

**THE ONE HUNDRED AND SIXTH DAY**

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CARSON CITY (Monday), May 20, 2019

Assembly called to order at 12:32 p.m.

Mr. Speaker presiding.

Roll called.

All present except Assemblyman Hambrick, who was excused, and one vacant.

Prayer by the Chaplain, Reverend Tony Brandon.

Creator of the universe, we humbly ask You to bless the endeavors of this noble and dedicated body. Guide the members of this Assembly with Your wisdom so that they may approach the complex challenges of our day with honesty, moral soundness, and compassion. Lord, enable us to build bridges of hope which make us strong and tear down barriers of division which make us weak. Grant us a listening and full heart so that we may each understand one another and recognize the Divine Image inherent in every human being.

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.

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

Assembly in recess at 12:43 p.m.

ASSEMBLY IN SESSION

At 12:45 p.m.

Mr. Speaker presiding.

Quorum present.

REPORTS OF COMMITTEES

*Mr. Speaker:*

Your Committee on Commerce and Labor, to which were referred Senate Bills Nos. 200, 208, 219, 220, 385, 397, has had the same under consideration, and begs leave to report the same back with the recommendation: Do pass.

ELLEN B. SPIEGEL, *Chair*

*Mr. Speaker:*

Your Committee on Growth and Infrastructure, to which were referred Senate Bills Nos. 42, 181, 212, 356, 394, 396, 428, 429, 491, 496; Senate Joint Resolution No. 7, has had the same under consideration, and begs leave to report the same back with the recommendation: Do pass.

DANIELE MONROE-MORENO, *Chair*

*Mr. Speaker:*

Your Committee on Health and Human Services, to which were referred Senate Bills Nos. 95, 315, has had the same under consideration, and begs leave to report the same back with the recommendation: Do pass.

LESLEY E. COHEN, *Chair*

*Mr. Speaker:*

Your Committee on Judiciary, to which was referred Senate Bill No. 382, has had the same under consideration, and begs leave to report the same back with the recommendation: Amend, and do pass as amended.

STEVE YEAGER, *Chair*

*Mr. Speaker:*

Your Committee on Legislative Operations and Elections, to which were referred Senate Bill No. 108; Senate Joint Resolutions Nos. 1 of the 79th Session, 3 of the 79th Session, has had the same under consideration, and begs leave to report the same back with the recommendation: Do pass.

Also, your Committee on Legislative Operations and Elections, to which was referred Senate Bill No. 452, has had the same under consideration, and begs leave to report the same back with the recommendation: Amend, and do pass as amended.

SANDRA JAUREGUI, *Chair*

*Mr. Speaker:*

Your Committee on Natural Resources, Agriculture, and Mining, to which was referred Senate Bill No. 140, has had the same under consideration, and begs leave to report the same back with the recommendation: Amend, and do pass as amended.

HEIDI SWANK, *Chair*

*Mr. Speaker:*

Your Committee on Taxation, to which were referred Senate Bills Nos. 164, 341, 448, has had the same under consideration, and begs leave to report the same back with the recommendation: Do pass.

Also, your Committee on Taxation, to which was referred Senate Bill No. 298, has had the same under consideration, and begs leave to report the same back with the recommendation: Amend, and do pass as amended.

DINA NEAL, *Chair*

*Mr. Speaker:*

Your Committee on Ways and Means, to which were referred Senate Bills Nos. 101, 233, has had the same under consideration, and begs leave to report the same back with the recommendation: Do pass.

MAGGIE CARLTON, *Chair*

#### MESSAGES FROM THE SENATE

SENATE CHAMBER, Carson City, May 16, 2019

*To the Honorable the Assembly:*

I have the honor to inform your honorable body that the Senate on this day passed Assembly Bills Nos. 117, 333, 499.

Also, I have the honor to inform your honorable body that the Senate amended, and on this day passed, as amended, Assembly Bill No. 485, Amendment No. 677, and respectfully requests your honorable body to concur in said amendment.

Also, I have the honor to inform your honorable body that the Senate on this day concurred in Assembly Amendment No. 658 to Senate Bill No. 225.

SHERRY RODRIGUEZ  
*Assistant Secretary of the Senate*

## MOTIONS, RESOLUTIONS AND NOTICES

## NOTICE OF EXEMPTION

May 17, 2019

The Fiscal Analysis Division, pursuant to Joint Standing Rule 14.6, has determined the eligibility for exemption of: Assembly Bill No. 348.

MARK KRMPOTIC  
*Fiscal Analysis Division*

## WAIVER OF JOINT STANDING RULES

A Waiver requested by: Speaker Frierson.

For: Assembly Bill No. 291.

To Waive:

Subsection 3 of Joint Standing Rule No. 14.3 (out of final committee of 2nd house by 103rd day).

Subsection 4 of Joint Standing Rule No. 14.3 (out of 2nd house by 110th day).

Has been granted effective: May 17, 2019.

SENATOR NICOLE J. CANNIZZARO  
*Senate Majority Leader*

ASSEMBLYMAN JASON FRIERSON  
*Speaker of the Assembly*

A Waiver requested by: Assembly Committee on Commerce and Labor.

For: BDR No. C-1273:

AJR: Proposes to amend the Nevada Constitution to revise provisions governing payment of minimum compensation to employees.

To Waive:

Subsection 1 of Joint Standing Rule No. 14 (Committee requests of each house must be requested by 15th day).

Subsection 1 of Joint Standing Rule No. 14.2 (dates for introduction of BDRs requested by individual legislators and committees).

Subsection 1 of Joint Standing Rule No. 14.3 (out of final committee of house of origin by 68th day).

Subsection 2 of Joint Standing Rule No. 14.3 (out of house of origin by 79th day).

Subsection 3 of Joint Standing Rule No. 14.3 (out of final committee of 2nd house by 103rd day).

Subsection 4 of Joint Standing Rule No. 14.3 (out of 2nd house by 110th day).

Has been granted effective: Friday, May 17, 2019.

SENATOR NICOLE J. CANNIZZARO  
*Senate Majority Leader*

ASSEMBLYMAN JASON FRIERSON  
*Speaker of the Assembly*

## INTRODUCTION, FIRST READING AND REFERENCE

By the Committee on Ways and Means:

Assembly Bill No. 535—AN ACT relating to tobacco products; increasing the annual license fee for a license to engage in business as a wholesale dealer of cigarettes; establishing an annual license fee for a license to engage in certain other businesses related to cigarettes or other tobacco products; revising provisions governing the imposition and payment of the tax on other tobacco products; and providing other matters properly relating thereto.

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

Motion carried.

## SECOND READING AND AMENDMENT

Senate Bill No. 87.

Bill read second time and ordered to third reading.

Senate Bill No. 113.

Bill read second time and ordered to third reading.

Senate Bill No. 150.

Bill read second time and ordered to third reading.

Senate Bill No. 163.

Bill read second time and ordered to third reading.

Senate Bill No. 172.

Bill read second time and ordered to third reading.

Senate Bill No. 179.

Bill read second time.

The following amendment was proposed by the Committee on Health and Human Services:

Amendment No. 701.

SENATORS CANCELA, RATTI, SCHEIBLE; BROOKS, CANNIZZARO, DONDERO LOOP, D. HARRIS, OHRENSCHALL, PARKS, SPEARMAN AND WOODHOUSE

JOINT SPONSORS: ASSEMBLYMEN SPIEGEL, BILBRAY-AXELROD, PETERS, NGUYEN; ASSEFA, CARRILLO, DURAN, FUMO, GORELOW, JAUREGUI, MARTINEZ, MCCURDY, MILLER, MUNK, THOMPSON AND WATTS

AN ACT relating to abortions; revising provisions relating to informed consent to an abortion; repealing criminal penalties on certain actions relating to the termination of a pregnancy; repealing the prohibition on the excusal of a person on certain grounds from testifying as a witness in a prosecution relating to the termination of a pregnancy; and providing other matters properly relating thereto.

**Legislative Counsel's Digest:**

Existing law in NRS 442.250 regulates the medical conditions under which abortions may be performed in this State. Because NRS 442.250 was submitted to and approved by a referendum of the voters at the 1990 general election, Section 1 of Article 19 of the Nevada Constitution dictates that the provisions of NRS 442.250 may not be amended, annulled, repealed, set aside, suspended or in any way made inoperative except by the direct vote of the people. In addition to the provisions of NRS 442.250, Nevada's abortion laws also contain certain requirements for informed consent to an abortion. (NRS 442.253) Because the requirements concerning informed consent were not part of the referendum in 1990, they may be amended or repealed by the Legislature without being approved by the direct vote of the people.

This bill revises the requirements in existing law relating to informed consent. This bill conforms with Section 1 of Article 19 of the Nevada Constitution because this bill does not amend, annul, repeal, set aside, suspend

or in any way make inoperative the provisions of NRS 442.250. Instead, this bill serves a different governmental purpose than the provisions of NRS 442.250 and revises laws that are separate and complete by themselves and are not amendatory of the provisions of NRS 442.250. (*Matthews v. State ex rel. Nev. Tax Comm'n*, 83 Nev. 266, 267-69 (1967))

Existing law requires a physician to certify in writing that a woman gave her informed written consent before performing an abortion in this State. Existing law additionally requires a physician to certify in writing the pregnant woman's marital status and age before performing an abortion. (NRS 442.252) Existing law further requires that an attending physician or a person meeting the qualifications adopted by the Division of Public and Behavioral Health of the Department of Health and Human Services: (1) take certain action to notify a pregnant woman that she is pregnant; (2) inform a pregnant woman of the number of weeks which have elapsed from the probable time of conception; and (3) explain the physical and emotional implications of having the abortion. (NRS 442.253)

**Sections 1 and 2** of this bill revise the requirements for informed consent for an abortion. **Section 1** removes the requirement that a physician certify a pregnant woman's marital status and age before performing an abortion. **Section 1** also removes the requirement that a physician certify in writing that a woman gave her informed written consent. **Section 2** requires an attending physician or person meeting the qualifications adopted by the Division to: (1) provide orally the explanation required in existing law to a pregnant woman that she is pregnant and a copy of her pregnancy test is available; and (2) orally inform her of the estimated gestational age. **Section 2** additionally requires an attending physician or a person meeting the qualifications adopted by the Division to explain orally to a pregnant woman in an accurate and thorough manner: (1) the procedure to be used and the proper procedures for her care after the abortion; (2) the discomforts and risks that may accompany or follow the performance of a procedure; and (3) if an interpreter is available to assist the woman because the woman does not understand the language used on a form indicating consent or the language used by the persons providing her with information concerning the procedure, that an interpreter is available to provide the explanation. **Section 2** also requires an attending physician or a person meeting the qualifications adopted by the Division to: (1) offer to answer any questions the woman has concerning the procedure; and (2) provide the woman with a copy of a form indicating consent. **Section 2** provides that informed consent shall be deemed to have been given by a woman seeking an abortion when: (1) the form indicating consent has been signed and dated by certain persons; and (2) if the form indicating consent is not written in a language understood by the pregnant woman, the person who explains certain information to the pregnant woman certifies that the information has been presented in such a manner as to be understood by the woman.

Existing law criminalizes certain actions relating to the termination of a pregnancy and prohibits a person from being excused from testifying as a witness in any prosecution relating to the termination of a pregnancy on the grounds that the testimony would tend to incriminate the person. (NRS 201.120, 201.130, 201.140) **Section 6** repeals these provisions.

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

**Section 1.** NRS 442.252 is hereby amended to read as follows:

442.252 No physician may perform an abortion in this state unless, before the physician performs it, he or she ~~certifies in writing that~~ **obtains** the ~~woman gave her~~ informed ~~written~~ consent ~~freely and without coercion.~~ The physician shall further certify in writing the pregnant woman's marital status and age based upon proof of age offered by her. **of the woman seeking the abortion pursuant to NRS 442.253.**

**Sec. 2.** NRS 442.253 is hereby amended to read as follows:

442.253 1. The attending physician or a person meeting the qualifications established by regulations adopted by the Division shall ~~accurately and in a~~ :

(a) **In an accurate and thorough** manner which is reasonably likely to be understood by the pregnant woman ~~freely~~ **orally**:

(1) Explain that, in his or her professional judgment, she is pregnant and a copy of her pregnancy test is available to her.

~~(b)~~ (2) Inform her of the ~~number of weeks which have elapsed from the probable time of conception.~~

~~(c)~~ **estimated gestational age;**

(3) Explain ~~the physical and emotional implications of having the abortion.~~

~~(d) Describe the medical~~ :

(I) **The** procedure to be used ~~its consequences~~ and the proper procedures for her care after the abortion.

