposed pursuant to NRS 598.0973.

Sec. 1.5. Chapter 603A of NRS is hereby amended by adding thereto the provisions set forth as sections 2 to 34.9, inclusive, of this act.

Sec. 2. *As used in sections 2 to 34, inclusive, of this act, unless the context otherwise requires, the words and terms defined in sections 3 to 19, inclusive, of this act have the meanings ascribed to them in those sections.*

Sec. 3. *"Affiliate" means an entity that shares common branding with another entity and controls, is controlled by or is under common control with the other entity. For the purposes of this section, an entity shall be deemed to control another entity if the entity:*

1. *Owns or has the power to vote at least half of the outstanding shares of any class of voting security in the other entity;*

2. *Controls in any manner the election of a majority of the directors or persons exercising similar functions to directors of the other entity; or*

3. *Has the power to exercise controlling influence over the management of the other entity.*

Sec. 4. *"Authenticate" means to ascertain the identity of the originator of an electronic or physical document and establish a link between the document and the originator.*

Sec. 5. *"Biometric data" means data which is generated from the measurement or technical processing of the physiological, biological or behavioral characteristics of a person and, alone or in combination with other data, is capable of being used to identify the person. The term includes, without limitation:*

1. *Imagery of the fingerprint, palm print, hand print, scar, bodily mark, tattoo, voiceprint, face, retina, iris or vein pattern of a person; and*

2. *Keystroke patterns or rhythms and gait patterns or rhythms that contain identifying information.*

Sec. 6. *"Collect" means to buy, rent, access, retain, receive, acquire, infer, derive or otherwise process consumer health data in any manner.*

Sec. 7. *"Consumer" means a natural person who has requested a product or service from a regulated entity and who resides in this State or whose consumer health data is collected in this State. The term does not include a natural person acting in an employment context or as an agent of a governmental entity.*

Sec. 8. *"Consumer health data" means personally identifiable information that is linked or reasonably capable of being linked to a consumer and that a regulated entity uses to identify the past, present or future health status of the consumer. The term:*

1. *Includes, without limitation:*

(a) Information relating to:

- (1) Any health condition or status, disease or diagnosis;
- (2) Social, psychological, behavioral or medical interventions;
- (3) Surgeries or other health-related procedures;
- (4) The use or acquisition of medication;
- (5) Bodily functions, vital signs or symptoms;
- (6) Reproductive or sexual health care; and
- (7) Gender-affirming care;

(b) Biometric data or genetic data related to information described in paragraph (a);

(c) Information related to the precise ~~(location)~~ geolocation information of a consumer ~~(within a radius of 1,750 feet)~~ that a regulated entity uses to indicate an attempt by a consumer to receive health care services or products; and

(d) Any information described in paragraph (a), (b) or (c) that is derived or extrapolated from information that is not consumer health data, including, without limitation, proxy, derivative, inferred or emergent data derived through an algorithm, machine learning or any other means.

2. Does not include information that is used to provide access to or enable gameplay by a person on a video game platform.

Sec. 9. "Gender-affirming care" means health services or products that support and affirm the gender identity of a person, including, without limitation:

1. Treatments for gender dysphoria;
2. Gender-affirming hormone therapy; and
3. Gender-affirming surgery.

Sec. 10. "Genetic data" means any data that concerns the genetic characteristics of a person. The term includes, without limitation:

1. Data directly resulting from the sequencing of all or a portion of the deoxyribonucleic acid of a person;
2. Genotypic and phenotypic information that results from analyzing the information described in subsection 1; and
3. Data concerning the health of a person that is analyzed in connection with the information described in subsection 1.

Sec. 11. "Health care services or products" means any service or product provided to a person to assess, measure, improve or learn about the health of a person. The term includes, without limitation:

1. Services relating to any health condition or status, disease or diagnosis;
2. Social, psychological, behavioral or medical interventions;
3. Surgeries or other health-related procedures;
4. Medication or services related to the use or acquisition of medication;

or

5. Monitoring or measurement related to bodily functions, vital signs or symptoms.

Sec. 12. (Deleted by amendment.)

Sec. 12.5. "Precise geolocation information" means information derived from technology, including, without limitation, latitude and longitude coordinates at the level of detail typically provided by a global positioning system, that directly identifies the specific location of a natural person with precision and accuracy within a radius of 1,750 feet. The term does not include:

1. The content of any communication; or
2. Any data generated by or connected to advanced metering infrastructure for utilities or other equipment used by a utility.

Sec. 13. "Process" means any operation or set of operations performed on consumer health data.

Sec. 14. "Processor" means a person who processes consumer health data on behalf of a regulated entity.

Sec. 15. "Regulated entity" means any person who:

1. Conducts business in this State or produces or provides products or services that are targeted to consumers in this State; and
2. Alone or with other persons, determines the purpose and means of processing, sharing or selling consumer health data.

Sec. 16. "Reproductive or sexual health care" means health care services or products that support or relate to the reproductive system or sexual well-being of a person. The term includes, without limitation, abortion, the provision of medication to induce an abortion and any medical or nonmedical services associated with an abortion.

Sec. 17. "Sell" means to exchange consumer health data for money or other valuable consideration. The term does not include the exchange of consumer health data for money or other valuable consideration:

1. With a processor in a manner consistent with the purpose for which the consumer health data was collected, as disclosed to the consumer to whom the consumer health data pertains pursuant to section 22 of this act.
2. With a third party as an asset that is part of a merger, acquisition, bankruptcy or other transaction through which the third party assumes control of all or part of the assets of the regulated entity.
3. With a third party for the purpose of providing a product or service requested by the consumer to whom the consumer health data pertains.
4. With an affiliate of the person who is providing or disclosing the consumer health data.
5. As directed by the consumer to whom the consumer health data pertains or where the consumer to whom the consumer health data pertains intentionally uses the person who is providing or disclosing the consumer health data to interact with the third party to whom the consumer health data is provided or disclosed.
6. Where the consumer has intentionally made the consumer health data available to the general public through mass media that was not restricted to a specific audience.

Sec. 18. "Share" means to release, disclose, disseminate, divulge, make available, provide access to, license or otherwise communicate consumer health data orally, in writing or by electronic or other means.

Sec. 19. "Third party" means a person who is not a consumer, regulated entity, processor or affiliate of a regulated entity.

Sec. 20. 1. The provisions of sections 2 to 34, inclusive, of this act do not apply to:

(a) Any person or entity that is subject to the Health Insurance Portability and Accountability Act of 1996, Public Law 104-191, and the regulations adopted pursuant thereto.

(b) A financial institution or an affiliate of a financial institution that is subject to the provisions of the Gramm-Leach-Bliley Act, 15 U.S.C. §§ 6801 et seq., or any personally identifiable information regulated by that Act which is collected, maintained or sold as provided in that Act.

(c) Patient identifying information, as defined in 42 C.F.R. § 2.11, that is collected, used or disclosed in accordance with 42 C.F.R. Part 2.

(d) Patient safety work product, as defined in 42 C.F.R. § 3.20, that is collected, used or disclosed in accordance with 42 C.F.R. Part 3.

(e) Identifiable private information, as defined in 45 C.F.R. § 46.102, that is collected, used or disclosed in accordance with 45 C.F.R. Part 46.

(f) Information used or shared as part of research conducted pursuant to 45 C.F.R. Part 46 or 21 C.F.R. Parts 50 and 56.

(g) Information used only for public health activities and purposes, as described in 45 C.F.R. § 164.512(b), regardless of whether such information is subject to the Health Insurance Portability and Accountability Act of 1996, Public Law 104-191, and the regulations adopted pursuant thereto.

(h) Personally identifiable information that is governed by and collected, used or disclosed pursuant to:

(1) Part C of Title XI of the Social Security Act, 42 U.S.C. §§ 1320d et seq.;

(2) The Fair Credit Reporting Act, 15 U.S.C. §§ 1681 et seq.; or

(3) The Family Educational Rights and Privacy Act of 1974, 20 U.S.C. § 1232g, and the regulations adopted pursuant thereto.

(i) Information and documents created for the purposes of compliance with the federal Health Care Quality Improvement Act of 1986, 42 U.S.C. §§ 11101 et seq., and any regulations adopted pursuant thereto.

(j) The collection or sharing of consumer health data where expressly authorized by any provision of federal or state law.

(k) ~~Any~~ Information processed by or for any governmental or tribal entity ~~for any person processing consumer health data on behalf of a governmental or tribal entity,~~ for civic or governmental purposes and operations or related services and operations.

(l) Any person who holds a nonrestricted license, as defined in NRS 463.0177, or an affiliate, as defined in NRS 463.0133, of such a person.

(m) Law enforcement agencies and law enforcement activities.

2. A third party that obtains consumer health data from a regulated entity through a merger, acquisition, bankruptcy or other transaction through which the third party assumes control of all or part of the assets of the regulated entity is deemed to assume all obligations of the regulated entity to comply with the provisions of sections 2 to 34, inclusive, of this act.

Sec. 21. 1. A regulated entity shall develop and maintain a policy concerning the privacy of consumer health data that clearly and conspicuously establishes:

(a) The categories of consumer health data being collected by the regulated entity and the manner in which the consumer health data will be used;

(b) The categories of sources from which consumer health data is collected;

(c) The categories of consumer health data that are shared by the regulated entity;

(d) The categories of third parties and affiliates with whom the regulated entity shares consumer health data;

(e) The purposes of collecting, using and sharing consumer health data;

(f) The manner in which consumer health data will be processed;

(g) The procedure for submitting a request pursuant to section 24 of this act;

(h) The process, if any such process exists, for a consumer to review and request changes to any of his or her consumer health data that is collected by the regulated entity;

(i) The process by which the regulated entity notifies consumers whose consumer health data is collected by the regulated entity of material changes to the privacy policy;

(j) Whether a third party may collect consumer health data over time and across different Internet websites or online services when the consumer uses any Internet website or online service of the regulated entity; and

(k) The effective date of the privacy policy.

2. A regulated entity shall post conspicuously on the main Internet website maintained by the regulated entity a hyperlink to the policy developed pursuant to subsection 1 or otherwise provide that policy to consumers in a manner that is clear and conspicuous.

3. A regulated entity shall not:

(a) Collect, use or share categories of consumer health data, other than those included in the privacy policy pursuant to paragraph (c) of subsection 1, without disclosing those additional categories to each consumer whose data will be collected, used or shared and obtaining the affirmative, voluntary consent of the consumer;

(b) Share consumer health data with a third party or affiliate, other than those included in the privacy policy pursuant to paragraph (d) of subsection 1, without disclosing those additional third parties or affiliates to each consumer whose data will be shared and obtaining the affirmative, voluntary consent of the consumer;

(c) Collect, use or share consumer health data for purposes other than those included in the privacy policy pursuant to paragraph (e) of subsection 1 without disclosing those additional purposes to each consumer whose data will be collected, used or shared and obtaining the affirmative, voluntary consent of the consumer; or

(d) Enter into a contract pursuant to section 29 of this act with a processor to process consumer health data that is inconsistent with the privacy policy.

Sec. 22. 1. A regulated entity shall not collect consumer health data except:

(a) With the affirmative, voluntary consent of the consumer; or

(b) To the extent necessary to provide a product or service that the consumer to whom the consumer health data relates has requested from the regulated entity.

2. A regulated entity shall not share consumer health data except:

(a) With the affirmative, voluntary consent of the consumer to whom the consumer health data relates, which must be separate and distinct from the consent provided pursuant to subsection 1 for the collection of the data;

(b) To the extent necessary to provide a product or service that the consumer to whom the consumer health data relates has requested from the regulated entity; or

(c) Where required or authorized by another provision of law.

3. Any consent required by this section must be obtained before the collection or sharing, as applicable, of consumer health data. The request for such consent must clearly and conspicuously disclose:

(a) The categories of consumer health data to be collected or shared, as applicable;

(b) The purpose for collecting or sharing, as applicable, the consumer health data including, without limitation, the manner in which the consumer health data will be used;

(c) If the consumer health data will be shared, the categories of persons and entities with whom the consumer health data will be shared; and

(d) The manner in which the consumer may withdraw consent for the collection or sharing, as applicable, of consumer health data relating to the consumer and request that the regulated entity cease such collection or sharing pursuant to section 24 of this act.

Sec. 23. (Deleted by amendment.)

Sec. 24. 1. Except as otherwise provided in section 25 of this act, upon the request of a consumer, a regulated entity shall:

(a) Confirm whether the regulated entity is collecting, sharing or selling consumer health data relating to the consumer.

(b) Provide the consumer with a list of all third parties with whom the regulated entity has shared consumer health data relating to the consumer or to whom the regulated entity has sold such consumer health data.

(c) Cease collecting, sharing or selling consumer health data relating to the consumer.

(d) Delete consumer health data concerning the consumer.

2. A regulated entity shall establish a secure and reliable means of making a request pursuant to this section. When establishing the means for making such a request, the regulated entity must consider:

(a) The need for the safe and reliable communication of such requests; and

(b) The ability of the regulated entity to authenticate the identity of the consumer making the request.

Sec. 25. 1. Except as otherwise provided in this section, a regulated entity shall respond to a request made pursuant to section 24 of this act without undue delay and not later than 45 days after authenticating the request. If reasonably necessary based on the complexity and number of requests from the same consumer, the regulated entity may extend the period prescribed by this section not more than an additional 45 days. A regulated entity that grants itself such an extension must, not later than 45 days after authenticating the request, provide the consumer with notice of the extension and the reasons therefor.

2. If a regulated entity is not able to authenticate a request made pursuant to section 24 of this act after making commercially reasonable efforts, the regulated entity:

(a) Is not required to comply with the request; and

(b) May request that the consumer provide such additional information as is reasonably necessary to authenticate the request.

3. A regulated entity:

(a) Shall provide information free of charge to a consumer in response to:

(1) Requests made pursuant to section 24 of this act at least twice each year; and

(2) Additional requests that are not manifestly unfounded, excessive or repetitive.

(b) Except as otherwise provided in paragraph (a), may charge a reasonable fee to provide information to a consumer in response to requests made pursuant to section 24 of this act that are manifestly unfounded, excessive or repetitive.

4. In any civil proceeding challenging the validity of a fee charged pursuant to paragraph (b) of subsection 3, the regulated entity has the burden of demonstrating by a preponderance of the evidence that the request to which the fee pertained was manifestly unfounded, excessive or repetitive.

Sec. 26. 1. Not later than 30 days after authenticating a request made pursuant to paragraph (d) of subsection 1 of section 24 of this act for the deletion of consumer health data, a regulated entity shall, except as otherwise provided in subsection 3:

(a) Delete all consumer health data described in the request from the records and network of the regulated entity; and

(b) Notify each affiliate, processor, contractor or other third party with which the regulated entity has shared consumer health data of the deletion request.

2. Not later than 30 days after receiving notification of a deletion request pursuant to paragraph (b) of subsection 1, an affiliate, processor, contractor or other third party shall, except as otherwise provided in subsection 3, delete the consumer health data described in the request from the records and network of the affiliate, processor, contractor or other third party.

3. If data described in a deletion request made pursuant to paragraph (d) of subsection 1 of section 24 of this act is stored or archived on backup systems, a regulated entity or an affiliate, processor, contractor or other third party may delay the deletion of the data for not more than ~~16 months~~ 2 years after the request is authenticated, as necessary to restore the archived or backup system.

Sec. 27. 1. A regulated entity shall establish a process by which a consumer may appeal the refusal of the regulated entity to act on a request made pursuant section 24 of this act. The process must be:

(a) Conspicuously available on the Internet website of the regulated entity; and

(b) Similar to the process for making a request pursuant to section 24 of this act.

2. Not later than 45 days after receiving an appeal pursuant to subsection 1, a regulated entity shall inform the consumer in writing of:

(a) Any action taken in response to the appeal or any decision not to take such action;

(b) The reasons for any such action or decision; and

(c) If the regulated entity decided not to take the action requested in the appeal, the contact information for the Office of the Attorney General.

Sec. 28. 1. A regulated entity shall only authorize the employees and processors of the regulated entity to access consumer health data where reasonably necessary to:

(a) Further the purpose for which the consumer consented to the collection or sharing of the consumer data pursuant to section 22 of this act; or

(b) Provide a product or service that the consumer to whom the consumer health data relates has requested from the regulated entity.

2. A regulated entity shall establish, implement and maintain policies and practices for the administrative, technical and physical security of consumer health data. The policies must:

(a) Satisfy the standard of care in the industry in which the regulated entity operates to protect the confidentiality, integrity and accessibility of consumer health data;

(b) Comply with the provisions of NRS 603A.010 to 603A.290, inclusive, where applicable; and

(c) Be reasonable, taking into account the volume and nature of the consumer health data at issue.

Sec. 29. 1. A processor shall only process consumer health data pursuant to a contract between the processor and a regulated entity. Such a contract must set forth the applicable processing instructions and the specific

actions that the processor is authorized to take with regard to the consumer health data it possesses on behalf of the regulated entity.

2. To the extent practicable, a processor shall assist the regulated entity with which the processor has entered into a contract pursuant to subsection 1 in complying with the provisions of sections 2 to 34, inclusive, of this act.

3. If a processor processes consumer health data outside the scope of a contract described in subsection 1 or in a manner inconsistent with any provision of such a contract, the processor:

(a) Is not guilty of a deceptive trade practice pursuant to section 34 of this act solely because the processor violated the requirements of this section; and

(b) Shall be deemed a regulated entity for the purposes of sections 2 to 34, inclusive, of this act, for actions and omissions with regard to such consumer health data.

Sec. 30. 1. A person shall not sell or offer to sell consumer health data:

(a) Without the written authorization of the consumer to whom the data pertains; or

(b) If the consumer provides such written authorization, in a manner that is outside the scope of or inconsistent with the written authorization.

2. A person shall not condition the provision of goods or services on a consumer authorizing the sale of consumer health data pursuant to subsection 1.

3. Written authorization pursuant to subsection 1 must be provided in a form written in plain language which includes, without limitation:

(a) The name and contact information of the person selling the consumer health data;

(b) A description of the specific consumer health data that the person intends to sell;

(c) The name and contact information of the person purchasing the consumer health data;

(d) A description of the purpose of the sale, including, without limitation, the manner in which the consumer health data will be gathered and the manner in which the person described in paragraph (c) intends to use the consumer health data;

(e) A statement of the provisions of subsection 2;

(f) A statement that the consumer may revoke the written authorization at any time and a description of the means established pursuant to subsection 4 for revoking the authorization;

(g) A statement that any consumer health data sold pursuant to the written authorization may be disclosed to additional persons and entities by the person described in paragraph (c) and, after such disclosure, is no longer subject to the protections of this section;

(h) The date on which the written authorization expires pursuant to subsection 5; and

(i) The signature of the consumer to which the consumer health data pertains.

4. A person who sells consumer health data shall establish a means by which a consumer may revoke a written authorization made pursuant to subsection 1.

5. Written authorization provided pursuant to subsection 1 expires 1 year after the date on which the authorization is given.

6. A written authorization provided pursuant to subsection 1 is not valid if the written authorization:

(a) Was a condition for the provision of goods or services to the consumer in violation of subsection 2;

(b) Does not comply with the requirements of subsection 3;

(c) Has been revoked pursuant to subsection 4; or

(d) Has expired pursuant to subsection 5.

7. A person who sells consumer health data shall provide a copy of the written authorization provided pursuant to subsection 1 to the consumer who signed the written authorization and the purchaser of the consumer health data.

8. A seller and purchaser of consumer health data shall each retain a copy of the written authorization provided pursuant to subsection 1 for at least 6 years after the date on which the written authorization expired pursuant to subsection 5.

9. The provisions of this section do not authorize the sale of a biometric identifier, as prohibited by subsection 3 of section 34.8 of this act.

Sec. 31. 1. A person shall not implement a geofence within 1,750 feet of any medical facility, facility for the dependent or any other person or entity that provides in-person health care services or products for the purpose of:

(a) Identifying or tracking consumers seeking in-person health care services or products;

(b) Collecting consumer health data; or

(c) Sending notifications, messages or advertisements to consumers related to their consumer health data or health care services or products.

2. As used in this section:

(a) "Facility for the dependent" has the meaning ascribed to it in NRS 449.0045.

(b) "Geofence" means technology that uses coordinates for global positioning, connectivity to cellular towers, cellular data, radio frequency identification, wireless Internet data or any other form of detecting the physical location of a person to establish a virtual boundary with a radius of 1,750 feet or less around a specific physical location.

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

Sec. 32. (Deleted by amendment.)

Sec. 33. A regulated entity shall not discriminate against a consumer for taking:

1. Any action authorized by sections 2 to 34, inclusive, of this act; or

2. Any action to enforce the provisions of sections 2 to 34, inclusive, of this act.

Sec. 34. 1. Except as otherwise provided in this section and section 29 of this act, a violation of sections 2 to 34, inclusive, of this act constitutes a deceptive trade practice for the purposes of NRS 598.0903 to 598.0999, inclusive.

2. The provisions of sections 2 to 34, inclusive, of this act:

- (a) Do not create a private right of action; and
- (b) Must not be construed to affect any other provision of law.

Sec. 34.1. The Legislature hereby finds and declares that:

1. The use of biometric identifiers to verify the identity of persons in personal and business settings is growing and is likely to streamline online transactions and the management of digital accounts, strengthen the security of identities and reduce the risk of cybersecurity issues and fraud for governmental entities, businesses and consumers.

2. Biometric identifiers are unlike other identifiers that are used to verify the identity of a person or access a digital account because biometric identifiers are unique to a person and are not capable of being changed if stolen.

3. Without ongoing measures to protect the security of biometric identifiers, persons are at a heightened risk of identity theft.

4. The public welfare, security and safety will be served by regulating the collection, use, security, handling, storage, retention and destruction of biometric identifiers.

Sec. 34.2. As used in sections 34.1 to 34.9, inclusive, of this act, unless the context otherwise requires, the words and terms defined in sections 34.3 to 34.45, inclusive, of this act have the meanings ascribed to them in those sections.

Sec. 34.3. "Biometric identifier" means biometric data relating to the ~~face,~~ faceprint, fingerprint or iris of a specific natural person ~~that~~ uniquely identifies that specific natural person. The term includes, without limitation, data from a photo identification document that contains the image of the face of a person with sufficient resolution that artificial intelligence or a machine learning algorithm is able to match the data with other biometric data to positively identify the person.

Sec. 34.35. "Collect" means to access, retain, receive, acquire, infer, derive or otherwise obtain a biometric identifier in any manner.

Sec. 34.4. "Share" means to release, disclose, disseminate, divulge, make available or provide access to a biometric identifier.

Sec. 34.45. "Subject" means the natural person to whom a biometric identifier relates.

Sec. 34.5. 1. The provisions of sections 34.1 to 34.9, inclusive, of this act do not apply to:

~~the~~ (a) Any person or entity that is subject to the provisions of the Health Insurance Portability and Accountability Act of 1996, Public Law 104-191, and the regulations adopted pursuant thereto.

~~2.7~~ (b) A financial institution or an affiliate of a financial institution that is subject to the provisions of the Gramm-Leach-Bliley Act, 15 U.S.C. §§ 6801 et seq., or any personally identifiable information regulated by that Act which is collected, maintained or sold as provided in that Act.

~~3.7~~ (c) Physical or digital photographs collected, possessed or shared for purposes not related to verifying the identity of the subject.

~~4.7~~ (d) Information collected, possessed or shared for a medical purpose or to validate scientific testing or screening.

~~5.7~~ (e) Any governmental or tribal entity or any person who collects, possesses or shares a biometric identifier on behalf of a governmental or tribal entity.

~~6.7~~ (f) Any person in the business of manufacturing or selling automobiles, when acting in that capacity.

(g) Any person who holds a nonrestricted license, as defined in NRS 463.0177, or an affiliate, as defined in NRS 463.0133, of such a person.

(h) Law enforcement agencies and law enforcement activities.

(i) Any communications entity or affiliate thereof that belongs to a critical infrastructure sector, as identified in Presidential Policy Directive/PPD-21, issued on February 12, 2013.

2. Except as otherwise provided in subsection 3, the provisions of sections 34.1 to 34.9, inclusive, of this act do not apply to biometric identifiers processed for the sole purpose of:

(a) Preventing, detecting, protecting against or responding to security incidents, identity theft, fraud, harassment or other malicious, deceptive or illegal activity;

(b) Investigating, reporting or prosecuting persons responsible for activity described in paragraph (a); or

(c) Preserving the integrity or security of systems.

3. A person who collects a biometric identifier described in subsection 2 shall comply with the requirements of subsection 2 of section 34.8 of this act, unless the person or biometric identifier is also exempt from those requirements pursuant to subsection 1.

Sec. 34.6. For the purposes of sections 34.1 to 34.9, inclusive, of this act:

1. Any information required to be provided in writing may be provided electronically; and

2. Any consent or release may be obtained electronically.

Sec. 34.7. A person who possesses a biometric identifier that relates to another person shall:

1. Develop, maintain and comply with a written policy setting forth a schedule for and procedures governing the retention and destruction of biometric identifiers. Except where preservation of a biometric identifier for a longer period of time is required by law, subpoena or an order by a court of competent jurisdiction or other lawful authority, such a policy must require the destruction of a biometric identifier on or before the earlier of:

(a) The date on which the initial purpose of obtaining the biometric identifier has been satisfied; or

(b) One year after the most recent interaction between the person in possession of the biometric identifier and the subject.

2. Make the policy established pursuant to subsection 1 available to the public.

3. Store and transmit biometric identifiers and protect biometric identifiers from disclosure a manner that:

(a) Meets the standard of care in the industry in which the person operates; and

(b) Is at least as protective as the manner in which the person stores, transmits or protects from disclosure, as applicable, other personally identifiable information.

Sec. 34.8. 1. Before collecting a biometric identifier, a person shall:

(a) Inform the subject or his or her representative in writing:

(1) That the biometric identifier is being collected;

(2) The purpose for which the biometric identifier is being collected. stored and used; and

(3) The length of time for which the biometric identifier will be retained in accordance with the policy developed pursuant to section 34.7 of this act;

(b) Obtain the informed written consent of the subject or his or her representative which may include, without limitation, a written release executed as a condition of employment; and

(c) Verify of the identity of the subject and any representative providing written consent pursuant to paragraph (b) in a manner that meets the requirements of Special Publication 800-63-3 published by the National Institute of Standards and Technology of the United States Department of Commerce.

2. At the time a person collects a biometric identifier, the person shall ensure that the subject is present.

3. A person shall not sell, lease, trade or otherwise receive compensation for sharing a biometric identifier.

4. A person shall not share a biometric identifier unless:

(a) The subject or his or her representative consents to the sharing;

(b) The sharing completes a financial transaction requested or authorized by the subject or his or her representative; or

(c) The sharing is required by law, a court order, a subpoena, a search warrant or other lawful process. ~~for~~

~~(d) The sharing is performed by a person who holds a nonrestricted license, as defined in NRS 463.0177, and the biometric identifier is shared with a subsidiary or affiliate of the person for the purpose of security or surveillance.~~

Sec. 34.9. 1. Except as otherwise provided in this section, a violation of sections 34.1 to 34.9, inclusive, of this act constitutes a deceptive trade practice for the purposes of NRS 598.0903 to 598.0999, inclusive.

2. *The provisions of sections 34.1 to 34.9, inclusive, of this act:*

(a) *Do not create a private right of action; and*

(b) *Must not be construed to affect any other provision of law.*

Sec. 35. NRS 603A.338 is hereby amended to read as follows:

603A.338 The provisions of NRS 603A.300 to 603A.360, inclusive, do not apply to:

1. A consumer reporting agency, as defined in 15 U.S.C. § 1681a(f);

2. Any personally identifiable information regulated by the Fair Credit Reporting Act, 15 U.S.C. §§ 1681 et seq., and the regulations adopted pursuant thereto, which is collected, maintained or sold as provided in that Act;

3. A person who collects, maintains or makes sales of personally identifiable information for the purposes of fraud prevention;

4. Any personally identifiable information that is publicly available;

5. Any personally identifiable information protected from disclosure under the federal Driver's Privacy Protection Act of 1994, 18 U.S.C. §§ 2721 et seq., which is collected, maintained or sold as provided in that Act; ~~for~~

6. *Any consumer health data subject to the provisions of sections 2 to 34, inclusive, of this act;*

7. *Any biometric identifiers subject to the provisions of sections 34.1 to 34.9, inclusive, of this act; or*

8. A financial institution or an affiliate of a financial institution that is subject to the provisions of the Gramm-Leach-Bliley Act, 15 U.S.C. §§ 6801 et seq., or any personally identifiable information regulated by that Act which is collected, maintained or sold as provided in that Act.

Amendment No. 742.

