MINUTES OF THE
SENATE COMMITTEE ON COMMERCE AND LABOR

Eighty-third Session
March 31, 2025

The Senate Committee on Commerce and Labor was called to order by Chair Julie Pazina at 8:05 a.m. on Monday, March 31, 2025, in Room 2134 of the Legislative Building, 401 South Carson Street, Carson City, Nevada. The meeting was video conferenced to Room 5 of the Nevada Legislature Hearing Rooms, 7120 Amigo Street, Las Vegas, Nevada. Exhibit A is the agenda. Exhibit B is the attendance roster. All exhibits are available and on file in the Research Library of the Legislative Counsel Bureau.

COMMITTEE MEMBERS PRESENT:

Senator Julie Pazina, Chair
Senator Skip Daly, Vice Chair
Senator Edgar Flores
Senator John Ellison
Senator Lori Rogich
Senator John C. Steinbeck

COMMITTEE MEMBERS ABSENT:

Senator Melanie Scheible (Excused)
Senator Roberta Lange (Excused)

GUEST LEGISLATORS PRESENT:

Senator Fabian Doñate, Senatorial District No. 10

STAFF MEMBERS PRESENT:

Patrick Ashton, Committee Policy Analyst
Jeff Koelemay, Committee Counsel
Bryan Fernley, Committee Counsel
Madison Zajac, Committee Secretary

OTHERS PRESENT:

Myron Martin, President, CEO The Smith Center

Mike Schneider, The Smith Center
Alfredo Alonso, Vegas Golden Knights; UFC; A's Baseball
Rocky Finseth, Nevada Ticket Brokers Association
David Goldwater, Nevada Ticket Brokers Association
Ryan Johnson, President, Nevada Ticket Brokers Association
Roger Jones, Owner, Vegas Tickets
Rebecca Goff
Jessica Ferrato, Burning Man Project; Solar Energy Industries Association
Misty Grimmer, Nevada Resort Association
Steve Hamile, Chairman of the Board, Nevada Solar Association
Mark Krueger, Consumer Counsel, Bureau of Consumer Protection, Nevada Office of the Attorney General
Jimmy Lau, Sunrun, Inc.
Carlos Hernandez, Chief of Staff, Nevada State AFL-CIO
Jonathan Norman, Policy Director, Legal Aid Center of Southern Nevada
Yoana Ontiveros, Las Vegas Global Economic Alliance
David Cherry, Government Affairs Manager, City of Henderson
Paul Moradkhan, Vegas Chamber
Anthony Ruiz, Government Relations Manager, NV Energy
Wendy Colborne, President, Building and Construction Trades Council of Northern Nevada
Zach Bucher, Government Affairs Officer, City North Las Vegas
Leslie Mujica, Executive Director, Las Vegas Power Professionals
Emily Osterberg, Director of Government Affairs, Henderson Chamber of Commerce
David Behar, Executive Officer, Nevada State Contractors Board
Peter Guzman President, Latin Chamber of Commerce Nevada
Thomas Bird, President, Nevada Alliance for Retired Americans
Bari Levinson
Wendi Newman, Southern Nevada Chapter National Electrical Contractors Association
Mark Dickson, Board Member, Nevada Solar Association
Christi Cabrera-Georgeson, Deputy Director, Nevada Conservation League
Shelbie Swartz, Executive Director, Battle Born Progress; Institute for a Progressive Nevada
Al Rojas
Elisabeth Barnard, Executive Director, Nevada Board of Massage Therapy
Colleen Platt, Board Counsel, Nevada Board of Massage Therapy

CHAIR PAZINA:
We are going to move to our first agenda item of the day.

VICE CHAIR DALY:
We are going to start with Senate Bill (S.B.) 338.

SENATE BILL 338: Revises provisions relating to the sale of tickets to a live entertainment event. (BDR 52-590)

SENATOR JULIE PAZINA (Senatorial District No. 12):
I am pleased today to be here to present S.B. 338, concerning ticket sales for live entertainment events. The bill has three main parts: incorporating a federal rule into state law regarding ticket sales; providing for a transparent ticket refund policy; and giving the bill teeth to enforce these new provisions.

A little background information—some of us in the room, not all of us, are old enough to remember the times we went to local stores to buy tickets, whether we wanted to go to a baseball game or a concert. The price was always clearly posted, and you paid cash for exactly that posted price plus any taxes. Those times are pretty much over—most tickets are sold online these days, particularly for live entertainment events such as concerts and sporting events.

This brings me to the first part of the bill. Purchasing tickets has become an increasingly frustrating experience for consumers. When browsing for tickets, potential buyers often see an initial price and it seems reasonable. However, as they progress through the purchasing process, they encounter a series of additional mandatory fees and charges that significantly inflate the final cost.

How many times have you talked to a constituent, talked to a friend or been looking at a ticket price yourself and noticed one ticket price when you started to purchase, and by the end of the purchasing process, the price ended up a lot higher? This practice, known as "drip pricing," has become widespread in the ticketing industry. These fees often carry vague labels such as convenience fees, processing fees or service charges and it leaves consumers, our constituents, confused about the purpose and necessity of these charges.

The problem extends beyond the annoyance of unexpected costs. This pricing strategy effectively functions as a bait-and-switch tactic, luring consumers with an attractive price only to hit them with a much higher total cost during

checkout. In response to these issues with ticket sales and similar fees in other industries, the Federal Trade Commission (FTC) has stepped in with its Unfair or Deceptive Fees Rule. This final rule, which should become effective on May 12, 2025, addresses the lack of transparency and fairness in pricing for live event tickets. The core of the FTC's rule requires ticket providers to disclose the total price of their services up-front. This total price must include all mandatory fees and charges associated with the purchase, with only a few exceptions, such as government charges like taxes and shipping costs. Under the new rule when a price is advertised for live event tickets, the total price must be more prominent than any other pricing information. And this means that consumers will see the full cost that they'll have to pay for the ticket right from the start, rather than being surprised by additional fees later in the purchasing process.

Senate Bill 338 proposes to add the same policies set forth in the federal rule into state law. This is necessary because we have limited influence on federal law or rulemaking, and any federal administration or commission can always change the rule.

The second part of S.B. 338 relates to the refund of tickets for canceled live events from ticket providers. One of the primary issues is the lack of transparency and refund policies. Many ticket providers do not clearly disclose their refund terms at the time of sale. This lack of clarity leaves consumers uncertain about their rights when an event is canceled. Another problem can be the inconsistency in refund practices. While some event organizers offer full refunds for canceled events, other providers only offer partial refunds, credit for future events or, in some cases, no refund at all.

Even when refunds are promised, the process can be slow and cumbersome. Additionally, refunds may not include all fees paid such as service fees or processing fees. And that results in consumers receiving less than they originally paid. To illustrate, primary ticket sellers like Ticketmaster delegate refund authority to event organizers, creating a patchwork of policies that can vary by venue and by performer. As documented in Ticketmaster's corporate policies, refunds for postponed events remain at the organizer's discretion, often forcing consumers to accept credit for future events rather than cash refunds.

