Assembly called to order at 1:20 p.m.
Mr. Speaker presiding.
Roll called.
All present.
Prayer by the Chaplain, Dr. Ken Haskins.
O God, our God, how majestic is Your Name in all of the earth. We feed upon Your words and marvel at Your works. May the words of our mouths and the works of our hands be pleasing in Your sight and may they promote the best interests of all Nevadans. May we bring honor and glory to Your Name, Jesus.

AMEN.

Pledge of allegiance to the Flag.

Assemblywoman Benitez-Thompson moved that further reading of the Journal be dispensed with and the Speaker and Chief Clerk be authorized to make the necessary corrections and additions.

Motion carried.

MESSAGES FROM THE SENATE

SENATE CHAMBER, Carson City, April 19, 2021

To the Honorable the Assembly:
I have the honor to inform your honorable body that the Senate on this day passed Assembly Bills Nos. 12, 26, 41, 53; Senate Bill No. 177.

SHERRI RODRIGUEZ
Assistant Secretary of the Senate

SENATE CHAMBER, Carson City, April 19, 2021

To the Honorable the Assembly:
I have the honor to inform your honorable body that the Senate on this day passed, as amended, Senate Bills Nos. 2, 6, 8, 59, 75, 122, 127, 146, 151, 160, 166, 168, 186, 188, 190, 209, 215, 251, 290, 293, 309, 317, 327, 363, 383, 396, 406.

ANNETTE BIAMONTE
NOTICE OF EXEMPTION

April 19, 2021

The Fiscal Analysis Division, pursuant to Joint Standing Rule 14.6, has determined the eligibility for exemption of: Assembly Bill No. 56.
Also, the Fiscal Analysis Division, pursuant to Joint Standing Rule 14.6, has determined the eligibility for exemption of: Assembly Bill No. 427.

SARAH COFFMAN
Fiscal Analysis Division

Assembly Joint Resolution No. 4.
Resolution read.
Remarks by Assemblyman Watts.

ASSEMBLYMAN WATTS:
Assembly Joint Resolution 4 urges the United States Congress and the President of the United States to take action to protect Bahsahwahbee, also known as the Sacred Water Valley, in White Pine County, home to the trees known as swamp cedars.

Roll call on Assembly Joint Resolution No. 4:
YEAS—29.

Assembly Joint Resolution No. 4 having received a constitutional majority, Mr. Speaker declared it passed, as amended.
Resolution ordered transmitted to the Senate.

Assemblywoman Benitez-Thompson moved that Assembly rescind the action whereby Assembly Bill No. 383 was rereferred to the Committee on Ways and Means.
Motion carried.

Assemblywoman Benitez-Thompson moved that Assembly Bills Nos. 45, 116, 158, 243, 278, 322, 326, 341, 367, 382, 383, 384, 387, 388, and 399 be taken from their positions on the General File and placed at the top of the General File.
Motion carried.

Assemblywoman Benitez-Thompson moved that Assembly Bill No. 59 be taken from the Chief Clerk’s desk and placed at the top of the General File.
Motion carried.

Assemblywoman Benitez-Thompson moved that Assembly Bills Nos. 102, 139, 225, 231, 313, 316, and 286 be taken from their positions on the General File and placed at the bottom of the General File.
Motion carried.

GENERAL FILE AND THIRD READING

Assembly Bill No. 59.
Bill read third time.
The following amendment was proposed by Assemblyman Yeager:

Amendment No. 478.

AN ACT relating to tobacco; increasing the minimum legal sales age for tobacco products; revising the punishment for certain prohibited acts relating to the sale of tobacco products; revising certain definitions relating to tobacco products for the purposes of the regulation and taxation of tobacco products; provisions relating to delivery sales of tobacco products; eliminating certain duplicative requirements concerning the sale of cigarettes; and providing other matters properly relating thereto.

Legislative Counsel's Digest:

Existing law prohibits a person from selling, distributing or offering to sell cigarettes, cigarette paper or other tobacco products to a child under the age of 18 years. (NRS 202.24935, 370.521) Sections 1, 2 and 8 of this bill prohibit a person from selling, distributing or offering to sell cigarettes, cigarette paper or other tobacco products to a person under 21 years of age. Section 3 of this bill revises the provisions governing the random, unannounced inspection of locations that sell tobacco products to make conforming changes which are necessary because of the increase in the minimum legal sales age for tobacco products. Section 3 also requires that, to the extent possible, an inspection of each location must be conducted at least once every 3 years.

Section 2 removes the existing penalty for a person who knowingly distributes cigarettes, cigarette paper or other tobacco products to a person under 21 years of age through a telephonic, computer or electronic network, and sections 2 and 6 of this bill instead make distributing cigarettes, cigarette paper or other tobacco products to a person under 21 years of age through a telephonic, computer or electronic network punishable by certain administrative, civil or criminal penalties.

Existing law requires a person who sells cigarettes, cigarette paper or other tobacco products through an electronic network to use an independent, third-party age verification service to establish the age of the customer before sending the items to the customer. A seller may alternatively require the customer to create an online account which requires the customer to provide certain personal information or a copy of a government-issued identification card. (NRS 202.24935) Section 2 eliminates the authorization for sellers to require a customer to create an online account, thereby requiring sellers to use an independent, third-party age verification system to establish the age of a customer for each sale.

[Existing law generally defines tobacco products to include cigarettes, cigarette paper, tobacco of any description, products made or derived from tobacco, vapor products and alternative nicotine products. (NRS 370.007-370.055) Sections 4 and 5 of this bill revise certain definitions relating to the regulation and taxation of tobacco products to standardize the terminology found throughout NRS.]
Existing law defines the term “delivery sale” for the purposes of regulating such sales. (NRS 370.0285) Section 4 of this bill revises the term to include the sale of cigarette paper and other tobacco products.

Section 9 of this bill eliminates a requirement of existing law relating to the mailing or shipment of cigarettes that conflict with requirements regarding the sale of cigarettes through a computer, telephonic or electronic network. (NRS 370.323) Section 9 also repeals the statutory provision creating criminal penalties for the: (1) sale of tobacco without a proper license; (2) sale of tobacco without confirming the age of the buyer; and (3) failure to submit a report of sales of tobacco to the Department of Taxation. (NRS 370.395) Sections 3.5 and 8.5 of this bill make conforming changes by removing references to the repealed section.

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

Section 1. NRS 202.2493 is hereby amended to read as follows:

202.2493 1. A person shall not sell, distribute or offer to sell cigarettes, any smokeless product made or derived from tobacco or any alternative nicotine product in any form other than in an unopened package which originated with the manufacturer and bears any health warning required by federal law. A person who violates this subsection shall be punished by a fine of $100 and a civil penalty of $100. As used in this subsection, “smokeless product made or derived from tobacco” means any product that consists of cut, ground, powdered or leaf tobacco and is intended to be placed in the oral or nasal cavity.

2. The owner of a retail establishment shall, whenever any product containing, made or derived from tobacco, vapor product, alternative nicotine product or product containing, made or derived from nicotine is being sold or offered for sale at the establishment, display prominently at the point of sale:

(a) A notice indicating that:
   (1) The sale of cigarettes, other tobacco products, vapor products and alternative nicotine products to minors is prohibited by law; and
   (2) The retailer may ask for proof of age to comply with this prohibition; and

(b) At least one sign that complies with the requirements of NRS 442.340. A person who violates this subsection shall be punished by a fine of not more than $100.

3. It is unlawful for any retailer to sell cigarettes through the use of any type of display:

(a) Which contains cigarettes and is located in any area to which customers are allowed access; and
(b) From which cigarettes are readily accessible to a customer without the assistance of the retailer, except a vending machine used in compliance with NRS 202.2494. A person who violates this subsection shall be punished by a fine of not more than $500.

Sec. 2.  NRS 202.24935 is hereby amended to read as follows:

202.24935  1.  It is unlawful for a person to knowingly sell or distribute cigarettes, cigarette paper, [tobacco of any description], products containing, made or derived from tobacco, vapor products, [or] alternative nicotine products or products containing, made or derived from nicotine to a person under the age of 21 through the use of a computer network, telephonic network or other electronic network.

2.  [A person who violates the provisions of subsection 1 shall be punished by a fine of not more than $500 and a civil penalty of not more than $500. Any money recovered pursuant to this section as a civil penalty must be deposited in the same manner as money is deposited pursuant to subsection 9 of NRS 370.521.]

3.  Every person who sells or distributes cigarettes, cigarette paper, [tobacco of any description] products containing, made or derived from tobacco, vapor products, [or] alternative nicotine products or products containing, made or derived from nicotine to an ultimate consumer in this State through the use of a computer network, telephonic network or electronic network shall:

(a) Ensure that the packaging or wrapping of the items when they are shipped is clearly marked with the word “cigarettes” or, if the items being shipped are not cigarettes, the words “tobacco products,” “vapor products” or “nicotine products,” as applicable.

(b) [Perform] Obtain the full name, date of birth and residential address of the purchaser and perform an age verification through an independent, third-party age verification service that compares information available from public records to the personal information entered by the person during the ordering process that establishes that the person is over the age of 21.

(1) Requires the customer to:
   (I) Create an online profile or account with personal information, including without limitation, a name, address, social security number and a valid phone number, that is verified through publicly available records; or
   (II) Upload a copy of a government issued identification card that includes a photograph of the customer; and

(2) Sends the package containing the items to the name and address of the customer who ordered the items.

3.  Every person who makes sales as described in subsection 2 must certify annually to the Attorney General that the person uses an independent,
third-party age verification service as described in paragraph (b) of subsection 2.

4. In addition to or in lieu of any other civil or criminal remedy provided by law, a person who violates this section is subject to:
   (a) A civil penalty in an amount not more than $1,000 for each violation; and
   (b) The suspension or revocation of the license of the person by the Department of Taxation, if the person is licensed pursuant to chapter 370 of NRS.

5. Any violation of subsection 2 constitutes a deceptive trade practice for the purpose of NRS 598.0903 to 598.0999, inclusive.

6. For the purposes of this section, any sale of cigarettes, cigarette paper, tobacco of any description, products containing, made or derived from tobacco, vapor products, [or] alternative nicotine products or products containing, made or derived from nicotine to a natural person in this State who does not intend to resell the item constitutes a sale to an ultimate consumer.

Sec. 3. NRS 202.2496 is hereby amended to read as follows:

202.2496 1. As necessary to comply with any applicable federal law, the Attorney General shall conduct random, unannounced inspections at locations where tobacco, products containing, made or derived from tobacco, vapor products, [and] alternative nicotine products and products containing, made or derived from nicotine are sold, distributed or offered for sale to inspect for and enforce compliance with NRS 202.2493, 202.2494 and 370.521, as applicable. To the extent possible, an inspection of each location must be conducted pursuant to this section at least once every 3 years. For assistance in conducting any such inspection, the Attorney General may contract with:
   (a) Any sheriff’s department;
   (b) Any police department; or
   (c) Any other person who will, in the opinion of the Attorney General, perform the inspection in a fair and impartial manner.

2. If the inspector desires to enlist the assistance of a child under the age of 18 for such an inspection, the inspector shall obtain the written consent of the child’s parent for such assistance.

3. A child person assisting in an inspection pursuant to this section shall, if questioned about his or her age, state his or her true age. [and that he or she is under 18 years of age.]

4. If a child person under 21 years of age is assisting in an inspection pursuant to this section, the person supervising the inspection shall:
   (a) Refrain from altering or attempting to alter the child’s appearance of the person to make the child person appear to be [18] 21 years of age or older.
   (b) Photograph the child person attempting to purchase tobacco, products made or derived from tobacco, vapor products or alternative nicotine products, an item described in subsection 1 immediately before the
inspection is to occur and retain any photographs taken of the [child] person pursuant to this paragraph.

5. The person supervising an inspection using the assistance of a [child] person under 21 years of age shall, within a reasonable time after the inspection is completed:

(a) Inform a representative of the business establishment from which the [child] person attempted to purchase [tobacco, products made or derived from tobacco, vapor products or alternative nicotine products] an item described in subsection 1 that an inspection has been performed and the results of that inspection.

(b) Prepare a report regarding the inspection. The report must include the following information:

   (1) The name of the person who supervised the inspection and that person's position;
   
   (2) The age and date of birth of the [child] person who assisted in the inspection;
   
   (3) The name and position of the person from whom the [child] person who assisted in the inspection attempted to purchase [tobacco, products made or derived from tobacco, vapor products or alternative nicotine products] an item described in subsection 1;
   
   (4) The name and address of the establishment at which the [child] person attempted to purchase [tobacco, products made or derived from tobacco, vapor products or alternative nicotine products] an item described in subsection 1;
   
   (5) The date and time of the inspection; and
   
   (6) The result of the inspection, including whether the inspection resulted in the sale, distribution or offering for sale of [tobacco, products made or derived from tobacco, vapor products or alternative nicotine products] an item described in subsection 1 to the [child] person under 21 years of age.

6. No administrative, civil or criminal action based upon an alleged violation of NRS 202.2493, 202.2494 or 370.521 may be brought as a result of an inspection for compliance in which the assistance of a [child] person under 21 years of age has been enlisted to attempt to purchase [tobacco, products made or derived from tobacco, vapor products or alternative nicotine products] an item described in subsection 1 unless the inspection has been conducted in accordance with the provisions of this section.

Sec. 3.5. NRS 179.121 is hereby amended to read as follows:

179.121  1. All personal property, including, without limitation, any tool, substance, weapon, machine, computer, money or security, which is used as an instrumentality in any of the following crimes is subject to forfeiture:

   (a) The commission of or attempted commission of the crime of murder, robbery, kidnapping, burglary, invasion of the home, grand larceny or theft if it is punishable as a felony;
   
   (b) The commission of or attempted commission of any felony with the intent to commit, cause, aid, further or conceal an act of terrorism;
(c) A violation of NRS 202.445 or 202.446;
(d) The commission of any crime by a criminal gang, as defined in NRS 213.1263; or

2. Except as otherwise provided for conveyances forfeitable pursuant to NRS 453.301 or 501.3857, all conveyances, including aircraft, vehicles or vessels, which are used or intended for use during the commission of a felony or a violation of NRS 202.287, 202.300 or 465.070 to 465.086, inclusive, are subject to forfeiture except that:

(a) A conveyance used by any person as a common carrier in the transaction of business as a common carrier is not subject to forfeiture under this section unless it appears that the owner or other person in charge of the conveyance is a consenting party or privy to the felony or violation;

(b) A conveyance is not subject to forfeiture under this section by reason of any act or omission established by the owner thereof to have been committed or omitted without the owner’s knowledge, consent or willful blindness;

(c) A conveyance is not subject to forfeiture for a violation of NRS 202.300 if the firearm used in the violation of that section was not loaded at the time of the violation; and

(d) A forfeiture of a conveyance encumbered by a bona fide security interest is subject to the interest of the secured party if the secured party neither had knowledge of nor consented to the felony. If a conveyance is forfeited, the appropriate law enforcement agency may pay the existing balance and retain the conveyance for official use.

3. For the purposes of this section, a firearm is loaded if:

(a) There is a cartridge in the chamber of the firearm;

(b) There is a cartridge in the cylinder of the firearm, if the firearm is a revolver; or

(c) There is a cartridge in the magazine and the magazine is in the firearm or there is a cartridge in the chamber, if the firearm is a semiautomatic firearm.

4. As used in this section, “act of terrorism” has the meaning ascribed to it in NRS 202.4415.

Sec. 4. NRS 370.0285 is hereby amended to read as follows:

370.0285 1. “Delivery sale” means any sale of cigarettes, cigarette paper or other tobacco products, whether the seller is located within or outside of the borders of this State, to a consumer in this State for which:

(a) The purchaser submits the order for the sale by means of a telephonic or other method of voice transmission, the mail or any other delivery service, or the Internet or any other on-line service; or
(b) The cigarettes, cigarette paper or other tobacco products are delivered by mail or the use of another delivery service.

2. For the purpose of this section, any sale of cigarettes, cigarette paper or other tobacco products to a natural person in this State who does not hold a current license as a wholesale or retail dealer constitutes a sale to a consumer.

Sec. 5. NRS 370.0318 is hereby amended to read as follows:

370.0318 “Other tobacco product” means any tobacco of any description, any vapor product, any alternative nicotine product or any product made or derived from tobacco, other than cigarettes. (Deleted by amendment.)

Sec. 6. NRS 370.321 is hereby amended to read as follows:

370.321 1. A person shall not accept an order for a delivery sale unless the person first obtains a license as a retail dealer.

2. A person who accepts an order for a delivery sale shall comply with all of the requirements of this chapter and chapters 202, 370A, 372 and 374 of NRS, and all other laws of this State generally applicable to sales of cigarettes, cigarette paper or other tobacco products that occur entirely within this State.

2. In addition to any other penalty authorized by law, the Attorney General may seek civil penalties against any person engaging in delivery sales in violation of this chapter or chapter 202 of NRS. Each violation is subject to a civil penalty in an amount not to exceed $1,000. Any civil penalty recovered pursuant to this section for a violation of NRS 202.24935 must be deposited into a separate account in the State General Fund to be used for the enforcement of this section and NRS 202.2493 and 202.2494.

Sec. 7. (Deleted by amendment.)

Sec. 8. NRS 370.521 is hereby amended to read as follows:

370.521 1. Except as otherwise provided in subsections 2, 3 and 4, a person shall not sell, distribute or offer to sell cigarettes, cigarette paper or other tobacco products, any product containing, made or derived from tobacco, vapor product, alternative nicotine product or product containing, made or derived from nicotine to any person under the age of 21 years.

2. A person shall be deemed to be in compliance with the provisions of subsection 1 if, before the person sells, distributes or offers to sell to another person other than cigarettes, cigarette paper, or other tobacco products, any item described in subsection 1, the person:

(a) Demands that the other person present a valid driver’s license, permanent resident card, tribal identification card or other written or documentary evidence which shows that the other person is 21 years of age or older;

(b) Is presented a valid driver’s license, permanent resident card, tribal identification card or other written or documentary evidence which shows that the other person is 21 years of age or older; and
(c) Reasonably relies upon the driver’s license, permanent resident card, tribal identification card or other written or documentary evidence presented by the other person.

3. The employer of a [child] person who is under [18] 21 years of age may, for the purpose of allowing the [child] person to handle or transport [cigarettes, cigarette paper or other tobacco products] any item described in subsection 1 in the course of the [child’s] person’s lawful employment, provide [cigarettes, cigarette paper or other tobacco products] an item described in subsection 1 to the [child] person under 21 years of age.


5. A person who violates this section is liable for a civil penalty of:
   (a) For the first violation within a 24-month period, $100.
   (b) For the second violation within a 24-month period, $250.
   (c) For the third and any subsequent violation within a 24-month period, $500.

6. If an employee or agent of a licensee has violated this section:
   (a) For the first and second violation within a 24-month period at the same premises, the licensee must be issued a warning.
   (b) For the third violation within a 24-month period at the same premises, the licensee is liable for a civil penalty of $500.
   (c) For the fourth violation within a 24-month period at the same premises, the licensee is liable for a civil penalty of $1,250.
   (d) For the fifth and any subsequent violation within a 24-month period at the same premises, the licensee is liable for a civil penalty of $2,500.

7. A peace officer or any person performing an inspection pursuant to NRS 202.2496 may issue a notice of infraction for a violation of this section. A notice of infraction must be issued on a form prescribed by the Department and must contain:
   (a) The location at which the violation occurred;
   (b) The date and time of the violation;
   (c) The name of the establishment at which the violation occurred;
   (d) The signature of the person who issued the notice of infraction;
   (e) A copy of the section which allegedly is being violated;
   (f) Information advising the person to whom the notice of infraction is issued of the manner in which, and the time within which, the person must submit an answer to the notice of infraction; and
   (g) Such other pertinent information as the peace officer or person performing the inspection pursuant to NRS 202.2496 determines is necessary.

8. A notice of infraction issued pursuant to subsection 7 or a facsimile thereof must be filed with the Department and retained by the Department and is deemed to be a public record of matters which are observed pursuant to a duty imposed by law and is prima facie evidence of the facts alleged in the notice.
9. A person to whom a notice of infraction is issued pursuant to subsection 7 shall respond to the notice by:
   (a) Admitting the violation stated in the notice and paying to the State of Nevada the applicable civil penalty set forth in subsection 5 or 6.
   (b) Denying liability for the infraction by notifying the Department and requesting a hearing in the manner indicated on the notice of infraction. Upon receipt of a request for a hearing pursuant to this paragraph, the Department shall provide the person submitting the request an opportunity for a hearing pursuant to chapter 233B of NRS.

10. Any money collected by the State of Nevada from a civil penalty pursuant to this section must be deposited in a separate account in the State General Fund to be used for the enforcement of this section and NRS 202.2493 and 202.2494.

11. As used in this section, “licensee” means a person who holds a license issued by the Department pursuant to this chapter.

Sec. 8.5. NRS 370.525 is hereby amended to read as follows:

370.525 1. Except as otherwise provided in subsection 2, a person may institute a civil action in a court of competent jurisdiction for appropriate injunctive relief if the person:
   (a) Sells, distributes or manufactures cigarettes; and
   (b) Sustains direct economic or commercial injury as a result of a violation of NRS 370.090 to 370.327, inclusive, 370.380, 370.382, 370.385, 370.395, 370.405, 370.410 or 370.531 to 370.597, inclusive.

2. Nothing in this section authorizes an action against this State, a political subdivision of this State, or an officer, employee or agency thereof.

Sec. 9. NRS 370.323 and 370.395 are hereby repealed.

Sec. 10. 1. This section and sections 1 to 3.5, inclusive, and 6 to 9, inclusive, of this act become effective upon passage and approval.
   2. Sections 4 and 5 of this act become effective on July 1, 2021.

TEXT OF REPEALED SECTIONS

370.323 Prerequisites to mailing or shipment of cigarettes; requests for electronic mail addresses of prospective purchasers.

1. A person shall not cause the mailing or shipment of cigarettes in connection with an order for a delivery sale unless the person accepting the order first:
   (a) Obtains from the prospective purchaser a certification which includes:
      (1) Reliable confirmation that the purchaser is at least 18 years of age; and
      (2) A statement signed by the prospective purchaser in writing and under penalty of perjury which:
         (I) Certifies the prospective purchaser’s address and date of birth;
(II) Confirms that the prospective purchaser understands that signing another person’s name to such certification is illegal and that sales of cigarettes to children under 18 years of age are illegal under the laws of this State; and
(III) Confirms that the prospective purchaser desires to receive mailings from a tobacco company.

(b) Makes a good faith effort to verify the information contained in the certification provided by the prospective purchaser pursuant to paragraph (a) against any federal or commercially available database established for that purpose.

(c) Sends to the prospective purchaser, by electronic mail or other means, a notice which meets the requirements of subsection 2 and requests confirmation that the order for the delivery sale was placed by the prospective purchaser.

(d) Receives from the prospective purchaser confirmation, pursuant to the request described in paragraph (c), that such person placed the order for the delivery sale.

(e) Receives payment for the delivery sale from the prospective purchaser by a credit or debit card that has been issued in that purchaser’s name.

2. The notice required by paragraph (c) of subsection 1 must include:

(a) A prominent and clearly legible statement that the sale of cigarettes to children under 18 years of age is illegal;

(b) A prominent and clearly legible statement that the sale of cigarettes is restricted to persons who provide verifiable proof of age in accordance with this section; and

(c) A prominent and clearly legible statement that sales of cigarettes are taxable under this chapter, and an explanation of how the tax has been or is to be paid with respect to the delivery sale.

3. Persons accepting orders for delivery sales may request that prospective purchasers provide their electronic mail addresses.

Penalty for violation of NRS 370.321, 370.323 or 370.327. A person who:

1. Knowingly violates any of the provisions of NRS 370.321, 370.323 or 370.327; or

2. Knowingly and falsely submits a certification pursuant to paragraph (a) of subsection 1 of NRS 370.323 in the name of another person, is guilty of a category C felony and shall be punished as provided in NRS 193.130.

Assemblyman Yeager moved the adoption of the amendment.
Remarks by Assemblyman Yeager.
Amendment adopted.
Bill ordered reprinted, reengrossed and to third reading.

Assembly Bill No. 45.
Bill read third time.
The following amendment was proposed by the Committee on Commerce and Labor:
Amendment No. 238.
AN ACT relating to insurance; [providing for the termination, under certain circumstances, of various licenses, permits, certificates of registration, certificates of authority and other authorizations to engage in an activity relating to insurance;] revising provisions relating to bonds filed by various persons regulated by the Commissioner of Insurance; revising provisions governing service of process on certain entities; revising provisions governing reinsurance; revising provisions governing the issuance, renewal and expiration of various licenses, permits, certificates of registration and other authorizations to engage in an activity relating to insurance; revising provisions relating to fees paid by various persons regulated by the Commissioner; revising requirements for holding companies; setting forth requirements relating to certain policies of stop-loss insurance; revising provisions governing coverage for maternity care and pediatric care; revising provisions governing misleading advertisements by certain persons regulated by the Commissioner; revising provisions governing annual disclosures and submission of form letters by certain persons regulated by the Commissioner; revising requirements relating to captive insurers and risk retention groups; revising requirements relating to examinations and investigations of various persons regulated by the Commissioner; [providing peace officer status to certain employees of the Division of Insurance of the Department of Business and Industry who enforce statutes and regulations governing insurance and investigate violations of such statutes or regulations;] revising provisions governing the applicability of laws to various persons regulated by the Commissioner; [transferring duties for the licensing and regulation of employee leasing companies from the Administrator of the Division of Industrial Relations of the Department to the Commissioner;] and providing other matters properly relating thereto.

Legislative Counsel’s Digest:
Existing law authorizes the Commissioner of Insurance to regulate insurance in this State. (NRS 679B.120, 679B.130) This bill adds to, revises and repeals various provisions of existing law relating to the regulation of insurance, primarily in title 57 of NRS. [Existing law authorizes the Commissioner to issue various licenses, permits, certificates of registration, certificates of authority and other authorizations to engage in an activity relating to insurance. (Title 57 of NRS) Section 2 of this bill authorizes the Commissioner to terminate, under certain circumstances, any such license, permit, certificate of registration, certificate of authority or other authorization to engage in an activity relating to insurance.]

Existing law requires a bond to be filed under certain circumstances by various persons regulated by the Commissioner. (NRS 692A.1041) Section 3 of this bill sets forth requirements for, and procedures relating to, such bonds.
Section 49 of this bill indicates the placement of sections 2 and 3 within chapter 679B of NRS.

Existing law requires a health carrier to submit to the Commissioner copies of certain form letters used by the health carrier. (NRS 679B.124) Section 3.2 of this bill revises the requirements concerning submission of the letters.

Existing law provides for service of process on certain insurers by serving the Commissioner. (NRS 680A.260) Sections 3.5, 4, 13.5, 20.5, 60.5 and 78.5 of this bill revise the procedure for such service of process.

Existing law sets forth various fees applicable to persons and entities regulated by the Commissioner. (NRS 680B.010) Section 5 of this bill adds fees relating to agents who perform utilization reviews, motor clubs, motor club agents, title plant companies and service contract providers. Sections 14, 51, 56, 72 and 73 of this bill delete the same fees from the sections of the individual chapters which govern those specific persons and entities but the fees all remain unchanged.

Existing law provides for fees to be collected by the Commissioner for deposit in the Fund for Insurance Administration and Enforcement. (NRS 680C.110) These fees are paid by various persons regulated by the Commissioner, including service contract providers. (NRS 680C.160) Section 6 of this bill makes conforming changes to account for the fee paid by service contract providers for deposit in the Fund being changed from an annual fee to a biennial fee in section 51 of this bill. The amount of the fee remains unchanged.

Existing law sets forth requirements for reinsurers and reinsurance. (NRS 681A.110-681A.580) Sections 6.05 to 6.96 of this bill revise those requirements and add new requirements in accordance with new and revised guidance from the National Association of Insurance Commissioners.

Existing law requires a bond to be filed by a manager for reinsurance. (NRS 681A.420) Section 7 of this bill provides that the bond must meet the requirements set forth in section 3.

Existing law defines the term “equity interest” for the purposes of regulating investments by insurers. (NRS 682A.069) Section 8 of this bill revises the definition to limit the instruments which qualify as equity interests.

Existing law provides that a certificate of registration as an administrator is valid for 3 years. (NRS 683A.08526) Section 9 of this bill specifies the day on which the certificate expires after it is originally issued and after it is renewed.

Existing law requires a bond to be filed by an administrator, a fraternal benefit society, an organization for dental care or its officers, a bail agent, a bail solicitor and a general agent. (NRS 683A.0857, 695A.060, 695D.180, 697.190) Sections 10, 60, 64 and 74 of this bill revise the requirements relating to the bond and provide that the bond must meet the requirements set forth in section 3.
Existing law provides for the licensure of managing general agents. (NRS 683A.140, 683A.160) **Section 11** of this bill adds requirements for firms and corporations to qualify for licensure as a managing general agent. **Section 12** of this bill adds requirements relating to: (1) the renewal of a license as a managing general agent; (2) the information included on the license; and (3) a change in a licensee’s business, residence or electronic mail address.

Existing law provides for the licensure of producers of insurance. (NRS 683A.261) **Section 13** of this bill revises the requirements relating to the renewal and reinstatement of a license as a producer of insurance.

Existing law provides for the renewal of a license as an insurance consultant. (NRS 683C.040) **Section 15** of this bill revises the requirements relating to the renewal and reinstatement of a license as an insurance consultant. **Sections 16, 19, 20 and 75** of this bill specify the day on which the license expires after it is originally issued and after it is renewed.

Existing law provides for the licensure of motor vehicle physical damage appraisers and requires a bond to be filed by a motor vehicle physical damage appraiser. (NRS 684B.020, 684B.030) **Section 17** of this bill revises the requirements relating to the bond and provides that the bond must meet the requirements set forth in section 3. Existing law provides that the fees paid by an applicant for a license as a motor vehicle physical damage appraiser must be refunded to the applicant if the application is refused. (NRS 684B.060) **Section 18** of this bill makes these fees nonrefundable.

Existing law requires a bond to be filed by a company which finances certain insurance premiums. (NRS 686A.330, 686A.360) **Section 21** of this bill revises the requirements relating to the bond and provides that the bond must meet the requirements set forth in section 3.

Existing law sets forth specific requirements for various types of insurance policies and contracts and the insurers who issue them. (Chapter 687B of NRS) **Sections 22-35** of this bill set forth new provisions to govern certain policies of stop-loss insurance. **Section 32** of this bill requires insurers who issue the policies of stop-loss insurance to report to the Commissioner the premiums written in this State for such policies. **Section 33** of this bill requires an insurer who issues a policy of stop-loss insurance relating to a group health plan to exercise reasonable diligence with regard to the legitimacy of and authority for the group health plan before issuing the policy. **Sections 34 and 35** of this bill: (1) require advance filing with the Commissioner of the policy forms for certain policies of stop-loss insurance, as well as advance approval from the
Commissioner for the policy forms; and (2) set forth specific requirements for the contents of the policy forms.

Existing law requires a bond or other security to be provided by a viatical settlement investment agent, a broker of viatical settlements, a provider of viatical settlements or a person who obtains a seller’s certificate of authority to sell prepaid contracts for funeral services. (NRS 688C.200, 689.125, 689.150, 689.185) Sections 36 and 37 of this bill revise the requirements relating to the bond and provide that the bond must meet the requirements set forth in section 3.

Existing law provides for the renewal of an agent’s license to solicit the sale of prepaid contracts for funeral services. (NRS 689.035, 689.150, 689.255) Section 38 of this bill specifies the day on which the license expires after it is originally issued and after it is renewed.

Existing law requires a bond or other security to be provided by a person who obtains a seller’s permit to sell prepaid contracts for burial services and burial merchandise. (NRS 689.125, 689.455, 689.460, 689.475, 689.495) Section 39 of this bill revises the requirements relating to the bond and provides that the bond must meet the requirements set forth in section 3.

Existing law provides for the renewal of a seller’s permit to sell prepaid contracts for burial services and burial merchandise. (NRS 689.125, 689.455, 689.460, 689.475, 689.505) Section 40 of this bill specifies the day on which the permit expires after it is originally issued and after it is renewed.

Existing law requires a bond or other security to be provided by a group of persons who obtains a certificate of registration as a voluntary purchasing group. (NRS 689C.560) Section 45 of this bill revises the requirements relating to the bond and provides that the bond must meet the requirements set forth in section 3.

Existing law governs service contract providers, including, without limitation, by providing for the issuance of certificates of registration as such a provider. (NRS 690C.160) Sections 46-48 of this bill add standard provisions relating to child support obligations of natural persons who apply for or hold certificates of registration. Section 50 of this bill clarifies that a person must be issued a certificate of registration before issuing, selling or offering for sale any service contracts. Section 51 of this bill revises requirements relating to initial applications for certificates of registration and applications for the
renewal of certificates, including, without limitation, by adding requirements specific to applicants who are natural persons. Section 51 also revises the requirements relating to the fee collected for deposit in the Fund for Insurance Administration and Enforcement. Existing law requires this fee to be paid every year. (NRS 690C.160) Section 51 requires the fee be paid only once every 2 years. The amount of this fee remains unchanged. Conforming changes to account for this fee changing from an annual fee to a biennial fee are contained in section 6. Existing law further requires that a bond or other security be provided by a service contract provider. (NRS 690C.170) Section 52 of this bill revises the requirements relating to the bond and provides that the bond must meet the requirements set forth in section 3. Finally, existing law sets forth requirements to prohibit false or misleading language or omissions in service contracts. (NRS 690C.260) Section 53 of this bill expands those prohibitions to cover advertisements as well as service contracts, and expands the persons who must comply with these prohibitions to cover not only the provider, but also affiliates or business partners of the provider.

Existing law provides for the renewal of a license as an escrow officer. (NRS 692A.103) Section 54 of this bill revises these requirements and adds requirements relating to: (1) the reinstatement of an expired license; (2) the information included on the license; and (3) a change in a licensee’s business, residence or electronic mail address.

Existing law requires a bond or other security to be provided by a title agent and a title insurer as a condition of doing business. (NRS 692A.1041) Section 55 of this bill revises the requirements relating to the bond and provides that the bond must meet the requirements set forth in section 3.

Existing law sets forth requirements governing holding companies. (Chapter 692C of NRS) Sections 56.10 to 56.55 and section 57.5 of this bill revise those requirements as with regard to capital requirements and calculations, liquidity stress tests and confidentiality of information.

Existing law requires each insurer or group of insurers each year to submit to the Commissioner a corporate governance annual disclosure containing certain information required by the Commissioner. (NRS 692C.3504) Section 57 of this bill requires each insurer or insurance group, after the first such submission, to submit an amended version of the previous year’s disclosure which shows the changes made for the current year.

Existing law governs captive insurers. (Chapter 694C of NRS) Under existing law, a licensed captive insurer may apply for and be issued a certificate of dormancy. (NRS 694C.259) Section 58 of this bill revises provisions governing: (1) qualifications needed for a certificate of dormancy; (2) the applicability of certain requirements to a dormant captive insurer; (3) renewal and expiration of a certificate of dormancy; and (4) requirements applicable to a captive insurer whose certificate of dormancy expires. Existing law also sets forth requirements for a captive insurer to transact business. (NRS 694C.310) Section 59 of this bill revises those requirements, including,
without limitation, by providing for periodic reviews of persons who manage
the affairs of a captive insurer.

Existing law governs nonprofit hospital and medical or dental service
corporations. (Chapter 695B of NRS) **Section 61** of this bill expands the list
of the provisions of law to which nonprofit hospital and medical or dental
service corporations are expressly made subject.

Existing law governs health maintenance organizations. (Chapter 695C of
NRS) **Section 62** of this bill expands the list of the provisions of law to which
health maintenance organizations are expressly made subject.

Existing law governs organizations for dental care. (Chapter 695D of NRS)
**Section 63** of this bill expands the list of the provisions of law to which
organizations for dental care are expressly made subject.

Existing law governs risk retention groups. (Chapter 695E of NRS) Under
existing law a risk retention group chartered in a state other than this State
must comply with certain requirements before seeking to transact insurance as
a risk retention group in this State. (NRS 695E.140) **Section 65** of this bill
clarifies that such a risk retention group must comply with the existing
statutory requirements including, without limitation, that the risk retention
group must: (1) submit a statement of registration; and (2) pay any fees
associated with the statement of registration. **Section 66** of this bill expands
the list of the provisions of law to which risk retention groups and their agents
and representatives are expressly made subject.

Existing law governs prepaid limited health service organizations. (Chapter
695F of NRS) **Section 67** of this bill expands the list of the provisions of law
to which prepaid limited health service organizations are expressly made
subject. **Section 68** of this bill changes which provisions of law govern certain
investments by prepaid limited health service organizations. **Section 69** of this
bill revises provisions governing examinations and investigations of prepaid
limited health service organizations.

Existing law provides for the renewal of a certificate as an exchange
enrollment facilitator. (NRS 695J.140) **Section 70** of this bill revises the
requirements for renewal.

Existing law requires a bond or other security to be provided by a person
who renders or agrees to render motor club services. (NRS 696A.080) **Section
71** of this bill requires that the bond must meet the requirements set forth in
**section 3**.

Existing law provides for the licensure of a club agent for a motor club.
(NRS 696A.300) **Section 73** of this bill specifies the day on which the license
expires after it is originally issued and after it is renewed.

Existing law provides that the Commissioner and the chief deputy of the
Commissioner are peace officers for certain limited purposes. (NRS 289.310)
**Section 76** of this bill provides peace officer status for certain limited purposes
to certain employees of the Division of Insurance of the Department of
Business and Industry who enforce statutes and regulations governing
insurance and investigate violations of such statutes and regulations.
Existing law governs employee leasing companies. (NRS 616B.670-616B.697) An employee leasing company is an entity which places regular, full-time employees of a client company on the employee leasing company’s payroll and, for a fee, leases the employees to the client company. (NRS 616B.670) Pursuant to existing law, employee leasing companies are licensed and regulated by the Administrator of the Division of Industrial Relations of the Department of Business and Industry. (NRS 616A.040, 616A.100, 616B.673, 616B.694) Sections 77 and 80-85 of this bill transfer these duties from the Administrator of the Division to the Commissioner of Insurance. Specifically, section 77 of this bill eliminates the requirement in existing law that requires the Division to determine whether an employee leasing company is entitled to a certificate of registration. (NRS 616A.465) Existing law prohibits a person from operating an employee leasing company in this State without obtaining a certificate of registration issued by the Administrator. (NRS 616B.673) Section 80 of this bill transfers the duty to issue a certificate of registration from the Administrator to the Commissioner. Existing law requires an applicant for the issuance or renewal of a certificate of registration to operate an employee leasing company to submit to the Administrator a written application upon a form provided by the Administrator. (NRS 616B.676) Section 81 of this bill requires an applicant instead to submit an application to the Commissioner upon a form provided by the Commissioner. Existing law: (1) requires each application for a certificate of registration to operate an employee leasing company to include any information the Administrator requires; (2) requires an applicant to submit to the Administrator any change in the required application information; and (3) authorizes the Administrator to revoke the certificate of registration of an employee leasing company that fails to comply with certain statutory requirements. (NRS 616B.679) Section 82 of this bill: (1) requires each application for a certificate of registration to operate an employee leasing company to include any information the Commissioner requires; (2) requires an applicant to submit to the Commissioner any change in the required application information; and (3) authorizes the Commissioner to revoke the certificate of registration of an employee leasing company that fails to comply with statutory requirements. Existing law authorizes the Administrator to adopt regulations setting forth qualifications for an assurance organization to act on behalf of an employee leasing company in complying with certain statutory requirements. (NRS 616B.693) Section 83 of this bill authorizes instead the Commissioner to adopt the regulations. Existing law authorizes the Administrator generally to adopt regulations governing employee leasing companies. (NRS 616B.694) Section 84 of this bill authorizes instead the Commissioner to adopt the regulations. Finally, section 85 of this bill sets forth transitory provisions to account for the transferring of duties for the licensing and regulation of employee leasing companies from the Administrator to the Commissioner.

Existing law requires a bond or other security to be provided by a self-insured employer for the purposes of the statutes governing industrial
insurance. (NRS 616A.305, 616B.300) Section 78 of this bill deletes requirements relating to termination of the bond. These existing provisions are subsumed within the new provisions in section 3 governing bonds.

Existing law requires a bond or other security to be provided by an association of self-insured public or private employers for the purposes of the statutes governing industrial insurance. (NRS 616A.050, 616A.055, 616B.353) Section 79 of this bill revises requirements relating to termination of the bond.

Section 86 of this bill repeals existing law governing the cancellation of bonds of title agents and title insurers. These existing provisions are subsumed within the new provisions in section 3 governing bonds. Section 86 also repeals existing law specifically governing investments by prepaid limited health service organizations. These existing provisions are replaced by revisions made in sections 67 and 68, which address such investments.

Section 87 of this bill provides various effective dates and expiration dates for different sections of this bill.

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

Section 1. [Chapter 679B of NRS is hereby amended by adding thereto the provisions set forth as sections 2 and 3 of this act.] (Deleted by amendment.)

Sec. 2. [The Commissioner may terminate without a hearing a license if the person fails to maintain a qualification for the license.]

 Sec. 3. Chapter 678B of NRS is hereby amended by adding thereto a new section to read as follows:

1. This section applies to every person regulated by the Commissioner or the Division for which a specific statute other than this section requires a bond for the person to qualify for a license or authorizes the person to file a bond as security to qualify for a license. This section does not require any licensee to obtain a bond unless one is otherwise required by law. The provisions of this section govern the bond and any claim against the bond to the extent the provisions of this section do not conflict with the provisions of the specific statutes which govern the license.
2. A person may provide a substitute form of security in lieu of the bond if the specific statutes which govern the license authorize the substitute form of security.

3. Except as otherwise provided in this section, the person must deposit with the Commissioner and keep in full force and effect a surety bond payable to the State of Nevada, in an amount set forth by the Commissioner in regulation. The bond must be executed by a corporate surety which is authorized to do business in this State and is satisfactory to the Commissioner. The bond must name as principal the person, and must be in substantially the following form:

Know All Persons by These Presents, that ................., as principal, and ................., as surety, are held and firmly bound unto the State of Nevada for the use and benefit of any person who suffers damages because of a violation of any of the provisions of Nevada law relating to insurance, in the sum of ..........., lawful money of the United States, to be paid to the State of Nevada for such use and benefit, for which payment well and truly to be made, and that we bind ourselves, our heirs, executors, administrators, successors and assigns, jointly and severally, firmly by these presents.

The condition of that obligation is such that: WHEREAS, the Commissioner of Insurance of the Department of Business and Industry of the State of Nevada has issued the principal a ........... (license, permit, certificate of registration, certificate of authority or other authorization) pursuant to Nevada law relating to insurance, and the principal is required to furnish a bond, which is conditioned as set forth in this bond:

Now, therefore, if the principal, the principal’s agents and employees, strictly, honestly and faithfully comply with the provisions of Nevada law relating to insurance, and pay all damages suffered by any person because of a violation of any of the provisions of Nevada law relating to insurance, or by reason of any fraud, dishonesty, misrepresentation or concealment of material facts growing out of any transaction governed by the provisions of Nevada law relating to insurance, then this obligation is void; otherwise it remains in full force.

This bond becomes effective on the ..........(day) of ..........(month) of ......(year), and remains in force until the surety is released from liability by the Commissioner of Insurance or until this bond is cancelled by the surety. The surety may cancel this bond and be relieved of further liability hereunder by giving written notice to the principal and to the Commissioner of Insurance of the Department of Business and Industry of the State of Nevada in accordance with Nevada law.

In Witness Whereof, the seal and signature of the principal hereto is affixed, and the corporate seal and the name of the surety hereto is
affixed and attested by its authorized officers at ...................., Nevada, this ....................(day) of ....................(month) of ......(year).

....................................................... (Seal)
Principal
....................................................... (Seal)
Surety
By...............................................................
Attorney-in-fact
.................................................................   Nevada licensed insurance agent

4. The bond must remain in force until released by the Commissioner or cancelled by the surety. Except as otherwise provided by law, the surety may cancel the bond upon 60 days’ advance written notice to the Commissioner and to the person to whom the bond relates. Cancellation of the bond does not limit liability which was incurred under the bond before the cancellation.

5. If the bond is cancelled, the license of the person to whom the bond relates is revoked by operation of law as of the date the bond is cancelled unless the person:
   (a) Has on file another bond which meets all applicable requirements;
   (b) Before the date the bond is cancelled, provides a replacement bond which meets all applicable requirements; or
   (c) Before the date the bond is cancelled, provides a substitute form of security which is authorized by and meets the requirements of the specific statutes which govern the license.

6. As used in this section, “license” means any license, permit, certificate of registration, certificate of authority or other authorization to engage in an activity relating to insurance which is issued to a person by the Commissioner or the Division.

Sec. 3.2. NRS 679B.124 is hereby amended to read as follows:

679B.124 1. The Commissioner shall:
   (a) Develop, prescribe and make available on an Internet website maintained by the Division a form letter that a health carrier must use to notify a provider of health care of the denial of his or her application to be included in the network of providers of the health carrier. The form letter must include, without limitation, a place for the health carrier to explain the reason for the denial of the application.
   (b) Hold hearings to solicit public input when developing the form letter described in paragraph (a) and consider such input when developing the form letter.

2. A health carrier shall submit to the Commissioner a copy of each form letter sent to a provider of health care pursuant to subsection 1, at the same time the letter is sent to the provider of health care. The Commissioner shall determine the frequency with which such form letters must be submitted by the health carrier to the Commissioner.

Except as otherwise provided in
subsection 3, the forms submitted pursuant to this subsection and the information contained therein are confidential.

3. The Commissioner shall:
   (a) Annually compile a report using aggregated data from the forms collected pursuant to subsection 2 concerning trends in the denial of applications of providers of health care to be included in the network of providers of a health carrier. The report must include, without limitation, the number of total denials, the number of denials for different types of providers of health care, the number of denials by different carriers and the reasons for such denials.
   (b) Post the report on an Internet website maintained by the Division.
   (c) Submit the report to the Governor and the Director of the Legislative Counsel Bureau for transmittal to the Legislature.

4. As used in this section, “health carrier” means an entity subject to the insurance laws and regulations of this State, or subject to the jurisdiction of the Commissioner, that contracts or offers to contract to provide, deliver, arrange for, pay for or reimburse any of the costs of health care services, including, without limitation, a sickness and accident health insurance company, a health maintenance organization, a nonprofit hospital and health service corporation or any other entity providing a plan of health insurance, health benefits or health care services.

Sec. 3.5. NRS 680A.250 is hereby amended to read as follows:

680A.250  1. Before the Commissioner may authorize it to transact insurance in this state, each insurer must appoint the Commissioner, and the Commissioner’s successors in office, as its attorney in fact to receive service of legal process issued against the insurer in this state. The appointment must be made on a form as designated and furnished by the Commissioner, and must be accompanied by a copy of a resolution of the board of directors or like governing body of the insurer, if an incorporated insurer, showing that those officers who executed the appointment were authorized to do so on behalf of the insurer.

2. The appointment must be irrevocable, must bind the insurer and any successor in interest to the assets or liabilities of the insurer, and must remain in effect as long as there is in force any contract of the insurer in this state or any obligation of the insurer arising out of its transactions in this state.

3. Service of such process against a foreign or alien insurer must be made only by service thereof upon the Commissioner.

4. Service of such process against a domestic insurer may be made as provided in this section, or in any other manner provided by Nevada Rules of Civil Procedure.

5. At the time of application for a certificate of authority the insurer shall file the appointment with the Commissioner, together with a designation of the person to whom process against it served upon the Commissioner is to be forwarded. The insurer shall provide written notice to the Commissioner of any change of such a designation by a new filing.
6. Service of process against an insurer for whom the Commissioner is attorney in fact must be made in accordance with NRS 680A.260.

Sec. 4. NRS 680A.260 is hereby amended to read as follows:

680A.260 1. Service of process against an insurer for whom the Commissioner is attorney in fact for the purpose of receiving service of process, such service must be made by delivering to and leaving with the [Commissioner, the Commissioner’s deputy, or a person in apparent charge of the office of the Commissioner during the Commissioner’s absence, two copies] Division, one copy of the process, together with the fee therefor as specified in NRS 680B.010, taxable as costs in the action.

2. Upon such service, the [Commissioner, Division shall forthwith mail by certified mail one of the copies of forward such process, with the date and time of service of the same on the [Commissioner, Division noted thereon, to the person currently designated by the insurer to receive the copy as provided in NRS 680A.250] by specific statute. Service of process is complete when the copy has been so [mailed, forwarded.

3. Process served in the manner provided by this section for all purposes constitutes valid and binding personal service upon the insurer within this state. If summons is served under this section, the time within which the insurer is required to appear must be extended an additional 10 days beyond that otherwise allowed by Nevada Rules of Civil Procedure.

4. The Commissioner shall keep a record of the day of service upon him or her of all legal process.

5. For the purposes of this section, “process” includes only a summons or the initial documents served in an action. The Commissioner is not required to serve any documents after the initial service of process.

Sec. 5. NRS 680B.010 is hereby amended to read as follows:

680B.010 The Commissioner shall collect in advance and receipt for, and persons so served must pay to the Commissioner, fees and miscellaneous charges as follows:

1. Insurer’s certificate of authority:
   (a) Filing initial application............................................................... $2,450
   (b) Issuance of certificate:
       (1) For any one kind of insurance as defined in NRS 681A.010 to 681A.080, inclusive ............................................................... 283
       (2) For two or more kinds of insurance as so defined ................ 578
       (3) For a reinsurer................................................................. 2,450
   (c) Each annual continuation of a certificate................................. 2,450
   (d) Reinstatement pursuant to NRS 680A.180, 50 percent of the annual continuation fee otherwise required.
   (e) Registration of additional title pursuant to NRS 680A.240............................................................... 50
   (f) Annual renewal of the registration of additional title pursuant to NRS 680A.240............................................................... 25
2. Charter documents, other than those filed with an application for a certificate of authority. Filing amendments to articles of incorporation, charter, bylaws, power of attorney and other constituent documents of the insurer, each document ....................... $10
3. Annual statement or report. For filing annual statement or report ...................................................................................................................... $25
4. Service of process:
   (a) Filing of power of attorney ................................................................. $5
   (b) Acceptance of service of process .......................................................... 30
5. Licenses, appointments and renewals for producers of insurance:
   (a) Application and license ..................................................................... $125
   (b) Appointment fee for each insurer ....................................................... 15
   (c) Triennial renewal of each license ......................................................... 125
   (d) Temporary license ........................................................................... 10
   (e) Modification of an existing license .................................................... 50
6. Surplus lines brokers:
   (a) Application and license ..................................................................... $125
   (b) Triennial renewal of each license ......................................................... 125
7. Managing general agents’ licenses, appointments and renewals:
   (a) Application and license ..................................................................... $125
   (b) Appointment fee for each insurer ....................................................... 15
   (c) Triennial renewal of each license ......................................................... 125
8. Adjusters’, as defined in NRS 684A.030, licenses and renewals:
   (a) Application and license ..................................................................... $125
   (b) Triennial renewal of each license ......................................................... 125
9. Licenses and renewals for appraisers of physical damage to motor vehicles:
   (a) Application and license ..................................................................... $125
   (b) Triennial renewal of each license ......................................................... 125
10. Additional title and property insurers pursuant to NRS 680A.240:
    (a) Original registration .......................................................................... $50
    (b) Annual renewal .................................................................................. 25
11. Insurance vending machines:
    (a) Application and license, for each machine ...................................... $125
    (b) Triennial renewal of each license ..................................................... 125
12. Permit for solicitation for securities:
    (a) Application for permit ....................................................................... $100
    (b) Extension of permit .......................................................................... 50
13. Securities salespersons for domestic insurers:
    (a) Application and license ..................................................................... $25
    (b) Annual renewal of license ................................................................. 15
14. Rating organizations:
   (a) Application and license................................................................. $500
   (b) Annual renewal................................................................. 500

15. Certificates and renewals for administrators licensed pursuant to chapter 683A of NRS:
   (a) Application and certificate of registration ........................................ $125
   (b) Triennial renewal................................................................. 125

16. For copies of the insurance laws of Nevada, a fee which is not less than the cost of producing the copies.

17. Certified copies of certificates of authority and licenses issued pursuant to the Code ................................................................. $10

18. For copies and amendments of documents on file in the Division, a reasonable charge fixed by the Commissioner, including charges for duplicating or amending the forms and for certifying the copies and affixing the official seal.