SUMMARY—Revises provisions relating to the protection of consumer information. (BDR 52-42)

AN ACT relating to data privacy; requiring certain entities to develop, maintain and make available on the Internet a policy concerning the privacy of consumer health data; prohibiting such an entity from collecting or sharing consumer health data without the affirmative, voluntary consent of a consumer in certain circumstances; requiring such an entity to perform certain actions upon the request of a consumer; requiring such an entity to establish a process to appeal the denial of such a request; requiring such an entity to take certain actions to protect the security of consumer health data; limiting the circumstances under which a processor is authorized to process consumer health data; requiring a processor to assist certain entities in complying with certain requirements; prohibiting a person from selling or offering to sell consumer health data under certain circumstances; prohibiting the implementation of a geofence under certain circumstances; prohibiting discrimination against a consumer for certain reasons; authorizing certain civil enforcement; ~~requiring certain persons to develop, maintain and make publicly available a policy concerning the storage and retention of biometric identifiers; establishing requirements governing storing, transmitting,~~

~~protecting, collecting and sharing biometric identifiers; prohibiting the sale of a biometric identifier;~~ providing penalties; and providing other matters properly relating thereto.

Legislative Counsel's Digest:

Existing federal law and regulations contain various protections for health information maintained or used: (1) by a person or entity that provides health care, an insurer or a business associate of a person or entity that provides health care or an insurer; or (2) for scientific research. (42 U.S.C. §§ 11101 et seq.; Pub. L. No. 104-191, 100 Stat. 2548; 21 C.F.R. Parts 46, 50 and 56, 42 C.F.R. Parts 2 and 3, 45 C.F.R. Parts 160 and 164) Sections 2-34 of this bill prescribe various protections for consumer health data that is maintained and used by other persons and nongovernmental entities and for other purposes. Section 7 of this bill defines the term "consumer" to mean a natural person who has requested a product or service from a regulated entity and who resides in this State or whose consumer health data is collected in this State, except for a natural person acting in an employment context or as an agent of a governmental entity. Section 8 of this bill defines the term "consumer health data" to mean personally identifiable information that is linked or reasonably capable of being linked to a consumer and is used by a regulated entity to identify the health status of the consumer. Section 15 of this bill defines the term "regulated entity" to refer to a person who: (1) conducts business in this State or produces or provides products or services that are targeted to consumers in this State; and (2) determines the purpose and means of processing, sharing or selling consumer health data. Sections 3-6, ~~10-11, 12.5-14~~ 9-14 and 16-19 of this bill define certain other terms. Section 20 of this bill provides that the provisions of sections 2-34 do not apply to certain persons, entities and data, including: (1) certain persons and entities whose collection and disclosure of data is specifically regulated by federal law; and (2) certain data that is collected or disclosed under certain provisions of federal law or regulations or state law.

Section 21 of this bill requires a regulated entity to develop, maintain and make available a policy concerning the privacy of consumer health data. Section 21 also prohibits a regulated entity from: (1) taking certain actions with regard to consumer health data that are inconsistent with the policy without the affirmative, voluntary consent of the consumer; or (2) entering into a contract for the processing of consumer health data that is inconsistent with the policy. Section 22 of this bill generally prohibits a regulated entity from collecting or sharing consumer health data without the affirmative, voluntary consent of the consumer to whom the data relates, except to the extent necessary to provide a product or service that the consumer has requested from the regulated entity. Section 22 of this bill prescribes certain requirements governing such consent.

Section 24 of this bill requires a regulated entity, upon the request of a consumer, to: (1) confirm whether the regulated entity is collecting, sharing or selling consumer health data concerning the consumer; (2) provide the

consumer with a list of all third parties with whom the regulated entity has shared or to whom the regulated entity has sold consumer health data relating to the consumer; (3) cease collecting or sharing consumer health data relating to the consumer; or (4) delete consumer health data concerning the consumer. Section 24 also requires a regulated entity to establish a secure and reliable means of making such a request. Section 25 of this bill prescribes requirements governing the response to such a request, including a requirement that a regulated entity provide information in response to such a request free of charge in most circumstances. However, if a consumer submits more than two requests in a year and those requests are manifestly unfounded, excessive or repetitive, section 25 authorizes the regulated entity to charge a reasonable fee to provide such information. Section 26 of this bill prescribes requirements governing the time within which a regulated entity or an affiliate, processor or other third party with which a regulated entity has shared data must delete consumer health data in response to a request for such deletion. Section 27 of this bill requires a regulated entity to establish a process to appeal the refusal of the regulated entity to act on a request made pursuant to section 24.

Section 28 of this bill requires a regulated entity to limit access to and establish, implement and maintain policies and procedures to protect the security of consumer health data. Section 29 of this bill requires a processor who processes consumer health data on behalf of a regulated entity to only process such data in accordance with a written contract between the processor and the regulated entity. Section 29 also requires such a processor to assist the regulated entity in complying with the provisions of sections 2-34.

Section 30 of this bill prohibits a person from selling or offering to sell consumer health data without the written authorization of the consumer to whom the data pertains or beyond the scope of such authorization, with certain exceptions. Section 30 also prohibits a person from conditioning the provision of goods or services on a consumer providing such authorization. Section 30 requires a person who sells consumer health data to: (1) establish a means by which a consumer may revoke such written authorization; and (2) provide a copy of such written authorization to the consumer and purchaser. Section 30 also requires both a seller and a purchaser of consumer health data to maintain such written authorization for at least 6 years after the expiration of the written authorization. Section 17 of this bill exempts certain activity from the definition of the term "sell," thereby exempting such activity from the requirements of section 30.

Section 31 of this bill prohibits a person from implementing a geofence within 1,750 feet of any person or entity that provides in-person health care services or products for certain purposes. Section 33 of this bill prohibits a regulated entity from discriminating against a consumer for taking any action authorized by sections 2-34 or to enforce those provisions.

~~Sections 34.1-34.9 of this bill establish provisions for the protection of biometric identifiers. Section 34.1 of this bill sets forth certain legislative findings concerning biometric identifiers. Section 34.3 of this bill defines~~

~~"biometric identifier" to mean biometric data relating to the faceprint, fingerprint or iris of a specific natural person that uniquely identifies that specific natural person. Sections 34.35 34.45 of this bill define certain other terms. Section 34.5 of this bill provides that the provisions of sections 34.1 34.9 do not apply to: (1) certain entities whose collection and sharing of data is specifically regulated by federal law; (2) photographs collected, possessed or shared for purposes other than verifying the identity of a person; (3) information collected, possessed or shared for certain medical or scientific purposes; (4) governmental or tribal entities; (5) a person who is in the business of manufacturing or selling automobiles; (6) certain persons in the gaming industry; (7) law enforcement; or (8) with certain exceptions, biometric identifiers collected for certain purposes relating to security. Section 34.6 of this bill authorizes the provision of information or consent under sections 34.1 34.9 electronically. Section 34.7 of this bill requires a person who possesses a biometric identifier of another to develop, maintain and comply with a publicly available written policy setting forth a schedule for the retention and destruction of biometric identifiers. Section 34.7 also establishes requirements governing the storage, transmittal and protection of biometric identifiers. Section 34.8 of this bill prescribes requirements governing collecting and sharing biometric identifiers. Section 34.8 also prohibits the sale of biometric identifiers.]~~

Existing law provides that a variety of actions constitute deceptive trade practices. (NRS 118A.275, 205.377, 228.620, 370.695, 597.997, 603.170, 604B.910, 676A.770; chapter 598 of NRS) Existing law authorizes a court to impose a civil penalty of not more than \$12,500 for each violation upon a person whom the court finds has engaged in a deceptive trade practice directed toward an elderly person or a person with a disability. (NRS 598.0973) Additionally, existing law authorizes a court to make such additional orders or judgments as may be necessary to restore to any person in interest any money or property which may have been acquired by means of any deceptive trade practice. (NRS 598.0993) In addition to these enforcement mechanisms, existing law provides that when the Commissioner of Consumer Affairs or the Director of the Department of Business and Industry has cause to believe that a person has engaged or is engaging in any deceptive trade practice, the Commissioner or Director may request that the Attorney General represent him or her in instituting an appropriate legal proceeding, including an application for an injunction or temporary restraining order. (NRS 598.0979) Existing law provides that if a person violates a court order or injunction resulting from a complaint brought by the Commissioner, the Director, the district attorney of any county of this State or the Attorney General, the person is required to pay a civil penalty of not more than \$10,000 for each violation. Furthermore, if a court finds that a person has willfully engaged in a deceptive trade practice, the person who committed the violation: (1) may be required to pay an additional civil penalty not more than \$5,000 for each violation; and (2) is guilty of a felony or misdemeanor, depending on the value of the property

or services lost as a result of the deceptive trade practice. (NRS 598.0999) With certain exceptions, ~~[sections]~~ section 34 ~~[and 34.9]~~ of this bill ~~[provide]~~ provides that a person who violates any provision of sections ~~[2-34.9 of this bill]~~ 2-34 is guilty of a deceptive trade practice. Sections ~~1, 3, and 34~~ 1, 3, and 34 of this bill provide that a person injured by such a violation does not have a private right of action. ~~[Sections]~~ Section 34 ~~[and 34.9]~~ additionally ~~[provide]~~ provides that the provisions of sections ~~[2-34.9]~~ 2-34 must not be construed to affect any other provision of law.

Section 35 of this bill exempts consumer health data ~~[and biometric identifiers]~~ from provisions of existing law governing information collected on the Internet from consumers because those provisions are less stringent than the provisions of sections ~~[2-34.9]~~ 2-34.

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

Section 1. NRS 598.0977 is hereby amended to read as follows:

598.0977 ~~[(1)]~~ *Except as otherwise provided in ~~[sections]~~ section 34 ~~[and 34.9]~~ of this act*, an elderly person or a person with a disability suffers damage or injury as a result of a deceptive trade practice, he or she or his or her legal representative, if any, may commence a civil action against any person who engaged in the practice to recover the actual damages suffered by the elderly person or person with a disability, punitive damages, if appropriate, and reasonable attorney's fees. The collection of any restitution awarded pursuant to this section has a priority over the collection of any civil penalty imposed pursuant to NRS 598.0973.

Sec. 1.5. Chapter 603A of NRS is hereby amended by adding thereto the provisions set forth as sections 2 to 34.9, inclusive, of this act.

Sec. 2. *As used in sections 2 to 34, inclusive, of this act, unless the context otherwise requires, the words and terms defined in sections 3 to 19, inclusive, of this act have the meanings ascribed to them in those sections.*

Sec. 3. *"Affiliate" means an entity that shares common branding with another entity and controls, is controlled by or is under common control with the other entity. For the purposes of this section, an entity shall be deemed to control another entity if the entity:*

- 1. Owns or has the power to vote at least half of the outstanding shares of any class of voting security in the other entity;*
- 2. Controls in any manner the election of a majority of the directors or persons exercising similar functions to directors of the other entity; or*
- 3. Has the power to exercise controlling influence over the management of the other entity.*

Sec. 4. *"Authenticate" means to ascertain the identity of the originator of an electronic or physical document and establish a link between the document and the originator.*

Sec. 5. *"Biometric data" means data which is generated from the measurement or technical processing of the physiological, biological or behavioral characteristics of a person and, alone or in combination with other*

data, is capable of being used to identify the person. The term includes, without limitation:

1. *Imagery of the fingerprint, palm print, hand print, scar, bodily mark, tattoo, voiceprint, face, retina, iris or vein pattern of a person; and*

2. *Keystroke patterns or rhythms and gait patterns or rhythms that contain identifying information.*

Sec. 6. *"Collect" means to buy, rent, access, retain, receive, acquire, infer, derive or otherwise process consumer health data in any manner.*

Sec. 7. *"Consumer" means a natural person who has requested a product or service from a regulated entity and who resides in this State or whose consumer health data is collected in this State. The term does not include a natural person acting in an employment context or as an agent of a governmental entity.*

Sec. 8. *"Consumer health data" means personally identifiable information that is linked or reasonably capable of being linked to a consumer and that a regulated entity uses to identify the past, present or future health status of the consumer. The term:*

1. *Includes, without limitation:*

(a) *Information relating to:*

(1) *Any health condition or status, disease or diagnosis;*

(2) *Social, psychological, behavioral or medical interventions;*

(3) *Surgeries or other health-related procedures;*

(4) *The use or acquisition of medication;*

(5) *Bodily functions, vital signs or symptoms;*

(6) *Reproductive or sexual health care; and*

(7) *Gender-affirming care;*

(b) *Biometric data or genetic data related to information described in paragraph (a);*

(c) *Information related to the precise geolocation information of a consumer that a regulated entity uses to indicate an attempt by a consumer to receive health care services or products; and*

(d) *Any information described in paragraph (a), (b) or (c) that is derived or extrapolated from information that is not consumer health data, including, without limitation, proxy, derivative, inferred or emergent data derived through an algorithm, machine learning or any other means.*

2. *Does not include information that is used to provide access to or enable gameplay by a person on a video game platform.*

Sec. 9. *"Gender-affirming care" means health services or products that support and affirm the gender identity of a person, including, without limitation:*

1. *Treatments for gender dysphoria;*

2. *Gender-affirming hormone therapy; and*

3. *Gender-affirming surgery.*

Sec. 10. *"Genetic data" means any data that concerns the genetic characteristics of a person. The term includes, without limitation:*

1. Data directly resulting from the sequencing of all or a portion of the deoxyribonucleic acid of a person;

2. Genotypic and phenotypic information that results from analyzing the information described in subsection 1; and

3. Data concerning the health of a person that is analyzed in connection with the information described in subsection 1.

Sec. 11. "Health care services or products" means any service or product provided to a person to assess, measure, improve or learn about the health of a person. The term includes, without limitation:

1. Services relating to any health condition or status, disease or diagnosis;

2. Social, psychological, behavioral or medical interventions;

3. Surgeries or other health-related procedures;

4. Medication or services related to the use or acquisition of medication;

or

5. Monitoring or measurement related to bodily functions, vital signs or symptoms.

Sec. 12. (Deleted by amendment.)

Sec. 12.5. "Precise geolocation information" means information derived from technology, including, without limitation, latitude and longitude coordinates at the level of detail typically provided by a global positioning system, that directly identifies the specific location of a natural person with precision and accuracy within a radius of 1,750 feet. The term does not include:

1. The content of any communication; or

2. Any data generated by or connected to advanced metering infrastructure for utilities or other equipment used by a utility.

Sec. 13. "Process" means any operation or set of operations performed on consumer health data.

Sec. 14. "Processor" means a person who processes consumer health data on behalf of a regulated entity.

Sec. 15. "Regulated entity" means any person who:

1. Conducts business in this State or produces or provides products or services that are targeted to consumers in this State; and

2. Alone or with other persons, determines the purpose and means of processing, sharing or selling consumer health data.

Sec. 16. "Reproductive or sexual health care" means health care services or products that support or relate to the reproductive system or sexual well-being of a person. The term includes, without limitation, abortion, the provision of medication to induce an abortion and any medical or nonmedical services associated with an abortion.

Sec. 17. "Sell" means to exchange consumer health data for money or other valuable consideration. The term does not include the exchange of consumer health data for money or other valuable consideration:

1. With a processor in a manner consistent with the purpose for which the consumer health data was collected, as disclosed to the consumer to whom the consumer health data pertains pursuant to section 22 of this act.

2. With a third party as an asset that is part of a merger, acquisition, bankruptcy or other transaction through which the third party assumes control of all or part of the assets of the regulated entity.

3. With a third party for the purpose of providing a product or service requested by the consumer to whom the consumer health data pertains.

4. With an affiliate of the person who is providing or disclosing the consumer health data.

5. As directed by the consumer to whom the consumer health data pertains or where the consumer to whom the consumer health data pertains intentionally uses the person who is providing or disclosing the consumer health data to interact with the third party to whom the consumer health data is provided or disclosed.

6. Where the consumer has intentionally made the consumer health data available to the general public through mass media that was not restricted to a specific audience.

Sec. 18. "Share" means to release, disclose, disseminate, divulge, make available, provide access to, license or otherwise communicate consumer health data orally, in writing or by electronic or other means.

Sec. 19. "Third party" means a person who is not a consumer, regulated entity, processor or affiliate of a regulated entity.

Sec. 20. 1. The provisions of sections 2 to 34, inclusive, of this act do not apply to:

(a) Any person or entity that is subject to the Health Insurance Portability and Accountability Act of 1996, Public Law 104-191, and the regulations adopted pursuant thereto.

(b) A financial institution or an affiliate of a financial institution that is subject to the provisions of the Gramm-Leach-Bliley Act, 15 U.S.C. §§ 6801 et seq., or any personally identifiable information regulated by that Act which is collected, maintained or sold as provided in that Act.

(c) Patient identifying information, as defined in 42 C.F.R. § 2.11, that is collected, used or disclosed in accordance with 42 C.F.R. Part 2.

(d) Patient safety work product, as defined in 42 C.F.R. § 3.20, that is collected, used or disclosed in accordance with 42 C.F.R. Part 3.

(e) Identifiable private information, as defined in 45 C.F.R. § 46.102, that is collected, used or disclosed in accordance with 45 C.F.R. Part 46.

(f) Information used or shared as part of research conducted pursuant to 45 C.F.R. Part 46 or 21 C.F.R. Parts 50 and 56.

(g) Information used only for public health activities and purposes, as described in 45 C.F.R. § 164.512(b), regardless of whether such information is subject to the Health Insurance Portability and Accountability Act of 1996, Public Law 104-191, and the regulations adopted pursuant thereto.

(h) Personally identifiable information that is governed by and collected, used or disclosed pursuant to:

(1) Part C of Title XI of the Social Security Act, 42 U.S.C. §§ 1320d et seq.;

(2) The Fair Credit Reporting Act, 15 U.S.C. §§ 1681 et seq.; or

(3) The Family Educational Rights and Privacy Act of 1974, 20 U.S.C. § 1232g, and the regulations adopted pursuant thereto.

(i) Information and documents created for the purposes of compliance with the federal Health Care Quality Improvement Act of 1986, 42 U.S.C. §§ 11101 et seq., and any regulations adopted pursuant thereto.

(j) The collection or sharing of consumer health data where expressly authorized by any provision of federal or state law.

(k) Information processed by or for any governmental or tribal entity for civic or governmental purposes and operations or related services and operations.

(l) Any person who holds a nonrestricted license, as defined in NRS 463.0177, or an affiliate, as defined in NRS 463.0133, of such a person.

(m) Law enforcement agencies and law enforcement activities.

2. A third party that obtains consumer health data from a regulated entity through a merger, acquisition, bankruptcy or other transaction through which the third party assumes control of all or part of the assets of the regulated entity is deemed to assume all obligations of the regulated entity to comply with the provisions of sections 2 to 34, inclusive, of this act.

Sec. 21. 1. A regulated entity shall develop and maintain a policy concerning the privacy of consumer health data that clearly and conspicuously establishes:

(a) The categories of consumer health data being collected by the regulated entity and the manner in which the consumer health data will be used;

(b) The categories of sources from which consumer health data is collected;

(c) The categories of consumer health data that are shared by the regulated entity;

(d) The categories of third parties and affiliates with whom the regulated entity shares consumer health data;

(e) The purposes of collecting, using and sharing consumer health data;

(f) The manner in which consumer health data will be processed;

(g) The procedure for submitting a request pursuant to section 24 of this act;

(h) The process, if any such process exists, for a consumer to review and request changes to any of his or her consumer health data that is collected by the regulated entity;

(i) The process by which the regulated entity notifies consumers whose consumer health data is collected by the regulated entity of material changes to the privacy policy;

(j) Whether a third party may collect consumer health data over time and across different Internet websites or online services when the consumer uses any Internet website or online service of the regulated entity; and

(k) The effective date of the privacy policy.

2. A regulated entity shall post conspicuously on the main Internet website maintained by the regulated entity a hyperlink to the policy developed pursuant to subsection 1 or otherwise provide that policy to consumers in a manner that is clear and conspicuous.

3. A regulated entity shall not:

(a) Collect, use or share categories of consumer health data, other than those included in the privacy policy pursuant to paragraph (c) of subsection 1, without disclosing those additional categories to each consumer whose data will be collected, used or shared and obtaining the affirmative, voluntary consent of the consumer;

(b) Share consumer health data with a third party or affiliate, other than those included in the privacy policy pursuant to paragraph (d) of subsection 1, without disclosing those additional third parties or affiliates to each consumer whose data will be shared and obtaining the affirmative, voluntary consent of the consumer;

(c) Collect, use or share consumer health data for purposes other than those included in the privacy policy pursuant to paragraph (e) of subsection 1 without disclosing those additional purposes to each consumer whose data will be collected, used or shared and obtaining the affirmative, voluntary consent of the consumer; or

(d) Enter into a contract pursuant to section 29 of this act with a processor to process consumer health data that is inconsistent with the privacy policy.

Sec. 22. 1. A regulated entity shall not collect consumer health data except:

(a) With the affirmative, voluntary consent of the consumer; or

(b) To the extent necessary to provide a product or service that the consumer to whom the consumer health data relates has requested from the regulated entity.

2. A regulated entity shall not share consumer health data except:

(a) With the affirmative, voluntary consent of the consumer to whom the consumer health data relates, which must be separate and distinct from the consent provided pursuant to subsection 1 for the collection of the data;

(b) To the extent necessary to provide a product or service that the consumer to whom the consumer health data relates has requested from the regulated entity; or

(c) Where required or authorized by another provision of law.

3. Any consent required by this section must be obtained before the collection or sharing, as applicable, of consumer health data. The request for such consent must clearly and conspicuously disclose:

(a) The categories of consumer health data to be collected or shared, as applicable;

(b) The purpose for collecting or sharing, as applicable, the consumer health data including, without limitation, the manner in which the consumer health data will be used;

(c) If the consumer health data will be shared, the categories of persons and entities with whom the consumer health data will be shared; and

(d) The manner in which the consumer may withdraw consent for the collection or sharing, as applicable, of consumer health data relating to the consumer and request that the regulated entity cease such collection or sharing pursuant to section 24 of this act.

Sec. 23. (Deleted by amendment.)

Sec. 24. 1. Except as otherwise provided in section 25 of this act, upon the request of a consumer, a regulated entity shall:

(a) Confirm whether the regulated entity is collecting, sharing or selling consumer health data relating to the consumer.

(b) Provide the consumer with a list of all third parties with whom the regulated entity has shared consumer health data relating to the consumer or to whom the regulated entity has sold such consumer health data.

(c) Cease collecting, sharing or selling consumer health data relating to the consumer.

(d) Delete consumer health data concerning the consumer.

2. A regulated entity shall establish a secure and reliable means of making a request pursuant to this section. When establishing the means for making such a request, the regulated entity must consider:

(a) The need for the safe and reliable communication of such requests; and

(b) The ability of the regulated entity to authenticate the identity of the consumer making the request.

Sec. 25. 1. Except as otherwise provided in this section, a regulated entity shall respond to a request made pursuant to section 24 of this act without undue delay and not later than 45 days after authenticating the request. If reasonably necessary based on the complexity and number of requests from the same consumer, the regulated entity may extend the period prescribed by this section not more than an additional 45 days. A regulated entity that grants itself such an extension must, not later than 45 days after authenticating the request, provide the consumer with notice of the extension and the reasons therefor.

2. If a regulated entity is not able to authenticate a request made pursuant to section 24 of this act after making commercially reasonable efforts, the regulated entity:

(a) Is not required to comply with the request; and

(b) May request that the consumer provide such additional information as is reasonably necessary to authenticate the request.

3. A regulated entity:

(a) Shall provide information free of charge to a consumer in response to:

(1) Requests made pursuant to section 24 of this act at least twice each year; and

(2) Additional requests that are not manifestly unfounded, excessive or repetitive.

(b) Except as otherwise provided in paragraph (a), may charge a reasonable fee to provide information to a consumer in response to requests made pursuant to section 24 of this act that are manifestly unfounded, excessive or repetitive.

4. In any civil proceeding challenging the validity of a fee charged pursuant to paragraph (b) of subsection 3, the regulated entity has the burden of demonstrating by a preponderance of the evidence that the request to which the fee pertained was manifestly unfounded, excessive or repetitive.

Sec. 26. 1. Not later than 30 days after authenticating a request made pursuant to paragraph (d) of subsection 1 of section 24 of this act for the deletion of consumer health data, a regulated entity shall, except as otherwise provided in subsection 3:

(a) Delete all consumer health data described in the request from the records and network of the regulated entity; and

(b) Notify each affiliate, processor, contractor or other third party with which the regulated entity has shared consumer health data of the deletion request.

2. Not later than 30 days after receiving notification of a deletion request pursuant to paragraph (b) of subsection 1, an affiliate, processor, contractor or other third party shall, except as otherwise provided in subsection 3, delete the consumer health data described in the request from the records and network of the affiliate, processor, contractor or other third party.

3. If data described in a deletion request made pursuant to paragraph (d) of subsection 1 of section 24 of this act is stored or archived on backup systems, a regulated entity or an affiliate, processor, contractor or other third party may delay the deletion of the data for not more than 2 years after the request is authenticated, as necessary to restore the archived or backup system.

Sec. 27. 1. A regulated entity shall establish a process by which a consumer may appeal the refusal of the regulated entity to act on a request made pursuant section 24 of this act. The process must be:

(a) Conspicuously available on the Internet website of the regulated entity; and

(b) Similar to the process for making a request pursuant to section 24 of this act.

2. Not later than 45 days after receiving an appeal pursuant to subsection 1, a regulated entity shall inform the consumer in writing of:

(a) Any action taken in response to the appeal or any decision not to take such action;

(b) The reasons for any such action or decision; and

(c) If the regulated entity decided not to take the action requested in the appeal, the contact information for the Office of the Attorney General.

Sec. 28. 1. A regulated entity shall only authorize the employees and processors of the regulated entity to access consumer health data where reasonably necessary to:

- (a) Further the purpose for which the consumer consented to the collection or sharing of the consumer data pursuant to section 22 of this act; or
- (b) Provide a product or service that the consumer to whom the consumer health data relates has requested from the regulated entity.

2. A regulated entity shall establish, implement and maintain policies and practices for the administrative, technical and physical security of consumer health data. The policies must:

- (a) Satisfy the standard of care in the industry in which the regulated entity operates to protect the confidentiality, integrity and accessibility of consumer health data;
- (b) Comply with the provisions of NRS 603A.010 to 603A.290, inclusive, where applicable; and
- (c) Be reasonable, taking into account the volume and nature of the consumer health data at issue.

Sec. 29. 1. A processor shall only process consumer health data pursuant to a contract between the processor and a regulated entity. Such a contract must set forth the applicable processing instructions and the specific actions that the processor is authorized to take with regard to the consumer health data it possesses on behalf of the regulated entity.

2. To the extent practicable, a processor shall assist the regulated entity with which the processor has entered into a contract pursuant to subsection 1 in complying with the provisions of sections 2 to 34, inclusive, of this act.

3. If a processor processes consumer health data outside the scope of a contract described in subsection 1 or in a manner inconsistent with any provision of such a contract, the processor:

- (a) Is not guilty of a deceptive trade practice pursuant to section 34 of this act solely because the processor violated the requirements of this section; and
- (b) Shall be deemed a regulated entity for the purposes of sections 2 to 34, inclusive, of this act, for actions and omissions with regard to such consumer health data.

Sec. 30. 1. A person shall not sell or offer to sell consumer health data:

- (a) Without the written authorization of the consumer to whom the data pertains; or
- (b) If the consumer provides such written authorization, in a manner that is outside the scope of or inconsistent with the written authorization.

2. A person shall not condition the provision of goods or services on a consumer authorizing the sale of consumer health data pursuant to subsection 1.

3. Written authorization pursuant to subsection 1 must be provided in a form written in plain language which includes, without limitation:

- (a) The name and contact information of the person selling the consumer health data;

(b) A description of the specific consumer health data that the person intends to sell;

(c) The name and contact information of the person purchasing the consumer health data;

(d) A description of the purpose of the sale, including, without limitation, the manner in which the consumer health data will be gathered and the manner in which the person described in paragraph (c) intends to use the consumer health data;

(e) A statement of the provisions of subsection 2;

(f) A statement that the consumer may revoke the written authorization at any time and a description of the means established pursuant to subsection 4 for revoking the authorization;

(g) A statement that any consumer health data sold pursuant to the written authorization may be disclosed to additional persons and entities by the person described in paragraph (c) and, after such disclosure, is no longer subject to the protections of this section;

(h) The date on which the written authorization expires pursuant to subsection 5; and

(i) The signature of the consumer to which the consumer health data pertains.

4. A person who sells consumer health data shall establish a means by which a consumer may revoke a written authorization made pursuant to subsection 1.

5. Written authorization provided pursuant to subsection 1 expires 1 year after the date on which the authorization is given.

6. A written authorization provided pursuant to subsection 1 is not valid if the written authorization:

(a) Was a condition for the provision of goods or services to the consumer in violation of subsection 2;

(b) Does not comply with the requirements of subsection 3;

(c) Has been revoked pursuant to subsection 4; or

(d) Has expired pursuant to subsection 5.

7. A person who sells consumer health data shall provide a copy of the written authorization provided pursuant to subsection 1 to the consumer who signed the written authorization and the purchaser of the consumer health data.

8. A seller and purchaser of consumer health data shall each retain a copy of the written authorization provided pursuant to subsection 1 for at least 6 years after the date on which the written authorization expired pursuant to subsection 5.