Reseller platforms can sometimes exacerbate these issues. For example, Ticket Center's website has complaints filed with the Better Business Bureau. They reveal the systematic refusal to honor refund requests for rescheduled

events—even when original venues offered reimbursements. This lack of transparency is why passing S.B. 338 will make them implement clear policies for full ticket refunds in a reasonable timeframe from the ticket provider rather than the event organizer.

The third and final part of the bill establishes civil and criminal penalties for violations of these rules applicable to a large part of the ticket sale industry, including major players such as Ticketmaster and the various ticket resellers and their platforms. Senate Bill 338 adds teeth to the bill, so that our Attorney General and his formidable staff in the Bureau of Consumer Protection can go after bad actors who do not play by the rules.

MYRON MARTIN (President, CEO, The Smith Center):
I would like to start by saying how proud I am to live in Nevada. The laws created in this body going back to 2017 are among the best secondary ticketing laws in the country. And we are proud of that. Back when we were having the early conversations, there were lots of people coming forward saying that they had problems with tickets. They had problems because they thought they bought legitimate tickets, and they got to a venue and were not allowed in because they were actually bogus tickets.

I tell the story of the family who showed up at The Smith Center the first time we had *Wicked* in the building. A mother, father and three young daughters came to see the show. The youngest daughter wore her princess dress and her tiara. They had obviously spent a lot of time planning this night out for their family and had bought tickets online. They showed up at The Smith Center and as they tried to scan in their tickets, they would not scan because the people they bought the tickets from purchased the tickets once and sold them multiple times. Consequently, the first person scanned in was allowed in and the next groups of people who came in trying to see the show, who had bought tickets with their hard-earned money, were not allowed in because their tickets were invalid. These stories went on and on and on—Ultimate Fighting Championship (UFC) fans going to the T-Mobile Arena and being turned away for similar reasons.

Nevada is known for our ticketing laws, and I want to thank the Nevada Legislature for doing something about this issue. As I go to my meetings around the country with my peers, they mention that Nevada is known for their laws; thank you for that. I want to thank Senator Pazina for updating the laws.

We no longer have print-at-home where you get a PDF ticket and print it on your own printer and therefore, are able to print multiple copies. We fixed that technology. We've spent a lot of money at The Smith Center, our nonprofit, to make sure that a ticket is only for a certain amount of time for a certain person, so that we do not get these redundant tickets anymore. Starting today, we have invested in new credit card technology that is preventing people from using stolen credit cards to purchase and then resell tickets.

So, technology is helping. It has also opened up opportunities for people to try to find ways to game the system. That is why we are here today; to update a bill that has worked very well.

Let me close by saying that each and every time I have appeared before the Legislature talking about tickets, I have said I am not someone who's against secondary ticketing. I am a person who has purchased tickets for sporting events and concerts myself on StubHub and on Ticketmaster because I want to go to a show or a particular game when I am going someplace out of town. This is not a fight against secondary ticketing. I know a number of my colleagues are sitting behind me today who are in that business. Let me be clear, that's not what this is about. This is about making sure we are protecting consumers from being defrauded by the bad actors.

MIKE SCHNEIDER (The Smith Center):
I am here representing The Smith Center. My wife is vice president and is in charge of education at The Smith Center. Those of you from Las Vegas may know that The Smith Center brings the school kids through so they can see the plays and other special events. Last week they brought through 10,000 school children to see the plays.

The Smith Center is a nonprofit. They raise money to pay for all the school buses to bring the kids to the facility, and then pay for the play and all that entails. The Smith Center only raises 75 percent of what is needed to fund the Center with the sale of the tickets. They are trying to raise money all the time. So, when you get into these fraudulent tickets, that starts to eat into the funds, which can be very costly.

I remember when the *Hamilton* tickets were released, and we saw some guy come and buy four or six tickets for his family. And then he'd go out and see some sleazy guy standing out in front and counting the cash off to him—giving

the cash and getting the tickets—and they were setting up scalping tickets right away. Years ago, when *Hamilton* and *Book of Mormon* were coming to town—those were big plays and tickets were in high demand. One thing Myron always emphasizes is that Nevadans can afford these tickets. And what happens? Through scalping them, the prices escalate, and it upsets his regular ticket buyers because it is hundreds of dollars or more to buy a ticket instead of $75 or whatever.

That is what we have started to fight, and I know that Senator Pazina has stepped her foot into this water now, which started in 2017. I do not know if it will ever end. As technology changes, they are going to be really smart and clever and try to figure something else out.

ALFREDO ALONSO (Vegas Golden Knights; UFC; A's Baseball):
This bill is pretty elemental. It protects the very people that come to our games. The first section is important and allows the person purchasing the tickets to be assured of getting into the venue.

By the way, this happened to me and I think it happens to everybody. The fees kind of creep up on you after you have put in your credit card number, and oftentimes you do not even see them or it is too late, or you have to buy the tickets because you already have a trip planned. The provisions that deal with refunds are already part of our policies. So, we expect nothing to change there; we will refund when there is a cancellation, et cetera. The problem is that the bad actors will not. The tickets are purchased on the secondary market, and they do not refund anything, let alone the fees. The fees can be pretty significant. I am here and very happy to support this bill.

ROCKY FINSETH (Nevada Ticket Brokers Association):
You are going to be hearing from some of our members, so I will keep my remarks short. We just want to recognize Senator Pazina and all the work that she has put in over the last several months. The Association brought this issue forward wanting to modernize the bill that was established back in 2017. The Association supports the bill and thinks it is good public policy.

DAVID GOLDWATER (Nevada Ticket Brokers Association):
We've been working on this issue for several sessions. As you know, sometimes the finished product can leave a few things out. We did that because in the past we have had a caustic relationship between the secondary and

primary market at times. But in this case, with Senator Pazina's leadership, we found a way to find the lowest common denominator.

One thing we left out in the drafting of this bill that I think we might be able to find some common interest on, is the ability to have the Nevada statute supersede any local ordinance on a particular issue. The local ordinance we are talking about exists in Clark County—Ordinance 12.38—12.38.010, 12.38.020, and 12.38.030. It is basically all-in pricing. It was drafted in 1985 when Siegfried and Roy were in town. Most of you probably do not remember, but that was a big show in town when The Mirage opened and tickets were very much in demand. Some of the properties wanted to pass an ordinance to make sure that the scalping that was described did not occur.

This ordinance is burdensome. It is burdensome because it threatens criminal penalties; it requires a physical ticket; it requires written permission from any primary producer of events before a ticket is resold. So anytime you even sell it to your cousin or something happens, and you do not get written permission from the venue, you are in violation of this ordinance. This is a challenge as representing the Nevada Association, every time they are engaged in this and do not have "all their i's dotted and t's crossed," they are in violation of a local ordinance.

There are also questions as to jurisdiction and enforcement in this case. Now, with this excellent legislation, we can have something in state law that makes it clear where jurisdiction and enforcement exists.

We will have something to your staff before your work session. We'd love your Legislative Counsel Bureau's legal advice to help on what that should look like.