19. Letter of clearance for a producer of insurance or other licensee if requested by someone other than the licensee ................................. $10

20. Certificate of status as a producer of insurance or other licensee if requested by someone other than the licensee ................................. $10

21. Licenses, appointments and renewals for bail agents:
   (a) Application and license................................................................. $125
   (b) Appointment for each surety insurer .................................................. 15
   (c) Triennial renewal of each license ..................................................... 125

22. Licenses and renewals for bail enforcement agents:
   (a) Application and license................................................................. $125
   (b) Triennial renewal of each license ..................................................... 125

23. Licenses, appointments and renewals for general agents for bail:
   (a) Application and license................................................................. $125
   (b) Initial appointment by each insurer .................................................... 15
   (c) Triennial renewal of each license ..................................................... 125

24. Licenses and renewals for bail solicitors:
   (a) Application and license................................................................. $125
   (b) Triennial renewal of each license ..................................................... 125

25. Licenses and renewals for title agents and escrow officers:
   (a) Application and license................................................................. $125
   (b) Triennial renewal of each license ..................................................... 125
   (c) Appointment fee for each title insurer ................................................ 15

26. Certificate of authority and renewal for a seller of prepaid funeral contracts ................................................................. $125

27. Licenses and renewals for agents for prepaid funeral contracts:
   (a) Application and license................................................................. $125
   (b) Triennial renewal of each license ..................................................... 125
28. Reinsurance intermediary broker or manager:
   (a) Application and license ............................................................... $125
   (b) Triennial renewal of each license .................................................. 125

29. Agents for and sellers of prepaid burial contracts:
   (a) Application and certificate or license ............................................. $125
   (b) Triennial renewal ........................................................................ 125

30. Risk retention groups:
   (a) Initial registration ........................................................................ $250
   (b) Each annual continuation of a certificate of registration ............... $250

31. Required filing of forms:
   (a) For rates and policies ................................................................... $25
   (b) For riders and endorsements .......................................................... 10

32. Viatical settlements:
   (a) Provider of viatical settlements:
       (1) Application and license .......................................................... $1,000
       (2) Annual renewal ...................................................................... 1,000
   (b) Broker of viatical settlements:
       (1) Application and license .......................................................... $500
       (2) Annual renewal ...................................................................... 500
   (c) Registration of producer of insurance acting as a viatical settlement broker ................. $250

33. Insurance consultants:
   (a) Application and license ............................................................... $125
   (b) Triennial renewal ........................................................................ 125

34. Licensee’s association with or appointment or sponsorship by an organization:
   (a) Initial appointment, association or sponsorship, for each organization .................................................. $50
   (b) Renewal of each association or sponsorship .................................. 50
   (c) Annual renewal of appointment ..................................................... 15

35. Purchasing groups:
   (a) Initial registration and review of an application ................................ $100
   (b) Each annual continuation of registration ....................................... 100

36. Exchange enrollment facilitators:
   (a) Application and certificate .......................................................... $125
   (b) Triennial renewal of each certificate ............................................. 125
   (c) Temporary certificate .................................................................. 10

37. Agent who performs utilization reviews:
   (a) Application and registration ......................................................... $250
   (b) Renewal of registration ............................................................... 250

38. Motor club:
   (a) Filing of application ...................................................................... $500
   (b) Issuance of certificate ................................................................. 283

39. Motor club agent:
   (a) Application and license ............................................................... $78
Appointment by each motor club ................................. 5
Triennial renewal of each license ................................. 78

Title plant company:
(a) Application and license .............................................. $10
(b) Renewal of license .................................................... 10

Service contract provider:
(a) Application and registration ....................................... $2,000
(b) Renewal of registration ............................................. 2,000

In addition to any other fee or charge, all applicable fees required of any person, including, without limitation, persons listed in this section, pursuant to NRS 680C.110.

Sec. 6. NRS 680C.110 is hereby amended to read as follows:

NRS 680C.110. 1. In addition to any other fee or charge, the Commissioner shall collect in advance and receipt for, and persons so served must pay to the Commissioner, the fees required by this section.

2. A fee required by this section must be:
(a) An initial fee, paid at the time of an initial application or issuance of a license, as applicable;
(b) Except as otherwise provided in NRS 680A.180, 683A.378, 686A.380, 690C.160, 694C.230, 695A.135, 695B.135, 695D.150, 695H.090 and 696A.150, if an annual fee, paid on or before the date established by regulation of the Commissioner;
(c) If a triennial fee, paid on or before the time of continuation, renewal or other similar action in regard to a certificate, license, permit or other type of authorization, as applicable; and
(d) Deposited in the Fund for Insurance Administration and Enforcement created by NRS 680C.100.

3. The fees required pursuant to this section are not refundable.

4. The following fees must be paid by the following persons to the Commissioner:
(a) Associations of self-insured private employers, as defined in NRS 616A.050:
   (1) Initial fee ......................................................... $1,300
   (2) Annual fee ...................................................... $1,300
(b) Associations of self-insured public employers, as defined in NRS 616A.055:
   (1) Initial fee ......................................................... $1,300
   (2) Annual fee ...................................................... $1,300
(c) Independent review organizations, as provided for in NRS 616A.469 or 683A.3715, or both:
   (1) Initial fee ......................................................... $60
   (2) Annual fee ...................................................... $60
(d) Producers of insurance, as defined in NRS 679A.117:
   (1) Initial fee ......................................................... $60
   (2) Triennial fee ...................................................... $60
(e) Reinsurers, as provided for in NRS 681A.1551 or 681A.160, as applicable:
   (1) Initial fee ............................................. $1,300
   (2) Annual fee ........................................ $1,300

(f) Intermediaries, as defined in NRS 681A.330:
   (1) Initial fee ........................................ $60
   (2) Triennial fee ...................................... $60

(g) Reinsurers, as defined in NRS 681A.370:
   (1) Initial fee ........................................ $1,300
   (2) Annual fee ........................................ $1,300

(h) Administrators, as defined in NRS 683A.025:
   (1) Initial fee ........................................ $60
   (2) Triennial fee ...................................... $60

(i) Managing general agents, as defined in NRS 683A.060:
   (1) Initial fee ........................................ $60
   (2) Triennial fee ...................................... $60

(j) Agents who perform utilization reviews, as defined in NRS 683A.376:
   (1) Initial fee ........................................ $60
   (2) Triennial fee ...................................... $60

(k) Insurance consultants, as defined in NRS 683C.010:
   (1) Initial fee ........................................ $60
   (2) Triennial fee ...................................... $60

(l) Independent adjusters, as defined in NRS 684A.030:
   (1) Initial fee ........................................ $60
   (2) Triennial fee ...................................... $60

(m) Public adjusters, as defined in NRS 684A.030:
   (1) Initial fee ........................................ $60
   (2) Triennial fee ...................................... $60

(n) Motor vehicle physical damage appraisers, as defined in NRS 684B.010:
   (1) Initial fee ........................................ $60
   (2) Triennial fee ...................................... $60

(o) Brokers, as defined in NRS 685A.031:
   (1) Initial fee ........................................ $60
   (2) Triennial fee ...................................... $60

(p) Companies, as defined in NRS 686A.330:
   (1) Initial fee ........................................ $1,300
   (2) Annual fee ...................................... $1,300

(q) Rate service organizations, as defined in NRS 686B.020:
   (1) Initial fee ........................................ $1,300
   (2) Annual fee ...................................... $1,300

(r) Brokers of viatical settlements, as defined in NRS 688C.020:
   (1) Initial fee ........................................ $60
<table>
<thead>
<tr>
<th>Service Type</th>
<th>Fee Details</th>
<th>Amount</th>
</tr>
</thead>
<tbody>
<tr>
<td>(a) Providers of viatical settlements, as defined in NRS 688C.080:</td>
<td>Initial fee</td>
<td>$60</td>
</tr>
<tr>
<td></td>
<td>Annual fee</td>
<td>$60</td>
</tr>
<tr>
<td>(b) Agents for prepaid burial contracts subject to the provisions of chapter 689 of NRS:</td>
<td>Initial fee</td>
<td>$60</td>
</tr>
<tr>
<td></td>
<td>Triennial fee</td>
<td>$60</td>
</tr>
<tr>
<td>(c) Sellers of prepaid burial contracts subject to the provisions of chapter 689 of NRS:</td>
<td>Initial fee</td>
<td>$60</td>
</tr>
<tr>
<td></td>
<td>Triennial fee</td>
<td>$60</td>
</tr>
<tr>
<td>(d) Sellers of prepaid funeral contracts subject to the provisions of chapter 689 of NRS:</td>
<td>Initial fee</td>
<td>$60</td>
</tr>
<tr>
<td></td>
<td>Triennial fee</td>
<td>$60</td>
</tr>
<tr>
<td>(e) Providers, as defined in NRS 690C.070:</td>
<td>Initial fee</td>
<td>$1,300</td>
</tr>
<tr>
<td></td>
<td>Annual fee</td>
<td>$1,300</td>
</tr>
<tr>
<td>(f) Escrow officers, as defined in NRS 692A.028:</td>
<td>Initial fee</td>
<td>$60</td>
</tr>
<tr>
<td></td>
<td>Triennial fee</td>
<td>$60</td>
</tr>
<tr>
<td>(g) Title agents, as defined in NRS 692A.060:</td>
<td>Initial fee</td>
<td>$60</td>
</tr>
<tr>
<td></td>
<td>Triennial fee</td>
<td>$60</td>
</tr>
<tr>
<td>(h) Captive insurers, as defined in NRS 694C.060:</td>
<td>Initial fee</td>
<td>$250</td>
</tr>
<tr>
<td></td>
<td>Annual fee</td>
<td>$250</td>
</tr>
<tr>
<td>(i) Purchasing groups, as defined in NRS 695E.100:</td>
<td>Initial fee</td>
<td>$250</td>
</tr>
<tr>
<td></td>
<td>Annual fee</td>
<td>$250</td>
</tr>
<tr>
<td>(j) Risk retention groups, as defined in NRS 695E.110:</td>
<td>Initial fee</td>
<td>$250</td>
</tr>
<tr>
<td></td>
<td>Annual fee</td>
<td>$250</td>
</tr>
<tr>
<td>(k) Medical discount plans, as defined in NRS 695H.050:</td>
<td>Initial fee</td>
<td>$1,300</td>
</tr>
<tr>
<td></td>
<td>Annual fee</td>
<td>$1,300</td>
</tr>
<tr>
<td>(l) Club agents, as defined in NRS 696A.040:</td>
<td>Initial fee</td>
<td>$60</td>
</tr>
<tr>
<td></td>
<td>Triennial fee</td>
<td>$60</td>
</tr>
<tr>
<td>(m) Motor clubs, as defined in NRS 696A.050:</td>
<td>Initial fee</td>
<td>$60</td>
</tr>
</tbody>
</table>
(1) Initial fee ............................................. ..................................... $1,300
(2) Annual fee .............................................. .................................. $1,300

(gg) Bail agents, as defined in NRS 697.040:
(1) Initial fee ............................................. .......................................... $60
(2) Triennial fee .............................................. .................................. $60

(hh) Bail enforcement agents, as defined in NRS 697.055:
(1) Initial fee ............................................. .......................................... $60
(2) Triennial fee .............................................. .................................. $60

(ii) Bail solicitors, as defined in NRS 697.060:
(1) Initial fee ............................................. .......................................... $60
(2) Triennial fee .............................................. .................................. $60

(jj) General agents, as defined in NRS 697.070:
(1) Initial fee ............................................. .......................................... $60
(2) Triennial fee .............................................. .................................. $60

(kk) Exchange enrollment facilitators, as defined in NRS 695J.050:
(1) Initial fee ............................................. .......................................... $60
(2) Triennial fee .............................................. .................................. $60

5. An initial fee of $1,000 must be paid to the Commissioner by each:
   (a) Insurer who is authorized to transact casualty insurance, as defined in NRS 681A.020;
   (b) Insurer who is authorized to transact health insurance, as defined in NRS 681A.030;
   (c) Insurer who is authorized to transact life insurance, as defined in NRS 681A.040;
   (d) Insurer who is authorized to transact property insurance, as defined in NRS 681A.060;
   (e) Title insurer, as defined in NRS 692A.070;
   (f) Fraternal benefit society, as defined in NRS 695A.010;
   (g) Corporation subject to the provisions of chapter 695B of NRS;
   (h) Health maintenance organization, as defined in NRS 695C.030;
   (i) Organization for dental care, as defined in NRS 695D.060; and
   (j) Prepaid limited health service organization, as defined in NRS 695E.050.

6. An insurer who is required to pay an initial fee of $1,000 pursuant to subsection 5 shall also pay to the Commissioner an annual fee in an amount determined by the Commissioner. When determining the amount of the annual fee, the Commissioner must consider:
   (a) The direct written premiums reported to the Commissioner by the insurer during the previous year;
   (b) The number of insurers who are required to pay an annual fee pursuant to this subsection;
   (c) The direct written premiums reported during the previous year by all insurers paying such fees; and
   (d) The budget of the Division.
Sec. 6.05. Chapter 681 of NRS is hereby amended by adding thereto the provisions set forth as sections 6.1 to 6.96, inclusive, of this act:

Sec. 6.1. "Covered agreement" means an agreement entered into pursuant to the Dodd-Frank Wall Street Reform and Consumer Protection Act, 31 U.S.C. §§ 313 and 314, that is currently in effect or in a period of provisional application and addresses the elimination, under specified conditions, of collateral requirements as a condition for entering into any reinsurance agreement with a ceding insurer domiciled in this State or for allowing the ceding insurer to recognize credit for reinsurance.

Sec. 6.12. "NAIC" means the National Association of Insurance Commissioners or its successor organization.

Sec. 6.14. "Reciprocal jurisdiction" means a jurisdiction, as designated by the Commissioner pursuant to section 6.5 of this act, which is one of the following:

1. A non-United States jurisdiction that is subject to an in-force covered agreement with the United States, each within its legal authority, or, in the case of a covered agreement between the United States and the European Union, is a member state of the European Union;
2. A United States jurisdiction that meets the requirements for accreditation under the NAIC financial standards and accreditation program; or
3. A qualified jurisdiction, as determined by the Commissioner pursuant to NRS 681A.1553, which is not otherwise described in subsections 1 and 2 and which the Commissioner determines meets certain additional requirements, consistent with the terms and conditions of in-force covered agreements, including, without limitation, that the qualified jurisdiction:
   (a) Provides that an insurer which has its head office or is domiciled in such qualified jurisdiction shall receive credit for reinsurance ceded to a United States domiciled assuming insurer in the same manner as credit for reinsurance is received for reinsurance assumed by insurers domiciled in such qualified jurisdiction;
   (b) Does not require a United States-domiciled assuming insurer to establish or maintain a local presence as a condition for entering into a reinsurance agreement with any ceding insurer subject to regulation by the non-United States jurisdiction or as a condition to allow the ceding insurer to recognize credit for such reinsurance;
   (c) Recognizes the United States’s state regulatory approach to group supervision and group capital, by providing written confirmation by a competent regulatory authority, in the qualified jurisdiction, that insurers and insurance groups that are domiciled or maintain their headquarters in this State or another jurisdiction accredited by the NAIC shall be subject only to worldwide prudential insurance group supervision including,
without limitation, worldwide group governance, solvency and capital, and reporting, as applicable, by the Commissioner or the commissioner of the domiciliary state and will not be subject to group supervision at the level of the worldwide parent undertaking of the insurance or reinsurance group by the qualified jurisdiction; and

(d) Provides written confirmation by a competent regulatory authority in such qualified jurisdiction that information regarding insurers and their parent, subsidiary, or affiliated entities, if applicable, will be provided to the Commissioner in accordance with a memorandum of understanding or similar document between the Commissioner and the qualified jurisdiction, including, without limitation, the International Association of Insurance Supervisors Multilateral Memorandum of Understanding or other multilateral memorandum of understanding coordinated by the NAIC.

Sec. 6.16. “Solvent scheme of arrangement” means a foreign or alien statutory or regulatory compromise procedure subject to requisite majority creditor approval and judicial sanction in the assuming insurer’s home jurisdiction either to finally commute liabilities of duly noticed classed members or creditors of a solvent debtor, or to reorganize or restructure the debts and obligations of a solvent debtor on a final basis, and which may be subject to judicial recognition and enforcement of the arrangement by a governing authority outside the ceding insurer’s home jurisdiction.

Sec. 6.25. The Commissioner must allow credit for reinsurance ceded by a domestic insurer to an assuming insurer that is licensed to write reinsurance and meets each of the conditions set forth below:

1. The assuming insurer must have its head office or be domiciled in, as applicable, and be licensed in a reciprocal jurisdiction.

2. The assuming insurer must have and maintain, on an ongoing basis, minimum capital and surplus, or its equivalent, calculated according to the methodology of its domiciliary jurisdiction on at least an annual basis as of the preceding December 31 or at the annual date otherwise statutorily reported to the reciprocal jurisdiction, and confirmed as set forth in section 6.4 of this act, in the following amounts:

   (a) Not less than $250,000,000; or

   (b) If the assuming insurer is an association, including, without limitation, incorporated and individual unincorporated underwriters, which has and maintains, on an ongoing basis, minimum capital and surplus equivalents, net of liabilities, in the reciprocal jurisdiction where the assuming insurer has its head office or is domiciled, as applicable, and is also licensed, which are calculated according to the methodology applicable in its domiciliary jurisdiction:

      (1) Minimum capital and surplus equivalents, net of liabilities, or own funds which are equivalent, of at least $250,000,000; and

      (2) A central fund with a balance of the equivalent of at least $250,000,000.
3. The assuming insurer must have and maintain on an ongoing basis a minimum solvency or capital ratio, as applicable, as follows:
   (a) If the assuming insurer has its head office or is domiciled in a reciprocal jurisdiction which meets the requirements of subsection 1 of section 6.14 of this act, the ratio specified in the applicable covered agreement;
   (b) If the assuming insurer is domiciled in a reciprocal jurisdiction which meets the requirements of subsection 2 of section 6.14 of this act, a risk-based capital ratio of 300 percent of the authorized control level, calculated in accordance with the formula developed by the NAIC; or
   (c) If the assuming insurer is domiciled in a reciprocal jurisdiction which meets the requirements of subsection 3 of section 6.14 of this act, after consultation with the reciprocal jurisdiction and considering any applicable recommendations published by the NAIC, such solvency or capital ratio as the Commissioner determines to be an effective measure of solvency.

4. The assuming insurer must agree to and provide adequate assurance to the Commissioner, in the form of a properly executed Certificate of Reinsurer Domiciled In Reciprocal Jurisdiction Form RJ-1, of each of the following requirements:
   (a) The assuming insurer must agree to provide prompt written notice and explanation to the Commissioner if it falls below the minimum requirements set forth in subsection 2 or 3, or if any regulatory action is taken against it for serious noncompliance with applicable law.
   (b) The assuming insurer must consent in writing to the jurisdiction of the courts of this State and to the appointment of the Commissioner as agent for service of process. The Commissioner may also require that such consent for service of process be provided to the Commissioner and included in each reinsurance agreement under the Commissioner’s jurisdiction. Nothing in this paragraph limits, or in any way alters, the capacity of parties to a reinsurance agreement to agree to alternative dispute resolution mechanisms, except to the extent such agreements are unenforceable under applicable insolvency or delinquency laws.
   (c) The assuming insurer must consent in writing to pay all final judgments, wherever enforcement is sought, obtained by a ceding insurer or its legal successor, that have been declared enforceable in the jurisdiction where the judgment was obtained.
   (d) Each reinsurance agreement must include a provision requiring the assuming insurer to provide security in an amount equal to 100 percent of the assuming insurer’s liabilities attributable to reinsurance ceded pursuant to that agreement if the assuming insurer resists enforcement of a final judgment that is enforceable under the law of the jurisdiction in which it was obtained or a properly enforceable arbitration award, whether obtained by the ceding insurer or by its legal successor on behalf of its resolution estate, if applicable.
(e) The assuming insurer must confirm that it is not presently participating in any solvent scheme of arrangement which involves this State's ceding insurers, and agree to notify the ceding insurer and the Commissioner and to provide security in an amount equal to 100 percent of the assuming insurer's liabilities to the ceding insurer consistent with the terms of the scheme, should the assuming insurer enter into such a solvent scheme of arrangement. The security must be in a form consistent with the provisions of NRS 681A.1551 to 681A.1557, inclusive, and NRS 681A.240, as specified by the Commissioner by regulation.

(f) The assuming insurer must agree in writing to meet the applicable information filing requirements as set forth in section 6.3 of this act.

Sec. 6.3. The assuming insurer or its legal successor must provide, if requested by the Commissioner, on behalf of itself and any legal predecessors, the following documentation to the Commissioner:

1. For the 2 years preceding entry into the reinsurance agreement and on an annual basis thereafter, the assuming insurer's annual audited financial statements, in accordance with the applicable law of the jurisdiction of its head office or domiciliary jurisdiction, as applicable, including, without limitation, the external audit report;

2. For the 2 years preceding entry into the reinsurance agreement, the solvency and financial condition report or actuarial opinion, if filed with the assuming insurer's supervisor;

3. Prior to entry into the reinsurance agreement and not more than semiannually thereafter, an updated list of all disputed and overdue reinsurance claims outstanding for 90 days or more, regarding reinsurance assumed from ceding insurers domiciled in the United States; and

4. Before entry into the reinsurance agreement and not more than semiannually thereafter, information regarding the assuming insurer's assumed reinsurance by ceding insurer, ceded reinsurance by the assuming insurer, and reinsurance recoverable on paid and unpaid losses by the assuming insurer to allow for the evaluation of the criteria set forth in section 6.35 of this act.

Sec. 6.35. The assuming insurer must maintain a practice of prompt payment of claims under reinsurance agreements. The lack of prompt payment will be evidenced if any of the following criteria is met:

1. More than 15 percent of the reinsurance recoverables from the assuming insurer are overdue and in dispute as reported to the Commissioner;

2. More than 15 percent of the assuming insurer’s ceding insurers or reinsurers have overdue reinsurance recoverable on paid losses of 90 days or more which are not in dispute and which exceed for each ceding insurer $100,000, unless otherwise specified in an applicable covered agreement; or

3. The aggregate amount of reinsurance recoverable on paid losses which are not in dispute, but are overdue by 90 days or more, exceeds $50,000,000, unless otherwise specified in an applicable covered agreement.
Sec. 6.4. The assuming insurer’s supervisory authority must confirm to the Commissioner on an annual basis, as of the preceding December 31 or at the annual date otherwise statutorily reported to the reciprocal jurisdiction, that the assuming insurer complies with the requirements set forth in subsections 2 and 3 of this act. Nothing in this section precludes an assuming insurer from providing the Commissioner with information on a voluntary basis.

Sec. 6.45. 1. The Commissioner shall timely create and publish a list of reciprocal jurisdictions.

2. The Commissioner’s list:
   (a) Must include, without limitation, any reciprocal jurisdiction which meets the requirements of subsection 1 or 2 of section 6.14 of this act;
   (b) May include, without limitation, any other reciprocal jurisdiction which is included on an applicable list of reciprocal jurisdictions published by the NAIC; and
   (c) May include, without limitation, a reciprocal jurisdiction that does not appear on an applicable list of reciprocal jurisdictions published by the NAIC if the Commissioner has approved the reciprocal jurisdiction pursuant to applicable law or in accordance with applicable criteria published by the NAIC.

3. The Commissioner may remove a jurisdiction from the list of reciprocal jurisdictions upon a determination that the jurisdiction no longer meets one or more of the requirements of a reciprocal jurisdiction, as provided by applicable law or in accordance with an applicable process published by the NAIC, except that the Commissioner must not remove from the list a reciprocal jurisdiction which meets the requirements of subsection 1 or 2 of section 6.14 of this act. Upon removal of a reciprocal jurisdiction from the Commissioner’s list, credit for reinsurance ceded to an assuming insurer which has its home office or is domiciled in that jurisdiction must be allowed if otherwise allowed pursuant to NRS 681A.110 through 681A.240, inclusive.

Sec. 6.5. 1. The Commissioner shall timely create and publish a list of assuming insurers that have satisfied the conditions set forth in this section and to which cessions must be granted credit in accordance with this section. The Commissioner may add an assuming insurer to the list if a NAIC accredited jurisdiction has added the assuming insurer to a list of such assuming insurers or if, upon initial eligibility, the assuming insurer submits the information to the Commissioner as required under subsection 4 of section 6.25 of this act and complies with any additional requirements that the Commissioner may impose by regulation, except to the extent that the regulations conflict with an applicable covered agreement.

2. If a NAIC accredited jurisdiction has determined that the conditions set forth in sections 6.25 to 6.4, inclusive, of this act have been met, the Commissioner may defer to that jurisdiction’s determination and add the applicable assuming insurer to the list of assuming insurers to which
cessions must be granted credit in accordance with this section. The Commissioner may accept financial documentation filed with another NAIC accredited jurisdiction or with the NAIC for the purpose of satisfying the requirements set forth in sections 6.25 to 6.4, inclusive, of this act.

3. When requesting that the Commissioner defer to another NAIC accredited jurisdiction’s determination, an assuming insurer must submit a properly executed Form RJ-1 and additional information as the Commissioner may require. If another state has received such a request, notified other states through the NAIC and provided relevant information with respect to the determination of eligibility, the Commissioner may accept such notice and information for the purpose of this section.

Sec. 6.55. 1. If the Commissioner determines that an assuming insurer no longer meets one or more of the requirements under sections 6.1 to 6.65, inclusive, of this act, the Commissioner may revoke or suspend the eligibility of the assuming insurer for recognition under this section.

2. While an assuming insurer’s eligibility is suspended, no reinsurance agreement issued, amended or renewed after the effective date of the suspension qualifies for credit except to the extent that the assuming insurer’s obligations under the contract are secured in accordance with NRS 681A.240.

3. If an assuming insurer’s eligibility is revoked, no credit for reinsurance may be granted after the effective date of the revocation with respect to any reinsurance agreements entered into by the assuming insurer, including reinsurance agreements entered into prior to the date of revocation, except to the extent that the assuming insurer’s obligations under the contract are secured in a form acceptable to the Commissioner and consistent with the provisions of NRS 681A.240.

Sec. 6.6. Before denying statement credit or imposing a requirement to post security with respect to section 6.55 of this act or adopting any similar requirement that will have substantially the same regulatory impact as security, the Commissioner:

1. Shall notify the ceding insurer, the assuming insurer and the assuming insurer’s supervisory authority that the assuming insurer no longer satisfies one of the conditions set forth in sections 6.25 to 6.4, inclusive, of this act;

2. Shall provide the assuming insurer with 30 days from the notice provided pursuant to subsection 1 to submit a plan to remedy the defect, and 90 days from the notice provided pursuant to subsection 1 to remedy the defect, except in exceptional circumstances determined by the Commissioner in which a shorter period is necessary for policyholder and other consumer protection;

3. After the expiration of 90 days or less, as specified in subsection 2, if the Commissioner determines that no or insufficient action was taken by the assuming insurer, may impose additional requirements upon the assuming insurer as determined by the Commissioner to be appropriate; and
4. Shall, if applicable, provide a written explanation to the assuming insurer of any additional requirements imposed pursuant to subsection 3.

Sec. 6.65. If subject to a legal process of rehabilitation, liquidation or conservation, as applicable, the ceding insurer, or its representative, may seek and, if determined appropriate by the court in which the proceedings are pending, may obtain an order requiring that the assuming insurer post security for all outstanding ceded liabilities.

Sec. 6.7. Nothing in sections 6.1 to 6.75, inclusive, of this act limits or in any way alters the capacity of a party to a reinsurance agreement to agree on requirements for security or other terms in that reinsurance agreement, except as expressly prohibited by NRS 681A.110 through 681A.240, inclusive, sections 6.1 to 6.75, inclusive, of this act or other applicable law.

Sec. 6.75. 1. Credit may be taken under sections 6.1 to 6.75, inclusive, of this act only for reinsurance agreements entered into, amended, or renewed on or after October 1, 2021, and only with respect to losses incurred and reserves reported on or after the later of:

(a) The date on which the assuming insurer has met all eligibility requirements pursuant to sections 6.25 to 6.4, inclusive, of this act; or

(b) The effective date of the new reinsurance agreement, amendment, or renewal.

2. The provisions of this section do not alter or impair a ceding insurer's right to take credit for reinsurance, to the extent that credit is not available under sections 6.1 to 6.75, inclusive, of this act, as long as the reinsurance qualifies for credit under any other applicable provision of NRS 681A.110 through 681A.240, inclusive.

3. Nothing in sections 6.1 to 6.75, inclusive, of this act authorize an assuming insurer to withdraw or reduce the security provided under any reinsurance agreement except as permitted by the terms of the agreement.

4. Nothing in sections 6.1 to 6.75, inclusive, of this act limit, or in any way alter, the capacity of a party to any reinsurance agreement to renegotiate the agreement.

Sec. 6.8. If the assuming insurer does not meet the requirements of NRS 681A.110, 681A.160, 681A.170 and sections 6.1 to 6.75, inclusive, of this act, credit permitted by NRS 681A.180, 681A.190 or 681A.155 to 681A.1557, inclusive, must not be allowed unless the assuming insurer has agreed to the following conditions set forth in the trust agreement:

1. Notwithstanding any provision to the contrary in the trust instrument, if the trust fund consists of an amount that is less than the amount required pursuant to NRS 681A.180 or 681A.190, or if the grantor of the trust fund is declared to be insolvent or placed into receivership, rehabilitation, liquidation or a similar proceeding in accordance with the laws of the grantor’s state or country of domicile, the trustee of the trust fund must comply with an order of the commissioner of insurance or other appropriate person with regulatory authority over the trust fund in that state or country.
or a court of competent jurisdiction requiring the trustee to transfer to that
commissioner or person all the assets of the trust fund:

2. The assets of the trust fund must be distributed by and claims filed
with and valued by the commissioner of insurance or other appropriate
person with regulatory authority over the trust fund in accordance with the
laws of the state in which the trust fund is domiciled that are applicable to
the liquidation of domestic insurers in that state;

3. If the commissioner of insurance or other appropriate person with
regulatory authority over the trust fund determines that the assets of the trust
fund or any portion of the trust fund are not required to satisfy any claim of
any ceding insurer of the grantor of the trust fund in the United States, the
assets must be returned by that commissioner or person to the trustee of the
trust fund for distribution in accordance with the trust agreement; and

4. The grantor of the trust must waive any right that:

(a) Is otherwise available to the grantor under the laws of the United
States; and

(b) Is inconsistent with the provisions of this section.

Sec. 6.85. NRS 681A.010 is hereby amended to read as follows:

681A.010 1. As used in this Code, unless the context otherwise requires,
the words and terms defined in NRS 681A.020 to 681A.080, inclusive, and
sections 6.1 to 6.16, inclusive, have the meanings ascribed to them in those
sections.

2. It is intended that certain insurance coverages may come within the
definitions of two or more kinds of insurance as defined in this chapter, and
the inclusion of such coverage within one definition shall not exclude it as to
any other kind of insurance within the definition of which such coverage is
likewise reasonably includable.

Sec. 6.9. NRS 681A.145 is hereby amended to read as follows:

681A.145 1. The Commissioner may adopt regulations applicable to
arrangements for reinsurance relating to:

(a) Life insurance policies with guaranteed non-level gross premiums or
guaranteed non-level benefits;

(b) Universal life insurance policies with provisions resulting in the ability
of a policyholder to keep a policy in force over a secondary guarantee period;

(c) Variable annuities with guaranteed death or living benefits;

(d) Policies for long-term care insurance; or

(e) Such other life and health insurance and annuity products as to which
the National Association of Insurance Commissioners adopts model regulatory
requirements with respect to credit for reinsurance.

2. A regulation adopted pursuant to this section may require the ceding
insurer, in calculating the amounts or forms of security required to be held
pursuant to regulations adopted pursuant to this section, to use the Valuation
Manual, as defined in NRS 681B.0071, which is in effect on the date as of
which the calculation is made, to the extent applicable.
3. A regulation adopted pursuant to this section must not apply to a cession to an assuming insurer that:
   (a) **Meets the conditions set forth in sections 6.1 to 6.75, inclusive, of this act in this State or is operating in accordance with provisions substantially equivalent to sections 6.1 to 6.8, inclusive, of this act in five or more other states:**
   (b) Is certified in this State or, if this State has not adopted regulations which provide for an assuming insurer to satisfy the requirements of NRS 681A.155 for credit to be allowed, certified in a minimum of five other states; or
   (c) Maintains at least $250,000,000 in capital and surplus when determined in accordance with the Accounting Practices and Procedures Manual adopted by the National Association of Insurance Commissioners, as amended, excluding the impact of any permitted or prescribed practices, and:
      (1) Is licensed in at least 26 states; or
      (2) Is licensed in at least 10 states, and licensed or accredited in at least 35 states.

Sec. 6.92. **NRS 681A.150 is hereby amended to read as follows:**

1. **No credit may be taken as an asset or as a deduction from liability on account of reinsurance unless the reinsurer is authorized to transact insurance or reinsurance in this state pursuant to the requirements of NRS 681A.110, 681A.155 to 681A.190, inclusive, and in any of these cases 681A.220 or sections 6.1 to 6.8, inclusive, of this act. If the reinsurer is authorized pursuant to NRS 681A.180 or 681A.190, the requirements of NRS 681A.200 and must also be met. If the reinsurer is authorized pursuant to NRS 681A.170, 681A.180 or 681A.190, the requirements of 681A.210 must also are met.**

2. **Credit shall be allowed for the cases of authorization pursuant to NRS 681A.110 to 681A.160, inclusive, or 681A.170 only with respect to cessions of those kinds or classes of business for which the assuming insurer is licensed or otherwise permitted to write or assume in its state of domicile or, in the case of a United States branch of an alien assuming insurer, in the state through which it is entered and licensed to transact insurance or reinsurance.**

Sec. 6.94. **NRS 681A.180 is hereby amended to read as follows:**

1. **[Except as otherwise provided in subsection 5, credit] Credit must be allowed if reinsurance is ceded to an assuming insurer which maintains a trust fund in a qualified financial institution in the United States for the payment of the valid claims of its policyholders and ceding insurers in the United States, their assigns and successors in interest. The assuming insurer shall:**
   (a) Report annually to the Commissioner information substantially the same as that required to be reported on the National Association of Insurance Commissioners’ form of annual statement by licensed insurers to enable the Commissioner to determine the sufficiency of the trust fund; and
(b) Submit to the authority of the Commissioner to examine its books and records.

2. In the case of a single assuming insurer:
   (a) The trust must consist of an account in trust equal to the assuming insurer’s liabilities attributable to business written in the United States and the assuming insurer shall maintain a surplus in trust of not less than $20,000,000.
   (b) Three years after the assuming insurer has permanently discontinued underwriting new business secured by the trust, the commissioner of insurance of the state with principal regulatory authority over the trust may, at any time, authorize a reduction in the required trustee surplus, but only after finding, based on the assessment of the risk, that the new required surplus level is adequate for the protection of ceding insurers, policyholders and claimants in the United States in light of a reasonably adverse loss development. The risk assessment may involve an actuarial review, including an independent analysis of reserves and cash flows, and must consider all material risk factors, including, as applicable, the lines of business involved, the stability of the incurred loss estimates and the effect of the surplus requirements on the assuming insurer’s liquidity or solvency. The minimum required trustee surplus may not be reduced to an amount less than 30 percent of the assuming insurer’s liabilities attributable to reinsurance ceded by ceding insurers domiciled in the United States and covered by the trust.

3. In the case of a group of incorporated and individual unincorporated underwriters:
   (a) The trust must consist of an account in trust equal to the group’s liabilities attributable to business written in the United States.
   (b) The group shall:
      (1) Maintain a surplus in trust of which $100,000,000 must be held jointly for the benefit of ceding insurers in the United States to any member of the group; and
      (2) Make available to the Commissioner an annual certification of the solvency of each underwriter by the group’s domiciliary regulator and its independent public accountants.
   (c) The incorporated members of the group:
      (1) Shall not engage in any business other than underwriting as a member of the group; and
      (2) Must be subject to the same level of regulation and solvency control by the applicable regulatory agency of the state in which the group is domiciled as the individual unincorporated members of the group.

4. Credit for reinsurance must not be granted unless the form of the trust and any amendments to the trust have been approved by the commissioner of insurance of the state in which the trust is domiciled or the commissioner of insurance of another state that, under the terms of the trust instrument, has accepted responsibility for regulatory authority over the trust. The form of the trust and any amendments to the trust must also be filed with each state in
which the ceding insurer beneficiaries are domiciled or located. The trust instrument must provide that:

(a) Contested claims become valid and enforceable from money held in the trust to the extent such claims remain unsatisfied within 30 days after the entry of the final order of any court of competent jurisdiction in the United States;

(b) Legal title to the assets of the trust must be vested in the trustees for the benefit of the grantor’s ceding insurers in the United States, their assigns and successors in interest;

(c) The trust is subject to examination as determined by the Commissioner;

(d) The trust must remain in effect for as long as the assuming insurers or any member or former member of a group of insurers has outstanding obligations due under the agreements for reinsurance subject to the trust; and

(e) Not later than February 28 of each year, the trustees of the trust shall report to the Commissioner in writing setting forth the balance of the trust and listing the trust’s investments at the end of the preceding year and shall certify the date of termination of the trust or certify that the trust will not expire before the next following December 31.

¶ 5. If the assuming insurer does not meet the requirements of NRS 681A.110, 681A.160 or 681A.170, credit must not be allowed unless the assuming insurer has agreed to the following conditions set forth in the trust agreement:

(a) Notwithstanding any provision to the contrary in the trust instrument, if the trust fund consists of an amount that is less than the amount required pursuant to this section, or if the grantor of the trust fund is declared to be insolvent or placed into receivership, rehabilitation, liquidation or a similar proceeding in accordance with the laws of the grantor’s state or country of domicile, the trustee of the trust fund must comply with an order of the commissioner of insurance or other appropriate person with regulatory authority over the trust fund in that state or country or a court of competent jurisdiction requiring the trustee to transfer to that commissioner or person all the assets of the trust fund;

(b) The assets of the trust fund must be distributed by and claims filed with and valued by the commissioner of insurance or other appropriate person with regulatory authority over the trust fund in accordance with the laws of the state in which the trust fund is domiciled that are applicable to the liquidation of domestic insurers in that state;

(c) If the commissioner of insurance or other appropriate person with regulatory authority over the trust fund determines that the assets of the trust fund or any portion of the trust fund are not required to satisfy any claim of any ceding insurer of the grantor of the trust fund in the United States, the assets must be returned by that commissioner or person to the trustee of the trust fund for distribution in accordance with the trust agreement; and

(d) The grantor of the trust must waive any right that:

(1) Is otherwise available to the grantor under the laws of the United States; and
(2) Is inconsistent with the provisions of this subsection.

Sec. 6.96. NRS 681A.220 is hereby amended to read as follows:

681A.220  Credit must be allowed if reinsurance is ceded to an assuming insurer not meeting the requirements of NRS 681A.110 and 681A.150 to 681A.190, inclusive, and sections 6.25 to 6.8, inclusive, of this act, but only with respect to the insurance of risks located in jurisdictions where such reinsurance is required by applicable law or regulation of that jurisdiction.

Sec. 7. NRS 681A.420 is hereby amended to read as follows:

681A.420  1. A person shall not act as a broker for reinsurance for a domestic insurer or reinsurer unless the person is:
   (a) A licensed producer in this state; or
   (b) Licensed as a nonresident intermediary for reinsurance in this state.
   2. A person shall not act as a broker for reinsurance for a foreign or alien insurer or reinsurer if the person maintains an office, directly or as a member or employee of a firm or association or as an officer, director or employee of a corporation in this state, unless the person is:
      (a) A licensed producer in this state; or
      (b) Licensed as a nonresident intermediary for reinsurance in this state.
   3. A person shall not act as a manager for reinsurance for a domestic insurer or reinsurer unless the person is:
      (a) A licensed producer in this state; or
      (b) Licensed as a nonresident manager for reinsurance in this state.
   4. A person shall not act as a manager for reinsurance for any foreign or alien insurer or reinsurer if the person maintains an office, directly or as a member or employee of a firm or association or as an officer, director or employee of a corporation in this state, unless the person is:
      (a) A licensed producer in this state; or
      (b) Licensed as a nonresident manager for reinsurance in this state.
   5. A manager for reinsurance shall:
      (a) File a bond [from an insurer] which complies with section 3 of this act and is in an amount that is acceptable to the Commissioner for the protection of the reinsurer; and
      (b) Maintain a policy covering errors and omissions in an amount that is acceptable to the Commissioner.

Sec. 8. NRS 682A.069 is hereby amended to read as follows:

682A.069  “Equity interest” means any of the following that are not rated credit instruments:
   1. Common stock;
   2. Preferred stock;
   3. A trust certificate;
   4. An equity investment in an investment company, other than a money market mutual fund or a class one bond mutual fund;
   5. An investment in a common trust fund of a bank regulated by a federal or state agency;
6. An ownership interest in minerals, oil or gas, the rights to which have been separated from the underlying fee interest in the real estate where the minerals, oil or gas are located;

7. Instruments which are mandatorily, or at the option of the issuer, convertible to equity;

8. Limited partnership interests and those general partnership interests authorized pursuant to paragraph (d) of subsection 1 of NRS 682A.380;

9. Member interests in a limited-liability company;

10. Warrants or other rights to acquire equity interests that are created by the person that owns or would issue the equity to be acquired; and

11. Instruments that would be rated credit instruments but for the provisions of subsection 2 of NRS 682A.179.

Sec. 9. NRS 683A.08526 is hereby amended to read as follows:

683A.08526 1. A certificate of registration as an administrator is valid for 3 years after the date the Commissioner issues the certificate to the administrator or the administrator renews the certificate, as applicable. A certificate expires on the renewal date for the certificate if the administrator does not renew the certificate pursuant to subsection 2 on or before the renewal date.

2. An administrator may renew a certificate of registration if the administrator submits to the Commissioner:

(a) An application on a form prescribed by the Commissioner; and

(b) The fee for the renewal of the certificate of registration prescribed in NRS 680B.010 and, in addition to any other fee or charge, all applicable fees required pursuant to NRS 680C.110.

3. As used in this section, “renewal date” means:

(a) For the first renewal of the certificate of registration, the last day of the month which is 3 years after the month in which the Commissioner originally issued the certificate.

(b) For each renewal after the first renewal of the certificate of registration, the last day of the month which is 3 years after the month in which the certificate was last due to be renewed.

Sec. 10. NRS 683A.0857 is hereby amended to read as follows:

683A.0857 1. Each administrator shall file with the Commissioner a bond with an authorized surety in favor of the State of Nevada, which complies with section 3 of this act, continuous in form and in an amount determined by the Commissioner of not less than $100,000.

2. The Commissioner shall establish schedules for the amount of the bond required, based on the amount of money received and distributed by an administrator.

3. The bond must inure to the benefit of any person damaged by any fraudulent act or conduct of the administrator and must be conditioned upon faithful accounting and application of all money coming into the administrator’s possession in connection with his or her activities as an administrator.
4. The bond remains in force until released by the Commissioner or cancelled by the surety. Without prejudice to any liability previously incurred, the surety may cancel the bond upon 90 days’ advance notice to the administrator and the Commissioner. An administrator’s certificate is automatically suspended if the administrator does not file with the Commissioner a replacement bond before the date of cancellation of the previous bond. A replacement bond must meet all requirements of this section for the initial bond.

Sec. 11. NRS 683A.140 is hereby amended to read as follows:

683A.140 1. A firm or corporation may be licensed as a managing general agent.

2. A resident firm or corporation which has more than one office in this state is a single licensee for the purposes of being appointed by insurers and the authority of natural persons to act for the firm or corporation. Such a firm or corporation must obtain a copy of its license for each location, but only must obtain one original license as a managing general agent.

3. For licensing as a managing general agent, each general partner and each natural person to act for the firm or corporation must be named in the license and must qualify as an individual licensee. A natural person who is authorized to act for a firm or corporation and who also wishes to be licensed in an individual capacity designated pursuant to subsection 5 must obtain a separate license in his or her own name. The Commissioner shall charge appropriate fees for each person who is designated pursuant to subsection 5.

4. The licensee shall promptly notify the Commissioner of all changes among its members, directors and officers, and among other persons named in the license. The licensee shall provide to the Commissioner upon request information concerning officers or owners of the firm or corporation who are not named in the license.

5. Any business entity to whom a license is issued or renewed must:

(a) Be eligible to declare this state as its home state;

(b) Designate a natural person who is licensed as a managing general agent to be responsible for the compliance of the business entity with the insurance laws, rules and regulations of this State; and

(c) Never have committed any act that is a ground for refusal to issue, suspension of or revocation of a license pursuant to NRS 683A.451.

Sec. 12. NRS 683A.160 is hereby amended to read as follows:

683A.160 1. Each applicant for a license as a managing general agent must submit with his or her application:

(a) The appointment of the applicant as a managing general agent by each insurer or underwriter department to be so represented; and

(b) The application and license fee specified in NRS 680B.010 and, in addition to any other fee or charge, all applicable fees required pursuant to NRS 680C.110.
2. Each applicant must, as part of his or her application and at the applicant’s own expense:
   (a) Arrange to have a complete set of his or her fingerprints taken by a law enforcement agency or other authorized entity acceptable to the Commissioner; and
   (b) Submit to the Commissioner:
       (1) A completed fingerprint card and written permission authorizing the Commissioner to submit the applicant’s fingerprints to the Central Repository for Nevada Records of Criminal History for submission to the Federal Bureau of Investigation for a report on the applicant’s background and to such other law enforcement agencies as the Commissioner deems necessary; or
       (2) Written verification, on a form prescribed by the Commissioner, stating that the fingerprints of the applicant were taken and directly forwarded electronically or by another means to the Central Repository and that the applicant has given written permission to the law enforcement agency or other authorized entity taking the fingerprints to submit the fingerprints to the Central Repository for submission to the Federal Bureau of Investigation for a report on the applicant’s background and to such other law enforcement agencies as the Commissioner deems necessary.

3. The Commissioner may:
   (a) Unless the applicant’s fingerprints are directly forwarded pursuant to subparagraph (2) of paragraph (b) of subsection 2, submit those fingerprints to the Central Repository for submission to the Federal Bureau of Investigation and to such other law enforcement agencies as the Commissioner deems necessary;
   (b) Request from each such agency any information regarding the applicant’s background as the Commissioner deems necessary; and
   (c) Adopt regulations concerning the procedures for obtaining this information.

4. A license as a managing general agent remains in effect unless revoked, suspended or otherwise terminated if, on or before the renewal date for the license:
   (a) A request for renewal is submitted;
   (b) All applicable fees for renewal are paid for the license and, if applicable, for each person who is authorized to act for the firm or corporation pursuant to subsection 3 of NRS 683A.140; and
   (c) Any requirement for education and any other requirement to renew the license is satisfied.

5. A managing general agent may submit a request for renewal of his or her license within 30 days after the renewal date if the managing general agent otherwise complies with the provisions of subsection 4 and pays, in addition to any fee paid pursuant to subsection 4, a penalty of 50 percent of all applicable fees for renewal, except for any fee required pursuant to NRS 680C.110.
6. Except as otherwise provided in subsection 8, a license as a managing general agent expires if the Commission does not receive from the managing general agent a request for renewal of the license pursuant to subsection 4 or 5, as applicable, on or before the date which is 30 days after the renewal date.

7. A fee paid pursuant to subsection 4 or 5 is nonrefundable.

8. A managing general agent who is unable to renew his or her license because of military service, extended medical disability or other extenuating circumstance may request a waiver of the time limit and of any fine or sanction otherwise required or imposed because of the failure to renew.

9. A license must state the licensee’s name, address, personal identification number, the date of issuance, the lines of authority and the date of expiration and must contain any other information the Commissioner considers necessary. The license must be made available for public inspection upon request.

10. A licensee shall inform the Commissioner of each change of business, residence or electronic mail address, in writing or by other means acceptable to the Commissioner, within 30 days after the change. 

11. As used in this section, “renewal date” means:
   (a) For the first renewal of the license, the last day of the month which is 3 years after the month in which the Commissioner originally issued the license.
   (b) For each renewal after the first renewal of the license, the last day of the month which is 3 years after the month in which the license was last due to be renewed.

Sec. 13. NRS 683A.261 is hereby amended to read as follows:
683A.261 1. Unless the Commissioner refuses to issue the license under NRS 683A.451, the Commissioner shall issue a license as a producer of insurance to a person who has satisfied the requirements of NRS 683A.241 and 683A.251. A producer of insurance may qualify for a license in one or more of the lines of authority permitted by statute or regulation, including:
   (a) Life insurance on human lives, which includes benefits from endowments and annuities and may include additional benefits from death by accident and benefits for dismemberment by accident and for disability income.
   (b) Accident and health insurance for sickness, bodily injury or accidental death, which may include benefits for disability income.
(c) Property insurance for direct or consequential loss or damage to property of every kind.

(d) Casualty insurance against legal liability, including liability for death, injury or disability and damage to real or personal property. For the purposes of a producer of insurance, this line of insurance includes surety indemnifying financial institutions or providing bonds for fidelity, performance of contracts or financial guaranty.

(e) Variable annuities and variable life insurance, including coverage reflecting the results of a separate investment account.

(f) Credit insurance, including credit life, credit accident and health, credit property, credit involuntary unemployment, guaranteed asset protection, and any other form of insurance offered in connection with an extension of credit that is limited to wholly or partially extinguishing the obligation which the Commissioner determines should be considered as limited-line credit insurance.

(g) Personal lines, consisting of automobile and motorcycle insurance and residential property insurance, including coverage for flood, of personal watercraft and of excess liability, written over one or more underlying policies of automobile or residential property insurance.

(h) Travel insurance, as defined in NRS 683A.197, as a limited line.

(i) Rental car as a limited line.

(j) Portable electronics as a limited line.

(k) Crop as a limited line.

(l) Personal property storage insurance, as defined in NRS 683A.1828, as a limited line.

2. A license as a producer of insurance remains in effect unless revoked, suspended or otherwise terminated if [a]:

(a) A request for a renewal is submitted [on or before the date for the renewal specified on the license, all];

(b) All applicable fees for renewal are paid for each license; and [any]

(c) Any requirement for education or any other requirement to renew the license is satisfied [by the date specified on the license for the renewal].

3. A producer of insurance may submit a request for a renewal of his or her license within 30 days after the renewal date [specified on the license for the renewal] if the producer of insurance otherwise complies with the provisions of this subsection 2 and pays, in addition to any fee paid pursuant to [this] subsection [1] 2, a penalty of 50 percent of all applicable fees for renewal [fees], except for any fee required pursuant to NRS 680C.110. [A]

4. Except as otherwise provided in subsection 7, a license as a producer of insurance expires if the Commissioner does not receive from the producer of insurance a request for [a] renewal of the license [more than] pursuant to subsection 2 or 3, as applicable, on or before the date which is 30 days after the renewal date [specified on the license for the renewal].

5. A fee paid pursuant to [this] subsection 2, 3 or 6 is nonrefundable.
A natural person who allows his or her license as a producer of insurance to expire pursuant to subsection 4 may, within 12 months after the renewal date specified on the license for a renewal, reinstate the license without passing a written examination if the natural person:

(a) Completes all applicable continuing education requirements and

(b) Pays a penalty of twice all applicable fees for renewal, except for any fee required pursuant to NRS 680C.110, if the natural person:

(a) Completes all applicable continuing education requirements; and

(b) Pays a penalty of twice all applicable fees for renewal, except for any fee required pursuant to NRS 680C.110. If the renewal date specified on the license for the renewal.

A licensed producer of insurance who is unable to renew his or her license because of military service, extended medical disability or other extenuating circumstance may request a waiver of the time limit and of any fine or sanction otherwise required or imposed because of the failure to renew.

A license must state the licensee’s name, address, personal identification number, the date of issuance, the lines of authority and the date of expiration and must contain any other information the Commissioner considers necessary. The license must be made available for public inspection upon request.

A licensee shall inform the Commissioner of each change of business, residence or electronic mail address, in writing or by other means acceptable to the Commissioner, within 30 days after the change. If a licensee changes his or her business, residence or electronic mail address without giving written notice and the Commissioner is unable to locate the licensee after diligent effort, the Commissioner may revoke the license without a hearing. The mailing of a letter by certified mail, return receipt requested, addressed to the licensee at his or her last mailing address appearing on the records of the Division, and the return of the letter undelivered, constitutes a diligent effort by the Commissioner.

As used in this section, “renewal date” means:

(a) For the first renewal of the license, the last day of the month which is 3 years after the month in which the Commissioner originally issued the license.

(b) For each renewal after the first renewal of the license, the last day of the month which is 3 years after the month in which the license was last due to be renewed.

Sec. 13.5. NRS 683A.281 is hereby amended to read as follows:

683A.281 Every nonresident licensed by this state as a producer of insurance shall appoint the Commissioner in writing as his or her attorney upon whom may be served all legal process issued in connection with any action or proceeding brought or pending in this state against or involving the licensee and relating to transactions under his or her Nevada license. The appointment is irrevocable and continues in force for so long as any such action or proceeding may arise or exist.
upon the Commissioner or other person in apparent charge of the Division
during the Commissioner’s absence, accompanied by payment of the fee for
service of process. Upon such service the Commissioner shall promptly
forward a copy of the process by certified mail with return receipt requested to
the nonresident licensee at his or her business address last of record with the
Division. Process served and the copy thereof forwarded as provided in this
subsection constitutes for all purposes personal service thereof upon the
licensee. Service of process against a nonresident producer for whom the
Commissioner is attorney in fact must be made in accordance with NRS
680A.260.

2. Every such licensee shall likewise file with the Commissioner his or her
written agreement to appear before the Commissioner pursuant to notice of
hearing, show cause order or subpoena issued by the Commissioner and
deposited, postage paid, by certified mail with the United States Postal
Service, addressed to the licensee at his or her address last of record in the
Division, and that upon failure of the licensee so to appear the
licensee thereby consents to any subsequent suspension, revocation or refusal
of the Commissioner to continue the licensee’s license.

Sec. 14. NRS 683A.378 is hereby amended to read as follows:
683A.378  1. A person shall not conduct utilization review unless the
person is:
(a) Registered with the Commissioner as an agent who performs utilization
review and has a medical director who is a physician or, in the case of an agent
who reviews dental services, a dentist, licensed in any state; or
(b) Employed by a registered agent who performs utilization review.

2. A person may apply for registration by filing with the Commissioner a
$250 fee specified in NRS 680B.010 and, in addition to any other fee or
charge, all applicable fees required pursuant to NRS 680C.110 and the
following information on a form provided by the Commissioner:
(a) The applicant’s name, address, telephone number, valid electronic mail
address and normal business hours;
(b) The name and telephone number of a person the Commissioner may
contact for information concerning the applicant;
(c) The name of the medical director of the applicant and the state in which
he or she is licensed to practice medicine or dentistry; and
(d) A summary of the plan for utilization review, including procedures for
appealing determinations made through utilization review.

