

**MINUTES OF THE
SENATE COMMITTEE ON COMMERCE, LABOR AND ENERGY**

**Seventy-Eighth Session
May 1, 2015**

The Senate Committee on Commerce, Labor and Energy was called to order by Chair James A. Settelmeyer at 8:34 a.m. on Friday, May 1, 2015, in Room 2135 of the Legislative Building, Carson City, Nevada. The meeting was videoconferenced to Room 4412E of the Grant Sawyer State Office Building, 555 East Washington Avenue, 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 James A. Settelmeyer, Chair
Senator Patricia Farley, Vice Chair
Senator Joe P. Hardy
Senator Becky Harris
Senator Mark A. Manendo
Senator Kelvin Atkinson
Senator Pat Spearman

GUEST LEGISLATORS PRESENT:

Assemblyman Jim Wheeler, Assembly District No. 39

STAFF MEMBERS PRESENT:

Marji Paslov Thomas, Policy Analyst
Dan Yu, Counsel
Patricia Devereux, Committee Secretary

OTHERS PRESENT:

Marolyn Mann, Executive Director, Manufactured Home Community Owners Association
Joshua Hicks, Manufactured Home Community Owners Association
Rick La May, C.C.I.M., Owner, Reno Sahara Mobile Home Park
Alexis Miller, Sunshine Health Freedom Foundation
Jim Jenks, Owner, Herbal Rose

Senate Committee on Commerce, Labor and Energy
May 1, 2015
Page 2

Diane Miller, J.D., Director, Law and Public Policy, National Health Freedom Action; National Health Freedom Coalition

Yvonne Murphy, Board of Homeopathic Medical Examiners

Cyrus Pourzan, M.D., H.M.D., Member, Board of Homeopathic Medical Examiners

Nancy Eklof, Executive Director, Board of Homeopathic Medical Examiners

Denise Selleck, Nevada Osteopathic Medical Association

Neena Laxalt, Board of Massage Therapists; Board of Psychological Examiners

Chair Settlemeyer:

We will open the hearing on Assembly Bill (A.B.) 270.

ASSEMBLY BILL 270 (1st Reprint): Revises provisions relating to manufactured homes. (BDR 10-1143)

Marolyn Mann (Executive Director, Manufactured Home Community Owners Association):

The statewide Manufactured Home Community Owners Association represents owners and managers of mobile home parks. For more than 30 years, our Association has fought to promote the general welfare of the manufactured home community industry. Assembly Bill 270 proposes two changes to the *Nevada Revised Statutes* (NRS) based on ensuring accessibility to manufactured housing, a critical form of affordable housing for many Nevadans.

A manufactured home may be the only option for people searching for the security and well-being associated with home ownership. For others, it represents a credible, affordable, freestanding rental option. Many State mobile home parks are filled with previously owned homes that have been abandoned or sold by prior owners. These parked properties are often bought, repaired and improved by the park managers then offered for rent or sale to new owner occupants. Assembly Bill 270 addresses both scenarios.

Nevada Revised Statutes chapter 489 requires anyone who rents or leases a mobile home to have a dealer license. While it appears that the law's original intent was to capture third parties acting as agents to lease or rent, NRS 489's ambiguity inadvertently extended to park owners renting personal property in their parks. When managers rent park property, they do not function as third-party dealers. Rather, they function as apartment managers renting park property as a function of their management duties. They do not receive

commissions nor have a monetary interest in the transactions. Current NRS requires park owners to obtain a license to rent their own property. Requiring park owners to get dealer licenses creates a financial burden that either renders rentals financially unviable for smaller parks or drives up the rent costs for potential occupants.

