

NEVADA LEGISLATURE

Eightieth Session, 2019

SENATE DAILY JOURNAL

THE ONE HUNDRED AND SIXTH DAY

CARSON CITY (Monday), May 20, 2019

Senate called to order at 1:33 p.m.

President Marshall presiding.

Roll called.

All present except Senator Washington, who was excused.

Prayer by the Chaplain, Pastor Bruce Henderson.

Our Heavenly Father, we have been here quite a while but still have more to go. There have been long days and difficult situations. We have had agreements and disagreements, discussions and arguments, and moments of joy as well as moments of sorrow. Instead of focusing on the frustrations, I pray the words of King David: "Let the words of my mouth and the meditation of my heart be acceptable in Your sight, O Lord, my Rock and my Redeemer."

I pray in Your precious and Holy Name.

AMEN.

Pledge of Allegiance to the Flag.

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

REPORTS OF COMMITTEE

Madam President:

Your Committee on Commerce and Labor, to which was referred Assembly Bill No. 370, has had the same under consideration, and begs leave to report the same back with the recommendation: Do pass.

Also, your Committee on Commerce and Labor, to which were referred Assembly Bills Nos. 132, 141, 310, 492, has had the same under consideration, and begs leave to report the same back with the recommendation: Amend, and do pass as amended.

Also, your Committee on Commerce and Labor, to which was referred Assembly Bill No. 348, has had the same under consideration, and begs leave to report the same back with the recommendation: Without recommendation.

PAT SPEARMAN, *Chair*

Madam President:

Your Committee on Finance, to which were referred Senate Bill No. 506; Assembly Bill No. 88, has had the same under consideration, and begs leave to report the same back with the recommendation: Do pass.

Also, your Committee on Finance, to which was re-referred Senate Bill No. 29, has had the same under consideration, and begs leave to report the same back with the recommendation: Do pass.

Also, your Committee on Finance, to which was re-referred Senate Bill No. 204, has had the same under consideration, and begs leave to report the same back with the recommendation: Do pass as amended.

Also, your Committee on Finance, to which were re-referred Senate Bills Nos. 521, 522, 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 Government Affairs, to which were referred Assembly Bills Nos. 21, 37, 86, 240, 413, has had the same under consideration, and begs leave to report the same back with the recommendation: Do pass.

DAVID R. PARKS, *Chair*

Madam President:

Your Committee on Health and Human Services, to which were referred Assembly Bills Nos. 317, 340, has had the same under consideration, and begs leave to report the same back with the recommendation: Amend, and do pass as amended.

JULIA RATTI, *Chair*

Madam President:

Your Committee on Judiciary, to which were referred Assembly Bills Nos. 102, 107, 120, 139, 142, 161, 183, 192, 336, 431, has had the same under consideration, and begs leave to report the same back with the recommendation: Do pass.

NICOLE J. CANNIZZARO, *Chair*

Madam President:

Your Committee on Legislative Operations and Elections, to which was referred Assembly Bill No. 488, 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 were referred Assembly Bills Nos. 83, 233, has had the same under consideration, and begs leave to report the same back with the recommendation: Do pass.

MELANIE SCHEIBLE, *Chair*

Madam President:

Your Committee on Revenue and Economic Development, to which were referred Assembly Bills Nos. 73, 79, 113, 242, 244, 385, has had the same under consideration, and begs leave to report the same back with the recommendation: Do pass.

MARILYN DONDERO LOOP, *Chair*

MESSAGES FROM THE ASSEMBLY

ASSEMBLY CHAMBER, Carson City, May 16, 2019

I have the honor to inform your honorable body that the Assembly amended, and on this day passed, as amended, Senate Bill No. 20, Amendment No. 669; Senate Bill No. 178, Amendments Nos. 688, 725; Senate Bill No. 291, Amendment No. 689; Senate Bill No. 383, Amendment No. 672, and respectfully requests your honorable body to concur in said amendments.

CAROL AIELLO-SALA

Assistant Chief Clerk of the Assembly

WAIVERS AND EXEMPTIONS
 WAIVER OF JOINT STANDING RULE(S)

A Waiver requested by Assemblyman Frierson.

For: Assembly Bill No. 291.

To Waive:

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

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

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

NICOLE J. CANNIZZARO
Senate Majority Leader

JASON FRIERSON
Speaker of the Assembly

NOTICE OF EXEMPTION

May 17, 2019

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

MARK KRMPOTIC
Fiscal Analysis Division

MOTIONS, RESOLUTIONS AND NOTICES

Senate Concurrent Resolution No. 3.

Resolution read.

Senator Ohrenschall moved the adoption of the resolution.

Remarks by Senators Spearman and Kieckhefer.

SENATOR SPEARMAN:

Senate Concurrent Resolution No. 3 directs the Legislative Committee on Energy to conduct an interim study of the benefits of the use of electric vehicles and to consider alternative solutions for transportation funding in Nevada. In addition, the Committee must examine the costs associated with transportation-related pollution and greenhouse gas emissions. Methods to ensure that owners of all vehicles equitably contribute to the costs of maintaining roads and highways must also be studied. The Committee shall submit a report concerning the study to the 2021 Nevada Legislature. The resolution is effective upon passage.

SENATOR KIECKHEFER

I understand the need for this review, but I always object to resolutions like this that require standing interim committees to do certain things. It should be left to the discretion of the Chair of the Standing Interim Committee to set the agenda for the Committee so I will be objecting.

Resolution adopted.

Resolution ordered transmitted to the Assembly.

Senator Ratti moved that Assembly Bills Nos. 164, 186, 230, 270, 316, 334, 335, 347, 353, 361, 362, 363, 365, 367, 387, 398, 403, 404, 406, 410, 427, 430, 432, 448, 450, 453, 457, 462, 472, 478, 490; Assembly Joint Resolutions Nos. 3, 4, 6, 7, 8; Assembly Joint Resolution No. 2 of the 79th Session be taken from the General File and placed on the General File for the next legislative day.

Motion carried.

Senator Ratti moved that Assembly Bills Nos. 95, 175, 299 be taken from the General File and placed on the Secretary's desk.

Motion carried.

SECOND READING AND AMENDMENT

Assembly Bill No. 174.

Bill read second time.

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

Amendment No. 760.

SUMMARY—Establishes the Nevada Interagency Advisory Council on Homelessness to Housing. (BDR 18-94)

AN ACT relating to homelessness; establishing the Nevada Interagency Advisory Council on Homelessness to Housing; prescribing the membership and duties of the Council; and providing other matters properly relating thereto.

Legislative Counsel's Digest:

Existing law requires the Director of the State Department of Agriculture to establish a Supplemental Food Program to supplement the supply of food and the services provided by programs which provide food to indigent persons. (NRS 561.495) In 2013, the Governor issued an executive order establishing the Nevada Interagency Council on Homelessness. (Executive Order 2013-20 (11-4-2013)) Section 3 of this bill establishes the Nevada Interagency Advisory Council on Homelessness to Housing in statute and prescribes the membership of the Council. Section 4 of this bill establishes requirements governing the meetings of the Council and compensation of the members of the Council. Section 4 also requires the Department of Health and Human Services to provide administrative support to the Council. Section 5 of this bill requires the Council to: (1) collaborate with state and local agencies on their responses to homelessness and promote cooperation among federal, state and local agencies to address homelessness; (2) develop a strategic plan for addressing homelessness in this State; (3) establish a technical assistance committee to provide advice and information to assist the Council in developing the strategic plan; and (4) increase awareness of issues related to homelessness in this State. Section 5 also authorizes the Council to collaborate with and request the assistance of providers of services or any person or entity with expertise in issues related to homelessness. Section 5 additionally requires state and local agencies to collaborate with and provide information to the Council.

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

Section 1. Chapter 232 of NRS is hereby amended by adding thereto the provisions set forth as sections 2 to 5, inclusive, of this act.

Sec. 2. *As used in sections 2 to 5, inclusive, of this act, unless the context otherwise requires, "Council" means the Nevada Interagency Advisory Council on Homelessness to Housing created by section 3 of this act.*

Sec. 3. 1. *The Nevada Interagency Advisory Council on Homelessness to Housing is hereby created. The Council consists of:*

(a) The following ex officio members:

- (1) *The Chief of Staff to the Governor or his or her designee;*
- (2) *The Director of the Department of Health and Human Services or his or her designee;*
- (3) *The Director of the Department of Corrections or his or her designee;*
- (4) *The Administrator of the Housing Division of the Department of Business and Industry or his or her designee;*
- (5) *The Director of the Department of Veterans Services or his or her designee;*
- (6) *The Sheriff of Clark County or his or her designee; and*
- (7) *The Sheriff of Washoe County or his or her designee;*
- (b) *One member who is a member of the Assembly, appointed by the Speaker of the Assembly;*
- (c) *One member who is a Senator, appointed by the Senate Majority Leader;*
- (d) *One member who is a district judge from the Second or Eighth Judicial District, appointed by the Nevada District Judges Association or its successor organization;*
- (e) *One member who is a district judge or master from a judicial district other than the Second or Eighth Judicial District, appointed by the Nevada District Judges Association or its successor organization;*
- (f) *One member who is the sheriff of a county other than Clark or Washoe, appointed by the Nevada Sheriffs' and Chiefs' Association or its successor organization; and*
- (g) *One member who is not currently homeless but has experienced homelessness in the past, appointed by the Governor.*

2. *The Governor shall appoint the Chair of the Commission from among its members.*

3. *After the initial terms, each appointed member shall serve a term of 4 years. If a vacancy occurs during the term of an appointed member, the person or entity who is responsible for making the appointment pursuant to subsection 1 shall appoint a replacement qualified pursuant to that subsection to serve for the remainder of the unexpired term.*

Sec. 4. 1. *The Council shall meet at the call of the Chair at least four times each year. A majority of the members of the Council constitutes a quorum and is required to transact any business of the Council.*

2. *The members of the Council serve without compensation but are entitled to receive the per diem allowance and travel expenses provided for state officers and employees generally.*

3. *A member of the Council who is an officer or employee of this State or a political subdivision of this State must be relieved from his or her duties without loss of regular compensation to prepare for and attend meetings of the Council and perform any work necessary to carry out the duties of the Council in the most timely manner practicable. A state agency or political subdivision*

of this State shall not require an officer or employee who is a member of the Council to:

(a) Make up the time he or she is absent from work to carry out his or her duties as a member of the Council; or

(b) Take annual leave or compensatory time for the absence.

4. The Department of Health and Human Services shall provide such administrative support to the Council as is necessary to carry out the duties of the Council.

Sec. 5. 1. The Council shall:

(a) Collaborate with state and local agencies on their responses to homelessness and promote cooperation among federal, state and local agencies to address homelessness.

(b) Develop a strategic plan for addressing homelessness in this State that includes, without limitation, recommendations for actions by state and local agencies and for legislation, and update that strategic plan at least once every 5 years.

(c) Establish a technical assistance committee to provide advice and information to assist the Council in developing the strategic plan described in paragraph (b). The technical assistance committee may include, without limitation, representatives of federal, state and local agencies, providers of services, religious organizations, persons involved in the sale or lease of housing and members of the public.

(d) Increase awareness of issues relating to homelessness among state and local agencies, organizations that provide services to persons who are homeless and the general public.

(e) On or before January 1 of each year, submit to the Governor a report concerning the activities of the Council during the immediately preceding year.

(f) On or before January 1 of each odd-numbered year, submit to the Director of the Legislative Counsel Bureau for transmittal to the next regular session of the Legislature a report concerning the activities of the Council during the immediately preceding 2 years.

2. The Council may:

(a) Collaborate with and request the assistance of providers of services or any person or entity with expertise in issues related to homelessness, including, without limitation, employees of federal, state and local agencies and advocacy groups for the homeless, to assist the Council in carrying out its duties; and

(b) Apply for any available grants and accept any gifts, grants or donations, to assist the Council in carrying out its duties.

3. All state and local agencies shall collaborate with the Council in carrying out the duties prescribed in this section and provide the Council with any information requested by the Council to such extent as is consistent with their other lawful duties.

Sec. 6. 1. As soon as practicable after July 1, 2019:

(a) The Speaker of the Assembly shall appoint to the Council the member described in paragraph (b) of subsection 1 of section 3 of this act to a term of office which expires on June 30, 2020;

(b) The Senate Majority Leader shall appoint to the Council the member described in paragraph (c) of subsection 1 of section 3 of this act to a term of office which expires on June 30, 2021;

(c) The Nevada District Judges Association or its successor organization shall appoint to the Council the members described in paragraphs (d) and (e) of subsection 1 of section 3 of this act to terms of office which expire on June 30, 2023;

(d) The Nevada Sheriffs' and Chiefs' Association or its successor organization shall appoint to the Council the member described in paragraph (f) of subsection 1 of section 3 of this act to a term of office which expires on June 30, 2021; and

(e) The Governor shall appoint to the Council the member described in paragraph (g) of subsection 1 of section 3 of this act to a term of office which expires on June 30, 2022.

2. As used in this section, "Council" means the Nevada Interagency Advisory Council on Homelessness to Housing created by section 3 of this act.

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 Parks moved the adoption of the amendment.

Remarks by Senator Parks.

This relates to the Nevada Interagency Advisory Council on Homelessness to housing. The Amendment No. 760 to Assembly Bill No. 174 adds all of the Legislators who were not already sponsors of the bill as cosponsors, in honor of our colleague from Assembly District No. 17.

Amendment adopted.

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

Assembly Bill No. 205.

Bill read second time and ordered to third reading.

Assembly Bill No. 429.

Bill read second time.

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

Amendment No. 730.

SUMMARY—Enacts provisions relating to veterans. (BDR 18-168)

AN ACT relating to veterans; requiring the Department of Employment, Training and Rehabilitation to designate certain critical need occupations; authorizing the Board of Regents of the University of Nevada to grant a waiver of certain fees to veterans who enroll in certain graduate degree programs;

authorizing the Board of Regents of the University of Nevada to determine whether certain grants are available and apply for such grants; and providing other matters properly relating thereto.

Legislative Counsel's Digest:

Existing law establishes the Department of Employment, Training and Rehabilitation. (NRS 232.900-232.960) The Department works to support employment and economic independence for disadvantaged, displaced or disabled residents of this State. (NRS 232.910) Section 1 of this bill requires the Department to designate occupations as critical need occupations within the fields of science, technology, engineering, arts, mathematics or health science for the purposes of waiving fees pursuant to section 4 of this bill. Section 2 of this bill makes a conforming change.

Existing law authorizes the Board of Regents of the University of Nevada to grant a waiver of certain fees for certain persons with a connection to the Armed Forces. (NRS 396.544, 396.5442, 396.5445) Section 4 authorizes the Board of Regents to grant a partial waiver of registration fees and other fees to a veteran in certain circumstances. Section 4 requires that a veteran may receive such a grant only if: (1) the veteran has completed a bachelor's degree and is enrolled in or plans to enroll in a graduate degree program related to certain occupations in science, technology, engineering, arts, mathematics and health science; and (2) the veteran or a third party will cover the remainder of the cost of the graduate degree program. Section 4 also requires the veteran to maintain a ~~2.0~~ 2.75 grade point average. Section 5 of this bill authorizes the Board of Regents to apply for grants to assist the Nevada System of Higher Education in funding the costs of the waiver of fees granted to a veteran pursuant to section 4. Section 5 also authorizes the Board of Regents to accept gifts, grants, bequests and donations of money to fund the cost of providing the waiver of fees to a veteran.

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

Section 1. Chapter 232 of NRS is hereby amended by adding thereto a new section to read as follows:

The Department shall designate which occupations are critical need occupations within science, technology, engineering, arts, mathematics or health science fields for the purpose of a waiver of registration fees and other fees granted to a veteran pursuant to section 4 of this act.

Sec. 2. NRS 232.900 is hereby amended to read as follows:

232.900 As used in NRS 232.900 to 232.960, inclusive, *and section 1 of this act*, unless the context otherwise requires:

1. "Department" means the Department of Employment, Training and Rehabilitation.
2. "Director" means the Director of the Department.

Sec. 3. Chapter 396 of NRS is hereby amended by adding thereto the provisions set forth as sections 4 and 5 of this act.

Sec. 4. 1. *The Board of Regents may grant a waiver of not less than half of the total registration fees and other fees for a veteran who is a bona fide resident of this State if:*

(a) *The veteran has completed a bachelor's degree and is enrolled in or plans to enroll in a graduate degree program within the fields of science, technology, engineering, arts, mathematics or health science designated as a critical need occupation by the Department of Employment, Training and Rehabilitation pursuant to section 1 of this act; and*

(b) *The veteran or a third party will pay the remainder of the registration fees and other fees of the graduate degree program.*

↪ *For the purpose of this subsection, a scholarship or a waiver of registration fees or other fees received by the veteran for any reason other than this subsection is deemed to be a payment by a third party.*

2. *A veteran is eligible for a waiver pursuant to subsection 1 if the veteran maintains at least a ~~2.0~~ 2.75 grade point average, on a 4.0 grading scale, each semester or the equivalent of a ~~2.0~~ 2.75 grade point average if a different scale is used.*

3. *As used in this section, "veteran" has the meaning ascribed to it in NRS 417.005.*

Sec. 5. 1. *The Board of Regents may determine whether grants are available to assist the Nevada System of Higher Education in defraying the costs of granting the waiver of registration fees and other fees to a veteran pursuant to section 4 of this act and apply for and accept any such grant.*

2. *The Board of Regents may accept gifts, grants, bequests and donations to fund waivers of registration fees and other fees granted to veterans pursuant to section 4 of this act.*

Sec. 6. This act becomes effective on July 1, 2019.

Senator Parks moved the adoption of the amendment.

Remarks by Senator Parks.

This relates to college fee waivers for veterans. The Amendment No. 730 to Assembly Bill No. 429 increases the minimum grade point average that a veteran must maintain from 2.0 to 2.75, on a 4.0 grading scale, to be eligible for such a waiver of college fees.

Amendment adopted.

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

GENERAL FILE AND THIRD READING

Senate Bill No. 538.

Bill read third time.

Remarks by Senators Ohrenschall and Goicoechea.

SENATOR OHRENSCHALL:

Senate Bill No. 538 creates the Office for New Americans in the Office of the Governor and requires the Governor to appoint a director to advise the Governor and each State agency on all matters relating to the formulation and implementation of policies, programs and procedures affecting immigrants in this State. Additionally, each regulatory body is required to create an

online resource for immigrants that provides information on how to obtain a license to practice each occupation or profession that the regulatory body regulates. This measure, if passed, is effective upon passage and approval for the purpose of performing preparatory administrative tasks and on January 1, 2020, for all other purposes.

SENATOR GOICOECHEA:

A number of my constituents are concerned about Senate Bill No. 538 and undocumented persons discussed in the bill, so I will be opposing it.

Roll call on Senate Bill No. 538:

YEAS—17.

NAYS—Goicoechea, Hansen, Hardy—3.

EXCUSED—Washington.

Senate Bill No. 538 having received a constitutional majority, Madam President declared it passed.

Bill ordered transmitted to the Assembly.

Assembly Bill No. 10.

Bill read third time.

Remarks by Senator Dondero Loop.

Assembly Bill No. 10 requires a photo identification card issued by Nevada's Department of Corrections to an offender who is to be released to clearly indicate whether the full legal name and age of the offender has been verified. Additionally, the bill requires that such a photo identification card used for the purpose of applying for a driver's license, identification card or an instruction permit must clearly indicate that the full legal name and age of the applicant was verified pursuant to existing law.

Roll call on Assembly Bill No. 10:

YEAS—20.

NAYS—None.

EXCUSED—Washington.

Assembly Bill No. 10 having received a constitutional majority, Madam President declared it passed.

Bill ordered transmitted to the Assembly.

Assembly Bill No. 17.

Bill read third time.

Remarks by Senator Scheible.

Assembly Bill No. 17 eliminates the existing statutory framework concerning the application and exonerated of bail in certain criminal cases. In its place, this bill provides when a defendant is released on bail, the bond or undertaking for the bail must apply to any action or proceeding instituted against the defendant in a court arising from the original charge. In addition, the bail must be exonerated by the court if no formal action or proceeding is instituted against the defendant or if such an action or proceeding is dismissed. The court may delay exonerated of the bail for a period not to exceed 30 days under certain circumstances

Roll call on Assembly Bill No. 17:

YEAS—20.

NAYS—None.

EXCUSED—Washington.

Assembly Bill No. 17 having received a constitutional majority, Madam President declared it passed.

Bill ordered transmitted to the Assembly.

Assembly Bill No. 18.

Bill read third time.

Remarks by Senator Scheible.

Assembly Bill No. 18 authorizes incorporated cities to provide for the construction, installation, maintenance of ramps and any appurtenances that comply with the Americans with Disabilities Act of 1990. The government entities may only locate such ramps within a public easement or right-of-way if they can be completed without damaging or forcing the relocation of the facilities of other persons, including public utilities, who are authorized to place their facilities within the public easement or right-of-way. Finally, the bill requires any incorporated city that annexes territory to send a notification to each affected public utility or rural electric cooperative operating within the jurisdiction of the city.

Roll call on Assembly Bill No. 18:

YEAS—20.

NAYS—None.

EXCUSED—Washington.

Assembly Bill No. 18 having received a constitutional majority, Madam President declared it passed.