CHAIR PAZINA:
I would also like to point out that we have been working on this with a number of stakeholders throughout the summer and for many, many, many months. It took us a long time to get to where we are now, but we feel really good with what was presented. We have also been holding further stakeholder meetings. I know a lot of people will come up who still have questions, and we are happy to continue answering those. However, some of those issues just came to us on Friday late in the day, so we were not able to do anything ahead of the hearing today. With that, I am going to invite some of my friends back up as we answer questions.

SENATOR STEINBECK:
I am sorry. But could you please repeat the local ordinance numbers?

SENATOR PAZINA:
It is Ordinance 12.38.

SENATOR ELLISON:
It seems like scalping tickets is getting worse by the day. I know family members who have been cheated. What is the penalty if they do catch one of these guys? Is it a felony? Is it a gross misdemeanor? I mean, the fines can't be big enough, I don't think.

SENATOR PAZINA:
The penalties have been traditionally a bit lower. We've tried to increase them significantly with this particular legislation—to put more teeth into the bill—because unfortunately crimes keep happening and happening and there really has not been much of a penalty.

When you look at section 8 of the bill, it gets into establishing the toll-free hotline so we can find suspected violations. It talks about the civil actions that can be taken in section 9. But I agree with you, there was not enough action prior, which is part of what led to this issue.

SENATOR ROGICH:
Our family has certainly experienced what you are discussing. Mr. Martin, it is always wonderful to see you and I applaud what you and The Smith Center have done over the years for the community. Thank you. With regard to section 5 and the refund within 30 days—during COVID-19, the industry experienced mass cancellations, and the refunds took a little bit longer. Will there be any flexibility on refunds if a situation occurs that is again beyond the control of the industry?

SENATOR PAZINA:
Yes, we did hold a stakeholder meeting last week and said, "Absolutely, when it comes to the three main tenants of this bill, acts of God, or natural disasters, there will absolutely be flexibility on that." We will provide that amendment before any work session would take place.

Also, Senator Ellison, I apologize, and, if there are more questions, we are ready for them. But to get back to you on our earlier discussion about the first violation for relief, it had been $1,000. We're trying to move it to $5,000 or actual damages. We are really just trying to put more teeth into this. For the second violation, it was $2,500, now $7,500; for the third and subsequent, it was $5,000 and we have moved to $10,000. We're trying to put teeth into this bill so that this does not keep happening to our constituents.

SENATOR ELLISON:
I agree and I read about the $5,000 and so on. But it does not say anything about whether it's a gross misdemeanor or felony. I think it needs to have some teeth in it so they know that there will be a penalty.

JEFF KOELEMAY (Committee Counsel):
Section 6 of S.B. 338 makes a violation of sections 2 through 5 of the bill, which are the new provisions of deceptive trade practice. They would then be subject to the regular deceptive trade practice penalties in NRS [*Nevada Revised Statutes*] chapter 598. Those also involve fines and criminal penalties which can potentially go all the way up to a Category B felony in certain circumstances—though I am not certain if this would rise to that level. But there are criminal penalties for the deceptive trade practices in chapter 598.

VICE CHAIR DALY:
I know you guys are not against the secondary market, and that is a whole other bill discussion. I support where we are going here and trying to codify the federal rule, but how exactly do you guys work at The Smith Center? Do you contract with somebody like Ticketmaster to sell tickets? Because it seems like every time I get tickets, I go to the box office and it is always a secondary market sale—never directly from the box office on anything online that I have seen in eight or nine years.

MR. MARTIN:
That has always been one of our challenges as the primary seller. At The Smith Center, we license software that allows us to run our own box office. So often, our shows sell out kind of quickly and oftentimes, when you go online to buy a ticket, the first, second or third ad you see is not ours. It is not the official Smith Center website. It is a secondary site. We encourage our regular ticket buyers to make sure they are on our website to guarantee they get tickets directly from us.

I want to follow up by saying that during COVID-19, The Smith Center did, in fact, refund all of those tickets within 30 days as promised. One of the things we are talking about in this bill is something The Smith Center implemented months and months ago, all-in pricing. So, we are ahead of the curve. We believe that consumers should know upfront what they are paying.

VICE CHAIR DALY:
I am sure we are not going to solve those problems today. I remember when we were doing the last bill on this very issue. During the session, I believe a lobbyist stood up in the back of the room said, "Yeah, there was an event in Las Vegas, and tickets went on sale and in 30 minutes they were gone—all being bought up by bots and then everything's on the secondary market." Even though there was a primary seller, we still have not solved that problem.

I do have one question on the bill. It just reads awkwardly to me. It is on the disclosure. It is in section 4, subsection 4, [paragraph] (e). I read it a couple of times and on the last four words it says, "the disclosure is unavoidable." I have read that, and I wondered what we are trying to get to there? I know we want to have the disclosure of the fee prominently displayed. I was not sure exactly what that meant. It is not anything that is going to stop the bill or anything. It just seems awkward to me.

MR. MARTIN:
I think you are right about the word "unavoidable." I think the intent was to say that everyone must disclose—that no one gets an exception on this rule.

VICE CHAIR DALY:
Well, I am glad it is not just me. I think the rest of the intent when you read all the other sections about the disclosure is there. But that particular one was the only note I wrote down and I said this does not make sense to me.

RYAN JOHNSON (President, Nevada Ticket Brokers Association):
I own and operate a locally based ticket brokerage firm named Rebel Tickets in Las Vegas that provides consumers, especially out-of-town visitors, with access to a plethora of events in Southern Nevada. I would like to thank Senator Pazina for bringing forward this measure and working with the Association to modernize the statute. While the FTC has done work in the area of all-in pricing, they have encouraged states to do their own work in this critical area of the marketplace, thus the importance of S.B. 338. But more importantly, the bill is

about consumer protection and specifically about consumers knowing the full cost of a ticket. Be it a Taylor Swift concert, a Raiders game or a strip show, the consumer has the right to see the entire cost of the ticket upfront so they can make an informed decision.

Last summer, the headlines were littered with frustrated individuals upset with the hidden fees and costs of their concert tickets. This bill stops that practice in Nevada. There were other consumer protection issues we discussed over the fall with the working group. Those included the issue of transferability—the ability of consumers to move their tickets they have purchased and, in theory, own.

The gold standard in the spaces is in New York City, where the local ordinance contains provisions for consumers to transfer their tickets. And like Las Vegas, they have the same mix of activities: sports, Broadway and entertainment galore. We also saw they were unsuccessful in providing consumers with rights in the event that the show was canceled for [obtaining] full refunds. We look forward to continuing to work on these areas with the working group moving forward. On behalf of the Nevada Ticket Brokers Association, we ask for your full support of S.B. 338.

ROGER JONES (Owner, Vegas Tickets):
I am the owner of Vegas Tickets, and I serve on the board of the directors of the Nevada Ticket Brokers Association. I appreciate the opportunity to testify today in support of S.B. 338, which will bring greater transparency to ticket pricing by mandating all-in pricing for live event ticket sales in Nevada.