Assembly Bill 270 will allow mobile home park managers to rent property without the onerous burden of a dealer license. It will protect tenants with an appeal process for determining a property's fair market value. It addresses the issue of selling park-owned manufactured homes and creates a *de minimis* exemption for seller-financed credit sales transactions. Many preowned manufactured homes are now owned by park managers. Many of them cost less than \$10,000 and are not available for sale to many Nevadans because traditional mortgages are unavailable for the homes, which are considered chattel in the eyes of the law. The only way for individuals or families to purchase the homes from park owners is directly through a seller-financed credit sales transaction. This triggers the requirements of the federal Secure and Fair Enforcement for Mortgage Licensing Act of 2008 (SAFE Act).

As originally adopted, the SAFE Act inadvertently included mobile homes, despite the clear differences between traditional residential and mobile home sales. Since then, the federal government has issued recommendations to states to adopt the *de minimis* exemption or exception to the SAFE Act to allow the sale of small numbers of mobile homes by park owners without the burdensome costs and requirements associated with the Act.

Without such an exemption, mobile home park owners seeking to sell inventory in their parks must secure mortgage loan originators licenses, which drives up the cost of the homes. Twenty-nine states have adopted *de minimis* exemptions.

Assembly Bill 270 also addresses a requirement regarding the conversion of mobile home parks to senior or family facilities. When parks are converted, their owners are responsible for ensuring homeowners have new parks to relocate to, or, if that is not possible, to reimburse homeowners for the fair market value of their properties. However, the latter circumstance is rare. The bill would allow that determination to be made by park owners in conjunction with the National Automobile Dealers Association (NADA) Guide. If the valuation is unsatisfactory, mobile home owners may appeal; this also rarely arises. If it

does, the bill will make it easier to facilitate transactions between home residents and owners. The NADA Guide is like the Kelley Blue Book for vehicles and is used nationwide. The Manufactured Home Community Owners Association worked with the Manufactured Housing Division and the Tenants Association, both of which support A.B. 270.

Rick La May, C.C.I.M. (Owner, Reno Sahara Mobile Home Park):

Assembly Bill 270 will allow mobile home park owners without dealer licenses to rent homes. You simply cannot tell owners of small parks that they have to have a license to rent a unit they own. The operational aspects of mobile home parks have changed dramatically over the last 8 to 10 years. Vacancies have increased due to the poor economy, as have operational costs. We do not need additional regulations. Few, if any, park owners want to rent their mobile homes. They did not enter the industry with the idea of acquiring and renting homes.

Park owners end up acquiring homes they then must rent or sell out of necessity. Owning a mobile home is a means of maintaining occupancy. During one of northeastern Nevada's economic growth periods, I had the opportunity to buy a mobile home in my park but did not. Someone else did, pulled it out and took it to Elko. Now, I had a vacant space. I had to go out and find another home, transport it and set it up. I ended up replacing the single-wide mobile home that I could have bought for \$5,000 with an equivalent home for \$15,000 to \$20,000. In order to keep a park stable and fully occupied, owners must rent or sell acquired homes. Before the economy began improving, there were few buyers, so owners had to rent the homes.

Assembly Bill 270 will allow park owners to finance home sales with the *de minimis* exemption. If owners choose to sell a smaller home, with an average price of \$10,000, but have already spent \$15,000 to \$20,000 on it, they hope to recoup their losses someday by collecting space rental on it. Buyers will make a small down payment of \$1,000 to \$2,000—which is often all they have—and the park owners will have to finance the balance. That is the only source of financing on a used mobile home. The loan would be \$3,000 to \$6,000, and buyers typically owe more than that on their vehicles.

Offering mobile homes for rent or sale provides a terrific, affordable housing opportunity. People can buy their own homes and pay them off quickly. Their only housing costs are then utilities and space rent. No other home-selling

source offers that opportunity. There is no rational basis for treating mobile homes differently from other residential properties. I disagree with segregating manufactured home communities and mandating regulations that do not apply to any other type of property.

Senator Manendo:

Could you walk the Committee through the process of selling mobile homes? You said a lot of them are older, so I need to know if they are inspected for safety before they are rented.