Bill ordered transmitted to the Assembly.

Assembly Bill No. 23.

Bill read third time.

Remarks by Senator Hardy.

Assembly Bill No. 23 authorizes the Department of Motor Vehicles to adopt regulations related to the operation and testing of certain electronically controlled vehicles and transportation devices. The measure authorizes the Department to impose an administrative fine for a violation of these provisions.

Roll call on Assembly Bill No. 23:

YEAS—20.

NAYS—None.

EXCUSED—Washington.

Assembly Bill No. 23 having received a constitutional majority, Madam President declared it passed.

Bill ordered transmitted to the Assembly.

Assembly Bill No. 25.

Bill read third time.

Remarks by Senator Brooks.

Assembly Bill No. 25 changes licensing requirements related to contractors. The bill authorizes a serving member of the United States Armed Forces, its Reserves or the National Guard may apply to the State Contractors Board for reinstatement of a suspended contractor's license while on active duty without fee for renewal, penalties or other disciplinary action. Additionally, this bill expands from 10 years to 15 years the time period during which an applicant for a contractor's license must have acquired certain experience before applying for licensure, increases from 5 years to 8 years limitation on the inactive status of a contractor's license and repeals requirements to submit financial requirements, financial statements and other information with each license

application or renewal. The bill also makes various changes concerning disciplinary actions by the State Contractors Board. It allows the Board to delegate hearings to a hearing officer or panel that are related to the denial of a license. Furthermore, the measure authorizes the Board to cause a telephone number of a paging service provider to be disconnected if the number is associated with certain unlawful advertising.

Roll call on Assembly Bill No. 25:

YEAS—20.

NAYS—None.

EXCUSED—Washington.

Assembly Bill No. 25 having received a constitutional majority, Madam President declared it passed, as amended.

Bill ordered transmitted to the Assembly.

Assembly Bill No. 28.

Bill read third time.

Remarks by Senator Spearman.

Assembly Bill No. 28 authorizes the Department of Motor Vehicles and the Department of Veterans Services to enter into an agreement regarding information sharing related to satisfactory evidence for declaring status as a veteran on an instruction permit, driver's license, identification card or commercial driver's license.

Roll call on Assembly Bill No. 28:

YEAS—20.

NAYS—None.

EXCUSED—Washington.

Assembly Bill No. 28 having received a constitutional majority, Madam President declared it passed.

Bill ordered transmitted to the Assembly.

Assembly Bill No. 34.

Bill read third time.

Remarks by Senator Goicoechea.

Assembly Bill No. 34 expands the list of authorized investments for the Nevada Higher Education Prepaid Tuition Trust Fund, the State Permanent School Fund and money invested through the State's General Portfolio to include certain bonds, notes and other obligations that are issued or unconditionally guaranteed by the International Bank for Reconstruction and Development, the International Finance Corporation or the Inter-American Development Bank; and certain bonds, notes and other obligations, commonly called "Yankee bonds," that are issued by a foreign financial institutions, corporations or governments.

The bill also authorizes the governing body of certain local governments and certain administrative entities established by cooperative agreements entered into by cities and counties to invest in these additional types of securities. Finally, the bill requires the State Treasurer or local government, as applicable, to take certain actions to preserve the principal value and the integrity of the portfolio as a whole and report such actions to the State Board of Finance.

Roll call on Assembly Bill No. 34:

YEAS—20.

NAYS—None.

EXCUSED—Washington.

Assembly Bill No. 34 having received a constitutional majority, Madam President declared it passed.

Bill ordered transmitted to the Assembly.

Assembly Bill No. 39.

Bill read third time.

Remarks by Senator Kieckhefer.

Assembly Bill No. 39 requires money under the control of the State Treasurer to be deposited solely in insured State or national banks. The bill also authorizes a depository that is not participating in the collateral pool program to pledge securities, as such collateral in trust companies. Additionally, the measure includes certain registered broker-dealers as entities that are authorized to hold securities, including collateral, on behalf of depositories. Finally, the measure revises monthly reporting requirements to the State Treasurer for depositories in the collateral pool program to a list of accounts at the depository that hold public money.

Roll call on Assembly Bill No. 39:

YEAS—20.

NAYS—None.

EXCUSED—Washington.

Assembly Bill No. 39 having received a constitutional majority, Madam President declared it passed.

Bill ordered transmitted to the Assembly.

Assembly Bill No. 52.

Bill read third time.

Remarks by Senator Scheible.

Assembly Bill No. 52 eliminates the Nevada Natural Heritage Program and replaces it with the Division of Natural Heritage. The bill also transfers certain duties of the Program to the Division and provides that the Division consists of an administrator and other necessary personnel.

Roll call on Assembly Bill No. 52:

YEAS—20.

NAYS—None.

EXCUSED—Washington.

Assembly Bill No. 52 having received a constitutional majority, Madam President declared it passed.

Bill ordered transmitted to the Assembly.

Assembly Bill No. 54.

Bill read third time.

Remarks by Senator Spearman.

Assembly Bill No. 54 requires the director of the Office of Energy to update the minimum standard of energy efficiency for certain lights sold in this state and changes terminology relating to such lights to “general service lamp.” The bill prohibits the sale of lights that do not meet or exceed this minimum energy standard after January 1, 2020. Assembly Bill No. 54 also repeals outdated provisions related to a state energy reduction plan for state-owned buildings.

Roll call on Assembly Bill No. 54:

YEAS—20.

NAYS—None.

EXCUSED—Washington.

Assembly Bill No. 54 having received a constitutional majority, Madam President declared it passed.

Bill ordered transmitted to the Assembly.

Assembly Bill No. 58.

Bill read third time.

Remarks by Senator Brooks.

Assembly Bill No. 58 removes a requirement that a person whose conduct violates a regulation adopted by the Division of State Parks must also have refused to comply with the regulation when requested to do so by a ranger or certain employees of the Division in order to be guilty of a misdemeanor. Thus, a refusal to comply with a regulation when requested to do so is no longer required for criminal liability to attach.

Roll call on Assembly Bill No. 58:

YEAS—20.

NAYS—None.

EXCUSED—Washington.

Assembly Bill No. 58 having received a constitutional majority, Madam President declared it passed.

Bill ordered transmitted to the Assembly.

Assembly Bill No. 59.

Bill read third time.

Remarks by Senator Hansen.

Assembly Bill No. 59 eliminates the current requirement that the Division of State Parks issue an annual permit for the free use of all State parks and recreational areas in this State to any person 65 years of age or older only if that person has resided in the State for at least 5 years. Instead, the Division must issue such a permit to any applicant who is a bona fide resident of the State of Nevada and who is 65 years of age or older.

Roll call on Assembly Bill No. 59:

YEAS—20.

NAYS—None.

EXCUSED—Washington.

Assembly Bill No. 59 having received a constitutional majority, Madam President declared it passed.

Bill ordered transmitted to the Assembly.

Assembly Bill No. 76.

Bill read third time.

Remarks by Senator Hardy.

Assembly Bill No. 76 revises provisions relating to regional behavioral health policy boards. Specifically, it removes Mineral County from the Northern Behavioral Health Region; removes Lincoln County from the Rural Behavioral Health Region and places these counties in the Southern Behavioral Health Region. In addition, the bill removes Clark County and a portion of Nye County from the Southern Regional Behavioral Health Region, and instead newly creates the Clark Behavioral Health Region, which consists of Clark County and that portion of Nye County.

The bill revises board membership and appointing authority, and it requires each policy board to advise the Commission on Behavioral Health and the Division of Public and Behavioral Health, Department of Health and Human Services, about conflicting, obsolete or redundant federal, state and local laws and regulations that relate to behavioral health. In addition, each policy board must

establish an electronic repository of behavioral health data and services; track and compile data regarding people who are admitted to or receive services from certain medical and mental health facilities involuntarily and identify and coordinate with other entities that address mental health issues. Finally, the bill authorizes the Commission on Behavioral Health to employ an administrative assistant and a data analyst to assist the policy boards in carrying out their duties.

Roll call on Assembly Bill No. 76:

YEAS—20.

NAYS—None.

EXCUSED—Washington.

Assembly Bill No. 76 having received a constitutional majority, Madam President declared it passed, as amended.

Bill ordered transmitted to the Assembly.

Assembly Bill No. 78.

Bill read third time.

Remarks by Senators Denis, Pickard and Hammond.

SENATOR DENIS:

Assembly Bill No. 78 revises various provisions related to charter schools. The bill requires Nevada's Department of Education to conduct a comprehensive review of each approved charter school sponsor for compliance with reporting requirements, applicable statutes and regulations and nationally recognized best practices at least once every three years. It revises requirements related to the annual report made by a charter school sponsor to the Department. It increases the number of members of the State Public Charter School Authority by adding two members appointed by the State Board of Education and deems the Authority to be a local educational agency for all purposes, including providing a program of special education. Assembly Bill No. 78 abolishes the Achievement School District and requires charter schools operating or applying to operate under contract with the District to convert to sponsorship by the Authority, and it clarifies that applicable federal and state laws related to homelessness apply to a charter school's enrollment policies.

SENATOR PICKARD:

I rise in opposition to the bill and not because it does not do some good things. I support the idea of moving some of these functions into the Charter School Authority, but it establishes a dangerous precedent. We have not given the Achievement School District enough time to prove their worth. If we were to apply this same standard, where we require only two or three years before we find something is successful, I would argue many of the bills we pass here are ineffective or unproductive. We need to give the Achievement District more time. I realize we have unfunded that program, and it cannot move forward. This sets a dangerous precedent we should not follow, I will be voting no.

SENATOR HAMMOND:

I rise in support of the bill because of some of the language is necessary for the Charter Authority to continue move forward with their responsibilities. As my colleague just pointed out, there are some things that are objectionable. There are times when we pass things on this floor to see if it works or it does not. The language that repeals the Achievement School District is disturbing, and I think we should have gone forward with that program. There are many good things here that will do a lot of good, I am still in favor of the bill. I rise in support.

Roll call on Assembly Bill No. 78:

YEAS—16.

NAYS—Hardy, Kieckhefer, Pickard, Settelmeyer—4.

EXCUSED—Washington.

Assembly Bill No. 78 having received a constitutional majority, Madam President declared it passed, as amended.

Bill ordered transmitted to the Assembly.

Assembly Bill No. 93.

Bill read third time.

Remarks by Senator Goicoechea.

Assembly Bill No. 93 extends the authority of the Administrator of the Division of State Lands of the Department of Conservation and Natural Resources to provide grants for the support of programs for the preservation and restoration of the natural environment of the Lake Tahoe Basin by allowing the Administrator to offer grants to nonprofit organizations. Any such grants are to come from fees currently collected in connection with the issuance and renewal of Lake Tahoe Basin special license plates.

Roll call on Assembly Bill No. 93:

YEAS—20.

NAYS—None.

EXCUSED—Washington.

Assembly Bill No. 93 having received a constitutional majority, Madam President declared it passed.

Bill ordered transmitted to the Assembly.

Assembly Bill No. 114.

Bill read third time.

Remarks by Senators Pickard and Seevers Gansert.

SENATOR PICKARD:

Assembly Bill No. 114 requires the board of trustees of each school district and the governing body of each charter school to submit a report to Nevada's Department of Education on courses of study in the prevention of suicide; training for teachers and administrators in the prevention of suicide; and incidents of suicide, attempted suicide and suicidal ideation by pupils. The Department is required to compile the information and submit it to the Director of the Legislative Counsel Bureau on or before April 1, 2020, for transmission to the Legislative Committee on Education.

SENATOR SEEVERS GANSERT:

I rise in support of Assembly Bill No. 114. Last Session, we implemented the SafeVoice Program and through that program, students can make adults aware of individuals who may be going to hurt themselves or others or who have suicidal ideations; the numbers are in the hundreds. I am pleased we have a bill like this that provides more training and a way to track these numbers because, unfortunately, many students have suicidal thoughts or thoughts about hurting others. We now have data that demonstrates a need for a program such as this, so I rise in support of this bill.

Roll call on Assembly Bill No. 114:

YEAS—20.

NAYS—None.

EXCUSED—Washington.

Assembly Bill No. 114 having received a constitutional majority, Madam President declared it passed.

Bill ordered transmitted to the Assembly.

Assembly Bill No. 122.

Bill read third time.

Remarks by Senator Ratti.

Assembly Bill No. 122 requires the Department of Health and Human Services to study the feasibility of establishing and operating assisted living facilities that also provide respite care and adult day care services in rural areas of the State. A summary of certain study findings must be presented to the Legislative Committee on Senior Citizens, Veterans and Adults with Special Needs.

Roll call on Assembly Bill No. 122:

YEAS—20.

NAYS—None.

EXCUSED—Washington.

Assembly Bill No. 122 having received a constitutional majority, Madam President declared it passed.

Bill ordered transmitted to the Assembly.

Assembly Bill No. 126.

Bill read third time.

The following amendment was proposed by Senator Hammond:

Amendment No. 719.

SUMMARY—Enacts provisions governing the procedures for changing the name of an unemancipated minor who is in the legal custody of a child welfare agency. (BDR 3-402)

AN ACT relating to civil actions; enacting provisions governing the procedure for changing the name of an unemancipated minor who is in the custody of an agency which provides child welfare services; and providing other matters properly relating thereto.

Legislative Counsel's Digest:

Existing law sets forth provisions governing the procedure for a parent of an unemancipated minor to change the name of the minor. (NRS 41.295, 41.296, 41.297) Section 3 of this bill authorizes an attorney representing an unemancipated minor in the legal custody of an agency which provides child welfare services to file a petition to change the name of the minor. The petition must include: (1) the minor's present name; (2) the name the minor will bear in the future; (3) the reason for the name change; (4) the consent of the minor if the minor is over 14 years of age; (5) the verified consent of any parent of the child who consents to the name change; (6) the name and address of each parent of the minor, if known; and (7) whether the minor has been convicted of a felony.

Section 4 of this bill requires the petitioning attorney to personally serve notice upon each parent of the unemancipated minor unless each parent consents to the change of name or the court has determined that it is in the best interest of the minor to not require notice of the petition to be provided to a parent of the minor. If the petitioning attorney ~~can establish~~ submits an affidavit to the court stating that notice cannot be personally served on a parent,

~~the court may order the [petitioning attorney to: (1) publish the notice in a newspaper of general circulation for 3 successive weeks; and (2) serve notice and a copy of the petition by mail to that parent's last known address.]~~ service to be made by publication.

Section 5 of this bill requires the court to order the unemancipated minor's name changed as requested in the petition if: (1) the court determines that the name change is in the best interest of the minor; and (2) the verified consent of each parent is stated in the petition. However, under section 5, if the court determines that it is in the best interest of the minor to waive the requirement for one or both parents of the minor to consent to the name change, the court is authorized to waive the requirement to obtain the consent of one or both parents of the minor. Section 5 also requires the court to hold a hearing to determine whether the name change is in the best interest of the minor if an objection is filed by a parent of the minor within a certain period.

Section 6 of this bill authorizes a petition to change the name of an unemancipated minor who is in the legal custody of an agency which provides child welfare services to be filed in a child welfare proceeding or in an action concerning divorce, child custody, the establishment of parentage, the termination of parental rights or the emancipation of the minor. If such a petition is filed, the notice and service requirements of the applicable proceeding or action apply.

Section 7 of this bill provides that the provisions of existing law governing the procedure to change the name of an unemancipated minor do not apply to an unemancipated minor in the legal custody of an agency which provides child welfare services because sections 2-6 of this bill would govern a name change for such a minor.

Section 8 of this bill makes a conforming change.

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

Section 1. Chapter 41 of NRS is hereby amended by adding thereto the provisions set forth as sections 2 to 7, inclusive, of this act.

Sec. 2. *As used in sections 2 to 6, inclusive, of this act, unless the context otherwise requires, "agency which provides child welfare services" has the meaning ascribed to it in NRS 432B.030.*

Sec. 3. 1. *An attorney representing an unemancipated minor in the legal custody of an agency which provides child welfare services who desires to have the name of the minor changed may file a verified petition with the clerk of the district court of the district in which the minor resides.*

2. *The petition must be addressed to the court and must state:*

- (a) The unemancipated minor's present name;*
- (b) The name which the unemancipated minor will bear in the future;*
- (c) The reason for desiring the name change;*
- (d) The consent of the unemancipated minor, if over the age of 14 years;*

(e) The verified consent, if any, of one or both parents of the unemancipated minor;

(f) The name and address of each parent of the unemancipated minor, if known; and

(g) Whether the unemancipated minor has been convicted of a felony.

Sec. 4. 1. Unless the verified consent of each parent is stated in the petition, and except as otherwise provided in ~~subsections 2 and 3,~~ this section, upon the filing of the petition filed by the attorney representing the unemancipated minor in the legal custody of an agency which provides child welfare services, the attorney shall make out and procure a notice that must:

(a) State the fact of filing of the petition, its object, the unemancipated minor's present name and the name which the minor will bear in the future; and

(b) Be personally served with a copy of the petition upon each parent whose verified consent is not stated in the verified petition.

2. If the attorney representing the unemancipated minor in the legal custody of an agency which provides child welfare services submits ~~proof satisfactory~~ to the court an affidavit stating that notice cannot, after due diligence, be personally served on a parent, the court may grant an order ~~the attorney to:~~

~~(a) Publish notice in a newspaper of general circulation in the county once a week for 3 successive weeks; and~~

~~(b) Serve notice and a copy of the verified petition by registered or certified mail to that parent at his or her last known address.~~

~~3.~~ that the service be made by publication. When the affidavit is based on the fact that the present address of the parent is unknown, it is a sufficient showing of that fact if the affiant states generally in the affidavit that:

(a) At a previous time the parent resided in a certain place (naming the place and stating the latest date known to the affiant when the parent so resided there);

(b) That place is the last place in which the parent resided to the knowledge of the affiant;

(c) The parent no longer resides at that place; and

(d) The affiant does not know the present place of residence of the parent or where the parent can be found.

➔ In such case, the affidavit shall be deemed to be a sufficient showing of due diligence to find the parent.

3. The order must direct the publication to be made in a newspaper, to be designated by the court, for a period of 4 weeks, and at least once a week during that time. When publication is ordered, personal service of a copy of the notice is equivalent to completed service by publication, and the person so served has 10 days after the service to appear and answer or otherwise plead. The service of the notice shall be deemed complete in cases of publication at the expiration of 4 weeks from the first publication.

4. Before a notice is published pursuant to subsection 2, the clerk of the court shall ensure that the name of the unemancipated minor is replaced with the initials of the minor in every instance where the name of the minor appears in the notice of hearing.

5. Whenever personal service cannot be made, the court may require, before ordering service by publication, such further and additional search to determine the whereabouts of the parent to be served as may be warranted by the facts stated in the affidavit to the end that actual notice be given whenever possible.

6. If one or both of the parents of the unemancipated minor are unknown, or if the name of either or both parents of the minor is uncertain, those facts must be set forth in the affidavit and the court shall order the notice to be directed and addressed to either parent of the minor, and to all persons claiming to be the parent of the minor. The notice, after the caption, must be addressed substantially as follows: "To the parents of the above-named person, and to all persons claiming to be the parent of that person."

7. A parent who delivered a child to a provider of emergency services pursuant to NRS 432B.630 shall be deemed to have waived any right to notice pursuant to this section.

8. A court may waive the requirement to provide notice to a parent pursuant to subsection 1 or 2, as applicable, if the petitioner files a motion seeking waiver of such notice and presents evidence satisfactory to the court that waiving the requirement for such notice is in the best interest of the unemancipated minor ~~and~~ based upon the factors listed in subsection 4 of section 5 of this act.

Sec. 5. 1. Except as otherwise provided in subsection 2, the court shall make an order changing the name of the minor as prayed for in the petition filed by the attorney representing the unemancipated minor in the legal custody of an agency which provides child welfare services, upon being satisfied by the statements in the petition or other evidence that the name change is in the best interest of the unemancipated minor pursuant to subsection 4 if:

(a) The verified consent of:

(1) Each parent of the unemancipated minor is stated in the petition; or
 (2) One parent of the unemancipated minor is stated in the petition, if a court finds that it is in the best interest of the minor not to require the other parent to consent to the name change;

(b) Notice is required to be served or published pursuant to section 4 of this act, no written objection is filed with the clerk by a parent of the minor within 10 days after the parent is personally served or the last day of publication as ordered in section 4 of this act, upon proof of the filing of the petition and evidence of service ~~and~~; or

(c) The requirement to provide notice to one or both parents of the unemancipated minor was waived pursuant to subsection 8 of section 4 of this act.

2. If an objection is filed within the prescribed time period pursuant to this section, the court shall appoint a day for hearing the proofs, respectively, of the petitioner and the objection, upon reasonable notice. Upon that day, the court shall hear the proofs, and grant or refuse the prayer of the petitioner, according to whether the proofs show that making the name change is in the best interest of the unemancipated minor ~~+~~ pursuant to subsection 4.

3. Upon the making of an order either granting or denying the prayer of the petitioner, the order must be recorded as a judgment of the court. If the petition is granted, the name of the unemancipated minor must thereupon be stated in the order and the clerk shall transmit a certified copy of the order to the State Registrar of Vital Statistics.

