MINUTES OF THE MEETING
OF THE
ASSEMBLY COMMITTEE ON JUDICIARY

Eighty-Second Session
March 21, 2023

The Committee on Judiciary was called to order by Chair Brittney Miller at 8:01 a.m. on Tuesday, March 21, 2023, in Room 3138 of the Legislative Building, 401 South Carson Street, Carson City, Nevada. The meeting was videoconferenced to Room 4406 of the Grant Sawyer State Office Building, 555 East Washington Avenue, Las Vegas, Nevada. Copies of the minutes, including the Agenda [Exhibit A], the Attendance Roster [Exhibit B], and other substantive exhibits, are available and on file in the Research Library of the Legislative Counsel Bureau and on the Nevada Legislature's website at www.leg.state.nv.us/App/NELIS/REL/82nd2023.

COMMITTEE MEMBERS PRESENT:

Assemblywoman Brittney Miller, Chair
Assemblywoman Elaine Marzola, Vice Chair
Assemblywoman Shannon Bilbray-Axelrod
Assemblywoman Lesley E. Cohen
Assemblywoman Venicia Considine
Assemblywoman Danielle Gallant
Assemblyman Ken Gray
Assemblywoman Alexis Hansen
Assemblywoman Melissa Hardy
Assemblywoman Selena La Rue Hatch
Assemblywoman Erica Mosca
Assemblywoman Sabra Newby
Assemblywoman Shondra Summers-Armstrong
Assemblyman Toby Yurek

COMMITTEE MEMBERS ABSENT:

Assemblyman David Orentlicher (excused)

GUEST LEGISLATORS PRESENT:

Assemblyman P.K. O'Neill, Assembly District No. 40

STAFF MEMBERS PRESENT:

Diane C. Thornton, Committee Policy Analyst
Bradley A. Wilkinson, Committee Counsel
Devon Kajatt, Committee Manager
Connor Schmitz, Committee Secretary
Ashley Torres, Committee Assistant

OTHERS PRESENT:

Buffy Okuma, Chief Deputy District Attorney, Child Protective Services, Washoe County District Attorney's Office; and Chairperson, Legislative Subcommittee, Nevada's Court Improvement Program, Supreme Court
Gwynneth Smith, Chief Deputy District Attorney, Juvenile Division, Clark County District Attorney's Office
Kelly Brandon, Supervising Deputy District Attorney, Juvenile Division, Carson City District Attorney's Office
Steve K. Walker, representing Lyon County
Jeffrey S. Rogan, representing Clark County
Lori Bagwell, Mayor, Carson City
Jason D. Woodbury, District Attorney, Carson City
Stephen Wood, Government Affairs Liaison, Carson City
Jennifer Berthiaume, Government Affairs Manager, Nevada Association of Counties
John J. Piro, Chief Deputy Public Defender, Legislative Liaison, Clark County Public Defender's Office; and representing Washoe County Public Defender's Office
James Creel, representing Coalition for Patient Rights
Jason Walker, Sergeant, Administrative Division, Legislative Liaison, Washoe County Sheriff's Office
Pamela Del Porto, Executive Director, Nevada Sheriffs' and Chiefs' Association
Beth Schmidt, Director-Police Sergeant, Office of Intergovernmental Services, Las Vegas Metropolitan Police Department
Cindy Brown, Private Citizen, Las Vegas, Nevada
Athar Haseebullah, Executive Director, American Civil Liberties Union of Nevada
Joelle Gutman-Dodson, Government Affairs Liaison, Washoe County Health District; and representing Southern Nevada Health District

Chair Miller:
[Roll was called. Committee policies were explained.] This morning we have two bill hearings. We will be starting with Assembly Bill 148, presented by Vice Chair Marzola and Gwynneth Smith from the Clark County District Attorney's Office.

Assembly Bill 148: Revises provisions relating to child welfare. (BDR 11-671)

Assemblywoman Elaine Marzola, Assembly District No. 21:
I am bringing this bill on behalf of Nevada's Court Improvement Program (CIP). This program emphasizes and supports keeping families together and a child's right to protection from abuse and neglect. This program is overseen by the CIP Select Committee, of which I am a member. The committee is composed of family court judges; a tribal representative; three child welfare agency administrators and representatives; a deputy attorney general; district attorneys; a public defender; legislators; the director of the Administrative Office of the Courts; several attorneys who actively represent neglected and abused children; and Court Appointed Special Advocates (CASA).

They have been working for months to develop Assembly Bill 148. This bill will enable the courts and agencies involved in the child welfare system to better handle child dependency cases. This legislation will replace the term for an appointed judicial officer from the antiquated term "master" to "magistrate;" set up a statutory procedure for the appointment of guardians ad litem for parents in dependency cases; require federal language be incorporated in *Nevada Revised Statutes* (NRS) regarding certain out-of-home child placements; and create a statutory framework for handling situations where a child must be placed in a secure facility to receive treatment.

With me today, I have Buffy Okuma from the Washoe County District Attorney's Office, Kelly Brandon from the Carson City District Attorney's Office, and Gwynneth Smith from the Clark County District Attorney's Office. Together they will provide a summary of the bill, go over the proposed amendment [Exhibit C], and answer any questions the Committee may have.

Buffy Okuma, Chief Deputy District Attorney, Child Protective Services, Washoe County District Attorney's Office; and Chairperson, Legislative Subcommittee, Nevada's Court Improvement Program, Supreme Court:
We had five subgroups from the CIP legislative subcommittee to tackle issues the group identified requiring change. Of those workgroups, two of them were headed by a children's attorney, one was headed by a parent attorney, and three were headed by representatives from district attorneys' offices. Each workgroup contained members of all stakeholders; three of these workgroups came forward with the proposed language today.

We came back as the CIP legislative subcommittee; it did not require only members of the CIP to be on that. Any stakeholder in child welfare was welcome to join, and many people did. The CIP group which brought forward this bill consisted of all the people Assemblywoman Marzola described: children attorney representatives, parent attorney representatives, CASAs, agency representatives, and judicial officers—all of whom came to a consensus on this language. Our CIP legislative subcommittee only brings forward language which is agreed upon by all stakeholders as a consensus. If we were unable to come to an agreement, we did not bring forward that issue.

What is before you today in the amendment is the language which all of these different groups of stakeholders have agreed on [Exhibit C]. Chair Miller, I can go through the groups of sections, or I can go through the four main topics that are the subject matter of this bill. I defer to you as to how you want me to present it.

Chair Miller:
A presentation of the main subjects would be appreciated. Please make sure that you include the amendment [Exhibit C].

Buffy Okuma:
The main topics are: (1) The appointment of a guardian ad litem for either a minor parent or a parent who is otherwise incapacitated, which includes someone who might be incompetent; (2) A qualified residential treatment program (QRTP), which is a new type of congregate care facility identified by the federal government and is a requirement for us to include in our state law in order for our state to be in compliance with our federal/state plan; and (3) Locked facilities. Many years ago, I believe it was either 2007 or 2009, the Legislature determined that children who are in foster care should have a different set of procedures if they are in a mental health crisis requiring court oversight such that the custodian be in the agency or their parent cannot just consent to their being placed in a locked residential treatment facility, so we have made some changes to those—primarily separating out the difference between an emergency admission and a planned admission into a longer-term facility.

I will describe the guardian ad litem provisions. Ms. Smith, who is in Clark County, will describe the locked facility provisions. Kelly Brandon will then describe the QRTP provisions and the change from "master" to "magistrate," which takes up a lot of pages in this bill. Ms. Brandon was also in charge of the committee that described that.

Chair Miller:
Before we go over the different types of locked facilities, it seems like this is a very robust bill, and there are a lot of areas in here about testing and communication with the parent. Could we go through a brief synopsis of each section? When it comes to guardianship, parents, and children, we are going to have a lot of questions.

Buffy Okuma:
Two of the issues you have touched on are the guardian ad litem provisions and the locked facility provisions. When you read the bill, it was hard to differentiate those. All of the sections, with the exception of sections 9 through 11, pertain to the appointment of a guardian ad litem in a termination of parental rights proceeding. Sections 32 through 34 are the appointment of a guardian ad litem in an NRS Chapter 432B child welfare dependency proceeding. [Herein referred to as a Chapter 432B proceeding.]

In regard to the locked facilities, the provisions in sections 35 through 42 are for the planned admission of a child into a locked facility. Sections 53 through 60 are for the emergency admission of a child into a locked facility. I think it is important to note that our current law already requires the appointment in a civil proceeding of a guardian ad litem to stand in the

shoes of either a minor who has a lawsuit being brought against them or a minor who is bringing a lawsuit. That is primarily generated out of Rule 17 of *Nevada Rules of Civil Procedure*, which requires the court to appoint a guardian ad litem—which is very different from a guardian who can make other decisions. A guardian ad litem assists either a minor or an incapacitated, incompetent person in understanding their rights and to take actions within a civil proceeding.

Child welfare and termination of parental rights proceedings are civil proceedings, so we already have that requirement. What was happening across the state, though, is within our existing law for the appointment of a guardian ad litem, it provides for no procedures. There is nothing that guides the court as to whether they have to hold a hearing, whom to appoint, or what the decision-making points are in determining whether or not a guardian ad litem is required. That is the primary purpose of this bill with respect to the guardian ad litem in sections 9 through 11 and sections 32 through 34.