~~[9. The provisions of this section do not authorize the sale of a biometric identifier, as prohibited by subsection 3 of section 34.8 of this act.]~~

Sec. 31. 1. A person shall not implement a geofence within 1,750 feet of any medical facility, facility for the dependent or any other person or entity that provides in-person health care services or products for the purpose of:

(a) Identifying or tracking consumers seeking in-person health care services or products;

(b) Collecting consumer health data; or

(c) Sending notifications, messages or advertisements to consumers related to their consumer health data or health care services or products.

2. As used in this section:

(a) "Facility for the dependent" has the meaning ascribed to it in NRS 449.0045.

(b) "Geofence" means technology that uses coordinates for global positioning, connectivity to cellular towers, cellular data, radio frequency identification, wireless Internet data or any other form of detecting the physical location of a person to establish a virtual boundary with a radius of 1,750 feet or less around a specific physical location.

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

Sec. 32. (Deleted by amendment.)

Sec. 33. A regulated entity shall not discriminate against a consumer for taking:

1. Any action authorized by sections 2 to 34, inclusive, of this act; or

2. Any action to enforce the provisions of sections 2 to 34, inclusive, of this act.

Sec. 34. 1. Except as otherwise provided in this section and section 29 of this act, a violation of sections 2 to 34, inclusive, of this act constitutes a deceptive trade practice for the purposes of NRS 598.0903 to 598.0999, inclusive.

2. The provisions of sections 2 to 34, inclusive, of this act:

(a) Do not create a private right of action; and

(b) Must not be construed to affect any other provision of law.

Sec. 34.1. ~~[The Legislature hereby finds and declares that:~~

~~1. The use of biometric identifiers to verify the identity of persons in personal and business settings is growing and is likely to streamline online transactions and the management of digital accounts, strengthen the security of identities and reduce the risk of cybersecurity issues and fraud for governmental entities, businesses and consumers.~~

~~2. Biometric identifiers are unlike other identifiers that are used to verify the identity of a person or access a digital account because biometric identifiers are unique to a person and are not capable of being changed if stolen.~~

~~3. Without ongoing measures to protect the security of biometric identifiers, persons are at a heightened risk of identity theft.~~

~~4. The public welfare, security and safety will be served by regulating the collection, use, security, handling, storage, retention and destruction of biometric identifiers.] (Deleted by amendment.)~~

Sec. 34.2. ~~[As used in sections 34.1 to 34.9, inclusive, of this act, unless the context otherwise requires, the words and terms defined in sections 34.3 to~~

~~34.45, inclusive, of this act have the meanings ascribed to them in those sections.~~ (Deleted by amendment.)

Sec. 34.3. ~~["Biometric identifier" means biometric data relating to the faceprint, fingerprint or iris of a specific natural person that uniquely identifies that specific natural person. The term includes, without limitation, data from a photo identification document that contains the image of the face of a person with sufficient resolution that artificial intelligence or a machine learning algorithm is able to match the data with other biometric data to positively identify the person.]~~ (Deleted by amendment.)

Sec. 34.35. ~~["Collect" means to access, retain, receive, acquire, infer, derive or otherwise obtain a biometric identifier in any manner.]~~ (Deleted by amendment.)

Sec. 34.4. ~~["Share" means to release, disclose, disseminate, divulge, make available or provide access to a biometric identifier.]~~ (Deleted by amendment.)

Sec. 34.45. ~~["Subject" means the natural person to whom a biometric identifier relates.]~~ (Deleted by amendment.)

Sec. 34.5. ~~1. The provisions of sections 34.1 to 34.9, inclusive, of this act do not apply to:~~

~~—(a) Any person or entity that is subject to the provisions of the Health Insurance Portability and Accountability Act of 1996, Public Law 104-191, and the regulations adopted pursuant thereto.~~

~~—(b) A financial institution or an affiliate of a financial institution that is subject to the provisions of the Gramm-Leach-Bliley Act, 15 U.S.C. §§ 6801 et seq., or any personally identifiable information regulated by that Act which is collected, maintained or sold as provided in that Act.~~

~~—(c) Physical or digital photographs collected, possessed or shared for purposes not related to verifying the identity of the subject.~~

~~—(d) Information collected, possessed or shared for a medical purpose or to validate scientific testing or screening.~~

~~—(e) Any governmental or tribal entity or any person who collects, possesses or shares a biometric identifier on behalf of a governmental or tribal entity.~~

~~—(f) Any person in the business of manufacturing or selling automobiles, when acting in that capacity.~~

~~—(g) Any person who holds a nonrestricted license, as defined in NRS 463.0177, or an affiliate, as defined in NRS 463.0133, of such a person.~~

~~—(h) Law enforcement agencies and law enforcement activities.~~

~~—(i) Any communications entity or affiliate thereof that belongs to a critical infrastructure sector, as identified in Presidential Policy Directive/PPD-21, issued on February 12, 2013.~~

~~2. Except as otherwise provided in subsection 3, the provisions of sections 34.1 to 34.9, inclusive, of this act do not apply to biometric identifiers processed for the sole purpose of:~~

~~— (a) Preventing, detecting, protecting against or responding to security incidents, identity theft, fraud, harassment or other malicious, deceptive or illegal activity;~~

~~— (b) Investigating, reporting or prosecuting persons responsible for activity described in paragraph (a); or~~

~~— (c) Preserving the integrity or security of systems.~~

~~— 3. A person who collects a biometric identifier described in subsection 2 shall comply with the requirements of subsection 2 of section 34.8 of this act, unless the person or biometric identifier is also exempt from those requirements pursuant to subsection 1.} (Deleted by amendment.)~~

Sec. 34.6. ~~{For the purposes of sections 34.1 to 34.9, inclusive, of this act:~~

~~— 1. Any information required to be provided in writing may be provided electronically; and~~

~~— 2. Any consent or release may be obtained electronically.} (Deleted by amendment.)~~

Sec. 34.7. ~~{A person who possesses a biometric identifier that relates to another person shall:~~

~~— 1. Develop, maintain and comply with a written policy setting forth a schedule for and procedures governing the retention and destruction of biometric identifiers. Except where preservation of a biometric identifier for a longer period of time is required by law, subpoena or an order by a court of competent jurisdiction or other lawful authority, such a policy must require the destruction of a biometric identifier on or before the earlier of:~~

~~— (a) The date on which the initial purpose of obtaining the biometric identifier has been satisfied; or~~

~~— (b) One year after the most recent interaction between the person in possession of the biometric identifier and the subject.~~

~~— 2. Make the policy established pursuant to subsection 1 available to the public.~~

~~— 3. Store and transmit biometric identifiers and protect biometric identifiers from disclosure a manner that:~~

~~— (a) Meets the standard of care in the industry in which the person operates; and~~

~~— (b) Is at least as protective as the manner in which the person stores, transmits or protects from disclosure, as applicable, other personally identifiable information.} (Deleted by amendment.)~~

Sec. 34.8. ~~{1. Before collecting a biometric identifier, a person shall:~~

~~— (a) Inform the subject or his or her representative in writing:~~

~~— (1) That the biometric identifier is being collected;~~

~~— (2) The purpose for which the biometric identifier is being collected, stored and used; and~~

~~— (3) The length of time for which the biometric identifier will be retained in accordance with the policy developed pursuant to section 34.7 of this act;~~

~~(b) Obtain the informed written consent of the subject or his or her representative which may include, without limitation, a written release executed as a condition of employment; and~~

~~(c) Verify of the identity of the subject and any representative providing written consent pursuant to paragraph (b) in a manner that meets the requirements of Special Publication 800 63 3 published by the National Institute of Standards and Technology of the United States Department of Commerce.~~

~~2. At the time a person collects a biometric identifier, the person shall ensure that the subject is present.~~

~~3. A person shall not sell, lease, trade or otherwise receive compensation for sharing a biometric identifier.~~

~~4. A person shall not share a biometric identifier unless:~~

~~(a) The subject or his or her representative consents to the sharing;~~

~~(b) The sharing completes a financial transaction requested or authorized by the subject or his or her representative; or~~

~~(c) The sharing is required by law, a court order, a subpoena, a search warrant or other lawful process.] (Deleted by amendment.)~~

Sec. 34.9. ~~[1. Except as otherwise provided in this section, a violation of sections 34.1 to 34.9, inclusive, of this act constitutes a deceptive trade practice for the purposes of NRS 598.0903 to 598.0999, inclusive.~~

~~2. The provisions of sections 34.1 to 34.9, inclusive, of this act:~~

~~(a) Do not create a private right of action; and~~

~~(b) Must not be construed to affect any other provision of law.] (Deleted by amendment.)~~

Sec. 35. NRS 603A.338 is hereby amended to read as follows:

603A.338 The provisions of NRS 603A.300 to 603A.360, inclusive, do not apply to:

1. A consumer reporting agency, as defined in 15 U.S.C. § 1681a(f);

2. Any personally identifiable information regulated by the Fair Credit Reporting Act, 15 U.S.C. §§ 1681 et seq., and the regulations adopted pursuant thereto, which is collected, maintained or sold as provided in that Act;

3. A person who collects, maintains or makes sales of personally identifiable information for the purposes of fraud prevention;

4. Any personally identifiable information that is publicly available;

5. Any personally identifiable information protected from disclosure under the federal Driver's Privacy Protection Act of 1994, 18 U.S.C. §§ 2721 et seq., which is collected, maintained or sold as provided in that Act; ~~for~~

6. Any consumer health data subject to the provisions of sections 2 to 34, inclusive, of this act; or

7. ~~Any biometric identifiers subject to the provisions of sections 34.1 to 34.9, inclusive, of this act; or~~

~~8.]~~ A financial institution or an affiliate of a financial institution that is subject to the provisions of the Gramm-Leach-Bliley Act, 15 U.S.C. §§ 6801

et seq., or any personally identifiable information regulated by that Act which is collected, maintained or sold as provided in that Act.

Senator Spearman moved that the Senate not concur in Assembly Amendments Nos. 679 and 742 to Senate Bill No. 370.

Motion carried.

Bill ordered transmitted to the Assembly.

MESSAGES FROM THE GOVERNOR
OFFICE OF THE GOVERNOR
101 NORTH CARSON STREET
CARSON CITY, NEVADA 89701

May 31, 2023

The Honorable Nicole Cannizzaro
Majority Leader of the Nevada State Senate
Nevada Legislature
401 South Carson Street
Carson City, Nevada 89701

RE: Senate Bill 20 of the 82nd Legislative Session

Dear Leader Cannizzaro:

I am returning Senate Bill No. 20 to the 82nd Session of the Nevada Legislature without my approval, accompanied by my letters of objections [sic].

Sincerely,
Joe Lombardo
Governor of Nevada

May 31, 2023

The Honorable Nicole Cannizzaro
Majority Leader of the Nevada State Senate
Nevada Legislature
401 South Carson Street
Carson City, Nevada 89701

RE: Senate Bill 169 of the 82nd Legislative Session

Dear Leader Cannizzaro:

I am returning Senate Bill No. 169 to the 82nd Session of the Nevada Legislature without my approval, accompanied by my letters of objections [sic].

Sincerely,
Joe Lombardo
Governor of Nevada

May 31, 2023

The Honorable Nicole Cannizzaro
Majority Leader of the Nevada State Senate
Nevada Legislature
401 South Carson Street
Carson City, Nevada 89701

RE: Senate Bill 210 of the 82nd Legislative Session

Dear Leader Cannizzaro:

I am returning Senate Bill No. 210 to the 82nd Session of the Nevada Legislature without my approval, accompanied by my letters of objections [sic].

Sincerely,
Joe Lombardo
Governor of Nevada

MOTIONS, RESOLUTIONS AND NOTICES

Senator Cannizzaro moved that consideration of Vetoed Senate Bills Nos. 20, 169 and 210 of the 82nd Session be made a Special Order of Business for Monday, June 5, 2023, at 11:15 a.m.

Motion carried.

SECOND READING AND AMENDMENT

Senate Bill No. 469.

Bill read second time and ordered to third reading.

Senate Bill No. 492.

Bill read second time.

The following amendment was proposed by the Committee on Finance:

Amendment No. 855.

SUMMARY—Makes appropriations to the State Department of Conservation and Natural Resources for the replacement or purchase of certain information technology, vehicles and equipment. (BDR S-1169)

AN ACT making appropriations to the State Department of Conservation and Natural Resources for the replacement or purchase of certain information technology, vehicles and equipment; and providing other matters properly relating thereto.

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

Section 1. There is hereby appropriated from the State General Fund to the State Department of Conservation and Natural Resources the sum of \$296,261 for the Conservation and Natural Resources Administration budget account for the replacement of computer hardware and associated software and parts of the shared information technology infrastructure.

Sec. 2. There is hereby appropriated from the State General Fund to the State Department of Conservation and Natural Resources the sum of \$11,378 for the Conservation Districts Program budget account for the replacement of computer hardware and associated software.

Sec. 3. There is hereby appropriated from the State General Fund to the Division of State Parks of the State Department of Conservation and Natural Resources the sum of ~~[\$3,693,714]~~ \$3,821,597 for the replacement of heavy equipment, vehicles and water vessels.

Sec. 4. There is hereby appropriated from the State General Fund to the Division of State Parks of the State Department of Conservation and Natural Resources the sum of \$72,498 for the replacement of handheld and vehicle radios.

Sec. 5. There is hereby appropriated from the State General Fund to the Division of State Parks of the State Department of Conservation and Natural Resources the sum of \$50,838 for the purchase of a wood chipper.

Sec. 6. There is hereby appropriated from the State General Fund to the Division of State Parks of the State Department of Conservation and Natural Resources the sum of \$181,906 for the replacement of computer hardware and associated software.

Sec. 7. There is hereby appropriated from the State General Fund to the Division of State Parks of the State Department of Conservation and Natural Resources the sum of \$307,980 for the purchase of equipment for operational duties within the state parks.

Sec. 8. There is hereby appropriated from the State General Fund to the Division of Water Resources of the State Department of Conservation and Natural Resources the sum of \$78,506 for the replacement of ~~the vehicle~~ vehicles.

Sec. 9. There is hereby appropriated from the State General Fund to the Division of Water Resources of the State Department of Conservation and Natural Resources the sum of \$296,499 for the replacement of computer hardware and associated software.

Sec. 10. There is hereby appropriated from the State General Fund to the Division of Forestry of the State Department of Conservation and Natural Resources the sum of ~~(\$5,000,000)~~ \$5,295,000 for the replacement of a helicopter.

Sec. 11. There is hereby appropriated from the State General Fund to the Division of Forestry of the State Department of Conservation and Natural Resources the sum of ~~(\$1,463,204)~~ \$1,556,337 for the replacement of vehicles.

Sec. 12. There is hereby appropriated from the State General Fund to the Division of Forestry of the State Department of Conservation and Natural Resources the sum of \$419,773 for the replacement of computer hardware and associated software.

Sec. 13. There is hereby appropriated from the State General Fund to the Division of Forestry of the State Department of Conservation and Natural Resources the sum of ~~(\$1,471,136)~~ \$1,527,446 for the Forestry Conservation Camps budget account for the replacement of command trucks.

Sec. 14. There is hereby appropriated from the State General Fund to the Division of Forestry of the State Department of Conservation and Natural Resources the sum of ~~(\$1,116,526)~~ \$1,133,370 for the Forestry Conservation Camps budget account for the replacement of trailers for transporting portable toilets and tools.

Sec. 15. There is hereby appropriated from the State General Fund to the Division of Forestry of the State Department of Conservation and Natural Resources the sum of \$291,377 for the Forestry Conservation Camps budget account for the replacement of computer hardware and associated software.

Sec. 16. There is hereby appropriated from the State General Fund to the Division of State Lands of the State Department of Conservation and Natural

Resources the sum of \$15,335 for the replacement of computer hardware and associated software.

Sec. 17. There is hereby appropriated from the State General Fund to the Division of Outdoor Recreation of the State Department of Conservation and Natural Resources the sum of \$1,402 for the replacement of computer hardware and associated software.

Sec. 18. Any remaining balance of the appropriations made by sections 1 to 17, inclusive, of this act must not be committed for expenditure after June 30, 2025, by the entity to which the appropriation is made or any entity to which money from the appropriation is granted or otherwise transferred in any manner, and any portion of the appropriated money remaining must not be spent for any purpose after September 19, 2025, by either the entity to which the money was appropriated or the entity to which the money was subsequently granted or transferred, and must be reverted to the State General Fund on or before September 19, 2025.

Sec. 19. This act becomes effective upon passage and approval.

Senator Dondero Loop moved the adoption of the amendment.

Remarks by Senator Dondero Loop.

Amendment No. 855 to Senate Bill No. 492 increases the amounts appropriated in several sections due to increased costs, revising the total General Fund appropriations from \$14,768,333 to \$15,357,503, an increase of \$589,170. Specifically, section 3 increases from \$3,693,714 to \$3,821,597 for the Division of State Parks for replacement of heavy equipment, vehicles and water vessels. Section 10 increases from \$5,000,000 to \$5,295,000 for the Division of Forestry for a replacement helicopter. Section 11 increases from \$1,463,204 to \$1,556,337 for the Division of Forestry for replacement vehicles. Section 13 increases from \$1,471,136 to \$1,527,446 for the Division of Forestry Conservation Camps for replacement command trucks, and section 14 increases from \$1,116,526 to \$1,133,370 for the Division of Forestry Conservation Camps for replacement trailers. The amendment also changes the word "vehicle" to "vehicles" in section 8 to correct the quantity of Division of Water Resources replacement vehicles.

Amendment adopted.

Bill ordered reprinted, engrossed and to third reading.

Assembly Bill No. 41.

Bill read second time.

The following amendment was proposed by the Committee on Revenue and Economic Development:

Amendment No. 814.

SUMMARY—Establishes the Nevada Innovation Account. (BDR 18-213)

AN ACT relating to economic development; establishing the Nevada Innovation Account; requiring the Executive Director of the Office of Economic Development within the Office of the Governor to establish certain programs to be funded from the Account; establishing certain duties of the Executive Director regarding such programs; and providing other matters properly relating thereto.

Legislative Counsel's Digest:

Existing law establishes the Office of Economic Development within the Office of the Governor, the administration and technical activities of which are

directed and supervised by an Executive Director. (NRS 231.043, 231.047) Existing law authorizes the Executive Director to cause the formation of a nonprofit entity for certain economic development purposes, upon approval by the Board of Economic Development. (NRS 231.0545) Section 3 of this bill creates the Nevada Innovation Account in the State General Fund and requires the Executive Director to administer the Account. Section 5 of this bill requires the Executive Director to establish certain programs to be funded from the Account and to establish procedures for applying for an allocation of money from the Account pursuant to such programs. Section 4 of this bill requires the Executive Director to enter into a contract with a nonprofit corporation for economic development to operate such programs. Section 5 requires applications for an allocation from the Account to be made to the nonprofit corporation and authorizes the nonprofit corporation to approve such applications if the nonprofit corporation makes certain findings. Section 5 authorizes the Executive Director to make an allocation from the Account to an applicant whose application is approved by the nonprofit corporation. Section 6 of this bill sets forth various duties of the Executive Director regarding the programs established pursuant to section 5. Section 7 of this bill makes a conforming change to exclude an allocation of money from the Account from the definition of "development resource."

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

Section 1. Chapter 231 of NRS is hereby amended by adding thereto the provisions set forth as sections 2 to 6, inclusive, of this act.

Sec. 2. *As used in sections 2 to 6, inclusive, of this act, unless the context otherwise requires:*

1. *"Accelerator" means a full-time, immersive program which is administered by a private entity or the Nevada System of Higher Education to potentially invest in, mentor and accelerate the commercial development of start-up businesses.*

2. *"Incubator" means a facility designed to assist entrepreneurs and support the growth of start-up businesses by providing assistance which may include, without limitation, shared business services, equipment, space and access to on-site business consultants.*

3. *"Nonprofit corporation for economic development" means the nonprofit corporation formed by the Executive Director pursuant to NRS 231.0545 with which the Executive Director has entered into a contract pursuant to section 4 of this act.*

4. *"Private entity" means a privately owned corporation, limited-liability company, partnership, sole proprietorship or other business entity or association including, without limitation, a nonprofit corporation.*

5. *"Small Business Innovation Research Program" means the Small Business Innovation Research Program enacted pursuant to the Small Business Innovation Development Act of 1982, 15 U.S.C. § 638, as amended.*

6. "Small Business Technology Transfer Program" means the Small Business Technology Transfer Program enacted pursuant to the Small Business Technology Transfer Act of 1992, 15 U.S.C. § 638, as amended.

7. "Technology readiness level" means the level of maturity of a technology as determined using the method for assessing such maturity that is used by the Federal Government and is determined by the nonprofit corporation for economic development to be most appropriate for assessing the maturity of the technology.

Sec. 3. 1. The Nevada Innovation Account is hereby created in the State General Fund.

2. The interest and income earned on:

(a) Money in the Account, after deducting any applicable charges; and

(b) Unexpended appropriations made to the Account from the State General Fund,

↪ must be credited to the Account.

3. Any money in the Account and any unexpended appropriations made to the Account from the State General Fund remaining at the end of a fiscal year do not revert to the State General Fund, and the balance in the Account must be carried forward to the next fiscal year.

4. The Executive Director may apply for and accept any gift, grant, donation, bequest, federal allocation or other source of money for deposit into the Account. The Executive Director and the nonprofit corporation for economic development may enter into any agreement necessary to claim federal funds for deposit in the Account.

5. The Executive Director shall administer the Account in a manner that is consistent with the State Plan for Economic Development developed by the Executive Director pursuant to subsection 2 of NRS 231.053.

Sec. 4. The Executive Director shall enter into a contract with a nonprofit corporation formed pursuant to NRS 231.0545 for the operation of the programs established pursuant to section 5 of this act and to carry out the duties assigned to the nonprofit corporation for economic development pursuant to sections 2 to 6, inclusive, of this act.

Sec. 5. 1. The Executive Director shall, to the extent that money in the Nevada Innovation Account is available for this purpose, establish:

(a) One or more competitive grant programs that:

(1) Are designed to:

(I) Address market gaps in the development of technology in this State;

and

(II) Support research, development and innovation of promising technologies with strong market potential and that have a technology readiness level of at least 3 and not more than 5.

(2) Offer grants, on a competitive basis, to:

(I) Private entities that had not more than \$2,000,000 in combined financing, grant funding and revenues within the 3 years immediately

preceding the date of the grant application and employ not more than ten full-time equivalent employees; or

(II) Partnerships between the Nevada System of Higher Education and private entities that had not more than \$2,000,000 in combined financing, grant funding and revenues within the 3 years immediately preceding the date of the grant application and employ not more than ten full-time equivalent employees.

(3) Do not overlap with or duplicate other state funded programs.

(b) A program that provides matching funds to businesses that have received an award under the Small Business Innovation Research Program or the Small Business Technology Transfer Program.

(c) A program to promote and encourage the establishment, maintenance and operation of incubators and accelerators in this State by providing grants or other financial assistance to companies, nonprofit entities, economic development agencies, educational institutions, governmental agencies or other entities for programs that promote an entrepreneurial business environment or train or educate entrepreneurs.

(d) A program, in cooperation with entrepreneurial support organizations operating in this State and the Nevada System of Higher Education, to provide internship opportunities on a competitive basis, at Nevada companies in targeted technology areas to university and college students who are studying relevant fields including, without limitation, computer science, business, engineering or science.

2. After considering any advice and recommendations of the Board and the nonprofit corporation for economic development, the Executive Director shall establish procedures for applying for an allocation of money from the Account pursuant to the programs established pursuant to subsection 1. The procedures must include, without limitation, a requirement that applications for allocations of money from the Account must set forth:

(a) The proposed use of the money;

(b) The plans, projects and programs for which the money will be used;

(c) The expected benefits of the money; and

(d) A statement of the short-term and long-term impacts of the use of the money.

3. An application for an allocation from the Account must be made to the nonprofit corporation for economic development. Upon receipt of an application for an allocation from the Account, the nonprofit corporation for economic development shall review the application and determine whether the approval of the application would promote the economic development of this State and aid in the implementation of the State Plan for Economic Development developed by the Executive Director pursuant to subsection 2 of NRS 231.053. The nonprofit corporation for economic development may approve the application if the nonprofit corporation for economic development determines that:

(a) Approving the application will promote the economic development of this State and aid in the implementation of the State Plan for Economic Development; and

(b) The applicant has satisfied any other requirements of the program under which the application was made.

4. The Executive Director may make an allocation of money from the Account to an applicant whose application is approved by the nonprofit corporation for economic development pursuant to subsection 3.

Sec. 6. The Executive Director shall:

1. For each program established pursuant to subsection 1 of section 5 of this act, establish economic development goals which are consistent with the State Plan for Economic Development developed by the Executive Director pursuant to subsection 2 of NRS 231.053.

2. Verify that the programs established pursuant to subsection 1 of section 5 of this act are meeting the economic development goals established pursuant to subsection 1.

3. Monitor the nonprofit corporation for economic development to ensure that allocations from the Nevada Innovation Account are being made in accordance with legislative intent and to maximize the benefit and return to this State.

4. Develop methods and incentives to encourage investment in and contributions to the programs established pursuant to subsection 1 of section 5 of this act from the private sector and the Federal Government.

5. Establish requirements for periodic reports to be submitted by each recipient of an allocation from the Account to the Executive Director and the nonprofit corporation for economic development concerning the use of allocations from the Account. The requirements must include, without limitation, a requirement that each recipient of an allocation provide a report that includes:

(a) A description of each activity undertaken with money from the allocation and the amount of money used for each such activity; and

(b) Such documentation as the Executive Director and the nonprofit corporation for economic development deem appropriate to support the information provided in the report.

6. On or before November 1, 2024, and on or before November 1 of every year thereafter, submit a report to the Governor and to the Director of the Legislative Counsel Bureau for transmittal to the Interim Finance Committee, if the report is received during an odd-numbered year, or to the next session of the Legislature, if the report is received during an even-numbered year. The report must include, without limitation:

(a) The dollar amount of allocations awarded from the Account;

(b) The number of applications received for an allocation from the Account;

(c) The number of applicants awarded an allocation from the Account;

(d) The amount of all grants, gifts, allocations and donations made to the Account from public and private sources;

(e) The number of businesses which have been created or expanded in this State, or relocated to this State, because of the programs established pursuant to subsection 1 of section 5 of this act;

(f) The number of jobs created or saved as a result of the programs established pursuant to subsection 1 of section 5 of this act; ~~and~~

(g) The number of university and college students placed as interns as a result of the programs established pursuant to subsection 1 of section 5 of this act ~~and~~; and

(h) Demographic data concerning the ownership, management and principal employees of the recipients of grants and the students placed in internships as a result of the programs established pursuant to subsection 1 of section 5 of this act, disaggregated by demographic information, including, without limitation:

(1) Age;

(2) Race;

(3) Ethnicity;

(4) Sex;

(5) Religion;

(6) Sexual orientation;

(7) Gender identity or expression;

(8) Mental or physical disability;

(9) National origin;

(10) Economic status; and

(11) Educational attainment.

Sec. 7. NRS 231.005 is hereby amended to read as follows:

231.005 1. "Development resource" means any funding or other resource for economic development, including, without limitation, a structured lease of real property.

2. The term does not include any:

(a) Funding for administrative or operating purposes;

(b) Grant or loan of money from the Catalyst Account created by NRS 231.1573;

(c) Issuance of a certificate of eligibility for transferable tax credits or a certificate of transferable tax credits pursuant to NRS 231.1555; ~~or~~

(d) Allocation of money from the Knowledge Account created by NRS 231.1592 ~~and~~; or

(e) Allocation of money from the Nevada Innovation Account created by section 3 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 Neal moved the adoption of the amendment.

Remarks by Senator Neal.

Amendment No. 814 to Assembly Bill No. 41, in its first reprint, adds certain reporting requirements for the Executive Director of the Governor's Office of Economic Development.

Amendment adopted.

Bill ordered reprinted, engrossed and to third reading.

GENERAL FILE AND THIRD READING

Senate Bill No. 107.

Bill read third time.

Remarks by Senator Daly.

Senate Bill No. 107, as amended, requires the Department of Transportation to establish a program to allow a contractor who has been awarded a contract for work on a highway to obtain a permit for the use of certain law enforcement vehicles owned by the Nevada Highway Patrol under certain circumstances. Senate Bill No. 107, as amended, expands the definition of an emergency vehicle for which the Department of Public Safety is authorized to issue a permit to own and operate to include a vehicle that is owned and operated by the office of a coroner or medical examiner.

Roll call on Senate Bill No. 107:

YEAS—21.

NAYS—None.

Senate Bill No. 107 having received a constitutional majority, Mr. President declared it passed, as amended.

Bill ordered transmitted to the Assembly.

Senate Bill No. 246.

Bill read third time.

The following amendment was proposed by the Committee on Finance:

Amendment No. 806.