4. In determining the best interest of the unemancipated minor, the court shall consider and set forth its specific findings concerning, among other things:

(a) The wishes of the unemancipated minor if the minor is of sufficient age and capacity to form an intelligent preference as to his or her name change.

(b) The level of conflict between the parents.

(c) The mental and physical health of the parents.

(d) The physical, developmental and emotional needs of the unemancipated minor.

(e) The nature of the relationship of the unemancipated minor with each parent.

(f) Any history of parental abuse or neglect of the unemancipated minor or a sibling of the minor.

(g) Whether either parent or any other person has engaged in an act of domestic violence against the unemancipated minor, a parent of the minor or any other person residing with the minor.

(h) Whether either parent has committed any act of abduction against the unemancipated minor or any other minor.

Sec. 6. 1. In addition to a petition to change the name of an unemancipated minor in the legal custody of an agency which provides child welfare services which is filed pursuant to this chapter, such a petition may be filed in any action brought under the provisions of chapter 122A, 125, 125C, 126, 128, 129 or 432B of NRS. For any petition filed, the notice and service requirements of the chapter under which the applicable action was brought must be met.

2. As used in this section, "agency which provides child welfare services" has the meaning ascribed to it in NRS 432B.030.

Sec. 7. 1. The provisions of NRS 41.291 to 41.298, inclusive, and this section do not apply to an unemancipated minor who is in the legal custody of an agency which provides child welfare services.

2. *As used in this section, “agency which provides child welfare services” has the meaning ascribed to it in NRS 432B.030.*

Sec. 8. NRS 41.291 is hereby amended to read as follows:

41.291 As used in NRS 41.291 to 41.298, inclusive, *and section 7 of this act*, unless the context otherwise requires, the words and terms defined in NRS 41.293 and 41.294 have the meanings ascribed to them in those sections.

Sec. 9. This act becomes effective on July 1, 2019.

Senator Hammond moved the adoption of the amendment.

Remarks by Senator Hammond.

Amendment No. 719 amends Section 4 of Assembly Bill No. 126 to authorize the court to order service, by publication, if the petitioning attorney submits an affidavit to the court that notice to the parents cannot, after due diligence, be personally served. The amendment specifies what must be shown in the affidavit to prove due diligence for personal service before the court grants such an order for publication. Further, the amendment establishes the procedures governing publication; including the requirement that publication must be at least once a week for a period of four weeks. Additionally, Section 4 authorizes the court to waive the requirement to provide notice to a parent if the court first determines such waiver is in the best interest of the child as determined by considering the factors listed in Section 5. Section 5 of the bill requires that the court consider and set forth certain findings when determining the best interest of the unemancipated minor for purposes of change in the minor's name.

Amendment adopted.

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

Assembly Bill No. 129.

Bill read third time.

Remarks by Senator Woodhouse.

Assembly Bill No. 129 requires ambulance attendants, firefighters, emergency medical technicians, advanced emergency medical technicians, paramedics and peace officers to complete training concerning persons with developmental disabilities before initial licensure or certification as applicable. First responders who are certified or licensed as of October 1, 2019, must submit proof on or before October 1, 2020, that they have completed the training.

Roll call on Assembly Bill No. 129:

YEAS—20.

NAYS—None.

EXCUSED—Washington.

Assembly Bill No. 129 having received a constitutional majority, Madam President declared it passed, as amended.

Bill ordered transmitted to the Assembly.

Assembly Bill No. 136.

Bill read third time.

Remarks by Senators Parks, Kieckhefer and Settlemeyer.

SENATOR PARKS:

Assembly Bill No. 136 revises provisions regarding the application of prevailing wages by lowering from \$250,000 to \$100,000, the threshold at which prevailing wage law applies to a public work. The bill removes the provision allowing school districts and the Nevada System of Higher Education to pay wages at 90 percent of the prevailing wage rate on construction projects. The bill also eliminates the language prescribing the manner in which the Labor Commissioner

must determine the prevailing wage in certain circumstances. Finally, the bill requires prevailing wages to be applied to projects built by charter schools.

SENATOR KIECKHEFER:

I rise in opposition to this bill. It will make taxpayers pay more money to get the exact same thing. The Clark County School District applied a fiscal note to this bill of \$7.5 million a year to get exactly what they are getting; \$50 million a biennium is what they will have to pay in enhanced construction costs for no additional benefit to students. If we are going to drive up costs for local governments, we should be getting something in addition out of it.

SENATOR SETTELMEYER:

I echo my colleague's comments. In working with several conservation districts there are many jobs we will no longer be able to do, even with water quality and environmental enhancements because it will now be too expensive.

Roll call on Assembly Bill No. 136:

YEAS—12.

NAYS—Goicoechea, Hammond, Hansen, Hardy, Kieckhefer, Pickard, Seevers Gansert, Settelmeyer—8.

EXCUSED—Washington.

Assembly Bill No. 136 having received a constitutional majority, Madam President declared it passed.

Bill ordered transmitted to the Assembly.

Assembly Bill No. 140.

Bill read third time.

Remarks by Senator Hammond.

Assembly Bill No. 140 prohibits a court from discriminating against a person in a proceeding concerning child custody or visitation, adoption, guardianship or child protection solely because the person seeking custody or visitation, adoption, guardianship or child protection is deaf, is legally blind or has another physical disability. In addition, the measure similarly prohibits an agency that provides child welfare services or a child placing agency from determining that a prospective adoptive home is unsuitable for placement or detrimental to the interest of the child solely because the prospective adoptive parent or parents are deaf, are legally blind or have another physical disability. Lastly, the measure clarifies that a child is not in need of protection solely because a person responsible for the welfare of the child is deaf, is legally blind or has another physical disability.

Senator Cannizzaro moved that the Senate recess subject to the call of the Chair.

Motion carried.

Senate in recess at 2:26 p.m.

SENATE IN SESSION

At 2:27 p.m.

President Marshall presiding.

Quorum present.

Senator Cannizzaro moved that the bill be taken from the General File and placed on the General File for the next legislative day.

Motion carried.

Assembly Bill No. 152.

Bill read third time.

Remarks by Senator Scheible.

Assembly Bill No. 152 revises and increases the penalties for crimes related to certain actions which injure or destroy the cairn or grave of a native Indian or an historic or prehistoric site and crimes related to the trafficking of cultural property obtained from State land without a permit.

Senator Cannizzaro moved that the Senate recess subject to the call of the Chair.

Motion carried.

Senate in recess at 2:28 p.m.

SENATE IN SESSION

At 2:32 p.m.

President Marshall presiding.

Quorum present.

Roll call on Assembly Bill No. 152:

YEAS—20.

NAYS—None.

EXCUSED—Washington.

Assembly Bill No. 152 having received a constitutional majority, Madam President declared it passed.

Bill ordered transmitted to the Assembly.

Assembly Bill No. 163.

Bill read third time.

Remarks by Senators Brooks and Hansen.

SENATOR BROOKS:

Assembly Bill No. 163 requires each supplier of water and public utility who serves 3,300 persons or more to submit to the Water Planning Section of the Division of Water Resources or the Public Utilities Commission of Nevada the results of a water loss audit with the plan of water conservation or update to the plan. Any other supplier of water and public utility must submit the results of certain calculations regarding water delivered and billed. A comparison of the results of the most recent audit or calculations and the information previously submitted and an analysis of any progress made toward certain goals that must be established in the plan of water conservation for water loss must be submitted with any future plan updates.

Additionally, certain plumbing components for new construction, expansions and renovation of certain structures must have been certified under the WaterSense program or an analogous successor program established by the United States Environmental Protection Agency, if final product specifications have been developed. This bill is effective upon passage and approval for the purpose of adopting regulations; and on January 1, 2020, for all other purposes.

SENATOR HANSEN:

I rise in opposition to the bill. Obviously, we all support water conservation. With this bill we are crossing over into an area, as legislators, we do not have the expertise. This is why we have codes. For years I was a member of the International Association of Plumbing and Mechanical Officials. Tremendous work and research goes into establishing codes and what water qualities and quantities flowing through faucets and fixtures should be. Engineers spend years studying and developing these parameters. Although I would support adopting a statewide code, a

legislative body should not use its process to dictate what these codes mean or set a precedent in order to determine what plumbing and mechanical codes should be.

Roll call on Assembly Bill No. 163:

YEAS—14.

NAYS—Goicoechea, Hammond, Hansen, Hardy, Pickard, Settlemeyer—6.

EXCUSED—Washington.

Assembly Bill No. 163 having received a constitutional majority, Madam President declared it passed, as amended.

Bill ordered transmitted to the Assembly.

Assembly Bill No. 190.

Bill read third time.

Remarks by Senator Parks.

Assembly Bill No. 190 relates to public construction and sets forth the requirements pursuant to which a contractor or subcontractor engage on a public work may discharge any part of his or her obligation to pay prevailing wages to a worker by providing bona fide fringe benefits in the name of the worker. Those requirements include, among other things, that the bona fide fringe benefits are paid equally for all hours worked in a calendar year by the worker for the contractor or subcontractor. Among other provisions, the bill also defines “bona fide fringe benefits” as a contribution made to an independent party pursuant to a fund, plan or program established for a worker and his or her family and dependents and for which none of the assets will revert to any contributing employer or sponsor. Secondly, it authorizes the Labor Commissioner to impose administrative penalties against a contractor or subcontractor who discharges any part of his or her obligation to pay prevailing wages in an unauthorized manner. Third, it requires the contractor or subcontractor to make the affected worker whole by paying to the worker as wages any amounts disallowed as bona fide fringe benefits.

Roll call on Assembly Bill No. 190:

YEAS—12.

NAYS—Goicoechea, Hammond, Hansen, Hardy, Kieckhefer, Pickard, Seevers Gansert, Settlemeyer—8.

EXCUSED—Washington.

Assembly Bill No. 190 having received a constitutional majority, Madam President declared it passed.

Bill ordered transmitted to the Assembly.

Assembly Bill No. 195.

Bill read third time.

Remarks by Senator Hammond.

Assembly Bill No. 195 makes it a crime, punishable as a Category C felony, for a person to install or affix a scanning device within or upon a machine used for financial transactions with the intent to use the device for an unlawful purpose. The measure also expands the exemption from provisions governing the unlawful use of such a device to include a person who installs, affixes or accesses such a device without the intent to defraud or commit an unlawful act.

Roll call on Assembly Bill No. 195:

YEAS—20.

NAYS—None.

EXCUSED—Washington.

Assembly Bill No. 195 having received a constitutional majority, Madam President declared it passed.

Bill ordered transmitted to the Assembly.

Assembly Bill No. 201.

Bill read third time.

Remarks by Senator Settelmeyer.

Assembly Bill No. 201 makes it unlawful to drive a vehicle in an unauthorized trick driving display on a public highway or to facilitate an unauthorized trick driving display.

Roll call on Assembly Bill No. 201:

YEAS—20.

NAYS—None.

EXCUSED—Washington.

Assembly Bill No. 201 having received a constitutional majority, Madam President declared it passed.

Bill ordered transmitted to the Assembly.

Assembly Bill No. 204.

Bill read third time.

Remarks by Senator Seevers Gansert.

Assembly Bill No. 204 authorizes the State Board of Pharmacy to license a recovery center to possess and administer controlled substances and dangerous drugs and establishes the maximum fees that the Board may charge for investigating, initially licensing and renewing the license of a recovery center. The bill adds recovery centers to the list of health care facilities that may use a chart order to authorize the possession and administration of controlled substances and dangerous drugs. A recovery center is defined in the bill as any public or private facility that provides only short-term care, not to exceed 72 hours, to a person recovering from surgery and requires such a facility to be licensed by the Division of Public and Behavioral Health of the Department of Health and Human Services.

Roll call on Assembly Bill No. 204:

YEAS—20.

NAYS—None.

EXCUSED—Washington.

Assembly Bill No. 204 having received a two-thirds majority, Madam President declared it passed.

Bill ordered transmitted to the Assembly.

Assembly Bill No. 206.

Bill read third time.

Remarks by Senator Scheible.

Assembly Bill No. 206 requires the Chief of the Division of Emergency Management of the Department of Public Safety, as part of the emergency management planning process, to develop written plans for the mitigation of, preparation for, response to and recovery from emergencies or disasters. Further, the bill prescribes the contents of each of these plans and requires the Chief to annually review each plan and revise as necessary. This measure also requires the Department of Health and Human Services to develop a written plan to address behavioral health needs in an emergency or disaster. Finally, the bill repeals the Committee on Training in Search and Rescue and transfers its duties to the Board of Search and Rescue.

Roll call on Assembly Bill No. 206:

YEAS—20.

NAYS—None.

EXCUSED—Washington.

Assembly Bill No. 206 having received a constitutional majority, Madam President declared it passed.

Bill ordered transmitted to the Assembly.

Assembly Bill No. 212.

Bill read third time.

Senator Cannizzaro moved that the Senate recess subject to the call of the Chair.

Motion carried.

Senate in recess at 2:44 p.m.

SENATE IN SESSION

At 2:47 p.m.

President Marshall presiding.

Quorum present.

Remarks by Senator Goicoechea.

Assembly Bill No. 212 adds any inspector, officer or investigator employed by this State or a political subdivision of this State, designated by his or her employer, who possesses specialized training in code enforcement interacts with the public and whose primary duties are the performance of tasks related to code enforcement to the list of persons and entities authorized to request certain personal information contained in the records of a county assessor, county recorder, the Secretary of State or a county or city clerk remain confidential. Similarly, the bill adds those persons to the list of those authorized to request that the Department of Motor Vehicles display an alternate address on the person's driver's license, commercial driver's license or identification card. This bill is effective upon passage and approval.

Roll call on Assembly Bill No. 212:

YEAS—20.

NAYS—None.

EXCUSED—Washington.

Assembly Bill No. 212 having received a constitutional majority, Madam President declared it passed.

Bill ordered transmitted to the Assembly.

Madam President announced that if there were no objections, the Senate would recess subject to the call of the Chair.

Senate in recess at 2:48 p.m.

SENATE IN SESSION

At 2:49 p.m.

President Marshall presiding.

Quorum present.

MOTIONS, RESOLUTIONS AND NOTICES

Senator Cannizzaro moved that Assembly Bills Nos. 220, 239, 248, 258, 260, 261, 272, 274, 280, 285, 304 be taken from the General File and placed on the General File for the next legislative day.

Motion carried.

GENERAL FILE AND THIRD READING

Assembly Bill No. 303.

Bill read third time.

The following amendment was proposed by Senator Hardy:

Amendment No. 800.

SUMMARY—Revises provisions relating to kratom products. (BDR 52-1055)

AN ACT relating to public health; prohibiting the sale of certain kratom products to a minor; prohibiting the preparation, distribution, advertising or sale of certain adulterated kratom products; prohibiting the sale of a kratom product that does not have a label that contains certain information; providing civil penalties; and providing other matters properly relating thereto.

Legislative Counsel's Digest:

Section 4 of this bill prohibits: (1) a person from knowingly selling or offering to sell kratom products to a child who is less than 18 years of age; (2) the sale of certain adulterated kratom products; and (3) the sale of a kratom product that does not include a label that clearly sets forth the ingredients and directions for the safe and effective use of the kratom product. Section 4 also establishes a civil penalty of \$1,000 for violating those provisions.

~~Section 2 of this bill~~ and defines a "kratom product."

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

Section 1. ~~Chapter 597 of NRS is hereby amended by adding thereto the provisions set forth as sections 2 and 4 of this act. (Deleted by amendment.)~~

Sec. 2. ~~As used in sections 2 and 4 of this act, "kratom product" means any product or ingredient containing any part of the leaf of the *Mitragyna Speciosa* plant if the plant contains the alkaloid mitragynine, regardless of whether the product or ingredient is labeled or sold for human consumption. (Deleted by amendment.)~~

Sec. 3. (Deleted by amendment.)

Sec. 4. Chapter 597 of NRS is hereby amended by adding thereto a new section to read as follows:

1. A person shall not knowingly sell or offer to sell any material, compound, mixture or preparation containing a kratom product to a child under the age of 18 years.

2. A person shall not knowingly prepare, distribute, advertise, sell or offer to sell a kratom product that is adulterated with a substance that affects the quality or strength of the kratom product to such a degree as to render the kratom product injurious to a consumer. A person has not violated the

provisions of this subsection if he or she can show by a preponderance of evidence that he or she relied in good faith upon the representations of a manufacturer, processor, packer or distributor of the kratom product.

3. A person shall not sell a kratom product that does not have a label that clearly sets forth the ingredients and directions for the safe and effective use of the kratom product.

4. A person who violates any provision of this section is subject to a civil penalty of not more than \$1,000 for each violation.

5. As used in this section, "kratom product" means any product or ingredient containing:

(a) Any part of the leaf of the *Mitragyna Speciosa* plant if the plant contains the alkaloid mitragynine or 7-hydroxymitragynine; or

(b) A synthetic material that contains the alkaloid mitragynine or 7-hydroxymitragynine.

↪ regardless of whether the product or ingredient is labeled or sold for human consumption.

Senator Hardy moved the adoption of the amendment.

Remarks by Senator Hardy.

This allows for kratom products to include synthetics as well.

Amendment adopted.

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

Senator Cannizzaro moved that the Senate take a 30-minute recess.

Motion carried.

Senate in recess at 2:52 p.m.

SENATE IN SESSION

At 3:40 p.m.

President Marshall presiding.

Quorum present.

REPORTS OF COMMITTEE

Madam President:

Your Committee on Education, to which was referred Assembly Bill No. 378, 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 Growth and Infrastructure, to which was referred Assembly Bill No. 465, 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. 232, 254, has had the same under consideration, and begs leave to report the same back with the recommendation: Amend, and do pass as amended.

JULIA RATTI, *Chair*

Madam President:

Your Committee on Natural Resources, to which was referred Assembly Bill No. 30, has had the same under consideration, and begs leave to report the same back with the recommendation: Without recommendation.

MELANIE SCHEIBLE, *Chair*

SECOND READING AND AMENDMENT

Senate Bill No. 506.

Bill read second time and ordered to third reading.

Senate Bill No. 521.

Bill read second time.

The following amendment was proposed by the Committee on Finance:

Amendment No. 795.

SUMMARY—Makes a supplemental appropriation to the Nevada Highway Patrol for an unanticipated shortfall in dignitary protection services for visiting dignitaries. (BDR S-1235)

AN ACT making a supplemental appropriation to the Nevada Highway Patrol for an unanticipated shortfall in dignitary protection services for visiting dignitaries; 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 Nevada Highway Patrol Division of the Department of Public Safety the sum of ~~64,664~~ \$113,000 for an unanticipated shortfall in dignitary protection services for visiting dignitaries. This appropriation is supplemental to that made by section 28 of chapter 396, Statutes of Nevada 2017, at page 2640.

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

Senator Woodhouse moved the adoption of the amendment.

Remarks by Senator Woodhouse.

Amendment No. 795 to Senate Bill No. 521 increases the State General Fund supplemental appropriation from \$64,664 to \$113,000 to cover dignitary protection costs that have already exceeded the amount recommended and an additional contingency to cover approximately one unanticipated visit from either the President or the Vice President of the United States.

Amendment adopted.

Bill ordered reprinted, engrossed and to third reading.

Senate Bill No. 522.

Bill read second time.

The following amendment was proposed by the Committee on Finance:

Amendment No. 796.

SUMMARY—Makes a supplemental appropriation to the Nevada Highway Patrol for an unanticipated shortfall in gasoline costs. (BDR S-1236)

AN ACT making a supplemental appropriation to the Nevada Highway Patrol for an unanticipated shortfall in gasoline costs; 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 Highway Fund to the Nevada Highway Patrol Division of the Department of Public Safety the sum of ~~[\$441,225]~~ \$384,277 for an unanticipated shortfall in gasoline costs. This appropriation is supplemental to that made by section 30 of chapter 396, Statutes of Nevada 2017, at page 2641.

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

Senator Woodhouse moved the adoption of the amendment.

Remarks by Senator Woodhouse.

Amendment No. 796 to Senate Bill No. 522 reduces the State Highway Fund supplemental appropriation by \$56,948, from \$441,225 to \$384,277 to reflect updated gasoline expenditure projections.

Amendment adopted.

Bill ordered reprinted, engrossed and to third reading.

Assembly Bill No. 21.

Bill read second time and ordered to third reading.

Assembly Bill No. 37.

Bill read second time and ordered to third reading.

Assembly Bill No. 73.

Bill read second time and ordered to third reading.

Assembly Bill No. 79.

Bill read second time and ordered to third reading.

Assembly Bill No. 83.

Bill read second time and ordered to third reading.

Assembly Bill No. 86.

Bill read second time and ordered to third reading.

Assembly Bill No. 88.

Bill read second time and ordered to third reading.

Assembly Bill No. 102.

Bill read second time and ordered to third reading.

Assembly Bill No. 107.

Bill read second time and ordered to third reading.

Assembly Bill No. 113.

Bill read second time and ordered to third reading.

Assembly Bill No. 120.

Bill read second time and ordered to third reading.

Assembly Bill No. 132.

Bill read second time.

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

Amendment No. 740.