What we are seeing is that judges across the state were handling it very differently. Some were holding hearings to dig deeper into whether or not a parent was incapacitated. Others were just taking the word of the attorney who had been appointed to represent that parent. Others were trying to find volunteers. There was a wide variety across the state. The judges were also inconsistent in what they were authorizing the guardian ad litem to do within these cases. These are a little bit different from other civil cases because our cases go on and on. It is not like a contract dispute where you have court proceedings. There are all kinds of activities going on behind the scenes, and our cases sometimes go on for years. Guardians ad litem, in the traditional sense, are only involved in that court proceeding and decision-making about how to proceed in court. It became confusing about whether or not the guardians ad litem have a role to play in obtaining services for the parent outside of court. We wanted to define for our courts and for our stakeholders what a guardian ad litem can and cannot do.

I also wanted to make it clear that with regard to guardians ad litem in termination of parental rights (TPR) cases: we have agency-brought TPR cases and private TPR cases. We want to make it clear that these procedures are intended only for agency-initiated TPRs. I think the reason for that is the distinction I was just mentioning. Our cases—as agency-driven cases—are still going on with a lot of services and things being done, and that is not the case in a private TPR. The amendment [Exhibit C] makes that distinction, that these very robust and in-depth procedures would be designed for the cases involving child welfare.

We recognize within this is a hierarchy of decision-making with a hearing to determine whether or not a parent is incapacitated. In the world of civil litigation, by definition, a child is not competent to bring or have brought against them any type of civil proceeding. There is room in here, though, because we have some of those kids who are 17; they understand what is going on. To be clear, we are only talking about a minor who is a parent. We already have all kinds of provisions for the minors who are the subject of a Chapter 432B proceeding; this is only talking about a minor who is a parent, whose child has been removed from that minor parent and any other parent who is otherwise incapacitated. We give the court the ability to

first just have a conversation with that parent to determine whether they understand what the proceeding is about, what the potential ramifications are, and whether they can assist their attorney adequately in presenting their defense.

Through this conversation, if everyone is satisfied this parent has such capacity, then we do not have to go any further and no guardian ad litem would be appointed. If there becomes concern about that, then we give the court authority to look to other things. Either evaluations are ordered to be done or, in many cases, our parents have been deemed incapacitated or incompetent in other proceedings—such as criminal proceedings. If we have other proceedings where such a determination has already been made, the court can consider that; we have this hierarchy of decision-making.

Then we have provisions in there that protect the parent if their incapacitation is for short duration. Sometimes we have a parent where we have had to remove the child because they are in a coma, or they have some other medical condition which is temporary. There are provisions that that decision needs to be reviewed at the request of any party or at certain intervals so that the guardian ad litem provisions are only in place for as long as necessary. That goes for both the termination of parental rights proceedings and Chapter 432B proceedings. With that, in regard to the guardians ad litem, I will turn it over to Ms. Smith to discuss the locked facility provisions, and then we will hear from Ms. Brandon.

Gwynneth Smith, Chief Deputy District Attorney, Juvenile Division, Clark County District Attorney's Office:

This bill includes several important topics which affect the functioning of our child welfare system and the well-being of the children and families it is charged with serving. By way of background, I have been a chief deputy district attorney in Clark County for ten years, and I have worked on cases involving children with significant mental health issues for the past eight. Before coming to Clark County District Attorney's Office, I earned a doctorate in clinical psychology with a focus on the treatment of child trauma. I am going to discuss the section of the CIP bill that focuses on updating already existing laws which apply when a child in foster care is hospitalized for psychiatric treatment.

For your reference, those existing statutes are contained in NRS Chapter 432B, sections 607 through 6085. Those are the laws which are already on the books and have been in practice since 2005. My group focused on working with child welfare and dependency court colleagues across the state to modernize and refine these existing statutes which govern what is required in court when a child in foster care is admitted to a locked facility for treatment. That can occur in two instances: the first instance is when an emergency has occurred and the child needs immediate stabilization because they pose an imminent risk of harm to themselves or others; the second situation can occur when a child—because of their diagnoses and related symptoms and behaviors—requires long-term stabilization and treatment. Those are two different processes which arise under this statute.

The first thing I would like to highlight for the Committee about the draft you see before you is how much it retains from the existing statutory framework and requirements of court oversight for when a child is hospitalized [Exhibit C]. As indicated, this process has already been in place and in practice throughout the state for many years. The collective intent of our CIP subcommittee was not to make major changes for how this works under NRS Chapter 432B. There is a consensus across all parties—district attorneys, children's attorneys, parents' attorneys, the court, CASAs, child welfare—that these provisions provide crucial and necessary oversight when vulnerable children in foster care are hospitalized.

Existing requirements, which have been in practice and will continue under the amendment, are examples of the following: the requirement that a child welfare agency petition a court for approval to hospitalize a child for psychiatric or behavioral health treatment remains; a child's right to an independent second opinion and a contested hearing or trial if they disagree with the doctor's recommendation remains; the requirement that the court make a final decision on the decision whether to hospitalize a child or not at a clear and convincing standard of proof remains; and the requirement for ongoing close court oversight with frequent hearings during an approved hospitalization remains.

As I indicated the goal of our group, having practiced in these areas since the statutes have been enacted for a number of years, was to modernize, refine, and clarify the sections so that it is very clear to the court and all parties exactly what is required throughout the process so that a child's due process rights are protected and so that they receive the safest, most appropriate care possible.

I would like to review some of those points of clarification that the subcommittee agreed were important and that you see reflected in the amendments before you. The most significant major change was, the subcommittee agreed it was important to break out in statute what is required for an emergency admission of a child—what is required in that court process versus what is required when there is a planned or nonemergency admission for residential treatment. In existing statute, there is a lot of overlap between those two. For example, the requirements for an independent second opinion: currently there is one definition in statute. The timelines for discharge planning for a child: there is one requirement in existing statute. Practitioners agree that since these are very different processes, addressing very different needs of children, it made sense to break that process out in statute.

In the draft [Exhibit C], we now have the full court process for emergency and nonemergency admissions laid out from start to finish, which makes clearer for the courts and parties what the requirements are, reduces confusion and unnecessary disputes, and in the end leads to more efficient and effective court oversight of these admissions. As Ms. Okuma indicated, sections 35 through 42 apply to the process for nonemergency admissions and sections 53 through 60 apply to the separate process for emergency admissions. Some of the other changes we made were to modernize terms in statute consistent with current clinical language as well as other sections of NRS. You will see we

now refer to "emergency" versus "nonemergency" admissions rather than "acute" and "residential" (RTC) admissions. That simply reflects modern clinical language and is also more descriptive of the difference between those two types of admissions.

The subcommittee eliminated, for example, the word "training" from the statute when describing a facility's requirements for discharge planning. We felt that was neither descriptive nor modern language; it now refers to plans for care and treatment only. Another section we felt needed to be change, reflected in sections 37 and 54, was to add "advanced practice nurses with a specialization in psychiatric care" to the list of professionals who are able to render a second opinion in these cases. That reflects the reality of modern psychiatric practice and importantly, it widens the pool of professionals who can assist on these cases, which is important, as I know Committee members know: currently in our state, we have a lack of mental health professionals. Prudently expanding the definitions of professionals who can opine on these cases is important.

For example, we expanded the timelines for second opinion evaluations: 45 days for a nonemergency admission for a second opinion to be rendered; 6 days for an emergency second evaluation opinion. This is important so the court process is not delayed, but also balancing that with time for in-depth record review, testing, and clinical interviews with children when needed to inform decisions about longer-term placements. We increased the timelines and specificity for discharge planning requirements and instructions from a facility so the team and all parties can effectively plan for a child's discharge. You will see in the draft before you the language now requires—60 days after discharge—a plan covering the time frame from a facility; and that 30 days from discharge, be covered by an acute facility rendering a discharge plan for a child. That is an example of something we were able to do because of the division of emergency and nonemergency admission procedures.

Finally, another example of a change we made was, we did refer, in the standard for emergency admission, to standards which have already been included in NRS Chapter 433A, so we made reference to a person in a mental health crisis—defined in NRS 433A.0172—and that the child must present a likelihood of serious harm to self or others. That is a reference to NRS 433A.195. I do not want to go too far into the weeds of all the little changes we made, although I am certainly happy to answer any questions from the Committee.

To conclude, the goal of this proposal—which truly was informed by experts from all sides, across the state—was to retain important processes already in place that protect a child's due process rights while enabling them to get necessary care to help stabilize their mental health. These revisions sought to help clarify and refine requirements so the process is clearer for all parties, and ultimately to enable the court to assure the best outcomes for our vulnerable children who are the subject of these proceedings. As indicated, I am happy to take any questions at the end of this presentation. At this point, I will turn it over to Kelly Brandon.

Kelly Brandon, Supervising Deputy District Attorney, Juvenile Division, Carson City District Attorney's Office:

I was tasked with leading a group of professionals with addressing qualified residential treatment programs (QRTPs). That largely came out of concerns from the federal government and our program improvement plan that we had not codified or otherwise written out what our procedures were for placement of children in QRTPs, in accordance with federal law. So, a program improvement plan was put together where we were tasked with ensuring those procedures were in place in accordance with that. The provisions you see related to QRTPs are in line with what federal law requires; they are not things we have a lot of control over, or really any control over.

The purpose of doing this is to ensure we receive federal funding for our child welfare agencies which need this federal support to be able to serve youth. Qualified residential treatment programs are not locked facilities, so those provisions are separate from QRTPs. They are therapeutic-based programs which are meant to address children particularly in a trauma-informed way, and they do not have the same types of treatment provided that a locked facility would provide, with the intention of providing children a continuum of care but are still high-level facilities in terms of the psychiatric therapeutic inputs which are occurring. They do have separate requirements in terms of discharge planning, who can perform those evaluations, and what the court's review process is. You will see that is different than the locked facility proceedings because these facilities do not meet that criteria but do still have procedural requirements which are required by federal law.