SUMMARY—Revises provisions relating to governmental administration.
(BDR S-1028)

AN ACT relating to governmental administration; requiring the City Councils of the City of Las Vegas and the City of North Las Vegas to establish a workforce development program; requiring the City Councils to receive updates on the programs and post information about the programs; requiring every public utility which is owned or operated by the City of Las Vegas or the City of North Las Vegas to include certain information in utility bills; requiring that certain information be posted in each building owned by the City of Las Vegas or the City of North Las Vegas; requiring the City Councils to submit an annual report to the Director of the Department of Employment, Training and Rehabilitation and the Director of the Legislative Counsel Bureau relating to the workforce development program; revising provisions relating to the Charter Committee, City Clerk and City Manager of the City of North Las Vegas; ~~making an appropriation to Southern Nevada Enterprise Community Board to carry out the Southern Nevada Enterprise Community Improvement Project;~~ providing penalties; and providing other matters properly relating thereto.

Legislative Counsel's Digest:

The existing Charter of the City of Las Vegas authorizes the City Council of the City to exercise such powers and enact such ordinances, not in conflict with the laws of this State, as the City Council determines are necessary and proper for the development and provisions of programs relating to employment and training. (Las Vegas City Charter § 3.300) Section 1 of this bill requires the City Council to establish a workforce development program, in coordination with all applicable agencies which provide workforce development services, to reduce the rate of unemployment in all areas of the City that have a high rate of poverty. Section 1 further requires: (1) the City Council to receive an update to the program on a quarterly basis; (2) the City Council to post information about the program in a conspicuous place on the Internet website of the City; (3) every public utility owned or operated by the City to include certain information regarding opportunities available in workforce development in each utility bill; (4) each building that is owned in the City to have posted in a clear and conspicuous place all job openings that are available in the building; and (5) the City Council to provide a written report each year to the Director of the Department of Employment, Training and Rehabilitation and the Director of the Legislative Counsel Bureau relating to the workforce development program. Section 3 of this bill sets forth the same requirements for the City of North Las Vegas.

Section 2 of this bill creates an exception to the provision that authorizes but does not require the City Council of the City of Las Vegas to exercise powers and enact ordinances relating to programs relating to employment and training.

The existing Charter of the City of North Las Vegas provides for the establishment of a Charter Committee by the City Council ~~and~~ and requires the Charter Committee to meet at least once every 2 years before the beginning of each regular session of the Legislature. (North Las Vegas City Charter § ~~§ 1.100~~ 1.110) Section 3.2 of this bill requires the Charter Committee to report any abuse of power by the City Council or City Manager to the Legislature or the Joint Interim Standing Committee on Government Affairs if the Legislature is not in session. Section 3.2 also prohibits the City Council and City Manager from interfering with the duties of the Charter Committee or committing any abuses of power with respect to the duties of the Charter Committee. Section 3.2 further requires the Charter Committee to meet at least quarterly.

The existing Charter of the City of North Las Vegas sets forth certain duties of the City Clerk. (North Las Vegas City Charter § 3.040) Section 3.4 of this bill prohibits the City Clerk from committing any violation of law relating to his or her duties and provides that the City Clerk may be subject to civil and criminal liability for any such violation. Section 3.4 also prohibits the City Council and City Manager of the City of North Las Vegas from threatening, coercing or harassing or conspiring to threaten, coerce or harass the City Clerk to violate any provision of law.

Section 3.6 of this bill requires the City Manager of the City of North Las Vegas to submit an annual report to the Committee on Local Government Finance that contains certain information relating to special revenue funds of the City. Section 3.8 of this bill requires the City Manager to submit, on or before January 1, 2024, a similar report to the Committee for the period beginning July 1, 2013, and ending on June 30, 2024.

~~[Section 4 of this bill makes an appropriation of \$5,000,000 from the State General Fund to the Southern Nevada Enterprise Community Board for purposes of carrying out the Southern Nevada Enterprise Community Improvement Project.]~~

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

Section 1. The Charter of the City of Las Vegas, being chapter 517, Statutes of Nevada 1983, at page 1391, is hereby amended by adding thereto a new section to be designated as section 3.310, immediately following section 3.300, to read as follows:

Sec. 3.310 Workforce development.

1. The City Council shall establish a workforce development program, in coordination with all applicable agencies which provide workforce development services, to reduce the rate of unemployment in all areas of the City that have a high rate of poverty. The workforce development program established pursuant to this section:

(a) Must prioritize outreach and assistance in neighborhoods that have historically had high rates of poverty;

(b) Must not prioritize any one minority group over another; and

(c) Must include, without limitation:

(1) Targets to share work opportunities for all economic development projects within the boundary of the City with residents of the City based on the priorities established pursuant to paragraph (a); and

(2) Engagement and outreach regarding work opportunities from the beginning of an economic development project until completion.

2. The City Council shall:

(a) Receive an update on the workforce development program established pursuant to subsection 1 on a quarterly basis.

(b) Post information about the workforce development program established pursuant to subsection 1 in a conspicuous place on the Internet website of the City.

3. Every public utility which is owned or operated by the City shall include in each utility bill sent to a customer clear and conspicuous notification of the Internet address that sets forth opportunities in workforce development available to residents of the City.

4. *In each building that is owned by the City, there must be posted in a clear and conspicuous place all job openings that are available in the building.*

5. *The City Council shall provide a written report each year to the Director of the Department of Employment, Training and Rehabilitation and the Director of the Legislative Counsel Bureau for transmittal to the Legislature, or if the Legislature is not in session, the Legislative Commission, describing the efforts made by the workforce development program established pursuant to subsection 1.*

Sec. 2. Section 3.300 of the Charter of the City of Las Vegas, being chapter 338, Statutes of Nevada 2007, at page 1532, is hereby amended to read as follows:

Sec. 3.300 Programs: Employment and training.

1. Except as otherwise provided in subsection 2 *and section 3.310* and in addition to any other powers authorized by specific statute, the City Council may exercise such powers and enact such ordinances, not in conflict with the laws of this State, as the City Council determines are necessary and proper for the development and provision of programs relating to employment and training.

2. The City Council shall not impose or increase a tax for the purposes set forth in subsection 1 unless the tax or increase is otherwise authorized by specific statute.

Sec. 3. The Charter of the City of North Las Vegas, being chapter 573, Statutes of Nevada 1971, at page 1210, is hereby amended by adding thereto a new section to be designated as section 3.110, immediately following section 3.100, to read as follows:

Sec. 3.110 *Workforce development.*

1. *The City Council shall establish a workforce development program, in coordination with all applicable agencies which provide workforce development services, to reduce the rate of unemployment in areas of the City that have a high rate of poverty. The workforce development program established pursuant to this section:*

(a) Must prioritize outreach and assistance in neighborhoods that have historically had high rates of poverty;

(b) Must not prioritize any one minority group over another; and

(c) Must include, without limitation:

(1) Targets to share work opportunities for all economic development projects within the boundary of the City with residents of the City based on the priorities established pursuant to paragraph (a); and

(2) Engagement and outreach regarding work opportunities from the beginning of an economic development project until completion.

2. *The City Council shall:*

(a) Receive an update on the workforce development program established pursuant to subsection 1 on a quarterly basis.

(b) Post information about the workforce development program established pursuant to subsection 1 in a conspicuous place on the Internet website of the City.

3. Every public utility which is owned or operated by the City shall include in each utility bill sent to a customer clear and conspicuous notification of the Internet address that sets forth opportunities in workforce development available to residents of the City.

4. In each building that is owned by the City, there must be posted in a clear and conspicuous place all job openings that are available in the building.

5. The City Council shall provide a written report each year to the Director of the Department of Employment, Training and Rehabilitation and the Director of the Legislative Counsel Bureau for transmittal to the Legislature, or if the Legislature is not in session, the Legislative Commission, describing the efforts made by the workforce development program established pursuant to subsection 1.

Sec. 3.2. Section 1.110 of the Charter of the City of North Las Vegas, being chapter 254, Statutes of Nevada 2021, at page 1325, is hereby amended to read as follows:

Sec. 1.110 Charter Committee: Officers; meetings; duties.

1. The Charter Committee shall:

~~{1.}~~ (a) Elect a Chair and Vice Chair from among its members, who each serve for a term of 2 years;

~~{2.}~~ (b) Meet at least ~~once every 2 years before the beginning of each regular session of the Legislature~~ quarterly and at other times when requested by the City Council or the Chair of the Committee; ~~and~~

~~— 3.}~~ (c) Set the agenda for every meeting of the Charter Committee. The City Council may request not more than four items be considered by the Charter Committee at a meeting of the Charter Committee;

(d) Appear before the City Council on a date to be set after the final biennial meeting of the Charter Committee is conducted pursuant to paragraph (b) of subsection {2} 1 and before the beginning of the next regular session of the Legislature to advise the City Council with regard to the recommendations of the Charter Committee concerning necessary amendments to this Charter ~~{1}~~ ;

(e) Report any abuse of authority by the City Council or City Manager to the Director of the Legislative Counsel Bureau for transmittal to the Legislature or if the Legislature is not in session, the Joint Interim Standing Committee on Government Affairs; and

(f) Retain all records relating to the work of the Charter Committee.

2. *The City Council and City Manager shall not interfere with the duties of the Charter Committee or commit any abuse of power with respect to the Charter Committee. In addition to any criminal action, the Attorney General may bring a civil action in a court of competent jurisdiction for a violation of the provisions of this subsection by the City Council, Council Members or City Manager and may recover a civil penalty of not more than \$1,000 for each violation.*

3. *For the purposes of this section, "abuse of power" includes, without limitation, preventing or threatening, coercing or conspiring to prevent the Charter Committee from setting an agenda for a meeting or holding a meeting.*

Sec. 3.4. Section 3.040 of the Charter of the City of North Las Vegas, being chapter 573, Statutes of Nevada 1971, as last amended by chapter 254, Statutes of Nevada 2021, at page 1331, is hereby amended to read as follows:

Sec. 3.040 City Clerk: Office; duties.

1. The City Clerk shall:

(a) *Before entering upon the duties of office, take and subscribe the constitutional oath of office.*

(b) Keep his or her office at the place of meeting of the City Council or some other place convenient thereto, as the City Council may direct.

~~[(b)]~~ (c) Keep the corporate seal and be the custodian of all official papers and records of the City, including, without limitation, contracts, agreements, documents, resolutions, ordinances, minutes and official city election records.

~~[(c)]~~ (d) Keep a record of the proceedings of, and be the Clerk of the City Council, whose meetings it shall be his or her duty to attend.

~~[(d)]~~ (e) Record votes of members of the City Council.

~~[(e)]~~ (f) Direct the transcription and keeping of minutes and official records and the making and keeping of audio recordings or transcripts of all City Council meetings.

~~[(f)]~~ (g) Countersign official contracts, bonds and other official City documents.

~~[(g)]~~ (h) Make arrangements for regular, special or emergency meetings of the City Council.

~~[(h)]~~ (i) Supervise the operation and maintenance of the records management system of the City.

~~[(i)]~~ (j) Supervise the printing of all ballots for city elections.

~~[(j)]~~ (k) Certify the election returns.

~~[(k)]~~ (l) Administer official oaths for the City.

2. Copies of all papers filed in the office of the City Clerk and transcripts from all records of the City Council certified by him or her, under the corporate seal, shall be evidence in all courts to the same effect as if the original were produced.

3. *The City Clerk shall not knowingly and willfully violate any provision of law governing elections, commit fraud, abuse the public trust, abuse his or her authority, falsify records or violate any other provision of law governing his or her duties. In addition to any criminal action, the Attorney General may bring a civil action for civil penalties for a violation of this prohibition not to exceed \$1,000 for each violation.*

4. *The City Council and City Manager shall not threaten, coerce or harass or conspire to threaten, coerce or harass the City Clerk to violate any provision of law.*

Sec. 3.6. Section 3.020 of the Charter of the City of North Las Vegas, being chapter 573, Statutes of Nevada 1971, as last amended by chapter 254, Statutes of Nevada 2021, at page 1330, is hereby amended to read as follows:

Sec. 3.020 City Manager: Power and duties.

1. The City Manager is the Chief Administrative Officer of the City. He or she is responsible to the City Council for the efficient and proper administration of all City affairs placed in his or her charge by or under this Charter.

2. The City Manager shall:

(a) Except as otherwise provided by law, this Charter, or personnel rules adopted pursuant to this Charter, appoint, and when he or she deems it necessary for the good of the service, discharge or suspend all City employees and appointed administrative officers provided for by this Charter. He or she may authorize any administrative officer who is subject to his or her direction and supervision to exercise the powers enumerated in this paragraph with respect to subordinates in that officer's department, office or agency.

(b) Direct and supervise the administration of all departments, offices and agencies of the City, except:

(1) As otherwise provided by law; and

(2) For any department, office or agency whose head is not appointed by the City Manager.

(c) Attend all City Council meetings and have the right to take part in all discussions. The City Manager may not vote.

(d) Be responsible for the enforcement of all laws, provisions of this Charter and acts of the City Council subject to enforcement by the City Manager or by his or her officers subject to his or her direction and supervision.

(e) Prepare and submit the annual budget and capital program to the City Council.

(f) Submit to the City Council and make available to the public a complete report on the finances and administrative activities of the City as of the end of each fiscal year.

(g) Make such other reports as the City Council may require concerning the operations of City departments, offices and agencies subject to his or her direction and supervision.

(h) Keep the City Council fully advised as to the financial condition and future needs of the City and make such recommendations to the City Council concerning the affairs as he or she deems desirable.

(i) Perform such other duties as are specified in this Charter or which may be required by the City Council.

3. *In addition to the duties set forth in subsection 2, on or before January 1 of each year, the City Manager shall submit to the Committee on Local Government Finance created by NRS 354.105 a report that compares the projected and actual budgets of each special revenue fund maintained by the City for the immediately preceding fiscal year. Such report must:*

(a) Identify each special revenue fund;

(b) Indicate in detail all revenue received in the special revenue fund for the immediately preceding fiscal year; and

(c) Indicate in detail all expenses for the immediately preceding fiscal year which were paid with money from the special revenue fund.

4. *The report submitted pursuant to this section to the Committee on Local Government Finance is a public record.*

Sec. 3.8. 1. On or before January 1, 2024, the City Manager of the City of the North Las Vegas shall submit to the Committee on Local Government Finance created by NRS 354.105 a report that compares the projected and actual budgets of each special revenue fund maintained by the City for each fiscal year of the period beginning July 1, 2013, and ending June 30, 2023. Such report must:

(a) Identify each special revenue fund;

(b) Indicate in detail all revenue received in the special revenue fund for each fiscal year in the reporting period; and

(c) Indicate in detail all expenses for the fiscal year which were paid with money from the special revenue fund.

2. The report submitted pursuant to this section to the Committee on Local Government Finance is a public record.

~~Sec. 4. 1. There is hereby appropriated from the State General Fund to the Southern Nevada Enterprise Community Board the sum of \$5,000,000 for purposes of carrying out the Southern Nevada Enterprise Community Improvement Project.~~

~~2. Upon acceptance of the money appropriated by subsection 1, the Southern Nevada Enterprise Community Board agrees to:~~

~~(a) Prepare and transmit a report to the Interim Finance Committee on or before December 20, 2024, that describes each expenditure made from the money appropriated by subsection 1 from the date on which the money was received by the Southern Nevada Enterprise Community Board through December 1, 2024;~~

~~—(b) Prepare and transmit a final report to the Interim Finance Committee on or before September 19, 2025, that describes each expenditure made from the money appropriated by subsection 1 from the date on which the money was received by the Southern Nevada Enterprise Community Board through June 30, 2025; and~~

~~—(c) Upon request of the Legislative Commission, make available to the Legislative Auditor any of the books, accounts, claims, reports, vouchers or other records of information, confidential or otherwise, of the Southern Nevada Enterprise Community Board, regardless of their form or location, that the Legislative Auditor deems necessary to conduct an audit of the use of the money appropriated pursuant to subsection 1.~~

~~—3. Any remaining balance of the appropriation made by subsection 1 must not be committed for expenditure after June 30, 2025, by the entity to which the appropriation is made or any entity to which money from the appropriation is granted or otherwise transferred in any manner, and any portion of the appropriated money remaining must not be spent for any purpose after September 19, 2025, by either the entity to which the money was appropriated or the entity to which the money was subsequently granted or transferred, and must be reverted to the State General Fund on or before September 19, 2025.]~~

(Deleted by amendment.)

Sec. 5. This act becomes effective upon passage and approval.

Senator Dondero Loop moved the adoption of the amendment.

Remarks by Senator Dondero Loop.

Amendment No. 806 to Senate Bill No. 246, as amended, revises section 3, which requires the Charter Committee of the City of North Las Vegas to meet at least once every two years before the beginning of each regular session of the Legislature and to meet at least quarterly. In addition, the amendment deletes section 4, which has the effect of eliminating an appropriation of \$5 million from the State General Fund to the Southern Nevada Enterprise Community Board.

Amendment adopted.

Bill read third time.

Remarks by Senator Neal.

Senate Bill No. 246, as amended, revises provisions relating to the Charter Committee, the City Clerk, and requires the Charter Committee and City Manager to provide certain reports.

Roll call on Senate Bill No. 246:

YEAS—15.

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

Senate Bill No. 246 having received a constitutional majority, Mr. President declared it passed, as amended.

Bill ordered transmitted to the Assembly.

Senate Bill No. 277.

Bill read third time.

The following amendment was proposed by the Committee on Finance:

Amendment No. 755.

SUMMARY—Revises provisions relating to cannabis. (BDR 56-193)

AN ACT relating to cannabis; revising provisions relating to cannabis establishment agents; requiring the Cannabis Compliance Board to consider certain matters before adopting, amending or repealing any regulation; revising provisions relating to the issuance and renewal of licenses and registration cards by the Board; revising certain restrictions on sales of cannabis; ~~eliminating~~ requiring the Board to develop and implement a process by which a person may petition for an exemption from certain provisions related to excluded felony offenses; increasing certain fees for the issuance and renewal of an adult-use cannabis establishment license; authorizing ~~certain~~ cannabis establishments to have more than one entrance; deeming each adult-use cannabis establishment to be a dual licensee; revising the exemption from state prosecution for certain offenses relating to cannabis to increase the amount of cannabis and concentrated cannabis that a person who is 21 years of age or older is authorized to possess, deliver or produce; authorizing certain local governments to use money collected from a licensing tax on cannabis establishments for certain purposes; revising provisions relating to the excise tax on cannabis; revising the definition of the term "marijuana"; requiring the Cannabis Advisory Commission to conduct a study concerning certain matters relating to the scheduling of cannabis; and providing other matters properly relating thereto.

Legislative Counsel's Digest:

Existing law provides for the licensure and regulation of persons and establishments involved in the cannabis industry in this State by the Cannabis Compliance Board. (Title 56 of NRS) Existing law sets forth the method by which the Board may adopt, amend or repeal regulations. (NRS 678A.460) Section ~~4~~ 1.5 of this bill requires the Board, before adopting, amending or repealing any regulation, to consider whether the proposed action is likely to have an adverse effect on the environment and, if so, whether there are any methods to reduce or eliminate that adverse effect which would not impose an economic burden on holders of an adult-use cannabis establishment license or medical cannabis establishment license.

Existing law establishes different requirements for the cultivation, production and sale of cannabis and cannabis products depending upon whether the cannabis establishment engaging in such activities is an adult-use cannabis establishment or a medical cannabis establishment. (Chapters 678C and 678D of NRS) Under existing law, a person who holds both an adult-use cannabis establishment license and a medical cannabis establishment license of the same type is a "dual licensee" and is, in general, authorized to combine the operations of the adult-use cannabis establishment and medical cannabis establishment, subject to various requirements. (NRS 678A.145, 678C.410, 678C.430, 678D.430) Section 13 of this bill deems each adult-use cannabis establishment to be a dual licensee and authorizes the establishment to engage in activities relating to the medical use of cannabis to the same extent as if the adult-use cannabis establishment held a medical cannabis establishment license of the same type. Section 15 of this bill exempts from the excise tax

imposed on retail sales of cannabis or cannabis products by an adult-use cannabis retail store any sale of cannabis for the medical use of cannabis or a medical cannabis product to the holder of a registry identification card or letter of approval by an adult-use cannabis retail store deemed to be a dual licensee pursuant to section 13.

Sections 3, 5 and 6 of this bill prohibit the Board from issuing or renewing a medical cannabis establishment license on or after January 1, 2024, unless the medical cannabis establishment is located in a local governmental jurisdiction that is a "covered jurisdiction," which section 3 defines to mean a local governmental jurisdiction that has adopted local cannabis control measures which prohibit the operation of adult-use cannabis establishments. Section 17 of this bill sets forth a process by which a person who holds a medical cannabis establishment license on January 1, 2024, for a medical cannabis establishment that is not located in a covered jurisdiction may apply for and be issued an adult-use cannabis establishment license of the same type. Section 3 sets forth a similar process to allow a person who holds a medical cannabis establishment license for a medical cannabis establishment that is located in a covered jurisdiction to apply for and be issued an adult-use cannabis establishment license of the same type if the local governmental jurisdiction in which the establishment is located ceases to be a covered jurisdiction.

Existing law imposes limits on the number of: (1) medical cannabis establishment licenses for medical cannabis dispensaries and adult-use cannabis establishment licenses for adult-use cannabis retail stores that the Board is authorized to issue within a county; and (2) medical cannabis establishment licenses and adult-use cannabis establishment licenses that a single person, group of persons or entity is authorized to hold in a county whose population is 100,000 or more (currently Clark and Washoe Counties). (NRS 678B.220, 678B.230, 678B.260, 678B.270) Sections 3 and 17 deem an adult-use cannabis establishment license issued pursuant to those sections to be a medical cannabis establishment license for the purpose of those limitations, thereby exempting such a license from the limitations applicable to adult-use cannabis establishment licenses while continuing to subject such licenses to the limitations applicable to medical cannabis establishment licenses.

Section 10 of this bill increases the maximum amount of the fees that the Board is authorized to charge for the issuance or renewal of an adult-use cannabis establishment license.

Existing law requires a cannabis establishment that is : (1) a cannabis sales facility to have a single secure entrance for patrons; and (2) not a cannabis sales facility to have a single secure entrance. (NRS 678B.510) Section 11 of this bill authorizes ~~such a~~ any cannabis establishment to have more than one entrance so long as each entrance is secure.

Existing law provides an exemption from state prosecution for the possession, delivery and production of cannabis for: (1) a person who holds a

valid registry identification card or letter of approval; and (2) a person who is 21 years of age or older. (NRS 678C.200, 678D.200) However, under existing law, that exemption is subject to certain limitations. For a person who is 21 years of age or older, that exemption applies only to the extent that the person does not, at any one time, possess, deliver or produce more than: (1) one ounce of usable cannabis; (2) one-eighth of an ounce of concentrated cannabis; (3) six cannabis plants; and (4) a maximum allowable quantity of adult-use cannabis products established by regulation of the Board. (NRS 678D.200) Section 14 of this bill increases the amount of usable cannabis, from 1 ounce to 2.5 ounces, and the amount of concentrated cannabis, from one-eighth of an ounce to one-fourth of an ounce, that a person who is 21 years of age or older is authorized to possess, deliver or produce at any one time and remain subject to the exemption from state prosecution for the possession, delivery and production of cannabis.

Existing law prohibits a medical cannabis dispensary from selling to a person more than 1 ounce of cannabis in any one transaction. (NRS 678C.440) Existing regulations of the Board prohibit any cannabis sales facility from selling to any consumer an amount of cannabis or cannabis products which exceeds: (1) one ounce of usable cannabis; (2) one-eighth of an ounce of concentrated cannabis or cannabis products containing not more than 3,543 milligrams of THC; or (3) a combination of usable and concentrated cannabis not to exceed the legal limit. (Nev. Cannabis Compliance Bd. Regs. § 7.025) Section 12 of this bill eliminates provisions prohibiting a medical cannabis dispensary from selling to a person more than 1 ounce of cannabis in any one transaction. Section 4 of this bill instead prohibits any cannabis sales facility from selling to a person in any one transaction more than 2.5 ounces of usable cannabis or one-fourth of an ounce of concentrated cannabis.

~~[For the purpose of the issuance by]~~ Existing law prohibits the Board ~~[of licenses and registration cards, existing law defines "excluded"]~~ from issuing a: (1) medical cannabis establishment license or adult-use cannabis establishment license if any of the persons proposed to be owners, officers or board members of the proposed medical or adult-use cannabis establishment have been convicted of an excluded felony [offense" to mean, with certain exceptions, an offense that would constitute a category A felony if committed in this State. (NRS 678B.050)] offense; and (2) cannabis establishment agent registration card if the applicant for the registration card has been convicted of an excluded felony offense. (NRS 678B.210, 678B.250, 678B.340) Section 4.5 of this bill requires the Board to develop and implement a process by which a person who has been convicted of an excluded felony offense may submit to the Board a petition for an exemption from those prohibitions. Section 4.5 authorizes the Board to: (1) grant the exemption only if the Board determines that doing so would not pose a threat to the public health or safety or negatively impact the cannabis industry in this State; and (2) impose any conditions and limitations on the granting of an exemption that the Board determines necessary to preserve the public health and safety or mitigate the impact of granting the

exemption on the cannabis industry in this State. Section 4.5 requires the Board to adopt regulations to carry out the provisions of section 4.5. Sections 5, ~~and~~ 7 and 8 of this bill ~~[eliminate]~~ revise provisions ~~[which prohibit the Board from issuing a medical cannabis establishment license or an adult use cannabis establishment license to an applicant if any of the proposed owners, officers or board members of the proposed cannabis establishment have been convicted of an]~~ setting forth the prohibitions concerning excluded felony ~~[offense]. Similarly, section 8 of this bill eliminates provisions which prohibit the Board from issuing a cannabis establishment agent registration card to a person who has been convicted of an excluded felony offense.~~

~~Existing law sets forth certain grounds for the immediate revocation of a cannabis establishment agent registration card. (NRS 678B.385) Section 9 of this bill eliminates provisions which make having committed or committing an excluded felony offense grounds for the immediate revocation of a cannabis establishment agent registration card. Section 18 of this bill repeals the definition of "excluded felony offense" to conform to the changes made by sections 5 and 7-9.] offenses to reflect the authorization provided in section 4.5 for the Board to grant an exemption from those prohibitions.~~

Existing law requires a person who holds an ownership interest of less than 5 percent in a cannabis establishment to register with the Board as a cannabis establishment agent and obtain a cannabis establishment agent registration card. (NRS 678B.340) Section 8 of this bill eliminates that requirement. Section 1 of this bill eliminates provisions authorizing the Board to adopt regulations establishing policies and procedures pursuant to which the Board may waive the requirement for a person who holds an ownership interest in a cannabis establishment of less than 5 percent to reflect the elimination of that requirement in section 8.

Existing law authorizes the board of county commissioners of a county and the governing body of an incorporated city to fix, impose and collect a license tax on cannabis establishments. (NRS 244.35253, 268.0977) Sections 14.3 and 14.6 of this bill authorize the board of county commissioners of a county and the governing body of an incorporated city to use any portion of any money collected from that license tax to educate the public on safely purchasing cannabis and cannabis products from licensed cannabis establishments and the safe consumption of cannabis products.

Existing law defines "marijuana" for the purposes of the regulation of controlled substances. (NRS 453.096) Section 15.5 of this bill excludes from the definition of "marijuana": (1) root balls which have been fully separated from the stalks of the plant of the genus *Cannabis* after harvest; and (2) the seeds of that plant.

Under the federal Controlled Substances Act, cannabis, referred to as "marihuana," is included in the list of controlled substances in schedule I. (21 U.S.C. § 812) Similarly, existing regulations adopted by the State Board of Pharmacy pursuant to the provisions of the state Uniform Controlled Substances Act include cannabis, referred to as "marijuana," in the list of

controlled substances in schedule I. (NRS 453.011-453.348; NAC 453.510) Section 16 of this bill requires the Cannabis Advisory Commission to conduct a study concerning the potential effects of the removal of cannabis from the list of controlled substances included in schedule I pursuant to the federal Controlled Substances Act or the state Uniform Controlled Substances Act on the cannabis industry in this State.

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

Section 1. NRS 678A.450 is hereby amended to read as follows:

678A.450 1. The Board may adopt regulations necessary or convenient to carry out the provisions of this title. Such regulations may include, without limitation:

(a) Financial requirements for licensees.

(b) Establishing such investigative and enforcement mechanisms as the Board deems necessary to ensure the compliance of a licensee or registrant with the provisions of this title.

(c) Requirements for licensees or registrants relating to the cultivation, processing, manufacture, transport, distribution, testing, study, advertising and sale of cannabis and cannabis products.

(d) Policies and procedures to ensure that the cannabis industry in this State is economically competitive, inclusive of racial minorities, women and persons and communities that have been adversely affected by cannabis prohibition and accessible to persons of low-income seeking to start a business.

~~(c) Policies and procedures governing the circumstances under which the Board may waive the requirement to obtain a registration card pursuant to this title for any person who holds an ownership interest of less than 5 percent in any one cannabis establishment or an ownership interest in more than one cannabis establishment of the same type that, when added together, is less than 5 percent.~~

~~(f)~~ Reasonable restrictions on the signage, marketing, display and advertising of cannabis establishments. Such a restriction must not require a cannabis establishment to obtain the approval of the Board before using a logo, sign or advertisement.

