

THE EIGHTY-NINTH DAY

CARSON CITY (Friday), May 5, 2017

Assembly called to order at 12:10 p.m.

Mr. Speaker presiding.

Roll called.

All present except Assemblymen McCurdy and Woodbury, who were excused.

Prayer by the Chaplain, Reverend Charlie Colleton.

Lord God, it's with honor and gratitude that we come before You today with our prayers and our petitions. We come to You, Lord, and ask for Your guidance and Your clarity concerning the decisions that need to be made today. Remembering the instruction You have given in scripture, "God resists the proud, but He gives grace to the humble," let that be us today, Lord, humble servants ready and willing to do Your work.

Lord, as we celebrated the National Day of Prayer yesterday, I was reminded to pray every day for this great Nation and for the men and women in this room who give their time and service to be the voice of the people, in our home state of Nevada. Heavenly Father, be in their midst today, may they be refreshed and renewed in You.

Lastly, God bless America, land that I love. Stand beside her and guide her through the night with the light from above.

AMEN.

Pledge of allegiance to the Flag.

Assemblywoman Benitez-Thompson moved that further reading of the Journal be dispensed with and the Speaker and Chief Clerk be authorized to make the necessary corrections and additions.

Motion carried.

REPORTS OF COMMITTEES

Mr. Speaker:

Your Committee on Legislative Operations and Elections, to which was referred Senate Joint Resolution No. 10, has had the same under consideration, and begs leave to report the same back with the recommendation: Do pass.

OLIVIA DIAZ, *Chair*

MESSAGES FROM THE SENATE

SENATE CHAMBER, Carson City, May 2, 2017

To the Honorable the Assembly:

I have the honor to inform your honorable body that the Senate on this day passed Assembly Bills Nos. 1, 85, 385, 451, 490; Senate Bills Nos. 37, 38, 72.

SHERRY RODRIGUEZ
Assistant Secretary of the Senate

INTRODUCTION, FIRST READING AND REFERENCE

By the Committee on Ways and Means:

Assembly Bill No. 498—AN ACT making an appropriation to the Division of Emergency Management of the Department of Public Safety for

a joint field office to work with the Federal Emergency Management Agency on certain flood reimbursements; and providing other matters properly relating thereto.

Assemblywoman Benitez-Thompson moved that the bill be referred to the Committee on Ways and Means.

Motion carried.

By the Committee on Ways and Means:

Assembly Bill No. 499—AN ACT making appropriations to restore the balances in the State Claims Account, Reserve for Statutory Contingency Account and Contingency Account; and providing other matters properly relating thereto.

Assemblywoman Benitez-Thompson moved that the bill be referred to the Committee on Ways and Means.

Motion carried.

By the Committee on Ways and Means:

Assembly Bill No. 500—AN ACT making an appropriation to the Account for the Governor's Portrait for the preparation and framing of a portrait of Governor Brian Sandoval; and providing other matters properly relating thereto.

Assemblywoman Benitez-Thompson moved that the bill be referred to the Committee on Ways and Means.

Motion carried.

By the Committee on Ways and Means:

Assembly Bill No. 501—AN ACT making an appropriation to the Legislative Fund for dues and registration costs for national organizations and for computer hardware replacements; and providing other matters properly relating thereto.

Assemblywoman Benitez-Thompson moved that the bill be referred to the Committee on Ways and Means.

Motion carried.

By the Committee on Ways and Means:

Assembly Bill No. 502—AN ACT making an appropriation to the Account for Pensions for Silicosis, Diseases Related to Asbestos and Other Disabilities; and providing other matters properly relating thereto.

Assemblywoman Benitez-Thompson moved that the bill be referred to the Committee on Ways and Means.

Motion carried.

By the Committee on Ways and Means:

Assembly Bill No. 503—AN ACT making an appropriation to the Office of the Secretary of State for the second phase of the replacement of the Electronic Secretary of State System (ESOS) software and hardware; and providing other matters properly relating thereto.

Assemblywoman Benitez-Thompson moved that the bill be referred to the Committee on Ways and Means.

Motion carried.

By the Committee on Ways and Means:

Assembly Bill No. 504—AN ACT making an appropriation to the Office of Finance to replace the existing financial and human resource management information technology system; and providing other matters properly relating thereto.