Mr. La May:

Cleaning, painting and carpet replacement are the main things park owners do to acquired homes before they are rented. We check that smoke and carbon monoxide detectors are working and that there are no water leaks. We hire general service workers to make certain the units are safe. I looked at changes that a Fallon park owner made to units he had acquired, and the amount of cleaning and repairs he did was amazing.

Senator Manendo:

Do park owners have to redo old electrical and plumbing systems?

Mr. La May:

I do not see that very often. However, I have my units' electrical systems professionally examined.

Senator Manendo:

I know someone who rented a home from which the State had walked away. Many issues took a while to resolve. In the meantime, the buyers were living in the home under public-safety-risk conditions. During the economic downturn, many Nevada communities increased their rents. That contributed to more abandoned mobile homes.

Mr. La May:

That did not happen in northern Nevada. I have been a park owner for more than 30 years, and I have never had a threat to health or safety in my homes.

Senator Harris:

I am a member of a mobile home park board. Discussing and voting on A.B. 270 does not pose a conflict of interest because its provisions will not affect my board.

Senator Spearman:

Is there a recourse for homeowners who disagree with their mobile homes' valuation?

Mr. Hicks:

The bill's section 1, subsection 9 allows tenant-buyers who disagree with valuations to appeal to the administrator of the Manufactured Housing Division, who must then appoint a certified appraiser to determine homes' fair market value. In subsection 10, the cost of the appraisers must be borne by park owners.

Chair Settlemeyer:

We will close the hearing on A.B. 270. I will open the work session with the following bills and their work session documents: A.B. 73 ([Exhibit C](#)), A.B. 74 ([Exhibit D](#)), A.B. 87 ([Exhibit E](#)), A.B. 137 ([Exhibit F](#)), A.B. 157 ([Exhibit G](#)) and A.B. 179 ([Exhibit H](#)).

ASSEMBLY BILL 73 (1st Reprint): Revises provisions governing programs of energy assistance. (BDR 58-336)

ASSEMBLY BILL 74 (1st Reprint): Revises provisions relating to the resale of certain utility services. (BDR 58-348)

ASSEMBLY BILL 87 (1st Reprint): Revises certain provisions governing the duties of insurers with regard to Medicaid. (BDR 57-326)

ASSEMBLY BILL 137 (1st Reprint): Revises provisions governing contractors. (BDR 54-513)

ASSEMBLY BILL 157 (1st Reprint): Revises provisions governing service animals. (BDR 38-638)

ASSEMBLY BILL 179 (1st Reprint): Revises provisions governing personal information. (BDR 52-756)

Senate Committee on Commerce, Labor and Energy
May 1, 2015
Page 7

SENATOR ATKINSON MOVED TO DO PASS A.B. 73, A.B. 74, A.B. 87,
A.B. 137, A.B. 157 and A.B. 179.

SENATOR HARDY SECONDED THE MOTION.

THE MOTION PASSED UNANIMOUSLY.

* * * * *

Chair Settlemeyer:

We will open the hearing on A.B. 295.

ASSEMBLY BILL 295 (1st Reprint): Revises provisions relating to the provision of certain wellness services. (BDR 54-698)

Alexis Miller (Sunshine Health Freedom Foundation):

Assembly Bill 295 provides health care freedom by protecting the complementary and alternative wellness service industry while maintaining the integrity of the practice of medicine. We worked with the Nevada Medical Association and Board of Medical Examiners to craft a bill they could support.

Assembly Bill 295 provides for an exemption to the professional licensing requirement for wellness service providers who perform noninvasive, complementary or alternative procedures or recommend over-the-counter herbal supplements. These services include light therapy, magnetic field treatment and herbal and mineral supplements.

The NRS 630.020 definition of "practice of medicine" is, in part, "To diagnose, treat, correct, prevent or prescribe for any human disease, ailment, injury, infirmity, deformity or other condition, physical or mental, by any means or instrumentality" The law is far too broad, prohibiting consumers from seeking a range of health and wellness options and jeopardizing the livelihood of small-business owners trying to provide services that typically complement traditional medical protocol. Under NRS 630.020, a Committee member who recommended the use of vitamin C to another member with a cold is legally practicing medicine and could be subject to criminal or civil penalties. That does not make sense.