~~(g)~~ Provisions governing the sales of products and commodities made from hemp, as defined in NRS 557.160, or containing cannabidiol by cannabis establishments.

~~(h)~~ Requirements relating to the packaging and labeling of cannabis and cannabis products.

2. The Board shall adopt regulations providing for the gathering and maintenance of comprehensive demographic information, including, without limitation, information regarding race, ethnicity, age and gender, concerning each:

(a) Owner and manager of a cannabis establishment.

(b) Holder of a cannabis establishment agent registration card.

3. The Board shall transmit the information gathered and maintained pursuant to subsection 2 to the Director of the Legislative Counsel Bureau for transmission to the Legislature on or before January 1 of each odd-numbered year.

4. The Board shall, by regulation, establish a pilot program for identifying opportunities for an emerging small cannabis business to participate in the cannabis industry. As used in this subsection, "emerging small cannabis business" means a cannabis-related business that:

- (a) Is in existence, operational and operated for a profit;
- (b) Maintains its principal place of business in this State; and
- (c) Satisfies requirements for the number of employees and annual gross revenue established by the Board by regulation.

~~[Section 1.]~~ Sec. 1.5. NRS 678A.460 is hereby amended to read as follows:

678A.460 1. The Board shall adopt, amend and repeal regulations in accordance with the following procedures:

(a) At least 30 days before a meeting of the Board at which the adoption, amendment or repeal of a regulation is considered, notice of the proposed action must be:

- (1) Posted on the Internet website of the Board;
- (2) Mailed to every person who has filed a request therefor with the Board; and
- (3) When the Board deems advisable, mailed to any person whom the Board believes would be interested in the proposed action, and published in such additional form and manner as the Board prescribes.

(b) The notice of proposed adoption, amendment or repeal must include:

- (1) A statement of the time, place and nature of the proceedings for adoption, amendment or repeal;
- (2) Reference to the authority under which the action is proposed; and
- (3) Either the express terms or an informative summary of the proposed action.

(c) On the date and at the time and place designated in the notice, the Board shall afford any interested person or his or her authorized representative, or both, the opportunity to present statements, arguments or contentions in writing, with or without opportunity to present them orally. ~~[The Board shall consider all relevant matter presented to it before adopting, amending or repealing any regulation.]~~

(d) *Before adopting, amending or repealing any regulation, the Board shall consider:*

(1) Whether the proposed action is likely to have an adverse effect on the environment and, if so, whether there are any methods to reduce or eliminate that adverse effect which would not impose an economic burden upon licensees; and

(2) All relevant matter presented to the Board.

(c) Any interested person may file a petition with the Board requesting the adoption, amendment or repeal of a regulation. The petition must state, clearly and concisely:

(1) The substance or nature of the regulation, amendment or repeal requested;

(2) The reasons for the request; and

(3) Reference to the authority of the Board to take the action requested.

➔ Upon receipt of the petition, the Board shall within 45 days deny the request in writing or schedule the matter for action pursuant to this subsection.

2. In emergencies, the Board may summarily adopt, amend or repeal any regulation if:

(a) The Board submits to the Governor:

(1) A written finding that such action is necessary for the immediate preservation of the public peace, health, safety, morals, good order or general welfare; and

(2) A written statement of the facts constituting an emergency;

(b) The Governor endorses the written finding and written statement described in paragraph (a) by written endorsement at the end of the full text of the written statement and written finding; and

(c) The Board files the written statement and written finding endorsed by the Governor at the same time it adopts, amends or repeals the regulation.

3. In any hearing held pursuant to this section, the Board or its authorized representative may administer oaths or affirmations, and may continue or postpone the hearing from time to time and at such places as it prescribes.

4. The Board shall file a copy of any regulation adopted, amended or repealed by the Board with the Legislative Counsel as soon as practicable after adoption, amendment or repeal. The adoption, amendment or repeal of a regulation by the Board becomes effective upon filing with the Secretary of State. The Board shall not file a regulation with the Secretary of State until 15 days after the date on which the regulation was adopted, amended or repealed by the Board.

5. Upon the request of a Legislator, the Legislative Commission may examine a regulation adopted, amended or repealed by the Board that is not yet effective pursuant to subsection 4 to determine whether the regulation conforms to the statutory authority pursuant to which it was adopted and whether the regulation carries out the intent of the Legislature in granting that authority.

6. Except as otherwise provided in subsection 7, the Legislative Commission shall:

(a) Review the regulation at its next regularly scheduled meeting if the request for examination of the regulation is received more than 10 working days before the meeting; or

(b) Refer the regulation for review to the Subcommittee to Review Regulations appointed pursuant to subsection 6 of NRS 233B.067.

7. If the Board determines that an emergency exists which requires a regulation of the Board for which a Legislator requested an examination pursuant to subsection 5 to become effective before the next meeting of the Legislative Commission is scheduled to be held, the Board may notify the Legislative Counsel in writing of the emergency. Upon receipt of such a notice, the Legislative Counsel shall refer the regulation for review by the Subcommittee to Review Regulations as soon as practicable.

8. If the Legislative Commission, or the Subcommittee to Review Regulations if the regulation was referred to the Subcommittee, approves the regulation, the Legislative Counsel shall notify the Board that the Board may file the regulation with the Secretary of State. If the Commission or the Subcommittee objects to the regulation after determining that:

(a) The regulation does not conform to statutory authority; or

(b) The regulation does not carry out legislative intent,

↪ the Legislative Counsel shall attach to the regulation a written notice of the objection, including, if practicable, a statement of the reasons for the objection, and shall promptly return the regulation to the Board.

9. If the Legislative Commission or the Subcommittee to Review Regulations has objected to a regulation, the Board shall revise the regulation to conform to the statutory authority pursuant to which it was adopted and to carry out the intent of the Legislature in granting that authority and return it to the Legislative Counsel within 60 days after the Board received the written notice of the objection to the regulation pursuant to subsection 8. Upon receipt of the revised regulation, the Legislative Counsel shall resubmit the regulation to the Legislative Commission or the Subcommittee for review. If the Legislative Commission or the Subcommittee approves the revised regulation, the Legislative Counsel shall notify the Board that the Board may file the revised regulation with the Secretary of State.

10. If the Legislative Commission or the Subcommittee to Review Regulations objects to the revised regulation, the Legislative Counsel shall attach to the revised regulation a written notice of the objection, including, if practicable, a statement of the reasons for the objection, and shall promptly return the revised regulation to the Board. The Board shall continue to revise the regulation and resubmit it to the legislative Commission or the Subcommittee within 30 days after the Board receives a written notice of the objection to the revised regulation.

Sec. 2. Chapter 678B of NRS is hereby amended by adding thereto the provisions set forth as sections 3, ~~and~~ 4 and 4.5 of this act.

Sec. 3. 1. *Except as otherwise provided in this section, the Board shall not, on or after January 1, 2024, issue any additional medical cannabis establishment licenses or renew a medical cannabis establishment license pursuant to NRS 678B.210.*

2. *The Board may, on or after January 1, 2024:*

(a) Issue a medical cannabis establishment license to an applicant pursuant to NRS 678B.210 if the proposed medical cannabis establishment will be located in a local governmental jurisdiction that is a covered jurisdiction.

(b) Renew the medical cannabis establishment license of a medical cannabis establishment pursuant to NRS 678B.210 so long as the local governmental jurisdiction in which the medical cannabis establishment is located is a covered jurisdiction.

3. If a local governmental jurisdiction that is a covered jurisdiction ceases to be a covered jurisdiction, a person who holds a medical cannabis establishment license for a medical cannabis establishment located in the local governmental jurisdiction may, upon expiration of the license, submit an application to the Board for the issuance of an adult-use cannabis establishment license of the same type.

4. An application submitted pursuant to subsection 3 must:

(a) Contain the same information as required for the renewal of a medical cannabis establishment license pursuant to NRS 678B.210; and

(b) Be accompanied by a fee in an amount that is equal to the fee for the renewal of an adult-use cannabis establishment license of the same type as that of the medical cannabis establishment license which has expired, as set forth in NRS 678B.390.

5. If the Board determines that the applicant would have been eligible to renew the medical cannabis establishment license which has expired, the Board shall issue to the applicant an adult-use cannabis establishment license of the same type.

6. Except as otherwise provided in subsection 7, an adult-use cannabis establishment license issued by the Board pursuant to this section shall be deemed to be an adult-use cannabis establishment license issued by the Board pursuant to NRS 678B.250.

7. An adult-use cannabis establishment license issued by the Board pursuant to this section shall be deemed to be medical cannabis establishment license of the same type for the purposes of NRS 678B.220, 678B.230, 678B.260 and 678B.270.

8. As used in this section:

(a) "Covered jurisdiction" means a local governmental jurisdiction that has adopted local cannabis control measures which prohibit the operation of adult-use cannabis establishments in the local governmental jurisdiction.

(b) "Local governmental jurisdiction" means a city or unincorporated area within a county.

Sec. 4. A cannabis sales facility shall not sell to a person, in any one transaction, more than 2.5 ounces of usable cannabis or more than one-fourth of an ounce of concentrated cannabis.

Sec. 4.5. 1. The Board shall develop and implement a process by which a person who has been convicted of an excluded felony offense may submit to the Board a petition for an exemption from the provisions of:

(a) Paragraph (b) of subsection 3 of NRS 678B.210.

(b) Paragraph (b) of subsection 3 of NRS 678B.250.

(c) Paragraph (a) of subsection 6 of NRS 678B.340.

2. The Board shall, in accordance with procedures established by the Board by regulation, review and evaluate each petition submitted pursuant to subsection 1 and grant or deny the exemption. The Board shall provide written notice to the petitioner of its decision to grant or deny the exemption.

3. The Board may grant an exemption pursuant to this section only if the Board determines that granting the exemption would not:

(a) Pose a threat to the public health or safety; or

(b) Negatively impact the cannabis industry in this State.

4. The Board may impose any conditions and limitations on the granting of an exemption pursuant to this section as the Board determines necessary to preserve the public health and safety or mitigate the impact of the granting of the exemption on the cannabis industry in this State. Such conditions and limitations may include, without limitation, conditions and limitations on the conduct of the petitioner in the cannabis industry in this State and the cannabis-related activities in which the petitioner is authorized to engage.

5. The Board shall adopt regulations to carry out the provisions of this section.

Sec. 5. NRS 678B.210 is hereby amended to read as follows:

678B.210 1. A person shall not engage in the business of a medical cannabis establishment unless the person holds a medical cannabis establishment license issued by the Board pursuant to this section.

2. A person who wishes to engage in the business of a medical cannabis establishment must submit to the Board an application on a form prescribed by the Board.

3. Except as otherwise provided in NRS 678B.220, 678B.230 and 678B.240, and section 3 of this act, not later than 90 days after receiving an application to engage in the business of a medical cannabis establishment, the Board shall register the medical cannabis establishment and issue a medical cannabis establishment license and a random 20-digit alphanumeric identification number if:

(a) The person who wishes to operate the proposed medical cannabis establishment has submitted to the Board all of the following:

(1) The application fee, as set forth in NRS 678B.390;

(2) An application, which must include:

(I) The legal name of the proposed medical cannabis establishment;

(II) The physical address where the proposed medical cannabis establishment will be located and the physical address of any co-owned additional or otherwise associated medical cannabis establishments, the locations of which may not be on the property of an airport, within 1,000 feet of a public or private school that provides formal education traditionally associated with preschool or kindergarten through grade 12 and that existed on the date on which the application for the proposed medical cannabis establishment was submitted to the Board, within 300 feet of a community

facility that existed on the date on which the application for the proposed medical cannabis establishment was submitted to the Board or, if the proposed medical cannabis establishment will be located in a county whose population is 100,000 or more, within 1,500 feet of an establishment that holds a nonrestricted gaming license described in subsection 1 or 2 of NRS 463.0177 and that existed on the date on which the application for the proposed medical cannabis establishment was submitted to the Board;

(III) Evidence that the applicant controls not less than \$250,000 in liquid assets to cover the initial expenses of opening the proposed medical cannabis establishment and complying with the provisions of this title;

(IV) Evidence that the applicant owns the property on which the proposed medical cannabis establishment will be located or has the written permission of the property owner to operate the proposed medical cannabis establishment on that property;

(V) For the applicant and each person who is proposed to be an owner, officer or board member of the proposed medical cannabis establishment, a complete set of the person's fingerprints and written permission of the person authorizing the Board to forward the fingerprints to the Central Repository for Nevada Records of Criminal History for submission to the Federal Bureau of Investigation for its report; and

(VI) The name, address and date of birth of each person who is proposed to be an owner, officer or board member of the proposed medical cannabis establishment;

(3) Operating procedures consistent with rules of the Board for oversight of the proposed medical cannabis establishment, including, without limitation:

(I) Procedures to ensure the use of adequate security measures; and

(II) The use of an electronic verification system and an inventory control system pursuant to NRS 678C.420 and 678C.430;

(4) If the proposed medical cannabis establishment will sell or deliver medical cannabis products, proposed operating procedures for handling such products which must be preapproved by the Board;

(5) If the city or county in which the proposed medical cannabis establishment will be located has enacted zoning restrictions, proof that the proposed location is in compliance with those restrictions and satisfies all applicable building requirements; and

(6) Such other information as the Board may require by regulation;

(b) ~~{None}~~ Except as otherwise provided in section 4.5 of this act, none of the persons who are proposed to be owners, officers or board members of the proposed medical cannabis establishment have been convicted of an excluded felony offense;

(c) None of the persons who are proposed to be owners, officers or board members of the proposed medical cannabis establishment have:

(1) Served as an owner, officer or board member for a cannabis establishment that has had its medical cannabis establishment license or adult-use cannabis establishment license revoked;

(2) Previously had a cannabis establishment agent registration card revoked;

(3) Previously had a cannabis establishment agent registration card for a cannabis executive revoked; or

(4) Previously had a cannabis establishment agent registration card for a cannabis receiver revoked; and

(d) ~~(e)~~ None of the persons who are proposed to be owners, officers or board members of the proposed medical cannabis establishment are under 21 years of age.

4. For each person who submits an application pursuant to this section, and each person who is proposed to be an owner, officer or board member of a proposed medical cannabis establishment, the Board shall submit the fingerprints of the person to the Central Repository for Nevada Records of Criminal History for submission to the Federal Bureau of Investigation to determine the criminal history of that person.

5. Except as otherwise provided in subsection 6 ~~[]~~ *and section 3 of this act*, if an application for registration as a medical cannabis establishment satisfies the requirements of this section, is qualified in the determination of the Board pursuant to NRS 678B.200 and the establishment is not disqualified from being registered as a medical cannabis establishment pursuant to this section or other applicable law, the Board shall issue to the establishment a medical cannabis establishment license. A medical cannabis establishment license expires 1 year after the date of issuance and may be renewed upon:

- (a) Submission of the information required by the Board by regulation; and
- (b) Payment of the renewal fee set forth in NRS 678B.390.

6. In determining whether to issue a medical cannabis establishment license pursuant to this section, the Board shall consider the criteria of merit set forth in NRS 678B.240.

7. For the purposes of sub-subparagraph (II) of subparagraph (2) of paragraph (a) of subsection 3, the distance must be measured from the front door of the proposed medical cannabis establishment to the closest point of the property line of a school, community facility or gaming establishment.

8. As used in this section, "community facility" means:

- (a) A facility that provides day care to children.
- (b) A public park.
- (c) A playground.
- (d) A public swimming pool.
- (c) A center or facility, the primary purpose of which is to provide recreational opportunities or services to children or adolescents.
- (f) A church, synagogue or other building, structure or place used for religious worship or other religious purpose.

Sec. 6. NRS 678B.220 is hereby amended to read as follows:

678B.220 1. Except as otherwise provided in this section and NRS 678B.230, *and section 3 of this act*, the Board shall issue medical

cannabis establishment licenses for medical cannabis dispensaries in the following quantities for applicants who qualify pursuant to NRS 678B.210:

- (a) In a county whose population is 700,000 or more, 40 licenses;
- (b) In a county whose population is 100,000 or more but less than 700,000, 10 licenses;
- (c) In a county whose population is 55,000 or more but less than 100,000, two licenses;
- (d) In each other county, one license; and
- (c) For each incorporated city in a county whose population is less than 100,000, one license.

2. The Board:

(a) Shall not issue medical cannabis establishment licenses for medical cannabis dispensaries in such a quantity as to cause the existence within the applicable county of more than one medical cannabis dispensary for every 10 pharmacies that have been licensed in the county pursuant to chapter 639 of NRS. The Board may issue medical cannabis establishment licenses for medical cannabis dispensaries in excess of the ratio otherwise allowed pursuant to this paragraph if doing so is necessary to ensure that the Board issues at least one medical cannabis establishment license in each county of this State and, pursuant to paragraph (c) of subsection 1, each incorporated city of this State in which the Board has approved an application for such an establishment to operate.

(b) Shall, for any county for which no applicants qualify pursuant to NRS 678B.210, within 2 months after the end of the period during which the Board accepts applications pursuant to NRS 678B.300, reallocate the licenses provided for that county pursuant to subsection 1 to the other counties specified in subsection 1 in the same proportion as provided in subsection 1.

3. With respect to medical cannabis establishments that are not medical cannabis dispensaries, the Board shall:

(a) Issue a medical cannabis establishment license to at least one medical cannabis cultivation facility and at least one medical cannabis production facility in each county; and

(b) Determine the appropriate number of additional such establishments in each county as are necessary to serve and supply the medical cannabis dispensaries to which the Board has granted medical cannabis establishment licenses and issue such a number of medical cannabis establishment licenses for such establishments in each county.

Sec. 7. NRS 678B.250 is hereby amended to read as follows:

678B.250 1. A person shall not engage in the business of an adult-use cannabis establishment unless the person holds an adult-use cannabis establishment license issued pursuant to this section.

2. A person who wishes to engage in the business of an adult-use cannabis establishment must submit to the Board an application on a form prescribed by the Board.

3. Except as otherwise provided in NRS 678B.260, 678B.270, 678B.280, 678B.322 and 678B.324 to 678B.328, inclusive, the Board shall issue an adult-use cannabis establishment license to an applicant if:

(a) The person who wishes to operate the proposed adult-use cannabis establishment has submitted to the Board all of the following:

(1) The application fee, as set forth in NRS 678B.390;

(2) An application, which must include:

(I) The legal name of the proposed adult-use cannabis establishment;

(II) The physical address where the proposed adult-use cannabis establishment will be located and the physical address of any co-owned additional or otherwise associated adult-use cannabis establishments, the locations of which may not be on the property of an airport, within 1,000 feet of a public or private school that provides formal education traditionally associated with preschool or kindergarten through grade 12 and that existed on the date on which the application for the proposed adult-use cannabis establishment was submitted to the Board, within 300 feet of a community facility that existed on the date on which the application for the proposed adult-use cannabis establishment was submitted to the Board or, if the proposed adult-use cannabis establishment will be located in a county whose population is 100,000 or more, within 1,500 feet of an establishment that holds a nonrestricted gaming license described in subsection 1 or 2 of NRS 463.0177 and that existed on the date on which the application for the proposed adult-use cannabis establishment was submitted to the Board;

(III) Evidence that the applicant controls liquid assets in an amount determined by the Board to be sufficient to cover the initial expenses of opening the proposed adult-use cannabis establishment and complying with the provisions of this title;

(IV) Evidence that the applicant owns the property on which the proposed adult-use cannabis establishment will be located or has the written permission of the property owner to operate the proposed adult-use cannabis establishment on that property;

(V) For the applicant and each person who is proposed to be an owner, officer or board member of the proposed adult-use cannabis establishment, a complete set of the person's fingerprints and written permission of the person authorizing the Board to forward the fingerprints to the Central Repository for Nevada Records of Criminal History for submission to the Federal Bureau of Investigation for its report; and

(VI) The name, address and date of birth of each person who is proposed to be an owner, officer or board member of the proposed adult-use cannabis establishment;

(3) Operating procedures consistent with rules of the Board for oversight of the proposed adult-use cannabis establishment, including, without limitation:

(I) Procedures to ensure the use of adequate security measures; and

(II) The use of an inventory control system;

(4) If the proposed adult-use cannabis establishment will sell or deliver adult-use cannabis products, proposed operating procedures for handling such products which must be preapproved by the Board; and

(5) Such other information as the Board may require by regulation;

(b) ~~None~~ Except as otherwise provided in section 4.5 of this act, none of the persons who are proposed to be owners, officers or board members of the proposed adult-use cannabis establishment have been convicted of an excluded felony offense;

(c) None of the persons who are proposed to be owners, officers or board members of the proposed adult-use cannabis establishment have:

(1) Served as an owner, officer or board member for a cannabis establishment that has had its adult-use cannabis establishment license or medical cannabis establishment license revoked;

(2) Previously had a cannabis establishment agent registration card revoked;

(3) Previously had a cannabis establishment agent registration card for a cannabis executive revoked; or

(4) Previously had a cannabis establishment agent registration card for a cannabis receiver revoked; and

(d) ~~(e)~~ None of the persons who are proposed to be owners, officers or board members of the proposed adult-use cannabis establishment are under 21 years of age.

4. For each person who submits an application pursuant to this section, and each person who is proposed to be an owner, officer or board member of a proposed adult-use cannabis establishment, the Board shall submit the fingerprints of the person to the Central Repository for Nevada Records of Criminal History for submission to the Federal Bureau of Investigation to determine the criminal history of that person.

5. Except as otherwise provided in subsection 6, if an applicant for licensure to operate an adult-use cannabis establishment satisfies the requirements of this section, is qualified in the determination of the Board pursuant to NRS 678B.200 and is not disqualified from being licensed pursuant to this section or other applicable law, the Board shall issue to the applicant an adult-use cannabis establishment license. An adult-use cannabis establishment license expires 1 year after the date of issuance and may be renewed upon:

(a) Submission of the information required by the Board by regulation; and

(b) Payment of the renewal fee set forth in NRS 678B.390.

6. In determining whether to issue an adult-use cannabis license pursuant to this section, the Board shall consider the criteria of merit and scoring guidelines set forth in NRS 678B.280 or 678B.324, as applicable.

7. For the purposes of sub-subparagraph (II) of subparagraph (2) of paragraph (a) of subsection 3, the distance must be measured from the front door of the proposed adult-use cannabis establishment to the closest point of the property line of a school, community facility or gaming establishment.

8. As used in this section, "community facility" means:

(a) A facility that provides day care to children.

(b) A public park.

(c) A playground.

(d) A public swimming pool.

(e) A center or facility, the primary purpose of which is to provide recreational opportunities or services to children or adolescents.

(f) A church, synagogue or other building, structure or place used for religious worship or other religious purpose.

Sec. 8. NRS 678B.340 is hereby amended to read as follows:

678B.340 1. ~~Except as otherwise provided in any policies and procedures adopted by the Board pursuant to paragraph (c) of subsection 1 of NRS 678A.450, a~~ A person shall not ~~hold an ownership interest in a cannabis establishment of less than 5 percent,~~ volunteer or work at, contract to provide labor to or be employed by an independent contractor to provide labor to a cannabis establishment as a cannabis establishment agent unless the person is registered with the Board pursuant to this section.

2. A person who wishes to volunteer or work at a cannabis establishment shall submit to the Board an application on a form prescribed by the Board. The application must be accompanied by:

(a) The name, address and date of birth of the prospective cannabis establishment agent;

(b) A statement signed by the prospective cannabis establishment agent pledging not to dispense or otherwise divert cannabis to any person who is not authorized to possess cannabis in accordance with the provisions of this title;

(c) A statement signed by the prospective cannabis establishment agent asserting that he or she has not previously had a cannabis establishment agent registration card revoked;

(d) The application fee, as set forth in NRS 678B.390; and

(e) Such other information as the Board may require by regulation.

3. A person who wishes to contract to provide labor to or be employed by an independent contractor to provide labor to a cannabis establishment shall submit to the Board an application on a form prescribed by the Board for the registration of the independent contractor and each employee of the independent contractor who will provide labor as a cannabis establishment agent. The application must be accompanied by:

(a) The name, address and, if the prospective cannabis establishment agent has a state business license, the business identification number assigned by the Secretary of State upon compliance with the provisions of chapter 76 of NRS;

(b) The name, address and date of birth of each employee of the prospective cannabis establishment agent who will provide labor as a cannabis establishment agent;

(c) A statement signed by the prospective cannabis establishment agent pledging not to dispense or otherwise divert cannabis to, or allow any of its

employees to dispense or otherwise divert cannabis to, any person who is not authorized to possess cannabis in accordance with the provisions of this title;

(d) A statement signed by the prospective cannabis establishment agent asserting that it has not previously had a cannabis establishment agent registration card revoked and that none of its employees who will provide labor as a cannabis establishment agent have previously had a cannabis establishment agent registration card revoked;

(c) The application fee, as set forth in NRS 678B.390; and

(f) Such other information as the Board may require by regulation.

4. ~~Except as otherwise provided in any policies and procedures adopted by the Board pursuant to paragraph (c) of subsection 1 of NRS 678A.450, a person who wishes to hold an ownership interest in a cannabis establishment of less than 5 percent shall submit to the Board an application on a form prescribed by the Board. The application must be accompanied by:~~

~~—(a) The name, address and date of birth of the prospective cannabis establishment agent;~~

~~—(b) A statement signed by the prospective cannabis establishment agent pledging not to dispense or otherwise divert cannabis to any person who is not authorized to possess cannabis in accordance with the provisions of this title;~~

~~—(c) A statement signed by the prospective cannabis establishment agent asserting that he or she has not previously had a cannabis establishment agent registration card revoked;~~

~~—(d) Any information required by the Board to complete an investigation into the background of the prospective cannabis establishment agent, including, without limitation, financial records and other information relating to the business affairs of the prospective cannabis establishment agent;~~

~~—(e) The application fee, as set forth in NRS 678B.390; and~~

~~—(f) Such other information as the Board may require by regulation.~~

~~5.1~~ The Board may conduct any investigation of a prospective cannabis establishment agent and, for an independent contractor, each employee of the prospective cannabis establishment agent who will provide labor as a cannabis establishment agent, that the Board deems appropriate. In connection with such an investigation, the Board may:

(a) Conduct or accept any background check the Board determines to be reliable and expedient to determine the criminal history of the prospective cannabis establishment agent or the employee;

(b) Require a prospective cannabis establishment agent, if a natural person, and each employee of a prospective cannabis establishment agent who will provide labor as a cannabis establishment agent to submit to the Board a complete set of fingerprints and written permission authorizing the Board to forward the fingerprints to the Central Repository for Nevada Records of Criminal History for submission to the Federal Bureau of Investigation for its report; and

(c) If the Board imposes the requirement described in paragraph (b), submit the fingerprints of the prospective cannabis establishment agent and each

employee of the prospective cannabis establishment agent who will provide labor as a cannabis establishment agent to the Central Repository for Nevada Records of Criminal History for submission to the Federal Bureau of Investigation for its report.

~~{6.}~~ 5. A cannabis establishment shall notify the Board within 10 business days after a cannabis establishment agent ceases to ~~{hold an ownership interest in the cannabis establishment of less than 5 percent,}~~ be employed by, volunteer at or provide labor as a cannabis establishment agent to the cannabis establishment.

~~{7. A}~~

6. Except as otherwise provided in section 4.5 of this act, a person who:

(a) Has been convicted of an excluded felony offense;

(b) Is less than 21 years of age; or

(c) ~~{(b)}~~ Is not qualified, in the determination of the Board pursuant to NRS 678B.200,

↪ shall not serve as a cannabis establishment agent.

~~{8.}~~ 7. The provisions of this section do not require a person who is an owner, officer or board member of a cannabis establishment to resubmit information already furnished to the Board at the time the establishment was licensed with the Board.

~~{9.}~~ 8. If an applicant for registration as a cannabis establishment agent satisfies the requirements of this section, is found to be qualified by the Board pursuant to NRS 678B.200 and is not disqualified from serving as such an agent pursuant to this section or any other applicable law, the Board shall issue to the person and, for an independent contractor, to each person identified in the independent contractor's application for registration as an employee who will provide labor as a cannabis establishment agent, a cannabis establishment agent registration card. If the Board does not act upon an application for a cannabis establishment agent registration card within 45 days after the date on which the application is received, the application shall be deemed conditionally approved until such time as the Board acts upon the application. A cannabis establishment agent registration card expires 2 years after the date of issuance and may be renewed upon:

(a) Resubmission of the information set forth in this section; and

(b) Payment of the renewal fee set forth in NRS 678B.390.

~~{10.}~~ 9. A person to whom a cannabis establishment agent registration card is issued or for whom such a registration card is renewed shall submit to the Board on the date of the first anniversary of the issuance or renewal an affidavit attesting that in the preceding year there has been no change in the information previously provided to the Board which would subject the person to disciplinary action by the Board.

~~{11.}~~ 10. A cannabis establishment agent registration card issued pursuant to this section to an independent contractor or an employee of an independent contractor authorizes the independent contractor or employee to provide labor to any cannabis establishment in this State.