3. An agent who performs utilization review shall file with the
Commissioner any material changes in the information provided pursuant to
subsection 1 within 30 days after the change occurs.

4. The Commissioner shall not evaluate the plan submitted pursuant to
paragraph (d) of subsection 2. The Commissioner shall make the plan available
upon request and shall charge a reasonable fee for providing a copy of the plan.

5. Registration pursuant to this section must be renewed on or before
March 1 of each year by providing the information specified in subsection 2
and paying the renewal fee of $250 specified in NRS 680B.010 and, in addition to any other fee or charge, all applicable fees required pursuant to NRS 680C.110.

Sec. 15. NRS 683C.040 is hereby amended to read as follows:

683C.040 1. A license may be renewed for additional 3-year periods by submitting to the Commissioner an application for renewal and:

(a) If the application is made:
   (1) On or before the expiration renewal date of the license, all applicable renewal fees; or
   (2) Not more than 30 days after the expiration renewal date of the license, all applicable renewal fees plus any late fee required; a penalty of 50 percent of all applicable renewal fees except for any fee required pursuant to NRS 680C.110;

(b) If the applicant is a natural person, the statement required pursuant to NRS 683C.043; and

(c) If the applicant is a resident, proof of the successful completion of appropriate courses of study required for renewal, as established by the Commissioner by regulation.

2. Except as otherwise provided in subsection 5, a license as an insurance consultant expires if the Commissioner does not receive from the insurance consultant an application for renewal pursuant to subsection 1 on or before the date which is 30 days after the renewal date.

3. The fees specified in this section are not refundable.

4. A natural person who allows his or her license as an insurance consultant to expire pursuant to subsection 2 may, within 12 months after the renewal date, reinstate the license without passing a written examination if the natural person:

(a) Completes all applicable continuing education requirements; and

(b) Pays a penalty of twice all applicable fees for renewal, except for any fee required pursuant to NRS 680C.110.

5. An insurance consultant who is unable to renew his or her license because of military service, extended medical disability or other extenuating circumstance may request a waiver of the time limit and of any fine or sanction otherwise required or imposed because of the failure to renew.

6. A license must state the licensee’s name, address, personal identification number, the date of issuance, the lines of authority and the date of expiration and must contain any other information the Commissioner considers necessary. The license must be made available for public inspection upon request.

7. A licensee shall inform the Commissioner of each change of business, residence or electronic mail address, in writing or by other means acceptable to the Commissioner, within 30 days after the change. If a licensee changes his or her business, residence or electronic mail address without giving written notice and the Commissioner is unable to locate the licensee after diligent effort, the Commissioner may revoke the license without a hearing.
The mailing of a letter by certified mail, return receipt requested, addressed to the licensee at his or her last mailing address appearing on the records of the Division, and the return of the letter undelivered, constitutes a diligent effort by the Commissioner.

8. As used in this section, “renewal date” means:
   (a) For the first renewal of the license, the last day of the month which is 3 years after the month in which the Commissioner originally issued the license.
   (b) For each renewal after the first renewal of the license, the last day of the month which is 3 years after the month in which the license was last due to be renewed.

Sec. 16. NRS 684A.130 is hereby amended to read as follows:
684A.130 1. Each license issued or renewed under this chapter continues in force for 3 years unless it is suspended, revoked or otherwise terminated. A license may be renewed upon payment of all applicable fees for renewal to the Commissioner, completion of any other requirement for renewal of the license specified in this chapter and submission of the statement required pursuant to NRS 684A.143 if the licensee is a natural person. The statement, if required, must be submitted, all requirements must be completed and all applicable fees must be paid on or before the last day of the month in which renewal date for the license is renewable.

2. Any license not so renewed expires at midnight on the last day specified for its renewal date. The Commissioner may accept a request for renewal received by the Commissioner within 30 days after the expiration of the license if the request is accompanied by:
   (a) A fee for renewal of 150 percent of all applicable fees otherwise required, except for any fee required pursuant to NRS 680C.110 and subsection 2 of NRS 684A.050;
   (b) If the person requesting renewal is a natural person, the statement required pursuant to NRS 684A.143;
   (c) Proof of successful completion of any requirement for an examination unless exempt pursuant to NRS 684A.105; and
   (d) If applicable, a request for a waiver of the time limit for renewal and of any fine or sanction otherwise required or imposed because of the failure of the licensee to renew his or her license because of military service, extended medical disability or other extenuating circumstance.

3. An adjuster who is unable to comply with the procedures and requirements to renew a license due to military service, long-term medical disability or some other extenuating circumstance may request waiver of same and a waiver of any requirement relating to an examination, fine or other sanction imposed for failure to comply with such procedures or requirements.

4. An adjuster shall inform the Commissioner by any means acceptable to the Commissioner of any change in the residence address or business address for the home state or in the legal name of the adjuster within 30 days of the change.
5. In order to assist in the performance of the duties of the Commissioner, the
Commissioner may contract with nongovernmental entities, including, without
limitation, the National Association of Insurance Commissioners or its
affiliates or subsidiaries, to perform any ministerial function, including, without
limitation, the collection of fees and data, related to licensing that the
Commissioner may deem appropriate.
6. This section does not apply to temporary licenses issued under NRS
684A.150.
7. As used in this section, “renewal date” means:
(a) For the first renewal of the license, the last day of the month which is
3 years after the month in which the Commissioner originally issued the
license.
(b) For each renewal after the first renewal of the license, the last day of
the month which is 3 years after the month in which the license was last due to be renewed.

Sec. 17. NRS 684B.030 is hereby amended to read as follows:
684B.030 1. Before the issuance of a motor vehicle physical damage
appraiser’s license the applicant shall file with the Commissioner, and
thereafter maintain in force while so licensed, a surety bond [in the which
complies with section 3 of this act and is in an amount of $2,500 in favor of
the people of the State of Nevada, executed by an authorized surety insurer
approved] determined by the Commissioner, and conditioned for the
faithful performance of required duties.
2. The bond shall remain in force until the surety is released from liability
by the Commissioner, or until cancelled by the surety. Without prejudice to
any prior liability accrued, the surety may cancel the bond upon 30 days’
advance written notice filed with the Commissioner.
3. A motor vehicle physical damage appraiser’s license is automatically
suspended if the appraiser does not file with the Commissioner a replacement
bond before the date of cancellation of the previous bond. A replacement bond
must meet all requirements [of this section] for the initial bond.

Sec. 18. NRS 684B.060 is hereby amended to read as follows:
684B.060 1. If the Commissioner finds that the application is complete
and the applicant is otherwise eligible and qualified for the license as a motor
vehicle physical damage appraiser, the Commissioner shall promptly issue the
license. If the Commissioner refuses to issue the license the Commissioner
shall promptly notify the applicant in writing of the refusal, stating the grounds
for the refusal.
2. All fees paid by the applicant [any refundable license fees tendered] with the
application [for a license are nonrefundable.

Sec. 19. NRS 684B.080 is hereby amended to read as follows:
684B.080 1. Each license issued or renewed under this chapter
continues in force for 3 years unless it is suspended, revoked or otherwise
terminated. A license may be renewed upon payment of all applicable fees for
renewal to the Commissioner and submission of the statement required pursuant to NRS 684B.083 if the licensee is a natural person. The statement, if required, must be submitted and all applicable fees must be paid on or before the last day of the month in which renewal date for the license is renewable.

2. Any license not so renewed expires at midnight on the last day specified for its renewal date. The Commissioner may accept a request for renewal received by the Commissioner within 30 days after the expiration of the license if the request is accompanied by a fee for renewal of 150 percent of all applicable fees otherwise required, except for any fee required pursuant to NRS 680C.110, and the statement required pursuant to NRS 684B.083 if the person requesting renewal is a natural person.

3. As used in this section, “renewal date” means:
   (a) For the first renewal of the license, the last day of the month which is 3 years after the month in which the Commissioner originally issued the license.
   (b) For each renewal after the first renewal of the license, the last day of the month which is 3 years after the month in which the license was last due to be renewed.

Sec. 20. NRS 685A.120 is hereby amended to read as follows:

685A.120 1. No person may act as, hold himself or herself out as or be a surplus lines broker with respect to subjects of insurance for which this State is the insured’s home state unless the person is licensed as such by the Commissioner pursuant to this chapter.

2. Any person who has been licensed by this State as a producer of insurance for general lines for at least 6 months, or has been licensed in another state as a surplus lines broker and continues to be licensed in that state, and who is deemed by the Commissioner to be competent and trustworthy with respect to the handling of surplus lines may be licensed as a surplus lines broker upon:
   (a) Application for a license and payment of all applicable fees for a license;
   (b) Submitting the statement required pursuant to NRS 685A.127; and
   (c) Passing any examination prescribed by the Commissioner on the subject of surplus lines.

3. An application for a license must be submitted to the Commissioner on a form designated and furnished by the Commissioner. The application must include the social security number of the applicant.

4. A license issued or renewed pursuant to this chapter continues in force for 3 years unless it is suspended, revoked or otherwise terminated. The license may be renewed upon submission of the statement required pursuant to NRS 685A.127 and payment of all applicable fees for renewal to the Commissioner on or before the last day of the month in which renewal date for the license is renewable.

5. A license which is not renewed expires at midnight on the last day specified for its renewal date. The Commissioner may accept a request for
renewal received by the Commissioner within 30 days after the expiration of
the license if the request is accompanied by:
   (a) The statement required pursuant to NRS 685A.127;
   (b) All applicable fees for renewal; and
   (c) A penalty in an amount that is equal to 50 percent of all applicable fees
for renewal, except for any fee required pursuant to NRS 680C.110.

6. As used in this section, “renewal date” means:
   (a) For the first renewal of the license, the last day of the month which is
   3 years after the month in which the Commissioner originally issued the
   license.
   (b) For each renewal after the first renewal of the license, the last day of
   the month which is 3 years after the month in which the license was last
due to be renewed.

Sec. 20.5. NRS 685A.200 is hereby amended to read as follows:

685A.200 1. An unauthorized insurer effecting insurance under the
provisions of the Nonadmitted Insurance Law shall be deemed to be
transacting insurance in this state as an unlicensed insurer and may be sued in
a district court of this state upon any cause of action arising against it in this
state under any insurance contract entered into by it under this chapter.

2. Service of process against an unauthorized insurer may be made in any such action by service of two copies thereof upon the
Commissioner or an authorized representative of the Commissioner and
payment of the fee specified in NRS 680B.010. The Commissioner or an
authorized representative of the Commissioner shall forthwith mail a copy of
the process served to the person designated by the insurer in the policy for the
purpose by prepaid registered or certified mail with return receipt requested.

3. The defendant unauthorized insurer has 40 days from the date of
service of the summons and complaint upon the Commissioner or an authorized representative of the Commissioner, within which to plead, answer or defend any such suit.

4. An unauthorized insurer entering into an insurance contract
under the provisions of this chapter shall be deemed thereby to have
authorized service of process against it in the manner and to the effect provided
in this section. Any such contract, if issued, must contain a provision stating the substance of this section and designating the person to whom the Commissioner or an authorized representative of the Commissioner Division shall forward process as provided in subsection 2.

5. For the purposes of this section, “process” includes only a summons or the initial documents served in an action. The Commissioner or an authorized representative of the Commissioner is not required to serve any documents after the initial service of process.

Sec. 21. NRS 686A.360 is hereby amended to read as follows:

686A.360 1. An application for a license to engage in the business of a company must be filed with the Commissioner on a form prescribed by the Commissioner and must include:

(a) A nonrefundable fee for application and for investigation of the applicant of $500 and, in addition to any other fee or charge, all applicable fees required pursuant to NRS 680C.110;

(b) A surety bond payable to the State of Nevada in the amount of $50,000, executed by a surety company which is authorized to do business in Nevada, which complies with section 3 of this act and is in an amount determined by the Commissioner;

(c) A current certified financial statement or another financial statement if individually approved by the Commissioner;

(d) An appointment of the Commissioner and the successors in office of the Commissioner as the applicant’s attorney to receive service of process; and

(e) If the applicant is a corporation, a copy of its articles of incorporation.

2. The applicant shall provide the Commissioner with any material change concerning information contained in the application within 10 days after the change occurs.

Sec. 22. Chapter 687B of NRS is hereby amended by adding thereto the provisions set forth as sections 23 to 35, inclusive, of this act.

Sec. 23. As used in sections 23 to 35, inclusive, of this act, unless the context otherwise requires, the words and terms defined in sections 24 to 31, inclusive, of this act have the meanings ascribed to them in those sections.

Sec. 24. “Attachment point” means the amount of claims or losses incurred by an insured beyond which an insurer under a policy of stop-loss insurance incurs a liability for payment to the insured.

Sec. 25. “Group health plan” has the meaning ascribed to it in NRS 689B.390.

Sec. 26. “Health care services” has the meaning ascribed to it in NRS 687B.620.

Sec. 27. “Multiple employer welfare arrangement” has the meaning ascribed to it in NRS 680A.028.

Sec. 28. “Network” has the meaning ascribed to it in NRS 687B.640.

Sec. 29. “Policy of provider stop-loss insurance” means a policy of stop-loss insurance which:

1. Is issued to a provider of health care or a network;
2. Provides coverage for losses of the provider of health care or network above an attachment point which is stated in the policy; and

3. Covers losses of the provider of health care or network which result from the financial risk assumed by the provider of health care or network in a managed care contract with another insurer, including, without limitation, an accident and health insurer, health insurer, health maintenance organization or self-funded group health plan, with whom the provider of health care or network has entered into a contract to provide health care services.

Sec. 30. “Policy of stop-loss insurance” means a policy or contract of insurance, which provides coverage for the losses of an insured above an attachment point which is stated in the policy or contract, including, without limitation, a policy of insurance which includes stop-loss coverage or excess loss coverage.

Sec. 31. “Provider of health care” has the meaning ascribed to it in NRS 687B.660.

Sec. 32. An insurer authorized in this State to issue policies or contracts of property and casualty insurance, accident and health insurance or health insurance shall report to the Commissioner any premiums written in this State by the insurer for policies of stop-loss insurance. The insurer shall report the premiums:

1. With the annual statement filed by the insurer pursuant to NRS 680A.270; and

2. In the manner prescribed by the Commissioner.

Sec. 33. 1. An insurer intending to issue a policy of stop-loss insurance in this State to cover losses of a group health plan shall, before issuing the policy, exercise reasonable diligence to confirm that:

(a) The underlying group health plan is legitimate; and

(b) The entity offering the underlying group health plan is properly authorized to offer the group health plan.

2. If the underlying group health plan is a self-funded multiple employer welfare arrangement, the reasonable diligence required by subsection 1 includes, without limitation, ensuring that the self-funded multiple employer welfare arrangement is authorized to do business in this State pursuant to chapter 680A of NRS as a self-funded multiple employer welfare arrangement.

Sec. 34. A policy form for a policy of stop-loss insurance which is intended for issue in this State to cover losses of a group health plan must be filed with and approved by the Commissioner pursuant to NRS 687B.120 before being delivered or issued for delivery. In addition to any other applicable requirements, the policy form must satisfy the following requirements:

1. The policy of stop-loss insurance must be issued to and insure the sponsor of the group health plan or the group health plan itself and must not be issued to or insure:
(a) Employees covered by the group health plan;
(b) Members of the group health plan; or
(c) Participants in the group health plan.
2. Payments by the insurer under the policy of stop-loss insurance must be made to the sponsor of the group health plan or the group health plan itself and must not be made to:
(a) Employees covered by the group health plan;
(b) Members of the group health plan;
(c) Participants in the group health plan;
(d) Providers of health care who provide health care services pursuant to the group health plan; or
(e) A network whose providers of health care provide health care services pursuant to the group health plan.

Sec. 35. 1. A policy form for a policy of provider stop-loss insurance which is intended for issue in this State must be filed with and approved by the Commissioner pursuant to NRS 687B.120 before being delivered or issued for delivery. In addition to any other applicable requirements, the policy form must satisfy the following requirements:
(a) The policy of provider stop-loss insurance must be issued to and insure the provider of health care or the network which enters into the policy.
(b) Payments by the insurer under the policy of provider stop-loss insurance must be made to the provider of health care or the network which enters into the policy.
(c) The policy of provider stop-loss insurance must provide:
   (1) An attachment point per claimant of at least $10,000; and
   (2) An aggregate attachment point of at least $100,000 per calendar year.
(d) The policy of provider stop-loss insurance must require that the proof of loss be furnished to the insurer within 90 days after:
   (1) The date the loss is incurred; or
   (2) Any date provided in the policy which is later than the date the loss is incurred.

2. A policy form filed with the Commissioner for approval as required by subsection 1 must be accompanied by a separate document certifying that each of the requirements specified in paragraphs (a) to (d), inclusive, of subsection 1 have been met.

Sec. 36. NRS 688C.200 is hereby amended to read as follows:
688C.200 1. Upon the filing of an application and payment of all applicable fees, the Commissioner shall investigate the applicant, and issue a license if the Commissioner finds that the applicant:
(a) If a provider of viatical settlements, has set forth a detailed plan of operation;
(b) Is competent and trustworthy and intends to act in good faith in the capacity for which the license is sought;
(c) Has a good reputation in business and, if a natural person, has had experience, training or education which qualifies the applicant in that capacity; 
(d) If an organization, provides a certificate of good standing from the state of its domicile; and 
(e) If a provider or broker of viatical settlements:
   (1) Has included a plan to prevent fraud which satisfies the requirements of NRS 688C.490; and 
   (2) Has demonstrated evidence of financial responsibility through either:
      (I) A surety bond [executed and issued by an authorized surety in favor of the State of Nevada, continuous in form] which complies with section 3 of this act and is in an amount [as] determined by the Commissioner, [of] which must be not less than $250,000; or
      (II) A deposit of cash, certificates of deposit, securities or any combination thereof in the amount of $250,000.

2. The Commissioner shall not issue a license to a nonresident unless a written designation of an agent for service of process, or an irrevocable written consent to the commencement of an action against the applicant by service of process upon the Commissioner, accompanies the application.

3. A provider or broker of viatical settlements shall furnish to the Commissioner new or revised information concerning partners, members, officers, holders of more than 10 percent of its stock, and designated employees within 30 days after a change occurs.

4. Notwithstanding any provision of this section to the contrary, the Commissioner shall accept as evidence of financial responsibility proof that financial instruments complying with the requirements of this section have been filed with a state where the applicant is licensed as a provider or broker of viatical settlements.

5. A surety bond issued for the purposes of this section must specifically authorize recovery by the Commissioner on behalf of any person in this State who sustained damages as a result of:
   (a) Erroneous acts; 
   (b) Failure to act; or 
   (c) Conviction of: 
      (1) Fraud; or 
      (2) Unfair practices,
      by the provider or broker of viatical settlements.

6. The Commissioner may request evidence of financial responsibility as described in subparagraph (2) of paragraph (e) of subsection 1 at any time the Commissioner deems necessary.

Sec. 37. NRS 689.185 is hereby amended to read as follows:

689.185 1. Except as otherwise provided in subsection 2:
(a) Before the issuance of a certificate of authority, the seller shall post with the Commissioner and thereafter maintain in force a bond [in the principal sum of] which complies with section 3 of this act and is in an amount determined by the Commissioner, which must be not less than $50,000, [issued by an
authorized corporate surety in favor of the State of Nevada, or a deposit of cash or negotiable securities or a combination of cash and negotiable securities. If a deposit is made in lieu of a bond, the deposit must at all times have a market value of not less than the amount of the bond required by the Commissioner.

(b) The bond or deposit must be held for the benefit of buyers of prepaid contracts, and other persons as their interests may appear, who may be damaged by misuse or diversion of money by the seller or the agents of the seller, or to satisfy any judgments against the seller for failure to perform a prepaid contract. The aggregate liability of the surety for all breaches of the conditions of the bond must not exceed the sum of the bond. [The surety on the bond has the right to cancel the bond upon giving 30 days' notice to the Commissioner and thereafter is relieved of liability for any breach of condition occurring after the effective date of the cancellation.]

(c) A certificate of authority issued to a seller is automatically suspended if the seller does not file with the Commissioner a replacement bond before the date of cancellation of the previous bond.]

(c) A replacement bond must meet all requirements of this subsection for the initial bond.

(d) The Commissioner shall release the bond or deposit after the seller has ceased doing business as such and the Commissioner is satisfied of the nonexistence of any obligation or liability of the seller for which the bond or deposit was held.

2. The Commissioner may waive the requirements of subsection 1 if the seller agrees:
   (a) To offer for sale only prepaid contracts that are payable solely from the proceeds of a policy of life insurance; and
   (b) Not to collect any money from the purchaser of a prepaid contract.

Sec. 38. NRS 689.255 is hereby amended to read as follows:

689.255 1. Each agent’s license issued or renewed pursuant to NRS 689.150 to 689.375, inclusive, continues in force for 3 years unless it is suspended, revoked or otherwise terminated.

2. An agent’s license may be renewed at the request of the holder of a valid seller’s certificate of authority, upon filing a written request for renewal accompanied by all applicable fees for renewal and the statement required pursuant to NRS 689.258. All applicable fees for renewal are nonrefundable.

3. Any license not so renewed expires on the last day of the month specified for its renewal date. The Commissioner may accept a request for renewal received by the Commissioner within 30 days after the expiration of the license if the request is accompanied by a fee for renewal of 150 percent of all applicable fees otherwise required, except for any fee required pursuant to NRS 680C.110, and the statement required pursuant to NRS 689.258.

4. An agent’s license is valid only while the agent is employed by a holder of a valid seller’s certificate of authority.
5. As used in this section, “renewal date” means:
   (a) For the first renewal of the license, the last day of the month which is 3 years after the month in which the Commissioner originally issued the license.
   (b) For each renewal after the first renewal of the license, the last day of the month which is 3 years after the month in which the license was last due to be renewed.

Sec. 39. NRS 689.495 is hereby amended to read as follows:
689.495  1. Except as otherwise provided in subsection 2:
   (a) Before the issuance of a permit to a seller, the seller shall post with the Commissioner and thereafter maintain in force a bond [in the principal sum of] which complies with section 3 of this act and is in an amount determined by the Commissioner, which must be not less than $50,000, [issued by an authorized corporate surety in favor of the State of Nevada,] or a deposit of cash or negotiable securities or a combination of cash and negotiable securities. If a deposit is made in lieu of a bond, the deposit must at all times have a market value not less than the amount of the bond required by the Commissioner.
   (b) The bond or deposit must be held for the benefit of buyers of prepaid contracts, and other persons as their interests may appear, who may be damaged by misuse or diversion of money by the seller or the agents of the seller, or to satisfy any judgments against the seller for failure to perform a prepaid contract. The aggregate liability of the surety for all breaches of the conditions of the bond must not exceed the sum of the bond. [The surety on the bond has the right to cancel the bond upon giving 30 days’ notice to the Commissioner and thereafter is relieved of liability for any breach of condition occurring after the effective date of the cancellation.]
   (c) A permit issued to a seller is automatically suspended if the seller does not file with the Commissioner a replacement bond before the date of cancellation of the previous bond.
   (c) A replacement bond must meet all requirements of this subsection for the initial bond.
   (d) The Commissioner shall release the [bond or] deposit after the seller has ceased doing business as such and the Commissioner is satisfied of the nonexistence of any obligation or liability of the seller for which the [bond or] deposit was held.

2. The Commissioner may waive the requirements of subsection 1 if the seller agrees:
   (a) To offer for sale only prepaid contracts that are payable solely from the proceeds of a policy of life insurance; and
   (b) Not to collect any money from the purchaser of a prepaid contract.

Sec. 40. NRS 689.505 is hereby amended to read as follows:
689.505  1. Each seller’s permit issued or renewed pursuant to NRS 689.450 to 689.595, inclusive, continues in effect for 3 years unless it is suspended, revoked or otherwise terminated.
2. The Commissioner shall renew a seller’s permit upon receiving a written request for renewal from the seller, accompanied by all applicable fees for renewal, which are not refundable, if the Commissioner finds that the seller is, at that time, in compliance with all applicable provisions of NRS 689.450 to 689.595, inclusive.

3. A permit which is not renewed expires at midnight on the last day specified for its renewal date. The Commissioner may accept a request for renewal received by the Commissioner within 30 days after the expiration of the permit if the request is accompanied by a fee for renewal of 150 percent of all applicable fees otherwise required, except for any fee required pursuant to NRS 680C.110.

4. As used in this section, “renewal date” means:
(a) For the first renewal of the permit, the last day of the month which is 3 years after the month in which the Commissioner originally issued the permit.
(b) For each renewal after the first renewal of the permit, the last day of the month which is 3 years after the month in which the permit was last due to be renewed.

Sec. 41. NRS 689.530 is hereby amended to read as follows:
689.530 1. Each agent’s license issued or renewed pursuant to NRS 689.450 to 689.595, inclusive, continues in effect for 3 years unless it is suspended, revoked or otherwise terminated.

2. An agent’s license may be renewed, unless it has been suspended or revoked, at the request of the holder of a valid seller’s permit upon filing a written request for renewal accompanied by all applicable fees for renewal and the statement required pursuant to NRS 689.258. All applicable fees for renewal are not refundable.

3. An agent’s license which is not renewed expires on the renewal date. The Commissioner may accept a request for renewal which is received by the Commissioner within 30 days after the expiration of the license if the request is accompanied by a fee for renewal of 150 percent of all applicable fees otherwise required, except for any fee required pursuant to NRS 680C.110, and the statement required pursuant to NRS 689.258.

4. An agent’s license is valid only while the agent is employed by a holder of a valid seller’s permit.

5. As used in this section, “renewal date” means:
(a) For the first renewal of the license, the last day of the month which is 3 years after the month in which the Commissioner originally issued the license.
(b) For each renewal after the first renewal of the license, the last day of the month which is 3 years after the month in which the license was last due to be renewed.

Sec. 42. NRS 689A.717 is hereby amended to read as follows:
689A.717 1. Except as otherwise provided in this subsection, an individual health benefit plan issued pursuant to this chapter that includes
coverage for maternity care and pediatric care for newborn infants may not restrict benefits for any length of stay in a hospital in connection with childbirth for a pregnant or postpartum individual or newborn infant covered by the plan to:

(a) Less than 48 hours after a normal vaginal delivery; and
(b) Less than 96 hours after a cesarean section.

If a different length of stay is provided in the guidelines established by the American College of Obstetricians and Gynecologists, or its successor organization, and the American Academy of Pediatrics, or its successor organization, the individual health benefit plan may follow such guidelines in lieu of following the length of stay set forth above. The provisions of this subsection do not apply to any individual health benefit plan in any case in which the decision to discharge the pregnant or postpartum individual or newborn infant before the expiration of the minimum length of stay set forth in this subsection is made by the attending physician of the pregnant or postpartum individual or newborn infant.

2. Nothing in this section requires a pregnant or postpartum individual to:

(a) Deliver her the baby in a hospital; or
(b) Stay in a hospital for a fixed period following the birth of her the child.

3. An individual health benefit plan that offers coverage for maternity care and pediatric care of newborn infants may not:

(a) Deny a pregnant or postpartum individual or her the newborn infant coverage or continued coverage under the terms of the plan or coverage if the sole purpose of the denial of coverage or continued coverage is to avoid the requirements of this section;
(b) Provide monetary payments or rebates to a pregnant or postpartum individual to encourage her the individual to accept less than the minimum protection available pursuant to this section;
(c) Penalize, or otherwise reduce or limit, the reimbursement of an attending provider of health care because the attending provider of health care provided care to a pregnant or postpartum individual or newborn infant in accordance with the provisions of this section;
(d) Provide incentives of any kind to an attending physician to induce the attending physician to provide care to a pregnant or postpartum individual or newborn infant in a manner that is inconsistent with the provisions of this section; or
(e) Except as otherwise provided in subsection 4, restrict benefits for any portion of a hospital stay required pursuant to the provisions of this section in a manner that is less favorable than the benefits provided for any preceding portion of that stay.

4. Nothing in this section:

(a) Prohibits an individual health benefit plan from imposing a deductible, coinsurance or other mechanism for sharing costs relating to benefits for hospital stays in connection with childbirth for a pregnant or
postpartum individual or newborn child covered by the plan, except that such coinsurance or other mechanism for sharing costs for any portion of a hospital stay required by this section may not be greater than the coinsurance or other mechanism for any preceding portion of that stay.

(b) Prohibits an arrangement for payment between an individual health benefit plan and a provider of health care that uses capitation or other financial incentives, if the arrangement is designed to provide services efficiently and consistently in the best interest of the pregnant or postpartum individual and the newborn infant.

(c) Prevents an individual health benefit plan from negotiating with a provider of health care concerning the level and type of reimbursement to be provided in accordance with this section.

Sec. 43. NRS 689B.520 is hereby amended to read as follows:

689B.520 1. Except as otherwise provided in this subsection, a group health plan or coverage offered under group health insurance issued pursuant to this chapter that includes coverage for maternity care and pediatric care for newborn infants may not restrict benefits for any length of stay in a hospital in connection with childbirth for a pregnant or postpartum individual or newborn infant covered by the plan or coverage to:

(a) Less than 48 hours after a normal vaginal delivery; and

(b) Less than 96 hours after a cesarean section.

If a different length of stay is provided in the guidelines established by the American College of Obstetricians and Gynecologists, or its successor organization, and the American Academy of Pediatrics, or its successor organization, the group health plan or health insurance coverage may follow such guidelines in lieu of following the length of stay set forth above. The provisions of this subsection do not apply to any group health plan or health insurance coverage in any case in which the decision to discharge the pregnant or postpartum individual or newborn infant before the expiration of the minimum length of stay set forth in this subsection is made by the attending physician of the pregnant or postpartum individual or newborn infant.

2. Nothing in this section requires a pregnant or postpartum individual to:

(a) Deliver the baby in a hospital; or

(b) Stay in a hospital for a fixed period following the birth of the child.

3. A group health plan or coverage under group health insurance that offers coverage for maternity care and pediatric care of newborn infants may not:

(a) Deny a pregnant or postpartum individual or the newborn infant coverage or continued coverage under the terms of the plan or coverage if the sole purpose of the denial of coverage or continued coverage is to avoid the requirements of this section;
(b) Provide monetary payments or rebates to a pregnant or postpartum individual to encourage the individual to accept less than the minimum protection available pursuant to this section;
(c) Penalize, or otherwise reduce or limit, the reimbursement of an attending provider of health care because the attending provider of health care provided care to a pregnant or postpartum individual or newborn infant in accordance with the provisions of this section;
(d) Provide incentives of any kind to an attending physician to induce the attending physician to provide care to a pregnant or postpartum individual or newborn infant in a manner that is inconsistent with the provisions of this section; or
(e) Except as otherwise provided in subsection 4, restrict benefits for any portion of a hospital stay required pursuant to the provisions of this section in a manner that is less favorable than the benefits provided for any preceding portion of that stay.

4. Nothing in this section:
(a) Prohibits a group health plan or carrier from imposing a deductible, coinsurance or other mechanism for sharing costs relating to benefits for hospital stays in connection with childbirth for a mother pregnant or postpartum individual or newborn child covered by the plan, except that such coinsurance or other mechanism for sharing costs for any portion of a hospital stay required by this section may not be greater than the coinsurance or other mechanism for any preceding portion of that stay.
(b) Prohibits an arrangement for payment between a group health plan or carrier and a provider of health care that uses capitation or other financial incentives, if the arrangement is designed to provide services efficiently and consistently in the best interest of the mother pregnant or postpartum individual and her the newborn infant.
(c) Prevents a group health plan or carrier from negotiating with a provider of health care concerning the level and type of reimbursement to be provided in accordance with this section.

Sec. 44. NRS 689C.194 is hereby amended to read as follows:
689C.194 1. Except as otherwise provided in this subsection, a health benefit plan issued pursuant to this chapter that includes coverage for maternity care and pediatric care for newborn infants may not restrict benefits for any length of stay in a hospital in connection with childbirth for a pregnant or postpartum individual or newborn infant covered by the plan to:
(a) Less than 48 hours after a normal vaginal delivery; and
(b) Less than 96 hours after a cesarean section.
If a different length of stay is provided in the guidelines established by the American College of Obstetricians and Gynecologists, or its successor organization, and the American Academy of Pediatrics, or its successor organization, the health benefit plan may follow such guidelines in lieu of following the length of stay set forth above. The provisions of this subsection do not apply to any health benefit plan in any case in which the decision to
discharge the pregnant or postpartum individual or newborn infant before the expiration of the minimum length of stay set forth in this subsection is made by the attending physician of the pregnant or postpartum individual or newborn infant.

2. Nothing in this section requires a pregnant or postpartum individual to:

   (a) Deliver the baby in a hospital; or
   (b) Stay in a hospital for a fixed period following the birth of the child.

3. A health benefit plan that offers coverage for maternity care and pediatric care of newborn infants may not:

   (a) Deny a pregnant or postpartum individual or her the newborn infant coverage or continued coverage under the terms of the plan if the sole purpose of the denial of coverage or continued coverage is to avoid the requirements of this section;
   (b) Provide monetary payments or rebates to a pregnant or postpartum individual to encourage the individual to accept less than the minimum protection available pursuant to this section;
   (c) Penalize, or otherwise reduce or limit, the reimbursement of an attending provider of health care because the attending provider of health care provided care to a pregnant or postpartum individual or newborn infant in accordance with the provisions of this section;
   (d) Provide incentives of any kind to an attending physician to induce the attending physician to provide care to a pregnant or postpartum individual or newborn infant in a manner that is inconsistent with the provisions of this section; or
   (e) Except as otherwise provided in subsection 4, restrict benefits for any portion of a hospital stay required pursuant to the provisions of this section in a manner that is less favorable than the benefits provided for any preceding portion of that stay.

4. Nothing in this section:

   (a) Prohibits a health benefit plan or carrier from imposing a deductible, coinsurance or other mechanism for sharing costs relating to benefits for hospital stays in connection with childbirth for a pregnant or postpartum individual or newborn child covered by the plan, except that such coinsurance or other mechanism for sharing costs for any portion of a hospital stay required by this section may not be greater than the coinsurance or other mechanism for any preceding portion of that stay.
   (b) Prohibits an arrangement for payment between a health benefit plan or carrier and a provider of health care that uses capitation or other financial incentives, if the arrangement is designed to provide services efficiently and consistently in the best interest of the pregnant or postpartum individual and the newborn infant.
   (c) Prevents a health benefit plan or carrier from negotiating with a provider of health care concerning the level and type of reimbursement to be provided in accordance with this section.
Sec. 45.  NRS 689C.560 is hereby amended to read as follows:

689C.560  A voluntary purchasing group shall post a bond for the benefit of members of the group and their eligible employees and dependents, or deposit a certificate of deposit or securities, in such a manner which complies with section 3 of this act and is in an amount as determined by the Commissioner. (Established by regulation.)

Sec. 46.  Chapter 690C of NRS is hereby amended by adding thereto the provisions set forth as sections 47 and 48 of this act. (Deleted by amendment.)

Sec. 47.  In addition to any other requirements set forth in this chapter, a natural person who applies for the issuance or renewal of a certificate of registration as a provider shall:

(a) Include the social security number of the applicant in the application submitted to the Commissioner.

(b) Submit to the Commissioner the statement prescribed by the Division of Welfare and Supportive Services of the Department of Health and Human Services pursuant to NRS 425.520. The statement must be completed and signed by the applicant.

2.  The Commissioner shall include the statement required pursuant to subsection 1 in:

(a) The application or any other forms that must be submitted for the issuance or renewal of the certificate; or

(b) A separate form prescribed by the Commissioner.

3.  A certificate may not be issued or renewed by the Commissioner if the applicant:

(a) Fails to submit the statement required pursuant to subsection 1; or

(b) Indicates on the statement submitted pursuant to subsection 1 that the applicant is subject to a court order for the support of a child and is not in compliance with the order or a plan approved by the district attorney or other public agency enforcing the order for the repayment of the amount owed pursuant to the order.

4.  If an applicant indicates on the statement submitted pursuant to subsection 1 that the applicant is subject to a court order for the support of a child and is not in compliance with the order or a plan approved by the district attorney or other public agency enforcing the order for the repayment of the amount owed pursuant to the order, the Commissioner shall advise the applicant to contact the district attorney or other public agency enforcing the order to determine the actions that the applicant may take to satisfy the arrearage. (Deleted by amendment.)

Sec. 48.  If the Commissioner receives a copy of a court order issued pursuant to NRS 425.510 that provides for the suspension of all professional, occupational or recreational licenses, certificates and permits issued to a person who is the holder of a certificate of registration as a provider, the Commissioner shall deem the certificate issued to that person to be suspended at the end of the 30th day after the date on which the court
order was issued unless the Commissioner receives a letter issued to the holder of the certificate by the district attorney or other public agency pursuant to NRS 425.550 stating that the holder of the certificate has complied with the subpoena or warrant or has satisfied the arrearage pursuant to NRS 425.560.

2. The Commissioner shall reinstate a certificate that has been suspended by a district court pursuant to NRS 425.540 if the Commissioner receives a letter issued to the holder of the certificate by the district attorney or other public agency pursuant to NRS 425.550 stating that the person whose certificate was suspended has complied with the subpoena or warrant or has satisfied the arrearage pursuant to NRS 425.560.

Sec. 49. [NRS 690C.120 is hereby amended to read as follows:

690C.120  1. Except as otherwise provided in this chapter, the marketing, issuance, sale, offering for sale, making, proposing to make and administration of service contracts are not subject to the provisions of title 57 of NRS, except, when applicable, the provisions of:

(a) NRS 679B.020 to 679B.152, inclusive;
(b) NRS 679B.159 to 679B.300, inclusive; and sections 2 and 3 of this act;
(c) NRS 679B.310 to 679B.370, inclusive;
(d) NRS 679B.400 to 679B.600, inclusive;
(e) NRS 685B.030 to 685B.100, inclusive;
(f) NRS 686A.010 to 686A.095, inclusive;
(g) NRS 686A.100 to 686A.170, inclusive; and

2. A provider, person who sells service contracts, administrator or any other person is not required to obtain a certificate of authority from the Commissioner pursuant to chapter 680A of NRS to issue, sell or offer for sale or administer service contracts. (Deleted by amendment.)

Sec. 50. [NRS 690C.150 is hereby amended to read as follows:

690C.150  A provider, person who issues, sells or offers service contracts in this state unless the [provider] person has been issued a certificate of registration as a provider pursuant to the provisions of this chapter. (Deleted by amendment.)

Sec. 51. [NRS 690C.160 is hereby amended to read as follows:

690C.160  1. A provider who wishes to issue, sell or offer service contracts in this state must submit to the Commissioner:

(a) A registration application on a form prescribed by the Commissioner;
(b) Proof that the [provider] person has complied with the requirements for financial security set forth in NRS 690C.170;
(c) A copy of each type of service contract the [provider] person proposes to issue, sell or offer for sale;
(d) The name, address and telephone number of each administrator with whom the provider intends to contract;

(e) [The fee of $2,000 specified in NRS 680B.010 and all applicable fees required pursuant to NRS 680C.110 to be paid at the time of application; and]

(f) [The] If the applicant is a natural person, the following information:

(1) Whether the applicant, in the last 10 years, has been:

(i) Convicted of a felony or misdemeanor of which an essential element is fraud;

(II) Adjudged bankrupt;

(III) Refused a license or registration in the business of a service contract provider or had an existing license or registration in the business of a service contract provider suspended or revoked by any state or governmental agency or authority; or

(iv) Fined by any state or governmental agency or authority in any matter regarding service contracts; and

(2) Whether there are any pending criminal actions against the applicant other than moving traffic violations; and

(g) If the applicant is not a natural person, the following information for each controlling person:

(1) Whether the person, in the last 10 years, has been:

(i) Convicted of a felony or misdemeanor of which an essential element is fraud;

(II) Insolvent or adjudged bankrupt;

(III) Refused a license or registration as a service contract provider or had an existing license or registration as a service contract provider suspended or revoked by any state or governmental agency or authority; or

(iv) Fined by any state or governmental agency or authority in any matter regarding service contracts; and

(2) Whether there are any pending criminal actions against the person other than moving traffic violations.

2. In addition to the fee required by subsection 1, a provider must pay, [a fee of $25] for each type of service contract the provider files with the Commissioner [ ], the fee specified in NRS 680B.010 for filing rates and policies.

3. [Each year.] Every 2 years, not later than the anniversary date of his or her certificate of registration, a provider must pay the [annual] biennial fee required pursuant to NRS 680C.110 in addition to any other fee required pursuant to this section.

4. A certificate of registration is valid for 2 years after the date the Commissioner issues the certificate to the applicant or renews the certificate for the provider. A provider may renew his or her certificate of registration if, not later than 60 days before the certificate expires, the provider submits to the Commissioner [ ] for the Commissioner’s review and approval

(a) An application on a form prescribed by the Commissioner;
The fee of $2,000 specified in NRS 680B.010 and, in addition to any other fee or charge, all applicable fees required pursuant to subsections 2 and 3; and

c. The information required by paragraph (f) of subsection 1, if the provider is a natural person and the provider has had a change in any of the information previously submitted to the Commissioner; and

d. If the provider is not a natural person, the information required by paragraph (g) of subsection 1:

   1. If an existing controlling person has had a change in any of the information previously submitted to the Commissioner; or

   2. For a controlling person who has not previously submitted the information required by paragraph (f) or (g) of subsection 1 to the Commissioner.

5. All fees paid pursuant to this section are nonrefundable.

6. Each application submitted pursuant to this section, including, without limitation, an application for renewal, must:

   a. If the applicant is a natural person, be signed by the applicant; and

   b. If the applicant is not a natural person:

      1. Be signed by an executive officer, if any, of the provider or, if the provider does not have an executive officer, by a controlling person of the provider; and

      2. Have attached to it an affidavit signed by the person described in paragraph (a) which meets the requirements of subsection 2.

7. Before signing the application described in subsection 6, the person who signs the application shall verify that the information provided is accurate to the best of his or her knowledge. (Deleted by amendment.)

Sec. 52. NRS 690C.170 is hereby amended to read as follows:

690C.170  1. Each person who applies for a certificate of registration, as a provider pursuant to NRS 690C.160 and each provider who has been issued a certificate must comply with one of the following to provide for financial security:

   a. Purchase a contractual liability insurance policy which insures the obligations of each service contract the provider issues, sells or offers for sale. The contractual liability insurance policy must:

      1. Be issued by an insurer which is licensed, registered or otherwise authorized to transact insurance in this state or pursuant to the provisions of chapter 685A of NRS.

   b. Maintain a reserve account in this State and deposit with the Commissioner as provided in this subsection. The reserve account
must contain at all times an amount of money equal to at least 40 percent of
the unearned gross consideration received by the provider for any unexpired
service contracts. The reserve account must be kept separate from the
operating accounts of the provider and must be clearly identified as the
(Provider’s Name) Nevada Service Contracts Funded Reserve Account." The
Commissioner may examine the reserve account at any time. The provider
shall also deposit with the Commissioner security in an amount that is equal
to $25,000 or 10 percent of the unearned gross consideration received by the
provider for any unexpired service contracts, whichever is greater. The
security must be:

1. A surety bond (issued by a surety company authorized to do business
in this State) which complies with section 3 of this act;
2. Securities of the type eligible for deposit pursuant to NRS 682B.030;
3. Cash;
4. An irrevocable letter of credit issued by a financial institution
approved by the Commissioner;
5. In any other form prescribed by the Commissioner.

(c) Maintain, or be a subsidiary of a parent company that maintains, a net
worth or stockholders’ equity of at least $100,000,000. Upon request, a
provider shall provide to the Commissioner a copy of the most recent Form
10-K report or Form 20-F report filed by the provider or parent company of
the provider with the Securities and Exchange Commission within the previous
year. If the provider or parent company is not required to file those reports with
the Securities and Exchange Commission, the provider shall provide to the
Commissioner a copy of the most recently audited financial statements of the
provider or parent company. If the net worth or stockholders’ equity of the
parent company of the provider is used to comply with the requirements of this
subsection, the parent company must guarantee to carry out the duties of the
provider under any service contract issued or sold by the provider.

2. A provider shall not use any money in a reserve account described in
paragraph (b) of subsection 1 for any purpose other than to pay an obligation
of the provider under an unexpired service contract.

3. A provider shall maintain the financial security required by subsection
1 until:
(a) The provider ceases doing business in this State; and
(b) The provider has performed or otherwise satisfied all liabilities and
obligations under all unexpired service contracts issued by the provider.

4. If the certificate of registration of a provider has not expired and the
provider fails to maintain the financial security required by subsection 1,
including, without limitation, if the financial security is cancelled or lapses,
the provider shall not issue or sell a service contract or on or after the effective
date of such failure until the provider submits to the Commissioner proof
satisfactory to the Commissioner that the provider is in compliance with
subsection 1.4 (Deleted by amendment.)
Sec. 53. {NRS 690C.260 is hereby amended to read as follows:
690C.260 1. A service contract must:
(a) Be written in language that is understandable and printed in a typeface
that is easy to read.
(b) Indicate that it is insured by a contractual liability insurance policy if it
is so insured, and include the name and address of the issuer of the policy or
that it is backed by the full faith and credit of the provider if the service contract
is not insured by a contractual liability insurance policy.
(c) Include the amount of any deductible that the holder is required to pay.
(d) Include the name and address of the provider and, if applicable:
(1) The name and address of the administrator; and
(2) The name of the holder, if provided by the holder.
(e) The names and addresses of such persons are not required to be preprinted
on the service contract and may be added to the service contract at the time of
the sale.
(f) Include the purchase price of the service contract. The purchase price
must be determined pursuant to a schedule of fees established by the provider.
The purchase price is not required to be preprinted on the service contract and
may be negotiated with the holder and added to the service contract at the time
of sale.
(g) Include a description of the goods covered by the service contract.
(h) Specify the duties of the provider and any limitations, exceptions or
exclusions.
(i) If the service contract covers a motor vehicle, indicate whether
replacement parts that are not made for or by the original manufacturer of the
motor vehicle may be used to comply with the terms of the service contract.
(j) Include any restrictions on transferring or renewing the service contract.
(k) Include the terms, restrictions or conditions for cancelling the service
contract before it expires and the procedure for cancelling the service contract.
The conditions for cancelling the service contract must include, without
limitation, the provisions of NRS 690C.270.
(l) Include the duties of the holder under the contract, including, without
limitation, the duty to protect against damage to the goods covered by the
service contract or to comply with any instructions included in the owner’s
manual for the goods.
(m) Indicate whether the service contract authorizes the holder to recover
consequential damages.
(n) Indicate whether any defect in the goods covered by the service contract
existing on the date the contract is purchased is not covered under the service
contract.
2. A provider shall not allow, make or cause to be made a false or
misleading statement in any of the service contracts or advertisements of the
provider or its affiliates or business partners or intentionally omit a material
statement that causes a service contract or advertisement to be misleading. The
Commissioner may require the provider to amend any service contract or
Sec. 54.  NRS 692A.103 is hereby amended to read as follows:

692A.103  1.  A person who wishes to obtain a license as an escrow officer must:
(a) File a written application in the Office of the Commissioner;
(b) Except as otherwise provided in subsection 3, demonstrate competency in matters relating to escrows by:
   (1) Having at least 1 year of recent experience with respect to escrows of a sufficient nature to allow the person to fulfill the responsibilities of an escrow officer; or
   (2) Passing a written examination concerning escrows as prescribed by the Commissioner;
(c) Submit the name and business address of the title agent who will supervise the escrow officer;
(d) Submit the statement required pursuant to NRS 692A.1033; and
(e) Pay the fees required by NRS 680B.010 and, in addition to any other fee or charge, all applicable fees required pursuant to NRS 680C.110.

2.  The Commissioner shall issue a license as an escrow officer to any person who satisfies the requirements of subsection 1.

3.  The Commissioner may waive the requirements of paragraph (b) of subsection 1 if the applicant submits with his or her application satisfactory proof that the applicant, in good standing, currently holds a license, or held a license within 1 year before the date the applicant submits the application, which was issued pursuant to the provisions of NRS 645A.020.

4.  A license issued or renewed pursuant to this chapter continues in force for 3 years unless it is suspended, revoked or otherwise terminated. The license may be renewed upon submission of the statement required pursuant to NRS 692A.1033 and payment of all applicable fees for renewal to the Commissioner on or before the last day of the month in which renewal date for the license is renewable.

5.  A license which is not renewed expires at midnight on the last day specified for its renewal. The Commissioner may accept a request for renewal received by the Commissioner within 30 days after the expiration of the license if the request is accompanied by the statement required pursuant to NRS 692A.1033 and a fee for renewal of 150 percent of all applicable fees otherwise required, except for any fee required pursuant to NRS 680C.110.

6.  Except as otherwise provided in subsection 8, a license as an escrow officer expires if the Commissioner does not receive from the escrow officer an application for renewal pursuant to subsection 4 or 5 on or before the date which is 30 days after the renewal date.

7.  The fees specified in subsections 4 and 5 are not refundable.

8.  A natural person who allows his or her license as an escrow officer to expire pursuant to subsection 6 may, within 12 months after the renewal...
date, reinstate the license without passing a written examination if the
natural person:
(a) Completes all applicable continuing education requirements; and
(b) Pays a penalty of twice all applicable fees for renewal, except for any
fee required pursuant to NRS 680C.110.
9. An escrow officer who is unable to renew his or her license because
of military service, extended medical disability or other extenuating
circumstance may request a waiver of the time limit and of any fine or
sanction otherwise required or imposed because of the failure to renew.
10. A license must state the licensee’s name, address, personal
identification number, the date of issuance, the lines of authority and the
date of expiration and must contain any other information the
Commissioner considers necessary. The license must be made available for
public inspection upon request.
11. A licensee shall inform the Commissioner of each change of
business, residence or electronic mail address, in writing or by other means
acceptable to the Commissioner, within 30 days after the change. If a
licensee changes his or her business, residence or electronic mail address
without giving written notice and the Commissioner is unable to locate the
licensee after diligent effort, the Commissioner may revoke the license
without a hearing. The mailing of a letter by certified mail, return receipt
requested, addressed to the licensee at his or her last mailing address
appearing on the records of the Division, and the return of the letter
undelivered, constitutes a diligent effort by the Commissioner.
12. The Commissioner shall adopt regulations to carry out the
provisions of this section.
13. As used in this section, “renewal date” means:
(a) For the first renewal of the license, the last day of the month which is
3 years after the month which the Commissioner originally issued the
license.
(b) For each renewal after the first renewal of the license, the last day of
the month which is 3 years after the month in which the license was last due
to be renewed.

Sec. 55. NRS 692A.1041 is hereby amended to read as follows:
692A.1041 1. In addition to all other requirements set forth in this title
and except as otherwise provided in subsections 2 and 3 and
NRS 692A.1042, as a condition to doing business in this State, each title agent
and title insurer shall deposit with the Commissioner and keep in full force and
effect a corporate surety bond payable to the State of Nevada, in the amount
set forth in subsection 3, which is executed by a corporate surety satisfactory
to the Commissioner, which complies with section 3 of this act and is in an amount as
determined by the Commissioner. The bond must name
as principals the title agency or title insurer and all escrow officers employed
without or associated with the title agent or title insurer.
2. The bond must be in substantially the following form:
— Know All Persons by These Presents, that .........................., as principal, and .........................., as surety, are held and firmly bound unto the State of Nevada for the use and benefit of any person who suffers damages because of a violation of any of the provisions of chapter 692A of NRS, in the sum of ..........., lawful money of the United States, to be paid to the State of Nevada for such use and benefit, for which payment well and truly to be made, and that we bind ourselves, our heirs, executors, administrators, successors and assigns, jointly and severally, firmly by these presents.

— The condition of that obligation is such that: WHEREAS, the Commissioner of Insurance of the Department of Business and Industry of the State of Nevada has issued the principal a license or certificate of authority as a title agent or title insurer, and the principal is required to furnish a bond, which is conditioned as set forth in this bond:

— Now, therefore, if the principal, the principal’s agents and employees, strictly, honestly and faithfully comply with the provisions of chapter 692A of NRS, and pay all damages suffered by any person because of a violation of any of the provisions of chapter 692A of NRS, or by reason of any fraud, dishonesty, misrepresentation or concealment of material facts growing out of any transaction governed by the provisions of chapter 692A of NRS, then this obligation is void; otherwise it remains in full force.

— This bond becomes effective on the ..........(day) of ........(month) of ......(year), and remains in force until the surety is released from liability by the Commissioner of Insurance or until this bond is cancelled by the surety. The surety may cancel this bond and be relieved of further liability hereunder by giving 60 days’ written notice to the principal and to the Commissioner of Insurance of the Department of Business and Industry of the State of Nevada.

— In Witness Whereof, the seal and signature of the principal hereto is affixed, and the corporate seal and the name of the surety hereto is affixed and attested by its authorized officers at .................... ...., Nevada, this ................(day) of ................(month) of ......(year).

____________________________________________________ (Seal)
Principal

____________________________________________________ (Seal)
Surety

By ________________________________________________
Attorney-in-fact

____________________________________________________
Nevada licensed insurance agent

Each title agent and title insurer [shall deposit] may, in lieu of a corporate surety bond that complies with the provisions of [this section or]
subsection 1, deposit a substitute form of security that complies with the provisions of NRS 692A.1042 in an amount that:
—(a) Is not less than $20,000 or 2 percent of the average collected balance of the trust account or escrow account maintained by the title agent or title insurer pursuant to NRS 692A.250, whichever is greater; and
—(b) Is not more than $250,000, as determined by the Commissioner.
The Commissioner shall determine the appropriate amount of the substitute form of security that must be deposited initially by the title agent or title insurer based upon the expected average collected balance of the trust account or escrow account maintained by the title agent or title insurer pursuant to NRS 692A.250. After the initial deposit, the Commissioner shall, on an annual basis, determine the appropriate amount of the substitute form of security that must be deposited by the title agent or title insurer based upon the average collected balance of the trust account or escrow account maintained by the title agent or title insurer pursuant to NRS 692A.250. A natural person licensed as a title agent is not obligated to deposit a corporate surety bond or substitute security, as defined in NRS 692A.1042, if that natural person is employed by a title insurer, or by a firm or corporation licensed as a title agent.

