

NEVADA LEGISLATURE

Eightieth Session, 2019

SENATE DAILY JOURNAL

THE SIXTY-FOURTH DAY

CARSON CITY (Monday), April 8, 2019

Senate called to order at 11:35 a.m.

President Marshall presiding.

Roll called.

All present.

Prayer by the Chaplain, Reverend Nick Emery.

Lord, we pray for these leaders, gathered here this day, who are well into this Session. Along with their staff and the Legislative staff here, they are very busy. I pray You would give them extraordinary wisdom as they listen and discuss a variety of important matters.

Proverbs 4:6-7 says "Do not forsake wisdom, and she will protect you; love her, and she will watch over you. Wisdom is supreme; therefore, get wisdom. Though it cost all you have, get understanding."

I pray You would fill each one here, this day, with strength and wisdom to accomplish Your purposes. Give them opportunities they did not expect and the grace to face each task, whether planned or not planned.

May each one here work faithfully towards the ultimate goal: what is truly best for everyone in our State. May You bless this gathering of servant leaders and bless our great State.

It is in Your Name, we pray.

AMEN.

Pledge of Allegiance to the Flag.

By previous order of the Senate, the reading of the Journal is dispensed with, and the President and Secretary are authorized to make the necessary corrections and additions.

REPORTS OF COMMITTEE

Madam President:

Your Committee on Commerce and Labor, to which was referred Senate Bill No. 98, has had the same under consideration, and begs leave to report the same back with the recommendation: Do pass.

PAT SPEARMAN, *Chair*

Madam President:

Your Committee on Education, to which was referred Senate Bill No. 350, has had the same under consideration, and begs leave to report the same back with the recommendation: Do pass.

MOISES DENIS, *Chair*

Madam President:

Your Committee on Government Affairs, to which were referred Senate Bills Nos. 59, 279, 341, 460, 473, has had the same under consideration, and begs leave to report the same back with the recommendation: Do pass.

Also, your Committee on Government Affairs, to which was referred Senate Bill No. 490, has had the same under consideration, and begs leave to report the same back with the recommendation: Do pass, and re-refer to the Committee on Finance.

DAVID R. PARKS, *Chair*

Madam President:

Your Committee on Judiciary, to which was referred Senate Bill No. 218, has had the same under consideration, and begs leave to report the same back with the recommendation: Do pass.

NICOLE J. CANNIZZARO, *Chair*

Madam President:

Your Committee on Legislative Operations and Elections, to which was referred Assembly Bill No. 182, has had the same under consideration, and begs leave to report the same back with the recommendation: Amend, and do pass as amended.

JAMES OHRENSCHALL, *Chair*

Madam President:

Your Committee on Revenue and Economic Development, to which was referred Senate Bill No. 32, has had the same under consideration, and begs leave to report the same back with the recommendation: Amend, and do pass as amended.

MARILYN DONDERO LOOP, *Chair*

WAIVERS AND EXEMPTIONS
NOTICE OF EXEMPTION

April 8, 2019

Pursuant to paragraph (a) of subsection 4 of Joint Standing Rule No. 14.6, Senate Bill No. 332 and Senate Joint Resolution 5 are not subject to the provisions of subsection 1 of Joint Standing Rule No. 14, Joint Standing Rule No. 14.1, subsection 1 of Joint Standing Rule No. 14.2 and Joint Standing Rule No. 14.3

RICHARD S. COMBS
Director

MOTIONS, RESOLUTIONS AND NOTICES

Senator Parks moved that Senate Bill No. 490, just reported out of Committee, be re-referred to the Committee on Finance.

Motion carried.

Senator Denis moved that Senate Bill No. 126 be taken from the General File and placed on the Secretary's desk.

Motion carried.

INTRODUCTION, FIRST READING AND REFERENCE

By the Committee on Finance:

Senate Bill No. 500—AN ACT relating to assisted living facilities; removing a required allocation of money to pay for certain assisted living facilities and assisted living supportive services; and providing other matters properly relating thereto.

Senator Woodhouse moved that the bill be referred to the Committee on Finance.

Motion carried.

By the Committee on Finance:

Senate Bill No. 501—AN ACT making an appropriation for the relocation of the National Atomic Testing Museum; and providing other matters properly relating thereto.

Senator Woodhouse moved that the bill be referred to the Committee on Finance.

Motion carried.

SECOND READING AND AMENDMENT

Senate Bill No. 23.

Bill read second time.

The following amendment was proposed by the Committee on Growth and Infrastructure:

Amendment No. 51.

SUMMARY—Revises provisions relating to testing of ~~blood samples under certain circumstances;~~ a driver for the presence of alcohol or controlled substances. (BDR 43-345)

AN ACT relating to public safety; ~~requiring~~ revising provisions governing the testing of a ~~blood sample~~ driver for the presence and quantity of ~~any~~ controlled ~~substance under certain circumstances;~~ substances; and providing other matters properly relating thereto.

Legislative Counsel's Digest:

Existing law provides that a driver shall be deemed to have given his or her consent to an evidentiary test to determine the concentration of alcohol in his or her blood or breath or to determine whether a controlled substance, chemical, poison, organic solvent or another prohibited substance is present, if such a test is administered at the request of a police officer having reasonable grounds to believe that the driver was driving while under the influence of intoxicating liquor or a controlled substance or with a prohibited substance in his or her blood or urine or that the driver engaged in another prohibited act. (NRS 484C.160) Section 1 of this bill provides that upon the request of the arresting officer, a sample of blood obtained pursuant to an evidentiary test must be tested for the presence and quantity of ~~any~~ certain controlled ~~substance;~~ substances for which the laboratory is licensed to test.

Existing law provides that in all cases in which a death has occurred as a result of a crash involving a motor vehicle, a blood sample must be drawn from each decedent involved in the crash to be analyzed for the presence and concentration of alcohol ~~+~~ within 8 hours of the crash. (NRS 484C.170) Section 2 of this bill ~~provides that~~ removes the requirement to take the sample within 8 hours and requires the blood or another biological sample of the decedent ~~must also~~ to be tested for the presence and quantity of ~~any~~ certain controlled ~~substance;~~ substances for which the laboratory is licensed to test.

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

Section 1. NRS 484C.160 is hereby amended to read as follows:

484C.160 1. Except as otherwise provided in subsections 4 and 5, any person who drives or is in actual physical control of a vehicle on a highway or on premises to which the public has access shall be deemed to have given his or her consent to an evidentiary test of his or her blood, urine, breath or other bodily substance to determine the concentration of alcohol in his or her blood or breath or to determine whether a controlled substance, chemical, poison, organic solvent or another prohibited substance is present, if such a test is administered at the request of a police officer having reasonable grounds to believe that the person to be tested was:

(a) Driving or in actual physical control of a vehicle while under the influence of intoxicating liquor or a controlled substance or with a prohibited substance in his or her blood or urine; or

(b) Engaging in any other conduct prohibited by NRS 484C.110, 484C.120, 484C.130 or 484C.430.

2. A police officer who requests that a person submit to a test pursuant to subsection 1 shall inform the person that his or her license, permit or privilege to drive will be revoked if he or she fails to submit to the test.

3. If the person to be tested pursuant to subsection 1 is dead or unconscious, the officer shall direct that samples of blood from the person to be tested.

4. Any person who is afflicted with hemophilia or with a heart condition requiring the use of an anticoagulant as determined by a physician is exempt from any blood test which may be required pursuant to this section but must, when appropriate pursuant to the provisions of this section, be required to submit to a breath or urine test.

5. If the concentration of alcohol in the blood or breath of the person to be tested is in issue:

(a) Except as otherwise provided in this section, the person may refuse to submit to a blood test if means are reasonably available to perform a breath test.

(b) The person may request a blood test, but if means are reasonably available to perform a breath test when the blood test is requested, and the person is subsequently convicted, the person must pay for the cost of the blood test, including the fees and expenses of witnesses whose testimony in court or an administrative hearing is necessary because of the use of the blood test. The expenses of such a witness may be assessed at an hourly rate of not less than:

(1) Fifty dollars for travel to and from the place of the proceeding; and

(2) One hundred dollars for giving or waiting to give testimony.

(c) Except as otherwise provided in NRS 484C.200, not more than three samples of the person's blood or breath may be taken during the 5-hour period immediately following the time of the initial arrest.

6. Except as otherwise provided in subsection 7, if the presence of a controlled substance, chemical, poison, organic solvent or another prohibited substance in the blood or urine of the person is in issue, the officer may request that the person submit to a blood or urine test, or both.

7. If the presence of marijuana in the blood of the person is in issue, the officer may request that the person submit to a blood test.

8. Except as otherwise provided in subsections 4 and 6, a police officer shall not request that a person submit to a urine test.

9. If a person to be tested fails to submit to a required test as requested by a police officer pursuant to this section and the officer has reasonable grounds to believe that the person to be tested was:

(a) Driving or in actual physical control of a vehicle while under the influence of intoxicating liquor or a controlled substance or with a prohibited substance in his or her blood or urine; or

(b) Engaging in any other conduct prohibited by NRS 484C.110, 484C.120, 484C.130 or 484C.430,

↪ the officer may apply for a warrant or court order directing that reasonable force be used to the extent necessary to obtain samples of blood from the person to be tested.

10. If a person who is less than 18 years of age is requested to submit to an evidentiary test pursuant to this section, the officer shall, before testing the person, make a reasonable attempt to notify the parent, guardian or custodian of the person, if known.

11. *Upon the request of an arresting officer, a sample of blood obtained pursuant to this section must be tested for the presence and quantity of any controlled substance ~~as~~ listed in schedule I, II, III or IV which the laboratory conducting the testing is licensed to perform.*

Sec. 2. NRS 484C.170 is hereby amended to read as follows:

484C.170 1. Any coroner, or other public official performing like duties, shall in all cases in which a death has occurred as a result of a crash involving a motor vehicle, whether the person killed is a driver, passenger or pedestrian, cause to be drawn from each decedent ~~[, within 8 hours of the crash,]~~ a blood *or other biological* sample to be analyzed for the presence and concentration of alcohol ~~[,]~~ *and the presence and quantity of any controlled substance ~~as~~ listed in schedule I, II, III or IV which the laboratory conducting the analysis is licensed to perform.*

2. The findings of the examinations are a matter of public record and must be reported to the Department by the coroner or other public official within 30 days after the death.

3. ~~[Blood alcohol analyses]~~ *Analyses of the presence and concentration of alcohol and the presence and quantity of any controlled substance performed pursuant to subsection 1* are acceptable only if made by laboratories licensed to perform this function.

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 on January 1, 2020.

Senator Cancela moved the adoption of the amendment.

Remarks by Senator Cancela.

Amendment No. 51 makes three changes to Senate Bill No. 23. The amendment clarifies controlled substances the laboratory is licensed to test; removes the requirement that a blood sample be drawn from a decedent involved in a motor vehicle crash within eight hours of the crash and adds “or other biological sample” of the decedent to be tested for the presence and quantity of certain controlled substances for which the laboratory is licensed to test.

Amendment adopted.

Senator Woodhouse moved that the bill be re-referred to the Committee on Finance, upon return from reprint.

Motion carried.

Bill ordered reprinted, engrossed and to the Committee on Finance.

Senate Bill No. 31.

Bill read second time and ordered to third reading.

Senate Bill No. 66.

Bill read second time.

The following amendment was proposed by the Committee on Government Affairs:

Amendment No. 27.

SUMMARY—Revises provisions relating to emergency management. (BDR 36-356)

AN ACT relating to public safety; renaming the State Disaster Identification Team as the State Disaster Identification Coordination Committee; revising the membership and duties of the Committee; transferring the duty to adopt regulations governing the Committee from the Department of Public Safety to the Division of Emergency Management of the Department; requiring providers of health care to report to the Committee certain information regarding any person who comes or is brought in for treatment of an injury which ~~appears to have been~~ the provider concludes was inflicted as a result of certain emergencies or disasters or an illness which ~~appears to have been~~ the provider concludes was contracted during certain health events; and providing other matters properly relating thereto.

Legislative Counsel’s Digest:

Existing law establishes the State Disaster Identification Team within the Division of Emergency Management of the Department of Public Safety and requires the State Disaster Identification Team to provide technical assistance and personnel to local authorities to recover, identify and process deceased victims during the existence of a state of emergency or a declaration of disaster or upon the request of a city or county in Nevada. (NRS 414.270, 414.280) Existing law also requires the Chief of the Division of Emergency

Management to assign persons with expertise in various fields to the State Disaster Identification Team to perform these duties. (NRS 414.270)

Section 2 of this bill renames the State Disaster Identification Team as the State Disaster Identification Coordination Committee. Section 2 also: (1) revises the membership of the Committee; (2) requires the Committee to meet at least monthly; and (3) provides that the Open Meeting Law does not apply to any meeting held by the Committee or any subcommittee thereof. Section 3 of this bill requires the Committee to: (1) annually report certain information to the Chief of the Division, the Governor and the Legislature; and (2) perform certain other duties relating to planning for activation. Section 4 of this bill transfers the duty to adopt regulations governing the Committee from the Department of Public Safety to the Division of Emergency Management. (NRS 414.300)

Section 1 of this bill authorizes the Chief of the Division of Emergency Management to activate the Committee or a subcommittee thereof during the existence of a state of emergency or declaration of disaster or a public health emergency or upon the request of a city or county in Nevada for an emergency in the city or county. Section 1 requires the Committee or a subcommittee thereof to perform specified duties to coordinate the sharing of information between state, local and tribal governmental agencies regarding persons who appear to have been injured or killed or contracted an illness as a result of the emergency or disaster in accordance with a confidential plan developed by the Committee. Sections 5-13 and 16 of this bill make conforming changes as a result of the change in the duties of the Committee from recovering, identifying and processing victims of an emergency or disaster itself to serving as a coordinator of information for agencies that are directly performing such recovery, identification and processing.

Providers of health care are required under existing law to report persons who come or are brought for treatment of burns and injuries from a knife or firearm in certain circumstances. (NRS 629.041, 629.045) Section 14 of this bill similarly requires providers of health care to report treatment of any person who comes or is brought in for treatment of an injury which ~~appears to have been~~ the provider concludes was inflicted as a result of a declared emergency or disaster or illness which ~~appears to have been~~ the provider concludes was contracted during a public health emergency to the State Disaster Identification Coordination Committee. Section 14 also grants a provider of health care and his or her agents and employees immunity from liability for any disclosures made in good faith.

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 Chief may activate the State Disaster Identification Coordination Committee or any subcommittee thereof to coordinate the sharing of

information among state, local and tribal governmental agencies regarding persons who appear to have been injured or killed or contracted an illness:

(a) During the existence of a state of emergency or declaration of disaster pursuant to NRS 414.070 or a public health emergency or other health event pursuant to NRS 439.970; or

(b) During an emergency in a political subdivision, upon the request of a political subdivision, if the Chief determines that the political subdivision requires the services of the Committee.

2. If activated pursuant to subsection 1, the State Disaster Identification Coordination Committee or subcommittee thereof shall:

(a) Determine which state, local or tribal governmental agencies have a legitimate need for the information received pursuant to section 14 of this act and distribute that information to those agencies.

(b) Determine the specific information a state, local or tribal governmental agency must share to assist other state, local or tribal governmental agencies to:

(1) Identify a person who appears to have been injured or killed or contracted an illness as a result of the emergency, disaster or other event;

(2) Notify members of the family of a person who appears to have been injured or killed or contracted an illness as a result of the emergency, disaster or other event; or

(3) Reunite a person who appears to have been injured or killed or contracted an illness as a result of the emergency, disaster or other event with members of his or her family.

(c) Establish a registry of persons who appear to have been injured or killed or contracted an illness as a result of the emergency, disaster or other event and make the registry available to state, local or tribal governmental agencies.

(d) Ensure compliance with the Health Insurance Portability and Accountability Act of 1996, Public Law 104-191, as amended, and any applicable regulations and any other federal or state law.

Sec. 2. NRS 414.270 is hereby amended to read as follows:

414.270 1. A State Disaster Identification ~~[Team]~~ Coordination Committee is hereby established within the Division of Emergency Management of the Department of Public Safety. The Chief ~~[-~~

~~1. Shall assign persons with expertise in various fields]~~ shall appoint to the State Disaster Identification ~~[Team; and]~~ Coordination Committee:

(a) One or more representatives of a state or local organization for emergency management;

(b) One or more representatives of the office of a county coroner;

(c) One or more representatives of the Office of the Attorney General;

(d) One or more representatives of the Nevada Hospital Association or its successor organization;

(e) One or more representatives of a state or local public health agency whose duties relate to emergency preparedness;

~~(f)~~ *The Chief Medical Officer;*

~~((f))~~ *(g) An employee of the Department of Health and Human Services whose duties relate to ensuring compliance with the Health Insurance Portability and Accountability Act of 1996, Public Law 104-191, as amended, and any applicable regulations; and*

~~((g))~~ *(h) A consumer of healthcare services.*

2. ~~May activate such persons to perform the duties of the State Disaster Identification Team:~~

~~—(a) During a state of emergency or declaration of disaster proclaimed pursuant to NRS 414.070; or~~

~~—(b) Upon the request of a political subdivision of this state if the Chief determines that the political subdivision requires the services of the State Disaster Identification Team.] The State Disaster Identification Coordination Committee shall meet at least once a month.~~

3. *The provisions of chapter 241 of NRS do not apply to any meeting held by the State Disaster Identification Coordination Committee or a subcommittee thereof.*

Sec. 3. NRS 414.280 is hereby amended to read as follows:

414.280 ~~Upon activation, the~~ *The State Disaster Identification* ~~[Team]~~ *Coordination Committee shall:*

1. ~~Provide technical assistance and personnel to local authorities to recover, identify and process deceased victims.] Notify providers of health care, as defined in NRS 629.031, in writing of the requirements of section 14 of this act.~~

2. ~~Within 2 hours after activation, begin to identify and report to the Chief the need for medical and health services to:~~

~~—(a) Establish temporary facilities to be used as a morgue-~~

~~—(b) Identify deceased victims by using, without limitation, latent fingerprints and the forensic methods of dentistry, pathology and anthropology-~~

~~—(c) Process and dispose of the remains of deceased victims.] Develop a plan for performing the duties prescribed in section 1 of this act during activation. Such a plan is confidential and must be securely maintained by each person who has possession, custody or control of the plan.~~

3. *Annually review the plan developed pursuant to subsection 2 and annually practice carrying out the plan.*

4. *On or before January 31 of each year, submit a report to the Chief, the Governor and the Director of the Legislative Counsel Bureau for transmittal to the next session of the Legislature, if the report is submitted in an even-numbered year, or the Legislative Commission, if the report is submitted in an odd-numbered year. The report must include, without limitation:*

(a) A description of the activities of the State Disaster Identification Coordination Committee for the immediately preceding calendar year; and

(b) A summary of any policies or procedures adopted by the State Disaster Identification Coordination Committee for the immediately preceding calendar year.

Sec. 4. NRS 414.300 is hereby amended to read as follows:

414.300 The *Division of Emergency Management of the Department of Public Safety* shall adopt *such regulations* ~~{to}~~ *as are necessary to govern the State Disaster Identification* ~~{Team. The regulations must include, without limitation:~~

~~1. Guidelines for the Chief to:~~

~~(a) Assign persons to positions on the State Disaster Identification Team; and~~

~~(b) Determine which members of the State Disaster Identification Team may be activated pursuant to NRS 414.270.~~

~~2. Provisions governing the organization, administration and operation of the State Disaster Identification Team.~~

~~3. The compensation, if any, to be paid by the Department to a member of the State Disaster Identification Team who is activated pursuant to NRS 414.270.] Coordination Committee.~~

Sec. 5. NRS 179A.075 is hereby amended to read as follows:

179A.075 1. The Central Repository for Nevada Records of Criminal History is hereby created within the Records, Communications and Compliance Division of the Department.

2. Each agency of criminal justice and any other agency dealing with crime shall:

(a) Collect and maintain records, reports and compilations of statistical data required by the Department; and

(b) Submit the information collected to the Central Repository:

(1) In the manner approved by the Director of the Department; and

(2) In accordance with the policies, procedures and definitions of the Uniform Crime Reporting Program of the Federal Bureau of Investigation.

3. Each agency of criminal justice shall submit the information relating to records of criminal history that it creates, issues or collects, and any information in its possession relating to the DNA profile of a person from whom a biological specimen is obtained pursuant to NRS 176.09123 or 176.0913, to the Division. The information must be submitted to the Division:

(a) Through an electronic network;

(b) On a medium of magnetic storage; or

(c) In the manner prescribed by the Director of the Department,

↪ within 60 days after the date of the disposition of the case. If an agency has submitted a record regarding the arrest of a person who is later determined by the agency not to be the person who committed the particular crime, the agency shall, immediately upon making that determination, so notify the Division. The Division shall delete all references in the Central Repository relating to that particular arrest.

4. Each state and local law enforcement agency shall submit Uniform Crime Reports to the Central Repository:

- (a) In the manner prescribed by the Director of the Department;
- (b) In accordance with the policies, procedures and definitions of the Uniform Crime Reporting Program of the Federal Bureau of Investigation; and
- (c) Within the time prescribed by the Director of the Department.

5. The Division shall, in the manner prescribed by the Director of the Department:

- (a) Collect, maintain and arrange all information submitted to it relating to:
 - (1) Records of criminal history; and
 - (2) The DNA profile of a person from whom a biological specimen is obtained pursuant to NRS 176.09123 or 176.0913.

(b) When practicable, use a record of the personal identifying information of a subject as the basis for any records maintained regarding him or her.

(c) ~~Upon request, provide the information that is contained in the Central Repository to the State Disaster Identification Team of the Division of Emergency Management of the Department.~~

~~(d)~~ Upon request, provide, in paper or electronic form, the information that is contained in the Central Repository to the Committee on Domestic Violence appointed pursuant to NRS 228.470 when, pursuant to NRS 228.495, the Committee is reviewing the death of the victim of a crime that constitutes domestic violence pursuant to NRS 33.018.

6. The Division may:

(a) Disseminate any information which is contained in the Central Repository to any other agency of criminal justice;

(b) Enter into cooperative agreements with repositories of the United States and other states to facilitate exchanges of information that may be disseminated pursuant to paragraph (a); and

(c) Request of and receive from the Federal Bureau of Investigation information on the background and personal history of any person whose record of fingerprints or other biometric identifier the Central Repository submits to the Federal Bureau of Investigation and:

(1) Who has applied to any agency of the State of Nevada or any political subdivision thereof for a license which it has the power to grant or deny;

(2) With whom any agency of the State of Nevada or any political subdivision thereof intends to enter into a relationship of employment or a contract for personal services;

(3) Who has applied to any agency of the State of Nevada or any political subdivision thereof to attend an academy for training peace officers approved by the Peace Officers' Standards and Training Commission;

(4) For whom such information is required or authorized to be obtained pursuant to NRS 62B.270, 62G.223, 62G.353, 424.031, 432A.170, 432B.198, 433B.183, 449.123 and 449.4329; or

(5) About whom any agency of the State of Nevada or any political subdivision thereof is authorized by law to have accurate personal information for the protection of the agency or the persons within its jurisdiction.

7. To request and receive information from the Federal Bureau of Investigation concerning a person pursuant to subsection 6, the Central Repository must receive:

(a) The person's complete set of fingerprints for the purposes of:

- (1) Booking the person into a city or county jail or detention facility;
- (2) Employment;
- (3) Contractual services; or
- (4) Services related to occupational licensing;

(b) One or more of the person's fingerprints for the purposes of mobile identification by an agency of criminal justice; or

(c) Any other biometric identifier of the person as it may require for the purposes of:

- (1) Arrest; or
- (2) Criminal investigation,

↳ from the agency of criminal justice or agency of the State of Nevada or any political subdivision thereof and submit the received data to the Federal Bureau of Investigation for its report.

8. The Central Repository shall:

(a) Collect and maintain records, reports and compilations of statistical data submitted by any agency pursuant to subsection 2.

(b) Tabulate and analyze all records, reports and compilations of statistical data received pursuant to this section.

(c) Disseminate to federal agencies engaged in the collection of statistical data relating to crime information which is contained in the Central Repository.

(d) Investigate the criminal history of any person who:

(1) Has applied to the Superintendent of Public Instruction for the issuance or renewal of a license;

(2) Has applied to a county school district, charter school or private school for employment or to serve as a volunteer; or

(3) Is employed by or volunteers for a county school district, charter school or private school,

↳ and immediately notify the superintendent of each county school district, the governing body of each charter school and the Superintendent of Public Instruction, or the administrator of each private school, as appropriate, if the investigation of the Central Repository indicates that the person has been convicted of a violation of NRS 200.508, 201.230, 453.3385, 453.339 or 453.3395, or convicted of a felony or any offense involving moral turpitude.

(e) Upon discovery, immediately notify the superintendent of each county school district, the governing body of each charter school or the administrator

of each private school, as appropriate, by providing the superintendent, governing body or administrator with a list of all persons:

(1) Investigated pursuant to paragraph (d); or

(2) Employed by or volunteering for a county school district, charter school or private school whose fingerprints were sent previously to the Central Repository for investigation,

↳ who the Central Repository's records indicate have been convicted of a violation of NRS 200.508, 201.230, 453.3385, 453.339 or 453.3395, or convicted of a felony or any offense involving moral turpitude since the Central Repository's initial investigation. The superintendent of each county school district, the governing body of a charter school or the administrator of each private school, as applicable, shall determine whether further investigation or action by the district, charter school or private school, as applicable, is appropriate.

(f) Investigate the criminal history of each person who submits one or more fingerprints or other biometric identifier or has such data submitted pursuant to NRS 62B.270, 62G.223, 62G.353, 424.031, 432A.170, 432B.198, 433B.183, 449.122, 449.123 or 449.4329.

(g) On or before July 1 of each year, prepare and post on the Central Repository's Internet website an annual report containing the statistical data relating to crime received during the preceding calendar year. Additional reports may be posted to the Central Repository's Internet website throughout the year regarding specific areas of crime if they are approved by the Director of the Department.

(h) On or before July 1 of each year, prepare and post on the Central Repository's Internet website a report containing statistical data about domestic violence in this State.

(i) Identify and review the collection and processing of statistical data relating to criminal justice by any agency identified in subsection 2 and make recommendations for any necessary changes in the manner of collecting and processing statistical data by any such agency.

(j) Adopt regulations governing biometric identifiers and the information and data derived from biometric identifiers, including, without limitation:

(1) Their collection, use, safeguarding, handling, retention, storage, dissemination and destruction; and

(2) The methods by which a person may request the removal of his or her biometric identifiers from the Central Repository and any other agency where his or her biometric identifiers have been stored.

9. The Central Repository may:

(a) In the manner prescribed by the Director of the Department, disseminate compilations of statistical data and publish statistical reports relating to crime.

(b) Charge a reasonable fee for any publication or special report it distributes relating to data collected pursuant to this section. The Central Repository may not collect such a fee from an agency of criminal justice ~~or~~

any other agency dealing with crime which is required to submit information pursuant to subsection 2 . ~~for the State Disaster Identification Team of the Division of Emergency Management of the Department.~~ All money collected pursuant to this paragraph must be used to pay for the cost of operating the Central Repository.

(c) In the manner prescribed by the Director of the Department, use electronic means to receive and disseminate information contained in the Central Repository that it is authorized to disseminate pursuant to the provisions of this chapter.

10. As used in this section:

(a) "Mobile identification" means the collection, storage, transmission, reception, search, access or processing of a biometric identifier using a handheld device.

(b) "Personal identifying information" means any information designed, commonly used or capable of being used, alone or in conjunction with any other information, to identify a person, including, without limitation:

(1) The name, driver's license number, social security number, date of birth and photograph or computer-generated image of a person; and

(2) A biometric identifier of a person.

(c) "Private school" has the meaning ascribed to it in NRS 394.103.

Sec. 6. NRS 179A.100 is hereby amended to read as follows:

179A.100 1. The following records of criminal history may be disseminated by an agency of criminal justice without any restriction pursuant to this chapter:

(a) Any which reflect records of conviction only; and

(b) Any which pertain to an incident for which a person is currently within the system of criminal justice, including parole or probation.

2. Without any restriction pursuant to this chapter, a record of criminal history or the absence of such a record may be:

(a) Disclosed among agencies which maintain a system for the mutual exchange of criminal records.

(b) Furnished by one agency to another to administer the system of criminal justice, including the furnishing of information by a police department to a district attorney.

(c) Reported to the Central Repository.

3. An agency of criminal justice shall disseminate to a prospective employer, upon request, records of criminal history concerning a prospective employee or volunteer which are the result of a name-based inquiry and which:

(a) Reflect convictions only; or

(b) Pertain to an incident for which the prospective employee or volunteer is currently within the system of criminal justice, including parole or probation.

4. Records of criminal history must be disseminated by an agency of criminal justice, upon request, to the following persons or governmental entities:

(a) The person who is the subject of the record of criminal history for the purposes of NRS 179A.150.

(b) The person who is the subject of the record of criminal history when the subject is a party in a judicial, administrative, licensing, disciplinary or other proceeding to which the information is relevant.

(c) The Nevada Gaming Control Board.

(d) The State Board of Nursing.

(e) The Private Investigator's Licensing Board to investigate an applicant for a license.

(f) A public administrator to carry out the duties as prescribed in chapter 253 of NRS.

(g) A public guardian to investigate a protected person or proposed protected person or persons who may have knowledge of assets belonging to a protected person or proposed protected person.

(h) Any agency of criminal justice of the United States or of another state or the District of Columbia.

(i) Any public utility subject to the jurisdiction of the Public Utilities Commission of Nevada when the information is necessary to conduct a security investigation of an employee or prospective employee or to protect the public health, safety or welfare.

(j) Persons and agencies authorized by statute, ordinance, executive order, court rule, court decision or court order as construed by appropriate state or local officers or agencies.

(k) Any person or governmental entity which has entered into a contract to provide services to an agency of criminal justice relating to the administration of criminal justice, if authorized by the contract, and if the contract also specifies that the information will be used only for stated purposes and that it will be otherwise confidential in accordance with state and federal law and regulation.

(l) Any reporter or editorial employee who is employed or affiliated with a newspaper, press association or commercially operated, federally licensed radio or television station who requests a record of a named person or aggregate information for statistical purposes, excluding any personal identifying information, in a professional capacity for communication to the public.

(m) Prospective employers if the person who is the subject of the information has given written consent to the release of that information by the agency which maintains it.

(n) For the express purpose of research, evaluative or statistical programs pursuant to an agreement with an agency of criminal justice.

(o) An agency which provides child welfare services, as defined in NRS 432B.030.

(p) The Division of Welfare and Supportive Services of the Department of Health and Human Services or its designated representative, as needed to ensure the safety of investigators and caseworkers.

(q) The Aging and Disability Services Division of the Department of Health and Human Services or its designated representative, as needed to ensure the safety of investigators and caseworkers.

(r) An agency of this or any other state or the Federal Government that is conducting activities pursuant to Part D of Subchapter IV of Chapter 7 of Title 42 of the Social Security Act, 42 U.S.C. §§ 651 et seq.

~~(s) The State Disaster Identification Team of the Division of Emergency Management of the Department.~~

~~(t) The Commissioner of Insurance.~~

~~(u) (t) The Board of Medical Examiners.~~

~~(v) (u) The State Board of Osteopathic Medicine.~~

~~(w) (v) The Board of Massage Therapy and its Executive Director.~~

~~(x) (w) The Board of Examiners for Social Workers.~~

~~(y) (x) The State Board of Cosmetology and its Executive Director.~~

~~(z) (y) The Committee on Domestic Violence appointed pursuant to NRS 228.470 when, pursuant to NRS 228.495, the Committee is reviewing the death of the victim of a crime that constitutes domestic violence pursuant to NRS 33.018.~~

~~(aa) (z) A county coroner or medical examiner, as needed to conduct an investigation of the death of a person.~~

5. Agencies of criminal justice in this State which receive information from sources outside this State concerning transactions involving criminal justice which occur outside Nevada shall treat the information as confidentially as is required by the provisions of this chapter.

Sec. 7. NRS 179A.140 is hereby amended to read as follows:

179A.140 1. Except as otherwise provided in this section, an agency of criminal justice may charge a reasonable fee for information relating to records of criminal history provided to any person or governmental entity.

2. An agency of criminal justice shall not charge a fee for providing such information to another agency of criminal justice if the information is provided for purposes of the administration of criminal justice. ~~or for providing such information to the State Disaster Identification Team of the Division of Emergency Management of the Department.~~

3. The Central Repository shall not charge such a fee:

(a) For information relating to a person regarding whom the Central Repository provided a similar report within the immediately preceding 90 days in conjunction with the application by that person for professional licensure;

or

(b) For information provided to any organization that meets the criteria established by regulation pursuant to paragraph (b) of subsection 5 of NRS 179A.310.

4. The Director may request an allocation from the Contingency Account pursuant to NRS 353.266, 353.268 and 353.269 to cover the costs incurred by the Department to carry out the provisions of paragraph (b) of subsection 3.

5. All money received or collected by the Department pursuant to this section must be used to defray the cost of operating the Central Repository.