Assemblywoman Benitez-Thompson moved that the bill be referred to the Committee on Ways and Means.

Motion carried.

By the Committee on Ways and Means:

Assembly Bill No. 505—AN ACT making appropriations to the Department of Corrections for a new telephone system and for certain information system projects; and providing other matters properly relating thereto.

Assemblywoman Benitez-Thompson moved that the bill be referred to the Committee on Ways and Means.

Motion carried.

By the Committee on Ways and Means:

Assembly Bill No. 506—AN ACT making appropriations to the Nevada Gaming Control Board for certain costs relating to the Alpha Migration Project; and providing other matters properly relating thereto.

Assemblywoman Benitez-Thompson moved that the bill be referred to the Committee on Ways and Means.

Motion carried.

By the Committee on Ways and Means:

Assembly Bill No. 507—AN ACT making appropriations to the Department of Public Safety for the replacement of vehicles, pickup trucks and motorcycles for the Nevada Highway Patrol; and providing other matters properly relating thereto.

Assemblywoman Benitez-Thompson moved that the bill be referred to the Committee on Ways and Means.

Motion carried.

By the Committee on Ways and Means:

Assembly Bill No. 508—AN ACT making an appropriation to the Department of Public Safety for the replacement of dispatch center consoles and portable hand-held radios; and providing other matters properly relating thereto.

Assemblywoman Benitez-Thompson moved that the bill be referred to the Committee on Ways and Means.

Motion carried.

By the Committee on Ways and Means:

Assembly Bill No. 509—AN ACT making an appropriation to the Department of Business and Industry for the implementation of an electronic management system for public works and prevailing wage surveys in the Office of the Labor Commissioner; and providing other matters properly relating thereto.

Assemblywoman Benitez-Thompson moved that the bill be referred to the Committee on Ways and Means.

Motion carried.

By the Committee on Ways and Means:

Assembly Bill No. 510—AN ACT making appropriations to the Bureau of Services to the Blind and Visually Impaired of the Rehabilitation Division of the Department of Employment, Training and Rehabilitation and the Bureau of Vocational Rehabilitation of the Rehabilitation Division of the Department for the enhancement of client information systems; authorizing the expenditure of certain money by those Bureaus for the same purposes; and providing other matters properly relating thereto.

Assemblywoman Benitez-Thompson moved that the bill be referred to the Committee on Ways and Means.

Motion carried.

By the Committee on Ways and Means:

Assembly Bill No. 511—AN ACT making an appropriation to the Millennium Scholarship Trust Fund; and providing other matters properly relating thereto.

Assemblywoman Benitez-Thompson moved that the bill be referred to the Committee on Ways and Means.

Motion carried.

Senate Bill No. 37.

Assemblywoman Benitez-Thompson moved that the bill be referred to the Committee on Transportation.

Motion carried.

Senate Bill No. 38.

Assemblywoman Benitez-Thompson moved that the bill be referred to the Committee on Government Affairs.

Motion carried.

Senate Bill No. 72.

Assemblywoman Benitez-Thompson moved that the bill be referred to the Committee on Government Affairs.

Motion carried.

GENERAL FILE AND THIRD READING

Senate Bill No. 201.

Bill read third time.

The following amendment was proposed by Assemblyman Araujo:

Amendment No. 640.

AN ACT relating to health care professionals; prohibiting certain health care professionals from providing sexual orientation or gender identity conversion therapy to a minor; and providing other matters properly relating thereto.

Legislative Counsel's Digest:

~~Existing law regulates~~ **Under existing law, the Legislature has the power to regulate licensed health care professionals for the benefit of the public's health, safety and welfare and to protect the well-being of patients from ineffective or harmful professional services. (*Dent v. West Virginia*, 129 U.S. 114, 122-23 (1889); *Hawker v. New York*, 170 U.S. 189, 191-95 (1898); *State ex rel. Kassabian v. State Bd. of Med. Exam'rs*, 68 Nev. 455, 463-65 (1951)) In exercising that power, the Legislature has enacted existing laws that regulate** homeopathic physicians, advanced practitioners of homeopathy, homeopathic assistants and certain mental health professionals including psychiatrists, psychologists, licensed marriage and family therapists, certain registered nurses and certain licensed clinical or independent social workers. (Chapters 630, 630A, 632, 633 and 641-641B of NRS) ~~This~~