4. A title agent or title insurer may offset or reduce the amount of the substitute form of security that the title agent or title insurer is required to deposit pursuant to subsection 2 by the amount of any of the following:
(a) Cash or securities deposited with the Commissioner in this State pursuant to NRS 680A.140 or 682B.015.
(b) Reserves against unpaid losses and loss expenses maintained pursuant to NRS 692A.150 or 692A.170.
(c) Unearned premium reserves maintained pursuant to NRS 692A.160 or 692A.170.
(d) Fidelity bonds maintained by the title agent or title insurer.
(e) Other bonds or policies of insurance maintained by the title agent or title insurer covering liability for economic losses to customers caused by the title agent or title insurer.

Sec. 56. NRS 692A.230 is hereby amended to read as follows:
692A.230 1. No person may engage in business as a title plant company unless the person has been granted a license to do so by the Commissioner.
2. An applicant for a license to conduct business as a title plant company shall submit as part of his or her application:
(a) A copy of the proposed articles of incorporation or association and bylaws, or the partnership agreement, which will govern the operation of the business.
(b) A list of the owners or participants and the nature and degree of their interest.
(c) A list of the persons who will operate the business, and their addresses and qualifications, including experience.
(d) The conditions under which ownership or participation in the business may be sold or acquired.

(e) A statement of whether or not title information will be compiled for persons other than owners or participants in the business.

(f) A pro forma balance sheet and other financial information to indicate the sufficiency of financing of the business.

(g) Other information which the Commissioner requires.

(h) The fee of $10. specified in NRS 680B.010.

3. If the Commissioner finds that:

(a) The business of the applicant will be sufficiently financed;

(b) The persons who will be operating the business are qualified;

(c) The rules of operation expressed in the articles of incorporation or association and the bylaws, or in the partnership agreement, will promote the efficiency of the operation of the owners or participants; and

(d) The operation of the business will not unduly restrict competition, the Commissioner may issue a license to the applicant and permit organization of the business.

4. A license issued under this section is valid for a period of 1 year, and may be renewed by the submission of any information which the Commissioner requires and the fee of $10. specified in NRS 680B.010.

5. A license issued under this section may be suspended or revoked by the Commissioner if:

(a) The licensee ceases to operate in a manner set forth in its approved application.

(b) In the opinion of the Commissioner, the operation of the business has become a restraint on competition or is not in the best interests of the public.

(c) The licensee has not informed the Commissioner promptly of each change in conditions set forth in its application.

6. The Commissioner shall give written notice to any licensee whose license the Commissioner intends to suspend or revoke, and the licensee shall be granted a hearing if the licensee requests it in writing within 15 days after the receipt of the notice from the Commissioner. A decision of the Commissioner after hearing is final administrative action.

7. This section does not apply to any person licensed under the provisions of this chapter engaged in the business of a title plant company when the operation is not in concert with others.

Sec. 56.1. Chapter 681 of NRS is hereby amended by adding thereto the provisions set forth as sections 56.15 to 56.55, inclusive, of this act:

Sec. 56.15. “Group Capital Calculation instructions” means the applicable instructions for group capital calculations as adopted by the NAIC and as amended by the NAIC from time to time in accordance with the procedures adopted by the NAIC.

Sec. 56.2. “NAIC Liquidity Stress Test Framework” means a separate NAIC publication which includes a history of the NAIC’s development of regulatory liquidity stress testing, the scope criteria applicable for a specific
data year and the liquidity stress test instructions and reporting templates for a specific data year, with the scope criteria, instructions and reporting template being as adopted by the NAIC and as amended by the NAIC from time to time in accordance with the procedures adopted by the NAIC.

Sec. 56.25. “Scope Criteria” means, as detailed in the NAIC Liquidity Stress Test Framework, the designated exposure bases along with minimum magnitudes thereof for the specified data year, used to establish a preliminary list of insurers considered scoped into the NAIC Liquidity Stress Test Framework for that data year.

Sec. 56.3. 1. The group capital calculation and resulting group capital ratio required under subsection 3 of NRS 692.290 and the liquidity stress test along with its results and supporting disclosures required under subsection 4 of NRS 692.290 may be used as regulatory tools for assessing group risks and capital adequacy and group liquidity risks, respectively, and must not be used to rank insurers or insurance holding company systems generally.

2. Except as authorized by subsection 3 or as otherwise required in this chapter, a person shall not engage in the making, publishing, disseminating, circulating or placing before the public, or causing directly or indirectly to be made, published, disseminated, circulated or placed before the public in a newspaper, magazine or other publication, or in the form of a notice, circular, pamphlet, letter or poster, or over any radio or television station or any electronic means of communication available to the public, or in any other way as an advertisement, announcement or statement containing a representation or statement with regard to the group capital calculation, group capital ratio, the liquidity stress test results or supporting disclosures for the liquidity stress test of any insurer or any insurer group, or of any component derived in the calculation by any insurer, broker or other person engaged in any manner in the insurance business, and any such action shall be deemed by the Commissioner to be misleading.

3. If any materially false statement with respect to the group capital calculation, resulting group capital ratio, an inappropriate comparison of any amount to an insurer’s or insurance group’s group capital calculation or resulting group capital ratio, liquidity stress test result, supporting disclosures for the liquidity stress test or an inappropriate comparison of any amount to an insurer’s or insurance group’s liquidity stress test result or supporting disclosures is published in any written publication and the insurer is able to demonstrate to the Commissioner with substantial proof the falsity of such statement or the inappropriateness, as the case may be, then the insurer may publish announcements in a written publication if the sole purpose of the announcement is to rebut the materially false statement.

Sec. 56.35. 1. When an insurance holding company system has previously filed the annual group capital calculation at least once, the lead state commissioner has the discretion to exempt the ultimate controlling person from filing the annual group capital calculation if the lead state
commissioner makes a determination based upon that filing that the insurance holding company system meets all of the following criteria:

(a) Has annual direct written and unaffiliated assumed premiums, including, without limitation, international direct and assumed premiums, but excluding premiums reinsured with the Federal Crop Insurance Corporation and Federal Flood Program, of less than $1,000,000,000;

(b) Has no insurers within its holding company structure that are domiciled outside of the United States or one of its territories;

(c) Has no banking, depository or other financial entity that is subject to an identified regulatory capital framework within its holding company structure;

(d) The holding company system attests that there are no material changes in the transactions between insurers and non-insurers in the group that have occurred since the last filing of the annual group capital; and

(e) The non-insurers within the holding company system do not pose a material financial risk to the insurer’s ability to honor policyholder obligations.

2. When an insurance holding company system has previously filed the annual group capital calculation at least once, the lead state commissioner has the discretion to accept in lieu of the group capital calculation a limited group capital filing if the insurance holding company system has annual direct written and unaffiliated assumed premiums, including, without limitation, international direct and assumed premiums, but excluding premiums reinsured with the Federal Crop Insurance Corporation and Federal Flood Program, of less than $1,000,000,000, and the insurance holding company system:

(a) Has no insurers within its holding company structure that are domiciled outside of the United States or one of its territories;

(b) Does not include a banking, depository or other financial entity that is subject to an identified regulatory capital framework; and

(c) Attests that there are no material changes in transactions between insurers and non-insurers in the group that have occurred since the last filing of the report to the lead state commissioner and the non-insurers within the holding company system do not pose a material financial risk to the insurers ability to honor policyholder obligations.

3. For an insurance holding company that has previously met an exemption with respect to the group capital calculation pursuant subsection 1 or 2, the lead state commissioner may require at any time the ultimate controlling person to file an annual group capital calculation, completed in accordance with the NAIC Group Capital Calculation Instructions, if any of the following criteria are met:

(a) Any insurer within the insurance holding company system is not in compliance with risk-based capital requirements pursuant to NRS 681B.550 and any regulations adopted pursuant thereto, or a similar standard for a non-United States insurer;
(b) Any insurer within the insurance holding company system meets one or more of the standards of an insurer deemed to be in hazardous financial condition pursuant to NRS 680A.205 and any regulations adopted pursuant thereto; or

(c) Any insurer within the insurance holding company system otherwise exhibits qualities of a troubled insurer as determined by the lead state commissioner based on unique circumstances including, without limitation, the type and volume of business written, ownership and organizational structure, federal agency requests, and international supervisor requests.

Sec. 56.4. 1. A non-United States jurisdiction is considered to recognize and accept the group capital calculation if it satisfies the following criteria:

(a) With respect to the paragraph (d) of subsection 3 of NRS 692C.290:

(1) The non-United States jurisdiction recognizes the United State’s state regulatory approach to group supervision and group capital, by providing confirmation by a competent regulatory authority, in such jurisdiction, that insurers and insurance groups whose lead state is accredited by the NAIC under the NAIC Accreditation Program shall be subject only to worldwide prudential insurance group supervision including worldwide group governance, solvency and capital, and reporting, as applicable, by the lead state and will not be subject to group supervision, including, without limitation, worldwide group governance, solvency and capital, and reporting, at the level of the worldwide parent undertaking of the insurance or reinsurance group by the non-United States jurisdiction; or

(2) If no United States insurance groups operate in the non-United States jurisdiction, that non-United States jurisdiction indicates formally in writing to the lead state commissioner with a copy to the International Association of Insurance Supervisors that the group capital calculation is an acceptable international capital standard. This serves as the documentation otherwise required in subparagraph (1).

(b) The non-United States jurisdiction provides confirmation by a competent regulatory authority in such jurisdiction that information regarding insurers and their parent, subsidiary, or affiliated entities, if applicable, shall be provided to the lead state commissioner in accordance with a memorandum of understanding or similar document between the commissioner and such jurisdiction, including, without limitation, the International Association of Insurance Supervisors Multilateral Memorandum of Understanding or other multilateral memoranda of understanding coordinated by the NAIC. The Commissioner shall determine, in consultation with the NAIC, whether the requirements of the information sharing agreements are in force.

2. For the purposes of subsection 1, a list of non-United States jurisdictions that recognize and accept the group capital calculation, published by the NAIC, may be considered as further specified by the following:
(a) A list of jurisdictions that recognize and accept the group capital calculation pursuant to paragraph (d) of subsection 3 of NRS 692C.290, published by the NAIC, may be used to assist the lead state commissioner in determining which insurers shall file an annual group capital calculation. The list may be used to clarify those situations in which a jurisdiction is exempted from filing under paragraph (d) of subsection 3 of NRS 692C.290. To assist with a determination under subsection 4 of NRS 692C.290, the list may be used to identify whether a jurisdiction that is exempted under either paragraph (c) of subsection 3 of NRS 692C.290 or paragraph (d) of subsection 3 of NRS 692C.290 requires a group capital filing for any United States based insurance group’s operations in that non-United States jurisdiction.

(b) For a non-United States jurisdiction where no United States insurance groups operate, the confirmation provided to meet the requirement of subparagraph (2) of paragraph (a) of subsection 1 serves as support for a recommendation to be published as a jurisdiction that recognizes and accepts the group capital calculation adopted by the NAIC.

3. If the lead state commissioner makes a determination pursuant to paragraph (d) of subsection 3 of NRS 692C.290 that differs from the list published by the NAIC, the lead state commissioner must provide thoroughly documented justification to the NAIC and other states.

4. Upon determination by the lead state commissioner that a non-United States jurisdiction no longer meets one or more of the requirements to recognize and accept the group capital calculation, the lead state commissioner may provide a recommendation to the NAIC that the non-United States jurisdiction be removed from the list of jurisdictions that recognize and accept the group capital calculation.

Sec. 56.45. NRS 692C.020 is hereby amended to read as follows:

692C.020  As used in this chapter, unless the context otherwise requires, the words and terms defined in NRS 692C.025 to 692C.110, inclusive, and sections 56.15, 56.2 and 56.25 of this act have the meanings ascribed to them in those sections.

Sec. 56.5. NRS 692C.280 is hereby amended to read as follows:

692C.280  No information need be disclosed on the registration statement filed pursuant to NRS 692C.270 if such information is not material for the purposes of NRS 692C.260 to 692C.350, inclusive. Unless the Commissioner by rule, regulation or order provides otherwise, sales, purchases, exchanges, loans or extensions of credit, or investments involving one-half of 1 percent or less of an insurer’s admitted assets as of the 31st day of December next preceding, shall not be deemed material for purposes of NRS 692C.260 to 692C.350, inclusive. The specifications for materiality provided in this section do not apply for the purpose of a group capital calculation or the liquidity stress test framework.

Sec. 56.55. NRS 692C.290 is hereby amended to read as follows:
692C.290 1. Each registered insurer shall keep current the information required to be disclosed in its registration statement by reporting all material changes or additions on forms provided by the Commissioner within 15 days after the end of the month in which it learns of each such change or addition, and not less often than annually, except that, subject to the provisions of NRS 692C.390, each registered insurer shall report all dividends and other distributions to shareholders within 5 business days following the declaration and 10 days before payment.

2. The principal of a registered insurer shall file an annual report of enterprise risk pursuant to this subsection. If the principal of a registered insurer does not file a report of enterprise risk with the commissioner of the lead state of the insurance company system, as determined by the most recent edition of the Financial Analysis Handbook, published by the NAIC, in a calendar year, the principal shall file a report of enterprise risk with the Commissioner. The principal shall include in the report the material risks within the insurance holding company system that, to the best of his or her knowledge and belief, may pose enterprise risk to the registered insurer.

3. Except as otherwise provided in this subsection, the ultimate controlling person of every insurer subject to registration shall concurrently file with the registration an annual group capital calculation as directed by the lead state commissioner. The report shall be completed in accordance with the Group Capital Calculation Instructions, which may permit the lead state commissioner to allow a controlling person that is not the ultimate controlling person to file the group capital calculation. The report shall be filed with the lead state commissioner of the insurance holding company system as determined by the Commissioner in accordance with the procedures within the Financial Analysis Handbook adopted by the NAIC. An insurance holding company system is exempt from filing the group capital calculation if it is:

   (a) An insurance holding company system that has only one insurer within its holding company structure, that only writes business and is only licensed in its domestic state, and assumes no business from any other insurer.

   (b) Except as otherwise provided in this paragraph, an insurance holding company system that is required to perform a group capital calculation specified by the United States Federal Reserve Board. The lead state commissioner shall request the calculation from the Federal Reserve Board under the terms of information sharing agreements currently in effect. If the Federal Reserve Board cannot share the calculation with the lead state commissioner, the insurance holding company system is not exempt from the group capital calculation filing.

   (c) An insurance holding company system whose non-United States group wide supervisor is located within a reciprocal jurisdiction as defined in section 6.14 of this act that recognizes the United States’s state regulatory approach to group supervision and group capital.
(d) An insurance holding company system:

(1) That provides information to the lead state that meets the
requirements for accreditation under the NAIC financial standards and
accreditation program, either directly or indirectly through the group-wide
supervisor, who has determined such information is satisfactory to allow the
lead state to comply with the NAIC group supervision approach, as detailed
in the NAIC Financial Analysis Handbook; and

(2) Whose non-United States group-wide supervisor that is not in a
reciprocal jurisdiction as defined in section 6.14 of this act recognizes and
accepts, as specified by the Commissioner in regulation, the group capital
calculation as the world-wide group capital assessment for United States
insurance groups who operate in that jurisdiction.

4. Notwithstanding the provisions of paragraphs (c) and (d) of
subsection 3, a lead state commissioner shall require the group capital
calculation for United States operations of any non-United States based
insurance holding company system where, after any necessary consultation
with other supervisors or officials, it is deemed appropriate by the lead state
commissioner for prudential oversight and solvency monitoring purposes or
for ensuring the competitiveness of the insurance marketplace.

5. Notwithstanding the exemptions from filing the group capital
calculation stated in paragraphs (a) to (d), inclusive, of subsection 3, the lead
state commissioner has the discretion to exempt the ultimate controlling
person from filing the annual group capital calculation or to accept a limited
group capital filing or report in accordance with criteria as specified by the
Commissioner in regulation.

6. If the lead state commissioner determines that an insurance holding
company system no longer meets one or more of the requirements for an
exemption from filing the group capital calculation under subsection 3, the
insurance holding company system shall file the group capital calculation at
the next annual filing date unless given an extension by the lead state
commissioner based on reasonable grounds shown.

7. The ultimate controlling person of every insurer subject to
registration and also scoped into the NAIC Liquidity Stress Test Framework
shall file the results of a specific year’s liquidity stress test. The filing shall
be made to the lead state insurance commissioner of the insurance holding
company system as determined by the procedures within the Financial
Analysis Handbook adopted by the NAIC.

8. For the purposes of subsection 7:

(a) The NAIC Liquidity Stress Test Framework and the included scope
criteria applicable to a specific data year, which are reviewed at least
annually by the NAIC Financial Stability Task Force or its successor, and
any change to the NAIC Liquidity Stress Test Framework or to the data year
for which the scope criteria are to be measured, are effective on January 1
of the year following the calendar year when such changes are adopted by
the NAIC.
(b) An insurer which meets at least one threshold of the scope criteria is considered scoped in to the NAIC Liquidity Stress Test Framework for the specified data year unless the lead state insurance commissioner, in consultation with the NAIC Financial Stability Task Force or its successor, determines the insurer should not be scoped into the NAIC Liquidity Stress Test Framework for that data year.

c) An insurer that does not trigger at least one threshold of the scope criteria is not considered scoped into the NAIC Liquidity Stress Test Framework for the specified data year unless the lead state insurance commissioner, in consultation with the NAIC Financial Stability Task Force or its successor, determines the insurer should be scoped into the NAIC Liquidity Stress Test Framework for that data year.

9. The lead state commissioner, in consultation with the NAIC Financial Stability Task Force or its successor, will assess whether an insurer is scoped in or not scoped in to the NAIC Liquidity Stress Test Framework as part of the lead state commissioner’s determinations pursuant to this section for an insurer.

10. The performance of, and filing of the results from, a specific year’s liquidity stress test shall comply with the NAIC Liquidity Stress Test Framework’s instructions and reporting templates for that year and any lead state insurance commissioner’s determination, in conjunction with the Financial Stability Task Force or its successor, as provided within the NAIC Liquidity Stress Test Framework.

11. Whenever it appears to the Commissioner that any person has committed a violation of subsection 2 which prevents the full understanding of the enterprise risk to the insurer by affiliates or by the insurance holding company system, the violation may serve as an independent basis for disapproving dividends or distributions and for conducting an examination of the insurer pursuant to NRS 679B.230 to 679B.287, inclusive.

Sec. 57. NRS 692C.3504 is hereby amended to read as follows:

692C.3504 1. Each insurer, or the insurance group of which the insurer is a member, shall, not later than June 1 of each calendar year, submit to the Commissioner a corporate governance annual disclosure which contains the information prescribed by the Commissioner by regulation pursuant to subsection 2 of NRS 692C.3506. If an insurer is a member of an insurance group, the insurer shall submit the report required by this section to the insurance commissioner of the lead state for the insurance group in accordance with the laws of the lead state, as determined by the procedures contained in the most recent Financial Analysis Handbook published by the National Association of Insurance Commissioners.

2. Each year after the year in which the insurer or insurance group first submitted its corporate governance annual disclosure pursuant to subsection 1, the insurer or insurance group shall submit to the Commissioner an amended version of the corporate governance annual disclosure which was submitted the previous year. The amended version
must indicate where changes to the corporate governance annual disclosure have been made, including, without limitation, any changes in the information or activities reported by the insurer or insurance group. If no changes have been made, the amended version must expressly indicate that no changes have been made.

3. The corporate governance annual disclosure must include the signature of the chief executive officer or corporate secretary of the insurer or insurance group attesting that, to the best of that person’s belief and knowledge, the insurer or insurance group has implemented the corporate governance practices described in the corporate governance annual disclosure and that a copy of the corporate governance annual disclosure has been provided to the board of directors, or the appropriate committee thereof, of the insurer or insurance group.

4. An insurer that is not required to submit a corporate governance annual disclosure to the Commissioner pursuant to subsection 1 shall do so upon the Commissioner’s request.

5. For purposes of completing the corporate governance annual disclosure, the insurer or insurance group may provide information regarding the corporate governance at the level of the legal entity which exercises ultimate control over the insurer or insurance group, of an intermediate holding company or of the insurer or insurance group, depending upon the manner in which the insurer or insurance group has structured its system of corporate governance. The insurer or insurance group shall, to the extent practicable, provide such information at the level at which:
   (a) The insurer or insurance group determines the amount of risk it is willing to bear;
   (b) The earnings, capital, liquidity, operations and reputation of the insurer or insurance group are overseen collectively and the supervision of those factors are coordinated and exercised; or
   (c) Legal liability for a failure of general corporate governance duties would be placed.

6. If the insurer or insurance group determines the level of reporting based on these criteria, it shall indicate in the corporate governance annual disclosure which of the three criteria was used to determine the level of reporting and explain any changes in the level of reporting used for subsequent corporate governance annual disclosures.

7. The review of the corporate governance annual disclosure and any additional requests for information must be performed by the lead state as determined by the procedures contained in the most recent Financial Analysis Handbook published by the National Association of Insurance Commissioners.

8. An insurer or insurance group which provides information substantially similar to the information required by NRS 692C.3501 to 692C.3509, inclusive, in other documents provided to the Commissioner, including, without limitation, proxy statements filed in conjunction with any
forms filed pursuant to NRS 692C.270 or any regulations adopted pursuant thereto, or other state or federal filings provided to the Division, may cross-reference in the corporate governance annual disclosure the document in which the information is included rather than duplicating such information in the corporate governance annual disclosure.

Sec. 57.5. NRS 692C.420 is hereby amended to read as follows:

692C.420 1. Except as otherwise provided in NRS 239.0115, all information, documents and copies thereof obtained by or disclosed to the Commissioner or any other person in the course of an examination or investigation made pursuant to NRS 692C.410, and all information reported or provided to the Commissioner pursuant to subsections 12 and 13 of NRS 692C.190, NRS 692C.260 to 692C.350, inclusive, and 692C.378, is recognized by this State as being proprietary and to contain trade secrets, is confidential, is not subject to subpoena, is not subject to discovery, is not admissible in evidence in any private civil action and must not be made public by the Commissioner or any other person, except to insurance departments of other states, without the prior written consent of the insurer to which it pertains unless the Commissioner, after giving the insurer and its affiliates who would be affected thereby notice and an opportunity to be heard, determines that the interests of policyholders, shareholders or the public will be served by the publication thereof, in which event he or she may publish all or any part thereof in any manner as he or she may deem appropriate. For the purposes of the information reported and provided to the Commissioner pursuant to subsections 3 to 6, inclusive, of NRS 692C.290, the Commissioner shall maintain the confidentiality of the group capital calculation and group capital ratio produced within the calculation and any group capital information received from an insurance holding company supervised by the Federal Reserve Board or any U.S. group-wide supervisor. For the purposes of the information reported and provided to the Commissioner pursuant to subsections 7 to 10, inclusive, of NRS 692C.290, the Commissioner shall maintain the confidentiality of the liquidity stress test results and supporting disclosures and any liquidity stress test information received from an insurance holding company supervised by the Federal Reserve Board and non-United States group-wide supervisors.

2. The Commissioner or any person who receives any documents, materials or other information while acting under the authority of the Commissioner must not be permitted or required to testify in a private civil action concerning any information, document or copy thereof specified in subsection 1.

3. The Commissioner may share or receive any information, document or copy thereof specified in subsection 1, including, without limitation, proprietary and trade secret documents and materials, in accordance with NRS 679B.122. The sharing or receipt of the information, document or copy pursuant to this subsection does not waive any applicable privilege or claim of confidentiality in the information, document or copy.
4. The Commissioner shall enter into a written agreement with the NAIC and any third party consultant designated by the Commissioner governing the sharing and use of information specified in subsection 1. The agreement must contain provisions which:

(a) Specify procedures and protocols regarding the confidentiality and security of information shared with the NAIC or a third party consultant designated by the Commissioner, including procedures and protocols for sharing by the NAIC with other state, federal and international regulators. With regard to the requirements of this paragraph, the agreement must provide that the recipient agrees in writing to maintain the confidentiality and privileged status of the documents, materials or other information and has verified in writing the legal authority to maintain such confidentiality.

(b) Specify that ownership of the information shared with the NAIC or a third party consultant designated by the Commissioner remains with the Commissioner and the NAIC’s or the third party consultant’s use of the information is subject to the discretion of the Commissioner.

(c) Except as otherwise provided in this paragraph, prohibit the NAIC or third party consultant designated by the Commissioner from storing the information shared pursuant to NRS 692C.290 in a permanent database after the underlying analysis is completed. The provisions of this paragraph do not apply to documents, material or information reported pursuant to subsections 7 to 10, inclusive, of NRS 692C.290.

(d) Require prompt notice to be given to an insurer whose confidential information in the possession of the NAIC or a third party consultant designated by the Commissioner is subject to a request or subpoena to the NAIC or the third party consultant for disclosure or production.

(e) Require the NAIC or a third party consultant designated by the Commissioner to consent to intervention by an insurer in any judicial or administrative action in which the NAIC or the third party consultant may be required to disclose confidential information about the insurer shared with the NAIC or a third party consultant.

5. The sharing of information by the Commissioner does not constitute a delegation of regulatory authority or rulemaking, and the Commissioner is solely responsible for the administration, execution and enforcement of the provisions of this section.

6. No waiver of any applicable privilege or claim of confidentiality in the documents, materials or information shall occur as a result of disclosure to the Commissioner in accordance with this section or as a result of sharing as authorized in this section.

7. Documents, materials and other information in the possession or control of the NAIC or a third party consultant designated by the Commissioner in accordance with this section are:
Sec. 58. NRS 694C.259 is hereby amended to read as follows:

694C.259  1. A captive insurer which is not transacting the business of insurance, including, without limitation, the issuance of insurance policies and the assumption of reinsurance, may apply to the Commissioner for a certificate of dormancy.

2. Upon application by a captive insurer pursuant to subsection 1, the Commissioner may issue a certificate of dormancy to the captive insurer. The Commissioner may issue a certificate of dormancy to a captive insurer even if the captive insurer retains liabilities that are associated with policies that were written or assumed by the captive insurer provided that the captive insurer has otherwise ceased to transact the business of insurance.

3. A dormant captive insurer shall:

(a) Possess and thereafter maintain unimpaired paid-in capital and surplus of not less than $25,000.

(b) Pursuant to NRS 694C.230, pay an annual fee and, in addition to any other fee or charge, all applicable fees required pursuant to NRS 680C.110 for the renewal of a license.

(c) Be subject to examination for any year for which the dormant captive insurer is not in compliance with the provisions of this section.

4. A dormant captive insurer may:

(a) At the discretion of the Commissioner, be subject to examination for any year for which the dormant captive insurer is in compliance with the provisions of this section.

(b) Continue to adjudicate and settle insurance claims under any contract of insurance or reinsurance that the captive insurer issued during any period in which the captive insurer was not a dormant captive insurer. The effective date of such a contract of insurance or reinsurance must be before the date on which the Commissioner issued a certificate of dormancy to the captive insurer.

5. After being issued a certificate of dormancy, and until the certificate of dormancy expires or is revoked, a dormant captive insurer is not:

(a) Subject to or liable for the payment of any tax pursuant to NRS 694C.450.

(b) Required to:

(1) Prepare audited financial statements;

(2) Obtain actuarial certifications or opinions; or

(3) File annual reports with the Commissioner pursuant to NRS 694C.400.
6. A certificate of dormancy is subject to renewal after 5 years. [and is forfeited if not renewed within that period. If not timely renewed, the certificate of dormancy expires. Immediately upon the expiration of the certificate of dormancy, the captive insurer must be in compliance with all provisions of this chapter applicable to a captive insurer which holds an active license to transact the business of insurance issued pursuant to this chapter.

7. Except as otherwise provided by this section, before issuing any insurance policy or otherwise transacting the business of insurance, a dormant captive insurer must apply to the Commissioner for approval to surrender its certificate of dormancy and resume transacting the business of insurance.

8. The Commissioner shall revoke the certificate of dormancy of a dormant captive insurer that is not in compliance with the provisions of this section.

9. The Commissioner may adopt regulations necessary to carry out the provisions of this section.

Sec. 59. NRS 694C.310 is hereby amended to read as follows:

694C.310 1. The board of directors of a captive insurer shall meet at least once each year in this State. The captive insurer shall:
(a) Maintain its principal place of business in this State; and
(b) Appoint a resident of this State as a registered agent to accept service of process and otherwise act on behalf of the captive insurer in this State. If the registered agent cannot be located with reasonable diligence for the purpose of serving a notice or demand on the captive insurer, the notice or demand may be served on the Secretary of State who shall be deemed to be the agent for the captive insurer.

2. A captive insurer shall not transact insurance in this State unless:
(a) The captive insurer has made adequate arrangements with:
   (1) A state-chartered bank, a state-chartered credit union or a thrift company licensed pursuant to chapter 677 of NRS that is located in this State; or
   (2) A federally chartered bank or federally chartered credit union that has a branch which is located in this State,

   that is authorized pursuant to state or federal law to transfer money.
   (b) If the captive insurer employs or has entered into a contract with a natural person or business organization to manage the affairs of the captive insurer, the natural person or business organization meets the standards of competence and experience satisfactory described in paragraph (b) of subsection 4 of NRS 694C.210 to the satisfaction of the Commissioner.
   (c) The captive insurer employs or has entered into a contract with a qualified and experienced certified public accountant who is approved by the Commissioner or a firm of certified public accountants that is nationally recognized.
(d) The captive insurer employs or has entered into a contract with qualified, experienced actuaries who are approved by the Commissioner to perform reviews and evaluations of the operations of the captive insurer.

(e) The captive insurer employs or has entered into a contract with an attorney who is licensed to practice law in this State and who meets the standards of competence and experience in matters concerning the regulation of insurance in this State established by the Commissioner by regulation.

3. The Commissioner may periodically review the qualifications of a natural person or business organization described in paragraph (b) of subsection 2 and, if appropriate:

(a) Disqualify the manager pursuant to the authority of the Commissioner under NRS 679B.125; or

(b) Suspend or revoke the license of the captive insurer pursuant to NRS 694C.270.

Sec. 60. NRS 695A.060 is hereby amended to read as follows:

695A.060 1. Duly certified copies of the laws and rules of the society, copies of all proposed forms of certificates, applications therefor, circulars to be issued by the society and a bond conditioned upon the return to applicants of the advanced payments if the organization is not completed within 1 year must be filed with the Commissioner, who may require such further information as the Commissioner deems necessary. The bond [with sureties approved by the Commissioner] must comply with section 3 of this act and must be in such an amount [1,] determined by the Commissioner, which must be not less than $300,000 nor more than $1,500,000. All documents filed must be in the English language. If the purposes of the society conform to the requirements of this chapter and all applicable provisions of the law of this state have been complied with, the Commissioner shall so certify, retain and file the articles of incorporation and furnish the incorporators a preliminary certificate of authority for the society to solicit members as provided in this chapter.

2. No preliminary certificate of authority granted under the provisions of this section is valid after 1 year from its date or after such further period, not exceeding 1 year, as may be authorized by the Commissioner upon cause shown, unless 500 applicants have been secured and the organization has been completed as provided in this chapter. The articles of incorporation and all proceedings thereunder are void 1 year after the date of the preliminary certificate of authority, or at the expiration of the extended period, unless the society has completed its organization and received a certificate of authority to do business.

Sec. 60.5. NRS 695A.400 is hereby amended to read as follows:

695A.400 1. Every society authorized to do business in this state shall appoint in writing the Commissioner [and each successor in office to be its true and lawful attorney] as attorney-in-fact upon whom all lawful process in any action or proceeding against it must be served, and shall agree in the writing that any lawful process against it which is served on the Commissioner
is of the same legal force and validity as if served upon the society, and that
the authority continues in force so long as any liability remains outstanding in
this state. A copy of the appointment, certified by the Commissioner,
constitutes sufficient evidence of the appointment and must be admitted in
evidence with the same validity as the original.

2. Service *of process against a society* must be made [only upon the
Commissioner, or if absent, upon the person in charge of the Office of the
Commissioner. It must be made in duplicate and constitutes sufficient service
upon the society. When legal process against a society is served upon the
Commissioner, the Commissioner shall forthwith forward one of the duplicate
copies by registered mail, prepaid, directed to the secretary or corresponding
officer, in accordance with NRS 680A.260.

3. No such service may require a society to file its answer, pleading or
defense in less than 30 days from the date of mailing the copy of the service
was forwarded to the society.

4. Legal process must not be served upon a society except in the manner
provided in this section.

5. At the time of serving any process upon the Commissioner, the plaintiff
or complainant in the action shall pay to the Commissioner a fee of $5.

6. For the purposes of this section, “process” includes only the summons
or the initial documents served in an action. The Commissioner is not required
to serve any documents after the initial service of process.

Sec. 61. NRS 695B.320 is hereby amended to read as follows:
695B.320 1. Nonprofit hospital and medical or dental service
corporations are subject to the provisions of this chapter, and to the provisions
of chapters 679A and 679B of NRS, *subsections 2, 4, 18, 19 and 31 of NRS
680B.010, NRS 680B.025 to 680B.060, inclusive, chapter 681B of NRS, NRS
686A.010 to 686A.315, inclusive, 686B.010 to 686B.175, inclusive, 687B.122 to 687B.128, inclusive, 687B.310 to 687B.420, inclusive, and chapters 692B, 692C, 693A and 696B of NRS, to the extent applicable
and not in conflict with the express provisions of this chapter.

2. For the purposes of this section and the provisions set forth in subsection
1, a nonprofit hospital and medical or dental service corporation is included in
the meaning of the term “insurer.”

Sec. 62. NRS 695C.055 is hereby amended to read as follows:
695C.055 1. The provisions of NRS 449.465, 679A.200, 679B.700,
subsections 7 and 8 of NRS 680A.270, subsections 2, 4, 18, 19 and 31 of NRS
680B.010, NRS 680B.020 to 680B.060, inclusive, chapters 681B and 686A of NRS, NRS 686B.010 to 686B.175, inclusive, 687B.122 to 687B.128, inclusive, 687B.310 to 687B.420, inclusive, and
687B.500 and chapters 692B, 692C and 695G of NRS apply to a health maintenance
organization.
2. For the purposes of subsection 1, unless the context requires that a provision apply only to insurers, any reference in those sections to “insurer” must be replaced by “health maintenance organization.”

Sec. 63. NRS 695D.095 is hereby amended to read as follows:

695D.095  1. An organization for dental care is subject to the provisions of NRS 449.450, if an organization is an admitted health insurer, as that term is defined in NRS 449.450, it is not exempt from the fees imposed pursuant to this chapter and to the provisions set forth in this section, to the extent reasonably applicable. Organizations for dental care are subject to the provisions of NRS 449.465, 679B.700, subsections 7 and 8 of NRS 680A.270, subsections 2, 4, 18, 19 and 31 of NRS 680B.010, NRS 680B.020 to 680B.060, inclusive, chapters 681B and 686A of NRS, NRS 686B.010 to 686B.1795, inclusive, and chapters 687B, 692C and 695G of NRS.

2. For the purposes of this section and the provisions set forth in subsection 1, an organization for dental care is included in the meaning of the term “insurer.”

Sec. 64. NRS 695D.180 is hereby amended to read as follows:

695D.180  1. A bond by any organization for dental care or its officers under this chapter shall file a bond with the Commissioner. The bond must be payable to the State of Nevada and must be conditioned on compliance with the provisions of this chapter. The surety shall pay all damages to any person by reason of any misstatement, misrepresentation, fraud or deceit, or any wrongful act or omission of any person or organization made, committed or omitted in the plan for dental care or caused by any other violation of the provisions of this chapter.

2. The organization must give notice to the Commissioner at least 90 days before such a bond may be cancelled, and be in an amount determined by the Commissioner.

Sec. 65. NRS 695E.140 is hereby amended to read as follows:

695E.140  1. A risk retention group seeking to be chartered in this State must obtain a certificate of authority pursuant to chapter 694C of NRS to transact liability insurance and, except as otherwise provided in this chapter, must comply with:

(a) All of the laws, regulations and requirements applicable to liability insurers in this State, unless otherwise approved by the Commissioner; and

(b) The provisions of NRS 695E.150 to 695E.210, inclusive, to the extent that those provisions do not limit or conflict with the provisions with which the group is required to comply pursuant to paragraph (a).

2. A risk retention group applying to be chartered in this State must submit to the Commissioner an application for licensure as an association captive insurer in accordance with NRS 694C.210.

3. A risk retention group chartered in a state other than Nevada that is seeking to transact insurance as a risk retention group in this State must comply with the provisions of NRS 694C.390 and 695E.150 to 695E.210, inclusive.
NRS 695E.150 and paying all fees required for the statement of registration.

Sec. 66. NRS 695E.170 is hereby amended to read as follows:

695E.170  1. A risk retention group and its agents and representatives are subject to the provisions of:

(a) NRS 680A.205 and any regulations adopted pursuant thereto, including, without limitation, regulations relating to the standards which may be used by the Commissioner in determining whether a risk retention group is in a hazardous financial condition.

(b) NRS 686A.010 to 686A.310, inclusive. Any injunction obtained pursuant to those sections must be obtained from a court of competent jurisdiction.

2. All premiums paid for coverages within this state to a risk retention group are subject to the provisions of chapter 680B of NRS. Each risk retention group shall report all premiums paid to it and shall pay the taxes on premiums and any related fines or penalties for risks resident, located or to be performed in the state.

3. Any person acting as an agent or a broker for a risk retention group pursuant to NRS 695E.210 shall:

(a) Report to the Commissioner each premium for direct business for risks resident, located or to be performed in this State which the person has placed with or on behalf of a risk retention group that is not chartered in this State.

(b) Maintain a complete and separate record of each policy obtained from each risk retention group. Each record maintained pursuant to this subsection must be made available upon request by the Commissioner for examination pursuant to NRS 679B.240, and must include, for each policy and each kind of insurance provided therein:

(1) The limit of liability;

(2) The period covered;

(3) The effective date;

(4) The name of the risk retention group which issued the policy;

(5) The gross annual premium charged; and

(6) The amount of return premiums, if any.

4. As used in this section, “premiums for direct business” means any premium written in this State for a policy of insurance. The term does not include any premium for reinsurance or for a contract between members of a risk retention group.

Sec. 67. NRS 695F.090 is hereby amended to read as follows:

695F.090  1. Prepaid limited health service organizations are subject to the provisions of this chapter and to the following provisions, to the extent reasonably applicable:

(a) NRS 686B.010 to 686B.1799, inclusive, concerning rates and essential insurance.
Sec. 68.  NRS 695F.210 is hereby amended to read as follows:

695F.210  1.  A prepaid limited health service organization shall maintain in force a fidelity bond in its own name on its officers and employees in an amount not less than $1,000,000 or in any other amount prescribed by the Commissioner.

2.  Except as otherwise provided in subsection 3, the bond must be issued by an insurer licensed to do business in this State.

3.  If the fidelity bond is not available from an insurer licensed to do business in this State, a prepaid limited health service organization may procure a fidelity bond from a surplus lines broker licensed pursuant to chapter 685A of NRS.

4.  In lieu of the bond required pursuant to subsection 1, a prepaid limited health service organization may deposit with the Commissioner cash, securities or other investments described in paragraph (o) of subsection 1 of NRS [695F.180.] 695F.090.  The deposit must be maintained in joint custody with the Commissioner in the amount and subject to the same conditions required for a bond pursuant to this subsection.
Sec. 69. NRS 695F.310 is hereby amended to read as follows:

695F.310 1. The Commissioner may examine the affairs of any prepaid limited health service organization as often as is reasonably necessary to protect the interests of the residents of this State, but not less frequently than once every 3 years.

2. A prepaid limited health service organization shall make its books and records available for examination and cooperate with the Commissioner to facilitate the examination.

3. In lieu of such an examination, the Commissioner may accept the report of an examination conducted by the commissioner of insurance of another state.

4. The reasonable expenses of an examination conducted pursuant to this section must be assessed, billed and paid in accordance with the provisions of NRS 679B.230 to 679B.300, inclusive.

5. A prepaid limited health service organization may be investigated in accordance with NRS 679B.600 to 679B.700, inclusive.

Sec. 70. NRS 695J.140 is hereby amended to read as follows:

695J.140 1. A certificate may be renewed by submitting to the Commissioner an application for renewal and:

(a) If the application is made:

   (1) On or before the expiration date of the certificate, all applicable renewal fees; or

   (2) Except as otherwise provided in subsection 3:

      (I) Not more than 30 days after the expiration date of the certificate, a renewal fee of 150 percent of all applicable renewal fees plus any late fee required, except for any fee required pursuant to NRS 680C.110; or

      (II) More than 30 days but not more than 1 year after the expiration date of the certificate, all applicable renewal fees plus a penalty of twice all applicable renewal fees, except for any fee required pursuant to NRS 680C.110.

   (b) Proof of the successful completion of appropriate courses of study required for renewal, as established by the Commissioner by regulation.

2. The fees specified in this section are not refundable.

3. An exchange enrollment facilitator who is unable to renew his or her certificate because of military service, extended medical disability or other extenuating circumstance may request a waiver of the time limit and of any fine or sanction otherwise required or imposed because of the failure to renew.

4. A certificate which:

   (a) Is not renewed pursuant to this section on or before the renewal date expires on the renewal date.

   (b) Is renewed pursuant to this section continues in effect until the next renewal date unless it is suspended, revoked or otherwise terminated.

5. As used in this section, “renewal date” means:
(a) For the first renewal of the certificate, the last day of the month which is 3 years after the month in which the Commissioner originally issued the certificate.

(b) For each renewal after the first renewal of the certificate, the last day of the month which is 3 years after the month in which the certificate was last due to be renewed.

Sec. 71. NRS 696A.080 is hereby amended to read as follows:

696A.080 1. A person shall not render or agree to render motor club service without first depositing and thereafter continuously maintaining security in one of the following forms with the Commissioner:

(a) The sum of $100,000 in cash.

(b) Securities approved by the Commissioner, having a market value of $100,000 and being of a type approved by the Commissioner and legal for investment by admitted insurers issuing nonassessable policies on a reserve basis.

(c) A surety bond which complies with section 3 of this act and is in the principal sum of $100,000, with an admitted surety insurer as surety.

2. In lieu of the deposit required by subsection 1, a foreign or alien motor club may deposit evidence satisfactory to the Commissioner that it has on deposit with an officer of a state of the United States of America, authorized by the law of such state to accept such deposit:

(a) Securities which meet the requirements of paragraph (b) of subsection 1 of at least a like amount for the benefit and security of all members and creditors of such motor club; or

(b) A surety bond, in the principal sum of $100,000, which meets the requirements of NRS 696A.090, issued by a bonding company authorized to do business in the State of Nevada and in the state where the bond is posted.

Sec. 72. NRS 696A.140 is hereby amended to read as follows:

696A.140 The Commissioner shall not issue a certificate of authority to any motor club until:

1. It files with the Commissioner the following:

(a) A formal application for the certificate in such form and detail as the Commissioner requires, executed under oath by its president or other principal officer.

(b) A certified copy of its charter or articles of incorporation and its bylaws.

2. It pays to the Commissioner the following:

(a) The fee of $500 specified in NRS 680B.010 for the filing of an application for the certificate;

(b) The fee of $283 specified in NRS 680B.010 for the issuance of the certificate; and

(c) In addition to any other fee or charge, all applicable fees required pursuant to NRS 680C.110.

3. It deposits the required cash, securities, bond or evidence of such a deposit in another state as provided in NRS 696A.080 with the Commissioner.

4. Its name is approved by the Commissioner pursuant to NRS 696A.120.
Sec. 73. NRS 696A.300 is hereby amended to read as follows:

696A.300 1. Each license for a club agent issued or renewed under this chapter continues in force for 3 years unless it is suspended, revoked or otherwise terminated. A license may be renewed upon submission of the statement required pursuant to NRS 696A.303 and payment to the Commissioner of all applicable fees for renewal. The statement must be submitted and the fees must be paid on or before the last day of the month in which renewal date for the license is renewable.

2. Any license not so renewed expires at midnight on the last day specified for its renewal date. The Commissioner may accept a request for renewal received by the Commissioner within 30 days after the expiration of the license if the request is accompanied by the statement required pursuant to NRS 696A.303, a fee for renewal of 150 percent of all applicable fees otherwise required, except for any fee required pursuant to NRS 680C.110.

3. In addition to all applicable fees required pursuant to NRS 680C.110 to be deposited in the Fund for Insurance Administration and Enforcement created by NRS 680C.100, the Commissioner shall collect in advance and deposit with the State Treasurer for credit to the State General Fund the following fees specified in NRS 680B.010 for licensure as a club agent:

- (a) Application and license
- (b) Appointment by each motor club
- (c) Triennial renewal of each license

4. As used in this section, “renewal date” means:
   (a) For the first renewal of the license, the last day of the month which is 3 years after the month in which the Commissioner originally issued the license.
   (b) For each renewal after the first renewal of the license, the last day of the month which is 3 years after the month in which the license was last due to be renewed.

Sec. 74. NRS 697.190 is hereby amended to read as follows:

697.190 1. Each applicant for a license as a bail agent, bail solicitor or general agent must file with the application, and thereafter maintain in force while so licensed, a bond in favor of the people of the State of Nevada executed by an authorized surety insurer. The bond may be continuous in form with total aggregate liability limited to payment as follows:

- (a) Bail agent
- (b) Bail solicitor
- (c) General agent

which complies with section 3 of this act and is in an amount determined by the Commissioner.

2. The bond must be conditioned upon full accounting and payment to the person entitled thereto of money, property or other matters coming into the licensee’s possession through bail bond transactions under the license.

3. The bond must remain in force until released by the Commissioner, or cancelled by the surety. Without prejudice to any liability previously incurred
Sec. 75. NRS 697.230 is hereby amended to read as follows:

697.230  1. Except as otherwise provided in NRS 697.177, each license issued to or renewed for a general agent, bail agent, bail enforcement agent or bail solicitor under this chapter continues in force for 3 years unless it is suspended, revoked or otherwise terminated. A license may be renewed upon payment of all applicable fees for renewal to the Commissioner on or before the renewal date for the license. All applicable fees must be accompanied by:

(a) Proof that the licensee has completed a 3-hour program of continuing education that is:

(1) Offered by the authorized surety insurer from whom the licensee received written appointment, if any, a state or national organization of bail agents or another organization that administers training programs for general agents, bail agents, bail enforcement agents or bail solicitors; and

(2) Approved by the Commissioner;

(b) If the licensee is a natural person, the statement required pursuant to NRS 697.181; and

(c) A written request for renewal of the license. The request must be made and signed:

(1) By the licensee in the case of the renewal of a license as a general agent, bail enforcement agent or bail agent.

(2) By the bail solicitor and the bail agent who employs the solicitor in the case of the renewal of a license as a bail solicitor.

2. Any license that is not renewed on or before the renewal date for the license expires at midnight on that day. The Commissioner may accept a request for renewal received by the Commissioner within 30 days after the date of expiration if the request is accompanied by a fee for renewal of 150 percent of all applicable fees otherwise required, except for any fee required pursuant to NRS 680C.110, and, if the person requesting renewal is a natural person, the statement required pursuant to NRS 697.181.

3. A bail agent’s license continues in force while there is in effect an appointment of him or her as a bail agent of one or more authorized insurers. Upon termination of all the bail agent’s appointments and the bail agent’s failure to replace any appointment within 30 days thereafter, the bail agent’s license expires and the bail agent shall promptly deliver his or her license to the Commissioner.

4. The Commissioner shall terminate the license of a general agent for a particular insurer upon a written request by the insurer.

5. This section does not apply to temporary licenses issued under NRS 683A.311 or 697.177.

6. As used in this section, “renewal date” means:
(a) For the first renewal of the license, the last day of the month which is 3 years after the month in which the Commissioner originally issued the license.

(b) For each renewal after the first renewal of the license, the last day of the month which is 3 years after the month in which the license was last due to be renewed.

Sec. 76. NRS 289.310 is hereby amended to read as follows:

289.310 1. The Commissioner of Insurance and the chief deputy of the Commissioner of Insurance are peace officers for the limited purposes of obtaining and exchanging information on applicants and licensees under title 52 of NRS.

2. For the purpose of the administration and enforcement of the provisions of chapter 679B or 686A of NRS involving investigations of insurance fraud, the fraud unit within the Division of Insurance of the Department of Business and Industry and those agents of the fraud unit within the Division whose duties include the enforcement, or the investigation of suspected violations, of statutes or regulations, have the powers of a peace officer. (Deleted by amendment.)

Sec. 77. NRS 616A.465 is hereby amended to read as follows:

616A.465 1. Except as otherwise provided in this section, the Division shall:

(a) Regulate insurers pursuant to chapters 616A to 617, inclusive, of NRS;

(b) Investigate insurers regarding compliance with statutes and the Division’s regulations; and

(c) Determine whether an employee leasing company is entitled to a certificate of registration pursuant to NRS 616B.672; and

(d) Regulate employee leasing companies pursuant to the provisions of NRS 616B.670 to 616B.697, inclusive.

2. The Commissioner is responsible for reviewing rates, investigating the solvency of insurers, authorizing private carriers pursuant to chapter 680A of NRS and certifying:

(a) Self-insured employers pursuant to NRS 616B.300 to 616B.330, inclusive, and 616B.336;

(b) Associations of self-insured public or private employers pursuant to NRS 616B.350 to 616B.446, inclusive; and

(c) Third party administrators pursuant to chapter 683A of NRS.

3. The Department of Administration is responsible for contested claims relating to industrial insurance pursuant to NRS 616C.310 to 616C.385, inclusive. The Administrator is responsible for administrative appeals pursuant to NRS 616B.215.

4. The Nevada Attorney for Injured Workers is responsible for legal representation of claimants pursuant to NRS 616A.435 to 616A.460, inclusive, and 616D.120.

5. The Division is responsible for the investigation of complaints. If a complaint is filed with the Division, the Administrator shall cause to be
conducted an investigation which includes a review of relevant records and interviews of affected persons. If the Administrator determines that a violation may have occurred, the Administrator shall proceed in accordance with the provisions of NRS 616D.120 and 616D.130.

6. As used in this section, “employee leasing company” has the meaning ascribed to it in NRS 616B.670. (Deleted by amendment.)

Sec. 78. NRS 616B.306 is hereby amended to read as follows:
616B.306 1. If a self-insured employer becomes insolvent, institutes any voluntary proceeding under the Bankruptcy Act or is named in any involuntary proceeding thereunder, makes a general or special assignment for the benefit of creditors or fails to pay compensation under chapters 616A to 616D, inclusive, or chapter 617 of NRS after an order for payment of any claim becomes final, the Commissioner may, after giving at least 10 days’ notice to the employer and any insurer or guarantor, use money or interest on securities, sell securities or institute legal proceedings on surety bonds deposited or filed with the Commissioner pursuant to section 3 of this act to the extent necessary to make those payments. Until the Commissioner gives a 10-day notice pursuant to this subsection, the employer is entitled to all interest and dividends on bonds or securities on deposit pursuant to section 3 of this act and to exercise all voting rights, stock options and other similar incidents of ownership thereof.

2. A company providing a surety bond under NRS 616B.300 may terminate liability on its surety bond by giving the Commissioner and the employer 90 days’ written notice. The termination does not limit liability which was incurred under the surety bond before the termination. If the employer fails to requalify as a self-insured employer on or before the termination date, the employer’s certification is withdrawn when the termination becomes effective.

Sec. 78.5. NRS 616B.398 is hereby amended to read as follows:
616B.398 1. An association of self-insured public or private employers shall be deemed to have appointed the Commissioner as its agent to receive any initial legal process authorized by law to be served upon the association for as long as the association is obligated to pay any compensation under chapters 616A to 616D, inclusive, or chapter 617 of NRS. Service of process against an association for whom the Commissioner is attorney-in-fact must be made in accordance with NRS 680A.260.

Sec. 79. NRS 616B.440 is hereby amended to read as follows:
616B.440 1. For the purposes of NRS 616B.350 to 616B.446, inclusive, an association of self-insured public or private employers is insolvent if it is unable to pay its outstanding obligations as they mature in the regular course of its business.

2. If an association of self-insured public or private employers becomes insolvent, institutes any voluntary proceeding pursuant to the Bankruptcy Act or is named in any voluntary proceeding thereunder, makes a general or special assignment for the benefit of creditors or fails to pay compensation pursuant
to chapters 616A to 616D, inclusive, or chapter 617 of NRS after an order for the payment of any claim becomes final, the Commissioner may, after giving at least 10 days’ notice to the association and any insurer or guarantor, use money or interest on securities, sell securities or institute legal proceedings on surety bonds deposited with the Commissioner pursuant to section 3 of this act to the extent necessary to make those payments.

3. A licensed surety providing a surety bond pursuant to NRS 616B.353 may terminate liability on its surety bond by giving the Commissioner and the association’s administrator or third-party administrator 90 days’ written notice. The termination does not limit liability that was incurred under the surety bond before the termination. If the association fails to requalify as an association of self-insured public or private employers on or before the termination date, the association’s certificate is withdrawn when the termination becomes effective.