SUMMARY—Revises provisions governing employment practices. (BDR 53-29)

AN ACT relating to employment; prohibiting the denial of employment because of the presence of marijuana in a screening test taken by a prospective employee with certain exceptions; authorizing an employee to rebut the results of a screening test under certain circumstances; ~~creating a presumption that the ability of an employee to perform his or her job and that the safety of other employees is not adversely affected if an employee has certain levels of certain prohibited substances in his or her blood; providing penalties;~~ and providing other matters properly relating thereto.

Legislative Counsel's Digest:

Existing law establishes various unlawful employment practices. (Chapter 613 of NRS)

Section 2 of this bill prohibits, with certain exceptions, an employer from denying employment to a prospective employee because the prospective employee has submitted to a drug screening test and the test indicates the presence of marijuana. Section 2 further provides, however, that it is ~~not unlawful~~ lawful for an employer to condition the employment of a prospective employee who does not hold a valid registry identification card to engage in the medical use of marijuana on the prospective employee's abstention from use of marijuana while performing his or her duties of employment. Finally, section 2 provides that if an employer requires an employee to submit to a screening test within his or her first 30 days of employment, the employer is required to accept ~~as conclusive~~ and give appropriate consideration to the results of an additional screening test to which the employee submitted at his or her own expense.

~~Existing law makes it an unlawful employment practice to fail or refuse to hire, discharge or otherwise discriminate against an employee because the employee engages in the lawful use of any product outside the premises of the employer during the employee's nonworking hours, if that use does not adversely affect the employee's ability to perform his or her job or the safety of other employees. (NRS 613.333) Section 3.5 of this bill specifies that this provision of existing law applies to the use of marijuana.~~

~~Existing law prohibits a person from driving or being in actual physical control of a vehicle on a highway or on premises to which the public has access if the person has an amount of marijuana or marijuana metabolite in his or her blood that is equal to or greater than 2 nanograms per milliliter or 5 nanograms per milliliter, respectively. (NRS 484C.110) Section 3.5 creates a presumption that the ability of an employee to perform his or her job and that the safety of~~

~~other employees is not adversely affected if the employee has less than such amounts of marijuana or marijuana metabolite in his or her blood.]~~

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

Section 1. (Deleted by amendment.)

Sec. 2. Chapter 613 of NRS is hereby amended by adding thereto a new section to read as follows:

Except as otherwise specifically provided by law:

1. *It is unlawful for any employer in this State to fail or refuse to hire a prospective employee because the prospective employee submitted to a screening test and the results of the screening test indicate the presence of marijuana.*

2. *The provisions of subsection 1 do not apply if the prospective employee is applying for a position:*

(a) As a firefighter, as defined in NRS 450B.071;

(b) As an emergency medical technician, as defined in NRS 450B.065;

(c) That requires an employee to operate a motor vehicle and for which federal or state law requires the employee to submit to screening tests; or

(d) That, in the determination of the employer, could adversely affect the safety of others.

3. *It is ~~not unlawful~~ lawful for an employer in this State to require, as a condition of employment, a prospective employee who does not hold a valid registry identification card ~~to engage in the medical use of marijuana pursuant to chapter 453A of NRS~~, as defined in NRS 453A.140, to abstain from using marijuana while carrying out the duties of his or her employment, ~~as a condition of employment.~~*

4. *If an employer requires an employee to submit to a screening test within the first 30 days of employment, the employee shall have the right to submit to an additional screening test, at his or her own expense, to rebut the results of the initial screening test. The employer shall accept and give appropriate consideration to the results of such a screening test.*

5. *The provisions of this section do not apply:*

(a) To the extent that they are inconsistent or otherwise in conflict with the provisions of an employment contract or collective bargaining agreement.

(b) To the extent that they are inconsistent or otherwise in conflict with the provisions of federal law.

(c) To a position of employment funded by a federal grant.

6. *As used in this section, "screening test" means a test of a person's blood, urine, hair or saliva to detect the general presence of a controlled substance or any other drug.*

Sec. 3. (Deleted by amendment.)

Sec. 3.5. ~~NRS 613.333 is hereby amended to read as follows:~~

~~613.333 1. It is an unlawful employment practice for an employer to:~~

~~(a) Fail or refuse to hire a prospective employee; or~~

~~(b) Discharge or otherwise discriminate against any employee concerning the employee's compensation, terms, conditions or privileges of employment, because the employee engages in the lawful use in this state of any product outside the premises of the employer during the employee's nonworking hours, if that use does not adversely affect the employee's ability to perform his or her job or the safety of other employees.~~

~~2. For the purposes of subsection 1:~~

~~(a) It is presumed that the ability of an employee to perform his or her job and that the safety of other employees is not adversely affected if, during the working hours of the employee, the employee has an amount of a prohibited substance in his or her blood that is less than the amount set forth in subsection 4 of NRS 484C.110.~~

~~(b) The consumption of marijuana, as defined in NRS 453.096, in a manner that complies with the laws of this State is deemed to be the lawful use of a product.~~

~~3. An employee who is discharged or otherwise discriminated against in violation of subsection 1 or a prospective employee who is denied employment because of a violation of subsection 1 may bring a civil action against the employer who violates the provisions of subsection 1 and obtain:~~

~~(a) Any wages and benefits lost as a result of the violation;~~

~~(b) An order of reinstatement without loss of position, seniority or benefits;~~

~~(c) An order directing the employer to offer employment to the prospective employee; and~~

~~(d) Damages equal to the amount of the lost wages and benefits.~~

~~[3.] 4. The court shall award reasonable costs, including court costs and attorney's fees to the prevailing party in an action brought pursuant to this section.~~

~~[4.] 5. The remedy provided for in this section is the exclusive remedy for an action brought pursuant to this section.~~

~~6. The provisions of this section do not apply:~~

~~(a) To the extent that they are inconsistent or otherwise in conflict with the provisions of an employment contract or collective bargaining agreement.~~

~~(b) To the extent that they are inconsistent or otherwise in conflict with the provisions of federal law.~~

~~(c) To a position of employment funded by a federal grant.] (Deleted by amendment.)~~

Sec. 4. This act becomes effective on ~~July~~ January 1, ~~2019~~ 2020.

Senator Spearman moved the adoption of the amendment.

Remarks by Senator Spearman.

Amendment No. 740 to Assembly Bill No. 132 clarifies that it is lawful for an employer to require, as a condition of employment, a prospective employee who does not have a medical marijuana card to abstain from the use of marijuana while carrying out the duties of his or her employment. It also deletes Section 3.5, which creates a presumption that the ability of an employee to perform his or her job and that the safety of other employees is not adversely affected if the employee has less than 2 nomograms per milliliter or 5 nomograms per milliliter of marijuana or marijuana metabolite respectively in his or her blood. Additionally, Section 3.5

makes it an unlawful employment practice to discriminate against an employee who engages in the legal use of marijuana and changes the effective date of the bill to January 1, 2020.

Conflict of interest declared by Senator Ohrenschall.

Amendment adopted.

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

Assembly Bill No. 139.

Bill read second time and ordered to third reading.

Assembly Bill No. 141.

Bill read second time.

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

Amendment No. 739.

SUMMARY—Prohibits a pharmacy benefit manager from imposing certain limitations on the conduct of a pharmacist or pharmacy. (BDR 57-947)

AN ACT relating to pharmacy benefit managers; prohibiting a pharmacy benefit manager from imposing certain limitations on the conduct of a pharmacist or pharmacy under certain circumstances; and providing other matters properly relating thereto.

Legislative Counsel's Digest:

Existing law forbids a pharmacy benefit manager, which is defined as an entity that contracts with or is employed by a third party and manages the pharmacy benefits plan provided by the third party, from prohibiting a pharmacist or pharmacy from providing information to a person covered by a pharmacy benefits plan concerning the amount of any copayment or coinsurance for a prescription drug or the clinical efficacy of a less expensive alternative drug. (NRS 683A.179) This bill additionally forbids a pharmacy benefit manager from prohibiting a pharmacist or pharmacy, other than an institutional pharmacy or a pharmacist working in an institutional pharmacy, from providing information to such a person concerning the availability of a less expensive ~~[or more effective]~~ drug. ~~[If the usual and customary price of a covered prescription drug is lower than the amount of the copayment or coinsurance for the drug, this bill also prohibits a pharmacy benefit manager from prohibiting a pharmacist or pharmacy, other than an institutional pharmacy or a pharmacist working in an institutional pharmacy, from disclosing that price.]~~

Existing law prohibits a pharmacy benefit manager from penalizing a pharmacist or pharmacy for selling a less expensive alternative drug to a person covered by a pharmacy benefits plan. (NRS 683A.179) This bill also prohibits a pharmacy benefit manager from penalizing a pharmacist or pharmacy, other than an institutional pharmacy or a pharmacist working in an institutional pharmacy, for selling a less expensive generic ~~[drug or a more effective]~~ drug to such a person.

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

Section 1. NRS 683A.179 is hereby amended to read as follows:

683A.179 1. A pharmacy benefit manager shall not:

(a) Prohibit a pharmacist or pharmacy from providing information to a covered person concerning ~~the~~ :

(1) ~~The amount of any copayment or coinsurance for a prescription drug for informing a covered person concerning the~~ ; or

(2) ~~The availability of a less expensive alternative or generic drug for a more effective drug,~~ including, without limitation, information concerning clinical efficacy of ~~such a less expensive alternative~~ drug; ~~for~~

~~(3) If the usual and customary price of a covered prescription drug is lower than the copayment or coinsurance for the drug, the amount of that usual and customary price.~~

(b) Penalize a pharmacist or pharmacy for providing the information described in paragraph (a) or selling a less expensive alternative *or generic* drug ~~for a more effective drug~~ to a covered person;

(c) Prohibit a pharmacy from offering or providing delivery services directly to a covered person as an ancillary service of the pharmacy; or

(d) If the pharmacy benefit manager manages a pharmacy benefits plan that provides coverage through a network plan, charge a copayment or coinsurance for a prescription drug in an amount that is greater than the total amount paid to a pharmacy that is in the network of providers under contract with the third party.

2. *The provisions of this section:*

(a) *Must not be construed to authorize a pharmacist to dispense a drug that has not been prescribed by a practitioner, as defined in NRS 639.0125.*

(b) *Do not apply to an institutional pharmacy, as defined in NRS 639.0085, or a pharmacist working in such a pharmacy as an employee or independent contractor.*

3. As used in this section, ~~“network~~ “network

~~“(a) “Network” plan” means a health benefit plan offered by a health carrier under which the financing and delivery of medical care is provided, in whole or in part, through a defined set of providers under contract with the carrier. The term does not include an arrangement for the financing of premiums.~~

~~“(b) “Usual and customary price” means the usual and customary charges that a pharmacy charges to the general public for a drug, as described in 42 C.F.R. § 447.512.”~~

Sec. 2. 1. The provisions NRS 683A.179, as amended by section 1 of this act, apply to any contract entered into before, on or after July 1, 2019, with a pharmacy benefit manager to manage a pharmacy benefits plan for a third party.

2. As used in this section:

(a) “Pharmacy benefit manager” has the meaning ascribed to it in NRS 683A.174.

(b) “Pharmacy benefits plan” has the meaning ascribed to it in NRS 683A.175.

(c) “Third party” has the meaning ascribed to it in NRS 683A.176.

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

Senator Spearman moved the adoption of the amendment.

Remarks by Senator Spearman.

Amendment No. 739 makes 3 changes to Assembly Bill No. 141. The amendment eliminates the term “or a more effective drug” throughout the bill; deletes subparagraph 3 of subsection 1(a) of Section 1, which authorizes a pharmacist or pharmacy to provide a covered person information whether the “usual and customary price of a covered prescription drug is lower than the copayment or coinsurance for the drug, the amount of that usual and customary price” and deletes subsection 3(b) of Section 1, which defines the term “usual and customary price.”

Amendment adopted.

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

Assembly Bill No. 142.

Bill read second time and ordered to third reading.

Assembly Bill No. 161.

Bill read second time and ordered to third reading.

Assembly Bill No. 183.

Bill read second time and ordered to third reading.

Assembly Bill No. 192.

Bill read second time and ordered to third reading.

Assembly Bill No. 233.

Bill read second time and ordered to third reading.

Assembly Bill No. 240.

Bill read second time and ordered to third reading.

Assembly Bill No. 242.

Bill read second time and ordered to third reading.

Assembly Bill No. 244.

Bill read second time.

The following amendment was proposed by Senator Ratti:

Amendment No. 809.

SUMMARY—Allows the imposition of ~~rate increases for certain taxes~~ a ~~property tax in a county~~ certain counties to fund capital projects of the school district based on the recommendations of an advisory committee and voter approval. (BDR S-1008)

AN ACT relating to taxation; authorizing the board of trustees of a school district under specified circumstances to adopt a resolution establishing the formation of an advisory committee to recommend the imposition of ~~certain~~

~~tax rate increases~~ a property tax to fund the capital projects of the school district; authorizing the board of trustees of a school district to transmit the recommendations of such a committee to the board of county commissioners; authorizing the board of county commissioners to submit a question to the voters at the next general election asking whether the recommended ~~rate increases~~ tax should be imposed in the county; requiring the board of county commissioners to adopt an ordinance imposing any such ~~rate increases~~ tax that ~~rate~~ is approved by the voters; providing for the use of the proceeds of such ~~rate increases~~ tax for certain school purposes; providing for the prospective expiration of the authority of a board of trustees to establish such a committee; and providing other matters properly relating thereto.

Legislative Counsel's Digest:

During the 2015 Legislative Session, the Legislature enacted Senate Bill No. 411, which authorized the board of trustees of certain school districts to establish by resolution a Public Schools Overcrowding and Repair Needs Committee to recommend the imposition of certain taxes for consideration by the voters at the 2016 General Election to fund the capital projects of the school district. The authority to establish such a Committee expired by limitation on April 2, 2016.

Section 1 of this bill authorizes the board of trustees of ~~a~~ certain school district ~~districts~~ to establish by resolution an advisory committee to recommend ~~an increase in the rate of certain taxes~~ a property tax for consideration by the voters at a general election held not later than the November 8, 2022, General Election, to fund the capital projects of the school district. Under this bill, an advisory committee may not be established by the board of trustees of a school district which established a Public Schools Overcrowding and Repair Needs Committee, which is located in a county authorized to impose for the benefit of the school district a tax on residential construction, or which is located in a county in which there is imposed for the benefit of the school district a tax on the gross receipts from the rental of transient lodging or a tax on transfers of real property, or both.

~~Section~~ Sections 2 and 3.5 of this bill ~~provides~~ provide that if such an advisory committee is established, the advisory committee may recommend ~~the imposition of one or more rate increases for any tax which is~~ that an additional property tax be imposed in the county for the benefit of the school district. The recommendations of the advisory committee must specify the ~~increase in~~ rate ~~for rates for each of the taxes for which a rate increase is recommended~~ of the tax and the period during which the recommended ~~rate increases~~ tax will be imposed. If the advisory committee submits its recommendations to the board of trustees of the school district by April 2, 2022, the board of trustees is authorized to transmit the recommendations to the board of county commissioners. The board of county commissioners is authorized to submit a question to the voters at the next general election asking whether ~~any of the rate increases~~ the tax recommended by the advisory

committee should be imposed in the county. If a majority of the voters approve the question, the board of county commissioners is required to impose the approved ~~[rate increases]~~ tax at the rate and for the period specified in the question submitted to the voters. If a majority of the voters approve the imposition of ~~[an]~~ the additional property tax, the additional rate is exempt from the partial abatement of property taxes on certain property and the requirement that taxes ad valorem not exceed \$3.64 on each \$100 of assessed valuation.

Section 4 of this bill provides that the proceeds resulting from the imposition of ~~[such rate increases]~~ the additional property tax: (1) must be deposited in the fund for capital projects of the school district; and (2) may be pledged to the payment of the principal and interest on bonds or other obligations issued for certain school purposes.

Section 5 of this bill provides that the provisions of this bill authorizing the board of trustees of a school district to establish such an advisory committee expire by limitation on April 2, 2022.

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

Section 1. 1. The board of trustees of a school district, other than a school district which established a Public Schools Overcrowding and Repair Needs Committee pursuant to section 1 of chapter 425, Statutes of Nevada 2015, at page 2444, which is located in a county not authorized to impose a residential construction tax pursuant to NRS 387.331 for the benefit of the school district, or which is located in a county in which there is imposed for the benefit of the school district a tax on the gross receipts from the rental of transient lodging or a tax on transfers of real property pursuant to chapter 375 of NRS, or both, may, by resolution, establish an advisory committee to recommend the ~~[increase of the rate]~~ imposition of [one or more of] the [taxes] tax described in section ~~[2]~~ 3.5 of this act for consideration by the voters at a general election to fund the capital projects of the school district. If such a resolution is adopted, the board of trustees shall appoint the members of the advisory committee, consisting of persons who represent a variety of interests within the community, including, without limitation, seniors, veterans, low-income persons, businesses and realtors.

2. The members appointed pursuant to subsection 1 must be residents of the county.

3. Any vacancy occurring in the membership of an advisory committee established pursuant to subsection 1 must be filled not later than 30 days after the vacancy occurs.

4. If an advisory committee is established pursuant to subsection 1, the advisory committee shall hold its first meeting upon the call of the superintendent of schools of the school district as soon as practicable after the appointments are made pursuant to subsection 1. At the first meeting of the advisory committee, the members of the advisory committee shall elect a chair.

5. A majority of an advisory committee established pursuant to subsection 1 constitutes a quorum for the transaction of business, and a majority of those members present at any meeting is sufficient for any official action taken by the advisory committee.

6. If an advisory committee is established pursuant to subsection 1, the superintendent of schools of the school district shall provide administrative support to the advisory committee.

Sec. 2. 1. If an advisory committee is established pursuant to subsection 1 of section 1 of this act, such an advisory committee shall, on or before April 2, 2022:

(a) Prepare recommendations for the ~~increase~~ imposition of ~~one or more of~~ the ~~taxes imposed~~ tax described in section 3.5 of this act in the county ~~for the benefit of the school district and the use of the proceeds of the increased tax or taxes~~ to provide funding for the school district for the purposes set forth in subsection 1 of NRS 387.335. The recommendations must specify the proposed rate ~~for rates for each of the taxes for which a rate increase is~~ of the recommended tax and the period during which ~~one or more of~~ the recommended tax ~~rate increases~~ will be imposed.

(b) Submit the recommendations to the board of trustees of the school district which established the advisory committee. The board of trustees may submit the recommendations of the advisory committee to the board of county commissioners of the county in which the school district is located.

2. Upon the receipt of recommendations pursuant to subsection 1, the board of county commissioners may, at the next general election following the receipt of the recommendations, submit a question to the voters of the county asking whether ~~any of~~ the recommended tax ~~rate increases~~ should be imposed in the county. The question submitted to the voters of the county must specify the proposed rate ~~for rates for each of the taxes for which a rate increase was recommended~~ of the tax and the period during which ~~each of~~ the recommended tax ~~rate increases~~ will be imposed. ~~If the~~ The question submitted to the voters pursuant to this subsection ~~asks the voters of the county whether to increase the rate of the tax levied in accordance with NRS 387.195, the question~~ must state that any such tax imposed is exempt from each partial abatement from taxation provided pursuant to NRS 361.4722, 361.4723 and 361.4724 and that the rate of the tax must not be included in the total ad valorem tax levy for the purposes of the application of the limitation in NRS 361.453.

3. If a majority of the voters voting on the question submitted to the voters pursuant to subsection 2 vote affirmatively on the question:

(a) The board of county commissioners shall impose ~~each~~ the recommended tax ~~rate increase~~ at the rate ~~for rates~~ and for the period specified in the question submitted to the voters pursuant to subsection 2.

(b) ~~If the question recommended an increase in the rate of the tax levied in accordance with NRS 387.195:~~

~~(1)~~ Any such tax imposed is exempt from each partial abatement from taxation provided pursuant to NRS 361.4722, 361.4723 and 361.4724.

~~(2)~~ (c) The provisions of NRS 361.453 do not apply to any such tax imposed.

~~(e) Each~~

(d) The tax ~~[rate increase]~~ shall be imposed notwithstanding the provisions of any specific statute to the contrary and, except as otherwise specifically provided in this section and sections 1 and 4 of this act, ~~each such~~ the tax ~~[rate increase]~~ is not subject to any limitations set forth in any statute which authorizes the board of county commissioners to impose such tax or taxes, including, without limitation, any limitations on the maximum rate or rates which may be imposed or the duration of the period during which such taxes may be imposed.

Sec. 3. (Deleted by amendment.)

Sec. 3.5. Upon approval of the registered voters of a county voting on a question presented to the voters pursuant to section 2 of this act recommending the imposition of a tax on the assessed valuation of taxable property within the county, the board of county commissioners shall, in addition to any tax levied on the assessed valuation of taxable property in the county, levy a tax on the assessed valuation of taxable property within the county in the amount described in the question presented to the voters pursuant to section 2 of this act. The tax must be administered and enforced in the same manner as the tax imposed pursuant to NRS 387.195 is administered and enforced.

Sec. 4. The proceeds of ~~each~~ any tax ~~[rate increase]~~ imposed pursuant to section 2 of this act:

1. Must be deposited in the school district's fund for capital projects established pursuant to NRS 387.328, to be held and, except as otherwise provided in subsection 2, expended in the same manner as other money deposited in that fund.