As it relates to the change in "master" to "magistrate," that language came out of a judicial roundtable which occurred at our Court Improvement Program (CIP) summit almost two years go. The judicial roundtable's recommendation, as it relates to race equity, is the term "master"—as it relates to our judicial officers—connotates things which we do not want it to. There were multiple judicial officers in that work group who found that their children had asked them questions about being masters, and if that meant they had slaves. I am a member of the First Judicial District, and our magistrate, as we refer to her now after our court entered into an administrative order to change her title. Since then, that has been successful; while it was a process to change forms and things like that, the change was relatively easy to carry out for our judicial district, with the goal being every juvenile who comes before the court can feel like they can be heard by that court—that they are accepted and have access to justice.

I would note in those things, there is a difference between the authorities of what we now call a "juvenile master," and the authorities of a magistrate under criminal law. We have made sure to keep those clear because the bill is not intended to change the powers of those people, rather only their titles. You will see it is an "appointed magistrate," which would be different than a "magistrate" under the criminal provisions that would apply to folks who are elected and so there is no confusion as it relates to that.

Buffy Okuma:
If I could just add with regard to the qualified residential treatment program, I think it is important to note, because it was a requirement of the federal government for our state plan, we actually should have brought it this last legislative session because our state plan had to be submitted prior to this legislative session. As a result of that, and so that we did not lose the federal funding by being out of compliance with our state plan, all of those provisions with regard to QRTPs have already been implemented through an administrative order (ADKT) by the Nevada Supreme Court, because it was the only way we could get it into what they would consider "legal sense" so it could comply with our state plan. We have sunsetted that provision in the ADKT because everyone agreed legislation is a much more appropriate place for it to be. So, the ADKT would sunset as soon as this bill went into effect with that QRTP language. I wanted to point out we already have it; it is just not in the place where we think it should be.

Chair Miller:
Can you just explain what the acronym ADKT is?

Buffy Okuma:
It is the Nevada Supreme Court's administrative docket. The "AD" is the administrative part of it and "KT" is their docket acronym. It is rules that are passed by the Nevada Supreme Court through their rule making authority over the Judicial Branch.

Chair Miller:
We will now move on to questions from our members.

Assemblywoman Considine:
Section 9, subsection 1 discusses a parent who is 18 years of age or younger and the child is a subject of proceedings under NRS Chapter 432B, which then requires the court automatically to determine whether or not the parent is incapacitated. Then, in subsection 9, I read a court can determine that a parent is incapacitated solely by their age if they are under 18. I want to clarify that I am reading both of those sections correctly. Are there situations where, if this is not the parent's only child and they are deemed incapacitated solely by age, the other child would be taken into care?

Buffy Okuma:
Section 9 would automatically trigger the court to make a determination in a situation where a parent is under 18. It does not necessarily require the court to appoint a guardian ad litem, only that the court has to make such a determination. Under our general civil law, it is generally deemed a child cannot make those decisions on their own. Subsection 9 talks about, if the court determines they need a guardian ad litem solely based on their age, the appointment would automatically terminate when they turn 18. If they are not otherwise incapacitated because of a mental disability or psychiatric disability—only because they are too young to understand what is going on—that appointment would terminate at age 18. Whereas, if it were based on some other incapacity, it would only terminate when such incapacity has diminished, if it does. Neither of those provisions have any bearing on

whether a minor parent's child is taken into protective custody. Unfortunately, there are many minor parents out there who are caring properly for their children, therefore the same provisions for why a child would need protection apply in those circumstances. It has nothing to do with age.

Assemblywoman Considine:
I know there are situations where young women—girls—have more than one child before they are 18 years old. If they are determined, based solely on their age, that the child who is already in care, they are deemed incapacitated for that child. What happens to the other child who was not removed?

Buffy Okuma:
In those situations, I can speak to the Washoe County Human Services Agency, and I can speak to the way our statutes are structured. Just because one child is deemed in need of protection does not automatically mean, in every case, that another child will be. This determination of incapacity is not the determination of incapacity in a general guardianship sense, it is only related to a civil action: Do they understand the legal proceedings, which can be overwhelming and complicated? They could be perfectly fine regarding being able to work, provide food, provide shelter, provide for their child, but be incapacitated in the sense of not understanding all of the intricacies of the legal proceedings; particularly with a termination of their parental rights case and its implications. There is a distinction there. This would have no impact on another child deemed in need of protection.

Chair Miller:
So, a young parent who has two children could be deemed effective in providing shelter, food, clothing, education, but incapacitated in not understanding the legal proceedings or ramifications, but only in the case of one of their children? Not both of their children?

Buffy Okuma:
This proceeding is only triggered if a child has been placed into protective custody. In that situation, they may be meeting the needs of one child but not the other. Oftentimes that comes because the other child has other support, has another parent who is safe. We treat each child individually based on the circumstance, so the determination of their capacity for legal proceedings, (1) is only triggered if a child is placed into protective custody—a child of theirs—and then (2) if both of their children are placed into protective custody, then certainly their being deemed incapacitated to understand the full legal proceedings would apply to both children; that parent then would be appointed a guardian ad litem for the purposes of the legal proceedings—completely different than full guardianship or temporary guardian of the person or of a person's estate. They are very separate concepts.

Chair Miller:
Thank you for that clarification. When I was reading through it, it seems like in this case you say we are focusing on the children. When does the focus then come on the parent?

Assemblywoman Bilbray-Axelrod:
I am looking at the section for guardians ad litem. It is laying out who can be the guardian ad litem. I am likening it to a Court Appointed Special Advocate (CASA); is that similar? If so, do they need to be an attorney?

Buffy Okuma:
It does not have to be an attorney. In the general civil sense, particularly in regard to a minor who is the subject of a civil proceeding, oftentimes it is their parent. In these particular cases, it could be their parent if that minor parent is also not in need of protection. It can be a parent. It is a little bit different than a CASA program, because we view CASAs more broadly than a typical guardian ad litem in a civil proceeding process who only functions on assisting that person through the legal proceedings. The guardian ad litem, in this scenario, would be narrow and is limited to assisting them in how to proceed in a court proceeding. Should they admit to the allegations in the petition which is brought against them? Should they ask for a trial? Should they testify? Assisting through those types of things is the true nature of a guardian ad litem as it relates in general civil proceedings.

When we brought CASA in and lent the term of "guardian ad litem" and CASA, that does cause some difficulty. Federal law and our state law recognizes a child who is—our children are parties. The child in foster care is also by our statute deemed a party to the action. The CASAs do not function in that true sense of guardian ad litem on behalf of the child; they function more as they are looking out for the best interest of the child as an appointee of the court. In the true sense of guardian ad litem in a civil proceeding, they are looking out for that parent's best interest only in that very narrow sense of how to proceed.

Assemblywoman Mosca:
Under section 9, subsection 5, paragraph (a), it says that if a court determines, then it "Shall consider the wishes of the parent for whom the guardian ad litem will be appointed." Who are these guardians ad litem? Are they trauma-informed; do they understand what parents are going through?

Buffy Okuma:
One of the things we did not specify in this bill, because the resources across our state are going to be very different is, who would be appointed. We looked at other states. In some states, guardians ad litem for incapacitated adults in civil proceedings are very well developed. Ours are not. We also did not feel we could take that step. There would certainly be a fiscal impact in Washoe County. There may be an organization that could fill that role on a regular basis; in Clark County that could be the case. In the rural counties, that would be quite difficult. We made a conscious decision not to tackle that issue. What typically happens now—I can speak to Washoe County and a little bit to the rural counties as I have worked in Carson City, and on the CIP committee we heard from everybody what happens in these cases—what happens now is when a guardian ad litem is necessary for a parent, we often reach out to one of the legal aid programs. Right now, in Washoe County, we tend to reach out to Nevada Legal Services, because Northern Nevada Legal Aid represents the children, so we need to have somebody who does not have a conflict. They

often will find a pro bono attorney to fill that role. Often it is a lawyer, but that does not take the place of their court-appointed lawyer. The parents already have their court-appointed lawyer, so they do not fill a lawyer role, they fill a guardian ad litem role in terms of assisting that parent with understanding and working in conjunction with their court-appointed attorney. Because we do not have a good system, and we do not have an entity which currently fills that role, it often becomes a pro bono lawyer who fills that role.

Assemblywoman Cohen:
I appreciate that in sections 11 and 34, relinquishment of parental rights is specifically addressed and it is specifically stated that the guardian ad litem may not take any action to facilitate a relinquishment. Can you talk about the process if the parent does want to go forward with a relinquishment and how they could have assistance and if the guardian ad litem can play any role in giving them assistance, or are they just going to work with their attorney? How is that going to proceed?

Buffy Okuma:
We had a robust conversation about this topic. It was inconsistent across the state. There were some courts in Clark County giving guardians ad litem authority to sign relinquishments on behalf of parents. As a group of stakeholders, we came to the consensus that that was not protective of that parent's right when we have an incapacitated parent. What we determined in that situation, those things do not happen quickly. They are well planned along the way in agency-driven determinant of cases. That is why we make the distinction of private termination and agency-driven termination. We determined in that situation, the regular guardianship of the person could be a special guardianship under NRS Chapter 159 proceedings. Under that existing law, a guardianship court can appoint a guardian of the person, whether it is a full guardian or a special guardian, to make specific decisions about health care, fertility issues, or major life events. We felt a relinquishment of somebody's parental rights is that significant of an event that it should require the appointment of a full or special guardian through the NRS Chapter 159 proceedings. Then there is a full hearing where that court is skilled in making those broad guardianship appointments. We felt it deserved that full proceeding.