The goal of the Sunshine Health Freedom Foundation is to create an NRS exemption for wellness service providers within specific confines. The bill is a reasonable approach to a problem to ensure the integrity of the practice of medicine while allowing wellness providers to flourish in our State. Section 3, subsection 1 of A.B. 295 states a wellness service provider is allowed to consult with and sell products to clients without a license. It also states such providers' prohibited acts, including performing surgery, setting fractures, prescribing prescription medications or recommending that clients' medical treatments be discontinued. Providers must provide disclosures clearly stating that they are not licensed as health care providers; the nature of services to be performed; any of their degrees, credentials or training and a recommendation that clients notify their regular health care providers of the services to be provided. In the bill's section 3, subsection 7, "wellness services" are defined.

My son recently finished treatment for leukemia after 3 years, 2 months and 6 days of daily chemotherapy. He received world-class care and has an outstanding prognosis. As we approached the end of his treatment, I asked his oncology team what I needed to do afterwards to boost my son's immune system and strength. I was told they would check his laboratory results every month for a year then every other month for the second year. No one talked about nutrition or supplements to rebuild his immune system.

I looked online to figure it out. However, in Nevada, if wellness providers are unlicensed, they cannot give me the information I need. Some doctors would be willing to have that conversation; my son's medical team was not. As a consumer, I have the right to that information.

Jim Jenks (Owner, Herbal Rose):

I am a small-business owner of a Washoe Valley herb shop who has been in the herb business for more than 45 years. I appreciate the knowledge I have gained from medical and natural sources. Assembly Bill 295 will give people like me more freedom to educate the public about wellness and about who we are as unlicensed wellness providers and educators. It will enable us to better educate customers about our products, thus helping us to grow our businesses. The bill will give us more freedom to share with customers our personal experiences and knowledge gained from lectures, conventions and seminars. I encourage people to do their own research about their health needs and then consult with their medical providers.

Assembly Bill 295 protects and informs customers with its wellness provider disclosures—we do not want to be anything but what we are. The bill lists prohibited actions and many types of unlicensed wellness providers. It helps define government oversight, aiding the ability of small-business wellness providers to practice without unnecessary government interference. Nevadans deserve freedom of speech in regard to choices about their health needs based on the principle of “do no harm,” the prohibited-acts list and good, old common sense.

Diane Miller, J.D. (Director, Law and Public Policy, National Health Freedom Action; National Health Freedom Coalition):

I am an attorney working on behalf of Nevada’s Sunshine Health Freedom Foundation, National Health Freedom Action (NHFA) and National Health Freedom Coalition. The NHFA provides resources to states working to pass legislation to protect consumer options in a broad range of wellness resources and services. It hosts the annual U.S. Health Freedom Congress, bringing together national experts in key areas of consumer-driven health concerns. The NHFA and the National Health Freedom Coalition have provided information and testimony on legislation similar to A.B. 295.

According to many professional studies, millions of Americans are using complementary and alternative wellness services and paying out of pocket for them. Alternative practitioners offer approaches that are more natural and help consumers with lifestyle changes or noninvasive healing techniques. They use a variety of methods that consumers have become aware of through their own research or networking.

Nevada’s Sunshine Health Freedom group asked us to help develop language for A.B. 295. Similar legislation has passed in Minnesota, Rhode Island, California, Louisiana, Idaho, Oklahoma, Arizona, New Mexico and Colorado. The NHFA is assisting ten other states in the process of passing or introducing similar legislation.

The NHFA supports A.B. 295 because it ensures consumers will get the broadest access to wellness information and services. It will protect practitioners and give clarity to herbalists and other wellness services, as long as providers avoid prohibited conduct and provide disclosures. The bill also empowers consumers to communicate with their medical providers about what other types of services consumers are using.

