

Amendment No. 652

Assembly Amendment to Senate Bill No. 404 First Reprint (BDR 12-901)

Proposed by: Assembly Committee on Judiciary**Amends:** Summary: No Title: Yes Preamble: No Joint Sponsorship: No Digest: Yes

ASSEMBLY ACTION		Initial and Date	SENATE ACTION		Initial and Date
Adopted	<input type="checkbox"/>	Lost <input type="checkbox"/> _____	Adopted	<input type="checkbox"/>	Lost <input type="checkbox"/> _____
Concurred In	<input type="checkbox"/>	Not <input type="checkbox"/> _____	Concurred In	<input type="checkbox"/>	Not <input type="checkbox"/> _____
Receded	<input type="checkbox"/>	Not <input type="checkbox"/> _____	Receded	<input type="checkbox"/>	Not <input type="checkbox"/> _____

EXPLANATION: Matter in (1) ***blue bold italics*** is new language in the original bill; (2) variations of **green bold underlining** is language proposed to be added in this amendment; (3) **red strikethrough** is deleted language in the original bill; (4) **purple double strikethrough** is language proposed to be deleted in this amendment; (5) **orange double underlining** is deleted language in the original bill proposed to be retained in this amendment.



SENATE BILL NO. 404—COMMITTEE ON JUDICIARY

MARCH 20, 2025

Referred to Committee on Judiciary

SUMMARY—Revises provisions relating to personal financial administration.
(BDR 12-901)

FISCAL NOTE: Effect on Local Government: No.
Effect on the State: No.

~

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

AN ACT relating to personal financial administration; revising certain terms and provisions relating to the administration of trusts and estates; making certain technical corrections relating to the administration of trusts and estates; revising provisions governing the appointment of an administrator of an intestate estate of a decedent; requiring certain personal representatives to submit certain information under the Independent Administration of Estates Act; requiring a court to give certain preferences when determining whether to revoke the authority of a personal representative; increasing certain monetary amounts relating to the administration of estates; revising certain periods of limitation for commencing certain civil actions; **[revising certain provisions relating to the exemption of a homestead; establishing an alternative form to create an advance health care directive]** authorizing a trustee to make certain distributions under certain circumstances; repealing certain provisions relating to the administration of estates; and providing other matters properly relating thereto.

Legislative Counsel's Digest:

Existing law governs the administration of trusts and estates. (Titles 12 and 13 of NRS) **Sections 1, 1.1, 1.3, 1.6, 4, 5, 11 and 17** of this bill revise certain terms and make technical corrections relating to the administration of trusts and estates.

Existing law sets forth an order of priority for the appointment of an administrator to administrate the intestate estate of a decedent and authorizes any person legally qualified to serve as the administrator. (NRS 139.040) **Section 1.2** of this bill: (1) revises the order of priority for the appointment of an administrator to administrate the intestate estate of a decedent; (2) provides that a person may be legally qualified to serve as an administrator upon a finding of good cause based on certain evidence; and (3) authorizes the court to appoint certain persons under certain circumstances. **Section 1.5** of this bill makes a conforming change to an internal reference caused by the revisions relating to the order of priority and appointment in **section 1.2**. **Section 1.4** of this bill authorizes a court to appoint one or more persons **to serve as personal representative** or **appoint** an independent **[personal]** representative under certain circumstances.

15 Existing law establishes the Independent Administration of Estates Act, which allows a
16 personal representative to administer most aspects of the estate of a decedent without court
17 supervision. (NRS 143.300-143.815) **Section 2** of this bill provides that only a personal
18 representative who is named in the will or certain other persons who meet the criteria to be
19 legally qualified as an administrator of an intestate estate may administer an estate. Existing
20 law authorizes any interested person to petition for modification or revocation of the authority
21 of a personal representative. (NRS 143.360) **Section 3** of this bill requires the court, when
22 determining whether to revoke the authority of a personal representative, to give preference to
23 any interested person based on the order of priority set forth for the appointment of an
24 administrator for an intestate estate.

25 Under existing law, a court is authorized to enter an order for the summary administration
26 of an estate if the court deems summary administration advisable and the gross value of the
27 estate does not exceed \$300,000, after deducting any encumbrances. (NRS 145.040) **Sections**
28 **6 and 7** of this bill increase that amount to \$500,000.

29 **Sections 8 and 9** of this bill increase the monetary amount for an estate to be set aside
30 without administration from \$100,000 to \$150,000. **Section 10** of this bill makes a
31 conforming change to similarly increase the affidavit of entitlement limit for a surviving
32 spouse.

33 Existing law requires certain civil actions to recover damages from another person to be
34 commenced within certain periods. (NRS 11.190) **Section 12** of this bill provides that an
35 action against certain persons based on a breach of fiduciary duty, not involving fraud or
36 intentional misrepresentation, must be commenced within 2 years.

37 ~~Existing law exempts certain property from a writ of execution to enforce a judgment,
38 including certain property known as a homestead. (NRS 21.090) Section 13 of this bill
39 removes the monetary dollar amounts relating to a homestead from NRS 21.090 and instead
40 refers to the amount of the value of such exemptions set forth in chapter 115 of NRS.~~

41 ~~Existing law sets forth various provisions governing durable powers of attorney for health
42 care decisions, including a form to create an advance health care directive. (NRS 162A.700-
43 162A.870) Section 14 of this bill establishes an alternative form to create an advance health-
44 care directive. Sections 15, 16 and 24-30 of this bill make conforming changes to reference
45 the alternative form.]~~

46 **Section 18** of this bill authorizes a trustee to make an outright distribution to a beneficiary
47 without requiring the trustee to first create a new trust under certain circumstances. **Section 19**
48 of this bill makes a conforming change to indicate that certain terms apply to the outright
49 distribution.

50 **Section 20** of this bill grants a trustee the power to reimburse a settlor for tax payments.
51 **Section 21** of this bill requires certain documentation to be provided to beneficiaries of a trust.
52 **Section 22** of this bill specifies the circumstances under which the laws of this State govern
53 the administration of a trust. **Section 23** of this bill provides for the circumstances under
54 which an account must be deemed approved and final by a trust adviser or trust protector.

55 **Section 32** of this bill repeals the provisions of existing law which set forth a preference
56 for relatives of the whole blood over relatives of the half blood for certain purposes relating to
57 the administration of an estate.

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

1 **Section 1.** NRS 132.115 is hereby amended to read as follows:

2 132.115 “Distributee” means a person who has received **, or has the right to
3 receive**, property of a decedent from the decedent’s personal representative other
4 than as a creditor or purchaser. A testamentary trustee is a distributee only to the
5 extent of distributed assets or increment thereto remaining in his or her hands. A
6 beneficiary of a testamentary trust to whom the trustee has distributed property
7 received from a personal representative is a distributee of the personal
8 representative. As used in this section, “testamentary trustee” includes a trustee to
9 whom assets are transferred by will to the extent of the devised assets.

1 **Sec. 1.1.** NRS 136.150 is hereby amended to read as follows:

2 136.150 1. If no person appears to contest the probate of a will, the court
3 may admit it to probate on the testimony of only one of the subscribing witnesses, if
4 that testimony shows that the will was executed in all particulars as required by
5 law, and that the testator was of sound mind and had attained the age of 18 years at
6 the time of its execution.

7 2. ~~An ex parte~~ **A filed** affidavit of the witness, showing that the will was
8 executed in all particulars as required by law, and that the testator was of sound
9 mind and had attained the age of 18 years at the time of its execution, must be
10 received in evidence and has the same force and effect as if the witness were
11 present and testified orally.

12 **Sec. 1.2.** NRS 139.040 is hereby amended to read as follows:

13 139.040 1. ~~Administration~~ **Except as otherwise provided in subsection 5,**
14 **administration** of the intestate estate of a decedent must be granted to one or more
15 of the persons mentioned in this section, and they are respectively entitled to
16 priority for appointment in the following order:

17 (a) The surviving spouse.

18 (b) The children.

19 (c) **The grandchildren.**

20 (d) **Other issue.**

21 (e) A parent.

22 ~~(f) The brother or the sister.~~

23 ~~(e) The grandchildren.~~

24 (f) **A sibling.**

25 (g) Any other of the kindred entitled to share in the distribution of the estate.

26 ~~(h)~~ The public administrator or a person employed or contracted with
27 pursuant to NRS 253.125, as applicable.

28 ~~(i)~~ Creditors who have become such during the lifetime of the decedent.

29 ~~(j)~~ Any of the kindred not above enumerated, within the fourth degree of
30 consanguinity.

31 ~~(k)~~ Any person ~~for persons~~ who is legally qualified ~~for~~ upon a finding of
32 good cause. Such a finding must be based on evidence, including, without
33 limitation:

34 (1) **An affidavit of due diligence to find any living heir, including,
35 without limitation:**

36 (I) **A report from an heir finder, as defined in NRS 139.135; and**

37 (II) **Proof of service via certified mail to all potential heirs identified
38 pursuant to sub subparagraph (I); and**

39 (2) **A statement of the qualifications of the person seeking appointment.**

40 2. **If any heir who is otherwise entitled to appointment is a minor, the court
41 may appoint the custodial parent or legal guardian of the minor as administrator.
42 The custodial parent or legal guardian has the same priority for appointment as
43 the minor.**

44 3. **If any heir who is otherwise entitled to appointment is an incapacitated
45 person, the court may appoint the guardian or equivalent fiduciary as
46 administrator. The guardian or equivalent fiduciary has the same priority for
47 appointment as the incapacitated person.**

48 4. A person in each of the foregoing classes is entitled:

49 (a) To appointment, if the person is:

50 (1) A resident of the State of Nevada or the person:

51 (I) Associates as coadministrator a resident of the State of Nevada or a
52 banking corporation authorized to do business in this State; or

(II) Is named as personal representative in the will if the will is the subject of a pending petition for probate, and the court in its discretion believes it would be appropriate to make such an appointment; or

(2) A banking corporation which is authorized to do business in this State or which:

(I) Associates as coadministrator a resident of the State of Nevada or a banking corporation authorized to do business in this State; or

(II) Is named as personal representative in the will if the will is the subject of a pending petition for probate, and the court in its discretion believes it would be appropriate to make such an appointment.

(b) To nominate a resident of the State of Nevada or a qualified banking corporation for appointment, whether or not the nominator is a resident of the State of Nevada or a qualified banking corporation. The nominee has the same priority as the nominator. That priority is independent of the residence or corporate qualification of the nominator.

[3. If any heir who is otherwise entitled to appointment is a minor or an incapacitated person for whom a guardian has been appointed, the court may appoint the guardian of the minor or incapacitated person as administrator.]

5. If there is no surviving spouse, the court may, in its discretion:

(a) Disregard the order of priority set forth in subsection 1 to favor the appointment of an heir or the nominee of an heir, or group of heirs, who have an equal or larger interest in the estate than the heir entitled to priority for appointment; or

(b) Appoint an independent personal representative.

Sec. 1.3. NRS 139.050 is hereby amended to read as follows:

139.050 Administration may be granted upon petition to one or more qualified persons, although not otherwise entitled to serve, at the written request of the person entitled, filed in the court. The qualified person making the written request must provide his or her current address ~~and telephone number~~ in the written request **□ and be given notice of the hearing**. Failure to provide such information voids the written request.

Sec. 1.4. NRS 139.070 is hereby amended to read as follows:

139.070 When there are several persons equally entitled to ~~the administration~~ appointment as personal representative, the court may, in its discretion, ~~grant letters to~~ appoint one or more of them ~~to~~ to serve as personal representative or appoint an independent representative.

Sec. 1.5. NRS 139.090 is hereby amended to read as follows:

139.090 1. A petition for letters of administration must be in writing, signed by the petitioner or the attorney for the petitioner and filed with the clerk of the court, and must state:

(a) The jurisdictional facts;

(b) The names and addresses of the heirs of the decedent and their relationship to the decedent, so far as known to the petitioner, and the age of any who is a minor;

(c) The character and estimated value of the property of the estate;

(d) The names and personal addresses of the proposed appointed administrators and the name and personal address of any associated coadministrator under paragraph (a) of subsection ~~24~~ 4 of NRS 139.040 or, if the coadministrator is an attorney who is licensed in this State or a banking corporation authorized to do business in this State, the business address of the coadministrator; and

(e) Whether the person to be appointed as administrator has been convicted of a felony.

1 2. No defect of form or in the statement of jurisdictional facts actually
2 existing voids an order appointing an administrator or any of the subsequent
3 proceedings.

4 **Sec. 1.6.** NRS 139.110 is hereby amended to read as follows:

5 139.110 An interested person may contest the petition by filing a written
6 opposition on the ground that the petitioner is not qualified or may assert the
7 contestant's own right to ~~the administration~~ appointment and request that letters
8 be issued to the contestant ~~or~~ or nominee. In the latter case, the contestant or
9 nominee must file a petition and give the notice required for the original petition,
10 and the court must hear the ~~two~~ competing petitions together.

11 **Sec. 2.** NRS 143.340 is hereby amended to read as follows:

12 143.340 1. To obtain authority to administer the estate pursuant to NRS
13 143.300 to 143.815, inclusive, the personal representative must petition the court
14 for that authority in a petition for appointment of the personal representative or in a
15 separate petition filed in the estate proceedings.

16 2. *Only a personal representative who is named in the will or a person
17 described in paragraphs (a) to (g) inclusive, of subsection 1 of NRS 139.040 may
18 be granted authority to administer the estate pursuant to NRS 143.300 to 143.815,
19 inclusive. All other persons who are legally qualified to serve as the personal
20 representative may not be granted authority to administer the estate pursuant to
21 NRS 143.300 to 143.815, inclusive.*

22 3. The personal representative may request either of the following:

23 (a) Full authority to administer the estate pursuant to NRS 143.300 to 143.815,
24 inclusive; or

25 (b) Limited authority to administer the estate pursuant to NRS 143.300 to
26 143.815, inclusive.

