

THE ONE HUNDREDTH DAY

CARSON CITY (Tuesday), May 14, 2019

Senate called to order at 12:57 p.m.

President Marshall presiding.

Roll called.

All present.

Prayer by the Chaplain, Pastor Don Baumann.

Lord, we bow before You in our hearts this afternoon and thank You for this new day. We thank You for each Senator and for the opportunity You have given them to serve us and our State in this capacity. Might they look to You each day for the help they need.

As they continue to use their voices to advocate for many this Session, please remind them of those who have no voice, those who are vulnerable, those susceptible to exploitation, those who are ill physically or mentally, those who are suffering with the aftermath of trauma. Might You bring these people to mind and might these Senators be a voice for the voiceless.

We ask this in the Name of the One who defends the defenseless, the Lord, Jesus.

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 Education, to which were referred Assembly Bills Nos. 114, 304, 490, has had the same under consideration, and begs leave to report the same back with the recommendation: Do pass.

Also, your Committee on Education, to which were referred Assembly Bills Nos. 427, 462, has had the same under consideration, and begs leave to report the same back with the recommendation: Amend, and do pass as amended.

MOISES DENIS, *Chair*

Madam President:

Your Committee on Finance, to which was re-referred Senate Bill No. 312, has had the same under consideration, and begs leave to report the same back with the recommendation: Amend, and do pass as amended.

JOYCE WOODHOUSE, *Chair*

Madam President:

Your Committee on Growth and Infrastructure, to which was referred Assembly Bill No. 316, has had the same under consideration, and begs leave to report the same back with the recommendation: Amend, and do pass as amended.

YVANNA D. CANCELA, *Chair*

Madam President:

Your Committee on Health and Human Services, to which were referred Assembly Bills Nos. 387, 430, has had the same under consideration, and begs leave to report the same back with the recommendation: Do pass.

JULIA RATTI, *Chair*

Madam President:

Your Committee on Legislative Operations and Elections, to which were referred Assembly Bill No. 367; Assembly Joint Resolution No. 4, has had the same under consideration, and begs leave to report the same back with the recommendation: Do pass.

JAMES OHRENSCHALL, *Chair*

Madam President:

Your Committee on Natural Resources, to which was referred Assembly Bill No. 163, has had the same under consideration, and begs leave to report the same back with the recommendation: Amend, and do pass as amended.

MELANIE SCHEIBLE, *Chair*

MOTIONS, RESOLUTIONS AND NOTICES

Senator Cannizzaro moved that, for the remainder of the 80th Legislative Session, all necessary rules be suspended, and that all bills and resolutions reported out of Committee be immediately placed on the appropriate reading files.

Remarks by Senator Cannizzaro.

This suspension allows bills and resolutions to be considered for further Senate consideration the same day they are reported out of Committee.

Motion carried.

Senator Cannizzaro moved that, for the remainder of the 80th Legislative Session, all necessary rules be suspended, and that all bills and joint resolutions amended on the General File be immediately placed on third reading and final passage, upon return from reprint.

Remarks by Senator Cannizzaro.

This suspension allows bills and joint resolutions amended on the General File to be considered for final action by the Senate the same day the measure was amended.

Motion carried.

Senator Cannizzaro moved that, for the remainder of the 80th Legislative Session, all necessary rules be suspended, and that all concurrent and house resolutions returned from reprint be placed on the Resolution File.

Remarks by Senator Cannizzaro.

This suspension allows concurrent and house resolutions amended on the Resolution File to be considered for adoption by the Senate the same day the resolution was amended.

Motion carried.

Senator Cannizzaro moved that, for the remainder of the 80th Legislative Session, Senate Standing Rule No. 92 be suspended which pertains to Committee meetings' notice of bills and resolutions, topics and public hearings.

Remarks by Senator Cannizzaro.

This suspension allows greater flexibility for Committees to schedule hearings, as needed, to consider exempt Assembly measures that may still need hearings in Senate Policy Committees and to consider Senate bills and resolutions that have been amended by the Assembly.

Motion carried.

Senator Cannizzaro moved that, for the remainder of the 80th Legislative Session, all necessary rules be suspended, and that all Senate bills and resolutions that have been passed or adopted by the Senate be immediately transmitted to the Assembly, time permitting.

Remarks by Senator Cannizzaro.

Immediately transmitting all Senate measures provides the Assembly an opportunity to begin processing these measures the same day they are acted upon by the Senate. The President will announce the transmittal of Senate bills and resolutions each time which provides members the opportunity to reconsider or rescind the Senate's action. Once Senate measures have been transmitted to the Assembly, the Senate has no jurisdiction as to further options for legislative action at that time.

Motion carried.

Senator Cannizzaro moved that, for the remainder of the 80th Legislative Session, all necessary rules be suspended, and that all Assembly bills and resolutions that have been passed or adopted with Senate amendments be immediately transmitted to the Assembly, time permitting.

Remarks by Senator Cannizzaro.

Immediately transmitting Assembly measures with Senate amendments provides the Assembly an opportunity to consider these measures under their Unfinished Business File. The President will announce the transmittal of these Assembly bills and resolutions each time which will provide members with the opportunity to reconsider or rescind the Senate's action. Once these Assembly measures have been transmitted to the Assembly, the Senate has no jurisdiction as further options for legislative action unless these measures should later return to the Senate under Unfinished Business.

Motion carried.

INTRODUCTION, FIRST READING AND REFERENCE

By the Committee on Health and Human Services:

Senate Bill No. 544—AN ACT relating to health care; creating the Patient Protection Commission; providing for the appointment of certain employees of the Commission; prescribing the duties of the Commission; and providing other matters properly relating thereto.

Senator Ratti moved that the bill be referred to the Committee on Health and Human Services.

Motion carried.

By the Committee on Finance:

Senate Bill No. 545—AN ACT relating to state financial administration; revising the distribution of the proceeds of the excise tax on retail sales of marijuana and marijuana products; 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. 546—AN ACT relating to fuel taxes; revising provisions requiring the Department of Motor Vehicles to contract with certain counties for the collection of certain fuel taxes by the Department; and providing other matters properly relating thereto.

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

Motion carried.

WAIVERS AND EXEMPTIONS
WAIVER OF JOINT STANDING RULE(S)

A Waiver requested by Senate Standing Committee on Health and Human Services.
For: Senate Bill No. 544.

To Waive:

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

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

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

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

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

Has been granted effective: Monday, May 6, 2019.

NICOLE J. CANNIZZARO
Senate Majority Leader

JASON FRIERSON
Speaker of the Assembly

SECOND READING AND AMENDMENT

Senate Bill No. 502.

Bill read second time.

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

Amendment No. 687.

SUMMARY—Revises certain licensing fees for social workers. (BDR 54-1162)

AN ACT relating to social workers; revising certain licensing fees; and providing other matters properly relating thereto.

Legislative Counsel's Digest:

Existing law establishes the maximum application and licensing fees the Board of Examiners for Social Workers may charge. (NRS 641B.300) This bill increases the maximum amounts that can be charged by the Board.

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

Section 1. NRS 641B.300 is hereby amended to read as follows:

641B.300 1. The Board shall charge and collect fees not to exceed the following amounts for:

Initial application	[\$40] \$200
Provisional license	[\$75] 150
Initial issuance of a license [, including a license by	
—endorsement] as a social worker	[\$100] 250

Initial issuance of a license as a clinical social worker
or an independent social worker 350
Initial issuance of a license by endorsement..... 200
Annual renewal of a license as a social worker or an
associate in social work..... 250
Annual renewal of a license *as a clinical social worker*
or an independent social worker~~150~~ 350
Restoration of a suspended license or reinstatement of a
revoked license 150 ~~350~~
Restoration of an expired license 200 ~~250~~
Renewal of a delinquent license..... 100 ~~250~~
Reciprocal license without examination 100 ~~200~~

2. ~~If an applicant submits an application for a license by endorsement pursuant to NRS 641B.271, the Board shall charge and collect not more than the fees specified in subsection 1 for the initial application for and initial issuance of a license.~~

~~3.~~ If an applicant submits an application for a license by endorsement pursuant to NRS 641B.272, the Board shall collect not more than one-half of the fee set forth in subsection 1 for the initial issuance of the license.

Sec. 2. This act becomes effective on July 1, 2019.

Senator Spearman moved the adoption of the amendment.

Remarks by Senator Spearman.

Amendment No. 687 makes one change to Senate Bill No. 502. The amendment clarifies the types of licenses that may be issued and the maximum amount that can be charged by the Board of Examiners for Social Workers.

Amendment adopted.

Bill ordered reprinted, engrossed and to third reading.

Senate Bill No. 520.

Bill read second time.

The following amendment was proposed by the Committee on Finance:

Amendment No. 684.

SUMMARY—Makes a supplemental appropriation to the State Distributive School Account for an unanticipated increase in K-12 enrollment for the 2017-2018 and 2018-2019 school years. (BDR S-1231)

AN ACT making a supplemental appropriation to the State Distributive School Account for an unanticipated increase in K-12 enrollment for the 2017-2018 and 2018-2019 school years; and providing other matters properly relating thereto.

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

Section 1. There is hereby appropriated from the State General Fund to the State Distributive School Account the sum of ~~136,492,628~~ \$8,246,261 for an unanticipated increase in K-12 enrollment for the 2017-2018 and

2018-2019 school years. This appropriation is supplemental to that made by section 3 of chapter 394, Statutes of Nevada 2017, at page 2592.

Sec. 2. This act becomes effective upon passage and approval.

Senator Woodhouse moved the adoption of the amendment.

Remarks by Senator Woodhouse.

Amendment No. 684 makes a change to section 1 of Senate Bill No. 520 to decrease the amount of the supplemental appropriation from \$36.5 million to \$8.2 million as a result of unanticipated increases in enrollment growth and shortfall in revenue over the 2017-2019 Biennium.

Enrollment growth includes an additional 1,144 students and a count of 2,220 students for purposes of hold harmless.

Amendment adopted.

Bill ordered reprinted, engrossed and to third reading.

Assembly Bill No. 34.

Bill read second time and ordered to third reading.

Assembly Bill No. 39.

Bill read second time and ordered to third reading.

Assembly Bill No. 54.

Bill read second time and ordered to third reading.

Assembly Bill No. 71.

Bill read second time and ordered to third reading.

Assembly Bill No. 117.

Bill read second time and ordered to third reading.

Assembly Bill No. 140.

Bill read second time and ordered to third reading.

Assembly Bill No. 175.

Bill read second time and ordered to third reading.

Assembly Bill No. 201.

Bill read second time and ordered to third reading.

Assembly Bill No. 204.

Bill read second time and ordered to third reading.

Assembly Bill No. 206.

Bill read second time and ordered to third reading.

Assembly Bill No. 230.

Bill read second time and ordered to third reading.

Assembly Bill No. 239.

Bill read second time.

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

Amendment No. 685.

SUMMARY—Revises provisions relating to controlled substances. (BDR 54-703)

AN ACT relating to controlled substances; revising requirements concerning the review and investigation of a complaint concerning certain violations relating to controlled substances; requiring certain professional licensing boards that regulate prescriptions for controlled substances or practitioners who issue such prescriptions to develop and disseminate an explanation or technical advisory bulletin concerning certain requirements relating to such prescriptions; clarifying the independent authority of the State Board of Pharmacy to take disciplinary action; revising provisions concerning prescribing controlled substances for the treatment of pain; requiring a system for the maintenance of electronic health records to have certain capabilities; and providing other matters properly relating thereto.

Legislative Counsel's Digest:

Existing law requires the Executive Director of a professional licensing board that licenses practitioners who are authorized to prescribe controlled substances to conduct a review and evaluation of any complaint or information indicating that a practitioner has engaged in certain inappropriate activity with regard to a controlled substance listed in schedule II, III or IV. (NRS 630.323, 631.364, 632.352, 633.574, 635.152, 636.338) Sections 1-6 of this bill remove the requirement that such a review and an investigation include requiring the practitioner to attest that he or she has complied with certain requirements concerning the prescription of such controlled substances.

Existing law requires a practitioner, other than a veterinarian, to obtain a patient utilization report from the computerized prescription monitoring program before issuing an initial prescription for a controlled substance listed in schedule II, III or IV or an opioid that is a controlled substance listed in schedule V and at least once every 90 days thereafter for the duration of the course of treatment using the controlled substance. (NRS 639.23507) Existing law additionally requires a practitioner, other than a veterinarian, to meet certain requirements, including performing an evaluation and risk assessment and obtaining informed written consent, before issuing an initial prescription for a controlled substance listed in schedule II, III or IV for the treatment of pain. (NRS 639.23911, 639.23914) Existing law defines the term "initial prescription" to mean a prescription originated for a new patient of a practitioner, other than a veterinarian, or a new prescription to begin a new course of treatment for an existing patient of a practitioner, other than a veterinarian. (NRS 639.0082) Existing regulations of the State Board of Pharmacy define the term "course of treatment" to mean all treatment of a patient for a particular disease or symptom of a disease. (LCB File No. R047-18, adopted on June 26, 2018) Section 7.3 of this bill codifies this definition into statute, and section 8 of this bill makes a conforming change. Section 9 of this bill revises requirements concerning the use of a patient utilization report.

Section 7.6 of this bill provides that certain requirements concerning prescriptions of a controlled substance listed in schedule II, III or IV for the treatment of pain do not apply to prescriptions for the treatment of the pain of a patient with whom the prescribing practitioner has a bona fide relationship and who: (1) has been diagnosed with cancer or sickle cell disease or any of its variants; or (2) is receiving hospice or palliative care. Section 7.6 also authorizes a practitioner to obtain informed consent that meets certain guidelines in lieu of obtaining informed consent that meets the statutory requirements for informed consent before issuing an initial prescription for a controlled substance listed in schedule II, III or IV for the treatment of the pain of such a patient.

Existing law imposes certain limitations on an initial prescription of a controlled substance listed in schedule II, III or IV for the treatment of acute pain. (NRS 639.2391) Existing regulations of the Board define the term "acute pain" to mean pain that has an abrupt onset and is caused by an injury or another cause that is not ongoing. (LCB File No. R047-18) Section 10 of this bill: (1) codifies that definition into law; and (2) authorizes a practitioner to prescribe an initial prescription of a controlled substance listed in schedule II, III or IV for the treatment of acute pain for a longer amount of time if the practitioner determines that it is medically necessary.

Existing law requires an evaluation and risk assessment to be performed before issuing an initial prescription for a controlled substance listed in schedule II, III or IV for the treatment of pain to include: (1) a review of the medical history of the patient; (2) a physical examination; (3) obtaining informed written consent to the use of the controlled substance; and (4) a good faith effort to review the medical records of the patient. (NRS 639.23912) Section 11 of this bill limits the scope of the review of medical history and physical examination. Sections 10.5 and 11 of this bill additionally eliminate the requirement that informed consent must be in writing. Section 11 also limits the applicability of the requirement to make a good faith effort to review the medical records of the patient to: (1) initial prescriptions that will be for more than 30 days; and (2) medical records that are relevant to the prescription.

Section 11.5 of this bill requires the State Board of Pharmacy to develop and disseminate to each professional licensing board that licenses a practitioner who is authorized to prescribe controlled substances or make available on the Internet website of the Board an explanation or a technical advisory bulletin to inform those professional licensing boards of requirements concerning prescriptions for controlled substances listed in schedule II, III or IV and to update those explanations or bulletins as necessary. Sections 1-6 require each of those professional licensing boards to develop and disseminate or make available to each licensee who is authorized to prescribe controlled substances a similar explanation or bulletin concerning those requirements and the procedures for imposing disciplinary action upon a licensee who violates those requirements.

Existing regulations of the Board provide that obtaining informed written consent to the use of a controlled substance listed in schedule II, III or IV for the treatment of pain includes viewing previously obtained informed written consent and discussing the provisions of the informed written consent with the person who provided it. (LCB File No. R047-18) Section 13 of this bill provides for the removal of those provisions of that regulation.

Existing law authorizes the State Board of Pharmacy to suspend or revoke a registration to dispense a controlled substance under certain circumstances. (NRS 453.236, 453.241) Section 12 of this bill clarifies that such authority is not limited by the authority of any other regulatory body to take disciplinary action for the same conduct.

Existing law requires the State Board of Pharmacy and the Investigation Division of the Department of Public Safety to cooperatively develop a computerized program to track prescriptions for controlled substances listed in schedule II, III, IV or V. To the extent that money is available, existing law requires that program to include the ability to integrate the records of patients in the database of the program with the electronic health records of practitioners. (NRS 453.162) If the program includes that ability, section 12.5 of this bill requires any person or entity that provides a system for the maintenance of electronic health records to a practitioner to ensure that the system includes the ability to integrate the records of patients in the database into the practitioner's electronic health records.

Existing law requires a practitioner to consider certain factors before prescribing a controlled substance listed in schedule II, III or IV. (NRS 639.23915) Section 14 of this bill repeals that requirement, and sections 1-6 of this bill remove references to that requirement.

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

Section 1. 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; *and*

~~(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.

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~~ *adopt*:

(a) *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.

(b) *Develop and disseminate to each physician and physician assistant licensed pursuant to this chapter or make available on the Internet website of the Board an explanation or a technical advisory bulletin to inform those physicians and physician assistants of the requirements of this section and NRS 630.324, 639.23507 and 639.2391 to 639.23916, inclusive, and any regulations adopted pursuant thereto. The Board shall update the explanation or bulletin as necessary to include any revisions to those provisions of law or*

regulations. The explanation or bulletin must include, without limitation, an explanation of the requirements that apply to specific controlled substances or categories of controlled substances.

Sec. 2. 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; *and*

~~(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.

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~~ :

(a) *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.

(b) *Develop and disseminate to each dentist licensed pursuant to this chapter or make available on the Internet website of the Board an explanation or a technical advisory bulletin to inform those dentists of the requirements of this section and NRS 631.365, 639.23507 and 639.2391 to 639.23916, inclusive, and any regulations adopted pursuant thereto. The Board shall update the explanation or bulletin as necessary to include any revisions to those provisions of law or regulations. The explanation or bulletin must include, without limitation, an explanation of the requirements that apply to specific controlled substances or categories of controlled substances.*

Sec. 3. 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; *and*

(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.

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~~ :

(a) *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.

(b) *Develop and disseminate to each advanced practice registered nurse licensed pursuant to NRS 632.237 or make available on the Internet website of the Board an explanation or a technical advisory bulletin to inform those advanced practice registered nurses of the requirements of this section and NRS 632.353, 639.23507 and 639.2391 to 639.23916, inclusive, and any regulations adopted pursuant thereto. The Board shall update the explanation or bulletin as necessary to include any revisions to those provisions of law or regulations. The explanation or bulletin must include, without limitation, an explanation of the requirements that apply to specific controlled substances or categories of controlled substances.*

Sec. 4. 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; *and*

(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~~

~~{e}~~ 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.

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~~ :

(a) *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.

(b) *Develop and disseminate to each osteopathic physician and physician assistant licensed pursuant to this chapter or make available on the Internet website of the Board an explanation or a technical advisory bulletin to inform those osteopathic physicians and physician assistants of the requirements of this section and NRS 633.577, 639.23507 and 639.2391 to 639.23916, inclusive, and any regulations adopted pursuant thereto. The Board shall update the explanation or bulletin as necessary to include any revisions to those provisions of law or regulations. The explanation or bulletin must include, without limitation, an explanation of the requirements that apply to specific controlled substances or categories of controlled substances.*

Sec. 5. 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; *and*

(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.

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~~ :

(a) *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.

(b) *Develop and disseminate to each podiatric physician licensed pursuant to this chapter or make available on the Internet website of the Board an explanation or a technical advisory bulletin to inform those podiatric physicians of the requirements of this section and NRS 635.153, 639.23507 and 639.2391 to 639.23916, inclusive, and any regulations adopted pursuant thereto. The Board shall update the explanation or bulletin as necessary to include any revisions to those provisions of law or regulations. The explanation or bulletin must include, without limitation, an explanation of the requirements that apply to specific controlled substances or categories of controlled substances.*

Sec. 6. 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; *and*

~~(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.

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~~ :

(a) *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.

(b) Develop and disseminate to each optometrist who is certified to prescribe and administer therapeutic pharmaceutical agents pursuant to NRS 636.288 or make available on the Internet website of the Board an explanation or a technical advisory bulletin to inform those optometrists of the requirements of this section and NRS 636.339, 639.23507 and 639.2391 to 639.23916, inclusive, and any regulations adopted pursuant thereto. The Board shall update the explanation or bulletin as necessary to include any revisions to those provisions of law or regulations. The explanation or bulletin must include, without limitation, an explanation of the requirements that apply to specific controlled substances or categories of controlled substances.

Sec. 7. Chapter 639 of NRS is hereby amended by adding thereto the provisions set forth as sections 7.3 and 7.6 of this act.

Sec. 7.3. "Course of treatment" means all treatment of a patient for a particular disease or symptom of a disease, including, without limitation, a new treatment initiated by any practitioner, other than a veterinarian, for a disease or symptom for which the patient was previously receiving treatment.

Sec. 7.6. 1. Except as otherwise provided in this section, the provisions of NRS 639.2391 to ~~639.23916,~~ 639.23914, inclusive, do not apply to any prescription for a controlled substance listed in schedule II, III or IV for the treatment of the pain of a patient who:

(a) Has been diagnosed with cancer or sickle cell disease or any of its variants; or

(b) Is receiving hospice care or palliative care.

2. Before issuing an initial prescription for a controlled substance listed in schedule II, III or IV for the treatment of the pain of a patient described in subsection 1, a practitioner must ~~obtain~~:

(a) Have established a bona fide relationship, as described in subsection 4 of NRS 639.235, with the patient; and

(b) Obtain informed consent to the use of the controlled substance that meets the requirements of subsection 2 of NRS 639.23912 or any applicable guidelines or standards for informed consent prescribed by:

~~((a))~~ (1) If the patient is receiving hospice or palliative care, the Centers for Medicare and Medicaid Services of the United States Department of Health and Human Services;

~~((b))~~ (2) If the patient has been diagnosed with cancer, the American Society of Clinical Oncology or its successor organization or, if that organization ceases to exist, a similar organization designated by regulation of the Board; or

~~((c))~~ (3) If the patient has been diagnosed with sickle cell disease or any of its variants, the National Heart, Lung and Blood Institute or its successor organization or, if that organization ceases to exist, a similar organization designated by regulation of the Board.

