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SENATE BILL NO. 94—COMMITTEE ON  
HEALTH AND HUMAN SERVICES

(ON BEHALF OF THE LEGISLATIVE COMMITTEE  
ON HEALTH CARE)

PREFILED JANUARY 24, 2019

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Referred to Committee on Health and Human Services

SUMMARY—Revises provisions governing the Account for Family Planning. (BDR 40-446)

FISCAL NOTE: Effect on Local Government: No.  
Effect on the State: Contains Appropriation not included in Executive Budget.

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

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AN ACT relating to family planning; revising provisions governing expenditures from the Account for Family Planning; making an appropriation to the Account; and providing other matters properly relating thereto.

**Legislative Counsel’s Digest:**

1 Existing law establishes the Account for Family Planning for the purpose of  
2 awarding grants of money to local governmental entities and nonprofit  
3 organizations to provide certain family planning services, including the distribution  
4 of certain contraceptives, the installation of certain contraceptive devices and the  
5 performance of certain contraceptive procedures. The Account is administered by  
6 the Administrator of the Division of Public and Behavioral Health of the  
7 Department of Health and Human Services. (NRS 442.725) **Section 1** of this bill  
8 authorizes the Administrator to also use the money to pay for family planning  
9 services offered by providers of health care or for other services offered by a  
10 department or division of the Executive Department of State Government through a  
11 contract with the recipient of the grant money. **Section 1** also prohibits the  
12 Administrator from discriminating against the use of any specific type of  
13 contraceptive, contraceptive device or contraceptive procedure for which grant  
14 funding is authorized when awarding grants. **Section 2** of this bill makes an  
15 appropriation to the Account for the purpose of providing family planning services  
16 during the 2019-2021 biennium.

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

1       **Section 1.** NRS 442.725 is hereby amended to read as follows:

2       442.725 1. The Account for Family Planning is hereby  
3 created in the State General Fund. The Administrator shall  
4 administer the Account.

5       2. Except as otherwise provided in subsection ~~{5.}~~ 6, the money  
6 in the Account must be expended to ~~{award}~~ :

7       (a) *Award* grants of money to local governmental entities and  
8 nonprofit organizations to provide the family planning services  
9 described in ~~{this section}~~ *subsection 3* to persons who would  
10 otherwise have difficulty obtaining such services because of  
11 poverty, lack of insurance or transportation or any other reason ~~{~~  
12 ~~Grants of money awarded pursuant to this section}~~ ; or

13       (b) *Pay for family planning services described in subsection 3*  
14 *which are provided by a department or division of the Executive*  
15 *Department of State Government or pursuant to a contract with*  
16 *such a department or division, which may include, without*  
17 *limitation, a contract with a community health nurse, a consultant*  
18 *or any other person or entity.*

19       3. *Money in the Account* may only be used to ~~{fund:}~~ *pay for:*

20       (a) The provision of education by trained personnel concerning  
21 family planning;

22       (b) The distribution of information concerning family planning;

23       (c) The referral of persons to appropriate agencies, organizations  
24 and providers of health care for consultation, examination,  
25 treatment, genetic counseling and prescriptions for the purpose of  
26 family planning;

27       (d) The distribution of contraceptives, the installation of  
28 contraceptive devices and the performance of contraceptive  
29 procedures approved by the United States Food and Drug  
30 Administration, which must be limited to:

31           (1) Sterilization surgery for women;

32           (2) Surgical sterilization implants for women;

33           (3) Implantable rods;

34           (4) Copper intrauterine devices and intrauterine devices with  
35 progestin;

36           (5) Contraceptive injections and patches;

37           (6) Combined oral contraceptive pills, progestin only oral  
38 contraceptives and oral contraceptives for extended or continuous  
39 use;

40           (7) Vaginal contraceptive rings;

41           (8) Diaphragms;

42           (9) Contraceptive sponges;



- 1 (10) Cervical caps;
- 2 (11) Female condoms;
- 3 (12) Spermicide; and
- 4 (13) Levonorgestrel and ulipristal acetate;
- 5 (e) The provision of or referral of persons for preconception
- 6 health services and assistance to achieve pregnancy; and
- 7 (f) The provision of or referral of persons for testing for and
- 8 treatment of sexually transmitted infections.

9 ~~[3.]~~ **4.** Family planning services funded by a local  
10 governmental entity using a grant awarded pursuant to ~~[this section]~~  
11 *paragraph (a) of subsection 2* may be provided wholly or partially  
12 through a contract between the local governmental entity and  
13 another local governmental entity, an agency of the State, a  
14 community health nurse, a consultant or any other person or entity.

15 ~~[4.]~~ **5.** Family planning services ~~[funded using a grant~~  
16 ~~awarded]~~ *paid for* pursuant to this section must be made available to  
17 persons requesting such services:

- 18 (a) In a manner that protects the dignity of the recipient;
- 19 (b) Without regard to religion, race, color, national origin,
- 20 physical or mental disability, age, sex, gender identity or expression,
- 21 sexual orientation, number of previous pregnancies or marital status;
- 22 (c) In accordance with written clinical protocols that are in
- 23 accordance with nationally recognized standards of care; and
- 24 (d) By persons who are required by NRS 432B.220 to report the
- 25 abuse or neglect of a child.

26 ~~[5.]~~ **6.** The Administrator may not use more than 10 percent of  
27 the money in the Account to administer the Account.

28 ~~[6.]~~ **7.** The Administrator shall award grants of money from  
29 the Account *pursuant to paragraph (a) of subsection 2* based  
30 entirely on the need for family planning services in the community  
31 served by the local governmental entity or the nonprofit  
32 organization and the ability of the local governmental entity or  
33 nonprofit organization to effectively deliver family planning  
34 services.

35 ~~[7.]~~ **8.** *When making a determination about a grant or*  
36 *expenditure, the Administrator shall not give any preference based*  
37 *upon the type of contraceptive, contraceptive device or*  
38 *contraceptive procedure made available by the entity.*

39 **9.** The existence of the Account does not create a right in any  
40 local government or nonprofit organization *or other entity* to receive  
41 money from the Account.

42 ~~[8.]~~ **10.** As used in this section, “preconception health  
43 services” means the promotion of proper health practices, screenings  
44 and interventions conducted before pregnancy to identify and



1 modify biomedical, behavioral and social risks to a woman's health  
2 or pregnancy outcome through prevention and management.

3 **Sec. 2.** 1. There is hereby appropriated from the State  
4 General Fund to the Account for Family Planning created by NRS  
5 442.725 the sum of \$12,000,000 to carry out the purposes set forth  
6 in that section.

7 2. Any remaining balance of the appropriation made by  
8 subsection 1 must not be committed for expenditure after June 30,  
9 2021, by the entity to which the appropriation is made or any entity  
10 to which money from the appropriation is granted or otherwise  
11 transferred in any manner, and any portion of the appropriated  
12 money remaining must not be spent for any purpose after  
13 September 17, 2021, by either the entity to which the money was  
14 appropriated or the entity to which the money was subsequently  
15 granted or transferred, and must be reverted to the State General  
16 Fund on or before September 17, 2021.

17 **Sec. 3.** This act becomes effective on July 1, 2019.