(II) **The discomforts and risks that may accompany or follow the procedure.**

(III) **If an interpreter is available to assist the woman because the woman does not understand the language used on a form indicating consent or the language used by the attending physician or person meeting the qualifications established by regulations adopted by the Division, that an interpreter is available to provide the explanation.**

(b) **Offer to answer any questions the woman has concerning the procedure.**

(c) **Provide the woman with a copy of a form indicating consent.**

2. ~~The attending physician shall verify that all material facts and information, which in the professional judgment of the physician are necessary to allow the woman to give her informed consent, have been provided to her~~

~~and that her consent is informed.~~ ***The form indicating consent provided pursuant to subsection 1 must clearly describe the nature and consequences of the procedure to be used.***

3. ~~If the woman does not understand English, the form indicating consent must be written in a language understood by her, or the attending physician shall certify on the form that the information required to be given has been presented in such a manner as to be understandable by her. If an interpreter is used, the interpreter must be named and reference to this use must be made on the form for~~ ***Informed consent shall be deemed to have been given by a woman seeking an abortion for the purposes of NRS 442.252 when:***

***(a) The form indicating consent provided pursuant to paragraph (c) of subsection 1 has been signed and dated by:***

***(1) The woman;***

***(2) The interpreter, if an interpreter is used;***

***(3) The attending physician who will perform the procedure; and***

***(4) The person meeting the qualifications established by regulations adopted by the Division if such a person performs the duties prescribed in subsection 1; and***

***(b) If the form indicating consent is not written in a language understood by the woman, the person who performs the duties prescribed in subsection 1 has certified on the form that the information described in subsection 1 has been presented in such a manner as to be understood by the woman.***

**Sec. 3.** NRS 442.256 is hereby amended to read as follows:

442.256 A physician who performs an abortion shall maintain a record of it for at least 5 years after it is performed. The record must contain:

1. The ~~written~~ ***form indicating consent of the woman, completed in compliance with subsection 3 of NRS 442.253.***

2. A statement of the information which was provided to the woman pursuant to NRS 442.253. ~~;~~ ~~and~~

3. A description of efforts to give any notice required by NRS 442.255.

**Sec. 4.** (Deleted by amendment.)

**Sec. 5.** NRS 41A.110 is hereby amended to read as follows:

41A.110 ~~[A]~~ ***Except as otherwise provided in subsection 3 of NRS 442.253, a physician licensed to practice medicine under the provisions of chapter 630 or 633 of NRS, or a dentist licensed to practice dentistry under the provisions of chapter 631 of NRS, has conclusively obtained the consent of a patient for a medical, surgical or dental procedure, as appropriate, if the physician or dentist has done the following:***

1. Explained to the patient in general terms, without specific details, the procedure to be undertaken;

2. Explained to the patient alternative methods of treatment, if any, and their general nature;

3. Explained to the patient that there may be risks, together with the general nature and extent of the risks involved, without enumerating such risks; and

4. Obtained the signature of the patient to a statement containing an explanation of the procedure, alternative methods of treatment and risks involved, as provided in this section.

**Sec. 6.** NRS 201.120, 201.130 and 201.140 are hereby repealed.

**Sec. 7.** This act becomes effective on July 1, 2019.

#### TEXT OF REPEALED SECTIONS

**201.120 Abortion: Definition; penalty.** A person who:

1. Prescribes, supplies or administers to a woman, whether pregnant or not, or advises or causes her to take any medicine, drug or substance; or

2. Uses or causes to be used, any instrument or other means,

↳ to terminate a pregnancy, unless done pursuant to the provisions of NRS 442.250, or by a woman upon herself upon the advice of a physician acting pursuant to the provisions of NRS 442.250, is guilty of abortion which is a category B felony and shall be punished by imprisonment in the state prison for a minimum term of not less than 1 year and a maximum term of not more than 10 years, and may be further punished by a fine of not more than \$10,000.

**201.130 Selling drugs to produce miscarriage; penalty.** Every person who shall manufacture, sell or give away any instrument, drug, medicine or other substance, knowing or intending that the same may be unlawfully used in procuring the miscarriage of a woman, shall be guilty of a gross misdemeanor.

**201.140 Evidence.** In any prosecution for abortion, attempting abortion, or selling drugs unlawfully, no person shall be excused from testifying as a witness on the ground that the testimony would tend to incriminate him or her, but such testimony shall not be used against the person testifying in any criminal prosecution except for perjury in giving such testimony.

Assemblywoman Cohen moved the adoption of the amendment.

Remarks by Assemblywoman Cohen.

Amendment adopted.

Bill ordered reprinted, reengrossed and to third reading.

Senate Bill No. 201.

Bill read second time and ordered to third reading.

Senate Bill No. 262.

Bill read second time and ordered to third reading.

Senate Bill No. 270.

Bill read second time and ordered to third reading.

Senate Bill No. 365.

Bill read second time and ordered to third reading.

Senate Bill No. 387.

Bill read second time.



The following amendment was proposed by the Committee on Health and Human Services:

Amendment No. 700.

AN ACT relating to anatomical gifts; providing for the certification of nontransplant anatomical donation organizations; requiring the collection of certain information relating to the procurement of human bodies and parts; providing a penalty; and providing other matters properly relating thereto.

**Legislative Counsel's Digest:**

Existing law generally provides for the making of anatomical gifts and for the procurement of human organs, tissues and eyes by certain organizations. (NRS 451.500-451.598) **Section 1** of this bill requires each nontransplant anatomical donation organization in this State to be certified by the Division of Public and Behavioral Health of the Department of Health and Human Services, follow certain standards and guidelines established by the ~~Division~~ **State Board of Health** and report information relating to the human bodies and parts procured by the organization to the Division. **Section 1** requires the standards and guidelines established by the ~~Division~~ **State Board of Health** to be substantially based upon federal and state laws and the best standards and ~~guidelines of certain organizations relating to the procurement of human bodies and parts~~ practices in the industry and requires the ~~Division~~ **State Board of Health** to seek the input of procurement organizations and nontransplant anatomical donation organizations in this State before establishing or revising such standards and guidelines. **Section 1** also requires the Division to make certain information regarding the human bodies and parts collected by nontransplant anatomical donation organizations available to the Governor and the Legislature upon request and to monitor all nontransplant anatomical donation organizations for compliance with federal and state laws and regulations. **Sections 2-6** of this bill make conforming changes.

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

**Section 1.** Chapter 451 of NRS is hereby amended by adding thereto a new section to read as follows:

**1. Each nontransplant anatomical donation organization that procures a human body or part in this State shall:**

- (a) *Be certified by the Division;*
- (b) *Follow the standards and guidelines established by the ~~Division~~ State Board of Health pursuant to subsection 2; and*
- (c) *Report to the Division, in a manner and frequency prescribed by the ~~Division~~ State Board of Health, the number and disposition of human bodies or parts procured by the nontransplant anatomical donation organization.*

**2. The ~~Division~~ State Board of Health shall ~~by regulation~~:**

- (a) *Adopt regulations that establish standards and guidelines for nontransplant anatomical donation organizations ~~The standards and~~*

~~guidelines adopted by the Division] which must be substantially based upon federal laws and regulations relating to the procurement of human bodies and parts, this section and NRS 451.500 to 451.598, inclusive, and the best standards and [guidelines of the American Association of Tissue Banks and the Eye Bank Association of America or their successor organizations.] practices in the industry; and~~

(b) Adopt any regulations necessary to carry out the provisions of this section, including, without limitation, regulations that establish a fee for an application for the issuance or renewal of a certification as a nontransplant anatomical donation organization.

3. Before adopting or amending any regulation pursuant to subsection 2, the ~~[Division]~~ State Board of Health shall seek input from each procurement organization and nontransplant anatomical donation organization in this State.

4. The Division shall:

(a) Collect and analyze information from each nontransplant anatomical donation organization in this State on the number and disposition of human bodies and parts procured by the nontransplant anatomical donation organization and make such information available to the Governor and the Legislature upon request; and

(b) Monitor all nontransplant anatomical donation organizations in this State for compliance with federal and state laws and regulations. ~~f, and~~

~~(c) Adopt any regulations necessary to carry out the provisions of this section, including without limitation, regulations that establish a fee for an application for the issuance or renewal of a certification as a nontransplant anatomical donation organization.]~~

5. A person who engages in the activity of a nontransplant anatomical donation organization without being certified by the Division pursuant to this section or who violates the standards and guidelines adopted by the ~~[Division]~~ State Board of Health pursuant to subsection 2 is guilty of a category C felony and shall be punished as provided in NRS 193.130, or by a fine of not more than \$50,000, or by both fine and the punishment provided in NRS 193.130.

6. As used in this section:

(a) "Division" means the Division of Public and Behavioral Health of the Department of Health and Human Services.

(b) "Nontransplant anatomical donation organization" means a person who engages in the recovery, screening, testing, processing, storage or distribution of human bodies or parts for a purpose other than transplantation, including, without limitation, education, research or the advancement of medical, dental or mortuary science.

Sec. 2. NRS 451.503 is hereby amended to read as follows:

451.503 NRS 451.500 to 451.598, inclusive, *and section 1 of this act* apply to an anatomical gift or amendment to, revocation of or refusal to make an anatomical gift, whenever made.

**Sec. 3.** NRS 451.510 is hereby amended to read as follows:

451.510 As used in NRS 451.500 to 451.598, inclusive, **and section 1 of this act**, unless the context otherwise requires, the words and terms defined in NRS 451.511 to 451.5545, inclusive, have the meanings ascribed to them in those sections.

**Sec. 4.** NRS 451.592 is hereby amended to read as follows:

451.592 1. A person that acts in accordance with NRS 451.500 to 451.598, inclusive, **and section 1 of this act** or with the applicable anatomical gift law of another state, or attempts in good faith to do so, is not liable for the act in a civil action, criminal prosecution or administrative proceeding.

2. Neither the person making an anatomical gift nor the donor's estate is liable for any injury or damage that results from the making or use of the gift.

3. In determining whether an anatomical gift has been made, amended or revoked under NRS 451.500 to 451.598, inclusive, **and section 1 of this act**, a person may rely upon representations of a natural person listed in paragraph (b), (c), (d), (e), (f), (g) or (h) of subsection 1 of NRS 451.566 relating to the natural person's relationship to the donor or prospective donor unless the person knows that the representation is untrue.

**Sec. 5.** NRS 451.593 is hereby amended to read as follows:

451.593 1. A document of gift is valid if executed in accordance with:

(a) The provisions of NRS 451.500 to 451.598, inclusive ~~†~~, **and section 1 of this act**;

(b) The laws of the state or country where it was executed; or

(c) The laws of the state or country where the person making the anatomical gift was domiciled, has a place of residence or was a national at the time the document of gift was executed.

2. If a document of gift is valid under this section, the law of this State governs the interpretation of the document of gift.

3. A person may presume that a document of gift or amendment of an anatomical gift is valid unless that person knows that it was not validly executed or was revoked.

**Sec. 6.** NRS 451.594 is hereby amended to read as follows:

451.594 1. A person shall not create or maintain a donor registry unless the donor registry complies with the provisions of NRS 451.500 to 451.598, inclusive, **and section 1 of this act** and all other applicable provisions of federal and state law.

2. A donor registry must:

(a) Allow a donor or other person authorized under NRS 451.556 to include on the donor registry a statement or symbol that the donor has made, amended or revoked an anatomical gift;

(b) Be accessible to a procurement organization to allow it to obtain relevant information on the donor registry to determine, at or near death of the donor or a prospective donor, whether the donor or prospective donor has made, amended or revoked an anatomical gift; and

(c) Be accessible for purposes of paragraphs (a) and (b) 7 days a week on a 24-hour basis.

3. Personally identifiable information on a donor registry about a donor or prospective donor may not be used or disclosed without the express consent of the donor, prospective donor or person that made the anatomical gift for any purpose other than to determine, at or near death of the donor or prospective donor, whether the donor or prospective donor has made, amended or revoked an anatomical gift.

4. This section does not apply to a donor registry that is created to contain records of anatomical gifts and amendments to or revocations of anatomical gifts of only the whole body of a donor for the purpose of research or education.

**Sec. 7.** This act becomes effective on July 1, 2019.

Assemblywoman Cohen moved the adoption of the amendment.

Remarks by Assemblywoman Cohen.

Amendment adopted.

Bill ordered reprinted, reengrossed and to third reading.

Senate Bill No. 400.

Bill read second time and ordered to third reading.

Senate Bill No. 442.

Bill read second time and ordered to third reading.

Senate Bill No. 457.

Bill read second time.

The following amendment was proposed by the Committee on Health and Human Services:

Amendment No. 702.

AN ACT relating to health care; requiring the reporting of a death at certain facilities and homes as a sentinel event; requiring the posting on the Internet of certain information concerning facilities and programs for the treatment of the abuse of alcohol or drugs; **prohibiting certain false or misleading practices by or on behalf of providers of and facilities for treatment of the abuse of alcohol or drugs and alcohol and drug abuse programs; providing a penalty;** and providing other matters properly relating thereto.

**Legislative Counsel's Digest:**

Existing law defines the term "sentinel event" to refer to certain events that take place at certain medical facilities. Existing law also requires such medical facilities to report to the Division of Public and Behavioral Health of the Department of Health and Human Services the date, time and a brief description of each sentinel event that occurs at the medical facilities. (NRS 439.830, 439.835) **Section 5** of this bill additionally includes any death at a medical facility, facility for the dependent or home operated by a provider of community-based living arrangement services within the definition of the term

“sentinel event.” **Section 6** of this bill requires any such facility to report to the Division the date, time and a brief description of each sentinel event, including each death, that occurs at the facility. **Sections 3, 4, 6-12 and 14-17** of this bill broaden the applicability of provisions governing the reporting and investigation of sentinel events to apply to all medical facilities, facilities for the dependent and homes operated by providers of community-based living arrangement services. **Section 7** of this bill provides that a health facility is not required to investigate a death confirmed to have resulted from natural causes. **Section 7** also provides that certain facilities that care for elderly or terminally ill persons are not required to investigate a death that appears to have resulted from natural causes. **Sections 1, 2, 5 and 13** of this bill make conforming changes.

Existing law requires the Division to post on an Internet website maintained by the Division certain ratings assigned to medical facilities and facilities for the dependent. (NRS 449.1825) **Section 18** of this bill additionally requires the Division to compile and post on an Internet website maintained by the Division information concerning the licensing status and quality of: (1) facilities for the treatment of abuse of alcohol or drugs; (2) halfway houses for recovering alcohol and drug abusers; (3) medical facilities that provide treatment for the abuse of alcohol or drugs; and (4) unlicensed programs for the treatment of alcohol or drugs. **Sections ~~19-25~~ 19-24 and 27** of this bill make conforming changes.