Sec. 8. NRS 639.001 is hereby amended to read as follows:

639.001 As used in this chapter, unless the context otherwise requires, the words and terms defined in NRS 639.0015 to 639.016, inclusive, *and section 7.3 of this act* have the meanings ascribed to them in those sections.

Sec. 9. NRS 639.23507 is hereby amended to read as follows:

639.23507 1. ~~[A]~~ *Except as otherwise provided in subsection 2, a practitioner, other than a veterinarian, shall, before issuing an initial prescription for a controlled substance listed in schedule II, III or IV or an opioid that is a controlled substance listed in schedule V and at least once every 90 days thereafter for the duration of the course of treatment using the controlled substance, obtain a patient utilization report regarding the patient from the computerized program established by the Board and the Investigation Division of the Department of Public Safety pursuant to NRS 453.162. The practitioner shall:*

(a) Review the patient utilization report ; ~~[to assess whether the prescription for the controlled substance is medically necessary;]~~ and

(b) Determine whether the patient has been issued another prescription for the same controlled substance that provides for ongoing treatment using the controlled substance. If the practitioner determines from the patient utilization report or from any other source that the patient has been issued such a prescription, the practitioner shall not prescribe the controlled substance ~~[]~~ *unless the practitioner determines that issuing the prescription is medically necessary.*

2. *A practitioner, other than a veterinarian, may issue a prescription for a controlled substance listed in schedule II, III or IV or an opioid that is a controlled substance listed in schedule V for the treatment of a patient who has been diagnosed with cancer or sickle cell disease or who is receiving hospice or palliative care without complying with the requirements of subsection 1 if the practitioner determines that obtaining a patient utilization report will unreasonably delay care of the patient. A practitioner who issues a prescription pursuant to this subsection must obtain a patient utilization report as described in subsection 1 as soon as practicable.*

3. If a practitioner who attempts to obtain a patient utilization report as required by subsection 1 fails to do so because the computerized program is unresponsive or otherwise unavailable, the practitioner:

(a) Shall be deemed to have complied with subsection 1 if the practitioner documents the attempt and failure in the medical record of the patient.

(b) Is not liable for the failure.

~~[3.]~~ 4. The Board shall adopt regulations to provide alternative methods of compliance with subsection 1 for a physician while he or she is providing service in a hospital emergency department. The regulations must include, without limitation, provisions that allow a hospital to designate members of hospital staff to act as delegates for the purposes of accessing the database of the computerized program and obtaining patient utilization reports from the computerized program on behalf of such a physician.

Sec. 10. NRS 639.2391 is hereby amended to read as follows:

639.2391 1. If a practitioner, other than a veterinarian, prescribes or dispenses to a patient for the treatment of pain a quantity of controlled substance that exceeds the amount prescribed by this subsection, the practitioner must document in the medical record of the patient the reasons for prescribing that quantity. A practitioner shall document the information required by this subsection if the practitioner prescribes for or dispenses for the treatment of pain:

(a) In any period of 365 consecutive days, a larger quantity of a controlled substance listed in schedule II, III or IV than will be used in 365 days if the patient adheres to the dose prescribed; or

(b) At any one time, a larger quantity of a controlled substance listed in schedule II, III or IV than will be used in 90 days if the patient adheres to the dose prescribed.

2. ~~{A}~~ *Unless the practitioner determines that the prescription is medically necessary,* a practitioner, other than a veterinarian, shall not issue an initial prescription of a controlled substance listed in schedule II, III or IV for the treatment of acute pain that prescribes:

(a) An amount of the controlled substance that is intended to be used for more than 14 days; and

(b) If the controlled substance is an opioid and a prescription for an opioid has never been issued to the patient or the most recent prescription issued to the patient for an opioid was issued more than 19 days before the date of the initial prescription for the treatment of acute pain, a dose of the controlled substance that exceeds 90 morphine milligram equivalents per day. For the purposes of this paragraph, the daily dose of a controlled substance must be calculated in accordance with the most recent guidelines prescribed by the Centers for Disease Control and Prevention of the United States Department of Health and Human Services.

3. *As used in this section, "acute pain" means pain that has an abrupt onset and is caused by injury or another cause that is not ongoing. The term does not include chronic pain or pain that is being treated as part of care for cancer, palliative care, hospice care or other end-of-life care.*

Sec. 10.5. NRS 639.23911 is hereby amended to read as follows:

639.23911 1. Before issuing an initial prescription for a controlled substance listed in schedule II, III or IV for the treatment of pain, a practitioner, other than a veterinarian, must:

(a) Have established a bona fide relationship, as described in subsection 4 of NRS 639.235, with the patient;

(b) Perform an evaluation and risk assessment of the patient that meets the requirements of subsection 1 of NRS 639.23912;

(c) Establish a preliminary diagnosis of the patient and a treatment plan tailored toward treating the pain of the patient and the cause of that pain;

(d) Document in the medical record of the patient the reasons for prescribing the controlled substance instead of an alternative treatment that does not require the use of a controlled substance; and

(e) Obtain informed ~~written~~ consent to the use of the controlled substance that meets the requirements of subsection 2 of NRS 639.23912 from:

(1) The patient, if the patient is 18 years of age or older or legally emancipated and has the capacity to give such consent;

(2) The parent or guardian of a patient who is less than 18 years of age and not legally emancipated; or

(3) The legal guardian of a patient of any age who has been adjudicated mentally incapacitated.

2. If a practitioner, other than a veterinarian, prescribes a controlled substance listed in schedule II, III or IV for the treatment of pain, the practitioner shall not issue more than one additional prescription that increases the dose of the controlled substance unless the practitioner meets with the patient, in person or using telehealth, to reevaluate the treatment plan established pursuant to paragraph (c) of subsection 1.

Sec. 11. NRS 639.23912 is hereby amended to read as follows:

639.23912 1. An evaluation and risk assessment of a patient conducted pursuant to paragraph (b) of subsection 1 of NRS 639.23911 must include, without limitation:

(a) Obtaining and reviewing a *relevant* medical history of the patient.

(b) Conducting a physical examination of the patient ~~[-]~~ *directed to the source of the patient's pain and within the scope of practice of the practitioner.*

(c) ~~[-Making]~~ *If the prescription is for a quantity of a controlled substance listed in schedule II, III or IV that is intended to be used in not less than 30 days:*

(1) *Making* a good faith effort to obtain and review ~~[-the]~~ *any* medical records of the patient from any other provider of health care who has provided care to the patient ~~[-The practitioner shall document]~~ *that are relevant to the prescription; and*

(2) *Documenting* efforts to obtain such medical records and the conclusions from reviewing any such medical records in the medical record of the patient.

(d) Assessing the mental health and risk of abuse, dependency and addiction of the patient using methods supported by peer-reviewed scientific research and validated by a nationally recognized organization.

2. The informed ~~written~~ consent obtained pursuant to paragraph (e) of subsection 1 of NRS 639.23911 must include ~~[-, without limitation,]~~ *, where applicable*, information concerning:

(a) The potential risks and benefits of treatment using the controlled substance, including if a form of the controlled substance that is designed to deter abuse is available, the risks and benefits of using that form;

(b) Proper use of the controlled substance;

(c) Any alternative means of treating the symptoms of the patient and the cause of such symptoms;

(d) The important provisions of the treatment plan established for the patient pursuant to paragraph (c) of subsection 1 of NRS 639.23911 in a clear and simple manner;

(e) The risks of dependency, addiction and overdose during treatment using the controlled substance;

(f) Methods to safely store and legally dispose of the controlled substance;

(g) The manner in which the practitioner will address requests for refills of the prescription, including, without limitation, an explanation of the provisions of NRS 639.23913, if applicable;

(h) If the patient is a woman between 15 and 45 years of age, the risk to a fetus of chronic exposure to controlled substances during pregnancy, including, without limitation, the risks of fetal dependency on the controlled substance and neonatal abstinence syndrome;

(i) If the controlled substance is an opioid, the availability of an opioid antagonist, as defined in NRS 453C.040, without a prescription; and

(j) If the patient is an unemancipated minor, the risks that the minor will abuse or misuse the controlled substance or divert the controlled substance for use by another person and ways to detect such abuse, misuse or diversion.

3. *A practitioner shall document a conversation in which a patient provided informed consent that meets the requirements of subsection 2 in the medical record of the patient. If a patient provides informed written consent, the practitioner must include the document on which the informed consent is recorded in the medical record of the patient.*

Sec. 11.5. NRS 639.23916 is hereby amended to read as follows:

639.23916 1. The Board may adopt any 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. *The Board shall develop and disseminate to each professional licensing board that licenses a practitioner, other than a veterinarian, or make available on the Internet website of the Board an explanation or a technical advisory bulletin to inform those professional licensing boards of the requirements of NRS 639.23507 and 639.2391 to 639.23916, inclusive, and any regulations adopted pursuant thereto. The Board shall update the explanation or bulletin as necessary to include any revisions to those provisions of law or regulations. The explanation or bulletin must include, without limitation, an explanation of the requirements that apply to specific controlled substances or categories of controlled substances.*

3. 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.

Sec. 12. Chapter 453 of NRS is hereby amended by adding thereto a new section to read as follows:

The authority of the Board to take disciplinary action to enforce the provisions of this chapter is not limited by the authority of any other regulatory body that may be authorized or required to take disciplinary action for the same conduct with respect to any license, registration, certificate or other professional designation issued and regulated by that regulatory body.

Sec. 12.5. NRS 453.162 is hereby amended to read as follows:

453.162 1. The Board and the Division shall cooperatively develop a computerized program to track each prescription for a controlled substance listed in schedule II, III, IV or V that is filled by a pharmacy that is registered with the Board or that is dispensed by a practitioner who is registered with the Board. The program must:

(a) Be designed to provide information regarding:

(1) The inappropriate use by a patient of controlled substances listed in schedules II, III, IV or V to pharmacies, practitioners and appropriate state and local governmental agencies, including, without limitation, law enforcement agencies and occupational licensing boards, to prevent the improper or illegal use of those controlled substances; and

(2) Statistical data relating to the use of those controlled substances that is not specific to a particular patient.

(b) Be administered by the Board, the Investigation Division, the Division of Public and Behavioral Health of the Department and various practitioners, representatives of professional associations for practitioners, representatives of occupational licensing boards and prosecuting attorneys selected by the Board and the Investigation Division.

(c) Not infringe on the legal use of a controlled substance for the management of severe or intractable pain.

(d) Include the contact information of each person who is required to access the database of the program pursuant to NRS 453.164, including, without limitation:

(1) The name of the person;

(2) The physical address of the person;

(3) The telephone number of the person; and

(4) If the person maintains an electronic mail address, the electronic mail address of the person.

(e) Include, for each prescription of a controlled substance listed in schedule II, III, IV or V:

(1) The fewest number of days necessary to consume the quantity of the controlled substance dispensed to the patient if the patient consumes the maximum dose of the controlled substance authorized by the prescribing practitioner;

(2) Each state in which the patient to whom the controlled substance was prescribed has previously resided or filled a prescription for a controlled substance listed in schedule II, III, IV or V; and

(3) The code established in the International Classification of Diseases, Tenth Revision, Clinical Modification, adopted by the National Center for Health Statistics and the Centers for Medicare and Medicaid Services, or the code used in any successor classification system adopted by the National Center for Health Statistics and the Centers for Medicare and Medicaid Services, that corresponds to the diagnosis for which the controlled substance was prescribed.

(f) To the extent that money is available, include:

(1) A means by which a practitioner may designate in the database of the program that he or she suspects that a patient is seeking a prescription for a controlled substance for an improper or illegal purpose. If the Board reviews the designation and determines that such a designation is warranted, the Board shall inform pharmacies, practitioners and appropriate state agencies that the patient is seeking a prescription for a controlled substance for an improper or illegal purpose as described in subparagraph (1) of paragraph (a).

(2) The ability to integrate the records of patients in the database of the program with the electronic health records of practitioners.

2. *If the Board includes in the program the ability to integrate the records of patients in the database of the program with the electronic health records of practitioners:*

(a) The Board may adopt any regulations necessary to carry out the integration; and

(b) Any person or entity that provides a system for the maintenance of electronic health records to a practitioner must ensure that the system includes, as a function of the system, the ability to integrate the records of patients in the database of the program into the electronic health records of the practitioner.

3. The Board, the Division and each employee thereof are immune from civil and criminal liability for any action relating to the collection, maintenance and transmission of information pursuant to this section and NRS 453.163 to 453.1645, inclusive, if a good faith effort is made to comply with applicable laws and regulations.

~~3.~~ 4. The Board and the Division may apply for any available grants and accept any gifts, grants or donations to assist in developing and maintaining the program required by this section.

5. *As used in this section, "electronic health record" has the meaning ascribed to it in 42 U.S.C. § 17921.*

Sec. 13. Sections 2, 3 and 4 of the regulation adopted by the State Board of Pharmacy, LCB File No. R047-18, are hereby declared to be void and unenforceable on the effective date of this act. In preparing supplements to the Nevada Administrative Code on or after the effective date of this act, the Legislative Counsel shall remove those sections of that regulation.

Sec. 14. NRS 639.23915 is hereby repealed.

Sec. 15. This act becomes effective upon passage and approval.

TEXT OF REPEALED SECTION

639.23915 Practitioner to consider certain factors before prescribing certain controlled substances. Before prescribing a controlled substance listed in schedule II, III or IV, a practitioner, other than a veterinarian, must consider the following factors, when applicable:

1. Whether there is reason to believe that the patient is not using the controlled substance as prescribed or is diverting the controlled substance for use by another person.

2. Whether the controlled substance has had the expected effect on the symptoms of the patient.

3. Whether there is reason to believe that the patient is using other drugs, including, without limitation, alcohol, controlled substances listed in schedule I or prescription drugs, that:

(a) May interact negatively with the controlled substance prescribed by the practitioner; or

(b) Have not been prescribed by a practitioner who is treating the patient.

4. The number of attempts by the patient to obtain an early refill of the prescription.

5. The number of times the patient has claimed that the controlled substance has been lost or stolen.

6. Information from the database of the program established pursuant to NRS 453.162 that is irregular or inconsistent or indicates that the patient is inappropriately using a controlled substance.

7. Whether previous blood or urine tests have indicated inappropriate use of controlled substances by the patient.

8. The necessity of verifying that controlled substances, other than those authorized under the treatment plan established pursuant to paragraph (c) of subsection 1 of NRS 639.23911, are not present in the body of the patient.

9. Whether the patient has demonstrated aberrant behavior or intoxication.

10. Whether the patient has increased his or her dose of the controlled substance without authorization from the practitioner.

11. Whether the patient has been reluctant to stop using the controlled substance or has requested or demanded a controlled substance that is likely to be abused or cause dependency or addiction.

12. Whether the patient has been reluctant to cooperate with any examination, analysis or test recommended by the practitioner.

13. Whether the patient has a history of substance abuse.

14. Any major change in the health of the patient, including, without limitation, pregnancy, or any diagnosis concerning the mental health of the patient that would affect the medical appropriateness of prescribing the controlled substance for the patient.

15. Any other evidence that the patient is chronically using opioids, misusing, abusing, illegally using or addicted to any drug or failing to comply

with the instructions of the practitioner concerning the use of the controlled substance.

16. Any other factor that the practitioner determines is necessary to make an informed professional judgment concerning the medical appropriateness of the prescription.

Senator Spearman moved the adoption of the amendment.

Remarks by Senator Spearman.

Amendment No. 685 makes one change to Assembly Bill No. 239. It clarifies that a practitioner who prescribes a controlled substance for the treatment of pain for a patient who has been diagnosed with certain conditions or who is receiving certain care must follow the regulations for prescribing a controlled substance as adopted by the Pharmacy Board. Additionally, the amendment includes that before issuing an initial prescription for a controlled substance, the practitioner must have established a bona fide relationship with the patient.

Amendment adopted.

Bill ordered reprinted, re-engrossed and to third reading.

Assembly Bill No. 270.

Bill read second time and ordered to third reading.

Assembly Bill No. 272.

Bill read second time and ordered to third reading.

Assembly Bill No. 280.

Bill read second time and ordered to third reading.

Assembly Bill No. 299.

Bill read second time and ordered to third reading.

Assembly Bill No. 320.

Bill read second time and ordered to third reading.

Assembly Bill No. 334.

Bill read second time and ordered to third reading.

Assembly Bill No. 347.

Bill read second time and ordered to third reading.

Assembly Bill No. 353.

Bill read second time.

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

Amendment No. 674.

SUMMARY—Revises provisions governing the disposition of certain types of materials and waste produced by certain governmental entities. (BDR 40-623)

AN ACT relating to recycling; revising certain provisions governing ~~regulation of solid waste;~~ recyclable material; requiring certain governmental entities to recycle certain additional products and waste; providing certain exemptions from such a requirement; revising the required contents of a report

made to the Legislature on the status of recycling programs; and providing other matters properly relating thereto.

Legislative Counsel's Digest:

Existing law requires the State Environmental Commission to adopt regulations establishing minimum standards for: (1) separating at the source recyclable material from other solid waste originating from residential premises and public buildings where services for the collection of solid waste are provided, including the placement of recycling containers where those services are provided. (NRS 444A.020) ~~[Section 1 of this bill excludes construction waste and demolition waste from the definition of "solid waste" for purposes of this requirement.]~~ Section 1.8 of this bill clarifies that the term "recyclable material" in this requirement includes electronic waste, paper and paper products.

Existing law requires courts, the Legislative Counsel Bureau, state agencies, school districts and the Nevada System of Higher Education to recycle paper and paper products unless the cost of recycling is unreasonable and would place an undue burden on the entity. (NRS 1.115, 218F.310, 232.007, 386.4159, 396.437) Sections 2-6 of this bill require these entities to also recycle electronic waste and other recyclable materials ~~but~~ except for construction and demolition waste. Sections 2-6 also use standardized definitions of electronic waste, paper, paper products and recyclable material that conform to the definitions in the regulations relating to recycling adopted by the State Environmental Commission.

Existing law also authorizes the Legislative Counsel Bureau and state agencies to apply for a waiver from compliance with the requirements for recycling. (NRS 218F.310, 232.007) Sections 3 and 4 of this bill eliminate the waiver process and exempt these entities from complying with the requirements relating to recycling if these entities determine that the cost of compliance is unreasonable and would place an undue burden on the entity.

Additionally, existing law requires the Legislative Commission, state agencies, school districts and the Nevada System of Higher Education to prescribe procedures for the recycling of certain waste. (NRS 218F.310, 232.007, 386.4159, 396.437) Sections 3-6 remove the requirement for these entities to prescribe such procedures and instead, require these entities to consult with the State Department of Conservation and Natural Resources for the disposition of such waste.

Existing law also requires any money received by the Legislative Counsel Bureau for recycling or causing to be recycled certain paper products and waste to be paid by the Director to the State Treasurer for credit to the State General Fund. (NRS 218F.310) Section 3 requires money received by the Legislative Counsel Bureau for recycling or causing to be recycled certain paper products, electronic waste and other recyclable materials to be: (1) accounted for separately; and (2) used to carry out the provisions of section 3.

Existing law requires the Director of the State Department of Conservation and Natural Resources to deliver a biennial report to the Director of the

Legislative Counsel Bureau on the status of current and proposed programs for recycling and reuse of materials. (NRS 444A.070) Section 1.9 of this bill requires such a report to include the amount of recycled material reported by state agencies.

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

Section 1. ~~NRS 444.490 is hereby amended to read as follows:~~

~~444.490 1. "Solid waste" means all putrescible and nonputrescible refuse in solid or semisolid form, including, but not limited to, garbage, rubbish, junk vehicles, ashes or incinerator residue, street refuse, dead animals [, demolition waste, construction waste,] and solid or semisolid commercial and industrial waste.~~

~~2. The term does not include:~~

~~(a) Hazardous waste managed pursuant to NRS 459.400 to 459.600, inclusive. [.]~~

~~(b) A vehicle described in subparagraph (2) of paragraph (b) of subsection 1 of NRS 444.620 [.] ;~~

~~(c) Construction waste; and~~

~~(d) Demolition waste. (Deleted by amendment.)~~

Sec. 1.1. Chapter 444A of NRS is hereby amended by adding thereto the provisions set forth as sections 1.2, 1.3 and 1.4 of this act.

Sec. 1.2. *"Electronic waste" means electronic equipment that has been discarded, is no longer wanted by the owner or for any other reason enters the waste collection, recovery, treatment, processing or recycling system.*

Sec. 1.3. *"Paper" includes newspaper, high-grade office paper, fine paper, bond paper, offset paper, xerographic paper, mimeo paper, duplicator paper and any other cellulosic material which contains not more than 10 percent by weight or volume of a noncellulosic material, including, without limitation, a laminate, binder, coating and saturant.*

Sec. 1.4. *"Paper product" means any paper article or commodity, including, without limitation, paper napkins, towels, cardboard, construction material, paper and any other cellulosic material which contains not more than 10 percent by weight or volume of a noncellulosic material, including, without limitation, a laminate, binder, coating and saturant.*

Sec. 1.5. NRS 444A.010 is hereby amended to read as follows:

444A.010 As used in NRS 444A.010 to 444A.080, inclusive, and sections 1.2, 1.3 and 1.4 of this act, unless the context otherwise requires, the words and terms defined in NRS 444A.0103 to 444A.017, inclusive, and sections 1.2, 1.3 and 1.4 of this act have the meanings ascribed to them in those sections.

Sec. 1.8. NRS 444A.013 is hereby amended to read as follows:

444A.013 "Recyclable material" means solid waste that can be processed and returned to the economic mainstream in the form of raw materials or products, as

determined by the State Environmental Commission. *The term includes, without limitation:*

1. *Electronic waste;*
2. *Paper; and*
3. *Paper products.*

Sec. 1.9. NRS 444A.070 is hereby amended to read as follows:

444A.070 The Director of the Department shall deliver to the Director of the Legislative Counsel Bureau a biennial report on or before January 31 of each odd-numbered year for submission to the Legislature on the status of current and proposed programs for recycling and reuse of materials , *the amount of recycled material that is reported by state agencies pursuant to subsection 5 of NRS 232.007* and on any other matter relating to recycling and reuse which he or she deems appropriate.