27 **Sec. 3.** NRS 143.360 is hereby amended to read as follows:

28 143.360 1. Any interested person may file a petition requesting that the
29 court make either of the following orders:

30 (a) An order revoking the authority of the personal representative to continue
31 administration of the estate pursuant to NRS 143.300 to 143.815, inclusive; or

32 (b) An order revoking the full authority of the personal representative to
33 administer the estate pursuant to NRS 143.300 to 143.815, inclusive, and granting
34 the personal representative limited authority to administer the estate pursuant to
35 NRS 143.300 to 143.815, inclusive.

36 2. The petition must set forth the basis for the requested order.

37 3. The petitioner shall give notice for the period and in the manner provided
38 in NRS 155.010.

39 4. *In determining whether to revoke the authority of the personal
40 representative as described in subsection 1, the court shall give preference to any
41 interested person based on the order of priority set forth in subsection 1 of NRS
42 139.040.*

43 5. If the court determines that good cause has been shown, the court shall
44 make an order revoking the authority of the personal representative to continue
45 administration of the estate pursuant to NRS 143.300 to 143.815, inclusive. Upon
46 the making of the order, new letters must be issued without the authority to act
47 pursuant to NRS 143.300 to 143.815, inclusive.

48 ~~5-6.~~ 6. If the personal representative was granted full authority and the court
49 determines that good cause has been shown, the court shall make an order revoking
50 the full authority and granting the personal representative limited authority. Upon
51 the making of the order, new letters must be issued indicating whether the personal
52 representative is authorized to act pursuant to NRS 143.300 to 143.815, inclusive,

1 and, if so authorized, whether the independent administration authority includes or
2 excludes the power to do any of the following:

3 (a) Sell real property;
4 (b) Exchange real property;
5 (c) Grant an option to purchase real property; or
6 (d) Borrow money with the loan secured by an encumbrance upon real
7 property.

8 **Sec. 4.** NRS 144.010 is hereby amended to read as follows:

9 144.010 1. Except as otherwise provided in this section, every personal
10 representative shall prepare and file with the clerk a true inventory and
11 appraisement or record of value of all the assets of the decedent that have come to
12 the possession or knowledge of the personal representative, within 120 days after
13 the issuance of letters, ~~for administration~~, unless the court extends the time for
14 good cause shown. The requirement of preparing and filing an inventory or an
15 appraisement or a verified record of value, or both, may be waived by the
16 unanimous written consent of all interested persons.

17 2. Notwithstanding the provisions of this section, an interested person may
18 provide a written request to the personal representative at any time 60 days or more
19 after the issuance of letters ~~for administration~~ which seeks a list of the assets of the
20 estate known to the personal representative. The personal representative shall
21 provide such information to the requesting interested party within 10 days after
22 receipt of the written request.

23 3. Unless an interested heir requested and was provided a list of assets
24 pursuant to subsection 2, the personal representative, within 10 days after filing the
25 inventory with the clerk, shall mail a copy to all the interested heirs of an intestate
26 estate, or to the devisees of a testate estate, or to both interested heirs and devisees,
27 if a contest of the will of the decedent is pending. Proof of the mailing of the copies
28 must be made and filed in the proceeding.

29 4. Notwithstanding the requirements set forth in this section, a personal
30 representative may file a redacted inventory to protect the decedent or his or her
31 estate or an interested person. Such an inventory may redact any account numbers,
32 social security numbers and values. Upon request by the court or an interested
33 person, the personal representative shall make the full inventory without redaction
34 available for inspection.

35 5. This section must not be construed to interfere with the authority of a court
36 to order a personal representative to provide the court with information sufficient to
37 identify the assets of an estate and the value thereof that is subject to probate
38 administration, including, without limitation, requiring the personal representative
39 to submit an inventory to the court in camera, as the court deems necessary and
40 appropriate.

41 **Sec. 5.** NRS 145.030 is hereby amended to read as follows:

42 145.030 Notice of a petition for ~~the~~ probate ~~for a will~~ and the issuance of
43 letters must be given as provided in NRS ~~155.010~~ **155.020**.

44 **Sec. 6.** NRS 145.040 is hereby amended to read as follows:

45 145.040 If it is made to appear to the court that the gross value of the estate,
46 after deducting any encumbrances, does not exceed ~~\$300,000~~ **\$500,000**, the court
47 may, if deemed advisable considering the nature, character and obligations of the
48 estate, enter an order for a summary administration of the estate.

49 **Sec. 7.** NRS 145.110 is hereby amended to read as follows:

50 145.110 If at any time after the entry of an order for the summary
51 administration of an estate it appears that the gross value of the estate, after
52 deducting any encumbrances, exceeds ~~\$300,000~~ **\$500,000** as of the death of the
53 decedent, the personal representative shall petition the court for an order revoking

1 summary administration. The court may, if deemed advisable considering the
2 nature, character and obligations of the estate, provide in its order revoking
3 summary administration that regular administration of the estate may proceed
4 unabated upon providing such portions of the regular proceedings and notices as
5 were dispensed with by the order for summary administration.

6 **Sec. 8.** NRS 146.020 is hereby amended to read as follows:

7 146.020 1. The court, on its own motion or upon petition by an interested
8 person, may, if deemed advisable considering the needs and resources of the
9 surviving spouse, minor child or minor children, set apart for the use of the
10 surviving spouse, minor child or minor children of the decedent all of the personal
11 property which is exempt by law from execution, and shall, in accordance with
12 NRS 146.050, set apart the homestead, as designated by the general homestead law
13 then in force, whether the homestead has theretofore previously been selected as
14 required by law or not, and the property thus set apart is not subject to
15 administration.

16 2. If, after setting apart the property pursuant to subsection 1, the remaining
17 assets of the estate do not exceed ~~\$100,000~~ **\$150,000** and may be set aside
18 without administration pursuant to NRS 146.070, the court shall set aside the
19 remaining assets of the estate without administration pursuant to the procedure set
20 forth in NRS 146.070. The court may consider at the same time a petition made
21 pursuant to subsection 1 and a petition to set aside the remaining assets of the estate
22 without administration pursuant to NRS 146.070.

23 3. If, after setting apart the property pursuant to subsection 1, the remaining
24 assets of the estate exceed ~~\$100,000~~ **\$150,000** and may not be set aside without
25 administration pursuant to NRS 146.070, the court shall administer the remaining
26 assets of the estate pursuant to this title as if the remaining assets of the estate are
27 the only assets of the estate. If the petition to set apart property pursuant to
28 subsection 1 is made in the initial petition, the court shall consider only the value of
29 the remaining assets of the estate not set apart pursuant to subsection 1 for the
30 purpose of ordering summary administration pursuant to chapter 145 of NRS.

31 **Sec. 9.** NRS 146.070 is hereby amended to read as follows:

32 146.070 1. All or part of the estate of a decedent may be set aside without
33 administration by the order of the court as follows:

34 (a) If the value of a decedent's estate does not exceed ~~\$100,000~~ **\$150,000**,
35 the estate may be set aside without administration by the order of the court; or

36 (b) If a decedent's will directs that all or part of the decedent's estate is to be
37 distributed to the trustee of a nontestamentary trust established by the decedent and
38 in existence at the decedent's death, the portion of the estate subject to such
39 direction may be set aside without administration. Any portion of a decedent's
40 estate set aside to the nontestamentary trust pursuant to this paragraph is subject to
41 creditors of the estate unless the petitioner provides proof to the court that the
42 trustee has published or mailed the requisite notice to such creditors on behalf of
43 the nontestamentary trust and settlor pursuant to NRS 164.025.

44 2. Except as otherwise provided in subsection 3, the whole estate set aside
45 pursuant to paragraph (a) of subsection 1 must be assigned and set apart in the
46 following order:

47 (a) To the payment of the petitioner's attorney's fees and costs incurred
48 relative to the proceeding under this section;

49 (b) To the payment of funeral expenses, expenses of last illness, money owed
50 to the Department of Health and Human Services as a result of payment of benefits
51 for Medicaid and creditors, if there are any;

52 (c) To the payment of other creditors, if any; and

(d) Any balance remaining to the claimant or claimants entitled thereto pursuant to a valid will of the decedent, and if there is no valid will, pursuant to intestate succession in accordance with chapter 134 of NRS.

3. If the value of the estate does not exceed ~~\$100,000~~ **\$150,000** and the decedent is survived by a spouse or one or more minor children, the court must set aside the estate for the benefit of the surviving spouse or the minor child or minor children of the decedent, subject to any reduction made pursuant to subsection 4 or 5. The court may allocate the entire estate to the surviving spouse, the entire amount to the minor child or minor children, or may divide the estate among the surviving spouse and minor child or minor children.

4. As to any amount set aside to or for the benefit of the surviving spouse or minor child or minor children of the decedent pursuant to subsection 3, the court must set aside the estate without the payment of creditors except as the court finds necessary to prevent a manifest injustice.

5. To prevent an injustice to creditors when there are nonprobate transfers that already benefit the surviving spouse or minor child or minor children of the decedent, the court has the discretion to reduce the amount set aside under subsection 3 to the extent that the value of the estate, when combined with the value of nonprobate transfers, as defined in NRS 111.721, from the decedent to or for the benefit of the surviving spouse or minor child or minor children of the decedent exceeds ~~\$100,000~~ **\$150,000**.

6. In exercising the discretion granted in this section, the court shall consider the needs and resources of the surviving spouse and minor child or minor children, including any assets received by or for the benefit of the surviving spouse or minor child or minor children from the decedent by nonprobate transfers.

7. For the purpose of this section, a nonprobate transfer from the decedent to one or more trusts or custodial accounts for the benefit of the surviving spouse or minor child or minor children shall be considered a transfer for the benefit of such spouse or minor child or minor children.

8. Proceedings taken under this section must not begin until at least 30 days after the death of the decedent and must be originated by a petition containing:

(a) A specific description of all property in the decedent's estate;

(b) A list of all known liens and encumbrances against estate property at the date of the decedent's death, with a description of any that the petitioner believes may be unenforceable;

(c) ~~And~~ *In the case of a petition brought pursuant to paragraph (a) of subsection 1, an* estimate of the value of the property, together with an explanation of how the estimated value was determined;

(d) A statement of the debts of the decedent so far as known to the petitioner;

(e) The names and residences of the heirs and devisees of the decedent and the age of any who is a minor and the relationship of the heirs and devisees to the decedent, so far as known to the petitioner; and

(f) If the decedent left a will, a statement concerning all evidence known to the petitioner that tends to prove that the will is valid.

9. If the petition seeks to have the estate set aside for the benefit of the decedent's surviving spouse or minor child or minor children without payment to creditors, the petition must also contain:

(a) A specific description and estimated value of property passing by one or more nonprobate transfers from the decedent to the surviving spouse or minor child or minor children; or

(b) An allegation that the estimated value of the property sought to be set aside, combined with the value of all nonprobate transfers from the decedent to the

1 surviving spouse or minor child or minor children who are seeking to receive
2 property pursuant to this section, is less than ~~\$100,000~~ \$150,000.

3 10. When property is distributed pursuant to an order granted under this
4 section, the court may allocate the property on a pro rata basis or a non-pro rata
5 basis.

6 11. The clerk shall set the petition for hearing and the petitioner shall give
7 notice of the petition and hearing in the manner provided in NRS 155.010 to the
8 decedent's heirs and devisees and to the Director of the Department of Health and
9 Human Services. If a complete copy of the petition is not enclosed with the notice,
10 the notice must include a statement setting forth to whom the estate is being set
11 aside.

12 12. No court or clerk's fees may be charged for the filing of any petition in, or
13 order of court thereon, or for any certified copy of the petition or order in an estate
14 not exceeding \$2,500 in value.

15 13. At the hearing on a petition under this section, the court may require such
16 additional evidence as the court deems necessary to make the findings required
17 under subsection 14.

18 14. The order granting the petition shall include:
19 (a) The court's finding as to the validity of any will presented;
20 (b) *[The] In the case of a petition brought pursuant to paragraph (a) of
21 subsection 1, the* court's finding as to the value of the estate and, if relevant for the
22 purposes of subsection 5, the value of any property subject to nonprobate transfers;

23 (c) The court's determination of any property set aside under subsection 2;
24 (d) The court's determination of any property set aside under subsection 3,
25 including, without limitation, the court's determination as to any reduction made
26 pursuant to subsection 4 or 5; and

27 (e) The name of each distributee and the property to be distributed to the
28 distributee.

29 15. As to the distribution of the share of a minor child set aside pursuant to
30 this section, the court may direct the manner in which the money may be used for
31 the benefit of the minor child as is deemed in the court's discretion to be in the best
32 interests of the minor child, and the distribution of the minor child's share shall be
33 made as permitted for the minor child's share under the terms of the decedent's will
34 or to one or more of the following:

35 (a) A parent of such minor child, with or without the filing of any bond;
36 (b) A custodian under chapter 167 of NRS; or
37 (c) A court-appointed guardian of the estate, with or without bond.

38 16. The court, upon request of a petitioner under this section and upon such
39 terms and conditions the court deems advisable to protect any interested person of
40 the estate:

41 (a) May order that any asset assigned and set apart pursuant to subsection 2 be
42 distributed first to a designated person who resides in this State and is otherwise
43 qualified pursuant to NRS 139.010;

44 (b) May order the designated person to distribute the assets to the person or
45 persons entitled thereto; and

46 (c) Shall retain jurisdiction to enforce its orders until the designated person
47 demonstrates to the court, by the production of satisfactory receipts, that all sums of
48 money due and all the property of the estate has been distributed to the persons
49 entitled thereto and all acts lawfully required have been performed.

50 17. For the purposes of this section, the value of property must be the fair
51 market value of that property, reduced by the value of all enforceable liens and
52 encumbrances. Property values and the values of liens and encumbrances must be
53 determined as of the date of the decedent's death.