To understand why this bill is important, it is helpful to look briefly at the history of the ticket resale market and how Nevada law has evolved to regulate it. Chapter 598 of the NRS governs deceptive trade practices and includes important provisions relating to the sale and resale of event tickets. Historically, this chapter has addressed consumer protection concerns—things like fraudulent ticket sales, misrepresentations about seat locations and the use of bots that have circumvented ticket limits.

Over the years, Nevada has struggled to balance the interests of the entire ticket ecosystem; the primary, the secondary and the fans. The secondary market, comprised of professional ticket resellers and marketplaces, has grown significantly in the digital age. Consumers now expect flexibility and choice

when purchasing tickets, including the ability to shop for resale tickets when events are sold out or when they are looking for better seat options. Nevada has embraced this innovation while ensuring safeguards are in place to protect buyers.

Many of the laws on the books today are relics of a time when scalpers stood in front of a venue, or fraudulent tickets were the problem. Senate Bill 338 builds on a legacy created by former Senator Joyce Woodhouse by requiring all-in pricing—that is the display of the total price of the ticket up-front. This legislation prohibits the kind of bait-and-switch practice that allows resellers to compete fairly.

We are local Nevadans. Our reputation relies on consumer trust. Nevada and resale marketplaces have invested heavily. Senate Bill 338 represents thoughtful, pro-consumer legislation that builds on Nevada's history of responsible ticket regulation. We urge the committee to support the bill and move it forward.

REBECCA GOFF:
I am here representing myself as a Nevadan and an avid concert and theater goer. I strongly support this bill because I think that there does need to be more protections for consumers—specifically the all-in pricing.

After two years of trying, I finally was able to get a ticket to see Taylor Swift this fall and imagine how frustrated I was to see a resale price posted. And then, when I got to the final checkout page, the ticket price, with all of the additional fees, ended up being almost 40 percent more. So that is why it is so important to have this up front and all-inclusive pricing. Thank you so much to Senator Pazina for sponsoring this bill and all the stakeholders who worked so hard to bring this together.

JESSICA FERRATO (Burning Man Project):
Burning Man is a nonprofit organization that produces an annual event located in the Black Rock Desert on federal lands. This is a temporary outdoor venue with no permanent infrastructure located in a remote part of Nevada subject to extreme heat and cold, unpredictable flooding, high winds and sweeping wildland fires. Burning Man begins planning and preparation for the next event immediately following the current year's event. They need to begin planning for permits, contracts with federal, tribal, State and local agencies along with

medical providers and infrastructure contractors long before participants arrive at the event site.

This planning includes coordination with payments to the Bureau of Land Management, Pershing County Sheriff's Office, Pyramid Lake Paiute Tribe, Washoe County Sheriff's Office, Nevada State Police, Nevada Division of Public and Behavioral Health, Gerlach Fire Station, Central Nevada Health District and operational contracts with medical sanitation, power, water, vehicle and building vendors. The Burning Man organization co-creates this event with its participants and volunteers. Attendees are aware and involved in the extensive planning needs for the event. Ticket sales go directly toward advanced planning of this event.

We are requesting the proponents and the sponsor to exclude Burning Man from only section 5 of the bill. Due to the way we fund and put on our event, it is very unique in nature, has extensive costs and planning that requires expenditures very early in the process. It makes it difficult to comply without very serious consequences. Burning Man is already compliant and supportive of the other sections and requirements in the bill.

MISTY GRIMMER (Nevada Resort Association):
We have been in communication with Senator Pazina on this bill and still have some questions about the implementation and some of the ways to ensure that the bill is consistent with the FTC rules. We are 100 percent in support of the price-transparency portions of this bill and making sure that the bill is targeting the bad actors in this arena.

We do still have some questions. Some things are beyond the control of the initial sellers. Making sure that the target is on the secondary sellers who are the bad actors is one of our priorities. We look forward to continuing to work with Senator Pazina. It sounds like a lot of work was done on this in the interim—we might just need to spend some more time with her to get fully up to speed.

VICE CHAIR DALY:
Having no additional testifiers in opposition, and no testifiers in neutral, we will hear closing statements.

SENATOR PAZINA:
I think this is a really important bill for our constituents and everyone. I look forward to continuing to work with all stakeholders so we can get something to you before the deadline next week.

VICE CHAIR DALY:
Please note there is a letter of support (Exhibit C) from Gary C. Adler, National Association of Ticket Brokers posted online. We will now close the hearing on S.B. 338.

CHAIR PAZINA:
I want to point out that we will not be hearing S.B 397 today as it has been pulled.

SENATE BILL 397: Makes various changes relating to alternative medicine. (BDR 54-117)

We are now going to open the bill hearing on S.B. 379.

SENATE BILL 379: Revises provisions relating to commerce. (BDR 55-336)

SENATOR FABIAN DOÑATE (Senatorial District No. 10):
Happy Latino Lobby Day. I am here today to speak on S.B. 379, a bill that will increase safeguards for Nevada consumers in the solar energy sector. Today, I have the pleasure of being joined by Mr. Steve Hamile, who is the chairman of the board of the Nevada Solar Association, and Mr. Mark Krueger from the Nevada Attorney General's Office who is here to provide technical expertise for any questions that we may receive on the bill.

I have provided some background information on S.B. 379 in (Exhibit D), and in this presentation (Exhibit E contains copyrighted material. The original is available upon request from the Research Library.) will review the current problem with the solar industry, some background and solutions.

Senate Bill 379 is an act relating to commerce, requiring certain persons to obtain a license as an installment lender. It imposes various requirements upon a distributed generation system financier who finances the purchase of or leases a distributed generation system; revises requirements for solar installation companies that sell and install systems; establishes and revises certain

requirements for the contents of an agreement for the provision of a distributed generation system loan, an agreement for the purchase or a lease of a distributed system and a power purchase agreement. It requires certain persons to obtain a license as an installment lender. It imposes various requirements upon a distributed generation system financier who finances the purchase or leases a distributed generation system and revises requirements thereof.

So, just as some context of what we are talking about today, Southern Nevada's dry air climate makes it ideal for solar energy, and Nevadans are eager to cut down on their steep energy bills. But too often, well-meaning consumers are being misled and taken advantage of by the solar companies. The headlines in the news show problems all the time. One consumer said to a television reporter, "I relied on his integrity when he told me that if I installed these solar panels, I would get a $9,000 tax rebate when I filed my taxes." Over the past two years, solar scams have become so rampant that the Nevada State Contractors Board launched an investigation unit and found that indeed, the deceptive practices were widespread.

It is clear that solar agents in Nevada have been misleading homeowners with promises of lower energy costs and substantial tax rebates and easy financing, only to leave them with costly long-term contracts that are not fulfilled. Dishonest contractors have targeted vulnerable low-income elderly residents, collecting down payments without completing promised work. And it requires a high level of escalation for these Nevadans to receive any resolution.

Previously, in 2023, the Nevada Legislature passed S.B. No. 293 of the 82nd Session with bipartisan support. That bill was designed to protect consumers in an industry that previously operated with little oversight. Throughout that bill, a coalition of partners made changes to contractual requirements, communication standards and licensure. We revised state law regarding deceptive trade practices and made clear standards as to how contracts for these solar projects would be initiated and signed.