Sec. 2. NRS 1.115 is hereby amended to read as follows:

1.115 1. Except as otherwise provided in this section, each court of justice for this State shall recycle or cause to be recycled, to the extent reasonably possible, the paper and paper products , *electronic waste and other recyclable materials it [uses.] produces.* This subsection does not apply to ~~confidential~~ :

(a) Construction and demolition waste; or

(b) Confidential documents if there is an additional cost for recycling those documents.

2. As used in this section:

(a) "Electronic waste" has the meaning ascribed to it in section 1.2 of this act.

(b) "Paper" ~~[includes newspaper, high grade office paper, fine paper, bond paper, offset paper, xerographic paper, mimeo paper, duplicator paper and any other cellulose material which contains not more than 10 percent by weight or volume of a noncellulosic material, including, but not limited to, a laminate, binder, coating and saturant.~~

~~(b)]~~ has the meaning ascribed to it in section 1.3 of this act.

(c) "Paper product" ~~[means any paper article or commodity, including, but not limited to, paper napkins, towels, cardboard, construction material, paper and any other cellulose material which contains not more than 10 percent by weight or volume of a noncellulosic material, including, but not limited to, a laminate, binder, coating and saturant.]~~ has the meaning ascribed to it in section 1.4 of this act.

(d) "Recyclable material" has the meaning ascribed to it in NRS 444A.013.

Sec. 3. NRS 218F.310 is hereby amended to read as follows:

218F.310 1. Except as otherwise provided in this section, the Legislative Counsel Bureau shall recycle or cause to be recycled the paper and paper products , *electronic waste and other recyclable materials it [uses.] produces.* This subsection does not apply to ~~confidential~~ :

(a) Construction and demolition waste; or

(b) Confidential documents if there is an additional cost for recycling those documents.

2. ~~{The Director may apply to the Legislative Commission for a waiver from the requirements of subsection 1.}~~ The Legislative ~~{Commission shall grant a waiver if it}~~ Counsel Bureau is not required to comply with the requirements of subsection 1 if the Director determines that the cost to recycle or cause to be recycled the paper and paper products ~~{used}~~, *electronic waste and other recyclable materials produced* by the Legislative Counsel Bureau is unreasonable and would place an undue burden on the operations of the Legislative Counsel Bureau.

3. ~~{The}~~ Except as otherwise provided in this subsection, the Legislative Commission shall ~~{, after consulting}~~ *consult* with the State Department of Conservation and Natural Resources ~~{, adopt regulations which prescribe the procedure}~~ for the disposition of the paper and paper products, *electronic waste and other recyclable materials* to be recycled ~~{. The Legislative Commission may prescribe a procedure for the recycling of other waste materials produced}~~, *including, without limitation, the placement of recycling containers on the premises of the Legislative Building* ~~{, where services for the collection of solid waste are provided}~~. This subsection does not apply to construction and demolition waste.

4. Any money received by the Legislative Counsel Bureau for recycling or causing to be recycled the paper and paper products, *electronic waste and other recyclable materials* it ~~{uses}~~ *produces* must be ~~{paid by the Director to the State Treasurer for credit to the State General Fund.}~~ :

(a) *Accounted for separately; and*

(b) *Used to carry out the provisions of this section.*

5. As used in this section:

(a) *"Electronic waste" has the meaning ascribed to it in section 1.2 of this act.*

(b) *"Paper" [includes newspaper, high grade office paper, fine paper, bond paper, offset paper, xerographic paper, mimeo paper, duplicator paper and any other cellulosic material which contains not more than 10 percent by weight or volume of a noncellulosic material, including, but not limited to, a laminate, binder, coating and saturant.*

~~{(b)} has the meaning ascribed to it in section 1.3 of this act.~~

(c) *"Paper product" [means any paper article or commodity, including, but not limited to, paper napkins, towels, cardboard, construction material, paper and any other cellulosic material which contains not more than 10 percent by weight or volume of a noncellulosic material, including, but not limited to, a laminate, binder, coating and saturant.] has the meaning ascribed to it in section 1.4 of this act.*

(d) *"Recyclable material" has the meaning ascribed to it in NRS 444A.013.*

~~{(e) "Solid waste" has the meaning ascribed to it in NRS 444.490.}~~

Sec. 4. NRS 232.007 is hereby amended to read as follows:

232.007 1. Except as otherwise provided in this section, each state agency shall recycle or cause to be recycled the paper and paper products , *electronic waste and other recyclable materials* it ~~[uses.] produces~~. This subsection does not apply to ~~[confidential]~~ :

~~(a) Construction and demolition waste; or~~

~~(b) Confidential documents if there is an additional cost for recycling those documents.~~

2. A state agency ~~[may apply to the Chief of the Budget Division of the Office of Finance for a waiver from the requirements of subsection 1. The Chief shall grant a waiver to the state agency if the Chief]~~ *is not required to comply with the requirements of subsection 1 if the administrator of the agency determines that the cost to recycle or cause to be recycled the paper and paper products [used] , electronic waste and other recyclable materials produced by the agency is unreasonable and would place an undue burden on the operations of the agency.*

3. ~~[The State Environmental Commission shall, through the State Department of Conservation and Natural Resources, adopt regulations which prescribe the procedure for the disposition of the paper and paper products to be recycled. In adopting such regulations, the Commission:~~

~~—(a) Shall consult with any other state agencies which are coordinating or have coordinated programs for recycling paper and paper products.~~

~~—(b) May prescribe a procedure for the recycling of other waste materials produced by state agencies.~~ Except as otherwise provided in this subsection, a state agency shall consult with the State Department of Conservation and Natural Resources for the disposition of the paper and paper products, electronic waste and other recyclable materials to be recycled, including, without limitation, the placement of recycling containers on the premises of the state agency . ~~[where services for the collection of solid waste are provided.] This subsection does not apply to construction and demolition waste.~~

4. Any money received by a state agency for recycling or causing to be recycled the paper and paper products , *electronic waste and other recyclable materials* it ~~[uses] produces~~ must be ~~[paid by the chief administrative officer of that agency to the State Treasurer for credit to the State General Fund.] :~~

(a) *Accounted for separately; and*

(b) *Used to carry out the provisions of this section.*

5. *On or before July 1 of each year, each state agency shall submit to the Director a report on the amount of material recycled by the state agency pursuant to this section.*

6. As used in this section:

(a) *"Electronic waste" has the meaning ascribed to it in section 1.2 of this act.*

(b) *"Paper" [includes newspaper, high grade office paper, fine paper, bond paper, offset paper, xerographic paper, mimeo paper, duplicator paper and any*

~~other cellulosic material which contains not more than 10 percent by weight or volume of a noncellulosic material, including, but not limited to, a laminate, binder, coating and saturant.] has the meaning ascribed to it in section 1.3 of this act.~~

~~[(b)] (c) "Paper product" [means any paper article or commodity, including, but not limited to, paper napkins, towels, cardboard, construction material, paper and any other cellulosic material which contains not more than 10 percent by weight or volume of a noncellulosic material, including, but not limited to, a laminate, binder, coating and saturant.] has the meaning ascribed to it in section 1.4 of this act.~~

(d) "Recyclable material" has the meaning ascribed to it in NRS 444A.013.

(e) ~~["Solid waste" has the meaning ascribed to in NRS 444.490.~~

~~(e)-(f)] "State agency" means every public agency, bureau, board, commission, department, division, officer or employee of the Executive Department of State Government.~~

Sec. 5. NRS 386.4159 is hereby amended to read as follows:

386.4159 1. Except as otherwise provided in this section, each school district shall recycle or cause to be recycled the paper and paper products , *electronic waste and other recyclable materials that it [uses.] produces*. This subsection does not apply to ~~confidential~~ :

(a) Construction and demolition waste; or

(b) Confidential documents if there is an additional cost for recycling those documents.

2. A school district is not required to comply with the requirements of subsection 1 if the board of trustees of the school district determines that the cost to recycle or cause to be recycled the paper and paper products ~~used~~ , *electronic waste and other recyclable materials produced* by the schools in the district is unreasonable and would place an undue burden on the operations of the district or a particular school.

3. ~~The] Except as otherwise provided in this subsection, the~~ board of trustees shall ~~[adopt rules which prescribe]~~ *consult with the State Department of Conservation and Natural Resources [the procedure]* for the disposition of the paper and paper products , *electronic waste and other recyclable materials* to be recycled ~~[- The board of trustees may prescribe a procedure for the recycling of other waste material produced]~~ , *including, without limitation, the placement of recycling containers* on the premises of the schools in the school district and the administrative offices of the school district ~~[where services for the collection of solid waste are provided.] This subsection does not apply to construction and demolition waste.~~

4. Any money received by the school district for recycling or causing to be recycled the paper and paper products , *electronic waste and other recyclable materials* it ~~uses~~ *produces* must be paid by the board of trustees for credit to the general fund of the school district.

5. As used in this section:

(a) "Electronic waste" has the meaning ascribed to it in section 1.2 of this act.

(b) "Paper" ~~includes newspaper, high grade office paper, fine paper, bond paper, offset paper, xerographic paper, mimeo paper, duplicator paper and any other cellulosic material which contains not more than 10 percent by weight or volume of a noncellulosic material, including, but not limited to, a laminate, binder, coating and saturant.~~

~~—(b) has the meaning ascribed to it in section 1.3 of this act.~~

(c) "Paper product" ~~means any paper article or commodity, including, but not limited to, paper napkins, towels, cardboard, construction material, paper and any other cellulosic material which contains not more than 10 percent by weight or volume of a noncellulosic material, including, but not limited to, a laminate, binder, coating and saturant.~~ has the meaning ascribed to it in section 1.4 of this act.

(d) "Recyclable material" has the meaning ascribed to it in NRS 444A.013.

~~(e) "Solid waste" has the meaning ascribed to it in NRS 444.400.~~

Sec. 6. NRS 396.437 is hereby amended to read as follows:

396.437 1. Except as otherwise provided in this section, the System shall recycle or cause to be recycled the paper , ~~and~~ paper products , *electronic waste and other recyclable materials* it ~~uses.~~ produces. This subsection does not apply to ~~confidential~~ :

(a) Construction and demolition waste; or

(b) Confidential documents if there is an additional cost for recycling those documents.

2. The System is not required to comply with the requirements of subsection 1 if the Board of Regents determines that the cost to recycle or cause to be recycled the paper , ~~and~~ paper products ~~used~~ , *electronic waste and other recyclable materials produced* by the System or one of its branches or facilities is unreasonable and would place an undue burden on the operations of the System, branch or facility.

3. ~~The~~ Except as otherwise provided in this subsection, the Board of Regents shall ~~adopt regulations which prescribe the procedure~~ consult with the State Department of Conservation and Natural Resources for the disposition of the paper and paper products , *electronic waste and other recyclable materials* to be recycled , ~~The Board of Regents shall prescribe procedures for the recycling of other waste material produced on the premises of the System, a branch or a facility,~~ including, without limitation, the placement of recycling containers on the premises of the System ~~, a branch or a facility where services for the collection of solid waste are provided.~~ This subsection does not apply to construction and demolition waste.

4. Any money received by the System for recycling or causing to be recycled the paper and paper products , *electronic waste and other recyclable materials* it ~~uses~~ produces ~~and other waste material it produces~~ must be ~~accounted~~ :

(a) Accounted for separately ; and ~~used~~

(b) *Used* to carry out the provisions of this section.

5. As used in this section:

(a) "*Electronic waste*" has the meaning ascribed to it in section 1.2 of this act.

(b) "Paper" ~~[includes newspaper, high grade office paper, fine paper, bond paper, offset paper, xerographic paper, mimeo paper, duplicator paper and any other cellulosic material which contains not more than 10 percent by weight or volume of a noncellulosic material, including, but not limited to, a laminate, binder, coating and saturant.~~

~~—(b)]~~ has the meaning ascribed to it in section 1.3 of this act.

(c) "Paper product" ~~[means any paper article or commodity, including, but not limited to, paper napkins, towels, cardboard, construction material, paper and any other cellulosic material which contains not more than 10 percent by weight or volume of a noncellulosic material, including, but not limited to, a laminate, binder, coating and saturant.]~~ has the meaning ascribed to it in section 1.4 of this act.

(d) "*Recyclable material*" has the meaning ascribed to it in NRS 444A.013.

~~[(e) (e) "*Solid waste*" has the meaning ascribed to it in NRS 444.490.]~~

Sec. 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. 8. This act becomes effective on July 1, 2019.

Senator Ratti moved the adoption of the amendment.

Remarks by Senator Ratti.

Amendment No. 674 to Assembly Bill No. 353 deletes the definition of "solid waste" and revises sections 2 through 6 of the bill to clarify that certain recycling requirements for courts, the Legislative Counsel Bureau, State agencies, school districts and the Nevada System of Higher Education do not apply to construction and demolition waste.

Amendment adopted.

Bill ordered reprinted, re-engrossed and to third reading.

Assembly Bill No. 361.

Bill read second time.

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

Amendment No. 686.

SUMMARY—Revises provisions relating to the practice of medicine. (BDR 54-839)

AN ACT relating to the ~~Board of Medical Examiners;~~ practice of medicine; revising provisions relating to a physician or osteopathic physician who is supervising medical students; revising provisions relating to certain inspections of medical premises which the Board of Medical Examiners or the State Board of Osteopathic Medicine is authorized to conduct; and providing other matters properly relating thereto.

Legislative Counsel's Digest:

Under existing law a physician or osteopathic physician shall not allow a person to perform or participate in any activity under the supervision of the physician for the purpose of receiving credit toward certain medical degrees unless the person is enrolled in good standing at one of certain accredited medical schools. There is an exception for such an activity which takes place in a primary care practice that is located in a health professional shortage area and under certain circumstances. (NRS 630.3745 ~~1~~ ~~Section~~ , 633.6955) Sections 1 and 2.5 of this bill ~~provides~~ provide that a physician or osteopathic physician who violates this existing law is subject to a civil penalty of not more than \$10,000 for each violation, provided that an action to enforce the civil penalty is brought not later than 2 years after the date of the last such violation.

Existing law authorizes any member or agent of the Board of Medical Examiners to enter any premises in this State where a licensee under the authority of the Board practices, and to perform an inspection to determine if any violations of relevant law have occurred. (NRS 630.395) Similar authorization is provided for any member or agent of the State Board of Osteopathic Medicine. (NRS 633.512) Section 2 of this bill adds, as an example of such a violation for which the premises may be inspected, a violation of the provisions of section ~~2~~ 1 regarding a physician who supervises a person who is enrolled in an accredited medical school. Section 2.3 of this bill adds a similar provision pertaining to the premises of an osteopathic physician and a violation of the provisions of section 2.5 by an osteopathic physician.

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

Section 1. NRS 630.3745 is hereby amended to read as follows:

630.3745 1. Except as otherwise provided in subsection 2, a physician shall not allow a person to perform or participate in any activity under the supervision of the physician for the purpose of receiving credit toward a degree of doctor of medicine, osteopathy or osteopathic medicine, including, without limitation, clinical observation and contact with patients, unless the person is enrolled in good standing at:

(a) A medical school that is accredited by the Liaison Committee on Medical Education of the American Medical Association and the Association of American Medical Colleges or their successor organizations; or

(b) A school of osteopathic medicine, as defined in NRS 633.121.

2. The provisions of subsection 1 do not apply to a physician who supervises an activity performed by a person for the purpose of receiving credit toward a degree of doctor of medicine, osteopathy or osteopathic medicine if:

(a) The activity takes place:

(1) In a primary care practice that is located in an area that has been designated by the United States Secretary of Health and Human Services as a health professional shortage area pursuant to 42 U.S.C. § 254e; and

(2) Entirely under the supervision of the physician; and

(b) The physician is not currently supervising any other person who is receiving credit toward a degree of doctor of medicine, osteopathy or osteopathic medicine.

3. *A physician who violates the provisions of this section is subject to a civil penalty of not more than \$10,000 for each violation. The Attorney General or any district attorney of this State may recover the penalty in a civil action brought in the name of the State of Nevada in any court of competent jurisdiction.*

4. *Any action brought under this section must be brought not later than 2 years after the date of the last event constituting the alleged violation for which the action is brought.*

5. As used in this section, "primary care practice" means a health care practice operated by one or more physicians who practice in the area of family medicine, internal medicine or pediatrics.

Sec. 2. NRS 630.395 is hereby amended to read as follows:

630.395 Any member or agent of the Board may enter any premises in this State where a person who holds a license issued pursuant to the provisions of this chapter practices medicine, perfusion or respiratory care and inspect it to determine whether a violation of any provision of this chapter has occurred, including, without limitation ~~[-an]~~ :

1. *An inspection to determine whether any person at the premises is practicing medicine, perfusion or respiratory care without the appropriate license issued pursuant to the provisions of this chapter ~~[-]~~ ; or*

2. *An inspection to determine whether any physician is allowing a person to perform or participate in any activity under the supervision of the physician for the purpose of receiving credit toward a degree of doctor of medicine, osteopathy or osteopathic medicine in violation of the provisions of NRS 630.3745.*

Sec. 2.3. NRS 633.512 is hereby amended to read as follows:

633.512 Any member or agent of the Board may enter any premises in this State where a person who holds a license issued pursuant to the provisions of this chapter practices osteopathic medicine or as a physician assistant and inspect it to determine whether a violation of any provision of this chapter has occurred, including, without limitation ~~[-an]~~ :

1. An inspection to determine whether any person at the premises is practicing osteopathic medicine or as a physician assistant without the appropriate license issued pursuant to the provisions of this chapter ~~[-]~~ ; or

2. An inspection to determine whether any osteopathic physician is allowing a person to perform or participate in any activity under the supervision of the osteopathic physician for the purpose of receiving credit toward a degree of doctor of medicine, osteopathy or osteopathic medicine in violation of NRS 633.6955.

Sec. 2.5. NRS 633.6955 is hereby amended to read as follows:

633.6955 1. Except as otherwise provided in subsection 2, an osteopathic physician shall not allow a person to perform or participate in any

activity under the supervision of the osteopathic physician for the purpose of receiving credit toward a degree of doctor of medicine, osteopathy or osteopathic medicine, including, without limitation, clinical observation and contact with patients, unless the person is enrolled in good standing at:

(a) A medical school that is accredited by the Liaison Committee on Medical Education of the American Medical Association and the Association of American Medical Colleges or their successor organizations; or

(b) A school of osteopathic medicine.

2. The provisions of subsection 1 do not apply to an osteopathic physician who supervises an activity performed by a person for the purpose of receiving credit toward a degree of doctor of medicine, osteopathy or osteopathic medicine if:

(a) The activity takes place:

(1) In a primary care practice that is located in an area that has been designated by the United States Secretary of Health and Human Services as a health professional shortage area pursuant to 42 U.S.C. § 254e; and

(2) Entirely under the supervision of the osteopathic physician; and

(b) The osteopathic physician is not currently supervising any other person who is receiving credit toward a degree of doctor of medicine, osteopathy or osteopathic medicine.

3. An osteopathic physician who violates the provisions of this section is subject to a civil penalty of not more than \$10,000 for each violation. The Attorney General or any district attorney of this State may recover the penalty in a civil action brought in the name of the State of Nevada in any court of competent jurisdiction.

4. Any action brought under this section must be brought not later than 2 years after the date of the last event constituting the alleged violation for which the action is brought.

5. As used in this section, "primary care practice" means a health care practice operated by one or more physicians who practice in the area of family medicine, internal medicine or pediatrics.

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

Senator Spearman moved the adoption of the amendment.

Remarks by Senator Spearman.

Amendment No. 686 makes one change to Assembly Bill No. 361. The amendment provides that the provisions of the bill also apply to chapter 633 of NRS, which governs Osteopathic Medicine.

Amendment adopted.

Bill ordered reprinted, engrossed and to third reading.

Assembly Bill No. 363.

Bill read second time.

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

Amendment No. 680.

~~[ASSEMBLYMAN]~~ ASSEMBLYMEN THOMPSON , MONROE-MORENO, MCCURDY, FRIERSON, BENITEZ-THOMPSON; ASSEFA, BACKUS, BILBRAY-AXELROD, CARLTON, CARRILLO, COHEN, DALY, DURAN, EDWARDS, ELLISON, FLORES, FUMO, GORELOW, HAFEN, HAMBRICK, HANSEN, HARDY, JAUREGUI, KRAMER, KRASNER, LEAVITT, MARTINEZ, MILLER, MUNK, NEAL, NGUYEN, PETERS, ROBERTS, SMITH, SPIEGEL, SWANK, TITUS, TOLLES, TORRES, WATTS, WHEELER AND YEAGER

JOINT SPONSORS: SENATORS BROOKS, CANCELA, CANNIZZARO, DENIS, DONDERO LOOP, GOICOECHEA, HAMMOND, HANSEN, HARDY, D. HARRIS, KIECKHEFER, OHRENSCHALL, PARKS, PICKARD, RATTI, SCHEIBLE, SEEVERS GANSERT, SETTELMAYER, SPEARMAN, WASHINGTON AND WOODHOUSE

SUMMARY—Revises certain provisions relating to homeless youth. (BDR 43-1033)

AN ACT relating to motor vehicles; requiring the Department of Motor Vehicles to waive the fee for the administration of the examination required for the issuance of a driver's license for certain homeless youth; revising provisions requiring the Department of Motor Vehicles to provide a duplicate driver's license or duplicate identification card to a homeless person free of charge in certain circumstances; revising provisions requiring the State Registrar to provide certain certificates to a homeless person free of charge in certain circumstances; and providing other matters properly relating thereto. Legislative Counsel's Digest:

Existing law authorizes the Department of Motor Vehicles to require applicants for a driver's license to submit to an examination. (NRS 483.330) The fee for administration of the examination is \$25. (NRS 483.410) Section 1 of this bill requires the Department to waive the fee for the examination not more than one time for a homeless child or youth under the age of 25 years. Section 2 of this bill makes a conforming change.