Assembly Bill 295 is a practical solution to address the wide use and growth of complementary and alternative wellness services and related small businesses. It will ensure that consumers have continued access and availability to many natural wellness services not on the list of prohibited services. I live in Minnesota, with a law similar to A.B. 295. We appreciate its protection of a range of wellness options and believe that consumers are empowered by taking charge of their lifestyles through their use.

Senator Hardy:

Does the bill preclude doctors from performing wellness practices?

Ms. A. Miller:

No.

Senator Hardy:

Does the bill impinge upon religious or faith-based healing or administration?

Ms. A. Miller:

No.

Senator Hardy:

Will the bill include the practices of podiatry, chiropractic, dentistry, psychology and nursing, as defined in NRS 630 and 633? We need to have the practices listed in section 3, subsection 7 defined in the bill.

Ms. A. Miller:

We can insert those definitions into the bill.

Ms. D. Miller:

The Committee needs to understand why the practices listed in section 3, subsection 7 are not in section 3, section 1's list of prohibited actions. The latter list reflects what people in the public domain must avoid. If A.B. 295 included the definition of the practice of medicine in NRS 630.020, that would nullify the purpose of the bill. In section 1, subsection 3, paragraph (j), the addition of " ... otherwise expressly authorized by this section" is important.

Senator Spearman:

How does A.B. 295 relate to the practice of homeopathy?

Ms. D. Miller:

The law relating to homeopathy, NRS 630A, has many references to natural health. The definition of homeopathy includes herbalism and electromagnetism. Assembly Bill 295 is not seeking to change the definition of medical practice in NRS 630.020 homeopathy in NRS 630A or other medical professions. The bill is an exemption law because there are many practices done by community members that help each other to achieve wellness. Many gentle therapies and healing practices are done by licensed or unlicensed practitioners because they do not rise to the level of requiring licensure, such as grandmothers administering chicken soup. They are practices shared by everyone.

Assembly Bill 295 requires unlicensed practitioners to let consumers know they are not licensed or performing inherently harmful acts. Unlicensed people must abide by the prohibited-acts list. It is not like a regulatory statute in which people must get licensed to do complex medical practices.

Senator Farley:

Many foods and herbs may mix negatively with medications for cancer, heart problems, diabetes and other ailments. Uneducated people may seek alternative treatments without knowing about these drug interactions. Alternative practitioners like herbalists should give customers written directives to talk to their doctors or pharmacists about potential interactions.

Ms. A. Miller:

That is part of the disclosure that recommends that clients consult with their medical providers. We can add language to that provision encouraging people to have that conversation with their medical providers. However, I do not think we can require people to talk to their doctors before going to Whole Foods Market and buying recommended herbs.

Senator Farley:

I agree. There just needs to be some sort of advisement to direct people to cross check herbal recommendations with doctors or pharmacists to ensure there are no bad outcomes.

Ms. D. Miller:

A health freedom bill that recently passed in another state says practitioners must recommend that customers take their client bill of rights disclosure statements to physicians voluntarily. You cannot direct consumers to do that.

Senator Hardy:

The Internet is a great way to learn about drug interactions with herbal remedies. Would anything preclude wellness practitioners from accessing that online information and telling clients about it? Would they also ask people what medicines they are taking that could potentially negatively interact with recommended herbs? As an example, it could be devastating if a client on blood thinners took an herbal remedy with vitamin K then had a stroke. There are probably written warnings about potential drug interactions. It should be the responsibility of the wellness provider to warn people that the drugs they are taking are incompatible with or could negatively interact with herbs on a list. Is that intended by the bill?

Mr. Jenks:

In my personal experience, customers are always asked what drugs they are taking. Our premise is not to treat serious illnesses; our premise is to build wellness. Our goal is totally different from that of medical doctors. The problem Senator Hardy outlined is very real. I always ask customers what their doctors have told them then give them information to take back to their doctors for discussion. Herbalists are not trying to supersede anything medical professionals do; we are trying to add to it from our standpoint.