The goal of S.B. No. 293 of the 82nd Session was to end the finger-pointing complaints where consumers were left behind with no one to help them in sight. And while this legislative policy addressed some issues with the solar industry, it is really funny how people would publicize how they would break the law after it was passed. This is a screenshot of a Facebook thread from Exhibit E,

slide 9, showing executives from Las Vegas planning how they were going to circumnavigate S.B. No. 293 of the 82nd Session.

After it was passed in 2023, as I mentioned, it was clear that there were some executives who were looking to take advantage and try to circumnavigate the law so much so that, in these comments, you can see they are going back and forth about how to pay someone as a W-2 employee, but then pay them completely differently as a 1099 contractor. You cannot do that, since that is a violation of labor law. The screenshots reveal blatant scams that have been devised by some solar agents, including strategies to switch between W-2 and 1099 classifications.

For this solar salesman in Nevada, the industry was called a "blessing". They were promoting it, saying it is one of the top ten jobs and that you can make upwards of several thousand dollars per week. We have seen this on social media a lot. Of course, they prey on how homeowners and vulnerable communities are able to afford their bills.

The following slides in Exhibit E show screenshots I took in the last two years during the interim. The first one shows that NV Energy and Nevada Public Service will pay you to go solar. If you click on that advertisement, when you are asked to submit your information—it actually says, "go ahead and submit your contact information—we don't bite unless you are a taco, because we love tacos." Some of these marketing programs are just completely outrageous. The second one is "Carson City now offering no-cost solar program." I saw this one just last week. The third one is an ad pretending to be the "Nevada Clean Energy Authority." So, it is a fake governmental organization or entity on Facebook trying to portray themselves as being affiliated with the State. And then, obviously, [another false ad that] the government gives Nevada homeowners tax credits to go solar.

I just want to paint [a picture] for you about how serious this problem is. And to do that, I want to read a constituent's complaint that Constituent Services helped me with. I am going to translate it for you because this constituent wrote me a letter in Spanish, took pictures and sent it to my email. That is how I was able to understand what the communication was. I am going to read to you what he said:

> To whom it may concern. My name is Mario. I am a 72-year-old retiree. I am the owner of this house. In March 2023, a solar panel company offered me the service of installing solar panels. I accepted the offer because it seemed very attractive. They told me that I would start paying a financial company with a monthly payment of $116, deducted from my Citi-Bank account on the 17th of each month. From NV Energy Clean Energy Programs, they sent FlexEnergy Solar an email requesting some adjustments after the installation. They came to make the adjustments, but now they are not responding—neither the financial company nor FlexEnergy—and they never completed their work to connect the service.
>
> I have been paying the financial company since June 2023, and I still haven't received the service because it has not been installed. I am extremely harmed by this situation since I continue to make payments without receiving any service. It seems that they closed the company, and I feel scammed. Many other people are in the same situation of fraud. How can I receive guidance or effective help from you? My resources as a retiree are very limited.

Here's the reality of what I just read to you. A 72-year-old senior reached out to me, his Legislator, for desperate help after being abandoned by a company that promised him a brighter future with solar. He was approved for a loan. The panels were installed—and then silence. The company responsible for the installation went bankrupt before the system was ever connected to the grid. He was left with panels that did not work, a loan that he was still on the hook for and no one willing to take responsibility. His calls went unanswered, his emails ignored and neither the lender nor the installer lifted a finger to fix the problem. It took a sitting Legislator, me, getting personally involved just to get this senior the resolution he deserved.

Now I am going to walk you through the scenario of what I did to help this person out. So, if you are in the Legislature, your first instinct is, who is this company? Who is FlexEnergy? Is it true that they went bankrupt? Your first instinct is, let me look them up on Silver Flume. You can see on Exhibit E that they are registered on Silver Flume. Their license has been revoked, and then you look at their contact information. You notice that they listed two LLCs for the registered agent. Now, how would you get in contact with them?

My second idea was perhaps there are shell companies that are being created. So let me look up the next one. There's no record to be found of the registered agent that they listed. You go on to the next one and you can see that they actually do have an active business license. And so, what we are seeing is a scenario where a company is being registered through the Secretary of State's office, and then registered agents are being listed as other LLCs and another LLC and another LLC—and that leads to the complexity of how folks are trying to evade the law that we passed in S.B. No. 293 of the 82nd Session, which brings us to why we are trying to fix it in S.B. 379.

Here is another interesting one that came up in Exhibit E. I took this screenshot in December of last year. It says, "In Nevada, the government will give you up to $30,000 of credit if you install solar in these zip codes." I have seen this ad multiple times. Sometimes it will say "gov" will give you back as if the Governor is going to give you money back on this solar credit. Clearly, there's been some abuse that we have seen in the system. This same company is not just doing it here in Nevada, <EnergyBillCruncher.com> is actually doing it across other states. The attorney general in Connecticut filed a complaint against the same <EnergyBillCruncher.com>. And so, that is why we are coming back for this bill.

The point of this bill proposal is to strengthen consumer protections in the solar industry by requiring that solar manufacturers and financiers be licensed as installment lenders and ensuring the proper licensing of solar installers. It ensures that consumers are protected and that they have certain rights and liberties as they are going through this process.

STEVE HAMILE (Chairman of the Board, Nevada Solar Association):
Senate Bill 379 picks up where S.B. No. 293 of the 82nd Session left off and it was very impactful. In fact, there was an article written by Alana Semuels from *Time* magazine talking about how Nevada had actually taken the initiative to move forward and avert these deceptive trade practices. Senate Bill 379 picks up where that left off. As Senator Doñate has just articulated, many of the bad actors have continued to morph themselves and found ways to work around S.B. No. 293 of the 82nd Session. We are very supportive of S.B. 379.

CHAIR PAZINA:
I remember the bill from last session and trying to tackle this problem. Like so many of our bills, it seems like we find ourselves right back here.

SENATOR DALY:
I also remember the bill last session. It seems like we are engaging in a Whac-A-Mole type thing here. If I recall correctly, the bill concentrated on contractors last time and the disclosures and the various things they had to do. I read through the bill and, as I read it, this is going after the lender that is helping the contractor and they are both bad actors on that. I appreciate trying to get this squared away.

I just had one easy question: In section 15 where it says the financier shall not cause a distributed generation system to be disconnected or otherwise prevent a borrower from using the distributed generation system because the borrower failed to make a payment. What are we trying to get to there? I mean, obviously people are going to have to pay the loan if the system got installed and hooked up. Did I miss what we are trying to target there?

MARK KRUEGER (Consumer Counsel, Bureau of Consumer Protection, Nevada Office of the Attorney General):
I will direct you to our amendment (Exhibit F) that was submitted. What we are trying to do is ensure that the individual lender, in this case the solar financier, does not continue to receive payments for an operational system, but we did put a cap on that of three months so that if somebody is deliberately trying not to pay the lender the loan and the system is operational or even if it is not, if it goes beyond the three months to get it fixed, that restricts it.