Assemblywoman Cohen:
Are there enough professionals—I guess it would not have to be a professional, especially in the rural counties—are there enough people available to step in to be the guardian of the person?

Buffy Okuma:
I think we suffer from a lack of resources throughout the state, in the rural counties and urban jurisdictions. However, I have not heard there are not those professionals in the NRS Chapter 159 arena. At the end of the day, if there is no one else to fill that role, that is the role of the public guardian's office. I am going to speculate because I do not practice fully in guardianship law, although I can speak from some experience having worked for the

Public Guardian in Carson City. The Public Guardian's office is skilled in looking at those issues; that is their role if there is no other person who can fill that special or full guardianship role. We do have that Public Guardian office in every jurisdiction that can step in.

Assemblywoman Hansen:
This bill—even though we deal with guardianship—when it comes to relinquishment of parental rights, we are leaving it alone and referring to NRS Chapter 159. That process when we get into concerns in these situations, where a child is in protective custody, CIP says that NRS Chapter 159 gives that pathway to have a special guardian appointed for these heavier matters.

Buffy Okuma:
The narrow bridge over to NRS Chapter 159 would only be if there is going to be a relinquishment of parental rights or a consent to adoption. That bypasses all of the protections and due process protections of a termination of parental rights trial. A guardian ad litem and a parent's attorney, if we were to have a trial, would be acting on behalf of that parent—as we saw, in conjunction with that parent. Their input is very important to the extent they are able to give it. If we were to go through a full trial, then we would not be going into NRS Chapter 159 and having a guardian appointed. I will make a clarification, in some of our cases, we already have guardians appointed for an incapacitated parent who happens to then have a child, and for whatever reason that guardian and parent cannot care for that child fully—that is not common. If we were to go through termination proceedings and actually proceed all the way through that, the protections of due process and the guardianship trial would be covered with the guardian ad litem being appointed and their court-appointed counsel. If that parent gave an indication they wanted to relinquish their parental rights or consent to a specific adoption, that is when we seek the appointment of a guardian of the person or a special guardian.

Chair Miller:
Working from the amendment, in section 10, I do appreciate the change in removing "psychiatric evaluation," so the amended version is just about requesting an evaluation. I am wondering then, what kind of evaluation will be conducted—if they are not psychiatric, what type of evaluation would be conducted?

Buffy Okuma:
The psychiatric evaluation language was put in through the drafting based on criminal concepts of incompetence. Those are usually done through psychiatric facilities. When we look in the civil arena, the Nevada Supreme Court broadened the definition under Rule 17 of the *Nevada Rules of Civil Procedure* for the appointment of guardians ad litem to be incapacitated, which includes incompetent but can include many more things. It means many more things in the world of child welfare. A parent of a child who is in foster care could be incapacitated not just because of a psychiatric condition, they could be incapacitated because of a physical condition, a coma, being sedated, something that would not be appropriate for a psychiatric evaluation but an evaluation of some sort from that doctor. Can this person

comprehend, are they alert enough to understand what is going on? It could also be based on having some other disability. We would need some type of psychological evaluation versus a psychiatric evaluation. It may require an evaluation of their ability to understand and read. We engage many types of evaluations, and we were concerned about the word "psychiatric evaluation," because in our world that is a psychiatrist making a determination of whether this person has a psychiatric condition which would make them unable to appreciate and understand. We wanted to broaden it to let the court and the parties before the court look at; is there some other evaluation that would assist us in making this decision?

Chair Miller:
Could you give us some specific examples? You were giving us some examples about foster care, people with disabilities, people who may not be conscious. What types of evaluations would happen in these cases if they are not, in fact, psychiatric? Even when you are saying people that cannot read, all of these different scenarios, what would happen in these specific cases?

Buffy Okuma:
From Washoe County, we have used some evaluations called the neuropsychological evaluation; that is much broader than a psychiatric evaluation. It also goes into whether that person—we have used them in children and adults—what their IQ [intelligence quotient] level is, what their brain functioning level is. Sometimes we will have a parent who has had evaluations as a child because maybe they were determined to be on the autism spectrum. Those types of evaluations are much broader. I believe Ms. Brandon has recently had some cases in Carson City where they have used a different type of evaluation to determine competency, so I would ask if she could jump in on that. I surprised her with that.

Chair Miller:
And I am surprising you. Before we get there, I would like clarification. It seems that during this discussion we continue to talk about the competency of the parent in understanding what is happening. Is that correct?

Buffy Okuma:
Correct. That is all we are talking about.

Chair Miller:
That is all we are talking about: Can the parent understand the legal proceedings, the legal process that is happening. We are not talking about the parent's ability to provide and care for the child. We understand the child has already been removed. However, I am trying to understand. Even in situations where for example, as you mentioned, somebody's intellectual or academic abilities—even if someone cannot read, that does not mean they cannot understand if something is explained to them. It is the same with reading in different languages. I may not be able to read in this language, but if something is explained to me, I can understand. It is the same intellectually—I may not be able to read it but if it is explained to me, I can understand. I guess I am trying to see the connection. Again, this is not in a criminal proceeding, like you said, not a psychiatric evaluation to stand trial; we are

simply asking about someone's ability to understand the process. That is where I really need to hear what these evaluations are about, because we are not even talking about the parent's ability to improve the situation, to be able to provide in a sufficient way for their child. That, I can see the connectivity, just as in foster care situations, the evaluations and the reviews would be done on the home, on the parent, to see if we can place a child back there. I guess I am just not seeing the connection on these evaluations for the parent's ability to understand the process. That is really the explanation I am looking for.

Buffy Okuma:
I appreciate that perspective because we had a lot of discussion and the parents' attorneys raised appropriate questions about—particularly in Washoe County, the parents' attorneys have always been very protective about seeking the appointment of a guardian ad litem for their client because there is some element of that which would bring into question their ability to care for their child.

However, two aspects of that: one, it is already a requirement in the law; it is already being done. Our provisions are for how it is going to be done. We saw just anecdotally from our conversations that parent attorneys in Clark County were more inclined to say, I am not having an ability to work with and have my client understand, and I think they need a guardian ad litem. We understood that concern and that protection. They can overlap, but their intent is very different. We do not intend to go seek a bunch of evaluations to determine whether this person is able to understand the proceedings. That is why the first step is for the court to canvass them, and as we put in here, the provisions that that can be privately, just with them and their attorney, so that if there is anything they want to be able to say and have that frank conversation with the court to make that determination, it is not going to prejudice them in front of anyone else.

Secondly, the child has already been removed. Then the question just becomes, Does this person need assistance going through the court process? We are already doing all kinds of evaluations and having parents submit to things to try to improve their situation. I would also add that we only could have anecdotal data on this because our courts were not tracking how often they were appointing guardians ad litem. Anecdotally, through both myself in Washoe County and parent attorney representatives in Washoe County, we asked the question, How many of our clients do we think, how many of the parents do I think really were not understanding it? We asked the parent attorneys as well, not to identify any specific cases anecdotally, but what number of parents do you think whom you worked with over the last year would be so incapacitated they would need a guardian ad litem? The answer was very few. We said less than ten, and we thought that was a high number. Since I have been the chief deputy district attorney at the Washoe County District Attorney's Office, I believe we have sought the appointment of a guardian ad litem for a parent in a termination of parental rights case five times and that was in four years. This is not a frequent occurrence, but it is an important occurrence.

Assemblywoman Summers-Armstrong:
This is deep and heavy. I would like clarity on the neuropsychological evaluation. You have got someone on your team that has a doctorate in psychology; how is this administered? Who chooses which evaluations are applied? Do you have a group that determines throughout the state which ones you will be using each year, every two years, just so there is consistency between one county and one jurisdiction to another?

Buffy Okuma:
To be clear, we are not talking about the type of evaluations we use to assist parents in reunifying with their children. We are limited. We are talking about what evaluation would assist the court in making a determination of whether this parent can effectively proceed without a guardian ad litem or needs a guardian ad litem. The way we have structured this is the court decides what evaluation is needed. If any of the parties felt that the evaluation was not sufficient or there needed to be an additional one, that party can choose an evaluator and that party would have to pay for it. We did not contemplate there would necessarily be a specific group, because as the agency attorney, we felt very strongly we should not have a role in choosing the evaluator who is going to make that determination unless we agreed strongly with that evaluation. I am seeking to terminate this parent's rights; I do not want to have a role in making a determination of whether they need a guardian ad litem and who.

The way this is designed is that I may, with my client, observe this parent is having difficulty in meetings and answering questions in court, in being able to move forward and understanding their rights. I may raise the issue, but I am not going to determine the issue. That is between that parent and the court, and it is an important role for that parent's attorney to play. We felt that the evaluation should be recommended by a parent attorney and determined by the court because they are the one that has to make the decision.

As it stands now, because this is existing law, it is somewhat all over the place. It is not developed like it is in the criminal proceedings for competency evaluations. They have specific organizations; I know in Washoe County it is generally done through Lakes Crossing Center and there is a contract with them for that. We have not developed in the civil world to that degree. I would just indicate we are asking for these specific procedures in child welfare, termination of parental rights, and dependency proceedings. The appointment of guardians ad litem is an issue that is nothing new in all civil proceedings if you have one of the parties who is not competent. So, who has to decide in all of those proceedings? Ultimately, the parties suggest to the court we think we should have this evaluation and this evaluator, and it is going to be up to the court to decide.