Sec. 8. NRS 239.010 is hereby amended to read as follows:

239.010 1. Except as otherwise provided in this section and NRS 1.4683, 1.4687, 1A.110, 3.2203, 41.071, 49.095, 49.293, 62D.420, 62D.440, 62E.516, 62E.620, 62H.025, 62H.030, 62H.170, 62H.220, 62H.320, 75A.100, 75A.150, 76.160, 78.152, 80.113, 81.850, 82.183, 86.246, 86.54615, 87.515, 87.5413, 87A.200, 87A.580, 87A.640, 88.3355, 88.5927, 88.6067, 88A.345, 88A.7345, 89.045, 89.251, 90.730, 91.160, 116.757, 116A.270, 116B.880, 118B.026, 119.260, 119.265, 119.267, 119.280, 119A.280, 119A.653, 119B.370, 119B.382, 120A.690, 125.130, 125B.140, 126.141, 126.161, 126.163, 126.730, 127.007, 127.057, 127.130, 127.140, 127.2817, 128.090, 130.312, 130.712, 136.050, 159.044, 159A.044, 172.075, 172.245, 176.01249, 176.015, 176.0625, 176.09129, 176.156, 176A.630, 178.39801, 178.4715, 178.5691, 179.495, 179A.070, 179A.165, 179D.160, 200.3771, 200.3772, 200.5095, 200.604, 202.3662, 205.4651, 209.392, 209.3925, 209.419, 209.521, 211A.140, 213.010, 213.040, 213.095, 213.131, 217.105, 217.110, 217.464, 217.475, 218A.350, 218E.625, 218F.150, 218G.130, 218G.240, 218G.350, 228.270, 228.450, 228.495, 228.570, 231.069, 231.1473, 233.190, 237.300, 239.0105, 239.0113, 239B.030, 239B.040, 239B.050, 239C.140, 239C.210, 239C.230, 239C.250, 239C.270, 240.007, 241.020, 241.030, 241.039, 242.105, 244.264, 244.335, 247.540, 247.550, 247.560, 250.087, 250.130, 250.140, 250.150, 268.095, 268.490, 268.910, 271A.105, 281.195, 281.805, 281A.350, 281A.680, 281A.685, 281A.750, 281A.755, 281A.780, 284.4068, 286.110, 287.0438, 289.025, 289.080, 289.387, 289.830, 293.4855, 293.5002, 293.503, 293.504, 293.558, 293.906, 293.908, 293.910, 293B.135, 293D.510, 331.110, 332.061, 332.351, 333.333, 333.335, 338.070, 338.1379, 338.1593, 338.1725, 338.1727, 348.420, 349.597, 349.775, 353.205, 353A.049, 353A.085, 353A.100, 353C.240, 360.240, 360.247, 360.255, 360.755, 361.044, 361.610, 365.138, 366.160, 368A.180, 370.257, 370.327, 372A.080, 378.290, 378.300, 379.008, 379.1495, 385A.830, 385B.100, 387.626, 387.631, 388.1455, 388.259, 388.501, 388.503, 388.513, 388.750, 388A.247, 388A.249, 391.035, 391.120, 391.925, 392.029, 392.147, 392.264, 392.271, 392.315, 392.317, 392.325, 392.327, 392.335, 392.850, 394.167, 394.1698, 394.447, 394.460, 394.465, 396.3295, 396.405, 396.525, 396.535, 396.9685, 398A.115, 408.3885, 408.3886, 408.3888, 408.5484, 412.153, 414.280, 416.070, 422.2749, 422.305, 422A.342, 422A.350, 425.400, 427A.1236, 427A.872, 432.028,

432.205, 432B.175, 432B.280, 432B.290, 432B.407, 432B.430, 432B.560, 432B.5902, 433.534, 433A.360, 437.145, 439.840, 439B.420, 440.170, 441A.195, 441A.220, 441A.230, 442.330, 442.395, 442.735, 445A.665, 445B.570, 449.209, 449.245, 449A.112, 450.140, 453.164, 453.720, 453A.610, 453A.700, 458.055, 458.280, 459.050, 459.3866, 459.555, 459.7056, 459.846, 463.120, 463.15993, 463.240, 463.3403, 463.3407, 463.790, 467.1005, 480.365, 480.940, 481.063, 481.091, 481.093, 482.170, 482.5536, 483.340, 483.363, 483.575, 483.659, 483.800, 484E.070, 485.316, 501.344, 503.452, 522.040, 534A.031, 561.285, 571.160, 584.655, 587.877, 598.0964, 598.098, 598A.110, 599B.090, 603.070, 603A.210, 604A.710, 612.265, 616B.012, 616B.015, 616B.315, 616B.350, 618.341, 618.425, 622.310, 623.131, 623A.137, 624.110, 624.265, 624.327, 625.425, 625A.185, 628.418, 628B.230, 628B.760, 629.047, 629.069, 630.133, 630.30665, 630.336, 630A.555, 631.368, 632.121, 632.125, 632.405, 633.283, 633.301, 633.524, 634.055, 634.214, 634A.185, 635.158, 636.107, 637.085, 637B.288, 638.087, 638.089, 639.2485, 639.570, 640.075, 640A.220, 640B.730, 640C.400, 640C.600, 640C.620, 640C.745, 640C.760, 640D.190, 640E.340, 641.090, 641.325, 641A.191, 641A.289, 641B.170, 641B.460, 641C.760, 641C.800, 642.524, 643.189, 644A.870, 645.180, 645.625, 645A.050, 645A.082, 645B.060, 645B.092, 645C.220, 645C.225, 645D.130, 645D.135, 645E.300, 645E.375, 645G.510, 645H.320, 645H.330, 647.0945, 647.0947, 648.033, 648.197, 649.065, 649.067, 652.228, 654.110, 656.105, 661.115, 665.130, 665.133, 669.275, 669.285, 669A.310, 671.170, 673.450, 673.480, 675.380, 676A.340, 676A.370, 677.243, 679B.122, 679B.152, 679B.159, 679B.190, 679B.285, 679B.690, 680A.270, 681A.440, 681B.260, 681B.410, 681B.540, 683A.0873, 685A.077, 686A.289, 686B.170, 686C.306, 687A.110, 687A.115, 687C.010, 688C.230, 688C.480, 688C.490, 689A.696, 692A.117, 692C.190, 692C.3507, 692C.3536, 692C.3538, 692C.354, 692C.420, 693A.480, 693A.615, 696B.550, 696C.120, 703.196, 704B.320, 704B.325, 706.1725, 706A.230, 710.159, 711.600, sections 35, 38 and 41 of chapter 478, Statutes of Nevada 2011 and section 2 of chapter 391, Statutes of Nevada 2013 and unless otherwise declared by law to be confidential, all public books and public records of a governmental entity must be open at all times during office hours to inspection by any person, and may be fully copied or an abstract or memorandum may be prepared from those public books and public records. Any such copies, abstracts or memoranda may be used to supply the general public with copies, abstracts or memoranda of the records or may be used in any other way to the advantage of the governmental entity or of the general public. This section does not supersede or in any manner affect the federal laws governing copyrights or enlarge, diminish or affect in any other manner the rights of a person in any written book or record which is copyrighted pursuant to federal law.

2. A governmental entity may not reject a book or record which is copyrighted solely because it is copyrighted.

3. A governmental entity that has legal custody or control of a public book or record shall not deny a request made pursuant to subsection 1 to inspect or copy or receive a copy of a public book or record on the basis that the requested public book or record contains information that is confidential if the governmental entity can redact, delete, conceal or separate the confidential information from the information included in the public book or record that is not otherwise confidential.

4. A person may request a copy of a public record in any medium in which the public record is readily available. An officer, employee or agent of a governmental entity who has legal custody or control of a public record:

(a) Shall not refuse to provide a copy of that public record in a readily available medium because the officer, employee or agent has already prepared or would prefer to provide the copy in a different medium.

(b) Except as otherwise provided in NRS 239.030, shall, upon request, prepare the copy of the public record and shall not require the person who has requested the copy to prepare the copy himself or herself.

Sec. 9. NRS 241.016 is hereby amended to read as follows:

241.016 1. The meetings of a public body that are quasi-judicial in nature are subject to the provisions of this chapter.

2. The following are exempt from the requirements of this chapter:

(a) The Legislature of the State of Nevada.

(b) Judicial proceedings, including, without limitation, proceedings before the Commission on Judicial Selection and, except as otherwise provided in NRS 1.4687, the Commission on Judicial Discipline.

(c) Meetings of the State Board of Parole Commissioners when acting to grant, deny, continue or revoke the parole of a prisoner or to establish or modify the terms of the parole of a prisoner.

3. Any provision of law, including, without limitation, NRS 91.270, 219A.210, 228.495, 239C.140, 281A.350, 281A.690, 281A.735, 281A.760, 284.3629, 286.150, 287.0415, 287.04345, 287.338, 288.220, 289.387, 295.121, 360.247, 388.261, 388A.495, 388C.150, 388G.710, 388G.730, 392.147, 392.467, 394.1699, 396.3295, 414.270, 433.534, 435.610, 463.110, 622.320, 622.340, 630.311, 630.336, 631.3635, 639.050, 642.518, 642.557, 686B.170, 696B.550, 703.196 and 706.1725, which:

(a) Provides that any meeting, hearing or other proceeding is not subject to the provisions of this chapter; or

(b) Otherwise authorizes or requires a closed meeting, hearing or proceeding,

↪ prevails over the general provisions of this chapter.

4. The exceptions provided to this chapter, and electronic communication, must not be used to circumvent the spirit or letter of this chapter to deliberate or act, outside of an open and public meeting, upon a matter over which the public body has supervision, control, jurisdiction or advisory powers.

Sec. 10. NRS 289.270 is hereby amended to read as follows:

289.270 1. The following persons have the powers of a peace officer:

- (a) The Director of the Department of Public Safety.
- (b) The chiefs of the divisions of the Department of Public Safety.
- (c) The deputy directors of the Department of Public Safety employed pursuant to NRS 480.120.
- (d) The sworn personnel of the Department of Public Safety.

~~[(e) Members of the State Disaster Identification Team of the Division of Emergency Management of the Department of Public Safety who are, pursuant to NRS 414.270, activated by the Chief of the Division to perform the duties of the State Disaster Identification Team have the powers of peace officers in carrying out those duties.]~~

2. Administrators and investigators of the Division of Compliance Enforcement of the Department of Motor Vehicles have the powers of a peace officer to enforce any law of the State of Nevada in carrying out their duties pursuant to NRS 481.048.

3. Officers and investigators of the Section for the Control of Emissions From Vehicles and the Enforcement of Matters Related to the Use of Special Fuel of the Department of Motor Vehicles, appointed pursuant to NRS 481.0481, have the powers of peace officers in carrying out their duties under that section.

Sec. 11. NRS 289.550 is hereby amended to read as follows:

289.550 1. Except as otherwise provided in subsection 2 and NRS 3.310, 4.353, 258.007 and 258.060, a person upon whom some or all of the powers of a peace officer are conferred pursuant to NRS 289.150 to 289.360, inclusive, must be certified by the Commission within 1 year after the date on which the person commences employment as a peace officer unless the Commission, for good cause shown, grants in writing an extension of time, which must not exceed 6 months, by which the person must become certified. A person who fails to become certified within the required time shall not exercise any of the powers of a peace officer after the time for becoming certified has expired.

2. The following persons are not required to be certified by the Commission:

- (a) The Chief Parole and Probation Officer;
- (b) The Director of the Department of Corrections;
- (c) The Director of the Department of Public Safety, the deputy directors of the Department ~~[-]~~ and the chiefs of the divisions of the Department other than the Investigation Division and the Nevada Highway Patrol ; ~~[- and the members of the State Disaster Identification Team of the Division of Emergency Management of the Department;]~~

(d) The Commissioner of Insurance and the chief deputy of the Commissioner of Insurance;

- (e) Railroad police officers; and
- (f) California correctional officers.

Sec. 12. NRS 289.800 is hereby amended to read as follows:

289.800 In addition to the compensation required by NRS 281.121, a state agency that employs a person:

1. Upon whom some or all of the powers of a peace officer are conferred pursuant to:

(a) Subsection 1 of NRS 289.180 ~~;~~ or subsection 1 of NRS 289.220 ; ~~or paragraph (c) of subsection 1 of NRS 289.270;~~ or

(b) Paragraph (d) of subsection 1 of NRS 289.270 and who is employed by the Nevada Highway Patrol; and

2. Who is required to purchase and wear a uniform or other clothing, accessories or safety equipment while performing the person's duties for the State as a peace officer,

↪ may, after first obtaining the written approval of the Director of the Office of Finance, reimburse that person for the cost to repair or replace the person's required uniform or other clothing, accessories or safety equipment if it is damaged or destroyed, by means other than ordinary wear and tear, while the person is performing the person's duties for the State as a peace officer.

Sec. 13. NRS 432.170 is hereby amended to read as follows:

432.170 1. The Attorney General shall:

(a) Establish a program to coordinate activities and information in this State concerning missing or exploited children; and

(b) Appoint a Director to administer the provisions of the program.

2. The Director is in the unclassified service of the State. To assist the Director in carrying out the provisions of NRS 432.150 to 432.220, inclusive, the Attorney General may appoint such assistants or investigators as deemed necessary by the Attorney General.

3. The Director may:

(a) Assist any public or private school in establishing a program of information about missing or exploited children by providing, free of charge, materials, publications and instructional aids relating to:

(1) Offenses under federal and state law regarding missing or exploited children and the abuse or neglect of children.

(2) Governmental and private agencies and programs for locating and identifying missing or exploited children, preventing the abduction or disappearance of children and preventing the abuse or neglect of children.

(3) Methods of preventing the abduction or disappearance of children.

(4) Techniques for the investigation of cases involving missing or exploited children.

(5) Any other issue involving missing or exploited children.

(b) Develop and maintain a system of information concerning missing or exploited children, including information concerning public or private resources which may be available to such children and their families.

(c) Accept gifts or donations on behalf of the Clearinghouse which must be accounted for separately and used by the Director in carrying out the provisions of NRS 432.150 to 432.220, inclusive.

(d) Enter into agreements with regional and national organizations for assistance and exchange of information concerning missing or exploited children.

(e) Assist in the investigation of children who are reported missing in this State or who are reported abducted or taken from this State.

4. The Director may provide the materials, publications and instructional aids identified in paragraph (a) of subsection 3 to any other person or governmental agency for a reasonable fee not to exceed the cost of preparing the materials.

~~{5. The Director shall, upon request, provide records regarding a missing child to the State Disaster Identification Team of the Division of Emergency Management of the Department of Public Safety.}~~

Sec. 14. Chapter 629 of NRS is hereby amended by adding thereto a new section to read as follows:

1. *To the extent feasible, every provider of health care to whom any person comes or is brought for the treatment of an injury which ~~appears to have been~~ the provider concludes was inflicted during the existence of a state of emergency or declaration of disaster pursuant to NRS 414.070 or an illness which ~~appears to have been~~ the provider concludes was contracted during a public health emergency or other health event pursuant to NRS 439.970 shall submit a written report electronically to the State Disaster Identification Coordination Committee on a form prescribed by the State Disaster Identification Coordination Committee.*

2. *The report required by subsection 1 must include, without limitation:*

(a) The name, address, telephone number and electronic mail address of the person treated, if known;

(b) The location where the person was treated; and

(c) The character or extent of the injuries or illness of the person treated.

3. *A provider of health care and his or her agents and employees are immune from any civil action for any disclosures made in good faith in accordance with the provisions of this section. ~~for any consequential damages.~~*

Sec. 15. The provisions of subsection 1 of NRS 218D.380 do not apply to any provision of this act which adds or revises a requirement to submit a report to the Legislature.

Sec. 16. NRS 414.290 is hereby repealed.

Sec. 17. This act becomes effective upon passage and approval.

TEXT OF REPEALED SECTION

414.290 Access to certain records and information when carrying out duties. In carrying out its duties pursuant to NRS 414.280, the State Disaster Identification Team may have access to:

1. The information that is contained in the Central Repository for Nevada Records of Criminal History pursuant to NRS 179A.075.

2. The records of criminal history maintained by an agency of criminal justice pursuant to NRS 179A.100.

3. The records of missing children maintained by the Attorney General pursuant to NRS 432.170.

Senator Parks moved the adoption of the amendment.

Remarks by Senator Parks.

Amendment No. 27 relates to emergency management. The three key provisions of the amendment are that it adds one or more representatives of a State or local public health agency whose duties relate to emergency preparedness to the State Disaster Identification Coordination Committee. It clarifies the language triggering certain reports so it is the provider of health care who concludes an injury resulted from an emergency or disaster; and, third, clarifies the immunity provisions for a provider of health care and his or her agents and employees. I encourage your support.

Amendment adopted.

Bill ordered reprinted, engrossed and to third reading.

Senate Bill No. 82.

Bill read second time.

The following amendment was proposed by the Committee on Education:

Amendment No. 131.

SUMMARY—Revises provisions relating to education. (BDR 31-479)

AN ACT relating to education; revising the membership of the Board of Trustees of the College Savings Plans of Nevada; revising provisions relating to the administration of the Nevada Higher Education Prepaid Tuition Trust Fund; revising provisions governing the Nevada College Kick Start Program; revising provisions relating to the Endowment Account in the State General Fund; and providing other matters properly relating thereto.

Legislative Counsel's Digest:

The Board of Trustees of the College Savings Plans of Nevada was created under existing law to oversee the Nevada Higher Education Prepaid Tuition Program and the Nevada College Savings Program. (NRS 353B.005, 353B.090, 353B.310) Existing law provides that the State Treasurer or his or her designee serves as an ex officio nonvoting member of the Board. (NRS 353B.005) Section 1 of this bill revises the membership of the Board to: (1) provide that the State Treasurer serves as a voting member of the Board; and (2) reduce the number of voting members appointed by the Governor from three to two.

Existing law: (1) creates the Nevada Higher Education Prepaid Tuition Trust Fund; and (2) requires the State Treasurer to administer the Trust Fund. Existing law also requires that any employees hired by the State Treasurer to administer the Nevada Higher Education Prepaid Tuition Program be paid out of the assets of the Trust Fund. (NRS 353B.140, 353B.150) Section 2 of this bill eliminates the requirement to pay such employees out of the assets of the Trust Fund.

Under existing law, the Board is required to establish the Nevada College Kick Start Program to create college savings accounts for pupils who are enrolled in kindergarten in public schools in Nevada and are residents of Nevada. (NRS 353B.335) Section 3 of this bill requires the Board to determine the appropriate accounting method ~~for accounting~~ for the money in such an account ~~for~~, which must be in accordance with generally accepted accounting principles.

Existing law requires the State Treasurer to establish an Endowment Account in the State General Fund to carry out the State Treasurer's duties with respect to the Nevada College Savings Program. The Endowment Account is required to be used for the deposit of any money received by the Nevada College Savings Program that is not received pursuant to a savings trust agreement and which the State Treasurer determines is not necessary for certain administration and marketing activities. The State Treasurer is authorized to expend money in the Endowment Account for purposes related to the funding of college savings accounts under the Nevada College Kick Start Program, the Governor Guinn Millennium Scholarship Program, administrative and marketing costs related to the Nevada Higher Education Prepaid Tuition Program and the Nevada College Savings Program and programs for the financial education of residents of this State. (NRS 353B.350) Section 4 of this bill: (1) increases the amount of money the State Treasurer is authorized to expend from the Endowment Account for marketing costs related to the Nevada Higher Education Prepaid Tuition Program and the Nevada College Savings Program; and (2) authorizes the State Treasurer to expend money in the Endowment Account for any other costs that assist residents of Nevada to attain postsecondary education which have been approved by the Board.

Existing law authorizes the Board to accept and expend on behalf of the Nevada College Savings Trust Fund money provided by a private entity for administrative costs and marketing, but specifies that such money is not part of the Trust Fund. (NRS 353B.360) Section 5 of this bill expands such authority to allow the Board to apply for and accept grants and to accept any gift, bequest, devise or other donation provided by a public entity for administrative costs or costs of marketing the Nevada College Savings Program, including the Nevada College Kick Start Program. Section 5 requires all such money accepted by the Board from public and private sources be deposited in the Endowment Account and section 4 provides that the money does not count against the limitation in existing law on expenditures from the Endowment Account for the costs of marketing.

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

Section 1. NRS 353B.005 is hereby amended to read as follows:

353B.005 1. There is hereby created a Board of Trustees of the College Savings Plans of Nevada.

2. The Board consists of ~~five~~

~~(a) Five voting~~ five members composed of:

~~[(1)]~~ (a) The State Treasurer, who may name a designee to serve on the Board on his or her behalf.

(b) The Director of the Office of Finance, who may name a designee to serve on the Board on his or her behalf.

~~[(2)]~~ (c) The Chancellor of the System, who may name a designee to serve on the Board on his or her behalf.

~~[(3) Three]~~

(d) Two members appointed by the Governor. A member who is appointed by the Governor must possess knowledge, skill and experience in the field of:

~~[(I)]~~ (1) Accounting;

~~[(II)]~~ (2) Finance;

~~[(III)]~~ (3) Investment management; or

~~[(IV)]~~ (4) Marketing.

~~[(b) The State Treasurer or his or her designee, who serves ex officio as a nonvoting member.]~~

3. A member of the Board who is appointed by the Governor pursuant to ~~subparagraph (3) of~~ paragraph ~~[(a)]~~ (d) of subsection 2:

(a) Serves for a term of 4 years ~~;~~ or until his or her successor is appointed;

(b) Except as otherwise provided in paragraph (c), may be reappointed by the Governor; and

(c) Except as otherwise provided in this paragraph, may serve for only two terms. A member who is appointed to fill a vacancy in an unexpired term that is not longer than 3 years may serve two terms in addition to the unexpired term.

4. The ~~voting~~ members of the Board shall elect a Chair of the Board from among their number. ~~[The term of office of the Chair is 1 year.]~~

5. Each member of the Board serves without compensation, except that each member is entitled to receive:

(a) The per diem allowance and travel expenses provided for state officers and employees generally; and

(b) Reimbursement for any other actual and reasonable expense incurred while performing his or her duties.

6. As used in this section, the term "College Savings Plans of Nevada" includes the Nevada Higher Education Prepaid Tuition Program set forth in NRS 353B.010 to 353B.190, inclusive, and the Nevada College Savings Program set forth in NRS 353B.300 to 353B.370, inclusive, including the Nevada College Kick Start Program.

Sec. 2. NRS 353B.150 is hereby amended to read as follows:

353B.150 1. The State Treasurer shall administer the Trust Fund.

2. As Administrator of the Trust Fund, the State Treasurer:

(a) Shall maintain the financial records of the Trust Fund;

- (b) Shall invest the property in the Trust Fund pursuant to the policies for investment established by the Board pursuant to NRS 353B.160;
- (c) Shall manage any account associated with the Trust Fund;
- (d) Shall maintain any instruments that evidence investments made with property from the Trust Fund;
- (e) May contract with vendors for any good or service that is necessary to carry out the provisions of NRS 353B.010 to 353B.190, inclusive;
- (f) May hire such employees as are necessary to carry out the provisions of NRS 353B.010 to 353B.190, inclusive ; ~~[- who must be paid out of the assets of the Trust Fund;]~~ and
- (g) May perform any other duties necessary to administer the Trust Fund.

Sec. 3. NRS 353B.335 is hereby amended to read as follows:

353B.335 1. The Board shall establish the Nevada College Kick Start Program to provide for the creation of ~~[- a college savings]~~ an account for each pupil who is a resident of this State upon commencement of his or her enrollment in kindergarten at a public school in this State. Within the limits of money available for this purpose, the Board shall ~~[- deposit]~~ make money ~~[- in]~~ available to each such ~~[- an]~~ account to be used to pay a portion of the costs of higher education of the pupil. *The Board shall determine the appropriate accounting method ~~[- for accounting]~~ for the money in such an account ~~[-]~~, which must be in accordance with generally accepted accounting principles.*

2. The Board shall adopt regulations for the implementation of the Program, including, without limitation, regulations regarding:

- (a) Enrollment in the Program, including without limitation, opting in or opting out of the Program;
- (b) Procedures for the parent or guardian of a pupil to access the account of the pupil created pursuant to subsection 1;
- (c) The time within which the money in the account created pursuant to subsection 1 must be used; and
- (d) Distributions from an account created pursuant to subsection 1.

3. The Board may apply for and accept any gift, donation, bequest, grant or other source of money to carry out the Program.

4. The Board ~~[- shall]~~ may transfer to the Endowment Account established pursuant to NRS 353B.350 the balance in the account of a pupil created pursuant to subsection 1 that:

- (a) Has not been accessed by a parent or guardian of the pupil in the manner prescribed in the regulations adopted pursuant to subsection 2 by the time the pupil is enrolled in grade 5.
- (b) Is otherwise remaining after expiration of the time prescribed in the regulations adopted pursuant to subsection 2 within which the money in the account must be used.

Sec. 4. NRS 353B.350 is hereby amended to read as follows:

353B.350 1. The Trust Fund and any account established by the State Treasurer pursuant to this section must be administered by the State Treasurer.

2. The State Treasurer shall establish such accounts as he or she determines necessary to carry out his or her duties pursuant to NRS 353B.300 to 353B.370, inclusive, including, without limitation:

- (a) A Program Account in the Trust Fund; and
- (b) An Administrative Account and an Endowment Account in the State General Fund.

3. The Program Account must be used for the receipt, investment and disbursement of money pursuant to savings trust agreements.

4. The Administrative Account must be used for the deposit and disbursement of money to administer and market the Nevada College Savings Program and to supplement the administration and marketing of the Nevada Higher Education Prepaid Tuition Program set forth in NRS 353B.010 to 353B.190, inclusive.

5. In addition to the money transferred pursuant to NRS 353B.335 ~~and deposited pursuant to NRS 353B.360~~, the Endowment Account must be used for the deposit of any money received by the Nevada College Savings Program that is not received pursuant to a savings trust agreement and, in the determination of the State Treasurer, is not necessary for the use of the Administrative Account. ~~The~~ *Except as otherwise provided in NRS 353B.360, the money in the Endowment Account may be expended for any purpose related to:*

(a) The funding of ~~college savings~~ accounts created under the Nevada College Kick Start Program established pursuant to NRS 353B.335;

(b) The Governor Guinn Millennium Scholarship Program created pursuant to NRS 396.926, including, without limitation, the costs of administering the Program, but such costs must not exceed an amount equal to 3 percent of the anticipated annual revenue to the State of Nevada from the settlement agreements with and civil actions against manufacturers of tobacco products anticipated for deposit in the Trust Fund;

(c) The administrative costs, as approved by the Legislature or the Interim Finance Committee, of activities related to the Nevada Higher Education Prepaid Tuition Program set forth in NRS 353B.010 to 353B.190, inclusive, and the Nevada College Savings Program set forth in NRS 353B.300 to 353B.370, inclusive, including the Nevada College Kick Start Program;

(d) The costs of marketing related to the Nevada Higher Education Prepaid Tuition Program set forth in NRS 353B.010 to 353B.190, inclusive, and the Nevada College Savings Program set forth in NRS 353B.300 to 353B.370, inclusive, including the Nevada College Kick Start Program, but such costs must not exceed an amount equal to ~~3~~ 10 percent of the money in the Endowment Account, *other than money deposited pursuant to NRS 353B.360*, that was received during the first fiscal year of the immediately preceding biennium by the Nevada College Savings Program, was not received pursuant to a savings trust agreement and, in the determination of the State Treasurer, was not necessary for the use of the Administrative Account; ~~or~~

(e) The costs of providing programs for the financial education of residents of this State, but such costs must not exceed an amount equal to 3 percent of the money in the Endowment Account that was received during the first fiscal year of the immediately preceding biennium by the Nevada College Savings Program, was not received pursuant to a savings trust agreement and, in the determination of the State Treasurer, was not necessary for the use of the Administrative Account ~~[-]~~; or

(f) Any other costs that assist the residents of this State to attain postsecondary education which have been approved by the Board.

Sec. 5. NRS 353B.360 is hereby amended to read as follows:

353B.360 The Board may *apply for and accept a grant and may accept* ~~and expend on behalf of the Trust Fund money~~ any gift, bequest, devise or other donation provided by a public or private ~~entities~~ source for ~~direct expenses~~ administrative costs or costs of marketing the Nevada College Savings Program set forth in NRS 353B.300 to 353B.370, inclusive, including the Nevada College Kick Start Program, in accordance with the provisions of NRS 353.150 to 353.245, inclusive. Such money ~~is not a part of~~ must be deposited in the ~~Trust Fund~~ Endowment Account established pursuant to subsection 2 of NRS 353B.350.

Sec. 6. 1. The terms of the members of the Board of Trustees of the College Savings Plans of Nevada created by NRS 353B.005 who were appointed pursuant to sub-paragraph (3) of paragraph (a) of subsection 2 of NRS 353B.005, as that section existed on June 30, 2019, and who are incumbent on June 30, 2019, expire on that date.

2. On or before July 1, 2019, the Governor shall appoint two members of the Board of Trustees of the College Savings Plans of Nevada created by NRS 353B.005 pursuant to paragraph (d) of subsection 2 of NRS 353B.005, as amended by section 1 of this act, to terms commencing on July 1, 2019.

Sec. 7. 1. This section and section 6 of this act become effective upon passage and approval.

2. Sections 1 to 5, inclusive, of this act become effective on July 1, 2019.

Senator Denis moved the adoption of the amendment.

Remarks by Senator Denis.

Amendment No. 131 to Senate Bill No. 82 ensures the College Savings Board follows an appropriate industry standard when choosing the accounting method for the College Kick Start Program.

Amendment adopted.

Senator Woodhouse moved that the bill be re-referred to the Committee on Finance, upon return from reprint.

Motion carried.

Bill ordered reprinted, engrossed and to the Committee on Finance.

Senate Bill No. 100.

Read second time.

The following amendment was proposed by the Committee on Education:

Amendment No. 6.

SUMMARY—Revises provisions relating to the licensure and employment of veterans, military personnel and their spouses in the public schools of this State. (BDR 34-388)

AN ACT relating to education; requiring an expedited processing of applications for a license to teach for spouses of certain members of the Armed Forces of the United States; requiring school districts to consider the Joint Services Transcript or a similar document of a veteran to satisfy the qualifications for certain positions of employment; permitting members and veterans of the Armed Forces of the United States and their spouses to obtain a license to teach through the alternative route to licensure program under certain circumstances; and providing other matters properly relating thereto. Legislative Counsel's Digest:

Existing law requires a person to apply for and receive a license from the Superintendent of Public Instruction before teaching in a public school. (NRS 391.033) Existing law further requires the Commission on Professional Standards in Education to adopt regulations regarding the qualifications and process for licensing teachers and educational personnel. (NRS 391.019) Section 3 of this bill requires the Commission to adopt regulations to expedite an application for a license to teach in this State by the spouse of a member of the Armed Forces of the United States who is on active duty. Section 4 of this bill requires school districts to consider the Joint Services Transcript or a similar document of a veteran as credit towards training and experience for certain skilled positions of employment in that school district.

Existing law also provides for the issuance of provisional and reciprocal licenses, as well as licenses obtained through an alternative route to licensure program. (NRS 391.032) Section 6 of this bill allows a member or veteran of the Armed Forces of the United States, or a spouse of such member or veteran, who obtained a license through an equivalent alternative route to licensure program in another state to obtain a license in this State as if they had completed the alternative route to licensure program in this State.

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

Section 1. Chapter 391 of NRS is hereby amended by adding thereto the provisions set forth as sections 2, 3 and 4 of this act.

Sec. 2. *“Veteran” has the meaning ascribed to it in NRS 417.005.*

Sec. 3. *The Commission shall adopt regulations which provide for the expedited processing of applications for a license to teach in this State and for employment in a school district for a spouse of a member of the Armed Forces of the United States who is on active duty.*

Sec. 4. *If a veteran of the Armed Forces of the United States submits an application for employment in a school district for a position that requires certain training, experience or licensure in a skilled trade, the school district must consider any military education, training or occupational experience*

listed on a Joint Services Transcript or a similar document as credit towards any such required training, experience or licensure.

Sec. 5. NRS 391.002 is hereby amended to read as follows:

391.002 As used in this chapter, unless the context otherwise requires, the words and terms defined in NRS 391.005, 391.008 and 391.0085 *and section 2 of this act* have the meanings ascribed to them in those sections.

Sec. 6. NRS 391.032 is hereby amended to read as follows:

391.032 1. Except as otherwise provided in NRS 391.027, the Commission shall:

(a) Adopt regulations which provide for the issuance of provisional licenses to teachers and other educational personnel before completion of all courses of study or other requirements for a license in this State.

(b) Adopt regulations which provide for the reciprocal licensure of educational personnel from other states including, without limitation, for the reciprocal licensure of persons who hold a license to teach special education. Such regulations must include, without limitation, provisions for the reciprocal licensure of persons who obtained a license pursuant to an alternative route to licensure which the Department determines is as rigorous or more rigorous than the alternative route to licensure prescribed pursuant to subparagraph (1) of paragraph (a) of subsection 1 of NRS 391.019.

2. *A person who is a member of the Armed Forces of the United States, a veteran of the Armed Forces of the United States or the spouse of such a member or veteran of the Armed Forces of the United States and who has completed the equivalent of an alternative route to licensure program in another state may obtain a license as if such person has completed the alternative route to licensure program of this State.*

3. A person who is issued a provisional license must complete all courses of study and other requirements for a license in this State which is not provisional within 3 years after the date on which a provisional license is issued.

Sec. 7. This act becomes effective upon passage and approval for purposes of adopting regulations and performing any preliminary administrative tasks that are necessary to carry out the provisions of this act, and on July 1, 2019, for all other purposes.

Senator Denis moved the adoption of the amendment.

Remarks by Senator Denis.

Amendment No. 6 to Senate Bill No. 100 allows school districts to consider other similar documents, in addition to a veteran's Joint Services Transcript, when determining whether certain experience may be credited toward training, experience or licensure requirements.

Amendment adopted.

Bill ordered reprinted, engrossed and to third reading.

Senate Bill No. 104.

Bill read second time.

The following amendment was proposed by the Committee on Government Affairs:

Amendment No. 30.

SUMMARY—Revises provisions concerning the statewide low-income housing database maintained by the Housing Division of the Department of Business and Industry. (BDR 25-378)

AN ACT relating to housing; requiring the inclusion of certain reports as sources of information for the statewide low-income housing database maintained by the Housing Division of the Department of Business and Industry; requiring owners of certain multifamily residential housing to report certain information quarterly to the Housing Division; requiring certain local governments to cooperate with the Housing Division in providing certain information related to affordable housing; and providing other matters properly relating thereto.

Legislative Counsel's Digest:

Existing law requires the Housing Division of the Department of Business and Industry to create and maintain a statewide low-income housing database. This database must include certain information related to affordable housing, including the compilations and analysis of demographic, economic and housing data from a variety of sources. (NRS 319.143) Existing law also requires that the governing bodies of certain local governments submit to the Housing Division annual reports with information related to affordable housing. (NRS 278.235) Section 1 of this bill requires the inclusion of such reports as one of the sources of information for the low-income housing database. Section 2 of this bill requires the governing bodies of local governments that are required to submit such reports to cooperate with the Housing Division to ensure that the information is appropriate for inclusion in the database and can be added to the database effectively.

Existing law requires certain owners of residential housing that is affordable housing or accessible to persons with disabilities to report certain information relating to the housing quarterly to the Aging and Disability Services Division of the Department of Health and Human Services. (NRS 319.267) Section 2.5 of this bill repeals this requirement. Section 1 imposes a similar requirement on certain owners of multifamily residential housing. Section 1 requires certain owners of multifamily residential housing that is affordable housing and accessible to persons with disabilities to report certain information relating to the housing quarterly to the Housing Division.

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

Section 1. NRS 319.143 is hereby amended to read as follows:

319.143 1. The Division shall create and maintain a statewide low-income housing database.

2. The database must include, without limitation, the compilation and analysis of demographic, economic and housing data from a variety of sources

, including, without limitation, reports submitted pursuant to NRS 278.235, that:

(a) Provides for an annual assessment of the affordable housing market at the city and county level, including data relating to housing units, age of housing, rental rates and rental vacancy rates, new home sales and resale of homes, new construction permits, mobile homes, lots available for mobile homes and conversions of multifamily condominiums;

(b) Addresses the housing needs of various population groups in Nevada, such as households that rent, homeowners, elderly households, veterans, persons with disabilities or special needs, homeless persons, recovering drug abusers, persons suffering from mental health ailments and victims of domestic violence, with each group distinguished to show the percentage of the population group at different income levels, and a determination of the number of households within each special-needs group experiencing housing costs greater than 50 percent of their income, overcrowding or substandard housing;

(c) Contains an estimate of the number and condition of subsidized and other low-income housing units at the county level and the identification of any subsidized units that are forecast to convert to market-rate units within a 2-year planning period;

(d) Provides a demographic and economic overview by local and county jurisdiction, if feasible, for the population of Nevada, including age, race and ethnicity, household size, migration, current and forecast employment, household income and a summary relating to the effects of demographics and economic factors on housing demand;

(e) Provides the number of housing units available to a victim of domestic violence from any housing authority, as defined in NRS 315.021, and from participation in the program of housing assistance pursuant to section 8 of the United States Housing Act of 1937, 42 U.S.C. § 1437f; and

(f) Provides the number of terminations of victims of domestic violence in this State from the program of housing assistance pursuant to section 8 of the United States Housing Act of 1937, 42 U.S.C. § 1437f.

3. The costs of creating and maintaining the database:

(a) Must be paid from the Account for Low-Income Housing created by NRS 319.500; and

(b) May not exceed \$175,000 per year.

4. If an owner of multifamily residential housing that is offered for rent or lease in this State and is:

(a) Accessible to persons with disabilities; and

(b) Affordable housing, as defined in NRS 278.0105.