**Existing law authorizes the Division to enforce provisions governing alcohol and drug abuse programs, alcohol and drug treatment facilities and providers of treatment for the abuse of alcohol or drugs. (NRS 458.110) Section 25 of this bill prohibits a treatment provider, facility or operator of an alcohol and drug abuse program, or a person who provides any form of advertising or marketing services on their behalf, from making or providing false or misleading statements about the alcohol and drug abuse services and from engaging in certain other practices. Section 25 makes a violation of those provisions a misdemeanor. Section 22 of this bill additionally authorizes the Division to take action against the license of a treatment program, facility or operator who is licensed pursuant to chapter 449 of NRS for a violation of those provisions. Section 26 of this bill authorizes the Division to take any other action necessary to enforce those provisions.**

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

**Section 1.** Chapter 439 of NRS is hereby amended by adding thereto a new section to read as follows:

***“Health facility” means:***

***1. Any facility licensed by the Division pursuant to chapter 449 of NRS;***  
***and***

**2. A home operated by a provider of community-based living arrangement services, as defined in NRS 433.605.**

**Sec. 2.** NRS 439.800 is hereby amended to read as follows:

439.800 As used in NRS 439.800 to 439.890, inclusive, **and section 1 of this act**, unless the context otherwise requires, the words and terms defined in NRS 439.802 to 439.830, inclusive, **and section 1 of this act** have the meanings ascribed to them in those sections.

**Sec. 3.** NRS 439.810 is hereby amended to read as follows:

439.810 “Patient” means a person who:

1. Is admitted to a ~~medical~~ **health** facility for the purpose of receiving treatment;
2. Resides in a ~~medical~~ **health** facility; or
3. Receives treatment from a provider of health care.

**Sec. 4.** NRS 439.815 is hereby amended to read as follows:

439.815 “Patient safety officer” means a person who is designated as such by a ~~medical~~ **health** facility pursuant to NRS 439.870.

**Sec. 5.** NRS 439.830 is hereby amended to read as follows:

439.830 1. Except as otherwise provided in subsection 2, “sentinel event” means ~~an~~ :

(a) **An** event included in Appendix A of “Serious Reportable Events in Healthcare--2011 Update: A Consensus Report,” published by the National Quality Forum ~~†~~ ; **or**

(b) **Any death that occurs in a health facility.**

2. If the publication described in subsection 1 is revised, the term “sentinel events” ~~means~~ **includes, without limitation, the events included on** the most current version of the list of serious reportable events published by the National Quality Forum as it exists on the effective date of the revision which is deemed to be:

(a) January 1 of the year following the publication of the revision if the revision is published on or after January 1 but before July 1 of the year in which the revision is published; or

(b) July 1 of the year following the publication of the revision if the revision is published on or after July 1 of the year in which the revision is published but before January 1 of the year after the revision is published.

3. If the National Quality Forum ceases to exist, the most current version of the list shall be deemed to be the last version of the publication in existence before the National Quality Forum ceased to exist.

**Sec. 6.** NRS 439.835 is hereby amended to read as follows:

439.835 1. Except as otherwise provided in subsection 2:

(a) A person who is employed by a ~~medical~~ **health** facility shall, within 24 hours after becoming aware of a sentinel event that occurred at the ~~medical~~ **health** facility, notify the patient safety officer of the facility of the sentinel event; and

(b) The patient safety officer shall, within 13 days after receiving notification pursuant to paragraph (a), report the date, the time and a brief description of the sentinel event to:

(1) The Division; and

(2) The representative designated pursuant to NRS 439.855, if that person is different from the patient safety officer.

2. If the patient safety officer of a ~~medical~~ **health** facility personally discovers or becomes aware, in the absence of notification by another employee, of a sentinel event that occurred at the ~~medical~~ **health** facility, the patient safety officer shall, within 14 days after discovering or becoming aware of the sentinel event, report the date, time and brief description of the sentinel event to:

(a) The Division; and

(b) The representative designated pursuant to NRS 439.855, if that person is different from the patient safety officer.

3. The State Board of Health shall prescribe the manner in which reports of sentinel events must be made pursuant to this section.

**Sec. 7.** NRS 439.837 is hereby amended to read as follows:

439.837 ~~Medical~~

**1. Except as otherwise provided in subsections 2 and 3, a health** facility shall, upon reporting a sentinel event pursuant to NRS 439.835, conduct an investigation **or cause an investigation to be conducted** concerning the causes or contributing factors, or both, of the sentinel event and implement a plan to remedy the causes or contributing factors, or both, of the sentinel event.

**2. A health facility is not required to take the actions described in subsection 1 concerning a death confirmed to have resulted from natural causes.**

**3. A residential facility for groups, home for individual residential care or facility for hospice care is not required to take the actions described in subsection 1 concerning a death that appears to have resulted from natural causes.**

**4. As used in this section:**

(a) **“Facility for hospice care” has the meaning ascribed to it in NRS 449.0033.**

(b) **“Home for individual residential care” has the meaning ascribed to it in NRS 449.0105.**

(c) **“Residential facility for groups” has the meaning ascribed to it in NRS 449.017.**

**Sec. 8.** NRS 439.840 is hereby amended to read as follows:

439.840 1. The Division shall:

(a) Collect and maintain reports received pursuant to NRS 439.835 and 439.843 and any additional information requested by the Division pursuant to NRS 439.841;

(b) Ensure that such reports, and any additional documents created from such reports, are protected adequately from fire, theft, loss, destruction and other hazards and from unauthorized access;

(c) Annually prepare a report of sentinel events reported pursuant to NRS 439.835 by a ~~medical~~ **health** facility, including, without limitation, the type of event, the number of events, the rate of occurrence of events, and the ~~medical~~ **health** facility which reported the event, and provide the report for inclusion on the Internet website maintained pursuant to NRS 439A.270; and

(d) Annually prepare a summary of the reports received pursuant to NRS 439.835 and provide a summary for inclusion on the Internet website maintained pursuant to NRS 439A.270. The Division shall maintain the confidentiality of the patient, the provider of health care or other member of the staff of the ~~medical~~ **health** facility identified in the reports submitted pursuant to NRS 439.835 when preparing the annual summary pursuant to this paragraph.

2. Except as otherwise provided in this section and NRS 239.0115, reports received pursuant to NRS 439.835 and subsection 1 of NRS 439.843 and any additional information requested by the Division pursuant to NRS 439.841 are confidential, not subject to subpoena or discovery and not subject to inspection by the general public.

3. The report prepared pursuant to paragraph (c) of subsection 1 must provide to the public information concerning each ~~medical~~ **health** facility which provided medical services and care in the immediately preceding calendar year and must:

(a) Be presented in a manner that allows a person to view and compare the information for the ~~medical~~ **health** facilities;

(b) Be readily accessible and understandable by a member of the general public;

(c) Use standard statistical methodology, including without limitation, risk-adjusted methodology when applicable, and include the description of the methodology and data limitations contained in the report;

(d) Not identify a patient, provider of health care or other member of the staff of the ~~medical~~ **health** facility; and

(e) Not be reported for a ~~medical~~ **health** facility if reporting the data would risk identifying a patient.

**Sec. 9.** NRS 439.841 is hereby amended to read as follows:

439.841 1. Upon receipt of a report pursuant to NRS 439.835, the Division may, as often as deemed necessary by the Administrator to protect the health and safety of the public, request additional information regarding the sentinel event or conduct an audit or investigation of the ~~medical~~ **health** facility.

2. A ~~medical~~ **health** facility shall provide to the Division any information requested in furtherance of a request for information, an audit or an investigation pursuant to this section.



3. If the Division conducts an audit or investigation pursuant to this section, the Division shall, within 30 days after completing such an audit or investigation, report its findings to the State Board of Health.

4. A ~~medical~~ **health** facility which is audited or investigated pursuant to this section shall pay to the Division the actual cost of conducting the audit or investigation.

**Sec. 10.** NRS 439.843 is hereby amended to read as follows:

439.843 1. On or before March 1 of each year, each ~~medical~~ **health** facility shall provide to the Division, in the form prescribed by the State Board of Health, a summary of the reports submitted by the ~~medical~~ **health** facility pursuant to NRS 439.835 during the immediately preceding calendar year. The summary must include, without limitation:

(a) The total number and types of sentinel events reported by the ~~medical~~ **health** facility, if any;

(b) **For a medical facility:**

(1) A copy of the most current patient safety plan established pursuant to NRS 439.865; **and**

~~(e)~~ (2) A summary of the membership and activities of the patient safety committee established pursuant to NRS 439.875; and

~~(d)~~ (c) Any other information required by the State Board of Health concerning the reports submitted by the ~~medical~~ **health** facility pursuant to NRS 439.835.

2. On or before June 1 of each year, the Division shall submit to the State Board of Health an annual summary of the reports and information received by the Division pursuant to this section. The annual summary must include, without limitation, a compilation of the information submitted pursuant to subsection 1 and any other pertinent information deemed necessary by the State Board of Health concerning the reports submitted by the ~~medical~~ **health** facility pursuant to NRS 439.835. The Division shall maintain the confidentiality of the patient, the provider of health care or other member of the staff of the ~~medical~~ **health** facility identified in the reports submitted pursuant to NRS 439.835 and any other identifying information of a person requested by the State Board of Health concerning those reports when preparing the annual summary pursuant to this section.

3. The Department shall post on the Internet website maintained pursuant to NRS 439A.270 or any other website maintained by the Department a copy of the most current patient safety plan submitted by each ~~medical~~ **health** facility pursuant to subsection 1.

**Sec. 11.** NRS 439.845 is hereby amended to read as follows:

439.845 1. The Division shall analyze and report trends regarding sentinel events.

2. When the Division receives notice from a ~~medical~~ **health** facility that the ~~medical~~ **health** facility has taken corrective action to remedy the causes or contributing factors, or both, of a sentinel event, the Division shall:

(a) Make a record of the information;

(b) Ensure that the information is released in a manner so as not to reveal the identity of a specific patient, provider of health care or member of the staff of the facility; and

(c) At least quarterly, report its findings regarding the analysis of trends of sentinel events on the Internet website maintained pursuant to NRS 439A.270.

**Sec. 12.** NRS 439.855 is hereby amended to read as follows:

439.855 1. Each ~~medical~~ **health** facility that is located within this state shall designate a representative for the notification of patients who have been involved in sentinel events at that ~~medical~~ **health** facility.

2. A representative designated pursuant to subsection 1 shall, not later than 7 days after discovering or becoming aware of a sentinel event that occurred at the ~~medical~~ **health** facility, provide notice of that fact to each patient who was involved in that sentinel event.

3. The provision of notice to a patient pursuant to subsection 2 must not, in any action or proceeding, be considered an acknowledgment or admission of liability.

4. A representative designated pursuant to subsection 1 may or may not be the same person who serves as the facility's patient safety officer.

**Sec. 13.** NRS 439.860 is hereby amended to read as follows:

439.860 Any report, document and any other information compiled or disseminated pursuant to the provisions of NRS 439.800 to 439.890, inclusive, **and section 1 of this act** is not admissible in evidence in any administrative or legal proceeding conducted in this State.

**Sec. 14.** NRS 439.870 is hereby amended to read as follows:

439.870 1. A ~~medical~~ **health** facility shall designate an officer or employee of the facility to serve as the patient safety officer of the ~~medical~~ **health** facility.

2. The person who is designated as the patient safety officer of a ~~medical~~ **health** facility shall:

(a) ~~Serve on the patient safety committee.~~

~~(b)~~ Supervise the reporting of all sentinel events alleged to have occurred at the ~~medical~~ **health** facility, including, without limitation, performing the duties required pursuant to NRS 439.835.

~~(c)~~ **(b)** Take such action as he or she determines to be necessary to ensure the safety of patients as a result of an investigation of any sentinel event alleged to have occurred at the ~~medical~~ **health** facility.

~~(d)~~ **(c) If the health facility is a medical facility:**

**(1) Serve on the patient safety committee of the medical facility established pursuant to NRS 439.875; and**

**(2) Report to the patient safety committee regarding any action taken in accordance with paragraph ~~(e)~~ **(b)**.**

**Sec. 15.** NRS 439.880 is hereby amended to read as follows:

439.880 No person is subject to any criminal penalty or civil liability for libel, slander or any similar cause of action in tort if the person, without malice:

1. Reports a sentinel event to a governmental entity with jurisdiction or another appropriate authority;
2. Notifies a governmental entity with jurisdiction or another appropriate authority of a sentinel event;
3. Transmits information regarding a sentinel event to a governmental entity with jurisdiction or another appropriate authority;
4. Compiles, prepares or disseminates information regarding a sentinel event to a governmental entity with jurisdiction or another appropriate authority; or
5. Performs any other act authorized pursuant to NRS 439.800 to 439.890, inclusive ~~†~~, **and section 1 of this act.**

**Sec. 16.** NRS 439.885 is hereby amended to read as follows:

439.885 1. If a ~~medical~~ **health** facility:

(a) Commits a violation of any provision of NRS 439.800 to 439.890, inclusive, **and section 1 of this act** or for any violation for which an administrative sanction pursuant to NRS 449.163 would otherwise be applicable; and

(b) Of its own volition, reports the violation to the Administrator,  
→ such a violation must not be used as the basis for imposing an administrative sanction pursuant to NRS 449.163.