~~[12.]~~ 11. A cannabis establishment agent registration card issued pursuant to this section to a person who wishes to volunteer or work at a ~~medical~~ cannabis establishment authorizes the person to volunteer or work at any cannabis establishment in this State for which the category of the cannabis establishment agent registration card authorizes the person to volunteer or work.

~~[13.]~~ 12. Except as otherwise prescribed by regulation of the Board, an applicant for registration or renewal of registration as a cannabis establishment agent is deemed temporarily registered as a cannabis establishment agent on the date on which a complete application for registration or renewal of registration is submitted to the Board. A temporary registration as a cannabis establishment agent expires 45 days after the date upon which the application is received.

13. A person who holds an ownership interest of less than 5 percent in a cannabis establishment is not required to obtain a cannabis establishment agent registration card pursuant to this section. The Board may, in connection with the issuance or renewal of a license pursuant to NRS 678B.210 or 678B.250, conduct such investigations of such a person as the Board determines to be necessary.

Sec. 9. ~~[NRS 678B.385 is hereby amended to read as follows:~~
~~678B.385 The following acts constitute grounds for the immediate revocation of the cannabis establishment agent registration card of a cannabis establishment agent:~~
~~1. [Having committed or committing any excluded felony offense.~~
~~2.] Dispensing, delivering or otherwise transferring cannabis to a person who is not authorized by law to possess cannabis in accordance with the provisions of this title.~~
~~[3.] 2. Having been electronically recorded by a video monitoring system stealing cannabis or cannabis products.~~
~~[4.] 3. Having been convicted of any crime involving the theft of cannabis or cannabis products.~~
~~[5.] 4. Having been electronically recorded by a video monitoring system smoking or otherwise consuming cannabis on the premises of a cannabis establishment.~~
~~[6.] 5. Intentionally submitting to the Board or a local government any document required under the provisions of this title which is false or contains any material misstatement of fact.~~
~~[7.] 6. Violating a regulation of the Board, the violation of which is stated to be grounds for immediate revocation of a cannabis establishment agent registration card.] (Deleted by amendment.)~~

Sec. 10. NRS 678B.390 is hereby amended to read as follows:
 678B.390 1. Except as otherwise provided in subsection 3, the Board shall collect not more than the following maximum fees:

For the initial issuance of a medical cannabis establishment license for a medical cannabis dispensary	\$30,000
For the renewal of a medical cannabis establishment license for a medical cannabis dispensary	5,000
For the initial issuance of a medical cannabis establishment license for a medical cannabis cultivation facility	3,000
For the renewal of a medical cannabis establishment license for a medical cannabis cultivation facility	1,000
For the initial issuance of a medical cannabis establishment license for a medical cannabis production facility	3,000
For the renewal of a medical cannabis establishment license for a medical cannabis production facility	1,000
For the initial issuance of a medical cannabis establishment license for a medical cannabis independent testing laboratory	5,000
For the renewal of a medical cannabis establishment license for a medical cannabis independent testing laboratory	3,000
For the initial issuance of an adult-use cannabis establishment license for an adult-use cannabis retail store	[20,000] 50,000
For the renewal of an adult-use cannabis establishment license for an adult-use cannabis retail store	[6,600] 9,215
For the initial issuance of an adult-use cannabis establishment license for an adult-use cannabis cultivation facility	[30,000] 33,000
For the renewal of an adult-use cannabis establishment license for an adult-use cannabis cultivation facility	[10,000] 11,054
For the initial issuance of an adult-use cannabis establishment license for an adult-use cannabis production facility	[10,000] 13,000
For the renewal of an adult-use cannabis establishment license for an adult-use cannabis production facility	[\$3,300] \$4,414
For the initial issuance of an adult-use cannabis establishment license for an adult-use cannabis independent testing laboratory	[15,000] 20,000

For the renewal of an adult-use cannabis establishment license for an adult-use cannabis independent testing laboratory	[5,000] 8,000
For the initial issuance of an adult-use cannabis establishment license for a retail cannabis consumption lounge	10,000
For the renewal of an adult-use cannabis establishment license for a retail cannabis consumption lounge	10,000
For the initial issuance of an adult-use cannabis establishment license for an independent cannabis consumption lounge	10,000
For the renewal of an adult-use cannabis establishment license for an independent cannabis consumption lounge	10,000
For the initial issuance of an adult-use cannabis establishment license for an adult-use cannabis distributor	15,000
For the renewal of an adult-use cannabis establishment license for an adult-use cannabis distributor	5,000
For each person identified in an application for the initial issuance of a cannabis establishment agent registration card	150
For each person identified in an application for the renewal of a cannabis establishment agent registration card	150

2. The Board may by regulation establish reduced fees for:

(a) The initial issuance and renewal of an adult-use cannabis establishment license for an independent cannabis consumption lounge; and

(b) The application fee set forth in subsection 3,
 ➔ for a social equity applicant. Such a reduction must not reduce the fee paid by a social equity applicant by more than 75 percent of the fee paid by an applicant who is not a social equity applicant.

3. Except as otherwise provided in subsection 2, in addition to the fees described in subsection 1, each applicant for a medical cannabis establishment license *pursuant to NRS 678B.210* or adult-use cannabis establishment license *pursuant to NRS 678B.250* must pay to the Board:

(a) For an application for a license other than an adult-use cannabis establishment license for a retail cannabis consumption lounge or independent cannabis consumption lounge, a one-time, nonrefundable application fee of \$5,000;

(b) For an application for an adult-use cannabis establishment license for a retail cannabis consumption lounge, a one-time, nonrefundable application fee of \$100,000;

(c) For an application for an adult-use cannabis establishment license for an independent cannabis consumption lounge, a one-time, nonrefundable application fee of \$10,000; and

(d) The actual costs incurred by the Board in processing the application, including, without limitation, conducting background checks.

4. Any revenue generated from the fees imposed pursuant to this section:

(a) Must be expended first to pay the costs of the Board in carrying out the provisions of this title; and

(b) If any excess revenue remains after paying the costs described in paragraph (a), such excess revenue must be paid over to the State Treasurer to be deposited to the credit of the State Education Fund.

Sec. 11. NRS 678B.510 is hereby amended to read as follows:

678B.510 1. The operating documents of a cannabis establishment must include procedures:

(a) For the oversight of the cannabis establishment; and

(b) To ensure accurate recordkeeping.

2. Except as otherwise provided in this subsection, a cannabis establishment ~~is~~

~~(a) That is a cannabis sales facility must have a single entrance for patrons, which must be secure, and shall implement strict security measures to deter and prevent the theft of cannabis and unauthorized entrance into areas containing cannabis.~~

~~(b) That is not a cannabis sales facility must~~ may have ~~{a single secure}~~ more than one entrance so long as each entrance is secure and shall implement strict security measures to deter and prevent the theft of cannabis and unauthorized entrance into areas containing cannabis.

~~{—}~~ The provisions of this subsection do not supersede any state or local requirements relating to minimum numbers of points of entry or exit, or any state or local requirements relating to fire safety.

3. Except as otherwise provided in NRS 678D.400, all cultivation or production of cannabis that a cannabis cultivation facility carries out or causes to be carried out must take place in an enclosed, locked facility at the physical address provided to the Board during the licensing process for the cannabis cultivation facility. Such an enclosed, locked facility must be accessible only by cannabis establishment agents who are lawfully associated with the cannabis cultivation facility, except that limited access by persons necessary to perform construction or repairs or provide other labor is permissible if such persons are supervised by a cannabis establishment agent.

4. A cannabis establishment that is not a cannabis consumption lounge shall not allow any person to consume cannabis on the property or premises of the establishment.

5. Cannabis establishments are subject to reasonable inspection by the Board at any time, and a person who holds a license must make himself or herself, or a designee thereof, available and present for any inspection by the Board of the cannabis establishment.

6. Each cannabis establishment shall install a video monitoring system which must, at a minimum:

(a) Allow for the transmission and storage, by digital or analog means, of a video feed which displays the interior and exterior of the cannabis establishment; and

(b) Be capable of being accessed remotely by a law enforcement agency in real-time upon request.

7. A cannabis establishment shall not dispense or otherwise sell cannabis or cannabis products from a vending machine or allow such a vending machine to be installed at the interior or exterior of the premises of the cannabis establishment. As used in this subsection, "vending machine" has the meaning ascribed to it in NRS 209.229.

Sec. 12. NRS 678C.440 is hereby amended to read as follows:

678C.440 1. Each medical cannabis dispensary shall ensure all of the following:

(a) The weight, concentration and content of THC in all cannabis and cannabis products that the dispensary sells is clearly and accurately stated on the product sold.

~~(b) [That the dispensary does not sell to a person, in any one transaction, more than 1 ounce of cannabis.]~~

~~—(c)—~~ That, posted clearly and conspicuously within the dispensary, are the legal limits on the possession of cannabis for medical purposes, as set forth in NRS 678C.200.

~~[(d)]~~ (c) That, posted clearly and conspicuously within the dispensary, is a sign stating unambiguously the legal limits on the possession of cannabis for medical purposes, as set forth in NRS 678C.200.

~~[(e)]~~ (d) That only persons who are at least 21 years of age or hold a registry identification card or letter of approval are allowed to enter the premises of the medical cannabis dispensary.

2. A medical cannabis dispensary may, but is not required to, track the purchases of cannabis for medical purposes by any person to ensure that the person does not exceed the legal limits on the possession of cannabis for medical purposes, as set forth in NRS 678C.200. The Board shall not adopt a regulation or in any other way require a medical cannabis dispensary to track the purchases of a person or determine whether the person has exceeded the legal limits on the possession of cannabis for medical purposes, as set forth in NRS 678C.200.

3. A medical cannabis dispensary which is a dual licensee may, to the extent authorized by the regulations adopted by the Board pursuant to subsection 7 of NRS 678B.650, allow any person who is at least 21 years of age to enter the premises of the medical cannabis dispensary, regardless of whether such a person holds a valid registry identification card or letter of approval.

4. A medical cannabis dispensary shall not sell cannabis or cannabis products to a consumer through the use of, or accept a sale of cannabis or

cannabis products from, a third party, intermediary business, broker or any other business that does not hold a medical cannabis establishment license for a medical cannabis dispensary.

5. A medical cannabis dispensary may contract with a third party or intermediary business to deliver cannabis or medical cannabis products to consumers only if:

(a) Every sale of cannabis or cannabis products which is delivered by the third party or intermediary business is made directly from the medical cannabis dispensary or an Internet website, digital network or software application service of the medical cannabis dispensary;

(b) The third party or intermediary business does not advertise that it sells, offers to sell or appears to sell cannabis or cannabis products or allows the submission of an order for cannabis or cannabis products; and

(c) The delivery complies with the requirements of NRS 678C.450.

Sec. 13. Chapter 678D of NRS is hereby amended by adding thereto a new section to read as follows:

1. *Each adult-use cannabis establishment shall be deemed to be a dual licensee for the purposes of this title and may engage in any activity relating to the medical use of cannabis in the same manner and to the same extent as if the adult-use cannabis establishment also held a medical cannabis establishment license of the same type for which the establishment holds an adult-use cannabis establishment license.*

2. *An adult-use cannabis establishment that engages in activities involving the medical use of cannabis pursuant to this section shall comply with all provisions of this title and the regulations adopted pursuant thereto applicable to a dual licensee, including, without limitation, any provisions governing the specific activity relating to the medical use of cannabis in which the establishment is engaged.*

3. *The Board may adopt any regulations necessary to carry out the provisions of this section.*

Sec. 14. NRS 678D.200 is hereby amended to read as follows:

678D.200 1. Except as otherwise provided in NRS 678D.300, a person who is 21 years of age or older is exempt from state prosecution for:

(a) The possession, delivery or production of cannabis;

(b) The possession or delivery of paraphernalia;

(c) Aiding and abetting another in the possession, delivery or production of cannabis;

(d) Aiding and abetting another in the possession or delivery of paraphernalia;

(c) Any combination of the acts described in paragraphs (a) to (d), inclusive; and

(f) Any other criminal offense in which the possession, delivery or production of cannabis or the possession or delivery of paraphernalia is an element.

2. In addition to the provisions of subsections 1 and 5, no person may be subject to state prosecution for constructive possession, conspiracy or any other criminal offense solely for being in the presence or vicinity of the adult use of cannabis in accordance with the provisions of this title.

3. The exemption from state prosecution set forth in subsection 1 applies only to the extent that a person:

- (a) Is 21 years of age or older;
- (b) Is not employed by any agency or political subdivision of this State in a position which requires the person to be certified by the Peace Officers' Standards and Training Commission;
- (c) Engages in the adult use of cannabis in accordance with the provisions of this title;
- (d) Does not, at any one time, possess, deliver or produce more than:
 - (1) ~~One ounce~~ *Two and one-half ounces* of usable cannabis;
 - (2) ~~One eighth~~ *One-fourth* of an ounce of concentrated cannabis;
 - (3) Six cannabis plants, irrespective of whether the cannabis plants are mature or immature; and
 - (4) A maximum allowable quantity of adult-use cannabis products as established by regulation of the Board;
- (c) Cultivates, grows or produces not more than six cannabis plants:
 - (1) Within an enclosed area that is not exposed to public view that is equipped with locks or other security devices which allow access only by an authorized person; and
 - (2) At a residence or upon the grounds of a residence in which not more than 12 cannabis plants are cultivated, grown or produced;
- (f) Delivers ~~1 ounce~~ *2.5 ounces* or less of usable cannabis or ~~one eighth~~ *one-fourth* of an ounce or less of concentrated cannabis without remuneration to a person who is 21 years of age or older so long as such delivery is not advertised or promoted to the public; and
- (g) Assists another person who is 21 years of age or older in carrying out any of the acts described in paragraphs (a) to (f), inclusive.

4. If a person possesses, uses or produces cannabis in an amount which exceeds the amount set forth in paragraph (d) of subsection 3 or in any manner other than that set forth in subsection 3, the person is not exempt from state prosecution for the possession, delivery or production of cannabis.

5. A person who holds an adult-use cannabis establishment license issued to the person pursuant to NRS 678B.250, a cannabis establishment agent registration card issued to the person pursuant to NRS 678B.340, a cannabis establishment agent registration card for a cannabis executive issued to the person pursuant to NRS 678B.350 or a cannabis establishment agent registration card for a cannabis receiver issued to the person pursuant to NRS 678B.355, and confines his or her activities to those authorized by this title, and the regulations adopted by the Board pursuant thereto, is exempt from state prosecution for:

- (a) The possession, delivery or production of cannabis;

- (b) The possession or delivery of paraphernalia;
- (c) Aiding and abetting another in the possession, delivery or production of cannabis;
- (d) Aiding and abetting another in the possession or delivery of paraphernalia;
- (c) Any combination of the acts described in paragraphs (a) to (d), inclusive; and
- (f) Any other criminal offense in which the possession, delivery or production of cannabis or the possession or delivery of paraphernalia is an element.

6. The commission of any act by a person for which the person is exempt from state prosecution pursuant to this section must not be used as the basis for the seizure or forfeiture of any property of the person or for the imposition of a civil penalty.

Sec. 14.3. NRS 244.35253 is hereby amended to read as follows:

244.35253 1. Except as otherwise provided in this section, a board of county commissioners shall not fix, impose or collect a license tax for revenue or for regulation, or for both revenue and regulation, on a cannabis establishment located in the county.

2. Except as otherwise provided in subsection 3, a board of county commissioners may fix, impose and collect a license tax for revenue or for regulation, or for both revenue and regulation, on a cannabis establishment located in the county outside of the limits of incorporated cities as a:

- (a) Flat fee;
- (b) Percentage of the gross revenue of the cannabis establishment; or
- (c) Combination of a flat fee and a percentage of gross revenue of the cannabis establishment.

3. The total amount of a license tax imposed on a cannabis establishment pursuant to subsection 2, regardless of whether the license tax is imposed in the form described in paragraph (a), (b) or (c) of subsection 2, must not exceed 3 percent of the gross revenue of the cannabis establishment, as applicable.

4. A board of county commissioners may use any portion of any money collected as a license tax pursuant to subsection 2 to educate the public, using any method of public outreach or medium of communication, on safely purchasing cannabis and cannabis products from licensed cannabis establishments and the safe consumption of cannabis and cannabis products.

5. In addition to any amount of money collected as a license tax pursuant to subsection 2, a board of county commissioners may fix, impose and collect:

- (a) Any fees required pursuant to chapter 278 of NRS;
- (b) A one-time flat fee for an application for the issuance of a business license for a cannabis establishment located in the county outside of the limits of incorporated cities in an amount that does not exceed any similar fee imposed on a business pursuant to this chapter and chapter 369 of NRS; and

(c) A licensing tax for a business activity engaged in by a cannabis establishment located in the county outside of the limits of incorporated cities for which licensing pursuant to chapter 678B of NRS is not required only if:

(1) The board of county commissioners is granted the authority to require such a license by some other provision of law; and

(2) The amount of the licensing tax does not exceed the amount imposed by the board of county commissioners on other similar businesses.

~~6.1~~ 6. A board of county commissioners shall not enact or enforce any ordinance which is more restrictive than or conflicts with a law or regulation of this State relating to:

(a) The packaging, labeling, testing, dosage or potency of cannabis or cannabis products;

(b) The kinds of cannabis or cannabis products authorized to be sold pursuant to title 56 of NRS;

(c) The use of pesticides in the cultivation of cannabis;

(d) The tracking of cannabis from seed to sale;

(e) The transportation of cannabis or cannabis products other than the direct transportation of cannabis or cannabis products to a consumer and a requirement to notify the county of any transportation of cannabis or cannabis products;

(f) The issuance or verification of a registry identification card, letter of approval or written documentation;

(g) The training or certification of cannabis establishment agents or employees of a cannabis establishment;

(h) The creation or maintenance of a registry or other system to obtain and track information relating to customers of cannabis establishments or holders of a registry identification card or letter of approval; or

(i) The content of any advertisement used by a cannabis establishment unless the ordinance sets forth specific prohibited content for such an advertisement.

~~6.1~~ 7. A person who obtains a business license described in this section is subject to all other licensing and permitting requirements of the State and any other counties and cities in which the person does business.

~~7.1~~ 8. As used in this section:

(a) "Cannabis" has the meaning ascribed to it in NRS 678A.085.

(b) "Cannabis establishment" has the meaning ascribed to it in NRS 678A.095.

~~(c)~~ (c) "Cannabis establishment agent" has the meaning ascribed to it in NRS 678A.100.

~~(d)~~ (d) "Cannabis products" has the meaning ascribed to it in NRS 678A.120.

~~(e)~~ (e) "Letter of approval" has the meaning ascribed to it in NRS 678C.070.

~~(f)~~ (f) "Registry identification card" has the meaning ascribed to it in NRS 678C.080.

~~[(f)]~~ (g) "Written documentation" has the meaning ascribed to it in NRS 678C.110.

Sec. 14.6. NRS 268.0977 is hereby amended to read as follows:

268.0977 1. Except as otherwise provided in this section, the governing body of an incorporated city, whether organized under general law or special charter, shall not fix, impose or collect for revenues or for regulation, or both, a license tax on a cannabis establishment located within its corporate limits.

2. Except as otherwise provided in subsection 3, the governing body of an incorporated city, whether organized under general law or special charter, may fix, impose and collect for revenues or for regulation, or both, a license tax on a cannabis establishment located within its corporate limits as a:

- (a) Flat fee;
- (b) Percentage of the gross revenue of the cannabis establishment; or
- (c) Combination of a flat fee and a percentage of gross revenue of the cannabis establishment.

3. The total amount of a license tax imposed on a cannabis establishment pursuant to subsection 2, regardless of whether the license tax is imposed in the form described in paragraph (a), (b) or (c) of subsection 2, must not exceed 3 percent of the gross revenue of the cannabis establishment, as applicable.

4. The governing body of an incorporated city, whether organized under general law or special charter, may use any portion of any money collected as a license tax pursuant to subsection 2 to educate the public, using any method of public outreach or medium of communication, on safely purchasing cannabis and cannabis products from licensed cannabis establishments and the safe consumption of cannabis and cannabis products.

5. In addition to any amount of money collected as a license tax pursuant to subsection 2, the governing body of an incorporated city, whether organized under general law or special charter, may fix, impose and collect:

- (a) Any fees required pursuant to chapter 278 of NRS;
- (b) A one-time flat fee for an application for the issuance of a business license for a cannabis establishment located within its corporate limits in an amount that does not exceed any similar fee imposed on a business pursuant to this chapter and chapter 369 of NRS; and
- (c) A licensing tax for a business activity engaged in by a cannabis establishment located within its corporate limits for which licensing pursuant to chapter 678B of NRS is not required only if:

(1) The governing body is granted the authority to require such a license by some other provision of law; and

(2) The amount of the licensing tax does not exceed the amount imposed by the governing body on other similar businesses.

~~[(5)]~~ 6. The governing body of an incorporated city, whether organized under general law or special charter, shall not enact or enforce any ordinance which is more restrictive than or conflicts with a law or regulation of this State relating to:

(a) The packaging, labeling, testing, dosage or potency of cannabis or cannabis products;

(b) The kinds of cannabis products authorized to be sold pursuant to title 56 of NRS;

(c) The use of pesticides in the cultivation of cannabis;

(d) The tracking of cannabis from seed to sale;

(e) The transportation of cannabis or cannabis products other than the direct transportation of cannabis or cannabis products to a consumer and a requirement to notify the city of any transportation of cannabis or cannabis products;

(f) The issuance or verification of a registry identification card, letter of approval or written documentation;

(g) The training or certification of cannabis establishment agents; or

(h) The creation or maintenance of a registry or other system to obtain and track information relating to customers of cannabis establishments or holders of a registry identification card or letter of approval; or

(i) The content of any advertisement used by a cannabis establishment unless the ordinance sets forth specific prohibited content for such an advertisement.

~~6.1~~ 7. A person who obtains a business license described in this section is subject to all other licensing and permitting requirements of the State and any other counties and cities in which the person does business.

~~7.1~~ 8. As used in this section:

(a) *"Cannabis" has the meaning ascribed to it in NRS 678A.085.*

~~(b)~~ (b) "Cannabis establishment" has the meaning ascribed to it in NRS 678A.095.

~~(c)~~ (c) "Cannabis establishment agent" has the meaning ascribed to it in NRS 678A.100.

~~(d)~~ (d) "Cannabis products" has the meaning ascribed to it in NRS 678A.120.

~~(e)~~ (e) "Letter of approval" has the meaning ascribed to it in NRS 678C.070.

~~(f)~~ (f) "Registry identification card" has the meaning ascribed to it in NRS 678C.080.

~~(g)~~ (g) "Written documentation" has the meaning ascribed to it in NRS 678C.110.

Sec. 15. NRS 372A.290 is hereby amended to read as follows:

372A.290 1. An excise tax is hereby imposed on each wholesale sale in this State of cannabis by a medical cannabis cultivation facility to another cannabis establishment at the rate of 15 percent of the fair market value at wholesale of the cannabis. The excise tax imposed pursuant to this subsection is the obligation of the medical cannabis cultivation facility.

2. An excise tax is hereby imposed on each wholesale sale in this State of cannabis by an adult-use cannabis cultivation facility to another cannabis establishment at the rate of 15 percent of the fair market value at wholesale of

the cannabis. The excise tax imposed pursuant to this subsection is the obligation of the adult-use cannabis cultivation facility.

3. ~~Am~~ *Except as otherwise provided in subsection 8, an excise tax is hereby imposed on each retail sale in this State of cannabis or cannabis products by an adult-use cannabis retail store or cannabis consumption lounge at the rate of 10 percent of the sales price of the cannabis or cannabis products. The excise tax imposed pursuant to this subsection:*

- (a) Is the obligation of the seller of the cannabis or cannabis product;
- (b) Is separate from and in addition to any general state and local sales and use taxes that apply to retail sales of tangible personal property.

4. The revenues collected from the excise tax imposed pursuant to subsection 1 must be distributed:

(a) To the Cannabis Compliance Board and to local governments in an amount determined to be necessary by the Board to pay the costs of the Board and local governments in carrying out the provisions of chapter 678C of NRS; and

(b) If any money remains after the revenues are distributed pursuant to paragraph (a), to the State Treasurer to be deposited to the credit of the State Education Fund.

5. The revenues collected from the excise tax imposed pursuant to subsection 2 must be distributed:

(a) To the Cannabis Compliance Board and to local governments in an amount determined to be necessary by the Board to pay the costs of the Board and local governments in carrying out the provisions of chapter 678D of NRS; and

(b) If any money remains after the revenues are distributed pursuant to paragraph (a), to the State Treasurer to be deposited to the credit of the State Education Fund.

6. For the purpose of subsections 4 and 5, a total amount of \$5,000,000 of the revenues collected from the excise tax imposed pursuant to subsection 1 and the excise tax imposed pursuant to subsection 2 in each fiscal year shall be deemed sufficient to pay the costs of all local governments to carry out the provisions of chapters 678C and 678D of NRS. The Board shall, by regulation, determine the manner in which local governments may be reimbursed for the costs of carrying out the provisions of chapters 678C and 678D of NRS.

7. The revenues collected from the excise tax imposed pursuant to subsection 3 must be paid over as collected to the State Treasurer to be deposited to the credit of the State Education Fund.

8. *The excise tax imposed pursuant to subsection 3 does not apply to a sale of cannabis for the medical use of cannabis or a medical cannabis product to the holder of a registry identification card or letter of approval by an adult-use cannabis retail store that has been deemed to be a dual licensee pursuant to section 13 of this act.*

9. As used in this section:

(a) "Adult-use cannabis cultivation facility" has the meaning ascribed to it in NRS 678A.025.

(b) "Cannabis product" has the meaning ascribed to it in NRS 678A.120.

(c) *"Letter of approval" has the meaning ascribed to it in NRS 678C.070.*

(d) "Local government" has the meaning ascribed to it in NRS 360.640.

~~[(d)]~~ (c) "Medical cannabis cultivation facility" has the meaning ascribed to it in NRS 678A.170.

~~[(e)]~~ (f) "Medical cannabis establishment" has the meaning ascribed to it in NRS 678A.180.

~~[(f)]~~ (g) *Medical cannabis product" has the meaning ascribed to it in NRS 678A.200.*

(h) *"Medical use of cannabis" has the meaning ascribed to it in NRS 678A.215.*

(i) *"Registry identification card" has the meaning ascribed to it in NRS 678C.080.*

(j) "Wholesale sale" means a sale or transfer of cannabis by a cannabis cultivation facility to another cannabis establishment. The term does not include a transfer of cannabis by a cannabis cultivation facility to another cannabis cultivation facility when both cannabis cultivation facilities share identical ownership.

Sec. 15.5. NRS 453.096 is hereby amended to read as follows:

453.096 1. "Marijuana" means:

(a) All parts of any plant of the genus Cannabis, whether growing or not;

(b) ~~The seeds thereof;~~

~~[(c)]~~ The resin extracted from any part of the plant, including concentrated cannabis;

~~[(d)]~~ (c) Every compound, manufacture, salt, derivative, mixture or preparation of the plant, or its ~~seeds or~~ resin;

~~[(e)]~~ (d) Any commodity or product made using hemp which exceeds the maximum THC concentration established by the State Department of Agriculture for hemp; and

~~[(f)]~~ (e) Any product or commodity made from hemp which is manufactured or sold by a cannabis establishment which violates any regulation adopted by the Cannabis Compliance Board pursuant to paragraph ~~[(g)]~~ (f) of subsection 1 of NRS 678A.450 relating to THC concentration.

2. "Marijuana" does not include:

(a) Hemp, as defined in NRS 557.160, which is grown or cultivated pursuant to the provisions of chapter 557 of NRS;

(b) The mature stalks of the plant ~~[(f)]~~ and root balls which have been fully separated from the stalks of the plant after harvest, fiber produced from the stalks, seeds of the plant, oil or cake made from the seeds of the plant, any other compound, manufacture, salt, derivative, mixture or preparation of the mature stalks (except the resin extracted therefrom), fiber, oil or cake ~~[(f)]~~ ; or ~~the sterilized seed of the plant which is incapable of germination;~~ or

(c) Any commodity or product made using hemp, as defined in NRS 557.160, which does not exceed the maximum THC concentration established by the State Department of Agriculture for hemp.

Sec. 16. 1. The Cannabis Advisory Commission created by NRS 678A.300 shall conduct a study concerning the potential effects on the cannabis industry in this State if cannabis were to be removed from the list of controlled substances included in schedule I pursuant to the Uniform Controlled Substances Act or the federal Controlled Substances Act. The study must include, without limitation:

(a) An examination of federal and state laws and regulations concerning cannabis and what effect the removal of cannabis from the list of controlled substances included in schedule I pursuant to the Uniform Controlled Substances Act or the federal Controlled Substances Act would have on such laws and regulations; and

(b) Recommendations for changes to the manner in which cannabis is regulated and taxed in this State that may be necessary to ensure the continued growth and success of the cannabis industry in this State if cannabis were to be removed from the list of controlled substances included in schedule I pursuant to the Uniform Controlled Substances Act or the federal Controlled Substances Act.