↪ has received any loan, grant or contribution for the multifamily residential housing from the Federal Government or the State, the owner shall, not less than quarterly, report to the Division information concerning each unit of the

multifamily residential housing that is available and suitable for use by a person with a disability.

5. The Division shall adopt regulations to carry out the provisions of subsection 4.

Sec. 2. NRS 278.235 is hereby amended to read as follows:

278.235 1. If the governing body of a city or county is required to include the housing element in its master plan pursuant to NRS 278.150, the governing body, in carrying out the plan for maintaining and developing affordable housing to meet the housing needs of the community, which is required to be included in the housing element pursuant to subparagraph (8) of paragraph (c) of subsection 1 of NRS 278.160, shall adopt at least six of the following measures:

(a) At the expense of the city or county, as applicable, subsidizing in whole or in part impact fees and fees for the issuance of building permits collected pursuant to NRS 278.580.

(b) Selling land owned by the city or county, as applicable, to developers exclusively for the development of affordable housing at not more than 10 percent of the appraised value of the land, and requiring that any such savings, subsidy or reduction in price be passed on to the purchaser of housing in such a development. Nothing in this paragraph authorizes a city or county to obtain land pursuant to the power of eminent domain for the purposes set forth in this paragraph.

(c) Donating land owned by the city or county to a nonprofit organization to be used for affordable housing.

(d) Leasing land by the city or county to be used for affordable housing.

(e) Requesting to purchase land owned by the Federal Government at a discounted price for the creation of affordable housing pursuant to the provisions of section 7(b) of the Southern Nevada Public Land Management Act of 1998, Public Law 105-263.

(f) Establishing a trust fund for affordable housing that must be used for the acquisition, construction or rehabilitation of affordable housing.

(g) Establishing a process that expedites the approval of plans and specifications relating to maintaining and developing affordable housing.

(h) Providing money, support or density bonuses for affordable housing developments that are financed, wholly or in part, with low-income housing tax credits, private activity bonds or money from a governmental entity for affordable housing, including, without limitation, money received pursuant to 12 U.S.C. § 1701q and 42 U.S.C. § 8013.

(i) Providing financial incentives or density bonuses to promote appropriate transit-oriented housing developments that would include an affordable housing component.

(j) Offering density bonuses or other incentives to encourage the development of affordable housing.

(k) Providing direct financial assistance to qualified applicants for the purchase or rental of affordable housing.

(l) Providing money for supportive services necessary to enable persons with supportive housing needs to reside in affordable housing in accordance with a need for supportive housing identified in the 5-year consolidated plan adopted by the United States Department of Housing and Urban Development for the city or county pursuant to 42 U.S.C. § 12705 and described in 24 C.F.R. Part 91.

2. On or before January 15 of each year, the governing body shall submit to the Housing Division of the Department of Business and Industry a report, in the form prescribed by the *Housing* Division, of how the measures adopted pursuant to subsection 1 assisted the city or county in maintaining and developing affordable housing to meet the needs of the community for the preceding year. The report must include an analysis of the need for affordable housing within the city or county that exists at the end of the reporting period. *The governing body shall cooperate with the Housing Division to ensure that the information contained in the report is appropriate for inclusion in, and can be effectively incorporated into, the statewide low-income housing database created pursuant to NRS 319.143.*

3. On or before February 15 of each year, the Housing Division shall compile the reports submitted pursuant to subsection 2 and post the compilation on the Internet website of the Housing Division.

Sec. 2.5. NRS 319.267 is hereby repealed.

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

TEXT OF REPEALED SECTION

319.267 Duty of certain owners of residential housing to submit quarterly report to Aging and Disability Services Division of Department of Health and Human Services.

1. If an owner of residential housing that is offered for rent or lease in this State and is:

(a) Accessible to persons with disabilities; or

(b) Affordable housing.

↪ has received any loan, grant or contribution for the residential housing from the Federal Government, the State or any public body, the owner shall, not less than quarterly, report to the Aging and Disability Services Division of the Department of Health and Human Services information concerning each unit of the residential housing that is available and suitable for use by a person with a disability.

2. The Department of Health and Human Services shall adopt regulations to carry out the provisions of this section.

3. As used in this section, “affordable housing” has the meaning ascribed to it in NRS 278.0105.

Senator Parks moved the adoption of the amendment.

Remarks by Senator Parks.

Amendment No. 30 relates reports to the State low-income housing database. The amendment repeals the requirement for certain owners of residential housing to provide a quarterly report to the Aging and Disability Services Division, Department of Health and Human Services, and instead requires these quarterly reports to be submitted by certain owners of multifamily residential housing to the Housing Division, Department of Business and Industry, for inclusion in the Statewide low-income housing database.

Amendment adopted.

Bill ordered reprinted, engrossed and to third reading.

Senate Bill No. 108.

Bill read second time.

The following amendment was proposed by the Committee on Legislative Operations and Elections:

Amendment No. 54.

SUMMARY—Makes various changes relating to the Nevada Youth Legislature. (BDR 17-62)

AN ACT relating to the Nevada Youth Legislature; revising provisions governing vacancies on, meetings of and holding certain positions on the Nevada Youth Legislature; revising the qualifications for appointment to the Board of Directors for the corporation for public benefit that administers the Nevada Youth Legislature; and providing other matters properly relating thereto.

Legislative Counsel's Digest:

Existing law provides for the creation, membership, powers and duties of the Nevada Youth Legislature ~~and for the establishment of a Board of Directors appointed by the Legislative Commission to govern the corporation for public benefit that administers the Youth Legislature.~~ (NRS 219A.010-219A.310) Under ~~current~~ existing law, members of the ~~Nevada~~ Youth Legislature serve a term of 2 years and may be reappointed to one successive 2-year term. (NRS 219A.130) Existing law also provides that a position on the Youth Legislature becomes vacant if a member has accrued two or more absences from meetings, activities or event days of the Youth Legislature, unless the absences are excused by the Chair or Vice Chair of the Board of Directors. (NRS 219A.150)

Section 1 of this bill ~~increases the number of unexcused absences from meetings, activities or event days a member may take before he or she may be removed from~~ revises existing law to provide that a position on the Youth Legislature ~~from two to three~~ becomes vacant if the Chair or Vice Chair of the Board of Directors determines that the member has any combination of unexcused absences or incomplete assignments which, in the aggregate, amounts to three or more missed or incomplete activity credits during the member's term. Section 1 also defines an "activity credit" as a credit, or any fractional portion of a credit, which the Board of Directors has determined that

a member is eligible to earn for attending meetings or event days or completing any other assigned activities.

Under existing law, the Youth Legislature elects a Chair and Vice Chair from among its members to serve for a term of 1 year. (NRS 219A.200) Section 2 of this bill prohibits a member of the Youth Legislature who is elected to serve as Chair or Vice Chair of the Youth Legislature ~~[during]~~ for any part of the first year of his or her term from serving in either position ~~[during]~~ for any part of the second year ~~[]~~ of his or her term. Section 2 also requires a vacancy in the office of Chair or Vice Chair of the Youth Legislature to be filled for the remainder of the term in the same manner as the original election.

Existing law establishes the powers and duties of the Youth Legislature and sets forth requirements regarding public meetings and other activities. (NRS 219A.210) Section 3 of this bill clarifies the types of issues the Youth Legislature may consider to include any environmental, legal, political or social issues. Section 3 also removes the requirement that each member must conduct at least one meeting to discuss certain issues with the youth of this State and instead provides that each member must complete, in the manner required by the Board of Directors, any assigned activities of the Youth Legislature.

Existing law requires the public meetings of the Youth Legislature and its committees to comply with the Open Meeting Law, which includes potential civil and criminal penalties for violations of its provisions. (NRS 219A.210; chapter 241 of NRS) Section 3 removes the requirement that the public meetings of the Youth Legislature and its committees must comply with the Open Meeting Law ~~[, chapter 241 of NRS.]~~ and instead requires such public meetings to comply, to the extent practicable, with the policies of the Legislature and its committees for holding public meetings. Section 3 further specifies certain types of meetings and other activities of the Youth Legislature and its committees that are not required to be open to the public, including meetings and other activities that are conducted solely for purposes of orientation, instruction or training of members or are related to internal organization, affairs or management.

Existing law ~~[establishes a]~~ provides that the members of the Board of Directors are appointed by the Legislative Commission ~~[to govern the corporation for public benefit that administers the Youth Legislature.]~~ but does not specify any particular requirements regarding the composition of the Board. (NRS 219A.300) Section 4 of this bill requires the Board to consist of at least one member of the Senate, one member of the Assembly, one member of the general public and, if practicable, one person who has previously served on the Youth Legislature.

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

Section 1. NRS 219A.150 is hereby amended to read as follows:

219A.150 1. A position on the Youth Legislature becomes vacant upon:

(a) The death or resignation of a member.

(b) The ~~absence~~ *determination of the Chair or Vice Chair of the Board, as applicable, that a member has accrued, for any reason* ~~from~~

~~(1) Two *Three* meetings of the Youth Legislature, including, without limitation, meetings conducted in person, meetings conducted by teleconference, meetings conducted by videoconference and meetings conducted by other electronic means;~~

~~(2) Two *Three* activities of the Youth Legislature;~~

~~(3) Two *Three* event days of the Youth Legislature; or~~

~~(4) Any, any combination of absences;~~

(1) Absences from meetings, activities or event days of the Youth Legislature; ~~or~~

(2) Incompletions of any other activities that are assigned to him or her by the Board as a member of the Youth Legislature,

~~if the combination of absences ~~therefrom equals two~~ or incompletions amounts to three or more;~~

~~missed or unsuccessful activity credits during his or her term, unless the absences or incompletions are, as applicable, excused, in whole or in part, by the Chair or Vice Chair of the Board, as applicable.~~

(c) A change of residency or a change of the school of enrollment of a member which renders that member ineligible under his or her original appointment.

2. In addition to the provisions of subsection 1, a position on the Youth Legislature becomes vacant if:

(a) A member of the Youth Legislature graduates from high school or otherwise ceases to attend public school or private school for any reason other than to become a homeschooled child or opt-in child; or

(b) A member of the Youth Legislature who is a homeschooled child or opt-in child completes an educational plan of instruction for grade 12 or otherwise ceases to be a homeschooled child or opt-in child for any reason other than to enroll in a public school or private school.

3. A vacancy on the Youth Legislature must be filled:

(a) For the remainder of the unexpired term in the same manner as the original appointment, except that, if the remainder of the unexpired term is less than 1 year, the member of the Senate who made the original appointment may appoint a person who:

(1) Is enrolled in a public school or private school in this State in grade 12 or who is a homeschooled child or opt-in child who is otherwise eligible to enroll in a public school in this State in grade 12; and

(2) Satisfies the qualifications set forth in paragraphs (a) and (c) of subsection 1 of NRS 219A.140.

(b) Insofar as is practicable, within 30 days after the date on which the vacancy occurs.

4. As used in this section ~~the~~ “event” :

(a) “Activity credit” means a credit, or any fractional portion thereof, that the Board has determined a member is eligible to earn for:

(1) Attending meetings or event days of the Youth Legislature; or

(2) Completing, in the manner required by the Board, any other activities that are assigned to him or her by the Board as a member of the Youth Legislature.

(b) “Event day” means any single calendar day on which an official, scheduled event of the Youth Legislature is held, including, without limitation, a course of instruction, a course of orientation, a meeting, a seminar or any other official, scheduled activity.

Sec. 2. NRS 219A.200 is hereby amended to read as follows:

219A.200 1. ~~The~~ Except as otherwise provided in this section, the Youth Legislature shall elect from among its members, to serve a term of 1 year beginning on June 1 of each year:

(a) A Chair, who shall conduct the meetings and, in cooperation with the Board, oversee the formation of committees as necessary to accomplish the business of the Youth Legislature; and

(b) A Vice Chair, who shall assist the Chair and conduct the meetings of the Youth Legislature if the Chair is absent or otherwise unable to perform his or her duties.

2. A vacancy in the office of Chair or Vice Chair must be filled for the remainder of the unexpired term in the same manner as the original election.

3. A member who is elected to serve as Chair or Vice Chair pursuant to ~~subsection 1 during~~ this section for any part of the first year of his or her term may not be elected to serve in either office for any part of the second year of his or her term.

~~3.4.~~ 4. The Director of the Legislative Counsel Bureau upon request of the Board:

(a) Shall provide meeting rooms and teleconference and videoconference facilities for the Youth Legislature.

(b) Shall, in the event of a vacancy on the Youth Legislature, notify the appropriate appointing authority of such vacancy.

(c) May accept gifts, grants and donations from any source for the support of the Youth Legislature in carrying out the provisions of this chapter. Any such gifts, grants and donations must be deposited in the Account.

Sec. 3. NRS 219A.210 is hereby amended to read as follows:

219A.210 1. The Youth Legislature shall:

(a) Hold at least two public ~~hearings~~ meetings in this State each school year ~~in~~ in accordance with the provisions of paragraph (a) of subsection 4.

The Youth Legislature may simultaneously teleconference or videoconference each public ~~hearing~~ meeting to two or more prominent locations throughout this State.

(b) Evaluate, review and comment upon issues of importance to the youth in this State, including, without limitation:

- (1) Education;
- (2) Employment opportunities;
- (3) Participation of youth in state and local government;
- (4) A safe learning environment;
- (5) The prevention of substance abuse;
- (6) Emotional and physical well-being;
- (7) Foster care; ~~and~~
- (8) Access to state and local services ~~;~~ and
- (9) Any environmental, legal, political or social issues.

(c) Conduct a public awareness campaign to raise awareness about the Youth Legislature and to enhance outreach to the youth in this State.

2. During his or her term, each member of the Youth Legislature shall ~~be~~

~~(a) Conduct at least one meeting to afford the youth of this State an opportunity to discuss issues of importance to the youth in this State.~~

~~(b) Complete such other activities as may be~~ complete, in the manner required by the Board, any activities that are assigned to him or her by the Board as a member of the Youth Legislature.

3. The Youth Legislature may, within the limits of available money and if approved by the Board:

(a) During the period in which the Legislature is in a regular session, meet as often as necessary to conduct the business of the Youth Legislature and to advise the Legislature on proposed legislation relating to the youth in this State.

(b) Form committees, which may meet as often as necessary to assist with the business of the Youth Legislature.

(c) Conduct periodic seminars for its members regarding leadership, government and the legislative process.

4. ~~[Except as otherwise provided in this subsection,]~~ The public meetings of the Youth Legislature and its committees shall:

~~(a) Must comply, to the extent practicable, with the provisions of chapter 241 of NRS. Any activities of the Youth Legislature which are conducted~~ policies followed by the Legislature and its committees for holding public meetings.

~~(b) Do not include, without limitation, any meetings or other activities that are:~~

~~(1) Conducted solely for purposes of orientation, instruction or training~~ including, without limitation, any orientation programs conducted ~~for the members of the Youth Legislature;~~ ; or

(2) Related to the internal organization, affairs or management of the Youth Legislature.

5. The public meetings and any other meetings or activities of the Youth Legislature and its committees and members are not subject to the provisions of chapter 241 of NRS.

~~{5.}~~ 6. On or before May 30 of each year, the Youth Legislature shall submit a written report to the Board and to the Governor describing the activities of the Youth Legislature during the immediately preceding school year and any recommendations for legislation. The Board shall transmit the written report to the Legislative Committee on Education and to the next regular session of the Legislature.

Sec. 4. NRS 219A.300 is hereby amended to read as follows:

219A.300 1. The Youth Legislature must be administered by a corporation for public benefit, as that term is defined in NRS 82.021, which must include providing educational programs and opportunities as its primary organizational goal.

2. The corporation for public benefit must be governed by a Board of Directors consisting of seven members appointed by the Legislative Commission ~~{ }~~ consisting of at least:

- (a) One member of the Senate;
- (b) One member of the Assembly;
- (c) One representative of the general public; and
- (d) If practicable, one person who previously served as a member of the Youth Legislature.

3. A member of the Board serves a term of 2 years and until his or her successor is appointed. A member of the Board may be reappointed.

4. The members of the Board shall elect a Chair and a Vice Chair from among their number. The term of office of the Chair and the Vice Chair is 1 year.

5. The Board:

- (a) Shall administer the provisions of this chapter.
- (b) May provide to the Youth Legislature such administrative, financial and other support and guidance as the Board may determine to be necessary or appropriate.
- (c) May employ one or more persons to provide administrative support for the Youth Legislature or pay the costs incurred by one or more volunteers to provide any required administrative support.
- (d) Shall oversee the activities of the Youth Legislature.
- (e) May solicit and accept gifts, grants and donations from any source to provide educational programs and opportunities and for the support of the Youth Legislature in carrying out the provisions of this chapter. Any such gifts, grants and donations must be deposited in the Account.

(f) May perform such other functions in whatever manner the Board determines will best serve the interests of this State and the Youth Legislature.

Sec. 5. ~~[NRS 241.016 is hereby amended to read as follows:~~

~~241.016 1. The meetings of a public body that are quasi-judicial in nature are subject to the provisions of this chapter.~~

~~2. The following are exempt from the requirements of this chapter:~~

~~(a) The Legislature of the State of Nevada;~~

~~(b) Judicial proceedings, including, without limitation, proceedings before the Commission on Judicial Selection and, except as otherwise provided in NRS 1.4687, the Commission on Judicial Discipline;~~

~~(c) Meetings of the State Board of Parole Commissioners when acting to grant, deny, continue or revoke the parole of a prisoner or to establish or modify the terms of the parole of a prisoner;~~

~~3. Any provision of law, including, without limitation, NRS 91.270, [219A.210,] 228.495, 239C.140, 281A.350, 281A.690, 281A.735, 281A.760, 284.3629, 286.150, 287.0415, 287.04345, 287.338, 288.220, 289.387, 295.121, 360.247, 388.261, 388A.495, 388C.150, 388G.710, 388G.730, 392.147, 392.467, 394.1699, 396.3295, 433.534, 435.610, 463.110, 622.320, 622.340, 630.311, 630.336, 631.3635, 639.050, 642.518, 642.557, 686B.170, 696B.550, 703.196 and 706.1725, which:~~

~~(a) Provides that any meeting, hearing or other proceeding is not subject to the provisions of this chapter; or~~

~~(b) Otherwise authorizes or requires a closed meeting, hearing or proceeding;~~

~~→ prevails over the general provisions of this chapter;~~

~~4. The exceptions provided to this chapter, and electronic communication, must not be used to circumvent the spirit or letter of this chapter to deliberate or act, outside of an open and public meeting, upon a matter over which the public body has supervision, control, jurisdiction or advisory powers.] (Deleted by amendment.)~~

Sec. 6. Notwithstanding the amendatory provisions of section 4 of this act, any person who, on the effective date of this act, is a member of the Board of Directors for the corporation for public benefit that administers the Nevada Youth Legislature may continue to serve in that capacity until a successor is appointed pursuant to NRS 219A.300, as amended by section 4 of this act.

Sec. 7. This act becomes effective upon passage and approval.

Senator Ohrenschall moved the adoption of the amendment.

Remarks by Senator Ohrenschall.

Amendment No. 54 to Assembly Bill No. 108 clarifies the circumstances under which a position on the Nevada Youth Legislature becomes vacant following three or more unexcused absences or incompletions of activity credits. The amendment defines the term "activity credits." It adds environmental, legal, political and social issues to the list of topics upon which the Nevada Youth Legislature may evaluate, review and comment. It clarifies and makes more flexible the activities that a member of the Nevada Youth Legislature must complete during his or her term; and provides that public meetings of the Nevada Youth Legislature must follow the same guidelines and policies for public meetings as other interim committees of the Nevada Legislature. I urge its adoption.

Amendment adopted.

Bill ordered reprinted, engrossed and to third reading.

Senate Bill No. 115.

Bill read second time.

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

Amendment No. 100.

SUMMARY—Requires the State Plan for Medicaid to include coverage for donor breast milk ~~and~~ and certain related products. (BDR 38-560)

AN ACT relating to public welfare; requiring the inclusion in the State Plan for Medicaid of coverage for donor breast milk and human milk-based human milk fortifiers for certain infants; and providing other matters properly relating thereto.

Legislative Counsel's Digest:

Existing law requires the State Plan for Medicaid to include certain medical coverage. (NRS 422.2717-422.27241) Section 1 of this bill requires the State Plan to include coverage for donor breast milk and human milk-based human milk fortifiers prescribed or ordered by a physician, physician assistant or advanced practice registered nurse for certain infants who require nourishment from breast milk. Section 2 of this bill makes a conforming change.

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

Section 1. Chapter 422 of NRS is hereby amended by adding thereto a new section to read as follows:

The Director shall include in the State Plan for Medicaid a requirement that the State pay the nonfederal share of expenditures incurred for the cost of donor breast milk, including, without limitation, formulated human milk that is capable of being stored for long periods of time without spoiling ~~and~~ and for the cost of human milk-based human milk fortifiers, that:

1. ~~Has~~ Are approved for use by an appropriate state or federal governmental agency; and

2. ~~Has~~ Have been prescribed or ordered by a physician, physician assistant or advanced practice registered nurse for an infant who:

(a) Has a birth weight of 1,500 grams or less;

(b) Has a congenital or acquired intestinal condition that causes a high risk of feeding intolerance, necrotizing enterocolitis or infection; or

(c) Otherwise requires nourishment from breast milk.

Sec. 2. NRS 232.320 is hereby amended to read as follows:

232.320 1. The Director:

(a) Shall appoint, with the consent of the Governor, administrators of the divisions of the Department, who are respectively designated as follows:

(1) The Administrator of the Aging and Disability Services Division;

(2) The Administrator of the Division of Welfare and Supportive Services;

- (3) The Administrator of the Division of Child and Family Services;
- (4) The Administrator of the Division of Health Care Financing and Policy; and

(5) The Administrator of the Division of Public and Behavioral Health.

(b) Shall administer, through the divisions of the Department, the provisions of chapters 63, 424, 425, 427A, 432A to 442, inclusive, 446 to 450, inclusive, 458A and 656A of NRS, NRS 127.220 to 127.310, inclusive, 422.001 to 422.410, inclusive, *and section 1 of this act*, 422.580, 432.010 to 432.133, inclusive, 432B.621 to 432B.626, inclusive, 444.002 to 444.430, inclusive, and 445A.010 to 445A.055, inclusive, and all other provisions of law relating to the functions of the divisions of the Department, but is not responsible for the clinical activities of the Division of Public and Behavioral Health or the professional line activities of the other divisions.

(c) Shall administer any state program for persons with developmental disabilities established pursuant to the Developmental Disabilities Assistance and Bill of Rights Act of 2000, 42 U.S.C. §§ 15001 et seq.

(d) Shall, after considering advice from agencies of local governments and nonprofit organizations which provide social services, adopt a master plan for the provision of human services in this State. The Director shall revise the plan biennially and deliver a copy of the plan to the Governor and the Legislature at the beginning of each regular session. The plan must:

(1) Identify and assess the plans and programs of the Department for the provision of human services, and any duplication of those services by federal, state and local agencies;

(2) Set forth priorities for the provision of those services;

(3) Provide for communication and the coordination of those services among nonprofit organizations, agencies of local government, the State and the Federal Government;

(4) Identify the sources of funding for services provided by the Department and the allocation of that funding;

(5) Set forth sufficient information to assist the Department in providing those services and in the planning and budgeting for the future provision of those services; and

(6) Contain any other information necessary for the Department to communicate effectively with the Federal Government concerning demographic trends, formulas for the distribution of federal money and any need for the modification of programs administered by the Department.

(e) May, by regulation, require nonprofit organizations and state and local governmental agencies to provide information regarding the programs of those organizations and agencies, excluding detailed information relating to their budgets and payrolls, which the Director deems necessary for the performance of the duties imposed upon him or her pursuant to this section.

(f) Has such other powers and duties as are provided by law.

2. Notwithstanding any other provision of law, the Director, or the Director's designee, is responsible for appointing and removing subordinate officers and employees of the Department, other than the State Public Defender of the Office of State Public Defender who is appointed pursuant to NRS 180.010.

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

Senator Ratti moved the adoption of the amendment.

Remarks by Senator Ratti.

Amendment No. 100 revises Senate Bill No. 115 to include a physician assistant as a health care professional who can order or prescribe breast milk; requires the State Plan for Medicaid to cover the nonfederal share of the cost of human milk-based, human milk fortifiers in addition to donor breast milk; and adds Senators Spearman and Cancela as cosponsors.

Amendment adopted.

Senator Ratti moved that the bill be re-referred to the Committee on Finance, upon return from reprint.

Motion carried.

Bill ordered reprinted, engrossed and to the Committee on Finance.

Senate Bill No. 119.

Bill read second time.

The following amendment was proposed by the Committee on Commerce and Labor:

Amendment No. 59.

SUMMARY—Requires certain health and safety training for workers and supervisors performing certain work at sites where exhibitions, conventions or trade shows occur. (BDR 53□570)

AN ACT relating to occupational safety; requiring certain ~~employees~~ workers performing work at sites where certain exhibitions, conventions or trade shows occur to receive certain health and safety training; providing administrative penalties; and providing other matters properly relating thereto. Legislative Counsel's Digest:

Existing law requires certain employees performing work on construction sites or certain sites related to the entertainment industry to complete certain training courses relating to occupational health and safety. (NRS ~~618.950-618.9911~~) 618.950-618.9913) This bill enacts similar requirements for workers who perform work at certain sites where exhibitions, conventions or trade shows occur.

Section 11 of this bill requires: (1) supervisory employees working at such sites to complete a specified 30-hour health and safety course not later than 15 days after being hired; and (2) certain other workers working at such a site to complete a specified 10-hour course not later than 15 days after being hired. Section 7 of this bill defines "worker" to include only those persons whose primary occupation is to perform convention services work at such a site, ~~and section~~ which includes certain work related to the construction, installation, maintenance, operation, repair or removal of trade show or exhibition displays.

Section 8 of this bill provides that the requirements in this bill do not apply to a person who is a volunteer or other person who is not paid to work at such a site.

Section 9 of this bill requires the Division of Industrial Relations of the Department of Business and Industry to adopt regulations approving courses which may be used to fulfill the requirements of section 11. Section 10 of this bill requires providers of approved courses to display the card evidencing their authorization by the Occupational Safety and Health Administration of the United States Department of Labor to provide such a course at the location at which the course is being provided.

Section 12 of this bill requires employers to suspend or terminate the employment of an employee at an applicable site who fails to provide proof of obtaining the required training not later than 15 days after being hired. Section 13 of this bill provides for administrative fines for employers who fail to suspend or terminate certain employees on a site after the 15-day period if those employees have not obtained the required training.

Section 16 of this bill: (1) allows employees to satisfy the requirements of section 11 by completing an alternative course offered by their employer; (2) requires an employee that satisfies the requirements of section 11 by completing an alternative course to take an approved course by January 1, 2021; and (3) requires an employer to maintain and make available to the Division of Industrial Relations a record of all employees that have completed an alternative course until a date to be established by the Division by regulation.

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

Section 1. Chapter 618 of NRS is hereby amended by adding thereto the provisions set forth as sections 2 to 13, inclusive, of this act.

Sec. 2. *As used in sections 2 to 13, inclusive, of this act, unless the context otherwise requires, the words and terms defined in sections 3 to 7, inclusive, of this act, have the meanings ascribed to them in those sections.*

Sec. 3. *“OSHA-10 course” means a 10-hour course in construction industry or general industry safety and health hazard recognition and prevention developed by the Occupational Safety and Health Administration of the United States Department of Labor.*

Sec. 4. *“OSHA-30 course” means a 30-hour course in construction industry or general industry safety and health hazard recognition and prevention developed by the Occupational Safety and Health Administration of the United States Department of Labor.*

Sec. 5. *“Site” means a facility which incorporates both space for exhibitions and a substantial number of smaller spaces for meetings and which is primarily for use by trade shows, ~~public shows,~~ conventions or related activities.*

Sec. 6. “Supervisory employee” means any person having authority in the interest of the employer to hire, transfer, suspend, lay off, recall, promote, discharge, assign, reward or discipline other employees or responsibility to direct them, to adjust their grievances or effectively to recommend such action, if in connection with the foregoing, the exercise of such authority is not of a merely routine or clerical nature but requires the use of independent judgment. The exercise of such authority shall not be deemed to place the employee in supervisory employee status unless the exercise of such authority occupies a significant portion of the employee’s workday.

Sec. 7. ~~“Worker”~~

1. Except as otherwise provided in this subsection, “worker” means a person whose primary occupation is to perform convention services work at a site. The term does not include a person whose primary occupation is to:

(a) Perform catering;

(b) Perform janitorial services;

(c) Perform photography;

(d) Provide security; or

(e) Provide, maintain or arrange floral decorations or displays.

2. As used in this section, “convention services work” includes, without limitation:

(a) Constructing, installing, maintaining, operating or removing trade show or exhibition displays;

(b) Loading or unloading equipment and materials;

(c) Erecting or dismantling booths and structures;

(d) Rigging display areas; and

(e) Installing temporary electrical power for use in display areas.

Sec. 8. The provisions of sections 2 to 13, inclusive, of this act do not apply to a volunteer or any other person who is not paid to perform work at a site.

Sec. 9. 1. The Division shall, by regulation, approve OSHA-10 courses and OSHA-30 courses for the purposes of fulfilling the requirements of section 11 of this act.

2. The Division shall establish a registry to track the providers of courses approved pursuant to subsection 1.

3. The Division shall adopt regulations that set forth guidelines for job-specific training to qualify as continuing education for the purposes of section 11 of this act.

Sec. 10. 1. Each trainer shall display his or her trainer card in a conspicuous manner at each location where the trainer provides an OSHA-10 course or an OSHA-30 course.

2. No person other than a trainer may provide an OSHA-10 course or OSHA-30 course.

3. As used in this section:

(a) “Trainer” means a person who is currently authorized by the Occupational Safety and Health Administration of the United States Department of Labor as a trainer, including, without limitation, a person who has completed OSHA 500, the Trainer Course in OSHA Standards for the Construction Industry or OSHA 501, the Trainer Course in OSHA Standards for General Industry.

(b) “Trainer card” means the card issued upon completion of OSHA 500, the Trainer Course in OSHA Standards for the Construction Industry, or OSHA 501, the Trainer Course in OSHA Standards for General Industry, which reflects the authorization of the holder by the Occupational Safety and Health Administration of the United States Department of Labor to provide OSHA-10 courses and OSHA-30 courses.

Sec. 11. 1. Not later than 15 days after the date a worker other than a supervisory employee is hired, the worker must:

(a) Obtain a completion card for an OSHA-10 course which is issued upon completion of a course approved by the Division pursuant to section 9 of this act; or

(b) Complete an OSHA-10 alternative course which is offered by his or her employer.

2. Not later than 15 days after the date a supervisory employee is hired, the supervisory employee must:

(a) Obtain a completion card for an OSHA-30 course which is issued upon completion of a course approved by the Division pursuant to section 9 of this act; or

(b) Complete an OSHA-30 alternative course which is offered by his or her employer.

3. Any completion card used to satisfy the requirements of this section expires 5 years after the date it is issued and may be renewed by:

(a) Completing an OSHA-10 course or OSHA-30 course, as applicable, within the previous 5 years; or

(b) Providing proof satisfactory to the Division that the worker has completed continuing education within the previous 5 years consisting of job-specific training that meets the guidelines established by the Division pursuant to section 9 of this act in an amount of:

(1) For a completion card issued for an OSHA-10 course, not less than 5 hours; or

(2) For a completion card issued for an OSHA-30 course, not less than 15 hours.

4. As used in this section:

(a) “OSHA-10 alternative course” means a 10-hour course offered to the employees of an employer that meets or exceeds the guidelines issued by the Occupational Safety and Health Administration of the United States Department of Labor for an OSHA-10 course, including, without limitation,

federal safety and health regulatory requirements specific to the industry in which the employer participates.

(b) "OSHA-30 alternative course" means a 30-hour course offered to the employees of an employer that meets or exceeds the guidelines issued by the Occupational Safety and Health Administration of the United States Department of Labor for an OSHA-30 course, including, without limitation, federal safety and health regulatory requirements specific to the industry in which the employer participates.

Sec. 12. 1. If a worker other than a supervisory employee fails to:

(a) Present his or her employer with a current and valid completion card for an OSHA-10 course; or

(b) Complete an OSHA-10 alternative course offered by his or her employer,

↳ not later than 15 days after being hired, the employer shall suspend or terminate his or her employment.

2. If a supervisory employee at a site fails to:

(a) Present his or her employer with a current and valid completion card for an OSHA-30 course; or

(b) Complete an OSHA-30 alternative course offered by his or her employer,

↳ not later than 15 days after being hired, the employer shall suspend or terminate his or her employment.

3. As used in this section:

(a) "OSHA-10 alternative course" means a 10-hour course offered to the employees of an employer that meets or exceeds the guidelines issued by the Occupational Safety and Health Administration of the United States Department of Labor for an OSHA-10 course, including, without limitation, federal safety and health regulatory requirements specific to the industry in which the employer participates.

(b) "OSHA-30 alternative course" means a 30-hours course offered to the employees of an employer that meets or exceeds the guidelines issued by the Occupational Safety and Health Administration of the United States Department of Labor for an OSHA-30 course, including, without limitation, federal safety and health regulatory requirements specific to the industry in which the employer participates.

Sec. 13. 1. If the Division finds that an employer has failed to suspend or terminate an employee as required by section 12 of this act, the Division shall:

(a) Upon the first violation, in lieu of any other penalty under this chapter, impose upon the employer an administrative fine of not more than \$500.

(b) Upon the second violation, in lieu of any other penalty under this chapter, impose upon the employer an administrative fine of not more than \$1,000.

(c) Upon the third and each subsequent violation, impose upon the employer the penalty provided in NRS 618.635 as if the employer had committed a willful violation.

2. For the purposes of this section, any number of violations discovered in a single day constitutes a single violation.

3. Before a fine or any other penalty is imposed upon an employer pursuant to this section, the Division must follow the procedures set forth in this chapter for the issuance of a citation, including, without limitation, the procedures set forth in NRS 618.475 for notice to the employer and an opportunity for the employer to contest the violation.

Sec. 14. Section 11 of this act is hereby amended to read as follows:

Sec. 11. 1. Not later than 15 days after the date a worker other than a supervisory employee is hired, the worker must ~~[-~~

~~-(a) Obtain] obtain a completion card for an OSHA-10 course which is issued upon completion of a course approved by the Division pursuant to section 9 of this act. [-or~~

~~-(b) Complete an OSHA-10 alternative course which is offered by his or her employer.]~~

2. Not later than 15 days after the date a supervisory employee is hired, the supervisory employee must ~~[-~~

~~-(a) Obtain] obtain a completion card for an OSHA-30 course which is issued upon completion of a course approved by the Division pursuant to section 9 of this act. [-or~~

~~-(b) Complete an OSHA-30 alternative course which is offered by his or her employer.]~~

3. Any completion card used to satisfy the requirements of this section expires 5 years after the date it is issued and may be renewed by:

(a) Completing an OSHA-10 course or OSHA-30 course, as applicable, within the previous 5 years; or

(b) Providing proof satisfactory to the Division that the worker has completed continuing education within the previous 5 years consisting of job-specific training that meets the guidelines established by the Division pursuant to section 9 of this act in an amount of:

(1) For a completion card issued for an OSHA-10 course, not less than 5 hours; or

(2) For a completion card issued for an OSHA-30 course, not less than 15 hours.