Existing law requires the Department to waive the fees for furnishing a duplicate driver's license or a duplicate identification card to a homeless person. The homeless person must reimburse the Department for a certain portion of the fee if the vendor who produces the license or card does not waive the cost it charges the Department to produce the photograph of the homeless person. (NRS 483.417, 483.825) Sections 3 and 4 of this bill require the Department to waive all of the fees, including any reimbursement, for furnishing an original or duplicate driver's license or an original or duplicate identification card to a homeless child or youth under the age of 25 years.

Existing law prohibits the State Registrar from charging a fee for furnishing a certified copy of a record of birth to: (1) a homeless person; or (2) a person who was released from prison within the 90 days immediately preceding the person's request for such a copy. (NRS 440.700) Section 5 of this bill clarifies that a homeless child or youth is entitled to such a free certified copy of a record of birth, and authorizes certain social workers and persons designated

by a local educational agency to obtain a certified copy of a record of birth on behalf of a homeless child or youth in certain circumstances. Section 5 also requires the State Registrar to provide an unaccompanied youth, without the payment of a fee, a certificate limited to a statement as to the date of birth of the unaccompanied youth, as disclosed by the record of such birth, when the certificate is necessary for admission to school or for securing employment.

Section 6 of this bill provides that these changes become effective on January 1, 2020.

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 or optometrist 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 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.

5. *The Department shall waive the fee prescribed by NRS 483.410 not more than one time for administration of the examination required pursuant to this section for a homeless child or youth under the age of 25 years who submits a signed affidavit on a form prescribed by the Department stating that the child or youth is homeless and under the age of 25 years.*

6. *As used in this section, "homeless child or youth" has the meaning ascribed to it in 42 U.S.C. § 11434a.*

Sec. 2. NRS 483.410 is hereby amended to read as follows:

483.410 1. Except as otherwise provided in subsection 6 and NRS 483.330 and 483.417, for every driver's license, including a motorcycle driver's license, issued and service performed, the following fees must be charged:

An original or renewal license issued to a person 65 years of age or older	\$13.50
An original or renewal license issued to any person less than 65 years of age which expires on the eighth anniversary of the licensee's birthday	37.00
An original or renewal license issued to any person less than 65 years of age which expires on or before the fourth anniversary of the licensee's birthday	18.50
Administration of the examination required by NRS 483.330 for a noncommercial driver's license	25.00

Each readministration to the same person of the examination required by NRS 483.330 for a noncommercial driver's license.....	10.00
Reinstatement of a license after suspension, revocation or cancellation, except a revocation for a violation of NRS 484C.110, 484C.120, 484C.130 or 484C.430, or pursuant to NRS 484C.210 and 484C.220	75.00
Reinstatement of a license after revocation for a violation of NRS 484C.110, 484C.120, 484C.130 or 484C.430, or pursuant to NRS 484C.210 and 484C.220	120.00
A new photograph, change of name, change of other information, except address, or any combination	5.00
A duplicate license.....	14.00

2. For every motorcycle endorsement to a driver's license, a fee of \$5 must be charged.

3. If no other change is requested or required, the Department shall not charge a fee to convert the number of a license from the licensee's social security number, or a number that was formulated by using the licensee's social security number as a basis for the number, to a unique number that is not based on the licensee's social security number.

4. Except as otherwise provided in NRS 483.417, the increase in fees authorized by NRS 483.347 and the fees charged pursuant to NRS 483.415 must be paid in addition to the fees charged pursuant to subsections 1 and 2.

5. A penalty of \$10 must be paid by each person renewing a license after it has expired for a period of 30 days or more as provided in NRS 483.386 unless the person is exempt pursuant to that section.

6. The Department may not charge a fee for the reinstatement of a driver's license that has been:

- (a) Voluntarily surrendered for medical reasons; or
- (b) Cancelled pursuant to NRS 483.310.

7. All fees and penalties are payable to the Administrator at the time a license or a renewal license is issued.

8. Except as otherwise provided in NRS 483.340, subsection 3 of NRS 483.3485, NRS 483.415 and 483.840, and subsection 3 of NRS 483.863, all money collected by the Department pursuant to this chapter must be deposited in the State Treasury for credit to the Motor Vehicle Fund.

Sec. 3. NRS 483.417 is hereby amended to read as follows:

483.417 1. ~~The~~ *Except as otherwise provided in subsection 4, the Department shall waive the fee prescribed by NRS 483.410 and the increase in the fee required by NRS 483.347 not more than one time for furnishing a duplicate driver's license to:*

(a) A homeless person who submits a signed affidavit on a form prescribed by the Department stating that the person is homeless.

(b) A person who submits documentation from the Department of Corrections verifying that the person was released from prison within the immediately preceding 90 days.

(c) A person who submits documentation from a county, city or town jail or detention facility verifying that the person was released from the county, city or town jail or detention facility, as applicable, within the immediately preceding 90 days.

2. A vendor that has entered into an agreement with the Department to produce photographs for drivers' licenses pursuant to NRS 483.347 may waive the cost it charges the Department to produce the photograph of a homeless person or person released from prison or a county, city or town jail or detention facility for a duplicate driver's license.

3. ~~¶~~ *Except as otherwise provided in subsection 4, if the vendor does not waive pursuant to subsection 2 the cost it charges the Department and the Department has waived the increase in the fee required by NRS 483.347 for a duplicate driver's license furnished to a person pursuant to subsection 1, the person shall reimburse the Department in an amount equal to the increase in the fee required by NRS 483.347 if the person:*

(a) Applies to the Department for the renewal of his or her driver's license; and

(b) Is employed at the time of such application.

4. *The Department shall waive the fee prescribed by NRS 483.410, the increase in the fee required by NRS 483.347 and the reimbursement required by subsection 3 not more than one time for furnishing an original driver's license or a duplicate driver's license to a homeless child or youth under the age of 25 years who submits a signed affidavit on a form prescribed by the Department stating that the child or youth is homeless and under the age of 25 years.*

5. The Department may accept gifts, grants and donations of money to fund the provision of *original and* duplicate drivers' licenses without a fee to persons pursuant to ~~subsection~~ *subsections 1 ~~¶~~ and 4.*

6. *As used in this section, "homeless child or youth" has the meaning ascribed to it in 42 U.S.C. § 11434a.*

Sec. 4. NRS 483.825 is hereby amended to read as follows:

483.825 1. ~~¶~~ *Except as otherwise provided in subsection 4, the Department shall waive the fee prescribed by NRS 483.820 and the increase in the fee required by NRS 483.347 not more than one time for furnishing a duplicate identification card to:*

(a) A homeless person who submits a signed affidavit on a form prescribed by the Department stating that the person is homeless.

(b) A person who submits documentation from the Department of Corrections verifying that the person was released from prison within the immediately preceding 90 days.

(c) A person who submits documentation from a county, city or town jail or detention facility verifying that the person was released from the county, city or town jail, as applicable, within the immediately preceding 90 days.

2. A vendor that has entered into an agreement with the Department to produce photographs for identification cards pursuant to NRS 483.347 may waive the cost it charges the Department to produce the photograph of a homeless person or person released from prison, a county, city or town jail or detention facility for a duplicate identification card.

3. ~~##~~ *Except as otherwise provided in subsection 4, if the vendor does not waive pursuant to subsection 2 the cost it charges the Department and the Department has waived the increase in the fee required by NRS 483.347 for a duplicate identification card furnished to a person pursuant to subsection 1, the person shall reimburse the Department in an amount equal to the increase in the fee required by NRS 483.347 if the person:*

(a) Applies to the Department for the renewal of his or her identification card; and

(b) Is employed at the time of such application.

4. *The Department shall waive the fee prescribed by NRS 483.820, the increase in the fee required by NRS 483.347 and the reimbursement required by subsection 3 not more than one time for furnishing an original identification card or a duplicate identification card to a homeless child or youth under the age of 25 years who submits a signed affidavit on a form prescribed by the Department stating that the child or youth is homeless and under the age of 25 years.*

5. The Department may accept gifts, grants and donations of money to fund the provision of *original and duplicate* identification cards without a fee to persons pursuant to ~~subsection~~ subsections 1 ~~and~~ 4.

~~5.~~ 6. As used in this section ~~["photograph"]~~.

(a) *"Homeless child or youth" has the meaning ascribed to it in 42 U.S.C. § 11434a.*

(b) *"Photograph" has the meaning ascribed to it in NRS 483.125.*

Sec. 5. NRS 440.700 is hereby amended to read as follows:

440.700 1. Except as otherwise provided in this section, the State Registrar shall charge and collect a fee in an amount established by the State Registrar by regulation:

(a) For searching the files for one name, if no copy is made.

(b) For verifying a vital record.

(c) For establishing and filing a record of paternity, other than a hospital-based paternity, and providing a certified copy of the new record.

(d) For a certified copy of a record of birth.

(e) For a certified copy of a record of death originating in a county in which the board of county commissioners has not created an account for the support of the office of the county coroner pursuant to NRS 259.025.

(f) For a certified copy of a record of death originating in a county in which the board of county commissioners has created an account for the support of the office of the county coroner pursuant to NRS 259.025.

(g) For correcting a record on file with the State Registrar and providing a certified copy of the corrected record.

(h) For replacing a record on file with the State Registrar and providing a certified copy of the new record.

(i) For filing a delayed certificate of birth and providing a certified copy of the certificate.

(j) For the services of a notary public, provided by the State Registrar.

(k) For an index of records of marriage provided on microfiche to a person other than a county clerk or a county recorder of a county of this State.

(l) For an index of records of divorce provided on microfiche to a person other than a county clerk or a county recorder of a county in this State.

(m) For compiling data files which require specific changes in computer programming.

2. The fee collected for furnishing a copy of a certificate of birth or death must include the sum of \$3 for credit to the Children's Trust Account created by NRS 432.131.

3. The fee collected for furnishing a copy of a certificate of death must include the sum of \$1 for credit to the Review of Death of Children Account created by NRS 432B.409.

4. The fee collected for furnishing a copy of a certificate of death must include the sum of 50 cents for credit to the Grief Support Trust Account created by NRS 439.5132.

5. The State Registrar shall not charge a fee for furnishing a certified copy of a record of birth to:

(a) A homeless person, *including, without limitation, a homeless child or youth*, who submits a signed affidavit on a form prescribed by the State Registrar stating that the person is homeless.

(b) A person who submits documentation from the Department of Corrections verifying that the person was released from prison within the immediately preceding 90 days.

(c) *A staff person of a local educational agency who has been designated pursuant to 42 U.S.C. § 11432(g)(1)(J)(ii) for a certified copy of a record of birth of a homeless child or youth who is enrolled in the local educational agency.*

(d) *A social worker licensed to practice in this State, for a certified copy of a record of birth of a homeless child or youth who is a client of the social worker.*

6. The fee collected for furnishing a copy of a certificate of death originating in a county in which the board of county commissioners has created an account for the support of the office of the county coroner pursuant to NRS 259.025 must include the sum of \$1 for credit to the account for the

support of the office of the county coroner of the county in which the certificate originates.

7. Upon the request of any parent or guardian [] or an *unaccompanied youth*, the State Registrar shall supply, without the payment of a fee, a certificate limited to a statement as to the date of birth of any child or of the *unaccompanied youth* as disclosed by the record of such birth when the certificate is necessary for admission to school or for securing employment.

8. The United States Bureau of the Census may obtain, without expense to the State, transcripts or certified copies of births and deaths without payment of a fee.

9. *As used in this section:*

(a) "*Homeless child or youth*" has the meaning ascribed to it in 42 U.S.C. § 11434a.

(b) "*Local educational agency*" has the meaning ascribed to it in 42 U.S.C. § 11434a.

(c) "*Unaccompanied youth*" has the meaning ascribed to it in 42 U.S.C. § 11434a.

Sec. 6. This act becomes effective on January 1, 2020.

Senator Cancela moved the adoption of the amendment.

Remarks by Senator Cancela.

The story behind this amendment came in Committee a few days after Assemblyman Thompson's passing. We heard his bill, a good bill, and two of our Senate colleagues suggested the entire Senate Body support and cosponsor the bill in order to commemorate Assemblyman Thompson, his legacy. Thus, Amendment No. 680 makes two changes to Assembly Bill No. 363. The amendment adds all members of the Senate as joint sponsors of the bill and adds all members of the Assembly as sponsors of the bill.

Amendment adopted.

Bill ordered reprinted, re-engrossed and to third reading.

Assembly Bill No. 398.

Bill read second time and ordered to third reading.

Assembly Bill No. 403.

Bill read second time.

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

Amendment No. 678.

ASSEMBLYMAN ELLISON, KRAMER, ROBERTS; LEAVITT, TITUS AND WHEELER

JOINT SPONSORS: SENATORS BROOKS, CANCELA, DENIS, HAMMOND, HARDY, SETTELMAYER, SPEARMAN AND WASHINGTON

SUMMARY—Revises provisions relating to certain traffic offenses. (BDR 43-42)

AN ACT relating to motor vehicles; revising provisions relating to the applicability of certain traffic laws concerning reckless driving and vehicular manslaughter; providing penalties; and providing other matters properly relating thereto.

Legislative Counsel's Digest:

Under existing law, traffic laws and certain other laws relating to motor vehicles are applicable and uniform throughout this State on all highways to which the public has a right of access or to which the persons have access to as invitees or licensees. (NRS 484A.400) Section 1 of this bill provides that such laws may apply in other places if provided by a specific statute. Existing law makes provisions governing reckless driving and vehicular manslaughter apply to a motor vehicle being operated on a highway. Sections 2-4 of this bill explicitly makes those also apply on premises to which the public has access, which includes, without limitation, parking lots, parking garages and other roads or ways that provide access to or are appurtenant to places of business, apartment buildings, mobile home parks and gated residential communities. (NRS 484A.185, 484B.550, 484B.653, 484B.657)

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

Section 1. NRS 484A.400 is hereby amended to read as follows:

484A.400 1. The provisions of chapters 484A to 484E, inclusive, of NRS are applicable and uniform throughout this State on all highways to which the public has a right of access, ~~to~~ to which persons have access as invitees or licensees ~~to~~ or such other premises as provided by statute.

2. Except as otherwise provided in subsection 3 and unless otherwise provided by specific statute, any local authority may enact by ordinance traffic regulations which cover the same subject matter as the various sections of chapters 484A to 484E, inclusive, of NRS if the provisions of the ordinance are not in conflict with chapters 484A to 484E, inclusive, of NRS, or regulations adopted pursuant thereto. It may also enact by ordinance regulations requiring the registration and licensing of bicycles.

3. A local authority shall not enact an ordinance:

- (a) Governing the registration of vehicles and the licensing of drivers;
- (b) Governing the duties and obligations of persons involved in traffic crashes, other than the duties to stop, render aid and provide necessary information;
- (c) Providing a penalty for an offense for which the penalty prescribed by chapters 484A to 484E, inclusive, of NRS is greater than that imposed for a misdemeanor; or
- (d) Requiring a permit for a vehicle, or to operate a vehicle, on a highway in this State.

4. No person convicted or adjudged guilty or guilty but mentally ill of a violation of a traffic ordinance may be charged or tried in any other court in this State for the same offense.

Sec. 2. NRS 484B.550 is hereby amended to read as follows:

484B.550 1. Except as otherwise provided in this section, the driver of a motor vehicle *on a highway or premises to which the public has access* who willfully fails or refuses to bring the vehicle to a stop, or who otherwise flees or attempts to elude a peace officer in a readily identifiable vehicle of any police department or regulatory agency, when given a signal to bring the vehicle to a stop is guilty of a misdemeanor.

2. The signal by the peace officer described in subsection 1 must be by flashing red lamp and siren.

3. Unless the provisions of NRS 484B.653 apply if, while violating the provisions of subsection 1, the driver of the motor vehicle:

(a) Is the proximate cause of damage to the property of any other person; or

(b) Operates the motor vehicle in a manner which endangers or is likely to endanger any other person or the property of any other person,

↳ the driver is guilty of a category B felony and shall be punished by imprisonment in the state prison for a minimum term of not less than 1 year and a maximum term of not more than 6 years, or by a fine of not more than \$5,000, or by both fine and imprisonment.

4. If, while violating the provisions of subsection 1, the driver of the motor vehicle is the proximate cause of the death of or bodily harm to any other person, the driver is guilty of a category B felony and shall be punished by imprisonment in the state prison for a minimum term of not less than 2 years and a maximum term of not more than 20 years, or by a fine of not more than \$50,000, or by both fine and imprisonment.

5. If the driver of the motor vehicle is convicted of a violation of NRS 484C.110 or 484C.120 arising out of the same act or transaction as a violation of subsection 1, the driver is guilty of a category D felony and shall be punished as provided in NRS 193.130 for the violation of subsection 1.

Sec. 3. NRS 484B.653 is hereby amended to read as follows:

484B.653 1. It is unlawful for a person to:

(a) Drive a vehicle in willful or wanton disregard of the safety of persons or property ~~[-] on a highway or premises to which the public has access.~~

(b) Drive a vehicle in an unauthorized speed contest on a ~~public~~ highway ~~[-] or premises to which the public has access.~~

(c) Organize an unauthorized speed contest on a ~~public~~ highway ~~[-] or premises to which the public has access.~~

↳ A violation of paragraph (a) or (b) of this subsection or subsection 1 of NRS 484B.550 constitutes reckless driving.

2. If, while violating the provisions of subsections 1 to 5, inclusive, of NRS 484B.270, NRS 484B.280, paragraph (a) or (c) of subsection 1 of NRS 484B.283, NRS 484B.350, subsections 1 to 4, inclusive, of NRS 484B.363 or subsection 1 of NRS 484B.600, the driver of a motor vehicle *on a highway or premises to which the public has access* is the proximate cause of a collision with a pedestrian or a person riding a bicycle, the violation constitutes reckless driving.

3. A person who violates paragraph (a) of subsection 1 is guilty of a misdemeanor and:

(a) For the first offense, shall be punished:

(1) By a fine of not less than \$250 but not more than \$1,000; or

(2) By both fine and imprisonment in the county jail for not more than 6 months.

(b) For the second offense, shall be punished:

(1) By a fine of not less than \$1,000 but not more than \$1,500; or

(2) By both fine and imprisonment in the county jail for not more than 6 months.

(c) For the third and each subsequent offense, shall be punished:

(1) By a fine of not less than \$1,500 but not more than \$2,000; or

(2) By both fine and imprisonment in the county jail for not more than 6 months.

4. A person who violates paragraph (b) or (c) of subsection 1 or commits a violation which constitutes reckless driving pursuant to subsection 2 is guilty of a misdemeanor and:

(a) For the first offense:

(1) Shall be punished by a fine of not less than \$250 but not more than \$1,000;

(2) Shall perform not less than 50 hours, but not more than 99 hours, of community service; and

(3) May be punished by imprisonment in the county jail for not more than 6 months.

(b) For the second offense:

(1) Shall be punished by a fine of not less than \$1,000 but not more than \$1,500;

(2) Shall perform not less than 100 hours, but not more than 199 hours, of community service; and

(3) May be punished by imprisonment in the county jail for not more than 6 months.

(c) For the third and each subsequent offense:

(1) Shall be punished by a fine of not less than \$1,500 but not more than \$2,000;

(2) Shall perform 200 hours of community service; and

(3) May be punished by imprisonment in the county jail for not more than 6 months.

5. In addition to any fine, community service and imprisonment imposed upon a person pursuant to subsection 4, the court:

(a) Shall issue an order suspending the driver's license of the person for a period of not less than 6 months but not more than 2 years and requiring the person to surrender all driver's licenses then held by the person;

(b) Within 5 days after issuing an order pursuant to paragraph (a), shall forward to the Department any licenses, together with a copy of the order;

(c) For the first offense, may issue an order impounding, for a period of 15 days, any vehicle that is registered to the person who violates paragraph (b) or (c) of subsection 1 if the vehicle is used in the commission of the offense; and

(d) For the second and each subsequent offense, shall issue an order impounding, for a period of 30 days, any vehicle that is registered to the person who violates paragraph (b) or (c) of subsection 1 if the vehicle is used in the commission of the offense.

6. Unless a greater penalty is provided pursuant to subsection 4 of NRS 484B.550, a person who does any act or neglects any duty imposed by law while driving or in actual physical control of any vehicle *on a highway or premises to which the public has access* in willful or wanton disregard of the safety of persons or property, if the act or neglect of duty proximately causes the death of or substantial bodily harm to another person, is guilty of a category B felony and shall be punished by imprisonment in the state prison for a minimum term of not less than 1 year and a maximum term of not more than 6 years and by a fine of not less than \$2,000 but not more than \$5,000.

7. A person who violates any provision of this section may be subject to any additional penalty set forth in NRS 484B.130 or 484B.135 unless the person is subject to the penalty provided pursuant to subsection 4 of NRS 484B.550.

8. As used in this section, "organize" means to plan, schedule or promote, or assist in the planning, scheduling or promotion of, an unauthorized speed contest on a public highway, regardless of whether a fee is charged for attending the unauthorized speed contest.

Sec. 4. NRS 484B.657 is hereby amended to read as follows:

484B.657 1. A person who, while driving or in actual physical control of any vehicle ~~on~~ *on a highway or premises to which the public has access*, proximately causes the death of another person through an act or omission that constitutes simple negligence is guilty of vehicular manslaughter and shall be punished for a misdemeanor.

2. A person who commits an offense of vehicular manslaughter may be subject to any additional penalty set forth in NRS 484B.130 or 484B.135.

3. Upon the conviction of a person for a violation of the provisions of subsection 1, the court shall notify the Department of the conviction.

4. Upon receipt of notification from a court pursuant to subsection 3, the Department shall cause an entry of the conviction to be made upon the driving record of the person so convicted.

Senator Cancela moved the adoption of the amendment.

Remarks by Senator Cancela.

Amendment No. 678 makes one change to Assembly Bill No. 403. The amendment adds the members of the Senate Committee on Growth and Infrastructure as joint sponsors of the bill.

Amendment adopted.

Bill ordered reprinted, re-engrossed and to third reading.

Assembly Bill No. 406.

Bill read second time and ordered to third reading.

Assembly Bill No. 410.

Bill read second time and ordered to third reading.

Assembly Bill No. 432.

Bill read second time and ordered to third reading.

Assembly Bill No. 478.

Bill read second time and ordered to third reading.

Assembly Bill No. 499.

Bill read second time and ordered to third reading.