2. On or before March 1, 2024, the Cannabis Advisory Commission shall submit a report of its findings, including, without limitation, any recommendations for legislation, to:

(a) The Joint Interim Standing Committee on the Judiciary; and

(b) The Director of the Legislative Counsel Bureau for transmittal to the 83rd Session of the Nevada Legislature.

3. As used in this section:

(a) "Cannabis" has the meaning ascribed to it in NRS 678A.085.

(b) "Federal Controlled Substances Act" means the federal Controlled Substances Act, as amended, 21 U.S.C. §§ 801 et seq.

Sec. 17. 1. Except as otherwise provided in this section, a person who, on January 1, 2024, holds a medical cannabis establishment license for a medical cannabis establishment which is not located in a covered jurisdiction and which has been renewed by the person at least one time may, upon expiration of the license, submit an application to the Board for the issuance of an adult-use cannabis establishment license of the same type.

2. An application submitted pursuant to subsection 1 must:

(a) Contain the same information as required for the renewal of a medical cannabis establishment license pursuant to NRS 678B.210; and

(b) Be accompanied by a fee in an amount that is equal to the fee for the renewal of an adult-use cannabis establishment license of the same type as that of the medical cannabis establishment license which has expired, as set forth in NRS 678B.390, as amended by section 10 of this act.

3. If the Board determines that the applicant would have been eligible to renew the medical cannabis establishment license which has expired, the

Board shall issue to the applicant an adult-use cannabis establishment license of the same type.

4. Notwithstanding the provisions of section 4 of this act, a person who, on January 1, 2024, holds a medical cannabis establishment license for a medical cannabis establishment which is not located in a covered jurisdiction and which has never been renewed by the person may renew the license pursuant to NRS 678B.210 one time. Upon expiration of the license after the first renewal of the license, the person may apply for and be issued an adult-use cannabis establishment license of the same type in the manner provided in subsections 1, 2 and 3.

5. Except as otherwise provided in subsection 6, an adult-use cannabis establishment license issued by the Board pursuant to this section shall be deemed to be an adult-use cannabis establishment license issued by the Board pursuant to NRS 678B.250.

6. An adult-use cannabis establishment license issued by the Board pursuant to this section shall be deemed to be a medical cannabis establishment license of the same type for the purposes of NRS 678B.220, 678B.230, 678B.260 and 678B.270.

7. A person who, on January 1, 2024, holds both an adult-use cannabis establishment license and a medical cannabis establishment license of the same type may not, pursuant to this section, apply for and be issued an additional adult-use cannabis establishment license upon the expiration of the medical cannabis establishment license of the person.

8. The Board may refuse to issue an adult-use cannabis establishment license pursuant to this section to a person who holds a medical cannabis establishment license on January 1, 2024, if:

(a) The person obtained the medical cannabis establishment license through a transfer in accordance with the regulations adopted by the Board pursuant to NRS 678B.380 which occurred on or after July 1, 2023, and on or before December 31, 2023; and

(b) The Board determines that:

(1) The transfer by which the person obtained the license was not made in good faith; and

(2) Issuing the person an adult-use cannabis establishment license would be against the public interest.

9. As used in this section:

(a) "Adult-use cannabis establishment license" has the meaning ascribed to it in NRS 678A.040.

(b) "Board" means the Cannabis Compliance Board.

(c) "Covered jurisdiction" has the meaning ascribed to it in section 3 of this act.

(d) "Medical cannabis establishment license" has the meaning ascribed to it in NRS 678A.185.

Sec. 18. ~~NRS 678B.050 is hereby repealed.~~ (Deleted by amendment.)

Sec. 19. 1. This section becomes effective upon passage and approval.

2. Section 16 of this act becomes effective on July 1, 2023.

3. Sections 1 to ~~15~~, 15.5, inclusive, 17 and 18 of this act become effective:

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

(b) On January 1, 2024, for all other purposes. ‡

~~TEXT OF REPEALED SECTION~~

~~678B.050 "Excluded felony offense" defined.~~

~~1. "Excluded felony offense" means a conviction of an offense that would constitute a category A felony if committed in this State or convictions for two or more offenses that would constitute felonies if committed in this State.~~

~~2. The term does not include:~~

~~(a) A criminal offense for which the sentence, including any term of probation, incarceration or supervised release, was completed more than 10 years ago; or~~

~~(b) An offense involving conduct that would be immune from arrest, prosecution, or penalty pursuant to this title, except that the conduct occurred before October 1, 2001, or was prosecuted by an authority other than the State of Nevada.‡~~

Senator Dondero Loop moved the adoption of the amendment.

Remarks by Senator Dondero Loop.

Amendment No. 755 to Senate Bill No. 277 revises sections 1 and 8; eliminates the requirement for the Cannabis Compliance Board to adopt regulations related to persons who hold an ownership interest of less than five percent in a cannabis establishment and exempts such persons from agent registration card requirements; adds section 4.5, which requires the Board to develop and implement a process for exemption and adopt regulations by which a person convicted of an excluded felony offense may apply for an exemption and the Board may grant an exemption and makes conforming changes to sections 5, 7 and 8; deletes section 9, which eliminates application requirements for persons who hold an ownership interest of less than five percent in a cannabis establishment; revises section 11, which eliminates the requirement for any cannabis facility establishment to have a single secure entrance for patrons; revises sections 14.3 and 14.6, which authorize a board of county commissioners and the governing body of an incorporated city to utilize license tax proceeds imposed on cannabis establishments to educate the public on cannabis safety; revises section 15.5, which changes the definition of "marijuana"; and reinstitutes section 18, which provides a definition of "excluded felony offense" that was eliminated in the bill as introduced.

Conflict of interest declared by Senator Ohrenschall.

Amendment adopted.

Bill read third time.

Remarks by Senator Harris.

Senate Bill No. 277, as amended, requires the Cannabis Compliance Board to consider adverse effects on the environment prior to adopting, amending or repealing any regulation. The bill, as amended, deems each adult-use cannabis establishment to be a dual licensee with authority to engage in any activity relating to the medical use of cannabis; exempts the sale of medical use of cannabis or medical cannabis products from the excise tax imposed on retail sales for certain retail stores that have been deemed a dual licensee; and prohibits the Board from issuing or renewing a

medical cannabis establishment license on or after January 1, 2024, unless the establishment is in a covered jurisdiction.

Senate Bill No. 277, as amended, increases the amount of usable cannabis, whether adult-use or medical, that a person who is 21 years of age or older can possess, deliver or produce at any one time to be exempt from state prosecution, and each cannabis sales facility can sell in any one transaction from one ounce to two-and-one-half ounces of usable cannabis as well as increases the maximum amount of concentrated cannabis from one-eighth of an ounce to one-fourth of an ounce of concentrated cannabis; repeals provisions which prohibit the Board from issuing certain licenses and agent registration cards to a person who has been convicted of an excluded felony offense; and increases the maximum fees the Board may charge to issue or renew certain licenses.

The bill further authorizes a board of county commissioners and the governing body of an incorporated city to utilize license tax proceeds to educate the public on cannabis safety; revises agent registration card requirements under certain circumstances; and requires the Board to adopt regulations related to a person convicted of an excluded felony offense.

Finally, the bill requires the Cannabis Advisory Commission to conduct a study concerning the potential effects of the removal of cannabis from the list of controlled substances pursuant to the federal Controlled Substance Act or the State Uniform Controlled Substances Act.

Conflict of interest declared by Senator Ohrenschall.

Roll call on Senate Bill No. 277:

YEAS—14.

NAYS—Buck, Goicoechea, Krasner, Seevers Gansert, Stone, Titus—6.

NOT VOTING—Ohrenschall.

Senate Bill No. 277 having received a two-thirds majority, Mr. President declared it passed, as amended.

Bill ordered transmitted to the Assembly.

Senate Bill No. 319.

Bill read third time.

Remarks by Senator Harris.

Senate Bill No. 319 revises the definition of "employee" for purposes of collective bargaining by including persons who are employed as category I, II and III peace officers in the unclassified service of the State.

Roll call on Senate Bill No. 319:

YEAS—20.

NAYS—Titus.

Senate Bill No. 319 having received a constitutional majority, Mr. President declared it passed.

Bill ordered transmitted to the Assembly.

Senate Bill No. 327.

Bill read third time.

The following amendment was proposed by the Committee on Finance:
Amendment No. 822.

SUMMARY—Revises provisions relating to elections. (BDR 24-892)

AN ACT relating to elections; revising provisions relating to the establishment of a polling place, ballot drop box and temporary branch polling place for early voting within an Indian reservation or Indian colony for an election; and providing other matters properly relating thereto.

Legislative Counsel's Digest:

Existing law authorizes an Indian tribe to submit a request for the establishment within the boundaries of an Indian reservation or Indian colony of: (1) a polling place, a ballot drop box, or both, for the day of a primary election, presidential preference primary election or general election; and (2) a temporary branch polling place for early voting. A county clerk or city clerk is not required to establish a polling place or ballot drop box if the county or city clerk establishes a temporary branch polling place for early voting. (NRS 293.2733, 293.3572, 293C.2675, 293C.3572) Sections 1 and 3 of this bill require a county clerk and city clerk, respectively, to establish a polling place and ballot drop box within the boundaries of an Indian reservation or Indian colony unless an Indian tribe: (1) elects not to have the polling place and ballot drop box established by submitting notice to the county clerk or city clerk; or (2) does not provide certain information relating to the establishment of the polling place and ballot drop box. Sections 2 and 4 of this bill require a county clerk and city clerk, respectively, to also establish a temporary branch polling place for early voting within the boundaries of an Indian reservation or Indian colony unless an Indian tribe: (1) elects not to have the temporary branch polling place established by submitting notice to the county clerk or city clerk; or (2) does not provide certain information relating to the establishment of the temporary branch polling place.

Sections 1 and 2 also authorize a county clerk to establish additional polling places, ballot drop boxes and temporary branch polling places within the boundaries of an Indian reservation or Indian colony upon the request of an Indian tribe.

Sections 1-4 set forth the dates by which an Indian tribe must submit a request to elect not to have a polling place, ballot drop box and temporary branch polling place established.

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

Section 1. NRS 293.2733 is hereby amended to read as follows:

293.2733 1. If an Indian reservation or Indian colony is located in whole or in part within a county, ~~the Indian tribe may submit a request to the county clerk for the establishment shall;~~ :

(a) Shall, except as otherwise provided in subsections 2 and 5, establish within the boundaries of the Indian reservation or Indian colony at a location or locations, as applicable, approved by the Indian tribe for the day of a primary election, presidential preference primary election or general election of:

- ~~—(a) A polling place;~~
- ~~—(b) A ballot drop box; or~~
- ~~—(c) Both a polling place and a ballot drop box;~~ *and*

(b) May establish additional polling places or drop boxes within the boundaries of the Indian reservation or Indian colony for the day of a primary election, presidential preference primary election or general election upon the

request of an Indian tribe submitted not later than the dates set forth in subsection 2 to elect not to have a polling place and ballot drop box established within the boundaries of the Indian reservation or Indian colony.

2. ~~{A request for the establishment of}~~ An Indian tribe may elect not to have a polling place ~~{, a}~~ or ballot drop box ~~{or both a polling place and a ballot drop box}~~ established within the boundaries of an Indian reservation or Indian colony for the day of a primary election, presidential preference primary election or general election ~~{:~~

~~—(a) Must be submitted}~~ by submitting notice to the county clerk ~~{by the Indian tribe}~~ on or before:

~~{{(1)}~~ (a) If the ~~{request}~~ notice is for a primary election, ~~{March 1}~~ January 15 of the year in which the primary election is to be held.

~~{{(2)}~~ (b) If the ~~{request}~~ notice is for a presidential preference primary election, ~~{the first Friday in November}~~ September 15 of the year immediately preceding the year of the presidential preference primary election.

~~{{(3)}~~ (c) If the ~~{request}~~ notice is for a general election, ~~{August 1}~~ June 15 of the year in which the general election is to be held.

~~{(b) May include one or more proposed locations within the boundaries of the Indian reservation or Indian colony for the polling place or ballot drop box.}~~

3. Any ~~{proposed}~~ location of a polling place or ballot drop box established pursuant to subsection 1 must satisfy the criteria the county clerk uses for the establishment of any other polling place ~~{or}~~ and ballot drop box, as applicable.

~~{3. Except as otherwise provided in this subsection, if the county clerk receives a request that satisfies the requirements set forth in subsection 2, the county clerk must establish at least one polling place or ballot box, as applicable, within the boundaries of the Indian reservation or Indian colony at a location or locations, as applicable, approved by the Indian tribe for the day of a primary election, presidential preference primary election or general election. The county clerk is not required to establish a polling place within the boundaries of an Indian reservation or Indian colony for the day of a primary election, presidential preference primary election or general election if the county clerk established a temporary branch polling place for early voting pursuant to NRS 293.3572 within the boundaries of the Indian reservation or Indian colony for the same election.}~~

4. ~~{If the county clerk establishes one or more polling places or ballot drop boxes within the boundaries of an Indian reservation or Indian colony pursuant to subsection 3 for the day of a primary election, presidential preference primary election or general election, the}~~ Except as otherwise provided in subsection 5, the county clerk must continue to establish one or more polling places ~~{or}~~ and ballot drop boxes within the boundaries of the Indian reservation or Indian colony at a location or locations approved by the Indian tribe for the day of any future primary election, presidential preference primary

election or general election unless otherwise ~~requested~~ notified by the Indian tribe ~~[-]~~ pursuant to subsection 2.

5. Not later than the dates set forth in subsection 2 to elect not to have a polling place and ballot drop box established within the boundaries of the Indian reservation or Indian colony, an Indian tribe that elects to have a polling place and ballot drop box established must submit to the county clerk and the tribal liaison designated by the Office of the Secretary of State pursuant to NRS 233A.260:

(a) ~~The location or locations for the polling place and ballot drop box, [-]~~ and whether each location or locations will have only a polling place or ballot drop box or both a polling place and ballot drop box;

(b) Whether the Indian tribe will select registered voters to be appointed to act as election board officers to staff the polling place within the boundaries of the Indian reservation or Indian colony;

(c) The proposed days and hours for the operation of the polling place; and

(d) The proposed number of ballot drop boxes to be established and any other information necessary for establishing such ballot drop boxes.

➔ ~~If an Indian tribe does not submit the information required pursuant to this [section,] subsection,~~ the Indian tribe shall be deemed to have elected not to have a polling place and ballot drop box established within the boundaries of the Indian reservation or Indian colony.

Sec. 2. NRS 293.3572 is hereby amended to read as follows:

293.3572 1. In addition to permanent polling places for early voting, ~~[except as otherwise provided in subsection 4,]~~ the county clerk may establish temporary branch polling places for early voting which may include, without limitation, the clerk's office pursuant to NRS 293.3561.

2. If an Indian reservation or Indian colony is located in whole or in part within a county, the ~~[Indian tribe may submit a request to the]~~ county clerk ~~[for the establishment of -shall-]~~ :

~~(a) Shall, except as otherwise provided in subsections 3 and 6, establish a temporary branch polling place for early voting at a location or locations, as applicable, approved by the Indian tribe within the boundaries of the Indian reservation or Indian colony, [-]; and~~

~~(b) May establish additional temporary branch polling places for early voting within the boundaries of the Indian reservation or Indian colony upon the request of an Indian tribe submitted not later than the dates set forth in subsection 3 to elect not to have a polling place and ballot drop box established within the boundaries of the Indian reservation or Indian colony.~~

3. ~~[A request for the establishment of]~~ An Indian tribe may elect not to have a temporary branch polling place for early voting established within the boundaries of the Indian reservation or Indian colony [-]

~~—(a) Must be submitted]~~ by submitting notice to the county clerk ~~[by the Indian tribe]~~ on or before:

~~[(1)]~~ (a) If the ~~[request]~~ notice is for a primary election, ~~[March 1]~~ January 15 of the year in which the general election is to be held.

~~{{(2)}} (b) If the [request] notice is for a presidential preference primary election, [the first Friday in November]~~ September 15 of the year immediately preceding the year of the presidential preference primary election.

~~{{(3)}} (c) If the [request] notice is for a general election, [August 1]~~ June 15 of the year in which the general election is to be held.

~~{{(b)}} May include one or more proposed locations within the boundaries of the Indian reservation or Indian colony for the temporary branch polling place and proposed hours of operation thereof.~~

4. Any ~~[proposed]~~ location of a temporary branch polling place for early voting established pursuant to subsection 2 must satisfy the criteria established by the county clerk for the selection of temporary branch polling places pursuant to NRS 293.3561.

~~[4.— Except as otherwise provided in this subsection, if the county clerk receives a request that satisfies the requirements set forth in subsection 3, the county clerk must establish at least one temporary branch polling place for early voting within the boundaries of the Indian reservation or Indian colony. The location and hours of operation of such a temporary branch polling place for early voting must be approved by the Indian tribe. The county clerk is not required to establish a temporary branch polling place within the boundaries of the Indian reservation or Indian colony if the county clerk determines that it is not logistically feasible to establish a temporary branch polling place within the boundaries of the Indian reservation or Indian colony.]~~

5. ~~[If the county clerk establishes one or more temporary branch polling places within the boundaries of an Indian reservation or Indian colony pursuant to subsection 4 for early voting, the] Except as otherwise provided in subsection 6, the county clerk must continue to establish one or more temporary branch polling places within the boundaries of the Indian reservation or Indian colony at a location or locations approved by the Indian tribe for early voting in future elections unless otherwise [requested] notified by the Indian tribe [.] pursuant to subsection 3.~~

6. ~~Not later than the dates set forth in subsection ~~[2]~~ 3 to elect not to have a polling place and ballot drop box established within the boundaries of the Indian reservation or Indian colony, an Indian tribe that elects to have a temporary branch polling place established must submit to the county clerk and the tribal liaison designated by the Office of the Secretary of State pursuant to NRS 233A.260:~~

(a) ~~The location or locations for the temporary branch polling place;~~

(b) ~~Whether the Indian tribe will select registered voters to be appointed to act as election board officers to staff the temporary branch polling place within the boundaries of the Indian reservation or Indian colony; and~~

(c) ~~The proposed days and hours for the operation of the temporary branch polling place.~~

~~➔ If an Indian tribe does not submit the information required pursuant to this [section,] subsection, the Indian tribe shall be deemed to have elected not to~~

have a temporary branch polling place established within the boundaries of the Indian reservation or Indian colony.

7. The provisions of subsection 3 of NRS 293.3568 do not apply to a temporary branch polling place. Voting at a temporary branch polling place may be conducted on any one or more days and during any hours within the period for early voting by personal appearance, as determined by the county clerk.

~~{7.}~~ 8. The schedules for conducting voting are not required to be uniform among the temporary branch polling places.

~~{8.}~~ 9. The legal rights and remedies which inure to the owner or lessor of private property are not impaired or otherwise affected by the leasing of the property for use as a temporary branch polling place for early voting, except to the extent necessary to conduct early voting at that location.

Sec. 3. NRS 293C.2675 is hereby amended to read as follows:

293C.2675 1. If an Indian reservation or Indian colony is located in whole or in part within a city, the ~~[Indian tribe may submit a request to the]~~ city clerk ~~[for the establishment]~~ shall, except as otherwise provided in subsections 2 and 5, establish within the boundaries of the Indian reservation or Indian colony at a location or locations, as applicable, approved by the Indian tribe for the day of a primary city election or general city election ~~[of:~~

~~—(a) A polling place;~~

~~—(b) A ballot drop box; or~~

~~—(c) Both] a polling place and a ballot drop box.~~

2. ~~[A request for the establishment of] An Indian tribe may elect not to have a polling place [a] or ballot drop box [or both a polling place and a ballot drop box] established within the boundaries of an Indian reservation or Indian colony for the day of a primary city election or general city election [:~~

~~—(a) Must be submitted] by submitting notice to the city clerk [by the Indian tribe] on or before:~~

~~{(1)}~~ (a) If the ~~[request]~~ notice is for a primary city election, ~~[March 1]~~ January 15 of the year in which the primary city election is to be held.

~~{(2)}~~ (b) If the ~~[request]~~ notice is for a general city election, ~~[August 1]~~ June 15 of the year in which the general city election is to be held.

~~{(b)} May include one or more proposed locations within the boundaries of the Indian reservation or Indian colony for the polling place or ballot drop box.]~~

3. Any ~~[proposed]~~ location ~~[for]~~ of a polling place or ballot drop box established pursuant to subsection 1 must satisfy the criteria the city clerk uses for the establishment of any other polling place ~~[or]~~ and ballot drop box, as applicable.

~~{3.} Except as otherwise provided in this subsection, if the city clerk receives a request that satisfies the requirements set forth in subsection 2, the city clerk must establish at least one polling place or ballot drop box within the boundaries of the Indian reservation or Indian colony at a location or locations, as applicable, approved by the Indian tribe for the day of a primary city election~~

~~or general city election. The city clerk is not required to establish a polling place within the boundaries of the Indian reservation or Indian colony for the day of a primary city election or general city election if the city clerk established a temporary branch polling place for early voting pursuant to NRS 293C.3572 within the boundaries of the Indian reservation or Indian colony for the same election.~~

4. ~~[If the city clerk establishes one or more polling places or ballot drop boxes within the boundaries of an Indian reservation or Indian colony pursuant to subsection 3 for the day of a primary city election or general city election, the]~~ Except as otherwise provided in subsection 5, the city clerk must continue to establish one or more polling places ~~for~~ and ballot drop boxes within the boundaries of the Indian reservation or Indian colony at a location or locations approved by the Indian tribe for the day of any future primary city election or general city election unless otherwise ~~requested~~ notified by the Indian tribe ~~[.] pursuant to subsection 2.~~

5. Not later than the dates set forth in subsection 2 to elect not to have a polling place and ballot drop box established within the boundaries of the Indian reservation or Indian colony, an Indian tribe that elects to have a polling place and ballot drop box established must submit to the city clerk and the tribal liaison designated by the Office of the Secretary of State pursuant to NRS 233A.260:

(a) ~~The location or locations for the polling place and ballot drop box, ~~for~~ and whether each location or locations will have only a polling place or ballot drop box or both a polling place and ballot drop box;~~

(b) Whether the Indian tribe will select registered voters to be appointed to act as election board officers to staff the polling place within the boundaries of the Indian reservation or Indian colony;

(c) The proposed days and hours for the operation of the polling place; and

(d) The proposed number of ballot drop boxes to be established and any other information necessary for establishing such ballot drop boxes.

➡ ~~If an Indian tribe does not submit the information required pursuant to this [section,] subsection,~~ the Indian tribe shall be deemed to have elected not to have a polling place and ballot drop box established within the boundaries of the Indian reservation or Indian colony.

Sec. 4. NRS 293C.3572 is hereby amended to read as follows:

293C.3572 1. In addition to permanent polling places for early voting, ~~[except as otherwise provided in subsection 4,]~~ the city clerk may establish temporary branch polling places for early voting pursuant to NRS 293C.3561.

2. If an Indian reservation or Indian colony is located in whole or in part within a city, the ~~[Indian tribe may submit a request to the]~~ city clerk ~~[for the establishment of]~~ shall, except as otherwise provided in subsections 3 and 6, establish a temporary branch polling place for early voting at a location or locations, as applicable, approved by the Indian tribe within the boundaries of the Indian reservation or Indian colony.

3. ~~{A request for the establishment of}~~ *An Indian tribe may elect not to have a temporary branch polling place for early voting established within the boundaries of an Indian reservation or Indian colony {:*

~~—(a) Must be submitted}~~ *by submitting notice to the city clerk {by the Indian tribe} on or before:*

~~{{(1)}~~ *(a) If the {request} notice is for a primary city election, {March 1} January 15 of the year in which the primary city election is to be held.*

~~{{(2)}~~ *(b) If the {request} notice is for a general city election, {August 1} June 15 of the year in which the general city election is to be held.*

~~{{(b)} May include one or more proposed locations within the boundaries of the Indian reservation or Indian colony for the temporary branch polling place and proposed hours thereof.}~~

4. Any ~~{proposed}~~ *location of a temporary branch polling place for early voting established pursuant to subsection 2 must satisfy the criteria established by the city clerk pursuant to NRS 293C.3561.*

~~{4. Except as otherwise provided in this subsection, if the city clerk receives a request that satisfies the requirements set forth in subsection 3, the city clerk must establish at least one temporary branch polling place for early voting within the boundaries of the Indian reservation or Indian colony. The location and hours of operation of such a temporary branch polling place for early voting must be approved by the Indian tribe. The city clerk is not required to establish a temporary branch polling place within the boundaries of the Indian reservation or Indian colony if the city clerk determines that it is not logistically feasible to establish a temporary branch polling place within the boundaries of the Indian reservation or Indian colony.}~~

5. ~~{If the city clerk establishes one or more temporary branch polling places within the boundaries of an Indian reservation or Indian colony pursuant to subsection 4 for early voting, the}~~ *Except as otherwise provided in subsection 6, the city clerk must continue to establish one or more temporary branch polling places within the boundaries of the Indian reservation or Indian colony at a location or locations approved by the Indian tribe for early voting in future elections unless otherwise {requested} notified by the Indian tribe {:*

6. Not later than the dates set forth in subsection {2} 3 to elect not to have a temporary branch polling place established within the boundaries of the Indian reservation or Indian colony, an Indian tribe that elects to have a temporary branch polling place established must submit to the city clerk and the tribal liaison designated by the Office of the Secretary of State pursuant to NRS 233A.260:

(a) The location or locations for the temporary branch polling place;

(b) Whether the Indian tribe will select registered voters to be appointed to act as election board officers to staff the temporary branch polling place within the boundaries of the Indian reservation or Indian colony; and

(c) The proposed days and hours for the operation of the temporary branch polling place.

↪ *If an Indian tribe does not submit the information required pursuant to this ~~section,~~ subsection, the Indian tribe shall be deemed to have elected not to have a temporary branch polling place established within the boundaries of the Indian reservation or Indian colony.*

7. The provisions of subsection 3 of NRS 293C.3568 do not apply to a temporary branch polling place. Voting at a temporary branch polling place may be conducted on any one or more days and during any hours within the period for early voting by personal appearance, as determined by the city clerk.

~~{7.}~~ 8. The schedules for conducting voting are not required to be uniform among the temporary branch polling places.

~~{8.}~~ 9. The legal rights and remedies which inure to the owner or lessor of private property are not impaired or otherwise affected by the leasing of the property for use as a temporary branch polling place for early voting, except to the extent necessary to conduct early voting at that location.

Sec. 5. The provisions of NRS 354.599 do not apply to any additional expenses of a local government that are related to the provisions of this act.

Senator Dondero Loop moved the adoption of the amendment.

Remarks by Senator Dondero Loop.

Amendment No. 822 amends Senate Bill No. 327 by authorizing a county clerk to establish additional polling places, ballot drop boxes and temporary branch polling places within the boundaries of an Indian reservation or Indian colony upon the request of an Indian tribe and sets forth the dates by which an Indian tribe must submit such a request.

Amendment adopted.

Bill read third time.

Remarks by Senator Ohrenschall.

Senate Bill No. 327, as amended, requires a county clerk and city clerk, respectively, to establish a polling place and ballot drop box within the boundaries of an Indian reservation or Indian colony unless an Indian tribe either elects not to have the polling place and ballot drop box established by submitting notice to the county clerk or city clerk or does not provide certain information relating to the establishment of the polling place and ballot drop box. This bill creates the same requirements and conditions for the establishment of temporary branch polling places for early voting.

The bill also authorizes a county clerk to establish additional polling places, ballot drop boxes and temporary branch polling places within the boundaries of an Indian reservation or Indian colony upon the request of an Indian tribe and sets forth the dates by which an Indian tribe must submit such a request.

Roll call on Senate Bill No. 327:

YEAS—21.

NAYS—None.

Senate Bill No. 327 having received a constitutional majority, Mr. President declared it passed, as amended.

Bill ordered transmitted to the Assembly.

Senate Bill No. 364.

Bill read third time.

The following amendment was proposed by the Committee on Finance:

Amendment No. 813.

SUMMARY—Makes various changes relating to cultural remains. (BDR 33-533)

AN ACT relating to cultural remains; requiring, under certain circumstances, a law enforcement agency to communicate with ~~an Indian tribe~~ the Nevada Indian Commission or notify the Office of Historic Preservation of the State Department of Conservation and Natural Resources regarding certain human remains; requiring the Office and the Department to ~~adopt~~ deliver certain regulations ~~to the Legislative Counsel~~; and providing other matters properly relating thereto.

Legislative Counsel's Digest:

Existing law authorizes the Office of Historic Preservation of the State Department of Conservation and Natural Resources to adopt regulations to carry out the provisions of existing law relating to the protection of Indian burial sites and historic and prehistoric sites. (NRS 383.440) ~~[Section 2 of this bill instead requires the Office to adopt such regulations.]~~ Section 3 of this bill requires that the Office ~~adopt~~ deliver such proposed regulations to the Legislative Counsel not later than December 31, 2023.