Sec. 80. NRS 616B.673 is hereby amended to read as follows:

616B.673  1. A person shall not operate an employee leasing company in this State unless the person has complied with the provisions of NRS 616B.670 to 616B.697, inclusive. The Commissioner shall issue a certificate of registration to each applicant who complies with the provisions of NRS 616B.670 to 616B.697, inclusive.

2. Any person who violates the provisions of subsection 1 is guilty of a misdemeanor.

3. Each certificate of registration issued by the Commissioner pursuant to NRS 616B.670 to 616B.697, inclusive, expires 1 year after it is issued unless renewed before that date. (Deleted by amendment.)

Sec. 81. NRS 616B.676 is hereby amended to read as follows:

616B.676  An applicant for the issuance or renewal of a certificate of registration must submit to the Commissioner a written application upon a form provided by the Commissioner. (Deleted by amendment.)

Sec. 82. NRS 616B.679 is hereby amended to read as follows:

616B.679  1. Each application must include:

(a) The applicant’s name and title of his or her position with the employee leasing company;

(b) The applicant’s age, place of birth and social security number;

(c) The applicant’s address;

(d) The business address of the employee leasing company;

(e) The business address of the registered agent of the employee leasing company, if the applicant is not the registered agent;

(f) If the applicant is a:

(1) Partnership, the name of the partnership and the name, address, age, social security number and title of each partner;

(2) Corporation, the name of the corporation and the name, address, age, social security number and title of each officer of the corporation.
(g) Proof of:
1. Compliance with the provisions of chapter 76 of NRS.
2. The payment of any premiums for industrial insurance required by chapters 616A to 617, inclusive, of NRS.
3. The payment of contributions or payments in lieu of contributions required by chapter 612 of NRS.
4. Insurance coverage for any benefit plan from an insurer authorized pursuant to title 57 of NRS that is offered by the employee leasing company to its employees.

(h) A financial statement of the applicant setting forth the financial condition of the employee leasing company. Except as otherwise provided in subsection 5, the financial statement must include, without limitation:
1. For an application for issuance of a certificate of registration, the most recent audited financial statement that includes the applicant, which must have been completed not more than 13 months before the date of application; or
2. For an application for renewal of a certificate of registration, an audited financial statement that includes the applicant and which must have been completed not more than 180 days after the end of the applicant’s fiscal year.

(i) A registration or renewal fee of $500.

(j) Any other information the [Administrator] Commissioner requires.

2. Each application must be notarized and signed under penalty of perjury:
(a) If the applicant is a sole proprietorship, by the sole proprietor.
(b) If the applicant is a partnership, by each partner.
(c) If the applicant is a corporation, by each officer of the corporation.

3. An applicant shall submit to the [Administrator] Commissioner any change in the information required by this section within 30 days after the change occurs. The [Administrator] Commissioner may revoke the certificate of registration of an employee leasing company which fails to comply with the provisions of NRS 616B.670 to 616B.697, inclusive.

4. If an insurer cancels an employee leasing company’s policy, the insurer shall immediately notify the [Administrator] Commissioner in writing. The notice must comply with the provisions of NRS 687B.310 to 687B.355, inclusive, and must be served personally on or sent by first-class mail or electronic transmission to the [Administrator] Commissioner.

5. A financial statement submitted with an application pursuant to this section must be prepared in accordance with generally accepted accounting principles, must be audited by an independent certified public accountant certified or licensed to practice in the jurisdiction in which the accountant is located and must be without qualification as to the status of the employee leasing company as a going concern. Except as otherwise provided in subsection 6, an employee leasing company that has not had sufficient operating history to have an audited financial statement based upon at least 12 months of operating history must present financial statements reviewed by a certified public accountant covering its entire operating history. The financial
statements must be prepared not more than 13 months before the submission of an application and must:

(a) Demonstrate, in the statement, positive working capital, as defined by generally accepted accounting principles, for the period covered by the financial statements; or

(b) Be accompanied by a bond, irrevocable letter of credit or securities with a minimum market value equaling the maximum deficiency in working capital for the period covered by the financial statements plus $100,000. The bond, irrevocable letter of credit or securities must be held by a depository institution designated by the [Administrator] Commissioner to secure payment by the applicant of all taxes, wages, benefits or other entitlements payable by the applicant.

6. An applicant required to submit a financial statement pursuant to this section may submit a consolidated or combined audited financial statement that includes, but is not exclusive to, the applicant.

Sec. 83. NRS 616B.693 is hereby amended to read as follows:

616B.693 1. The [Administrator] Commissioner may adopt regulations authorizing and setting forth qualifications for an assurance organization selected by an employee leasing company to act on behalf of the employee leasing company in complying with the requirements of NRS 616B.670 to 616B.697, inclusive, and any regulations adopted pursuant thereto; including, without limitation, any requirements regarding obtaining or renewing a certificate of registration. Such an assurance organization must be independent of the employee leasing company and approved by the [Administrator] Commissioner.

2. Nothing in this section or any regulations adopted pursuant thereto:

(a) Limits or otherwise affects the authority of the [Administrator] Commissioner to issue or revoke a certificate of registration of an employee leasing company subject to the appeals process;

(b) Limits or otherwise affects the authority of the [Administrator] Commissioner to investigate compliance with or enforce any provision of NRS 616B.670 to 616B.697, inclusive, and any regulations adopted pursuant thereto; or

(c) Requires an employee leasing company to authorize an assurance organization to act on its behalf;

3. As used in this section, “assurance organization” means a person who meets the qualifications set forth by the [Administrator] Commissioner pursuant to regulations adopted pursuant to subsection 1. (Deleted by amendment.)

Sec. 84. NRS 616B.694 is hereby amended to read as follows:

616B.694 The [Administrator] Commissioner may adopt regulations to carry out the provisions of NRS 616B.670 to 616B.697, inclusive. (Deleted by amendment.)

Sec. 85. Any administrative regulations adopted by an officer or an agency whose name has been changed or whose responsibilities have been
transferred pursuant to the provisions of this act to another officer or agency, remain in force until amended by the officer or agency to which the responsibility for the adoption of the regulations has been transferred.

2. Any contracts or other agreements entered into by an officer or agency whose name has been changed or whose responsibilities have been transferred pursuant to the provisions of this act to another officer or agency are binding upon the officer or agency to which the responsibility for the administration of the provisions of the contract or other agreement has been transferred. Such contracts and other agreements may be enforced by the officer or agency to which the responsibility for the enforcement of the provisions of the contract or other agreement has been transferred.

3. Any action taken by an officer or agency whose name has been changed or whose responsibilities have been transferred pursuant to the provisions of this act to another officer or agency remains in effect as if taken by the officer or agency to which the responsibility for the enforcement of such actions has been transferred.

4. The Legislative Counsel shall:
   (a) In preparing the reprint and supplements to the Nevada Revised Statutes, appropriately change any references to an officer, agency or other entity whose name is changed or whose responsibilities are transferred pursuant to the provisions of this act to refer to the appropriate officer, agency or other entity.
   (b) In preparing supplements to the Nevada Administrative Code, appropriately change any references to an officer, agency or other entity whose name is changed or whose responsibilities are transferred pursuant to the provisions of this act to refer to the appropriate officer, agency or other entity.

Sec. 86. NRS 681A.215, 692A.1043 and 695F.180 are hereby repealed.

Sec. 87. 1. This section and section 76 of this act become effective upon passage and approval.

2. Section 13 of this act becomes effective on July 1, 2021.

3. Sections 1, 3 to 5, inclusive, 6.05 to 12, inclusive, 14 to 45, inclusive, 54 to 75, inclusive, 78, 78.5, 79 and 78 to 86, inclusive, become effective on October 1, 2021.

4. Sections 47 and 48 of this act expire by limitation on the date on which the provisions of 42 U.S.C. § 666, the federal law requiring each state to establish procedures under which the state has authority to withhold or suspend, or to restrict the use of professional, occupational and recreational licenses of persons who:
   (a) Have failed to comply with a subpoena or warrant relating to a proceeding to determine the paternity of a child or to establish or enforce an obligation for the support of a child; or
   (b) Are in arrears in the payment for the support of one or more children, are repealed by the Congress of the United States.
TEXT OF REPEALED SECTIONS

681A.215  Requirements when assuming insurer does not meet certain requirements. Credit must be allowed when the reinsurance is ceded to an assuming insurer not meeting the requirements of NRS 681A.150 to 681A.190, inclusive, but only as to the insurance of risks located in jurisdictions where the reinsurance is required by applicable law or regulation of that jurisdiction.

692A.1043  Cancellation of bond: Notices required; revocation of license unless equivalent bond or substitute form of security furnished.
1. The surety may cancel a bond upon giving 60 days’ notice to the Commissioner by certified mail. Upon receipt by the Commissioner of such a notice, the Commissioner immediately shall notify the title agent or title insurer who is the principal on the bond of the effective date of cancellation of the bond, and that the license or certificate of authority of the title agent or title insurer will be revoked unless the title agent or title insurer furnishes an equivalent bond or a substitute form of security authorized by NRS 692A.1042 before the effective date of the cancellation. The notice must be sent to the title agent or title insurer by certified mail to his or her last address of record filed in the office of the Division.
2. If the title agent or title insurer does not comply with the requirements set out in the notice from the Commissioner, the license or certificate of authority of the title agent or title insurer must be revoked on the date the bond is cancelled.

695F.180  Investments. The money of the prepaid limited health service organization must be invested in accordance with the guidelines established by the National Association of Insurance Commissioners for investments by health maintenance organizations.

Assemblywoman Jauregui moved the adoption of the amendment.
Remarks by Assemblywoman Jauregui.
Amendment adopted.
Bill ordered reprinted, engrossed and to third reading.

Assembly Bill No. 116.
Bill read third time.
The following amendment was proposed by the Committee on Judiciary:
Amendment No. 311.
AN ACT relating to vehicles; establishing civil penalties for certain traffic and related violations; defining certain traffic and vehicle violations as misdemeanors; creating procedures for civil infractions for traffic and related violations to be adjudicated; and providing other matters properly relating thereto.
Legislative Counsel's Digest:
Existing law provides that a violation of any provision of existing law relating to driver’s licenses, any traffic law or ordinance, any provision of
existing law governing motorcycles or any provision of existing law relating to off-highway vehicles is a misdemeanor, unless a different penalty is prescribed for the violation by a specific statute. (NRS 483.530, 483.620, 484A.900, 486.381, 490.520) Sections 14, 22, 40, 71 and 72 of this bill provide that a violation of any provision of these existing laws is a civil infraction unless a criminal penalty is prescribed for the violation by a specific statute. Sections 5, 15-21, 41-41.7, 44, 45, 47.3, 47.7, 49, 60.5, 67.2-67.8, 69 and 72 of this bill maintain the designation of certain traffic and related offenses as misdemeanors. Sections 51 and 53-56 of this bill revise the penalties for speeding. Sections 15, 45-48, 46, 47, 47.5, 48, 50, 57, 59-61, 69 and 72 of this bill specifically designate certain traffic and related violations as civil infractions. Sections 37, 69.5 and 71.5 of this bill prohibit a local authority from enacting any ordinance that provides a criminal penalty for certain traffic and related offenses for which the penalty prescribed by law is a civil penalty.

Sections 1.5, 4, 6-8, 10, 13, 37, 39, 42, 43, 58, 68, 70, 76, 77 and 78 of this bill make conforming changes by including references to the new civil infraction system where necessary. Sections 2, 3, 55, 62, 63 and 66 of this bill make conforming changes by substituting the term “civil penalty” for “fine” and the term “notice of citation” for “citation.” Section 1 of this bill defines the term “civil infraction” for purposes of the provisions of law relating to certain traffic and related offenses.

Sections 9, 11 and 12 of this bill provide that, for the purposes of a person’s driving record, the commission of a traffic or related violation that is punishable as a civil infraction pursuant to this bill is treated the same as a conviction for a traffic or related violation under existing law.

Sections 24-36.7 of this bill enact procedures for the imposition of a civil penalty against a person who violates a provision of law that is punishable as a civil infraction pursuant to this bill.

Section 24 of this bill requires each traffic enforcement agency in this State to provide [notice of civil infraction citations] that a peace officer or, in certain circumstances, a prosecuting attorney, may issue to a person who has allegedly committed the civil infraction. Section 26 of this bill authorizes a peace officer who has reasonable cause to believe that a person has violated a provision of law punishable as a civil infraction pursuant to this bill to halt and detain the person as is reasonably necessary to investigate the alleged violation and [issue a notice of civil infraction citation] for the alleged violation, and section 28 of this bill requires a peace officer who has stopped a driver for such an alleged violation to demand proof of the insurance required to be maintained by existing law. Section 26 also provides that after a person is halted and detained for such purposes, the peace officer is authorized to: (1) detain the person if the person is suspected of criminal behavior or of violating conditions of parole or probation; (2) search the person to determine whether the person has a weapon and take any other lawful
action; and (3) arrest the person if probable cause exists for the arrest.

Section 26 additionally provides that if the person is arrested for an offense that arises out of the same facts and circumstances as the civil infraction and is punishable as a misdemeanor, the offense and civil infraction may be included on the same criminal complaint. Section 27 of this bill specifies the information that is required to be provided in the notice of civil infraction issued to the person who allegedly committed the civil infraction. Sections 25 and 29 of this bill provide that when the peace officer original or a copy of the civil infraction citation is manually or electronically files the original or a copy of the notice of civil infraction filed with a court having jurisdiction over the alleged violation or with its traffic violations bureau, the notice citation is a complaint for the purposes of initiating a civil case.

Section 30 of this bill requires a person to respond to a notice of civil infraction citation not later than 90 judicial calendar days after it has been issued by not contesting the notice citation and paying all monetary penalties and assessments specified in the notice citation or requesting a hearing to contest whether the person committed the violation set forth in the notice or requesting a hearing to explain mitigating circumstances surrounding the violation. Under section 30, the court is required to send to the person, not less than 30 days before the deadline for the person to respond to the civil infraction citation, a reminder that the person must respond within 90 days after the date on which the civil infraction citation is issued. Section 30 also provides that if a person does not respond to a notice of civil infraction citation within 90 judicial calendar days after it has been issued, the court is required to notify the person of the failure to respond. If the person does not respond to the notice of civil infraction within 30 judicial days after receipt of the notice of the failure to respond, the court is required to find that the person committed the civil infraction and assess a monetary penalty and administrative assessments against the person. Sections and require the person to pay certain expenses for witnesses that are authorized by section 77.5 of this bill. Section 31 and 32 of this bill respectively establish procedures for a hearing at which a person may contest whether he or she committed the violation and a hearing at which a person may explain mitigating circumstances surrounding the violation. Section 32 of this bill makes the Nevada Rules of Civil Procedure inapplicable to these hearings. Generally requires the person to post a bond in an amount equal to the monetary penalty, administrative assessments and fees specified in the civil infraction citation or alternatively deposit such an amount in cash with the court. Section 33 of this bill authorizes a person who was issued a civil infraction citation and certain peace officers to use a system established by a court or its traffic violations bureau to perform certain authorized actions such as making a plea, stating a defense or mitigating circumstances or submitting a written statement, as applicable, by mail, electronic mail, over the Internet or by
other electronic means in lieu of taking such actions or making a statement at the hearing.

Section 34 of this bill: (1) establishes a maximum civil penalty of $500 for a violation of law punishable as a civil infraction pursuant to this bill and generally requires that any such civil penalty collected by a justice court for a violation of a law of this State must be paid to the treasurer of the city in which the civil infraction occurred or, if the civil infraction did not occur in a city, the treasurer of the county in which the civil infraction occurred; (2) requires the court to order the person who committed the civil infraction to pay an administrative assessment in the same amount that the person would have been required to pay if the violation were a criminal offense; (3) authorizes a court to waive or reduce civil penalties and administrative assessments imposed for a civil infraction or enter into a payment plan under certain circumstances; (4) authorizes a court to order a person to attend a course of traffic safety approved by the Department of Motor Vehicles; and (5) authorizes a court to reduce any moving violation for which a person was issued a civil infraction citation to a nonmoving violation under certain circumstances. Section 35 of this bill authorizes the court to order a person who has committed a violation of law punishable as a civil infraction pursuant to this bill to perform community service under certain circumstances. Section 36 of this bill authorizes a court and the appropriate city or county to take certain actions to collect a civil penalty or any administrative assessment or fee associated with the civil penalty.

Section 36.3 of this bill authorizes a prosecuting attorney to elect to treat certain traffic and related offenses that are punishable as a misdemeanor instead as a civil infraction and establishes the actions a prosecuting attorney is required to take when making such an election. Section 36.7 of this bill provides that if a person commits certain traffic or related offenses while the person is under the influence of alcohol or a controlled substance, the person may instead be charged with a misdemeanor.

Section 38 of this bill prohibits a governmental entity or any agent thereof from using photographic, video or digital equipment for the purpose of gathering evidence for the issuance of a civil infraction citation for a violation of a traffic law unless such equipment is: (1) a portable event recording device worn or held by a peace officer; (2) installed in a vehicle or a facility of a law enforcement agency; or (3) privately owned by a nongovernmental entity.

Sections 74 and 75 of this bill grant to justice and municipal courts jurisdiction to hear and dispose of violations of law that are punishable as civil infractions pursuant to this bill. Sections 73 and 74.5 of this bill authorize, respectively, authorize certain justice courts and municipal courts to appoint referees and hearing masters, as applicable, to take testimony and recommend orders and judgments to the justice of the peace or municipal court in cases involving a violation of law that is punishable as a
civil infraction pursuant to this bill. **Section 80.5 of this bill requires justice courts and municipal courts, on or before January 1, 2023, to adopt rules governing the practice and procedure for any action initiated relating to a provision of law that is punishable as a civil infraction pursuant to this bill.**

**Section 79 of this bill establishes provisions governing the hearing and disposition of civil infractions committed by juveniles.**

**Section 80 of this bill provides that the amendatory provisions of this bill generally apply [retroactively] to any [person who has committed an offense for which this bill establishes a civil penalty, unless the person was convicted of the offense before committed on or after January 1, 2023, however, the provisions of section 36.3 apply to any offense committed before, on or after January 1, 2023. Section 80 also provides that if a person commits an offense before January 1, 2023, that is punishable as a civil infraction on or after January 1, 2023, the person who committed the offense cannot be arrested for the offense on or after January 1, 2023. Section 80 further requires: (1) each court in this State to cancel each outstanding bench warrant issued by the court for a person who failed to appear in the court in response to a citation issued for an offense for which this bill establishes a civil penalty; and (2) the Central Repository for Nevada Records of Criminal History to remove from each database or compilation of records of criminal history maintained by the Central Repository all records of bench warrants issued for a person who failed to appear in court in response to a citation for an offense for which this bill establishes a civil penalty.**

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

**Section 1.** NRS 481.015 is hereby amended to read as follows:

481.015 1. Except as otherwise provided in this subsection, as used in this title, unless the context otherwise requires, “certificate of title” means the document issued by the Department that identifies the legal owner of a vehicle and contains the information required pursuant to subsection 2 of NRS 482.245. The definition set forth in this subsection does not apply to chapters 488 and 489 of NRS.

2. Except as otherwise provided in chapter 480 of NRS, NRS 484C.600 to 484C.640, inclusive, 486.363 to 486.375, inclusive, and chapter 488 of NRS, as used in this title, unless the context otherwise requires:

(a) “Department” means the Department of Motor Vehicles.

(b) “Director” means the Director of the Department.

3. As used in this title [the term “full”]:

(a) “Civil infraction” means a violation of any provision of chapters 483 to 484E, inclusive, 486 or 490 of NRS that is not punishable as a misdemeanor, gross misdemeanor or felony.

(b) “Full legal name” means a natural person’s first name, middle name and family name or last name, without the use of initials or a nickname. The
term includes a full legal name that has been changed pursuant to the provisions of NRS 483.375 or 483.8605.

[Section 1.5] Sec. 1.5. NRS 483.2521 is hereby amended to read as follows:

483.2521 1. Except as otherwise provided in subsection 4, the Department may issue a driver’s license to a person who is 16 or 17 years of age if the person:

(a) Except as otherwise provided in subsection 2, has completed:

(1) A course in automobile driver education pursuant to NRS 389.090; or

(2) A course provided by a school for training drivers which is licensed pursuant to NRS 483.700 to 483.780, inclusive, and which complies with the applicable regulations governing the establishment, conduct and scope of automobile driver education adopted by the State Board of Education pursuant to NRS 389.090;

(b) Except as otherwise provided in subsection 3, has at least 50 hours of supervised experience in driving a motor vehicle with a restricted license, instruction permit or restricted instruction permit issued pursuant to NRS 483.267, 483.270 or 483.280, including, without limitation, at least 10 hours of experience in driving a motor vehicle during darkness;

(c) Except as otherwise provided in subsection 3, submits to the Department, on a form provided by the Department, a log which contains the dates and times of the hours of supervised experience required pursuant to this section and which is signed:

(1) By his or her parent or legal guardian; or

(2) If the person applying for the driver’s license is an emancipated minor, by a licensed driver who is at least 21 years of age or by a licensed driving instructor, who attests that the person applying for the driver’s license has completed the training and experience required pursuant to paragraphs (a) and (b);

(d) Submits to the Department:

(1) A written statement signed by the principal of the public school in which the person is enrolled or by a designee of the principal and which is provided to the person pursuant to NRS 392.123;

(2) A written statement signed by the parent or legal guardian of the person which states that the person is excused from compulsory attendance pursuant to NRS 392.070;

(3) A copy of the person’s high school diploma or certificate of attendance; or

(4) A copy of the person’s certificate of general educational development or an equivalent document;

(e) Has not been found to be responsible for a motor vehicle crash during the 6 months before applying for the driver’s license;

(f) Has not been convicted of or found by a court to have committed a moving traffic violation or convicted of a crime involving alcohol or a
controlled substance during the 6 months before applying for the driver’s license; and

(g) Has held an instruction permit for not less than 6 months before applying for the driver’s license.

2. If a course described in paragraph (a) of subsection 1 is not offered within a 30-mile radius of a person’s residence, the person may, in lieu of completing such a course as required by that paragraph, complete an additional 50 hours of supervised experience in driving a motor vehicle in accordance with paragraph (b) of subsection 1.

3. In lieu of the supervised experience required pursuant to paragraph (b) of subsection 1, a person applying for a Class C noncommercial driver’s license may provide to the Department proof that the person has successfully completed:

(a) The training required pursuant to paragraph (a) of subsection 1; and

(b) A hands-on course in defensive driving that has been approved by the Department pursuant to NRS 483.727.

4. A person who is 16 or 17 years of age, who has held an instruction permit issued pursuant to subsection 4 of NRS 483.280 authorizing the holder of the permit to operate a motorcycle and who applies for a driver’s license pursuant to this section that authorizes him or her to operate a motorcycle must comply with the provisions of paragraphs (d) to (g), inclusive, of subsection 1 and must:

(a) Except as otherwise provided in subsection 5, complete a course of motorcycle safety approved by the Department;

(b) Have at least 50 hours of experience in driving a motorcycle with an instruction permit issued pursuant to subsection 4 of NRS 483.280; and

(c) Submit to the Department, on a form provided by the Department, a log which contains the dates and times of the hours of experience required pursuant to paragraph (b) and which is signed by his or her parent or legal guardian who attests that the person applying for the motorcycle driver’s license has completed the training and experience required pursuant to paragraphs (a) and (b).

5. If a course described in paragraph (a) of subsection 4 is not offered within a 30-mile radius of a person’s residence, the person may, in lieu of completing the course, complete an additional 50 hours of experience in driving a motorcycle in accordance with paragraph (b) of subsection 4.

Sec. 2. NRS 483.2523 is hereby amended to read as follows:

483.2523 1. A person to whom a driver’s license is issued pursuant to NRS 483.2521 shall not, during the first 6 months after the date on which the driver’s license is issued, transport as a passenger a person who is under 18 years of age, unless the person is a member of his or her immediate family.

2. A person who violates the provisions of this section:

(a) For a first offense, must be ordered to comply with the provisions of this section for 6 months after the date on which the driver’s license is issued.

(b) For a second or subsequent offense, must be ordered to:
1. Pay a civil penalty in an amount not to exceed $250;
2. Comply with the provisions of this section for such additional time as determined by the court; or
3. Both pay such a civil penalty and comply with the provisions of this section for such additional time as determined by the court.

3. A violation of this section:
   (a) Is not a moving traffic violation for the purposes of NRS 483.473; and
   (b) Is not grounds for suspension or revocation of the driver’s license for the purposes of NRS 483.360.

Sec. 3. NRS 483.2525 is hereby amended to read as follows:
483.2525 1. A peace officer shall not stop a motor vehicle for the sole purpose of determining whether the driver is violating a provision of NRS 483.2523. Except as otherwise provided in subsection 2, a civil infraction citation [notice of civil infraction] may be issued pursuant to sections 24 to 36.7, inclusive, of this act for a violation of NRS 483.2523 only if the violation is discovered when the vehicle is halted or its driver is arrested for another alleged violation or offense.
2. A peace officer shall not issue a civil infraction citation [notice of civil infraction] pursuant to sections 24 to 36.7, inclusive, of this act to a person for operating a motor vehicle in violation of NRS 483.2523 if the person provides satisfactory evidence that the person has held the driver’s license for the period required pursuant to NRS 483.2523.

Sec. 4. NRS 483.330 is hereby amended to read as follows:
483.330 1. The Department may require every applicant for a driver’s license, including a commercial driver’s license issued pursuant to NRS 483.900 to 483.940, inclusive, to submit to an examination. The examination may include:
   (a) A test of the applicant’s ability to understand official devices used to control traffic;
   (b) A test of the applicant’s knowledge of practices for safe driving and the traffic laws of this State;
   (c) Except as otherwise provided in subsection 2, a test of the applicant’s eyesight; and
   (d) Except as otherwise provided in subsection 3, an actual demonstration of the applicant’s ability to exercise ordinary and reasonable control in the operation of a motor vehicle of the type or class of vehicle for which he or she is to be licensed.
   The examination may also include such further physical and mental examination as the Department finds necessary to determine the applicant’s fitness to drive a motor vehicle safely upon the highways. If the Department requires an applicant to submit to a test specified in paragraph (b), the Department shall ensure that the test includes at least one question testing the applicant’s knowledge of the provisions of NRS 484B.165.
2. The Department may provide by regulation for the acceptance of a report from an ophthalmologist, optician, optometrist, physician or advanced practice registered nurse in lieu of an eye test by a driver’s license examiner.

3. If the Department establishes a type or classification of driver’s license to operate a motor vehicle of a type which is not normally available to examine an applicant’s ability to exercise ordinary and reasonable control of such a vehicle, the Department may, by regulation, provide for the acceptance of an affidavit from a:
   (a) Past, present or prospective employer of the applicant; or
   (b) Local joint apprenticeship committee which had jurisdiction over the training or testing, or both, of the applicant,
   in lieu of an actual demonstration.

4. The Department may waive an examination pursuant to subsection 1 for a person applying for a Nevada driver’s license who possesses a valid driver’s license of the same type or class issued by another jurisdiction unless that person:
   (a) Has not attained 21 years of age, except that the Department may, based on the driving record of the applicant, waive the examination to demonstrate the applicant’s ability to exercise ordinary and reasonable control in the operation of a motor vehicle of the same type or class of vehicle for which he or she is to be licensed;
   (b) Has had his or her license or privilege to drive a motor vehicle suspended, revoked or cancelled or has been otherwise disqualified from driving during the immediately preceding 4 years;
   (c) Has been convicted of a violation of NRS 484C.130 or, during the immediately preceding 7 years, of a violation of NRS 484C.110, 484C.120 or 484C.430 or a law of any other jurisdiction that prohibits the same or similar conduct;
   (d) Has restrictions to his or her driver’s license which the Department must reevaluate to ensure the safe driving of a motor vehicle by that person;
   (e) Has had three or more convictions of, or findings by a court of having committed, moving traffic violations on his or her driving record during the immediately preceding 4 years; or
   (f) Has been convicted of any of the offenses related to the use or operation of a motor vehicle which must be reported pursuant to the provisions of Part 1327 of Title 23 of the Code of Federal Regulations relating to the National Driver Register Problem Driver Pointer System during the immediately preceding 4 years.

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

6. As used in this section, “homeless child or youth” has the meaning ascribed to it in 42 U.S.C. § 11434a.
Sec. 5. NRS 483.340 is hereby amended to read as follows:

483.340  1. The Department shall, upon payment of the required fee, issue to every qualified applicant a driver’s license indicating the type or class of vehicles the licensee may drive.
2. The Department shall adopt regulations prescribing the information that must be contained on a driver’s license.
3. The Department may issue a driver’s license for purposes of identification only for use by officers of local police and sheriffs’ departments, agents of the Investigation Division of the Department of Public Safety while engaged in special undercover investigations relating to narcotics or prostitution or for other undercover investigations requiring the establishment of a fictitious identity, federal agents while engaged in undercover investigations, investigators employed by the Attorney General while engaged in undercover investigations, criminal investigators employed by the Secretary of State while engaged in undercover investigations and agents of the Nevada Gaming Control Board while engaged in investigations pursuant to NRS 463.140. An application for such a license must be made through the head of the police or sheriff’s department, the Chief of the Investigation Division of the Department of Public Safety, the director of the appropriate federal agency, the Attorney General, the Secretary of State or his or her designee or the Chair of the Nevada Gaming Control Board. Such a license is exempt from the fees required by NRS 483.410. The Department, by regulation, shall provide for the cancellation of any such driver’s license upon the completion of the special investigation for which it was issued.
4. Except as otherwise provided in NRS 239.0115, information pertaining to the issuance of a driver’s license pursuant to subsection 3 is confidential.
5. It is unlawful a misdemeanor for any person to use a driver’s license issued pursuant to subsection 3 for any purpose other than the special investigation for which it was issued.
6. At the time of the issuance or renewal of the driver’s license, the Department shall:
(a) Give the holder the opportunity to have indicated on his or her driver’s license that the holder wishes to be a donor of all or part of his or her body pursuant to NRS 451.500 to 451.598, inclusive, or to refuse to make an anatomical gift of his or her body or part thereof.
(b) Give the holder the opportunity to have indicated whether he or she wishes to donate $1 or more to the Anatomical Gift Account created by NRS 460.150.
(c) Provide to each holder who is interested in becoming a donor information relating to anatomical gifts, including the procedure for registering as a donor with the donor registry with which the Department has entered into a contract pursuant to this paragraph. To carry out this paragraph, the Department shall, on such terms as it deems appropriate, enter into a contract with a donor registry that is in compliance with the provisions of NRS 451.500 to 451.598, inclusive.
(d) If the Department has established a program for imprinting a symbol or other indicator of a medical condition on a driver’s license pursuant to NRS 483.3485, give the holder the opportunity to have a symbol or other indicator of a medical condition imprinted on his or her driver’s license.

(e) Provide to the holder information instructing the holder how to register with the Next-of-Kin Registry pursuant to NRS 483.653 if he or she so chooses.

7. If the holder wishes to make a donation to the Anatomical Gift Account, the Department shall collect the donation and deposit the money collected in the State Treasury for credit to the Anatomical Gift Account.

8. The Department shall submit to the donor registry with which the Department has entered into a contract pursuant to paragraph (c) of subsection 6 information from the records of the Department relating to persons who have drivers’ licenses that indicate the intention of those persons to make an anatomical gift. The Department shall adopt regulations to carry out the provisions of this subsection.

Sec. 6. NRS 483.400 is hereby amended to read as follows:

483.400 1. The Department shall maintain files of applications for licenses. Such files shall contain:

(a) All applications denied and on each thereof note the reasons for such denial.

(b) All applications granted.

(c) The name of every licensee whose license has been suspended or revoked by the Department and after each such name note the reasons for such action.

2. The Department shall also file all crash reports and abstracts of court records of convictions or findings of the commission of civil infractions pursuant to sections 24 to 36.7, inclusive, of this act received by it under the laws of this State, and in connection therewith maintain convenient records or make suitable notations in order that an individual record of each licensee showing the convictions or findings of such licensee and the traffic crashes in which the licensee was involved are readily ascertainable and available for the consideration of the Department upon any application for renewal of license and at other suitable times.

Sec. 7. NRS 483.430 is hereby amended to read as follows:

483.430 1. The privilege of driving a motor vehicle on the highways of this State given to a nonresident under NRS 483.010 to 483.630, inclusive, is subject to suspension or revocation by the Department in like manner and for like cause as a driver’s license issued under NRS 483.010 to 483.630, inclusive, may be suspended or revoked.

2. The Department is further authorized, upon receiving a record of the entrance of an order pursuant to sections 24 to 36.7, inclusive, of this act finding that a nonresident driver of a motor vehicle committed a civil infraction in this State or the conviction in this State of a nonresident driver of a motor vehicle of any criminal offense under the motor vehicle laws of this
State, to forward a certified copy of such record to the motor vehicle administrator in the state wherein the person so found or convicted is a resident.

3. When a nonresident’s driving privilege is suspended or revoked in this State, the Department shall forward a copy of the record of such action to the motor vehicle administrator in the state where such driver resides.

Sec. 8. NRS 483.443 is hereby amended to read as follows:

483.443 1. The Department shall, upon receiving notification from a district attorney or other public agency collecting support for children pursuant to NRS 425.510 that a court has determined that a person:

(a) Has failed to comply with a subpoena or warrant relating to a proceeding to establish paternity or to establish or enforce an obligation for the support of a child; or

(b) Is in arrears in the payment for the support of one or more children,

send a written notice to that person that his or her driver’s license is subject to suspension.

2. The notice must include:

(a) The reason for the suspension of the license;

(b) The information set forth in subsections 3, 5 and 6; and

(c) Any other information the Department deems necessary.

3. If a person who receives a notice pursuant to subsection 1 does not, within 30 days after receiving the notice, comply with the subpoena or warrant or satisfy the arrearage as required in NRS 425.510, the Department shall suspend the license without providing the person with an opportunity for a hearing.

4. The Department shall suspend immediately the license of a defendant if so ordered pursuant to NRS 62B.420 or 176.064 or section 36 of this act.

5. The Department shall reinstate the driver’s license of a person whose license was suspended pursuant to this section if it receives:

(a) A notice from any of the following:

(1) The district attorney or other public agency pursuant to NRS 425.510 that the person has complied with the subpoena or warrant or has satisfied the arrearage pursuant to that section.

(2) A traffic commissioner, referee, hearing master, municipal judge, justice of the peace or district judge, as applicable, that a delinquency for which the suspension was ordered pursuant to NRS 176.064 or section 36 of this act, as applicable, has been discharged.

(3) A traffic commissioner, referee, hearing master, municipal judge, justice of the peace or district judge, as applicable, that a defendant whose license was ordered to be suspended pursuant to section 36 of this act has been ordered to perform community service to discharge the delinquency for which the suspension was ordered pursuant to section 36 of this act. If the defendant does not perform the community service in a manner satisfactory to the court, the Department shall immediately suspend the license of the defendant if so ordered pursuant to section 36 of this act.
A judge of the juvenile court that an unsatisfied civil judgment for which the suspension was ordered pursuant to NRS 62B.420 has been satisfied; and

(b) Payment of the fee for reinstatement of a suspended license prescribed in NRS 483.410.

6. The Department shall not require a person whose driver’s license was suspended pursuant to this section to submit to the tests and other requirements which are adopted by regulation pursuant to subsection 1 of NRS 483.495 as a condition of the reinstatement of the license.

Sec. 9. NRS 483.447 is hereby amended to read as follows:

483.447 A person who does not hold a valid license issued by this State or any other state and who operates a vehicle in this State shall be deemed to have future driving privileges that may be suspended if the person is found to have committed a civil infraction in this State pursuant to sections 24 to 36.7, inclusive, of this act or is convicted of any criminal traffic offense in this State.

Sec. 10. NRS 483.448 is hereby amended to read as follows:

483.448 1. Except as otherwise provided in this subsection, when a person deemed to have future driving privileges pursuant to NRS 483.447 has accumulated 3 or more demerit points, but less than 12, the Department shall notify the person of this fact. If, after the Department mails the notice, the person presents proof to the Department that he or she has successfully completed a course of traffic safety approved by the Department and a signed statement which indicates that the successful completion of the course was not required pursuant to a court order entered pursuant to section 34 of this act or a plea agreement, the Department shall cancel not more than 3 demerit points from the person’s driving record. If such a person accumulates 12 or more demerit points before completing the course of traffic safety, the person will not be entitled to have demerit points cancelled upon the completion of the course but must have future driving privileges suspended. A person deemed to have future driving privileges may attend a course only once in 12 months for the purpose of reducing demerit points. The 3 demerit points may only be cancelled from the driver’s record of the person during the 12-month period immediately following the driver’s successful completion of the course of traffic safety. The provisions of this subsection do not apply to a person deemed to have future driving privileges whose successful completion of a course of traffic safety was required pursuant to a court order entered pursuant to section 34 of this act or a plea agreement.

2. Any reduction of demerit points pursuant to this section applies only to the demerit record of the person deemed to have future driving privileges and otherwise does not affect the person’s driving record with the Department or insurance record.

3. Notwithstanding any provision of this title to the contrary, if a person deemed to have future driving privileges accumulates demerit points, the Department shall suspend those future driving privileges:
(a) For the first accumulation of 12 demerit points during a 12-month period, for 6 months. Such a person is eligible for a restricted license during this 6-month period.

(b) For the second accumulation within 3 years of 12 demerit points during a 12-month period, for 1 year. Such a person is eligible for a restricted license during this 1-year period.

(c) For the third accumulation within 5 years of 12 demerit points during a 12-month period, for 1 year. Such a person is not eligible for a restricted license during this 1-year period.

4. The Department shall suspend for 1 year the future driving privileges of a person who has been convicted of a sixth traffic offense within a 5-year period, is found to have committed a sixth civil infraction pursuant to sections 24 to 36.7, inclusive, of this act within a 5-year period or has accumulated a combined total of six civil infractions and traffic offenses within a 5-year period, if all six civil infractions or traffic offenses have been assigned a value of 4 or more demerit points. Such a person is not eligible for a restricted license during this 1-year period.

5. If the Department determines by its records that a person deemed to have future driving privileges is not eligible for a driver’s license pursuant to this section, the Department shall notify the person by mail of that fact.

6. Except as otherwise provided in subsection 7, the Department shall suspend the future driving privileges of a person pursuant to this section 30 days after the date on which the Department mails the notice to the person required by subsection 5.

7. If a written request for a hearing is received by the Department:

(a) The suspension of the future driving privileges of the person requesting the hearing is stayed until a determination is made by the Department after the hearing.

(b) The hearing must be held, within 45 days after the request is received, in the county in which the person resides unless the person and the Department agree that the hearing may be held in some other county. The scope of the hearing must be limited to whether the records of the Department accurately reflect the driving history of the person.

Sec. 11. NRS 483.450 is hereby amended to read as follows:

483.450 1. A record of each conviction and each finding that a person has committed a civil infraction pursuant to sections 24 to 36.7, inclusive, of this act must be made in a manner approved by the Department. The court shall provide sufficient information to allow the Department to include accurately the information regarding each conviction and finding in the driver’s record.

2. The Department shall adopt regulations prescribing the information necessary to record each conviction and finding in the driver’s record.

3. Every court, including a juvenile court, having jurisdiction over violations of the provisions of NRS 483.010 to 483.630, inclusive, or any other
law of this State or municipal ordinance regulating the operation of motor vehicles on highways, shall forward to the Department:

(a) If the court is other than a juvenile court, each record of the conviction of any person in that court for a violation of any such laws other than regulations governing standing or parking and each record of the finding that any person has committed a civil infraction pursuant to sections 24 to 36.7, inclusive, of this act; or

(b) If the court is a juvenile court, a record of any finding that a child has violated a traffic law or ordinance other than one governing standing or parking, within 5 days after the conviction or finding, and may recommend the suspension of the driver’s license of the person convicted or found to have committed a civil infraction or the child found in violation of a traffic law or ordinance.

4. If a record forwarded to the Department pursuant to subsection 3 is a record of the conviction of, or a record of a finding of the commission of a civil infraction pursuant to sections 24 to 36.7, inclusive, of this act against, a person who holds a commercial driver’s license, the Department shall, within 5 days after the date on which it receives such a record, transmit notice of the conviction or finding to the Commercial Driver’s License Information System.

5. For the purposes of NRS 483.010 to 483.630, inclusive:

(a) “Conviction” has the meaning prescribed by regulation pursuant to NRS 481.052.

(b) A forfeiture of bail or collateral deposited to secure a defendant’s appearance in court, if the forfeiture has not been vacated, is equivalent to a conviction.

6. If a court mails records of conviction or of findings of the commission of a civil infraction pursuant to sections 24 to 36.7, inclusive, of this act, the necessary expenses of mailing such records to the Department as required by this section must be paid by the court charged with the duty of forwarding those records.

7. As used in this section, “Commercial Driver’s License Information System” has the meaning ascribed to it in NRS 483.904.

Sec. 12. NRS 483.473 is hereby amended to read as follows:

483.473 1. As used in this section, “traffic violation” means conviction of a moving traffic violation in any municipal court, justice court or district court in this State or a finding by any municipal court or justice court in this State that a person has committed a civil infraction pursuant to sections 24 to 36.7, inclusive, of this act. The term includes a finding by a juvenile court that a child has violated a traffic law or ordinance other than one governing standing or parking. The term does not include a conviction or a finding by a juvenile court of a violation of the speed limit posted by a public authority under the circumstances described in subsection 1 of NRS 484B.617.
2. The Department shall establish a uniform system of demerit points for various traffic violations occurring within this State affecting the driving privilege of any person who holds a driver’s license issued by the Department and persons deemed to have future driving privileges pursuant to NRS 483.447. The system must be based on the accumulation of demerits during a period of 12 months.

3. The system must be uniform in its operation, and the Department shall set up a schedule of demerits for each traffic violation, depending upon the gravity of the violation, on a scale of one demerit point for a minor violation of any traffic law to eight demerit points for an extremely serious violation of the law governing traffic violations. If a conviction of two or more traffic violations committed on a single occasion is obtained, points must be assessed for one offense or civil infraction, and if the point values differ, points must be assessed for the offense or civil infraction having the greater point value. Details of the violation must be submitted to the Department by the court where the conviction or finding is obtained. The Department may provide for a graduated system of demerits within each category of violations according to the extent to which the traffic law was violated.

Sec. 13. NRS 483.475 is hereby amended to read as follows:

483.475 1. Except as otherwise provided in this subsection, when a person who holds a driver’s license has accumulated 3 or more demerit points, but less than 12, the Department shall notify the person of this fact. If, after the Department mails the notice, the driver presents proof to the Department that he or she has successfully completed a course of traffic safety approved by the Department and a signed statement which indicates that the successful completion of the course was not required pursuant to a plea agreement or court order entered pursuant to section 34 of this act, the Department shall cancel not more than 3 demerit points from the person’s driving record. If the driver accumulates 12 or more demerit points before completing the course of traffic safety, the person will not be entitled to have demerit points cancelled upon the completion of the course, but must have his or her license suspended.

A person may attend a course only once in 12 months for the purpose of reducing demerit points. The 3 demerit points may only be cancelled from a driver’s record during the 12-month period immediately following the driver’s successful completion of the course of traffic safety. The provisions of this subsection do not apply to a person whose successful completion of a course of traffic safety was required pursuant to a plea agreement or court order entered pursuant to section 34 of this act.

2. Any reduction of demerit points applies only to the demerit record of the driver and does not affect the person’s driving record with the Department or insurance record.

3. The Department shall use a cumulative period for the suspension of licenses pursuant to subsection 1. The periods of suspension are:
(a) For the first accumulation of 12 demerit points during a 12-month period, 6 months. A driver whose license is suspended pursuant to this paragraph is eligible for a restricted license during the suspension.

(b) For the second accumulation within 3 years of 12 demerit points during a 12-month period, 1 year. A driver whose license is suspended pursuant to this paragraph is eligible for a restricted license during the suspension.

(c) For the third accumulation within 5 years of 12 demerit points during a 12-month period, 1 year. A driver whose license is suspended pursuant to this paragraph is not eligible for a restricted license during the suspension.

4. The Department shall suspend for 1 year the license of a driver who is convicted of a sixth traffic offense within 5 years, is found to have committed a sixth civil infraction punishable pursuant to sections 24 to 36, inclusive, of this act within 5 years or has accumulated a combined total of six civil infractions and offenses within 5 years, if all six civil infractions or offenses have been assigned a value of four or more demerit points. A driver whose license is suspended pursuant to this subsection is not eligible for a restricted license during the suspension.

5. If the Department determines by its records that the license of a driver must be suspended pursuant to this section, it shall notify the driver by mail that his or her privilege to drive is subject to suspension.

6. Except as otherwise provided in subsection 7, the Department shall suspend the license 30 days after it mails the notice required by subsection 5.

7. If a written request for a hearing is received by the Department:
   (a) The suspension of the license is stayed until a determination is made by the Department after the hearing.
   (b) The hearing must be held within 45 days after the request is received in the county where the driver resides unless the driver and the Department agree that the hearing may be held in some other county. The scope of the hearing must be limited to whether the records of the Department accurately reflect the driving history of the driver.

Sec. 14. NRS 483.530 is hereby amended to read as follows:

483.530 1. Except as otherwise provided in subsection (subsections) 2 and 3, it is a misdemeanor for any person:
   (a) To display or cause or permit to be displayed or possess any cancelled, revoked, suspended, fictitious, fraudulently altered or fraudulently obtained driver’s license;
   (b) To alter, forge, substitute, counterfeit or use an unvalidated driver’s license;
   (c) To lend his or her driver’s license to any other person or knowingly permit the use thereof by another;
   (d) To display or represent as one’s own any driver’s license not issued to him or her;
   (e) To fail or refuse to surrender to the Department, a peace officer or a court upon lawful demand any driver’s license which has been suspended, revoked or cancelled;
(f) To permit any unlawful use of a driver’s license issued to him or her; or

(g) To do any act forbidden, or fail to perform any act required, by NRS 483.010 to 483.630, inclusive; or

(h) To photograph, photostat, duplicate or in any way reproduce any driver’s license or facsimile thereof in such a manner that it could be mistaken for a valid license, or to display or possess any such photograph, photostat, duplicate, reproduction or facsimile unless authorized by this chapter.

2. Except as otherwise provided in this subsection, a person who uses a false or fictitious name in any application for a driver’s license or identification card or who knowingly makes a false statement or knowingly conceals a material fact or otherwise commits a fraud in any such application is guilty of a category E felony and shall be punished as provided in NRS 193.130. If the false statement, knowing concealment of a material fact or other commission of fraud described in this subsection relates solely to the age of a person, including, without limitation, to establish false proof of age to game, purchase alcoholic beverages or purchase cigarettes or other tobacco products, the person is guilty of a misdemeanor.

3. It is a civil infraction punishable pursuant to sections 24 to 36, inclusive, of this act for any person to display or cause or permit to be displayed, possess, or fail or refuse to surrender to the Department any cancelled driver’s license if the sole reason for the cancellation was the failure of the person to pay the fee for the issuance or renewal of the driver’s license as the result of a check or other method of payment being returned to the Department or otherwise dishonored upon presentation because there was insufficient money or credit with the drawee or financial institution to pay the check or other method of payment or because a person stopped payment on the check or other method of payment.

Sec. 15. NRS 483.550 is hereby amended to read as follows:

483.550 1. It is unlawful for any person to drive a motor vehicle upon a public street or highway in this State without being the holder of a valid driver’s license. A person who violates this section is guilty of a misdemeanor.

2. The court shall require any person convicted of violating this section to obtain a valid driver’s license or produce a notice of disqualification from the Department.

Sec. 16. NRS 483.570 is hereby amended to read as follows:

483.570 No person whose driving privilege as a nonresident has been cancelled, suspended or revoked, as provided in NRS 483.010 to 483.630, inclusive, shall drive any motor vehicle upon the highways of this State while such privilege is cancelled, suspended or revoked. It is a misdemeanor for any person to violate this section.

Sec. 17. NRS 483.575 is hereby amended to read as follows:

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

2. If a physician or an advanced practice registered nurse is aware that a person has violated subsection 1 after the physician or advanced practice registered nurse has informed the person pursuant to NRS 629.047 that the person’s condition would severely impair his or her ability to safely operate a motor vehicle, the physician or advanced practice registered nurse may, without the consent of the person, submit a written report to the Department that includes the name, address and age of the person. A report received by the Department pursuant to this subsection:
   (a) Is confidential, except that the contents of the report may be disclosed to the person about whom the report is made; and
   (b) May be used by the Department solely to determine the eligibility of the person to operate a vehicle on the streets and highways of this State.

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

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

Sec. 18. NRS 483.580 is hereby amended to read as follows:
483.580 A person shall not cause or knowingly permit his or her child or ward under the age of 18 years to drive a motor vehicle upon any highway when the minor is not authorized under the provisions of NRS 483.010 to 483.630, inclusive, or is in violation of any of the provisions of NRS 483.010 to 483.630, inclusive, or if the minor’s license is revoked or suspended pursuant to title 5 of NRS or NRS 392.148. It is a misdemeanor for a person to violate this section.

Sec. 19. NRS 483.590 is hereby amended to read as follows:
483.590 No person shall authorize or knowingly permit a motor vehicle owned by the person or under his or her control to be driven upon any highway by any person who is not authorized under NRS 483.010 to 483.630, inclusive, or in violation of any of the provisions of NRS 483.010 to 483.630, inclusive. It is a misdemeanor for a person to violate this section.

Sec. 20. NRS 483.600 is hereby amended to read as follows:
483.600 No person shall employ as a driver of a motor vehicle any person not then licensed as provided in NRS 483.010 to 483.630, inclusive. It is a misdemeanor for a person to violate this section.

Sec. 21. NRS 483.610 is hereby amended to read as follows:
483.610 1. No person shall rent a motor vehicle to any other person unless the latter person is then duly licensed under NRS 483.010 to 483.630,
inclusive, or, in the case of a nonresident, then duly licensed under the laws of the state or country of his or her residence except a nonresident whose home state or country does not require that a driver be licensed.

2. No person shall rent a motor vehicle to another until the person has inspected the driver’s license of the person to whom the vehicle is to be rented and compared and verified the signature thereon with the signature of such person written in his or her presence.

3. Every person renting a motor vehicle to another shall keep a record of the registration number of the motor vehicle so rented, the name and address of the person to whom the vehicle is rented, the number of the license of the latter person and the date and place when and where the license was issued. Such record shall be open to inspection by any police officer or officer of the Department.

4. It is a misdemeanor for a person to violate any provision of this section.

Sec. 22. NRS 483.620 is hereby amended to read as follows:

483.620  It is a civil infraction punishable pursuant to sections 24 to 36, inclusive, of this act for any person to violate any of the provisions of NRS 483.010 to 483.630, inclusive, unless such violation is, by NRS 483.010 to 483.630, inclusive, or other law of this State, declared to be a misdemeanor, gross misdemeanor or felony.

Sec. 23. Chapter 484A of NRS is hereby amended by adding thereto the provisions set forth as sections 24 to 36, inclusive, of this act.

Sec. 24. 1. Every traffic enforcement agency in this State shall provide in appropriate form civil infraction citations containing notice of the civil infraction which must meet the requirements of sections 24 to 36, inclusive, of this act and be:

(a) Issued in books; or

(b) Available through an electronic device used to prepare such civil infraction citations.

2. The chief administrative officer of each traffic enforcement agency is responsible for the issuance of such books and electronic devices and shall maintain a record of each book, each electronic device and each civil infraction citation issued to individual members of the traffic enforcement agency and volunteers of the traffic enforcement agency appointed pursuant to NRS 484B.470. The chief administrative officer shall require and retain a receipt for every book and electronic device that is issued.

Sec. 25. A civil infraction citation, when filed with a court of competent jurisdiction, shall be deemed to be a lawful complaint for the purpose of initiating a civil case pursuant to sections 24 to 36, inclusive, of this act, if the civil infraction citation contains information whose truthfulness is attested as required for a complaint in a civil case or is prepared electronically.

Sec. 26.
1. Except as otherwise provided by law, a peace officer in this State who has reasonable cause to believe that a person has violated a provision of chapters 483 to 484E, inclusive, 486 or 490 of NRS that is a civil infraction may halt and detain the person as is reasonably necessary to investigate the alleged violation and issue a notice of civil infraction citation for the alleged violation. A peace officer who has halted and detained a person pursuant to this section may also:

(a) Detain the person in accordance with NRS 171.123 if circumstances exist that warrant such a detention;

(b) Search the person to ascertain the presence of a weapon in accordance with NRS 171.1232 and take any other action authorized pursuant to that section or any other provision of law; and

(c) Arrest the person in accordance with NRS 171.1231 if probable cause for the arrest exists.

2. If a person is arrested pursuant to paragraph (c) of subsection 1 for an offense that arises out of the same facts and circumstances as the civil infraction and is punishable as a misdemeanor, the offense and the civil infraction may be included in the same criminal complaint.