SENATOR DALY:
Understood, and thank you.

SENATOR ELLISON:
We get a lot of this in Elko and quite a few out in the rural areas. The Elko County Commissioner or the county building departments are catching a lot of these. They'll show up and tell people they do not have a permit and they are not licensed in Nevada, so therefore this job comes to a halt.

The solar people will show up to different electrical contractors, like our company, and say "We need you to sign off on this project." There's no way in heck we would do that. So, we will go back to the building department who tells the electrical contractor that those people are fraudulent, out of Idaho or Utah, and are here scamming the process. So, the building department is

catching a lot of these, and they do a good job. But these guys are the worst of the worst.

I saw someone putting a solar system up on an older lady's house. She called me and asked if I would come over and look at it. I told these guys they were not licensed in Nevada, and they needed to call the City of Elko and talk to the building department. It was only about two months later when I spotted all this ice that had formed over the top of her roof. I went over and asked her about it. The solar people put a water line on a hose to go up and told her it is heat and hot water; it busted, and it did major damage to her home. When she went back trying to catch them, they were long gone. They got her money, hit the road and the damage to the senior lady's house was probably $30,000 to $40,000 and there was nothing she could do because they were gone. So, I am glad if there's anything we can do to stop this kind of fraudulent behavior. I think we need to.

CHAIR PAZINA:
Do you know if anyone from the Department of Business and Industry was planning on coming to this hearing? I remember they talked about a fraud unit and how so many complaints come in regarding the solar industry. So, I was just curious. I do not see anyone from Business and Industry raising their hand this morning, but I was curious to know if you were possibly able to look at some of the complaints that came into the fraud unit.

SENATOR DOÑATE:
My understanding of this bill proposal is that it is kind of a coalition of different partners: the Contractors Board, the Labor Commissioner and so forth. It is my recollection that they were a part of the process, and we had preliminary meetings with the Division of Financial Institutions, Department of Business and Industry, specifically before the bill introduction. I am sure that there's more to be said about that.

JIMMY LAU (Sunrun, Inc.):
Sunrun is supportive of the bill with the proposed amendment on the legislative website. And we thank the sponsor and the bill proponents for working with us.

CARLOS HERNANDEZ (Chief of Staff, Nevada State AFL-CIO):
We are here in strong support of S.B. 379 with the proposed amendment to strengthen consumer protections on rooftop solar contracts and financing

practices. We'd like to thank Senator Doñate for his incredible hard work and leadership on this bill. Nevadans deserve transparent, truthful and equitable solar contracts. Senate Bill 379 makes significant strides in addressing long-standing issues faced by consumers. The reforms introduced promote greater transparency, empowering Nevadans to make well-informed choices without the risk of being misled. Specifically, we support the new requirement for lead generators to clearly disclose when they are not affiliated with a public utility or government agency. This simple change will help prevent deceptive practices and reduce consumer confusion. For these reasons, the Nevada State AFL-CIO strongly urges the committee to support S.B. 379 with the proposed amendment.

JONATHAN NORMAN (Policy Director, Legal Aid Center of Southern Nevada):
Door-to-door solar sales over the past five years have probably been the highest foot traffic issue in our consumer departments, if we set aside landlord-tenant law. I know that the bill from last session helped a lot and this one builds on that. And just personally, I am in Senator Doñate's district, and I can say it has the highest foot traffic in door-to-door sales. In my neighborhood we have a lot of people knocking on doors, and they always look like they work for NV Energy. But, when you ask them a question, they become evasive. We appreciate all the work on this.

YOANA ONTIVEROS (Las Vegas Global Economic Alliance):
The Global Economic Alliance attracts public and private partners throughout Southern Nevada. We support S.B. 379 and its amendments. Transparency and reliable energy are essential for economic development. It attracts investment, offering stability and predictability, making regions more competitive for business. Investors are more likely to commit capital to regions with stable energy markets as they need confidence that these energy prices will not be volatile and that the market will support long-term operations. Reliable energy reduces operational costs, helps foster innovation, creates jobs and renewable energy. Furthermore, it encourages long-term economic stability. By ensuring ethical business practices, S.B. 379 enhances Nevada's reputation as a leader in sustainable economic development. For those reasons, we support S.B. 379.

DAVID CHERRY (Government Affairs Manager, City of Henderson):
We know solar scammers prey on residents of Henderson and other communities in Nevada. We appreciate the sponsors of S.B. 379 proposing amendment language to this bill that would prevent unscrupulous operators

from impersonating government employees or using logos, like the City of Henderson's or other official municipal branding, in an effort to deceive potential customers, especially our seniors. More broadly, the bill seeks to further protect consumers from being taken advantage of by solar rip-off artists. This builds on the work done in past sessions on an issue that continues to cause financial and emotional harm to victims in Henderson and other communities across the Silver State. We urge your support.

PAUL MORADKHAN (Vegas Chamber):
The Chamber supports S.B. 379 and appreciates the work done by the bill sponsor. The Chamber agrees with the amendment and the bill as proposed. The bill addresses the problems that were brought forth by the bill sponsor. The Chamber supports what has been brought forward because it protects both consumers and the businesses that are following the law by the comments we have heard today.

ANTHONY RUIZ (Government Relations Manager, NV Energy):
We're here in support of S.B. 379 and the proposed amendment which together create a more transparent and accountable rooftop solar marketplace in Nevada. Unfortunately, our customers routinely report being misled by solar lead generators who imply or say that they are affiliated with NV Energy or a government agency. These tactics erode trust and create confusion, especially when customers reach out to us believing they have been enrolled in a utility-endorsed program.

Senate Bill 379 directly addresses this by requiring clear and affirmative disclosures from lead generators and establishes much needed licensing-oversight requirements for financiers. We believe S.B. 379 strikes a fair balance between consumer protection and industry growth and we appreciate the thoughtful approach taken by the sponsors and urge your support.

WENDY COLBORNE (President, Building and Construction Trades Council of Northern Nevada):
We represent over 6,000 working building trades professionals in Northern Nevada. We strongly support this bill as well and encourage your support.

ZACH BUCHER (Government Affairs Officer, City of North Las Vegas):
We believe this is a good consumer protection bill, and we're happy to be here today in support.

LESLIE MUJICA (Executive Director, Las Vegas Power Professionals):
We are a nonprofit advocating for the electrical union industry. Senate Bill 379 sets guardrails, protecting our Nevada communities, the financially vulnerable members, including the elderly and others who may not have a comprehensive knowledge or understanding of the solar industry. I also would like to add that workmanship and accountability are imperative, as is the need for safety standards, which are paramount and should be at the forefront of these efforts.

EMILY OSTERBERG (Director of Government Affairs, Henderson Chamber of Commerce):
I am here representing the Henderson Chamber of Commerce and our over 2,000 members, the majority of whom are small businesses in Southern Nevada. We express our strong support of S.B. 379 and the posted amendment. This bill reinforces Nevada's commitment to fairness and transparency ensuring that consumers can engage in the solar market with confidence. It also provides much needed clarity, accountability and consumer protection in the solar marketplace and ensures Nevadans can invest in solar energy without fear of misleading contracts or deceptive sales tactics.