[4.—As used in this section:

~~-(a) “OSHA 10 alternative course” means a 10-hour course offered to the employees of an employer that meets or exceeds the guidelines issued by the Occupational Safety and Health Administration of the United States Department of Labor for an OSHA-10 course, including,~~

~~without limitation, federal safety and health regulatory requirements specific to the industry in which the employer participates.~~

~~—(b) “OSHA 30 alternative course” means a 30-hour course offered to the employees of an employer that meets or exceeds the guidelines issued by the Occupational Safety and Health Administration of the United States Department of Labor for an OSHA 30 course, including, without limitation, federal safety and health regulatory requirements specific to the industry in which the employer participates.]~~

Sec. 15. Section 12 of this act is hereby amended to read as follows:

Sec. 12. 1. If a worker other than a supervisory employee fails to ~~[-~~ (a) Present] *present* his or her employer with a current and valid completion card for an OSHA-10 course ~~[- or~~

~~(b) Complete an OSHA 10 alternative course offered by his or her employer,~~

~~→] not later than 15 days after being hired, the employer shall suspend or terminate his or her employment.~~

2. If a supervisory employee at a site fails to ~~[-~~

~~(a) Present] present~~ his or her employer with a current and valid completion card for an OSHA-30 course ~~[- or~~

~~(b) Complete an OSHA 30 alternative course offered by his or her employer,~~

~~→] not later than 15 days after being hired, the employer shall suspend or terminate his or her employment.~~

~~[3.— As used in this section:~~

~~(a) “OSHA 10 alternative course” means a 10-hour course offered to the employees of an employer that meets or exceeds the guidelines issued by the Occupational Safety and Health Administration of the United States Department of Labor for an OSHA 10 course, including, without limitation, federal safety and health regulatory requirements specific to the industry in which the employer participates.~~

~~(b) “OSHA 30 alternative course” means a 30-hour course offered to the employees of an employer that meets or exceeds the guidelines issued by the Occupational Safety and Health Administration of the United States Department of Labor for an OSHA 30 course, including, without limitation, federal safety and health regulatory requirements specific to the industry in which the employer participates.]~~

Sec. 16. 1. Not later than January 1, 2021, a worker or supervisory employee who satisfies the requirements of subsection 1 or 2 of section 11 of this act by completing an OSHA-10 alternative course or OSHA-30 alternative course, as defined in section 11 of this act, must complete an OSHA-10 course or OSHA-30 course, as defined in sections 3 and 4 of this act, as applicable, in order to continue to satisfy the requirements of subsection 1 or 2 of section 11 of this act.

2. An employer shall maintain a record of all workers and supervisory employees who have completed an OSHA-10 alternative course or OSHA-30 alternative course offered by the employer and the date upon which the worker or employee completed the course. The employer shall make the record available at all times for inspection by the Division of Industrial Relations of the Department of Business and Industry and its authorized agents.

3. The Division of Industrial Relations shall, by regulation, establish the length of time that an employer must maintain the record described in subsection 2.

4. As used in this section, “worker” has the meaning ascribed to it in section 7 of this act.

Sec. 17. 1. This section and sections 1 to 13, inclusive, and 16 of this act become effective on January 1, 2020.

2. Sections 14 and 15 of this act become effective on January 1, 2021.

Senator Spearman moved the adoption of the amendment.

Remarks by Senator Spearman.

Amendment No. 59 makes three changes to Senate Bill No. 119. The amendment clarifies the definition for “OSHA-10” and “OSHA-30.” It amends Section 5 to clarify the definition of “site” by removing “public shows” and amends Section 7 to clarify the definition of a “worker.”

Amendment adopted.

Bill ordered reprinted, engrossed and to third reading.

Senate Bill No. 134.

Bill read second time.

The following amendment was proposed by the Committee on Growth and Infrastructure:

Amendment No. 3.

SUMMARY—Makes various changes relating to advanced practice registered nurses. (BDR 43□63)

AN ACT relating to nurses; authorizing an advanced practice registered nurse to make certain certifications, diagnoses and determinations in lieu of a physician or other provider of health care; and providing other matters properly relating thereto.

Legislative Counsel’s Digest:

Existing law authorizes an advanced practice registered nurse to provide his or her signature, certification, stamp, verification or endorsement when such is required by a physician, if it is within the scope of practice of the advanced practice registered nurse. (NRS 632.237) Sections 1-7 of this bill authorize an advanced practice registered nurse to sign certain statements and forms for submission to the Department of Motor Vehicles for certain designations on a person’s driver’s license. (NRS 483.330, 483.348, 483.349, 483.363, 483.384, 483.575, 483.865) Sections 8, 16 and 17 of this bill similarly authorize an advanced practice registered nurse to sign certain statements attesting to a person’s inability to wear a safety belt or a child restraint system for medical

or physical reasons. (NRS 484B.157, 484D.495, 484D.500) Section 9 of this bill authorizes an advanced practice registered nurse to determine whether a person has hemophilia or a heart condition requiring the use of an anticoagulant, and therefore exempt from a blood test intended to measure the concentration of alcohol in his or her blood. (NRS 484C.160) Section 15 of this bill authorizes an advanced practice registered nurse to certify whether a person is exempt, due to an inability to provide a deep lung breath sample, from a breath test intended to measure the concentration of alcohol in his or her breath. (NRS 484C.460) Sections 10-14 of this bill authorize an advanced practice registered nurse who has been certified by the State Board of Nursing to make such an evaluation to evaluate certain offenders to determine if an offender is an abuser of alcohol or drugs and whether the offender can be treated successfully. (NRS 484C.300, 484C.320, 484C.330, 484C.340, 484C.350) ~~Sections 18-27 of this bill authorize an advanced practice registered nurse to make certain determinations and certifications regarding guardianships. (NRS 159.044, 159.046, 159.0523, 159.0525, 159.0535, 159.079, 159.0809, 159A.0535, 159A.079, 159A.0809)~~ Sections 28-34 of this bill authorize an advanced practice registered nurse to take certain actions and make certain determinations and certifications regarding a power of attorney. (NRS 162A.220, 162A.260, 162A.790, 162A.810, 162A.815, 162A.860, 162A.865) Section 35 of this bill authorizes an advanced practice registered nurse to make certain certifications regarding a custodial trust. (NRS 166A.260) Section 37 of this bill requires the State Board of Nursing to adopt regulations for the psychiatric training and experience necessary for an advanced practice registered nurse to be authorized to evaluate certain offenders to determine if an offender is an abuser of alcohol or drugs and whether the offender can be treated successfully. Sections 38 and 39 of this bill authorize an advanced practice registered nurse to sign a statement verifying a physical or mental disability for the purpose of making the person with the disability eligible for certain free or reduced rates for certain modes of public transportation. (NRS 704.140, 706.351)

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

Section 1. NRS 483.330 is hereby amended to read as follows:

483.330 1. The Department may require every applicant for a driver's license, including a commercial driver's license issued pursuant to NRS 483.900 to 483.940, inclusive, to submit to an examination. The examination may include:

- (a) A test of the applicant's ability to understand official devices used to control traffic;
- (b) A test of the applicant's knowledge of practices for safe driving and the traffic laws of this State;
- (c) Except as otherwise provided in subsection 2, a test of the applicant's eyesight; and

(d) Except as otherwise provided in subsection 3, an actual demonstration of the applicant's ability to exercise ordinary and reasonable control in the operation of a motor vehicle of the type or class of vehicle for which he or she is to be licensed.

↪ The examination may also include such further physical and mental examination as the Department finds necessary to determine the applicant's fitness to drive a motor vehicle safely upon the highways. If the Department requires an applicant to submit to a test specified in paragraph (b), the Department shall ensure that the test includes at least one question testing the applicant's knowledge of the provisions of NRS 484B.165.

2. The Department may provide by regulation for the acceptance of a report from an ophthalmologist, optician, ~~opt~~ optometrist, *physician or advanced practice registered nurse* in lieu of an eye test by a driver's license examiner.

3. If the Department establishes a type or classification of driver's license to operate a motor vehicle of a type which is not normally available to examine an applicant's ability to exercise ordinary and reasonable control of such a vehicle, the Department may, by regulation, provide for the acceptance of an affidavit from a:

(a) Past, present or prospective employer of the applicant; or

(b) Local joint apprenticeship committee which had jurisdiction over the training or testing, or both, of the applicant,

↪ in lieu of an actual demonstration.

4. The Department may waive an examination pursuant to subsection 1 for a person applying for a Nevada driver's license who possesses a valid driver's license of the same type or class issued by another jurisdiction unless that person:

(a) Has not attained 21 years of age, except that the Department may, based on the driving record of the applicant, waive the examination to demonstrate the applicant's ability to exercise ordinary and reasonable control in the operation of a

motor vehicle of the same type or class of vehicle for which he or she is to be licensed;

(b) Has had his or her license or privilege to drive a motor vehicle suspended, revoked or cancelled or has been otherwise disqualified from driving during the immediately preceding 4 years;

(c) Has been convicted of a violation of NRS 484C.130 or, during the immediately preceding 7 years, of a violation of NRS 484C.110, 484C.120 or 484C.430 or a law of any other jurisdiction that prohibits the same or similar conduct;

(d) Has restrictions to his or her driver's license which the Department must reevaluate to ensure the safe driving of a motor vehicle by that person;

(e) Has had three or more convictions of moving traffic violations on his or her driving record during the immediately preceding 4 years; or

(f) Has been convicted of any of the offenses related to the use or operation of a motor vehicle which must be reported pursuant to the provisions of ~~Parts~~ *Part* 1327 ~~et seq.~~ of Title 23 of the Code of Federal Regulations relating to the National Driver Register Problem Driver Pointer System during the immediately preceding 4 years.

Sec. 2. NRS 483.348 is hereby amended to read as follows:

483.348 1. Except as otherwise provided in subsection 2, the Department shall issue a driver's license with a specially colored background to any person who qualifies for a driver's license pursuant to the provisions of this chapter and delivers to the Department a signed statement from a physician *or an advanced practice registered nurse* that the person is an insulin dependent diabetic or an epileptic. The Department shall designate one color to be used only for a driver's license held by a diabetic and another color to be used only for a driver's license held by an epileptic.

2. In lieu of issuing a driver's license pursuant to subsection 1, the Department may issue to a person specified in that subsection a driver's license with a specially colored border around the photograph on the license.

3. The Department of Public Safety shall provide for the education of peace officers on the:

(a) Effects and treatment of a person suffering from a diabetic condition or an epileptic seizure and the similarity in appearance of a person suffering from a diabetic condition or an epileptic seizure to a person under the influence of alcohol or a controlled substance; and

(b) Procedures for identifying and handling situations involving a person suffering from a diabetic condition or an epileptic seizure.

Sec. 3. NRS 483.349 is hereby amended to read as follows:

483.349 1. Upon the application of a person with a disability which limits or impairs the ability to walk, the Department shall place on any driver's license issued to the person pursuant to the provisions of this chapter a designation that the person is a person with a disability. The application must include a statement from a licensed physician *or an advanced practice registered nurse* certifying that the applicant is a person with a disability which limits or impairs the ability to walk.

2. For the purposes of this section, "person with a disability which limits or impairs the ability to walk" has the meaning ascribed to it in NRS 482.3835.

Sec. 4. NRS 483.363 is hereby amended to read as follows:

483.363 1. A person who is 18 years of age or older may file with the Department a report requesting that the Department examine a licensee who:

(a) Is related to the person filing the report within the third degree of consanguinity or who is the spouse of the person filing the report; and

(b) The person filing the report reasonably and in good faith believes cannot safely operate a motor vehicle.

2. The report described in subsection 1 must:

(a) Include the name, relationship, address, telephone number and signature of the person filing the report.

(b) State the person's basis for believing that the licensee cannot safely operate a motor vehicle, which basis must be:

(1) Personal observation or physical evidence of a physical or medical condition that has the potential to impair the ability of the licensee to operate a motor vehicle, corroborated by an affidavit from a physician *or an advanced practice registered nurse* in which the physician *or advanced practice registered nurse* concurs that the licensee should be examined to determine the licensee's ability to safely operate a motor vehicle;

(2) Personal knowledge that the driving record of the licensee indicates the unsafe operation of a motor vehicle, corroborated by an affidavit from a physician *or an advanced practice registered nurse* in which the physician *or advanced practice registered nurse* concurs that the licensee should be examined to determine the licensee's ability to safely operate a motor vehicle;

or

(3) An investigation by a law enforcement officer.

(c) Be kept confidential, except as otherwise provided in NRS 239.0115 and except that the report must be released upon request of the licensee or an order of a court of competent jurisdiction.

↪ No person may file more than one report concerning the same licensee within a 12-month period.

3. The Administrator shall prescribe:

(a) A standard form to be used for the filing of a report pursuant to this section; and

(b) The procedure to be used for the filing of a report pursuant to this section.

Sec. 5. NRS 483.384 is hereby amended to read as follows:

483.384 1. The Department may require an applicant for a renewal license to appear before an examiner for a driver's license and successfully pass an eye test.

2. The Department may accept, in lieu of an eye test, a report from an ophthalmologist, optometrist, *physician, advanced practice registered nurse* or agency of another state which has duties comparable to those of the Department if the reported test was performed within 90 days before the application for renewal and:

(a) The applicant is qualified to renew his or her driver's license by mail in accordance with the procedure established pursuant to NRS 483.383; or

(b) The Department determines, upon good cause shown, that the applicant is unable to appear in person.

3. The Department shall adopt regulations which prescribe:

(a) The criteria to determine which applicant for a renewal license must appear and successfully pass an eye test.

(b) The circumstances under which the Department will accept a report from an ophthalmologist, optometrist, *physician, advanced practice registered nurse* or agency of another state which is authorized to conduct eye tests, in lieu of an eye test for the renewal of an applicant's driver's license.

4. If the Administrator or his or her authorized agent has reason to believe that the licensee is no longer qualified to receive a license because of the licensee's physical condition, the Department may require that the applicant submit to an examination pursuant to the provisions of NRS 483.330. The age of a licensee, by itself, does not constitute grounds for requiring an examination of driving qualifications.

Sec. 6. NRS 483.575 is hereby amended to read as follows:

483.575 1. A person with epilepsy shall not operate a motor vehicle if that person has been informed by a *physician or an advanced practice registered nurse* pursuant to NRS 629.047 that his or her condition would severely impair his or her ability to safely operate a motor vehicle.

2. If a *physician or an advanced practice registered nurse* is aware that a person has violated subsection 1 after the *physician or advanced practice registered nurse* has informed the person pursuant to NRS 629.047 that the person's condition would severely impair his or her ability to safely operate a motor vehicle, the *physician or advanced practice registered nurse* may, without the consent of the person, submit a written report to the Department that includes the name, address and age of the person. A report received by the Department pursuant to this subsection:

(a) Is confidential, except that the contents of the report may be disclosed to the person about whom the report is made; and

(b) May be used by the Department solely to determine the eligibility of the person to operate a vehicle on the streets and highways of this State.

3. The submission by a *physician or an advanced practice registered nurse* of a report pursuant to subsection 2 is solely within his or her discretion. No cause of action may be brought against a *physician or an advanced practice registered nurse* based on the fact that he or she did not submit such a report.

4. No cause of action may be brought against a *physician or an advanced practice registered nurse* based on the fact that he or she submitted a report pursuant to subsection 2 unless the *physician or advanced practice registered nurse* acted with malice, intentional misconduct, gross negligence or intentional or knowing violation of the law.

Sec. 7. NRS 483.865 is hereby amended to read as follows:

483.865 1. Upon the application of a person with a disability which limits or impairs the ability to walk, the Department shall place on any identification card issued to the person pursuant to NRS 483.810 to 483.890, inclusive, a designation that the person is a person with a disability. The application must include a statement from a licensed *physician or an advanced practice registered nurse* certifying that the applicant is a person with a disability which limits or impairs the ability to walk.

2. For the purposes of this section, “person with a disability which limits or impairs the ability to walk” has the meaning ascribed to it in NRS 482.3835.

Sec. 8. NRS 484B.157 is hereby amended to read as follows:

484B.157 1. Except as otherwise provided in subsection 7, any person who is transporting a child who is less than 6 years of age and who weighs 60 pounds or less in a motor vehicle operated in this State which is equipped to carry passengers shall secure the child in a child restraint system which:

(a) Has been approved by the United States Department of Transportation in accordance with the Federal Motor Vehicle Safety Standards set forth in 49 C.F.R. Part 571;

(b) Is appropriate for the size and weight of the child; and

(c) Is installed within and attached safely and securely to the motor vehicle:

(1) In accordance with the instructions for installation and attachment provided by the manufacturer of the child restraint system; or

(2) In another manner that is approved by the National Highway Traffic Safety Administration.

2. If a defendant pleads or is found guilty of violating the provisions of subsection 1, the court shall:

(a) For a first offense, order the defendant to pay a fine of not less than \$100 or more than \$500 or order the defendant to perform not less than 10 hours or more than 50 hours of community service;

(b) For a second offense, order the defendant to pay a fine of not less than \$500 or more than \$1,000 or order the defendant to perform not less than 50 hours or more than 100 hours of community service; and

(c) For a third or subsequent offense, suspend the driver’s license of the defendant for not less than 30 days or more than 180 days.

3. At the time of sentencing, the court shall provide the defendant with a list of persons and agencies approved by the Department of Public Safety to conduct programs of training and perform inspections of child restraint systems. The list must include, without limitation, an indication of the fee, if any, established by the person or agency pursuant to subsection 4. If, within 60 days after sentencing, a defendant provides the court with proof of satisfactory completion of a program of training provided for in this subsection, the court shall:

(a) If the defendant was sentenced pursuant to paragraph (a) of subsection 2, waive the fine or community service previously imposed; or

(b) If the defendant was sentenced pursuant to paragraph (b) of subsection 2, reduce by one-half the fine or community service previously imposed.

↪ A defendant is only eligible for a reduction of a fine or community service pursuant to paragraph (b) if the defendant has not had a fine or community service waived pursuant to paragraph (a).

4. A person or agency approved by the Department of Public Safety to conduct programs of training and perform inspections of child restraint

systems may, in cooperation with the Department, establish a fee to be paid by defendants who are ordered to complete a program of training. The amount of the fee, if any:

- (a) Must be reasonable; and
- (b) May, if a defendant desires to acquire a child restraint system from such a person or agency, include the cost of a child restraint system provided by the person or agency to the defendant.

↪ A program of training may not be operated for profit.

5. For the purposes of NRS 483.473, a violation of this section is not a moving traffic violation.

6. A violation of this section may not be considered:

- (a) Negligence in any civil action; or
- (b) Negligence or reckless driving for the purposes of NRS 484B.653.

7. This section does not apply:

(a) To a person who is transporting a child in a means of public transportation, including a taxi, school bus or emergency vehicle.

(b) When a physician *or an advanced practice registered nurse* determines that the use of such a child restraint system for the particular child would be impractical or dangerous because of such factors as the child's weight, physical unfitness or medical condition. In this case, the person transporting the child shall carry in the vehicle the signed statement of the physician *or advanced practice registered nurse* to that effect.

8. As used in this section, "child restraint system" means any device that is designed for use in a motor vehicle to restrain, seat or position children. The term includes, without limitation:

- (a) Booster seats and belt-positioning seats that are designed to elevate or otherwise position a child so as to allow the child to be secured with a safety belt;
- (b) Integrated child seats; and
- (c) Safety belts that are designed specifically to be adjusted to accommodate children.

Sec. 9. NRS 484C.160 is hereby amended to read as follows:

484C.160 1. Except as otherwise provided in subsections 4 and 5, any person who drives or is in actual physical control of a vehicle on a highway or on premises to which the public has access shall be deemed to have given his or her consent to an evidentiary test of his or her blood, urine, breath or other bodily substance to determine the concentration of alcohol in his or her blood or breath or to determine whether a controlled substance, chemical, poison, organic solvent or another prohibited substance is present, if such a test is administered at the request of a police officer having reasonable grounds to believe that the person to be tested was:

(a) Driving or in actual physical control of a vehicle while under the influence of intoxicating liquor or a controlled substance or with a prohibited substance in his or her blood or urine; or

(b) Engaging in any other conduct prohibited by NRS 484C.110, 484C.120, 484C.130 or 484C.430.

2. A police officer who requests that a person submit to a test pursuant to subsection 1 shall inform the person that his or her license, permit or privilege to drive will be revoked if he or she fails to submit to the test.

3. If the person to be tested pursuant to subsection 1 is dead or unconscious, the officer shall direct that samples of blood from the person to be tested.

4. Any person who is afflicted with hemophilia or with a heart condition requiring the use of an anticoagulant as determined by a physician *or an advanced practice registered nurse* is exempt from any blood test which may be required pursuant to this section but must, when appropriate pursuant to the provisions of this section, be required to submit to a breath or urine test.

5. If the concentration of alcohol in the blood or breath of the person to be tested is in issue:

(a) Except as otherwise provided in this section, the person may refuse to submit to a blood test if means are reasonably available to perform a breath test.

(b) The person may request a blood test, but if means are reasonably available to perform a breath test when the blood test is requested, and the person is subsequently convicted, the person must pay for the cost of the blood test, including the fees and expenses of witnesses whose testimony in court or an administrative hearing is necessary because of the use of the blood test. The expenses of such a witness may be assessed at an hourly rate of not less than:

(1) Fifty dollars for travel to and from the place of the proceeding; and

(2) One hundred dollars for giving or waiting to give testimony.

(c) Except as otherwise provided in NRS 484C.200, not more than three samples of the person's blood or breath may be taken during the 5-hour period immediately following the time of the initial arrest.

6. Except as otherwise provided in subsection 7, if the presence of a controlled substance, chemical, poison, organic solvent or another prohibited substance in the blood or urine of the person is in issue, the officer may request that the person submit to a blood or urine test, or both.

7. If the presence of marijuana in the blood of the person is in issue, the officer may request that the person submit to a blood test.

8. Except as otherwise provided in subsections 4 and 6, a police officer shall not request that a person submit to a urine test.

9. If a person to be tested fails to submit to a required test as requested by a police officer pursuant to this section and the officer has reasonable grounds to believe that the person to be tested was:

(a) Driving or in actual physical control of a vehicle while under the influence of intoxicating liquor or a controlled substance or with a prohibited substance in his or her blood or urine; or

(b) Engaging in any other conduct prohibited by NRS 484C.110, 484C.120, 484C.130 or 484C.430,

↳ the officer may apply for a warrant or court order directing that reasonable force be used to the extent necessary to obtain samples of blood from the person to be tested.

10. If a person who is less than 18 years of age is requested to submit to an evidentiary test pursuant to this section, the officer shall, before testing the person, make a reasonable attempt to notify the parent, guardian or custodian of the person, if known.

Sec. 10. NRS 484C.300 is hereby amended to read as follows:

484C.300 1. Before sentencing an offender for a violation of NRS 484C.110 or 484C.120 that is punishable as a felony pursuant to NRS 484C.400 or 484C.410, other than an offender who has been evaluated pursuant to NRS 484C.340, or a violation of NRS 484C.130 or 484C.430, the court shall require that the offender be evaluated to determine whether the offender is an abuser of alcohol or drugs and whether the offender can be treated successfully for the condition.

2. The evaluation must be conducted by:

(a) An alcohol and drug abuse counselor who is licensed or certified, or a clinical alcohol and drug abuse counselor who is licensed, pursuant to chapter 641C of NRS, to make such an evaluation;

(b) A physician who is certified to make such an evaluation by the Board of Medical Examiners; ~~or~~

(c) *An advanced practice registered nurse who is certified to make such an evaluation by the State Board of Nursing; or*

(d) A psychologist who is certified to make such an evaluation by the Board of Psychological Examiners.

3. The alcohol and drug abuse counselor, clinical alcohol and drug abuse counselor, physician, *advanced practice registered nurse* or psychologist who conducts the evaluation shall immediately forward the results of the evaluation to the Director of the Department of Corrections.

Sec. 11. NRS 484C.320 is hereby amended to read as follows:

484C.320 1. An offender who is found guilty of a violation of NRS 484C.110 or 484C.120 that is punishable pursuant to paragraph (a) of subsection 1 of NRS 484C.400, other than an offender who is found to have a concentration of alcohol of 0.18 or more in his or her blood or breath, may, at that time or any time before the offender is sentenced, apply to the court to undergo a program of treatment for alcoholism or drug abuse for at least 6 months. The court shall authorize that treatment if:

(a) The offender is diagnosed as an alcoholic or abuser of drugs by:

(1) An alcohol and drug abuse counselor who is licensed or certified, or a clinical alcohol and drug abuse counselor who is licensed, pursuant to chapter 641C of NRS, to make that diagnosis; ~~or~~

(2) A physician who is certified to make that diagnosis by the Board of Medical Examiners; *or*

(3) *An advanced practice registered nurse who is certified to make that diagnosis by the State Board of Nursing;*

(b) The offender agrees to pay the cost of the treatment to the extent of his or her financial resources; and

(c) The offender has served or will serve a term of imprisonment in jail of 1 day, or has performed or will perform 24 hours of community service.

2. A prosecuting attorney may, within 10 days after receiving notice of an application for treatment pursuant to this section, request a hearing on the question of whether the offender is eligible to undergo a program of treatment for alcoholism or drug abuse. The court shall order a hearing on the application upon the request of the prosecuting attorney or may order a hearing on its own motion. The hearing must be limited to the question of whether the offender is eligible to undergo such a program of treatment.

3. At the hearing on the application for treatment, the prosecuting attorney may present the court with any relevant evidence on the matter. If a hearing is not held, the court shall decide the matter upon affidavits and other information before the court.

4. If the court grants an application for treatment, the court shall:

(a) Immediately sentence the offender and enter judgment accordingly.

(b) Suspend the sentence of the offender for not more than 3 years upon the condition that the offender be accepted for treatment by a treatment provider that is approved by the court, that the offender complete the treatment satisfactorily and that the offender comply with any other condition ordered by the court. If the court has a specialty court program for the supervision and monitoring of the person, the treatment provider must comply with the requirements of the specialty court, including, without limitation, any requirement to submit progress reports to the specialty court.

(c) Advise the offender that:

(1) He or she may be placed under the supervision of a treatment provider for a period not to exceed 3 years.

(2) The court may order the offender to be admitted to a residential treatment facility or to be provided with outpatient treatment in the community.

(3) If the offender fails to complete the program of treatment satisfactorily, the offender shall serve the sentence imposed by the court. Any sentence of imprisonment must be reduced by a time equal to that which the offender served before beginning treatment.

(4) If the offender completes the treatment satisfactorily, the offender's sentence will be reduced to a term of imprisonment which is no longer than that provided for the offense in paragraph (c) of subsection 1 and a fine of not more than the minimum fine provided for the offense in NRS 484C.400, but the conviction must remain on the record of criminal history of the offender.

5. The court shall administer the program of treatment pursuant to the procedures provided in NRS 458.320 and 458.330, except that the court:

(a) Shall not defer the sentence, set aside the conviction or impose conditions upon the election of treatment except as otherwise provided in this section.

(b) May immediately revoke the suspension of sentence for a violation of any condition of the suspension.

6. The court shall notify the Department, on a form approved by the Department, upon granting the application of the offender for treatment and his or her failure to be accepted for or complete treatment.

Sec. 12. NRS 484C.330 is hereby amended to read as follows:

484C.330 1. An offender who is found guilty of a violation of NRS 484C.110 or 484C.120 that is punishable pursuant to paragraph (b) of subsection 1 of NRS 484C.400 may, at that time or any time before the offender is sentenced, apply to the court to undergo a program of treatment for alcoholism or drug abuse for at least 1 year. The court shall authorize that treatment if:

(a) The offender is diagnosed as an alcoholic or abuser of drugs by:

(1) An alcohol and drug abuse counselor who is licensed or certified, or a clinical alcohol and drug abuse counselor who is licensed, pursuant to chapter 641C of NRS, to make that diagnosis; ~~or~~

(2) A physician who is certified to make that diagnosis by the Board of Medical Examiners; *or*

(3) *An advanced practice registered nurse who is certified to make that diagnosis by the State Board of Nursing;*

(b) The offender agrees to pay the costs of the treatment to the extent of his or her financial resources; and

(c) The offender has served or will serve a term of imprisonment in jail of 5 days and, if required pursuant to NRS 484C.400, has performed or will perform not less than one-half of the hours of community service.

2. A prosecuting attorney may, within 10 days after receiving notice of an application for treatment pursuant to this section, request a hearing on the matter. The court shall order a hearing on the application upon the request of the prosecuting attorney or may order a hearing on its own motion.

3. At the hearing on the application for treatment, the prosecuting attorney may present the court with any relevant evidence on the matter. If a hearing is not held, the court shall decide the matter upon affidavits and other information before the court.

4. If the court grants an application for treatment, the court shall:

(a) Immediately sentence the offender and enter judgment accordingly.

(b) Suspend the sentence of the offender for not more than 3 years upon the condition that the offender be accepted for treatment by a treatment provider that is approved by the court, that the offender complete the treatment satisfactorily and that the offender comply with any other condition ordered

by the court. If the court has a specialty court program for the supervision and monitoring of the person, the treatment provider must comply with the requirements of the specialty court, including, without limitation, any requirement to submit progress reports to the specialty court.

(c) Advise the offender that:

(1) He or she may be placed under the supervision of the treatment provider for a period not to exceed 3 years.

(2) The court may order the offender to be admitted to a residential treatment facility or to be provided with outpatient treatment in the community.

(3) If the offender fails to complete the program of treatment satisfactorily, the offender shall serve the sentence imposed by the court. Any sentence of imprisonment must be reduced by a time equal to that which the offender served before beginning treatment.

(4) If the offender completes the treatment satisfactorily, the offender's sentence will be reduced to a term of imprisonment which is no longer than that provided for the offense in paragraph (c) of subsection 1 and a fine of not more than the minimum provided for the offense in NRS 484C.400, but the conviction must remain on the record of criminal history of the offender.

5. The court shall administer the program of treatment pursuant to the procedures provided in NRS 458.320 and 458.330, except that the court:

(a) Shall not defer the sentence, set aside the conviction or impose conditions upon the election of treatment except as otherwise provided in this section.

(b) May immediately revoke the suspension of sentence for a violation of a condition of the suspension.

6. The court shall notify the Department, on a form approved by the Department, upon granting the application of the offender for treatment and his or her failure to be accepted for or complete treatment.

Sec. 13. NRS 484C.340 is hereby amended to read as follows:

484C.340 1. An offender who enters a plea of guilty or nolo contendere to a violation of NRS 484C.110 or 484C.120 that is punishable pursuant to paragraph (c) of subsection 1 of NRS 484C.400 may, at the time the offender enters a plea, apply to the court to undergo a program of treatment for alcoholism or drug abuse for at least 3 years. The court may authorize that treatment if:

(a) The offender is diagnosed as an alcoholic or abuser of drugs by:

(1) An alcohol and drug abuse counselor who is licensed or certified, or a clinical alcohol and drug abuse counselor who is licensed, pursuant to chapter 641C of NRS, to make that diagnosis; ~~or~~

(2) A physician who is certified to make that diagnosis by the Board of Medical Examiners; *or*

(3) *An advanced practice registered nurse who is certified to make that diagnosis by the State Board of Nursing; and*

(b) The offender agrees to pay the costs of the treatment to the extent of his or her financial resources.

↳ An alcohol and drug abuse counselor, a clinical alcohol and drug abuse counselor or a physician *or an advanced practice registered nurse* who diagnoses an offender as an alcoholic or abuser of drugs shall make a report and recommendation to the court concerning the length and type of treatment required for the offender.

2. A prosecuting attorney may, within 10 days after receiving notice of an application for treatment pursuant to this section, request a hearing on the matter. The court shall order a hearing on the application upon the request of the prosecuting attorney or may order a hearing on its own motion.

3. At the hearing on the application for treatment, the prosecuting attorney may present the court with any relevant evidence on the matter. If a hearing is not held, the court shall decide the matter and other information before the court.

4. If the court determines that an application for treatment should be granted, the court shall:

(a) Immediately, without entering a judgment of conviction and with the consent of the offender, suspend further proceedings and place the offender on probation for not more than 5 years.

(b) Order the offender to complete a program of treatment for alcoholism or drug abuse with a treatment provider approved by the court. If the court has a specialty court program for the supervision and monitoring of the person, the treatment provider must comply with the requirements of the specialty court, including, without limitation, any requirement to submit progress reports to the specialty court.

(c) Advise the offender that:

(1) He or she may be placed under the supervision of a treatment provider for not more than 5 years.

(2) The court may order the offender to be admitted to a residential treatment facility or to be provided with outpatient treatment in the community.

(3) The court will enter a judgment of conviction for a violation of paragraph (c) of subsection 1 of NRS 484C.400 if a treatment provider fails to accept the offender for a program of treatment for alcoholism or drug abuse or if the offender fails to complete the program of treatment satisfactorily. Any sentence of imprisonment may be reduced by a time equal to that which the offender served before beginning treatment.

(4) If the offender completes the treatment satisfactorily, the court will enter a judgment of conviction for a violation of paragraph (b) of subsection 1 of NRS 484C.400.

(5) The provisions of NRS 483.460 requiring the revocation of the license, permit or privilege of the offender to drive do not apply.

5. The court shall administer the program of treatment pursuant to the procedures provided in NRS 458.320 and 458.330, except that the court:

(a) Shall not defer the sentence or set aside the conviction upon the election of treatment, except as otherwise provided in this section; and

(b) May enter a judgment of conviction and proceed as provided in paragraph (c) of subsection 1 of NRS 484C.400 for a violation of a condition ordered by the court.

6. To participate in a program of treatment, the offender must:

(a) Serve not less than 6 months of residential confinement;

(b) Install, at his or her own expense, a device for not less than 12 months;

(c) Not drive any vehicle unless it is equipped with a device;

(d) Agree to be subject to periodic testing for the use of alcohol or controlled substances while participating in a program of treatment; and

(e) Agree to any other conditions that the court deems necessary.

7. An offender may not apply to the court to undergo a program of treatment for alcoholism or drug abuse pursuant to this section if the offender has previously applied to receive treatment pursuant to this section or if the offender has previously been convicted of:

(a) A violation of NRS 484C.430;

(b) A violation of NRS 484C.130;

(c) A homicide resulting from driving or being in actual physical control of a vehicle while under the influence of intoxicating liquor or a controlled substance or resulting from any other conduct prohibited by NRS 484C.110, 484C.130 or 484C.430;

(d) A violation of paragraph (c) of subsection 1 of NRS 484C.400;

(e) A violation of NRS 484C.410; or

(f) A violation of law of any other jurisdiction that prohibits the same or similar conduct as set forth in paragraph (a), (b), (c) or (d).

8. As used in this section, "device" has the meaning ascribed to it in NRS 484C.450.

Sec. 14. NRS 484C.350 is hereby amended to read as follows:

484C.350 1. If an offender is found guilty of a violation of NRS 484C.110 that is punishable pursuant to paragraph (a) of subsection 1 of NRS 484C.400 and if the concentration of alcohol in the offender's blood or breath at the time of the offense was 0.18 or more, or if an offender is found guilty of a violation of NRS 484C.110 or 484C.120 that is punishable pursuant to paragraph (b) of subsection 1 of NRS 484C.400, the court shall, before sentencing the offender, require an evaluation of the offender pursuant to subsection 3, 4, 5 or 6 to determine whether the offender is an abuser of alcohol or other drugs.

2. If an offender is convicted of a violation of NRS 484C.110 or 484C.120 that is punishable pursuant to paragraph (a) of subsection 1 of NRS 484C.400 and if the offender is under 21 years of age at the time of the violation, the court shall, before sentencing the offender, require an evaluation of the

offender pursuant to subsection 3, 4, 5 or 6 to determine whether the offender is an abuser of alcohol or other drugs.