1 **Sec. 10.** NRS 146.080 is hereby amended to read as follows:

2 146.080 1. If a decedent leaves no real property, nor interest therein, nor
3 mortgage or lien thereon, in this State, and the gross value of the decedent's
4 property in this State, over and above any amounts due to the decedent for services
5 in the Armed Forces of the United States and the value of any motor vehicles
6 registered to the decedent, does not exceed the applicable amount, a person who has
7 a right to succeed to the property of the decedent pursuant to the laws of succession
8 for a decedent who died intestate or pursuant to the valid will of a decedent who
9 died testate, on behalf of all persons entitled to succeed to the property claimed, or
10 the Director of the Department of Health and Human Services or, as applicable, the
11 public administrator or a person employed or contracted with pursuant to NRS
12 253.125, on behalf of the State or others entitled to the property, may, 40 days after
13 the death of the decedent, without procuring letters of administration or awaiting
14 the probate of the will, collect any money due the decedent, receive the property of
15 the decedent, and have any evidences of interest, indebtedness or right transferred
16 to the claimant upon furnishing the person, representative, corporation, officer or
17 body owing the money, having custody of the property or acting as registrar or
18 transfer agent of the evidences of interest, indebtedness or right, with an affidavit
19 showing the right of the affiant or affiants to receive the money or property or to
20 have the evidence transferred.

21 2. An affidavit made pursuant to this section must state:

22 (a) The affiant's name and address, and that the affiant is entitled by law to
23 succeed to the property claimed;

24 (b) The date and place of death of the decedent;

25 (c) That the gross value of the decedent's property in this State, except
26 amounts due the decedent for services in the Armed Forces of the United States or
27 the value of any motor vehicles registered to the decedent, does not exceed the
28 applicable amount, and that the property does not include any real property nor
29 interest therein, nor mortgage or lien thereon;

30 (d) That at least 40 days have elapsed since the death of the decedent, as shown
31 in a certified copy of the certificate of death of the decedent attached to the
32 affidavit;

33 (e) That no petition for the appointment of a personal representative is pending
34 or has been granted in any jurisdiction;

35 (f) That all debts of the decedent, including funeral and burial expenses, and
36 money owed to the Department of Health and Human Services as a result of the
37 payment of benefits for Medicaid, have been paid or provided for;

38 (g) A description of the personal property and the portion claimed;

39 (h) That the affiant has given written notice, by personal service or by certified
40 mail, identifying the affiant's claim and describing the property claimed, to every
41 person whose right to succeed to the decedent's property is equal or superior to that
42 of the affiant, and that at least 14 days have elapsed since the notice was served or
43 mailed;

44 (i) That the affiant is personally entitled, or the Department of Health and
45 Human Services is entitled, to full payment or delivery of the property claimed or is
46 entitled to payment or delivery on behalf of and with the written authority of all
47 other successors who have an interest in the property;

48 (j) That the affiant has no knowledge of any existing claims for personal injury
49 or tort damages against the decedent; and

50 (k) That the affiant acknowledges an understanding that filing a false affidavit
51 constitutes a felony in this State.

52 3. If the affiant:

1 (a) Submits an affidavit which does not meet the requirements of subsection 2
2 or which contains statements which are not entirely true, any money or property the
3 affiant receives is subject to all debts of the decedent.

4 (b) Fails to give notice to other successors as required by subsection 2, any
5 money or property the affiant receives is held by the affiant in trust for all other
6 successors who have an interest in the property.

7 4. A person who receives an affidavit containing the information required by
8 subsection 2 is entitled to rely upon that information, and if the person relies in
9 good faith, the person is immune from civil liability for actions based on that
10 reliance.

11 5. Upon receiving proof of the death of the decedent and an affidavit
12 containing the information required by this section:

13 (a) A transfer agent of any security shall change the registered ownership of
14 the security claimed from the decedent to the person claiming to succeed to
15 ownership of that security.

16 (b) A governmental agency required to issue certificates of title, ownership or
17 registration to personal property shall issue a new certificate of title, ownership or
18 registration to the person claiming to succeed to ownership of the property. The
19 governmental agency may not refuse to accept an affidavit containing the
20 information required by this section, regardless of the form of the affidavit.

21 6. If any property of the estate not exceeding the applicable amount is located
22 in a state which requires an order of a court for the transfer of the property, or if the
23 estate consists of stocks or bonds which must be transferred by an agent outside this
24 State, any person qualified pursuant to the provisions of subsection 1 to have the
25 stocks or bonds or other property transferred may do so by obtaining a court order
26 directing the transfer. The person desiring the transfer must file a petition, which
27 may be ex parte, containing:

28 (a) A specific description of all the property of the decedent.

29 (b) A list of all the liens and mortgages of record at the date of the decedent's
30 death.

31 (c) An estimate of the value of the property of the decedent.

32 (d) The names, ages of any minors and residences of the decedent's heirs and
33 devisees.

34 (e) A request for the court to issue an order directing the transfer of the stocks
35 or bonds or other property if the court finds the gross value of the estate does not
36 exceed the applicable amount.

37 (f) An attached copy of the executed affidavit made pursuant to subsection 2.

38 ➔ If the court finds that the gross value of the estate does not exceed the applicable
39 amount and the person requesting the transfer is entitled to it, the court may enter
40 an order directing the transfer.

41 7. As used in this section, "applicable amount" means:

42 (a) If the claimant is the surviving spouse of the decedent, ~~\$100,000.~~
43 \$150,000. \$150,000.

44 (b) For any other claimant, \$25,000.

45 **Sec. 11.** NRS 155.020 is hereby amended to read as follows:

46 155.020 1. Notice of a petition for ~~the~~ probate ~~of a will~~ and the issuance
47 of letters and the notice to creditors must be given to:

48 (a) The persons respectively entitled thereto, including the Director of the
49 Department of Health and Human Services, as provided in NRS 155.010; and

50 (b) The public, including creditors whose names and addresses are not readily
51 ascertainable, by publication on three dates of publication before the hearing, and if
52 the newspaper is published more than once each week, there must be at least 10
53 days from the first to last dates of publication, including both the first and last days.

2. Every publication required by this section must be made in a newspaper published in the county where the proceedings are pending, but if there is not such a newspaper, then in one having general circulation in that county.

3. The notice of the hearing upon the petition to administer the estate must be in substantially the following form:

**NOTICE OF THE HEARING UPON THE PETITION TO
ADMINISTER THE ESTATE**

Notice is hereby given that has filed in this court a petition for ~~the~~ probate ~~of a will~~ and for letters testamentary, or for letters of administration, of the estate of, deceased, and a hearing has been set for the day of the month of, of the year..... at (a.m. or p.m.) at the courthouse of the above-entitled court. All persons interested in the estate are notified to appear and show cause why the petition should not be granted.

se why the petition should not be
Dated _____

4. As soon as practicable after appointment, a personal representative shall, in addition to publishing the notice to creditors, mail a copy of the notice to those creditors whose names and addresses are readily ascertainable as of the date of first publication of the notice and who have not already filed a claim. The notice must be in substantially the following form:

NOTICE TO CREDITORS

Notice is hereby given that the undersigned has been appointed and qualified by the (giving the title of the court and the date of appointment) as personal representative of the estate of, deceased. All creditors having claims against the estate are required to file the claims with the clerk of the court within (60 or 90) days after the mailing or the first publication (as the case may be) of this notice.

Dated

5. If before the last day for the filing of a creditor's claim under NRS 147.040, the personal representative discovers the existence of a creditor who was not readily ascertainable at the time of first publication of the notice to creditors, the personal representative shall immediately mail a copy of the notice to the creditor.

Sec. 12. NRS 11.190 is hereby amended to read as follows:

Sec. 12. NRS 11.190 is hereby amended to read as follows:

11.190 Except as otherwise provided in NRS 40.4639, 125B.050 and 217.007, actions other than those for the recovery of real property, unless further limited by specific statute, may only be commenced as follows:

1. Within 6 years:

(a) Except as otherwise provided in NRS 62B.420 and 176.275, an action upon a judgment or decree of any court of the United States, or of any state or territory within the United States, or the renewal thereof.

(b) An action upon a contract, obligation or liability founded upon an instrument in writing, except those mentioned in the preceding sections of this chapter.

2. Within 4 years:

(a) An action on an open account for goods, wares and merchandise sold and delivered.

(b) An action for any article charged on an account in a store.

(c) An action upon a contract, obligation or liability not founded upon an instrument in writing.

(d) Except as otherwise provided in NRS 11.245, an action against a person alleged to have committed a deceptive trade practice in violation of NRS 598.0903 to 598.0999, inclusive, but the cause of action shall be deemed to accrue when the aggrieved party discovers, or by the exercise of due diligence should have discovered, the facts constituting the deceptive trade practice.

3. Within 3 years:

(a) An action upon a liability created by statute, other than a penalty or forfeiture.

(b) An action for waste or trespass of real property, but when the waste or trespass is committed by means of underground works upon any mining claim, the cause of action shall be deemed to accrue upon the discovery by the aggrieved party of the facts constituting the waste or trespass.

(c) An action for taking, detaining or injuring personal property, including actions for specific recovery thereof, but in all cases where the subject of the action is a domestic animal usually included in the term "livestock," which has a recorded mark or brand upon it at the time of its loss, and which strays or is stolen from the true owner without the owner's fault, the statute does not begin to run against an action for the recovery of the animal until the owner has actual knowledge of such facts as would put a reasonable person upon inquiry as to the possession thereof by the defendant.

(d) Except as otherwise provided in NRS 112.230 and 166.170, an action for relief on the ground of fraud or mistake, but the cause of action in such a case shall be deemed to accrue upon the discovery by the aggrieved party of the facts constituting the fraud or mistake.

(e) An action pursuant to NRS 40.750 for damages sustained by a financial institution or other lender because of its reliance on certain fraudulent conduct of a borrower, but the cause of action in such a case shall be deemed to accrue upon the discovery by the financial institution or other lender of the facts constituting the concealment or false statement.

(f) An action pursuant to NRS 41.1335, but the cause of action shall be deemed to accrue upon the discovery by the aggrieved party of the facts constituting fertility fraud or of any medical or genetic disorder which results from the human reproductive material implanted in, used on or provided to a patient in violation of NRS 200.975, whichever occurs later.

4. Within 2 years:

(a) An action against a sheriff, coroner or constable upon liability incurred by acting in his or her official capacity and in virtue of his or her office, or by the omission of an official duty, including the nonpayment of money collected upon an execution.

(b) An action upon a statute for a penalty or forfeiture, where the action is given to a person or the State, or both, except when the statute imposing it prescribes a different limitation.

(c) An action for libel, slander, assault, battery, false imprisonment or seduction.

(d) An action against a sheriff or other officer for the escape of a prisoner arrested or imprisoned on civil process.

(e) Except as otherwise provided in NRS 11.215 or 11.217, an action to recover damages for injuries to a person or for the death of a person caused by the wrongful act or neglect of another. The provisions of this paragraph relating to an

1 action to recover damages for injuries to a person apply only to causes of action
2 which accrue after March 20, 1951.

3 (f) An action to recover damages under NRS 41.740.

4 (g) *Except as otherwise provided in NRS 165.1214, absent fraud or*
5 *intentional misrepresentation, an action to recover for breach of fiduciary duty*
6 *against a fiduciary, as defined in NRS 163.554, who resides in this State or a trust*
7 *company as described in chapter 669 or 669A of NRS that has its principal place*
8 *of business in this State. The cause of action shall be deemed to accrue when the*
9 *aggrieved party discovers or should have discovered through the use of*
10 *reasonable diligence the material facts that constitute the cause of action,*
11 *whichever occurs earlier.*

12 5. Within 1 year:

13 (a) An action against an officer, or officer de facto to recover goods, wares,
14 merchandise or other property seized by the officer in his or her official capacity, as
15 tax collector, or to recover the price or value of goods, wares, merchandise or other
16 personal property so seized, or for damages for the seizure, detention or sale of, or
17 injury to, goods, wares, merchandise or other personal property seized, or for
18 damages done to any person or property in making the seizure.

19 (b) An action against an officer, or officer de facto for money paid to the
20 officer under protest, or seized by the officer in his or her official capacity, as a
21 collector of taxes, and which, it is claimed, ought to be refunded.

22 Sec. 13. ~~NRS 21.090 is hereby amended to read as follows:~~

23 ~~21.090 1. The following property is exempt from execution, except as~~
24 ~~otherwise specifically provided in this section or required by federal law:~~

25 ~~(a) Private libraries, works of art, musical instruments and jewelry not to~~
26 ~~exceed \$5,000 in value, belonging to the judgment debtor or a dependent of the~~
27 ~~judgment debtor, to be selected by the judgment debtor, and all family pictures and~~
28 ~~keepakes.~~

29 ~~(b) Necessary household goods, furnishings, electronics, wearing apparel, other~~
30 ~~personal effects and yard equipment, not to exceed \$12,000 in value, belonging to~~
31 ~~the judgment debtor or a dependent of the judgment debtor, to be selected by the~~
32 ~~judgment debtor.~~

33 ~~(c) Farm trucks, farm stock, farm tools, farm equipment, supplies and seed not~~
34 ~~to exceed \$4,500 in value, belonging to the judgment debtor to be selected by the~~
35 ~~judgment debtor.~~

36 ~~(d) Professional libraries, equipment, supplies, and the tools, inventory,~~
37 ~~instruments and materials used to carry on the trade or business of the judgment~~
38 ~~debtor for the support of the judgment debtor and his or her family not to exceed~~
39 ~~\$10,000 in value.~~

40 ~~(e) The cabin or dwelling of a miner or prospector, the miner's or prospector's~~
41 ~~cars, implements and appliances necessary for carrying on any mining operations~~
42 ~~and the mining claim actually worked by the miner or prospector, not exceeding~~
43 ~~\$4,500 in total value.~~

44 ~~(f) Except as otherwise provided in paragraph (p), one vehicle if the judgment~~
45 ~~debtor's equity does not exceed \$15,000 or the creditor is paid an amount equal to~~
46 ~~any excess above that equity.~~

47 ~~(g) For any workweek, 82 percent of the disposable earnings of a judgment~~
48 ~~debtor during that week if the gross weekly salary or wage of the judgment debtor~~
49 ~~on the date the most recent writ of garnishment was issued was \$770 or less, 75~~
50 ~~percent of the disposable earnings of a judgment debtor during that week if the~~
51 ~~gross weekly salary or wage of the judgment debtor on the date the most recent writ~~
52 ~~of garnishment was issued exceeded \$770, or 50 times the minimum hourly wage~~
53 ~~prescribed by section 206(a)(1) of the federal Fair Labor Standards Act of 1938, 29~~

1 ~~U.S.C. §§ 201 et seq., and in effect at the time the earnings are payable, whichever~~
2 ~~is greater. Except as otherwise provided in paragraphs (e), (f) and (g), the~~
3 ~~exemption provided in this paragraph does not apply in the case of any order of a~~
4 ~~court of competent jurisdiction for the support of any person, any order of a court of~~
5 ~~bankruptcy or of any debt due for any state or federal tax. As used in this~~
6 ~~paragraph:~~

7 (1) "Disposable earnings" means that part of the earnings of a judgment
8 debtor remaining after the deduction from those earnings of any amounts required
9 by law to be withheld.