MOTIONS, RESOLUTIONS AND NOTICES

Senator Woodhouse moved that Assembly Bills Nos. 71, 320 be taken from the General File and re-referred to the Committee on Finance.

Motion carried.

Senator Cannizzaro moved that Senate Bill No. 447; Assembly Bills Nos. 25, 28, 52, 58, 59, 93, 95, 122, 126, 164, 258, 333, 365, 457; Assembly Joint Resolutions 3, 7, 8 be taken from the General File and placed on the General File for the next legislative day.

Motion carried.

GENERAL FILE AND THIRD READING

Senate Bill No. 94.

Bill read third time.

Remarks by Senators Ratti and Kieckhefer.

SENATOR RATTI:

Senate Bill No. 94 authorizes funds in the existing Account for Family Planning to be used in order to pay for family-planning services offered by a department or division of the Executive Department of State government in addition to providers of health care. The legislation also revises the contraceptives and services for which money in the Account may be used to correspond to the types of contraception that insurers are required to cover under existing law. This bill also includes over-the-counter contraceptive devices as an allowable expense for the Account. In addition, it requires family-planning services paid for with money from the Account to be made available to all people who would otherwise have difficulty obtaining such services.

The bill requires the Director of the Department of Health and Human Services or his or her designee to administer the Account instead of the Administrator of the Division of Public and Behavioral Health. It also reduces the percentage of the money in the Account that may be used to administer the Account from not more than 10 percent to not more than 5 percent of the money in the Account. This is a good bill, along with the work coming out of the Committee on Finance will ensure there is significantly increased access to family planning in our State. I urge your support.

SENATOR KIECKHEFER:

Senate Bill No. 94 makes sense in a lot of ways, and I will be supporting it. It does, however, continue to be a mistake to continue to authorize the use of these funds for vaccines; there are plenty of other funding sources for vaccines available to people across this State. If we start using this Account to pay for vaccines, it will significantly erode the purchasing power of what the

Account is intended for so I want to log my objection to that part of the bill, but I will be voting "yes" on it.

Roll call on Senate Bill No. 94:

YEAS—21.

NAYS—None.

Senate Bill No. 94 having received a constitutional majority, Madam President declared it passed, as amended.

Bill ordered transmitted to the Assembly.

Assembly Bill No. 469.

Bill read third time.

Remarks by Senator Ratti.

Assembly Bill No. 469 limits the amount a provider of healthcare may charge a person, who has health insurance for certain, medically-necessary emergency services provided by a healthcare provider who is out of the health-insurer's network of preferred providers. The bill also requires an insurer to arrange for the transfer of a person who has health insurance to an in-network facility after the patient is medically stable.

The bill prescribes the procedures for determining the amount that an insurer must pay a provider of health care that is out-of-network for certain medically-necessary emergency services provided to an insured. If the provider does not accept the payment as payment in full for the services, he or she may request an additional amount from the insurer. If the additional amount is not paid, the parties must submit the dispute to binding arbitration as provided for in the bill.

Finally, the Department of Health and Human Services must compile and submit a report regarding identifiable trends and the impact of the reimbursement method prescribed in the bill on provider contracts and health care.

This bill takes the patient out of the middle. If the patient receives medically-necessary emergency services and if there is an out-of-network charge, that charge will not be passed on to the patient but will be negotiated between the hospital and the payers. If they cannot resolve the issue, it will be taken to arbitration. This will no longer keep the patient caught in the middle, and this puts patients first. It provides important patient protection for Nevada. I urge your support.

Roll call on Assembly Bill No. 469:

YEAS—21.

NAYS—None.

Assembly Bill No. 469 having received a constitutional majority, Madam President declared it passed, as amended.

Bill ordered transmitted to the Assembly.

REPORTS OF COMMITTEE

Madam President:

Your Committee on Natural Resources, to which was referred Assembly Bill No. 404, has had the same under consideration, and begs leave to report the same back with the recommendation: Amend, and do pass as amended.

MELANIE SCHEIBLE, *Chair*

SECOND READING AND AMENDMENT

Assembly Bill No. 114.

Bill read second time and ordered to third reading.

Assembly Bill No. 163.

Bill read second time.

The following amendment was proposed by the Committee on Natural Resources:

Amendment No. 682.

SUMMARY—Revises provisions governing water conservation. (BDR 48-798)

AN ACT relating to water; revising certain requirements relating to a plan of water conservation; revising minimum standards for plumbing fixtures in new construction and expansions and renovations in certain structures; and providing other matters properly relating thereto.

Legislative Counsel's Digest:

Existing law requires each supplier of water and each public utility to adopt a plan of water conservation, which must be submitted to the Water Planning Section of the Division of Water Resources of the State Department of Conservation and Natural Resources or the Public Utilities Commission of Nevada, as applicable. The plan of water conservation must also be updated and submitted to the Section or Commission, as applicable, every 5 years. (NRS 540.131, 540.141, 704.662, 704.6622) Sections 1 and 8 of this bill require each supplier of water and public utility: (1) who serves 3,300 persons or more to submit the results of a water loss audit with the plan of water conservation or update to the plan; and (2) who serves less than 3,300 persons to submit the results of certain calculations regarding water delivered and water billed with the plan of water conservation or update to the plan. Once a supplier or public utility has submitted the results of a water loss audit, sections 1 and 8 require the supplier of water or public utility to submit with any future update to the plan of water conservation: (1) a comparison between the results of the most recent audit or calculations and the audit or calculations previously submitted; and (2) an analysis of any progress made towards certain goals which must be established in the plan of water conservation for water loss. Sections 3 and 9 of this bill revise the provisions which must be included in a plan or a joint plan of water conservation to include establishing goals for acceptable levels of water loss.

Existing law establishes certain minimum standards for plumbing fixtures in new construction, expansions and renovations in residential, commercial or industrial structures, certain public buildings financed by a public body, manufactured buildings and homes and mobile homes. (NRS 278.582, 338.193, 461.175, 489.706) Sections 4-7 of this bill revise these requirements to instead require that , if the WaterSense program established by the United States Environmental Protection Agency has established a final product specification for a type of toilet, shower apparatus, faucet or urinal, new construction, expansions and renovations on these structures must install toilets, shower apparatuses, faucets and urinals that have been certified under the WaterSense program_ ~~established by the United States Environmental Protection Agency.~~ Sections 4-7 exempt from these requirements any residential, commercial or industrial structure and public building financed by a public body that was constructed 50 years or more before the current year.

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

Section 1. Chapter 540 of NRS is hereby amended by adding thereto a new section to read as follows:

1. *Except as otherwise provided in subsection 4, each supplier of water that is required to adopt or update a plan of water conservation in accordance with the provisions of NRS 540.131 and:*

(a) Serves 3,300 persons or more must conduct a water loss audit in accordance with the methodology and software of the American Water Works Association for water loss auditing. The results of the water loss audit must be submitted by the supplier of water to the Section with the plan of water conservation or update to the plan of water conservation, as applicable.

(b) Serves less than 3,300 persons must calculate the amount of water delivered by the supplier of water and the amount of water that was billed to customers of the supplier of water for each year. The calculations must be submitted by the supplier of water to the Section with the plan for water conservation or update to the plan of water conservation, as applicable.

2. *If the supplier of water has previously submitted the results of a water loss audit to the Section pursuant to paragraph (a) of subsection 1, and is submitting an update to the plan of water conservation, the supplier must also submit to the Section:*

(a) A comparison between the results of the new water loss audit and the previous water loss audit; and

(b) An analysis of any progress made by the supplier towards the goals for acceptable water loss established in the plan for water conservation pursuant to paragraph (c) of subsection 1 of NRS 540.141.

3. *If the supplier of water has previously submitted the results of the calculations conducted pursuant to paragraph (b) of subsection 1 to the Section, and is submitting an update to the plan of water conservation, the supplier must also submit to the Section:*

(a) A comparison between the results of the new calculations and the previous calculations; and

(b) An analysis of any progress made by the supplier towards the goals for acceptable water loss established in the plan for water conservation pursuant to paragraph (c) of subsection 1 of NRS 540.141.

4. *The provisions of this section do not apply to a transient water system as defined in NRS ~~617.135~~ 445A.848.*

Sec. 2. NRS 540.121 is hereby amended to read as follows:

540.121 As used in NRS 540.121 to 540.151, inclusive, and section 1 of this act, "supplier of water" includes, but is not limited to:

1. Any county, city, town, local improvement district, general improvement district and water conservancy district;

2. Any water district, water system, water project or water planning and advisory board created by a special act of the Legislature; and

3. Any other public or private entity,

↳ that supplies water for municipal, industrial or domestic purposes. The term does not include a public utility required to adopt a plan of water conservation pursuant to NRS 704.662.

Sec. 3. NRS 540.141 is hereby amended to read as follows:

540.141 1. A plan or joint plan of water conservation submitted to the Section for review must include provisions relating to:

(a) Methods of public education to:

(1) Increase public awareness of the limited supply of water in this State and the need to conserve water.

(2) Encourage reduction in the size of lawns and encourage the use of plants that are adapted to arid and semiarid climates.

(b) Specific conservation measures required to meet the needs of the service area, including, but not limited to, any conservation measures required by law.

(c) The management of water to ~~±~~

~~—(1) Identify~~ *identify* and reduce ~~leakage~~ *water loss* in water supplies, inaccuracies in water meters and high pressure in water supplies ~~±; and~~, *which must include, without limitation:*

(1) Goals for acceptable levels of water loss in water supplies. Such goals may use the following performance indicators and analyses, without limitation:

(I) Infrastructure water loss index;

(II) Water audit data validity score;

(III) Operational basic apparent losses;

(IV) Operational basic real losses; and

(V) Economic level of water loss.

(2) ~~Where~~ *A plan which analyzes how the supplier of water will progress towards the goals established for the acceptable levels of water loss.*

(d) *The management of water to, where applicable, increase the reuse of effluent.*

~~[(d)]~~ (e) *A contingency plan for drought conditions that ensures a supply of potable water.*

~~[(e)]~~ (f) *A schedule for carrying out the plan or joint plan.*

~~[(f)]~~ (g) *A plan for how the supplier of water will progress towards the installation of meters on all connections.*

~~[(g)]~~ (h) *Standards for water efficiency for new development.*

~~[(h)]~~ (i) *Tiered rate structures for the pricing of water to promote the conservation of water, including, without limitation, an estimate of the manner in which the tiered rate structure will impact the consumptive use of water.*

~~[(i)]~~ (j) *Watering restrictions based on the time of day and the day of the week.*

2. In addition to the requirements of subsection 1, a plan or joint plan of water conservation submitted to the Section for review by a supplier of water providing service for 500 or more connections must include provisions relating to:

(a) Measures to evaluate the effectiveness of the plan or joint plan.

(b) For each conservation measure specified in the plan or joint plan, an estimate of the amount of water that will be conserved each year as a result of the adoption of the plan or joint plan, stated in terms of gallons of water saved annually.

3. The Section shall review any plan or joint plan submitted to it within 120 days after its submission and approve the plan if it is based on the climate and living conditions of the service area and complies with the requirements of this section.

4. The Chief may exempt wholesale water purveyors from the provisions of this section which do not reasonably apply to wholesale supply.

5. To the extent practicable, the State Engineer shall provide on the Internet website of the State Engineer a link to the plans and joint plans that are submitted for review. In carrying out the provisions of this subsection, the State Engineer is not responsible for ensuring, and is not liable for failing to ensure, that the plans and joint plans which are provided on the Internet website are accurate and current.

Sec. 4. NRS 278.582 is hereby amended to read as follows:

278.582 1. Each county and city shall include in its respective building code the requirements of this section. If a county or city has no building code, it shall adopt those requirements by ordinance and provide for their enforcement by its own officers or employees or through interlocal agreement by the officers or employees of another local government. Additionally, each county and city shall prohibit by ordinance the sale and installation of any plumbing fixture which does not meet the standards made applicable for the respective county or city pursuant to this section.

2. Except as otherwise provided in ~~subsections 3 and 4,~~ *subsection 6*, each residential, commercial or industrial structure on which construction begins on or after March 1, 1992, *and before March 1, 1993*, and each existing residential, commercial or industrial structure which is expanded or renovated on or after March 1, 1992, *and before March 1, 1993*, must incorporate the following minimal standards for plumbing fixtures:

(a) A toilet which uses water must not be installed unless its consumption of water does not exceed 3.5 gallons of water per flush.

(b) A shower apparatus which uses more than 3 gallons of water per minute must not be installed unless it is equipped with a device to reduce water consumption to 3 gallons of water or less per minute.

(c) Each faucet installed in a lavatory or kitchen must not allow water to flow at a rate greater than 3 gallons per minute.

(d) A urinal which continually flows or flushes water must not be installed.

3. Except as otherwise provided in subsection ~~{4,}~~ *6*, each residential, commercial or industrial structure on which construction begins on or after March 1, 1993, *and before January 1, 2020*, and each existing residential, commercial or industrial structure which is expanded or renovated on or after March 1, 1993, *and before January 1, 2020*, must incorporate the following minimal standards for plumbing fixtures:

(a) A toilet which uses water must not be installed unless its consumption of water does not exceed 1.6 gallons of water per flush.

(b) A shower apparatus which uses more than 2.5 gallons of water per minute must not be installed unless it is equipped with a device to reduce water consumption to 2.5 gallons of water or less per minute.

(c) A urinal which uses water must not be installed unless its consumption of water does not exceed 1 gallon of water per flush.

(d) A toilet or urinal which employs a timing device or other mechanism to flush periodically, irrespective of demand, must not be installed.

(e) A urinal which continually flows or flushes water must not be installed.

(f) Each faucet installed in a lavatory or kitchen must not allow water to flow at a rate greater than 2.5 gallons per minute.

(g) Each faucet installed in a public restroom must contain a mechanism which closes the faucet automatically after a predetermined amount of water has flowed through the faucet. Multiple faucets that are activated from a single point must not be installed.

4. *Except as otherwise provided in subsection 6, each residential, commercial or industrial structure on which construction begins on or after January 1, 2020, and each existing residential, commercial or industrial structure which is expanded or renovated on or after January 1, 2020, ~~is~~:*

(a) If the WaterSense program established by the United States Environmental Protection Agency has developed a final product specification for a type of toilet, shower apparatus, urinal or faucet, must not install any toilet, shower apparatus, urinal or faucet that has not been certified under the WaterSense program. ~~*(a) If the WaterSense program established by the United States Environmental Protection Agency has developed a final product specification for a type of toilet, shower apparatus, urinal or faucet, must not install any toilet, shower apparatus, urinal or faucet that has not been certified under the WaterSense program.*~~

(b) If the WaterSense program has not developed a final product specification for a type of toilet, shower apparatus, urinal or faucet, must not install any toilet, shower apparatus, urinal or faucet that does not comply with any applicable requirements of federal law and the building code of the county or city.

5. *For the purposes of subsection 4:*

(a) A plumbing fixture is considered certified under the WaterSense program if the fixture has been:

(1) Tested by an accredited third-party certifying body or laboratory in accordance with the United States Environmental Protection Agency's WaterSense program or an analogous successor program;

(2) Certified by the certifying body or laboratory as meeting the performance and efficiency requirements of the WaterSense program or an analogous successor program; and

(3) Authorized by the WaterSense program or an analogous successor program to use the WaterSense label or the label of an analogous successor program.

(b) If the WaterSense program modifies the requirements for a plumbing fixture to be certified under the WaterSense program, a plumbing fixture that

was certified under the previous requirements shall be deemed certified for use under the WaterSense program for a period of 12 months following the modification of the requirements for certification.

6. The requirements of this section for the installation of certain plumbing fixtures do not apply to any portion of ~~an~~ :

(a) An existing residential, commercial or industrial structure which is not being expanded or renovated ~~to~~; or

(b) An existing residential, commercial or industrial structure if the structure was constructed 50 years or more before the current year, regardless of whether that structure has been expanded or renovated since its original construction.

Sec. 5. NRS 338.193 is hereby amended to read as follows:

338.193 1. Each public building sponsored or financed by a public body must meet the standards made applicable for the building pursuant to this section.

2. Except as otherwise provided in ~~subsections 3 and 4,~~ subsection 6, each public building, other than a prison or jail, on which construction begins on or after March 1, 1992, and before March 1, 1993, and each existing public building which is expanded or renovated on or after March 1, 1992, and before March 1, 1993, must incorporate the following minimal standards for plumbing fixtures:

(a) A toilet which uses water must not be installed unless its consumption of water does not exceed 3.5 gallons of water per flush.

(b) A shower apparatus which uses more than 3 gallons of water per minute must not be installed unless it is equipped with a device to reduce water consumption to 3 gallons of water or less per minute.

(c) Each faucet installed in a lavatory or kitchen must not allow water to flow at a rate greater than 3 gallons per minute.

(d) A toilet or urinal which employs a timing device or other mechanism to flush periodically irrespective of demand must not be installed.

3. Except as otherwise provided in subsection ~~4,~~ 6, each public building, other than a prison or jail, on which construction begins on or after March 1, 1993, and before January 1, 2020, and each existing public building which is expanded or renovated on or after March 1, 1993, and before January 1, 2020, must incorporate the following minimal standards for plumbing fixtures:

(a) A toilet which uses water must not be installed unless its consumption of water does not exceed 1.6 gallons of water per flush.

(b) A shower apparatus which uses more than 2.5 gallons of water per minute must not be installed unless it is equipped with a device to reduce water consumption to 2.5 gallons of water or less per minute.

(c) A urinal which uses water must not be installed unless its consumption of water does not exceed 1 gallon of water per flush.

(d) A toilet or urinal which employs a timing device or other mechanism to flush periodically, irrespective of demand, must not be installed.

(e) A urinal which continually flows or flushes water must not be installed.

(f) Each faucet installed in a lavatory or kitchen must not allow water to flow at a rate greater than 2.5 gallons per minute.

(g) Each faucet installed in a public restroom must contain a mechanism which closes the faucet automatically after a predetermined amount of water has flowed through the faucet. Multiple faucets that are activated from a single point must not be installed.

4. *Except as otherwise provided in subsection 6, each public building, other than a prison or jail, on which construction begins on or after January 1, 2020, and each existing public building which is expanded or renovated on or after January 1, 2020* ~~;~~ *:*

(a) If the WaterSense program established by the United States Environmental Protection Agency has developed a final product specification for a type of toilet, shower apparatus, urinal or faucet, must not install any toilet, shower apparatus, urinal or faucet that has not been certified under the WaterSense program ~~. [established by the United States Environmental Protection Agency.]~~

(b) If the WaterSense program has not developed a final product specification for a type of toilet, shower apparatus, urinal or faucet, must not install any toilet, shower apparatus, urinal or faucet that does not comply with any applicable requirements of federal law and the building code of the county or city.

5. *For the purposes of subsection 4, a plumbing fixture is considered certified under the WaterSense program if the fixture meets the requirements of paragraph (a) or (b) of subsection 5 of NRS 278.582.*

6. The requirements of this section for the installation of certain plumbing fixtures do not apply to any portion of ~~an~~ *:*

(a) *An existing public building which is not being expanded or renovated* ~~;~~ *;* *or*

(b) *A public building if the public building was constructed 50 years or more before the current year, regardless of whether that public building has been expanded or renovated since its original construction.*

Sec. 6. NRS 461.175 is hereby amended to read as follows:

461.175 1. ~~[Except as otherwise provided in subsection 2, each]~~ *Each* manufactured building on which construction begins on or after March 1, 1992, and before March 1, 1993, must incorporate the following minimal standards for plumbing fixtures:

(a) A toilet which uses water must not be installed unless its consumption of water does not exceed 3.5 gallons of water per flush.

(b) A shower apparatus which uses more than 3 gallons of water per minute must not be installed unless it is equipped with a device to reduce water consumption to 3 gallons of water or less per minute.

(c) Each faucet installed in a lavatory or kitchen must not allow water to flow at a rate greater than 3 gallons per minute.

2. Each manufactured building on which construction begins on or after March 1, 1993, *and before January 1, 2020*, must incorporate the following minimal standards for plumbing fixtures:

(a) A toilet which uses water must not be installed unless its consumption of water does not exceed 1.6 gallons of water per flush.

(b) A shower apparatus which uses more than 2.5 gallons of water per minute must not be installed unless it is equipped with a device to reduce water consumption to 2.5 gallons of water or less per minute.

(c) Each faucet installed in a lavatory or kitchen must not allow water to flow at a rate greater than 2.5 gallons per minute.

3. *Each manufactured building on which construction begins on or after January 1, 2020* ~~is~~ :

(a) If the WaterSense program established by the United States Environmental Protection Agency has developed a final product specification for a type of toilet, shower apparatus, urinal or faucet, must not install any toilet, shower apparatus, urinal or faucet that has not been certified under the WaterSense program. ~~[established by the United States Environmental Protection Agency.]~~

(b) If the WaterSense program has not developed a final product specification for a type of toilet, shower apparatus, urinal or faucet, must not install any toilet, shower apparatus, urinal or faucet that does not comply with any applicable requirements of federal law and the building code of the county or city.

4. For the purposes of subsection 3, a plumbing fixture is considered certified under the WaterSense program if the fixture meets the requirements of paragraph (a) or (b) of subsection 5 of NRS 278.582.

Sec. 7. NRS 489.706 is hereby amended to read as follows:

489.706 1. ~~[Except as otherwise provided in subsection 2, each]~~ Each manufactured home or mobile home on which construction begins on or after March 1, 1992, *and before March 1, 1993*, must incorporate the following minimal standards for plumbing fixtures:

(a) A toilet which uses water must not be installed unless its consumption of water does not exceed 3.5 gallons of water per flush.

(b) A shower apparatus which uses more than 3 gallons of water per minute must not be installed unless it is equipped with a device to reduce water consumption to 3 gallons of water or less per minute.

(c) Each faucet installed in a lavatory or kitchen must not allow water to flow at a rate greater than 3 gallons per minute.

2. Each manufactured home or mobile home on which construction begins on or after March 1, 1993, *and before January 1, 2020*, must incorporate the following minimal standards for plumbing fixtures:

(a) A toilet which uses water must not be installed unless its consumption of water does not exceed 1.6 gallons of water per flush.

(b) A shower apparatus which uses more than 2.5 gallons of water per minute must not be installed unless it is equipped with a device to reduce water consumption to 2.5 gallons of water or less per minute.