The purpose of this bill is to protect the well-being of children who are under 18 years of age by prohibiting such licensed health care professionals from providing children with conversion therapies, which are any practices or treatments that seek to change the sexual orientation or gender identity of the children. In section 1 of this bill, the Legislature finds and declares that there is a legitimate and compelling need to protect the well-being of children from the harmful and destructive effects of conversion therapies because such therapies have not been proven to be medically or clinically effective but have been shown to have a high potential to cause substantial harm to the physical and psychological well-being of children who are much more vulnerable to the potentially traumatic effects of such intensive conversion therapies.

To carry out the Legislature's objectives, section 1.5 of this bill prohibits homeopathic physicians, advanced practitioners of homeopathy, homeopathic assistants and certain mental health professionals from providing sexual orientation or gender identity conversion ~~therapy to a person who is~~ therapies to children who are under 18 years of age. However, there is nothing in this bill that regulates or prohibits licensed health care professionals from engaging in expressive speech or religious counseling with such children if the licensed health care professionals:

(1) are acting in their pastoral or religious capacity as members of the clergy or as religious counselors; and (2) do not hold themselves out as operating pursuant to their professional licenses when so acting in their pastoral or religious capacity.

This bill is modeled on similar laws enacted in California and New Jersey. (Cal. Bus. & Prof. Code §§ 865 et seq.; N.J. Stat. Ann. §§ 45:1-54 et seq.) In interpreting those laws, courts have determined that the laws do not regulate or prohibit licensed health care professionals from engaging in expressive speech or religious counseling with children who are under 18 years of age if the licensed health care professionals: (1) are acting in their pastoral or religious capacity as members of the clergy or as religious counselors; and (2) do not hold themselves out as operating pursuant to their professional licenses when so acting in their pastoral or religious capacity. In addition, courts have also held that the laws: (1) are a constitutional exercise of the legislative power to regulate licensed health care professionals for the benefit of the public's health, safety and welfare and to protect the well-being of children from ineffective or harmful professional services; (2) do not violate any rights to freedom of speech, association or religion and are not unconstitutionally overbroad or vague under the First and Fourteenth Amendments to the United States Constitution; and (3) do not violate any other fundamental or substantive due process rights of licensed health care professionals or the parents or children who seek their professional services. (*Pickup v. Brown*, 740 F.3d 1208 (9th Cir. 2014), *cert. denied*, 134 S.Ct. 2871 and 2881 (2014); *Welch v. Brown*, 834 F.3d 1041 (9th Cir. 2016), *cert. denied*, No. 16-845, --- S.Ct. --- (May 1, 2017); *King v. Governor of New Jersey*, 767 F.3d 216 (3d Cir. 2014), *cert. denied*, 135 S.Ct. 2048 (2015); *Doe v. Governor of New Jersey*, 783 F.3d 150 (3d Cir. 2015), *cert. denied*, 136 S.Ct. 1155 (2016))

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

Section 1. 1. The Legislature hereby finds that:

(a) For the past several decades, there has been a growing consensus among medical and mental health professionals that conversion therapies, which involve any practices or treatments that seek to change the sexual orientation or gender identity of a patient, also known as reparative therapies or sexual orientation change efforts:

(1) Have been based on developmental theories whose scientific validity is questionable;

(2) Have relied on anecdotal reports of cures that have not been tested, substantiated or verified by any rigorous scientific research or peer-reviewed studies; and

(3) Have not been proven to be medically or clinically effective but have been shown to have a high potential to cause substantial harm to

the physical and psychological well-being of the patient, especially children under 18 years of age because they are much more vulnerable to the potentially traumatic effects of such intensive conversion therapies.

(b) A significant number of well-known and well-respected professional and scientific organizations have publicly denounced or disavowed conversion therapies because of the highly doubtful effectiveness and highly probable harmfulness of such therapies. Such organizations include, without limitation, the American Psychological Association, American Psychiatric Association, American Psychoanalytic Association, American Counseling Association Governing Council, American Medical Association Council on Scientific Affairs, American Academy of Child and Adolescent Psychiatry, American Academy of Pediatrics, American School Counselor Association, National Association of Social Workers and Pan American Health Organization.