DAVID BEHAR (Executive Officer, Nevada State Contractors Board):
The Contractors Board would like to thank Senator Doñate and the other sponsors of this bill for their ongoing discussions with us regarding this important piece of legislation. Our Board currently regulates more than 18,000 licensed contractors across Nevada, in addition to the interests of licensed contractors and members of the industry.

Our primary responsibilities are to conduct compliance and criminal investigations, specifically those related to solar complaints. Our Board received 257 solar complaints in fiscal year 2023-2024. To date, in 2024-2025, we are already up to 183. Due to the high volume of complaints we receive, our Board decided to enact numerous measures to help combat this steady increase of solar-related issues. These have included the creation of a solar investigations unit, a solar watch list, newly devised consumer checklists and increased public awareness focused on scams and deceptive loans in purchasing or leasing a residential system.

We worked vigorously with Legislators, NV Energy, the Attorney General's Office and the Nevada's Financial Investigations Division to help identify the root causes of these issues. As a result of these collaborative efforts, we have identified the primary issues raised in our complaints and brought before our Board. These include problems with onboarding processes, such as false promises of lower power bills, deceptive loan practices, false expectations of system outputs, abandonment, fraud and workmanship. Although important progress has been made, much more still needs to be done to help Nevadans from being misled with false financial promises and these deceptive trade practices related to solar. We are here today in support of S.B. 379.

PETER GUZMAN (President, Latin Chamber of Commerce Nevada):
I am here in full support of S.B. 379 and its proposed amendment to strengthen consumer protections in rooftop solar contracts and financing practices. As a real-estate professional of over 30 years as a broker, I have seen firsthand how these types of things can affect homeowners selling their properties and beyond. I want to commend Assemblymember Cinthia Zermeño Moore, but especially Senator Doñate, who's really fought for a long time on this subject and continues to try to protect consumers. It is very appreciated. For those reasons, we echo a lot of the things that were said and the Latin Chamber of Commerce is in full support of this bill.

THOMAS BIRD (President, Nevada Alliance for Retired Americans):
With 20,000 retired senior members statewide, we worry about these scams all the time. We support the proposed amendments for S.B. 379.

As you are aware, seniors are the prime targets of scammers. Many members are on fixed incomes with most not able to rejoin the workforce. This bill gives protections for Nevada, especially seniors, retirees and low-income households; it is imperative for these most vulnerable populations and Nevadans. I urge you to support S.B. 379 and its amendments.

BARI LEVINSON:
When I had solar panels installed on my roof three years ago, I was fortunate to have a smooth experience with both the installer and lender. They were both reputable and competent, and I had absolutely no problems with the installation or loan process. I now have the satisfaction of contributing clean energy to the grid while saving a lot of money on my electricity bill.

I understand, however, that many Nevadans are not so lucky. There have evidently been many instances, especially in Southern Nevada, of dishonest contractors and lenders who have preyed upon vulnerable homeowners. This is not only a travesty for the homeowner, but also a big disincentive for other homeowners to go solar, which is bad for the homeowners and also for our warming climate. Senate Bill 379 will help address many of the ongoing problems in the solar industry, as you have heard, providing much needed consumer protection. Senate Bill 379 will help promote the uptake of more rooftop solar, benefiting customers and the environment.

WENDI NEWMAN (Southern Nevada Chapter National Electrical Contractors Association):
The Southern Nevada Chapter of the National Electrical Contractors Association echoes the sentiments that have been stated here and strongly support S.B. 379.

MARK DICKSON (Board Member, Nevada Solar Association):
I am an active board member of the Nevada Solar Association and owner of Simple Power Solar based in Reno. Simple Power installs residential and commercial solar and battery storage systems. We currently have 40 full-time employees providing industry leading wages, exceptional benefits and ongoing training for professional advancement.

I am sure that many of you have noticed a dramatic increase in solar door-to-door salespeople in our sunny state—the second gold rush. Many deploy sales practices frequently embellishing the system's capabilities and expected results. Furthermore, they employ high-pressure tactics to get the potential clients to sign a contract before they have a chance to shop around or read the contracts. Many times during the process, change orders are issued and lengthy delays are encountered. In many cases, once a project has been fully funded by the lenders, the installer walks out on the job mid-project never to return.

The solar loan company began billing customers for release payments on the incomplete systems. My company frequently ended up being on the other side of the phone call with consumers begging us to help them get their system turned on. This became so common that we now have a dedicated service team that addresses these orphan systems and takes them to completion. These tactics not only harm the homeowners, but also the local solar companies and the overall reputation of the solar industry within Nevada. Previously, the

bipartisan S.B. No. 293 of the 82nd Session was enacted to help control these deceptive practices and has been quite successful.

Unfortunately, some solar companies have found ways to bypass these necessary safeguards. This underscores the need for stronger enforcement and greater consumer protection within the solar industry. The Nevada Solar Association asks for your support in passing this crucial legislation through the passage of S.B. 379 in an effort to protect our citizens from predatory sales practices and the small solar businesses that are forced to compete with them.

CHRISTI CABRERA-GEORGESON (Deputy Director, Nevada Conservation League):
Rooftop solar is one of Nevada's best tools to lower energy bills, reduce pollution and tap into our abundant natural resources. As the top State for solar potential, more Nevadans are installing solar. Senate Bill 379 helps protect consumers while supporting the continued growth of a cleaner, more affordable energy future. We urge the committee's support.

SHELBIE SWARTZ (Executive Director, Battle Born Progress; Institute for a Progressive Nevada):
Rooftop solar is a cornerstone of Nevada's clean energy economy, lowering energy bills, reducing pollution and leveraging our state's unmatched solar potential. Supporting this bill means protecting consumers in driving smart investments in the number one state for solar energy. I urge your support of S.B. 379.

JESSICA FERRATO (Solar Energy Industries Association):
The Solar Energy Industries Association is the national trade association representing more than 1,200 member companies in solar and storage industries across the country, building a comprehensive vision for advancing these technologies. We would like to thank Senator Doñate and the proponents and stakeholders of S.B. 379 who have been involved in bringing this bill forward and for their willingness to meet with us to discuss concerns and clarifications.

I first want to emphasize that the solar industry is strongly committed to consumer protection and understands the frustration with fraudulent activities occurring across Nevada. We support consumer protection efforts in Nevada and across the country. We'd like to ensure that all solar companies in the State are doing this ethically and that bad actors have traceability and are appropriately punished.

We support the bill in general, and the amendment as proposed, but have three areas of concern and clarification. We would recommend a change, really an alliance, with the concerns of Vice Chair Daly around section 15 of the bill and the amendment. We are requesting that there be recourse for customers who are not making payments or making an effort to pay their bills. We would like to recommend adding a number of missed payments or a period of time before a system can be disabled to clarify if a customer is making an effort to make payments.