Senator Hardy:

When I hear the word "detoxification," which is a practice permitted in Assembly Bill 295's section 3, subsection 7, from a medical standpoint I think about chelation, intravenous (IV) therapies and alcohol or drug withdrawals. Is your intent not to use invasive therapies like that?

Mr. Jenks:

To us, detoxification therapy might include getting a client to recognize an allergy to avoid.

Senator Hardy:

Would it be too bold to put something in the bill about recommending that clients not only confer with their doctors, but suggesting Websites that list potential interactions between herbs and the drugs they are taking? Is that something you do not want to put into law, while still indicating that is your intent?

Ms. D. Miller:

A cultural problem that brought this bill forward was consumers were not telling doctors that they were using alternative treatments. With this bill, consumers can take their client bills of rights—including the identity of their wellness practitioner and their training—to their doctor, who can then contact the practitioner. The goal is that unlicensed people would not make decisions about drug interactions and practitioners would no longer be “underground.” Customers could say to their doctors, “I’m working with Jim Jenks, and this is what he recommends. What do you think? Because you’re in charge of the medications I’m on.” Mr. Jenks would not be involved in education about interactions because that is a medical priority. The bill is about opening communication so individuals will have the information they need about practices now often performed under the table.

Yvonne Murphy (Board of Homeopathic Medical Examiners):

You have my written testimony and proposed amendment ([Exhibit I](#)) to A.B. 295. In section 3, subparagraph 1, paragraph (j), there is no reference to the Board of Homeopathic Medical Examiners, under NRS 630A. Our board licenses people who practice medicine. The paragraph should read, “Engages in the practice of medicine in violation of 630, 630A or 633 of NRS”

The bill’s section 3, subsection 5 states, “A person who violates any provision of this section is guilty of a misdemeanor.” A misdemeanor charge is insufficient punishment for someone practicing medicine without a license. They should not be allowed to use this statute as a shield against being held properly accountable for illegal actions. The bill should read, “A person who violates any provision of this section is guilty of a category D felony.”

In the bill’s section 3, subsection 6, paragraph (d), there is no reference to homeopathic assistants or advanced practitioners of homeopathic medicine. It should thus read, “A medical assistant, as that term is defined in NRS 630.0129 and NRS 633.075, or a homeopathic assistant, as that term is defined in NRS 630A.035, or an advanced practitioner of homeopathy, as that term is defined in NRS 630A.015.” In section 3, subsection 7, there are references to therapies clearly regulated under NRS 630A and *Nevada Administrative Code* 630A: detoxification practices and therapies, herbology or herbalism, nondiagnostic iridology, noninvasive instrumentalities and holistic kinesiology. They should be eliminated from the bill. The Board recommends

that the Committee either vote to not pass A.B. 295 or else adopt it as per my proposed amendment, [Exhibit I](#).

Cyrus Pourzan, M.D., H.M.D. (Member, Board of Homeopathic Medical Examiners):

Assembly Bill 295 will open up Nevada to the unregulated practice of medicine. It does not contain an administrative structure, establish a board to review wellness practitioners' practices nor impose fees. A felony offense is downgraded to a misdemeanor, and there is no legal protection for the public.

I object to the inclusion of some treatments listed in the bill's section 3, subsection 7. Because aromatherapy contains the word "therapy," it is implied the practice treats diagnosed illnesses. Many essential oils are hazardous when improperly used. The detoxification reference does not stipulate that IV therapy is prohibited. In some jurisdictions, small IV clinics run by unlicensed people operate on street corners. Do we really want that in Nevada?

I should have brought my 3-inch-thick book on herb-drug adverse interactions. Herbs are powerful medicines that, if improperly used, can cause problems. Noninvasive instrumentalities include X-rays, computed tomography scans, magnetic resonance imaging, ultrasounds and echocardiograms. These diagnostic modalities should be reserved for use by those with medical training. In homeopathy, holistic kinesiology is often used as a diagnostic tool. It has no wellness purpose, its reliability is questionable and people receive a false sense of security when unlicensed people provide the service.