3. Except as otherwise provided in subsection 4, 5 or 6, the evaluation of an offender pursuant to this section must be conducted at an evaluation center by:

(a) An alcohol and drug abuse counselor who is licensed or certified, or a clinical alcohol and drug abuse counselor who is licensed, pursuant to chapter 641C of NRS, to make that evaluation; ~~or~~

(b) A physician who is certified to make that evaluation by the Board of Medical Examiners ~~or~~; *or*

(c) *An advanced practice registered nurse who is certified to make that evaluation by the State Board of Nursing,*

↪ *who shall report to the court the results of the evaluation and make a recommendation to the court concerning the length and type of treatment required for the offender.*

4. The evaluation of an offender who resides more than 30 miles from an evaluation center may be conducted outside an evaluation center by a person who has the qualifications set forth in subsection 3. The person who conducts the evaluation shall report to the court the results of the evaluation and make a recommendation to the court concerning the length and type of treatment required for the offender.

5. The evaluation of an offender who resides in another state may, upon approval of the court, be conducted in the state where the offender resides by a physician, *advanced practice registered nurse* or other person who is authorized by the appropriate governmental agency in that state to conduct such an evaluation. The offender shall ensure that the results of the evaluation and the recommendation concerning the length and type of treatment for the offender are reported to the court.

6. The evaluation of an offender who resides in this State may, upon approval of the court, be conducted in another state by a physician, *advanced practice registered nurse* or other person who is authorized by the appropriate governmental agency in that state to conduct such an evaluation if the location of the physician, *advanced practice registered nurse* or other person in the other state is closer to the residence of the offender than the nearest location in this State at which an evaluation may be conducted. The offender shall ensure that the results of the evaluation and the recommendation concerning the length and type of treatment for the offender are reported to the court.

7. An offender who is evaluated pursuant to this section shall pay the cost of the evaluation. An evaluation center or a person who conducts an evaluation in this State outside an evaluation center shall not charge an offender more than \$100 for the evaluation.

Sec. 15. NRS 484C.460 is hereby amended to read as follows:

484C.460 1. Except as otherwise provided in subsections 2 and 5, a court shall order a person convicted of:

(a) A violation of NRS 484C.110 that is punishable pursuant to paragraph (a) or (b) of subsection 1 of NRS 484C.400, if the person is found to have had a concentration of alcohol of less than 0.18 in his or her blood or breath, to install, at his or her own expense and for a period of not less than 185 days, a device in any motor vehicle which the person operates as a condition to obtaining a restricted license pursuant to NRS 483.490 or as a condition of reinstatement of the driving privilege of the person.

(b) A violation of:

(1) NRS 484C.110 that is punishable pursuant to paragraph (a) or (b) of subsection 1 of NRS 484C.400, if the person is found to have had a concentration of alcohol of 0.18 or more in his or her blood or breath;

(2) NRS 484C.110 or 484C.120 that is punishable as a felony pursuant to NRS 484C.400 or 484C.410; or

(3) NRS 484C.130 or 484C.430,

↪ to install, at his or her own expense and for a period of not less than 12 months or more than 36 months, a device in any motor vehicle which the person operates as a condition to obtaining a restricted license pursuant to NRS 483.490 or as a condition of reinstatement of the driving privilege of the person.

2. A court may, in the interests of justice, provide for an exception to the provisions of subsection 1 for a person who is convicted of a violation of NRS 484C.110 that is punishable pursuant to paragraph (a) of subsection 1 of NRS 484C.400, to avoid undue hardship to the person if the court determines that:

(a) Requiring the person to install a device in a motor vehicle which the person owns or operates would cause the person to experience an economic hardship;

(b) The person requires the use of the motor vehicle to:

(1) Travel to and from work or in the course and scope of his or her employment; or

(2) Obtain medicine, food or other necessities or to obtain health care services for the person or another member of the person's immediate family;

(c) The person is unable to provide a deep lung breath sample for a device, as certified in writing by a physician *or an advanced practice registered nurse* of the person; or

(d) The person resides more than 100 miles from a manufacturer of a device or its agent.

3. If the court orders a person to install a device pursuant to subsection 1:

(a) The court shall immediately prepare and transmit a copy of its order to the Director. The order must include a statement that a device is required and the specific period for which it is required. The Director shall cause this information to be incorporated into the records of the Department and noted as a restriction on the person's driver's license.

(b) The person who is required to install the device shall provide proof of compliance to the Department before the person may receive a restricted license or before the driving privilege of the person may be reinstated, as applicable. Each model of a device installed pursuant to this section must have been certified by the Committee on Testing for Intoxication.

4. A person whose driving privilege is restricted pursuant to this section or NRS 483.490 shall have the device inspected, calibrated, monitored and maintained by the manufacturer of the device or its agent at least one time each 90 days during the period in which the person is required to use the device to determine whether the device is operating properly. Any inspection, calibration, monitoring or maintenance required pursuant to this subsection must be conducted in accordance with regulations adopted pursuant to NRS 484C.480. The manufacturer or its agent shall submit a report to the Director indicating whether the device is operating properly, whether any of the incidents listed in subsection 1 of NRS 484C.470 have occurred and whether the device has been tampered with. If the device has been tampered with, the Director shall notify the court that ordered the installation of the device. Upon receipt of such notification and before the court imposes a penalty pursuant to subsection 3 of NRS 484C.470, the court shall afford any interested party an opportunity for a hearing after reasonable notice.

5. If a person is required to operate a motor vehicle in the course and scope of his or her employment and the motor vehicle is owned by the person's employer, the person may operate that vehicle without the installation of a device, if:

(a) The employee notifies his or her employer that the employee's driving privilege has been so restricted; and

(b) The employee has proof of that notification in his or her possession or the notice, or a facsimile copy thereof, is with the motor vehicle.

➔ This exemption does not apply to a motor vehicle owned by a business which is all or partly owned or controlled by the person otherwise subject to this section.

6. The running of the period during which a person is required to have a device installed pursuant to this section commences when the Department issues a restricted license to the person or reinstates the driving privilege of the person and is tolled whenever and for as long as the person is, with regard to a violation of NRS 484C.110, 484C.120, 484C.130 or 484C.430, imprisoned, serving a term of residential confinement, placed under the supervision of a treatment provider, on parole or on probation.

Sec. 16. NRS 484D.495 is hereby amended to read as follows:

484D.495 1. It is unlawful to drive a passenger car manufactured after:

(a) January 1, 1968, on a highway unless it is equipped with at least two lap-type safety belt assemblies for use in the front seating positions.

(b) January 1, 1970, on a highway unless it is equipped with a lap-type safety belt assembly for each permanent seating position for passengers. This

requirement does not apply to the rear seats of vehicles operated by a police department or sheriff's office.

(c) January 1, 1970, unless it is equipped with at least two shoulder-harness-type safety belt assemblies for use in the front seating positions.

2. Any person driving, and any passenger who:

(a) Is 6 years of age or older; or

(b) Weighs more than 60 pounds, regardless of age,

↪ who rides in the front or back seat of any vehicle described in subsection 1, having an unladen weight of less than 10,000 pounds, on any highway, road or street in this State shall wear a safety belt if one is available for the seating position of the person or passenger.

3. A citation must be issued to any driver or to any adult passenger who fails to wear a safety belt as required by subsection 2. If the passenger is a child who:

(a) Is 6 years of age or older but less than 18 years of age, regardless of weight; or

(b) Is less than 6 years of age but who weighs more than 60 pounds,

↪ a citation must be issued to the driver for failing to require that child to wear the safety belt, but if both the driver and that child are not wearing safety belts, only one citation may be issued to the driver for both violations. A citation may be issued pursuant to this subsection only if the violation is discovered when the vehicle is halted or its driver arrested for another alleged violation or offense. Any person who violates the provisions of subsection 2 shall be punished by a fine of not more than \$25 or by a sentence to perform a certain number of hours of community service.

4. A violation of subsection 2:

(a) Is not a moving traffic violation under NRS 483.473.

(b) May not be considered as negligence or as causation in any civil action or as negligent or reckless driving under NRS 484B.653.

(c) May not be considered as misuse or abuse of a product or as causation in any action brought to recover damages for injury to a person or property resulting from the manufacture, distribution, sale or use of a product.

5. The Department shall exempt those types of motor vehicles or seating positions from the requirements of subsection 1 when compliance would be impractical.

6. The provisions of subsections 2 and 3 do not apply:

(a) To a driver or passenger who possesses a written statement by a physician or an advanced practice registered nurse certifying that the driver or passenger is unable to wear a safety belt for medical or physical reasons;

(b) If the vehicle is not required by federal law to be equipped with safety belts;

(c) To an employee of the United States Postal Service while delivering mail in the rural areas of this State;

(d) If the vehicle is stopping frequently, the speed of that vehicle does not exceed 15 miles per hour between stops and the driver or passenger is frequently leaving the vehicle or delivering property from the vehicle; or

(e) Except as otherwise provided in NRS 484D.500, to a passenger riding in a means of public transportation, including a school bus or emergency vehicle.

7. It is unlawful for any person to distribute, have for sale, offer for sale or sell any safety belt or shoulder harness assembly for use in a motor vehicle unless it meets current minimum standards and specifications of the United States Department of Transportation.

Sec. 17. NRS 484D.500 is hereby amended to read as follows:

484D.500 1. Any passenger 18 years of age or older who rides in the front or back seat of any taxicab on any highway, road or street in this State shall wear a safety belt if one is available for the seating position of the passenger, except that this subsection does not apply:

(a) To a passenger who possesses a written statement by a physician *or an advanced practice registered nurse* certifying that the passenger is unable to wear a safety belt for medical or physical reasons; or

(b) If the taxicab was not required by federal law at the time of initial sale to be equipped with safety belts.

2. A citation must be issued to any passenger who violates the provisions of subsection 1. A citation may be issued pursuant to this subsection only if the violation is discovered when the vehicle is halted or its driver arrested for another alleged violation or offense. Any person who violates the provisions of subsection 1 shall be punished by a fine of not more than \$25 or by a sentence to perform a certain number of hours of community service.

3. A violation of subsection 1:

(a) Is not a moving traffic violation under NRS 483.473.

(b) May be considered as negligence or as causation in any civil action or as negligent or reckless driving under NRS 484B.653.

(c) May be considered as misuse or abuse of a product or as causation in any action brought to recover damages for injury to a person or property resulting from the manufacture, distribution, sale or use of a product.

4. An owner or operator of a taxicab shall post a sign within each of his or her taxicabs advising passengers that they must wear safety belts while being transported by the taxicab. Such a sign must be placed within the taxicab so as to be visible to and easily readable by passengers, except that this subsection does not apply if the taxicab was not required by federal law at the time of initial sale to be equipped with safety belts.

Sec. 18. ~~NRS 159.044 is hereby amended to read as follows:~~

~~159.044 1. A proposed protected person, a governmental agency, a nonprofit corporation or any interested person may petition the court for the appointment of a guardian.~~

~~2. To the extent the petitioner knows or reasonably may ascertain or obtain, the petition must include, without limitation:~~

~~(a) The name and address of the petitioner.~~

~~(b) The name, date of birth and current address of the proposed protected person.~~

~~(c) A copy of one of the following forms of identification of the proposed protected person which must be placed in the records relating to the guardianship proceeding and, except as otherwise provided in NRS 239.0115 or as otherwise required to carry out a specific statute, maintained in a confidential manner:~~

~~(1) A social security number;~~

~~(2) A taxpayer identification number;~~

~~(3) A valid driver's license number;~~

~~(4) A valid identification card number;~~

~~(5) A valid passport number;~~

~~(6) A valid permanent resident card number; or~~

~~(7) A valid tribal identification card number.~~

~~If the information required pursuant to this paragraph is not included with the petition, the information must be provided to the court not later than 120 days after the appointment of a guardian or as otherwise ordered by the court.~~

~~(d) Whether the proposed protected person is a resident or nonresident of this State.~~

~~(e) The names and addresses of the spouse of the proposed protected person and the relatives of the proposed protected person who are within the second degree of consanguinity.~~

~~(f) The name, date of birth and current address of the proposed guardian. If the proposed guardian is a private professional guardian, the petition must include proof that the guardian meets the requirements of NRS 159.0595 or 159A.0595. If the proposed guardian is not a private professional guardian, the petition must include a statement that the guardian currently is not receiving compensation for services as a guardian to more than one protected person who is not related to the person by blood or marriage. As used in this paragraph, "protected person" includes a protected minor.~~

~~(g) A copy of one of the following forms of identification of the proposed guardian which must be placed in the records relating to the guardianship proceeding and, except as otherwise provided in NRS 239.0115 or as otherwise required to carry out a specific statute, maintained in a confidential manner:~~

~~(1) A social security number;~~

~~(2) A taxpayer identification number;~~

~~(3) A valid driver's license number;~~

~~(4) A valid identification card number;~~

~~(5) A valid passport number;~~

- ~~— (6) A valid permanent resident card number, or~~
- ~~— (7) A valid tribal identification card number.~~
- ~~— (h) Whether the proposed guardian has ever been convicted of a felony and, if so, information concerning the crime for which the proposed guardian was convicted and whether the proposed guardian was placed on probation or parole.~~
- ~~— (i) A summary of the reasons why a guardian is needed and recent documentation demonstrating the need for a guardianship. The documentation must include, without limitation:

 - ~~— (1) A certificate signed by a physician or an advanced practice registered nurse who is licensed to practice [medicine] in this State or who is employed by the Department of Veterans Affairs, a letter signed by any governmental agency in this State which conducts investigations or a certificate signed by any other person whom the court finds qualified to execute a certificate, stating:

 - ~~— (I) The need for a guardian;~~
 - ~~— (II) Whether the proposed protected person presents a danger to himself or herself or others;~~
 - ~~— (III) Whether the attendance of the proposed protected person at a hearing would be detrimental to the proposed protected person;~~
 - ~~— (IV) Whether the proposed protected person would comprehend the reason for a hearing or contribute to the proceeding; and~~
 - ~~— (V) Whether the proposed protected person is capable of living independently with or without assistance; and~~~~
 - ~~— (2) If the proposed protected person is determined to have the limited capacity to consent to the appointment of a special guardian, a written consent to the appointment of a special guardian from the protected person.~~~~
- ~~— (j) Whether the appointment of a general or a special guardian is sought.~~
- ~~— (k) A general description and the probable value of the property of the proposed protected person and any income to which the proposed protected person is or will be entitled, if the petition is for the appointment of a guardian of the estate or a special guardian. If any money is paid or is payable to the proposed protected person by the United States through the Department of Veterans Affairs, the petition must so state:

 - ~~— (l) The name and address of any person or care provider having the care, custody or control of the proposed protected person.~~
 - ~~— (m) If the petitioner is not the spouse or natural child of the proposed protected person, a declaration explaining the relationship of the petitioner to the proposed protected person or to the family or friends of the proposed protected person, if any, and the interest, if any, of the petitioner in the appointment.~~
 - ~~— (n) Requests for any of the specific powers set forth in NRS 159.117 to 159.175, inclusive, necessary to enable the guardian to carry out the duties of the guardianship.~~~~

~~(o) If the guardianship is sought as the result of an investigation of a report of abuse, neglect, exploitation, isolation or abandonment of the proposed protected person, whether the referral was from a law enforcement agency or a state or county agency.~~

~~(p) Whether the proposed protected person or the proposed guardian is a party to any pending criminal or civil litigation.~~

~~(q) Whether the guardianship is sought for the purpose of initiating litigation.~~

~~(r) Whether the proposed protected person has executed a durable power of attorney for health care, a durable power of attorney for financial matters or a written nomination of guardian and, if so, who the named agents are for each document.~~

~~(s) Whether the proposed guardian has filed for or received protection under the federal bankruptcy laws within the immediately preceding 7 years.~~

~~3. Before the court makes a finding pursuant to NRS 159.054, a petitioner seeking a guardian for a proposed protected person must provide the court with an assessment of the needs of the proposed protected person completed by a licensed physician or an advanced practice registered nurse which identifies the limitations of capacity of the proposed protected person and how such limitations affect the ability of the proposed protected person to maintain his or her safety and basic needs. The court may prescribe the form in which the assessment of the needs of the proposed protected person must be filed.]~~

~~(Deleted by amendment.)~~

Sec. 19. ~~[NRS 159.046 is hereby amended to read as follows:~~

~~159.046 1. Upon filing of the petition, or any time thereafter, the court may appoint one or more investigators to:~~

~~(a) Locate persons who perform services needed by the proposed protected person and other public and private resources available to the proposed protected person;~~

~~(b) Determine any competing interests in the appointment of a guardian;~~

~~(c) Investigate allegations or claims which affect a protected person or proposed protected person;~~

~~2. An investigator may be an employee of a social service agency, family service officer of the court, public guardian, physician, advanced practice registered nurse or other qualified person.~~

~~3. An investigator shall file with the court and parties a report concerning the scope of the appointment of the guardian and any special powers which a guardian would need to assist the proposed protected person.~~

~~4. An investigator who is appointed pursuant to this section is entitled to reasonable compensation from the estate of the proposed protected person. If the court finds that a person has unnecessarily or unreasonably caused the investigation, the court may order the person to pay to the estate of the proposed protected person all or part of the expenses associated with the investigation.]~~ (Deleted by amendment.)

Sec. 20. ~~[NRS 159.0523 is hereby amended to read as follows:~~

~~159.0523 1. A petitioner may request the court to appoint a temporary guardian for a proposed protected person who is unable to respond to a substantial and immediate risk of physical harm or to a need for immediate medical attention. To support the request, the petitioner must set forth in a petition and present to the court under oath:~~

~~(a) Documentation which shows the proposed protected person faces a substantial and immediate risk of physical harm or needs immediate medical attention and lacks capacity to respond to the risk of harm or obtain the necessary medical attention. Such documentation must include, without limitation, a certificate signed by a physician or advanced practice registered nurse who is licensed to practice [medicine] in this State or who is employed by the Department of Veterans Affairs, a letter signed by any governmental agency in this State which conducts investigations or a police report indicating:~~

~~(1) That the proposed protected person is unable to respond to a substantial and immediate risk of physical harm or to a need for immediate medical attention;~~

~~(2) Whether the proposed protected person presents a danger to himself or herself or others; and~~

~~(3) Whether the proposed protected person is or has been subjected to abuse, neglect, exploitation, isolation or abandonment; and~~

~~(b) Facts which show that:~~

~~(1) The petitioner has tried in good faith to notify the persons entitled to notice pursuant to NRS 159.047 by telephone or in writing before the filing of the petition;~~

~~(2) The proposed protected person would be exposed to an immediate risk of physical harm if the petitioner were to provide notice to the persons entitled to notice pursuant to NRS 159.047 before the court determines whether to appoint a temporary guardian; or~~

~~(3) Giving notice to the persons entitled to notice pursuant to NRS 159.047 is not feasible under the circumstances.~~

~~2. The court may appoint a temporary guardian to serve for 10 days if the court:~~

~~(a) Finds reasonable cause to believe that the proposed protected person is unable to respond to a substantial and immediate risk of physical harm or to a need for immediate medical attention; and~~

~~(b) Is satisfied that the petitioner has tried in good faith to notify the persons entitled to notice pursuant to NRS 159.047 or that giving notice to those persons is not feasible under the circumstances, or determines that such notice is not required pursuant to subparagraph (2) of paragraph (b) of subsection 1.~~

~~3. Except as otherwise provided in subsection 4, after the appointment of a temporary guardian, the petitioner shall attempt in good faith to notify the persons entitled to notice pursuant to NRS 159.047, including, without limitation, notice of any hearing to extend the temporary guardianship. If the~~

~~petitioner fails to make such an effort, the court may terminate the temporary guardianship.~~

~~4. If, before the appointment of a temporary guardian, the court determined that advance notice was not required pursuant to subparagraph (2) of paragraph (b) of subsection 1, the petitioner shall notify the persons entitled to notice pursuant to NRS 159.047 without undue delay, but not later than 48 hours after the appointment of the temporary guardian or not later than 48 hours after the petitioner discovers the existence, identity and location of the persons entitled to notice pursuant to that section. If the petitioner fails to provide such notice, the court may terminate the temporary guardianship.~~

~~5. Not later than 10 days after the date of the appointment of a temporary guardian pursuant to subsection 2, the court shall hold a hearing to determine the need to extend the temporary guardianship. Except as otherwise provided in subsection 7, the court may extend the temporary guardianship until a general or special guardian is appointed pursuant to subsection 8 if:~~

~~(a) The court finds by clear and convincing evidence that the proposed protected person is unable to respond to a substantial and immediate risk of physical harm or to a need for immediate medical attention; and~~

~~(b) The extension of the temporary guardianship is necessary and in the best interests of the proposed protected person.~~

~~6. If the court appoints a temporary guardian or extends the temporary guardianship pursuant to this section, the court shall limit the powers of the temporary guardian to those necessary to respond to the substantial and immediate risk of physical harm or to a need for immediate medical attention.~~

~~7. The court may not extend a temporary guardianship pursuant to subsection 5 beyond the initial period of 10 days unless the petitioner demonstrates that:~~

~~(a) The provisions of NRS 159.0475 have been satisfied; or~~

~~(b) Notice by publication pursuant to N.R.C.P. 4(e) is currently being undertaken.~~

~~8. The court may extend the temporary guardianship, for good cause shown, for not more than two successive 60-day periods, except that the court shall not cause the temporary guardianship to continue longer than 5 months unless extraordinary circumstances are shown.] (Deleted by amendment.)~~

Sec. 21. ~~[NRS 159.0525 is hereby amended to read as follows:~~

~~159.0525 1. A petitioner may request the court to appoint a temporary guardian for a protected person who is unable to respond to a substantial and immediate risk of financial loss. To support the request, the petitioner must set forth in a petition and present to the court under oath:~~

~~(a) Documentation which shows that the proposed protected person faces a substantial and immediate risk of financial loss and lacks capacity to respond to the risk of loss. Such documentation must include, without limitation, a certificate signed by a physician or advanced practice registered nurse who is licensed to practice [medicine] in this State or who is employed by the~~

~~Department of Veterans Affairs, a letter signed by any governmental agency in this State which conducts investigations or a police report indicating:~~

~~—(1) That the proposed protected person is unable to respond to a substantial and immediate risk of financial loss;~~

~~—(2) Whether the proposed protected person can live independently with or without assistance or services; and~~

~~—(3) Whether the proposed protected person is or has been subjected to abuse, neglect, exploitation, isolation or abandonment;~~

~~—(b) A detailed explanation of what risks the proposed protected person faces, including, without limitation, termination of utilities or other services because of nonpayment, initiation of eviction or foreclosure proceedings, exploitation or loss of assets as the result of fraud, coercion or undue influence; and~~

~~—(c) Facts which show that:~~

~~—(1) The petitioner has tried in good faith to notify the persons entitled to notice pursuant to NRS 159.047 by telephone or in writing before the filing of the petition;~~

~~—(2) The proposed protected person would be exposed to an immediate risk of financial loss if the petitioner were to provide notice to the persons entitled to notice pursuant to NRS 159.047 before the court determines whether to appoint a temporary guardian; or~~

~~—(3) Giving notice to the persons entitled to notice pursuant to NRS 159.047 is not feasible under the circumstances.~~

~~2. The court may appoint a temporary guardian to serve for 10 days if the court:~~

~~—(a) Finds reasonable cause to believe that the proposed protected person is unable to respond to a substantial and immediate risk of financial loss; and~~

~~—(b) Is satisfied that the petitioner has tried in good faith to notify the persons entitled to notice pursuant to NRS 159.047 or that giving notice to those persons is not feasible under the circumstances, or determines that such notice is not required pursuant to subparagraph (2) of paragraph (c) of subsection 1.~~

~~3. Except as otherwise provided in subsection 4, after the appointment of a temporary guardian, the petitioner shall attempt in good faith to notify the persons entitled to notice pursuant to NRS 159.047, including, without limitation, notice of any hearing to extend the temporary guardianship. If the petitioner fails to make such an effort, the court may terminate the temporary guardianship.~~

~~4. If, before the appointment of a temporary guardian, the court determined that advance notice was not required pursuant to subparagraph (2) of paragraph (c) of subsection 1, the petitioner shall notify the persons entitled to notice pursuant to NRS 159.047 without undue delay, but not later than 48 hours after the appointment of the temporary guardian or not later than 48 hours after the petitioner discovers the existence, identity and location of~~

~~the persons entitled to notice pursuant to that section. If the petitioner fails to provide such notice, the court may terminate the temporary guardianship.~~

~~5. Not later than 10 days after the date of the appointment of a temporary guardian pursuant to subsection 2, the court shall hold a hearing to determine the need to extend the temporary guardianship. Except as otherwise provided in subsection 7, the court may extend the temporary guardianship until a general or special guardian is appointed pursuant to subsection 8 if:~~

~~(a) The court finds by clear and convincing evidence that the proposed protected person is unable to respond to a substantial and immediate risk of financial loss; and~~

~~(b) The extension of the temporary guardianship is necessary and in the best interests of the proposed protected person.~~

~~6. If the court appoints a temporary guardian or extends the temporary guardianship pursuant to this section, the court shall limit the powers of the temporary guardian to those necessary to respond to the substantial and immediate risk of financial loss, specifically limiting the temporary guardian's authority to take possession of, close or have access to any accounts of the protected person or to sell or dispose of tangible personal property of the protected person to only that authority as needed to provide for the basic living expenses of the protected person until a general or special guardian can be appointed. The court may freeze any or all of the accounts of the protected person to protect such accounts from loss.~~

~~7. The court may not extend a temporary guardianship pursuant to subsection 5 beyond the initial period of 10 days unless the petitioner demonstrates that:~~

~~(a) The provisions of NRS 159.0475 have been satisfied; or~~

~~(b) Notice by publication pursuant to N.R.C.P. 4(e) is currently being undertaken.~~

~~8. The court may extend the temporary guardianship, for good cause shown, for not more than two successive 60 day periods, except that the court shall not cause the temporary guardianship to continue longer than 5 months unless extraordinary circumstances are shown.] (Deleted by amendment.)~~

Sec. 22. [NRS 159.0535 is hereby amended to read as follows:

~~159.0535 1. A proposed protected person who is found in this State must attend the hearing for the appointment of a guardian unless:~~

~~(a) A certificate signed by a physician, advanced practice registered nurse or psychiatrist who is licensed to practice in this State or who is employed by the Department of Veterans Affairs specifically states the condition of the proposed protected person, the reasons why the proposed protected person is unable to appear in court and whether the attendance of the proposed protected person at the hearing would be detrimental to the physical or mental health of the proposed protected person; or~~

~~(b) A certificate signed by any other person the court finds qualified to execute a certificate states the condition of the proposed protected person, the~~

~~reasons why the proposed protected person is unable to appear in court and whether the attendance of the proposed protected person at the hearing would be detrimental to the physical or mental health of the proposed protected person.~~

~~2. A proposed protected person found in this State who cannot attend the hearing for the appointment of a general or special guardian as set forth in a certificate pursuant to subsection 1 may appear by videoconference. If the proposed protected person cannot attend by videoconference, the person who signs the certificate described in subsection 1 or any other person the court finds qualified shall:~~

~~(a) Inform the proposed protected person that the petitioner is requesting that the court appoint a guardian for the proposed protected person;~~

~~(b) Ask the proposed protected person for a response to the guardianship petition; and~~

~~(c) Ask the preferences of the proposed protected person for the appointment of a particular person as the guardian of the proposed protected person.~~

~~3. The person who informs the proposed protected person of the rights of the proposed protected person pursuant to subsection 2 shall state in a certificate signed by that person:~~

~~(a) The responses of the proposed protected person to the questions asked pursuant to subsection 2; and~~

~~(b) Any conditions that the person believes may have limited the responses by the proposed protected person.~~

~~4. The court may prescribe the form in which a certificate required by this section must be filed. If the certificate consists of separate parts, each part must be signed by the person who is required to sign the certificate.~~

~~5. If the proposed protected person is not in this State, the proposed protected person must attend the hearing only if the court determines that the attendance of the proposed protected person is necessary in the interests of justice. (Deleted by amendment.)~~

Sec. 23. [NRS 159.079 is hereby amended to read as follows:

~~159.079 1. Except as otherwise ordered by the court, a guardian of the person has the care, custody and control of the person of the protected person, and has the authority and, subject to subsection 2, shall perform the duties necessary for the proper care, maintenance, education and support of the protected person, including, without limitation, the following:~~

~~(a) Supplying the protected person with food, clothing, shelter and all incidental necessities, including locating an appropriate residence for the protected person based on the financial situation and needs of the protected person, including, without limitation, any medical needs or needs relating to his or her care.~~

~~—(b) Taking reasonable care of any clothing, furniture, vehicles and other personal effects of the protected person and commencing a proceeding if any property of the protected person is in need of protection.~~

~~—(c) Authorizing medical, surgical, dental, psychiatric, psychological, hygienic or other remedial care and treatment for the protected person.~~

~~—(d) Seeing that the protected person is properly trained and educated and that the protected person has the opportunity to learn a trade, occupation or profession.~~

~~—2. In the performance of the duties enumerated in subsection 1 by a guardian of the person, due regard must be given to the extent of the estate of the protected person. A guardian of the person is not required to incur expenses on behalf of the protected person except to the extent that the estate of the protected person is sufficient to reimburse the guardian.~~

~~—3. A guardian of the person is the personal representative of the protected person for purposes of the Health Insurance Portability and Accountability Act of 1996, Public Law 104-191, and any applicable regulations. The guardian of the person has authority to obtain information from any government agency, medical provider, business, creditor or third party who may have information pertaining to the health care or health insurance of the protected person.~~

~~—4. A guardian of the person may, subject to the provisions of subsection 6 and NRS 159.0807, establish and change the residence of the protected person at any place within this State. The guardian shall select the least restrictive appropriate residence which is available and necessary to meet the needs of the protected person and which is financially feasible.~~

~~—5. A guardian of the person shall petition the court for an order authorizing the guardian to change the residence of the protected person to a location outside of this State. The guardian must show that the placement outside of this State is in the best interest of the protected person or that there is no appropriate residence available for the protected person in this State. The court shall retain jurisdiction over the guardianship unless the guardian files for termination of the guardianship pursuant to NRS 159.1905 or 159.191 or the jurisdiction of the guardianship is transferred to the other state.~~

~~—6. A guardian of the person must file a notice with the court of his or her intent to move a protected person to or place a protected person in a secured residential long term care facility pursuant to subsection 4 of NRS 159.0807 unless the secured residential long term care facility is in this State and:~~

~~—(a) An emergency condition exists pursuant to subsection 5 of NRS 159.0807;~~

~~—(b) The court has previously granted the guardian authority to move the protected person to or place the protected person in such a facility based on findings made when the court appointed the guardian; or~~

~~—(c) The move or placement is made pursuant to a written recommendation by a licensed physician [,] or an advanced practice registered nurse, a physician or an advanced practice registered nurse employed by the~~

~~Department of Veterans Affairs, a licensed social worker or an employee of a county or state office for protective services.~~

~~7. This section does not relieve a parent or other person of any duty required by law to provide for the care, support and maintenance of any dependent.~~

~~8. As used in this section "protective services" has the meaning ascribed to it in NRS 200.5092.] (Deleted by amendment.)~~

~~Sec. 24. [NRS 159.0809 is hereby amended to read as follows:~~

~~159.0809 1. Except as otherwise provided in NRS 159.0807, a guardian shall immediately notify all interested persons and persons of natural affection:~~

~~(a) If the guardian reasonably believes that the death of the protected person is likely to occur within the next 30 days and such belief is based on information from a psychologist, physician, advanced practice registered nurse or other health care provider of the protected person or a person otherwise qualified to provide such a medical opinion, including, without limitation, a health care provider employed by a hospice or by a hospital of the Department of Veterans Affairs;~~

~~(b) Upon the death of the protected person;~~

~~(c) Upon obtaining any information relating to the burial or cremation of the protected person;~~

~~2. The guardian shall provide notification pursuant to paragraph (b) of subsection 1:~~

~~(a) In person or by telephone to the family members of the protected person or, if the protected person does not have any family members or does not have a relationship with any family members, the person of natural affection designated to receive such notification;~~

~~(b) By electronic communication to any family member of the protected person or person of natural affection who has opted to receive notification by electronic communication; and~~

~~(c) In writing to all other interested persons and persons of natural affection not given notice pursuant to paragraph (a) or (b).] (Deleted by amendment.)~~

~~Sec. 25. [NRS 159A.0535 is hereby amended to read as follows:~~

~~159A.0535 1. A proposed protected minor who is found in this State must attend the hearing for the appointment of a guardian unless:~~

~~(a) A certificate signed by a physician, advanced practice registered nurse or psychiatrist who is licensed to practice in this State specifically states the condition of the proposed protected minor, the reasons why the proposed protected minor is unable to appear in court and whether the proposed protected minor's attendance at the hearing would be detrimental to the physical or mental health of the proposed protected minor; or~~

~~(b) A certificate signed by any other person the court finds qualified to execute a certificate states the condition of the proposed protected minor, the reasons why the proposed protected minor is unable to appear in court and~~

~~whether the proposed protected minor's attendance at the hearing would be detrimental to the physical or mental health of the proposed protected minor.~~

~~2. A proposed protected minor found in this State who cannot attend the hearing for the appointment of a guardian as set forth in a certificate pursuant to subsection 1 may appear by videoconference.~~

~~3. The court may prescribe the form in which a certificate required by this section must be filed. If the certificate consists of separate parts, each part must be signed by the person who is required to sign the certificate.~~

~~4. If the proposed protected minor is not in this State, the proposed protected minor must attend the hearing only if the court determines that the attendance of the proposed protected minor is necessary in the interests of justice.] (Deleted by amendment.)~~

Sec. 26. ~~[NRS 159A.079 is hereby amended to read as follows:~~

~~159A.079 1. Except as otherwise ordered by the court, a guardian of the person has the care, custody and control of the person of the protected minor, and has the authority and, subject to subsection 2, shall perform the duties necessary for the proper care, maintenance, education and support of the protected minor, including, without limitation, the following:~~

~~(a) Supplying the protected minor with food, clothing, shelter and all incidental necessities, including locating an appropriate residence for the protected minor based on the financial situation and needs of the protected minor, including, without limitation, any medical needs or needs relating to his or her care;~~

~~(b) Taking reasonable care of any clothing, furniture, vehicles and other personal effects of the protected minor and commencing a proceeding if any property of the protected minor is in need of protection;~~

~~(c) Authorizing medical, surgical, dental, psychiatric, psychological, hygienic or other remedial care and treatment for the protected minor;~~

~~(d) Seeing that the protected minor is properly trained and educated and that the protected minor has the opportunity to learn a trade, occupation or profession;~~

~~2. In the performance of the duties enumerated in subsection 1 by a guardian of the person, due regard must be given to the extent of the estate of the protected minor. A guardian of the person may be required to incur expenses on behalf of the protected minor if the estate of the protected minor is insufficient to reimburse the guardian.~~

~~3. A guardian of the person is the protected minor's personal representative for purposes of the Health Insurance Portability and Accountability Act of 1996, Public Law 104 191, and any applicable regulations. The guardian of the person has authority to obtain information from any government agency, medical provider, business, creditor or third party who may have information pertaining to the protected minor's health care or health insurance.~~

~~4. A guardian of the person may, subject to the provisions of subsection 6 and NRS 159A.0807, establish and change the residence of the protected minor at any place within this State. The guardian shall select the least restrictive appropriate residence which is available and necessary to meet the needs of the protected minor and which is financially feasible.~~

~~5. A guardian of the person shall petition the court for an order authorizing the guardian to change the residence of the protected minor to a location outside of this State. The guardian must show that changing the residence of the protected minor to a location outside of this State is in the best interest of the protected minor or that there is no appropriate residence available for the protected minor in this State. The court shall retain jurisdiction over the guardianship unless the guardian files for termination of the guardianship pursuant to NRS 159A.1905 or 159A.191 or the jurisdiction of the guardianship is transferred to the other state. Not later than 6 months after changing the residence of a protected minor to a location outside of this State, the guardian shall file a petition for guardianship in the state of the protected minor's residence.~~

~~6. A guardian of the person must file a notice with the court of his or her intent to move a protected minor to or place a protected minor in a secured residential long term care facility pursuant to subsection 4 of NRS 159A.0807 unless the secured residential long term care facility is in this State and:~~

~~(a) An emergency condition exists pursuant to subsection 5 of NRS 159A.0807;~~

~~(b) The court has previously granted the guardian authority to move the protected minor to or place the protected minor in such a facility based on findings made when the court appointed the guardian; or~~

~~(c) The move or placement is made pursuant to a written recommendation by a licensed physician [,] or an advanced practice registered nurse, a physician or an advanced practice registered nurse employed by the Department of Veterans Affairs, a licensed social worker or an employee of a county or state office for protective services.~~

~~7. This section does not relieve a parent or other person of any duty required by law to provide for the care, support and maintenance of any dependent. (Deleted by amendment.)~~

Sec. 27. ~~[NRS 159A.0809 is hereby amended to read as follows:~~

~~159A.0809 1. Except as otherwise provided in NRS 159A.0807, a guardian shall immediately notify all interested persons and persons of natural affection:~~

~~(a) If the guardian reasonably believes that the death of the protected minor is likely to occur within the next 30 days and such belief is based on information from a psychologist, physician, advanced practice registered nurse or other health care provider of the protected minor or a person otherwise qualified to provide such a medical opinion, including, without limitation, a~~

~~health care provider employed by a hospice or by a hospital of the Department of Veterans Affairs.~~

~~(b) Upon the death of the protected minor.~~

~~(c) Upon obtaining any information relating to the burial or cremation of the protected minor.~~

~~2. The guardian shall provide notification pursuant to paragraph (b) of subsection 1:~~

~~(a) In person or by telephone to the family members of the protected minor or, if the protected minor does not have any family members or does not have a relationship with any family members, the person of natural affection designated to receive such notification;~~

~~(b) By electronic communication to any family member of the protected minor or person of natural affection who has opted to receive notification by electronic communication; and~~

~~(c) In writing to all other interested persons and persons of natural affection not given notice pursuant to paragraph (a) or (b). (Deleted by amendment.)~~

Sec. 28. NRS 162A.220 is hereby amended to read as follows:

162A.220 1. A power of attorney must be signed by the principal or, in the principal's conscious presence, by another individual directed by the principal to sign the principal's name on the power of attorney. A signature on a power of attorney is presumed to be genuine if the principal acknowledges the signature before a notary public or other individual authorized by law to take acknowledgments.