10 (2) "Earnings" means compensation paid or payable for personal services
11 performed by a judgment debtor in the regular course of business, including,
12 without limitation, compensation designated as income, wages, tips, a salary, a
13 commission or a bonus. The term includes compensation received by a judgment
14 debtor that is in the possession of the judgment debtor, compensation held in
15 accounts maintained in a bank or any other financial institution or, in the case of a
16 receivable, compensation that is due the judgment debtor.

17 (h) All fire engines, hooks and ladders, with the carts, trucks and carriages,
18 hose, buckets, implements and apparatus thereunto appertaining, and all furniture
19 and uniforms of any fire company or department organized under the laws of this
20 State.

21 (i) All arms, uniforms and accoutrements required by law to be kept by any
22 person, and also one gun, to be selected by the debtor.

23 (j) All courthouses, jails, public offices and buildings, lots, grounds and
24 personal property, the fixtures, furniture, books, papers and appurtenances
25 belonging and pertaining to the courthouse, jail and public offices belonging to any
26 county of this State, all cemeteries, public squares, parks and places, public
27 buildings, town halls, markets, buildings for the use of fire departments and
28 military organizations, and the lots and grounds thereto belonging and appertaining,
29 owned or held by any town or incorporated city, or dedicated by the town or city to
30 health, ornament or public use, or for the use of any fire or military company
31 organized under the laws of this State and all lots, buildings and other school
32 property owned by a school district and devoted to public school purposes.

33 (k) All money, benefits, privileges or immunities accruing or in any manner
34 growing out of any life insurance.

35 (l) The homestead as provided for by law, including:

36 (1) Subject to the provisions of NRS 115.055, the sum [~~\$605,000~~] that is
37 paid to the defendant in execution pursuant to subsection 2 of NRS 115.050 or to a
38 spouse pursuant to subsection 3 of NRS 115.050; and

39 (2) A homestead for which allodial title has been established and not
40 relinquished and for which a waiver executed pursuant to NRS 115.010 is not
41 applicable.

42 (m) The dwelling of the judgment debtor occupied as a home for himself or
43 herself and family, where the amount of equity held by the judgment debtor in the
44 home does not exceed [~~\$605,000~~] *the amount in value of the exemption set forth*
45 *in NRS 115.010* and the dwelling is situated upon lands not owned by the judgment
46 debtor.

47 (n) All money reasonably deposited with a landlord by the judgment debtor to
48 secure an agreement to rent or lease a dwelling that is used by the judgment debtor
49 as his or her primary residence, except that such money is not exempt with respect
50 to a landlord or the landlord's successor in interest who seeks to enforce the terms
51 of the agreement to rent or lease the dwelling.

1 (o) All property in this State of the judgment debtor where the judgment is in
2 favor of any state for failure to pay that state's income tax on benefits received
3 from a pension or other retirement plan.

4 (p) Any vehicle owned by the judgment debtor for use by the judgment debtor
5 or the judgment debtor's dependent that is equipped or modified to provide
6 mobility for a person with a permanent disability.

7 (q) Any prosthesis or equipment prescribed by a physician or dentist for the
8 judgment debtor or a dependent of the debtor.

9 (r) Money, not to exceed \$1,000,000 in present value, held in:

10 (1) An individual retirement arrangement which conforms with or is
11 maintained pursuant to the applicable limitations and requirements of section 408
12 or 408A of the Internal Revenue Code, 26 U.S.C. §§ 408 and 408A, including,
13 without limitation, an inherited individual retirement arrangement;

14 (2) A written simplified employee pension plan which conforms with or is
15 maintained pursuant to the applicable limitations and requirements of section 408
16 of the Internal Revenue Code, 26 U.S.C. § 408, including, without limitation, an
17 inherited simplified employee pension plan;

18 (3) A cash or deferred arrangement plan which is qualified and maintained
19 pursuant to the Internal Revenue Code, including, without limitation, an inherited
20 cash or deferred arrangement plan;

21 (4) A trust forming part of a stock bonus, pension or profit sharing plan
22 which is qualified and maintained pursuant to sections 401 et seq. of the Internal
23 Revenue Code, 26 U.S.C. §§ 401 et seq.; and

24 (5) A trust forming part of a qualified tuition program pursuant to chapter
25 253B of NRS, any applicable regulations adopted pursuant to chapter 253B of NRS
26 and section 529 of the Internal Revenue Code, 26 U.S.C. § 529, unless the money is
27 deposited after the entry of a judgment against the purchaser or account owner or
28 the money will not be used by any beneficiary to attend a college or university.

29 (e) All money and other benefits paid pursuant to the order of a court of
30 competent jurisdiction for the support, education and maintenance of a child,
31 whether collected by the judgment debtor or the State.

32 (f) All money and other benefits paid pursuant to the order of a court of
33 competent jurisdiction for the support and maintenance of a former spouse,
34 including the amount of any arrearages in the payment of such support and
35 maintenance to which the former spouse may be entitled.

36 (u) Payments, in an amount not to exceed \$16,150, received as compensation
37 for personal injury, not including compensation for pain and suffering or actual
38 pecuniary loss, by the judgment debtor or by a person upon whom the judgment
39 debtor is dependent at the time the payment is received.

40 (v) Payments received as compensation for the wrongful death of a person
41 upon whom the judgment debtor was dependent at the time of the wrongful death,
42 to the extent reasonably necessary for the support of the judgment debtor and any
43 dependent of the judgment debtor.

44 (w) Payments received as compensation for the loss of future earnings of the
45 judgment debtor or of a person upon whom the judgment debtor is dependent at the
46 time the payment is received, to the extent reasonably necessary for the support of
47 the judgment debtor and any dependent of the judgment debtor.

48 (x) Payments received as restitution for a criminal act.

49 (y) Payments received pursuant to the federal Social Security Act, including,
50 without limitation, retirement and survivors' benefits, supplemental security income
51 benefits and disability insurance benefits.

52 (z) Any personal property not otherwise exempt from execution pursuant to
53 this subsection belonging to the judgment debtor, including, without limitation, the

1 ~~judgment debtor's equity in any property, money, stocks, bonds or other funds on~~
2 ~~deposit with a financial institution, not to exceed \$10,000 in total value, to be~~
3 ~~selected by the judgment debtor.~~

4 ~~(a) Any tax refund received by the judgment debtor that is derived from the~~
5 ~~earned income credit described in section 32 of the Internal Revenue Code, 26~~
6 ~~U.S.C. § 32, or a similar credit provided pursuant to a state law.~~

7 ~~(b) Stock of a corporation described in subsection 2 of NRS 78.746 except as~~
8 ~~set forth in that section.~~

9 ~~(c) Regardless of whether a trust contains a spendthrift provision:~~

10 ~~(1) A distribution interest in the trust as defined in NRS 163.4155 that is a~~
11 ~~contingent interest, if the contingency has not been satisfied or removed;~~

12 ~~(2) A distribution interest in the trust as defined in NRS 163.4155 that is a~~
13 ~~discretionary interest as described in NRS 163.4185, if the interest has not been~~
14 ~~distributed;~~

15 ~~(3) A power of appointment in the trust as defined in NRS 163.4157~~
16 ~~regardless of whether the power has been exercised;~~

17 ~~(4) A power listed in NRS 163.5553 that is held by a trust protector as~~
18 ~~defined in NRS 163.5547 or any other person regardless of whether the power has~~
19 ~~been exercised; and~~

20 ~~(5) A reserved power in the trust as defined in NRS 163.4165 regardless of~~
21 ~~whether the power has been exercised.~~

22 ~~(d) If a trust contains a spendthrift provision:~~

23 ~~(1) A distribution interest in the trust as defined in NRS 163.4155 that is a~~
24 ~~mandatory interest as described in NRS 163.4185, if the interest has not been~~
25 ~~distributed; and~~

26 ~~(2) Notwithstanding a beneficiary's right to enforce a support interest, a~~
27 ~~distribution interest in the trust as defined in NRS 163.4155 that is a support~~
28 ~~interest as described in NRS 163.4185, if the interest has not been distributed.~~

29 ~~(e) Proceeds received from a private disability insurance plan.~~

30 ~~(f) Money in a trust fund for funeral or burial services pursuant to NRS~~
31 ~~689.700.~~

32 ~~(g) Compensation that was payable or paid pursuant to chapters 616A to~~
33 ~~616D, inclusive, or chapter 617 of NRS as provided in NRS 616C.205.~~

34 ~~(h) Unemployment compensation benefits received pursuant to NRS 612.710.~~
35 ~~(i) Benefits or refunds payable or paid from the Public Employees' Retirement~~
36 ~~System pursuant to NRS 286.670.~~

37 ~~(j) Money paid or rights existing for vocational rehabilitation pursuant to NRS~~
38 ~~615.270.~~

39 ~~(k) Public assistance provided through the Department of Health and Human~~
40 ~~Services pursuant to NRS 422.291 and 422A.225.~~

41 ~~(l) Child welfare assistance provided pursuant to NRS 432.036.~~

42 ~~2. Except as otherwise provided in NRS 115.010, no article or species of~~
43 ~~property mentioned in this section is exempt from execution issued upon a~~
44 ~~judgment to recover for its price, or upon a judgment of foreclosure of a mortgage~~
45 ~~or other lien thereon.~~

46 ~~3. Any exemptions specified in subsection (d) of section 522 of the~~
47 ~~Bankruptcy Reform Act of 1978, 11 U.S.C. §§ 101 et seq., do not apply to property~~
48 ~~owned by a resident of this State unless conferred also by subsection 1, as limited~~
49 ~~by subsection 2.] (Deleted by amendment.)~~

50 ~~Sec. 14. [Chapter 162A of NRS is hereby amended by adding thereto a new~~
51 ~~section to read as follows:~~

52 ~~Except as otherwise provided in NRS 162A.865 and 162A.870, an alternative~~
53 ~~form of a power of attorney for health care may be substantially in the following~~

1 *form, and must be witnessed or executed in the same manner as the following*
2 *form:*

3

4 **DURABLE POWER OF ATTORNEY FOR HEALTH CARE ADVANCE**
5 **HEALTH CARE DIRECTIVE**
6 **(State Bar of Nevada approved form)**

7

8 **THIS IS AN IMPORTANT LEGAL DOCUMENT. IT CREATES A**
9 **DURABLE POWER OF ATTORNEY FOR HEALTH CARE. BEFORE**
10 **EXECUTING THIS DOCUMENT, YOU SHOULD KNOW THESE**
11 **IMPORTANT FACTS:**

12 **1. THIS DOCUMENT GIVES THE PERSON YOU DESIGNATE**
13 **AS YOUR AGENT THE POWER TO MAKE HEALTH CARE**
14 **DECISIONS FOR YOU. THIS POWER IS SUBJECT TO ANY**
15 **LIMITATIONS OR STATEMENT OF YOUR DESIRES THAT YOU**
16 **INCLUDE IN THIS DOCUMENT. THE POWER TO MAKE HEALTH**
17 **CARE DECISIONS FOR YOU MAY INCLUDE CONSENT, REFUSAL**
18 **OF CONSENT OR WITHDRAWAL OF CONSENT TO ANY CARE,**
19 **TREATMENT, SERVICE OR PROCEDURE TO MAINTAIN,**
20 **DIAGNOSE OR TREAT A PHYSICAL OR MENTAL CONDITION.**
21 **YOU MAY STATE IN THIS DOCUMENT ANY TYPES OF**
22 **TREATMENT OR PLACEMENTS THAT YOU DO NOT DESIRE.**

23 **2. THE PERSON YOU DESIGNATE IN THIS DOCUMENT HAS**
24 **A DUTY TO ACT CONSISTENT WITH YOUR DESIRES AS STATED**
25 **IN THIS DOCUMENT OR OTHERWISE MADE KNOWN OR, IF**
26 **YOUR DESIRES ARE UNKNOWN, TO ACT IN YOUR BEST**
27 **INTERESTS.**

28 **3. EXCEPT AS YOU OTHERWISE SPECIFY IN THIS**
29 **DOCUMENT, THE POWER OF THE PERSON YOU DESIGNATE TO**
30 **MAKE HEALTH CARE DECISIONS FOR YOU MAY INCLUDE THE**
31 **POWER TO CONSENT TO YOUR DOCTOR NOT GIVING**
32 **TREATMENT OR STOPPING TREATMENT WHICH WOULD KEEP**
33 **YOU ALIVE.**

34 **4. UNLESS YOU SPECIFY A SHORTER PERIOD IN THIS**
35 **DOCUMENT, THIS POWER WILL EXIST INDEFINITELY FROM**
36 **THE DATE YOU EXECUTE THIS DOCUMENT AND, IF YOU ARE**
37 **UNABLE TO MAKE HEALTH CARE DECISIONS FOR YOURSELF,**
38 **THIS POWER WILL CONTINUE TO EXIST UNTIL THE TIME**
39 **WHEN YOU BECOME ABLE TO MAKE HEALTH CARE DECISIONS**
40 **FOR YOURSELF.**

41 **5. NOTWITHSTANDING THIS DOCUMENT, YOU HAVE THE**
42 **RIGHT TO MAKE MEDICAL AND OTHER HEALTH CARE**
43 **DECISIONS FOR YOURSELF SO LONG AS YOU CAN GIVE**
44 **INFORMED CONSENT WITH RESPECT TO THE PARTICULAR**
45 **DECISION. IN ADDITION, NO TREATMENT MAY BE GIVEN TO**
46 **YOU OVER YOUR OBJECTION, AND HEALTH CARE NECESSARY**
47 **TO KEEP YOU ALIVE MAY NOT BE STOPPED IF YOU OBJECT.**