I do not know who the constituency is for A.B. 295. No one in State history has been prosecuted for recommending the use of vitamin C. This bill could drive more people to the emergency room and delay diagnoses of illnesses after patients are under the false impression they are being accurately treated.

About 10 years ago, I was working in a Carson City clinic. A 70-year-old woman came in for a routine blood pressure check. She was acting "goofy," and a test revealed her blood sodium level was dangerously low. Upon questioning, I learned a wellness practitioner had told her to drink eight glasses of water daily. Her kidneys and heart could not handle that, so she became water overloaded to the brink of death. The next day, she could have had a seizure, gone into a coma and died. She was transferred to the intensive care unit.

For several years in the Gardnerville-Minden area, a Venezuelan national injected women with liposomes, which is liquid silicon. It was imported from South America and is illegal to inject into humans in the United States.

The most disturbing aspect of A.B. 295 is that anyone could come to Nevada, legally or illegally, and open a wellness clinic. Let us suppose that a medical provider loses his U.S. license and goes to Tijuana, Mexico, to work in a clinic. If A.B. 295 is passed, as of July 1, 2015, he could come back and practice here. Who will regulate that? No one has jurisdiction over it—not the Board of Medical Examiners, Board of Osteopathic Medicine or the Board of Homeopathic Medical Examiners.

Nancy Eklof (Executive Director, Board of Homeopathic Medical Examiners):

I have worked with the Board of Homeopathic Medical Examiners since 2006. I am the administrator who fields calls to our office about people practicing and promising dream cures through herbs, vitamins or other treatments. According to State mandates and NRS 630A, our bylaws say we must regulate homeopathy and protect the public's health, safety and general welfare as it pertains to alternative medicine. When callers give their names, I have to call the deputy attorney general and local district attorneys where complaints originate. We must instigate an investigation, as a very small board. If A.B. 295 passes, we would no longer be able to involve ourselves in chasing after every complaint about purveyors of cancer cures and their ilk.

Senator Farley:

Many of the bill's provisions are already happening. Senator Hardy's concerns are true when people believe that when they buy herbs and natural healing products that they are safe and effective. My father is in end-stage cardiac disease and takes about 50 medications per day. We constantly remove vitamins he has bought because we fear negative interactions with his medications. He has a master's degree and post-graduate degrees from Notre Dame University. He is a very smart man, but he erroneously thinks the supplements are helping him.

Senator Spearman:

With respect to calls received by Ms. Eklof, how do we know if someone is not actually going to an alternative health practitioner, but is instead buying products based on shelf browsing or something they have seen on television?

Ms. Eklof:

Callers normally name practitioners, then we ascertain if they are licensed or board certified. Every call I have received is in regard to practitioners or wellness groups; I do not get calls from individuals who have taken bad vitamins or herbs.

Senator Spearman:

If people go to legitimate wellness service providers, the bill mandates a disclaimer that they can take to their medical doctors.

Chair Settlemeyer:

Herbs and vitamins are not controlled substances. You can walk in and buy them in regular stores and on the Internet or grow them yourself. Dr. Pourzan, did the person injecting liposomes claim to be a wellness provider, or was the treatment cosmetic?

Dr. Pourzan:

It was for cosmetic purposes.

Chair Settlemeyer:

That has nothing to do with A.B. 295.

Denise Selleck (Nevada Osteopathic Medical Association):

The Nevada Osteopathic Medical Association worked with the bill's sponsors, proponents and opponents to add very good protections for consumers. Senator Hardy raised good questions about which practitioners need to be added to the bill.