Assemblywoman Summers-Armstrong:
I am not surprised but concerned there is not a standard, even in a civil matter, where this evaluation would take place or from whom, or that the evaluating agency or even the evaluation itself is not collaborated among the courts on a standard. It is just concerning that it is not consistent. If we are talking about something as important as taking away someone's parental rights, the standard for evaluating that, whether the court is asking for it, whether a third party is asking for it, there should be a central and consistent testing of this. I am

a little concerned about it. If the court says they want it after conversations, who do they go to or who do they ask for guidance from, and what type of neuropsychological evaluation should be conducted?

Buffy Okuma:
When a court is seeking out an evaluation, they often turn to the parties. In one sense, they are lucky in that we have so many parties in our cases. We have both parents, their attorneys, the agency, its attorney, the children, their attorney; we have a lot of people in the courtroom who are knowledgeable about various types of evaluations and various providers. I would say courts often turn to the parties to say, Who do you, any of you, recommend to do such an evaluation for the issue we have identified? The issue is going to determine the type of evaluation. All of that being said, though, as a group across Clark County, rural counties, and Washoe County, we all felt very confident that the number of times a separate evaluation is even going to be necessary is very low.

When we have these cases with a parent whom we have concerns about their capacity, it is not always based on intellectual or psychiatric incapacity. As I mentioned, our more recent cases have been because the parent is in a coma or because they are in a state of having used substances so much that they are struggling and they cannot focus and understand what is going on. In those types of situations, we, all through our practice—again we have already been doing this, so I share your concern that there is not a standard—I offer that we feel we are not a hundred percent all the way there with this bill about guardians ad litem, but we are so much further than there being no standard at all in our statutes. It just says, "the court shall appoint if they deem it to be necessary," so we have no standard. We felt that the first standard of if that parent can even get to the courthouse and have that conversation with the court, that can often give enough information to determine whether they can assist their counsel or not.

Secondly, whatever type of evaluation it would be, I think it would be a little bit difficult to have something like a Lakes Crossing Center as a central thing, because in the criminal world it is just that determination of incompetency, not incapacity that can be in other ways. We did feel that it should not be an agency-driven determination—that would be a conflict—that it should be up to the court, but the court can be informed by all of these players who work in the world of obtaining evaluations.

I will give one last example of how it is somewhat collaborative in that way. If we have a parent who we feel has parenting deficits and they need an evaluation to determine what services they need to reunify with their child, the agency has contracts with particular providers, and so we will say, This is who we think the parent should go to. The parent attorneys will sometimes say, We disagree with that, we think it should be somebody else. Oftentimes we will come to have that conversation about who it should be and most of the time resolve it. If we cannot, the court resolves it. Or the agency sends the parent to one provider and the parent attorney will seek out a different provider. That is how it works practically, and I think it works fairly well.

Chair Miller:
To be sure, you did not intend to say there would be a test for people who were in comas. Again, it seems like the distinction between foster care and this situation, and the distinction between the evaluation for parents based on their ability to understand and as you mentioned, people in comas—it is still getting a little confusing. What I am going to specifically ask for, because this is what members are trying to get at, is if you could submit to the Committee some examples of evaluations that could be used. Again, we like to see consistency throughout the state. We understand there are certain communities and certain reasons why certain communities do not have the same resources as others, generally based on population. When it comes to something as serious as parental rights, we do want to see consistency. We want to make sure these evaluations are researched, peer reviewed, and best practice. If you could submit to the Committee evaluations that have been used in the past or that would be considered in the future, I think that would be very helpful for us.

Assemblywoman Newby:
I wanted to ask about the qualified residential treatment program (QRTP) and that inclusion into Nevada's statutes. You mentioned that is necessary for federal funding. I wanted to hear a little bit more about that change in policy and the immersion of those programs and treatment facilities.

Kelly Brandon:
Qualified residential treatment programs were first passed as a part of the Family First Prevention Services Act, and states were required to have provisions for ensuring the protections that are laid out in statute. There is a process: a child welfare program improvement plan gets submitted to the federal government for our state plan for child welfare services. That state plan has to make sure it complies with federal legal requirements to ensure we are receiving federal funding for those. At this point in Nevada, there are no QRTPs. I know there are intentions to get some. We cannot build a facility that we cannot put children in. To make sure that those provisions are there and in place so that children can be placed in them, there are some that are in the process of being created, but QRTPs have a number of requirements: there are licensing situations as well as staffing and high levels of care—ensuring there is a 24/7 nursing staff, making sure that all of their staff are trained on trauma-informed care—those are federal requirements. When it says things like when it is going to comply with federal law, those definitions include those things. We do not have a program that has been able to meet all of those standards yet, but there are some in the works.

Chair Miller:
With that, we will move on to testimony in support of A.B. 148.

Steve K. Walker, representing Lyon County:
Lyon County supports the amended version of A.B. 148 after opposing the original version. I would ask that the sign-in sheet be modified to reflect this change of position.

Chair Miller:
Absolutely, we appreciate that. Seeing no other testimony in support, we will move on to testimony in opposition to A.B. 148.

Jeffrey S. Rogan, representing Clark County:
We are testifying in limited opposition to this bill. We support the intent of the bill, and we think it is an important bill. The original language was problematic. Some of the amendment language still needs to be worked on. Our Department of Family Services has reached out to the presenters and hopefully we will have those changes adopted and included by the time of the work session.

Chair Miller:
Seeing no other testimony in opposition, is there anyone that would like to testify in neutral to A.B. 148. [There was no one.]

[Exhibit D was submitted in opposition to Assembly Bill 148 but was not discussed and will become part of the record.]

With that, the bill sponsor has signaled she will not be making any final comments. I will go ahead and close the hearing on A.B. 148. I am now opening our next bill hearing on Assembly Bill 240, and it is sponsored by Minority Leader O'Neill.

Assembly Bill 240: Revises provisions governing the cultivation, growing or production of cannabis by certain persons. (BDR 56-509)

Assemblyman P.K. O'Neill, Assembly District No. 40:
I am accompanied today by Lori Bagwell, Mayor of Carson City, and Jason Woodbury, Carson City District Attorney, to present Assembly Bill 240 for your consideration. This bill came about from conversations I had with Carson City supervisors on some of the issues facing the community. The discussion went directly to complaints from neighbors concerning other neighbors growing marijuana and the odor wafting through the neighborhood. The overarching intent of this bill is not to outlaw the practice of home grow, only to limit it to allow all neighbors to enjoy their neighborhoods. Additionally, there is a friendly amendment [Exhibit E] that came in late last night. Additionally, there is some other conversation on the finer points of this bill which will also be discussed in background.

In 2019, the Legislature passed Assembly Bill 533 of the 80th Session, which created both the Cannabis Advisory Commission and the Cannabis Compliance Board (CCB). This bill revised and reorganized provisions governing the medical use of marijuana and the use of marijuana by persons 21 years of age or older. Every session we have the opportunity to refine these provisions based on the market and real-world experiences. Assembly Bill 240 does just that, by revising the provisions that exempt persons who hold valid registry identification cards from state prosecution and strengthening the enforcement of our cultivation laws. With that, I will turn it over to Mayor Bagwell for discussion.

Lori Bagwell, Mayor, Carson City:
Years ago, we approved retail marijuana sales in our community. One of the reasons we chose to approve retail is we thought that everyone within 25 miles would have to come to a retail store, and therefore home grows would be eliminated. We thought it was wise to not have home grows. As Assemblyman O'Neill said, as you get to the exercise of the actual law, you discover some of the exceptions in the rules which allow people to go ahead and do home grows. We did not quite get what we thought when we approved retail sales.

We have received numerous complaints in our community from neighbors who do not enjoy living next door to a home grow in which it is in their backyard and there can be 24 plants growing, and the odor is quite significant. They are unable to enjoy their backyards, or anything of that nature, because the word "enclosure" to some just simply means a fence. Therefore, all of the odor is escaping. We are asking to help us clarify some of the things in this law to require it to be completely enclosed and secured, so that the odor would not escape and bother the neighbors. That is something we have in our standard building permits; we are able to control odor within our normal rules. In this case, we have no ability to do that without a change in the law.

We are simply asking for you to help us continue to have good neighbor relations and to not allow odors from marijuana plants to bother the neighbors. We realize there are lots of technical pieces to that, and we are willing to work with all of the groups to come to the end result for us, which is to have secure, fully enclosed backyard grows and a way to enforce that. With us today, I have brought Jason Woodbury, our distinguished district attorney, who would be happy to walk you through the bill itself.

Jason D. Woodbury, District Attorney, Carson City:
Section 1 of the bill proposes to amend a portion of *Nevada Revised Statutes* (NRS) 678C.200, which concerns the private cultivation of medical cannabis. As indicated in the Legislative Counsel Digest, under existing law, a person with a health condition who has a registry identification card, or the primary caregiver of such a person, is allowed to privately cultivate cannabis if the card holder falls into one or more of the four exceptions identified by the law. As drafted and subject to the amendment, the bill would accomplish four things with respect to the cultivation of medical cannabis. First, under existing law, the private cultivation of medical cannabis is allowed if it occurs in an area that is not exposed to public view. As Mayor Bagwell alluded to, this language has become somewhat problematic. This bill would amend the law to require the cultivation to occur in a completely enclosed and secure structure.