2. If a ~~medical~~ **health** facility commits a violation of any provision of NRS 439.800 to 439.890, inclusive, **and section 1 of this act** and does not, of its own volition, report the violation to the Administrator, the Division may, in accordance with the provisions of subsection 3, impose an administrative sanction:

(a) For failure to report a sentinel event, in an amount not to exceed \$100 per day for each day after the date on which the sentinel event was required to be reported pursuant to NRS 439.835;

(b) For failure to adopt and implement a patient safety plan pursuant to NRS 439.865, in an amount not to exceed \$1,000 for each month in which a patient safety plan was not in effect; and

(c) For failure to establish a patient safety committee or failure of such a committee to meet pursuant to the requirements of NRS 439.875, in an amount not to exceed \$2,000 for each violation of that section.

3. Before the Division imposes an administrative sanction pursuant to subsection 2, the Division shall provide the ~~medical~~ **health** facility with reasonable notice. The notice must contain the legal authority, jurisdiction and reasons for the action to be taken. If a ~~medical~~ **health** facility wants to contest the action, the facility may file an appeal pursuant to the regulations of the State Board of Health adopted pursuant to NRS 449.165 and 449.170. Upon receiving notice of an appeal, the Division shall hold a hearing in accordance with those regulations.

4. An administrative sanction collected pursuant to this section must be accounted for separately and used by the Division to provide training and education to employees of the Division, employees of ~~medical~~ **health**

facilities and members of the general public regarding issues relating to the provision of quality and safe health care.

**Sec. 17.** NRS 439A.270 is hereby amended to read as follows:

439A.270 1. The Department shall establish and maintain an Internet website that includes the information concerning the charges imposed and the quality of the services provided by the hospitals and surgical centers for ambulatory patients in this State as required by the programs established pursuant to NRS 439A.220 and 439A.240. The information must:

(a) Include, for each hospital in this State, the:

(1) Total number of patients discharged, the average length of stay and the average billed charges, reported for the diagnosis-related groups for inpatients and the 50 medical treatments for outpatients that the Department determines are most useful for consumers;

(2) Total number of potentially preventable readmissions reported pursuant to NRS 439A.220, the rate of occurrence of potentially preventable readmissions, and the average length of stay and average billed charges of those potentially preventable readmissions, reported by the diagnosis-related group for inpatients for which the patient originally received treatment at a hospital; and

(3) Name of each physician who performed a surgical procedure in the hospital and the total number of surgical procedures performed by each physician in the hospital, reported for the most frequent surgical procedures that the Department determines are most useful for consumers if the information is available;

(b) Include, for each surgical center for ambulatory patients in this State, the:

(1) Total number of patients discharged and the average billed charges, reported for 50 medical treatments for outpatients that the Department determines are most useful for consumers; and

(2) Name of each physician who performed a surgical procedure in the surgical center for ambulatory patients and the total number of surgical procedures performed by each physician in the surgical center for ambulatory patients, reported for the most frequent surgical procedures that the Department determines are most useful for consumers;

(c) Be presented in a manner that allows a person to view and compare the information for the hospitals by:

(1) Geographic location of each hospital;

(2) Type of medical diagnosis; and

(3) Type of medical treatment;

(d) Be presented in a manner that allows a person to view and compare the information for the surgical centers for ambulatory patients by:

(1) Geographic location of each surgical center for ambulatory patients;

(2) Type of medical diagnosis; and

(3) Type of medical treatment;

(e) Be presented in a manner that allows a person to view and compare the information separately for:

- (1) The inpatients and outpatients of each hospital; and
- (2) The outpatients of each surgical center for ambulatory patients;

(f) Be readily accessible and understandable by a member of the general public;

(g) Include the annual summary of reports of sentinel events prepared for each ~~medical~~ **health** facility pursuant to paragraph (c) of subsection 1 of NRS 439.840;

(h) Include the annual summary of reports of sentinel events prepared pursuant to paragraph (d) of subsection 1 of NRS 439.840;

(i) Include the reports of information prepared for each medical facility pursuant to paragraph (b) of subsection 4 of NRS 439.847;

(j) Include a link to electronic copies of all reports, summaries, compilations and supplementary reports required by NRS 449.450 to 449.530, inclusive;

(k) Include, for each hospital with 100 or more beds, a summary of financial information which is readily understandable by a member of the general public and which includes, without limitation, a summary of:

(1) The expenses of the hospital which are attributable to providing community benefits and in-kind services as reported pursuant to NRS 449.490;

(2) The capital improvement report submitted to the Department pursuant to NRS 449.490;

(3) The net income of the hospital;

(4) The net income of the consolidated corporation, if the hospital is owned by such a corporation and if that information is publicly available;

(5) The operating margin of the hospital;

(6) The ratio of the cost of providing care to patients covered by Medicare to the charges for such care;

(7) The ratio of the total costs to charges of the hospital; and

(8) The average daily occupancy of the hospital; and

(l) Provide any other information relating to the charges imposed and the quality of the services provided by the hospitals and surgical centers for ambulatory patients in this State which the Department determines is:

(1) Useful to consumers;

(2) Nationally recognized; and

(3) Reported in a standard and reliable manner.

2. The Department shall:

(a) Publicize the availability of the Internet website;

(b) Update the information contained on the Internet website at least quarterly;

(c) Ensure that the information contained on the Internet website is accurate and reliable;

(d) Ensure that the information reported by a hospital or surgical center for ambulatory patients for inpatients and outpatients which is contained on the

Internet website is expressed as a total number and as a rate, and must be reported in a manner so as not to reveal the identity of a specific inpatient or outpatient of a hospital or surgical center for ambulatory patients;

(e) Post a disclaimer on the Internet website indicating that the information contained on the website is provided to assist with the comparison of hospitals and is not a guarantee by the Department or its employees as to the charges imposed by the hospitals in this State or the quality of the services provided by the hospitals in this State, including, without limitation, an explanation that the actual amount charged to a person by a particular hospital may not be the same charge as posted on the website for that hospital;

(f) Provide on the Internet website established pursuant to this section a link to the Internet website of the Centers for Medicare and Medicaid Services of the United States Department of Health and Human Services; and

(g) Upon request, make the information that is contained on the Internet website available in printed form.

3. As used in this section, “diagnosis-related group” means groupings of medical diagnostic categories used as a basis for hospital payment schedules by Medicare and other third-party health care plans.

**Sec. 18.** Chapter 449 of NRS is hereby amended by adding thereto a new section to read as follows:

***The Division shall:***

***1. Compile and post on an Internet website maintained by the Division information concerning the licensing status and quality of:***

***(a) Facilities for the treatment of abuse of alcohol or drugs;***

***(b) Halfway houses for recovering alcohol and drug abusers;***

***(c) Medical facilities that provide a program of treatment for the abuse of alcohol or drugs; and***

***(d) To the extent that such information is available, unlicensed programs of treatment for the abuse of alcohol or drugs; and***

***2. Update the information described in subsection 1 at least annually.***

**Sec. 19.** NRS 449.030 is hereby amended to read as follows:

449.030 Except as otherwise provided in NRS 449.03013, 449.03015 and 449.03017, no person, state or local government or agency thereof may operate or maintain in this State any medical facility or facility for the dependent without first obtaining a license therefor as provided in NRS 449.029 to 449.2428, inclusive ~~†~~, **and section 18 of this act.**

**Sec. 20.** NRS 449.0301 is hereby amended to read as follows:

449.0301 The provisions of NRS 449.029 to 449.2428, inclusive, **and section 18 of this act** do not apply to:

1. Any facility conducted by and for the adherents of any church or religious denomination for the purpose of providing facilities for the care and treatment of the sick who depend solely upon spiritual means through prayer for healing in the practice of the religion of the church or denomination, except that such a facility shall comply with all regulations relative to sanitation and safety applicable to other facilities of a similar category.

2. Foster homes as defined in NRS 424.014.

3. Any medical facility, facility for the dependent or facility which is otherwise required by the regulations adopted by the Board pursuant to NRS 449.0303 to be licensed that is operated and maintained by the United States Government or an agency thereof.

**Sec. 21.** NRS 449.0302 is hereby amended to read as follows:

449.0302 1. The Board shall adopt:

(a) Licensing standards for each class of medical facility or facility for the dependent covered by NRS 449.029 to 449.2428, inclusive, **and section 18 of this act** and for programs of hospice care.

(b) Regulations governing the licensing of such facilities and programs.

(c) Regulations governing the procedure and standards for granting an extension of the time for which a natural person may provide certain care in his or her home without being considered a residential facility for groups pursuant to NRS 449.017. The regulations must require that such grants are effective only if made in writing.

(d) Regulations establishing a procedure for the indemnification by the Division, from the amount of any surety bond or other obligation filed or deposited by a facility for refractive surgery pursuant to NRS 449.068 or 449.069, of a patient of the facility who has sustained any damages as a result of the bankruptcy of or any breach of contract by the facility.

(e) Any other regulations as it deems necessary or convenient to carry out the provisions of NRS 449.029 to 449.2428, inclusive ~~†~~, **and section 18 of this act.**

2. The Board shall adopt separate regulations governing the licensing and operation of:

(a) Facilities for the care of adults during the day; and

(b) Residential facilities for groups,

↪ which provide care to persons with Alzheimer's disease.

3. The Board shall adopt separate regulations for:

(a) The licensure of rural hospitals which take into consideration the unique problems of operating such a facility in a rural area.

(b) The licensure of facilities for refractive surgery which take into consideration the unique factors of operating such a facility.

(c) The licensure of mobile units which take into consideration the unique factors of operating a facility that is not in a fixed location.

4. The Board shall require that the practices and policies of each medical facility or facility for the dependent provide adequately for the protection of the health, safety and physical, moral and mental well-being of each person accommodated in the facility.

5. In addition to the training requirements prescribed pursuant to NRS 449.093, the Board shall establish minimum qualifications for administrators and employees of residential facilities for groups. In establishing the qualifications, the Board shall consider the related standards set by nationally recognized organizations which accredit such facilities.

6. The Board shall adopt separate regulations regarding the assistance which may be given pursuant to NRS 453.375 and 454.213 to an ultimate user of controlled substances or dangerous drugs by employees of residential facilities for groups. The regulations must require at least the following conditions before such assistance may be given:

(a) The ultimate user's physical and mental condition is stable and is following a predictable course.

(b) The amount of the medication prescribed is at a maintenance level and does not require a daily assessment.

(c) A written plan of care by a physician or registered nurse has been established that:

(1) Addresses possession and assistance in the administration of the medication; and

(2) Includes a plan, which has been prepared under the supervision of a registered nurse or licensed pharmacist, for emergency intervention if an adverse condition results.

(d) Except as otherwise authorized by the regulations adopted pursuant to NRS 449.0304, the prescribed medication is not administered by injection or intravenously.

(e) The employee has successfully completed training and examination approved by the Division regarding the authorized manner of assistance.

7. The Board shall adopt separate regulations governing the licensing and operation of residential facilities for groups which provide assisted living services. The Board shall not allow the licensing of a facility as a residential facility for groups which provides assisted living services and a residential facility for groups shall not claim that it provides "assisted living services" unless:

(a) Before authorizing a person to move into the facility, the facility makes a full written disclosure to the person regarding what services of personalized care will be available to the person and the amount that will be charged for those services throughout the resident's stay at the facility.

(b) The residents of the facility reside in their own living units which:

(1) Except as otherwise provided in subsection 8, contain toilet facilities;

(2) Contain a sleeping area or bedroom; and

(3) Are shared with another occupant only upon consent of both occupants.

(c) The facility provides personalized care to the residents of the facility and the general approach to operating the facility incorporates these core principles:

(1) The facility is designed to create a residential environment that actively supports and promotes each resident's quality of life and right to privacy;

(2) The facility is committed to offering high-quality supportive services that are developed by the facility in collaboration with the resident to meet the resident's individual needs;



(3) The facility provides a variety of creative and innovative services that emphasize the particular needs of each individual resident and the resident's personal choice of lifestyle;

(4) The operation of the facility and its interaction with its residents supports, to the maximum extent possible, each resident's need for autonomy and the right to make decisions regarding his or her own life;

(5) The operation of the facility is designed to foster a social climate that allows the resident to develop and maintain personal relationships with fellow residents and with persons in the general community;

(6) The facility is designed to minimize and is operated in a manner which minimizes the need for its residents to move out of the facility as their respective physical and mental conditions change over time; and

(7) The facility is operated in such a manner as to foster a culture that provides a high-quality environment for the residents, their families, the staff, any volunteers and the community at large.

8. The Division may grant an exception from the requirement of subparagraph (1) of paragraph (b) of subsection 7 to a facility which is licensed as a residential facility for groups on or before July 1, 2005, and which is authorized to have 10 or fewer beds and was originally constructed as a single-family dwelling if the Division finds that:

(a) Strict application of that requirement would result in economic hardship to the facility requesting the exception; and

(b) The exception, if granted, would not:

(1) Cause substantial detriment to the health or welfare of any resident of the facility;

(2) Result in more than two residents sharing a toilet facility; or

(3) Otherwise impair substantially the purpose of that requirement.

9. The Board shall, if it determines necessary, adopt regulations and requirements to ensure that each residential facility for groups and its staff are prepared to respond to an emergency, including, without limitation:

(a) The adoption of plans to respond to a natural disaster and other types of emergency situations, including, without limitation, an emergency involving fire;

(b) The adoption of plans to provide for the evacuation of a residential facility for groups in an emergency, including, without limitation, plans to ensure that nonambulatory patients may be evacuated;

(c) Educating the residents of residential facilities for groups concerning the plans adopted pursuant to paragraphs (a) and (b); and

(d) Posting the plans or a summary of the plans adopted pursuant to paragraphs (a) and (b) in a conspicuous place in each residential facility for groups.