Neena Laxalt (Board of Massage Therapists; Board of Psychological Examiners):

As originally written, A.B. 295 had a lot of crossover into areas of practice that require licensing. I appreciate Senator Hardy's recommendation that other medical boards that require licensing be included. The main concern of the Board of Massage Therapists and the Board of Psychological Examiners is that people lacking training and education could perform practices that require licensing. Section 3, subsection 1, paragraphs (k) and (l) now include professions controlled by the Board of Massage Therapists and the Board of Psychological Examiners.

Ms. A. Miller:

We are willing to work on the list of allowed wellness service providers. As per the prohibited acts, practitioners are forbidden to use X-rays or radiation or to puncture skin. Any IV detoxification would be prohibited under the prohibited acts. We are not suggesting that practicing medicine without a license should not be a category D felony. Violations of the provisions of A.B. 295 will be a misdemeanor; practicing medicine without a license is still a category D felony.

Chair Settlemeyer:

I will close the hearing on A.B. 295 and open the hearing on A.B. 454.

ASSEMBLY BILL 454 (1st Reprint): Revises provisions governing continuing education of managers and assistant managers of manufactured home parks. (BDR 10-1127)

Assemblyman Jim Wheeler (Assembly District No. 39):

Assembly Bill 454 was introduced by Assemblyman John C. Ellison, Assembly District No. 33, to help mom-and-pop-type mobile home parks in his district and throughout northern Nevada. The bill raises the number of mobile home lots allowed on a property that will exempt park managers from extra continuing education training. Under current NRS, if a park has two lots, managers must complete 6 hours of annual extensive training. In rural areas, that often entails a long drive; the 6 hours of training turns into a 2-day affair after the travel time is factored in. Most managers of smaller parks are older people who have simply rented lots on their personal acreage.

Senator Harris:

What sort of mobile home park manager courses are available? Are they online, or do you have to physically sit in a class?

Assemblyman Wheeler:

The courses are taken in person.

Ms. Mann:

The 6-hour classes are given at three locations three times a year. They are held in Las Vegas, Reno and Winnemucca; the latter class is videoconferenced to Elko. Rural northern Nevadans can go to Winnemucca or Elko. The classes are taught by attorneys.

Senator Harris:

Do the classes vary, or is the same material taught repeatedly?

Ms. Mann:

The Manufactured Home Community Owners Association is required to offer a class in landlord-tenant law for mobile home parks. We also cover a wide range of topics on federal issues like the Americans With Disabilities Act and fair housing. People outside of the industry attend the classes because they are so well-respected. We have presented them since 1999. All managers and assistant park managers must attend 6 hours of classes annually.

Senator Harris:

People who rent in mobile home parks need to be taken care of properly, and park managers need a basic education in how to do that. However, I understand the lack of flexibility in the continuing education requirement. We need to improve access to classes.

Remainder of page intentionally left blank; signature page to follow.

Senate Committee on Commerce, Labor and Energy
May 1, 2015
Page 19

Chair Settlemeyer:

We will close the hearing on A.B. 454. Seeing no more business before the Senate Committee on Commerce, Labor and Energy, we are adjourned at 9:45 a.m.

RESPECTFULLY SUBMITTED:

Renee Fletcher,
Committee Secretary

APPROVED BY:

Senator James A. Settlemeyer, Chair

DATE: _____

EXHIBIT SUMMARY				
Bill	Exhibit / # of pages		Witness / Entity	Description
	A	2		Agenda
	B	4		Attendance Roster
A.B. 73	C	1	Senator James A. Settlemeyer	Work session document
A.B. 74	D	1	Senator James A. Settlemeyer	Work session document
A.B. 87	E	1	Senator James A. Settlemeyer	Work session document
A.B. 137	F	1	Senator James A. Settlemeyer	Work session document
A.B. 157	G	1	Senator James A. Settlemeyer	Work session document
A.B. 179	H	1	Senator James A. Settlemeyer	Work session document
A.B. 295	I	2	Yvonne Murphy/Board of Homeopathic Medical Examiners	Written testimony and Proposed amendment