Second, section 1, subsection 7 of the bill seeks to address the situation further by requiring a private medical cultivator to submit a registration form. As drafted, the form was to be submitted to the sheriff's office or the local health authority, but subject to the amendment [Exhibit E], that form would actually be submitted to the CCB. The form would require disclosure of the following information: (1) date of issuance and expiration of the person's registry identification card; (2) the date of issuance and expiration of prior registry identification cards; (3) the location where the grow will be occurring; (4) the identity of the

legal owner of the property where the grow will occur. To explain that, in preparing the bill draft request and in conversations with Assemblyman O'Neill, it has also been a complaint that the legal owner of a property where the cultivator is renting or otherwise occupies is not actually aware the cannabis grow is occurring. That is one thing the registration form would require; and (5), it would also require written consent from the owner allowing the cultivation if it is occurring on property that is not occupied by the owner. If the cultivator is not the owner of the property, written consent would be required. The form would also require the cultivator to consent to inspection by the sheriff to determine whether the cultivation was being conducted in compliance with legal requirements.

The third thing the bill proposes to do is reflected in section 1, subsection 8, and that subsection would authorize the sheriff's office to enforce the requirements of the bill by granting that agency discretion to inspect private cultivations. If a cultivation was determined to not be in compliance with legal requirements, the sheriff would have discretion to issue notice of the noncompliance; the sheriff would also have discretion to order that the noncompliant cultivation cease. Finally, the sheriff would have the discretion to destroy cannabis plants occurring in that grow.

The fourth thing the bill proposes is reflected in section 1, subsection 3, paragraph (b), subparagraph (2). It would reduce the maximum number of plants that may be grown at any one location from 12 to 8 cannabis plants. Section 2 of the bill makes changes that are consistent but in the context of a private cultivation of recreational cannabis. Section 2, subsection 3, paragraph (e) would require that such grows occur in an enclosed and secure structure, and it would reduce the maximum number of plants which may be cultivated by any one person from 6 to 4, and also reduce the maximum number of plants which may be cultivated at any one location from 12 to 8. This concludes my summary of A.B. 240.

Assemblyman O'Neill:
As I like to say, light up the questions and let us clear this smoky area.

Chair Miller:
They are coming. We will now go to questions from our members.

Assemblywoman La Rue Hatch:
It seems the goal of this bill is to tackle offensive smells, which many of us can appreciate. My concern is, though, I have had neighbors and I think many of us have had neighbors who smoke outside in their backyard and I think that smell is much more offensive than just a plant. What are the current ordinances on offensive smells? Why can they not apply in this situation? Could we not tackle this by just affixing those offensive smell ordinances?

Jason Woodbury:
There certainly are some local ordinances that concern pervasive, consistent offensive smells. The challenge with those ordinances is they fall into the nuisance category. They become difficult to enforce, for instance, the situation you described where you have a neighbor who is actually consuming cannabis and you can smell it. That certainly might be an offensive

smell and maybe you can even prove in court that is an offensive smell. The problem would become pervasiveness because it is not there all the time. To directly answer your question, the reason for this is because the specific requirement of having cultivation occur in an enclosed structure would be, from a prosecutor's perspective, far more clear both in a court proceeding and for the person trying to comply with the law, than the typical nuisance ordinance which talks about pervasive smells would be.

Assemblyman O'Neill:
Speaking about smoking, that is a limited time period. I have to admit, I do not know how long your smoking may take. Remember the odor we are talking about from the plants is a 24/7 odor that is going on. There is a little bit of difference in nuance in that, as you said, going out and smoking in the backyard—also, how far does it affect? In conversations with the supervisors, they have talked about neighbors being a block away or better complaining about the odors, which you will not get with just someone smoking. Also, in dealing with odors, there is an example we had that occurred here recently.

Lori Bagwell:
Generally, what we have in the building permits or business licenses, we have conditions in their approvals that deal with odors. We have a mechanism then to bring them back before us for a hearing, which we indeed have done in Carson City. We had a tar plant that was here where the odors and stuff were bothering a neighboring mobile home park. We worked on that case for two years, getting through to prove odors. We ended up actually revoking the business license of that business. We do take it seriously here that you need to be a good neighbor. That took us two years to work through all the legal things. I think if you require them to do an enclosure, that per se will reduce, that will not have the 24/7 odor. And therefore, we do not have to argue on whether the smell was 10 minutes long or 30 minutes long and that nature. We really believe just requiring an enclosure is better, instead of free in the backyard.

When we talked to some of our counterparts in Las Vegas or Clark County, we asked if they had this problem and if they had a lot of complaints. They said no because they do not get the outdoor grows because it is too hot. So, their grows are indoors. I think that is really all we are asking for, the mechanism to ask them to be a good neighbor—if you are going to grow, it needs to be indoors—and then to give somebody the mechanism to enforce. Again, we are willing to work with whatever bodies you feel are appropriate to enforce the indoor requirement.

Assemblyman Gray:
I may be getting down into the weeds here a little bit. Could this lead to a problem where you have a neighbor reporting on another neighbor saying, "Oh, he has five plants instead of four." Could this not be more easily fixed, especially with the 25-mile rule for the dispensary?

Lori Bagwell:
You have exceptions in the rule to the 25 miles. That is our problem. We are not asking you to change who can have access; we are really not discussing that issue. I think that ship has sailed, to try and go in and say now you cannot have it. It does not matter what my personal feelings are on marijuana; the issue is, if I would shut down a tar plant and stop a business over its odors and its offensiveness to the neighbors, why am I going to allow marijuana plants to offend? I think that the enforcement piece we can all talk about, if there seem to be issues there. I do not understand why we cannot just enclose them and solve the problem without arguing about whether or not marijuana should be used.

Assemblywoman Cohen:
My question is about the inspection for compliance. That is in section 1, subsection 8, "A sheriff and a health authority may enforce the provisions of this section and may: (a) Inspect for compliance . . . any property on which cannabis is cultivated, grown or produced by a person who holds a valid registry identification card," et cetera. Law school was a long time ago for me, and I do not practice criminal law, but do we not have a Fourth Amendment search and seizure issue where people are now being subject to having sheriffs on their property, and what happens if the sheriff's office sees something that it would not ordinarily have seen from a road that was in public view?

Jason Woodbury:
Law school was a long time ago for me too. One of the exceptions to the general requirement that a law enforcement agency obtain a warrant in advance of searching any private property is the consent exception. If a person agrees to allow that, then that would not require a warrant. You are correct that if a law enforcement agency were to go onto property for that purpose of inspecting the cultivation operation and they were lawfully in that place pursuant to that consent and observed evidence of some different crime, that would be something they would probably be compelled to follow up on. The consent which is built into the law as drafted is designed to dispense with the warrant requirement for those kinds of inspections, similar to the way a food establishment would consent to a health inspection and things of that nature.

Assemblywoman Cohen:
There is a difference between a business and your home and your right to be secure in the privacy of your home. So, what this bill would be doing is saying that anyone in Carson City who wants to have home grow is consenting to searches of their home by the sheriff's department of their property.

Jason Woodbury:
That is correct. Part of the rule about consent is that it can always be withdrawn at any time prior to the actual inspection but, of course, by withdrawing the consent, you would be out of compliance with the law. So, candidly, you are absolutely right. Consent to inspection would be part of what would allow the cultivation operation to occur.

Chair Miller:
I would like to follow up on this one. We keep using the term "consent," but is it truly consent if the law requires it? And then as we are trying to minimize it with the word consent, that says that that person is really waiving their Fourth Amendment rights to illegal search and seizure; just based on the registry itself, or the presence of some constructed outside structure, would be enough for this search of property. I am wondering if "consent" is really the right word. Because consent seems to mean voluntary, though if it is written in law, it is not consent. It is a requirement.

Jason Woodbury:
You are right. Your point is well taken. As far as the scope of the consent, I do not think this law could be fairly interpreted in a way that if you have a structure where you are cultivating cannabis in a backyard or in a garage, that it would simply allow law enforcement to do a general search of your property, your house. But you are right. Consent may not be the best word. It is used because it is the legal word—that is the legal exception to the warrant requirement. But it is a condition, a condition on the ability to cultivate medical cannabis, that you do agree to allow the sheriff to inspect the cultivation operation.

Assemblywoman Considine:
I am understanding why you want the enclosure. The first question is, you just mentioned garage. Would a garage be an acceptable enclosure? My second question is, if you are looking at the enclosure, I do not understand then why would you want to lower the number of plants that someone with a medicinal card would be needing to grow.

Lori Bagwell:
Yes, a garage would be an enclosure. We would love it if some of the neighbors would do that too, but some do not have garages, but they have a backyard. The number of plants was done with discussions with the industry. Again, with time, with five years of experience, you start learning what is an acceptable number that meets the medicinal requirements. That is really where the plant grow number—we were asked to lower those to make them more appropriate to what was trying to be achieved with the original bill.

Assemblywoman Considine:
Okay, so that was a request by the industry. But then, because you mentioned the industry, it just made me think, is the industry, CCB, or any of those entities responsible or having any oversight of just this situation?

Jason Woodbury:
I apologize, I cannot speak to the scope of the CCB's full authority. I can tell you that in responding to the complaints that Mayor Bagwell addressed in her remarks, the CCB has not been involved in that. I do not personally know if they were asked to be involved in it and declined to be, or if they were just never asked. That has been efforts for enforcement action through our local sheriff's office.

Assemblywoman Considine:
Chair, can we ask the CCB if they can let us know if they have jurisdiction over this?

Chair Miller:
Yes, we can ask them at a later time.