48 **6. YOU HAVE THE RIGHT TO DECIDE WHERE YOU LIVE,**
49 **EVEN AS YOU AGE. DECISIONS ABOUT WHERE YOU LIVE ARE**
50 **PERSONAL. SOME PEOPLE LIVE AT HOME WITH SUPPORT,**
51 **WHILE OTHERS MOVE TO ASSISTED LIVING FACILITIES OR**
52 **FACILITIES FOR SKILLED NURSING. IN SOME CASES, PEOPLE**
53 **ARE MOVED TO FACILITIES WITH LOCKED DOORS TO**

1 ~~PREVENT PEOPLE WITH COGNITIVE DISORDERS FROM~~
2 ~~LEAVING OR GETTING LOST OR TO PROVIDE ASSISTANCE TO~~
3 ~~PEOPLE WHO REQUIRE A HIGHER LEVEL OF CARE. YOU~~
4 ~~SHOULD DISCUSS WITH THE PERSON DESIGNATED IN THIS~~
5 ~~DOCUMENT YOUR DESIRES ABOUT WHERE YOU LIVE AS YOU~~
6 ~~AGE OR IF YOUR HEALTH DECLINES. YOU HAVE THE RIGHT~~
7 ~~TO DETERMINE WHETHER TO AUTHORIZE THE PERSON~~
8 ~~DESIGNATED IN THIS DOCUMENT TO MAKE DECISIONS FOR~~
9 ~~YOU ABOUT WHERE YOU LIVE WHEN YOU ARE NO LONGER~~
10 ~~CAPABLE OF MAKING THAT DECISION. IF YOU DO NOT~~
11 ~~PROVIDE SUCH AUTHORIZATION TO THE PERSON~~
12 ~~DESIGNATED IN THIS DOCUMENT, THAT PERSON MAY NOT BE~~
13 ~~ABLE TO ASSIST YOU TO MOVE TO A MORE SUPPORTIVE~~
14 ~~LIVING ARRANGEMENT WITHOUT OBTAINING APPROVAL~~
15 ~~THROUGH A JUDICIAL PROCESS.~~

16 ~~7. YOU HAVE THE RIGHT TO REVOKE THE APPOINTMENT~~
17 ~~OF THE PERSON DESIGNATED IN THIS DOCUMENT TO MAKE~~
18 ~~HEALTH CARE DECISIONS FOR YOU BY NOTIFYING THAT~~
19 ~~PERSON OF THE REVOCATION ORALLY OR IN WRITING.~~

20 ~~8. YOU HAVE THE RIGHT TO REVOKE THE AUTHORITY~~
21 ~~GRANTED TO THE PERSON DESIGNATED IN THIS DOCUMENT~~
22 ~~TO MAKE HEALTH CARE DECISIONS FOR YOU BY NOTIFYING~~
23 ~~THE TREATING PHYSICIAN, HOSPITAL OR OTHER PROVIDER~~
24 ~~OF HEALTH CARE ORALLY OR IN WRITING.~~

25 ~~9. THE PERSON DESIGNATED IN THIS DOCUMENT TO~~
26 ~~MAKE HEALTH CARE DECISIONS FOR YOU HAS THE RIGHT TO~~
27 ~~EXAMINE YOUR MEDICAL RECORDS AND TO CONSENT TO~~
28 ~~THEIR DISCLOSURE UNLESS YOU LIMIT THIS RIGHT IN THIS~~
29 ~~DOCUMENT.~~

30 ~~10. THIS DOCUMENT REVOVES ANY PRIOR DURABLE~~
31 ~~POWER OF ATTORNEY FOR HEALTH CARE.~~

32 ~~11. IF THERE IS ANYTHING IN THIS DOCUMENT THAT YOU~~
33 ~~DO NOT UNDERSTAND, YOU SHOULD ASK A LAWYER TO~~
34 ~~EXPLAIN IT TO YOU.~~

35 ~~12. YOU MAY REQUEST THAT THE NEVADA SECRETARY OF~~
36 ~~STATE ELECTRONICALLY STORE WITH THE NEVADA LOCKBOX~~
37 ~~A COPY OF THIS DOCUMENT TO ALLOW ACCESS BY AN~~
38 ~~AUTHORIZED PROVIDER OF HEALTH CARE AS DEFINED IN~~
39 ~~NRS 629.031.~~

40 **PART I**

41 **1. DESIGNATION OF HEALTH CARE AGENT**

42 ~~I,~~
43 ~~(name of person signing), do hereby designate and appoint:~~

44 ~~Name:~~
45 ~~Address:~~
46 ~~Phone number:~~ ~~Email:~~

47 ~~as my agent to make health care decisions for me as authorized in this~~
48 ~~document.~~

____ (Insert the name and address of the person you wish to designate as your agent to make health care decisions for you. Unless the person is also your spouse, your legal guardian or the person most closely related to you by blood, none of the following may be designated as your agent: (1) your treating provider of health care; (2) an employee of your treating provider of health care; (3) an operator of a health care facility; or (4) an employee of an operator of a health care facility.)

2. NAMING AN ALTERNATE AGENT

~~I want the following persons in the order listed to make health care decisions for me if I cannot do so and my agent is not willing, able or reasonably available to make them for me:~~

1st Alternate Agent:

Name: _____

Address: _____

Phone number: Email:

2nd Alternate Agent:

Name: _____

Address: _____

Phone number: Email:

3. CREATION OF DURABLE POWER OF ATTORNEY FOR HEALTH CARE

By this document I intend to create a durable power of attorney by appointing the person designated above to make health care decisions for me. This power of attorney shall not be affected by my subsequent incapacity. My goal is to reduce the intervention of a court in my affairs by allowing for care without the need for guardianship.

By signing this document, I revoke any prior durable power of attorney for health care that I may have made.

~~If my designated agent is my spouse or is one of my children, then I waive any conflict of interest in carrying out the provisions of this Durable Power of Attorney for Health Care that said spouse or child may have by reason of the fact that he or she may be a beneficiary of my estate.~~

4. GENERAL STATEMENT OF AUTHORITY GRANTED

In the event that I am incapable of giving informed consent with respect to health care decisions, I hereby grant to the agent named above full power and authority to make health care decisions for me before or after my death, including consent, refusal of consent or withdrawal of consent to any care, treatment, service or procedure to maintain, diagnose or treat a physical or mental condition; to request, review and receive any information, verbal or written, regarding my physical or mental health, including, without limitation, medical and hospital records; to execute on my behalf any releases or other documents that

~~may be required to obtain medical care and/or medical and hospital records, EXCEPT any power to enter into any arbitration agreements or execute any arbitration clauses in connection with admission to any health care facility, including any skilled nursing facility, and subject only to the limitations and special provisions, if any, set forth below.~~

PART 2: HEALTH CARE INSTRUCTION

~~This part lets you state your limitations and priorities for health care and the types of health care you do or do not want.~~

~~I give my agent the power to make all health care decisions for me if I cannot make those decisions for myself, except for the following:~~
~~..... or as set forth below.~~

INSTRUCTIONS ABOUT LIFE-SUSTAINING TREATMENT This section gives you the opportunity to say how you want your agent to act while making decisions for you. You may mark or initial each item or leave any item blank.

Prolonging life vs. dying a natural death

1. I desire that my life be prolonged to the greatest extent possible without regard to my condition, the chances I have for recovery or long term survival, or the cost of the procedures. In other words, keep my body alive even if my doctors have reasonably concluded that there is no reasonable hope for long term recovery or survival or that my coma (if I am in one) is irreversible. If you select this choice, do not initial choices 2, 3, 4 or 5, as those are inconsistent with this choice.
2. If I am in a coma which my doctors have reasonably concluded is irreversible, I desire that life sustaining or prolonging treatments not be used.
3. If I have an incurable or terminal condition or illness and no reasonable hope of long term recovery or survival, I desire that life sustaining or prolonging treatments not be used.
4. I have reviewed the Nevada POLST form (sample attached hereto as Exhibit 1). If in the future I have not executed a POLST form and my physician determines, or my agent suspects, that execution of a POLST is appropriate, then my agent is authorized to execute a POLST on my behalf in accordance with my wishes stated in this my Durable Power of Attorney for Health Care.

GI feeding tube or IV. I understand that withholding or withdrawal of artificial nutrition and hydration may result in death by starvation or dehydration. For some people this may be a tenet of their religion. For some people it may not make sense to continue this when all other treatment (machines) is terminated.

1 5. ~~I do not want continued artificial nutrition and hydration (e.g. gastrointestinal feeding tube or intravenous liquids) after all other treatment is terminated.~~

2 6. ~~I do want continued artificial nutrition and hydration (e.g. gastrointestinal feeding tube or intravenous liquids) after all other treatment is terminated. If I initial this section, you are asked to continue to give me the artificial nutrition and hydration.~~

3 7. ~~I understand that continued artificial nutrition and hydration (e.g. gastrointestinal feeding tube or intravenous liquids) will likely occur if my physician reasonably believes that providing such will lead to my recovery. However, I do not want to continue to receive artificial nutrition and hydration if it is expected to continue for the rest of my life.~~

4 16. ~~Experimental procedures, treatments and drugs. I understand that it can take a long time to obtain FDA approval for new medical procedures, treatments and drugs. As a result, many are categorized as "experimental." I also understand that some of such procedures, treatments or drugs have a good record of success and that some contain risks. I also understand that experimental procedures, treatments and drugs can only be given to me if I authorize them.~~

5 8. ~~I authorize my agent to enroll me in experimental procedures or treatments if said procedures or treatments are recommended by my physician and my agent consents. My agent is to consider the relief of suffering, the preservation or restoration of functioning, and the quality as well as the extent of the possible extension of my life in making that decision. My agent is to consider whether the expected benefits outweigh the burdens of the treatment or drug.~~

6 9. ~~I do not want any experimental procedures, treatments or drugs.~~

7 37. **Palliative care (Dying with dignity/Use of pain relieving drugs)**

8 39. ~~10. () When I die, I wish to do so with dignity and grace and without pain and suffering. If I have an incurable or terminal condition, including but not limited to late stage dementia, and no reasonable hope of long term recovery or survival, I desire my attending physician to administer any medication to alleviate suffering without regard to the fact that the medication may be addictive or may reduce the extension of my life.~~

9 47. ~~11. () I do not wish to have any medication that may be addictive or reduce the extension of my life.~~

48. **Assisted living or other facility**

49. ~~12. () I desire to live in my home for as long as it is safe and my medical needs can be met. My agent may arrange for a natural person, employee of an agency or provider of community based~~

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25
26
27
28
29
30
31
32
33
34
35
36
37
38
39
40
41
42
43
44
45
46
47
48
49
50
51
52
53
~~services to come into my home to provide care for me. When it is no longer safe for me to live in my home, I authorize my agent to place me in a facility or home that can provide any medical assistance and support in my activities of daily living that I require. Before being placed in such a facility or home, I wish for my agent to discuss and share information concerning the placement with me, and allow me to participate in the choice of said facility or home. If I am married, placement shall be done in a manner that considers my spouse's support needs.~~

13. ~~I refuse to be placed in any assisted living or other care facility. I understand that, before I may be placed in a facility or home other than the home in which I currently reside, a guardian must be appointed for me, which means that a court action would be needed to remove me from my home.~~

14. ~~Other (write what you want or do not want):~~

INSTRUCTIONS ABOUT PRIORITIES

15. ~~You can use this section to provide any other information about your goals, values and preferences for treatment, including care you want or do not want. To the extent that you make entries in this section, this information is for your agent and is not intended to limit or impair the physician's determination of a course of treatment, nor to subject the physician to legal claims. You can also use this section to name anyone whom you do not want to make decisions for you under any conditions. (Insert such priorities, if any.)~~

PART 3: OPTIONAL SPECIAL POWERS AND GUIDANCE

16. ~~This part allows you to give your agent additional powers and to provide your agent with more guidance about your wishes. You may mark or initial each item. You also may leave any item blank.~~

Mental health care or cognitive rehabilitation

17. ~~I authorize my agent to admit me as a voluntary patient to a facility for mental health or place me in rehabilitative care if my agent determines such treatment is best for my health and safety, or if it is recommended by a physician.~~

18. ~~I do not authorize my agent to admit me as a voluntary patient to a facility for mental health or place me in rehabilitative care even if my agent determines such treatment is best for my health and safety, or even if it is recommended by a physician.~~

19. ~~**ACCESS TO MY HEALTH INFORMATION (HIPAA).** I give my agent permission to examine and share information about my health needs and health care if I am not able to make decisions for myself. By~~

1
2
3
4
5
6
7
~~signing this form, I give the authorization and full release of information by any government agency, medical provider, business, creditor or third party who may have information pertaining to my health care to my agent named herein, pursuant to the Health Insurance Portability and Accountability Act of 1996, Public Law 104-191, as amended, and applicable regulations.~~

8
9
10
11
~~GUIDANCE FOR MY AGENT. The instructions I have stated in this document should guide my agent in making decisions for me. (Initial or mark one of the items below to tell your agent more about how to use these instructions.):~~

12
13
14
15
16
~~16. () I give my agent permission to be flexible in applying these instructions if he or she thinks it would be in my best interest based on what they know about me and the recommendations of the attending physician.~~

17
18
19
20
~~17. () I want my agent to follow these instructions exactly as written if possible, even if he or she thinks something else is better.~~

21
22
23
24
25
26
27
28
29
30
~~GOOD FAITH CARE. My wish is that the provider of health care work cooperatively with me and my agent for my care. To that end, a provider of health care who relies in good faith on the provisions of this advance health care directive shall be immune from criminal and civil liability applicable to the withholding or withdrawal of life sustaining treatment. As such, the liability protection provisions already in law in NRS 449A.727 shall apply whether or not this advance health care directive is retrieved from the Registry established by the Nevada Secretary of State.~~

31
32
33
34
35
~~NOMINATION OF GUARDIAN. A guardian is a person appointed by a court to make decisions for someone who cannot make decisions. Filling this out does NOT mean you want or need a guardian right now.~~

36
37
38
39
40
41
42
43
~~If a court appoints a guardian to make personal decisions for me, I want the court to choose my agent named in this form. If my agent cannot be a guardian, I want my alternate agent(s) in the order named in this form. If I prefer someone other than the agent(s) named in this form, their name and contact information is:~~

44
45
46
47
48
49
50
51
52
~~AMENDMENT; RIGHT TO TERMINATE. This durable power of attorney may be amended. This document shall not be terminated by anyone other than me and it shall not be terminated by a governmental entity, including a court.~~

~~PART 4: ORGAN DONATION~~

~~This part allows you to donate your organs when you die. You may mark or initial each item. You also may leave any item blank.~~

~~Even if it requires maintaining treatments that could prolong my dying process and might be in conflict with other instructions I have put in this form, upon my death:~~

18. () I donate my organs, tissues and other body parts except for those listed below (list any body parts you do not want to donate):

19. () I do not want my organs, tissues or body parts donated to anybody for any reason.