(c) Such organizations have determined that conversion therapies may be particularly harmful or destructive to children because such therapies:

(1) Aggravate and intensify harmful or destructive feelings, including, without limitation, confusion, depression, guilt, shame, stress, loneliness, helplessness, hopelessness, pointlessness, disappointment, self-blame, self-hatred, low self-esteem, marginalization, dehumanization, hostility, anger, betrayal or loss of faith, belief, interest, concern or motivation; and

(2) Increase the risk of harmful or destructive behaviors, including, without limitation, social withdrawal, isolation, substance abuse, suicide, deception, high-risk sexual behaviors and unlawful behaviors.

2. The Legislature hereby declares that there is a legitimate and compelling need to protect the well-being of children who are under 18 years of age from the harmful and destructive effects of conversion therapies by prohibiting certain licensed health care professionals from providing children with conversion therapies because such therapies have not been proven to be medically or clinically effective but have been shown to have a high potential to cause substantial harm to the physical and psychological well-being of children, who are much more vulnerable to the potentially traumatic effects of such intensive conversion therapies.

Sec. 1.5. Chapter 629 of NRS is hereby amended by adding thereto a new section to read as follows:

1. A psychotherapist shall not provide any conversion therapy to a person who is under 18 years of age regardless of the willingness of the person or his or her parent or legal guardian to authorize such therapy.

2. Any violation of subsection 1 is a ground for disciplinary action by a state board that licenses a psychotherapist as defined in subsection 3.

3. *As used in this section:*

(a) *“Conversion therapy” means any practice or treatment that seeks to change the sexual orientation or gender identity of a person, including, without limitation, a practice or treatment that seeks to change behaviors or gender expressions or to eliminate or reduce sexual or romantic attractions or feelings toward persons of the same gender. The term does not include counseling that:*

(1) *Provides assistance to a person undergoing gender transition; or*

(2) *Provides acceptance, support and understanding of a person or facilitates a person’s ability to cope, social support and identity exploration and development, including, without limitation, an intervention to prevent or address unlawful conduct or unsafe sexual practices that is neutral as to the sexual-orientation of the person receiving the intervention and does not seek to change the sexual orientation or gender identity of the person receiving the intervention.*

(b) *“Psychotherapist” means:*

(1) *A psychiatrist licensed to practice medicine in this State pursuant to chapter 630;*

(2) *A homeopathic physician, advanced practitioner of homeopathy or homeopathic assistant licensed or certified pursuant to chapter 630A or NRS;*

(3) *A psychiatrist licensed to practice medicine in this State pursuant to chapter 633;*

(4) *A psychologist licensed to practice in this State pursuant to chapter 641 of NRS;*

(5) *A social worker licensed in this State as an independent social worker or a clinical social worker pursuant to chapter 641B of NRS;*

(6) *A registered nurse holding a master’s degree in the field of psychiatric nursing and licensed to practice professional nursing in this State pursuant to chapter 632 of NRS;*

(7) *A marriage and family therapist or clinical professional counselor licensed in this State pursuant to chapter 641A of NRS; or*

(8) *A person who provides counseling services as part of his or her training for any of the professions listed in subparagraphs (1) to (7), inclusive.*

Sec. 2. This act becomes effective:

1. Upon passage and approval for the purpose of adopting any regulations and performing any other preparatory administrative tasks necessary to carry out the provisions of this act; and

2. On January 1, 2018, for all other purposes.

Assemblyman Araujo moved the adoption of the amendment.

Remarks by Assemblymen Araujo, Hansen, and Wheeler.

Assemblywoman Benitez-Thompson requested that the remarks made by Assemblyman Araujo be entered in the journal.

ASSEMBLYMAN ARAUJO:

Amendment No. 640 amends the Legislative Counsel's Digest to add citations to recent case law which upholds the regulatory and constitutional concepts on which the bill's provisions are modeled. It adds findings related to the lack of scientific evidence supporting the use of conversion therapies and the number of professional organizations who have disavowed or denounced such therapies. It also adds a legislative declaration regarding the legitimate and compelling needs to protect the well-being of children under the age of 18 from the harmful effects of conversion therapies. Lastly, it clarifies that there is nothing in Senate Bill 201 that regulates or prohibits licensed health care professionals from engaging in expressive speech or religious counseling with such children if the licensed health care professionals are acting in their pastoral or religious capacity as members of the clergy or as religious counselors and do not hold themselves out as operating pursuant to their professional licenses when so acting in their pastoral or religious capacity.