10. The regulations governing the licensing and operation of facilities for transitional living for released offenders must provide for the licensure of at least three different types of facilities, including, without limitation:

(a) Facilities that only provide a housing and living environment;

(b) Facilities that provide or arrange for the provision of supportive services for residents of the facility to assist the residents with reintegration into the community, in addition to providing a housing and living environment; and

(c) Facilities that provide or arrange for the provision of alcohol and drug abuse programs, in addition to providing a housing and living environment and providing or arranging for the provision of other supportive services.

↪ The regulations must provide that if a facility was originally constructed as a single-family dwelling, the facility must not be authorized for more than eight beds.

11. As used in this section, “living unit” means an individual private accommodation designated for a resident within the facility.

**Sec. 22.** NRS 449.160 is hereby amended to read as follows:

449.160 1. The Division may deny an application for a license or may suspend or revoke any license issued under the provisions of NRS 449.029 to 449.2428, inclusive, **and section 18 of this act** upon any of the following grounds:

(a) Violation by the applicant or the licensee of any of the provisions of NRS 439B.410 or 449.029 to 449.245, inclusive, **and section 18 of this act**, or of any other law of this State or of the standards, rules and regulations adopted thereunder.

(b) Aiding, abetting or permitting the commission of any illegal act.

(c) Conduct inimical to the public health, morals, welfare and safety of the people of the State of Nevada in the maintenance and operation of the premises for which a license is issued.

(d) Conduct or practice detrimental to the health or safety of the occupants or employees of the facility.

(e) Failure of the applicant to obtain written approval from the Director of the Department of Health and Human Services as required by NRS 439A.100 or as provided in any regulation adopted pursuant to NRS 449.001 to 449.430, inclusive, **and section 18 of this act** and 449.435 to 449.531, inclusive, and chapter 449A of NRS if such approval is required.

(f) Failure to comply with the provisions of NRS 449.2486.

**(g) Violation of the provisions of section 25 of this act.**

2. In addition to the provisions of subsection 1, the Division may revoke a license to operate a facility for the dependent if, with respect to that facility, the licensee that operates the facility, or an agent or employee of the licensee:

(a) Is convicted of violating any of the provisions of NRS 202.470;

(b) Is ordered to but fails to abate a nuisance pursuant to NRS 244.360, 244.3603 or 268.4124; or

(c) Is ordered by the appropriate governmental agency to correct a violation of a building, safety or health code or regulation but fails to correct the violation.

3. The Division shall maintain a log of any complaints that it receives relating to activities for which the Division may revoke the license to operate

a facility for the dependent pursuant to subsection 2. The Division shall provide to a facility for the care of adults during the day:

- (a) A summary of a complaint against the facility if the investigation of the complaint by the Division either substantiates the complaint or is inconclusive;
- (b) A report of any investigation conducted with respect to the complaint; and
- (c) A report of any disciplinary action taken against the facility.

↪ The facility shall make the information available to the public pursuant to NRS 449.2486.

4. On or before February 1 of each odd-numbered year, the Division shall submit to the Director of the Legislative Counsel Bureau a written report setting forth, for the previous biennium:

(a) Any complaints included in the log maintained by the Division pursuant to subsection 3; and

(b) Any disciplinary actions taken by the Division pursuant to subsection 2.

**Sec. 23.** NRS 449.163 is hereby amended to read as follows:

449.163 1. In addition to the payment of the amount required by NRS 449.0308, if a medical facility, facility for the dependent or facility which is required by the regulations adopted by the Board pursuant to NRS 449.0303 to be licensed violates any provision related to its licensure, including any provision of NRS 439B.410 or 449.029 to 449.2428, inclusive, **and section 18 of this act** or any condition, standard or regulation adopted by the Board, the Division, in accordance with the regulations adopted pursuant to NRS 449.165, may:

(a) Prohibit the facility from admitting any patient until it determines that the facility has corrected the violation;

(b) Limit the occupancy of the facility to the number of beds occupied when the violation occurred, until it determines that the facility has corrected the violation;

(c) If the license of the facility limits the occupancy of the facility and the facility has exceeded the approved occupancy, require the facility, at its own expense, to move patients to another facility that is licensed;

(d) Impose an administrative penalty of not more than \$5,000 per day for each violation, together with interest thereon at a rate not to exceed 10 percent per annum; and

(e) Appoint temporary management to oversee the operation of the facility and to ensure the health and safety of the patients of the facility, until:

(1) It determines that the facility has corrected the violation and has management which is capable of ensuring continued compliance with the applicable statutes, conditions, standards and regulations; or

(2) Improvements are made to correct the violation.

2. If the facility fails to pay any administrative penalty imposed pursuant to paragraph (d) of subsection 1, the Division may:

(a) Suspend the license of the facility until the administrative penalty is paid; and

(b) Collect court costs, reasonable attorney's fees and other costs incurred to collect the administrative penalty.

3. The Division may require any facility that violates any provision of NRS 439B.410 or 449.029 to 449.2428, inclusive, **and section 18 of this act** or any condition, standard or regulation adopted by the Board to make any improvements necessary to correct the violation.

4. Any money collected as administrative penalties pursuant to paragraph (d) of subsection 1 must be accounted for separately and used to administer and carry out the provisions of NRS 449.001 to 449.430, inclusive, **and section 18 of this act**, 449.435 to 449.530, inclusive, and 449.760 and chapter 449A of NRS to protect the health, safety, well-being and property of the patients and residents of facilities in accordance with applicable state and federal standards or for any other purpose authorized by the Legislature.

**Sec. 24.** NRS 449.220 is hereby amended to read as follows:

449.220 1. The Division may bring an action in the name of the State to enjoin any person, state or local government unit or agency thereof from operating or maintaining any facility within the meaning of NRS 449.029 to 449.2428, inclusive ~~+~~, **and section 18 of this act:**

- (a) Without first obtaining a license therefor; or
- (b) After his or her license has been revoked or suspended by the Division.

2. It is sufficient in such action to allege that the defendant did, on a certain date and in a certain place, operate and maintain such a facility without a license.

**Sec. 25. Chapter 458 of NRS is hereby amended by adding thereto a new section to read as follows:**

**1. A treatment provider, a facility or an operator of an alcohol and drug abuse program, or a person who provides any form of advertising or marketing services on behalf of such a provider, facility or operator, shall not:**

**(a) Make a false or misleading statement or provide false or misleading information about the products, goods, services or geographical locations of the treatment provider, facility or alcohol and drug abuse program in the marketing, advertising materials or media or on the Internet website of the treatment provider, facility or operator of the alcohol and drug abuse program;**

**(b) Post or otherwise allow on the Internet website of the treatment provider, facility or alcohol and drug abuse program false information or electronic links, coding or activation that provides false information or that surreptitiously directs the reader to another Internet website;**

**(c) Solicit, receive or attempt to solicit or receive a commission, benefit, bonus, rebate, kickback or bribe, directly or indirectly, in cash or in kind, or engage in or attempt to engage in a split-fee arrangement in return for a referral or an acceptance or acknowledgment of treatment from the treatment provider, facility or operator of the alcohol and drug abuse program; or**

(d) Enter into a contract with a person who provides marketing services who agrees to generate referrals or leads for the placement of patients with the treatment provider, facility or operator of the alcohol and drug abuse program through a call center or web-based presence, unless the treatment provider, facility or operator of the alcohol and drug abuse program provides to the prospective patient:

(1) A clear disclosure to inform the prospective patient that the person providing the marketing services represents a specific treatment provider, facility or operator of an alcohol and drug abuse program which pays a fee to the person providing the marketing services and the identity of the treatment provider, facility or operator of an alcohol and drug abuse program represented by the person; and

(2) Instructions on the manner in which any list of treatment providers, facilities or alcohol and drug abuse programs provided by the Division on its Internet website may be accessed.

2. The provisions of paragraph (d) of subsection 1 do not apply to a state agency, a contractor thereof or an entity that otherwise receives financial support from the State which refers a person to a treatment provider, facility or alcohol and drug abuse program that is operated or financially supported by the State.

3. Any violation of the provisions of this section is a misdemeanor.

**Sec. 26. NRS 458.110 is hereby amended to read as follows:**

458.110 In addition to the activities set forth in NRS 458.025 to 458.115, inclusive, **and section 25 of this act**, the Division may engage in any activity necessary to effectuate the purposes of this chapter.

~~Sec. 25.~~ **Sec. 27. NRS 654.190 is hereby amended to read as follows:**

654.190 1. The Board may, after notice and an opportunity for a hearing as required by law, impose an administrative fine of not more than \$10,000 for each violation on, recover reasonable investigative fees and costs incurred from, suspend, revoke, deny the issuance or renewal of or place conditions on the license of, and place on probation or impose any combination of the foregoing on any licensee who:

(a) Is convicted of a felony relating to the practice of administering a nursing facility or residential facility or of any offense involving moral turpitude.

(b) Has obtained his or her license by the use of fraud or deceit.

(c) Violates any of the provisions of this chapter.

(d) Aids or abets any person in the violation of any of the provisions of NRS 449.029 to 449.2428, inclusive, **and section 18 of this act** as those provisions pertain to a facility for skilled nursing, facility for intermediate care or residential facility for groups.

(e) Violates any regulation of the Board prescribing additional standards of conduct for licensees, including, without limitation, a code of ethics.

(f) Engages in conduct that violates the trust of a patient or resident or exploits the relationship between the licensee and the patient or resident for the financial or other gain of the licensee.

2. If a licensee requests a hearing pursuant to subsection 1, the Board shall give the licensee written notice of a hearing pursuant to NRS 233B.121 and 241.034. A licensee may waive, in writing, his or her right to attend the hearing.

3. The Board may compel the attendance of witnesses or the production of documents or objects by subpoena. The Board may adopt regulations that set forth a procedure pursuant to which the Chair of the Board may issue subpoenas on behalf of the Board. Any person who is subpoenaed pursuant to this subsection may request the Board to modify the terms of the subpoena or grant additional time for compliance.

4. An order that imposes discipline and the findings of fact and conclusions of law supporting that order are public records.

5. The expiration of a license by operation of law or by order or decision of the Board or a court, or the voluntary surrender of a license, does not deprive the Board of jurisdiction to proceed with any investigation of, or action or disciplinary proceeding against, the licensee or to render a decision suspending or revoking the license.

Assemblywoman Cohen moved the adoption of the amendment.

Remarks by Assemblywoman Cohen.

Amendment adopted.

Bill ordered reprinted, reengrossed and to third reading.

Senate Bill No. 481.

Bill read second time and ordered to third reading.

Senate Bill No. 482.

Bill read second time and ordered to third reading.

Senate Joint Resolution No. 4.

Bill read second time and ordered to third reading.

#### MOTIONS, RESOLUTIONS AND NOTICES

Assemblywoman Benitez-Thompson moved that Senate Bills Nos. 163 and 365 be taken from the General File and placed on the Chief Clerk's desk.

Motion carried.

Assemblywoman Benitez-Thompson moved that Senate Bills Nos. 199, 231, 392, and 416 be taken from their positions on the General File and placed at the top of the General File.

Motion carried.

Assemblywoman Benitez-Thompson moved that Senate Bills Nos. 12, 25, 48, and 73 be taken from the General File and placed on the Chief Clerk's desk.

Motion carried.

GENERAL FILE AND THIRD READING

Senate Bill No. 199.

Bill read third time.

Remarks by Assemblyman Flores.

ASSEMBLYMAN FLORES:

Senate Bill 199 requires a county assessor to transmit a report every 30 business days to a county treasurer regarding each change in ownership of residential real property.

Roll call on Senate Bill No. 199:

YEAS—30.

NAYS—Edwards, Ellison, Hafen, Hansen, Hardy, Kramer, Krasner, Leavitt, Titus, Wheeler—10.

EXCUSED—Hambrick.

VACANT—1.

Senate Bill No. 199 having received a constitutional majority, Mr. Speaker declared it passed.

Bill ordered transmitted to the Senate.

Senate Bill No. 231.

Bill read third time.

Remarks by Assemblyman Carrillo.

ASSEMBLYMAN CARRILLO:

Senate Bill 231 requires the Labor Commissioner to adopt regulations authorizing and prescribing the procedures for the electronic filing of records required to be filed monthly by a contractor or subcontractor about the workers who are employed by the contractor or subcontractor in connection with the public work.

Roll call on Senate Bill No. 231:

YEAS—28.

NAYS—Edwards, Ellison, Hafen, Hansen, Hardy, Kramer, Krasner, Leavitt, Roberts, Titus, Tolles, Wheeler—12.

EXCUSED—Hambrick.

VACANT—1.

Senate Bill No. 231 having received a constitutional majority, Mr. Speaker declared it passed.

Bill ordered transmitted to the Senate.

Senate Bill No. 392.

Bill read third time.

Remarks by Assemblyman Ellison.

ASSEMBLYMAN ELLISON:

Senate Bill 392 requires that at least one person employed in the Real Estate Division of the Department of Business and Industry must be a certified public accountant or have training, expertise, and experience in performing audits. The bill also requires the Attorney General to assign a deputy attorney general to the Division to assist the Ombudsman within the Office of the

Ombudsman for Owners in Common-Interest Communities and Condominium Hotels in fulfilling his or her duties. The bill authorizes the Director of the Department to create a task force on common-interest communities to address areas of concern and recommend regulations or legislation as appropriate. This bill is effective on July 1, 2019.

Roll call on Senate Bill No. 392:

YEAS—40.

NAYS—None.

EXCUSED—Hambrick.

VACANT—1.