(c) Each faucet installed in a lavatory or kitchen must not allow water to flow at a rate greater than 2.5 gallons per minute.

3. *Each manufactured home or mobile home on which construction begins on or after January 1, 2020* ~~is~~ *:*

(a) If the WaterSense program established by the United States Environmental Protection Agency has developed a final product specification for a type of toilet, shower apparatus, urinal or faucet, must not install any toilet, shower apparatus, urinal or faucet that has not been certified under the WaterSense program. ~~established by the United States Environmental Protection Agency.~~

(b) If the WaterSense program has not developed a final product specification for a type of toilet, shower apparatus, urinal or faucet, must not install any toilet, shower apparatus, urinal or faucet that does not comply with any applicable requirements of federal law and the building code of the county or city.

4. *For the purposes of subsection 3, a plumbing fixture is considered certified under the WaterSense program if the fixture meets the requirements of paragraph (a) or (b) of subsection 5 of NRS 278.582.*

Sec. 8. Chapter 704 of NRS is hereby amended by adding thereto a new section to read as follows:

1. *Except as otherwise provided in subsection 4, each public utility that is required to adopt or update a plan of water conservation in accordance with the provisions of NRS 704.662 and:*

(a) Serves 3,300 persons or more must conduct a water loss audit in accordance with the methodology and software of the American Water Works Association for water loss auditing. The results of the water loss audit must be submitted by the public utility to the Commission with the plan of water conservation or update to the plan of water conservation, as applicable.

(b) Serves less than 3,300 persons must calculate the amount of water delivered by the supplier of water and the amount of water that was billed to customers of the supplier of water for each year. The calculations must be submitted by the public utility to the Commission with the plan for water conservation or update to the plan of water conservation, as applicable.

2. *If the public utility has previously submitted the results of a water loss audit to the Commission pursuant to paragraph (a) of subsection 1, and is submitting an update to the plan of water conservation, the public utility must also submit to the Commission:*

(a) A comparison between the results of the new water loss audit and the previous water loss audit; and

(b) An analysis of any progress made by the public utility towards the goals for acceptable water loss established in the plan for water conservation pursuant to paragraph (c) of subsection 1 of NRS 704.6622.

3. If the public utility has previously submitted the results of the calculations conducted pursuant to paragraph (b) of subsection 1 to the Commission, and is submitting an update to the plan of water conservation, the supplier must also submit to the Commission:

(a) A comparison between the results of the new calculations and the previous calculations; and

(b) An analysis of any progress made by the public utility towards the goals for acceptable water loss established in the plan for water conservation pursuant to paragraph (c) of subsection 1 of NRS 704.6622.

4. The provisions of this section do not apply to a transient water system as defined in NRS ~~617.135~~ 445A.848.

Sec. 9. NRS 704.6622 is hereby amended to read as follows:

704.6622 1. A plan of water conservation submitted to the Commission for approval must include provisions relating to:

(a) Methods of public education to:

(1) Increase public awareness of the limited supply of water in this state and the need to conserve water.

(2) Encourage reduction in the size of lawns and encourage the use of plants that are adapted to arid and semiarid climates.

(b) Specific conservation measures required to meet the needs of the service area, including, but not limited to, any conservation measures required by law.

(c) The management of water to ~~the~~

~~(1) Identify~~ identify and reduce ~~leakage~~ water loss in water supplies, inaccuracies in water meters and high pressure in water supplies ~~;~~ and, which must include, without limitation:

(1) Goals for acceptable levels of water loss in water supplies. Such goals may use the following performance indicators and analyses, without limitation:

(I) Infrastructure water loss index;

(II) Water audit data validity score;

(III) Operational basic apparent losses;

(IV) Operational basic real losses; and

(V) Economic level of water loss.

(2) ~~Increase~~ A plan which analyzes how the public utility will progress towards the goals established for the acceptable levels of water loss.

(d) The management of water to, where applicable, increase the reuse of effluent.

~~(d)~~ (e) A contingency plan for drought conditions that ensures a supply of potable water.

~~(e)~~ (f) A schedule for carrying out the plan.

~~(f)~~ (g) A plan for how the public utility will progress towards the installation of meters on all connections, if applicable.

(h) Standards for water efficiency for new development.

(i) Tiered rate structures for the pricing of water to promote the conservation of water, including, without limitation, an estimate of the manner in which the tiered rate structure will impact the consumptive use of water.

(j) Watering restrictions based on the time of day and the day of the week.

(k) Measures to evaluate the effectiveness of the plan.

2. A plan submitted for approval must be accompanied by an analysis of the feasibility of charging variable rates for the use of water to encourage the conservation of water.

3. The Commission shall review any plan submitted to it and approve the plan if it is based on the climate and living conditions of the service area and complies with the requirements of this section.

Sec. 10. This act becomes effective:

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

2. On January 1, 2020, for all other purposes.

Senator Scheible moved the adoption of the amendment.

Remarks by Senator Scheible.

Amendment No. 682 revises the minimum standards set forth in Assembly Bill No. 163. It provides that if the Environmental Protection Agency's WaterSense program has not developed a final product specification for a type of toilet, shower apparatus, urinal or faucet, the fixture must comply with any applicable requirements of federal law and the building code of the county or city.

Amendment adopted.

Bill ordered reprinted, re-engrossed and to third reading.

Assembly Bill No. 304.

Bill read second time and ordered to third reading.

Assembly Bill No. 316.

Bill read second time.

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

Amendment No. 683.

~~JOINT [SPONSOR: SENATOR]~~ SPONSORS: SENATORS SEEVERS GANSERT ; BROOKS, CANCELA, DENIS, HAMMOND, HARDY, SETTELMAYER, SPEARMAN AND WASHINGTON

SUMMARY—Revises provisions relating to driving under the influence of alcohol or a prohibited substance. (BDR 43-312)

AN ACT relating to public safety; enacting the Nevada 24/7 Sobriety and Drug Monitoring Program Act; establishing a voluntary statewide sobriety and drug monitoring program; requiring any political subdivision that elects to participate in the program to adopt guidelines relating to the program; requiring such guidelines to establish certain fees; and providing other matters properly relating thereto.

Legislative Counsel's Digest:

This bill enacts the Nevada 24/7 Sobriety and Drug Monitoring Program Act. Section 14 of this bill establishes a statewide sobriety and drug monitoring program in which any political subdivision in this State may elect to participate. Section 15 of this bill provides that if a political subdivision elects to participate in the program, the Department of Public Safety is authorized to assist the political subdivision in the establishment and administration of the program and the political subdivision is required to designate a law enforcement agency to enforce the program.

Section 16 of this bill authorizes a court to assign an offender who is found guilty of driving under the influence of alcohol or a prohibited substance for the second or third time within 7 years to the program for a specified period determined by the court.

Section 17 of this bill provides that any person who is assigned to the program: (1) must abstain from alcohol and prohibited substances while assigned to the program; (2) generally must undergo testing to determine the presence of alcohol in the person's system not less than two times each day; (3) must undergo random testing not less than two times each week to determine the presence of a prohibited substance in the person's system; (4) must be subject to sanctions for using alcohol or a prohibited substance while assigned to the program or for failing or refusing to undergo required testing; and (5) if the person's driver's license is suspended or revoked, is eligible for a restricted driver's license for the purpose of driving to and from a testing location, work, court appearances or counseling or to receive regularly scheduled medical care. Section 16 authorizes the Department of Motor Vehicles to adopt any regulations necessary to provide for the issuance of such a restricted driver's license to a person assigned to the program.

Section 18 of this bill requires each political subdivision that elects to participate in the program to adopt guidelines relating to the program, including guidelines that: (1) provide for the nature and manner of testing and the testing procedures and devices to be used; (2) establish certain fees; and (3) provide for the establishment and use of a local program account for the deposit of any fees collected. Section 19 of this bill requires the law enforcement agency that enforces the program for the political subdivision to collect any fees required by such guidelines and deposit the fees into the applicable local program account. Section 19 also establishes provisions relating to the distribution and use of such fees.

WHEREAS, A RAND Corporation study published in the *American Journal of Public Health* in January 2013 concluded that the frequent alcohol testing required by 24/7 sobriety and drug monitoring programs, combined with swift, certain and modest sanctions for violations, can reduce problem drinking and improve public health outcomes; and

WHEREAS, The RAND Corporation analysis provides strong evidence that 24/7 sobriety and drug monitoring programs, when applied to offenders

who repeatedly drive under the influence of intoxicating liquor or a prohibited substance, are successful in reducing arrests for such a crime; and

WHEREAS, As a result of the success of 24/7 sobriety and drug monitoring programs, such a program is an authorized program for which impaired driving countermeasure incentive grant funding is available under federal law; now, therefore,

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

Section 1. NRS 483.490 is hereby amended to read as follows:

483.490 1. Except as otherwise provided in this section, after a driver's license has been suspended or revoked for an offense other than a violation of NRS 484C.110, and one-half of the period during which the driver is not eligible for a license has expired, the Department may, unless the statute authorizing the suspension prohibits the issuance of a restricted license, issue a restricted driver's license to an applicant permitting the applicant to drive a motor vehicle:

(a) To and from work or in the course of his or her work, or both; or

(b) To acquire supplies of medicine or food or receive regularly scheduled medical care for himself, herself or a member of his or her immediate family.

↳ Before a restricted license may be issued, the applicant must submit sufficient documentary evidence to satisfy the Department that a severe hardship exists because the applicant has no alternative means of transportation and that the severe hardship outweighs the risk to the public if the applicant is issued a restricted license.

2. A person who is required to install a device in a motor vehicle pursuant to NRS 484C.210 or 484C.460:

(a) Shall install the device not later than 14 days after the date on which the order was issued; and

(b) May not receive a restricted license pursuant to this section until:

(1) After at least 1 year of the period during which the person is not eligible for a license, if the person was convicted of:

(I) A violation of NRS 484C.430 or 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; or

(II) A violation of NRS 484C.110 that is punishable as a felony pursuant to NRS 484C.410 or 484C.420; or

(2) After at least 180 days of the period during which the person is not eligible for a license, if the person was convicted of a violation of subsection 6 of NRS 484B.653.

3. If the Department has received a copy of an order requiring a person to install a device in a motor vehicle pursuant to NRS 484C.460 or following an order of revocation issued pursuant to NRS 484C.220, the Department shall not issue a restricted driver's license to such a person pursuant to this section

unless the applicant has submitted proof of compliance with the order and subsection 2.

4. *If the driver's license of a person assigned to a program established pursuant to section 14 of this act is suspended or revoked, the Department may, after verifying the proof of compliance submitted pursuant to subsection 3, if applicable, issue a restricted driver's license to such an applicant that is valid while he or she is a participant in the program and that permits the applicant to drive a motor vehicle:*

(a) *To and from a testing location established by a law enforcement agency pursuant to section 15 of this act;*

(b) *If applicable, to and from work or in the course of his or her work, or both;*

(c) *To and from court appearances;*

(d) *To and from counseling; or*

(e) *To receive regularly scheduled medical care for himself or herself.*

5. Except as otherwise provided in NRS 62E.630, after a driver's license has been revoked or suspended pursuant to title 5 of NRS or NRS 392.148, the Department may issue a restricted driver's license to an applicant permitting the applicant to drive a motor vehicle:

(a) If applicable, to and from work or in the course of his or her work, or both; or

(b) If applicable, to and from school.

~~5.~~ 6. After a driver's license has been suspended pursuant to NRS 483.443, the Department may issue a restricted driver's license to an applicant permitting the applicant to drive a motor vehicle:

(a) If applicable, to and from work or in the course of his or her work, or both;

(b) To receive regularly scheduled medical care for himself, herself or a member of his or her immediate family; or

(c) If applicable, as necessary to exercise a court-ordered right to visit a child.

~~6.~~ 7. A driver who violates a condition of a restricted license issued pursuant to subsection 1 *or* 4 or by another jurisdiction is guilty of a misdemeanor and, if the license of the driver was suspended or revoked for:

(a) A violation of NRS 484C.110, 484C.210 or 484C.430;

(b) 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; or

(c) A violation of a law of any other jurisdiction that prohibits the same or similar conduct as set forth in paragraph (a) or (b),

↳ the driver shall be punished in the manner provided pursuant to subsection 2 of NRS 483.560.

~~7.~~ 8. The periods of suspensions and revocations required pursuant to this chapter and NRS 484C.210 must run consecutively, except as otherwise

provided in NRS 483.465 and 483.475, when the suspensions must run concurrently.

~~§~~ 9. Whenever the Department suspends or revokes a license, the period of suspension, or of ineligibility for a license after the revocation, begins upon the effective date of the revocation or suspension as contained in the notice thereof.

Sec. 2. Chapter 484C of NRS is hereby amended by adding thereto the provisions set forth as sections 3 to 19, inclusive, of this act.

Sec. 3. *Sections 3 to 19, inclusive, of this act may be cited as the Nevada 24/7 Sobriety and Drug Monitoring Program Act.*

Sec. 4. 1. *The Legislature hereby declares that driving in this State is a privilege, not a right, and a driver who wishes to enjoy the benefits of such a privilege must accept the corresponding responsibilities.*

2. *The Legislature further declares that the purpose of sections 3 to 19, inclusive, of this act is to:*

(a) *Protect the public health and welfare by reducing the number of people on the highways of this State who drive under the influence of intoxicating liquor or a prohibited substance; and*

(b) *Strengthen the options available to courts and prosecuting attorneys in responding to offenders who repeatedly drive under the influence of intoxicating liquor or a prohibited substance.*

Sec. 5. *As used in sections 3 to 19, inclusive, of this act, unless the context otherwise requires, the words and terms defined in sections 6 to 13, inclusive, of this act have the meanings ascribed to them in those sections.*

Sec. 6. *"Core components" means the elements of the program that analysis demonstrates are most likely to account for positive outcomes.*

Sec. 7. (Deleted by amendment.)

Sec. 8. *"Designated law enforcement agency" means a law enforcement agency designated to enforce the program pursuant to section 15 of this act.*

Sec. 9. *"Immediate sanction" means a sanction that is able to be applied within minutes after the results of testing indicate the presence of alcohol or a prohibited substance in a program participant's system.*

Sec. 9.5. *"Political subdivision" includes, without limitation, any county, city, other local government, court or entity that administers alternative sentencing.*

Sec. 10. *"Program" means the statewide sobriety and drug monitoring program established pursuant to section 14 of this act.*

Sec. 11. *"Program participant" means a person who is assigned by a court to the program.*

Sec. 12. *"Testing" means any procedure approved by the Committee on Testing for Intoxication for determining the concentration of alcohol or the amount of a prohibited substance in a person's system that is provided for in the applicable guidelines adopted pursuant to section 18 of this act.*

Sec. 13. *"Timely sanction" means a sanction that is able to be applied as soon as possible, but not later than 14 days, after the results of testing indicate*

the presence of alcohol or a prohibited substance in a program participant's system.

Sec. 14. 1. *There is hereby established a statewide sobriety and drug monitoring program in which any political subdivision in this State may elect to participate.*

2. *The core components of the program must include the use of a primary testing methodology that tests for the presence of alcohol or a prohibited substance in a program participant's system, best facilitates the ability to apply immediate sanctions for noncompliance and is available at an affordable cost. In cases of economic hardship or when a program participant is rewarded with less stringent testing requirements, testing methodologies with timely sanctions for noncompliance may be utilized.*

3. *The program must be evidence-based and satisfy at least two of the following requirements:*

(a) *The program is included in the National Registry of Evidence-based Programs and Practices;*

(b) *The program has been reported in a peer-reviewed journal as having positive effects on the primary targeted outcome; or*

(c) *The program has been documented as effective by informed experts and other sources.*

4. *The core components of the program that generally require testing to determine the presence of alcohol in a person's system not less than two times each day and random testing to determine the presence of a prohibited substance in a person's system not less than two times each week must not be altered or modified.*

Sec. 15. *If a political subdivision elects to participate in the program:*

1. *The Department of Public Safety may assist the political subdivision in the establishment and administration of the program in the manner provided in sections 3 to 19, inclusive, of this act and in determining alternatives to incarceration.*

2. *The political subdivision shall designate a law enforcement agency to enforce the program.*

3. *A designated law enforcement agency:*

(a) *May designate an entity to provide testing services or to take any other action required or authorized to be provided by the law enforcement agency pursuant to sections 3 to 19, inclusive, of this act, but such a designated entity may not determine whether to participate in the program.*

(b) *Shall establish one or more testing locations that provide at least two available testing times each day. If only two testing times are made available, the testing times must be approximately 12 hours apart.*

Sec. 16. 1. *A court may assign an offender who is found guilty of a violation of NRS 484C.110 or 484C.120 that is punishable pursuant to paragraph (b) or (c) of subsection 1 of NRS 484C.400 to the program established pursuant to section 14 of this act for a specified period determined by the court.*

2. *If the court assigns an offender to the program 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, the court:*

(a) Shall immediately sentence the offender and enter judgment accordingly.

(b) Shall suspend the sentence of the offender upon the condition that the offender participate in the program for a specified period determined by the court.

(c) Shall advise the offender that:

(1) If the offender fails to participate in the program for the period determined by the court or fails to comply with the requirements of the program, the court may require the offender to 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 participating in the program.

(2) If the offender participates in the program for the period determined by the court and complies with the requirements of the program, 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 of NRS 484C.330 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.

(3) The offender is eligible for a restricted driver's license pursuant to subsection 4 of NRS 483.490.

(d) Shall not defer the sentence, set aside the conviction or impose conditions upon participation in the program except as otherwise provided in this section.

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

3. *If the court assigns an offender to the program who is found guilty of a violation of NRS 484C.110 or 484C.120 that is punishable pursuant to paragraph (c) of subsection 1 of NRS 484C.400, the court:*

(a) Shall immediately, without entering a judgment of conviction and with the consent of the offender, suspend further proceedings and place the offender on probation.

(b) Shall order the offender to participate in the program.

(c) Shall advise the offender that:

(1) The court may enter a judgment of conviction for a violation of paragraph (c) of subsection 1 of NRS 484C.400 if the offender fails to participate in the program for the period determined by the court or fails to comply with the requirements of the program. Any sentence of imprisonment may be reduced by a time equal to that which the offender served before participating in the program.

(2) If the offender participates in the program for the period determined by the court and complies with the requirements of the program, the court will

enter a judgment of conviction for a violation of paragraph (b) of subsection 1 of NRS 484C.400.

(3) The provisions of NRS 483.460 requiring the revocation of the license, permit or privilege of the offender to drive do not apply and the offender is eligible for a restricted driver's license pursuant to subsection 4 of NRS 483.490.

(d) Shall not defer the sentence or set aside the conviction upon participation in the program, except as otherwise provided in this section.

(e) 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.

4. If a court assigns a person to the program pursuant to this section, the court shall notify the Department of Motor Vehicles that as a participant in the program, the person is eligible for a restricted driver's license pursuant to subsection 4 of NRS 483.490. If the person fails to comply with the requirements of the program, the court may notify the Department of Motor Vehicles of the person's noncompliance and direct the Department of Motor Vehicles to revoke the restricted license.

5. The Department of Motor Vehicles may adopt any regulations necessary to provide for the issuance of a restricted driver's license to a person assigned to the program.

Sec. 17. Any person who is assigned to the program:

1. Shall abstain from alcohol and prohibited substances while assigned to the program.

2. Shall undergo testing to determine the presence of alcohol in the person's system:

(a) Except as otherwise provided in paragraph (b), not less than two times each day at a testing location established by a designated law enforcement agency pursuant to section 15 of this act so that immediate sanctions can be applied;

(b) If being tested two or more times each day is not practical, by an alternate method consistent with section 14 of this act that allows timely sanctions to be applied; or

(c) By any other alternate method consistent with section 14 of this act.

3. Shall undergo random testing not less than two times each week to determine the presence of a prohibited substance in the person's system.

4. Must be subject to immediate, lawful and consistent sanctions for using alcohol or a prohibited substance while assigned to the program or for failing or refusing to undergo required testing, including, without limitation, immediate incarceration.

5. Is eligible for a restricted driver's license pursuant to subsection 4 of NRS 483.490 if the driver's license of the person is suspended or revoked.

Sec. 18. Each political subdivision that elects to participate in the program established pursuant to section 14 of this act shall adopt guidelines consistent with sections 3 to 19, inclusive, of this act. Such guidelines must:

1. Provide for the nature and manner of testing and the testing procedures and devices to be used.

2. Establish the requirements for compliance with the program, including, without limitation, the immediate sanctions and timely sanctions that may be imposed against a program participant.

3. Establish reasonable participant and testing fees for the program, including, without limitation, fees to pay the cost of installation, monitoring and deactivation of any testing device, and provide for the establishment and use of a local program account for the deposit of any fees collected. The established fees must be as low as possible, but the total amount of the fees and other funds credited to the local program account must defray the entire expense of the program to ensure program sustainability.

4. Provide that a political subdivision may accept gifts, grants, donations and any other form of financial assistance from any source for the purpose of enabling the political subdivision to participate in the program and carry out the provisions of sections 3 to 19, inclusive, of this act.

5. Establish a process for the determination and management of program participants who are indigent.

6. Require and provide for the approval of a program data management technology plan to be used to manage testing, data access, fees, fee payments and any required reports.

7. Require a program participant to sign an agreement:

(a) Acknowledging his or her understanding of the program rules and expectations, including without limitation, the prohibition against using alcohol or a prohibited substance while assigned to the program, and the sanctions that may be imposed;

(b) Agreeing to abide by the program rules and expectations; and

(c) Authorizing his or her records relating to participation in the program to be used for assessment purposes.

8. Require that program participants who meet certain standards of compliance be given positive feedback and rewarded when appropriate. Such a reward may include, without limitation, undergoing less frequent testing.

Sec. 19. 1. A designated law enforcement agency shall collect any fees required by any guidelines adopted pursuant to section 18 of this act and deposit such fees into the applicable local program account established by a political subdivision pursuant to such guidelines.

2. In accordance with the provisions of sections 3 to 19, inclusive, of this act and the guidelines adopted pursuant to section 18 of this act, all fees deposited into a local program account must be used by the applicable designated law enforcement agency or, in accordance with the terms determined by the designated law enforcement agency, any entity designated by the law enforcement agency pursuant to section 15 of this act.