We also have concerns with portions of the bill that would require the transfer of an agreement to the purchaser of the property. It is important that solar lenders are able to assess credit and the ability to pay if a new purchaser is unknown to the financier. Another example of this scenario would be if a homeowner needs to take out a loan for a furnace or blinds. They are still responsible for that debt and cannot transfer that debt to the new purchaser of the home. We'd like to have some clarification in those sections as well. Our recommendation is that these portions could be changed to a requirement that we disclose that this debt belongs to the current homeowners and that it cannot then be transferred.

Lastly, there is language in sections throughout the bill that prohibit the payment or receipt of payment until the system is connected and operating. We would like an addition, to include the requirement of the utility to complete interconnection within a specified period of time. That is because the interconnection of a system is not under the control of the installers and delays do often impact projects.

AL ROJAS:
I want to testify against this bill. First of all, this problem could be easily solved by voiding out a contract unless the solar energy panels are connected to NV Energy.

I am a homeowner, and I bought so much equipment from people coming and selling at my door. And basically, I do not sign off or make any kind of payments unless the equipment is working to my satisfaction. All you have to do is put a clause in there [the contract] that the customer does not have to pay a penny and that all contracts are void if it [the equipment] is not working to Nevada standards and code enforcement.

CHAIR PAZINA:
There being no more testimony on S.B. 379, we will close the testimony and open the testimony on S.B. 386.

SENATE BILL 386: Revises provisions relating to massage therapy. (BDR 54-891

SENATOR MELANIE SCHEIBLE (Senatorial District No. 9):
Senate Bill 386 is brought to you by request from the Licensing Board of Massage Therapy. It modernizes some of the policies that the Board oversees and some of their enforcement mechanisms. I think you have received the conceptual amendment to the bill (Exhibit G) that my presenters will be speaking to. I will let them go ahead and present and then I can do a section-by-section overview if you still feel like we need that at the end of the presentation.

ELISABETH BARNARD (Executive Director, Nevada Board of Massage Therapy):
We have found that some people may not qualify for a massage license. This bill would allow us to get people working and get them licensed and still ensure that they are qualified.

Section 1 generally goes over a credential review. We are also requesting an addition of the word "face" to the scope for reflexology; there is a little bit of cleanup about holding our meetings in person. With the advent of Zoom, that seems not to be necessary anymore. We are asking for the ability to enact discipline against establishment holders for businesses and there are a few sections that basically do some conforming changes for the credential review.

We also have some revisions to our current temporary license statute, which was part of the original language for licensure. I think it worked well at the time when licensure for massage was first introduced, but we have kind of surpassed that now. There is a request for a workable temporary license, but I do not think we have issued a temporary license since 2012 because it does not make sense. This also provides the ability for me or whoever is in my position to sign subpoenas just to help us streamline some investigative processes. We would also like to ask for those establishment numbers to go on advertising, as appropriate, instead of license numbers because, for some larger establishments, it is not feasible. I am going to ask Colleen to go over the amendment to explain why that is necessary.

COLLEEN PLATT (Board Counsel, Nevada Board of Massage Therapy):
Upon review, when you drop down to section 1, subsection 6, when it talks about the official transcripts, we are talking about the things that we want the applicant to submit to us. Most of the time, we are going to see this happen in the massage area, but we also license reflexologists and structural integration practitioners. We realized that the language that was included in subsection 6 is related to massage therapists solely. So, we are revising it to allow for the massage therapist, structural integration practitioners and reflexologists. Then the Board will likely adopt regulations to further clarify that during the interim.

SENATOR ELLISON:
I got calls on this and they agree with the hours in training, but they are worried that some of the people are using massage therapy hours out of their homes. And that seemed to be a problem. Could you answer that?

MS. BARNARD:
Anybody practicing massage in Nevada has to have a license, so if anyone is doing that and we know about it, we can take action.

MS. PLATT:
I think you're talking about outcall services—that is where they are doing massages outside of a typical establishment, probably in their home or the client's home. That is something that is permitted in many areas. If you look at the local jurisdictions, if that is something that is allowed and if they have a license, they could legally do that.

SENATOR DALY:
My question is in section 1, subsection 2, paragraph (a) where it says a person has to have at least three years of previous experience in California or [any state] or elsewhere. But subsection 3 covers that.

MS. PLATT:
I can give a little background: In another statute within NRS 640C, the Board has the ability to allow for someone who is licensed in another state. Provided the education and qualifications are substantially similar, they can get their license. So, the Board has gone through and reviewed every state to indicate whether they are substantially similar. Then, if someone comes from a state that is not substantially similar, they have to comply with our standards set

forth in statute and test before receiving a license. In some instances, these are individuals who have been practicing in their home state for 30 years; that seems to be contradictory to the whole point of licensing, being able to move among the states. This is what this particular section is geared at. When the Board was going over that number of years area, they determined a minimum of three years of practice and being able to move to Nevada if they were in a state that was not substantially different. So, at the least, they've been practicing for a period of time, going through the continuing education and then coming here.

But to your point, we could add "immediately preceding" and that might take care of any unintended consequences. If someone has been practicing, let us say, for 15 years and has taken a break for whatever reason, if we added that immediately preceding this might not trigger this section about testing. A lot of times, other states have provisions where someone can put their license on a kind of retirement status, and then come back after doing other things. So we want to make sure that we are not limiting people's ability to come here and practice.

SENATOR DALY:
Understood. And then when I read [Section 1] subsection 3, it says they still have to pass an exam. So, if they had not done it [worked in the field] in a while and were rusty, they will still have to pass the exam to make sure they are up to the standards. So, I did not know if it really mattered that much or if you thought the exam would take care of it.

MS. PLATT:
Massage therapists take a national exam, generally right out of school before they begin their practice. That is what we are trying to capture. Some states may not require that as a pathway to licensure, but Nevada does since we want to make sure they are competent in their practice. If they have not taken the exam in their home state, then they would have to take it in Nevada before the Board will issue a license. So, if they've been practicing say for 15 years, they probably took that exam years ago. I am not sure that information addresses your question, but we are happy to work with you to address any concerns.

SENATOR DALY:
No, no worries. I will defer to what you think is the best path forward.

CHAIR PAZINA:
Seeing no one with supporting testimony, opposition testimony or neutral testimony, we will move to public comment.

Having no public comment, this meeting is adjourned at 9:44 a.m.

RESPECTFULLY SUBMITTED:

_____
Donna Crawford Kennedy
Committee Secretary

APPROVED BY:

_____
Senator Julie Pazina, Chair

DATE: _____

EXHIBIT SUMMARY				
Bill	**Exhibit Letter**	**Introduced on Minute Report Page No.**	**Witness / Entity**	**Description**
	A	1		Agenda
	B	1		Attendance Roster
S.B. 338	C	15	Senator Skip Daly	Support Letter from Gary Adler
S.B. 379	D	15	Senator Fabian Doñate	Background Information
S.B. 379	E	15	Senator Fabian Doñate	Presentation
S.B. 379	F	20	Mark Krueger, Nevada Office of the Attorney General	Proposed Amendment
S.B. 386	G	29	Senator Melanie Scheible	Proposed Amendment