

CHAPTER.....

AN ACT relating to health care; prohibiting certain governmental entities from substantially burdening certain activity relating to contraception and family planning 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; and providing other matters properly relating thereto.

Legislative Counsel’s Digest:

Existing law prescribes certain rights for a patient of a medical facility or a facility for the dependent. (NRS 449A.100-449A.124) **Sections 2-8** of this bill establish the Right to Contraception and Family Planning Services Act. **Sections 3.5-5** define certain terms for purposes of the Act. **Section 3** establishes the applicability of those definitions. **Section 7** applies the provisions of the Act to certain state laws and local laws and ordinances and the implementation of those laws and ordinances, regardless of when those laws or ordinances were enacted. **Section 7** also ensures that the provisions of the Act do not apply to: (1) state and local laws and ordinances relating to abortion; and (2) certain regulations and policies of certain entities that regulate education and activities that take place at or are sponsored by a public school. **Section 8** generally prohibits a governmental entity from enacting or implementing any limitation or requirement that singles out contraception and family planning services and substantially burdens: (1) the access of a person to contraception and family planning services, drugs or devices related to contraception and family planning services or information related to contraception and family planning services; or (2) the ability of a provider of health care to provide contraception and family planning services, drugs or devices related to contraception and family planning services or information related to contraception and family planning services within his or her scope of practice, training and experience. **Section 8** creates an exception to such prohibitions if the governmental entity demonstrates by clear and convincing evidence that the burden, as applied to the person or provider of health care who is subject to the burden: (1) furthers a compelling interest; and (2) is the least restrictive means of furthering that interest. **Section 8** authorizes a person whose ability to obtain or provide contraception and family planning services, drugs or devices related to contraception and family planning services or information related to contraception and family planning services is burdened to bring or defend an action in court and obtain appropriate relief. **Section 8** requires a court to award costs and attorney’s fees to a person who prevails on such a claim.



EXPLANATION – Matter in ***bolded italics*** is new; matter between brackets ~~omitted material~~ is material to be omitted.

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

Section 1. Chapter 449A of NRS is hereby amended by adding thereto the provisions set forth as sections 2 to 8, inclusive, of this act.

Sec. 2. *Sections 2 to 8, inclusive, of this act may be cited as the Right to Contraception and Family Planning Services Act.*

Sec. 3. *As used in sections 2 to 8, inclusive, of this act, unless the context otherwise requires, the words and terms defined in sections 3.5, 4 and 5 of this act have the meanings ascribed to them in those sections.*

Sec. 3.5. *“Contraception and family planning services” means medical, surgical, counseling or referral services relating to the human reproductive system, including, without limitation, services relating to pregnancy, contraception, miscarriage, in vitro fertilization or any procedure or care found by a competent medical professional to be appropriate based upon the wishes of a patient and in accordance with the laws of this State.*

Sec. 4. *“Governmental entity” means the State of Nevada or any of its agencies or political subdivisions.*

Sec. 5. *“Provider of health care” has the meaning ascribed to it in NRS 629.031.*

Sec. 6. (Deleted by amendment.)

Sec. 7. 1. *Except as otherwise provided in this section, the provisions of sections 2 to 8, inclusive, of this act apply to all state and local laws and ordinances and the implementation of those laws and ordinances, whether statutory or otherwise, and whether enacted before, on or after January 1, 2026.*

2. *The provisions of sections 2 to 8, inclusive, of this act do not apply to:*

(a) State and local laws and ordinances and the implementation of those laws and ordinances relating to abortion, the provision of medication to induce an abortion and any medical, surgical, counseling or referral services associated with an abortion, including, without limitation NRS 442.250, whether statutory or otherwise, and whether enacted before, on or after January 1, 2026;

(b) Regulations and policies approved, enacted or administered, on or after January 1, 2026, by:

(1) The State Board of Education;



- (2) *The Department of Education;*
- (3) *The board of trustees of a school district;*
- (4) *The governing body of a charter school or university school for profoundly gifted pupils; or*
- (5) *A public school; and*

(c) Activities that occur at a public school or are sponsored by a public school, school district or governing body of a charter school or university school for profoundly gifted pupils.

3. Except as otherwise provided in subsection 2, state laws that are enacted on or after January 1, 2026, are subject to the provisions of sections 2 to 8, inclusive, of this act unless the law explicitly excludes such application by reference to this section.

4. Except as otherwise provided in subsection 2, the provisions of sections 2 to 8, inclusive, of this act do not:

(a) Authorize a governmental entity to burden:

(1) The access of any person to contraception and family planning services, information related to contraception and family planning services or any drug or device related to contraception and family planning services; or

(2) The ability of a provider of health care to provide contraception and family planning services or information related to contraception and family planning services or to provide, administer, dispense or prescribe any drug or device related to contraception and family planning services within the scope of practice, training and experience of the provider of health care.

(b) Authorize or sanction any sterilization procedure without the voluntary and informed consent of the patient.

5. As used in this section, “public school” means any school described in NRS 388.020.

Sec. 8. 1. *Except as otherwise provided in this section, a governmental entity shall not enact or implement any limitation or requirement that:*

(a) Expressly, effectively, implicitly or, as implemented, singles out contraception and family planning services, drugs or devices related to contraception and family planning services or information related to contraception and family planning services or any providers of health care or facilities that provide contraception and family planning services, drugs or devices related to contraception and family planning services or information related to contraception and family planning services; and

(b) Substantially burdens:



(1) The access of a person to contraception and family planning services, drugs or devices related to contraception and family planning services or information related to contraception and family planning services; or

(2) The ability of a provider of health care to provide contraception and family planning services, drugs or devices related to contraception and family planning services or information related to contraception and family planning services within the scope of practice, training and experience of the provider of health care.

2. A governmental entity may enact a requirement or limitation described in subsection 1 if the governmental entity demonstrates by clear and convincing evidence that the burden imposed by the requirement or limitation on the activity described in paragraph (b) of subsection 1, as applied to the person or provider of health care who is subject to the burden:

(a) Furthers a compelling interest; and

(b) Is the least restrictive means of furthering that interest.

3. Notwithstanding any provision of NRS 41.0305 to 41.039, inclusive, but subject to the limitation on damages set forth in NRS 41.035 when applicable, a person or provider of health care who has been substantially burdened in violation of this section may assert that violation as a claim or defense in a judicial proceeding and obtain appropriate relief. A court shall award costs and attorney's fees to a person who prevails on such a claim or defense pursuant to this section.

4. A court may find that a person is a vexatious litigant if the person makes a claim within the scope of sections 2 to 8, inclusive, of this act which is without merit, fraudulent or otherwise intended to harass or annoy a person. If a court finds that a person is a vexatious litigant pursuant to this subsection, the court may deny standing to that person to bring further claims which allege a violation of this section.

Sec. 9. *1. This section becomes effective upon passage and approval.*

2. Sections 1 to 8, inclusive, of this act become effective:

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

(b) On January 1, 2026, for all other purposes.