~~20. Organs, tissues or body parts that I donate may be used for:~~

- () transplant
- () therapy
- () research
- () education
- () all of the above

You may also designate organ donation on your driver license. If there is a conflict between this form and your driver license, the most recent shall control.

PART 5. CHALLENGES

If the legality of any provision of this Durable Power of Attorney for Health Care is questioned by my physician, my advanced practice registered nurse, my agent or a third party, then my agent is authorized to commence an action for declaratory judgment as to the legality of the provision in question. The cost of any such action is to be paid from my estate. This Durable Power of Attorney for Health Care must be construed and interpreted in accordance with the laws of the State of Nevada.

PART 6: YOUR SIGNATURE WITH NOTARY OR WITH WITNESSES

~~Either process is permitted under NRS 162A.790. You only need to use one of these methods.~~

Sign your name: Today's date:

State of Nevada _____)

County of Jefferson SS.

County of _____,)

On this day of, 20...., before me, the undersigned, a Notary Public, personally appeared, personally known to me (or proved to me on the basis of satisfactory evidence) to be the person whose name is subscribed to this instrument, and acknowledged that he or she executed it.

(SEAL)

NOTARY PUBLIC

1 ~~COPIES: You should retain an executed copy of this document and give~~
2 ~~one to your agent. The power of attorney may also be given to your~~
3 ~~primary medical care provider or any other provider of your health care.~~

4

5 **USE THIS SECTION OF PART 6 IF YOU ARE USING WITNESSES**
6 **INSTEAD OF A NOTARY.**

7

8 ~~If you are using witnesses, you need two witnesses. The witnesses must be~~
9 ~~adults and cannot be a person you are naming as an agent. If you live in~~
10 ~~an assisted living facility or a nursing home, the witness cannot be an~~
11 ~~employee of the facility or home or someone who owns or runs the facility~~
12 ~~or home.~~

13

14 **Witness #1 printed name:**

15

16 **Witness signature:**

17

18 **Date witness signed:** *(Only sign as a witness if*
19 *you think that the person signing this form is doing it voluntarily.)*

20

21 **Witness #2 printed name:**

22

23 **Witness signature:**

24

25 **Date witness signed:** *(Only sign as a witness if*
26 *you think that the person signing this form is doing it voluntarily.)*

27

28 **PART 7: INFORMATION FOR AGENTS**

29

30 **(1) If this form names you as an agent, you can make decisions about**
31 **health care for the person who named you when they cannot make their**
32 **own.**

33

34 **(2) If you make a decision for the person, follow any instructions the**
35 **person gave, including any in this form.**

36

37 **(3) If you make a decision for the person and you do not know what the**
38 **person would want, make the decision that you think is in the person's**
39 **best interest. To figure out what is in the person's best interest, consider**
40 **the person's values, preferences and goals if you know them or can learn**
41 **them. Some of those preferences might be in this form. You should also**
42 **consider any behaviors or communications from the person that indicate**
43 **what they currently want.**

44

45 **(4) If this form names you as an agent, you can also get and share the**
46 **individual's health information. But you can only get or share this**
47 **information to assist in their health care, or when the person cannot**
48 **make their own decisions about their health care.]** **(Deleted by**
49 **amendment.)**

50 **Sec. 15. NRS 162A.700 is hereby amended to read as follows:**

51 **162A.700 NRS 162A.700 to 162A.870, inclusive, and section 14 of this act**
52 **apply to any power of attorney containing the authority to make health care**
53 **decisions.]** **(Deleted by amendment.)**

1 **Sec. 16.** ~~NRS 162A.710 is hereby amended to read as follows:~~

2 ~~162A.710 As used in NRS 162A.700 to 162A.870, inclusive, **and section 14 of this act**, unless the context otherwise requires, the words and terms defined in NRS 162A.715 to 162A.780, inclusive, **and section 14 of this act** have the meanings ascribed to them in those sections.] (Deleted by amendment.)~~

3 **Sec. 17.** NRS 162B.510 is hereby amended to read as follows:

4 162B.510 1. Appointive property subject to a general power of appointment created by a person other than the powerholder is not subject to a claim of any creditor, unless the power of appointment was **held by a decedent who** actually exercised **the power** in favor of the decedent or the decedent's estate pursuant to subparagraph (1) of paragraph (a) of subsection 12 of NRS 111.779.

5 2. Subject to subsection 3 of NRS 162B.530, a power of appointment created by a person other than the powerholder which is subject to an ascertainable standard relating to an individual's health, education, support or maintenance within the meaning of 26 U.S.C. § 2041(b)(1)(A) or 26 U.S.C. § 2514(c)(1), as those provisions existed on October 1, 2017, is treated for purposes of NRS 162B.500 to 162B.530, inclusive, as a nongeneral power.

6 **Sec. 18.** Chapter 163 of NRS is hereby amended by adding thereto a new section to read as follows:

7 1. *Unless specifically prohibited by the terms of a will or trust instrument and except as provided in subsection 2, if an instrument creating a separate trust requires the assets of the separate trust to be distributed to the beneficiary or beneficiaries of the trust immediately after the establishment of the separate trust as a result of the circumstances existing at the time the separate trust is to be established, the executor, trustee or any other party having possession of the property with which the separate trust will be funded may exercise discretion to make a distribution directly to the beneficiary or the beneficiaries of the separate trust.*

8 2. *An executor, trustee or any other party described in subsection 1 may exercise discretion rather than distributing the trust assets to the trustee of the separate trust if the transferring executor, trustee or any other party described in subsection 1 and the trustee of the separate trust are the same person.*

9 3. *The receipts of distribution provided to any beneficiary or beneficiaries in the manner described in this section shall be deemed to protect the executor, trustee or other person having possession of the property to the same extent that a receipt of distribution would have protected the executor, trustee or other person had the property been distributed by the trustee from the separate trust.*

10 **Sec. 19.** NRS 163.020 is hereby amended to read as follows:

11 163.020 As used in NRS 163.010 to 163.200, inclusive, **and section 18 of this act**, unless the context or subject matter otherwise requires:

12 1. "Affiliate" means any person directly or indirectly controlling or controlled by another person, or any person under direct or indirect common control with another person. It includes any person with whom a trustee has an express or implied agreement regarding the purchase of trust investments by each from the other, directly or indirectly, except a broker or stock exchange.

13 2. "Relative" means a spouse, ancestor, descendant, brother or sister.

14 3. "Trust" means an express trust only.

15 4. "Trustee" means the person holding property in trust and includes trustees, a corporate as well as a natural person and a successor or substitute trustee.

16 **Sec. 20.** NRS 163.557 is hereby amended to read as follows:

17 163.557 1. A governing trust instrument may authorize the trustee, in the sole discretion of the trustee or at the direction or with the consent of a directing trust adviser, to reimburse a settlor for all or a portion of tax on trust income or

1 principal that is payable by the settlor under the law imposing such tax. In the sole
2 discretion of the trustee, the trustee may pay such amount to the settlor directly or
3 to an appropriate taxing authority on behalf of the settlor.

4 ~~2. [A trustee or directing trust adviser] Except as expressly prohibited or~~
5 ~~otherwise provided under the trust instrument, if all or any portion of the trust is~~
6 ~~treated as being owned by a person under section 671 of the Internal Revenue~~
7 ~~Code or any similar federal, state or other tax law, in addition to any such~~
8 ~~discretion conferred under the terms of a trust instrument, the trustee may, in the~~
9 ~~trustee's sole discretion, reimburse the person being treated as the owner for any~~
10 ~~amount of the person's federal, state or other income tax liability that is~~
11 ~~attributable to the inclusion of the trust's income, capital gains, deductions or~~
12 ~~credits in the calculation of the person's taxable income. In the trustee's sole~~
13 ~~discretion, the trustee may pay such tax reimbursement amount, determined~~
14 ~~without regard to any other distribution or payment made from trust assets, to the~~
15 ~~person directly or to the appropriate taxing authority. A life insurance policy held~~
16 ~~in the trust, the cash value of any such policy or the proceeds of any loan secured~~
17 ~~by an interest in the policy may not be used for such reimbursement or payment if~~
18 ~~the person is an insured.~~

19 ~~3. Except as otherwise provided under the trust instrument, a trustee who~~
20 ~~exercises discretion to make, consent to or direct the decision to reimburse the~~
21 ~~settlor under subsection 1 or 2~~ is not liable to any person in exercising such
22 discretion to reimburse or not reimburse a settlor for tax payable by the settlor on
23 trust income or principal pursuant to subsection 1.

24 ~~4. A trustee may not exercise or participate in the exercise of the~~
25 ~~powers granted by this section with respect to any trust if the trustee is:~~

26 ~~(a) Treated as the owner of all or part of the trust under section 671 of the~~
27 ~~Internal Revenue Code or any similar federal, state or other tax law;~~
28 ~~(b) A beneficiary of the trust; or~~
29 ~~(c) A related or subordinate party, as defined in section 672(c) of the Internal~~
30 ~~Revenue Code, with respect to:~~

31 ~~(1) A person treated as the owner of all or part of the trust under section~~
32 ~~671 of the Internal Revenue Code or any similar federal, state or other tax law;~~
33 ~~or~~

34 ~~(2) A beneficiary of the trust.~~

35 ~~5. If the trust instrument requires the trustee to act at the direction or with~~
36 ~~the consent of a trust adviser, trust protector or any other person, or that the~~
37 ~~reimbursement decisions permitted by this section be made directly by a trust~~
38 ~~adviser, trust protector or any other person, the powers granted by subsection 1~~
39 ~~and the provisions of subsection 2 applicable to the trustee are instead also~~
40 ~~granted or apply, subject to the trust instrument, to the trust adviser, trust~~
41 ~~protector or other person subject to the limitations set forth in subsection 3,~~
42 ~~which must be applied as if the trust adviser, trust protector or other person were~~
43 ~~a trustee.~~

44 ~~6. The power of a trustee, trust adviser, trust protector or any other person~~
45 ~~to make a payment to or for the benefit of a settlor or other person in accordance~~
46 ~~with subsection 1 or 2 or the decision of a trustee, trust adviser, trust protector or~~
47 ~~any other person to exercise such power in favor of the settlor must not cause the~~
48 ~~settlor or other person to be treated as a beneficiary for purposes of the laws of this~~
49 ~~State. [solely by reason of the application of this section. As used in this~~
50 ~~subsection, "beneficiary" has the meaning ascribed to it in NRS 163.4147.~~

51 ~~7. This section applies to all trusts described in subsection 2 that are~~
52 ~~governed by the laws of this State or have a principal place of administration~~
53 ~~within this State whether created before, on or after October 1, 2025, unless:~~

(a) At least 60 days before the effective date of such election, the trustee provides written notice that the trustee intends to irrevocably elect out of the application of this section to:

(1) *The person treated as the owner of all or a portion of the trust under section 671 of the Internal Revenue Code or any similar federal, state or other tax law; and*

(2) All persons who have the ability to remove and replace the trustee under the terms of the trust instrument.

(b) Applying the discretion conferred under subsection ~~44~~ 2 will prevent a contribution to the trust from qualifying for or reducing a federal tax benefit, including a federal tax exclusion or deduction, that was originally claimed or could have been claimed for the contribution, including:

(I) An exclusion under section 2503(b) or 2503(c) of the Internal Revenue Code;

(2) A marital deduction under section 2056, 2056A or 2523 of the Internal Revenue Code;

(3) A charitable deduction under section 170(a), 642(c), 2055(a) or 2522(a) of the Internal Revenue Code; or

(4) Direct skip treatment under section 2642(c) of the Internal Revenue Code.

Sec. 21. NRS 164.021 is hereby amended to read as follows:

164.021 1. When a revocable trust becomes irrevocable because of the death of a settlor or by the express terms of the trust, the trustee may, after the trust becomes irrevocable, provide notice to any beneficiary of the irrevocable trust, any heir of the settlor or to any other interested person.

2. The notice provided by the trustee must contain:

(a) The identity of the settlor of the trust and the date of execution of the trust instrument. [§]

(b) The name, mailing address and telephone number of any trustee of the trust

(c) The dispositive provisions of the trust instrument which pertain to the beneficiary, a complete copy of the trust instrument or notice that the heir or interested person is not a beneficiary under the trust. ~~As used in this paragraph, "trust instrument" means only those amendments, restatements and instruments the trustee has determined to be in effect at the time of the death of the settlor after the trustee has exercised due diligence.~~

(d) Any information required to be included in the notice expressly provided by the trust instrument. ~~f. and~~

(e) A statement set forth in a separate paragraph, in 12-point boldface type or an equivalent type which states: "You may not bring an action to contest the trust more than 120 days from the date this notice is provided to you."

more than 120 days from the date this notice is provided to you.

3. The trustee shall cause notice pursuant to this section to be provided in accordance with the provisions of NRS 155.010.