Amendment adopted.

Bill ordered reprinted, reengrossed and to third reading.

Mr. Speaker announced if there were no objections, the Assembly would recess subject to the call of the Chair.

Assembly in recess at 12:24 p.m.

ASSEMBLY IN SESSION

At 12:28 p.m.

Mr. Speaker presiding.

Quorum present.

UNFINISHED BUSINESS

SIGNING OF BILLS AND RESOLUTIONS

There being no objections, the Speaker and Chief Clerk signed Assembly Bills Nos. 35, 54, 162, 387, 476; Assembly Joint Resolution No. 2; Assembly Concurrent Resolution No. 11.

GUESTS EXTENDED PRIVILEGE OF ASSEMBLY FLOOR

On request of Assemblyman Elliot Anderson, the privilege of the floor of the Assembly Chamber for this day was extended to Michael J. Lanahan and Elizabeth A. Lanahan.

On request of Assemblyman Paul Anderson, the privilege of the floor of the Assembly Chamber for this day was extended to Tiffany Jones.

On request of Assemblyman Carrillo, the privilege of the floor of the Assembly Chamber for this day was extended to Charlene Frost, Roslyn Timmerman, Cheri Day, and Lori Robertson.

On request of Assemblywoman Diaz, the privilege of the floor of the Assembly Chamber for this day was extended to Sheri Williams and Samantha Hager.

On request of Assemblyman Hambrick, the privilege of the floor of the Assembly Chamber for this day was extended to Nancy Hambrick.

On request of Assemblyman Kramer, the privilege of the floor of the Assembly Chamber for this day was extended to Susan Sutton, Barbara Nicholas, Donna Schultz, and Chris Chrystal.

On request of Assemblyman Marchant, the privilege of the floor of the Assembly Chamber for this day was extended to the following students, teachers, and chaperones from Merryhill Elementary School: Keelilyn Mitchell, Jeanilyn Mitchell, Mya Libatique, Paulette Simpson, Aiden Smith, Richard Smith, Devin Toney, Chris Zirpoli, Noreen Alspach, Joanna Liu, Anthony Bruscia, Liliana Bruscia, Jordan Reece, Tasha Alycia Reece, Carrie Worsley, and Alexandra Worsley.

On request of Assemblywoman Spiegel, the privilege of the floor of the Assembly Chamber for this day was extended to the following students, teachers, and chaperones from Green Valley Christian School: Rachel Ackerman, Kira Bielich, Anna Brandon, Mirella Bush, Diego Calderon, Thomas Callahan, Sara Carbajal, Benjamin Dixon, Zoey Enfield, Rachel Rose Ferraz, Kaleb Foley, Molly Gilbert, Annabella Hargrove, William Hayes-Medina, Divjit Heera, Kennedy Hunter, Kaleb Kahler, Cealei Lamb Jones, Caleb Lange, Bella Lebario, Bryce Mendoza, Nicholas Nowak, Ulysses Ramirez, Haley Smith, Maddex Thornton, Zoie Thornton, Ellie Thurman, Aidan Vasquez, Cierra Ware, Emily Anderson, Abigail Barnhart, Christian Broecker, Brody Brown, Tayshawn Caesar, Samantha Charron, Morgan Cook, Hannah Dumond, Caroline Ewing, Jack Garlick, Martina Gell, Ryan Hanna, Cade Johnson, Aubrey Knorr, Bailey Lawrence, Tristan Leonard, Justin Newcomer, Thomas Pulcini, Tiffany Stattman, Christian Walker, Isaac Ward-Brown, JW Watson, Eleanor Watts, Megan Weir, Colin Weyrauch, Judah Withey, Lauren Woolsey, Kahaku Yamashita, Allison Young, and Lucas Zyla.

Assemblywoman Benitez-Thompson moved that the Assembly adjourn until Monday, May 8, 2017, at 11:30 a.m.

Motion carried.

Assembly adjourned at 12:39 p.m.

Approved:

JASON FRIERSON
Speaker of the Assembly

Attest: SUSAN FURLONG

Chief Clerk of the Assembly