Senate Bill No. 392 having received a constitutional majority, Mr. Speaker declared it passed.

Bill ordered transmitted to the Senate.

Senate Bill No. 416.

Bill read third time.

Remarks by Assemblyman Carrillo.

ASSEMBLYMAN CARRILLO:

Senate Bill 416 allows a child of a deceased member of the Public Employees' Retirement System, Judicial Retirement System, or Legislators' Retirement System to continue to receive a cumulative benefit of at least \$400 per month after the child has been adopted. An eligible child or the surviving parent or legal guardian of the child whose benefits were terminated upon adoption may apply for the resumption of such benefits.

Roll call on Senate Bill No. 416:

YEAS—40.

NAYS—None.

EXCUSED—Hambrick.

VACANT—1.

Senate Bill No. 416 having received a constitutional majority, Mr. Speaker declared it passed.

Bill ordered transmitted to the Senate.

Assembly Bill No. 267.

Bill read third time.

The following amendment was proposed by the Committee on Ways and Means:

Amendment No. 697.

AN ACT relating to actions concerning persons; providing for the compensation of certain persons who were wrongfully convicted; and providing other matters properly relating thereto.

**Legislative Counsel's Digest:**

**Section 2** of this bill authorizes a person who was wrongfully convicted in this State to bring an action for damages and other relief. Pursuant to **section 2**, a person may prevail in an action for wrongful conviction if: (1) the person did not commit perjury or fabricate evidence on the underlying criminal proceeding; (2) the person was convicted of a felony in this State and subsequently imprisoned or sentenced to a condition of parole or probation; (3) the person did not commit the crime for which he or she was convicted and the person was not an accessory or accomplice to the acts that were the basis



of the conviction; and (4) the person's conviction was reversed or vacated and his or her charges were dismissed, if a new trial was ordered, the person was found not guilty at the new trial or the person was not retried and his or her charges were dismissed or the person was pardoned by the State Board of Pardons Commissioners on the grounds that the person was innocent. **Section 4** of this bill waives the State's immunity from liability in actions brought for such wrongful conviction and provides that any action brought pursuant to **section 2** is not subject to a limitation on the amount of an award of damages under certain circumstances.

**Section 3** of this bill requires a court to enter a certificate of innocence if the person was successful in his or her wrongful conviction action. **Section 3** also requires a court to seal all records relating to the underlying wrongful conviction at the time the court enters a certificate of innocence.

**Section 5** of this bill sets forth certain filing requirements and appellate rights relating to a wrongful conviction action. **Section 6** of this bill sets forth a 2-year statute of limitations under certain circumstances for the filing of an action for wrongful conviction.

**Section 7** of this bill requires a court in a wrongful conviction action to award: (1) if the person was wrongfully imprisoned for 1 to 10 years, \$50,000 for each year of imprisonment; (2) if the person was wrongfully imprisoned for 11 to 20 years, \$75,000 for each year of imprisonment; or (3) if the person was wrongfully imprisoned for 21 years or more, \$100,000 for each year of imprisonment. **Section 7** also requires a court to award not less than \$25,000 for each year the person was sentenced to a condition of parole or probation or was required to register as a sex offender, whichever period of time was greater. **Section 7** also authorizes the court to order certain other relief, such as payment for the cost of tuition assistance and health care.

**Section 8** of this bill sets forth certain limitations on the award amount a person can receive in his or her wrongful conviction action if the person has previously received a monetary award of damages against this State or entered into a settlement agreement with this State relating to his or her wrongful conviction. **Section 8** also requires a person to reimburse this State for an award received as a result of an action brought pursuant to **section 2** if the person subsequently files another civil action relating to the same wrongful conviction.

**To recover damages or other monetary relief awarded in a wrongful conviction action, section 8.5 of this bill requires the person who successfully brought the action to submit a claim to the State Board of Examiners for payment from the Reserve for Statutory Contingency Account, upon approval of the State Board of Examiners. Section 10 of this bill makes conforming changes.**

**Section 9** of this bill authorizes a court to give preference in setting the date of a trial in an action brought pursuant to **section 2**.

WHEREAS, Nationally there are more than 2,395 persons listed on the National Registry of Exonerations, including 13 persons who were convicted in Nevada; and

WHEREAS, Convictions of innocent persons may be the result of many causes, including, without limitation, eyewitness misidentification, false confessions, improper forensic science and governmental misconduct; and

WHEREAS, Innocent persons who have been wrongfully convicted of crimes and subsequently imprisoned have been uniquely victimized, have distinct challenges reentering society and have difficulty achieving legal redress due to a variety of substantive and technical obstacles in the law; and

WHEREAS, Innocent persons who have been wrongfully convicted of crimes and subsequently imprisoned deserve an avenue of redress over and above existing tort remedies to seek compensation for damages; and

WHEREAS, Those innocent persons who can demonstrate by a preponderance of the evidence that they were wrongfully convicted of crimes and subsequently imprisoned should be able to recover damages against this State; now, therefore,

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

**Section 1.** Chapter 41 of NRS is hereby amended by adding thereto the provisions set forth as sections 2 to ~~18~~ **8.5**, inclusive, of this act.

**Sec. 2. 1.** *A person may bring a civil action for his or her wrongful conviction against this State in a district court seeking damages or other relief provided by section 7 of this act.*

**2.** *The court shall award damages for wrongful conviction in accordance with section 7 of this act if the person proves by a preponderance of the evidence that:*

*(a) He or she was convicted of a felony in this State and was subsequently imprisoned or sentenced to a condition of parole or probation for the conviction;*

*(b) He or she did not commit the felony for which he or she was convicted and the person was not an accessory or accomplice to the acts that were the basis of the conviction;*

*(c) Any of the following occurred:*

*(1) The judgment of conviction was reversed or vacated and the charging document was dismissed;*

*(2) If a court ordered a new trial, the person was found not guilty at the new trial or the person was not retried and the charging document was dismissed; or*

*(3) The person was pardoned by the State Board of Pardons Commissioners on the grounds that he or she was innocent; and*

*(d) The person did not commit perjury or fabricate evidence at the criminal proceeding that brought about his or her felony conviction and the*

*person did not by his or her own conduct cause or bring about his or her felony conviction.*

*3. The court, in exercising its discretion as permitted by law regarding the weight and admissibility of evidence, may, in the interest of justice, give due consideration to:*

- (a) The difficulty of providing evidence caused by the passage of time;*
- (b) The death or unavailability of a witness;*
- (c) The destruction of evidence; or*
- (d) Any other factor not caused by the person or any other person acting on his or her behalf.*

*4. The court may appoint an attorney to aid a person in an action brought pursuant to this section.*

*5. For the purposes of subsection 2, the following do not constitute committing perjury, fabricating evidence or causing or bringing about the conviction of the person:*

- (a) A confession or an admission later found to be false; or*
- (b) If the judgment of conviction was reversed or vacated and the charging document dismissed, a guilty plea for a felony.*

*Sec. 3. 1. If a court finds that a person is entitled to a judgment pursuant to section 2 of this act, the court shall enter a certificate of innocence finding that the person was innocent of the felony for which the person was wrongfully convicted.*

*2. If a court does not find that a person is entitled to a judgment pursuant to section 2 of this act, the action must be dismissed and the court shall not enter a certificate of innocence.*

*3. Upon an entry of a certificate of innocence pursuant to subsection 1, the court shall order sealed all records of the conviction which are in the custody of any agency of criminal justice or any public or private agency, company, official or other custodian of records in the State of Nevada and shall order all such records of the person returned to the file of the court where the underlying criminal action was commenced from, including, without limitation, the Federal Bureau of Investigation and all other agencies of criminal justice which maintain such records and which are reasonably known by either the person or the court to have possession of such records. Such records must be sealed regardless of whether the person has any prior criminal convictions in this State.*

*Sec. 4. 1. The State of Nevada waives its immunity from liability in any action brought pursuant to section 2 of this act and consents to have its liability determined in accordance with the same rules of law as are applied to civil actions against natural persons and corporations.*

*2. An action brought pursuant to section 2 of this act is not subject to any requirement of an action brought pursuant to NRS 41.031, including, without limitation, the limitations on an award of damages described in NRS 41.035.*

**Sec. 5. 1. All pleadings filed pursuant to section 2 of this act must be captioned, "In the matter of the wrongful conviction of [name of the person bringing the action]."**

**2. The initial complaint filed in an action brought pursuant to section 2 of this act must be accompanied by a statement of facts verified by the person and served upon the Attorney General pursuant to the Nevada Rules of Civil Procedure.**

**3. All proceedings held pursuant to section 2 of this act must be tried before a court without a jury.**

**4. A judgment issued pursuant to section 2 of this act may be appealed to an appellate court of competent jurisdiction.**

**5. The doctrines of res judicata and collateral estoppel do not apply to an action brought pursuant to section 2 of this act.**

**Sec. 6. 1. Except as otherwise provided in subsection 2, a person must bring an action pursuant to section 2 of this act within 2 years after:**

**(a) A judgment of conviction of the person was reversed or vacated and the charging document was dismissed;**

**(b) If a court ordered a new trial, the person was found not guilty at the new trial or the person was not retried and the charging document was dismissed; or**

**(c) The person was pardoned by the State Board of Pardons Commissioners on the grounds that the person is innocent.**

**2. If any of the events described in subsection 1 occurred before October 1, 2019, an action brought pursuant to section 2 of this act must be commenced not later than October 1, 2021.**

**Sec. 7. 1. In an action brought pursuant to section 2 of this act which results in the court entering a certificate of innocence pursuant to section 3 of this act, the court shall award the person:**

**(a) If the person was imprisoned for:**

**(1) One to 10 years, \$50,000 for each year of imprisonment;**

**(2) Eleven to 20 years, \$75,000 for each year of imprisonment; or**

**(3) Twenty-one years or more, \$100,000 for each year of imprisonment;**

**and**

**(b) Not less than \$25,000 for each year the person was sentenced to a condition of probation or parole, or not less than \$25,000 for each year the person was required to register as a sex offender, whichever period of time was greater.**

**2. In addition to any damages awarded pursuant to subsection 1, the court may award:**

**(a) Reasonable attorney's fees, not to exceed \$25,000, unless a greater amount is authorized by a court upon a finding of good cause shown.**

**(b) Payment for the cost of:**

**(1) Tuition, books and fees for the person to attend an institution operated by the Nevada System of Higher Education;**

**(2) Participation by the person in a health care program of this State;**

(3) *Programs for reentry into the community for the person; and*

(4) *Counseling services for the person;*

(c) *Reimbursement for:*

(1) *Restitution ordered to be paid by the person in the criminal proceeding for which he or she was wrongfully convicted; and*

(2) *Medical care paid for by the person while he or she was imprisoned for his or her wrongful conviction; and*

(d) *Any other relief, including, without limitation, housing assistance or assistance for financial literacy for the person.*

3. *Any award of damages issued pursuant to subsection 1 must be rounded up to the nearest half year.*

4. *A court shall not award and a person shall not receive compensation for any period of imprisonment during which the person was concurrently serving a sentence for a conviction of another offense for which the person was lawfully convicted and imprisoned.*

5. *If counseling services are awarded to the person pursuant to subsection 2, the person may select a relative to receive counseling with the person. As used in this subsection, “relative” means a person who is related by blood, adoption, marriage or domestic partnership within the third degree of consanguinity or affinity.*

Sec. 8. 1. *If a person in an action brought pursuant to section 2 of this act has previously won a monetary award against this State in a civil action related to his or her wrongful conviction, the person is only entitled to receive any amount described in section 7 of this act, less the award obtained in the previous civil action.*

2. *If a person in an action brought pursuant to section 2 of this act has entered into a settlement agreement with this State related to his or her wrongful conviction, the person is entitled to receive any amount described in section 7 of this act, less the amount of the settlement agreement.*

3. *A person who was successful in his or her action brought pursuant to section 2 of this act and who subsequently filed another civil action relating to his or her wrongful conviction shall reimburse this State for his or her award of damages issued pursuant to section 7 of this act.*

4. *The calculation of an award of damages or a settlement amount pursuant to this section must not include attorney’s fees and the costs for bringing the action.*

Sec. 8.5. *To recover damages or other monetary relief awarded by a court pursuant to section 7 of this act, less any adjustment pursuant to section 8 of this act, a person who was successful in his or her action brought pursuant to section 2 of this act must submit a claim to the State Board of Examiners. The claim must be for payment of the damages or other monetary relief from the Reserve for Statutory Contingency Account, upon approval by the State Board of Examiners.*

**Sec. 9.** NRS 16.025 is hereby amended to read as follows:

16.025 1. Upon the motion of a party to an action who is 70 years of age or older, the court may give preference in setting a date for the trial of the action, unless the court finds that the party does not have a substantial interest in the case as a whole.

2. A court may grant a motion for preference in setting a date for the trial of an action if the court determines that based upon clear and convincing medical evidence, a party to the action suffers from an illness or condition which raises a substantial medical doubt that the party will survive for more than 6 months, and the court determines that the interests of justice would be served by granting the motion.

3. If a motion for preference is granted pursuant to subsection 1 or 2:

(a) The court shall set a date for the trial of the action that is not more than 120 days after the hearing on the motion; and

(b) The court shall not continue the date for the trial of the action beyond 120 days after the hearing on the motion, except for the physical disability of a party or attorney in the action, or for other good cause entered on the record.

4. If the plaintiff in an action seeks to recover damages allegedly caused by a defendant during the commission of acts for which the defendant is convicted of a crime punishable as a felony, the court may, upon the motion of the plaintiff, give preference in setting a date for the trial of the action. If the motion is granted, the trial of the action must, unless the court deems it infeasible, be held not more than 120 days after the hearing on the motion.