Sec. 27. 1. When a person is halted by a peace officer in this State for any violation of chapters 483 to 484E, inclusive, 486 or 490 of NRS that is a civil infraction, or a prosecuting attorney elects to treat a violation of chapters 483 to 484E, inclusive, 486 or 490 of NRS that is punishable as a misdemeanor instead as a civil infraction in accordance with section 36.3 of this act, the peace officer or prosecuting attorney, as applicable, may prepare a notice of civil infraction citation manually or electronically in the form of a complaint issuing in the name of “The State of Nevada,” containing:

(a) A statement that the notice of citation represents a determination by a peace officer or prosecuting attorney that a civil infraction has been committed by the person named in the notice of citation and that the determination will be final unless contested as provided in sections 24 to 26, inclusive, of this act;

(b) A statement that a civil infraction is not a criminal offense;

(c) The name, date of birth, social security number, address, telephone number and electronic mail address of the person who is being issued the notice of civil infraction citation and an indication as to whether the person has agreed to receive communications relating to the civil infraction by text message;

(d) The state registration number of the person’s vehicle, if any;

(e) The number of the person’s driver’s license, if any;

(f) The civil infraction for which the notice of citation was issued;

(g) The first initial, last name and personnel number of the peace officer issuing the citation or, if a prosecuting attorney is issuing the citation, the peace officer who halted the person for the violation, printed legibly;
(h) A statement of the options provided pursuant to sections 24 to 36.7, inclusive, of this act for responding to the notice of citation and the procedures necessary to exercise these options;

(i) A statement that, at any hearing to contest the determination set forth in the notice of citation, the facts that constitute the infraction must be proved by a preponderance of the evidence and the person may subpoena witnesses, including, without limitation, the peace officer or duly authorized member or volunteer of a traffic enforcement agency who issued the notice of citation or halted the person; and

(j) A statement that the person must respond to the notice of citation as provided in sections 24 to 36.7, inclusive, of this act within 90 judicial calendar days.

2. The peace officer who issues a notice of civil infraction citation pursuant to subsection 1 shall sign the notice of citation and deliver a copy of the notice of citation to the person charged with the civil infraction. If the notice of citation is prepared electronically, the peace officer shall sign the copy of the notice of citation that is delivered to the person charged with the violation.

3. A notice of civil infraction citation may be served by delivering a copy of the notice of citation to the person charged with the civil infraction pursuant to this section or section 36.3 of this act. The acceptance of a notice of civil infraction citation by the person charged with the civil infraction shall be deemed personal service of the notice of citation and a copy of the notice of citation signed by the peace officer or prosecuting attorney, as applicable, constitutes proof of service. If a person charged with a civil infraction refuses to accept a notice of civil infraction citation, the copy of the notice of citation signed by the peace officer or prosecuting attorney, as applicable, constitutes proof of service.

Sec. 28. 1. Whenever the driver of a vehicle is stopped by a peace officer for violating a provision of chapters 483 to 484E, inclusive, 486 or 490 of NRS that is a civil infraction, except for violating a provision of NRS 484B.440 to 484B.523, inclusive, the peace officer shall demand proof of the insurance required by NRS 485.185 or 490.0825 and issue a citation as provided in NRS 484A.630 if the peace officer has probable cause to believe that the driver of the vehicle is in violation of NRS 485.187 or subsection 5 of NRS 490.520. If the driver of the vehicle is not the registered owner of the vehicle, a notice of civil infraction must also be issued to the owner, and in such a case the driver:

(a) May accept the notice on behalf of the registered owner; and

(b) Shall notify the registered owner of the notice within 3 days after it is issued.

The agency which employs the peace officer shall immediately forward a copy of the notice to the registered owner of the vehicle, by certified mail, at his or her address as it appears on the certificate of registration.
2. When the evidence of insurance provided by the driver of the vehicle upon the demand of the peace officer is in an electronic format displayed on a mobile electronic device, the peace officer may view only the evidence of insurance and shall not intentionally view any other content on the mobile electronic device.

Sec. 29. 1. Every peace officer, upon issuing a notice of civil infraction citation to an alleged violator of any provision of the motor vehicle laws of this State or of any traffic ordinance, shall file manually or, if the provisions of subsection 2 are satisfied, file electronically the original or a copy of the notice of citation with a court having jurisdiction over the alleged offense or with its traffic violations bureau.

2. A copy of a notice of civil infraction citation that is prepared electronically and issued to an alleged violator of any provision of the motor vehicle laws of this State or of any traffic ordinance may be filed electronically with a court having jurisdiction over the alleged civil infraction or with its traffic violations bureau if the court or traffic violations bureau, respectively:
   (a) Authorizes such electronic filing;
   (b) Has the ability to receive and store the notice of citation electronically; and
   (c) Has the ability to physically reproduce the notice of citation upon request.

3. Upon the filing of the original or a copy of the notice of civil infraction citation with a court having jurisdiction over the alleged infraction or with its traffic violations bureau, the notice of citation may be disposed of only by an official action of a judge of the court or by the payment of a civil penalty to the court or its traffic violations bureau by the person to whom the notice of civil infraction citation has been issued by the peace officer.

4. It is unlawful and official misconduct from any peace officer or other officer or public employee to dispose of a notice of civil infraction citation or copies of it or of the record of the issuance of a notice of civil infraction citation in a manner other than as required in this section.

5. The chief administrative officer of every traffic enforcement agency shall require the return to him or her of a physical copy or electronic record of every notice of civil infraction citation issued by an officer under his or her supervision to an alleged violator of any traffic law or ordinance and of all physical copies and electronic records of every notice of civil infraction citation which has been spoiled or upon which any entry has been made and not issued to an alleged violator.

6. The chief administrative officer of every traffic enforcement agency shall maintain or cause to be maintained a record of every notice of civil infraction citation issued by any peace officer under his or her supervision. The record must be retained for at least 2 years after issuance of the notice of citation.
Sec. 30. 1. Any person who receives a notice of civil infraction citation pursuant to section 27 or 36.3 of this act shall respond to the notice of civil infraction citation as provided in this section not later than 90 judicial calendar days after the date on which the notice of civil infraction is issued.

2. If a person receiving a notice of civil infraction citation does not contest the determination that the person has committed the civil infraction set forth in the notice of citation, the person must respond to the notice of citation by indicating that the person does not contest the determination and submitting full payment of the monetary penalty, the administrative assessment and any fees to the court specified in the notice of citation, or its traffic violations bureau, in person, by mail or through the Internet or other electronic means.

3. If a person receiving a notice of civil infraction citation wishes to contest the determination that the person has committed the civil infraction set forth in the notice of citation, the person must respond by requesting in person, by mail or through the Internet or other electronic means a hearing for that purpose. The court shall notify the person in writing of the time, place and date of the hearing, but the date of the hearing must not be earlier than 9 calendar days after the court provides notice of the hearing.

4. If a person receiving a notice of civil infraction does not wish to contest the determination that the person has committed the civil infraction set forth in the notice but wishes to explain mitigating circumstances surrounding the civil infraction, the person must respond by requesting in person, by mail or through the Internet or other electronic means a hearing for that purpose or by submitting in person, by mail or through the Internet or other electronic means a written statement of the mitigating circumstances. If the person receiving the notice of civil infraction:
   (a) Requests a hearing, the court must notify the person in writing of the time, place and date of the hearing.
   (b) Submits a written statement of mitigating circumstances, the court must consider the written statement and determine whether to reduce the monetary penalty imposed for the civil infraction based on that statement. The court may reduce any moving violation to a nonmoving violation based on the statement of mitigating circumstances.

5. If any person issued a notice of civil infraction fails to respond to the notice of civil infraction within 90 judicial days after the date on which the notice of civil infraction is issued, Except as otherwise provided in this subsection, not less than 30 days before the deadline for a person to respond to a civil infraction citation, the court must notify the person of the failure to respond by mailing a notice of the failure to respond, send to the last known address or electronic mail address of the person by registered or certified mail, as indicated on the civil infraction citation issued to the person, a reminder that the person must respond to the civil infraction citation within 90 calendar days after the date on which the civil infraction
citation is issued. If the person agreed to receive communications relating to the civil infraction by text message, the court may send such a notice to the telephone number of the person as indicated on the civil infraction citation. If the person does not respond to the notice of the failure to respond, the court must enter an order pursuant to section 34 of this act finding that the person committed the civil infraction and assessing the monetary penalty and administrative assessments prescribed for the civil infraction. A person who has been issued a notice of civil infraction citation and who fails to respond to the notice of civil infraction citation as required by this section may not appeal an order entered pursuant to this section.

5. If any person issued a notice of civil infraction citation fails to appear at a hearing requested pursuant to subsection 3, the court must enter an order pursuant to section 34 of this act finding that the person committed the civil infraction and assessing the monetary penalty and administrative assessments prescribed for the civil infraction. A person who has been issued a notice of civil infraction citation and who fails to appear at a hearing requested pursuant to subsection 3 may not appeal an order entered pursuant to this subsection.

6. In addition to any other penalty imposed, any person who is found by the court to have committed a civil infraction pursuant to subsection 5 shall pay the witness fees, per diem allowances, travel expenses and other reimbursement in accordance with NRS 50.225.

7. If a court has established a system pursuant to NRS 484A.615, any person issued a civil infraction citation may, if authorized by the court, use the system to perform any applicable actions pursuant to this section.

Sec. 31. 1. If, pursuant to subsection 3 of section 30 of this act, a person receiving a notice of civil infraction request a hearing to contest the determination that the person has committed the civil infraction set forth in the notice, the hearing must be conducted in accordance with this section.

2. Except as otherwise provided in this subsection, before a hearing to contest the determination that a person has committed a civil infraction, the court shall require the person to post a bond equal to the amount of the full payment of the monetary penalty, the administrative assessment and any fees specified in the civil infraction citation. In lieu of posting such a bond, the person may instead deposit cash with the court in the amount of the bond required pursuant to this subsection. Any bond posted or cash deposited with the court pursuant to this subsection must be forfeited upon the court’s finding that the person committed the civil infraction. Any person whom the court determines is unable to pay the costs of defending the action or is a client of a program for legal aid in accordance with NRS 12.015 must not be
required to post a bond or deposit cash with the court in accordance with
this subsection.
3. The person who requested the hearing may, at his or her expense, be
represented by counsel. If the violation set forth in the notice of civil
infraction is a violation of:
(a) An ordinance adopted by the governing body of an incorporated city,
the city attorney may represent the city at the hearing.
(b) The laws of this State or an ordinance other than an ordinance
described in paragraph (a), the district attorney of the county may represent
the State, county or town, as applicable, at the hearing.
and a city attorney or district attorney, in his or her discretion and as
applicable, may represent the plaintiff.
4. A hearing conducted pursuant to this section must be conducted by
the court without a jury. In lieu of the personal appearance at the hearing
by the peace officer who issued the notice of civil infraction, the
court may consider the information contained in the notice of civil
infraction citation and any other written statement submitted under oath by
the peace officer. If the court has established a system pursuant to NRS
484A.615, the peace officer may, if authorized by the court, use the system
to submit such a statement. The person named in the notice of civil
infraction citation may subpoena witnesses, including, without limitation,
the peace officer who issued the notice of citation, and has the right to
present evidence and examine witnesses present in court.
4. The State has the burden of proving by a preponderance of the
evidence that the person named in the notice of civil infraction committed a
civil infraction.
5. After consideration of the evidence and argument, the court shall
determine whether a civil infraction was committed by the person named in
the notice of civil infraction citation. The court must find by a
preponderance of the evidence that the person named in the civil infraction
citation committed a civil infraction. If it has not been established by a
preponderance of the evidence that the infraction was committed by the
person named in the notice of citation, the court must enter an order
dismissing the notice of civil infraction in the court’s records. If it
has been established by a preponderance of the evidence that the infraction
was committed, the court must enter in the court’s records an order pursuant
to section 34 of this act.
6. An appeal from the court’s determination or order may be taken in
the same manner as any other civil appeal from a municipal court or justice
court, as applicable, except that:
(a) The notice of appeal must be filed not later than 7 calendar
days after the court enters in the court’s records an order pursuant to section
34 of this act.
(b) If the appellant is the person charged with the civil infraction, any
bond required to be given by the appellant in order to secure a stay of
execution of the order of the court during the pendency of the appeal must
equal the amount of the monetary penalty and administrative assessments
which the court has ordered the appellant to pay pursuant to section 34 of
this act. Any bond must be forfeited if the order of the court is affirmed on
appeal; and

c) If a prosecuting attorney does not represent the plaintiff during the
proceedings in the justice court or municipal court, the appellate court shall
review the record and any arguments presented by the person charged with
the civil infraction and render a decision.

Sec. 32. [If, pursuant to subsection 1 of section 30 of this act, a
person receiving a notice of civil infraction requests a hearing to explain
mitigating circumstances surrounding the infraction, the proceeding must
be an informal proceeding and the person requesting the hearing may not
subpoena witnesses. The determination that the person named in the notice
of civil infraction committed the civil infraction set forth in the notice may
not be contested at a hearing held for the purpose of explaining mitigating
circumstances.

3. No appeal may be taken from a determination or order of the court
pursuant to this section. (Deleted by amendment.)

Sec. 33. [Except as otherwise provided in sections 24 to 36, inclusive, of
this act, the Nevada Rules of Civil Procedure do not apply to a civil case
initiated pursuant to sections 24 to 36, inclusive, of this act. (Deleted by
amendment.)

Sec. 34. 1. [Except as otherwise provided in this section, a person
who is found to have committed a civil infraction shall be punished by a civil
penalty of not more than $500 per violation unless a greater civil penalty is
authorized by specific statute. On or before the fifth day of each month, a
justice court shall pay to the State Controller any civil penalty imposed and
collected by the justice court pursuant to this subsection for a violation of a
law of this State. The State Controller shall deposit the money into the State
Permanent School Fund. Except as otherwise provided in NRS 484A.792, any
civil penalty collected pursuant to sections 24 to 36.7, inclusive, of this
act must be paid to:

(a) The treasurer of the city in which the civil infraction occurred; or
(b) If the civil infraction did not occur in a city, the treasurer of the county
in which the civil infraction occurred.

2. If a person is found to have committed a civil infraction, in addition
to any civil penalty imposed on the person, the court shall order the person
to pay the administrative assessments set forth in NRS 176.059, 176.0611,
176.0613 and 176.0623 in the amount that the person would be required to
pay if the civil penalty were a fine imposed on a defendant who pleads guilty
or guilty but mentally ill or is found guilty or guilty but mentally ill of a
misdemeanor. If, in lieu of a civil penalty, the court authorizes a person to successfully complete a course of traffic safety approved by the Department of Motor Vehicles, the court must order the person to pay the amount of the administrative assessment that corresponds to the civil penalty for which the defendant would have otherwise been responsible. The administrative assessments imposed pursuant to this subsection must be collected and distributed in the same manner as the administrative assessments imposed and collected pursuant to NRS 176.059, 176.0611, 176.0613 and 176.0623.

3. If the court determines that a civil penalty or administrative assessment imposed pursuant to this section is:

(a) Excessive in relation to the financial resources of the defendant, the court may waive or reduce the monetary penalty accordingly.

(b) Not within the defendant’s present financial ability to pay, the court may enter into a payment plan with the person.

4. A court having jurisdiction over a civil infraction pursuant to sections 24 to 35, inclusive, of this act may:

(a) In addition to ordering a person who is found to have committed a civil infraction to pay a civil penalty and administrative assessments pursuant to this section, order the person to successfully complete a course of traffic safety approved by the Department of Motor Vehicles.

(b) Order a person who is found to have committed a civil infraction to successfully complete a course of traffic safety approved by the Department of Motor Vehicles as a condition to obtaining a waiver or reduction of the civil penalty which the court has ordered the person to pay. Waive or reduce the civil penalty that a person who is found to have committed a civil infraction would otherwise be required to pay if the court determines that any circumstances warrant such a waiver or reduction.

(c) Reduce any moving violation for which a person was issued a civil infraction citation to a nonmoving violation if the court determines that any circumstances warrant such a reduction.

Sec. 35. 1. Except where the imposition of a specific civil penalty is mandatory, a court may order a person who is found to have committed a civil infraction pursuant to sections 24 to 35, inclusive, of this act to perform community service that is supervised in accordance with subsection 2:

(a) In lieu of all or a part of any civil penalty or administrative assessment, or both, that may be imposed for the commission of the civil infraction; or

(b) As all or part of the punishment for the commission of the civil infraction.

2. The community service must be performed for and under the supervising authority of a county, city, town or other political subdivision or agency of the State of Nevada or a charitable organization that renders service to the community or its residents.
3. The court may require the person who committed the civil infraction to deposit with the court a reasonable sum of money to pay for the cost of policies of insurance against liability for personal injury and damage to property or for industrial insurance, or both, during those periods in which the person performs the community service, unless, in the case of industrial insurance, it is provided by the authority for which the person performs the community service.

4. The following conditions apply to any such community service imposed by the court:
   (a) The court must fix the period of community service that is imposed and distribute the period over weekends or over other appropriate times that will allow the person to continue employment and to care for his or her family. The period of community service fixed by the court must not exceed 200 hours.
   (b) A supervising authority listed in subsection 2 must agree to accept the person for community service before the court may require the person to perform community service for that supervising authority. The supervising authority must be located in or be the town or city of the person’s residence or, if that placement is not possible, one located within the jurisdiction of the court or, if that placement is not possible, the authority may be located outside the jurisdiction of the court.
   (c) Community service that a court requires pursuant to this section must be supervised by an official of the supervising authority or by a person designated by the authority.
   (d) The court may require the supervising authority to report periodically to the court the person’s performance in carrying out the community service.
   (e) A person performing community service in lieu of the payment of a civil penalty must receive credit toward the civil penalty at a rate per hour of community service performed that is equal to at least $10 or the state minimum wage for an employee who is not provided health benefits by his or her employer, whichever is greater.

Sec. 36. 1. If a civil penalty, administrative assessment or fee is imposed upon a person who is found to have committed a civil infraction pursuant to sections 24 to 36.7, inclusive, of this act, whether or not the civil penalty, administrative assessment or fee is in addition to any other punishment, and the civil penalty, administrative assessment or fee or any part of it remains unpaid after the time established by the court for its payment, the delinquent person is liable for a collection fee, to be imposed by the court at the time it finds that the civil penalty, administrative assessment or fee is delinquent, of:
   (a) Not more than $100, if the amount of the delinquency is less than $2,000.
   (b) Not more than $500, if the amount of the delinquency is $2,000 or greater, but is less than $5,000.
(c) Ten percent of the amount of the delinquency, if the amount of the delinquency is $5,000 or greater.

2. The court may, on its own motion or at the request of the city or county in which the court has jurisdiction, enter a civil judgment for the amount due in favor of the city or county, as applicable. A civil judgment entered pursuant to this subsection. The city or county that is responsible for collecting a delinquent civil penalty, administrative assessment or fee may, in addition to attempting to collect the delinquent amounts through any other lawful means, contract with a collection agency licensed pursuant to NRS 649.075 to collect the delinquent amounts owed by a person who is found to have committed a civil infraction. The collection agency must be paid as compensation for its services an amount not greater than the amount of the collection fee imposed pursuant to subsection 1 in accordance with the provisions of the contract.

3. If a court finds that a person committed a civil infraction, the civil penalty, administrative assessments and fees prescribed for the civil infraction may be enforced in the manner provided by law for the enforcement of a judgment for money rendered in a civil action except that the judgment and any lien for the judgment expires 10 years after the date the judgment was docketed and may not be renewed. Except as otherwise provided in subsection 3, if the court has entered a civil judgment pursuant to this subsection, the court may:

(a) Request that the city or county in which the court has jurisdiction undertake collection of the delinquency, including, without limitation, the original amount of the civil judgment entered pursuant to this subsection and the collection fee, by attachment or garnishment of the property, wages or other money receivable of the delinquent person.

(b) Order the suspension of the driver’s license of the delinquent person. If the delinquent person does not possess a driver’s license, the court may prohibit him or her from applying for a driver’s license for a specified period. If the delinquent person is already the subject of a court order suspending or delaying the issuance of his or her driver’s license, the court may order the additional suspension or delay, as appropriate, to apply consecutively with the previous order.

At the time the court issues an order suspending the driver’s license of a delinquent person pursuant to this paragraph, the court shall require the delinquent person to surrender to the court all driver’s licenses then held by him or her. The court shall, within 5 days after issuing the order, forward to the Department of Motor Vehicles the licenses, together with a copy of the order.

At the time the court issues an order pursuant to this paragraph suspending the driver’s license of a delinquent person or delaying the ability of a delinquent person to apply for a driver’s license, the court shall, within 5 days after issuing the order, forward to the Department a copy of the order. The Department shall report a suspension pursuant to this paragraph to an insurance company or its agent inquiring
about the delinquent person’s driving record, but such a suspension must not be considered for the purpose of rating or underwriting.

(c) Issue an order directing the delinquent person to show cause why he or she should not be found guilty of contempt and deal with the delinquent person as for contempt of court. The order to show cause must be mailed to the address of the delinquent person as indicated on the notice of civil infraction issued to the person. If the person is found guilty of contempt, the person may be confined in the city or county jail or detention facility for a period of not more than 1 day for each $150 of the amount due until the amounts due are satisfied.

3. If the delinquent person notifies the court that he or she will perform community service to discharge the delinquency and:

(a) The city or county is undertaking any action to collect the delinquency pursuant to paragraph (a) of subsection 2, the city or county shall cease undertaking any such actions for the collection of the delinquency. If the delinquent person does not perform the community service in a manner satisfactory to the court, the court may request that the city or county undertake actions to collect the delinquency pursuant to paragraph (a) of subsection 2.

(b) The court has ordered the suspension of the driver’s license of the delinquent person pursuant to paragraph (b) of subsection 2, the traffic commissioner, referee, hearing master, municipal judge, justice of the peace or district judge, as applicable, shall notify the Department of Motor Vehicles to reinstate the driver’s license of the delinquent person pursuant to NRS 483.443. If the delinquent person does not perform the community service in a manner satisfactory to the court, the court may order the suspension of the driver’s license of the delinquent person in the manner specified in paragraph (b) of subsection 2.

(c) The court has issued an order pursuant to paragraph (c) of subsection 2, the court must not find the delinquent person guilty of contempt. If the delinquent person does not perform the community service in a manner satisfactory to the court, the court may issue another order pursuant to paragraph (c) of subsection 2.

4. Money collected from a collection fee imposed pursuant to subsection 1 must be distributed in the following manner:

(a) Except as otherwise provided in paragraph (d), (c), the money is collected by or on behalf of a municipal court, the money must be deposited in a special fund in the appropriate city treasury. The city may use the money in the fund only to develop and implement a program for the collection of civil penalties, administrative assessments and fees and to hire additional personnel necessary for the success of such a program.

(b) Except as otherwise provided in paragraph (d), (c), if the money is collected by or on behalf of a justice court or district court, the money must be deposited in a special fund in the appropriate county treasury. The county may use the money in the special fund only to:
(1) Develop and implement a program for the collection of civil penalties, administrative assessments and fees and to hire additional personnel necessary for the success of such a program; or
(2) Improve the operations of a court by providing funding for:
   (I) A civil law self-help center; or
   (II) Court security personnel and equipment for a regional justice center that includes the justice courts of that county.
(c) [Except as otherwise provided in paragraph (d), if the money is collected by a state entity, the money must be deposited in an account, which is hereby created in the State Treasury. The Court Administrator may use the money in the account only to develop and implement a program for the collection of civil penalties, administrative assessments and fees in this State and to hire additional personnel necessary for the success of such a program.
(d) If the money is collected by a collection agency, after the collection agency has been paid its fee pursuant to the terms of the contract, any remaining money must be deposited in the state, city or county treasury, whichever is appropriate, to be used only for the purposes set forth in paragraph (a) or (b).

Sec. 36.3.
1. A prosecuting attorney may elect to treat a violation of a provision of chapters 483 to 484E, inclusive, 486 or 490 of NRS that is punishable as a misdemeanor, other than a violation of NRS 484C.110 or 484C.120, as a civil infraction pursuant to sections 24 to 36.7, inclusive, of this act.
2. The prosecuting attorney shall make the election described in subsection 1 on or before the time scheduled for the first appearance of the defendant by:
   (a) Preparing a civil infraction citation in accordance with subsection 1 of section 27 of this act that contains all applicable information that is known to the prosecuting attorney, signing the citation and filing the citation with a court having jurisdiction over the alleged offense or with its traffic violations bureau;
   (b) Filing notice of the prosecuting attorney’s election with the court having jurisdiction of the underlying criminal charge; and
   (c) Delivering a copy of the notice and citation to the defendant.

Sec. 36.7. Notwithstanding any other provision of law, if a person commits a violation of a provision of chapters 483 to 484E, inclusive, 486 or 490 of NRS that is punishable as a civil infraction while the person is under the influence of alcohol or a controlled substance, the person may instead be charged with a misdemeanor.

Sec. 37. NRS 484A.400 is hereby amended to read as follows:
484A.400 1. The provisions of chapters 484A to 484E, inclusive, of NRS are applicable and uniform throughout this State on all highways to which
the public has a right of access, to which persons have access as invitees or
licensees or such other premises as provided by statute.

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

3. A local authority shall not enact an ordinance:
   (a) Governing the registration of vehicles and the licensing of drivers;
   (b) Governing the duties and obligations of persons involved in traffic
crashes, other than the duties to stop, render aid and provide necessary
information;
   (c) Providing a penalty for an offense for which the penalty prescribed by
chapters 484A to 484E, inclusive, of NRS is greater than that imposed for a
misdemeanor; or
   (d) Providing a criminal penalty for a violation of chapters 484A to 484E,
inclusive, of NRS for which the penalty prescribed by those chapters is a civil
penalty; or
   (e) Requiring a permit for a vehicle, or to operate a vehicle, on a highway
in this State.

4. No person convicted or adjudged guilty or guilty but mentally ill of,
or found to have committed a civil infraction pursuant to sections 24 to 36.7,
inclusive, of this act for, a violation of a traffic ordinance may be charged
or tried in any other court in this State.

Sec. 38. NRS 484A.600 is hereby amended to read as follows:
484A.600 A governmental entity and any agent thereof shall not use
photographic, video or digital equipment for gathering evidence to be used for
the issuance of a traffic citation or civil infraction citation pursuant to section 27 of this act
for a violation of chapters 484A to 484E, inclusive, of NRS unless the equipment is
a portable camera or event recording device worn or held by a peace officer, the
equipment is otherwise installed temporarily or permanently within a vehicle
or facility of a law enforcement agency or the equipment is privately owned
by a nongovernmental entity.

Sec. 38.5. NRS 484A.615 is hereby amended to read as follows:
484A.615 1. A court having jurisdiction over an offense for which a
traffic citation may be issued pursuant to NRS 484A.630 or that is punishable
as a civil infraction pursuant to sections 24 to 36.7, inclusive, of this act, or
its traffic violations bureau may establish a system by which, except as
otherwise provided in subsection 6, the court or traffic violations bureau
may allow:

(a) A person who has been issued a traffic citation or civil infraction
citation that is filed with the court or traffic violations bureau to perform
certain actions approved by the court or traffic violations bureau, including, without limitation, to make a plea and state his or her defense or, if authorized, any mitigating circumstances, by mail, by electronic mail, over the Internet or by other electronic means.

(b) A peace officer who issued a civil infraction citation to a person or, if the provisions of section 36.3 apply, a peace officer who halted a person, to perform certain actions approved by the court or traffic violations bureau, including, without limitation, to submit a written statement under oath by mail, by electronic mail, over the Internet or by other electronic means in lieu of his or her personal appearance at the hearing held pursuant to section 31 of this act to contest the determination that the person who has been issued the civil infraction citation committed a civil infraction.

2. Except as otherwise provided in subsection 46, if a court or traffic violations bureau has established a system pursuant to subsection 1, the court or traffic violations bureau may allow:

(a) A person who has been issued a traffic citation that is filed with the court or traffic violations bureau may, if allowed by the court and described in paragraph (a) of subsection 1 to use the system to perform certain actions approved by the court or traffic violations bureau, including without limitation, to make a plea or state his or her defense or, if authorized, any mitigating circumstances in lieu of making a plea and statement of his or her defense or any mitigating circumstances in court.

(b) A peace officer described in paragraph (b) of subsection 1 to use the system to perform certain actions approved by the court or traffic violations bureau, including without limitation, to submit a written statement under oath in lieu of making a personal appearance in court.

3. Any plea or statement submitted through the system by a person or peace officer pursuant to subsection 2 must be received by the court before the date on which the person is required to appear in court pursuant to the traffic citation.

4. If a court or traffic violations bureau allows an eligible person to whom a traffic citation or civil infraction citation is issued to use a system established pursuant to subsection 1 to make a plea and state his or her defense or, if authorized, any mitigating circumstances and the person chooses to make a plea and state his or her defense or any mitigating circumstances by using such a system, the person waives his or her right to a trial and the right to confront any witnesses.

5. Any system established pursuant to subsection 1 must:

(a) For the purpose of authenticating that the person making the plea and statement of his or her defense or any mitigating circumstances or performing any other approved action is the person to whom the traffic citation or civil infraction citation was issued, be capable of requiring the person to submit
any of the following information, as applicable, at the discretion of the court or traffic violations bureau:

1. The traffic citation number or civil infraction citation number;
2. The name and address of the person;
3. The state registration number of the person’s vehicle, if any;
4. The number of the driver’s license of the person, if any;
5. The offense charged or the civil infraction for which the citation was issued; and
6. Any other information required by any rules adopted by the Nevada Supreme Court pursuant to subsection 7.

(b) For the purposes of authenticating that the peace officer submitting the written statement or performing any other approved action is the peace officer who issued the civil infraction citation, be capable of requiring the peace officer to submit any of the following information at the discretion of the court or traffic violations bureau:

1. The civil infraction citation number;
2. The civil infraction for which the citation was issued; and
3. The first initial, last name and personnel number of the peace officer.

(c) Provide notice to each person who uses the system to make a plea and statement of his or her defense or any mitigating circumstances that the person waives his or her right to a trial and the right to confront any witnesses.

(d) If a plea and statement of the defense or mitigating circumstances of a person or a written statement of a peace officer is submitted by electronic mail, over the Internet or by other electronic means:

1. Confirm receipt of the:
   (I) The plea and statement to the person making the plea; and
   (II) The written statement to the peace officer;

2. Make available to:
   (I) The person making the plea a copy of the plea and statement;
   and

   (II) The peace officer submitting the written statement a copy of the written statement.

6. A person who has been issued a traffic citation for any of the following offenses may not make a plea and state his or her defense or any mitigating circumstances by using a system established pursuant to subsection 1:

(a) Aggressive driving in violation of NRS 484B.650;
(b) Reckless driving in violation of NRS 484B.653;
(c) Vehicular manslaughter in violation of NRS 484B.657; or
(d) Driving, operating or being in actual physical control of a vehicle or a vessel under power or sail while under the influence of intoxicating liquor or a controlled substance in violation of NRS 484C.110, 484C.120 or 488.410, as applicable.
7. The Nevada Supreme Court may adopt rules not inconsistent with the laws of this State to carry out the provisions of this section.

Sec. 39. NRS 484A.650 is hereby amended to read as follows:

484A.650 1. Whenever the driver of a vehicle is stopped by a peace officer for violating a provision of chapters 484A to 484E, inclusive, of NRS, except for violating a provision of NRS 484B.440 to 484B.523, inclusive, the officer shall demand proof of the insurance required by NRS 485.185 or 490.0825 and issue a citation as provided in NRS 484A.630 if the officer has probable cause to believe that the driver of the vehicle is in violation of NRS 485.187 or subsection 5 of NRS 490.520. If the driver of the vehicle is not the owner, a citation must also be issued to the owner, and in such a case the driver:

(a) May sign the citation on behalf of the owner; and
(b) Shall notify the owner of the citation within 3 days after it is issued.

The agency which employs the peace officer shall immediately forward a copy of the citation to the registered owner of the vehicle, by certified mail, at his or her address as it appears on the certificate of registration.

2. When the evidence of insurance provided by the driver of the vehicle upon the demand of the peace officer is in an electronic format displayed on a mobile electronic device, the peace officer may view only the evidence of insurance and shall not intentionally view any other content on the mobile electronic device.

Sec. 39.5. NRS 484A.680 is hereby amended to read as follows:

484A.680 1. Every peace officer upon issuing a traffic citation to an alleged violator of any provision of the motor vehicle laws of this State or of any traffic ordinance of any city or town shall file manually or, if the provisions of subsection 2 are satisfied, file electronically the original or a copy of the traffic citation with a court having jurisdiction over the alleged offense or with its traffic violations bureau.

2. A copy of a traffic citation that is prepared electronically and issued to an alleged violator of any provision of the motor vehicle laws of this State or of any traffic ordinance of any city or town may be filed electronically with a court having jurisdiction over the alleged offense or with its traffic violations bureau if the court or traffic violations bureau, respectively:

(a) Authorizes such electronic filing;
(b) Has the ability to receive and store the citation electronically; and
(c) Has the ability to physically reproduce the citation upon request.

3. Upon the filing of the original or a copy of the traffic citation with a court having jurisdiction over the alleged offense or with its traffic violations bureau, the traffic citation may be disposed of only by trial in that court or other official action by a judge of that court, including forfeiture of the bail, or by the deposit of sufficient bail with, or payment of a fine to, the traffic violations bureau by the person to whom the traffic citation has been issued by the peace officer.
4. It is unlawful and official misconduct for any peace officer or other officer or public employee to dispose of a traffic citation or copies of it or of the record of the issuance of a traffic citation in a manner other than as required in this section.

5. The chief administrative officer of every traffic enforcement agency shall require the return to him or her of a physical copy or electronic record of every traffic citation issued by an officer under his or her supervision to an alleged violator of any traffic law or ordinance and of all physical copies or electronic records of every traffic citation which has been spoiled or upon which any entry has been made and not issued to an alleged violator.

6. The chief administrative officer shall also maintain or cause to be maintained a record of every traffic citation issued by officers under his or her supervision. The record must be retained for at least 2 years after issuance of the citation.

7. As used in this section, “officer” includes a volunteer appointed to a traffic enforcement agency pursuant to NRS 484B.470.

Sec. 40. NRS 484A.900 is hereby amended to read as follows:

Sec. 41. NRS 484B.100 is hereby amended to read as follows:

Sec. 41.3. NRS 484B.117 is hereby amended to read as follows:
(b) By an officer or other authorized employee of a law enforcement agency, as that term is defined in NRS 239C.065, in the course of his or her official duties; or
(c) By a security guard, as that term is defined in NRS 648.016, in the course of his or her official duties.

Sec. 41.7. NRS 484B.127 is hereby amended to read as follows:
484B.127 1. The driver of a vehicle shall not follow another vehicle more closely than is reasonable and prudent, having due regard for the speed of such vehicles and the traffic upon and the condition of the highway.

2. The driver of any truck or combination of vehicles 80 inches or more in overall width, which is following a truck, or combination of vehicles 80 inches or more in overall width, shall, whenever conditions permit, leave a space of 500 feet so that an overtaking vehicle may enter and occupy such space without danger, but this shall not prevent a truck or combination of vehicles from overtaking and passing any vehicle or combination of vehicles. This subsection does not apply to any vehicle or combination of vehicles while moving on a highway on which there are two or more lanes available for traffic moving in the same direction.

3. Motor vehicles being driven upon any highway outside of a business district in a caravan or motorcade, whether or not towing other vehicles, shall be operated to allow sufficient space between each such vehicle or combination of vehicles so as to enable any other vehicle or combination of vehicles to enter and occupy such space without danger.

4. A person who violates this section is guilty of a misdemeanor.

5. This section does not apply to a vehicle which is using driver-assistive platooning technology, as defined in NRS 482A.032.

Sec. 42. NRS 484B.130 is hereby amended to read as follows:
484B.130 1. Except as otherwise provided in subsections 2 and 6, a person who is convicted of or found to have committed a violation of a speed limit, or convicted of or found to have committed a violation of NRS 484B.150, 484B.163, 484B.165, 484B.200 to 484B.217, inclusive, 484B.223, 484B.227, 484B.300, 484B.303, 484B.317, 484B.320, 484B.327, 484B.330, 484B.403, 484B.587, 484B.600, 484B.603, 484B.650, 484B.653, 484B.657, 484C.110 or 484C.120, that occurred:

(a) In an area designated as a temporary traffic control zone; and

(b) At a time when the workers who are performing construction, maintenance or repair of the highway or other work are present, or when the effects of the act may be aggravated because of the condition of the highway caused by construction, maintenance or repair, including, without limitation, reduction in lane width, reduction in the number of lanes, shifting of lanes from the designated alignment and uneven or temporary surfaces, including, without limitation, modifications to road beds, cement-treated bases, chip seals and other similar conditions,

shall, if the violation is a criminal offense, be punished by imprisonment or by a fine, or both, for a term or an amount equal to and in addition to the
term of imprisonment or amount of the fine, or both, that the court imposes for
the primary offense. If the violation is a civil infraction punishable pursuant to sections 24 to 36.7, inclusive, of this act, be punished by a
civil penalty in an amount equal to and in addition to the civil penalty
imposed that the court imposes for the primary civil infraction. Any term of
imprisonment imposed pursuant to this subsection runs consecutively with the
sentence prescribed by the court for the crime. This subsection does not create
a separate offense or civil infraction, but provides an additional penalty for
the primary offense or civil infraction, whose imposition is contingent upon
the finding of the prescribed fact.

2. If a violation described in subsection 1 is:
   (a) A criminal offense, the additional penalty imposed pursuant to
subsection 1 must not exceed a total of $1,000, 6 months of imprisonment or
120 hours of community service.
   (b) A civil infraction punishable pursuant to sections 24 to 36.7, inclusive, of this act, the additional penalty imposed pursuant to subsection
1 must not exceed a total of $250.

3. Except as otherwise provided in subsection 5, a governmental entity that
designates an area or authorizes the designation of an area as a temporary
traffic control zone in which construction, maintenance or repair of a highway
or other work is conducted, or the person with whom the governmental entity
contracts to provide such service, shall cause to be erected:
   (a) A sign located before the beginning of such an area stating “DOUBLE
PENALTIES IN WORK ZONES” to indicate a double penalty may be
imposed pursuant to this section;
   (b) A sign to mark the beginning of the temporary traffic control zone; and
   (c) A sign to mark the end of the temporary traffic control zone.

4. A person who otherwise would be subject to an additional penalty
pursuant to this section is not relieved of any criminal liability or liability for
a civil infraction because signs are not erected as required by subsection 3 if
the violation results in injury to any person performing highway construction
or maintenance or other work in the temporary traffic control zone or in
damage to property in an amount equal to $1,000 or more.

5. The requirements of subsection 3 do not apply to an area designated as
a temporary traffic control zone:
   (a) Pursuant to an emergency which results from a natural or other disaster
and which threatens the health, safety or welfare of the public; or
   (b) On a public highway where the posted speed limit is 25 miles per hour
or less and that provides access to or is appurtenant to a residential area.

6. A person who would otherwise be subject to an additional penalty
pursuant to this section is not subject to an additional penalty if the violation
occurred in a temporary traffic control zone for which signs are not erected
pursuant to subsection 5, unless the violation results in injury to any person
performing highway construction or maintenance or other work in the
temporary traffic control zone or in damage to property in an amount equal to $1,000 or more.

Sec. 43. NRS 484B.135 is hereby amended to read as follows:

484B.135 1. Except as otherwise provided in subsections 2 and 4, a person who is convicted of or found to have committed a violation of a speed limit, or convicted of or found to have committed a violation of NRS 484B.150, 484B.163, 484B.165, 484B.200 to 484B.217, inclusive, 484B.223, 484B.227, 484B.280, 484B.283, 484B.287, 484B.300, 484B.303, 484B.307, 484B.317, 484B.320, 484B.327, 484B.403, 484B.600, 484B.603, 484B.650, 484B.653, 484B.657, 484C.110 or 484C.120, that occurred in an area designated as a pedestrian safety zone may:

(a) If the violation is a criminal offense, be punished by imprisonment or by a fine, or both, for a term or an amount equal to and in addition to the term of imprisonment or amount of the fine, or both, that the court imposes for the primary offense.

(b) If the violation is a civil infraction punishable pursuant to sections 24 to 36.7, inclusive, of this act, be punished by a civil penalty in an amount equal to and in addition to the civil penalty imposed that the court imposes for the primary infraction.

Any term of imprisonment imposed pursuant to this subsection runs consecutively with the sentence prescribed by the court for the crime. This subsection does not create a separate offense but provides an additional penalty for the primary offense, whose imposition is discretionary with the court and contingent upon the finding of the prescribed fact.

2. If a violation described in subsection 1 is:

(a) A criminal offense, the additional penalty imposed pursuant to subsection 1 must not exceed a total of $1,000, 6 months of imprisonment or 120 hours of community service.

(b) A civil infraction punishable pursuant to sections 24 to 36.7, inclusive, of this act, the additional penalty imposed pursuant to subsection 1 must not exceed a total of $250.

3. A governmental entity that designates a pedestrian safety zone shall cause to be erected:

(a) A sign located before the beginning of the pedestrian safety zone which provides notice that higher fines and civil penalties may apply in pedestrian safety zones;

(b) A sign to mark the beginning of the pedestrian safety zone; and

(c) A sign to mark the end of the pedestrian safety zone.

4. A person who would otherwise be subject to an additional penalty pursuant to this section is not subject to such an additional penalty if, with respect to the pedestrian safety zone in which the violation occurred:

(a) A sign is not erected before the beginning of the pedestrian safety zone as required by paragraph (a) of subsection 3 to provide notice that higher fines and civil penalties may apply in pedestrian safety zones; or
(b) Signs are not erected as required by paragraphs (b) and (c) of subsection 3 to mark the beginning and end of the pedestrian safety zone.

5. The governing body of a local government or the Department of Transportation may designate a pedestrian safety zone on a highway if the governing body or the Department of Transportation:
   (a) Makes findings as to the necessity and appropriateness of a pedestrian safety zone, including, without limitation, any circumstances on or near a highway which make an area of the highway dangerous for pedestrians; and
   (b) Complies with the requirements of subsection 3 and NRS 484A.430 and 484A.440.

Sec. 44. NRS 484B.150 is hereby amended to read as follows:

484B.150  1. It is unlawful a misdemeanor for a person to drink an alcoholic beverage while the person is driving or in actual physical control of a motor vehicle upon a highway.

2. Except as otherwise provided in this subsection, it is unlawful a misdemeanor for a person to have an open container of an alcoholic beverage within the passenger area of a motor vehicle while the motor vehicle is upon a highway. This subsection does not apply to:
   (a) The passenger area of a motor vehicle which is designed, maintained or used primarily for the transportation of persons for compensation; or
   (b) The living quarters of a house coach or house trailer, but does apply to the driver of such a motor vehicle who is in possession or control of an open container of an alcoholic beverage.

3. A person who violates any provision of this section may be subject to any additional penalty set forth in NRS 484B.130 or 484B.135.

4. As used in this section:
   (a) “Alcoholic beverage” has the meaning ascribed to it in NRS 202.015.
   (b) “Open container” means a container which has been opened or the seal of which has been broken.
   (c) “Passenger area” means that area of a vehicle which is designed for the seating of the driver or a passenger.

Sec. 45. NRS 484B.157 is hereby amended to read as follows:

484B.157  1. Except as otherwise provided in subsection 7, any person who is transporting a child who is less than 6 years of age and who weighs 60 pounds or less in a motor vehicle operated in this State which is equipped to carry passengers shall secure the child in a child restraint system which:
   (a) Has been approved by the United States Department of Transportation in accordance with the Federal Motor Vehicle Safety Standards set forth in 49 C.F.R. Part 571;
   (b) Is appropriate for the size and weight of the child; and
   (c) Is installed within and attached safely and securely to the motor vehicle:
      (1) In accordance with the instructions for installation and attachment provided by the manufacturer of the child restraint system; or
      (2) In another manner that is approved by the National Highway Traffic Safety Administration.
2. A violation of this section is a civil infraction punishable pursuant to sections 24 to 36, inclusive, of this act. If a defendant pleads or is found guilty of violating the provisions of subsection 1, the court shall:

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

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

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

3. At the time of sentencing, the court shall provide the defendant with a list of persons and agencies approved by the Department of Public Safety to conduct programs of training and perform inspections of child restraint systems. The list must include, without limitation, an indication of the fee, if any, established by the person or agency pursuant to subsection 4. If, within 60 days after sentencing, a defendant is found to have committed the violation, the court shall:

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

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

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

4. A person or agency approved by the Department of Public Safety to conduct programs of training and perform inspections of child restraint systems may, in cooperation with the Department of Motor Vehicles, establish a fee to be paid by persons who are ordered to complete a program of training. The amount of the fee, if any:

(a) Must be reasonable; and

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

A program of training may not be operated for profit.
5. For the purposes of NRS 483.473, a violation of this section is not a moving traffic violation.

6. A violation of this section may not be considered:
   (a) Negligence in any civil action; or
   (b) Negligence or reckless driving for the purposes of NRS 484B.653.

7. This section does not apply:
   (a) To a person who is transporting a child in a means of public transportation, including a taxi, school bus or emergency vehicle.
   (b) When a physician or an advanced practice registered nurse determines that the use of such a child restraint system for the particular child would be impractical or dangerous because of such factors as the child’s weight, physical unfitness or medical condition. In this case, the person transporting the child shall carry in the vehicle the signed statement of the physician or advanced practice registered nurse to that effect.

8. As used in this section, “child restraint system” means any device that is designed for use in a motor vehicle to restrain, seat or position children. The term includes, without limitation:
   (a) Booster seats and belt-positioning seats that are designed to elevate or otherwise position a child so as to allow the child to be secured with a safety belt;
   (b) Integrated child seats; and
   (c) Safety belts that are designed specifically to be adjusted to accommodate children.

Sec. 46. NRS 484B.160 is hereby amended to read as follows:

484B.160  1. Except as otherwise provided in subsections 2 and 4, a driver shall not permit a person, with regard to a motor vehicle being operated on a paved highway, to ride upon or within any portion of the vehicle that is primarily designed or intended for carrying goods or other cargo or that is otherwise not designed or intended for the use of passengers, including, without limitation:
   (a) Upon the bed of a flatbed truck; or
   (b) Within the bed of a pickup truck.

2. A driver may permit a person to ride upon the bed of a flatbed truck or within the bed of a pickup truck if the person is:
   (a) Eighteen years of age or older; or
   (b) Under 18 years of age and the motor vehicle is:
      (1) Being used in the course of farming or ranching; or
      (2) Being driven in a parade authorized by a local authority.

3. A civil infraction citation must be issued pursuant to section 27 of this act to a driver who permits a person to ride upon or within a vehicle in violation of subsection 1. A driver who is cited pursuant to this subsection shall be punished by a civil penalty of at least $35 but not more than $100.

4. The provisions of subsection 1 do not apply to the portion of the bed of a truck that is covered by a camper shell or slide-in camper.
5. A violation of this section:
   (a) Is not a moving traffic violation for the purposes of NRS 483.473; and
   (b) May not be considered as:
       (1) Negligence or causation in a civil action; or
       (2) Negligent or reckless driving for the purposes of NRS 484B.653.

6. As used in this section:
   (a) “Camper shell” has the meaning ascribed to it in NRS 361.017.
   (b) “Slide-in camper” has the meaning ascribed to it in NRS 482.113.

Sec. 47. NRS 484B.165 is hereby amended to read as follows:

484B.165 1. Except as otherwise provided in this section, a person shall not, while operating a motor vehicle on a highway in this State:
   (a) Manually type or enter text into a cellular telephone or other handheld wireless communications device, or send or read data using any such device to access or search the Internet or to engage in nonvoice communications with another person, including, without limitation, texting, electronic messaging and instant messaging.
   (b) Use a cellular telephone or other handheld wireless communications device to engage in voice communications with another person, unless the device is used with an accessory which allows the person to communicate without using his or her hands, other than to activate, deactivate or initiate a feature or function on the device.

2. The provisions of this section do not apply to:
   (a) A paid or volunteer firefighter, emergency medical technician, advanced emergency medical technician, paramedic, ambulance attendant or other person trained to provide emergency medical services who is acting within the course and scope of his or her employment.
   (b) A law enforcement officer or any person designated by a sheriff or chief of police or the Director of the Department of Public Safety who is acting within the course and scope of his or her employment.
   (c) A person who is reporting a medical emergency, a safety hazard or criminal activity or who is requesting assistance relating to a medical emergency, a safety hazard or criminal activity.
   (d) A person who is responding to a situation requiring immediate action to protect the health, welfare or safety of the driver or another person and stopping the vehicle would be inadvisable, impractical or dangerous.
   (e) A person who is licensed by the Federal Communications Commission as an amateur radio operator and who is providing a communication service in connection with an actual or impending disaster or emergency, participating in a drill, test, or other exercise in preparation for a disaster or emergency or otherwise communicating public information.
   (f) An employee or contractor of a public utility who uses a handheld wireless communications device:
       (1) That has been provided by the public utility; and
While responding to a dispatch by the public utility to respond to an emergency, including, without limitation, a response to a power outage or an interruption in utility service.

3. The provisions of this section do not prohibit the use of a voice-operated global positioning or navigation system that is affixed to the vehicle.

4. A person who violates any provision of subsection 1 is guilty of a civil infraction punishable pursuant to sections 24 to 36.7, inclusive, of this act and:

   (a) For the first violation within the immediately preceding 7 years, shall pay a fine of $50.

   (b) For the second violation within the immediately preceding 7 years, shall pay a fine of $100.

   (c) For the third or subsequent violation within the immediately preceding 7 years, shall pay a fine of $250.

5. A person who violates any provision of subsection 1 may be subject to any additional penalty set forth in NRS 484B.130 or 484B.135.

6. The Department of Motor Vehicles shall not treat a first violation of this section in the manner statutorily required for a moving traffic violation.

7. For the purposes of this section, a person shall be deemed not to be operating a motor vehicle if the motor vehicle is driven autonomously and the autonomous operation of the motor vehicle is authorized by law.

8. As used in this section:

   (a) “Handheld wireless communications device” means a handheld device for the transfer of information without the use of electrical conductors or wires and includes, without limitation, a cellular telephone, a personal digital assistant, a pager and a text messaging device. The term does not include a device used for two-way radio communications if:

      (1) The person using the device has a license to operate the device, if required; and

      (2) All the controls for operating the device, other than the microphone and a control to speak into the microphone, are located on a unit which is used to transmit and receive communications and which is separate from the microphone and is not intended to be held.

   (b) “Public utility” means a supplier of electricity or natural gas or a provider of telecommunications service for public use who is subject to regulation by the Public Utilities Commission of Nevada.

Sec. 47.3. NRS 484B.267 is hereby amended to read as follows:

484B.267  1. Upon the immediate approach of an authorized emergency vehicle or an official vehicle of a regulatory agency, making use of flashing lights meeting the requirements of subsection 3 of NRS 484A.480, the driver of every other vehicle shall yield the right-of-way and shall immediately drive to a position parallel to, and as close as possible to, the right-hand edge or curb of a highway clear of any intersection and shall stop and remain in such position until the authorized emergency vehicle or official vehicle has passed, except when otherwise directed by a law enforcement officer.
2. Upon approaching an authorized emergency vehicle or an official vehicle of a regulatory agency which is moving or preparing to move in any direction, including, without limitation, arriving at or leaving the scene of a crash or other incident, and making use of flashing lights meeting the requirements of subsection 3 of NRS 484A.480, the driver of any other vehicle shall, except when otherwise directed by a law enforcement officer:
   (a) Decrease the speed of his or her vehicle to a speed that is reasonable and proper, pursuant to the criteria set forth in subsection 1 of NRS 484B.600;
   (b) Proceed with caution;
   (c) Be prepared to stop;
   (d) If the authorized emergency vehicle or official vehicle of a regulatory agency is moving in the same direction of travel as the driver, not drive abreast of or overtake the authorized emergency vehicle or official vehicle of a regulatory agency;
   (e) If possible, drive in a lane that is not adjacent to the lane in which the authorized emergency vehicle or official vehicle of a regulatory agency is moving, unless roadway, traffic, weather or other conditions make doing so unsafe or impossible; and
   (f) If the authorized emergency vehicle or official vehicle of a regulatory agency:
      (1) Approaches the driver’s vehicle, proceed as required pursuant to subsection 1; or
      (2) Stops, proceed as required pursuant to NRS 484B.607.
3. A person who violates this section is guilty of a misdemeanor.

4. As used in this section, “preparing to move” means any indication that is visible to an approaching driver that an authorized emergency vehicle or an official vehicle of a regulatory agency is about to move, including, without limitation:
   (a) A movement of the vehicle; or
   (b) The use of hand signals by the driver of the vehicle.

Sec. 47.5. NRS 484B.290 is hereby amended to read as follows:

484B.290  A person who is blind and who is on foot and using a service animal or carrying a cane or walking stick white in color, or white tipped with red, has the right-of-way when entering or when on a highway, street or road of this State. Any driver of a vehicle who approaches or encounters such a person shall yield the right-of-way, come to a full stop, if necessary, and take precautions before proceeding to avoid a crash or injury to the person.

2. Any person who violates subsection 1 shall be punished by imprisonment in the county jail for not more than 6 months or by a fine of not less than $100 nor more than $500, or by both fine and imprisonment. This section is guilty of a civil infraction punishable pursuant to sections 24 to 36.7, inclusive, of this act.

Sec. 47.7. NRS 484B.317 is hereby amended to read as follows:
484B.317  1. A person shall not, without lawful authority, attempt to or alter, deface, injure, knock down or remove any official traffic-control device or any railroad sign or signal or any inscription, shield or insignia thereon, or any other part thereof.

2. A person who violates any provision of this section may, subj

section

1:

(a) Is guilty of a misdemeanor; and

(b) May be subject to any additional penalty set forth in NRS 484B.130 or 484B.135.

Sec. 48. NRS 484B.323 is hereby amended to read as follows:

484B.323  1. A person shall not operate a vehicle in a lane designated for the use of high-occupancy vehicles except in conformity with the established conditions which are placed and maintained on signs and other official traffic-control devices pursuant to subsection 2 of NRS 484A.460 or established by regulation.

2. A person who violates subsection 1 is guilty of a civil infraction punishable pursuant to sections 24 to 36, inclusive, of this act and shall be fined a civil penalty of $250 for each offense.

3. As used in this section, “high-occupancy vehicle” means:

(a) A vehicle that is transporting more than one person;

(b) A motorcycle, regardless of the number of passengers;

(c) A bus, regardless of the number of passengers; and

(d) Any other vehicle designated by regulation.