2. May be pledged to the payment of principal and interest on bonds or other obligations issued for one or more of the purposes set forth in NRS 387.335. The proceeds of ~~each such~~ the tax ~~[rate increase]~~ so pledged may be treated as pledged revenues for the purposes of subsection 3 of NRS 350.020, and the board of trustees of the school district may issue bonds for those purposes in accordance with the provisions of chapter 350 of NRS.

3. May not be used:

(a) To settle or arbitrate disputes between a recognized organization representing employees of a school district and the school district, or to settle any negotiations; or

(b) To adjust the district-wide schedule of salaries and benefits of the employees of a school district.

Sec. 5. 1. This act becomes effective upon passage and approval.

2. Section 1 of this act expires by limitation on April 2, 2022.

Senator Ratti moved the adoption of the amendment.

Remarks by Senator Ratti.

Amendment No. 809 to Assembly Bill No. 244 removes the ability to use sales tax as a one of the possible funding sources.

Amendment adopted.

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

Assembly Bill No. 310.

Bill read second time.

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

Amendment No. 737.

SUMMARY—Revises provisions regarding the manner in which prescriptions are given to pharmacies. (BDR 54-885)

AN ACT relating to prescriptions; requiring a prescription to be given to a pharmacy by electronic transmission in certain circumstances; providing certain exemptions; authorizing professional discipline and administrative penalties against a practitioner who violates that requirement; authorizing a written prescription to be given indirectly; and providing other matters properly relating thereto.

Legislative Counsel's Digest:

Existing law prescribes the manner in which a prescription must be given. (NRS 639.2353) Section 7 of this bill requires a prescription for a controlled substance to be given to a pharmacy by electronic transmission, except in circumstances prescribed by the State Board of Pharmacy by regulation and in certain other cases including: (1) prescriptions issued by a veterinarian; (2) certain situations where an electronic prescription is not practical or feasible or is prohibited by federal law; (3) when a prescription is not issued to a specific person; and (4) pursuant to a waiver granted by the ~~[State] Board of Pharmacy~~ under exceptional circumstances. Sections 1-7 of this bill authorize professional discipline to be taken against a practitioner who fails to comply with the requirements of section 7. Section 7 additionally authorizes the imposition of administrative penalties against such a practitioner, and sections 7 and 9.5 of this bill provide that such a practitioner is subject only to those administrative penalties or professional discipline and is not subject to criminal penalties. Sections 8-11 of this bill make conforming changes. Section 8 also generally authorizes a written prescription to be given indirectly when an electronic prescription is not required.

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

Section 1. NRS 630.3062 is hereby amended to read as follows:

630.3062 1. The following acts, among others, constitute grounds for initiating disciplinary action or denying licensure:

(a) Failure to maintain timely, legible, accurate and complete medical records relating to the diagnosis, treatment and care of a patient.

(b) Altering medical records of a patient.

(c) Making or filing a report which the licensee knows to be false, failing to file a record or report as required by law or knowingly or willfully obstructing or inducing another to obstruct such filing.

(d) Failure to make the medical records of a patient available for inspection and copying as provided in NRS 629.061, if the licensee is the custodian of health care records with respect to those records.

(e) Failure to comply with the requirements of NRS 630.3068.

(f) Failure to report any person the licensee knows, or has reason to know, is in violation of the provisions of this chapter or the regulations of the Board within 30 days after the date the licensee knows or has reason to know of the violation.

(g) Failure to comply with the requirements of NRS 453.163, 453.164, 453.226, 639.23507 and 639.2391 to 639.23916, inclusive, *and section 7 of this act* and any regulations adopted by the State Board of Pharmacy pursuant thereto.

(h) Fraudulent, illegal, unauthorized or otherwise inappropriate prescribing, administering or dispensing of a controlled substance listed in schedule II, III or IV.

2. As used in this section, “custodian of health care records” has the meaning ascribed to it in NRS 629.016.

Sec. 2. NRS 631.3475 is hereby amended to read as follows:

631.3475 The following acts, among others, constitute unprofessional conduct:

1. Malpractice;
2. Professional incompetence;
3. Suspension or revocation of a license to practice dentistry, the imposition of a fine or other disciplinary action by any agency of another state authorized to regulate the practice of dentistry in that state;
4. More than one act by the dentist or dental hygienist constituting substandard care in the practice of dentistry or dental hygiene;
5. Administering, dispensing or prescribing any controlled substance or any dangerous drug as defined in chapter 454 of NRS, if it is not required to treat the dentist’s patient;
6. Knowingly procuring or administering a controlled substance or a dangerous drug as defined in chapter 454 of NRS that is not approved by the United States Food and Drug Administration, unless the unapproved controlled substance or dangerous drug:

(a) Was procured through a retail pharmacy licensed pursuant to chapter 639 of NRS;

(b) Was procured through a Canadian pharmacy which is licensed pursuant to chapter 639 of NRS and which has been recommended by the State Board of Pharmacy pursuant to subsection 4 of NRS 639.2328; or

(c) Is marijuana being used for medical purposes in accordance with chapter 453A of NRS;

7. Chronic or persistent inebriety or addiction to a controlled substance, to such an extent as to render the person unsafe or unreliable as a practitioner, or such gross immorality as tends to bring reproach upon the dental profession;

8. Conviction of a felony or misdemeanor involving moral turpitude or which relates to the practice of dentistry in this State, or conviction of any criminal violation of this chapter;

9. Conviction of violating any of the provisions of NRS 616D.200, 616D.220, 616D.240 or 616D.300 to 616D.440, inclusive;

10. Failure to comply with the provisions of NRS 453.163, 453.164, 453.226, 639.23507 and 639.2391 to 639.23916, inclusive, *and section 7 of this act* and any regulations adopted by the State Board of Pharmacy pursuant thereto.

11. Fraudulent, illegal, unauthorized or otherwise inappropriate prescribing, administering or dispensing of a controlled substance listed in schedule II, III or IV;

12. Failure to comply with the provisions of NRS 454.217 or 629.086;

13. Failure to obtain any training required by the Board pursuant to NRS 631.344; or

14. Operation of a medical facility, as defined in NRS 449.0151, at any time during which:

(a) The license of the facility is suspended or revoked; or

(b) An act or omission occurs which results in the suspension or revocation of the license pursuant to NRS 449.160.

➔ This subsection applies to an owner or other principal responsible for the operation of the facility.

Sec. 3. NRS 632.347 is hereby amended to read as follows:

632.347 1. The Board may deny, revoke or suspend any license or certificate applied for or issued pursuant to this chapter, or take other disciplinary action against a licensee or holder of a certificate, upon determining that the licensee or certificate holder:

(a) Is guilty of fraud or deceit in procuring or attempting to procure a license or certificate pursuant to this chapter.

(b) Is guilty of any offense:

(1) Involving moral turpitude; or

(2) Related to the qualifications, functions or duties of a licensee or holder of a certificate,

➔ in which case the record of conviction is conclusive evidence thereof.

(c) Has been convicted of violating any of the provisions of NRS 616D.200, 616D.220, 616D.240 or 616D.300 to 616D.440, inclusive.

(d) Is unfit or incompetent by reason of gross negligence or recklessness in carrying out usual nursing functions.

(e) Uses any controlled substance, dangerous drug as defined in chapter 454 of NRS, or intoxicating liquor to an extent or in a manner which is dangerous

or injurious to any other person or which impairs his or her ability to conduct the practice authorized by the license or certificate.

(f) Is a person with mental incompetence.

(g) Is guilty of unprofessional conduct, which includes, but is not limited to, the following:

(1) Conviction of practicing medicine without a license in violation of chapter 630 of NRS, in which case the record of conviction is conclusive evidence thereof.

(2) Impersonating any applicant or acting as proxy for an applicant in any examination required pursuant to this chapter for the issuance of a license or certificate.

(3) Impersonating another licensed practitioner or holder of a certificate.

(4) Permitting or allowing another person to use his or her license or certificate to practice as a licensed practical nurse, registered nurse, nursing assistant or medication aide - certified.

(5) Repeated malpractice, which may be evidenced by claims of malpractice settled against the licensee or certificate holder.

(6) Physical, verbal or psychological abuse of a patient.

(7) Conviction for the use or unlawful possession of a controlled substance or dangerous drug as defined in chapter 454 of NRS.

(h) Has willfully or repeatedly violated the provisions of this chapter. The voluntary surrender of a license or certificate issued pursuant to this chapter is prima facie evidence that the licensee or certificate holder has committed or expects to commit a violation of this chapter.

(i) Is guilty of aiding or abetting any person in a violation of this chapter.

(j) Has falsified an entry on a patient's medical chart concerning a controlled substance.

(k) Has falsified information which was given to a physician, pharmacist, podiatric physician or dentist to obtain a controlled substance.

(l) Has knowingly procured or administered a controlled substance or a dangerous drug as defined in chapter 454 of NRS that is not approved by the United States Food and Drug Administration, unless the unapproved controlled substance or dangerous drug:

(1) Was procured through a retail pharmacy licensed pursuant to chapter 639 of NRS;

(2) Was procured through a Canadian pharmacy which is licensed pursuant to chapter 639 of NRS and which has been recommended by the State Board of Pharmacy pursuant to subsection 4 of NRS 639.2328;

(3) Is marijuana being used for medical purposes in accordance with chapter 453A of NRS; or

(4) Is an investigational drug or biological product prescribed to a patient pursuant to NRS 630.3735 or 633.6945.

(m) Has been disciplined in another state in connection with a license to practice nursing or a certificate to practice as a nursing assistant or medication

aide - certified, or has committed an act in another state which would constitute a violation of this chapter.

(n) Has engaged in conduct likely to deceive, defraud or endanger a patient or the general public.

(o) Has willfully failed to comply with a regulation, subpoena or order of the Board.

(p) Has operated a medical facility at any time during which:

(1) The license of the facility was suspended or revoked; or

(2) An act or omission occurred which resulted in the suspension or revocation of the license pursuant to NRS 449.160.

➔ This paragraph applies to an owner or other principal responsible for the operation of the facility.

(q) Is an advanced practice registered nurse who has failed to obtain any training required by the Board pursuant to NRS 632.2375.

(r) Is an advanced practice registered nurse who has failed to comply with the provisions of NRS 453.163, 453.164, 453.226, 639.23507, 639.2391 to 639.23916, inclusive, *and section 7 of this act* and any regulations adopted by the State Board of Pharmacy pursuant thereto.

(s) Has engaged in the fraudulent, illegal, unauthorized or otherwise inappropriate prescribing, administering or dispensing of a controlled substance listed in schedule II, III or IV.

(t) Has violated the provisions of NRS 454.217 or 629.086.

2. For the purposes of this section, a plea or verdict of guilty or guilty but mentally ill or a plea of nolo contendere constitutes a conviction of an offense. The Board may take disciplinary action pending the appeal of a conviction.

3. A licensee or certificate holder is not subject to disciplinary action solely for administering auto-injectable epinephrine pursuant to a valid order issued pursuant to NRS 630.374 or 633.707.

4. As used in this section, “investigational drug or biological product” has the meaning ascribed to it in NRS 454.351.

Sec. 4. NRS 633.511 is hereby amended to read as follows:

633.511 1. The grounds for initiating disciplinary action pursuant to this chapter are:

(a) Unprofessional conduct.

(b) Conviction of:

(1) A violation of any federal or state law regulating the possession, distribution or use of any controlled substance or any dangerous drug as defined in chapter 454 of NRS;

(2) A felony relating to the practice of osteopathic medicine or practice as a physician assistant;

(3) A violation of any of the provisions of NRS 616D.200, 616D.220, 616D.240 or 616D.300 to 616D.440, inclusive;

(4) Murder, voluntary manslaughter or mayhem;

(5) Any felony involving the use of a firearm or other deadly weapon;

- (6) Assault with intent to kill or to commit sexual assault or mayhem;
 - (7) Sexual assault, statutory sexual seduction, incest, lewdness, indecent exposure or any other sexually related crime;
 - (8) Abuse or neglect of a child or contributory delinquency; or
 - (9) Any offense involving moral turpitude.
- (c) The suspension of a license to practice osteopathic medicine or to practice as a physician assistant by any other jurisdiction.
- (d) Malpractice or gross malpractice, which may be evidenced by a claim of malpractice settled against a licensee.
- (e) Professional incompetence.
- (f) Failure to comply with the requirements of NRS 633.527.
- (g) Failure to comply with the requirements of subsection 3 of NRS 633.471.
- (h) Failure to comply with the provisions of NRS 633.694.
- (i) Operation of a medical facility, as defined in NRS 449.0151, at any time during which:
- (1) The license of the facility is suspended or revoked; or
 - (2) An act or omission occurs which results in the suspension or revocation of the license pursuant to NRS 449.160.
- ↪ This paragraph applies to an owner or other principal responsible for the operation of the facility.
- (j) Failure to comply with the provisions of subsection 2 of NRS 633.322.
- (k) Signing a blank prescription form.
- (l) Knowingly or willfully procuring or administering a controlled substance or a dangerous drug as defined in chapter 454 of NRS that is not approved by the United States Food and Drug Administration, unless the unapproved controlled substance or dangerous drug:
- (1) Was procured through a retail pharmacy licensed pursuant to chapter 639 of NRS;
 - (2) Was procured through a Canadian pharmacy which is licensed pursuant to chapter 639 of NRS and which has been recommended by the State Board of Pharmacy pursuant to subsection 4 of NRS 639.2328;
 - (3) Is marijuana being used for medical purposes in accordance with chapter 453A of NRS; or
 - (4) Is an investigational drug or biological product prescribed to a patient pursuant to NRS 630.3735 or 633.6945.
- (m) Attempting, directly or indirectly, by intimidation, coercion or deception, to obtain or retain a patient or to discourage the use of a second opinion.
- (n) Terminating the medical care of a patient without adequate notice or without making other arrangements for the continued care of the patient.
- (o) In addition to the provisions of subsection 3 of NRS 633.524, making or filing a report which the licensee knows to be false, failing to file a record

or report that is required by law or knowingly or willfully obstructing or inducing another to obstruct the making or filing of such a record or report.

(p) Failure to report any person the licensee knows, or has reason to know, is in violation of the provisions of this chapter or the regulations of the Board within 30 days after the date the licensee knows or has reason to know of the violation.

(q) Failure by a licensee or applicant to report in writing, within 30 days, any criminal action taken or conviction obtained against the licensee or applicant, other than a minor traffic violation, in this State or any other state or by the Federal Government, a branch of the Armed Forces of the United States or any local or federal jurisdiction of a foreign country.

(r) Engaging in any act that is unsafe in accordance with regulations adopted by the Board.

(s) Failure to comply with the provisions of NRS 629.515.

(t) Failure to supervise adequately a medical assistant pursuant to the regulations of the Board.

(u) Failure to obtain any training required by the Board pursuant to NRS 633.473.

(v) Failure to comply with the provisions of NRS 633.6955.

(w) Failure to comply with the provisions of NRS 453.163, 453.164, 453.226, 639.23507, 639.2391 to 639.23916, inclusive, *and section 7 of this act* and any regulations adopted by the State Board of Pharmacy pursuant thereto.

(x) Fraudulent, illegal, unauthorized or otherwise inappropriate prescribing, administering or dispensing of a controlled substance listed in schedule II, III or IV.

(y) Failure to comply with the provisions of NRS 454.217 or 629.086.

2. As used in this section, "investigational drug or biological product" has the meaning ascribed to it in NRS 454.351.

Sec. 5. NRS 635.130 is hereby amended to read as follows:

635.130 1. The Board, after notice and a hearing as required by law, and upon any cause enumerated in subsection 2, may take one or more of the following disciplinary actions:

- (a) Deny an application for a license or refuse to renew a license.
- (b) Suspend or revoke a license.
- (c) Place a licensee on probation.
- (d) Impose a fine not to exceed \$5,000.

2. The Board may take disciplinary action against a licensee for any of the following causes:

(a) The making of a false statement in any affidavit required of the applicant for application, examination or licensure pursuant to the provisions of this chapter.

(b) Lending the use of the holder's name to an unlicensed person.

(c) If the holder is a podiatric physician, permitting an unlicensed person in his or her employ to practice as a podiatry hygienist.

(d) Habitual indulgence in the use of alcohol or any controlled substance which impairs the intellect and judgment to such an extent as in the opinion of the Board incapacitates the holder in the performance of his or her professional duties.

(e) Conviction of a crime involving moral turpitude.

(f) Conviction of violating any of the provisions of NRS 616D.200, 616D.220, 616D.240 or 616D.300 to 616D.440, inclusive.

(g) Conduct which in the opinion of the Board disqualifies the licensee to practice with safety to the public.

(h) The commission of fraud by or on behalf of the licensee regarding his or her license or practice.

(i) Gross incompetency.

(j) Affliction of the licensee with any mental or physical disorder which seriously impairs his or her competence as a podiatric physician or podiatry hygienist.

(k) False representation by or on behalf of the licensee regarding his or her practice.

(l) Unethical or unprofessional conduct.

(m) Failure to comply with the requirements of subsection 1 of NRS 635.118.

(n) Willful or repeated violations of this chapter or regulations adopted by the Board.

(o) Willful violation of the regulations adopted by the State Board of Pharmacy.

(p) Knowingly procuring or administering a controlled substance or a dangerous drug as defined in chapter 454 of NRS that is not approved by the United States Food and Drug Administration, unless the unapproved controlled substance or dangerous drug:

(1) Was procured through a retail pharmacy licensed pursuant to chapter 639 of NRS;

(2) Was procured through a Canadian pharmacy which is licensed pursuant to chapter 639 of NRS and which has been recommended by the State Board of Pharmacy pursuant to subsection 4 of NRS 639.2328; or

(3) Is marijuana being used for medical purposes in accordance with chapter 453A of NRS.

(q) Operation of a medical facility, as defined in NRS 449.0151, at any time during which:

(1) The license of the facility is suspended or revoked; or

(2) An act or omission occurs which results in the suspension or revocation of the license pursuant to NRS 449.160.

↪ This paragraph applies to an owner or other principal responsible for the operation of the facility.

(r) Failure to obtain any training required by the Board pursuant to NRS 635.116.

(s) Failure to comply with the provisions of NRS 453.163, 453.164, 453.226, 639.23507 and 639.2391 to 639.23916, inclusive, *and section 7 of this act* and any regulations adopted by the State Board of Pharmacy pursuant thereto.

(t) Fraudulent, illegal, unauthorized or otherwise inappropriate prescribing, administering or dispensing of a controlled substance listed in schedule II, III or IV.

(u) Failure to comply with the provisions of NRS 454.217 or 629.086.

Sec. 6. NRS 636.295 is hereby amended to read as follows:

636.295 The following acts, conduct, omissions, or mental or physical conditions, or any of them, committed, engaged in, omitted, or being suffered by a licensee, constitute sufficient cause for disciplinary action:

1. Affliction of the licensee with any communicable disease likely to be communicated to other persons.

2. Commission by the licensee of a felony relating to the practice of optometry or a gross misdemeanor involving moral turpitude of which the licensee has been convicted and from which he or she has been sentenced by a final judgment of a federal or state court in this or any other state, the judgment not having been reversed or vacated by a competent appellate court and the offense not having been pardoned by executive authority.

3. Conviction of any of the provisions of NRS 616D.200, 616D.220, 616D.240 or 616D.300 to 616D.440, inclusive.

4. Commission of fraud by or on behalf of the licensee in obtaining a license or a renewal thereof, or in practicing optometry thereunder.

5. Habitual drunkenness or addiction to any controlled substance.

6. Gross incompetency.

7. Affliction with any mental or physical disorder or disturbance seriously impairing his or her competency as an optometrist.

8. Making false or misleading representations, by or on behalf of the licensee, with respect to optometric materials or services.

9. Practice by the licensee, or attempting or offering so to do, while in an intoxicated condition.

10. Perpetration of unethical or unprofessional conduct in the practice of optometry.

11. Knowingly procuring or administering a controlled substance or a dangerous drug as defined in chapter 454 of NRS that is not approved by the United States Food and Drug Administration, unless the unapproved controlled substance or dangerous drug:

(a) Was procured through a retail pharmacy licensed pursuant to chapter 639 of NRS;

(b) Was procured through a Canadian pharmacy which is licensed pursuant to chapter 639 of NRS and which has been recommended by the State Board of Pharmacy pursuant to subsection 4 of NRS 639.2328; or

(c) Is marijuana being used for medical purposes in accordance with chapter 453A of NRS.

12. Any violation of the provisions of this chapter or any regulations adopted pursuant thereto.

13. Operation of a medical facility, as defined in NRS 449.0151, at any time during which:

(a) The license of the facility is suspended or revoked; or

(b) An act or omission occurs which results in the suspension or revocation of the license pursuant to NRS 449.160.

↪ This subsection applies to an owner or other principal responsible for the operation of the facility.

14. Failure to obtain any training required by the Board pursuant to NRS 636.2881.

15. Failure to comply with the provisions of NRS 453.163, 453.164, 453.226, 639.23507, 639.2391 to 639.23916, inclusive, *and section 7 of this act* and any regulations adopted by the State Board of Pharmacy pursuant thereto.

16. Fraudulent, illegal, unauthorized or otherwise inappropriate prescribing, administering or dispensing of a controlled substance listed in schedule II, III or IV.

