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Office of the Governor

June 16, 2023

The Honorable Francisco Aguilar
Nevada Secretary of State
101 North Carson Street
Carson City, Nevada 89701

Re: Assembly Bill 383 of the 82nd Legislative Session

Dear Secretary of State Aguilar:

I am forwarding to you, for filing within the time limit set forth in the Nevada Constitution and without my approval, Assembly Bill 383 ("AB 383"), which is titled as follows:

AN ACT relating to health care; prohibiting a governmental entity from substantially burdening certain activity relating to reproductive health services under certain circumstances; authorizing a person whose engagement in such activity has been so burdened to assert the violation as a claim or defense in a judicial proceeding; authorizing a court to award damages against a governmental entity that substantially burdens such activity in certain circumstances; expanding required coverage of contraception under the State Plan for Medicaid; making appropriations to and authorizing expenditures by the Division of Health Care Financing and Policy of the Department of Health and Human Services; and providing other matters properly relating thereto.

This bill restricts any government agency from limiting, in any way, reproductive health services.

Based on definitions in the bill and existing statute, that would prohibit, for example, a local school district from creating a policy restricting a school nurse from providing abortion counseling and referral services.

Critically, this bill would effectively place any control over decisions related to reproductive care, financing, and education in the hands of today's state policy-makers instead of tomorrow's local officials. Additionally, through Section 6.2, this bill attempts to restrict the activities of future legislatures in their ability to set policy for the state. Local officials should be empowered to make decisions on any lawful subject before them.

Notwithstanding the stated policy concerns, AB 383 would likely lead to increased litigation for both government agencies and for healthcare providers as Section 7 authorizes legal claims to be made for purported violations, including the automatic awarding of costs and attorney's fees.

Since this bill would unnecessarily restrict local officials' autonomy and expose government agencies to costly litigation, potentially including exorbitant and unpredictable attorneys' fees, I cannot support it.

For these reasons, I veto this bill and return it to you without my signature or approval.

Respectfully submitted,

A handwritten signature in blue ink, appearing to read 'Joe Lombardo', with a large, stylized 'J' and 'L'.

JOE LOMBARDO
Governor of Nevada

Enclosure

cc: The Honorable Stavros Anthony, President of the Senate (without enclosure)
The Honorable Nicole Cannizzaro, Senate Majority Leader (without enclosure)
The Honorable Steve Yeager, Speaker of the Assembly (without enclosure)
Brendan Bucy, Secretary of the Senate (without enclosure)
Susan Furlong, Chief Clerk of the Assembly (without enclosure)
Brenda Erdoes, Esq., Legislative Counsel Bureau, Director (without enclosure)
Bryan Fernley, Esq., Legislative Counsel (without enclosure)