2. If the principal resides in a hospital, residential facility for groups, facility for skilled nursing or home for individual residential care, at the time of execution of the power of attorney, a certification of competency of the principal from *an advanced practice registered nurse*, a physician, psychologist or psychiatrist must be attached to the power of attorney.

3. If the principal resides or is about to reside in a hospital, assisted living facility or facility for skilled nursing at the time of execution of the power of attorney, in addition to the prohibition set forth in NRS 162A.840 and except as otherwise provided in subsection 4, the principal may not name as agent in any power of attorney for any purpose:

(a) The hospital, assisted living facility or facility for skilled nursing;

(b) An owner or operator of the hospital, assisted living facility or facility for skilled nursing; or

(c) An employee of the hospital, assisted living facility or facility for skilled nursing.

4. The principal may name as agent any person identified in subsection 3 if that person is:

(a) The spouse, legal guardian or next of kin of the principal; or

(b) Named only for the purpose of assisting the principal to establish eligibility for Medicaid and the power of attorney complies with the provisions of subsection 5.

5. A person may be named as agent pursuant to paragraph (b) of subsection 4 only if:

(a) A valid financial power of attorney for the principal does not exist;

(b) The agent has made a good faith effort to contact each family member of the principal identified in the records of the hospital, assisted living facility or facility for skilled nursing, as applicable, to request that the family member establish a financial power of attorney for the principal and has documented his or her effort;

(c) The power of attorney specifies that the agent is only authorized to access financial documents of the principal which are necessary to prove eligibility of the principal for Medicaid as described in the application for Medicaid and specifies that any request for such documentation must be accompanied by a copy of the application for Medicaid or by other proof that the document is necessary to prove eligibility for Medicaid;

(d) The power of attorney specifies that the agent does not have authority to access money or any other asset of the principal for any purpose; and

(e) The power of attorney specifies that the power of attorney is only valid until eligibility of the principal for Medicaid is determined or 6 months after the power of attorney is signed, whichever is sooner.

6. A person who is named as agent pursuant to paragraph (b) of subsection 4 shall not use the power of attorney for any purpose other than to assist the principal to establish eligibility for Medicaid and shall not use the power of attorney in a manner inconsistent with the provisions of subsection 5. A person who violates the provisions of this subsection is guilty of a category C felony and shall be punished as provided in NRS 193.130.

7. As used in this section:

(a) "Assisted living facility" has the meaning ascribed to it in NRS 422.3962.

(b) "Facility for skilled nursing" has the meaning ascribed to it in NRS 449.0039.

(c) "Home for individual residential care" has the meaning ascribed to it in NRS 449.0105.

(d) "Hospital" has the meaning ascribed to it in NRS 449.012.

(e) "Residential facility for groups" has the meaning ascribed to it in NRS 449.017.

Sec. 29. NRS 162A.260 is hereby amended to read as follows:

162A.260 1. A power of attorney is effective when executed unless the principal provides in the power of attorney that it becomes effective at a future date or upon the occurrence of a future event or contingency.

2. If a power of attorney becomes effective upon the occurrence of a future event or contingency, the principal, in the power of attorney, may authorize one or more persons to determine in a writing or other record that the event or contingency has occurred.

3. If a power of attorney becomes effective upon the principal's incapacity and the principal has not authorized a person to determine whether the principal is incapacitated, or the person authorized is unable or unwilling to make the determination, the power of attorney becomes effective upon a determination in a writing or other record by *an advanced practice registered nurse*, a physician, psychiatrist or licensed psychologist that the principal is incapacitated.

4. A person authorized by the principal in the power of attorney to determine that the principal is incapacitated may act as the principal's personal representative pursuant to the Health Insurance Portability and Accountability Act of 1996, Public Law 104-191, as amended, and applicable regulations, to obtain a determination of incapacity.

Sec. 30. NRS 162A.790 is hereby amended to read as follows:

162A.790 1. Any adult person may execute a power of attorney enabling the agent named in the power of attorney to make decisions concerning health care for the principal if that principal becomes incapable of giving informed consent concerning such decisions.

2. A power of attorney for health care must be signed by the principal. The principal's signature on the power of attorney for health care must be:

- (a) Acknowledged before a notary public; or
- (b) Witnessed by two adult witnesses who know the principal personally.

3. Neither of the witnesses to a principal's signature may be:

- (a) A provider of health care;
- (b) An employee of a provider of health care;
- (c) An operator of a health care facility;
- (d) An employee of a health care facility; or
- (e) The agent.

4. At least one of the witnesses to a principal's signature must be a person who is:

- (a) Not related to the principal by blood, marriage or adoption; and
- (b) To the best of the witnesses' knowledge, not entitled to any part of the estate of the principal upon the death of the principal.

5. If the principal resides in a hospital, residential facility for groups, facility for skilled nursing or home for individual residential care, at the time of the execution of the power of attorney, a certification of competency of the principal from *an advanced practice registered nurse*, a physician, psychologist or psychiatrist must be attached to the power of attorney.

6. A power of attorney executed in a jurisdiction outside of this State is valid in this State if, when the power of attorney was executed, the execution complied with the laws of that jurisdiction or the requirements for a military power of attorney pursuant to 10 U.S.C. § 1044b.

7. As used in this section:

(a) "Facility for skilled nursing" has the meaning ascribed to it in NRS 449.0039.

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

(c) “Hospital” has the meaning ascribed to it in NRS 449.012.

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

Sec. 31. NRS 162A.810 is hereby amended to read as follows:

162A.810 1. A power of attorney for health care is effective when executed unless the principal provides in the power of attorney that it becomes effective at a future date or upon incapacity.

2. If a power of attorney for health care becomes effective upon the principal’s incapacity, the power of attorney becomes effective upon a determination in a writing or other record by *an advanced practice registered nurse*, a physician, psychiatrist or licensed psychologist that the principal is incapacitated.

3. An agent named in the power of attorney for health care may act as the principal’s personal representative pursuant to the Health Insurance Portability and Accountability Act of 1996, Public Law 104-191, as amended, and applicable regulations, to obtain a determination of incapacity.

Sec. 32. NRS 162A.815 is hereby amended to read as follows:

162A.815 1. A physician, *an advanced practice registered nurse*, a health care facility or other provider of health care that in good faith accepts an acknowledged power of attorney for health care without actual knowledge that the signature is not genuine may rely upon the presumption that the signature is genuine.

2. A physician, *an advanced practice registered nurse*, a health care facility or other provider of health care that in good faith accepts an acknowledged power of attorney for health care without actual knowledge that the power of attorney for health care is void, invalid or terminated, or that the purported agent’s authority is void, invalid or terminated, may rely upon the power of attorney for health care as if the power of attorney for health care were genuine, valid and still in effect, and the agent’s authority was genuine, valid and still in effect.

3. A physician, *an advanced practice registered nurse*, a health care facility or other provider of health care that in good faith accepts an acknowledged power of attorney for health care is not subject to civil or criminal liability or discipline for unprofessional conduct for giving effect to a declaration contained within the power of attorney for health care or for following the direction of an agent named in the power of attorney for health care.

Sec. 33. NRS 162A.860 is hereby amended to read as follows:

162A.860 Except as otherwise provided in NRS 162A.865, the form of a power of attorney for health care may be substantially in the following form, and must be witnessed or executed in the same manner as the following form:

DURABLE POWER OF ATTORNEY

FOR HEALTH CARE DECISIONS

WARNING TO PERSON EXECUTING THIS DOCUMENT

THIS IS AN IMPORTANT LEGAL DOCUMENT. IT CREATES A DURABLE POWER OF ATTORNEY FOR HEALTH CARE. BEFORE EXECUTING THIS DOCUMENT, YOU SHOULD KNOW THESE IMPORTANT FACTS:

1. THIS DOCUMENT GIVES THE PERSON YOU DESIGNATE AS YOUR AGENT THE POWER TO MAKE HEALTH CARE DECISIONS FOR YOU. THIS POWER IS SUBJECT TO ANY LIMITATIONS OR STATEMENT OF YOUR DESIRES THAT YOU INCLUDE IN THIS DOCUMENT. THE POWER TO MAKE HEALTH CARE DECISIONS FOR YOU MAY INCLUDE CONSENT, REFUSAL OF CONSENT OR WITHDRAWAL OF CONSENT TO ANY CARE, TREATMENT, SERVICE OR PROCEDURE TO MAINTAIN, DIAGNOSE OR TREAT A PHYSICAL OR MENTAL CONDITION. YOU MAY STATE IN THIS DOCUMENT ANY TYPES OF TREATMENT OR PLACEMENTS THAT YOU DO NOT DESIRE.

2. THE PERSON YOU DESIGNATE IN THIS DOCUMENT HAS A DUTY TO ACT CONSISTENT WITH YOUR DESIRES AS STATED IN THIS DOCUMENT OR OTHERWISE MADE KNOWN OR, IF YOUR DESIRES ARE UNKNOWN, TO ACT IN YOUR BEST INTERESTS.

3. EXCEPT AS YOU OTHERWISE SPECIFY IN THIS DOCUMENT, THE POWER OF THE PERSON YOU DESIGNATE TO MAKE HEALTH CARE DECISIONS FOR YOU MAY INCLUDE THE POWER TO CONSENT TO YOUR DOCTOR *OR ADVANCED PRACTICE REGISTERED NURSE* NOT GIVING TREATMENT OR STOPPING TREATMENT WHICH WOULD KEEP YOU ALIVE.

4. UNLESS YOU SPECIFY A SHORTER PERIOD IN THIS DOCUMENT, THIS POWER WILL EXIST INDEFINITELY FROM THE DATE YOU EXECUTE THIS DOCUMENT AND, IF YOU ARE UNABLE TO MAKE HEALTH CARE DECISIONS FOR YOURSELF, THIS POWER WILL CONTINUE TO EXIST UNTIL THE TIME WHEN YOU BECOME ABLE TO MAKE HEALTH CARE DECISIONS FOR YOURSELF.

5. NOTWITHSTANDING THIS DOCUMENT, YOU HAVE THE RIGHT TO MAKE MEDICAL AND OTHER HEALTH CARE DECISIONS FOR YOURSELF SO LONG AS YOU CAN GIVE INFORMED CONSENT WITH RESPECT TO THE PARTICULAR DECISION. IN ADDITION, NO TREATMENT MAY BE GIVEN TO YOU OVER YOUR OBJECTION, AND HEALTH CARE

NECESSARY TO KEEP YOU ALIVE MAY NOT BE STOPPED IF YOU OBJECT.

6. YOU HAVE THE RIGHT TO REVOKE THE APPOINTMENT OF THE PERSON DESIGNATED IN THIS DOCUMENT TO MAKE HEALTH CARE DECISIONS FOR YOU BY NOTIFYING THAT PERSON OF THE REVOCATION ORALLY OR IN WRITING.

7. YOU HAVE THE RIGHT TO REVOKE THE AUTHORITY GRANTED TO THE PERSON DESIGNATED IN THIS DOCUMENT TO MAKE HEALTH CARE DECISIONS FOR YOU BY NOTIFYING THE TREATING PHYSICIAN, *ADVANCED PRACTICE REGISTERED NURSE*, HOSPITAL OR OTHER PROVIDER OF HEALTH CARE ORALLY OR IN WRITING.

8. THE PERSON DESIGNATED IN THIS DOCUMENT TO MAKE HEALTH CARE DECISIONS FOR YOU HAS THE RIGHT TO EXAMINE YOUR MEDICAL RECORDS AND TO CONSENT TO THEIR DISCLOSURE UNLESS YOU LIMIT THIS RIGHT IN THIS DOCUMENT.

9. THIS DOCUMENT REVOKES ANY PRIOR DURABLE POWER OF ATTORNEY FOR HEALTH CARE.

10. IF THERE IS ANYTHING IN THIS DOCUMENT THAT YOU DO NOT UNDERSTAND, YOU SHOULD ASK A LAWYER TO EXPLAIN IT TO YOU.

1. DESIGNATION OF HEALTH CARE AGENT.

I,
(insert your name) do hereby designate and appoint:

Name:

Address:

Telephone Number:

as my agent to make health care decisions for me as authorized in this document.

(Insert the name and address of the person you wish to designate as your agent to make health care decisions for you. Unless the person is also your spouse, legal guardian or the person most closely related to you by blood, none of the following may be designated as your agent: (1) your treating provider of health care; (2) an employee of your treating provider of health care; (3) an operator of a health care facility; or (4) an employee of an operator of a health care facility.)

2. CREATION OF DURABLE POWER OF ATTORNEY FOR HEALTH CARE.

By this document I intend to create a durable power of attorney by appointing the person designated above to make health care decisions for me. This power of attorney shall not be affected by my subsequent incapacity.

3. GENERAL STATEMENT OF AUTHORITY GRANTED.

In the event that I am incapable of giving informed consent with respect to health care decisions, I hereby grant to the agent named above full power and authority: to make health care decisions for me before or after my death, including consent, refusal of consent or withdrawal of consent to any care, treatment, service or procedure to maintain, diagnose or treat a physical or mental condition; to request, review and receive any information, verbal or written, regarding my physical or mental health, including, without limitation, medical and hospital records; to execute on my behalf any releases or other documents that may be required to obtain medical care and/or medical and hospital records, EXCEPT any power to enter into any arbitration agreements or execute any arbitration clauses in connection with admission to any health care facility including any skilled nursing facility; and subject only to the limitations and special provisions, if any, set forth in paragraph 4 or 6.

4. SPECIAL PROVISIONS AND LIMITATIONS.

(Your agent is not permitted to consent to any of the following: commitment to or placement in a mental health treatment facility, convulsive treatment, psychosurgery, sterilization or abortion. If there are any other types of treatment or placement that you do not want your agent's authority to give consent for or other restrictions you wish to place on his or her agent's authority, you should list them in the space below. If you do not write any limitations, your agent will have the broad powers to make health care decisions on your behalf which are set forth in paragraph 3, except to the extent that there are limits provided by law.)

In exercising the authority under this durable power of attorney for health care, the authority of my agent is subject to the following special provisions and limitations:

.....
.....
.....
.....

5. DURATION.

I understand that this power of attorney will exist indefinitely from the date I execute this document unless I establish a shorter time. If I am unable to make health care decisions for myself when this power of attorney expires, the authority I have granted my agent will continue to exist until the time when I become able to make health care decisions for myself.

(IF APPLICABLE)

I wish to have this power of attorney end on the following date:

6. STATEMENT OF DESIRES.

(With respect to decisions to withhold or withdraw life-sustaining treatment, your agent must make health care decisions that are consistent with your known desires. You can, but are not required to, indicate your desires below. If your desires are unknown, your agent has the duty to act in your best interests; and, under some circumstances, a judicial proceeding may be necessary so that a court can determine the health care decision that is in your best interests. If you wish to indicate your desires, you may INITIAL the statement or statements that reflect your desires and/or write your own statements in the space below.

(If the statement reflects your desires, initial the box next to the statement.)

1. I desire that my life be prolonged to the greatest extent possible, without regard to my condition, the chances I have for recovery or long-term survival, or the cost of the procedures. [.....]

2. If I am in a coma which my doctors or advanced practice registered nurses have reasonably concluded is irreversible, I desire that life-sustaining or prolonging treatments not be used. (Also should utilize provisions of NRS 449A.400 to 449A.481, inclusive, if this subparagraph is initialed.) [.....]

3. If I have an incurable or terminal condition or illness and no reasonable hope of long-term recovery or survival, I desire that life-sustaining or prolonging treatments not be used. (Also should utilize provisions of NRS 449A.400 to 449A.481, inclusive, if this subparagraph is initialed.) [.....]

4. Withholding or withdrawal of artificial nutrition and hydration may result in death by starvation or dehydration. I want to receive or continue receiving artificial nutrition and hydration by way of the gastrointestinal tract after all other treatment is withheld. [.....]

5. I do not desire treatment to be provided and/or continued if the burdens of the treatment outweigh the expected benefits. My agent is to consider the relief of suffering,

the preservation or restoration of functioning, and the quality as well as the extent of the possible extension of my life. [.....] (If you wish to change your answer, you may do so by drawing an "X" through the answer you do not want, and circling the answer you prefer.)

Other or Additional Statements of Desires:
.....
.....
.....

7. DESIGNATION OF ALTERNATE AGENT.

(You are not required to designate any alternative agent but you may do so. Any alternative agent you designate will be able to make the same health care decisions as the agent designated in paragraph 1, page 2, in the event that he or she is unable or unwilling to act as your agent. Also, if the agent designated in paragraph 1 is your spouse, his or her designation as your agent is automatically revoked by law if your marriage is dissolved.)

If the person designated in paragraph 1 as my agent is unable to make health care decisions for me, then I designate the following persons to serve as my agent to make health care decisions for me as authorized in this document, such persons to serve in the order listed below:

A. First Alternative Agent

Name:
Address:
Telephone Number:

B. Second Alternative Agent

Name:
Address:
Telephone Number:

8. PRIOR DESIGNATIONS REVOKED.

I revoke any prior durable power of attorney for health care.

9. WAIVER OF CONFLICT OF INTEREST.

If my designated agent is my spouse or is one of my children, then I waive any conflict of interest in carrying out the provisions of this Durable Power of Attorney for Health Care that said spouse or child may have by reason of the fact that he or she may be a beneficiary of my estate.

10. CHALLENGES.

If the legality of any provision of this Durable Power of Attorney for Health Care is questioned by my physician, my advanced practice registered nurse, my agent or a third party, then my agent is authorized

appears to be of sound mind and under no duress, fraud or undue influence.

NOTARY SEAL

.....
(Signature of Notary Public)

STATEMENT OF WITNESSES

(You should carefully read and follow this witnessing procedure. This document will not be valid unless you comply with the witnessing procedure. If you elect to use witnesses instead of having this document notarized, you must use two qualified adult witnesses. None of the following may be used as a witness: (1) a person you designate as the agent; (2) a provider of health care; (3) an employee of a provider of health care; (4) the operator of a health care facility; or (5) an employee of an operator of a health care facility. At least one of the witnesses must make the additional declaration set out following the place where the witnesses sign.)

I declare under penalty of perjury that the principal is personally known to me, that the principal signed or acknowledged this durable power of attorney in my presence, that the principal appears to be of sound mind and under no duress, fraud or undue influence, that I am not the person appointed as agent by this document and that I am not a provider of health care, an employee of a provider of health care, the operator of a health care facility or an employee of an operator of a health care facility.

Signature: Residence Address:
Print Name:
Date:
Signature: Residence Address:
Print Name:
Date:

(AT LEAST ONE OF THE ABOVE WITNESSES MUST ALSO SIGN THE FOLLOWING DECLARATION.)

I declare under penalty of perjury that I am not related to the principal by blood, marriage or adoption and that to the best of my knowledge, I am not entitled to any part of the estate of the principal upon the death of the principal under a will now existing or by operation of law.

Signature:
Signature:
Names: Address:.....
Print Name:
Date:

COPIES: You should retain an executed copy of this document and give one to your agent. The power of attorney should be available so a copy may be given to your providers of health care.

Sec. 34. NRS 162A.865 is hereby amended to read as follows:

162A.865 1. The form of a power of attorney for health care for an adult with an intellectual disability may be substantially in the following form, and must be witnessed or executed in the same manner as the following form:

DURABLE POWER OF ATTORNEY
FOR HEALTH CARE DECISIONS

My name is..... (insert your name) and my address is..... (insert your address). I would like to designate..... (insert the name of the person you wish to designate as your agent for health care decisions for you) as my agent for health care decisions for me if I am sick or hurt and need to see a doctor *or an advanced practice registered nurse* or go to the hospital. I understand what this means.

If I am sick or hurt, my agent should take me to the doctor [] *or an advanced practice registered nurse*. If my agent is not with me when I become sick or hurt, please contact my agent and ask him or her to come to the doctor's *or advanced practice registered nurse's* office. I would like the doctor *or advanced practice registered nurse* to speak with my agent and me about my sickness or injury and whether I need any medicine or other treatment. After we speak with the doctor [] *or advanced practice registered nurse*, I would like my agent to speak with me about the care or treatment. When we have made decisions about the care or treatment, my agent will tell the doctor *or advanced practice registered nurse* about our decisions and sign any necessary papers.

If I am very sick or hurt, I may need to go to the hospital. I would like my agent to help me decide if I need to go to the hospital. If I go to the hospital, I would like the people who work at the hospital to try very hard to care for me. If I am able to communicate, I would like the doctor *or advanced practice registered nurse* at the hospital to speak with me and my agent about what care or treatment I should receive, even if I am unable to understand what is being said about me. After we speak with the doctor [] *or advanced practice registered nurse*, I would like my agent to help me decide what care or treatment I should receive. Once we decide, my agent will sign any necessary paperwork. If I am unable to communicate because of my illness or injury, I would like my agent to make decisions about my care or treatment based on what he or she thinks I would do and what is best for me.

I would like my agent to help me decide if I need to see a dentist and help me make decisions about what care or treatment I should receive from the dentist. Once we decide, my agent will sign any necessary paperwork.

I would also like my agent to be able to see and have copies of all my medical records. If my agent requests to see or have copies of my

medical records, please allow him or her to see or have copies of the records.

I understand that my agent cannot make me receive any care or treatment that I do not want. I also understand that I can take away this power from my agent at any time, either by telling my agent that he or she is no longer my agent or by putting it in writing.

If my agent is unable to make health care decisions for me, then I designate..... (insert the name of another person you wish to designate as your alternative agent to make health care decisions for you) as my agent to make health care decisions for me as authorized in this document.

(YOU MUST DATE AND SIGN THIS POWER OF ATTORNEY)

I sign my name to this Durable Power of Attorney for Health Care on (date) at (city), (state)

.....
(Signature)

AGENT SIGNATURE

As agent for..... (insert name of principal), I agree that a physician, *advanced practice registered nurse*, health care facility or other provider of health care, acting in good faith, may rely on this power of attorney for health care and the signatures herein, and I understand that pursuant to NRS 162A.815, a physician, *advanced practice registered nurse*, health care facility or other provider of health care that in good faith accepts an acknowledged power of attorney for health care is not subject to civil or criminal liability or discipline for unprofessional conduct for giving effect to a declaration contained within the power of attorney for health care or for following the direction of an agent named in the power of attorney for health care.

I also agree that:

1. I have a duty to act in a manner consistent with the desires of..... (insert name of principal) as stated in this document or otherwise made known by..... (insert name of principal), or if his or her desires are unknown, to act in his or her best interest.

2. If..... (insert name of principal) revokes this power of attorney at any time, either verbally or in writing, I have a duty to inform any persons who may rely on this document, including, without limitation, treating physicians, *advanced practice registered nurses*, hospital staff or other providers of health care, that I no longer have the authorities described in this document.

3. The provisions of NRS 162A.840 prohibit me from being named as an agent to make health care decisions in this document if I am a provider of health care, an employee of the principal's provider

basis of satisfactory evidence) to be the person whose name is subscribed to this instrument, and acknowledged that he or she executed it. I declare under penalty of perjury that the person whose name is ascribed to this instrument appears to be of sound mind and under no duress, fraud or undue influence.

NOTARY SEAL
(Signature)

STATEMENT OF WITNESSES

(If you choose to use witnesses instead of having this document notarized, you must use two qualified adult witnesses. The following people cannot be used as a witness: (1) a person you designate as the agent; (2) a provider of health care; (3) an employee of a provider of health care; (4) the operator of a health care facility; or (5) an employee of an operator of a health care facility. At least one of the witnesses must make the additional declaration set out following the place where the witnesses sign.)

I declare under penalty of perjury that the principal is personally known to me, that the principal signed or acknowledged this durable power of attorney in my presence, that the principal appears to be of sound mind and under no duress, fraud or undue influence, that I am not the person appointed as agent by this document and that I am not a provider of health care, an employee of a provider of health care, the operator of a health care facility or an employee of an operator of a health care facility.

Signature: Residence Address:
Print Name:
Date:
Signature: Residence Address:
Print Name:
Date:

(AT LEAST ONE OF THE ABOVE WITNESSES MUST ALSO SIGN THE FOLLOWING DECLARATION.)

I declare under penalty of perjury that I am not related to the principal by blood, marriage or adoption and that to the best of my knowledge, I am not entitled to any part of the estate of the principal upon the death of the principal under a will now existing or by operation of law.

Signature:
Signature:
Names: Address:
Print Name:
Date:

COPIES: You should retain an executed copy of this document and give one to your agent. The power of attorney should be available so a copy may be given to your providers of health care.

2. The form for end-of-life decisions of a power of attorney for health care for an adult with an intellectual disability may be substantially in the following form, and must be witnessed or executed in the same manner as the following form:

END-OF-LIFE DECISIONS ADDENDUM
STATEMENT OF DESIRES

(You can, but are not required to, state what you want to happen if you get very sick and are not likely to get well. You do not have to complete this form, but if you do, your agent must do as you ask if you cannot speak for yourself.)

..... (Insert name of agent) might have to decide, if you get very sick, whether to continue with your medicine or to stop your medicine, even if it means you might not live..... (Insert name of agent) will talk to you to find out what you want to do, and will follow your wishes.

If you are not able to talk to..... (insert name of agent), you can help him or her make these decisions for you by letting your agent know what you want.

Here are your choices. Please circle yes or no to each of the following statements and sign your name below:

1. I want to take all the medicine and receive any treatment I can to keep me alive regardless of how the medicine or treatment makes me feel.. YES NO

2. I do not want to take medicine or receive treatment if my doctors *or advanced practice registered nurses* think that the medicine or treatment will not help me. treatment makes me feel.. YES NO

3. I do not want to take medicine or receive treatment if I am very sick and suffering and the medicine or treatment will not help me get better YES NO

4. I want to get food and water even if I do not want to take medicine or receive treatment. YES NO

(YOU MUST DATE AND SIGN THIS END-OF-LIFE DECISIONS ADDENDUM)

I sign my name to this End-of-Life Decisions Addendum on (date) at (city), (state)

.....

(Signature)

(THIS END-OF-LIFE DECISIONS ADDENDUM WILL NOT BE VALID UNLESS IT IS EITHER (1) SIGNED BY AT LEAST TWO QUALIFIED WITNESSES WHO YOU KNOW AND WHO ARE PRESENT WHEN YOU SIGN OR ACKNOWLEDGE YOUR SIGNATURE OR (2) ACKNOWLEDGED BEFORE A NOTARY PUBLIC.)

CERTIFICATE OF ACKNOWLEDGMENT OF NOTARY PUBLIC

(You may use acknowledgment before a notary public instead of the statement of witnesses.)

State of Nevada }
 } ss.
County of }

On this..... day of....., in the year...., before me,..... (here insert name of notary public) personally appeared..... (here insert name of principal) personally known to me (or proved to me on the basis of satisfactory evidence) to be the person whose name is subscribed to this instrument, and acknowledged that he or she executed it. I declare under penalty of perjury that the person whose name is ascribed to this instrument appears to be of sound mind and under no duress, fraud or undue influence.

NOTARY SEAL

.....

(Signature)

STATEMENT OF WITNESSES

(If you choose to use witnesses instead of having this document notarized, you must use two qualified adult witnesses. The following people cannot be used as a witness: (1) a person you designate as the agent; (2) a provider of health care; (3) an employee of a provider of health care; (4) the operator of a health care facility; or (5) an employee of an operator of a health care facility. At least one of the witnesses must make the additional declaration set out following the place where the witnesses sign.)

I declare under penalty of perjury that the principal is personally known to me, that the principal signed or acknowledged this End-of-Life Decisions Addendum in my presence, that the principal appears to be of sound mind and under no duress, fraud or undue influence, that I am not the person appointed as agent by the power of attorney for health care and that I am not a provider of health care, an employee of a provider of health care, the operator of a health care facility or an employee of an operator of a health care facility.

Signature: Residence Address:

Print Name:

Date:
Signature: Residence Address:
Print Name:
Date:

(AT LEAST ONE OF THE ABOVE WITNESSES MUST ALSO SIGN THE FOLLOWING DECLARATION.)

I declare under penalty of perjury that I am not related to the principal by blood, marriage or adoption and that to the best of my knowledge, I am not entitled to any part of the estate of the principal upon the death of the principal under a will now existing or by operation of law.

Signature:
Signature:
Names: Address:
Print Name:
Date:

COPIES: You should retain an executed copy of this document and give one to your agent. The End-of-Life Decisions Addendum should be available so a copy may be given to your providers of health care.

Sec. 35. NRS 166A.260 is hereby amended to read as follows:

166A.260 1. The custodial trustee shall administer the custodial trust as for an incapacitated beneficiary if:

- (a) The custodial trust was created under NRS 166A.210;
- (b) The transferor has so directed in the instrument creating the custodial trust; or
- (c) The custodial trustee has determined that the beneficiary is incapacitated.

2. A custodial trustee may determine that the beneficiary is incapacitated in reliance upon:

- (a) Previous direction or authority given by the beneficiary while not incapacitated, including, without limitation, direction or authority pursuant to a durable power of attorney;
- (b) The certificate of the beneficiary’s physician ~~or~~ *or advanced practice registered nurse*; or
- (c) Other persuasive evidence.

3. If a custodial trustee for an incapacitated beneficiary reasonably concludes that the beneficiary’s incapacity has ceased, or that circumstances concerning the beneficiary’s ability to manage property and business affairs have changed since the creation of a custodial trust directing administration as for an incapacitated beneficiary, the custodial trustee may administer the trust as for a beneficiary who is not incapacitated.

4. On petition of the beneficiary, the custodial trustee or other person interested in the custodial trust property or the welfare of the beneficiary, the court shall determine whether the beneficiary is incapacitated.

5. Absent determination of incapacity of the beneficiary under subsection 2 or 4, a custodial trustee who has reason to believe that the beneficiary is incapacitated shall administer the custodial trust in accordance with the provisions of this chapter applicable to an incapacitated beneficiary.

6. Incapacity of a beneficiary does not terminate:

- (a) The custodial trust;
- (b) Any designation of a successor custodial trustee;
- (c) Rights or powers of the custodial trustee; or
- (d) Any immunities of third persons acting on instructions of the custodial trustee.

Sec. 36. NRS 629.047 is hereby amended to read as follows:

629.047 1. If a physician *or an advanced practice registered nurse* determines that, in his or her professional judgment, a patient's epilepsy severely impairs the ability of the patient to safely operate a motor vehicle, the physician *or advanced practice registered nurse* shall:

(a) Adequately inform the patient of the dangers of operating a motor vehicle with his or her condition until such time as the physician *or advanced practice registered nurse* or another physician *or advanced practice registered nurse* informs the patient that the patient's condition does not severely impair the ability of the patient to safely operate a motor vehicle.

(b) Sign a written statement verifying that the physician *or advanced practice registered nurse* informed the patient of all material facts and information required by paragraph (a). The physician *or advanced practice registered nurse* shall, to the extent practicable, provide a copy of the statement signed by the physician *or advanced practice registered nurse* to the patient. The statement signed by the physician *or advanced practice registered nurse* pursuant to this paragraph shall be deemed a health care record.

(c) Within 15 days after making such a determination, provide to the Department a copy of the statement signed by the physician *or advanced practice registered nurse* pursuant to paragraph (b). A statement received by the Department pursuant to this paragraph:

(1) Is confidential, except that the contents of the statement may be disclosed to the patient; and

(2) May be used by the Department solely to determine the eligibility of the patient to operate a vehicle on the streets and highways of this State.

2. Except as otherwise provided in subsection 1, a physician *or an advanced practice registered nurse* is not required to notify the Department about a patient who has been diagnosed with epilepsy. No cause of action may be brought against a physician *or an advanced practice registered nurse* based on the fact that he or she did not notify the Department about a patient who has been diagnosed with epilepsy unless the physician *or advanced practice registered nurse* does not comply with the requirements set forth in subsection 1.

3. No cause of action may be brought against a physician *or an advanced practice registered nurse* based on the fact that he or she provided a copy of a statement pursuant to subsection 1 unless the physician *or advanced practice registered nurse* acted with malice, intentional misconduct, gross negligence or intentional or knowing violation of the law.

4. As used in this section:

(a) "Department" means the Department of Motor Vehicles.

(b) "Patient" means a person who consults or is examined or interviewed by a physician *or an advanced practice registered nurse* for the purposes of diagnosis or treatment.