Sec. 7. Chapter 639 of NRS is hereby amended by adding thereto a new section to read as follows:

1. Except as otherwise provided in this subsection ~~and~~ and except as otherwise provided by regulations adopted by the Board, a prescription for a controlled substance must be given to a pharmacy by electronic transmission in accordance with the regulations adopted by the Board. The requirements of this subsection do not apply to a prescription:

(a) Issued by a veterinarian;

(b) Issued under circumstances prescribed by regulation of the Board where:

(1) Electronic transmission is unavailable due to technologic or electronic failure; or

(2) The drug will be dispensed at a pharmacy located outside of this State;

(c) Issued by a practitioner who will also dispense the drug;

(d) That includes, without limitation, information that is not supported by the program for electronically transmitting prescriptions prescribed by the National Council for Prescription Drug Programs or its successor organization or, if that entity ceases to exist, a program designated by the Board;

(e) For which electronic prescribing is prohibited by federal law;

- (f) *That is not issued for a specific patient;*
 - (g) *Issued pursuant to a protocol for research;*
 - (h) *Issued by a practitioner who has received a waiver from the Board pursuant to subsection 2; or*
 - (i) *Issued under circumstances in which the practitioner determines that:*
 - (1) *The patient is unable to obtain the drug in a timely manner if the prescription is given by electronic transmission; and*
 - (2) *Delay will adversely affect the patient's medical condition.*
2. *The Board may exempt a practitioner from the requirements of subsection 1 for not more than 1 year if the Board determines that the practitioner is unable to give a prescription to a pharmacy by electronic transmission because of economic hardship, technological limitations that are not within the control of the practitioner or other exceptional circumstances.*
3. *A prescription for a controlled substance given to a pharmacy by a means other than electronic transmission under the conditions prescribed in subsection 1 or 2 must be given:*
- (a) *Directly from the practitioner to a pharmacist;*
 - (b) *Indirectly by means of an order or written prescription signed by the practitioner;*
 - (c) *By an order transmitted orally by an agent of the practitioner; or*
 - (d) *By transmission using a facsimile machine.*
4. *This section must not be construed to require a pharmacist to:*
- (a) *Verify that a prescription that is given by means other than electronic transmission meets the requirements of subsection 1; or*
 - (b) *Require a practitioner to indicate in a prescription for a controlled substance given to a pharmacy by means other than electronic transmission under the conditions prescribed in subsection 1 or 2 the circumstances authorizing the alternative means of delivery.*
5. *If the Board determines that a person has violated any provision of this section or any regulations adopted pursuant thereto, the Board may:*
- (a) *Issue and serve on the person an order to cease and desist the conduct, which must include, without limitation, the telephone number to contact the Board.*
 - (b) *Issue a citation to the person. A citation issued pursuant to this subsection must be in writing, describe with particularity the nature of the violation and inform the person of the provisions of this subsection. Each activity in which the person is engaged constitutes a separate offense for which a separate citation may be issued. To appeal a citation, the person must submit a written request for a hearing to the Board not later than 30 days after the date of issuance of the citation.*
 - (c) *Assess against the person an administrative fine of not more than \$5,000.*
 - (d) *Impose any combination of the penalties set forth in paragraphs (a), (b) and (c).*

6. *Violation of any provision of this section or any regulations adopted pursuant thereto is subject only to the administrative penalties described in subsection 5 and any professional discipline imposed by the Board.*

Sec. 8. NRS 639.2353 is hereby amended to read as follows:

639.2353 Except as otherwise provided in *section 7 of this act*, a regulation adopted pursuant thereto or a regulation adopted pursuant to NRS 453.385 or 639.2357:

1. A prescription must be given:

- (a) Directly from the practitioner to a pharmacist;
- (b) Indirectly by means of an order *or written prescription* signed by the practitioner;
- (c) By an oral order transmitted by an agent of the practitioner; or
- (d) ~~{Except as otherwise provided in subsection 5, by}~~ By electronic transmission or transmission by a facsimile machine, including, without limitation, transmissions made from a facsimile machine to another facsimile machine, a computer equipped with a facsimile modem to a facsimile machine or a computer to another computer, pursuant to the regulations of the Board.

2. A written prescription must contain:

- (a) Except as otherwise provided in this section, the name and signature of the practitioner, the registration number issued to the practitioner by the Drug Enforcement Administration and the address of the practitioner if that address is not immediately available to the pharmacist;
- (b) The classification of his or her license;
- (c) The name and date of birth of the patient, and the address of the patient if not immediately available to the pharmacist;
- (d) The name, strength and quantity of the drug prescribed and the number of days that the drug is to be used, beginning on the day on which the prescription is filled;
- (e) The symptom or purpose for which the drug is prescribed, if included by the practitioner pursuant to NRS 639.2352;
- (f) Directions for use, including, without limitation, the dose of the drug prescribed, the route of administration and the number of refills authorized, if applicable;
- (g) 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; and
- (h) The date of issue.

3. The directions for use must be specific in that they indicate the portion of the body to which the medication is to be applied or, if to be taken into the

body by means other than orally, the orifice or canal of the body into which the medication is to be inserted or injected.

4. Each written prescription must be written in such a manner that any registered pharmacist would be able to dispense it. A prescription must be written in Latin or English and may include any character, figure, cipher or abbreviation which is generally used by pharmacists and practitioners in the writing of prescriptions.

~~{5. A prescription for a controlled substance must not be given by electronic transmission or transmission by a facsimile machine unless authorized by federal law and NRS 439.581 to 439.595, inclusive, and the regulations adopted pursuant thereto.~~

~~—6—~~ 5. A prescription that is given by electronic transmission is not required to contain the signature of the practitioner if:

(a) It contains a facsimile signature, security code or other mark that uniquely identifies the practitioner;

(b) A voice recognition system, biometric identification technique or other security system approved by the Board is used to identify the practitioner; or

(c) It complies with the provisions of NRS 439.581 to 439.595, inclusive, and the regulations adopted pursuant thereto.

Sec. 9. NRS 639.2583 is hereby amended to read as follows:

639.2583 1. Except as otherwise provided in this section, if a practitioner has prescribed a:

(a) Drug by brand name and the practitioner has not indicated, by a method set forth in subsection 5, that a substitution is prohibited, the pharmacist who fills or refills the prescription shall dispense, in substitution, another drug which is available to him or her if the other drug:

(1) Is less expensive than the drug prescribed by brand name;

(2) Is biologically equivalent to the drug prescribed by brand name;

(3) Has the same active ingredient or ingredients of the same strength, quantity and form of dosage as the drug prescribed by brand name; and

(4) Is of the same generic type as the drug prescribed by brand name.

(b) Biological product and the practitioner has not indicated, by a method set forth in subsection 5, that a substitution is prohibited, the pharmacist who fills or refills the prescription shall dispense, in substitution, another biological product which is available to him or her if the other biological product:

(1) Is an interchangeable biological product for the biological product prescribed; and

(2) Is less expensive than the biological product prescribed by brand name.

2. If the pharmacist has available to him or her more than one drug or interchangeable biological product that may be substituted for the drug prescribed by brand name or biological product prescribed, the pharmacist shall dispense, in substitution, the least expensive of the drugs or

interchangeable biological products that are available to him or her for substitution.

3. Before a pharmacist dispenses a drug or biological product in substitution for a drug prescribed by brand name or biological product prescribed, the pharmacist shall:

(a) Advise the person who presents the prescription that the pharmacist intends to dispense a drug or biological product in substitution; and

(b) Advise the person that he or she may refuse to accept the drug or biological product that the pharmacist intends to dispense in substitution, unless the pharmacist is being paid for the drug by a governmental agency.

4. If a person refuses to accept the drug or biological product that the pharmacist intends to dispense in substitution, the pharmacist shall dispense the drug prescribed by brand name or biological product prescribed, unless the pharmacist is being paid for the drug or biological product by a governmental agency, in which case the pharmacist shall dispense the drug or biological product in substitution.

5. A pharmacist shall not dispense a drug or biological product in substitution for a drug prescribed by brand name or biological product prescribed if the practitioner has indicated that a substitution is prohibited using one or more of the following methods:

(a) By oral communication to the pharmacist at any time before the drug or biological product is dispensed.

(b) By handwriting the words "Dispense as Written" on the form used for the prescription, including, without limitation, any form used for transmitting the prescription from a facsimile machine to another facsimile machine. The pharmacist shall disregard the words "Dispense as Written" if they have been placed on the form used for the prescription by preprinting or other mechanical process or by any method other than handwriting.

(c) By including the words "Dispense as Written" in any prescription that is given to the pharmacist by electronic transmission pursuant to *section 7 of this act and the regulations of the Board* or in accordance with NRS 439.581 to 439.595, inclusive, and the regulations adopted pursuant thereto, including, without limitation, an electronic transmission from a computer equipped with a facsimile modem to a facsimile machine or from a computer to another computer pursuant to the regulations of the Board.

6. The provisions of this section also apply to a prescription issued to a person by a practitioner from outside this State if the practitioner has not indicated, by a method set forth in subsection 5, that a substitution is prohibited.

7. The provisions of this section do not apply to:

(a) A prescription drug or biological product that is dispensed to any inpatient of a hospital by an inpatient pharmacy which is associated with that hospital;

(b) A prescription drug that is dispensed to any person by mail order or other common carrier by an Internet pharmacy which is certified by the Board pursuant to NRS 639.23288 and authorized to provide service by mail order or other common carrier pursuant to the provisions of this chapter; or

(c) A prescription drug or biological product that is dispensed to any person by a pharmacist if the substitution:

(1) Would violate the terms of a health care plan that maintains a mandatory, exclusive or closed formulary for its coverage for prescription drugs and biological products; or

(2) Would otherwise make the transaction ineligible for reimbursement by a third party.

Sec. 9.5. NRS 639.310 is hereby amended to read as follows:

639.310 Except as otherwise provided in NRS 639.23916 ~~[,]~~ and section 7 of this act, unless a greater penalty is specified, any person who violates any of the provisions of this chapter is guilty of a misdemeanor.

Sec. 10. NRS 453.256 is hereby amended to read as follows:

453.256 1. ~~[Except as otherwise provided in subsection 2, a substance included in schedule II must not be dispensed without the written prescription of a practitioner.~~

~~— 2. A controlled substance included in schedule II may be dispensed without the written prescription of a practitioner only:~~

~~— (a) In an emergency, as defined by regulation of the Board, upon oral prescription of a practitioner, reduced to writing promptly and in any case within 72 hours, signed by the practitioner and filed by the pharmacy.~~

~~— (b) Pursuant to an electronic prescription of a practitioner which complies with any regulations adopted by the Board concerning the use of electronic prescriptions.~~

~~— (c) Upon the use of a facsimile machine to transmit the prescription for a substance included in schedule II by a practitioner or a practitioner's agent to a pharmacy for:~~

~~— (1) Direct administration to a patient by parenteral solution; or~~

~~— (2) A resident of a facility for intermediate care or a facility for skilled nursing which is licensed as such by the Division of Public and Behavioral Health of the Department.~~

~~→ A prescription transmitted by a facsimile machine pursuant to this paragraph must be printed on paper which is capable of being retained for at least 2 years. For the purposes of this section, an electronic prescription or a prescription transmitted by facsimile machine constitutes a written prescription. The pharmacy shall keep prescriptions in conformity with the requirements of NRS 453.246.] A prescription for a controlled substance must be given to a pharmacy in compliance with section 7 of this act. A prescription for a substance included in schedule II must not be refilled.~~

~~[3. Except when dispensed directly by a practitioner, other than a pharmacy, to an ultimate user, a substance included in schedule III or IV which~~

~~is a dangerous drug as determined under NRS 454.201, must not be dispensed without a written or oral prescription of a practitioner. The~~ A prescription for a substance included in schedule III or IV which is a dangerous drug as determined under NRS 454.201 must not be filled or refilled more than 6 months after the date thereof or be refilled more than five times, unless renewed by the practitioner.

~~4.]~~ 2. A substance included in schedule V may be distributed or dispensed only for a medical purpose, including medical treatment or authorized research.

~~5.]~~ 3. A practitioner may dispense or deliver a controlled substance to or for a person or animal only for medical treatment or authorized research in the ordinary course of his or her profession.

~~6.]~~ 4. No civil or criminal liability or administrative sanction may be imposed on a pharmacist for action taken in good faith in reliance on a reasonable belief that an order purporting to be a prescription was issued by a practitioner in the usual course of professional treatment or in authorized research.

~~7.]~~ 5. An individual practitioner may not dispense a substance included in schedule II, III or IV for the practitioner's own personal use except in a medical emergency.

~~8.]~~ 6. A person who violates this section is guilty of a category E felony and shall be punished as provided in NRS 193.130.

~~9.]~~ 7. As used in this section:

~~(a) "Facsimile machine" means a device which sends or receives a reproduction or facsimile of a document or photograph which is transmitted electronically or telephonically by telecommunications lines.~~

~~(b) "Medical", "medical treatment" includes dispensing or administering a narcotic drug for pain, whether or not intractable.~~

~~(c) "Parenteral solution" has the meaning ascribed to it in NRS 639.0105.]~~
Sec. 11. NRS 453.385 is hereby amended to read as follows:

453.385 1. Each prescription for a controlled substance must comply with the regulations of the Board adopted pursuant to subsection 2.

2. The Board shall, by regulation, adopt requirements for:

(a) The form and content of a prescription for a controlled substance. The requirements may vary depending upon the schedule of the controlled substance.

(b) Transmitting a prescription for a controlled substance to a pharmacy. The requirements may vary depending upon the schedule of the controlled substance.

(c) The form and contents of an order for a controlled substance given for a patient in a medical facility and the requirements for keeping records of such orders.

3. Except as otherwise provided in this subsection, the regulations adopted pursuant to subsection 2 must:

(a) Ensure compliance with, but may be more stringent than required by, applicable federal law governing controlled substances and the rules, regulations and orders of any federal agency administering such law. The regulations adopted pursuant to paragraph (b) of subsection 2 for the electronic transmission or transmission by a facsimile machine of a prescription for a controlled substance must not be more stringent than federal law governing the electronic transmission or transmission by a facsimile machine of a prescription for a controlled substance or the rules, regulations or orders of any federal agency administering such law; and

(b) Be consistent with the provisions of NRS 439.581 to 439.595, inclusive, and section 7 of this act and the regulations adopted pursuant thereto.

Sec. 12. (Deleted by amendment.)

Sec. 13. 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, 2021, for all other purposes.

Senator Spearman moved the adoption of the amendment.

Remarks by Senator Spearman.

Amendment No. 737 makes one change to Assembly Bill No. 310. The amendment amends Section 7 to clarify that a prescription for a controlled substance must be given to a pharmacy by electronic transmission, except in circumstances prescribed by the State Board of Pharmacy and in certain other cases.

Amendment adopted.

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

Assembly Bill No. 317.

Bill read second time.

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

Amendment No. 745.

SUMMARY—Revises provisions governing the licensing and operation of certain medical facilities. (BDR 40-1034)

AN ACT relating to health care; requiring an off-campus location of a hospital to obtain a distinct national provider identifier; revising provisions governing approval to operate a center for the treatment of trauma; and providing other matters properly relating thereto.

Legislative Counsel's Digest:

Existing federal regulations require each provider of health care, including a hospital, to obtain a national provider identifier from the National Provider System. (45 C.F.R. § 162.410) Section 1.2 of this bill requires each off-campus location of a hospital that provides ambulatory surgery, urgent care or emergency room services to obtain a national provider identifier that is distinct from the national provider identifier used by the main location and any other

off-campus locations of the hospital. Sections 1.4-6.5 and 8.5 of this bill make conforming changes.

Existing law requires a person to obtain the approval of the Administrator of the Division of Public and Behavioral Health of the Department of Health and Human Services and, if the hospital is located in a county whose population is 700,000 or more, the district board of health, before operating a center for the treatment of trauma. (NRS 450B.236, 450B.237) Section 8 of this bill requires a proposal to establish a center for the treatment of trauma to be approved by the Administrator before the district board of health may approve the proposal. Section 8 also prescribes criteria for such approval related to ensuring that the proposed center will not negatively impact existing capacity to treat trauma in the county.

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

Section 1. (Deleted by amendment.)

Sec. 1.2. Chapter 449 of NRS is hereby amended by adding thereto a new section to read as follows:

1. *Each off-campus location of a hospital must obtain and use on all claims for reimbursement or payment for health care services provided at the location a national provider identifier that is distinct from the national provider identifier used by the main campus and any other off-campus location of the hospital.*

2. *As used in this section:*

(a) *“National provider identifier” means the standard, unique health identifier for health care providers that is issued by the national provider system in accordance with 45 C.F.R. Part 162.*

(b) *“Off-campus location” means a facility:*

(1) *With operations that are directly or indirectly owned or controlled by, in whole or in part, a hospital or which is affiliated with a hospital, regardless of whether it is operated by the same governing body as the hospital;*

(2) *That is located more than 250 yards from the main campus of the hospital;*

(3) *That provides services which are organizationally and functionally integrated with the hospital; and*

(4) *That is an outpatient facility providing ~~preventive, diagnostic, treatment~~ ambulatory surgery, urgent care or emergency room services.*

Sec. 1.4. NRS 449.029 is hereby amended to read as follows:

449.029 As used in NRS 449.029 to 449.240, inclusive, and section 1.2 of this act, unless the context otherwise requires, “medical facility” has the meaning ascribed to it in NRS 449.0151 and includes a program of hospice care described in NRS 449.196.

Sec. 1.6. NRS 449.0301 is hereby amended to read as follows:

449.0301 The provisions of NRS 449.029 to 449.2428, inclusive, *and section 1.2 of this act* do not apply to:

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

2. Foster homes as defined in NRS 424.014.

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

Sec. 1.8. NRS 449.0302 is hereby amended to read as follows:

449.0302 1. The Board shall adopt:

(a) Licensing standards for each class of medical facility or facility for the dependent covered by NRS 449.029 to 449.2428, inclusive, *and section 1.2 of this act* and for programs of hospice care.

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

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

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

(e) Any other regulations as it deems necessary or convenient to carry out the provisions of NRS 449.029 to 449.2428, inclusive [---], *and section 1.2 of this act*.

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

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

(b) Residential facilities for groups,

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

3. The Board shall adopt separate regulations for:

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

- (2) Contain a sleeping area or bedroom; and
- (3) Are shared with another occupant only upon consent of both occupants.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

Sec. 2. (Deleted by amendment.)

Sec. 3. (Deleted by amendment.)

Sec. 4. (Deleted by amendment.)

Sec. 4.3. NRS 449.160 is hereby amended to read as follows:

449.160 1. The Division may deny an application for a license or may suspend or revoke any license issued under the provisions of NRS 449.029 to 449.2428, inclusive, *and section 1.2 of this act* upon any of the following grounds:

(a) Violation by the applicant or the licensee of any of the provisions of NRS 439B.410 or 449.029 to 449.245, inclusive, *and section 1.2 of this act* or of any other law of this State or of the standards, rules and regulations adopted thereunder.

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

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

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

(e) Failure of the applicant to obtain written approval from the Director of the Department of Health and Human Services as required by NRS 439A.100 or as provided in any regulation adopted pursuant to NRS 449.001 to 449.430, inclusive, *and section 1.2 of this act* and 449.435 to 449.531, inclusive, and chapter 449A of NRS if such approval is required.

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

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

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

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

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

3. The Division shall maintain a log of any complaints that it receives relating to activities for which the Division may revoke the license to operate a facility for the dependent pursuant to subsection 2. The Division shall provide to a facility for the care of adults during the day:

(a) A summary of a complaint against the facility if the investigation of the complaint by the Division either substantiates the complaint or is inconclusive;

(b) A report of any investigation conducted with respect to the complaint; and

(c) A report of any disciplinary action taken against the facility.

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

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

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

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

Sec. 4.6. NRS 449.163 is hereby amended to read as follows:

449.163 1. In addition to the payment of the amount required by NRS 449.0308, if a medical facility, facility for the dependent or facility which is required by the regulations adopted by the Board pursuant to NRS 449.0303 to be licensed violates any provision related to its licensure, including any provision of NRS 439B.410 or 449.029 to 449.2428, inclusive, *and section 1.2 of this act*, or any condition, standard or regulation adopted by the Board, the Division, in accordance with the regulations adopted pursuant to NRS 449.165, may:

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

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

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

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

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

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

(2) Improvements are made to correct the violation.

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

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

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

3. The Division may require any facility that violates any provision of NRS 439B.410 or 449.029 to 449.2428, inclusive, *and section 1.2 of this act* or any condition, standard or regulation adopted by the Board to make any improvements necessary to correct the violation.

4. Any money collected as administrative penalties pursuant to paragraph (d) of subsection 1 must be accounted for separately and used to administer and carry out the provisions of NRS 449.001 to 449.430, inclusive, *and section 1.2 of this act*, 449.435 to 449.531, inclusive, and chapter 449A of NRS to protect the health, safety, well-being and property of the patients and residents of facilities in accordance with applicable state and federal standards or for any other purpose authorized by the Legislature.

Sec. 5. (Deleted by amendment.)

Sec. 6. (Deleted by amendment.)