3. Each designated law enforcement agency shall distribute a portion of the fees to any entity designated by the law enforcement agency pursuant to section 15 of this act in accordance with any agreement entered into with such

a designated entity. The remainder of the fees is for the use of the law enforcement agency and may be used only for the purpose of administering and operating the program.

Sec. 20. NRS 484C.400 is hereby amended to read as follows:

484C.400 1. Unless a greater penalty is provided pursuant to NRS 484C.430 or 484C.440, and except as otherwise provided in NRS 484C.410, a person who violates the provisions of NRS 484C.110 or 484C.120:

(a) For the first offense within 7 years, is guilty of a misdemeanor. Unless the person is allowed to undergo treatment as provided in NRS 484C.320, the court shall:

(1) Except as otherwise provided in subparagraph (4) of this paragraph or subsection 3 of NRS 484C.420, order the person to pay tuition for an educational course on the abuse of alcohol and controlled substances approved by the Department and complete the course within the time specified in the order, and the court shall notify the Department if the person fails to complete the course within the specified time;

(2) Unless the sentence is reduced pursuant to NRS 484C.320, sentence the person to imprisonment for not less than 2 days nor more than 6 months in jail, or to perform not less than 48 hours, but not more than 96 hours, of community service while dressed in distinctive garb that identifies the person as having violated the provisions of NRS 484C.110 or 484C.120;

(3) Fine the person not less than \$400 nor more than \$1,000; and

(4) If the person is found to have a concentration of alcohol of 0.18 or more in his or her blood or breath, order the person to attend a program of treatment for the abuse of alcohol or drugs pursuant to the provisions of NRS 484C.360.

(b) For a second offense within 7 years, is guilty of a misdemeanor. Unless the sentence is reduced pursuant to NRS 484C.330 ~~or~~ *or the person is assigned to a program pursuant to section 16 of this act*, the court shall:

(1) Sentence the person to:

(I) Imprisonment for not less than 10 days nor more than 6 months in jail; or

(II) Residential confinement for not less than 10 days nor more than 6 months, in the manner provided in NRS 4.376 to 4.3766, inclusive, or 5.0755 to 5.078, inclusive;

(2) Fine the person not less than \$750 nor more than \$1,000, or order the person to perform an equivalent number of hours of community service while dressed in distinctive garb that identifies the person as having violated the provisions of NRS 484C.110 or 484C.120; and

(3) Order the person to attend a program of treatment for the abuse of alcohol or drugs pursuant to the provisions of NRS 484C.360.

→ A person who willfully fails or refuses to complete successfully a term of residential confinement or a program of treatment ordered pursuant to this paragraph is guilty of a misdemeanor.

(c) Except as otherwise provided in NRS 484C.340 ~~†~~ and unless the person is assigned to a program pursuant to section 16 of this act, for a third offense within 7 years, is guilty of a category B felony and shall be punished by imprisonment in the state prison for a minimum term of not less than 1 year and a maximum term of not more than 6 years, and shall be further punished by a fine of not less than \$2,000 nor more than \$5,000. An offender who is imprisoned pursuant to the provisions of this paragraph must, insofar as practicable, be segregated from offenders whose crimes were violent and, insofar as practicable, be assigned to an institution or facility of minimum security.

2. An offense that occurred within 7 years immediately preceding the date of the principal offense or after the principal offense constitutes a prior offense for the purposes of this section:

(a) When evidenced by a conviction; or

(b) If the offense is conditionally dismissed pursuant to NRS 176A.290 or dismissed in connection with successful completion of a diversionary program or specialty court program,

↳ without regard to the sequence of the offenses and convictions. The facts concerning a prior offense must be alleged in the complaint, indictment or information, must not be read to the jury or proved at trial but must be proved at the time of sentencing and, if the principal offense is alleged to be a felony, must also be shown at the preliminary examination or presented to the grand jury.

3. A term of confinement imposed pursuant to the provisions of this section may be served intermittently at the discretion of the judge or justice of the peace, except that a person who is convicted of a second or subsequent offense within 7 years must be confined for at least one segment of not less than 48 consecutive hours. This discretion must be exercised after considering all the circumstances surrounding the offense, and the family and employment of the offender, but any sentence of 30 days or less must be served within 6 months after the date of conviction or, if the offender was sentenced pursuant to NRS 484C.320 or 484C.330 and the suspension of his or her sentence was revoked, within 6 months after the date of revocation. Any time for which the offender is confined must consist of not less than 24 consecutive hours.

4. Jail sentences simultaneously imposed pursuant to this section and NRS 482.456, 483.560, 484C.410 or 485.330 must run consecutively.

5. If the defendant was transporting a person who is less than 15 years of age in the motor vehicle at the time of the violation, the court shall consider that fact as an aggravating factor in determining the sentence of the defendant.

6. For the purpose of determining whether one offense occurs within 7 years of another offense, any period of time between the two offenses during which, for any such offense, the offender is imprisoned, serving a term of residential confinement, placed under the supervision of a treatment provider, on parole or on probation must be excluded.

7. As used in this section, unless the context otherwise requires, "offense" means:

- (a) A violation of NRS 484C.110, 484C.120 or 484C.430;
- (b) 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; or
- (c) A violation of a law of any other jurisdiction that prohibits the same or similar conduct as set forth in paragraph (a) or (b).

Sec. 21. NRS 484C.460 is hereby amended to read as follows:

484C.460 1. Except as otherwise provided in subsections 2 and 5 ~~and~~ *and unless the person is assigned to a program pursuant to section 16 of this act*, 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 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. 22. (Deleted by amendment.)

Sec. 23. (Deleted by amendment.)

Sec. 24. This act becomes effective upon passage and approval.

Senator Cancela moved the adoption of the amendment.

Remarks by Senator Cancela.

Amendment No. 683 makes one change to Assembly Bill No. 316. The amendment adds the members of the Senate Committee on Growth and Infrastructure as joint sponsors.

Amendment adopted.

Bill ordered reprinted, re-engrossed and to third reading.

Assembly Bill No. 367.

Bill read second time and ordered to third reading.

Assembly Bill No. 387.

Bill read second time and ordered to third reading.

Assembly Bill No. 427.

Bill read second time.

The following amendment was proposed by the Committee on Education:

Amendment No. 675.

SUMMARY—Revises provisions governing the tuition charges, registration and other fees assessed against certain students within the Nevada System of Higher Education. (BDR 34-894)

AN ACT relating to the Nevada System of Higher Education; requiring the waiver of the payment of registration fees and certain other fees assessed against students within the System who are veterans who have been awarded the Purple Heart; prohibiting the assessment of tuition charges against such students; and providing other matters properly relating thereto.

Legislative Counsel's Digest:

Existing law authorizes the Board of Regents of the University of Nevada to grant a waiver of registration and certain other fees to certain persons, such as members of the Nevada National Guard, the children and surviving spouses of such members who are killed in the line of duty and the spouse or children of a person who is identified as a prisoner of war or missing in action while performing his or her duties as a member of the Armed Forces of the United States. (NRS 396.544, 396.5442, 396.5445) Section 1 of this bill requires the Board of Regents to waive the payment of registration fees, laboratory fees and any other mandatory fees assessed each semester against a student who is a veteran of the Armed Forces of the United States who has been awarded the Purple Heart to the extent that the fees exceed the amount of any federal educational benefits to which the veteran is entitled.

Existing law authorizes the Board of Regents to assess tuition charges for students at all campuses of the Nevada System of Higher Education who are

not residents of Nevada. The tuition charges are in addition to registration fees and other fees assessed against students who are residents of this State. Existing law also prohibits the Board of Regents from assessing tuition charges against certain students, including certain veterans of the Armed Forces of the United States. (NRS 396.540) Section 1.5 of this bill prohibits the Board of Regents from assessing tuition charges against veterans who have been awarded the Purple Heart.

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

Section 1. Chapter 396 of NRS is hereby amended by adding thereto a new section to read as follows:

1. *The Board of Regents shall grant a waiver of the payment of registration fees, laboratory fees and any other mandatory fees assessed each semester against a student who is a veteran of the Armed Forces of the United States who has been awarded the Purple Heart.*

2. *The amount of the waiver must be equal to:*

(a) *If the student is entitled to receive any federal ~~(veterans)~~ educational benefits for a semester, the balance of registration fees, laboratory fees and any other mandatory fees assessed against the student that remain unpaid after the student's account has been credited with the full amount of the federal ~~(veterans)~~ educational benefits to which the student is entitled for that semester; or*

(b) *If the student is not entitled to receive any federal educational benefits for ~~(veterans for)~~ a semester, the full amount of the registration fees, laboratory fees and any other mandatory fees assessed against the student for that semester.*

3. *The waiver must be granted to a student who enrolls in any program offered by a school within the System, including, without limitation, a trade or vocational program, a graduate program or a professional program.*

4. *For the purpose of assessing fees and charges against a student to whom a waiver is granted pursuant to this section, including, without limitation, tuition charges pursuant to NRS 396.540, such a student shall be deemed to be a bona fide resident of this State.*

5. *The Board of Regents may grant more favorable waivers of registration fees, laboratory fees and any other mandatory fees for veterans of the Armed Forces of the United States who have been awarded the Purple Heart than the waiver provided pursuant to this section if required for the receipt of federal money.*

Sec. 1.5. NRS 396.540 is hereby amended to read as follows:

396.540 1. For the purposes of this section:

(a) "Bona fide resident" shall be construed in accordance with the provisions of NRS 10.155 and policies established by the Board of Regents, to the extent that those policies do not conflict with any statute. The qualification "bona fide" is intended to ensure that the residence is genuine and established for purposes other than the avoidance of tuition.

(b) "Matriculation" has the meaning ascribed to it in regulations adopted by the Board of Regents.

(c) "Tuition charge" means a charge assessed against students who are not residents of Nevada and which is in addition to registration fees or other fees assessed against students who are residents of Nevada.

2. The Board of Regents may fix a tuition charge for students at all campuses of the System, but tuition charges must not be assessed against:

(a) All students whose families have been bona fide residents of the State of Nevada for at least 12 months before the matriculation of the student at a university, state college or community college within the System;

(b) All students whose families reside outside of the State of Nevada, providing such students have themselves been bona fide residents of the State of Nevada for at least 12 months before their matriculation at a university, state college or community college within the System;

(c) All students whose parent, legal guardian or spouse is a member of the Armed Forces of the United States who:

(1) Is on active duty and stationed at a military installation in the State of Nevada or a military installation in another state which has a specific nexus to this State, including, without limitation, the Marine Corps Mountain Warfare Training Center located at Pickel Meadow, California; or

(2) Was on active duty and stationed at a military installation in the State of Nevada or a military installation in another state which has a specific nexus to this State, including, without limitation, the Marine Corps Mountain Warfare Training Center located at Pickel Meadow, California, on the date on which the student enrolled at an institution of the System if such students maintain continuous enrollment at an institution of the System;

(d) All students who are using benefits under the Marine Gunnery Sergeant John David Fry Scholarship pursuant to 38 U.S.C. § 3311(b)(9);

(e) All public school teachers who are employed full-time by school districts in the State of Nevada;

(f) All full-time teachers in private elementary, secondary and postsecondary educational institutions in the State of Nevada whose curricula meet the requirements of chapter 394 of NRS;

(g) Employees of the System who take classes other than during their regular working hours;

(h) Members of the Armed Forces of the United States who are on active duty and stationed at a military installation in the State of Nevada or a military installation in another state which has a specific nexus to this State, including, without limitation, the Marine Corps Mountain Warfare Training Center located at Pickel Meadow, California;

(i) Veterans of the Armed Forces of the United States who were honorably discharged and who were on active duty while stationed at a military installation in the State of Nevada or a military installation in another state which has a specific nexus to this State, including, without limitation, the

Marine Corps Mountain Warfare Training Center located at Pickel Meadow, California, on the date of discharge; ~~and~~

(j) Except as otherwise provided in subsection 3, veterans of the Armed Forces of the United States who were honorably discharged within the 5 years immediately preceding the date of matriculation of the veteran at a university, state college or community college within the System ~~+~~; *and*

(k) *Veterans of the Armed Forces of the United States who have been awarded the Purple Heart.*

3. The Board of Regents may grant more favorable exemptions from tuition charges for veterans of the Armed Forces of the United States who were honorably discharged than the exemption provided pursuant to paragraph (j) of subsection 2, if required for the receipt of federal money.

4. The Board of Regents may grant exemptions from tuition charges each semester to other worthwhile and deserving students from other states and foreign countries, in a number not to exceed a number equal to 3 percent of the total matriculated enrollment of students for the last preceding fall semester.

Sec. 2. This act becomes effective on July 1, 2019.

Senator Denis moved the adoption of the amendment.

Remarks by Senator Denis.

Amendment No. 675 to Assembly Bill No. 427 clarifies that all federal benefits, in addition to veteran benefits, must be exhausted before the Nevada System of Higher Education waives any fees.

Amendment adopted.

Bill ordered reprinted, re-engrossed and to third reading.

Assembly Bill No. 430.

Bill read second time and ordered to third reading.

Assembly Bill No. 462.

Bill read second time.

The following amendment was proposed by the Committee on Education:

Amendment No. 711.

SUMMARY—Revises provisions relating to charter schools.
(BDR 34-1090)

AN ACT relating to education; requiring the State Public Charter School Authority to establish a plan to manage the growth of charter schools; requiring sponsors of charter schools to provide notice to the Department of Education and certain other sponsors of certain actions relating to opening or expanding a charter school; revising provisions governing the duties of a sponsor of a charter school; revising provisions governing evaluations conducted by sponsors of charter schools; ~~revising provisions governing the duties of sponsors of charter schools;~~ requiring certain reports to be submitted to the Legislative Committee on Education; and providing other matters properly relating thereto.

Legislative Counsel's Digest:

Existing law authorizes the board of trustees of a school district or a college or university within the Nevada System of Higher Education that has been approved to sponsor a charter school or the State Public Charter School Authority to approve an application to form a charter school and enter into a charter contract with the governing body of the charter school. (NRS 388A.252, 388A.270) Section 3 of this bill requires the State Public Charter School Authority to establish a plan to manage the growth of charter schools in this State which sets forth the status of existing charter schools and a 5-year projection of anticipated growth in the number of charter schools. The plan must be reviewed and revised as necessary biennially. Section 7 of this bill requires the initial plan to be completed and submitted to the Legislative Committee on Education and the Department of Education by not later than January 1, 2020. Section 4 of this bill requires the sponsor of a charter school to provide written notice to the Department ~~of Education~~ and, if the sponsor is not a school district, to the board of trustees of the school district where a charter school is located or proposed to be located, as applicable, when the sponsor receives notice of certain actions that may be taken or takes certain actions to open or expand a charter school.

Existing law requires the sponsor of a charter school to evaluate academic needs of pupils in the geographic areas served by the sponsor before soliciting applications to form a charter school. (NRS 388A.220) Section 5 of this bill ~~requires additional~~ instead requires: (1) the State Public Charter School Authority to conduct such an evaluation annually for the State; and (2) other sponsors of charter schools to conduct such an evaluation before approving an application to form a charter school. Section 5 also requires such an evaluation to include consideration ~~to~~ of demographic information and the needs of any pupils who are at high risk of dropping out of school ~~in those areas before soliciting applications. In addition, section 5 requires the sponsor of a charter school to conduct such an evaluation each year after a charter school it sponsors.~~ Section 9 of this bill requires ~~each sponsor of a charter school~~ the State Public Charter School Authority to conduct ~~that~~ the first evaluation ~~for the charter schools it sponsors~~ by not later than ~~January 1, 2020~~ July 30, 2019. Before approving an application to form a charter school, section 6.3 of this bill requires the proposed sponsor of the charter school to determine that the proposed charter school will address one or more needs identified in the applicable geographic evaluation and that it has received sufficient public input. If the proposed sponsor is the State Public Charter School Authority or a college or university within the Nevada System of Higher Education, section 6.3 requires the proposed sponsor in renewing the application to form a charter school, to solicit input from the board of trustees of the school district in which the proposed charter school will be located. Sections 6.6 and 6.9 of this bill make conforming changes.

Existing law requires the sponsor of a charter school to carry out certain responsibilities. (NRS 388A.223) Section 6 of this bill adds the duty to conduct

site evaluations of each campus of a charter school that it sponsors during the first, third and fifth years after entering into or renewing a charter contract. Section 8 of this bill requires the initial site evaluation to be completed and a report submitted by each sponsor of a charter school to the Legislative Committee on Education by not later than June 30, 2020.

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

Section 1. (Deleted by amendment.)

Sec. 2. Chapter 388A of NRS is hereby amended by adding thereto the provisions set forth as sections 3 and 4 of this act.

Sec. 3. 1. *The State Public Charter School Authority shall establish a plan to manage the growth of charter schools in this State. The plan must set forth the status of existing charter schools and a 5-year projection of anticipated growth in the number of charter schools.*

2. *To develop the plan pursuant to subsection 1, the Authority shall determine the projected number of:*

- (a) New charter schools that the Authority will approve;*
- (b) Additional campuses of charter schools that the Authority will approve;*
- (c) Charter schools that will expand the grade levels offered at the charter schools or will otherwise increase enrollment of pupils at the charter schools; and*
- (d) Charter schools whose charter contracts will expire and the likelihood that the charter contracts will be renewed;*

3. *In addition to the information described in subsection 2, to develop the plan pursuant to subsection 1, the Authority shall consider:*

- (a) Information relating to pupils included in the statewide system of accountability for public schools, including, without limitation, information relating to specific groups and subgroups of pupils;*
- (b) Information relating to the academic needs of pupils in the various geographic areas of the State; and*
- (c) Any other information the Authority deems necessary to determine whether increasing the number of charter schools or expanding the campuses of existing charter schools will best serve the pupils of this State.*

4. *The Authority, ~~shall collaborate with~~ the Department and each board of trustees of a school district in this State shall collaborate in developing the plan pursuant to subsection 1.*

5. *The Authority shall review the plan at least biennially and revise the plan as necessary.*

Sec. 4. 1. *The sponsor of a charter school shall provide written notice to the Department and, if the sponsor is not a school district, to the board of trustees of a school district in which a charter school is located or proposed to be located, as applicable, within 45 days from the date on which the sponsor:*

- (a) Receives notice of intent to submit an application to operate a charter school;*

- (b) *Receives an application to operate a charter school;*
 - (c) *Receives a request to amend the charter contract of a charter school pursuant to NRS 388A.279; and*
 - (d) *Approves an application to operate a charter school or a request to amend the charter contract of a charter school.*
2. *The written notice must include, to the extent applicable:*
- (a) *The location or proposed location of the charter school, as applicable, and the geographic area served or to be served by the charter school;*
 - (b) *The grade levels to be served by the charter school;*
 - (c) *The estimated number of pupils to be enrolled at the charter school; and*
 - (d) *The proposed date and year to open the charter school or amend the charter contract, as applicable.*

Sec. 5. NRS 388A.220 is hereby amended to read as follows:

388A.220 1. The board of trustees of a school district may apply to the Department for authorization to sponsor charter schools within the school district in accordance with the regulations adopted by the Department pursuant to NRS 388A.105 or 388A.110. An application must be approved by the Department before the board of trustees may sponsor a charter school. Not more than 180 days after receiving approval to sponsor charter schools, the board of trustees shall provide public notice of its ability to sponsor charter schools and solicit applications for charter schools.

2. The State Public Charter School Authority shall sponsor charter schools whose applications have been approved by the State Public Charter School Authority pursuant to NRS 388A.255. Except as otherwise provided by specific statute, if the State Public Charter School Authority sponsors a charter school, the State Public Charter School Authority is responsible for the evaluation, monitoring and oversight of the charter school.

3. A college or university within the Nevada System of Higher Education may submit an application to the Department to sponsor charter schools in accordance with the regulations adopted by the Department pursuant to NRS 388A.105 or 388A.110. An application must be approved by the Department before a college or university within the Nevada System of Higher Education may sponsor charter schools.

4. The board of trustees of a school district or a college or university within the Nevada System of Higher Education may enter into an agreement with the State Public Charter School Authority to provide technical assistance and support in preparing an application to sponsor a charter school and planning and executing the duties of a sponsor of a charter school as prescribed in this section.

5. Before ~~the State Public Charter School Authority or~~ a board of trustees of a school district or a college or university within the Nevada System of Higher Education that is approved to sponsor charter schools ~~begins soliciting applications~~ *approves an application* to form a charter school, the ~~State Public Charter School Authority,~~ board of trustees or college or university, as applicable, shall prepare, in collaboration with the Department and, to the

extent practicable, the school district in which the proposed charter school will be located and any other sponsor of a charter school located in that school district, an evaluation of ~~the~~ *demographic information of pupils, the academic needs of pupils and the needs of any pupils who are at risk of dropping out of school in the geographic areas served by the sponsor.*

6. ~~After the initial evaluation, the sponsor of a charter school shall conduct the evaluation described in subsection 5 on or before January 1 each year for any charter school it sponsors.~~ On or before January 31 of each year, the State Public Charter School Authority shall prepare, in collaboration with the Department and, to the extent practicable, the board of trustees of each school district in this State and any other sponsor of a charter school in this State, an evaluation of demographic information of pupils, the academic needs of pupils and the needs of any pupils who are at risk of dropping out of school in this State.

Sec. 6. NRS 388A.223 is hereby amended to read as follows:

388A.223 1. Each sponsor of a charter school shall carry out the following duties and powers:

(a) Evaluating applications to form charter schools as prescribed by NRS 388A.249;

(b) Approving applications to form charter schools that the sponsor determines are high quality, meet the identified educational needs of pupils and will serve to promote the diversity of public educational choices in this State;

(c) Declining to approve applications to form charter schools that do not satisfy the requirements of NRS 388A.249;

(d) Negotiating, developing and executing charter contracts pursuant to NRS 388A.270;

(e) Monitoring, in accordance with this chapter and in accordance with the terms and conditions of the applicable charter contract, the performance and compliance of each charter school sponsored by the entity;

(f) Determining whether the charter contract of a charter school that the entity sponsors merits renewal or whether the renewal of the charter contract should be denied or whether the written charter should be revoked or the charter contract terminated or restarted, as applicable, in accordance with NRS 388A.285, 388A.300 or 388A.330, as applicable;

(g) Determining whether the governing body of a charter school should be reconstituted in accordance with NRS 388A.330; ~~and~~

(h) Adopting a policy for appointing a new governing body of a charter school for which the governing body is reconstituted in accordance with NRS 388A.330 ~~+~~; *and*

(i) *Conducting site evaluations of each campus of a charter school it sponsors during the first, third and fifth years after entering into or renewing a charter contract. Such evaluations must include, without limitation, evaluating pupil achievement and school performance at each campus of the charter school and identifying any deficiencies relating to pupil achievement*

and school performance. The sponsor shall develop a plan with the charter school to correct any such deficiencies. A sponsor may conduct a brief evaluation of a charter school in the third year if the charter school receives, in the immediately preceding year, one of the two highest ratings of performance pursuant to the statewide system of accountability for public schools.