Sec. 37. NRS 632.120 is hereby amended to read as follows:

632.120 1. The Board shall:

(a) Adopt regulations establishing reasonable standards:

(1) For the denial, renewal, suspension and revocation of, and the placement of conditions, limitations and restrictions upon, a license to practice professional or practical nursing or a certificate to practice as a nursing assistant or medication aide - certified.

(2) Of professional conduct for the practice of nursing.

(3) For prescribing and dispensing controlled substances and dangerous drugs in accordance with applicable statutes.

(4) For the psychiatric training and experience necessary for an advanced practice registered nurse to be authorized to make the *diagnoses*, evaluations and examinations described in NRS 433A.160, 433A.240 , ~~and~~ 433A.430 , 484C.300, 484C.320, 484C.330, 484C.340 and 484C.350 and the certifications described in NRS 433A.170, 433A.195 and 433A.200.

(b) Prepare and administer examinations for the issuance of a license or certificate under this chapter.

(c) Investigate and determine the eligibility of an applicant for a license or certificate under this chapter.

(d) Carry out and enforce the provisions of this chapter and the regulations adopted pursuant thereto.

2. The Board may adopt regulations establishing reasonable:

(a) Qualifications for the issuance of a license or certificate under this chapter.

(b) Standards for the continuing professional competence of licensees or holders of a certificate. The Board may evaluate licensees or holders of a certificate periodically for compliance with those standards.

3. The Board may adopt regulations establishing a schedule of reasonable fees and charges, in addition to those set forth in NRS 632.345, for:

(a) Investigating licensees or holders of a certificate and applicants for a license or certificate under this chapter;

(b) Evaluating the professional competence of licensees or holders of a certificate;

(c) Conducting hearings pursuant to this chapter;

- (d) Duplicating and verifying records of the Board; and
 - (e) Surveying, evaluating and approving schools of practical nursing, and schools and courses of professional nursing,
- ↪ and collect the fees established pursuant to this subsection.

4. For the purposes of this chapter, the Board shall, by regulation, define the term “in the process of obtaining accreditation.”

5. The Board may adopt such other regulations, not inconsistent with state or federal law, as may be necessary to carry out the provisions of this chapter relating to nursing assistant trainees, nursing assistants and medication aides - certified.

6. The Board may adopt such other regulations, not inconsistent with state or federal law, as are necessary to enable it to administer the provisions of this chapter.

Sec. 38. NRS 704.140 is hereby amended to read as follows:

704.140 1. It is unlawful for any person engaged in business as a public utility to give or furnish to any state, district, county or municipal officer of this State, or to any person other than those named herein, any pass, frank, free or reduced transportation, or for any state, district, county or municipal officer to accept any pass, frank, free or reduced transportation.

2. This section does not prevent the carriage, storage or hauling of property free or at reduced rates for the United States, the State of Nevada or any political subdivision thereof for charitable purposes.

3. This chapter does not prohibit a public utility from giving free or reduced rates for transportation of:

(a) Its own officers, commission agents, employees, attorneys, physicians and surgeons and members of their families, and pensioned ex-employees and ex-employees with disabilities, their minor children or dependents, or witnesses attending any legal investigation in which such carrier is interested.

(b) Inmates of hospitals or charitable institutions and persons over 65 years of age.

(c) Persons with physical or mental disabilities who present a written statement from a physician *or an advanced practice registered nurse* to that effect.

(d) Persons injured in accidents or motor vehicle crashes and physicians and nurses attending such persons.

(e) Persons providing relief in cases of common disaster, or for contractors and their employees, in carrying out their contract with such carrier.

(f) Peace officers when on official duty.

(g) Attendants of livestock or other property requiring the care of an attendant, including return passage to the place of shipment, if there is no discrimination among such shippers of a similar class.

(h) Employees of other carriers subject to regulation in any respect by the Commission, or for the officers, agents, employees, attorneys, physicians and surgeons of such other carriers, and the members of their families.

4. This chapter does not prohibit public utilities from giving reduced rates for transportation to:

(a) Indigent, destitute or homeless persons, when under the care or responsibility of charitable societies, institutions or hospitals, and the necessary agents employed in such transportation.

(b) Students of institutions of learning.

5. "Employees," as used in this section, includes furloughed, pensioned and superannuated employees, and persons who have become disabled or infirm in the service of any such carrier, and persons traveling for the purpose of entering the service of any such carrier.

6. Any person violating the provisions of this section shall be punished by a fine of not more than \$500.

Sec. 39. NRS 706.351 is hereby amended to read as follows:

706.351 1. It is unlawful for:

(a) A fully regulated carrier to furnish any pass, frank, free or reduced rates for transportation to any state, city, district, county or municipal officer of this State or to any person other than those specifically enumerated in this section.

(b) Any person other than those specifically enumerated in this section to receive any pass, frank, free or reduced rates for transportation.

2. This section does not prevent the carriage, storage or hauling free or at reduced rates of passengers or property for charitable organizations or purposes for the United States, the State of Nevada or any political subdivision thereof.

3. This chapter does not prohibit a fully regulated common carrier from giving free or reduced rates for transportation of persons to:

(a) Its own officers, commission agents or employees, or members of any profession licensed under title 54 of NRS retained by it, and members of their families.

(b) Inmates of hospitals or charitable institutions and persons over 60 years of age.

(c) Persons with physical or mental disabilities who present a written statement from a physician or an advanced practice registered nurse to that effect.

(d) Persons injured in accidents or motor vehicle crashes and physicians and nurses attending such persons.

(e) Persons providing relief in cases of common disaster.

(f) Attendants of livestock or other property requiring the care of an attendant, who must be given return passage to the place of shipment, if there is no discrimination among shippers of a similar class.

(g) Officers, agents, employees or members of any profession licensed under title 54 of NRS, together with members of their families, who are employed by or affiliated with other common carriers, if there is an interchange of free or reduced rates for transportation.

(h) Indigent, destitute or homeless persons when under the care or responsibility of charitable societies, institutions or hospitals, together with the necessary agents employed in such transportation.

(i) Students of institutions of learning, including, without limitation, homeless students, whether the free or reduced rate is given directly to a student or to the board of trustees of a school district on behalf of a student.

(j) Groups of persons participating in a tour for a purpose other than transportation.

4. This section does not prohibit common motor carriers from giving free or reduced rates for the transportation of property of:

(a) Their officers, commission agents or employees, or members of any profession licensed under title 54 of NRS retained by them, or pensioned former employees or former employees with disabilities, together with that of their dependents.

(b) Witnesses attending any legal investigations in which such carriers are interested.

(c) Persons providing relief in cases of common disaster.

(d) Charitable organizations providing food and items for personal hygiene to needy persons or to other charitable organizations within this State.

5. This section does not prohibit the Authority from establishing reduced rates, fares or charges for specified routes or schedules of any common motor carrier providing transit service if the reduced rates, fares or charges are determined by the Authority to be in the public interest.

6. Only fully regulated common carriers may provide free or reduced rates for the transportation of passengers or household goods, pursuant to the provisions of this section.

7. As used in this section, "employees" includes:

(a) Furloughed, pensioned and superannuated employees.

(b) Persons who have become disabled or infirm in the service of such carriers.

(c) Persons who are traveling to enter the service of such a carrier.

Sec. 40. As soon as practicable after the effective date of this act, the Department of Motor Vehicles shall adopt any regulations or make any revisions to policies and procedures of the Department or forms provided by the Department which are necessary to carry out the amendatory provisions of this act.

Sec. 41. This act becomes effective upon passage and approval.

Senator Cancela moved the adoption of the amendment.

Remarks by Senator Cancela.

Amendment No. 3 makes one change to Senate Bill No. 134. The amendment removes provisions authorizing an advanced practice registered nurse to make certain determinations and certifications regarding guardianships in Sections 18 through 27 of the bill.

Amendment adopted.

Bill ordered reprinted, engrossed and to third reading.

Senate Bill No. 170.

Bill read second time.

The following amendment was proposed by the Committee on Commerce and Labor:

Amendment No. 88.

SUMMARY—Revises provisions relating to health care. (BDR 54-523)

AN ACT relating to health care; revising requirements governing the injection of neuromodulators derived from *Clostridium botulinum* or dermal and soft tissue fillers; ~~requiring the State Board of Pharmacy to establish uniform professional discipline for certain violations by practitioners relating to the prescription of controlled substances;~~ revising the definition of “chemical restraint” as used in provisions regulating the use of such restraint; and providing other matters properly relating thereto.

Legislative Counsel’s Digest:

Existing law prohibits the injection of neuromodulators that are derived from *Clostridium botulinum* or dermal or soft tissue fillers: (1) by any person other than certain providers of health care who are licensed in this State; and (2) at any location other than a medical facility or the office of such a licensed provider of health care. (NRS 454.217, 629.086) Sections 1 and 17 of this bill additionally authorize a physician or physician assistant licensed in any jurisdiction of the United States to inject neuromodulators that are derived from *Clostridium botulinum* or dermal or soft tissue fillers for demonstration purposes at an educational event recognized by the ~~Board of Medical Examiners or the State Board of Osteopathic Medicine.~~

~~Existing law prescribes certain requirements relating to the prescription of a controlled substance listed in schedule II, III or IV. (NRS 639.23507, 639.2391-639.23916) Existing law requires each licensing board that regulates practitioners who are authorized to prescribe a controlled substance to adopt regulations providing for disciplinary action against a practitioner who inappropriately prescribes a controlled substance listed in schedule II, III or IV or violates those requirements. (NRS 630.323, 631.364, 632.352, 633.574, 635.152, 636.388) Sections 2, 6, 8, 9, 12 and 14 of this bill remove the authority of the licensing boards that license practitioners to adopt such regulations. Instead, section 15 of this bill requires the State Board of Pharmacy to adopt regulations establishing uniform disciplinary action to be imposed against a practitioner who commits any such violation, and sections 2, 6, 8, 9, 12 and 14 require the licensing boards that regulate practitioners to impose disciplinary action for such violations in accordance with those regulations. Sections 3, 5, 7, 10, 11 and 13 of this bill make conforming changes.~~ American Medical Association, the American Academy of Family Physicians or the American Osteopathic Association.

Existing law limits the circumstances under which a mental health facility is authorized to use chemical restraint on a consumer. (NRS 433.5486, 433.549, 433.5503) Existing law excludes from the definition of the term

“chemical restraint” the administration of drugs on a regular basis, as prescribed by a physician, to treat the symptoms of mental, physical, emotional or behavioral disorders and for assisting a person in gaining self-control over his or her impulses. (NRS 433.5456) Existing law imposes various requirements concerning the use of chemical restraints. (NRS 433.5486, 433.549) Section 16 of this bill broadens that exclusion to also include the administration of drugs, as prescribed by a physician, for these purposes other than on a regular basis.

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

Section 1. NRS 629.086 is hereby amended to read as follows:

629.086 1. ~~{A}~~ *Except as otherwise authorized by subsection 2, a person shall not inject dermal or soft tissue fillers:*

(a) Unless the person is:

(1) A physician or physician assistant licensed pursuant to chapter 630 of NRS;

(2) A dentist who has successfully completed the training prescribed by the Board of Dental Examiners of Nevada pursuant to NRS 631.391;

(3) A registered nurse or advanced practice registered nurse;

(4) A physician or physician assistant licensed pursuant to chapter 633 of NRS; or

(5) A podiatric physician who has successfully completed the training prescribed by the State Board of Podiatry pursuant to NRS 635.200.

(b) Outside his or her scope of practice.

(c) At a location other than a medical facility or the office of a physician or physician assistant licensed pursuant to chapter 630 or 633 of NRS, dentist, advanced practice registered nurse or podiatric physician.

2. *A physician or physician assistant licensed in any state of the United States, the District of Columbia, the Commonwealth of Puerto Rico or any territory or insular possession subject to the jurisdiction of the United States may inject dermal or soft tissue fillers at an educational event recognized by the ~~{Board of Medical Examiners or the State Board of Osteopathic Medicine only}~~ American Medical Association or its successor organization, the American Academy of Family Physicians or its successor organization or the American Osteopathic Association or its successor organization for the purpose of demonstrating proper technique for performing such an injection.*

3. A person who is authorized by ~~{subsection 1}~~ *this section* to inject dermal or soft tissue fillers shall not delegate such injection to a person who is prohibited by ~~{subsection 1}~~ *this section* from injecting dermal or soft tissue fillers.

~~{3}~~ 4. A person who violates any provision of this section is guilty of a misdemeanor.

~~[4.]~~ 5. As used in this section, “dermal or soft tissue filler” means a material that is injected into the skin to fill in wrinkles or into the soft tissue to alter the contour of the soft tissue.

Sec. 2. ~~[NRS 630.323 is hereby amended to read as follows:~~

~~630.323~~ 1. ~~The Executive Director of the Board or his or her designee shall review and evaluate any complaint or information received from the Investigation Division of the Department of Public Safety or the State Board of Pharmacy,~~

~~including, without limitation, information provided pursuant to NRS 453.164, or from a law enforcement agency, professional licensing board or any other source indicating that:~~

~~(a) A licensee has issued a fraudulent, illegal, unauthorized or otherwise inappropriate prescription for a controlled substance listed in schedule II, III or IV;~~

~~(b) A pattern of prescriptions issued by a licensee indicates that the licensee has issued prescriptions in the manner described in paragraph (a); or~~

~~(c) A patient of a licensee has acquired, used or possessed a controlled substance listed in schedule II, III or IV in a fraudulent, illegal, unauthorized or otherwise inappropriate manner.~~

~~2. If the Executive Director of the Board or his or her designee receives information described in subsection 1 concerning the licensee, the Executive Director or his or her designee must notify the licensee as soon as practicable after receiving the information.~~

~~3. A review and evaluation conducted pursuant to subsection 1 must include, without limitation:~~

~~(a) A review of relevant information contained in the database of the program established pursuant to NRS 453.162;~~

~~(b) A requirement that the licensee who is the subject of the review and evaluation attest that he or she has complied with the requirements of NRS 630.23507, 630.2391, 630.23911 and 630.23915, as applicable; and~~

~~(c) A request for additional relevant information from the licensee who is the subject of the review and evaluation.~~

~~4. If, after a review and evaluation conducted pursuant to subsection 1, the Executive Director or his or her designee determines that a licensee may have issued a fraudulent, illegal, unauthorized or otherwise inappropriate prescription for a controlled substance listed in schedule II, III or IV, the Board must proceed as if a written complaint had been filed against the licensee. If, after conducting an investigation and a hearing in accordance with the provisions of this chapter, the Board determines that the licensee issued a fraudulent, illegal, unauthorized or otherwise inappropriate prescription, the Board must impose appropriate disciplinary action [.] in accordance with the regulations adopted by the State Board of Pharmacy pursuant to NRS 630.23916.~~

~~5. When deemed appropriate, the Executive Director of the Board may:~~

~~—(a) Refer information acquired during a review and evaluation conducted pursuant to subsection 1 to another professional licensing board, law enforcement agency or other appropriate governmental entity for investigation and criminal or administrative proceedings.~~

~~—(b) Postpone any notification, review or part of such a review required by this section if he or she determines that it is necessary to avoid interfering with any pending administrative or criminal investigation into the suspected fraudulent, illegal, unauthorized or otherwise inappropriate prescribing, dispensing or use of a controlled substance.~~

~~—[6. The Board shall adopt regulations providing for disciplinary action against a licensee for inappropriately prescribing a controlled substance listed in schedule II, III or IV or violating the provisions of NRS 639.2391 to 639.23916, inclusive, and any regulations adopted by the State Board of Pharmacy pursuant thereto. Such disciplinary action must include, without limitation, requiring the licensee to complete additional continuing education concerning prescribing controlled substances listed in schedules II, III and IV.]~~
~~‡ (Deleted by amendment.)~~

Sec. 3. [NRS 630.352 is hereby amended to read as follows:

~~—630.352 1. Any member of the Board, other than a member of an investigative committee of the Board who participated in any determination regarding a formal complaint in the matter or any member serving on a panel of the Board at the hearing of the matter, may participate in an adjudication to obtain the final order of the Board. At the adjudication, the Board shall consider any findings of fact and conclusions of law submitted after the hearing and shall allow:~~

~~—(a) Counsel for the Board to present a disciplinary recommendation and argument in support of the disciplinary recommendation subject to the provisions of NRS 622A.200 and 622A.210;~~

~~—(b) The respondent or counsel of the respondent to present a disciplinary recommendation and argument in support of the disciplinary recommendation; and~~

~~—(c) The complainant in the matter to make a statement to the Board regarding the disciplinary recommendations by the parties and to address the effect of the respondent's conduct upon the complainant or the patient involved, if other than the complainant.~~

~~—The Board may limit the time within which the parties and the complainant may make their arguments and statements.~~

~~—2. At the conclusion of the presentations of the parties and the complainant, the Board shall deliberate and may by a majority vote impose discipline based upon the findings of fact and conclusions of law and the presentations of the parties and the complainant.~~

~~—3. If, in the findings of fact and conclusions of law, the Board, hearing officer or panel of the Board determines that no violation has occurred, the~~

~~Board shall dismiss the charges, in writing, and notify the respondent that the charges have been dismissed.~~

~~4. Except as otherwise provided in subsection 5 [.] and NRS 630.323, if the Board finds that a violation has occurred, it shall by order take one or more of the following actions:~~

~~(a) Place the person on probation for a specified period on any of the conditions specified in the order;~~

~~(b) Administer a written public reprimand to the person;~~

~~(c) Limit the person's practice or exclude one or more specified branches of medicine from his or her practice;~~

~~(d) Suspend the person's license for a specified period or until further order of the Board;~~

~~(e) Revoke the person's license;~~

~~(f) Require the person to participate in a program to correct alcohol or drug dependence or any other impairment;~~

~~(g) Require supervision of the person's practice;~~

~~(h) Impose a fine not to exceed \$5,000 for each violation;~~

~~(i) Require the person to perform community service without compensation;~~

~~(j) Require the person to take a physical or mental examination or an examination testing his or her competence; and~~

~~(k) Require the person to fulfill certain training or educational requirements.~~

~~5. If the Board finds that the respondent has violated the provisions of NRS 439B.425, the Board shall suspend the respondent's license for a specified period or until further order of the Board.~~

~~6. The Board shall not administer a private reprimand if the Board finds that a violation has occurred.~~

~~7. Within 30 days after the hearing before the Board, the Board shall issue a final order, certified by the Secretary Treasurer of the Board, that imposes discipline and incorporates the findings of fact and conclusions of law obtained from the hearing. An order that imposes discipline and the findings of fact and conclusions of law supporting that order are public records. (Deleted by amendment.)~~

Sec. 4. ~~[NRS 630.356 is hereby amended to read as follows:~~

~~630.356 1. Any person aggrieved by a final order of the Board is entitled to judicial review of the Board's order.~~

~~2. Every order that imposes a sanction against a licensee pursuant to NRS 630.323 or subsection 4 or 5 of NRS 630.352 or any regulation of the Board is effective from the date the Secretary Treasurer certifies the order until the date the order is modified or reversed by a final judgment of the court. The court shall not stay the order of the Board pending a final determination by the court.~~

~~3. The district court shall give a petition for judicial review of the Board's order priority over other civil matters which are not expressly given priority by law.] (Deleted by amendment.)~~

Sec. 5. ~~[NRS 631.350 is hereby amended to read as follows:~~

~~631.350 1. Except as otherwise provided in NRS 631.271, 631.2715, [and] 631.347 [,] and 631.364, the Board may:~~

- ~~(a) Refuse to issue a license to any person;~~
 - ~~(b) Revoke or suspend the license or renewal certificate issued by it to any person;~~
 - ~~(c) Fine a person it has licensed;~~
 - ~~(d) Place a person on probation for a specified period on any conditions the Board may order;~~
 - ~~(e) Issue a public reprimand to a person;~~
 - ~~(f) Limit a person's practice to certain branches of dentistry;~~
 - ~~(g) Require a person to participate in a program to correct alcohol or drug abuse or any other impairment;~~
 - ~~(h) Require that a person's practice be supervised;~~
 - ~~(i) Require a person to perform community service without compensation;~~
 - ~~(j) Require a person to take a physical or mental examination or an examination of his or her competence;~~
 - ~~(k) Require a person to fulfill certain training or educational requirements;~~
 - ~~(l) Require a person to reimburse a patient; or~~
 - ~~(m) Any combination thereof;~~
- ~~if the Board finds, by a preponderance of the evidence, that the person has engaged in any of the activities listed in subsection 2.~~

~~2. The following activities may be punished as provided in subsection 1:~~

- ~~(a) Engaging in the illegal practice of dentistry or dental hygiene;~~
- ~~(b) Engaging in unprofessional conduct; or~~
- ~~(c) Violating any regulations adopted by the Board or the provisions of this chapter.~~

~~3. The Board may delegate to a hearing officer or panel its authority to take any disciplinary action pursuant to this chapter, impose and collect fines therefor and deposit the money therefrom in banks, credit unions, savings and loan associations or savings banks in this State.~~

~~4. If a hearing officer or panel is not authorized to take disciplinary action pursuant to subsection 3 and the Board deposits the money collected from the imposition of fines with the State Treasurer for credit to the State General Fund, it may present a claim to the State Board of Examiners for recommendation to the Interim Finance Committee if money is needed to pay attorney's fees or the costs of an investigation, or both.~~

~~5. The Board shall not administer a private reprimand.~~

~~6. An order that imposes discipline and the findings of fact and conclusions of law supporting that order are public records.] (Deleted by amendment.)~~

Sec. 6. ~~NRS 631.364 is hereby amended to read as follows:~~

~~631.364 1. The Executive Director of the Board or his or her designee shall review and evaluate any complaint or information received from the Investigation Division of the Department of Public Safety or the State Board of Pharmacy, including, without limitation, information provided pursuant to NRS 453.164, or from a law enforcement agency, professional licensing board or any other source indicating that:~~

~~(a) A licensee has issued a fraudulent, illegal, unauthorized or otherwise inappropriate prescription for a controlled substance listed in schedule II, III or IV;~~

~~(b) A pattern of prescriptions issued by a licensee indicates that the licensee has issued prescriptions in the manner described in paragraph (a); or~~

~~(c) A patient of a licensee has acquired, used or possessed a controlled substance listed in schedule II, III or IV in a fraudulent, illegal, unauthorized or otherwise inappropriate manner.~~

~~2. If the Executive Director of the Board or his or her designee receives information described in subsection 1 concerning the licensee, the Executive Director or his or her designee must notify the licensee as soon as practicable after receiving the information.~~

~~3. A review and evaluation conducted pursuant to subsection 1 must include, without limitation:~~

~~(a) A review of relevant information contained in the database of the program established pursuant to NRS 453.162;~~

~~(b) A requirement that the licensee who is the subject of the review and evaluation attest that he or she has complied with the requirements of NRS 639.23507, 639.2391, 639.23911 and 639.23915, as applicable; and~~

~~(c) A request for additional relevant information from the licensee who is the subject of the review and evaluation.~~

~~4. If, after a review and evaluation conducted pursuant to subsection 1, the Executive Director or his or her designee determines that a licensee may have issued a fraudulent, illegal, unauthorized or otherwise inappropriate prescription for a controlled substance listed in schedule II, III or IV, the Board must proceed as if a written complaint had been filed against the licensee. If, after conducting an investigation and a hearing in accordance with the provisions of this chapter, the Board determines that the licensee issued a fraudulent, illegal, unauthorized or otherwise inappropriate prescription, the Board must impose appropriate disciplinary action *[.] in accordance with the regulations adopted by the State Board of Pharmacy pursuant to NRS 639.23916.*~~

~~5. When deemed appropriate, the Executive Director of the Board may:~~

~~(a) Refer information acquired during a review and evaluation conducted pursuant to subsection 1 to another professional licensing board, law enforcement agency or other appropriate governmental entity for investigation and criminal or administrative proceedings.~~

~~(b) Postpone any notification, review or part of such a review required by this section if he or she determines that it is necessary to avoid interfering with any pending administrative or criminal investigation into the suspected fraudulent, illegal, unauthorized or otherwise inappropriate prescribing, dispensing or use of a controlled substance.~~

~~[6. The Board shall adopt regulations providing for disciplinary action against a licensee for inappropriately prescribing a controlled substance listed in schedule II, III or IV or violating the provisions of NRS 639.2391 to 639.23916, inclusive, and any regulations adopted by the State Board of Pharmacy pursuant thereto. Such disciplinary action must include, without limitation, requiring the licensee to complete additional continuing education concerning prescribing controlled substances listed in schedules II, III and IV.] (Deleted by amendment.)~~

Sec. 7. ~~[NRS 632.347 is hereby amended to read as follows:~~

~~632.347 1. [The] In addition to the disciplinary action required by NRS 632.352, the Board may deny, revoke or suspend any license or certificate applied for or issued pursuant to this chapter, or take other disciplinary action against a licensee or holder of a certificate, upon determining that the licensee or certificate holder:~~

~~(a) Is guilty of fraud or deceit in procuring or attempting to procure a license or certificate pursuant to this chapter.~~

~~(b) Is guilty of any offense:~~

~~— (1) Involving moral turpitude; or~~

~~— (2) Related to the qualifications, functions or duties of a licensee or holder of a certificate,~~

~~in which case the record of conviction is conclusive evidence thereof.~~

~~(c) Has been convicted of violating any of the provisions of NRS 616D.200, 616D.220, 616D.240 or 616D.300 to 616D.440, inclusive.~~

~~(d) Is unfit or incompetent by reason of gross negligence or recklessness in carrying out usual nursing functions.~~

~~(e) Uses any controlled substance, dangerous drug as defined in chapter 454 of NRS, or intoxicating liquor to an extent or in a manner which is dangerous or injurious to any other person or which impairs his or her ability to conduct the practice authorized by the license or certificate.~~

~~(f) Is a person with mental incompetence.~~

~~(g) Is guilty of unprofessional conduct, which includes, but is not limited to, the following:~~

~~— (1) Conviction of practicing medicine without a license in violation of chapter 630 of NRS, in which case the record of conviction is conclusive evidence thereof.~~

~~— (2) Impersonating any applicant or acting as proxy for an applicant in any examination required pursuant to this chapter for the issuance of a license or certificate.~~

~~— (3) Impersonating another licensed practitioner or holder of a certificate.~~

~~—(4) Permitting or allowing another person to use his or her license or certificate to practice as a licensed practical nurse, registered nurse, nursing assistant or medication aide certified.~~

~~—(5) Repeated malpractice, which may be evidenced by claims of malpractice settled against the licensee or certificate holder.~~

~~—(6) Physical, verbal or psychological abuse of a patient.~~

~~—(7) Conviction for the use or unlawful possession of a controlled substance or dangerous drug as defined in chapter 454 of NRS.~~

~~—(h) Has willfully or repeatedly violated the provisions of this chapter. The voluntary surrender of a license or certificate issued pursuant to this chapter is prima facie evidence that the licensee or certificate holder has committed or expects to commit a violation of this chapter.~~

~~—(i) Is guilty of aiding or abetting any person in a violation of this chapter.~~

~~—(j) Has falsified an entry on a patient's medical chart concerning a controlled substance.~~

~~—(k) Has falsified information which was given to a physician, pharmacist, podiatric physician or dentist to obtain a controlled substance.~~

~~—(l) Has knowingly procured or administered a controlled substance or a dangerous drug as defined in chapter 454 of NRS that is not approved by the United States Food and Drug Administration, unless the unapproved controlled substance or dangerous drug:~~

~~—(1) Was procured through a retail pharmacy licensed pursuant to chapter 639 of NRS;~~

~~—(2) Was procured through a Canadian pharmacy which is licensed pursuant to chapter 639 of NRS and which has been recommended by the State Board of Pharmacy pursuant to subsection 4 of NRS 639.2328;~~

~~—(3) Is marijuana being used for medical purposes in accordance with chapter 453A of NRS; or~~

~~—(4) Is an investigational drug or biological product prescribed to a patient pursuant to NRS 630.3735 or 633.6945.~~

~~—(m) Has been disciplined in another state in connection with a license to practice nursing or a certificate to practice as a nursing assistant or medication aide certified, or has committed an act in another state which would constitute a violation of this chapter.~~

~~—(n) Has engaged in conduct likely to deceive, defraud or endanger a patient or the general public.~~

~~—(o) Has willfully failed to comply with a regulation, subpoena or order of the Board.~~

~~—(p) Has operated a medical facility at any time during which:~~

~~—(1) The license of the facility was suspended or revoked; or~~

~~—(2) An act or omission occurred which resulted in the suspension or revocation of the license pursuant to NRS 449.160.~~

~~→ This paragraph applies to an owner or other principal responsible for the operation of the facility.~~

~~—(g) Is an advanced practice registered nurse who has failed to obtain any training required by the Board pursuant to NRS 632.2375.~~

~~—(f) Is an advanced practice registered nurse who has failed to comply with the provisions of NRS 453.163, 453.164 [,] or 453.226 [, 639.23507, 639.2391 to 639.23916, inclusive,] and any regulations adopted by the State Board of Pharmacy pursuant thereto.~~

~~—[(c) Has engaged in the fraudulent, illegal, unauthorized or otherwise inappropriate prescribing, administering or dispensing of a controlled substance listed in schedule II, III or IV.~~

~~—(t) (s) Has violated the provisions of NRS 454.217 or 629.086.~~

~~—2. For the purposes of this section, a plea or verdict of guilty or guilty but mentally ill or a plea of nolo contendere constitutes a conviction of an offense. The Board may take disciplinary action pending the appeal of a conviction.~~

~~—3. A licensee or certificate holder is not subject to disciplinary action solely for administering auto injectable epinephrine pursuant to a valid order issued pursuant to NRS 630.374 or 633.707.~~

~~—4. As used in this section, “investigational drug or biological product” has the meaning ascribed to it in NRS 454.351. (Deleted by amendment.)~~

Sec. 8. [NRS 632.352 is hereby amended to read as follows:

~~—632.352 1. The Executive Director of the Board or his or her designee shall review and evaluate any complaint or information received from the Investigation Division of the Department of Public Safety or the State Board of Pharmacy, including, without limitation, information provided pursuant to NRS 453.164, or from a law enforcement agency, professional licensing board or any other source indicating that:~~

~~—(a) A licensee has issued a fraudulent, illegal, unauthorized or otherwise inappropriate prescription for a controlled substance listed in schedule II, III or IV;~~

~~—(b) A pattern of prescriptions issued by a licensee indicates that the licensee has issued prescriptions in the manner described in paragraph (a); or~~

~~—(c) A patient of a licensee has acquired, used or possessed a controlled substance listed in schedule II, III or IV in a fraudulent, illegal, unauthorized or otherwise inappropriate manner.~~

~~—2. If the Executive Director of the Board or his or her designee receives information described in subsection 1 concerning the licensee, the Executive Director or his or her designee must notify the licensee as soon as practicable after receiving the information.~~

~~—3. A review and evaluation conducted pursuant to subsection 1 must include, without limitation:~~

~~—(a) A review of relevant information contained in the database of the program established pursuant to NRS 453.162;~~

~~—(b) A requirement that the licensee who is the subject of the review and evaluation attest that he or she has complied with the requirements of NRS 639.23507, 639.2391, 639.23911 and 639.23915, as applicable; and~~

~~—(c) A request for additional relevant information from the licensee who is the subject of the review and evaluation.~~

~~—4. If, after a review and evaluation conducted pursuant to subsection 1, the Executive Director or his or her designee determines that a licensee may have issued a fraudulent, illegal, unauthorized or otherwise inappropriate prescription for a controlled substance listed in schedule II, III or IV, the Board must proceed as if a written complaint had been filed against the licensee. If, after conducting an investigation and a hearing in accordance with the provisions of this chapter, the Board determines that the licensee issued a fraudulent, illegal, unauthorized or otherwise inappropriate prescription, the Board must impose appropriate disciplinary action [.] in accordance with the regulations adopted by the State Board of Pharmacy pursuant to NRS 639.23916.~~

~~—5. When deemed appropriate, the Executive Director of the Board may:~~

~~—(a) Refer information acquired during a review and evaluation conducted pursuant to subsection 1 to another professional licensing board, law enforcement agency or other appropriate governmental entity for investigation and criminal or administrative proceedings.~~

~~—(b) Postpone any notification, review or part of such a review required by this section if he or she determines that it is necessary to avoid interfering with any pending administrative or criminal investigation into the suspected fraudulent, illegal, unauthorized or otherwise inappropriate prescribing, dispensing or use of a controlled substance.~~

~~—[6. The Board shall adopt regulations providing for disciplinary action against a licensee for inappropriately prescribing a controlled substance listed in schedule II, III or IV or violating the provisions of NRS 639.2391 to 639.23916, inclusive, and any regulations adopted by the State Board of Pharmacy pursuant thereto. Such disciplinary action must include, without limitation, requiring the licensee to complete additional continuing education concerning prescribing controlled substances listed in schedules II, III and IV.] (Deleted by amendment.)~~

Sec. 9. ~~[NRS 633.574 is hereby amended to read as follows:~~

~~—633.574 1. The Executive Director of the Board or his or her designee shall review and evaluate any complaint or information received from the Investigation Division of the Department of Public Safety or the State Board of Pharmacy, including, without limitation, information provided pursuant to NRS 453.164, or from a law enforcement agency, professional licensing board or any other source indicating that:~~

~~—(a) A licensee has issued a fraudulent, illegal, unauthorized or otherwise inappropriate prescription for a controlled substance listed in schedule II, III or IV;~~

~~—(b) A pattern of prescriptions issued by a licensee indicates that the licensee has issued prescriptions in the manner described in paragraph (a); or~~

~~—(c) A patient of a licensee has acquired, used or possessed a controlled substance listed in schedule II, III or IV in a fraudulent, illegal, unauthorized or otherwise inappropriate manner.~~

~~—2. If the Executive Director of the Board or his or her designee receives information described in subsection 1 concerning the licensee, the Executive Director or his or her designee must notify the licensee as soon as practicable after receiving the information.~~

~~—3. A review and evaluation conducted pursuant to subsection 1 must include, without limitation:~~

~~—(a) A review of relevant information contained in the database of the program established pursuant to NRS 453.162;~~

~~—(b) A requirement that the licensee who is the subject of the review and evaluation attest that he or she has complied with the requirements of NRS 639.23507, 639.2391, 639.23911 and 639.23915, as applicable; and~~

~~—(c) A request for additional relevant information from the licensee who is the subject of the review and evaluation.~~

~~—4. If, after a review and evaluation conducted pursuant to subsection 1, the Executive Director or his or her designee determines that a licensee may have issued a fraudulent, illegal, unauthorized or otherwise inappropriate prescription for a controlled substance listed in schedule II, III or IV, the Board must proceed as if a written complaint had been filed against the licensee. If, after conducting an investigation and a hearing in accordance with the provisions of this chapter, the Board determines that the licensee issued a fraudulent, illegal, unauthorized or otherwise inappropriate prescription, the Board must impose appropriate disciplinary action [.] in accordance with the regulations adopted by the State Board of Pharmacy pursuant to NRS 639.23916.~~

~~—5. When deemed appropriate, the Executive Director of the Board may:~~

~~—(a) Refer information acquired during a review and evaluation conducted pursuant to subsection 1 to another professional licensing board, law enforcement agency or other appropriate governmental entity for investigation and criminal or administrative proceedings;~~

~~—(b) Postpone any notification, review or part of such a review required by this section if he or she determines that it is necessary to avoid interfering with any pending administrative or criminal investigation into the suspected fraudulent, illegal, unauthorized or otherwise inappropriate prescribing, dispensing or use of a controlled substance.~~