***5. A court may, upon the motion of a plaintiff in an action brought pursuant to section 2 of this act, give preference in setting a date for the trial of the action. If the motion is granted, the trial of the action must be held not more than 120 days after the hearing on the motion.***

**Sec. 10. NRS 353.264 is hereby amended to read as follows:**

353.264 1. The Reserve for Statutory Contingency Account is hereby created in the State General Fund.

2. The State Board of Examiners shall administer the Reserve for Statutory Contingency Account. The money in the Account must be expended only for:

(a) The payment of claims which are obligations of the State pursuant to NRS 41.03435, 41.0347, 62I.025, 176.485, 179.310, 212.040, 212.050, 212.070, 281.174, 282.290, 282.315, 288.203, 293.253, 293.405, 353.120, 353.262, 412.154 and 475.235;

(b) The payment of claims which are obligations of the State pursuant to:

(1) Chapter 472 of NRS arising from operations of the Division of Forestry of the State Department of Conservation and Natural Resources directly involving the protection of life and property; and

(2) NRS 7.155, 34.750, 176A.640, 179.225 and 213.153,

↪ except that claims may be approved for the respective purposes listed in this paragraph only when the money otherwise appropriated for those purposes has been exhausted;

(c) The payment of claims which are obligations of the State pursuant to NRS 41.0349 and 41.037, but only to the extent that the money in the Fund for Insurance Premiums is insufficient to pay the claims; ~~and~~

(d) **The payment of claims which are obligations of the State pursuant to section 7 of this act; and**

(e) The payment of claims which are obligations of the State pursuant to NRS 535.030 arising from remedial actions taken by the State Engineer when the condition of a dam becomes dangerous to the safety of life or property.

3. The State Board of Examiners may authorize its Clerk or a person designated by the Clerk, under such circumstances as it deems appropriate, to approve, on behalf of the Board, the payment of claims from the Reserve for Statutory Contingency Account. For the purpose of exercising any authority granted to the Clerk of the State Board of Examiners or to the person designated by the Clerk pursuant to this subsection, any statutory reference to the State Board of Examiners relating to such a claim shall be deemed to refer to the Clerk of the Board or the person designated by the Clerk.

Assemblywoman Carlton moved the adoption of the amendment.

Remarks by Assemblywoman Carlton.

Amendment adopted.

Bill ordered reprinted, reengrossed and to third reading.

#### MOTIONS, RESOLUTIONS AND NOTICES

Assemblywoman Benitez-Thompson moved that the Assembly dispense with the reprinting of Assembly Bill No. 267.

Motion carried.

Assemblywoman Benitez-Thompson moved that Assembly Bill No. 267 be taken from its position on the General File and placed at the top of the General File.

Motion carried.

#### GENERAL FILE AND THIRD READING

Assembly Bill No. 267.

Bill read third time.

Remarks by Assemblymen Carlton and Yeager.

#### ASSEMBLYWOMAN CARLTON:

Assembly Bill 267, as amended, provides for compensation of a person who is wrongfully convicted in this state. The bill sets forth the circumstances when a person can prevail in an action for wrongful conviction. If the person is successful in his or her wrongful conviction action, the court is required to enter a certificate of innocence and to seal all records relating to the underlying wrongful conviction.

If the court enters a certificate of innocence, the bill sets forth the amounts that the court must award the person per year of imprisonment, condition of probation or parole, or registration as a sex offender. In addition, the court may award certain other relief, such as payments for the cost of tuition assistance and health care. The measure sets forth certain limitations of the award amount that a person can receive if the person has previously received a monetary award for

damages against the state or entered into a settlement agreement. The person must reimburse the state for an award received as a result of a civil action relating to the same wrongful conviction.

Lastly, in order to recover damages or other monetary relief awarded in a wrongful conviction action, the bill requires the person who successfully brought the action to submit a claim to the State Board of Examiners for payment from the Reserve for Statutory Contingency Account. This bill, as amended, becomes effective on October 1, 2019.

ASSEMBLYMAN YEAGER:

I rise in support of Assembly Bill 267. It is hard to comprehend the injustice of being convicted and incarcerated for a crime that you did not commit. It is hard to understand the stigma of being a convicted felon when you did nothing wrong. When the Assembly Judiciary Committee heard this bill, there was not a dry eye in the house when we heard from Mr. DeMarlo Berry, who was wrongfully incarcerated in our state for more than 20 years. While Mr. Barry has every right to be mad at the world, he is anything but mad at the world. He is full of grace and forgiveness and he has turned tragedy into advocacy. He wants to make sure that what happened to him never happens again to anybody else. After two-plus decades in prison, he was dropped off downtown with no support whatsoever.

Mr. Speaker, imagine being wrongly incarcerated for more than two decades and then suddenly having to adjust to a world that you no longer recognize. Imagine everything you have done in your life over the last 20 years, then imagine the injustice of having that taken away from you through no fault of your own. While we can never give back to Mr. Barry and others like him what was taken from them, we can start to repair the damage and right the wrong with financial compensation.

So on behalf of the state of Nevada, I would like to say loud and clear to Mr. Barry and others similarly situated, We are very sorry for what happened to you. We will do our best to make it up to you. I urge your support for Assembly Bill 267.

Roll call on Assembly Bill No. 267:

YEAS—40.

NAYS—None.

EXCUSED—Hambrick.

VACANT—1.

Assembly Bill No. 267 having received a constitutional majority, Mr. Speaker declared it passed, as amended.

Bill ordered transmitted to the Senate.

Senate Bill No. 24.

Bill read third time.

Remarks by Assemblywoman Munk.

ASSEMBLYWOMAN MUNK:

Senate Bill 24 amends provisions relating to the Nevada Silver Haired Legislative Forum's organizational structure, membership, terms and duties of office, and ex officio membership of the Nevada delegates to the National Silver Haired Congress.

Roll call on Senate Bill No. 24:

YEAS—40.

NAYS—None.

EXCUSED—Hambrick.

VACANT—1.

Senate Bill No. 24 having received a constitutional majority, Mr. Speaker declared it passed.

Bill ordered transmitted to the Senate.



Senate Bill No. 30.

Bill read third time.

Remarks by Assemblyman Daly.

ASSEMBLYMAN DALY:

Senate Bill 30 revises the amount of a personal guarantee or surety bond that must be obtained from a private employer who contracts with the Department of Corrections to employ offenders. For a contract that does not relate to construction, the amount must not be less than 25 percent nor more than 100 percent of the prorated annual amount of the contract. The bill also requires the Director to explain to the Committee on Industrial Programs the amount fixed for any guarantee or surety bond.

Roll call on Senate Bill No. 30:

YEAS—40.

NAYS—None.

EXCUSED—Hambrick.

VACANT—1.

Senate Bill No. 30 having received a constitutional majority, Mr. Speaker declared it passed, as amended.

Bill ordered transmitted to the Senate.

Senate Bill No. 31.

Bill read third time.

Remarks by Assemblywoman Munk.

ASSEMBLYWOMAN MUNK:

Senate Bill 31 removes the requirement that an employee with a disability who becomes unable to perform his or her job, with or without reasonable accommodation, to first complete a probationary period and receive approval in order to be appointed to a new position at or below his or her current pay grade. In addition, it expands the screening test methods used to detect impairment in state employees and applicants for public safety positions to include, in addition to urine, blood or other bodily substances.

Roll call on Senate Bill No. 31:

YEAS—40.

NAYS—None.

EXCUSED—Hambrick.

VACANT—1.

Senate Bill No. 31 having received a constitutional majority, Mr. Speaker declared it passed.

Bill ordered transmitted to the Senate.

Senate Bill No. 34.

Bill read third time.

Remarks by Assemblywoman Bilbray-Axelrod.

ASSEMBLYWOMAN BILBRAY-AXELROD:

Senate Bill 34 requires the Division of Emergency Management, Department of Public Safety, to adopt regulations setting forth the manner in which certain federal funds that the Division receives to finance projects related to emergency management and homeland security are allocated. Any money committed by specific statute to the regulatory authority of another person or agency is excluded from such regulations.

Roll call on Senate Bill No. 34:

YEAS—40.

NAYS—None.

EXCUSED—Hambrick.

VACANT—1.

Senate Bill No. 34 having received a constitutional majority, Mr. Speaker declared it passed.

Bill ordered transmitted to the Senate.

Senate Bill No. 40.

Bill read third time.

Remarks by Assemblyman Daly.

ASSEMBLYMAN DALY:

Senate Bill 40 removes from statute specific dollar amounts of various administrative fines that may be assessed by the Division of Industrial Relations against an employer who violates provisions of this state's occupational safety and health administration laws. Instead, this bill provides that the monetary amounts of those fines may not be greater than the amounts set forth for those violations in the federal Occupational Safety and Health Act, including any adjustments to the amounts in that Act that are made pursuant to the Federal Civil Penalties Inflation Adjustment Act Improvements Act of 2015. Additionally, the bill increases from 15 working days to 30 calendar days the time for an employer to file a notice of contest for a citation or proposed penalty.

Roll call on Senate Bill No. 40:

YEAS—40.

NAYS—None.

EXCUSED—Hambrick.

VACANT—1.

Senate Bill No. 40 having received a constitutional majority, Mr. Speaker declared it passed.

Bill ordered transmitted to the Senate.

Senate Bill No. 54.

Bill read third time.

Remarks by Assemblywoman Martinez.

ASSEMBLYWOMAN MARTINEZ:

Senate Bill 54 changes from January 31 to February 28 the deadline for the Tahoe Regional Planning Agency to submit its annual independent audit report and information regarding the Agency's expenditures to the Governor and Director of the Legislative Counsel Bureau.

Roll call on Senate Bill No. 54:

YEAS—40.

NAYS—None.

EXCUSED—Hambrick.

VACANT—1.

Senate Bill No. 54 having received a constitutional majority, Mr. Speaker declared it passed.

Bill ordered transmitted to the Senate.

Senate Bill No. 56.

Bill read third time.

Remarks by Assemblyman Smith.

ASSEMBLYMAN SMITH:

Senate Bill 56 revises provisions related to forestry practices. The bill updates existing law to reflect national fire industry standards and practices, including clarifying procedures and permit requirements to remove any flora that has been placed on the list of fully protected species; changing the term “controlled fire” to “prescribed fire”; modifying regulated stream zone definitions; and revising other provisions related to logging operations.

Roll call on Senate Bill No. 56:

YEAS—29.

NAYS—Edwards, Ellison, Hafen, Hansen, Hardy, Kramer, Krasner, Leavitt, Titus, Tolles, Wheeler—11.

EXCUSED—Hambrick.

VACANT—1.

Senate Bill No. 56 having received a constitutional majority, Mr. Speaker declared it passed.

Bill ordered transmitted to the Senate.

Senate Bill No. 67.

Bill read third time.

The following amendment was proposed by Assemblywoman Peters:

Amendment No. 797.

AN ACT relating to emergency management; creating the Nevada Tribal Emergency Coordinating Council; prescribing the membership and duties of the Council; revising provisions governing a local organization for emergency management; and providing other matters properly relating thereto.

**Legislative Counsel’s Digest:**

Existing law requires the Chief of the Division of Emergency Management of the Department of Public Safety to coordinate the activities of all organizations for emergency management within Nevada. (NRS 414.040) **Section 1** of this bill creates the Nevada Tribal Emergency Coordinating Council within the Division. **Section 1** requires the Chief of the Division to appoint not more than 27 members to the Council, each of whom must ~~be a member of~~ **represent** a different federally recognized Indian tribe or nation which is located within Nevada. **Section 1** requires the Council to: (1) advise the Chief regarding emergency management on tribal lands; (2) assist in the coordination of mitigation, preparedness, response and recovery activities relating to an emergency on tribal lands; and (3) submit an annual report to the Chief detailing the Council’s activities during the immediately preceding calendar year and recommendations relating to emergency management on tribal lands.

Existing law authorizes each county and city in Nevada to establish a local organization for emergency management. A local organization for emergency management is responsible for performing functions of emergency management within the territorial limits of the political subdivision within

which it is organized and, if required, outside those territorial limits. (NRS 414.090) **Section 2** of this bill makes it mandatory for a county to establish a local organization for emergency management, but, in lieu of each county establishing its own local organization for emergency management, **section 2** authorizes the boards of county commissioners of two or more counties to enter into an interlocal agreement establishing one local organization for emergency management for all the counties that are parties to the agreement.

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

**Section 1.** Chapter 414 of NRS is hereby amended by adding thereto a new section to read as follows:

**1. *The Nevada Tribal Emergency Coordinating Council, consisting of not more than 27 members appointed by the Chief, is hereby created within the Division of Emergency Management of the Department of Public Safety. The Chief shall appoint each member from a different federally recognized Indian tribe or nation, all or part of which is located within the boundaries of this State. ~~Not more than one~~ A member of the Council may ~~be from the same~~ not represent more than one federally recognized Indian tribe or nation.***

**2. *The term of office of each member of the Council is 2 years.***

**3. *The Council shall meet at the call of the Chief and at least once every 3 months.***

**4. *The Division of Emergency Management shall provide the Council with administrative support.***

**5. *The Council shall:***

**(a) *Advise the Chief regarding emergency management on tribal lands;***

**(b) *Assist in the coordination of mitigation, preparedness, response and recovery activities related to an emergency on tribal lands; and***

**(c) *Submit an annual report to the Chief on or before January 31 of each year which must include, without limitation:***

**(1) *A summary of the activities of the Council during the immediately preceding calendar year; and***

**(2) *Recommendations relating to emergency management on tribal lands.***

**6. *The Attorney General shall enter into any agreements necessary to carry out the provisions of this section.***

**Sec. 2.** NRS 414.090 is hereby amended to read as follows:

414.090 1. ~~{Each political subdivision}~~ **Except as otherwise provided in subsection 2, each county of this state shall, and each city** of this state may, establish a local organization for emergency management in accordance with the state emergency management plan and program for emergency management. Such a political subdivision may confer or authorize the conferring upon members of the auxiliary police the powers of police officers, subject to such restrictions as it imposes. Each local organization for

emergency management must have a director who must be appointed by the executive officer or governing body of the political subdivision, and who has direct responsibility for the organization, administration and operation of the local organization for emergency management subject to the direction and control of the executive officer or governing body. Each local organization for emergency management shall perform functions of emergency management within the territorial limits of the political subdivision within which it is organized, and, in addition, shall conduct such functions outside of such territorial limits as may be required pursuant to the provisions of NRS 414.100.