Sec. 49. NRS 484B.330 is hereby amended to read as follows:

484B.330  1. It is unlawful for a driver of a vehicle to fail or refuse to comply with any signal of an authorized flagger serving in a traffic control capacity in a clearly marked area of highway construction or maintenance or any other area which has been designated as a temporary traffic control zone.

2. A district attorney shall prosecute all violations of subsection 1 which occur in his or her jurisdiction and which result in injury to any person performing highway construction or maintenance or performing other work within an area designated as a temporary traffic control zone unless the district attorney has good cause for not prosecuting the violation. In addition to any other penalty, if a driver violates any provision of subsection 1 and the violation results in injury to any person performing highway construction or maintenance or performing other work within an area designated as a temporary traffic control zone, or in damage to property in an amount of not less than $1,000, the driver is guilty of a misdemeanor and shall be punished by a fine of not less than $1,000 or more than $2,000, and ordered to perform 120 hours of community service.

3. A person who violates any provision of subsection 1 may be subject to the additional penalty set forth in subsection 1 of NRS 484B.130.

4. As used in this section, “authorized flagger serving in a traffic control capacity” means:
(a) An employee of the Department of Transportation or of a contractor performing highway construction or maintenance or performing other work within an area designated as a temporary traffic control zone for the Department of Transportation while the employee is carrying out the duties of his or her employment;

(b) An employee of any other governmental entity or of a contractor performing highway construction or maintenance or performing other work within an area designated as a temporary traffic control zone for the governmental entity while the employee is carrying out the duties of his or her employment; or

(c) Any other person employed by a private entity performing highway construction or maintenance or performing other work within an area designated as a temporary traffic control zone while the person is carrying out the duties of his or her employment if the person has satisfactorily completed training as a flagger approved or recognized by the Department of Transportation.

Sec. 50. NRS 484B.593 is hereby amended to read as follows:

484B.593  1. The Department of Transportation or a local authority, after considering the advice of the Nevada Bicycle and Pedestrian Advisory Board, may with respect to any controlled-access highway under its jurisdiction:

(a) Require a permit for the use of the highway by pedestrians, bicycles or other nonmotorized traffic or by any person operating a power cycle; or

(b) If it determines that the use of the highway for such a purpose would not be safe, prohibit the use of the highway by pedestrians, bicycles or other nonmotorized traffic.

2. Any person who violates any prohibition or restriction enacted pursuant to subsection 1 is guilty of a misdemeanor.

Sec. 51. NRS 484B.600 is hereby amended to read as follows:

484B.600  1. It is unlawful for any person to drive or operate a vehicle of any kind or character at:

(a) A rate of speed greater than is reasonable or proper, having due regard for the traffic, surface and width of the highway, the weather and other highway conditions.

(b) Such a rate of speed as to endanger the life, limb or property of any person.

(c) A rate of speed greater than that posted by a public authority for the particular portion of highway being traversed.

(d) A rate of speed that results in the injury of another person or of any property.

(e) In any event, a rate of speed greater than 80 miles per hour.

2. If, while violating any provision of subsection 1, the driver of a motor vehicle is the proximate cause of a collision with a pedestrian or a person riding a bicycle, an electric bicycle or an electric scooter, the driver is subject to the additional penalty set forth in subsection 4 of NRS 484B.653.
3. A person who violates any provision of subsection 1 may be subject to the additional penalty set forth in NRS 484B.130 or 484B.135.

4. Except as otherwise provided by law, if a person is issued a traffic citation for a violation of any provision of subsection 1, the court may, in its discretion, reduce the violation from a moving traffic violation to a violation that is not a moving traffic violation. There is a presumption in favor of reducing the violation if the person pays the entire amount of the fine and all fees due before the date on which the person is first required to make an appearance relating to the citation, whether by personal appearance or through his or her counsel, but such a presumption may be overcome if the driving record of the person demonstrates a pattern of moving traffic violations.

5. Any fine imposed pursuant to paragraph (a), (b), (c) or (e) of subsection 1 must not exceed $20 for each mile per hour a person travels above the posted speed limit or the proper rate of speed at which the person should be traveling, as applicable. The provisions of this subsection apply regardless of whether a person pays the entire amount of the fine and all fees due in accordance with subsection 4.

6. Except as otherwise provided in subsection 7, a person who commits a violation of any provision of this section that causes physical injury to a person or damage to property shall be punished by a civil penalty of not more than $1,000.

7. A person who commits a violation of any provision of this section and, at the time the violation was committed, was operating a vehicle at a rate of speed that was 30 miles per hour or more over that posted by a public authority is guilty of a misdemeanor.

Sec. 52. NRS 484B.607 is hereby amended to read as follows:

484B.607 1. Upon approaching any traffic incident, the driver of the approaching vehicle shall, in the absence of other direction given by a law enforcement officer:

(a) Decrease the speed of the vehicle to a speed that is reasonable and proper, pursuant to the criteria set forth in subsection 1 of NRS 484B.600;

(b) Proceed with caution;

(c) Be prepared to stop; and

(d) If possible, drive in a lane that is not adjacent to the lane or lanes where the traffic incident is located unless roadway, traffic, weather or other conditions make doing so unsafe or impossible.

2. A person who violates subsection 1 is guilty of a [misdemeanor] civil infraction punishable pursuant to sections 24 to 36, inclusive, of this act. A person who commits a violation of subsection 1 that causes physical injury to a person or damage to property is guilty of a civil infraction and shall be punished by a civil penalty of not more than $1,000.

3. As used in this section, “traffic incident” means any vehicle, person, condition or other traffic hazard which is located on or near a roadway and which poses a danger to the flow of traffic or to a person involved in,
responding to or assisting with the traffic hazard. The term includes, without
limitation:

(a) An authorized emergency vehicle which is stopped and is making use
of flashing lights meeting the requirements of subsection 3 of NRS 484A.480;

(b) A tow car which is stopped and is making use of flashing amber warning
lights meeting the requirements of NRS 484B.748 or lamps that emit
nonflashing blue light meeting the requirements of NRS 484D.475, or both;

(c) An authorized vehicle used by the Department of Transportation which
is stopped or moving at a speed slower than the normal flow of traffic and
which is making use of flashing amber warning lights meeting the
requirements of subsection 1 of NRS 484D.185 or lamps that emit nonflashing
blue light meeting the requirements of NRS 484D.200;

(d) A vehicle, owned or operated by a person who contracts with the
Department of Transportation to provide aid to motorists or to mitigate traffic
incidents, which is stopped or moving at a speed slower than the normal flow
of traffic and making use of lamps that emit nonflashing blue light meeting the
requirements of NRS 484D.200;

(e) A public utility vehicle which is stopped or moving at a speed slower
than the normal flow of traffic and is making use of flashing amber warning
lights meeting the requirements of NRS 484D.195;

(f) An authorized vehicle of a local governmental agency which is stopped
or moving at a speed slower than the normal flow of traffic and is making use
of flashing amber warning lights meeting the requirements of NRS 484D.185;

(g) Any vehicle which is stopped or moving at a speed slower than the
normal flow of traffic and is making use of flashing amber warning lights
meeting the requirements of NRS 484D.185;

(h) A crash scene;

(i) A stalled vehicle;

(j) Debris on the roadway; or

(k) A person who is out of his or her vehicle attending to a repair of the
vehicle. (Deleted by amendment.)

Sec. 53. NRS 484B.610 is hereby amended to read as follows:

484B.610  1. Except as otherwise provided in subsection 2 and
pursuant to the power granted in NRS 269.185, the town board or board of county
commissioners may, by ordinance, limit the speed of motor vehicles in any
unincorporated town in the county as may be deemed proper.

2. The Department of Transportation may establish the speed limits for
motor vehicles on highways within the boundaries of any unincorporated town
which are constructed and maintained under the authority granted by chapter
408 of NRS.

3. A person who violates any speed limit established pursuant to this
section may be subject to the additional penalty set forth in NRS 484B.130.

4. Except as otherwise provided in subsection 5, a person who violates
any speed limit established pursuant to this section for the particular portion
of the highway being traversed shall be punished by a civil penalty of not
5. A person who commits a violation of any provision of this section that causes physical injury to a person or damage to property shall be punished by a civil penalty of not more than $1,000.

Sec. 54. NRS 484B.613 is hereby amended to read as follows:

484B.613 1. The Department of Transportation may establish the speed limits for motor vehicles on highways which are constructed and maintained by the Department of Transportation under the authority granted to it by chapter 408 of NRS.

2. Except as otherwise provided by federal law, the Department of Transportation may establish a speed limit on such highways not to exceed 80 miles per hour and may establish a lower speed limit:
   (a) Where necessary to protect public health and safety.
   (b) For trucks, overweight and oversized vehicles, trailers drawn by motor vehicles and buses.

3. A person who violates any speed limit established pursuant to this section may be subject to the additional penalty set forth in NRS 484B.130.

4. Except as otherwise provided in subsection 5, a person who violates any speed limit established pursuant to this section for the particular portion of the highway being traversed shall be punished by a civil penalty of not more than $20 for each mile per hour over the speed limit established pursuant to this section.$500.

5. A person who commits a violation of any provision of this section that causes physical injury to a person or damage to property shall be punished by a civil penalty of not more than $1,000.

Sec. 55. NRS 484B.617 is hereby amended to read as follows:

484B.617 1. Except as otherwise provided in subsections 3, 3, and 4, a person driving a motor vehicle during the hours of daylight at a speed in excess of the speed limit posted by a public authority for the portion of highway being traversed shall be punished by a civil penalty of $25 if:
   (a) The posted speed limit is 60 miles per hour and the person is not exceeding a speed of 70 miles per hour.
   (b) The posted speed limit is 65 miles per hour and the person is not exceeding a speed of 75 miles per hour.
   (c) The posted speed limit is 70 miles per hour and the person is not exceeding a speed of 75 miles per hour.
   (d) The posted speed limit is 75 miles per hour and the person is not exceeding a speed of 80 miles per hour.
   (e) The posted speed limit is 80 miles per hour and the person is not exceeding a speed of 85 miles per hour.

2. A violation of the speed limit under any of the circumstances set forth in subsection 1 must not be recorded by the Department on a driver’s record and shall not be deemed a moving traffic violation.
3. A person who commits a violation of any provision of this section that causes physical injury to a person or damage to property shall be punished by a civil penalty of not more than $1,000.

4. The provisions of this section do not apply to a violation specified in subsection 1 that occurs in a county whose population is 100,000 or more if the portion of highway being traversed is in:
   (a) An urban area; or
   (b) An area which is adjacent to an urban area and which has been designated by the public authority that established the posted speed limit for the portion of highway being traversed as an area that requires strict observance of the posted speed limit to protect public health and safety.

Sec. 56. NRS 484B.620 is hereby amended to read as follows:

484B.620 1. The Department of Transportation may prescribe speed zones, and install appropriate speed signs controlling vehicular traffic on the state highway system as established in chapter 408 of NRS through hazardous areas, after necessary studies have been made to determine the need therefor, and to eliminate speed zones and remove the signs therefrom whenever the need therefor ceases to exist.

2. After the establishment of a speed zone and the installation of appropriate signs to control speed, it is unlawful for any person to drive a motor vehicle upon the road and in the speed zone in excess of the speed therein authorized.

3. A person who violates subsection 2 shall be punished by a civil penalty of not more than $500.

Sec. 57. NRS 484B.630 is hereby amended to read as follows:

484B.630 1. On a highway that has one lane for traveling in each direction, where passing is unsafe because of traffic traveling in the opposite direction or other conditions, the driver of a slow-moving vehicle, behind which five or more vehicles are formed in a line, shall, to allow the vehicles following behind to proceed, turn off the roadway:
   (a) At the nearest place designated as a turnout by signs erected by the public authority having jurisdiction over the highway; or
   (b) In the absence of such a designated turnout, at the nearest place where:
      1. Sufficient area for a safe turnout exists; and
      2. The circumstances and conditions are such that the driver is able to turn off the roadway in a safe manner.

2. A person who violates subsection 1 is guilty of a civil infraction punishable pursuant to sections 24 to 36, inclusive, of this act.

3. As used in this section, “slow-moving vehicle” means a vehicle that is traveling at a rate of speed which is less than the posted speed limit for the highway or portion of the highway upon which the vehicle is traveling.

Sec. 58. NRS 484B.650 is hereby amended to read as follows:
484B.650 1. A driver commits an offense of aggressive driving if, during any single, continuous period of driving within the course of 1 mile, the driver does all the following, in any sequence:
   (a) Commits one or more acts of speeding in violation of NRS 484B.363 or 484B.600.
   (b) Commits two or more of the following acts, in any combination, or commits any of the following acts more than once:
      (1) Failing to obey an official traffic-control device in violation of NRS 484B.300.
      (2) Overtaking and passing another vehicle upon the right by driving off the paved portion of the highway in violation of NRS 484B.210.
      (3) Improper or unsafe driving upon a highway that has marked lanes for traffic in violation of NRS 484B.223.
      (4) Following another vehicle too closely in violation of NRS 484B.127.
      (5) Failing to yield the right-of-way in violation of any provision of NRS 484B.250 to 484B.267, inclusive.
   (c) Creates an immediate hazard, regardless of its duration, to another vehicle or to another person, whether or not the other person is riding in or upon the vehicle of the driver or any other vehicle.
2. A driver may be prosecuted and convicted of an offense of aggressive driving in violation of subsection 1 whether or not the driver is [prosecuted or convicted] issued a notice of civil infraction citation pursuant to section 27 of this act for committing, or is found to have committed, any of the acts described in paragraphs (a) and (b) of subsection 1 that are punishable as a civil infraction.
3. A driver who commits an offense of aggressive driving in violation of subsection 1 is guilty of a misdemeanor and:
   (a) For the first offense, shall be punished:
      (1) By a fine of not less than $250 but not more than $1,000; or
      (2) By both fine and imprisonment in the county jail for not more than 6 months.
   (b) For the second offense, shall be punished:
      (1) By a fine of not less than $1,000 but not more than $1,500; or
      (2) By both fine and imprisonment in the county jail for not more than 6 months.
   (c) For the third and each subsequent offense, shall be punished:
      (1) By a fine of not less than $1,500 but not more than $2,000; or
      (2) By both fine and imprisonment in the county jail for not more than 6 months.
4. In addition to any other penalty pursuant to subsection 3:
   (a) For the first offense within 2 years, the court shall order the driver to attend, at the driver’s own expense, a course of traffic safety approved by the Department and may issue an order suspending the driver’s license of the driver for a period of not more than 30 days.
(b) For a second or subsequent offense within 2 years, the court shall issue an order revoking the driver’s license of the driver for a period of 1 year.

5. To determine whether the provisions of paragraph (a) or (b) of subsection 4 apply to one or more offenses of aggressive driving, the court shall use the date on which each offense of aggressive driving was committed.

6. If the driver is already the subject of any other order suspending or revoking his or her driver’s license, the court shall order the additional period of suspension or revocation, as appropriate, to apply consecutively with the previous order.

7. If the court issues an order suspending or revoking the driver’s license of the driver pursuant to this section, the court shall require the driver to surrender to the court all driver’s licenses then held by the driver. The court shall, within 5 days after issuing the order, forward the driver’s licenses and a copy of the order to the Department.

8. If the driver successfully completes a course of traffic safety ordered pursuant to this section, the Department shall cancel three demerit points from his or her driving record in accordance with NRS 483.448 or 483.475, as appropriate, unless the driver would not otherwise be entitled to have those demerit points cancelled pursuant to the provisions of that section.

9. This section does not preclude the suspension or revocation of the driver’s license of the driver, or the suspension of the future driving privileges of a person, pursuant to any other provision of law.

10. A person who violates any provision of subsection 1 may be subject to any additional penalty set forth in NRS 484B.130 or 484B.135.

Sec. 59. NRS 484B.760 is hereby amended to read as follows:

484B.760 1. It is a misdemeanor civil infraction punishable pursuant to sections 24 to 36.7, inclusive, of this act for any person to do any act forbidden or fail to perform any act required in NRS 484B.768 to 484B.790, inclusive.

2. The parent of any child and the guardian of any ward shall not authorize or knowingly permit the child or ward to violate any of the provisions of chapters 484A to 484E, inclusive, of NRS.

3. The provisions applicable to bicycles, electric bicycles and electric scooters apply whenever a bicycle, an electric bicycle or an electric scooter is operated upon any highway or upon any path set aside for the exclusive use of bicycles, electric bicycles and electric scooters subject to those exceptions stated herein.

Sec. 60. NRS 484B.900 is hereby amended to read as follows:

484B.900 No automobile rental agency shall be liable for any traffic violation arising out of the use of a leased or rented motor vehicle during the period such motor vehicle is not in the possession of the agency. This section does not absolve any such agency from liability for any misdemeanor or civil infraction punishable pursuant to sections 24 to 36.7, inclusive, of this act committed by an officer, employee or agent of the agency.

Sec. 60.5. NRS 484C.470 is hereby amended to read as follows:
The court may extend the order of a person who is required to install a device pursuant to NRS 484C.210 or 484C.460, not to exceed one-half of the period during which the person is required to have a device installed, if the court receives from the Director of the Department of Public Safety or the manufacturer of the device or its agent a report that 4 consecutive months prior to the date of release any of the following incidents occurred:

(a) Any attempt by the person to start the vehicle with a concentration of alcohol of 0.04 or more in his or her breath unless a subsequent test performed within 10 minutes registers a concentration of alcohol lower than 0.04 and the digital image confirms the same person provided both samples;

(b) Failure of the person to take any random test unless a review of the digital image confirms that the vehicle was not occupied by the person at the time of the missed test;

(c) Failure of the person to pass any random retest with a concentration of alcohol of 0.025 or lower in his or her breath unless a subsequent test performed within 10 minutes registers a concentration of alcohol lower than 0.025, and the digital image confirms the same person provided both samples;

(d) Failure of the person to have the device inspected, calibrated, monitored and maintained by the manufacturer or its agent pursuant to subsection 4 of NRS 484C.460; or

(e) Any attempt by the person to operate a motor vehicle without a device or tamper with the device.

2. A person required to install a device pursuant to NRS 484C.210 or 484C.460 shall not operate a motor vehicle without a device or tamper with the device.

3. A person who violates any provision of subsection 2:

(a) Must have his or her driving privilege revoked in the manner set forth in subsection 4 of NRS 483.460; and

(b) is guilty of a misdemeanor and shall be:

(1) Punished by imprisonment in jail for not less than 30 days nor more than 6 months; or

(2) Sentenced to a term of not less than 60 days in residential confinement nor more than 6 months, and by a fine of not less than $500 nor more than $1,000.

No person who is punished pursuant to this section may be granted probation, and no sentence imposed for such a violation may be suspended. No prosecutor may dismiss a charge of such a violation in exchange for a plea of guilty, guilty but mentally ill or nolo contendere to a lesser charge or for any other reason unless, in the judgment of the attorney, the charge is not supported by probable cause or cannot be proved at trial.

Sec. 61. NRS 484D.285 is hereby amended to read as follows:

484D.285 1. The driver of a vehicle which is equipped with a device for braking that uses the compression of the engine of the vehicle shall not use the device at any time unless:

(a) The device is equipped with an operational muffler; or
(b) The driver reasonably believes that an emergency requires the use of the device to protect the physical safety of a person or others from an immediate threat of physical injury or to protect against an immediate threat of damage to property.

2. A person who violates the provisions of this section is guilty of a civil infraction punishable pursuant to sections 24 to 36.7, inclusive, of this act.

Sec. 62. NRS 484D.405 is hereby amended to read as follows:

484D.405 1. It is unlawful for any person to operate or cause to be operated upon the public highways of the State of Nevada any out-of-state or foreign privately owned motor vehicle equipped with a red light or siren attached thereto as a part of the equipment of the vehicle.

2. This section is not intended to repeal, amend or in any manner change the existing law insofar as it applies to domestic and foreign motor vehicles except in the particular instance set out in subsection 1 and this section does not apply to motor vehicles registered in foreign states having reciprocal arrangements made with the Department in relation to the use of red lights and sirens upon out-of-state motor vehicles.

3. A violation of the provisions of this section is punishable by a civil penalty of not more than $250.

Sec. 63. NRS 484D.495 is hereby amended to read as follows:

484D.495 1. It is unlawful to drive a passenger car manufactured after:

(a) January 1, 1968, on a highway unless it is equipped with at least two lap-type safety belt assemblies for use in the front seating positions.

(b) January 1, 1970, on a highway unless it is equipped with a lap-type safety belt assembly for each permanent seating position for passengers. This requirement does not apply to the rear seats of vehicles operated by a police department or sheriff’s office.

(c) January 1, 1970, unless it is equipped with at least two shoulder-harness-type safety belt assemblies for use in the front seating positions.

2. Any person driving, and any passenger who:

(a) Is 6 years of age or older; or

(b) Weighs more than 60 pounds, regardless of age, who rides in the front or back seat of any vehicle described in subsection 1, having an unladen weight of less than 10,000 pounds, on any highway, road or street in this State shall wear a safety belt if one is available for the seating position of the person or passenger.

3. A civil infraction citation must be issued pursuant to section 27 of this act to any driver or to any adult passenger who fails to wear a safety belt as required by subsection 2. If the passenger is a child who:

(a) Is 6 years of age or older but less than 18 years of age, regardless of weight; or

(b) Is less than 6 years of age but who weighs more than 60 pounds,
a civil infraction citation must be issued pursuant to section 27 of this act to the driver for failing to require that child to wear the safety belt, but if both the driver and that child are not wearing safety belts, only one civil infraction citation may be issued to the driver for both violations. A civil infraction citation may be issued pursuant to this subsection only if the violation is discovered when the vehicle is halted or its driver arrested for another alleged violation or offense. Any person who violates the provisions of subsection 2 shall be punished by a fine civil penalty of not more than $25 or by a sentence to perform a certain number of hours of community service.

4. A violation of subsection 2:
   (a) Is not a moving traffic violation under NRS 483.473.
   (b) May not be considered as negligence or as causation in any civil action or as negligent or reckless driving under NRS 484B.653.
   (c) May not be considered as misuse or abuse of a product or as causation in any action brought to recover damages for injury to a person or property resulting from the manufacture, distribution, sale or use of a product.

5. The Department shall exempt those types of motor vehicles or seating positions from the requirements of subsection 1 when compliance would be impractical.

6. The provisions of subsections 2 and 3 do not apply:
   (a) To a driver or passenger who possesses a written statement by a physician or an advanced practice registered nurse certifying that the driver or passenger is unable to wear a safety belt for medical or physical reasons;
   (b) If the vehicle is not required by federal law to be equipped with safety belts;
   (c) To an employee of the United States Postal Service while delivering mail in the rural areas of this State;
   (d) If the vehicle is stopping frequently, the speed of that vehicle does not exceed 15 miles per hour between stops and the driver or passenger is frequently leaving the vehicle or delivering property from the vehicle; or
   (e) Except as otherwise provided in NRS 484D.500, to a passenger riding in a means of public transportation, including a school bus or emergency vehicle.

7. It is unlawful for any person to distribute, have for sale, offer for sale or sell any safety belt or shoulder harness assembly for use in a motor vehicle unless it meets current minimum standards and specifications of the United States Department of Transportation.

Sec. 64. NRS 484D.540 is hereby amended to read as follows:
484D.540 Violation of the provisions of NRS 484D.535 is a misdemeanor
punishable pursuant to sections 24 to 36, inclusive, of this act. Whenever any motor vehicle is found by any peace officer to be in violation of the provisions of NRS 484D.535, and a notice to appear or civil infraction citation is issued pursuant
to section 27 of this act, the factual citation may require that the person named therein shall produce in court proof that such vehicle or its equipment has been made to conform to the provisions of NRS 484D.535.

Sec. 65.  NRS 484D.620 is hereby amended to read as follows:

484D.620. Any person operating or moving any vehicle or equipment over any highway who violates any length limitation in this chapter is guilty of a civil infraction punishable pursuant to sections 24 to 36, inclusive, of this act.

Sec. 66.  NRS 484D.680 is hereby amended to read as follows:

484D.680. Except as otherwise provided in subsection 4, a person convicted of found to have committed a violation of any limitation of weight imposed by NRS 484D.615 to 484D.675, inclusive, shall be punished by a fine civil penalty as specified in the following table:

<table>
<thead>
<tr>
<th>Pounds of Excess Weight</th>
<th>Fine Civil Penalty</th>
</tr>
</thead>
<tbody>
<tr>
<td>1 to 1,500</td>
<td>$10</td>
</tr>
<tr>
<td>1,501 to 2,500</td>
<td>1 cent per pound of excess weight</td>
</tr>
<tr>
<td>2,501 to 5,000</td>
<td>2 cents per pound of excess weight</td>
</tr>
<tr>
<td>5,001 to 7,500</td>
<td>4 cents per pound of excess weight</td>
</tr>
<tr>
<td>7,501 to 10,000</td>
<td>6 cents per pound of excess weight</td>
</tr>
<tr>
<td>10,001 and over</td>
<td>8 cents per pound of excess weight</td>
</tr>
</tbody>
</table>

2. If the resulting fine civil penalty is not a whole number of dollars, the nearest whole number above the computed amount must be imposed as the fine civil penalty.

3. The fine civil penalties provided in this section are mandatory, must be collected immediately upon entry of an order imposing the penalty and must not be reduced under any circumstances by the court.

4. Any bail allowed must not be less than the appropriate fine provided for in this section.

5. A person convicted of found to have committed a violation of a limitation of weight imposed by NRS 484D.615 to 484D.675, inclusive, shall be punished by a fine civil penalty that is equal to twice the amount of the fine civil penalty specified in subsection 1 if that violation occurred on or after February 1 but before May 1 on a highway designated by the Director of the Department of Transportation as restricted pursuant to NRS 408.214. This subsection does not create a separate offense but provides an additional penalty for the primary offense, whose imposition is contingent upon the finding of the prescribed fact.

Sec. 67.  NRS 484D.745 is hereby amended to read as follows:

484D.745. 1. It is unlawful for any person to operate or move any vehicle or equipment described in NRS 484D.615 or 484D.685 to 484D.725, inclusive, over any highway without first obtaining a permit, or to violate or evade any of the terms or conditions of the permit when issued. A person
violating any of the provisions of NRS 484D.685 to 484D.740, inclusive, is guilty of a civil infraction punishable pursuant to sections 24 to 36.7, inclusive, of this act.

2. Any person operating or moving any vehicle or equipment described in NRS 484D.615 or 484D.685 to 484D.725, inclusive, over any highway under the authorization of a permit for continuous use or multiple trips over a limited time and who violates any weight limitation in excess of the weight authorized by the permit must be punished, upon conviction, being found to have committed the violation, as provided in NRS 484D.680.

Sec. 67.2. NRS 484E.020 is hereby amended to read as follows:

484E.020 1. The driver of any vehicle involved in a crash resulting only in damage to a vehicle or other property which is driven or attended by any person shall:
   (a) Immediately stop his or her vehicle at the scene of the crash; and
   (b) If the driver’s vehicle is creating a hazard or obstructing traffic and can be moved safely, move the vehicle or cause the vehicle to be moved out of the traffic lanes of the roadway to a safe location that does not create a hazard or obstruct traffic and, if applicable, safely fulfill the requirements of NRS 484E.030.

2. A person who violates this section is guilty of a misdemeanor.

Sec. 67.4. NRS 484E.030 is hereby amended to read as follows:

484E.030 1. The driver of any vehicle involved in a crash resulting in injury to or death of any person or damage to any vehicle or other property which is driven or attended by any person shall:
   (a) Give his or her name, address and the registration number of the vehicle the driver is driving, and shall upon request and if available exhibit his or her license to operate a motor vehicle to any person injured in such crash or to the driver or occupant of or person attending any vehicle or other property damaged in such crash;
   (b) Give such information and upon request manually surrender such license to any police officer at the scene of the crash or who is investigating the crash; and
   (c) Render to any person injured in such crash reasonable assistance, including the carrying, or the making of arrangements for the carrying, of such person to a physician, surgeon or hospital for medical or surgical treatment if it is apparent that such treatment is necessary, or if such carrying is requested by the injured person.

2. If no police officer is present, the driver of any vehicle involved in such crash after fulfilling all other requirements of subsection 1 and NRS 484E.010, insofar as possible on his or her part to be performed, shall forthwith report such crash to the nearest office of a police authority or of the Nevada Highway Patrol and submit thereto the information specified in subsection 1.

3. A person who violates this section is guilty of a misdemeanor.

Sec. 67.6. NRS 484E.040 is hereby amended to read as follows:
484E.040 1. Except as otherwise provided in subsection 2, the driver of any vehicle which is involved in a crash with any vehicle or other property which is unattended, resulting in any damage to such other vehicle or property, shall immediately stop and shall then and there locate and notify the operator or owner of such vehicle or other property of the name and address of the driver and owner of the vehicle striking the unattended vehicle or other property or shall attach securely in a conspicuous place in or on such vehicle or property a written notice giving the name and address of the driver and of the owner of the vehicle doing the striking.

2. If the vehicle of a driver involved in a crash pursuant to subsection 1 is creating a hazard or obstructing traffic and can be moved safely, the driver shall, before meeting the requirements of subsection 1, move the vehicle or cause the vehicle to be moved out of the traffic lanes of the roadway to a safe location that does not create a hazard or obstruct traffic and minimizes interference with the free movement of traffic.

3. A person who violates this section is guilty of a misdemeanor.

Sec. 67.  NRS 484E.050 is hereby amended to read as follows:

484E.050 1. The driver of a vehicle which is involved in a crash with any vehicle or other property which is unattended, resulting in any damage to such other vehicle or property, shall immediately by the quickest means of communication give notice of such crash to the nearest office of a police authority or of the Nevada Highway Patrol.

2. Whenever the driver of a vehicle is physically incapable of giving an immediate notice of a crash as required in subsection 1 and there was another occupant in the vehicle at the time of the crash capable of doing so, such occupant shall make or cause to be given the notice not given by the driver.

3. A person who violates this section is guilty of a misdemeanor.

Sec. 68.  NRS 485.135 is hereby amended to read as follows:

485.135 The Department shall upon request furnish any person a certified abstract of the operating record of any person subject to the provisions of this chapter, which abstract must also fully designate the motor vehicles, if any, registered in the name of that person, and, if there is no record of any violations by that person of any law relating to the operation of a motor vehicle or of any injury or damage caused by that person, the Department shall so certify.

Sec. 69.  NRS 486.171 is hereby amended to read as follows:

486.171 1. A person shall not authorize or knowingly permit a motorcycle, except a trimobile, owned by or under the control of the person to be driven upon any highway by any person who is not authorized pursuant to NRS 486.011 to 486.381, inclusive, to drive a motorcycle.

2. A person who violates this section is guilty of a misdemeanor.

Sec. 69.5.  NRS 486.180 is hereby amended to read as follows:

486.180 1. The provisions of NRS 486.180 to 486.361, inclusive, are applicable and uniform throughout this State.
2. A local authority shall not enact an ordinance governing the operation and equipment of a motorcycle or moped which is in conflict with any of the provisions of NRS 486.180 to 486.361, inclusive.

3. **A local authority shall not enact an ordinance providing a criminal penalty for a violation of this chapter for which the penalty prescribed by this chapter is a civil penalty.**

**Sec. 70.** NRS 486.375 is hereby amended to read as follows:

486.375 1. A person who:

(a) Is a resident of this State or is a member of the Armed Forces of the United States stationed at a military installation located in Nevada;
(b) Is at least 21 years old;
(c) Holds a motorcycle driver’s license or a motorcycle endorsement to a driver’s license issued by the Department;
(d) Has held a motorcycle driver’s license or endorsement for at least 2 years; and
(e) Is certified as an instructor of motorcycle riders by a nationally recognized public or private organization which is approved by the Director, may apply to the Department for a license as an instructor for the Program.

2. The Department shall not license a person as an instructor if, within 2 years before the person submits an application for a license:

(a) The person has accumulated three or more demerit points pursuant to the uniform system of demerit points established pursuant to NRS 483.473, or has been convicted of, or found to have committed, traffic violations of comparable number and severity in another jurisdiction; or
(b) The person’s driver’s license was suspended or revoked in any jurisdiction.

3. The Director shall adopt standards and procedures for the licensing of instructors for the Program.

**Sec. 71.** NRS 486.381 is hereby amended to read as follows:

486.381 Any person violating any provisions of NRS 486.011 to 486.361, inclusive, is guilty of a **misdemeanor**. A civil infraction unless a provision of those sections specifically provides that a particular violation is a misdemeanor, gross misdemeanor, or felony.

**Sec. 71.5.** Chapter 490 of NRS is hereby amended by adding thereto a new section to read as follows:

A local authority shall not enact an ordinance providing a criminal penalty for a violation of this chapter for which the penalty prescribed by this chapter is a civil penalty.

**Sec. 72.** NRS 490.520 is hereby amended to read as follows:

490.520 1. It is a gross misdemeanor for any person knowingly to falsify:

(a) An off-highway vehicle dealer’s report of sale, as described in NRS 490.440; or
(b) An application or document to obtain any license, permit, certificate of title or registration issued under the provisions of this chapter.
2. It is a misdemeanor for any person to violate any of the provisions of NRS 490.200 to 490.450, inclusive.

3. Except as otherwise provided in subsections 4 and 5, it is a civil infraction punishable pursuant to sections 24 to 36.7, inclusive, of this act for any person to violate any of the provisions of this chapter unless the violation is by this section or other provision of this chapter or other law of this State declared to be a misdemeanor, gross misdemeanor or felony.

4. Except as otherwise provided in subsection 5, a person who violates this chapter relating to the registration or operation of an off-highway vehicle is guilty of a civil infraction punishable pursuant to sections 24 to 36.7, inclusive, of this act and shall be punished by a fine not to exceed $100.

5. Any person who registers a large all-terrain vehicle pursuant to NRS 490.0825 and who:
   (a) Operates or knowingly permits the operation of the vehicle without having insurance as required by NRS 490.0825;
   (b) Operates or knowingly permits the operation of the vehicle without having evidence of insurance of the vehicle in the possession of the operator of the vehicle; or
   (c) Fails or refuses to surrender, upon demand, to a peace officer or to an authorized representative of the Department the evidence of insurance, is guilty of a civil infraction punishable pursuant to sections 24 to 36.7, inclusive, of this act and shall be punished by a fine not to exceed $100.

Sec. 73. NRS 4.355 is hereby amended to read as follows:

4.355 1. A justice of the peace in a township whose population is 40,000 or more may appoint a referee to take testimony and recommend orders and a judgment:
   (a) In any action filed pursuant to NRS 73.010;
   (b) In any action filed pursuant to NRS 33.200 to 33.360, inclusive;
   (c) In any action for a misdemeanor constituting a violation of chapters 484A to 484E, inclusive, of NRS, except NRS 484C.110 or 484C.120;
   (d) In any action for a misdemeanor constituting a violation of a county traffic ordinance; or
   (e) In any action to determine whether a person has committed a civil infraction punishable pursuant to sections 24 to 36.7, inclusive, of this act.

2. The referee must meet the qualifications of a justice of the peace as set forth in NRS 4.010.

3. The referee:
   (a) Shall take testimony;
   (b) Shall make findings of fact, conclusions of law and recommendations for an order or judgment;
(c) May, subject to confirmation by the justice of the peace, enter an order or judgment; and
(d) Has any other power or duty contained in the order of reference issued by the justice of the peace.

4. The findings of fact, conclusions of law and recommendations of the referee must be furnished to each party or his or her attorney at the conclusion of the proceeding or as soon thereafter as possible. Within 5 days after receipt of the findings of fact, conclusions of law and recommendations, a party may file a written objection. If no objection is filed, the court shall accept the findings, unless clearly erroneous, and the judgment may be entered thereon. If an objection is filed within the 5-day period, the justice of the peace shall review the matter by trial de novo, except that if all of the parties so stipulate, the review must be confined to the record.

5. A referee must be paid one-half of the hourly compensation of a justice of the peace.

Sec. 74. NRS 4.370 is hereby amended to read as follows:

4.370 1. Except as otherwise provided in subsection 2, justice courts have jurisdiction of the following civil actions and proceedings and no others except as otherwise provided by specific statute:
(a) In actions arising on contract for the recovery of money only, if the sum claimed, exclusive of interest, does not exceed $15,000.
(b) In actions for damages for injury to the person, or for taking, detaining or injuring personal property, or for injury to real property where no issue is raised by the verified answer of the defendant involving the title to or boundaries of the real property, if the damage claimed does not exceed $15,000.
(c) Except as otherwise provided in paragraph (l), in actions for a fine, penalty or forfeiture not exceeding $15,000, given by statute or the ordinance of a county, city or town, where no issue is raised by the answer involving the legality of any tax, impost, assessment, toll or municipal fine.
(d) In actions upon bonds or undertakings conditioned for the payment of money, if the sum claimed does not exceed $15,000, though the penalty may exceed that sum. Bail bonds and other undertakings posted in criminal matters may be forfeited regardless of amount.
(e) In actions to recover the possession of personal property, if the value of the property does not exceed $15,000.
(f) To take and enter judgment on the confession of a defendant, when the amount confessed, exclusive of interest, does not exceed $15,000.
(g) Of actions for the possession of lands and tenements where the relation of landlord and tenant exists, when damages claimed do not exceed $15,000 or when no damages are claimed.
(h) Of actions when the possession of lands and tenements has been unlawfully or fraudulently obtained or withheld, when damages claimed do not exceed $15,000 or when no damages are claimed.
(i) Of suits for the collection of taxes, where the amount of the tax sued for does not exceed $15,000.

(j) Of actions for the enforcement of mechanics’ liens, where the amount of the lien sought to be enforced, exclusive of interest, does not exceed $15,000.

(k) Of actions for the enforcement of liens of owners of facilities for storage, where the amount of the lien sought to be enforced, exclusive of interest, does not exceed $15,000.

(l) Of actions for a civil penalty imposed for a violation of NRS 484D.680.

(m) Except as otherwise provided in this paragraph, in any action for the issuance of a temporary or extended order for protection against domestic violence pursuant to NRS 33.020. A justice court does not have jurisdiction in an action for the issuance of a temporary or extended order for protection against domestic violence:

(1) In a county whose population is 100,000 or more and less than 700,000;

(2) In any township whose population is 100,000 or more located within a county whose population is 700,000 or more; or

(3) If a district court issues a written order to the justice court requiring that further proceedings relating to the action for the issuance of the order for protection be conducted before the district court.

(n) Except as otherwise provided in this paragraph, in any action for the issuance of an ex parte or extended order for protection against high-risk behavior pursuant to NRS 33.570 or 33.580. A justice court does not have jurisdiction in an action for the issuance of an ex parte or extended order for protection against high-risk behavior:

(1) In a county whose population is 100,000 or more but less than 700,000;

(2) In any township whose population is 100,000 or more located within a county whose population is 700,000 or more; or

(3) If a district court issues a written order to the justice court requiring that further proceedings relating to the action for the issuance of the order for protection be conducted before the district court.

(o) In an action for the issuance of a temporary or extended order for protection against harassment in the workplace pursuant to NRS 33.200 to 33.360, inclusive.

(p) In small claims actions under the provisions of chapter 73 of NRS.

(q) In actions to contest the validity of liens on mobile homes or manufactured homes.

(r) In any action pursuant to NRS 200.591 for the issuance of a protective order against a person alleged to be committing the crime of stalking, aggravated stalking or harassment.

(s) In any action pursuant to NRS 200.378 for the issuance of a protective order against a person alleged to have committed the crime of sexual assault.

(t) In actions transferred from the district court pursuant to NRS 3.221.
(u) In any action for the issuance of a temporary or extended order pursuant to NRS 33.400.

(v) In any action seeking an order pursuant to NRS 441A.195.

(w) In any action to determine whether a person has committed a civil infraction punishable pursuant to sections 24 to 36.7, inclusive, of this act.

2. The jurisdiction conferred by this section does not extend to civil actions, other than for forcible entry or detainer, in which the title of real property or mining claims or questions affecting the boundaries of land are involved.

3. Justice courts have jurisdiction of all misdemeanors and no other criminal offenses except as otherwise provided by specific statute. Upon approval of the district court, a justice court may transfer original jurisdiction of a misdemeanor to the district court for the purpose of assigning an offender to a program established pursuant to NRS 176A.250 or, if the justice court has not established a program pursuant to NRS 176A.280, to a program established pursuant to that section.

4. Except as otherwise provided in subsections 5 and 6, in criminal cases the jurisdiction of justices of the peace extends to the limits of their respective counties.

5. In the case of any arrest made by a member of the Nevada Highway Patrol, the jurisdiction of the justices of the peace extends to the limits of their respective counties and to the limits of all counties which have common boundaries with their respective counties.

6. Each justice court has jurisdiction of any violation of a regulation governing vehicular traffic on an airport within the township in which the court is established.

Sec. 74.5. Chapter 5 of NRS is hereby amended by adding thereto a new section to read as follows:

1. A municipal court may appoint a referee or hearing master to take testimony and recommend orders and a judgment in any action to determine whether a person has committed a civil infraction punishable pursuant to sections 24 to 36.7, inclusive, of this act.

2. The referee or hearing master:
   (a) Shall take testimony;
   (b) Shall make findings of fact, conclusions of law and recommendations for an order or judgment;
   (c) May, subject to confirmation by the court, enter an order or judgment; and
   (d) Has any other power or duty contained in the order of reference issued by the court.

3. The findings of fact, conclusions of law and recommendations of the referee or hearing master must be furnished to each party or his or her attorney at the conclusion of the proceeding or as soon thereafter as possible. Within 5 days after receipt of the findings of fact, conclusions of law and
recommendations, a party may file a written objection. If no objection is
filed, the court shall accept the findings, unless clearly erroneous, and the
judgment may be entered thereon. If an objection is filed within the 5-day
period, the court shall review the matter by trial de novo, except that if all of
the parties so stipulate, the review must be confined to the record.

Sec. 75. NRS 5.050 is hereby amended to read as follows:
5.050 1. Municipal courts have jurisdiction of civil actions or
proceedings:
(a) For the violation of any ordinance of their respective cities.
(b) To determine whether a person has committed a civil infraction
punishable pursuant to sections 24 to 36.7 inclusive, of this act.
(c) To prevent or abate a nuisance within the limits of their respective cities.
2. Except as otherwise provided in subsection 2 of NRS 173.115, the
municipal courts have jurisdiction of all misdemeanors committed in violation
of the ordinances of their respective cities. Upon approval of the district court,
a municipal court may transfer original jurisdiction of a misdemeanor to the
district court for the purpose of assigning an offender to a program established
pursuant to NRS 176A.250 or, if the municipal court has not established a
program pursuant to NRS 176A.280, to a program established pursuant to that
section.
3. The municipal courts have jurisdiction of:
(a) Any action for the collection of taxes or assessments levied for city
purposes, when the principal sum thereof does not exceed $2,500.
(b) Actions to foreclose liens in the name of the city for the nonpayment of
those taxes or assessments when the principal sum claimed does not exceed
$2,500.
(c) Actions for the breach of any bond given by any officer or person to or
for the use or benefit of the city, and of any action for damages to which the
city is a party, and upon all forfeited recognizances given to or for the use or
benefit of the city, and upon all bonds given on appeals from the municipal
court in any of the cases named in this section, when the principal sum claimed
does not exceed $2,500.
(d) Actions for the recovery of personal property belonging to the city,
when the value thereof does not exceed $2,500.
(e) Actions by the city for the collection of any damages, debts or other
obligations when the amount claimed, exclusive of costs or attorney’s fees, or
both if allowed, does not exceed $2,500.
(f) Actions seeking an order pursuant to NRS 441A.195.
4. Nothing contained in subsection 3 gives the municipal court jurisdiction
to determine any such cause when it appears from the pleadings that the
validity of any tax, assessment or levy, or title to real property, is necessarily
an issue in the cause, in which case the court shall certify the cause to the
district court in like manner and with the same effect as provided by law for
certification of causes by justice courts.

Sec. 76. NRS 17.150 is hereby amended to read as follows:
17.150 1. Immediately after filing a judgment roll, the clerk shall make the proper entries of the judgment, under appropriate heads, in the docket kept by the clerk, noting thereon the hour and minutes of the day of such entries.

2. A transcript of the original docket or an abstract or copy of any judgment or decree of a district court of the State of Nevada or the District Court or other court of the United States in and for the District of Nevada, the enforcement of which has not been stayed on appeal, certified by the clerk of the court where the judgment or decree was rendered, may be recorded in the office of the county recorder in any county, and when so recorded it becomes a lien upon all the real property of the judgment debtor not exempt from execution in that county, owned by the judgment debtor at the time, or which the judgment debtor may afterward acquire, until the lien expires. **Except as otherwise provided in section 36 of this act, the lien continues for 6 years after the date the judgment or decree was docketed, and is continued each time the judgment or decree is renewed, unless:**

(a) The enforcement of the judgment or decree is stayed on appeal by the execution of a sufficient undertaking as provided in the Nevada Rules of Appellate Procedure or by the Statutes of the United States, in which case the lien of the judgment or decree and any lien by virtue of an attachment that has been issued and levied in the actions ceases;

(b) The judgment is for arrearages in the payment of child support, in which case the lien continues until the judgment is satisfied;

(c) The judgment is satisfied; or

(d) The lien is otherwise discharged.

The time during which the execution of the judgment is suspended by appeal, action of the court or defendant must not be counted in computing the time of expiration.

3. The abstract described in subsection 2 must contain the:

(a) Title of the court and the title and number of the action;

(b) Date of entry of the judgment or decree;

(c) Names of the judgment debtor and judgment creditor;

(d) Amount of the judgment or decree; and

(e) Location where the judgment or decree is entered in the minutes or judgment docket.

4. In addition to recording the information described in subsection 2, a judgment creditor who records a judgment or decree for the purpose of creating a lien upon the real property of the judgment debtor pursuant to subsection 2 shall record at that time an affidavit of judgment stating:

(a) The name and address of the judgment debtor;

(b) If the judgment debtor is a natural person:

(1) The last four digits of the judgment debtor’s driver’s license number or identification card number and the state of issuance; or

(2) The last four digits of the judgment debtor’s social security number;

(c) If the lien is against real property which the judgment debtor owns at the time the affidavit of judgment is recorded, the assessor’s parcel number and
the address of the real property and a statement that the judgment creditor has confirmed that the judgment debtor is the legal owner of that real property; and
(d) If a manufactured home or mobile home is included within the lien, the location and serial number of the manufactured home or mobile home and a statement that the judgment creditor has confirmed that the judgment debtor is the legal owner of the manufactured home or mobile home.
⇒ All information included in an affidavit of judgment recorded pursuant to this subsection must be based on the personal knowledge of the affiant, and not upon information and belief.

5. As used in this section:
(a) “Manufactured home” has the meaning ascribed to it in NRS 489.113.
(b) “Mobile home” has the meaning ascribed to it in NRS 489.120.

Sec. 77. NRS 17.214 is hereby amended to read as follows:

17.214 1. Except as otherwise provided in section 36 of this act, a judgment creditor or a judgment creditor’s successor in interest may renew a judgment which has not been paid by:
(a) Filing an affidavit with the clerk of the court where the judgment is entered and docketed, within 90 days before the date the judgment expires by limitation. The affidavit must be titled as an “Affidavit of Renewal of Judgment” and must specify:
(1) The names of the parties and the name of the judgment creditor’s successor in interest, if any, and the source and succession of his or her title;
(2) If the judgment is recorded, the name of the county and the document number or the number and the page of the book in which it is recorded;
(3) The date and the amount of the judgment and the number and page of the docket in which it is entered;
(4) Whether there is an outstanding writ of execution for enforcement of the judgment;
(5) The date and amount of any payment on the judgment;
(6) Whether there are any setoffs or counterclaims in favor of the judgment debtor and the amount or, if a setoff or counterclaim is unsettled or undetermined it will be allowed as payment or credit on the judgment;
(7) The exact amount due on the judgment;
(8) If the judgment was docketed by the clerk of the court upon a certified copy from any other court, and an abstract recorded with the county clerk, the name of each county in which the transcript has been docketed and the abstract recorded; and
(9) Any other fact or circumstance necessary to a complete disclosure of the exact condition of the judgment.
⇒ All information in the affidavit must be based on the personal knowledge of the affiant, and not upon information and belief.
(b) If the judgment is recorded, recording the affidavit of renewal in the office of the county recorder in which the original judgment is filed within 3 days after the affidavit of renewal is filed pursuant to paragraph (a).
2. The filing of the affidavit renews the judgment to the extent of the amount shown due in the affidavit.

3. The judgment creditor or the judgment creditor’s successor in interest shall notify the judgment debtor of the renewal of the judgment by sending a copy of the affidavit of renewal by certified mail, return receipt requested, to the judgment debtor at his or her last known address within 3 days after filing the affidavit.

4. Successive affidavits for renewal may be filed within 90 days before the preceding renewal of the judgment expires by limitation.

Sec. 77.5. NRS 50.225 is hereby amended to read as follows:

50.225 1. For attending the courts of this State in any criminal case, civil suit, hearing to contest the determination that a person has committed a civil infraction or proceeding before a court of record, master, commissioner, justice of the peace, or before the grand jury, in obedience to a subpoena, each witness is entitled:

(a) To be paid a fee of $25 for each day’s attendance, including Sundays and holidays.

(b) Except as otherwise provided in this paragraph, to be paid for attending a court of the county in which the witness resides at the standard mileage reimbursement rate for which a deduction is allowed for the purposes of federal income tax for each mile necessarily and actually traveled from and returning to the place of residence by the shortest and most practical route. A board of county commissioners may provide that, for each mile so traveled to attend a court of the county in which the witness resides, each witness is entitled to be paid an amount equal to the allowance for travel by private conveyance established by the State Board of Examiners for state officers and employees generally. If the board of county commissioners so provides, each witness at any other hearing or proceeding held in that county who is entitled to receive the payment for mileage specified in this paragraph must be paid mileage in an amount equal to the allowance for travel by private conveyance established by the State Board of Examiners for state officers and employees generally.

2. In addition to the fee and payment for mileage specified in subsection 1, a board of county commissioners may provide that, for each day of attendance in a court of the county in which the witness resides, each witness is entitled to be paid the per diem allowance provided for state officers and employees generally. If the board of county commissioners so provides, each witness at any other hearing or proceeding held in that county who is a resident of that county and who is entitled to receive the fee specified in paragraph (a) of subsection 1 must be paid, in addition to that fee, the per diem allowance provided for state officers and employees generally.

3. If a witness is from without the county or, being a resident of another state, voluntarily appears as a witness at the request of the Attorney General or the district attorney and the board of county commissioners of the county in which the court is held, the witness is entitled to reimbursement for the actual
and necessary expenses for going to and returning from the place where the
court is held. The witness is also entitled to receive the same per diem
allowance provided for state officers and employees generally.
4. Any person in attendance at a trial or hearing to contest the
determination that a person has committed a civil infraction who is sworn as
a witness is entitled to the fees, the per diem allowance, if any, travel expenses
and any other reimbursement set forth in this section, irrespective of the service
of a subpoena.
5. Witness fees, per diem allowances, travel expenses and other
reimbursement in civil cases, including, without limitation, a hearing to
contest the determination that a person has committed a civil infraction,
must be taxed as disbursement costs against the defeated party upon proof by
affidavit that they have been actually incurred. Costs must not be allowed for
more than two witnesses to the same fact or series of facts, and a party plaintiff
or defendant must not be allowed any fees, per diem allowance, travel
expenses or other reimbursement for attendance as a witness in his or her own
behalf. Witness fees, per diem allowances, travel expenses and other
reimbursement must not be taxed against a county or incorporated city after
a hearing to contest the determination that a person has committed a civil
infraction unless the court determines, after a hearing, that the civil
infraction citation was issued maliciously and without probable cause.
6. A person is not obligated to appear in a civil action, hearing to contest
the determination that a person has committed a civil infraction or other
proceeding unless the person has been paid an amount equal to 1 day’s fees,
the per diem allowance provided by the board of county commissioners
pursuant to subsection 2, if any, and the travel expenses reimbursable pursuant
to this section.
Sec. 78. NRS 62A.220 is hereby amended to read as follows:
62A.220 “Minor traffic offense” means a violation of any state or local
law or ordinance governing the operation of a motor vehicle upon any highway
within this State other than:
1. A violation of chapters 484A to 484E, inclusive, or 706 of NRS that
causes the death of a person;
2. A violation of NRS 484C.110 or 484C.120; or
3. A violation declared to be a felony; or
4. A violation of a provision of chapters 483 to 484E, inclusive, 486 or
490 of NRS that is punishable as a civil infraction pursuant to sections 24 to
36, inclusive, of this act.
Sec. 79. NRS 62B.380 is hereby amended to read as follows:
62B.380 If a child is charged with a minor traffic offense, the
juvenile court has exclusive jurisdiction over proceedings concerning a child
who commits a minor traffic offense or who violates a provision of chapters
483 to 484E, inclusive, 486 or 490 of NRS that is punishable as a civil
infraction pursuant to sections 24 to 36, inclusive, of this act.
the case and record to a Justice Court or municipal court if the juvenile court
determines that the transfer is in the best interests of the child.

2. If a case is transferred pursuant to this section:
   (a) The restrictions set forth in NRS 62C.030 are applicable in those
   proceedings; and
   (b) A parent or guardian must accompany the child at all proceedings.

3. If the juvenile court transfers a case and record to a Justice Court or
   municipal court pursuant to this section, the Justice Court or municipal court
   may transfer the case and record back to the juvenile court with the consent of
   the juvenile court.