2. Each sponsor of a charter school shall develop policies and practices that are consistent with state laws and regulations governing charter schools. In developing the policies and practices, the sponsor shall review and evaluate nationally recognized policies and practices for sponsoring organizations of charter schools. The policies and practices must include, without limitation:

(a) The organizational capacity and infrastructure of the sponsor for sponsorship of charter schools, which must not be described as a limit on the number of charter schools the sponsor will approve;

(b) The procedure and criteria for soliciting and evaluating charter school applications in accordance with NRS 388A.249, which must include, without limitation:

(1) Specific application procedures and timelines for committees to form a charter school that plan to enter into a contract with an educational management organization to operate the charter school, committees to form a charter school that do not plan to enter into such a contract and charter management organizations; and

(2) A description of the manner in which the sponsor will evaluate the previous performance of an educational management organization or other person with whom a committee to form a charter school plans to enter into a contract to operate a charter school or a charter management organization that submits an application to form a charter school;

(c) The procedure and criteria for evaluating applications for the renewal of charter contracts pursuant to NRS 388A.285;

(d) The procedure for amending a written charter or charter contract and the criteria for determining whether a request for such an amendment will be approved which must include, without limitation, any manner in which such procedures and criteria will differ if the sponsor determines that the amendment is material or strategically important;

(e) If deemed appropriate by the sponsor, a strategic plan for recruiting charter management organizations, educational management organizations or other persons to operate charter schools based on the priorities of the sponsor and the needs of the pupils that will be served by the charter schools that will be sponsored by the sponsor;

(f) A description of how the sponsor will maintain oversight of the charter schools it sponsors, which must include, without limitation:

(1) An assessment of the needs of the charter schools that are sponsored by the sponsor that is prepared with the input of the governing bodies of such charter schools; and

(2) A strategic plan for the oversight and provision of technical support to charter schools that are sponsored by the sponsor in the areas of academic, fiscal and organizational performance; and

(g) A description of the process of evaluation for the charter schools it sponsors in accordance with NRS 388A.351.

3. Evidence of material or persistent failure to carry out the powers and duties of a sponsor prescribed by this section constitutes grounds for revocation of the entity's authority to sponsor charter schools.

4. The provisions of this section do not establish a private right of action against the sponsor of a charter school.

Sec. 6.3. NRS 388A.249 is hereby amended to read as follows:

388A.249 1. A committee to form a charter school or charter management organization may submit the application to the proposed sponsor of the charter school. Except as otherwise provided in NRS 388B.290, if an application proposes to convert an existing public school, homeschool or other program of home study into a charter school, the proposed sponsor shall deny the application.

2. The proposed sponsor of a charter school shall, in reviewing an application to form a charter school:

(a) Assemble a team of reviewers, which may include, without limitation, natural persons from different geographic areas of the United States who possess the appropriate knowledge and expertise with regard to the academic, financial and organizational experience of charter schools, to review and evaluate the application;

(b) Conduct a thorough evaluation of the application, which includes an in-person interview with the applicant designed to elicit any necessary clarifications or additional information about the proposed charter school and determine the ability of the applicants to establish a high-quality charter school;

(c) Consider the degree to which the proposed charter school will address the needs identified in the evaluation prepared by the proposed sponsor pursuant to subsection 5 or 6 of NRS 388A.220, as applicable;

(d) If the proposed sponsor is not the board of trustees of a school district, solicit input from the board of trustees of the school district in which the proposed charter school will be located;

(e) Base its determination on documented evidence collected through the process of reviewing the application; and

~~(d)~~ (f) Adhere to the policies and practices developed by the proposed sponsor pursuant to subsection 2 of NRS 388A.223.

3. The proposed sponsor of a charter school may approve an application to form a charter school only if the proposed sponsor determines that:

(a) The application:

(1) Complies with this chapter and the regulations applicable to charter schools; and

(2) Is complete in accordance with the regulations of the Department and the policies and practices of the sponsor; ~~and~~

(b) The applicant has demonstrated competence in accordance with the criteria for approval prescribed by the sponsor pursuant to subsection 2 of NRS 388A.223 that will likely result in a successful opening and operation of the charter school ~~if~~;

(c) Based on the most recent evaluation prepared by the proposed sponsor pursuant to subsection 5 or 6 of NRS 388A.220, as applicable, the proposed charter school will address one or more of the needs identified in the evaluation; and

(d) It has received sufficient input from the public, including, without limitation, input received at the meeting held pursuant to subsection 1 of NRS 388A.252 or subsection 1 of NRS 388A.255, as applicable.

4. On or before January 1 of each odd-numbered year, the Superintendent of Public Instruction shall submit a written report to the Director of the Legislative Counsel Bureau for transmission to the next regular session of the Legislature. The report must include:

(a) A list of each application to form a charter school that was submitted to the board of trustees of a school district, the State Public Charter School Authority, a college or a university during the immediately preceding biennium;

(b) The educational focus of each charter school for which an application was submitted;

(c) The current status of the application; and

(d) If the application was denied, the reasons for the denial.

Sec. 6.6. NRS 388A.252 is hereby amended to read as follows:

388A.252 1. If the board of trustees of a school district or a college or a university within the Nevada System of Higher Education, as applicable, receives an application to form a charter school, the board of trustees or the institution, as applicable, shall consider the application at a meeting that must be held not later than 60 days after the receipt of the application, or a later period mutually agreed upon by the committee to form the charter school and the board of trustees of the school district or the institution, as applicable, and ensure that notice of the meeting has been provided pursuant to chapter 241 of NRS. The board of trustees, the college or the university, as applicable, shall review an application in accordance with the requirements for review set forth in subsections 2 and 3 of NRS 388A.249.

2. The board of trustees, the college or the university, as applicable, may approve an application if ~~it satisfies~~ the requirements of subsection 3 of NRS 388A.249 ~~if~~ are satisfied.

3. The board of trustees, the college or the university, as applicable, shall provide written notice to the applicant of its approval or denial of the application. If the board of trustees, the college or the university, as applicable, denies an application, it shall include in the written notice the reasons for the denial and the deficiencies ~~in the application~~. The applicant must be granted

30 days after receipt of the written notice to correct any deficiencies identified in the written notice and resubmit the application.

4. If the board of trustees, the college or the university, as applicable, denies an application after it has been resubmitted pursuant to subsection 3, the applicant may submit a written request for sponsorship by the State Public Charter School Authority not more than 30 days after receipt of the written notice of denial. Any request that is submitted pursuant to this subsection must be accompanied by the application to form the charter school.

Sec. 6.9. NRS 388A.255 is hereby amended to read as follows:

388A.255 1. If the State Public Charter School Authority receives an application pursuant to subsection 1 of NRS 388A.249 or subsection 4 of NRS 388A.252, it shall consider the application at a meeting which must be held not later than 60 days after receipt of the application or a later period mutually agreed upon by the committee to form the charter school and the State Public Charter School Authority. Notice of the meeting must be posted in accordance with chapter 241 of NRS. The State Public Charter School Authority shall review the application in accordance with the requirements for review set forth in subsections 2 and 3 of NRS 388A.249. The State Public Charter School Authority may approve an application only if ~~it satisfies~~ the requirements of subsection 3 of NRS 388A.249 ~~it~~ *are satisfied*. Not more than 30 days after the meeting, the State Public Charter School Authority shall provide written notice of its determination to the applicant.

2. If the State Public Charter School Authority denies or fails to act upon an application, the denial or failure to act must be based upon a finding that ~~the applicant failed to satisfy~~ the requirements of subsection 3 of NRS 388A.249 ~~it~~ *have not been satisfied*. The State Public Charter School Authority shall include in the written notice the reasons for the denial or the failure to act and the deficiencies ~~in the application~~. The staff designated by the State Public Charter School Authority shall meet with the applicant to confer on the method to correct the identified deficiencies. The applicant must be granted 30 days after receipt of the written notice to correct any deficiencies identified in the written notice and resubmit the application.

3. If the State Public Charter School Authority denies an application after it has been resubmitted pursuant to subsection 2, the applicant may, not more than 30 days after the receipt of the written notice from the State Public Charter School Authority, appeal the final determination to the district court of the county in which the proposed charter school will be located.

Sec. 7. 1. The State Public Charter School Authority shall complete its initial plan to manage the growth of charter schools in this State required to be established pursuant to section 3 of this act and submit a copy of the plan to the Department of Education and the Director of the Legislative Counsel Bureau for transmittal to the Legislative Committee on Education by not later than January 1, 2020.

2. The Legislative Committee on Education shall hold a hearing as soon as possible after receipt of the plan pursuant to subsection 1, during which the

State Public Charter School Authority shall present the plan to the Committee.
The Committee shall:

- (a) Evaluate, review and comment on the plan; and
- (b) Make recommendations to the State Public Charter School Authority concerning the plan.

3. The Department of Education shall make recommendations to the State Public Charter School Authority concerning the plan.

Sec. 8. Unless a request for an extension is approved by the State Board of Education, each sponsor of a charter school shall:

- 1. Complete the site evaluation of each charter school it sponsors as required by NRS 388A.223, as amended by section 6 of this act; and
- 2. Prepare and submit a report of such evaluations to the Director of the Legislative Counsel Bureau for transmittal to the Legislative Committee on Education by not later than June 30, 2020.

Sec. 9. ~~The sponsor of a charter school~~ State Public Charter School Authority shall conduct the first evaluation required pursuant to subsection 6 of NRS 388A.220, as amended by section 5 of this bill, for any school which it sponsors act, by not later than ~~January 1, 2020.~~ July 30, 2019.

Sec. 10. This act becomes effective upon passage and approval.
 Senator Denis moved the adoption of the amendment.

Remarks by Senator Denis.

Amendment No. 711 to Assembly Bill No. 462 requires the Legislative Committee on Education and Nevada's Department of Education to take certain actions related to the growth plans submitted by the State Public Charter School Authority; clarifies the geographic evaluation must be completed each year by the Authority and be considered when opening new charter schools. Other sponsors are required to conduct a geographic evaluation only before approving a new charter school.

Additionally, it clarifies that all stakeholders must collaborate on the growth plans of charter schools and requires the sponsor of a charter school, before approving an application to form a charter school to: a) evaluate and assess the extent to which the application to form a charter school fulfills the needs identified in a geographic evaluation; b) if the sponsor is not a school district, the sponsor must solicit input from the board of trustees of the local school district in which the proposed school is to be located, and c) the sponsor must hold a public meeting to receive public input before the sponsor approves the charter school.

Amendment adopted.

Bill ordered reprinted, re-engrossed and to third reading.

Assembly Bill No. 490.

Bill read second time and ordered to third reading.

Assembly Joint Resolution No. 4.

Resolution read second time and ordered to third reading.

GENERAL FILE AND THIRD READING

Senate Bill No. 312.

Bill read third time.

The following amendment was proposed by the Committee on Finance:

Amendment No. 693.

SUMMARY—Requires an employer in private employment to provide paid leave to employees under certain circumstances. (BDR 53-888)

AN ACT relating to employment; requiring an employer in private employment to provide paid leave to each employee of the employer under certain circumstances; providing certain exceptions; providing a penalty; and providing other matters properly relating thereto.

Legislative Counsel's Digest:

Existing law requires employers in private employment to pay employees certain minimum compensation and to provide certain benefits, including overtime compensation and meal and rest breaks. (NRS 608.018, 608.019, 608.250) Section 1 of this bill requires such an employer who has 50 or more employees in this State, at a minimum, to provide employees ~~40 hours per year~~ 0.01923 hours of paid leave for each hour worked that may be used by an employee beginning on the 90th calendar day of employment. Section 1 provides that an employee may use paid leave available for use by that employee without providing a reason to his or her employer for such use. Section 1 requires an employee to, as soon as practicable, give notice to his or her employer to use the paid leave available for use by that employee.

Section 1 also provides that an employer may: (1) limit the use of the paid leave to 40 hours per benefit year; (2) limit the amount of paid leave that an employee may carry over to another benefit year to a maximum of 40 hours per benefit year; and (3) set a minimum increment that an employee may use the accrued sick leave at any one time, not to exceed 4 hours. Section 1 additionally requires an employer to maintain records of the receipt or accrual and use of paid leave for each employee for a 1-year period and to make those records available for inspection by the Labor Commissioner. Section 1 requires the Labor Commissioner to prepare a bulletin setting forth these benefits and requires employers to post the bulletin in the workplace. Section 1 provides an exception for: (1) employers who provide at least an equivalent amount of paid leave or paid time off that may be used for the same purposes and under the same conditions as required by section 1; and (2) temporary ~~and~~ and seasonal and on-call employees. Section 1 additionally provides that for the first 2 years of operation, an employer defined in section 1 is not required to comply with the requirements of section 1.

Existing law requires: (1) the Labor Commissioner or his or her representative to enforce the provisions governing the payment and collection of wages and other benefits; and (2) certain entities to prosecute an action for enforcement upon receiving notice from the Labor Commissioner or his or her representative. (NRS 608.180) Section 2 of this bill requires the Labor Commissioner to enforce the provisions of section 1.

Existing law provides that any person who violates the provisions governing the payment and collection of wages and other benefits is guilty of a misdemeanor. Existing law additionally authorizes the Labor Commissioner to impose against the person an administrative penalty of not more than \$5,000 for each such violation. (NRS 608.195) Section 3 of this bill makes a violation

of the provisions of section 1 a misdemeanor and authorizes the Commissioner to impose, in addition to any other remedy or penalty, an administrative penalty of not more than \$5,000 for each violation.

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

Section 1. Chapter 608 of NRS is hereby amended by adding thereto a new section to read as follows:

1. *Except as otherwise provided in this section, every employer in private employment shall provide paid leave to each employee of the employer as follows:*

(a) *An employee is entitled to ~~[40 hours of paid leave per year.]~~ at least 0.01923 hours of paid leave for each hour of work performed.*

(b) *An employee may, as determined by the employer, obtain paid leave by:*

(1) *Receiving on ~~January 1~~ the first day of each benefit year the total number of hours of paid leave that the employee is entitled to accrue in a benefit year pursuant to paragraph (a); or*

(2) *Accruing over the course of a benefit year the total number of hours of paid leave that the employee is entitled to accrue in a benefit year pursuant to paragraph (a).*

(c) *Paid leave accrued pursuant to subparagraph (2) of paragraph (b) may carry over for each employee between his or her benefit years of employment, except an employer may limit the amount of paid leave for each employee carried over to a maximum of 40 hours per benefit year.*

(d) *Except as otherwise provided in paragraph (i), an employer shall:*

(1) *Compensate an employee for the paid leave available for use by that employee at the rate of pay at which the employee is compensated at the time such leave is taken, as calculated pursuant to paragraph (e); and*

(2) *Pay such compensation on the same payday as the hours taken are normally paid.*

(e) *For the purposes of determining the rate of pay at which an employee is compensated pursuant to paragraph (d), the compensation rate for an employee who is paid by:*

(1) *Salary, commission, piece rate or a method other than hourly wage must:*

(I) *Be calculated by dividing the total wages of the employee paid for the immediately preceding 90 days by the number of hours worked during that period;*

(II) *Except as otherwise provided in sub-subparagraph (III), include any bonuses agreed upon and earned by the employee; and*

(III) *Not include any bonuses awarded at the sole discretion of the employer, overtime pay, additional pay for performing hazardous duties, holiday pay or tips earned by the employee.*

(2) *Hourly wage must be calculated by the hourly rate the employee is paid by the employer.*

(f) An employer may limit the amount of paid leave an employee uses to 40 hours per benefit year.

(g) An employer may set a minimum increment of paid leave, not to exceed 4 hours, that an employee may use at any one time.

(h) An employer shall provide to each employee on each payday ~~in written~~ an accounting of the hours of paid leave available for use by that employee. An employer may use the system that the employer uses to pay its employees to provide the ~~written~~ accounting of the hours of paid leave available for use by the employee.

(i) An employer may, but is not required to, compensate an employee for any unused paid leave available for use by that employee upon separation from employment, except if the employee is rehired by the employer within 90 days after separation from that employer and the separation from employment was not due to the employee voluntarily leaving his or her employment, any previously unused paid leave hours available for use by that employee must be reinstated.

2. An employee in private employment may use paid leave available for use by that employee as follows:

(a) An employer shall allow an employee to use paid leave beginning on the 90th calendar day of his or her employment.

(b) An employee may use paid leave available for use by that employee without providing a reason to his or her employer for such use.

(c) An employee shall, as soon as practicable, give notice to his or her employer to use the paid leave available for use by that employee.

3. An employer shall not:

(a) Deny an employee the right to use paid leave available for use by that employee in accordance with the conditions of this section;

(b) Require an employee to find a replacement worker as a condition of using paid leave available for use by that employee; or

(c) Retaliate against an employee for using paid leave available for use by that employee.

4. The Labor Commissioner shall prepare a bulletin which clearly sets forth the benefits created by this section. The Labor Commissioner shall post the bulletin on the Internet website maintained by the Office of Labor Commissioner, if any, and shall require all employers to post the bulletin in a conspicuous location in each workplace maintained by the employer. The bulletin may be included in any printed abstract posted by the employer pursuant to NRS 608.013.

5. An employer shall maintain a record of the receipt or accrual and use of paid leave pursuant to this section for each employee for a 1-year period following the entry of such information in the record and, upon request, shall make those records available for inspection by the Labor Commissioner.

6. The provisions of this section do not:

(a) Limit or abridge any other rights, remedies or procedures available under the law.

(b) Negate any other rights, remedies or procedures available to an aggrieved party.

(c) Prohibit, preempt or discourage any contract or other agreement that provides a more generous paid leave benefit or paid time off benefit.

7. For the first 2 years of operation, an employer is not required to comply with the provisions of this section.

8. This section does not apply to:

(a) An employer who, pursuant to a contract, policy, collective bargaining agreement or other agreement, provides employees with a policy for paid leave or a policy for paid time off ~~[that provides for]~~ to all scheduled employees at a rate of at least ~~40~~ 0.01923 hours of paid leave per ~~year~~ hour of work performed that may be used under the same conditions as specified in this section; and

(b) Temporary, ~~for~~ seasonal or on-call employees.

9. As used in this section ~~is~~ "employer":

(a) "Benefit year" means a 365-day period used by an employer when calculating the accrual of paid leave.

(b) "Employer" means a private employer who has 50 or more employees in private employment in this State.

Sec. 2. NRS 608.180 is hereby amended to read as follows:

608.180 The Labor Commissioner or the representative of the Labor Commissioner shall cause the provisions of NRS 608.005 to 608.195, inclusive, and section 1 of this act and 608.215 to be enforced, and upon notice from the Labor Commissioner or the representative:

1. The district attorney of any county in which a violation of those sections has occurred;

2. The Deputy Labor Commissioner, as provided in NRS 607.050;

3. The Attorney General, as provided in NRS 607.160 or 607.220; or

4. The special counsel, as provided in NRS 607.065,

↪ shall prosecute the action for enforcement according to law.

Sec. 3. NRS 608.195 is hereby amended to read as follows:

608.195 1. Except as otherwise provided in NRS 608.0165, any person who violates any provision of NRS 608.005 to 608.195, inclusive, and section 1 of this act or 608.215, or any regulation adopted pursuant thereto, is guilty of a misdemeanor.

2. In addition to any other remedy or penalty, the Labor Commissioner may impose against the person an administrative penalty of not more than \$5,000 for each such violation.

Sec. 4. This act becomes effective:

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

2. On January 1, 2020, for all other purposes.

Senator Woodhouse moved the adoption of the amendment.

Remarks by Senator Woodhouse.

Amendment No. 693 to Senate Bill No. 312 clarifies, instead of requiring 40 hours of paid leave per year, paid leave be provided in minimum increments of 0.01923 hours per each hour of work performed. It changes the annual accrual-and-use time period from "calendar" year to "benefit" year. The bill clarifies that employers who, pursuant to a contract, policy, collective bargaining agreement or other agreement, provide employees with a policy for paid leave or a policy for paid time off to all scheduled employees at a rate of at least 0.01923 hours of paid leave per hour of work performed may be used under the same conditions as specified in this section. Finally, it adds the employment of on-call employees to the types of employees that are exempt from the provisions of Senate Bill No. 312.

Amendment adopted.

Bill ordered reprinted, re-engrossed and to third reading.

UNFINISHED BUSINESS
SIGNING OF BILLS AND RESOLUTIONS

There being no objections, the President and Secretary signed Senate Bills Nos. 9, 45, 137, 173, 223, 426, 433.

GUESTS EXTENDED PRIVILEGE OF SENATE FLOOR

On request of Senator Cancela, the privilege of the floor of the Senate Chamber for this day was extended to Jazmin Chavez, Maria Chavez, Alma Gonzalez, Ariel Guevara, Jose Hernandez and Paula Novak.

On request of Senator Goicoechea, the privilege of the floor of the Senate Chamber for this day was extended to Elizabeth Francis and Michael Wheable.

On request of Senator Ohrenschall, the privilege of the floor of the Senate Chamber for this day was extended to Isaac Barron, Dr. Sondra Cosgrove, Conner Dandridge, Kathy Durham and Hish Jain.

Senator Cannizzaro moved that the Senate adjourn until Wednesday, May 15, 2019, at 11:00 a.m.

Motion carried.

Senate adjourned at 1:56 p.m.

Approved:

KATE MARSHALL
President of the Senate

Attest: CLAIRE J. CLIFT
Secretary of the Senate