**2. *In lieu of establishing a local organization for emergency management pursuant to subsection 1, the boards of county commissioners of two or more counties may enter into an interlocal agreement that:***

***(a) Establishes a local organization for emergency management for the counties that are parties to the agreement; and***

***(b) Ensures compliance with the requirements of subsection 1.***

**3.** In carrying out the provisions of this chapter, each political subdivision in which any emergency or disaster described in NRS 414.020 occurs may enter into contracts and incur obligations necessary to combat such an emergency or disaster, protect the health and safety of persons and property and provide emergency assistance to the victims of such an emergency or disaster. Each political subdivision may exercise the powers vested under this section in the light of the exigencies of the extreme emergency or disaster without regard to time-consuming procedures and formalities prescribed by law, except constitutional requirements, pertaining to the performance of public work, entering into contracts, the incurring of obligations, the employment of temporary workers, the rental of equipment, the purchase of supplies and materials, the levying of taxes, and the appropriation and expenditure of public funds.

**Sec. 3.** The provisions of NRS 354.599 do not apply to any additional expenses of a local government that are related to the provisions of this act.

**Sec. 4.** This act becomes effective upon passage and approval.

Assemblywoman Peters moved the adoption of the amendment.

Remarks by Assemblywoman Peters.

Amendment adopted.

Bill ordered reprinted, reengrossed and to third reading.

Senate Bill No. 75.

Bill read third time.

Remarks by Assemblywoman Hardy.

ASSEMBLYWOMAN HARDY:

Senate Bill 75 establishes a procedure for pursuing the redemption of unclaimed United States savings bonds by the State Treasurer. Under this procedure, a bond that has been abandoned and unclaimed for three years escheats to the state, and all property rights and legal title to, and ownership of, the bond and its proceeds vest in the state. The net proceeds are to be deposited in the State General Fund for credit to the Abandoned Property Trust Account. Additionally, the

State Treasurer, in his or her capacity as administrator of unclaimed property, is authorized to pay certain persons who have filed a claim to the proceeds of such escheated and redeemed bonds.

Roll call on Senate Bill No. 75:

YEAS—40.

NAYS—None.

EXCUSED—Hambrick.

VACANT—1.

Senate Bill No. 75 having received a two-thirds majority, Mr. Speaker declared it passed.

Bill ordered transmitted to the Senate.

Senate Bill No. 81.

Bill read third time.

Remarks by Assemblywoman Backus.

ASSEMBLYWOMAN BACKUS:

Senate Bill 81 repeals separate licensing provisions related to cigarettes and other tobacco products in current law and establishes uniform provisions for the licensing, administration, and reporting requirements for persons engaged in the manufacture, distribution, and sale of cigarettes and other tobacco products. The bill establishes new licenses for logistics companies and warehouse or distribution centers and specifies the activities that each type of licensee may engage in; establishes procedures for a person to claim a refund, which are substantially similar to the provisions of existing law governing overpayments and refunds of sales and use taxes provided in Chapter 372 of NRS; establishes the value of inventory that must be maintained by wholesale dealers; specifies certain reporting requirements regarding the activities of wholesale dealers and provides certain penalties for the failure to pay the cigarette or other tobacco products tax; establishes certain factors that may be considered by the Department of Taxation in determining the penalty to be imposed on a licensee for certain violations; and revises provisions related to when the 30 percent excise tax on other tobacco products must be paid, depending on whether the taxpayer is a manufacturer, wholesale dealer, or retail dealer and whether the taxpayer maintains a place of business in this state.

Roll call on Senate Bill No. 81:

YEAS—28.

NAYS—Edwards, Ellison, Hafen, Hansen, Hardy, Kramer, Krasner, Leavitt, Roberts, Titus, Tolles, Wheeler—12.

EXCUSED—Hambrick.

VACANT—1.

Senate Bill No. 81 having received a constitutional majority, Mr. Speaker declared it passed.

Bill ordered transmitted to the Senate.

Senate Bill No. 100.

Bill read third time.

Remarks by Assemblywoman Peters.

ASSEMBLYWOMAN PETERS:

Senate Bill 100 requires the Commission on Professional Standards in Education to adopt regulations to expedite a Nevada teaching license application for the spouse of an active duty member of the United States Armed Forces.

Roll call on Senate Bill No. 100:

YEAS—40.

NAYS—None.

EXCUSED—Hambrick.

VACANT—1.

Senate Bill No. 100 having received a constitutional majority, Mr. Speaker declared it passed.

Bill ordered transmitted to the Senate.

#### MOTIONS, RESOLUTIONS AND NOTICES

Assemblywoman Benitez-Thompson moved that Senate Bills Nos. 103, 104, 126, 136, 147, 367, 436, 456, 460, 465, 473, 479, and 486 be taken from the General File and placed on the General File for the next legislative day.

Motion carried.

#### UNFINISHED BUSINESS

##### SIGNING OF BILLS AND RESOLUTIONS

There being no objections, the Speaker and Chief Clerk signed Senate Bills Nos. 39, 62, 119, 134, 158, 159, 177, 182, 192, 225, 234, 299, 323, 329 and 370.

#### REMARKS FROM THE FLOOR

Assemblywoman Benitez-Thompson requested that the following proclamation be entered in the Journal.

#### PROCLAMATION

WHEREAS, In 1919, the Reno Rodeo held its first public event billed as The Nevada Round-Up, “The Carnival of the Range” and has grown in size and popularity over the last 100 years; and

WHEREAS, Also known as the “Wildest, Richest Rodeo in the West,” the Reno Rodeo Association is now in the top 10 largest added money rodeos in the United States and Canada and has been recognized by *USA Today 10 Best Readers’ Choice 2018* as the 3<sup>rd</sup> Best North American Rodeo; and

WHEREAS, The Reno Rodeo is a 10-day nationally televised sporting event sanctioned by the Professional Rodeo Cowboys Association and draws over 130,000 guests from across the country to watch their favorite cowboys compete at the highest level; and

WHEREAS, It takes over 1,000 Reno Rodeo volunteers to produce the Reno Rodeo every year and their work pays off for the Reno/Sparks community by positively impacting the local economy with \$57 million going to casinos, hotels, jobs, restaurants, and retail outlets; and

WHEREAS, The Reno Rodeo Association also gives back to the community with a portion of the Reno Rodeo proceeds donated to the Reno Rodeo Foundation that provides comfort to 80,000 children with extraordinary needs throughout 14 northern Nevada counties each year; and

WHEREAS, Since its formation in 1986, the Reno Rodeo Foundation has distributed over \$7 million through programs, including community grants; educational scholarships; a Denim Drive providing new clothing to abandoned, abused, and neglected children; new books for northern Nevada Family Court Reading Rooms; new toys distributed to more than 5,000 youngsters every year; and the Reno Rodeo Wish Experience; and

WHEREAS, The Reno Rodeo’s legacy will be secured for future generations with the new equestrian, sports, and entertainment arena in honor of Nevada’s deeply-rooted western heritage and funded through contributions by businesses, the community, elected officials, legislators, partners, the Reno Rodeo Association family, and stakeholders; now, therefore, be it

PROCLAIMED, That the Reno Rodeo has demonstrated admirable commitment, dedication, and passion toward Nevada's western heritage for the past century; and be it further

PROCLAIMED, That we commend this unique organization for its many contributions to the community and encourage Nevadans to celebrate the 100<sup>th</sup> Anniversary of the Reno Rodeo by joining the fun at this year's rodeo, "It's a Big Damn Deal," running from June 20 through June 29, 2019.

DATED this 20<sup>th</sup> day of May, 2019.

TERESA BENITEZ-THOMPSON  
*Nevada State Assemblywoman*

#### GUESTS EXTENDED PRIVILEGE OF ASSEMBLY FLOOR

On request of Assemblywoman Benitez-Thompson, the privilege of the floor of the Assembly Chamber for this day was extended to Jeff Turnipseed and Clara Andriola.

On request of Assemblyman Daly, the privilege of the floor of the Assembly Chamber for this day was extended to the following students, teachers, and chaperones from Esther Bennett Elementary School: Breezy Allred, Jose Alvarez, Kailo Avina, Noah Baniqued, Ayden Buckner, Jenifer Cardenas Mendoza, Alicia Chalma Alonso, Jayden Deras, River Eldridge, Gisselle Garcia, Priscilla Garcia, Mia Gutierrez, Lyla Hagen, Mariah Harris, Emily Lopez, Jorge Mata Garcia, Owen Naranjo Salinas, Angelina Noriega Ramirez, Andrea Ramirez Trujillo, Rodrigo Rangel Falcon, Jimena Reyes-Acuna, Kaleb Rubin, Daniesha Rudd, Daisy Solis, Lexxie Stonacek, Ryleigh Brown, Adan Cornielle-Bernal, Scarlett Garcia Jacinto, Jesse Garcia-Sanchez, Jorge Gonzalez Miranda, Ariana Keeney, Ashlynn Lawrence, Annabelle Littleton, Callista Mathison, Gerardo Mederos Roberto, Maizy Medina, Evelyn Medina Ramirez, Arianna Mendez, Jane Mendoza, Jose Mora Estrada, Alexa Moreno Perez, Jamison Perry, Eliana Pinedo, Natalie Salinas Lemus, Joshua Smith, Tyler Tigges, Juan Vieyra Mucino, Aleighana Wright, Mextli Zepeda, Jacob Rodriguis, Bryan Diaz, Marisol Martinez, Sarai Gambetty, Brooke Sterken, Nicholas Bolton, Aidan Brown, Bodean Carillo, Kaine Carlile, Sekoya Dalrymple, Hillary Davila-Huerta, Brayden Dillon, Mandy Drew, Brenden Frazier, Juliza Galindo Zuniga, Juliza Gallegos, Analysa Garcia-Johnson, Emmanuel Guzman Davis, Ajani Irizarry, Sifita Kakau, Aaliyah Mata, Luis Matuz Perez, Tina Mccall, Christopher Mendez Estrada, Reyk Meraz Ochoa, Asalia Reyes, Monserrat Santiago, Dakota Schafer, Juan Sepulveda Rojas, Callie Seward, and Daya Vazquez Cardenas.

On request of Assemblyman Hafen, the privilege of the floor of the Assembly Chamber for this day was extended to Ronni Boskovich.

On request of Assemblywoman Krasner, the privilege of the floor of the Assembly Chamber for this day was extended to Azzi Shirazi and the following students, teachers, and chaperones from Galena High School: Aaksheta Agnel, Cynthia Alvarez, Hailey Brooks, Nick Burnham, Jafet Cano, Nicole Choma, Ben Cooke, Nakai Dogger, Amico Fondi, Camdyn Fuschillo, Sage Hart, Tehya Hayworth, Kalista Hong, Kaitlynn Hornback, Kendall



Lambert, Ben Landon, Graydon Lynch, Nick Montella, Emma Olson, Melissa Paiva, James Redfern, Chris Rowan, Cathy Ruth, Katie Schloss, Ellie Sundali, Ivan Swearngin, Mako Vanlandingham, Holly Wood, Max Yang, Theo Bloch, Dylan Crano, Brandon Denney, Diane Du, Miranda Francisco, Ellise Hansen, Kelly Henley, Matt Hutchinson, Hudson Kitrell, Dmitri Kutsov, Abida Mim, Jason Muff, Jesus Perez, Ally Pickett, Alex Pratte, Shea Sundali, Julisa Torres, Melisa Torres, Katie Waugh, Lauren Buonomo, PalomaConley, Megan Frame, Marek Hlubecek, Kobe Lynch, Emma Miner, Chris Morse, Lainie Nelson, Ashton Newman, Hannah Oggerino, Jake Reynolds, Maddy Ruiz, Amber Welsh, Annie Yan, Aubrey Yocum, and Garrett Yost.

On request of Assemblyman Leavitt, the privilege of the floor of the Assembly Chamber for this day was extended to Ken Evans and Shaundell Newsome.

On request of Assemblywoman Peters, the privilege of the floor of the Assembly Chamber for this day was extended to Nathan Digangi and Joshua von Aspern.

On request of Assemblyman Roberts, the privilege of the floor of the Assembly Chamber for this day was extended to Maria Roberts, Brendan Roberts, Tami Laco, and Andy Laco.

On request of Assemblyman Wheeler, the privilege of the floor of the Assembly Chamber for this day was extended to Scott Petersen.

Assemblywoman Benitez-Thompson moved that the Assembly adjourn until Tuesday, May 21, 2019, at 11:30 a.m.

Motion carried.

Assembly adjourned at 1:33 p.m.

Approved:

JASON FRIERSON  
*Speaker of the Assembly*

Attest: SUSAN FURLONG  
*Chief Clerk of the Assembly*