Assemblywoman Gallant:
I want to go back to the inspections by the sheriffs. There are some people that already have this license and are currently growing and did so under the law when this was not included. I am having a hard time with consent as well. Those were not the terms under which they received a license, and now it is being changed. I am also concerned about section 1, subsection 8, paragraph (a) where it says that the sheriff can inspect any property where the cannabis is cultivated, and it is not designating the sheriff to the area in which the plants are being cultivated.

Jason Woodbury:
You are correct. The language in the bill says actually what you just said. My interpretation would be, because there is a specific purpose for the inspection, to expand it unnecessarily would be a violation of the Fourth Amendment. But you are absolutely right. The language could and probably should be tightened up to specify that in law. To your first question, it is also correct that it would impose an additional requirement on people with an existing license to cultivate cannabis pursuant to one of those exceptions. You are correct about that.

Assemblywoman Gallant:
I am just concerned we are changing rules after we have already given them consent. In terms of Fourth Amendment rights, I get sometimes we change the rules, but we are talking about somebody's private property. It just does not quite sit well, sorry.

Assemblywoman Newby:
I was wondering, have you reached out to any of the homeowners who you suspect have this issue going on to talk to them about this legislation and the possible costs it might impose? I am thinking even if you bring the plants into your home and put them in your bedroom or something like that, those residents are not going to have the benefit of rainwater to feed the plants, not going to the have benefit of the sun to grow the plants, so there is a whole operation they will need to invest in, not to mention some sort of enclosed structure outside of their house if that is what they want to do—kind of similar to the requirement for a business impact study for local ordinances. I was just wondering if you had covered that with folks about an additional cost.

Lori Bagwell:
No. Let us talk about one issue. We do not even have access to know who has the medical cards to be able to even go to get all those names to bring a group together because all of that is confidential. I recognize why that is. All I have is complaints. That is the only issue that I have to derive anything from, and since I have a complaint, I also do not have an authority to go in and do an investigation and talk to them about being a good neighbor, because I only

have complaints. I do not have an ability to bring people together, other than maybe doing an advertisement and saying if you would like to come to a meeting and talk to us about your medical growing in your backyards.

Assemblyman O'Neill:
Think about swimming pools that have been in your neighborhoods or your homes for years. Several years ago, we passed laws that they have to put up fences to protect them from children or put in an alarm system if a young child falls in. That expense fell upon the homeowners themselves. With every right that you have to grow your marijuana, there is also a responsibility to your neighbors too. Several of the people have just basically said, when confronted by this, I am allowed to do it, I am going to do it, and that is the way it is. You can extrapolate that out to various other incidents as well. I think this bill that we are presenting to you, I feel personally, is a good halfway point to saying there are responsibilities, you are in a larger community, that we should all live together and have our right to enjoy our neighborhoods. Moving into the garage, moving inside—personally I have seen people do some inside grows that exceed anything that Mother Nature can do to care for their plants.

Assemblyman Gray:
I, too, have a problem with the scope of the consent for the inspection. However, I do think there is precedent for it. When you have a federal firearms license (FFL) and you do work inside your home for your business, under the FFL you do have to grant permission for them to come in and inspect. The scope is narrowed to just the area you are doing the work in. I was wondering if you would be able to narrow that scope a whole lot tighter, so it just addresses where the cultivation is actually happening.

Lori Bagwell:
Absolutely. I assure you the only thing I am after is good neighborhoods. I do not want what I heard someone saying earlier—neighbor squealing on neighbor. Having them enclosed, that is the whole objective for me. Have them enclosed, have them in your garage, and I do not want to receive any complaints. I want to have it become the opposite. I have no complaints, then I have no reason for law enforcement at all—inspection or otherwise. If I am not getting a complaint, they are not getting a referral. I hope by having enclosures, we actually greatly reduce the concerns of everyone. That is the overall objective for me.

Assemblywoman Bilbray-Axelrod:
You had mentioned that you talked to Clark County and they said it was not an issue. I guess I am having a hard time wrapping around why we are doing this in NRS. Why is this not just a local ordinance? Why can you not deal with this locally?

Jason Woodbury:
We would certainly be open to that route. Our concern would be that in examining the issue, we have not found that a local jurisdiction has clear authority to enact legislation on this particular subject.

Assemblywoman Bilbray-Axelrod:
In Clark County we had an example of a pig farm, where the neighborhood encroached on the pig farm. Ultimately, the smell became a nuisance and the pig farm was shut down. I just think this seems like a pretty localized issue, and I do not see the need to have it in NRS.

Lori Bagwell:
If I am not mistaken and I recall, when this was done, the only rights in the marijuana field that the local government has any authority was on the selection of the zoning for the facilities. I think we are prohibited from a local ordinance which deals with what you are talking about. If that is your solution to ensure we have local control over the odors and the nuisance pieces of it, we would be happy to work with that.

Chair Miller:
We have not had an opportunity to review the proposed amendment [Exhibit E]. In section 1, subsection 8, paragraph (b) (3) there was reference earlier about making this the same as a restaurant inspection, and yet, here it says, they would also have the authority to destroy all cannabis plants found in the possession of a person. We know that is quite different; while the inspectors can certainly shut down a restaurant temporarily, they do not go in and destroy property and possessions. I am just wondering if that was amended out or is that still in, that the sheriffs would then have the ability based on this registry to go in and take or destroy property.

Jason Woodbury:
That language was not amended out, so that remains in the amended bill.

Lori Bagwell:
I used to own a restaurant that had health inspections and all that good stuff. So, it is not exactly true that food is not forced to be destroyed. If it is tainted or causing problems, they do order—

Chair Miller:
The food, but not the property or equipment, or anything like that?

Lori Bagwell:
Right, well, they will order it to be repaired or replaced. It is a little bit different because they are giving the order to the owner to perfect the correction.

Chair Miller:
Okay, but in this case, we would allow sheriffs, based on this registry, to come into your home or your property without a warrant and destroy your property?

Jason Woodbury:
The destruction would be limited to the cannabis that was not being cultivated in compliance with the law. It would be discretionary authority on the part of the sheriff.

Chair Miller:
Discretionary?

Assemblyman O'Neill:
I think the discretionary part is if the plant is outside, growing in the ground versus in a pot that can be moved to an inside location. Then they would be in compliance with this statute as it is currently being proposed. If it is in the ground—it does not replant in that sense—and if it is beyond the numbers, the only way to repair that is the sheriff would take the excessive numbers of plants, just as they do now on searches.

Assemblywoman Hansen:
I wanted to pick up where Assemblywoman Bilbray-Axelrod left off. This is maybe a better clarification, not that you can give it, maybe Legal Counsel can, whether today or another time. We are running into these issues about local jurisdiction versus why are we here at the state Legislature. I have brought it up a couple of different times in regard to water conversation issues in Clark County and turf, and why am I here in the north making the decision that I think the county commission should be dealing with. I did have some clarity with a lobbyist who clarified for me that we are a Dillon's Rule state. Although there were some changes in 2015 to give county commissions a little more authority, in regard to this, when we ask about the local control issue, as it was explained to me, when it comes to say conservation with water, that needs enabling from the state body. When it comes to health issues, then the health districts, say with septic tanks or nitrate levels, the local control can have the say so. I do not know if we are dealing with a health issue here, and if my thinking is correct, this does require enabling from the state to enable you to control this. I would want that clarification, if we could get some of that information from Legal: does Carson City need us to enable them at the state level versus them having the power of doing it on their own in regard to Dillon's Rule. That is more of a request than a question.

Chair Miller:
Certainly, and we do know that our Committee's Legal Counsel is listening and he did hear that and we will get that confirmation.

Assemblyman O'Neill:
I appreciate that. We have 120 days to deal with business. We should be intercounty, not intracounty. The only thing I would ask is that if we do, we make this enabling so a county could deal with it, and not specify Carson City; because we have other counties that have had this issue, like Douglas County, to allow the counties as a whole to deal with it. That is the only thing I would ask.

Chair Miller:
I will open it up for testimony in support of A.B. 240.

Stephen Wood, Government Affairs Liaison, Carson City:
I am testifying in support of the bill. Our Board of Supervisors did unanimously vote to support this effort. I know there are going to be continuing conversations and likely some amendments. We are looking forward to working with the stakeholders and Committee to resolve some of these issues.

Jennifer Berthiaume, Government Affairs Manager, Nevada Association of Counties:
We would like to thank Assemblyman O'Neill for this bill that would bring some clarity to the provisions around growing and cultivating cannabis and allow for the coexistence of these operations while avoiding nuisance complaints in our communities. For these reasons the Nevada Association of Counties is in support of this bill.

Chair Miller:
With that, I will open up testimony in opposition to A.B. 240.

John J. Piro, Chief Deputy Public Defender, Legislative Liaison, Clark County Public Defender's Office; and representing Washoe County Public Defender's Office:
I, too, have the same Fourth Amendment concerns that Assemblywomen Cohen and Gallant had. Those are some of our concerns. I do think there would probably be a more local response that would be more effective than this, dealing with county ordinances. Obviously, it would be important to talk to the CCB to see how that and the regulations interact. There are a lot of layers to this, but if a neighbor is being unneighborly and not addressing some of the issues coming out of their yard, I think a nuisance law could take care of that. And racking up fines against that homeowner through the local municipalities could deal with this better than making an erosion into our Fourth Amendment jurisprudence in law.