Sec. 6.5. NRS 449.240 is hereby amended to read as follows:

449.240 The district attorney of the county in which the facility is located shall, upon application by the Division, institute and conduct the prosecution of any action for violation of any provisions of NRS 449.029 to 449.245, inclusive ~~+~~, *and section 1.2 of this act*.

Sec. 7. (Deleted by amendment.)

Sec. 8. NRS 450B.237 is hereby amended to read as follows:

450B.237 1. The board shall establish a program for treating persons who require treatment for trauma and for transporting and admitting such persons to centers for the treatment of trauma. The program must provide for

the development, operation and maintenance of a system of communication to be used in transporting such persons to the appropriate centers.

2. The State Board of Health shall adopt regulations which establish the standards for the designation of hospitals as centers for the treatment of trauma. The State Board of Health shall consider the standards adopted by the American College of Surgeons for a center for the treatment of trauma as a guide for such regulations. The Administrator of the Division shall not approve a proposal to designate a hospital as a center for the treatment of trauma unless ~~the~~:

(a) *The hospital meets the standards established pursuant to this subsection ~~[-]~~; and*

(b) *The Administrator determines, after conducting a comprehensive assessment of needs, that the proposed center for the treatment of trauma will operate in an area that is experiencing a shortage of trauma care. Such an assessment of needs must include, without limitation, consideration of:*

(1) *The impact of the proposed center for the treatment of trauma on the capacity of existing hospitals to provide for the treatment of trauma;*

(2) *The number and locations of cases of trauma that have occurred during the previous 5 calendar ~~(year)~~ years in the county in which the proposed center for the treatment of trauma will be located and the level of treatment that was required for those cases;*

(3) *Any identified need for an additional center for the treatment of trauma in the county in which the proposed center for the treatment of trauma will be located; and*

(4) *Any additional criteria recommended by the American College of Surgeons or its successor organization, other than criteria related to community support for the proposed trauma center.*

3. Each district board of health in a county whose population is 700,000 or more shall adopt ~~regulations~~:

(a) *Regulations which establish the standards for the designation of hospitals in the county as centers for the treatment of trauma which are consistent with the regulations adopted by the State Board of Health pursuant to subsection 2 ~~[-]~~; and*

(b) *A plan for a comprehensive trauma system concerning the treatment of trauma in the county, which includes, without limitation, consideration of the future trauma needs of the county, consideration of and plans for the development and designation of new centers for the treatment of trauma in the county based on the demographics of the county and the manner in which the county may most effectively provide trauma services to persons in the county.*

4. A district board of health in a county whose population is 700,000 or more shall not approve a proposal to designate a hospital as a center for the treatment of trauma unless ~~the~~:

(a) *The hospital meets the standards established pursuant to ~~this~~ subsection ~~[-]~~.*

~~4. A proposal to designate a hospital located in a county whose population is 700,000 or more as a center for the treatment of trauma:~~

~~(a) Must be approved by the Administrator of the Division and by the district board of health of the county in which the hospital is located; and~~

~~(b) May not be approved unless the district board of health of the county in which the hospital is located has established and adopted a comprehensive trauma system plan concerning the treatment of trauma in the county, which includes, without limitation, consideration of the future trauma needs of the county, consideration of and plans for the development and designation of new centers for the treatment of trauma in the county based on the demographics of the county and the manner in which the county may most effectively provide trauma services to persons in the county.] 3;~~

(b) The proposal has been approved by the Administrator of the Division pursuant to subsection 2; and

(c) The district board of health concludes, based on the plan adopted pursuant to paragraph (b) of subsection 3, that the proposed center for the treatment of trauma will not negatively impact the capacity of existing centers for the treatment of trauma in the county.

5. Upon approval by the Administrator of the Division and, if the hospital is located in a county whose population is 700,000 or more, the district board of health of the county in which the hospital is located, of a proposal to designate a hospital as a center for the treatment of trauma, the Administrator of the Division shall issue written approval which designates the hospital as such a center. As a condition of continuing designation of the hospital as a center for the treatment of trauma, the hospital must comply with the following requirements:

(a) The hospital must admit any injured person who requires medical care.

(b) Any physician who provides treatment for trauma must be qualified to provide that treatment.

(c) The hospital must maintain the standards specified in the regulations adopted pursuant to subsections 2 and 3.

Sec. 8.5. NRS 654.190 is hereby amended to read as follows:

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

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

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

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

(d) Aids or abets any person in the violation of any of the provisions of NRS 449.029 to 449.2428, inclusive, *and section 1.2 of this act* as those provisions pertain to a facility for skilled nursing, facility for intermediate care or residential facility for groups.

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

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

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

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

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

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

Sec. 9. This act becomes effective on July 1, 2019.

Senator Ratti moved the adoption of the amendment.

Remarks by Senator Ratti.

Amendment No. 745 to Assembly Bill No. 317 revises a portion of the definition of “off-campus location” to clarify that the term includes an outpatient facility providing ambulatory surgery, urgent care or emergency room services; and revises the assessment of needs that must be conducted to determine whether a proposed trauma center will operate in an area experiencing a shortage of trauma care.

Amendment adopted.

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

Assembly Bill No. 336.

Bill read second time and ordered to third reading.

Assembly Bill No. 340.

Bill read second time.

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

Amendment No. 746.

SUMMARY—Makes various changes concerning the acquisition and use of opioid antagonists by schools. (BDR 40-849)

AN ACT relating to controlled substances; authorizing certain health care professionals to issue an order for an opioid antagonist to a public or private school; authorizing public and private schools to obtain and maintain opioid antagonists under certain conditions; providing immunity to ~~certain persons~~ health care professionals and pharmacists for acts or omissions relating to the acquisition, possession or administration of opioid antagonists in certain circumstances; and providing other matters properly relating thereto.

Legislative Counsel's Digest:

Existing law authorizes certain physicians, physician assistants and advanced practice registered nurses to prescribe and dispense an opioid antagonist to a person at risk of experiencing an opioid-related drug overdose, or to a family member, friend or other person who is in a position to assist a person experiencing an opioid-related drug overdose. (Chapter 453C of NRS, NRS 453C.100) Existing law also authorizes certain health care professionals to issue an order for auto-injectable epinephrine to a public or private school to be maintained at the school for the treatment of anaphylaxis that may be experienced by any pupil at the school. (NRS 630.374, 632.239, 633.707) Section 1 of this bill authorizes certain health care professionals to issue such an order for opioid antagonists to a public or private school for the treatment of an opioid-related drug overdose that may be experienced by any person at the school. Section 1 also provides that a health care professional is not subject to disciplinary action for issuing such an order to a school.

Existing law requires each public school, including each charter school, to obtain an order from certain health care professionals for auto-injectable epinephrine to maintain the drug at the school. (NRS 386.870) Existing law similarly authorizes a private school to obtain and maintain auto-injectable epinephrine at the school. (NRS 394.1995) Sections 4 and 7 of this bill authorize a public or private school to obtain an order for an opioid antagonist. If a public or private school obtains such an order, sections 2, 4 and 7 of this bill authorize a school nurse or other designated employee of the public or private school, as applicable, who has received training in the storage and administration of opioid antagonists to administer an opioid antagonist to any person on the premises of the school who is reasonably believed to be experiencing an opioid-related drug overdose. Section 3 of this bill: (1) establishes requirements relating to the storage, handling and transportation of opioid antagonists in public schools; and (2) requires each school district and charter school to report to the Division of Public and Behavioral Health of the Department of Health and Human Services the number of doses of opioid antagonists administered at each public school during each school year. Sections 4 and 7 require the board of trustees of each school district and the governing body of each charter or private school that obtains an order for an opioid antagonist to establish a policy to ensure:

(1) that someone seeks emergency assistance each time a person experiences an opioid-related drug overdose on the premises of the school; and (2) the parent or guardian of a pupil to whom an opioid antagonist is administered is notified as soon as practicable. Sections 4-7 of this bill require training in the storage and administration of opioid antagonists to be provided to designated employees of a public or private school that obtains an order for an opioid antagonist. ~~[Sections 4 and 7 exempt a school, school district, employee of a school and certain other persons affiliated with a school from liability for certain damages relating to the acquisition, possession, provision or administration of an opioid antagonist or auto injectable epinephrine not amounting to gross negligence or reckless, willful or wanton conduct.]~~

Section 8 of this bill requires a registered pharmacist to transfer an order for an opioid antagonist to another registered pharmacist at the request of a public or private school for which the order was issued. Section 8 also exempts a pharmacist who dispenses an opioid antagonist pursuant to such an order from liability for certain damages relating to the acquisition, possession, provision or administration of an opioid antagonist not amounting to gross negligence or reckless, willful or wanton conduct.

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

Section 1. Chapter 453C of NRS is hereby amended by adding thereto a new section to read as follows:

1. *Notwithstanding any other provision of law, a health care professional authorized to prescribe an opioid antagonist may issue to a public or private school an order to allow the school to obtain and maintain an opioid antagonist at the school, regardless of whether any person at the school has been diagnosed with a condition which may cause the person to require such medication for the treatment of an opioid-related drug overdose.*

2. *An order issued pursuant to subsection 1 must contain:*

- (a) The name and signature of the health care professional and the address of the health care professional if not immediately available to the pharmacist;*
- (b) The classification of the license of the health care professional;*
- (c) The name of the public or private school to which the order is issued;*
- (d) The name, strength and quantity of the opioid antagonist authorized to be obtained and maintained by the order; and*
- (e) The date of issue.*

3. *A health care professional is not subject to disciplinary action solely for issuing a valid order pursuant to subsection 1 to a public or private school and without knowledge of a specific natural person who requires the medication.*

4. *A health care professional is not liable for any error or omission concerning the acquisition, possession, provision or administration of an opioid antagonist maintained by a public or private school pursuant to an order issued by the health care professional pursuant to subsection 1 not*

resulting from gross negligence or reckless, willful or wanton conduct of the health care professional.

5. *As used in this section:*

(a) *“Private school” has the meaning ascribed to it in NRS 394.103.*

(b) *“Public school” has the meaning ascribed to it in NRS 385.007.*

Sec. 2. NRS 454.303 is hereby amended to read as follows:

454.303 A school nurse or other employee of a public or private school who is authorized pursuant to NRS 386.870 or 394.1995 to administer auto-injectable epinephrine *or an opioid antagonist* may possess and administer auto-injectable epinephrine *or an opioid antagonist, as applicable*, maintained by the school if the school nurse or other employee has received training in the proper storage and administration of auto-injectable epinephrine *or the opioid antagonist, as applicable*, as required by NRS 386.870 or 394.1995.

Sec. 3. NRS 386.865 is hereby amended to read as follows:

386.865 1. Each public school shall ensure that auto-injectable epinephrine *and any opioid antagonist* maintained at the school is stored in a designated, secure location that is unlocked and easily accessible.

2. Each school district shall establish a policy for the schools within the district, other than charter schools, regarding the proper handling and transportation of auto-injectable epinephrine ~~[-]~~ *and opioid antagonists*.

3. Not later than 30 days after the last day of each school year, each school district and charter school shall submit a report to the Division of Public and Behavioral Health of the Department of Health and Human Services identifying the number of doses of auto-injectable epinephrine *and opioid antagonists* that were administered at each public school within the school district or charter school, as applicable, during the school year.

Sec. 4. NRS 386.870 is hereby amended to read as follows:

386.870 1. Each public school, including, without limitation, each charter school, shall obtain an order from a physician, osteopathic physician, physician assistant or advanced practice registered nurse, for auto-injectable epinephrine pursuant to NRS 630.374, 632.239 or 633.707 and acquire at least two doses of the medication to be maintained at the school. If a dose of auto-injectable epinephrine maintained by the public school is used or expires, the public school shall ensure that at least two doses of the medication are available at the school and obtain additional doses to replace the used or expired doses if necessary.

2. *A public school, including, without limitation, a charter school, may obtain an order from a health care professional for an opioid antagonist pursuant to section 1 of this act to be maintained at the school. If a dose of an opioid antagonist maintained by the public school is used or expires, the public school may obtain an additional dose of the opioid antagonist to replace the used or expired opioid antagonist.*

3. Auto-injectable epinephrine *or an opioid antagonist* maintained by a public school pursuant to this section may be administered:

(a) At a public school other than a charter school, by a school nurse or any other employee of the public school who has been designated by the school nurse and has received training in the proper storage and administration of auto-injectable epinephrine ~~[-]~~ *or the opioid antagonist, as applicable*; or

(b) At a charter school, by ~~the~~ an employee designated to be authorized to administer auto-injectable epinephrine *or the opioid antagonist, as applicable*, pursuant to NRS 388A.547 if the person has received the training in the proper storage and administration of auto-injectable epinephrine ~~[-]~~ *—3-] or the opioid antagonist, as applicable.*

4. A school nurse or other designated employee of a public school may administer ~~auto-injectable~~ *[-]*:

(a) *Auto-injectable* epinephrine maintained at the school to any pupil on the premises of the public school during regular school hours whom the school nurse or other designated employee reasonably believes is experiencing anaphylaxis.

~~[4-]~~ (b) *An opioid antagonist* maintained at the school to any person on the premises of the public school whom the school nurse or other designated employee reasonably believes is experiencing an opioid-related drug overdose.

5. *The governing body of each charter school and the board of trustees of each school district that obtains an order for an opioid antagonist pursuant to subsection 2 shall adopt a policy to ensure that:*

(a) *Someone seeks emergency assistance each time a person experiences an opioid-related drug overdose on the premises of the school; and*

(b) *The parent or guardian of each pupil to whom an opioid antagonist is administered is notified as soon as practicable.*

6. A public school may accept gifts, grants and donations from any source for the support of the public school in carrying out the provisions of this section, including, without limitation, the acceptance of auto-injectable epinephrine *or opioid antagonists* from a manufacturer or wholesaler of auto-injectable epinephrine ~~[-]~~ *or opioid antagonists.*

~~7. *[A public school, school district, member of the board of trustees of a school district or governing body of a charter school or employee of a school district or charter school is not liable for any error or omission concerning the acquisition, possession, provision or administration of auto-injectable epinephrine or an opioid antagonist maintained at a public school pursuant to this section not resulting from gross negligence or reckless, willful or wanton conduct of the school, school district, member or employee, as applicable.*~~

~~—8-]~~ *As used in this section:*

(a) *“Health care professional” has the meaning ascribed to it in NRS-453C.030.*

(b) *“Opioid antagonist” has the meaning ascribed to it in NRS 453C.040.*

(c) *“Opioid-related drug overdose” has the meaning ascribed to it in NRS-453C.050.*

Sec. 5. NRS 388A.547 is hereby amended to read as follows:

388A.547 1. Each charter school shall designate one or more employees of the school who is authorized to administer auto-injectable epinephrine.

2. *Each charter school that obtains an order from a health care professional authorized to prescribe an opioid antagonist for an opioid antagonist pursuant to section 1 of this act shall designate at least two-employees of the school who are authorized to administer the opioid antagonist.*

3. Each charter school shall ensure that each person ~~so~~ designated to administer medication pursuant to subsection 1 or 2 receives training in the proper storage and administration of auto-injectable epinephrine ~~+~~ or opioid antagonists, as applicable.

4. *As used in this section, “opioid antagonist” has the meaning ascribed to it in NRS 453C.040.*

Sec. 6. NRS 391.291 is hereby amended to read as follows:

391.291 1. The provision of nursing services in a school district by school nurses and other qualified personnel must be under the direction and supervision of a chief nurse who is a registered nurse as provided in NRS-632.240 and who:

(a) Holds an endorsement to serve as a school nurse issued pursuant to regulations adopted by the Commission; or

(b) Is employed by a state, county, city or district health department and provides nursing services to the school district in the course of that employment.

2. A school district shall not employ a person to serve as a school nurse unless the person holds an endorsement to serve as a school nurse issued pursuant to regulations adopted by the Commission.

3. The chief nurse shall ensure that each school nurse:

(a) Coordinates with the principal of each school to designate ~~employees~~.

(1) *Employees* of the school who are authorized to administer auto-injectable epinephrine; and

(2) *If the school has obtained an order for an opioid antagonist, as authorized by subsection 2 of NRS 386.870, at least two employees of the school who are authorized to administer the opioid antagonist.*

(b) Provides the employees so designated with training concerning the proper storage and administration of auto-injectable epinephrine ~~+~~ or opioid antagonists, as applicable.

4. *As used in this section, “opioid antagonist” has the meaning ascribed to it in NRS 453C.040.*

Sec. 7. NRS 394.1995 is hereby amended to read as follows:

394.1995 1. A private school may obtain an order from a physician, osteopathic physician, physician assistant or advanced practice registered

nurse for auto-injectable epinephrine pursuant to NRS 630.374, 632.239 or 633.707 to be maintained at the school. If a dose of auto-injectable epinephrine maintained by the private school is used or expires, the private school may obtain additional doses of auto-injectable epinephrine to replace the used or expired auto-injectable epinephrine.

2. *A private school may obtain an order from a health care professional for an opioid antagonist pursuant to section 1 of this act to be maintained at the school. If a dose of an opioid antagonist maintained by the private school is used or expires, the private school may obtain an additional dose of the opioid antagonist to replace the used or expired opioid antagonist.*

3. *Auto-injectable epinephrine or an opioid antagonist maintained by a private school pursuant to this section may be administered by a school nurse or any other employee of the private school who has received training in the proper storage and administration of auto-injectable epinephrine ~~or an opioid antagonist, as applicable.~~*

4. A school nurse or other trained employee may administer ~~auto-injectable~~ :

(a) *Auto-injectable epinephrine maintained at the school to any pupil on the premises of the private school during regular school hours whom the school nurse or other trained employee reasonably believes is experiencing anaphylaxis.*

~~4.~~ (b) *An opioid antagonist maintained at the school to any person on the premises of the school whom the school nurse or other designated employee reasonably believes is experiencing an opioid-related drug overdose.*

5. A private school shall ensure that auto-injectable epinephrine or any opioid antagonist maintained at the school is stored in a designated, secure location that is unlocked and easily accessible.

6. *The governing body of each private school that obtains an order for an opioid antagonist pursuant to subsection 2 shall adopt a policy to ensure that:*

(a) *Someone seeks emergency assistance each time a person experiences an opioid-related drug overdose on the premises of the school; and*

(b) *The parent or guardian of each pupil to whom an opioid antagonist is administered is notified as soon as practicable.*

~~7. *A private school or member of the governing body or employee thereof is not liable for any error or omission concerning the acquisition, possession, provision or administration of auto-injectable epinephrine or an opioid antagonist maintained at the private school pursuant to this section not resulting from gross negligence or reckless, willful or wanton conduct of the school, member or employee, as applicable.*~~

~~8.~~ *As used in this section:*

(a) *“Health care professional” has the meaning ascribed to it in NRS-453C.030.*

(b) *“Opioid antagonist” has the meaning ascribed to it in NRS 453C.040.*

(c) *“Opioid-related drug overdose”* has the meaning ascribed to it in NRS-453C.050.

Sec. 8. NRS 639.2357 is hereby amended to read as follows:

639.2357 1. Upon the request of a patient, or a public or private school or an authorized entity for which an order was issued pursuant to NRS 630.374, 632.239 , ~~or~~ 633.707 ~~;~~ or section 1 of this act, a registered pharmacist shall transfer a prescription or order to another registered pharmacist.

2. A registered pharmacist who transfers a prescription or order pursuant to subsection 1 shall comply with any applicable regulations adopted by the Board relating to the transfer.

3. The provisions of this section do not authorize or require a pharmacist to transfer a prescription or order in violation of:

- (a) Any law or regulation of this State;
- (b) Federal law or regulation; or
- (c) A contract for payment by a third party if the patient is a party to that contract.

4. A pharmacist is not liable for any error or omission concerning the acquisition, possession, provision or administration of auto-injectable epinephrine or an opioid antagonist that the pharmacist has dispensed to a public or private school or authorized entity pursuant to an order issued pursuant to NRS 630.374, 632.239 , ~~or~~ 633.707 or section 1 of this act not resulting from gross negligence or reckless, willful or wanton conduct of the pharmacist.

5. As used in this section ~~;~~ ~~“authorized”~~ :

- (a) *“Authorized entity”* has the meaning ascribed to it in NRS 450B.710.
- (b) *“Opioid antagonist”* has the meaning ascribed to it in NRS 453C.040.

Sec. 9. This act becomes effective:

1. Upon passage and approval for the purpose 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 July 1, 2019, for all other purposes.

Senator Ratti moved the adoption of the amendment.

Remarks by Senator Ratti.

Amendment No. 746 to Assembly Bill No. 340 deletes Section 4, subsection 7 and Section 7, subsection 7, which provide certain exemptions from liability for a school, school district, employee of a school and certain other persons affiliated with a school for certain damages relating to the acquisition, possession, provision or administration of an opioid antagonist or auto-injectable epinephrine not amounting to gross negligence or reckless, willful or wanton conduct.

Amendment adopted.

Bill ordered reprinted, engrossed and to third reading.

Assembly Bill No. 348.

Bill read second time and ordered to third reading.

Assembly Bill No. 370.

Bill read second time and ordered to third reading.

Assembly Bill No. 385.

Bill read second time and ordered to third reading.

Assembly Bill No. 413.

Bill read second time and ordered to third reading.

Assembly Bill No. 431.

Bill read second time and ordered to third reading.

Assembly Bill No. 488.

Bill read second time and ordered to third reading.