~~—[6. The Board shall adopt regulations providing for disciplinary action against a licensee for inappropriately prescribing a controlled substance listed in schedule II, III or IV or violating the provisions of NRS 639.2391 to 639.23916, inclusive, and any regulations adopted by the State Board of Pharmacy pursuant thereto. Such disciplinary action must include, without limitation, requiring the licensee to complete additional continuing education~~

~~concerning prescribing controlled substances listed in schedules II, III and IV.}] (Deleted by amendment.)~~

Sec. 10. ~~[NRS 633.651 is hereby amended to read as follows:~~

~~633.651 1. [If] Except as otherwise provided in NRS 633.574, if the Board finds a person guilty in a disciplinary proceeding, it shall by order take one or more of the following actions:~~

~~(a) Place the person on probation for a specified period or until further order of the Board.~~

~~(b) Administer to the person a public reprimand.~~

~~(c) Limit the practice of the person to, or by the exclusion of, one or more specified branches of osteopathic medicine.~~

~~(d) Suspend the license of the person to practice osteopathic medicine or to practice as a physician assistant for a specified period or until further order of the Board.~~

~~(e) Revoke the license of the person to practice osteopathic medicine or to practice as a physician assistant.~~

~~(f) Impose a fine not to exceed \$5,000 for each violation.~~

~~(g) Require supervision of the practice of the person.~~

~~(h) Require the person to perform community service without compensation.~~

~~(i) Require the person to complete any training or educational requirements specified by the Board.~~

~~(j) Require the person to participate in a program to correct alcohol or drug dependence or any other impairment.~~

~~* The order of the Board may contain any other terms, provisions or conditions as the Board deems proper and which are not inconsistent with law.~~

~~2. The Board shall not administer a private reprimand.~~

~~3. An order that imposes discipline and the findings of fact and conclusions of law supporting that order are public records.}] (Deleted by amendment.)~~

Sec. 11. ~~[NRS 635.130 is hereby amended to read as follows:~~

~~635.130 1. [The] In addition to the reasons for disciplinary action prescribed by NRS 635.152, the Board, after notice and a hearing as required by law, and upon any cause enumerated in subsection 2, may take one or more of the following disciplinary actions:~~

~~(a) Deny an application for a license or refuse to renew a license.~~

~~(b) Suspend or revoke a license.~~

~~(c) Place a licensee on probation.~~

~~(d) Impose a fine not to exceed \$5,000.~~

~~2. The Board may take disciplinary action against a licensee for any of the following causes:~~

~~(a) The making of a false statement in any affidavit required of the applicant for application, examination or licensure pursuant to the provisions of this chapter.~~

- ~~—(b) Lending the use of the holder's name to an unlicensed person.~~
- ~~—(c) If the holder is a podiatric physician, permitting an unlicensed person in his or her employ to practice as a podiatry hygienist.~~
- ~~—(d) Habitual indulgence in the use of alcohol or any controlled substance which impairs the intellect and judgment to such an extent as in the opinion of the Board incapacitates the holder in the performance of his or her professional duties.~~
- ~~—(e) Conviction of a crime involving moral turpitude.~~
- ~~—(f) Conviction of violating any of the provisions of NRS 616D.200, 616D.220, 616D.240 or 616D.300 to 616D.440, inclusive.~~
- ~~—(g) Conduct which in the opinion of the Board disqualifies the licensee to practice with safety to the public.~~
- ~~—(h) The commission of fraud by or on behalf of the licensee regarding his or her license or practice.~~
- ~~—(i) Gross incompetency.~~
- ~~—(j) Affliction of the licensee with any mental or physical disorder which seriously impairs his or her competence as a podiatric physician or podiatry hygienist.~~
- ~~—(k) False representation by or on behalf of the licensee regarding his or her practice.~~
- ~~—(l) Unethical or unprofessional conduct.~~
- ~~—(m) Failure to comply with the requirements of subsection 1 of NRS 635.118.~~
- ~~—(n) Willful or repeated violations of this chapter or regulations adopted by the Board.~~
- ~~—(o) Willful violation of the regulations adopted by the State Board of Pharmacy.~~
- ~~—(p) Knowingly procuring or administering a controlled substance or a dangerous drug as defined in chapter 454 of NRS that is not approved by the United States Food and Drug Administration, unless the unapproved controlled substance or dangerous drug:

 - ~~—(1) Was procured through a retail pharmacy licensed pursuant to chapter 639 of NRS;~~
 - ~~—(2) Was procured through a Canadian pharmacy which is licensed pursuant to chapter 639 of NRS and which has been recommended by the State Board of Pharmacy pursuant to subsection 4 of NRS 639.2328; or~~
 - ~~—(3) Is marijuana being used for medical purposes in accordance with chapter 453A of NRS.~~~~
- ~~—(q) Operation of a medical facility, as defined in NRS 449.0151, at any time during which:

 - ~~—(1) The license of the facility is suspended or revoked; or~~
 - ~~—(2) An act or omission occurs which results in the suspension or revocation of the license pursuant to NRS 449.160.~~~~

~~This paragraph applies to an owner or other principal responsible for the operation of the facility.~~

~~(r) Failure to obtain any training required by the Board pursuant to NRS 635.116.~~

~~(s) Failure to comply with the provisions of NRS 453.163, 453.164 [,] and 453.226 [, 639.23507 and 639.2391 to 639.23916, inclusive,] and any regulations adopted by the State Board of Pharmacy pursuant thereto.~~

~~(t) [Fraudulent, illegal, unauthorized or otherwise inappropriate prescribing, administering or dispensing of a controlled substance listed in schedule II, III or IV.~~

~~(u) Failure to comply with the provisions of NRS 454.217 or 629.086.]~~
(Deleted by amendment.)

Sec. 12. ~~[NRS 635.152 is hereby amended to read as follows:~~

~~635.152 1. The President of the Board or his or her designee shall review and evaluate any complaint or information received from the Investigation Division of the Department of Public Safety or the State Board of Pharmacy, including, without limitation, information provided pursuant to NRS 453.164, or from a law enforcement agency, professional licensing board or any other source indicating that:~~

~~(a) A licensee has issued a fraudulent, illegal, unauthorized or otherwise inappropriate prescription for a controlled substance listed in schedule II, III or IV;~~

~~(b) A pattern of prescriptions issued by a licensee indicates that the licensee has issued prescriptions in the manner described in paragraph (a); or~~

~~(c) A patient of a licensee has acquired, used or possessed a controlled substance listed in schedule II, III or IV in a fraudulent, illegal, unauthorized or otherwise inappropriate manner.~~

~~2. If the President of the Board or his or her designee receives information described in subsection 1 concerning the licensee, the President or his or her designee must notify the licensee as soon as practicable after receiving the information.~~

~~3. A review and evaluation conducted pursuant to subsection 1 must include, without limitation:~~

~~(a) A review of relevant information contained in the database of the program established pursuant to NRS 453.162;~~

~~(b) A requirement that the licensee who is the subject of the review and evaluation attest that he or she has complied with the requirements of NRS 639.23507, 639.2391, 639.23911 and 639.23915, as applicable; and~~

~~(c) A request for additional relevant information from the licensee who is the subject of the review and evaluation.~~

~~4. If, after a review and evaluation conducted pursuant to subsection 1, the President or his or her designee determines that a licensee may have issued a fraudulent, illegal, unauthorized or otherwise inappropriate prescription for a controlled substance listed in schedule II, III or IV, the Board must proceed as~~

~~if a written complaint had been filed against the licensee. If, after conducting an investigation and a hearing in accordance with the provisions of this chapter, the Board determines that the licensee issued a fraudulent, illegal, unauthorized or otherwise inappropriate prescription, the Board must impose appropriate disciplinary action [.] in accordance with the regulations adopted by the State Board of Pharmacy pursuant to NRS 639.23916.~~

~~5. When deemed appropriate, the President of the Board may:~~

~~(a) Refer information acquired during a review and evaluation conducted pursuant to subsection 1 to another professional licensing board, law enforcement agency or other appropriate governmental entity for investigation and criminal or administrative proceedings;~~

~~(b) Postpone any notification, review or part of such a review required by this section if he or she determines that it is necessary to avoid interfering with any pending administrative or criminal investigation into the suspected fraudulent, illegal, unauthorized or otherwise inappropriate prescribing, dispensing or use of a controlled substance.~~

~~[6. The Board shall adopt regulations providing for disciplinary action against a licensee for inappropriately prescribing a controlled substance listed in schedule II, III or IV or violating the provisions of NRS 639.2391 to 639.23916, inclusive, and any regulations adopted by the State Board of Pharmacy pursuant thereto. Such disciplinary action must include, without limitation, requiring the licensee to complete additional continuing education concerning prescribing controlled substances listed in schedules II, III and IV.] (Deleted by amendment.)~~

Sec. 13. ~~[NRS 636.325 is hereby amended to read as follows:~~

~~636.325 1. Upon conclusion of the hearing, or waiver thereof by the person against whom the charge is filed, the Board shall make and announce its decision. [If] Except as otherwise provided in NRS 636.338, if the Board determines that the allegations included in the charge are true, it may take any one or more of the following actions:~~

~~(a) Publicly reprimand the licensee;~~

~~(b) Place the licensee on probation for a specified or unspecified period;~~

~~(c) Suspend the licensee from practice for a specified or unspecified period;~~

~~(d) Revoke the licensee's license; or~~

~~(e) Impose an administrative fine pursuant to the provisions of NRS 636.420.~~

~~→ The Board may, in connection with a reprimand, probation or suspension, impose such other terms or conditions as it deems necessary.~~

~~2. If the Board determines that the allegations included in the charge are false or do not warrant disciplinary action, it shall dismiss the charge.~~

~~3. The Board shall not issue a private reprimand.~~

~~4. An order that imposes discipline and the findings of fact and conclusions of law supporting that order are public records.] (Deleted by amendment.)~~

Sec. 14. ~~[NRS 636.338 is hereby amended to read as follows:~~

~~636.338 1. The Executive Director of the Board or his or her designee shall review and evaluate any complaint or information received from the Investigation Division of the Department of Public Safety or the State Board of Pharmacy, including, without limitation, information provided pursuant to NRS 453.164, or from a law enforcement agency, professional licensing board or any other source indicating that:~~

~~(a) A licensee has issued a fraudulent, illegal, unauthorized or otherwise inappropriate prescription for a controlled substance listed in schedule II, III or IV;~~

~~(b) A pattern of prescriptions issued by a licensee indicates that the licensee has issued prescriptions in the manner described in paragraph (a); or~~

~~(c) A patient of a licensee has acquired, used or possessed a controlled substance listed in schedule II, III or IV in a fraudulent, illegal, unauthorized or otherwise inappropriate manner.~~

~~2. If the Executive Director of the Board or his or her designee receives information described in subsection 1 concerning the licensee, the Executive Director or his or her designee must notify the licensee as soon as practicable after receiving the information.~~

~~3. A review and evaluation conducted pursuant to subsection 1 must include, without limitation:~~

~~(a) A review of relevant information contained in the database of the program established pursuant to NRS 453.162;~~

~~(b) A requirement that the licensee who is the subject of the review and evaluation attest that he or she has complied with the requirements of NRS 639.23507, 639.2391, 639.23911 and 639.23915, as applicable; and~~

~~(c) A request for additional relevant information from the licensee who is the subject of the review and evaluation.~~

~~4. If, after a review and evaluation conducted pursuant to subsection 1, the Executive Director or his or her designee determines that a licensee may have issued a fraudulent, illegal, unauthorized or otherwise inappropriate prescription for a controlled substance listed in schedule II, III or IV, the Board must proceed as if a written complaint had been filed against the licensee. If, after conducting an investigation and a hearing in accordance with the provisions of this chapter, the Board determines that the licensee issued a fraudulent, illegal, unauthorized or otherwise inappropriate prescription, the Board must impose appropriate disciplinary action *[.] in accordance with the regulations adopted by the State Board of Pharmacy pursuant to NRS 639.23916.*~~

~~5. When deemed appropriate, the Executive Director of the Board may:~~

~~(a) Refer information acquired during a review and evaluation conducted pursuant to subsection 1 to another professional licensing board, law enforcement agency or other appropriate governmental entity for investigation and criminal or administrative proceedings.~~

~~(b) Postpone any notification, review or part of such a review required by this section if he or she determines that it is necessary to avoid interfering with any pending administrative or criminal investigation into the suspected fraudulent, illegal, unauthorized or otherwise inappropriate prescribing, dispensing or use of a controlled substance.~~

~~[6. The Board shall adopt regulations providing for disciplinary action against a licensee for inappropriately prescribing a controlled substance listed in schedule II, III or IV or violating the provisions of NRS 639.2391 to 639.23916, inclusive, and any regulations adopted by the State Board of Pharmacy pursuant thereto. Such disciplinary action must include, without limitation, requiring the licensee to complete additional continuing education concerning prescribing controlled substances listed in schedules II, III and IV.] (Deleted by amendment.)~~

Sec. 15. ~~[NRS 639.23916 is hereby amended to read as follows:~~

~~639.23916 1. The Board [may]:~~

~~(a) Shall adopt regulations designating the appropriate disciplinary action to be imposed by a professional licensing board against a practitioner who inappropriately prescribes a controlled substance listed in schedule II, III or IV or violates the provisions of NRS 639.23507 or 639.2391 to 639.23916, inclusive, and any regulations adopted pursuant thereto. Such regulations must apply equally to each type of practitioner and must, without limitation, require the practitioner to complete additional continuing education concerning prescribing controlled substances listed in schedules II, III and IV.~~

~~(b) May adopt any other regulations necessary or convenient to enforce the provisions of NRS 639.23507 and 639.2391 to 639.23916, inclusive. Such regulations may impose additional requirements concerning the prescription of a controlled substance listed in schedule II, III or IV by a practitioner, other than a veterinarian, for the treatment of pain.~~

~~2. A practitioner who violates any provision of NRS 639.23507 and 639.2391 to 639.23916, inclusive, or any regulations adopted pursuant thereto is:~~

~~(a) Not guilty of a misdemeanor; and~~

~~(b) Subject to professional discipline.] (Deleted by amendment.)~~

Sec. 16. NRS 433.5456 is hereby amended to read as follows:

433.5456 “Chemical restraint” means the administration of drugs for the specific and exclusive purpose of controlling an acute or episodic aggressive behavior when alternative intervention techniques have failed to limit or control the behavior. The term does not include the administration of drugs , ~~[on a regular basis,]~~ as prescribed by a physician, to treat the symptoms of mental, physical, emotional or behavioral disorders and for assisting a person in gaining self-control over his or her impulses.

Sec. 17. NRS 454.217 is hereby amended to read as follows:

454.217 1. ~~[A]~~ *Except as otherwise authorized by subsection 2, a person shall not inject a neuromodulator that is derived from Clostridium botulinum or is biosimilar to or the bioequivalent of such a neuromodulator:*

(a) Unless the person is:

(1) A physician or physician assistant licensed pursuant to chapter 630 of NRS;

(2) A dentist who has successfully completed the training prescribed by the Board of Dental Examiners of Nevada pursuant to NRS 631.391;

(3) A registered nurse or advanced practice registered nurse;

(4) A physician or physician assistant licensed pursuant to chapter 633 of NRS; or

(5) A podiatric physician who has successfully completed the training prescribed by the State Board of Podiatry pursuant to NRS 635.200.

(b) Outside his or her scope of practice.

(c) At a location other than a medical facility, as defined in NRS 449.0151, or the office of a physician or physician assistant licensed pursuant to chapter 630 or 633 of NRS, dentist, advanced practice registered nurse or podiatric physician.

2. *A physician or physician assistant licensed in any state of the United States, the District of Columbia, the Commonwealth of Puerto Rico or any territory or insular possession subject to the jurisdiction of the United States may inject a neuromodulator described in subsection 1 at an educational event recognized by the ~~[Board of Medical Examiners or the State Board of Osteopathic Medicine only]~~ American Medical Association or its successor organization, the American Academy of Family Physicians or its successor organization or the American Osteopathic Association or its successor organization for the purpose of demonstrating the proper technique for performing such an injection.*

3. A person who is authorized by ~~[subsection 1]~~ *this section* to inject a neuromodulator described in ~~[that subsection]~~ *this section* shall not delegate such injection to a person who is prohibited by ~~[subsection 1]~~ *this section* from injecting such a neuromodulator.

Sec. 18. ~~[1. Any regulations adopted by the Board of Medical Examiners, Board of Dental Examiners of Nevada, State Board of Nursing, State Board of Osteopathic Medicine, State Board of Podiatry or Nevada State Board of Optometry pursuant to NRS 630.323, 631.364, 632.352, 633.574, 635.152 or 636.338, respectively, as those sections existed on September 30, 2019, that conflict with the provisions of this act are void. The Legislative Counsel shall remove those regulations from the Nevada Administrative Code as soon as practicable after October 1, 2019.~~

~~2. Any disciplinary action imposed by the Board of Medical Examiners, Board of Dental Examiners of Nevada, State Board of Nursing, State Board of Osteopathic Medicine, State Board of Podiatry or Nevada State Board of~~

~~Optometry pursuant to NRS 630.323, 631.364, 632.352, 633.574, 635.152 or 636.338, respectively, as those sections existed on September 30, 2019, or the regulations adopted pursuant thereto remains in effect as if the disciplinary action was imposed in accordance with the regulations adopted by the State Board of Pharmacy pursuant to NRS 639.23916, as amended by section 15 of this act.] (Deleted by amendment.)~~

Senator Spearman moved the adoption of the amendment.

Remarks by Senator Spearman.

Amendment No. 88 makes two changes to Senate Bill No. 170. The amendment clarifies the provisions of Section 1 and 17 apply to educational events recognized by the American Medical Association, the American Academy of Family Physicians or the American Osteopathic Association, or their successors. It deletes Sections 2 through 15, which eliminates the authority of certain licensing boards to discipline their licensees for prescribing controlled substances; and requires the State Board of Pharmacy to establish uniform professional discipline for certain violations by practitioners relating to the prescription of controlled substances.

Amendment adopted.

Bill ordered reprinted, engrossed and to third reading.

Senate Bill No. 270.

Bill read second time.

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

Amendment No. 105.

SUMMARY—Requires the Department of Health and Human Services to establish and administer the Nevada Housing Crisis Response System. (BDR 38-792)

AN ACT relating to public welfare; requiring the Department of Health and Human Services to establish and administer the Nevada Housing Crisis Response System; requiring the Nevada Housing Crisis Response System to provide certain services to persons who are transient, at imminent risk of homelessness or homeless; authorizing the Director of the Department to solicit and accept money to carry out the Nevada Housing Crisis Response System; requiring the Department to submit an annual report to the Legislature concerning activities and services to prevent homelessness in this State; and providing other matters properly relating thereto.

Legislative Counsel's Digest:

~~[Section]~~ To the extent that money is available for that purpose, section 2 of this bill requires the Department of Health and Human Services to establish and administer the Nevada Housing Crisis Response System. Section 2 requires the Nevada Housing Crisis Response System to: (1) coordinate with social service agencies, local governments and nonprofit organizations to identify, assess, refer and connect persons who are transient, at imminent risk of homelessness or homeless to housing, assistance and services; (2) provide and operate a system for responding to a crisis that is accessible by such persons 24 hours a day, 7 days a week; (3) provide education or information on how such persons may access and use the System for responding to a crisis;

and (4) develop certain prevention assistance programs. Section 2 additionally authorizes the Nevada Housing Crisis Response System to perform any other action that: (1) assists persons who are transient, at imminent risk of homelessness or homeless; and (2) helps prevent or address homelessness in this State. Section 2 further authorizes the Department to adopt such regulations as are necessary to carry out the Nevada Housing Crisis Response System, ~~and~~ including regulations that require a person or entity that accepts money from the Department or a division thereof to participate in the Nevada Housing Crisis Response System.

Section 3 of this bill authorizes the Director of the Department to solicit and accept gifts, grants, contributions and other money from any public or private source to carry out the Nevada Housing Crisis Response System. Section 3.3 of this bill requires the Department to submit an annual report to the Legislature concerning activities and services to prevent homelessness in this State.

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

Section 1. Chapter 422A of NRS is hereby amended by adding thereto the provisions set forth as sections 2, ~~and~~ 3 and 3.3 of this act.

Sec. 2. 1. ~~The~~ To the extent that money is available for this purpose, the Department shall establish and administer the Nevada Housing Crisis Response System.

2. *The System must:*

(a) *Coordinate with social service agencies, local governments and nonprofit organizations to, as quickly as possible, identify, assess, refer and connect persons in crisis to housing, assistance and services, including, without limitation, emergency services, emergency shelters, interim housing and permanent housing.*

(b) *Provide and operate a system for responding to a crisis that is accessible by a person in crisis 24 hours a day, 7 days a week, including holidays, through which a person in crisis may be identified, assessed, referred and connected to housing, assistance and services pursuant to paragraph (a).*

(c) *Provide education or information on how persons in crisis may access and use the System for responding to a crisis that is provided pursuant to paragraph (b).*

(d) *To prevent homelessness, develop prevention assistance programs that assist persons who are:*

(1) *Transient or at imminent risk of homelessness in:*

(I) *Preserving their current housing situation;*

(II) *Identifying housing arrangements as an alternative to their current housing situation; or*

(III) *Immediately finding housing arrangements for persons who are leaving a housing situation that is not safe; and*

(2) *Homeless in finding housing arrangements.*

3. *The System may perform any other action that:*

- (a) *Assists persons in crisis; and*
- (b) *Helps prevent or address homelessness in this State.*

4. *The Department may adopt such regulations as are necessary to carry out the provisions of this section and section 3 of this act ~~and~~, including, without limitation, regulations requiring a person or entity that accepts money from the Department or a division thereof to participate in the System.*

5. *As used in this section, "person in crisis" means a person who is transient, at imminent risk of homelessness or homeless.*

Sec. 3. 1. *The Director may solicit and accept gifts, grants, contributions or other money from any public or private source and may expend the money, subject to any limitations contained in the gift, grant or contribution or placed on the money, to carry out the provisions of section 2 of this act.*

2. *Money received by the Director pursuant to this section must be accounted for separately in the State General Fund. The money in the account does not revert to the State General Fund at the end of any fiscal year and must be carried forward to the next fiscal year.*

Sec. 3.3. *On or before January 31 of each year, the Department shall submit to the Director of the Legislative Counsel Bureau for transmittal to the Legislature a report concerning activities or services designed to prevent homelessness in this State. The report must include, without limitation, information concerning:*

1. The activities of and services provided through the Nevada Housing Crisis Response System established pursuant to section 2 of this act;

2. Any other activities or services provided by the Department or any division thereof to prevent homelessness; and

3. Any activities or services provided by any other state or local governmental entity, nonprofit organization or other person or entity in this State to prevent homelessness.

Sec. 3.7. *The provisions of subsection 1 of NRS 218D.380 do not apply to any provision of this act which adds or revises a requirement to submit a report to the Legislature.*

Sec. 4. This act becomes effective on July 1, 2019.

Senator Ratti moved the adoption of the amendment.

Remarks by Senator Ratti.

Amendment No. 105 revises Senate Bill No. 270 to change the name of the system to the Nevada Housing Crisis Response System; requires the Department of Health and Human Services (DHHS) to establish the system subject to available funding. It clarifies that the regulations DHHS is authorized to adopt may require certain community agencies that accept funding from DHHS to participate in the System; and requires DHHS to submit an annual report to the Legislature.

Amendment adopted.

Bill ordered reprinted, engrossed and to third reading.

Senate Bill No. 286.

Bill read second time and ordered to third reading.

Senate Bill No. 291.

Bill read second time and ordered to third reading.

Senate Bill No. 336.

Bill read second time.

The following amendment was proposed by the Committee on Government Affairs:

Amendment No. 93.

SUMMARY—Requires the Governor to annually proclaim ~~Juneteenth Day~~ July 28 as Buffalo Soldiers Day in the State of Nevada. (BDR 19-791)

AN ACT relating to days of observance; requiring the Governor annually to proclaim ~~Juneteenth Day~~ July 28 to be “Buffalo Soldiers Day” in Nevada; and providing other matters properly relating thereto.

Legislative Counsel’s Digest:

Existing law sets forth certain days of observance in this State to commemorate certain persons or occasions or to publicize information regarding certain important topics. (NRS 236.018-236.085) ~~Under existing law, June 19 is required to be annually proclaimed by the Governor to be “Juneteenth Day” in Nevada to commemorate the abolition of slavery in the United States. (NRS 236.033)~~ This bill requires the Governor to ~~also~~ annually proclaim ~~June 19~~ July 28 to be “Buffalo Soldiers Day” in the State of Nevada.

WHEREAS, On July 28, 1866, after the end of the Civil War, Congress enacted legislation that allowed African-American men to serve in six segregated units in the United States Army during peacetime; and

WHEREAS, These new units, which consisted of former slaves and African-American soldiers that fought in the Civil War, were the 9th and 10th Cavalry, and the 38th, 39th, 40th and 41st Infantry, which were later reorganized as the 24th and 25th Infantry; and

WHEREAS, These soldiers were nicknamed Buffalo Soldiers by the Native Americans against whom they fought because of their reputation for toughness and bravery in battle and the buffalo fur coats that they wore in the winter; and

WHEREAS, Throughout the era of the Indian Wars, Buffalo Soldiers were posted from Montana in the Northwest to Texas, New Mexico and Arizona in the Southwest, making up approximately 20 percent of the United States Cavalry troops; and

WHEREAS, Besides their impressive military contributions, the Buffalo Soldiers also had a significant role in the expansion of the West by escorting settlers, cattle herds and railroad crews, exploring and mapping vast areas of the Southwest and stringing hundreds of miles of telegraph lines; and

WHEREAS, The Buffalo Soldiers were some of the first park rangers in the national parks of the Sierra Nevada, where they protected the parks from illegal grazing, poaching, timber thieves and forest fires and helped build roads and trails in the parks for the enjoyment of all Americans; and

WHEREAS, Buffalo Soldiers also served courageously during World War I and World War II; and

WHEREAS, African-Americans have fought with distinction in all of this country's military engagements and 23 Buffalo Soldiers received the Congressional Medal of Honor, which is the highest military distinction awarded in the name of Congress to members of the armed forces for bravery and service; and

WHEREAS, It is important to honor the dedication and sacrifices of the Buffalo Soldiers, recognize the contributions that they have made to the State of Nevada and to the United States and preserve their legacy; now, therefore,

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

Section 1. Chapter 236 of NRS is hereby amended by adding thereto a new section to read as follows:

1. *The Governor shall annually proclaim ~~June 19~~ July 28 to be "Buffalo Soldiers Day" in the State of Nevada.*

2. *The proclamation must call upon the news media, educators, business and labor leaders and appropriate governmental officers to bring to the attention of Nevada residents the important contributions Buffalo Soldiers made to the State of Nevada and the United States.*

Sec. 2. This act becomes effective upon passage and approval.

Senator Parks moved the adoption of the amendment.

Remarks by Senator Parks.

Amendment No. 93 proclaims July 28 to be "Buffalo Soldiers Day" in Nevada. The amendment changes the day from June 19 to July 28 for the Governor to annually proclaim it as "Buffalo Soldiers Day."

Amendment adopted.

Bill ordered reprinted, engrossed and to third reading.

Senate Bill No. 364.

Bill read second time and ordered to third reading.

Senate Bill No. 376.

Bill read second time and ordered to third reading.

Senate Bill No. 383.

Bill read second time and ordered to third reading.

Senate Bill No. 394.

Bill read second time and ordered to third reading.

Senate Bill No. 454.

Bill read second time and ordered to third reading.

Senate Joint Resolution No. 1.
Resolution read second time and ordered to third reading.

Senate Joint Resolution No. 4.
Resolution read second time and ordered to third reading.

Senate Joint Resolution No. 7.
Resolution read second time and ordered to third reading.

MOTIONS, RESOLUTIONS AND NOTICES

Senator Woodhouse moved that Senate Bill No. 376 be taken from the General File and re-referred to the Committee on Finance.

Motion carried.

GENERAL FILE AND THIRD READING

Senate Bill No. 13.
Bill read third time.

Remarks by Senator Parks.

Senate Bill No. 13 relates to provisions of emergency services in a county by a nonprofit corporation. Senate Bill No. 13 authorizes a board of county commissioners to form a nonprofit corporation to aid the county during an emergency in providing to residents and visitors emergency assistance or any other governmental service such as social services or financial assistance. Such a nonprofit corporation has the same powers as other nonprofit corporations except that the nonprofit shall not borrow money, contract debts or issue bonds, promissory notes, drafts, debentures or other indebtedness or levy dues, assessments or fees. The assets of the government nonprofit corporation must be distributed to the county upon the dissolution of the government nonprofit corporation and used in a manner consistent with the purposes of the nonprofit corporation.

The bill deems such a nonprofit corporations to be a political subdivision and members of the board of directors to be employees of the political subdivision for purposes of tort liability. A person who is appointed to serve as a member of the board of directors, who is not otherwise a public officer, is not a public officer by virtue of such appointment. The board of directors of the nonprofit corporation must submit annually to the board of county commissioners a report that includes a summary of its activities during the preceding year; a statement of its finances during the preceding year; and a list of the current members of its board of directors. I encourage your support.

Roll call on Senate Bill No. 13:

YEAS—21.

NAYS—None.

Senate Bill No. 13 having received a constitutional majority, Madam President declared it passed as amended.

Bill ordered transmitted to the Assembly.

Senate Bill No. 18.
Bill read third time.

Remarks by Senator Ratti.

Senate Bill No. 18 removes existing requirements that an entity certified by the Aging and Disability Services Division of the Department of Health and Human Services to provide jobs and day training services to people with intellectual or developmental disabilities must submit an annual financial audit. Instead, the bill requires such entities to submit any financial documents and statements requested by the Division to evaluate the entity's financial solvency.

Roll call on Senate Bill No. 18:

YEAS—21.

NAYS—None.

Senate Bill No. 18 having received a constitutional majority, Madam President declared it passed as amended.

Bill ordered transmitted to the Assembly.

Senate Bill No. 53.

Bill read third time.

Remarks by Senator Hansen.

Senate Bill No. 53 provides that if the Mining Oversight and Accountability Commission fails to review mining regulations adopted by the State Environmental Commission or the Commission on Mineral Resources within 30 days after their adoption, the regulations will become effective in accordance with the Nevada Administrative Procedure Act.

Roll call on Senate Bill No. 53:

YEAS—21.

NAYS—None.

Senate Bill No. 53 having received a constitutional majority, Madam President declared it passed.

Bill ordered transmitted to the Assembly.

Senate Bill No. 67.

Bill read third time.

Remarks by Senator Ratti.

Senate Bill No. 67 relates to emergency management. It creates the Nevada Tribal Emergency Coordinating Council within the Division of Emergency Management, Department of Public Safety. The Council is required to advise the Chief of the Division regarding emergency management on tribal lands; assist in the coordination of mitigation, preparedness, response and recovery activities relating to an emergency on tribal lands; and submit an annual report to the Chief detailing the Council's activities during the immediate preceding calendar year with recommendations relating to emergency management on tribal lands.

The Chief must appoint not more than 27 members to the Council, each of whom must be a member of a federally recognized Indian tribe or nation located within Nevada. Not more than one member may be from the same tribe or nation.

The bill also makes it mandatory for a county to establish a local organization for emergency management. However, in lieu of each county establishing its own local organization for emergency management, the boards of county commissioners of two or more counties may enter into an interlocal agreement to establish one local organization.

Roll call on Senate Bill No. 67:

YEAS—21.

NAYS—None.

Senate Bill No. 67 having received a constitutional majority, Madam President declared it passed as amended.

Bill ordered transmitted to the Assembly.

Senate Bill No. 453.

Bill read third time.

Remarks by Senator Denis.

Senate Bill No. 453 raises the minimum required grade point average to 2.75 during each semester of enrollment for a student to be eligible to receive a scholarship under the Millennium Scholarship Program. The bill allows a scholarship recipient who does not meet this requirement in one semester to continue eligibility, without penalty, in the following semester. However, the recipient permanently loses eligibility if he or she does not meet the requirement during any subsequent semester. The bill is effective upon passage and approval for the purposes of adopting regulations and performing other preparatory administrative tasks; and on July 1, 2020, for all other purposes. I urge your support.

Roll call on Senate Bill No. 453:

YEAS—21.

NAYS—None.

Senate Bill No. 453 having received a constitutional majority, Madam President declared it passed.

Bill ordered transmitted to the Assembly.

Senate Bill No. 479.

Bill read third time.

Remarks by Senator Spearman.

Senate Bill No. 479 eliminates the requirement that a residential mortgage loan originator acting on behalf of privately insured institutions be licensed as a mortgage agent by the Division of Financial Institutions of the Department of Business and Industry. This requirement is eliminated when the Division enters into a Memorandum of Understanding with the National Credit Union Administration for the registration of mortgage loan originators under the federal Secure and Fair Enforcement for Mortgage Licensing Act of 2008, commonly known as the SAFE Act.

This bill is effective on July 1, 2019, for the purposes of adopting regulations and performing any other preparatory administrative tasks to register mortgage loan originators under the SAFE Act, and upon the date that a Memorandum of Understanding between the Division and the National Credit Union Administration is entered into. I urge your passage.

Roll call on Senate Bill No. 479:

YEAS—21.

NAYS—None.

Senate Bill No. 479 having received a constitutional majority, Madam President declared it passed.

Bill ordered transmitted to the Assembly.

GUESTS EXTENDED PRIVILEGE OF SENATE FLOOR

On request of Senator Brooks, the privilege of the floor of the Senate Chamber for this day was extended to Azarrea Jones, Cherie Richardson, Kendall Watson and Zenaya Webb.

On request of Senator Cancela, the privilege of the floor of the Senate Chamber for this day was extended to Yaquina Barlow, Laila Galarsa, Gard Jameson, Shaun Mabanta, Rico Ocampo and Yvette Williams.

On request of Senator Cannizzaro, the privilege of the floor of the Senate Chamber for this day was extended to Jayla Scott and Lillian Turner.

On request of Senator Denis, the privilege of the floor of the Senate Chamber for this day was extended to April Brown, Asha Preston and Kiya Preston.

On request of Senator Goicoechea, the privilege of the floor of the Senate Chamber for this day was extended to Andrew Piper.

On request of Senator Hammond, the privilege of the floor of the Senate Chamber for this day was extended to Tiara Baughman, Raven Bolden and Darlene McCloud.

On request of Senator Harris, the privilege of the floor of the Senate Chamber for this day was extended to Chasadie Ballard, Taquiana Barlow, Nicole Blair, Carrington Hay, Clark County Black Caucus and Biftu Mengistu.

On request of Senator Ohrenschall, the privilege of the floor of the Senate Chamber for this day was extended to Christopher Cummings and Ariel Williams.

On request of Senator Ratti, the privilege of the floor of the Senate Chamber for this day was extended to Camp Anytown.

On request of Senator Spearman, the privilege of the floor of the Senate Chamber for this day was extended to Cecelia Alvarado, Destini Coward, Dara Harris, Syvlia Lazos and LaDonna Susberry.

On request of Senator Woodhouse, the privilege of the floor of the Senate Chamber for this day was extended to Taylor Koempel, Amoy McDowell, Jacori Schoolfield and Anquoinetta Springer-Eagles.

Senator Cannizzaro moved that the Senate adjourn until Tuesday, April 9, 2019, at 11:00 a.m.

Motion carried.

Senate adjourned at 12:49 p.m.

Approved:

KATE MARSHALL
President of the Senate

Attest: CLAIRE J. CLIFT
Secretary of the Senate