4. Except as otherwise provided in this subsection, no person upon whom notice is provided pursuant to this section may bring an action to contest the validity of the trust more than 120 days from the date the notice is served upon the person, unless the person proves that he or she did not receive actual notice. A person upon whom notice is provided pursuant to this section may provide consent in writing to a period of less than 120 days in which the person may bring an action to contest the validity of the trust.

5. ~~For the purposes of paragraph (c) of subsection 2, a copy of the trust instrument shall be considered complete if it includes all amendments and~~

~~restatements to the trust instrument the trustee has determined to be in effect at the time of the death of the settlor after the trustee has exercised due diligence.~~

6.1 A trustee is not liable in providing information pursuant to paragraph (c) of subsection 2 to any person whom the trustee has determined, after the exercise of due diligence, to be a beneficiary, heir or interested person.

6. *A person may waive the right to notice contemplated by this section by delivering to the trustee a waiver signed by the person, which shall be deemed irrevocable. Upon delivery of such a waiver to the trustee, the person who waived the right to notice is precluded from bringing any action to contest the validity of the trust.*

Sec. 22. NRS 164.045 is hereby amended to read as follows:

164.045 1. The laws of this State govern the validity and construction of a trust if:

(a) The trust instrument so provides;

(b) Designated by a person who, under the terms of the trust instrument, has the right to designate the laws that govern the validity and construction of the trust, at the time the designation is made; or

(c) The trust instrument does not provide for the law that governs the validity and construction of the trust, a person designated under the terms of the trust instrument to designate the law that governs the validity and construction of the trust, if any, has not made such a designation and the settlor or the trustee of the trust was a resident of this State at the time the trust was created or at the time the trust became irrevocable.

2. A person not domiciled in this State may have the right to designate the laws that govern the *administration*, validity and construction of a trust if properly designated under the trust instrument.

3. A trust, the situs of which is outside this State, that moves its situs to this State is valid whether or not the trust complies with the laws of this State at the time of its creation or after its creation.

4. *The laws of this State govern the administration of a trust if:*

(a) *The trust instrument so provides; or*

(b) *Designated by a person who, under the terms of the trust instrument or applicable law, has the right to designate the laws that govern the administration of the trust, at the time the designation is made.*

5. *Notwithstanding a general choice of law provision in the governing instrument of a trust, such as a provision in the governing instrument to the effect that the laws of a jurisdiction other than this State govern the trust or the administration of the trust, the laws of this State govern the administration of the trust while the trust is administered in this State, as provided in subsection 7 or as otherwise provided, unless:*

(a) *The governing instrument expressly provides that the laws of another jurisdiction govern the administration of the trust and that the laws governing the administration of the trust must not change on account of a change in the place of administration of the trust; or*

(b) *Otherwise provided by a court order.*

6. *Notwithstanding the provisions of subsection 5, if a fiduciary takes or fails to take action, based on a good faith belief that the laws of a foreign jurisdiction govern the administration of a trust while the trust is administered in this State, the fiduciary's liability under the governing instrument for the action or inaction must be determined in accordance with the laws of the foreign jurisdiction.*

7. *For purposes of this section and without limiting any other way in which a trust may be considered to be administered in this State, a trust is considered to*

1 *be administered in this State if all or part of the administration occurs in this
2 State and if:*

3 *(a) The sole trustee is an individual residing in this State or a corporation or
4 other entity having an office in this State for the conduct of business;*

5 *(b) The trust has more than one trustee, at least one of which is a
6 corporation or other entity and that corporation or other entity has an office in
7 this State for the conduct of trust business;*

8 *(c) The trust has more than one trustee, all of whom are persons and more
9 than half of the trustees reside in this State;*

10 *(d) A trust created pursuant to chapter 166 of NRS meets the requirements
11 set forth in NRS 166.015; or*

12 *(e) During any such period when the trust is revocable by the settlor who is a
13 resident of this State and there is at least one trustee that is:*

14 *(1) A resident of this State; or*

15 *(2) A corporation or other entity having an office in this State for the
16 conduct of trust business.*

17 Sec. 23. NRS 165.1214 is hereby amended to read as follows:

18 165.1214 1. Except as may otherwise be required pursuant to the terms of
19 the trust instrument or by order of the court, the trustee shall deliver a required
20 account within 90 days after the end of the period of account, which may be
21 extended by consent of the beneficiary, or by order of the court for good cause
22 shown.

23 2. The trustee shall be deemed to have provided an account to any person on
24 whom the trustee delivers a copy of the account as directed by order of the court or,
25 if not so ordered, pursuant to the following:

26 (a) By mailing a copy of the account by certified, registered or ordinary first-
27 class mail, or by overnight delivery through a recognized delivery service company,
28 addressed to the person being served at the post office address or physical address
29 given in the person's demand for account, if any, or at the person's last place of
30 residence on file with the trustee, if known, or by personally delivering a copy
31 thereof to the person; or

32 (b) By electronic mail or through a secure website on the Internet. For purposes
33 of this paragraph, a person shall be deemed to have received a copy of an account
34 provided by the trustee to the beneficiary by electronic mail or through a secure
35 website on the Internet if the trustee:

36 (1) Sent the beneficiary an electronic mail in a manner that complies with
37 subsection 1 of NRS 719.320 and the beneficiary received the electronic mail in a
38 manner that complies with subsection 2 of NRS 719.320; and

39 (2) Attached the account to the electronic mail as an electronic record or
40 included in the electronic mail a notice to the beneficiary indicating the availability
41 of the account on the secure website.

42 3. Except as otherwise required by the trust instrument, a trustee is not
43 required to provide an account more than once in any calendar year unless ordered
44 by a court upon good cause shown.

45 4. An account must be deemed approved and final as follows:

46 (a) By a beneficiary who received a copy of the account if no written objection
47 is delivered to the trustee in accordance with subsection 2 within 90 days after the
48 date on which the trustee provided the account to that beneficiary. [for]

49 (b) By all beneficiaries who are not required to receive an account, such as
50 nonvested and contingent beneficiaries, remote beneficiaries, minor beneficiaries,
51 and unborn or unknown beneficiaries if the account is deemed approved and final
52 by a beneficiary who has a similar, but preceding interest, in the trust estate, in

1 conformance with NRS 164.038, or as to any beneficiary who has waived an
2 account pursuant to NRS 165.121.

3 (c) *By a trust adviser or trust protector if:*

4 (I) *Notice or information to the beneficiaries has been waived or*
5 *modified in accordance with NRS 163.004; or*

6 (2) *It is authorized under the terms of the trust instrument.*

7 (d) *By all parties to a nonjudicial settlement agreement under paragraph (f)*
8 *of subsection 3 of NRS 164.940 and regardless of whether the court approves*
9 *such a nonjudicial settlement agreement under subsection 4 of NRS 164.942.*

10 → Notwithstanding the foregoing, if an account is submitted to the court for
11 approval under a petition pursuant to chapter 164 of NRS, the account must be
12 deemed final and approved upon by order of the court, subject only to the right of
13 an interested person to appeal.

14 5. *The trustee, absent fraud or intentional misrepresentation, is released*
15 *and discharged from any and all liability to any and all beneficiaries of the trust*
16 *for whom an account is deemed approved and final under subsection 4 as to all*
17 *matters set forth in such an account.*

18 6. Except as otherwise ordered by the court, the cost of preparing an account
19 must be paid from the trust estate, and allocated to income and principal as
20 provided in the trust instrument, and if the trust instrument is otherwise silent, in
21 accordance with NRS 164.780 to 164.925, inclusive.

22 6.7. As used in this section:

23 (a) "Electronic mail" has the meaning ascribed to it in NRS 41.715.

24 (b) "Electronic record" has the meaning ascribed to it in NRS 132.117.

25 Sec. 24. ~~NRS 433A.190~~ is hereby amended to read as follows:

26 ~~433A.190~~ 1. The administrative officer of a public or private mental health
27 facility or hospital shall ensure that, within 24 hours of the emergency admission of
28 a person alleged to be a person in a mental health crisis who is at least 18 years of
29 age, the person is asked to give permission to provide notice of the emergency
30 admission to a family member, friend or other person identified by the person.

31 2. If a person alleged to be a person in a mental health crisis who is at least 18
32 years of age gives permission to notify a family member, friend or other person of
33 the emergency admission, the administrative officer shall ensure that:

34 (a) The permission is recorded in the medical record of the person; and

35 (b) Notice of the admission is promptly provided to the family member, friend
36 or other person in person or by telephone, facsimile, other electronic
37 communication or certified mail.

38 3. Except as otherwise provided in subsections 4 and 5, if a person alleged to
39 be a person in a mental health crisis who is at least 18 years of age does not give
40 permission to notify a family member, friend or other person of the emergency
41 admission of the person, notice of the emergency admission must not be provided
42 until permission is obtained.

43 4. If a person alleged to be a person in a mental health crisis who is at least 18
44 years of age is not able to give or refuse permission to notify a family member,
45 friend or other person of the emergency admission, the administrative officer of the
46 mental health facility or hospital may cause notice as described in paragraph (b) of
47 subsection 2 to be provided if the administrative officer determines that it is in the
48 best interest of the person in a mental health crisis.

49 5. If a guardian has been appointed for a person alleged to be a person in a
50 mental health crisis who is at least 18 years of age or the person has executed a
51 durable power of attorney for health care pursuant to NRS 162A.700 to 162A.870,
52 inclusive, and section 14 of this act, or appointed an attorney in fact using an
53 advance directive for psychiatric care pursuant to NRS 449A.600 to 449A.645,

1 inclusive, the administrative officer of the mental health facility or hospital must
2 ensure that the guardian, agent designated by the durable power of attorney or the
3 attorney in fact, as applicable, is promptly notified of the admission as described in
4 paragraph (b) of subsection 2, regardless of whether the person alleged to be a
5 person in a mental health crisis has given permission to the notification.] (Deleted
6 by amendment.)

7 Sec. 25. NRS 449A.309 is hereby amended to read as follows:

8 449A.309 "Representative of the patient" means a legal guardian of the patient, a person designated by the patient to make decisions governing the withholding or withdrawal of life sustaining treatment pursuant to NRS 449A.433 or a person given power of attorney to make decisions concerning health care for the patient pursuant to NRS 162A.700 to 162A.870, inclusive [], and section 14 of this act.] (Deleted by amendment.)

9 Sec. 26. NRS 449A.545 is hereby amended to read as follows:

10 449A.545 "Representative of the patient" means a legal guardian of the patient, a person designated by the patient to make decisions governing the withholding or withdrawal of life sustaining treatment pursuant to NRS 449A.433 or a person given power of attorney to make decisions concerning health care for the patient pursuant to NRS 162A.700 to 162A.870, inclusive [], and section 14 of this act.] (Deleted by amendment.)

11 Sec. 27. NRS 449A.621 is hereby amended to read as follows:

12 449A.621 The form of an advance directive for psychiatric care may be substantially in the following form, and must be witnessed or executed in the same manner as the following form:

25
26 **NOTICE TO PERSON MAKING AN ADVANCE DIRECTIVE FOR**
27 **PSYCHIATRIC CARE**

28
29 THIS IS AN IMPORTANT LEGAL DOCUMENT. IT CREATES AN
30 ADVANCE DIRECTIVE FOR PSYCHIATRIC CARE. BEFORE
31 SIGNING THIS DOCUMENT YOU SHOULD KNOW THESE
32 IMPORTANT FACTS.

33 THIS DOCUMENT ALLOWS YOU TO MAKE DECISIONS IN
34 ADVANCE ABOUT CERTAIN TYPES OF PSYCHIATRIC CARE. THE
35 INSTRUCTIONS YOU INCLUDE IN THIS ADVANCE DIRECTIVE
36 WILL BE FOLLOWED IF TWO PROVIDERS OF HEALTH CARE,
37 ONE OF WHOM MUST BE A PHYSICIAN OR LICENSED
38 PSYCHOLOGIST AND THE OTHER OF WHOM MUST BE A
39 PHYSICIAN, A PHYSICIAN ASSISTANT, A LICENSED
40 PSYCHOLOGIST, A PSYCHIATRIST OR AN ADVANCED PRACTICE
41 REGISTERED NURSE WHO HAS THE PSYCHIATRIC TRAINING
42 AND EXPERIENCE PRESCRIBED BY THE STATE BOARD OF
43 NURSING PURSUANT TO NRS 632.120. DETERMINES THAT YOU
44 ARE INCAPABLE OF MAKING OR COMMUNICATING
45 TREATMENT DECISIONS. OTHERWISE YOU WILL BE
46 CONSIDERED CAPABLE TO GIVE OR WITHHOLD CONSENT FOR
47 THE TREATMENTS. YOUR INSTRUCTIONS MAY BE OVERRIDDEN
48 IF YOU ARE BEING HELD IN ACCORDANCE WITH CIVIL
49 COMMITMENT LAW BY EXECUTING A DURABLE POWER OF
50 ATTORNEY FOR HEALTH CARE AS SET FORTH IN NRS 162A.700
51 TO 162A.870, INCLUSIVE, and section 14 of this act, YOU MAY ALSO
52 APPOINT A PERSON AS YOUR AGENT TO MAKE TREATMENT
53 DECISIONS FOR YOU IF YOU BECOME INCAPABLE. THIS