Assembly Bill No. 492.

Bill read second time.

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

Amendment No. 704.

SUMMARY—Revises provisions governing industrial insurance benefits. (BDR 53-709)

AN ACT relating to industrial insurance; ~~authorizing~~ revising the circumstances in which a first responder or an employee of the State or a local government is authorized to receive compensation under industrial insurance for ~~posttraumatic stress disorder suffered by a first responder under certain circumstances; exempting a claim for posttraumatic stress disorder suffered by a first responder from certain provisions governing certain other~~ certain stress-related claims; requiring an agency which employs a first responder or a volunteer first responder to provide certain educational training concerning mental health issues to the first responder; exempting a claim for ~~posttraumatic stress disorder~~ certain stress-related injuries suffered by a first responder or an employee of the State or any of its agencies or political subdivisions from certain prohibitions on compensation for an injury and temporary disability; exempting a claim for posttraumatic stress disorder suffered by a first responder from certain provisions governing the calculation of compensation for a permanent partial disability; and providing other matters properly relating thereto.

Legislative Counsel's Digest:

~~[Section 1 of this bill provides that, under certain circumstances, posttraumatic stress disorder suffered by a first responder is an occupational disease compensable under industrial insurance. Section 1: (1) sets forth the circumstances under which such a claim is compensable; (2) sets forth provisions governing the notice of such an injury and the claim for compensation; (3) exempts such benefits from apportionment due to preexisting posttraumatic stress disorder and limitations on the duration of temporary benefits; (4) requires an agency which employs a first responder to~~

~~provide educational training on mental health issues; and (5) requires the Division of Industrial Relations of the Department of Business and Industry to adopt certain regulations.]~~

Existing law provides that ~~[a certain injury or disease sustained by an employee that is caused by stress is compensable under industrial insurance if it arose out of and in the course of his or her employment and sets forth the requirements for such a claim.]~~ for the purposes of determining whether an injury or disease caused by stress is compensable under industrial insurance, such an injury is deemed to arise out of and in the course of employment only if the employee can prove by clear and convincing medical or psychiatric evidence that the employee has a mental injury caused by extreme stress in time of danger and that the primary cause of the mental injury was an event that arose out of and during the course of his or her employment. (NRS 616C.180) Section 2 of this bill ~~[exempts a claim for posttraumatic stress disorder suffered by a first responder from these requirements.]~~ provides that a first responder may additionally prove by clear and convincing medical or psychiatric evidence that the mental injury was primarily caused by extreme stress due to the first responder directly witnessing a death or grievous injury, or the aftermath of a death or grievous injury, under certain circumstances during the course of his or her employment. Section 2 of this bill also provides that an employee of the State or any of its agencies or political subdivisions may additionally prove by clear and convincing medical or psychiatric evidence that the mental injury was caused primarily by extreme stress due to the employee responding to a mass casualty incident during the course of his or her employment. Finally, section 2 requires an agency which employs a first responder, including, without limitation, a first responder who is a volunteer, to provide educational training to the first responder on the awareness, prevention, mitigation and treatment of mental health issues.

Existing law prohibits the payment of temporary compensation benefits for an injury or temporary total disability which does not incapacitate the employee for a minimum number of days. (NRS 616C.400, 617.420) Sections 3 and 5 of this bill exempt ~~[a claim for posttraumatic stress disorder suffered by a first responder from these prohibitions.]~~

~~Existing law prohibits the consideration of factors other than the degree of physical impairment of the whole person in calculating the entitlement to compensation for a permanent partial disability except in the case of certain claims for stress. (NRS 616C.490) Section 4 of this bill exempts a claim for compensation for posttraumatic stress disorder suffered by a first responder from this prohibition.]~~ claims for mental injury caused by extreme stress under the circumstances described by the amendatory provisions of section 2 from these prohibitions.

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

Section 1. ~~Chapter 616C of NRS is hereby amended by adding thereto a new section to read as follows:~~

~~1. Posttraumatic stress disorder, as described in the Fifth Edition of the Diagnostic and Statistical Manual of Mental Disorders published by the American Psychiatric Association, suffered by a first responder is compensable pursuant to the provisions of chapters 616A to 616D, inclusive, or chapter 617 of NRS if:~~

~~(a) The posttraumatic stress disorder is demonstrated by clear and convincing evidence;~~

~~(b) The posttraumatic stress disorder resulted from the first responder acting within the course of his or her employment, except as otherwise provided in subsection 3; and~~

~~(c) The first responder is examined and subsequently diagnosed with such disorder by a licensed psychiatrist who is authorized as a treating physician pursuant to chapters 616A to 616D, inclusive, or chapter 617 of NRS, or a psychologist who is licensed pursuant to chapter 641 of NRS, due to one or more traumatic events, including, without limitation:~~

~~(1) Seeing for oneself a deceased minor;~~

~~(2) Directly witnessing the death of a minor;~~

~~(3) Directly witnessing an injury to a minor who subsequently died before or upon arrival at a hospital emergency department;~~

~~(4) Participating in the physical treatment of an injured minor who subsequently died before or upon arrival at a hospital emergency department;~~

~~(5) Manually transporting an injured minor who subsequently died before or upon arrival at a hospital emergency department;~~

~~(6) Seeing for oneself a decedent whose death involved grievous bodily harm of a nature that shocks the conscience;~~

~~(7) Directly witnessing a death, including, without limitation, suicide, that involved grievous bodily harm of a nature that shocks the conscience;~~

~~(8) Directly witnessing a homicide, regardless of whether the homicide was criminal or excusable, including, without limitation, murder, mass killing as defined in 28 U.S.C. § 530C(b)(1)(m), manslaughter, self-defense, misadventure and negligence;~~

~~(9) Directly witnessing an injury, including, without limitation, an attempted suicide, to a person who subsequently died before or upon arrival at a hospital emergency department if the person was injured by grievous bodily harm of a nature that shocks the conscience;~~

~~(10) Participating in the physical treatment of an injury, including, without limitation, an attempted suicide, to a person who subsequently died before or upon arrival at a hospital emergency department if the person was injured by grievous bodily harm of a nature that shocks the conscience; or~~

~~(11) Manually transporting a person who was injured, including, without limitation, by attempted suicide, and who subsequently died before or upon arrival at a hospital emergency department if the person was injured by grievous bodily harm of a nature that shocks the conscience.~~

~~2. Eligibility for benefits for a first responder pursuant to this section does not require a physical injury to the first responder.~~

~~3. For the purposes of paragraph (b) of subsection 1, a first responder is deemed not to be acting in the course of his or her employment if the first responder:~~

~~(a) Is off duty; or~~

~~(b) Is outside the jurisdiction of his or her employer.~~

~~4. The time for notice of injury or death in the case of a claim for compensation for posttraumatic stress disorder pursuant to this section is the same as that set forth in NRS 616C.015 or 617.342, as applicable, and is measured from one of the qualifying events listed in paragraph (c) of subsection 1 or the manifestation of the disorder, whichever is later.~~

~~5. A claim for compensation pursuant to this section must be properly filed pursuant to NRS 616C.020 or 617.344 not later than 52 weeks after the qualifying event or manifestation of the disorder.~~

~~6. Benefits for a first responder pursuant to this section are not subject to:~~

~~(a) Apportionment due to a preexisting posttraumatic stress disorder pursuant to chapters 616A to 616D, inclusive, or chapter 617 of NRS; or~~

~~(b) Any limitation on the duration of temporary benefits pursuant to chapters 616A to 616D, inclusive, or chapter 617 of NRS.~~

~~7. An agency which employs a first responder, including without limitation, a first responder who serves as a volunteer, shall provide educational training related to the awareness, prevention, mitigation and treatment of mental health issues.~~

~~8. The Division shall adopt regulations which specify the injuries that qualify as grievous bodily harm of a nature that shocks the conscience for the purposes of this section.~~

~~9. As used in this section:~~

~~(a) "Directly witnessing" means to see or hear for oneself.~~

~~(b) "Emergency medical attendant" means a person licensed as an attendant or certified as an emergency medical technician, advanced emergency medical technician or paramedic pursuant to chapter 450B of NRS, whose primary duties of employment are the provision of emergency medical services.~~

~~(c) "First responder" means:~~

~~(1) A salaried or volunteer firefighter;~~

~~(2) A police officer;~~

~~(3) An emergency medical attendant;~~

~~(4) An emergency dispatcher or call taker who is employed by a law enforcement or public safety agency in this State;~~

~~(5) A crime scene investigator who is employed by a law enforcement or public safety agency in this State;~~

~~(6) A forensic investigator who is employed by a law enforcement or public safety agency in this State; or~~

~~(7) A county coroner or medical examiner;~~

~~(d) "Manually transporting" means to perform physical labor to move the body of a wounded person for his or her safety or medical treatment.] (Deleted by amendment.)~~

Sec. 2. NRS 616C.180 is hereby amended to read as follows:

616C.180 1. Except as otherwise provided in this section, an injury or disease sustained by an employee that is caused by stress is compensable pursuant to the provisions of chapters 616A to 616D, inclusive, or chapter 617 of NRS if it arose out of and in the course of his or her employment.

2. Any ailment or disorder caused by any gradual mental stimulus, and any death or disability ensuing therefrom, shall be deemed not to be an injury or disease arising out of and in the course of employment.

3. ~~Ann~~ Except as otherwise provided by subsections 4 and 5, an injury or disease caused by stress shall be deemed to arise out of and in the course of employment only if the employee proves by clear and convincing medical or psychiatric evidence that:

(a) The employee has a mental injury caused by extreme stress in time of danger;

(b) The primary cause of the injury was an event that arose out of and during the course of his or her employment; and

(c) The stress was not caused by his or her layoff, the termination of his or her employment or any disciplinary action taken against him or her.

4. An injury or disease caused by stress shall be deemed to arise out of and in the course of employment, and shall not be deemed the result of gradual mental stimulus, if the employee is a first responder and proves by clear and convincing medical or psychiatric evidence that:

(a) The employee has a mental injury caused by extreme stress due to the employee directly witnessing:

(1) The death, or the aftermath of the death, of a person as a result of a violent event, including, without limitation, a homicide, suicide or mass casualty incident; or

(2) An injury, or the aftermath of an injury, that involves grievous bodily harm of a nature that shocks the conscience; and

(b) The primary cause of the mental injury was the employee witnessing an event described in paragraph (a) during the course of his or her employment.

5. An injury or disease caused by stress shall be deemed to arise out of and in the course of employment, and shall not be deemed the result of gradual mental stimulus, if the employee is employed by the State or any of its agencies or political subdivisions and proves by clear and convincing medical or psychiatric evidence that:

(a) The employee has a mental injury caused by extreme stress due to the employee responding to a mass casualty incident; and

(b) The primary cause of the injury was the employee responding to the mass casualty incident during the course of his or her employment.

6. An agency which employs a first responder, including, without limitation, a first responder who serves as a volunteer, shall provide educational training to the first responder related to the awareness, prevention, mitigation and treatment of mental health issues.

7. The provisions of this section do not apply to a person who is claiming compensation pursuant to NRS 617.457 ~~or section 1 of this act.~~

8. As used in this section:

(a) "Directly witness" means to see or hear for oneself.

(b) "First responder" means:

(1) A salaried or volunteer firefighter;

(2) A police officer;

(3) An emergency dispatcher or call taker who is employed by a law enforcement or public safety agency in this State; or

(4) An emergency medical technician or paramedic who is employed by a public safety agency in this State.

(c) "Mass casualty incident" means an event that, for the purposes of emergency response or operations, is designated as a mass casualty incident by one or more governmental agencies that are responsible for public safety or for emergency response.

Sec. 3. NRS 616C.400 is hereby amended to read as follows:

616C.400 1. Temporary compensation benefits must not be paid under chapters 616A to 616D, inclusive, of NRS for an injury which does not incapacitate the employee for at least 5 consecutive days, or 5 cumulative days within a 20-day period, from earning full wages, but if the incapacity extends for 5 or more consecutive days, or 5 cumulative days within a 20-day period, compensation must then be computed from the date of the injury.

2. The period prescribed in this section does not apply to:

(a) Accident benefits, whether they are furnished pursuant to NRS 616C.255 or 616C.265, if the injured employee is otherwise covered by the provisions of chapters 616A to 616D, inclusive, of NRS and entitled to those benefits.

(b) Compensation paid to the injured employee pursuant to subsection 1 of NRS 616C.477.

(c) A claim which is filed pursuant to NRS 617.453, 617.455 or 617.457 ~~or section 1 of this act.~~

(d) A claim to which subsection 4 or 5 of NRS 616C.180 applies.

Sec. 4. ~~NRS 616C.490 is hereby amended to read as follows:~~

~~616C.490 1. Except as otherwise provided in NRS 616C.175, every employee, in the employ of an employer within the provisions of chapters 616A to 616D, inclusive, of NRS, who is injured by an accident~~

~~arising out of and in the course of employment is entitled to receive the compensation provided for permanent partial disability. As used in this section, "disability" and "impairment of the whole person" are equivalent terms.~~

~~2. Within 30 days after receiving from a physician or chiropractor a report indicating that the injured employee may have suffered a permanent disability and is stable and ratable, the insurer shall schedule an appointment with the rating physician or chiropractor selected pursuant to this subsection to determine the extent of the employee's disability. Unless the insurer and the injured employee otherwise agree to a rating physician or chiropractor:~~

~~(a) The insurer shall select the rating physician or chiropractor from the list of qualified rating physicians and chiropractors designated by the Administrator, to determine the percentage of disability in accordance with the American Medical Association's Guides to the Evaluation of Permanent Impairment as adopted and supplemented by the Division pursuant to NRS 616C.110.~~

~~(b) Rating physicians and chiropractors must be selected in rotation from the list of qualified physicians and chiropractors designated by the Administrator, according to their area of specialization and the order in which their names appear on the list unless the next physician or chiropractor is currently an employee of the insurer making the selection, in which case the insurer must select the physician or chiropractor who is next on the list and who is not currently an employee of the insurer.~~

~~3. If an insurer contacts the treating physician or chiropractor to determine whether an injured employee has suffered a permanent disability, the insurer shall deliver to the treating physician or chiropractor that portion or a summary of that portion of the American Medical Association's Guides to the Evaluation of Permanent Impairment as adopted by the Division pursuant to NRS 616C.110 that is relevant to the type of injury incurred by the employee.~~

~~4. At the request of the insurer, the injured employee shall, before an evaluation by a rating physician or chiropractor is performed, notify the insurer of:~~

~~(a) Any previous evaluations performed to determine the extent of any of the employee's disabilities; and~~

~~(b) Any previous injury, disease or condition sustained by the employee which is relevant to the evaluation performed pursuant to this section.~~

~~The notice must be on a form approved by the Administrator and provided to the injured employee by the insurer at the time of the insurer's request.~~

~~5. Unless the regulations adopted pursuant to NRS 616C.110 provide otherwise, a rating evaluation must include an evaluation of the loss of motion, sensation and strength of an injured employee if the injury is of a type that might have caused such a loss. Except in the case of claims accepted pursuant to NRS 616C.180 [;] or section 1 of this act, no factors other than the degree~~

~~of physical impairment of the whole person may be considered in calculating the entitlement to compensation for a permanent partial disability.~~

~~6. The rating physician or chiropractor shall provide the insurer with his or her evaluation of the injured employee. After receiving the evaluation, the insurer shall, within 14 days, provide the employee with a copy of the evaluation and notify the employee:~~

~~(a) Of the compensation to which the employee is entitled pursuant to this section; or~~

~~(b) That the employee is not entitled to benefits for permanent partial disability.~~

~~7. Each 1 percent of impairment of the whole person must be compensated by a monthly payment:~~

~~(a) Of 0.5 percent of the claimant's average monthly wage for injuries sustained before July 1, 1981;~~

~~(b) Of 0.6 percent of the claimant's average monthly wage for injuries sustained on or after July 1, 1981, and before June 18, 1993;~~

~~(c) Of 0.54 percent of the claimant's average monthly wage for injuries sustained on or after June 18, 1993, and before January 1, 2000; and~~

~~(d) Of 0.6 percent of the claimant's average monthly wage for injuries sustained on or after January 1, 2000.~~

~~Compensation must commence on the date of the injury or the day following the termination of temporary disability compensation, if any, whichever is later, and must continue on a monthly basis for 5 years or until the claimant is 70 years of age, whichever is later.~~

~~8. Compensation benefits may be paid annually to claimants who will be receiving less than \$100 a month.~~

~~9. Except as otherwise provided in subsection 10, if there is a previous disability, as the loss of one eye, one hand, one foot, or any other previous permanent disability, the percentage of disability for a subsequent injury must be determined by computing the percentage of the entire disability and deducting therefrom the percentage of the previous disability as it existed at the time of the subsequent injury.~~

~~10. If a rating evaluation was completed for a previous disability involving a condition, organ or anatomical structure that is identical to the condition, organ or anatomical structure being evaluated for the present disability, the percentage of disability for a subsequent injury must be determined by deducting the percentage of the previous disability from the percentage of the present disability, regardless of the edition of the American Medical Association's Guides to the Evaluation of Permanent Impairment as adopted by the Division pursuant to NRS 616C.110 used to determine the percentage of the previous disability. The compensation awarded for a permanent disability on a subsequent injury must be reduced only by the awarded or agreed upon percentage of disability actually received by the injured employee for the previous injury regardless of the percentage of the previous disability.~~

~~11. The Division may adopt schedules for rating permanent disabilities resulting from injuries sustained before July 1, 1973, and reasonable regulations to carry out the provisions of this section.~~

~~12. The increase in compensation and benefits effected by the amendment of this section is not retroactive for accidents which occurred before July 1, 1973.~~

~~13. This section does not entitle any person to double payments for the death of an employee and a continuation of payments for a permanent partial disability, or to a greater sum in the aggregate than if the injury had been fatal.]~~
(Deleted by amendment.)

Sec. 5. NRS 617.420 is hereby amended to read as follows:

617.420 1. No compensation may be paid under this chapter for temporary total disability which does not incapacitate the employee for at least 5 cumulative days within a 20-day period from earning full wages, but if the incapacity extends for 5 or more days within a 20-day period, the compensation must then be computed from the date of disability.

2. The limitations in this section do not apply to medical benefits, including, without limitation, medical benefits pursuant to NRS 617.453, 617.455 or 617.457, or ~~[section 1 of this act,]~~ a claim to which subsection 4 or 5 of NRS 616C.180 applies, which must be paid from the date of application for payment of medical benefits.

Sec. 6. The provisions of NRS 354.599 do not apply to any additional expenses of a local government that are related to the provisions of this act.

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

Senator Spearman moved the adoption of the amendment.

Remarks by Senator Spearman.

Amendment 704 makes five changes to Assembly Bill 492. The amendment deletes Section 1, which provides that, under certain circumstances, posttraumatic stress disorder suffered by a first responder is an occupational disease compensable under industrial insurance. It amends Section 2 to provide that an injury of disease sustained by certain employees caused by extreme stress after directly witnessing certain violent events are considered as compensable injury or disease for purposes of industrial insurance if it arose out of and in the course of his or her employment and sets forth the requirements for such a claim.

Additionally, the amendment requires an agency that employs a first responder, including a first responder who is a volunteer, to provide educational training to the first responder on the awareness, prevention, mitigation and treatment of mental health issues. It amends Section 2 to also provide the definition of "directly witness," "first responder" and "mass casualty incident." It amends Sections 3 and 5 to exempt certain employees suffering from a mental injury caused by extreme stress due to directly witnessing certain violent events from provisions that prohibit the payment of temporary compensation benefits for an injury or a temporary total disability. It deletes Section 4, which exempts first responders suffering from posttraumatic stress disorder from provisions involving certain claims for stress governing payment of temporary total and permanent partial disability compensation benefits.

Amendment adopted.

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

MOTIONS, RESOLUTIONS AND NOTICES

Senator Spearman moved that Assembly Bill No. 348 be taken from the General File and placed on the Secretary's desk.

Motion carried.

GENERAL FILE AND THIRD READING

Senate Bill No. 29.

Bill read third time.

Senator Cannizzaro moved that the bill be taken from the General File and placed on the General File for the next legislative day.

Motion carried.

MOTIONS, RESOLUTIONS AND NOTICES

Senator Cannizzaro moved that Senate Bill No. 204 be taken from the General File and placed on the General File for the next legislative day.

Motion carried.

UNFINISHED BUSINESS

SIGNING OF BILLS AND RESOLUTIONS

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

GUESTS EXTENDED PRIVILEGE OF SENATE FLOOR

On request of Senator Goicoechea, the privilege of the floor of the Senate Chamber for this day was extended to George Combs.

On request of Senator Kieckhefer, the privilege of the floor of the Senate Chamber for this day was extended to Mike Torvinen.

On request of Senator Seevers Gansert, the privilege of the floor of the Senate Chamber for this day was extended to Josh Iveson.

On request of Senator Settlemeyer, the privilege of the floor of the Senate Chamber for this day was extended to Craig Downie.

Senator Cannizzaro moved that the Senate adjourn until Tuesday, May 21, 2019, at 11:00 a.m.

Motion carried.

Senate adjourned at 4:02 p.m.

Approved:

KATE MARSHALL
President of the Senate

Attest: CLAIRE J. CLIFT
Secretary of the Senate