James Creel, representing Coalition for Patient Rights:
I am a researcher and administrator for the Compassion Center. I have been consistently serving the patients of categorically complex terminally ill and underserved conditions for more than 20 years in one capacity or another. Today, I am here representing the Coalition for Patient Rights. I recognize your jobs can be thankless at times, especially with bills like A.B. 240. A bad bill is a bad bill is a bad bill. No matter how you spin it. This bill stinks and no amount of odor mitigation will change that. I am sorry but patients have enough hoops to jump through as it is, just to participate in the program that they should not be forced to engage more agencies. I have a longer laundry list of issues that jump out at me when I read the bill in its current format. While I can empathize with those that do not like the smell, I can safely say that elimination of patient rights will not make their neighbors more neighborly.

Unfortunately, laws simply cannot force people to be more considerate any more than more laws can force the people to be more compassionate. Furthermore, patients should not be forced to pay thousands of dollars to build an enclosure, on top of $500-$1,000 a month, per light, per plant, just to grow a couple ounces of harvest, when Mother Nature gives us sunlight for free. The average patient lives off of social security and struggles to get their monthly supplies as it is. Additionally, have not patients been forced to give up enough

dignity as it is, just to be forced to subject themselves to unwanted inspections and intrusions into their homes? Excuse me for raising this, but lawmakers taking advice from the cannabis industry regarding patient plant counts would be like lawmakers taking their advice from the cartels on regulating pharmaceuticals, but that is for another debate. I will cut this short and say since our founding in 2001, our research institute and associated organizations have helped to steer, educate, and empower several different governors and even more legislators and agencies all across the country in navigating all of the unique complexities of addressing and balancing compassionate care and access in contrast to a constellation of compliance issues, opportunistic industry employees, and product leaks that more than stimulate the black market, none of which originate from patients, yet almost all of which have been shown to come from the cartels and people considered to be cannabis industry, the latter of which A.B. 240 attempts to exempt from state prosecution.

While the patients indeed are the low-hanging fruit when it comes to imposing and even enforcing new regulations—after all, many are too tired, worn out, or sick to even put up a fight—in the same sense that patients are unable to afford those new buildouts, those same patients are not able to or financially capable of importing the illicit cannabis they are worried about; nor are any of the patients trying to incentivize their consumers to buy their products. However, we cannot say that about our burgeoning cannabis industry as the patients are constantly being exploited by their marketing. In this case, a patient's right to grow does not need to be reduced, restricted, or redirected to protect a burgeoning industry that is still growing. Coalition for Patient Rights opposes A.B. 240 and any bill that negatively impacts the patients.

Jason Walker, Sergeant, Administrative Division, Legislative Liaison, Washoe County Sheriff's Office:
We are in opposition. We do have a meeting scheduled with the bill sponsor. We are looking forward to continuing the conversation.

Pamela Del Porto, Executive Director, Nevada Sheriffs' and Chiefs' Association:
In conjunction with the Committee rules, I am here to testify in opposition to A.B. 240 as it is written. We look forward to continued conversations with Assemblyman O'Neill.

Beth Schmidt, Director-Police Sergeant, Office of Intergovernmental Services, Las Vegas Metropolitan Police Department:
We are opposed to the bill as written, pursuant to the rules. Our concerns are the onus of inspection and enforcement by law enforcement. I want to say we are continuing to work closely with Assemblyman O'Neill on the amendment.

Cindy Brown, Private Citizen, Las Vegas, Nevada:
[Ms. Brown read from written testimony Exhibit F]. I am with the Coalition for Patient Rights. I am vehemently opposed to A.B. 240. We do not make restaurants contain their meat smells for vegans. Farmers do not demand that we cannot have gardens. How about we worry about fentanyl they are putting in cocaine and other street drugs instead of worrying about cannabis? Why do we not limit the amount of aspirins a person can have in

their house? What about beer, wine, and hard liquors that actually kill people—why do we not limit that? Let us go a step further and stop all cosmetic surgery, because it is not necessary in my opinion. You guys do not seem to understand the importance of cannabis to a number of your constituents. You are supposed to be here for us, not industry.

Something we need to remind you guys of, since it appears industry is what our legislators seem to care about most, when we fought so hard to get dispensaries ten-plus years ago, our legislators were all afraid of them. Now, all of a sudden, the patients who grow are some sort of threat to the cannabis industry. Give me a break. They would not have an industry if it were not for me, Vicki Higgins, Julie Monteiro, Mona Lisa Samuelson, and a number of others that testified and helped the former Legislature see the importance. Why inspect us? We have been growing for 23 years; not just the past 5 or 6, since recreational came into being. All of a sudden someone sees a problem. No state entity should ever have a right to inspect my home or how I grow cannabis, nor should you ever demand I only grow inside and waste electricity—at around $500-$700 a month for a light bill—when we have perfect sun outside. Stop penalizing the majority for what a few have done. Then there is the issue of eradiating the cannabis flower. Do you all know that destroys important terpenes that many patients need? Do you guys know how many grow facilities have used bleach solutions to wash the bugs off their plants and mold, because they do not hire competent growers?

Some ask, Where are all the patients? Sick. Some are close to death. We thought since you all had industry to deal with, you would leave us the hell alone. What happened? Some dispensary owners are upset we are not spending money at their places. They would not have these businesses if we did not push for it. Now they want to make us criminals again. Why? Legitimate patients are not the black market and are not cutting into their profits.

We have given up concealed carry weapons permit rights to be in this program, and you want to make it more difficult on us. Why do we let alcohol have so much free reign? You allow cartoon figures, fruits, advertising at sports events with children present. Descheduled cannabis in Nevada is now coded as a medicinal substance, not a Schedule I drug. We are not criminals; cannabis is not dangerous. The state created the black market because they refused to regulate properly. Now, when are you going to leave the medical program alone? We need more plants, not less. I am personally dealing with my third round of breast cancer. Right here. Open tumor.

I am sick and tired of having to come here and having to reeducate a new legislative body because you people have no clue what we go through. Do you all understand the impacts stress has on cancer? Do you all know that most of us who have been testifying and begging for compassion from you all are sick? We should never have to keep rehashing this program. Our right to grow should be made in perpetuity. The only changes should be less restrictive, not more.

Chair Miller:
Is there anyone else in Las Vegas that would like to testify in opposition?

Cindy Brown:
No, they are all too sick. One is on home dialysis learning how to use it, the other one has Lyme disease, and a couple of the people are working. Most of them are too sick to keep coming down here. We have had it. We stayed out the last two sessions because we have just had enough, and they cut our plant count again last time. Now we can only have 14 in the house. If you have got five patients in your house, because you have kids or something that have ADHD [attention deficit hyperactivity disorder] and other things, they just cannot.

Athar Haseebullah, Executive Director, American Civil Liberties Union of Nevada:
As this Committee is aware, the American Civil Liberties Union of Nevada (ACLU) spent the better part of last year fighting to have cannabis removed as a Schedule I drug. Cannabis is not only no longer scheduled as a Schedule I substance in the state of Nevada, but also not scheduled as a controlled substance period. That ruling was in large part based on cannabis's medical value, which was enshrined in the *Nevada Constitution* three decades ago. We are opposed to this legislation in its current iteration because this bill raises serious Fourth Amendment concerns here and further empowers law enforcement to potentially engage in unnecessary and illogical pretextual searches for cannabis, this time, more problematically, on residential grounds. Who knows what level of expansion of overzealous searches and seizures would occur potentially as a result of this bill? We look forward to having follow-up conversations here and with the bill sponsor about this issue, but from the ACLU's vantage point, the war on cannabis must cease.

Chair Miller:
Is there anyone wishing to testify in neutral on A.B. 240?

Joelle Gutman-Dodson, Government Affairs Liaison, Washoe County Health District; and representing Southern Nevada Health District:
We would like to thank Assemblyman O'Neill and Mr. Woodbury for accepting our amendment that strikes health authorities from the enforcement piece in section 1, subsection 8. Health districts do not have any involvement in cannabis currently, nor are we looking for any involvement in cannabis right now. We appreciate that amendment. I do want to leave you with one fun fact about odor complaints. Depending on the health district, this is just specific to Washoe County, but we do have an air quality division and we do respond to odor complaints with a piece of equipment called the Nasal Ranger. The Nasal Ranger can quantify odor strength in ambient air. We do have that if we get odor complaints.

Chair Miller:
With that, I will close testimony and invite the bill sponsor back up for closing remarks.

Assemblyman O'Neill:
I am just going to say thank you for the time today. We are working with some of the amendments, but I do like the first part on maybe we could modify Dillon's Rule and allow locals more authority over their local issues.

Chair Miller:
With that, we will close the bill hearing for A.B. 240. We will move on to our final agenda item, public comment. [Public comment was heard.] We will see everyone, as we have finished our business today, at 8:30 tomorrow morning. We are adjourned [at 10:26 a.m.].

RESPECTFULLY SUBMITTED:

Connor Schmitz
Committee Secretary

APPROVED BY:

Assemblywoman Brittney Miller, Chair

DATE:

EXHIBITS

Exhibit A is the Agenda.

Exhibit B is the Attendance Roster.

Exhibit C is a proposed amendment to Assembly Bill 148, submitted and presented by Assemblywoman Elaine Marzola, Assembly District No. 21.

Exhibit D is a letter dated March 21, 2023, submitted by Sean T. McCoy, Private Citizen, Reno, Nevada, in opposition to Assembly Bill 148.

Exhibit E is a proposed amendment to Assembly Bill 240, submitted and presented by Assemblyman P.K. O'Neill, Assembly District No. 40.

Exhibit F is a letter dated March 21, 2023, submitted by Cindy Brown, Private Citizen, Las Vegas, Nevada, in opposition to Assembly Bill 240.