1 ~~DOCUMENT IS VALID FOR TWO YEARS FROM THE DATE YOU~~
2 ~~EXECUTE IT UNLESS YOU REVOKE IT. YOU HAVE THE RIGHT TO~~
3 ~~REVOKE THIS DOCUMENT AT ANY TIME YOU HAVE NOT BEEN~~
4 ~~DETERMINED TO BE INCAPABLE. YOU MAY NOT REVOKE THIS~~
5 ~~ADVANCE DIRECTIVE WHEN YOU ARE FOUND INCAPABLE BY~~
6 ~~TWO PROVIDERS OF HEALTH CARE, ONE OF WHOM MUST BE A~~
7 ~~PHYSICIAN OR LICENSED PSYCHOLOGIST AND THE OTHER OF~~
8 ~~WHOM MUST BE A PHYSICIAN, A PHYSICIAN ASSISTANT, A~~
9 ~~LICENSED PSYCHOLOGIST, A PSYCHIATRIST OR AN ADVANCED~~
10 ~~PRACTICE REGISTERED NURSE WHO HAS THE PSYCHIATRIC~~
11 ~~TRAINING AND EXPERIENCE PRESCRIBED BY THE STATE~~
12 ~~BOARD OF NURSING PURSUANT TO NRS 632.120. A~~
13 ~~REVOCA~~
14 ~~TION IS EFFECTIVE WHEN IT IS COMMUNICATED TO~~
15 ~~YOUR ATTENDING PHYSICIAN OR OTHER HEALTH CARE~~
16 ~~PROVIDER. THE PHYSICIAN OR OTHER PROVIDER SHALL NOTE~~
17 ~~THE REVOCATION IN YOUR MEDICAL RECORD. TO BE VALID,~~
18 ~~THIS ADVANCE DIRECTIVE MUST BE SIGNED BY TWO~~
19 ~~QUALIFIED WITNESSES, PERSONALLY KNOWN TO YOU, WHO~~
20 ~~ARE PRESENT WHEN YOU SIGN OR ACKNOWLEDGE YOUR~~
21 ~~SIGNATURE. IT MUST ALSO BE ACKNOWLEDGED BEFORE A~~
22 ~~NOTARY PUBLIC.~~

23 **NOTICE TO PHYSICIAN OR OTHER PROVIDER OF HEALTH CARE**

24 ~~Under Nevada law, a person may use this advance directive to provide~~
25 ~~consent or refuse to consent to future psychiatric care if the person later~~
26 ~~becomes incapable of making or communicating those decisions. By~~
27 ~~executing a durable power of attorney for health care as set forth in NRS~~
28 ~~162A.700 to 162A.870, inclusive, *and section 14 of this act*, the person~~
29 ~~may also appoint an agent to make decisions regarding psychiatric care for~~
30 ~~the person when incapable. A person is "incapable" for the purposes of this~~
31 ~~advance directive when in the opinion of two providers of health care, one~~
32 ~~of whom must be a physician or licensed psychologist and the other of~~
33 ~~whom must be a physician, a physician assistant, a licensed psychologist, a~~
34 ~~psychiatrist or an advanced practice registered nurse who has the~~
35 ~~psychiatric training and experience prescribed by the State Board of~~
36 ~~Nursing pursuant to NRS 632.120, the person currently lacks sufficient~~
37 ~~understanding or capacity to make or communicate decisions regarding~~
38 ~~psychiatric care. If a person is determined to be incapable, the person may~~
39 ~~be found capable when, in the opinion of the person's attending physician~~
40 ~~or an advanced practice registered nurse who has the psychiatric training~~
41 ~~and experience prescribed by the State Board of Nursing pursuant to NRS~~
42 ~~632.120 and has an established relationship with the person, the person has~~
43 ~~regained sufficient understanding or capacity to make or communicate~~
44 ~~decisions regarding psychiatric care. This document becomes effective~~
45 ~~upon its proper execution and remains valid for a period of 2 years after the~~
46 ~~date of its execution unless revoked. Upon being presented with this~~
47 ~~advance directive, the physician or other provider of health care must make~~
48 ~~it a part of the person's medical record. The physician or other provider~~
49 ~~must act in accordance with the statements expressed in the advance~~
50 ~~directive when the person is determined to be incapable, except as~~
51 ~~otherwise provided in NRS 449A.636. The physician or other provider shall~~
52 ~~promptly notify the principal and, if applicable, the agent of the principal,~~
53

1 and document in the principal's medical record any act or omission that is
2 not in compliance with any part of an advance directive. A physician or
3 other provider may rely upon the authority of a signed, witnessed, dated
4 and notarized advance directive.

5 **ADVANCE DIRECTIVE FOR PSYCHIATRIC CARE**

6 I,
7 being an adult of sound mind or an emancipated
8 minor, willfully and voluntarily make this advance directive for psychiatric
9 care to be followed if it is determined by two providers of health care, one
10 of whom must be my attending physician or a licensed psychologist and the
11 other of whom must be a physician, a physician assistant, a licensed
12 psychologist, a psychiatrist or an advanced practice registered nurse who
13 has the psychiatric training and experience prescribed by the State Board of
14 Nursing pursuant to NRS 632.120, that my ability to receive and evaluate
15 information effectively or communicate decisions is impaired to such an
16 extent that I lack the capacity to refuse or consent to psychiatric care. I
17 understand that psychiatric care may not be administered without my
18 express and informed consent or, if I am incapable of giving my informed
19 consent, the express and informed consent of my legally responsible
20 person, my agent named pursuant to a valid durable power of attorney for
21 health care or my consent expressed in this advance directive for
22 psychiatric care. I understand that I may become incapable of giving or
23 withholding informed consent or refusal for psychiatric care due to the
24 symptoms of a diagnosed mental disorder. These symptoms may include:
25

26 **PSYCHOACTIVE MEDICATIONS**

27 If I become incapable of giving or withholding informed consent for
28 psychiatric care, my instructions regarding psychoactive medications are as
29 follows: (Place initials beside choice.)

30 I consent to the administration of the following
31 medications:

32 I do not consent to the administration of the following
33 medications:

34 Conditions or limitations:

35 **ADMISSION TO AND RETENTION IN FACILITY**

36 If I become incapable of giving or withholding informed consent for
37 psychiatric care, my instructions regarding admission to and retention in a
38 medical facility for psychiatric care are as follows: (Place initials beside
39 choice.)

40 I consent to being admitted to a medical facility
41 for psychiatric care:

42 My facility preference is:

43 I do not consent to being admitted to a medical
44 facility for psychiatric care.

1 This advance directive cannot, by law, provide consent to retain me in a
2 facility beyond the specific number of days, if any, provided in this advance
3 directive.

4 Conditions or limitations:
5

6 **ADDITIONAL INSTRUCTIONS**
7

8 These instructions shall apply during the entire length of my incapacity.

9 In case of a mental health crisis, please contact:

10 1.

11 Name:

12 Address:

13 Home Telephone Number:

14 Work Telephone Number:

15 Relationship to Me:

16 2.

17 Name:

18 Address:

19 Home Telephone Number:

20 Work Telephone Number:

21 Relationship to Me:

22 3. My physician:

23 Name:

24 Work Telephone Number:

25 4. My therapist or counselor:

26 Name:

27 Work Telephone Number:

28 The following may cause me to experience a mental health crisis:

29 The following may help me avoid a hospitalization:

30 I generally react to being hospitalized as follows:

31 Staff of the hospital or crisis unit can help me by doing the following:

32 I give permission for the following person or people to visit me:

33 Instructions concerning any other medical interventions, such as
34 electroconvulsive (ECT) treatment (commonly referred to as "shock
35 treatment":)

36 Other instructions:

37 I have attached an additional sheet of instructions
38 to be followed and considered part of this
39 advance directive.

40 **SHARING OF INFORMATION BY PROVIDERS**

41 I understand that the information in this document may be shared by
42 my provider of mental health care with any other provider who may serve

1 me when necessary to provide treatment in accordance with this advance
2 directive.

3 Other instructions about sharing of information:
4
5

6 SIGNATURE OF PRINCIPAL
7

8 By signing here, I indicate that I am mentally alert and competent, fully
9 informed as to the contents of this document, and understand the full impact
10 of having made this advance directive for psychiatric care.
11
12

13 Signature of Principal Date
14

15 AFFIRMATION OF WITNESSES
16

17 We affirm that the principal is personally known to us, that the
18 principal signed or acknowledged the principal's signature on this advance
19 directive for psychiatric care in our presence, that the principal appears to
20 be of sound mind and not under duress, fraud, or undue influence, and that
21 neither of us is:
22

23 1. A person appointed as an attorney in fact by this document;
24 2. The principal's attending physician or provider of health care or an
25 employee of the physician or provider; or
26 3. The owner or operator, or employee of the owner or operator, of a
medical facility in which the principal is a patient or resident.

27 Witnessed by:
28

29 Witness: Signature Date
30

31 Witness: Signature Date
32

33 CERTIFICATION OF NOTARY PUBLIC
34

35 STATE OF NEVADA
36 COUNTY OF

37 I, a Notary Public for the County cited above in the
38 State of Nevada, hereby certify that appeared before me
39 and swore or affirmed to me and to the witnesses in my presence that this
40 instrument is an advance directive for psychiatric care and that he or she
41 willingly and voluntarily made and executed it as his or her free act and
42 deed for the purposes expressed in it.

43 I further certify that and
44 witnesses, appeared before me and swore or affirmed that each witness
45 sign the attached advance directive for psychiatric care
46 believing him or her to be of sound mind and also swore that at the time
47 each witnessed the signing, each person was: (1) not the attending
48 physician or provider of health care, or an employee of the physician or
49 provider, of the principal; (2) not the owner or operator, or employee of the
50 owner or operator, of a medical facility in which the principal is a patient or
51 resident; and (3) not a person appointed as an attorney in fact by the
52

1 attached advance directive for psychiatric care. I further certify that I am
2 satisfied as to the genuineness and due execution of the instrument.

3 This is the day of

4

5 Notary Public

6 My Commission expires: [] **(Deleted by amendment.)**

7 **Sec. 28.** ~~NRS 449A.703~~ is hereby amended to read as follows:

8 ~~449A.703 "Advance directive" means an advance directive for health care.~~
9 The term includes:

- 10 1. A declaration governing the withholding or withdrawal of life-sustaining
11 treatment as set forth in NRS 449A.400 to 449A.481, inclusive;
- 12 2. A durable power of attorney for health care as set forth in NRS 162A.700
13 to 162A.870, inclusive [;], *and section 14 of this act*;
- 14 3. An advance directive for psychiatric care as set forth in NRS 449A.600 to
15 449A.645, inclusive;
- 16 4. A do not resuscitate order as defined in NRS 450B.420; and
- 17 5. A Provider Order for Life-Sustaining Treatment form as defined in NRS
18 449A.542. **(Deleted by amendment.)**

19 **Sec. 29.** ~~NRS 449A.727~~ is hereby amended to read as follows:

20 ~~449A.727 1. The provisions of NRS 449A.700 to 449A.739, inclusive, do~~
21 ~~not require a provider of health care to inquire whether a patient has an advance~~
22 ~~directive registered on the Registry or to access the Registry to determine the terms~~
23 ~~of the advance directive.~~

24 2. A provider of health care who relies in good faith on the provisions of an
25 advance directive retrieved from the Registry is immune from criminal and civil
26 liability as set forth in:

27 (a) NRS 449A.460, if the advance directive is a declaration governing the
28 withholding or withdrawal of life-sustaining treatment executed pursuant to NRS
29 449A.400 to 449A.481, inclusive, or a durable power of attorney for health care
30 executed pursuant to NRS 162A.700 to 162A.870, inclusive [;], *and section 14 of*
31 *this act*;

32 (b) NRS 449A.642, if the advance directive is an advance directive for
33 psychiatric care executed pursuant to NRS 449A.600 to 449A.645, inclusive;

34 (c) NRS 449A.500 to 449A.581, inclusive, if the advance directive is a
35 Provider Order for Life-Sustaining Treatment form; or

36 (d) NRS 450B.540, if the advance directive is a do not resuscitate order as
37 defined in NRS 450B.420. **(Deleted by amendment.)**

38 **Sec. 30.** ~~NRS 450B.520~~ is hereby amended to read as follows:

39 ~~450B.520 Except as otherwise provided in NRS 450B.525:~~

40 1. A qualified patient may apply to the health authority for a do not
41 resuscitate identification by submitting an application on a form provided by the
42 health authority. To obtain a do not resuscitate identification, the patient must
43 comply with the requirements prescribed by the board and sign a form which states
44 that the patient has informed each member of his or her family within the first
45 degree of consanguinity or affinity, whose whereabouts are known to the patient, or
46 if no such members are living, the patient's legal guardian, if any, or if he or she
47 has no such members living and has no legal guardian, his or her caretaker, if any,
48 of the patient's decision to apply for an identification.

49 2. An application must include, without limitation:

50 (a) Certification by the patient's attending physician or attending advanced
51 practice registered nurse that the patient suffers from a terminal condition;

1 (b) Certification by the patient's attending physician or attending advanced
2 practice registered nurse that the patient is capable of making an informed decision
3 or, when the patient was capable of making an informed decision, that the patient:
4 (1) Executed:
5 (I) A written directive that life resuscitating treatment be withheld
6 under certain circumstances;
7 (II) A durable power of attorney for health care pursuant to NRS
8 162A.700 to 162A.870, inclusive [;], and section 14 of this act; or
9 (III) A Provider Order for Life-Sustaining Treatment form pursuant to
10 NRS 449A.500 to 449A.581, inclusive, if the form provides that the patient is not to
11 receive life resuscitating treatment; or
12 (2) Was issued a do not resuscitate order pursuant to NRS 450B.510;
13 (c) A statement that the patient does not wish that life resuscitating treatment
14 be undertaken in the event of a cardiac or respiratory arrest;
15 (d) The name, signature and telephone number of the patient's attending
16 physician or attending advanced practice registered nurse; and
17 (e) The name and signature of the patient or the agent who is authorized to
18 make health care decisions on the patient's behalf pursuant to a durable power of
19 attorney for health care decisions.] **(Deleted by amendment.)**

20 Sec. 31. **[1.]** The provisions of this act apply to an advance health care
21 directive created before, on or after October 1, 2025.

22 **[2.]** An advance health care directive created before October 1, 2025, is valid if
23 it complies with the provisions of this act or complied at the time of creation with
24 the law of the state in which it was created.

25 **[3.]** The provisions of this act do not affect the validity or effect of an act done
26 before October 1, 2025.

27 **[4.]** An advance health care directive created before, on or after October 1,
28 2025, must be interpreted in accordance with the law of this State, excluding the
29 State's choice of law rules, at the time the directive is implemented.] **(Deleted by
30 amendment.)**

31 Sec. 32. NRS 139.060 is hereby repealed.

TEXT OF REPEALED SECTION

139.060 Relatives of whole blood preferred to those of half blood. When there shall be several persons claiming and equally entitled to the administration, relatives of the whole blood are preferred to those of the half blood.