Section 1 of this bill provides that if a law enforcement agency goes to a location where human remains are found that are reasonably believed to be a native Indian, the law enforcement agency, as part of an investigation, is required to: (1) communicate with ~~a representative of an Indian tribe located within the county where the remains are found;~~ the Nevada Indian Commission; or (2) notify the Office. ~~[Section 2 makes a conforming change to indicate the proper placement of section 1 in the Nevada Revised Statutes.]~~ Section 1 further requires the Nevada Indian Commission, if the Commission receives communication from a law enforcement agency, to consult with a representative of an Indian tribe located within the county in which the remains are found. Section 1 also requires the Department to adopt regulations to carry out the provisions of section 1. Section 3 requires the Department to deliver such proposed regulations to the Legislative Counsel not later than December 31, 2023.

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

Section 1. Chapter 383 of NRS is hereby amended by adding thereto a new section to read as follows:

1. *If a law enforcement agency goes to a location where human remains are found that are reasonably believed to be native Indian, the law enforcement agency must, as part of an investigation:*

(a) Communicate with ~~a representative of an Indian tribe located within the county where the remains are found;~~ the Nevada Indian Commission for the purposes described in subsection 2; or

(b) Notify the Office.

2. *If the Nevada Indian Commission receives communication from a law enforcement agency pursuant to subsection 1, the Nevada Indian Commission*

shall consult with a representative of an Indian tribe located within the county in which the remains are found.

3. The Department shall adopt regulations as necessary to carry out the provisions of this section. The Department may adopt such regulations without consultation with any Indian tribe.

4. As used in this section, "law enforcement agency" has the meaning ascribed to it in NRS 289.010.

Sec. 2. ~~NRS 383.440 is hereby amended to read as follows:~~

~~383.440 1. The Office [may] shall adopt regulations to carry out the provisions of NRS 383.400 to 383.440, inclusive.~~

~~2. The Office shall adopt regulations as necessary to carry out the provisions of NRS 383.150 to 383.440, inclusive, and section 1 of this act, including, without limitation, regulations which set forth the process for repatriation of prehistoric native Indian human remains and funerary objects. The regulations must be developed in consultation with Indian tribes and incorporate the values, beliefs and traditions of the Indian tribes as determined and conveyed by the members of the Indian tribes during the consultation with the Office.] (Deleted by amendment.)~~

Sec. 3. Not later than December 31, 2023, ~~[, the]~~ :

1. The Office of Historic Preservation of the State Department of Conservation and Natural Resources shall ~~[adopt]~~ deliver proposed regulations to the Legislative Counsel pursuant to NRS 233B.063 to carry out the provisions of NRS 383.150 to 383.440, inclusive, ~~[and section 1 of this act,]~~ as required pursuant to NRS 383.440 . ~~[, as amended by section 2 of this act.]~~

2. The State Department of Conservation and Natural Resources shall deliver proposed regulations to the Legislative Counsel pursuant to NRS 233B.063 to carry out the provisions of section 1 of this act as required pursuant to section 1 of this act.

Sec. 4. This act becomes effective upon passage and approval.

Senator Dondero Loop moved the adoption of the amendment.

Remarks by Senator Dondero Loop.

Amendment No. 813 to Senate Bill No. 364 adds language to clarify the responsibilities of the Nevada Indian Commission for consulting with Indian tribes when a law enforcement agency finds human remains that are reasonably believed to be a native Indian and the Office of Historic Preservation and the State Department of Conservation and Natural Resources for adopting regulations relating to the protection of Indian burial sites and historic and prehistoric sites and delivering those proposed regulations to the Legislative Counsel by December 31, 2023.

Amendment adopted.

Bill read third time.

Remarks by Senator Nguyen.

Senate Bill No. 364, as amended, requires, under certain circumstances, a law enforcement agency to communicate with the Nevada Indian Commission, to consult with the appropriate Indian tribe or to notify the Office of Historic Preservation of the State Department of Conservation and Natural Resources regarding certain human remains that are reasonably believed to be native Indian.

Senate Bill No. 364, as amended, also requires the office and the department, respectively, to deliver proposed regulations related to the preservation and protection of Indian burial sites,

historic and prehistoric sites to carry out the provisions of this act to the Legislative Counsel by December 31, 2023.

Roll call on Senate Bill No. 364:

YEAS—21.

NAYS—None.

Senate Bill No. 364 having received a constitutional majority, Mr. President declared it passed, as amended.

Bill ordered transmitted to the Assembly.

Senate Bill No. 425.

Bill read third time.

Remarks by Senator Dondero Loop.

Senate Bill No. 425 creates the 24-member Commission on Innovation and Excellence in Education to develop a statewide vision and implementation plan to improve Nevada's education system. Senate Bill No. 425 requires the Commission to conduct a study comparing Nevada's education policies to those of high-performing international and domestic education systems, make recommendations on how to adapt the education policies of high-performing education systems into Nevada's education system, identify objectives and make recommendations to put the education performance of Nevada's pupils in parity with that of high-performing systems, review and incorporate any relevant findings of previous or ongoing education funding studies, and develop an implementation plan for the recommendations made, including an analysis of the costs involved.

Senate Bill No. 425 requires the Commission to submit an annual report of its findings to the Governor, Superintendent of Public Instruction, the Legislative Commission and the Joint Interim Standing Committee on Education. Senate Bill No. 425 provides General Fund appropriations of \$12,500 in both Fiscal Year (FY) 2024 and FY 2025 for travel expenses for Commission members and provides a General Fund appropriation of \$250,000 to allow the Commission to enter into a contract with an organization to assist in the Commission's work.

Roll call on Senate Bill No. 425:

YEAS—21.

NAYS—None.

Senate Bill No. 425 having received a constitutional majority, Mr. President declared it passed.

Bill ordered transmitted to the Assembly.

Senate Bill No. 428.

Bill read third time.

Remarks by Senator Flores.

Senate Bill No. 428 proposes to exempt sales of diapers from sales and use taxes and analogous taxes upon approval by the voters.

Roll call on Senate Bill No. 428:

YEAS—21.

NAYS—None.

Senate Bill No. 428 having received a constitutional majority, Mr. President declared it passed.

Bill ordered transmitted to the Assembly.

Senate Bill No. 443.

Bill read third time.

The following amendment was proposed by the Committee on Finance:

Amendment No. 817.

SUMMARY—Revises provisions relating to voter registration. (BDR 24-842)

AN ACT relating to elections; ~~revising provisions relating to provisional ballots;~~ revising provisions relating to voter registration during certain periods preceding an election; requiring the Department of Motor Vehicles to have extended hours of operation in certain counties during certain periods preceding the deadline to register to vote by mail for certain elections and following the day of certain elections; prohibiting, in certain counties, the Department from requiring an appointment to obtain a driver's license or identification card during certain periods; making an appropriation to the Department of Motor Vehicles for certain security costs relating to extended hours of operation required during certain periods; and providing other matters properly relating thereto.

Legislative Counsel's Digest:

Existing law sets forth certain deadlines for registering to vote by mail, computer or appearing in person at the office of the county or city clerk. (NRS 293.560, 293C.527) Existing law also authorizes an elector to register to vote after such deadlines: (1) through the Thursday preceding the election, by computer using the online registration system provided on the Internet website of the Office of the Secretary of State; and (2) after such online registration, by appearing in person during the period for early voting or on election day. To register to vote during such periods, an elector must provide his or her driver's license or identification card issued by the Department of Motor Vehicles and, if the license or identification card does not include his or her current residential address, certain documents establishing proof of residency. (NRS 293.5837-293.5847) Sections 1.6 and 2 of this bill instead provide that to register to vote in person during the period for early voting or on election day, an elector must, with certain exceptions, provide a current and valid driver's license or identification card issued by this State, another state, the District of Columbia or a territory of the United States or provide a tribal identification card as proof of identity. ~~(and, if such proof of identity)~~ If the elector's driver's license or identification card was issued by the Department of Motor Vehicles and shows the elector's current residential address, the driver's license or identification card is also proof of the elector's residency. If the elector's tribal identification card shows the elector's current residential address, the tribal identification card is also proof of the elector's residency.

If the elector's driver's license or identification card was not issued by the Department of Motor Vehicles, ~~for does not include his or her current residential address,~~ the elector ~~(must also provide proof of residency.)~~ may cast a provisional ballot if he or she completes a written affirmation. Any such elector who casts a provisional ballot must provide a current and valid driver's

license or identification card issued by the Department of Motor Vehicles, an interim document issued by the Department of Motor Vehicles or a tribal identification card demonstrating proof of residency by 5 p.m. on the Friday immediately following election day.

Sections 1.6 and 2 also provide that ~~[an elector]~~ if an elector's driver's license or identification card issued by the Department of Motor Vehicles does not have the elector's current residential address, the elector may present an original, electronic or certified copy of a document as proof of residency and that, for certain documents, such document must be dated not more than 60 days before the date the elector is registering to vote.

Sections 1.6 and 2 further provide that if an elector does not have ~~the required identification,~~ a driver's license or identification card issued by this State or another state, the District of Columbia or any territory of the United States or a tribal identification card, the elector ~~[must sign an affirmation and must]~~ may cast a provisional ballot ~~[in accordance with certain provisions of existing law. Section 1 of this bill makes a conforming change to authorize an elector who does not provide the required identification pursuant to section 1.6 to cast a provisional ballot. Section 1.3 of this bill makes a conforming change to require an elector who casts such a provisional ballot to provide the required identification to the county or city clerk not later than 5 p.m. on the Friday following election day.]~~ if he or she completes a written affirmation. Any such elector who casts a provisional ballot must provide a current and valid driver's license, identification card or interim document issued by the Department of Motor Vehicles or a tribal identification card demonstrating proof of identity and residency in this State by 5 p.m. on the Friday immediately following election day.

Existing law authorizes the Director of the Department of Motor Vehicles to arrange for extended hours of operation for offices of the Department in a county whose population is 100,000 or more (currently Clark County and Washoe County). (NRS 481.057) Section 3 of this bill provides that, in a county whose population is 100,000 or more, the Director is required to arrange for the offices of the Department to remain open on Saturdays and Sundays and at hours other than 8 a.m. to 5 p.m. for a person to only apply for the issuance or renewal of any type of driver's license or identification card issued by the Department: (1) during the 2 weeks immediately preceding the last day to register to vote by mail for a primary election, presidential preference primary election or general election; and (2) during the 6 calendar days immediately following the day of a primary election, presidential preference primary election or general election. Section 3 further prohibits the Department from requiring, in a county whose population is 100,000 or more, a person to have an appointment to apply for the issuance or renewal of any type of driver's license or identification card issued by the Department: (1) during the 2 weeks immediately preceding the last day to register to vote by mail for a primary election, presidential preference primary election or general election; and (2) during the 6 calendar days immediately following the day of

a primary election, presidential preference primary election or general election.

Section 3.5 of this bill makes an appropriation from the State Highway Fund to the Department of Motor Vehicles for the costs of additional security services for the extended hours of operation required by section 3.

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

Section 1. ~~{NRS 293.3081 is hereby amended to read as follows:~~

~~293.3081 A person at a polling place may cast a provisional ballot in an election pursuant to NRS 293.3078 to 293.3086, inclusive, if the person complies with the applicable provisions of NRS 293.3082 and:~~

~~1. Declares that he or she has registered to vote and is eligible to vote at that election in that jurisdiction, but his or her name does not appear on a voter registration list as a voter eligible to vote in that election in that jurisdiction or an election official asserts that the person is not eligible to vote in that election in that jurisdiction;~~

~~2. Applies by mail or computer, on or after January 1, 2003, to register to vote and has not previously voted in an election for federal office in this State and fails to provide the identification required pursuant to paragraph (a) of subsection 1 of NRS 293.2725 to the election board officer at the polling place; or~~

~~3. Declares that he or she is entitled to vote after the polling place would normally close as a result of a court order or other order extending the time established for the closing of polls pursuant to a law of this State in effect 10 days before the date of the election.~~

~~4. Registers to vote in person at a polling place for early voting or on the day of the election and declares that he or she is a qualified elector but does not have a driver's license or identification card issued by this State or another state, the District of Columbia or any territory of the United States or a social security number.} (Deleted by amendment.)~~

Sec. 1.3. ~~{NRS 293.3082 is hereby amended to read as follows:~~

~~293.3082 1. Before a person may cast a provisional ballot pursuant to NRS 293.3081, the person must complete a written affirmation on a form provided by an election board officer, as prescribed by the Secretary of State, at the polling place which includes:~~

~~(a) The name of the person casting the provisional ballot;~~

~~(b) The reason for casting the provisional ballot;~~

~~(c) A statement in which the person casting the provisional ballot affirms under penalty of perjury that he or she is a registered voter in the jurisdiction and is eligible to vote in the election;~~

~~(d) The date and type of election;~~

~~(e) The signature of the person casting the provisional ballot;~~

~~(f) The signature of the election board officer;~~

~~(g) A unique affirmation identification number assigned to the person casting the provisional ballot;~~

~~—(h) If the person is casting the provisional ballot pursuant to subsection 1 of NRS 293.3081;~~

~~—(1) An indication by the person as to whether or not he or she provided the required identification at the time the person applied to register to vote;~~

~~—(2) The address of the person as listed on the application to register to vote;~~

~~—(3) Information concerning the place, manner and approximate date on which the person applied to register to vote;~~

~~—(4) Any other information that the person believes may be useful in verifying that the person has registered to vote; and~~

~~—(5) A statement informing the voter that if the voter does not provide identification at the time the voter casts the provisional ballot, the required identification must be provided to the county or city clerk not later than 5 p.m. on the Friday following election day and that failure to do so will result in the provisional ballot not being counted;~~

~~—(i) If the person is casting the provisional ballot pursuant to subsection 2 or 4 of NRS 293.3081;~~

~~—(1) The address of the person as listed on the application to register to vote;~~

~~—(2) The voter registration number, if any, issued to the person; and~~

~~—(3) A statement informing the voter that the required identification must be provided to the county or city clerk not later than 5 p.m. on the Friday following election day and that failure to do so will result in the provisional ballot not being counted; and~~

~~—(j) If the person is casting the provisional ballot pursuant to subsection 3 of NRS 293.3081, the voter registration number, if any, issued to the person;~~

~~2. After a person completes a written affirmation pursuant to subsection 1:~~

~~—(a) The election board officer shall provide the person with a receipt that includes the unique affirmation identification number described in subsection 1 and that explains how the person may use the free access system established pursuant to NRS 293.3086 to ascertain whether the person's vote was counted, and, if the vote was not counted, the reason why the vote was not counted;~~

~~—(b) The voter's name and applicable information must be entered into the roster in a manner which indicates that the voter cast a provisional ballot; and~~

~~—(c) The election board officer shall issue a provisional ballot to the person to vote.} (Deleted by amendment.)~~

Sec. 1.6. NRS 293.5842 is hereby amended to read as follows:

293.5842 1. Notwithstanding the close of any method of registration for an election pursuant to NRS 293.560 or 293C.527, an elector may register to vote in person at any polling place for early voting by personal appearance in the county or city, as applicable, in which the elector is eligible to vote.

2. To register to vote in person during the period for early voting, an elector must:

(a) Appear before the close of polls at a polling place for early voting by personal appearance in the county or city, as applicable, in which the elector is eligible to vote.

(b) Complete the application to register to vote by a method authorized by the county or city clerk pursuant to this paragraph. The county or city clerk shall authorize at least one of the following methods for a person to register to vote pursuant to this paragraph:

(1) A paper application; or

(2) The system established by the Secretary of State pursuant to NRS 293.671.

➡ If the county or city clerk authorizes the use of both methods, the county or city clerk may limit the use of one method to circumstances when the other method is not reasonably available.

(c) Except as otherwise provided in ~~{subsection 3, or 5,}~~ this section, provide his or her ~~{current}~~:

(1) ~~Current~~ and valid driver's license or identification card issued by ~~{the Department of Motor Vehicles which shows his or her physical address}~~ this State or another state, the District of Columbia or any territory of the United States as proof of the elector's identity and, if the ~~{photo identification}~~ driver's license or identification card was issued by the Department of Motor Vehicles and shows the elector's current residential address, as proof of the elector's identity and residency {;}; or

(2) Tribal identification card as proof of the elector's identity and, if the tribal identification card shows the elector's current residential address, as proof of the elector's identity and residency.

3. If the elector's driver's license or identification card was ~~{not}~~ issued by the Department of Motor Vehicles ~~{to the elector or}~~ but does not have the elector's current residential address, *an original, electronic or certified copy of the following documents may be used to establish the residency of the elector if the current residential address of the elector, as indicated on his or her application to register to vote, is displayed on the document:*

(a) A military identification card;

(b) A utility bill, including, without limitation, a bill for electric, gas, oil, water, sewer, septic, telephone, cellular telephone or cable television service {;}, *that is dated not more than 60 days before the date on which the elector is registering to vote;*

(c) A bank or credit union statement {;} *that is dated not more than 60 days before the date on which the elector is registering to vote;*

(d) A paycheck {;} *that is dated not more than 60 days before the date on which the elector is registering to vote;*

(e) An income tax return;

(f) A statement concerning the mortgage, rental or lease of a residence;

(g) A motor vehicle registration;

(h) A property tax statement; or

(i) Any other document issued by a governmental agency.

4. ~~{Subject}~~ Except as otherwise provided in subsection 5 ~~4~~ or 6, subject to final verification, if an elector registers to vote in person at a polling place pursuant to this section:

(a) The elector shall be deemed to be conditionally registered to vote at the polling place upon:

(1) The determination that the application to register to vote is complete; and

(2) The verification of the elector's identity and residency pursuant to this section.

(b) After the elector is deemed to be conditionally registered to vote at the polling place pursuant to paragraph (a), the elector:

(1) May vote in the election only at that polling place;

(2) Must vote as soon as practicable and before leaving that polling place; and

(3) Must vote by casting a provisional ballot, unless it is verified, at that time, that the elector is qualified to register to vote and to cast a regular ballot in the election at that polling place.

5. If an elector who appears to vote provides as proof of identity a driver's license or identification card that was not issued by the Department of Motor Vehicles or provides a tribal identification card that does not have the elector's current residential address, the elector may cast a provisional ballot pursuant to subsection 4 if the elector completes a written affirmation on a form provided by an election officer which includes:

(a) A statement in which the person affirms under penalty of perjury that he or she is a qualified elector; and

(b) A statement informing the voter that a current and valid driver's license, identification card or interim document issued by the Department of Motor Vehicles or a tribal identification card that demonstrates residency must be provided to the county or city clerk not later than 5 p.m. on the Friday immediately following election day and that failure to do so will result in the provisional ballot not being counted.

6. If an elector who appears to vote does not have a driver's license or identification card issued by this State or another state, the District of Columbia or any territory of the United States or a ~~{social security number,}~~ tribal identification card, the elector may cast a provisional ballot ~~as defined in NRS 293.3078, pursuant to NRS 293.3078 to 293.3086, inclusive. In addition to the affirmation required pursuant to NRS 293.3082, the elector must complete}~~ pursuant to subsection 4 if the elector completes a written affirmation on a form provided by an election officer which includes ~~{a}~~ :

(a) A statement in which the person affirms under penalty of perjury that he or she is a qualified elector but has not been issued a driver's license or identification card by this State or another state, the District of Columbia or any territory of the United States ~~{and does not have a social security number,}~~ or a tribal identification card; and

(b) A statement informing the voter that a current and valid driver's license, identification card or interim document issued by the Department of Motor Vehicles or a tribal identification card that demonstrates proof of identity and residency must be provided to the county or city clerk not later than 5 p.m. on the Friday immediately following election day and failure to do so will result in the provisional ballot not being counted.

7. Nothing in this section shall be construed to authorize an elector's provisional ballot that is cast pursuant to this section to be counted unless the elector provides proof of identity and residency as required pursuant to this section.

Sec. 2. NRS 293.5847 is hereby amended to read as follows:

293.5847 1. Notwithstanding the close of any method of registration for an election pursuant to NRS 293.560 or 293C.527, an elector may register to vote in person on the day of the election at any polling place in the county or city, as applicable, in which the elector is eligible to vote.

2. To register to vote on the day of the election, an elector must:

(a) Appear before the close of polls at a polling place in the county or city, as applicable, in which the elector is eligible to vote.

(b) Complete the application to register to vote by a method authorized by the county or city clerk pursuant to this paragraph. The county or city clerk shall authorize at least one of the following methods for a person to register to vote pursuant to this paragraph:

(1) A paper application; or

(2) The system established by the Secretary of State pursuant to NRS 293.671.

↪ If the county or city clerk authorizes the use of both methods, the county or city clerk may limit the use of one method to circumstances when the other method is not reasonably available.

(c) Except as otherwise provided in ~~subsection 3, or 5,~~ this section, provide his or her ~~current~~ :

(1) Current and valid driver's license or identification card issued by ~~the Department of Motor Vehicles which shows his or her physical address~~ this State or another state, the District of Columbia or any territory of the United States as proof of the elector's identity, and if the ~~photo identification~~ driver's license or identification card was issued by the Department of Motor Vehicles and shows the elector's current residential address, as proof of the elector's identity and residency. ~~It~~ or

(2) Tribal identification card as proof of the elector's identity and, if the tribal identification card shows the elector's current residential address, as proof of the elector's identity and residency.

3. If the ~~elector's~~ driver's license or identification card was ~~not~~ issued by the Department of Motor Vehicles ~~to the elector or~~ but does not have the elector's current residential address, an original, electronic or certified copy of the following documents may be used to establish the residency of the elector

if the current residential address of the elector, as indicated on his or her application to register to vote, is displayed on the document:

- (a) A military identification card;
- (b) A utility bill, including, without limitation, a bill for electric, gas, oil, water, sewer, septic, telephone, cellular telephone or cable television service ~~{;}~~, that is dated not more than 60 days before the elector is registering to vote;
- (c) A bank or credit union statement ~~{;}~~ that is dated not more than 60 days before the elector is registering to vote;
- (d) A paycheck ~~{;}~~ that is dated not more than 60 days before the elector is registering to vote;
- (e) An income tax return;
- (f) A statement concerning the mortgage, rental or lease of a residence;
- (g) A motor vehicle registration;
- (h) A property tax statement; or
- (i) Any other document issued by a governmental agency.

4. ~~{Subject}~~ Except as otherwise provided in subsection 5 ~~{;}~~ or 6, subject to final verification, if an elector registers to vote in person at a polling place pursuant to this section:

(a) The elector shall be deemed to be conditionally registered to vote at the polling place upon:

- (1) The determination that the application to register to vote is complete; and
- (2) The verification of the elector's identity and residency pursuant to this section.

(b) After the elector is deemed to be conditionally registered to vote at the polling place pursuant to paragraph (a), the elector:

- (1) May vote in the election only at that polling place;
- (2) Must vote as soon as practicable and before leaving that polling place; and
- (3) Must vote by casting a provisional ballot.

5. If an elector who appears to vote provides as proof of identity a driver's license or identification card that was not issued by the Department of Motor Vehicles or provides a tribal identification card that does not have the elector's current residential address, the elector may cast a provisional ballot pursuant to subsection 4 if the elector completes a written affirmation on a form provided by an election officer which includes:

(a) A statement in which the person affirms under penalty of perjury that he or she is a qualified elector; and

(b) A statement informing the voter that a current and valid driver's license, identification card or interim document issued by the Department of Motor Vehicles or a tribal identification card that demonstrates residency must be provided to the county or city clerk not later than 5 p.m. on the Friday immediately following election day and that failure to do so will result in the provisional ballot not being counted.

6. If an elector who appears to vote does not have a driver's license or identification card issued by this State or another state, the District of Columbia or any territory of the United States or a ~~social security number,~~ tribal identification card, the elector may cast a provisional ballot ~~as defined in NRS 293.3078, pursuant to NRS 293.3078 to 293.3086, inclusive. In addition to the affirmation required pursuant to NRS 293.3082, the elector must complete,~~ pursuant to subsection 4 if the elector completes a written affirmation on a form provided by an election officer which includes ~~the~~ :

(a) A statement in which the person affirms under penalty of perjury that he or she is a qualified elector but has not been issued a driver's license or identification card by this State or another state, the District of Columbia or any territory of the United States ~~and does not have a social security number,~~ or a tribal identification card; and

(b) A statement informing the voter that a current and valid driver's license, identification card or interim document issued by the Department of Motor Vehicles or a tribal identification card that demonstrates proof of identity and residency must be provided to the county or city clerk not later than 5 p.m. on the Friday immediately following election day and failure to do so will result in the provisional ballot not being counted.

7. Nothing in this section shall be construed to authorize an elector's provisional ballot that is cast pursuant to this section to be counted unless the elector provides proof of identity and residency as required pursuant to this section.

Sec. 3. NRS 481.057 is hereby amended to read as follows:

481.057 ~~Int~~

1. Except as otherwise provided in subsection 2, in a county whose population is 100,000 or more, the Director may arrange for offices of the Department to remain open on Saturdays and Sundays and at hours other than 8 a.m. to 5 p.m.

2. In county whose population is 100,000 or more, the Director shall arrange for the offices of the Department to remain open on Saturdays and Sundays and at hours other than 8 a.m. to 5 p.m. for a person to apply only for the issuance or renewal of any type of driver's license or identification card issued by the Department:

(a) During the 2 weeks immediately preceding the last day to register to vote by mail pursuant to NRS 293.560 for a primary election, presidential preference primary election or general election; and

(b) During the 6 calendar days immediately following the day of a primary election, presidential preference primary election or general election.

3. In a county whose population is 100,000 or more, the Department shall not require a person to have an appointment for the issuance or renewal of any type of driver's license or identification card issued by the Department:

(a) During the 2 weeks immediately preceding the last day to register to vote by mail pursuant to NRS 293.560 for a primary election, presidential preference primary election or general election; and

(b) During the 6 calendar days immediately following the day of a primary election, presidential preference primary election or general election.

4. As used in this section:

(a) "General election" has the meaning ascribed to it in NRS 293.060.

(b) "Presidential preference primary election" has the meaning ascribed to it in NRS 293.0771.

(c) "Primary election" has the meaning ascribed to it in NRS 293.080.

Sec. 3.5. 1. There is hereby appropriated from the State Highway Fund to the Department of Motor Vehicles the sum of \$15,449 for the costs of additional security services for the extended hours of operation required by NRS 481.057, as amended by section 3 of this act.

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

Sec. 4. 1. This section becomes effective upon passage and approval.

2. Sections 1 to 3, inclusive, of this act become effective:

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

(b) On ~~January~~ May 1, 2024, for all other purposes.

3. Section 3.5 of this act becomes effective on July 1, 2024.

Senator Dondero Loop moved the adoption of the amendment.

Remarks by Senator Dondero Loop.

Amendment No. 817 to Senate Bill No. 443, as amended, eliminates sections 1 and 1.3 related to individuals registering to vote when early voting or on the day of the election, revises language in the bill from "social security number" to "tribal identification card" as accepted proof of voter identity and updates the conditions under which an elector may cast a provisional ballot if he or she completes a written affirmation and provides specific proof of identity.

The amendment also provides a Highway Fund appropriation of \$15,449 in Fiscal Year 2025 to the Department of Motor Vehicles for certain security costs relating to extended hours of operation required during certain periods.

The amendment also revises the effective date to May 1, 2024, for purposes other than adopting regulations and performing any other preparatory administrative tasks that are necessary to carry out the provisions of this bill and makes the Highway Fund appropriation effective July 1, 2024.

Amendment adopted.

Bill read third time.

Remarks by Senator Ohrenschall.

Senate Bill No. 443, as amended, revises provisions relating to provisional ballots and proof of voter identity when registering to vote and revises provisions relating to voter registration during certain periods preceding an election.

Additionally, the bill, as amended, requires the Department of Motor Vehicles (DMV) in counties with a population of 100,000 or more to have extended hours of operation during certain

periods preceding the deadline to register to vote by mail for certain elections and following the day of certain elections and prohibits the DMV from requiring an appointment to obtain a driver's license or identification card during those periods. The bill, as amended, provides a Highway Fund appropriation of \$15,449 in Fiscal Year 2025 to the DMV for additional security costs relating to these extended hours of operation.

Roll call on Senate Bill No. 443:

YEAS—13.

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

Senate Bill No. 443 having received a constitutional majority, Mr. President declared it passed, as amended.

Bill ordered transmitted to the Assembly.

UNFINISHED BUSINESS

SIGNING OF BILLS AND RESOLUTIONS

There being no objections, the President and Secretary signed Senate Bills Nos. 57, 80, 92, 208, 211, 330, 346, 349, 386, 407 and 436 and Assembly Bills Nos. 22, 23, 33, 34, 35, 39, 52, 54, 55, 57, 60, 65, 70, 74, 75, 114, 121, 127, 132, 143, 163, 169, 172, 175, 191, 193, 202, 207, 213, 218, 220, 231, 241, 242, 244, 256, 262, 267, 272, 285, 330, 334, 340, 356, 364, 371, 373, 391, 405, 408, 410, 415, 432, 437, 439 and 465.

Senator Cannizzaro moved that the Senate adjourn until Thursday, June 1, 2023, at 11:00 a.m.

Motion carried.

Senate adjourned at 11:21 p.m.

Approved:

STAVROS ANTHONY

President of the Senate

Attest: BRENDAN BUCY

Secretary of the Senate