If a case concerns a child who is alleged to have violated
a provision of chapters 483 to 484E, inclusive, 486 or 490 of NRS that is
punishable as a civil infraction pursuant to sections 24 to 36, inclusive, of
this act, the child must not be treated as a child alleged to be in need of
supervision or delinquent and the juvenile court must not adjudicate the
child to be in need of supervision or delinquent. If the juvenile court finds
that the child committed the violation, the juvenile court must impose the
civil penalty authorized by the applicable provision of law. (Deleted by
amendment.)

Sec. 79.5. NRS 176.0647 is hereby amended to read as follows:

176.0647 Any delinquent fine, administrative assessment or fee owed by
a defendant pursuant to NRS 176.064 who commits a minor traffic offense as
defined in NRS 176.0643 is deemed to be uncollectible if after 10 years it
remains impossible or impracticable to collect the delinquent amount.

Sec. 80. 1. The legislature hereby finds and declares that:
   (a) In Lapinski v. State, 84 Nev. 611, 613 (1968), the Nevada Supreme
       Court held that “the power to define crimes and penalties lies exclusively in
       the legislature.”
   (b) The Nevada Supreme Court has further held in Tellis v. State, 84 Nev.
       587, 591 (1968), Sparkman v. State, 95 Nev. 76, 82 (1979) and State v. Dist.
       Ct. (Pullin), 124 Nev. 564, 567-68 (2008), that the penalty for a crime is
determined by the law in effect at the time the offender committed the crime
and not the law in effect at the time the offender is sentenced unless the
Legislature has expressed its clear intent that a statute ameliorating the penalty
apply retroactively.
   (c) The imposition of criminal penalties for certain minor traffic and related
offenses is overly burdensome because it threatens persons with criminal
penalties, including imprisonment in county jail, for failure to pay fines,
assessments and fees imposed in connection with relatively minor offenses.
   (d) For those reasons, the Legislature is exercising its exclusive power to
define the acts which subject a person to criminal penalties by making certain
minor traffic and related offenses no longer subject to criminal penalties and,
instead, imposing civil penalties for those offenses.
   (e) It is unfair and unequal to impose criminal penalties on a person who is
alleged to have committed a minor traffic or related offense but who has not
been convicted of that offense before January 1, 2023, while a person who
commits the same act on or after January 1, 2023, is subject to civil penalties rather than criminal penalties.

(f) To ensure the fair and equal treatment of persons who are alleged to have committed a minor traffic or related offense but who have not been convicted of that offense before January 1, 2023, and persons who commit such an offense on or after January 1, 2023, the Legislature hereby expresses its intent that the penalties set forth in this act be applied retroactively to any person who has not been convicted of an offense before January 1, 2023.

2. Except as otherwise provided in this section, the provisions of this act apply to a violation of any provision of law that pursuant to a provision of this act is punishable as a civil infraction pursuant to sections 24 to 36.7, inclusive, of this act if the violation occurred on or after January 1, 2023. However, the provisions of section 36.3 of this act do not apply to any such violation of law for which a person was convicted that occurs before, on or after January 1, 2023.

3. If a person commits a violation of a provision of law before January 1, 2023, and the violation is punishable as a civil infraction pursuant to sections 24 to 36.7, inclusive, of this act if the violation occurs on or after January 1, 2023, the person cannot be arrested for the violation on or after January 1, 2023.

4. Each court in this State shall cancel each outstanding bench warrant issued for a person who failed to appear in court in response to a traffic citation issued before January 1, 2023, for a violation of law that pursuant to the provisions of this act is punishable as a civil infraction pursuant to sections 24 to 36.7, inclusive, of this act.

5. The Central Repository for Nevada Records of Criminal History shall remove from each database or compilation of records of criminal history maintained by the Central Repository all records of bench warrants issued for a person who failed to appear in court in response to a traffic citation issued before January 1, 2023, for a violation of law that pursuant to the provisions of this act is punishable as a civil infraction pursuant to sections 24 to 36.7, inclusive, of this act.

Sec. 80.5. Before January 1, 2023, the justice courts and municipal courts in this State shall adopt rules governing the practice and procedure for any action initiated pursuant to sections 24 to 36.7, inclusive, of this act.

Sec. 81. 1. This section becomes effective upon passage and approval.

2. Sections 1 to 80.5, inclusive, of this act become effective:

(a) Upon passage and approval for the purpose of adopting any rules or regulations and performing any other preparatory administrative tasks that are necessary to carry out the provisions of this act; and

(b) On January 1, 2023, for all other purposes.
Assemblyman Yeager moved the adoption of the amendment.

Remarks by Assemblyman Yeager.

Amendment adopted.

Bill ordered reprinted, engrossed and to third reading.

MOTIONS, RESOLUTIONS AND NOTICES

Assemblywoman Carlton moved that upon return from the printer, Assembly Bill No. 116 be rereferred to the Committee on Ways and Means.

Motion carried.

GENERAL FILE AND THIRD READING

Assembly Bill No. 158.

Bill read third time.

The following amendment was proposed by the Committee on Judiciary:

Amendment No. 86.


Joint Sponsors: Senators D. Harris and Brooks

AN ACT relating to crimes; establishing and revising the penalties for certain offenses involving alcohol [or] marijuana and cannabis; requiring the automatic sealing of records relating to certain offenses involving alcohol, marijuana and cannabis; providing juvenile courts with exclusive jurisdiction over offenses relating to alcohol or marijuana committed by children; establishing provisions relating to the issuance of citations for offenses relating to alcohol or marijuana committed by children; and providing other matters properly relating thereto.

Legislative Counsel's Digest:

Existing law makes it a misdemeanor for a person who is under 21 years of age to: (1) purchase, consume or possess alcohol; (2) falsely represent himself or herself to be 21 years of age to obtain alcohol; or (3) possess 1 ounce or less of marijuana without being authorized to possess cannabis; or (4) falsely represent himself or herself to be 21 years of age or older to obtain cannabis. (NRS 202.020, 202.040, 678D.310) Additionally, existing law makes it a misdemeanor to possess 1 ounce or less of marijuana without being authorized to possess cannabis. (NRS 453.336) Existing law also provides that unless the statute in force at the time of commission of a misdemeanor prescribes a different penalty, a misdemeanor is punishable by imprisonment in the county jail for not more than 6 months, or by a fine of not more than $1,000, or by both fine and imprisonment. (NRS 193.150)

This bill revises Sections 1, 2, 3 and 4 of this bill revise the penalties for the first offense in which a person who is under 21 years of age: (1) purchases, consumes or possesses alcohol; (2) falsely represents himself or herself to be 21 years of age to obtain alcohol; (3) possesses 1 ounce or less of
marijuana without being authorized to possess cannabis; or (4) falsely represents himself or herself to be 21 years of age or older to obtain cannabis. This bill provides that for such offenses, a person convicted of the offense; and second violations, respectively, of each such offense. For the first violation, sections 1, 2, 3 and 4, respectively, provide that a person: (1) is not subject to imprisonment in the county jail or a fine; (2) must perform not more than 24 hours of community service; and (3) must attend a meeting of a panel of victims of persons injured or killed by a person who was driving under the influence of alcohol or a controlled substance. For the second offense, sections 1, 2, 3 and 4, respectively, provide that a person: (1) is not subject to imprisonment in the county jail or a fine; and (2) must complete not more than 100 hours of counseling or participation in an educational program, a support group relating to the use of alcohol or other substances or another program of treatment for the use of alcohol or other substances.

Sections 1, 2, 3 and 4, respectively, also require the court to automatically seal records relating to such convictions if the offender completes the terms and conditions imposed by the court.

Existing law defines “child,” for the purposes of juvenile justice, as a person who is: (1) less than 18 years of age; (2) less than 21 years of age and is subject to the jurisdiction of the juvenile court for an unlawful act committed before the person reached 18 years of age; or (3) subject to the jurisdiction of the juvenile court as a juvenile sex offender. (NRS 62A.030) Section 2.8 of this bill: (1) establishes penalties for certain unlawful acts relating to the possession or consumption of alcohol or the possession of less than 1 ounce of marijuana committed by children; and (2) requires a child who commits such unlawful acts to be punished in accordance with the penalties for children instead of those penalties set forth in section 1 or 3 of this bill.

Existing law establishes the jurisdiction of juvenile courts. (NRS 62B.320) Section 2.2 of this bill expands the jurisdiction of juvenile courts to include offenses committed by children relating to the possession or consumption of alcohol or offenses relating to possessing 1 ounce or less of marijuana. Section 2.4 of this bill makes a conforming change relating to the jurisdiction of juvenile courts.

Existing law authorizes a peace officer to issue a child a citation for certain traffic offenses and tobacco related offenses. (NRS 62C.070, 62C.072) Section 2.6 of this bill establishes provisions authorizing a peace officer to issue a child a citation for certain offenses relating to the possession or consumption of alcohol or the possession of 1 ounce or less of marijuana.

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

Section 1. NRS 202.020 is hereby amended to read as follows:
202.020 1. Except as otherwise provided in this section, a person under 21 years of age who purchases any alcoholic beverage or consumes any alcoholic beverage in any saloon, resort or premises where spirituous, malt or fermented liquors or wines are sold is guilty of a misdemeanor and shall be punished:
   (a) For a first offense, by:
      (1) Performing not more than 24 hours of community service; and
      (2) Attending the live meeting described in paragraph (a) of subsection 2 of NRS 484C.530.
   (b) For a second offense, by completion of not more than 100 hours of counseling or participation in an educational program, a support group relating to the use of alcohol or other substances or another program of treatment for the use of alcohol or other substances.
   (c) For a third or subsequent offense, as provided in NRS 193.150.

2. Except as otherwise provided in this section, a person under 21 years of age who, for any reason, possesses any alcoholic beverage in public is guilty of a misdemeanor and shall be punishable:
   (a) For a first offense, by:
      (1) Performing not more than 24 hours of community service; and
      (2) Attending the live meeting described in paragraph (a) of subsection 2 of NRS 484C.530;
   (b) For a second offense, by completion of not more than 100 hours of counseling or participation in an educational program, a support group relating to the use of alcohol or other substances or another program of treatment for the use of alcohol or other substances.
   (c) For a third or subsequent offense, as provided in NRS 193.150.

3. If a person under 21 years of age fulfills the terms and conditions imposed for a violation of subsection 1 or 2, the court shall, without a hearing, order sealed all documents, papers and exhibits in that person's record, minute book entries and entries on dockets, and other documents relating to the case in the custody of such other agencies and officers as are named in the court's order. The court shall cause a copy of the order to be sent to each agency or officer named in the order. Each such agency or officer shall notify the court in writing of its compliance with the order.

4. A person under 21 years of age is not subject to the criminal penalty set forth in subsection 1 for consuming an alcoholic beverage or subsection 2 if the person requests emergency medical assistance for another person whom he or she reasonably believes is under 21 years of age if the person making the request:
   (a) Reasonably believes that the person who consumed the alcohol is in need of such assistance because of the alcohol consumption;
   (b) Is the first person to request emergency medical assistance for the person;
(c) Remains with the person until informed that his or her presence is no longer necessary by the emergency medical personnel who respond to the request for assistance for the person; and
(d) Cooperates with any provider of emergency medical assistance, any other health care provider who assists the person who may be in need of emergency medical assistance because of alcohol consumption and any law enforcement officer.

5. A person under 21 years of age for whom another person requests emergency medical assistance pursuant to subsection 4 is not subject to the criminal penalty set forth in subsection 1 for consuming an alcoholic beverage or subsection 2.

6. A person under 21 years of age is not subject to the criminal penalty set forth in subsection 1 for consuming an alcoholic beverage or subsection 2 if the person:
   (a) Requests emergency medical assistance because he or she reasonably believes that he or she is in need of medical assistance because of alcohol consumption; and
   (b) Cooperates with any provider of emergency medical assistance, any other health care provider who assists him or her and any law enforcement officer.

7. This section does not preclude a local governmental entity from enacting by ordinance an additional or broader restriction, except that any such ordinance must not conflict with the provisions of subsection 4, 5 or 6 or create criminal liability for a person to whom an exemption set forth in subsection 4, 5 or 6 applies.

8. For the purposes of this section, possession “in public” includes possession:
   (a) On any street or highway;
   (b) In any place open to the public; and
   (c) In any private business establishment which is in effect open to the public.

9. The term does not include:
   (a) Possession for an established religious purpose;
   (b) Possession in the presence of the person’s parent, spouse or legal guardian who is 21 years of age or older;
   (c) Possession in accordance with a prescription issued by a person statutorily authorized to issue prescriptions;
   (d) Possession in private clubs or private establishments; or
   (e) The selling, handling, serving or transporting of alcoholic beverages by a person in the course of his or her lawful employment by a licensed manufacturer, wholesaler or retailer of alcoholic beverages.

Sec. 2. NRS 202.040 is hereby amended to read as follows:

202.040 Every member of the legislature who is a minor...
to obtain any intoxicating liquor [shall be] is guilty of a misdemeanor and shall be punished:

(a) For a first offense, by:
   (1) Performing not more than 24 hours of community service; and
   (2) Attending the live meeting described in paragraph (a) of subsection 2 of NRS 484C.530.

(b) For a second offense, by completion of not more than 100 hours of counseling or participation in an educational program, a support group relating to the use of alcohol or other substances or another program of treatment for the use of alcohol or other substances.

(c) For a third or subsequent offense, as provided in NRS 193.150.

2. If a person under 21 years of age fulfills the terms and conditions imposed for a violation of this section, the court shall, without a hearing, order sealed all documents, papers and exhibits in that person’s record, minute book entries and entries on dockets, and other documents relating to the case in the custody of such other agencies and officers as are named in the court’s order. The court shall cause a copy of the order to be sent to each agency or officer named in the order. Each such agency or officer shall notify the court in writing of its compliance with the order.

Sec. 2.2. NRS 62B.320 is hereby amended to read as follows:

62B.320 1. Except as otherwise provided in this title, the juvenile court has exclusive original jurisdiction in proceedings concerning any child living or found within the county who is alleged or adjudicated to be in need of supervision because the child:

(a) Is subject to compulsory school attendance and is a habitual truant from school;

(b) Habitually disobeys the reasonable and lawful demands of the parent or guardian of the child and is unmanageable;

(c) Deserts, abandons or runs away from the home or usual place of abode of the child and is in need of care or rehabilitation;

(d) Uses an electronic communication device to transmit or distribute a sexual image of himself or herself to another person or to possess a sexual image in violation of NRS 200.737;

(e) Transmits or distributes an image of bullying committed against a minor in violation of NRS 200.900;

(f) Violates a county or municipal ordinance imposing a curfew on a child;

(g) Violates a county or municipal ordinance restricting loitering by a child;

(h) Commits an offense related to tobacco;

(i) Commits an offense related to consuming or possessing alcohol; or

(j) Commits an offense related to the possession of 1 ounce or less of marijuana.

2. A child who is subject to the jurisdiction of the juvenile court pursuant to this section must not be considered a delinquent child.
3. The provisions of subsection 1 do not prohibit the imposition of administrative sanctions pursuant to NRS 392.148 against a child who is subject to compulsory school attendance and is a habitual truant from school.

4. As used in this section:
   (a) “Bullying” means a willful act which is written, verbal or physical, or a course of conduct on the part of one or more persons which is not otherwise authorized by law and which exposes a person one time or repeatedly and over time to one or more negative actions which is highly offensive to a reasonable person and:
      (1) Is intended to cause or actually causes the person to suffer harm or serious emotional distress;
      (2) Poses a threat of immediate harm or actually inflicts harm to another person or to the property of another person;
      (3) Places the person in reasonable fear of harm or serious emotional distress; or
      (4) Creates an environment which is hostile to a pupil by interfering with the education of the pupil.
   (b) “Electronic communication device” has the meaning ascribed to it in NRS 200.737.
   (c) “Sexual image” has the meaning ascribed to it in NRS 200.737.

Sec. 2.4. NRS 62B.330 is hereby amended to read as follows:

62B.330 1. Except as otherwise provided in this title, the juvenile court has exclusive original jurisdiction over a child living or found within the county who is alleged or adjudicated to have committed a delinquent act.

2. For the purposes of this section, a child commits a delinquent act if the child:
   (a) Violates a county or municipal ordinance other than those specified in paragraph (f), (g), (i) or (j) of subsection 1 of NRS 62B.320 or an offense related to tobacco;
   (b) Violates any rule or regulation having the force of law; or
   (c) Commits an act designated a criminal offense pursuant to the laws of the State of Nevada.

3. For the purposes of this section, each of the following acts shall be deemed not to be a delinquent act, and the juvenile court does not have jurisdiction over a person who is charged with committing such an act:
   (a) Murder or attempted murder and any other related offense arising out of the same facts as the murder or attempted murder, regardless of the nature of the related offense, if the person was 16 years of age or older when the murder or attempted murder was committed.
   (b) Sexual assault or attempted sexual assault involving the use or threatened use of force or violence against the victim and any other related offense arising out of the same facts as the sexual assault or attempted sexual assault, regardless of the nature of the related offense, if:
      (1) The person was 16 years of age or older when the sexual assault or attempted sexual assault was committed; and
(2) Before the sexual assault or attempted sexual assault was committed, the person previously had been adjudicated delinquent for an act that would have been a felony if committed by an adult.

c) An offense or attempted offense involving the use or threatened use of a firearm and any other related offense arising out of the same facts as the offense or attempted offense involving the use or threatened use of a firearm, regardless of the nature of the related offense, if:

(1) The person was 16 years of age or older when the offense or attempted offense involving the use or threatened use of a firearm was committed; and

(2) Before the offense or attempted offense involving the use or threatened use of a firearm was committed, the person previously had been adjudicated delinquent for an act that would have been a felony if committed by an adult.

d) A felony resulting in death or substantial bodily harm to the victim and any other related offense arising out of the same facts as the felony, regardless of the nature of the related offense, if:

(1) The felony was committed on the property of a public or private school when pupils or employees of the school were present or may have been present, at an activity sponsored by a public or private school or on a school bus while the bus was engaged in its official duties; and

(2) The person intended to create a great risk of death or substantial bodily harm to more than one person by means of a weapon, device or course of action that would normally be hazardous to the lives of more than one person.

e) A category A or B felony and any other related offense arising out of the same facts as the category A or B felony, regardless of the nature of the related offense, if the person was at least 16 years of age but less than 18 years of age when the offense was committed, and:

(1) The person is not identified by law enforcement as having committed the offense and charged before the person is at least 20 years, 3 months of age, but less than 21 years of age; or

(2) The person is not identified by law enforcement as having committed the offense until the person reaches 21 years of age.

(f) Any other offense if, before the offense was committed, the person previously had been convicted of a criminal offense.

Sec. 2.6. Chapter 62C of NRS is hereby amended by adding thereto a new section to read as follows:

1. A peace officer may prepare and issue a citation in the same manner in which a traffic citation is prepared and issued pursuant to NRS 62C.070, if the child is stopped or otherwise detained by the peace officer for:

(a) A violation of NRS 202.020;

(b) A violation of a city or county ordinance relating to the consumption or possession of alcohol; or

(c) A violation of subsection 4 of NRS 453.336 for possession of 1 ounce or less of marijuana.
2. If a child who is issued a citation pursuant to subsection 1 executes a written promise to appear in court by signing the citation, the peace officer:
   (a) Shall deliver a copy of the citation to the child; and
   (b) Shall not take the child into physical custody for the violation unless:
       (1) The peace officer believes that there is an imminent risk to the safety of the child or an imminent risk of harm to the child; and
       (2) The safety of the child will not be ensured by placing the child with:
           (I) An adult relative of the child;
           (II) A treatment facility; or
           (III) A shelter designed to assist children who run away from their parent or guardian or are victims of sex trafficking.

3. If a child who is issued a citation refuses to execute a written promise to appear in court but physically receives a copy of the citation delivered by the peace officer:
   (a) The receipt shall be deemed personal service of the notice to appear in court;
   (b) A copy of the citation signed by the peace officer suffices as proof of service; and
   (c) The peace officer shall not take the child into physical custody for the violation.

4. At the time that a child is issued a citation pursuant to subsection 1, the peace officer shall make reasonable attempts to notify a parent or guardian of the child, and a peace officer shall not take the child into custody by reason alone of being unable to contact the parent or child of the guardian.

Sec. 2.8. Chapter 62E of NRS is hereby amended by adding thereto a new section to read as follows:
1. If a child commits an alcohol or marijuana offense:
   (a) For a first offense:
       (1) The complaint must be referred to a probation officer pursuant to NRS 62C.100 and the child may be placed under informal supervision pursuant to NRS 62C.200; and
       (2) The child shall perform not more than 24 hours of community service.
   (b) For a second offense:
       (1) The complaint must be referred to a probation officer pursuant to NRS 62C.100 and the child may be placed under informal supervision pursuant to NRS 62C.200; and
       (2) The child shall perform not more than 24 hours of community service.
   (c) For a third or subsequent offense, a district attorney may file a petition alleging delinquency.

2. As used in this section, “alcohol or marijuana offense” means:
   (a) A violation of NRS 202.020;
(b) A violation of a city or county ordinance relating to the consumption or possession of alcohol; or
(c) A violation of subsection 4 of NRS 453.336 for possession of 1 ounce or less of marijuana.

Sec. 3. NRS 453.336 is hereby amended to read as follows:

453.336 1. Except as otherwise provided in subsection 5, a person shall not knowingly or intentionally possess a controlled substance, unless the substance was obtained directly from, or pursuant to, a prescription or order of a physician, physician assistant licensed pursuant to chapter 630 or 633 of NRS, dentist, podiatric physician, optometrist, advanced practice registered nurse or veterinarian while acting in the course of his or her professional practice, or except as otherwise authorized by the provisions of NRS 453.005 to 453.552, inclusive.

2. Except as otherwise provided in subsections 3 and 4 and in NRS 453.3363, and unless a greater penalty is provided in NRS 212.160, 453.3385 or 453.339, a person who violates this section:
   (a) For a first or second offense, if the controlled substance is listed in schedule I or II and the quantity possessed is less than 14 grams, or if the controlled substance is listed in schedule III, IV or V and the quantity possessed is less than 28 grams, is guilty of possession of a controlled substance and shall be punished for a category E felony as provided in NRS 193.130. In accordance with NRS 176.211, the court shall defer judgment upon the consent of the person.
   (b) For a third or subsequent offense, if the controlled substance is listed in schedule I or II and the quantity possessed is less than 14 grams, or if the controlled substance is listed in schedule III, IV or V and the quantity possessed is less than 28 grams, or if the offender has previously been convicted two or more times in the aggregate of any violation of the law of the United States or of any state, territory or district relating to a controlled substance, is guilty of possession of a controlled substance and shall be punished for a category D felony as provided in NRS 193.130, and may be further punished by a fine of not more than $20,000.
   (c) If the controlled substance is listed in schedule I or II and the quantity possessed is 14 grams or more, but less than 28 grams, or if the controlled substance is listed in schedule III, IV or V and the quantity possessed is 28 grams or more, but less than 200 grams, is guilty of low-level possession of a controlled substance and shall be punished for a category C felony as provided in NRS 193.130.
   (d) If the controlled substance is listed in schedule I or II and the quantity possessed is 28 grams or more, but less than 42 grams, or if the controlled substance is listed in schedule III, IV or V and the quantity possessed is 200 grams or more, is guilty of mid-level possession of a controlled substance and shall be punished for a category B felony by imprisonment in the state prison for a minimum term of not less than 1 year and a maximum term of not more than 10 years and by a fine of not more than $50,000.
(e) If the controlled substance is listed in schedule I or II and the quantity possessed is 42 grams or more, but less than 100 grams, is guilty of high-level possession of a controlled substance and shall be punished for a category B felony by imprisonment in the state prison for a minimum term of not less than 2 years and a maximum term of not more than 15 years and by a fine of not more than $50,000.

3. Unless a greater penalty is provided in NRS 212.160, 453.337 or 453.3385, a person who is convicted of the possession of flunitrazepam or gamma-hydroxybutyrate, or any substance for which flunitrazepam or gamma-hydroxybutyrate is an immediate precursor, is guilty of a category B felony and shall be punished by imprisonment in the state prison for a minimum term of not less than 1 year and a maximum term of not more than 6 years.

4. Unless a greater penalty is provided pursuant to NRS 212.160, a person who is convicted of the possession of 1 ounce or less of marijuana:
   (a) For the first offense, is guilty of a misdemeanor and shall be punished by:
       (1) Performing not more than 24 hours of community service; and
       (2) Attending the live meeting described in paragraph (a) of subsection 2 of NRS 484C.530.
   (b) For the second offense, is guilty of a misdemeanor and shall be:
       (1) Punished by a fine of not more than $600; or
       completion of not more than 100 hours of counseling or participation in an educational program, a support group relating to the use of alcohol or other substances or another program of treatment for the use of alcohol or other substances; or
       (2) Assigned to a program of treatment and rehabilitation pursuant to NRS 176A.230 if the court determines that the person is eligible to participate in such a program.

(c) For the third offense, is guilty of a misdemeanor and shall be:
   (1) Punished by a fine of not more than $1,000; or
   (2) Assigned to a program of treatment and rehabilitation pursuant to NRS 176A.230 if the court determines that the person is eligible to participate in such a program.

(d) For the fourth offense, is guilty of a gross misdemeanor and shall be punished as provided in NRS 193.140.

(e) For a fifth or subsequent offense, is guilty of a category E felony and shall be punished as provided in NRS 193.130.

5. It is not a violation of this section if a person possesses a trace amount of a controlled substance and that trace amount is in or on a hypodermic device obtained from a sterile hypodermic device program pursuant to NRS 439.985 to 439.994, inclusive.

6. The court may grant probation to or suspend the sentence of a person convicted of violating this section.

7. If a person fulfills the terms and conditions imposed for a violation of subsection 4, the court shall, without a hearing, order sealed all documents.
papers and exhibits in that person’s record, minute book entries and entries on dockets, and other documents relating to the case in the custody of such other agencies and officers as are named in the court’s order. The court shall cause a copy of the order to be sent to each agency or officer named in the order. Each such agency or officer shall notify the court in writing of its compliance with the order.

8. As used in this section:
   (a) “Controlled substance” includes flunitrazepam, gamma-hydroxybutyrate and each substance for which flunitrazepam or gamma-hydroxybutyrate is an immediate precursor.
   (b) “Marijuana” does not include concentrated cannabis.
   (c) “Sterile hypodermic device program” has the meaning ascribed to it in NRS 439.986.

Sec. 3.5. NRS 484C.350 is hereby amended to read as follows:

484C.350 1. If an offender is found guilty of a violation of NRS 484C.110 that is punishable pursuant to paragraph (a) of subsection 1 of NRS 484C.400 and if the concentration of alcohol in the offender’s blood or breath at the time of the offense was 0.18 or more, or if an offender is found guilty of a violation of NRS 484C.110 or 484C.120 that is punishable pursuant to paragraph (b) of subsection 1 of NRS 484C.400 or if the offender is found guilty of a violation of paragraph (a) of subsection 4 of 453.336, the court shall, before sentencing the offender, require an evaluation of the offender pursuant to subsection 3, 4, 5 or 6 to determine whether the offender has an alcohol or other substance use disorder.

2. If an offender is convicted of a violation of NRS 484C.110 or 484C.120 that is punishable pursuant to paragraph (a) of subsection 1 of NRS 484C.400 and if the offender is under 21 years of age at the time of the violation or if the offender is convicted of a violation of NRS 202.020, 202.040 or paragraph (a) of subsection 4 of NRS 678D.310, the court shall, before sentencing the offender, require an evaluation of the offender pursuant to subsection 3, 4, 5 or 6 to determine whether the offender has an alcohol or other substance use disorder.

3. Except as otherwise provided in subsection 4, 5 or 6, the evaluation of an offender pursuant to this section must be conducted at an evaluation center by:
   (a) An alcohol and drug counselor who is licensed or certified, or a clinical alcohol and drug counselor who is licensed, pursuant to chapter 641C of NRS, to make that evaluation;
   (b) A physician who is certified to make that evaluation by the Board of Medical Examiners; or
   (c) An advanced practice registered nurse who is certified to make that diagnosis by the State Board of Nursing,
   who shall report to the court the results of the evaluation and make a recommendation to the court concerning the length and type of treatment required for the offender.
4. The evaluation of an offender who resides more than 30 miles from an evaluation center may be conducted outside an evaluation center by a person who has the qualifications set forth in subsection 3. The person who conducts the evaluation shall report to the court the results of the evaluation and make a recommendation to the court concerning the length and type of treatment required for the offender.

5. The evaluation of an offender who resides in another state may, upon approval of the court, be conducted in the state where the offender resides by a physician, advanced practice registered nurse or other person who is authorized by the appropriate governmental agency in that state to conduct such an evaluation. The offender shall ensure that the results of the evaluation and the recommendation concerning the length and type of treatment for the offender are reported to the court.

6. The evaluation of an offender who resides in this State may, upon approval of the court, be conducted in another state by a physician, advanced practice registered nurse or other person who is authorized by the appropriate governmental agency in that state to conduct such an evaluation if the location of the physician, advanced practice registered nurse or other person in the other state is closer to the residence of the offender than the nearest location in this State at which an evaluation may be conducted. The offender shall ensure that the results of the evaluation and the recommendation concerning the length and type of treatment for the offender are reported to the court.

7. An offender who is evaluated pursuant to this section shall pay the cost of the evaluation. An evaluation center or a person who conducts an evaluation in this State outside an evaluation center shall not charge an offender more than $100 for the evaluation.

Sec. 4. NRS 678D.310 is hereby amended to read as follows:

678D.310 1. Except as otherwise provided in chapter 678C of NRS, any a person shall not:

(a) Cultivate cannabis within 25 miles of an adult-use cannabis retail store licensed pursuant to chapter 678B of NRS, unless the person is an adult-use cannabis cultivation facility or is a cannabis establishment agent volunteering at, employed by or providing labor to an adult-use cannabis cultivation facility;

(b) Cultivate cannabis plants where they are visible from a public place by normal unaided vision; or

(c) Cultivate cannabis on property not in the cultivator’s lawful possession or without the consent of the person in lawful physical possession of the property.

2. A person who violates the provisions of subsection 1 is guilty of:

(a) For a first violation, a misdemeanor punished by a fine of not more than $600.

(b) For a second violation, a misdemeanor punished by a fine of not more than $1,000.

(c) For a third violation, a gross misdemeanor.

(d) For a fourth or subsequent violation, a category E felony.
3. A person who smokes or otherwise consumes cannabis or a cannabis product in a public place, in an adult-use cannabis retail store or in a vehicle is guilty of a misdemeanor punished by a fine of not more than $600.

4. A person under 21 years of age who falsely represents himself or herself to be 21 years of age or older to obtain cannabis is guilty of a misdemeanor and shall be punished:
   (a) For a first offense, by:
      (1) Performing not more than 24 hours of community service; and
      (2) Attending the live meeting described in paragraph (a) of subsection 2 of NRS 484C.530.
   (b) For a second offense, by completion of not more than 100 hours of counseling or participation in an educational program, a support group relating to the use of alcohol or other substances or another program of treatment for the use of alcohol or other substances.
   (c) For a third or subsequent offense, as provided in NRS 193.150.

5. If a person under 21 years of age fulfills the terms and conditions imposed for a violation of subsection 4, the court shall, without a hearing, order sealed all documents, papers and exhibits in that person’s record, minute book entries and entries on dockets, and other documents relating to the case in the custody of such other agencies and officers as are named in the court’s order. The court shall cause a copy of the order to be sent to each agency or officer named in the order. Each such agency or officer shall notify the court in writing of its compliance with the order.

6. A person under 21 years of age who knowingly enters, loiters or remains on the premises of an adult-use cannabis establishment shall be punished by a fine of not more than $500 unless the person is authorized to possess cannabis pursuant to chapter 678C of NRS and the adult-use cannabis establishment is a dual licensee.

7. A person who manufactures cannabis by chemical extraction or chemical synthesis, unless done pursuant to an adult-use cannabis establishment license for an adult-use cannabis production facility issued by the Board or authorized by this title, is guilty of a category E felony.

8. A person who knowingly gives cannabis or a cannabis product to any person under 21 years of age or who knowingly leaves or deposits any cannabis or cannabis product in any place with the intent that it will be procured by any person under 21 years of age is guilty of a misdemeanor.

9. A person who knowingly gives cannabis to any person under 18 years of age or who knowingly leaves or deposits any cannabis in any place with the intent that it will be procured by any person under 18 years of age is guilty of a gross misdemeanor.

Sec. 5. The amendatory provisions of sections 1, 2, 3 and 3.5 of this act apply to an offense committed:
1. Before October 1, 2021, if the person is sentenced on or after October 1, 2021.
2. On or after October 1, 2021.

Assemblyman Yeager moved the adoption of the amendment.
Remarks by Assemblyman Yeager.
Amendment adopted.
Bill ordered reprinted, engrossed and to third reading.

Assembly Bill No. 243.
Bill read third time.
The following amendment was proposed by the Committee on Judiciary:
Amendment No. 318.

<table>
<thead>
<tr>
<th>CONTAINS UNFUNDED MANDATE (§§ 8, 9)</th>
</tr>
</thead>
<tbody>
<tr>
<td>(NOT REQUESTED BY AFFECTED LOCAL GOVERNMENT)</td>
</tr>
</tbody>
</table>

AN ACT relating to the administration of justice; creating the Nevada Police Reform Advisory Task Force and prescribing its membership and duties, revising certain provisions relating to the sentences of offenders who are less than 21 years of age; authorizing a prosecutorial office to establish a system of race-blind charging to be used when determining whether criminal charges should be filed against a person; authorizing a district attorney to establish a system of race-blind charging to be used when determining whether a petition alleging delinquency of a child should be filed; and providing other matters properly relating thereto.

Legislative Counsel's Digest:
[Existing law creates the Advisory Commission on the Administration of Justice. (NRS 176.0123) The Commission is required to evaluate and study the system of criminal justice in Nevada. (NRS 176.0125)
Sections 2-5 of this bill create the Nevada Police Reform Advisory Task Force as a task force under the auspices of the Commission. Section 4 of this bill prescribes the membership of the Task Force. Section 5 of this bill prescribes the duties of the Task Force.]

Existing law requires a court to consider the differences between juvenile and adult offenders in determining the appropriate sentence for a person convicted as an adult of a crime the person committed when he or she was less than 18 years of age. (NRS 176.017) Section 7 of this bill requires a court to consider the differences between a person less than 21 years of age and a person 21 years of age or older in determining the appropriate sentence for a person convicted as an adult of a crime committed when he or she was less than 21 years of age.

Section 8 of this bill: (1) authorizes a prosecutorial office in this State to establish a system of race-blind charging to be used when determining whether criminal charges should be filed against a person; and (2) provides that the system may include certain attributes and procedures. Section 9 of this bill imposes a similar requirement as section 8 with respect to the juvenile justice system by: (1) similarly authorizes a district attorney to establish a system of race-blind charging to be used when determining whether
a petition alleging delinquency of a child should be filed; and (2) [prescribing certain requirements and procedures for] provides that the system [ ] may include certain attributes and procedures.

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

Section 1. (Chapter 176 of NRS is hereby amended by adding thereto the provisions set forth as sections 2 to 5, inclusive, of this act.) (Deleted by amendment.)

Sec. 2. [As used in NRS 176.0121 to 176.0129, inclusive, and sections 3, 4 and 5 of this act, unless the context otherwise requires, the words and terms defined in section 3 of this act and NRS 176.0121 have the meanings ascribed to them in those sections.] (Deleted by amendment.)

Sec. 3. [“Task Force” means the Nevada Police Reform Advisory Task Force created by section 1 of this act.] (Deleted by amendment.)

Sec. 4. (1) There is hereby created the Nevada Police Reform Advisory Task Force under the auspices of the Commission.

(2) The Task Force consists of the following members appointed by the Commission:

(a) A sociology professor with expertise in public policy;
(b) A legal scholar specializing in criminal procedure and racial profiling;
(c) A legal scholar studying indigenous peoples;
(d) A social scientist with research experience in hate groups;
(e) A law enforcement officer familiar with the issues related to police relations with minority communities;
(f) A member of a police union located in this State interested in police reforms; and
(g) A law enforcement administrator knowledgeable about police procedures and reform.

(3) Each member of the Task Force serves a term of 2 years. A member may be reappointed to additional 2-year terms following his or her initial term. If a member of the Task Force ceases to be qualified for the position to which he or she was appointed, the position shall be deemed vacant, and the Commission shall appoint a replacement for the remainder of the unexpired term. A vacancy must be filled in the same manner as the original appointment.

(4) The Task Force shall, at its first meeting and annually thereafter, elect a Chair from among its members.

(5) The Task Force shall meet at least twice each year and may meet at other times upon the call of the Chair or a majority of the Task Force.

(6) A majority of the members of the Task Force constitutes a quorum, and a quorum may exercise all of the power and authority conferred upon the Task Force.

(7) A member of the Task Force shall serve without compensation.
A member of the Task Force 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 so that the member may prepare for and attend meetings of the Task Force and perform any work necessary to carry out the duties of the Task Force 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 Task Force to make up the time the officer or employee is absent from work to carry out duties as a member of the Task Force or use annual vacation or compensatory time for the absence. (Deleted by amendment.)

Sec. 5. The Task Force shall:

1. Examine guidelines and reports by the United States Department of Justice and other similar governmental agencies relating to civilian oversight of law enforcement to determine the best policing and police accountability practices for this State;

2. Formulate statewide guidelines on police accountability to ensure a civilian review board oversees every law enforcement agency in this State;

3. Explore the feasibility of creating a unit under the jurisdiction of the Attorney General to investigate police misconduct in this State;

4. Create guidelines for civilian review boards, including, without limitation, requirements that the members of a civilian review board reflect the diversity of the local community and that civilian review boards are able to obtain all information needed to pass independent judgment on police misconduct in a timely manner;

5. Propose minimum standards for the collection of data relating to police operations by law enforcement agencies in this State and make aggregate data of such information available to the public;

6. Review the recruitment practices of law enforcement agencies to propose practices designed to increase the recruitment of persons with a college education and demonstrated commitment to fair-minded policing;

7. Update training standards for law enforcement to create consistent standards and practices across jurisdictions in this State with an emphasis on bias reduction and de-escalation techniques;

8. Identify specific responsibilities currently assigned to law enforcement agencies in this State that other governmental agencies in this State could effectively perform and evaluate the corresponding impact on related budgets;

9. Explore trust-building initiatives that seek to improve community relations with law enforcement and conduct periodic surveys to determine the public opinion on law enforcement in this State;

10. Make recommendations to the Commission to improve policing practices in this State; and

11. On or before December 1 of each even-numbered year, submit to the Director of the Legislative Counsel Bureau for transmittal to the Legislature
 Sec. 6. NRS 176.0121 is hereby amended to read as follows:

176.0121 "Commission" means the Advisory Commission on the Administration of Justice.

Sec. 7. NRS 176.017 is hereby amended to read as follows:

176.017 1. If a person is convicted as an adult for an offense that the person committed when he or she was less than 21 years of age, in addition to any other factor that the court is required to consider before imposing a sentence upon such a person, the court shall consider the differences between a person who is less than 21 years of age and a person who is 21 years of age or older, including, without limitation, the diminished culpability of a person who is less than 21 years of age as compared to that of a person who is 21 years of age or older and the typical characteristics of youth.

2. Notwithstanding any other provision of law, after considering the factors set forth in subsection 1, the court may, in its discretion, reduce any mandatory minimum period of incarceration that the person is required to serve by not more than 35 percent if the court determines that such a reduction is warranted given the age of the person and his or her prospects for rehabilitation.

Sec. 8. Chapter 178 of NRS is hereby amended by adding thereto a new section to read as follows:

1. Each A prosecutorial office in this State may establish a system of race-blind charging. The system may include, without limitation, the following attributes and procedures:

   (a) Redaction of the identifying information of a person and the name and recommended charge of the arresting officer from the documents reviewed by the prosecutor who is assigned the duty to consider whether to file or not file any criminal charge against the person while the prosecutor is making the initial decision whether to file or not file any criminal charge against the person.

   (b) Upon making the initial decision whether to file or not file any criminal charge against the person, the prosecutor shall record that initial decision in the case file.

   (c) After the initial decision is made and recorded in the case file, the identifying information of the person and the name and recommended charge of the arresting officer may be disclosed to the prosecutor and the prosecutor may determine whether to change the initial decision.

   (d) If the final decision to file or not file any criminal charge against the person is different from the initial decision, the prosecutor shall record in the case file an explanation of the reasons for changing the decision.
(e) Use of computer software compatible with computer programs that redact identifying information.

2. A prosecutorial office in this State may collaborate with a law enforcement agency to:
   (a) Redesign forms, to the extent possible, used in police reports, witness statements or other documents to isolate identifying information in an easily redactable section of the form; and
   (b) Train peace officers, to the extent possible, to avoid the use of identifying information in narrative reports.

3. As used in this section:
   (a) “Identifying information” means:
       (1) Race;
       (2) Name;
       (3) Language spoken;
       (4) Physical description; and
       (5) Street address where the arrest or violation occurred and street address of the residence of the person.
   (b) “Law enforcement agency” means:
       (1) The sheriff’s office of a county;
       (2) A metropolitan police department; or
       (3) A police department of an incorporated city.
   (c) “Prosecutor” means:
       (1) The Attorney General or any deputy attorney general;
       (2) The district attorney or any deputy district attorney; or
       (3) The city attorney of an incorporated city or any deputy city attorney.
   (d) “Prosecutorial office” means the office of:
       (1) The Attorney General;
       (2) The district attorney of a county; or
       (3) The city attorney of an incorporated city.

Sec. 9. Chapter 62C of NRS is hereby amended by adding thereto a new section to read as follows:

1. A district attorney in this State may establish a system of race-blind charging to be used when determining whether to file or not file a petition alleging that a child is delinquent. The system may include, without limitation, the following attributes and procedures:

(a) Redaction of the identifying information of the child and the name and recommended charge of the peace officer or probation officer who took the child into custody from the documents reviewed by the attorney who is assigned the duty to consider whether to file or not file the petition while the attorney is making the initial decision whether to file or not file the petition.

(b) Upon making the initial decision whether to file or not file the petition, the attorney shall record that initial decision in the case file.
(c) After the initial decision is made and recorded in the case file, the identifying information of the child and the name and recommended charge of the arresting officer may be disclosed to the attorney and the attorney may review any evidence that was previously concealed and determine whether to change the initial decision.

d) If the final decision to file or not file the petition is different from the initial decision, the attorney shall record in the case file an explanation of the reasons for changing the decision.

(e) Use of computer software compatible with computer programs that redact identifying information.

2. A district attorney in this State may collaborate with a law enforcement agency to:

   (a) Redesign forms, to the extent possible, used in police reports, witness statements or other documents to isolate identifying information in an easily redactable section of the form; and
   
   (b) Train peace officers, to the extent possible, to avoid the use of identifying information in narrative reports.

3. As used in this section:

   (a) “Identifying information” means:

      (1) Race; 
      
      (2) Name; 
      
      (3) Language spoken; 
      
      (4) Physical description; and 
      
      (5) Street address where the violation occurred or where the child was taken into custody and street address of the residence of the child.

   (b) “Law enforcement agency” means:

      (1) The sheriff’s office of a county; 
      
      (2) A metropolitan police department; or 
      
      (3) A police department of an incorporated city.

Sec. 10. [The provisions of subsection 1 of NRS 218D.380 do not apply to any provisions of this act which add or revise a requirement to submit a report to the Legislature.] (Deleted by amendment.)

Sec. 11. [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.] (Deleted by amendment.)

Sec. 12. The amendatory provisions of section 7 of this act apply to an offense committed:

1. Before October 1, 2021, if the person is convicted on or after October 1, 2021; and

2. On or after October 1, 2021.

Sec. 13. [This section becomes effective upon passage and approval.]

Sec. 14. Sections 8 and 9 of this act become effective:

(a) Upon passage and approval for the purpose of adopting any policies or procedures and performing any preparatory administrative tasks that are necessary to carry out the provisions of this act; and
Assemblyman Yeager moved the adoption of the amendment.
Remarks by Assemblyman Yeager.
Amendment adopted.
Bill ordered reprinted, engrossed and to third reading.

Assembly Bill No. 278.
Bill read third time.
The following amendment was proposed by the Committee on Commerce and Labor:

Amendment No. 371.

AN ACT relating to health care; requiring a physician to complete a data request when renewing his or her license or registration; requiring licensing boards that license physicians to make the data request available to applicants for the renewal of a license or registration; requiring the Department of Health and Human Services to collect, maintain and report on information received from the data requests; and providing other matters properly relating thereto.

Legislative Counsel's Digest:
Existing law generally requires a holder of a license to practice allopathic medicine to register biennially with the Board of Medical Examiners. (NRS 630.267) Existing law also requires the holders of certain special types of licenses to practice medicine to renew their licenses at various times. (NRS 630.258, 630.261, 630.2615, 630.262, 630.264, 630.2645, 630.265) Existing law requires a holder of a license to practice osteopathic medicine to renew his or her license annually or, for certain special types of licenses, at times determined by the State Board of Osteopathic Medicine. (NRS 633.401, 633.411, 633.415, 633.416, 633.417, 633.418, 633.471) Section 4 of this bill requires the Department of Health and Human Services to develop and make available to the Board of Medical Examiners and the State Board of Osteopathic Medicine a data request to be administered to applicants for the renewal of a license or a biennial registration. Section 4 requires the data request to solicit from each applicant certain information about the practice of the applicant. Sections 1 and 2 of this bill require: (1) each holder of a license to practice as an allopathic or osteopathic physician to complete the data request; and (2) the Board of Medical Examiners and the State Board of Osteopathic Medicine to make the data request available to applicants. (and transmit the information obtained from the data request to the Department.) Sections 1-2.5 of this bill prohibit the imposition of disciplinary action against: (1) an applicant who refuses or fails to complete a data request; or (2) a licensee who does not report such a failure to the applicable licensing board. Section 4 requires the Department to collect and maintain the information received from the data request from the respective licensing
THE PEOPLE OF THE STATE OF NEVADA, REPRESENTED IN SENATE AND ASSEMBLY, DO ENACT AS FOLLOWS:

Section 1. Chapter 630 of NRS is hereby amended by adding thereto a new section to read as follows:

1. In addition to any other requirements set forth in this chapter and any regulations adopted pursuant thereto, each applicant for the renewal of any type of license as a physician pursuant to this chapter or a biennial registration pursuant to NRS 630.267 shall complete the data request developed by the Department of Health and Human Services pursuant to section 4 of this act. The applicant shall provide to the Department all the information requested by the data request.

2. The Board shall make the data request described in subsection 1 available to applicants for the renewal of a license as a physician or biennial registration on an electronic application for the renewal of a license or registration or through a link included on the Internet website maintained by the Board.

3. An applicant for biennial registration or renewal of a license who refuses or fails to complete a data request pursuant to subsection 1 is not subject to disciplinary action, including, without limitation, refusal to issue the biennial registration or renew the license, for such refusal or failure.

4. The information contained in a completed data request is confidential and, except as required by section 4 of this act, must not be disclosed to any person or entity.

Sec. 1.3. NRS 630.3062 is hereby amended to read as follows:

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, except for a violation of section 1 of this act, 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, 639.23535 and 639.2391 to 639.23916, inclusive, 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. 1.6. NRS 630.3065 is hereby amended to read as follows:

630.3065 The following acts, among others, constitute grounds for initiating disciplinary action or denying licensure:

1. Knowingly or willfully disclosing a communication privileged pursuant to a statute or court order.

2. Except as otherwise provided in section 1 of this act, knowingly or willfully failing to comply with:
   (a) A regulation, subpoena or order of the Board or a committee designated by the Board to investigate a complaint against a physician;
   (b) A court order relating to this chapter; or
   (c) A provision of this chapter.

3. Except as otherwise provided in section 1 of this act, knowingly or willfully failing to perform a statutory or other legal obligation imposed upon a licensed physician, including a violation of the provisions of NRS 439B.410.

Sec. 2. Chapter 633 of NRS is hereby amended by adding thereto a new section to read as follows:

1. In addition to any other requirements set forth in this chapter and any regulations adopted pursuant thereto, each applicant for the renewal of any type of license as an osteopathic physician pursuant to this chapter shall complete the data request developed by the Department of Health and Human Services pursuant to section 4 of this act. The applicant shall provide to the Department all the information included in the request.

2. The Board shall make the data request described in subsection 1 available to applicants for the renewal of a license as an osteopathic physician on an electronic application for the renewal of a license or through a link included on the Internet website maintained by the Board.

3. The Board shall transmit the information contained in a completed data request described in subsection 1 to the Department of Health and
Human Services. An applicant for biennial registration or renewal of a license who refuses or fails to complete a data request pursuant to subsection 1 is not subject to disciplinary action, including, without limitation, refusal to issue the biennial registration or renew the license, for such refusal or failure.

4. The information contained in a completed data request is confidential and, except as required by section 4 of this act, must not be disclosed to any person or entity.

Sec. 2.5. 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 cannabis being used for medical purposes in accordance with chapter 678C 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, except for a violation of section 2 of this act, 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, 639.23535 and 639.2391 to 639.23916, inclusive, 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. 3. NRS 239.010 is hereby amended to read as follows:

and sections 1, 2 and 4 of this act, sections 35, 38 and 41 of chapter 478, Statutes of Nevada 2011 and section 2 of chapter 391, Statutes of Nevada 2013 and unless otherwise declared by law to be confidential, all public books and public records of a governmental entity must be open at all times during office hours to inspection by any person, and may be fully copied or an abstract or memorandum may be prepared from those public books and public records. Any such copies, abstracts or memoranda may be used to supply the general public with copies, abstracts or memoranda of the records or may be used in any other way to the advantage of the governmental entity or of the general public. This section does not supersede or in any manner affect the federal laws governing copyrights or enlarge, diminish or affect in any other manner the rights of a person in any written book or record which is copyrighted pursuant to federal law.

2. A governmental entity may not reject a book or record which is copyrighted solely because it is copyrighted.
3. A governmental entity that has legal custody or control of a public book or record shall not deny a request made pursuant to subsection 1 to inspect or copy or receive a copy of a public book or record on the basis that the requested public book or record contains information that is confidential if the governmental entity can redact, delete, conceal or separate, including, without limitation, electronically, the confidential information from the information included in the public book or record that is not otherwise confidential.

4. If requested, a governmental entity shall provide a copy of a public record in an electronic format by means of an electronic medium. Nothing in this subsection requires a governmental entity to provide a copy of a public record in an electronic format or by means of an electronic medium if:
   (a) The public record:
      (1) Was not created or prepared in an electronic format; and
      (2) Is not available in an electronic format; or
   (b) Providing the public record in an electronic format or by means of an electronic medium would:
      (1) Give access to proprietary software; or
      (2) Require the production of information that is confidential and that cannot be redacted, deleted, concealed or separated from information that is not otherwise confidential.

5. An officer, employee or agent of a governmental entity who has legal custody or control of a public record:
   (a) Shall not refuse to provide a copy of that public record in the medium that is requested because the officer, employee or agent has already prepared or would prefer to provide the copy in a different medium.
   (b) Except as otherwise provided in NRS 239.030, shall, upon request, prepare the copy of the public record and shall not require the person who has requested the copy to prepare the copy himself or herself.

Sec. 4. Chapter 439A of NRS is hereby amended by adding thereto a new section to read as follows:

1. The Department shall develop and make available to the Board of Medical Examiners and the State Board of Osteopathic Medicine an electronic data request to be completed by an applicant for the renewal of a license as a physician or a biennial registration pursuant to NRS 630.267. The electronic data request must solicit from each such applicant the following information:
   (a) Whether the applicant is employed by a hospital, a health system or an entity owned by a health system or practices independently from a hospital, a health system or an entity owned by a health system;
   (b) If the applicant is employed by a hospital, a health system or an entity owned by a health system, the name of the hospital or health system or the entity and the health system that owns the entity, as applicable;
   (c) If the applicant is employed by an entity other than a hospital, a health system or an entity owned by a health system, the name of the legal entity
which owns the practice and any assumed or fictitious name of that entity known to the applicant; and

(d) Whether the applicant practices as a solo practitioner or with at least one other physician;

(e) If the applicant practices with at least one other physician, the number of other physicians with which the applicant practices and the specialty areas of those physicians;

(f) The number of locations at which the physician practices; and

(g) If the applicant practices with at least one other physician, the number of locations at which the physicians in the group practice independently from a hospital, a health system or an entity owned by a health system, the name of the practice of the applicant.

2. The Department shall collect and maintain the information collected pursuant to subsection 1. Such information is confidential and any reporting of the information maintained pursuant to this section by the Department must be in an aggregate form that does not reveal the identity of any physician.

3. The Department shall annually prepare and post on an Internet website maintained by the Department a report based on the data collected pursuant to subsection 1 that analyzes trends in the employment and practices of physicians in this State.

Sec. 5.
1. This section becomes effective upon passage and approval.
2. Sections 1 to 4, inclusive, of this act become effective:
   (a) 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
   (b) On October 1, 2021, for all other purposes.

Assemblywoman Jauregui moved the adoption of the amendment.
Remarks by Assemblywoman Jauregui.
Amendment adopted.
Bill ordered reprinted, engrossed and to third reading.

MOTIONS, RESOLUTIONS AND NOTICES

Assemblywoman Carlton moved that upon return from the printer, Assembly Bill No. 278 be rereferred to the Committee on Ways and Means.
Motion carried.

GENERAL FILE AND THIRD READING

Assembly Bill No. 322.
Bill read third time.
The following amendment was proposed by the Committee on Revenue:
Amendment No. 395.
ASSEMBLYMEN C.H. MILLER, GONZÁLEZ, FLORES; ANDERSON, BRITTNEY MILLER, MONROE-MORENO, THOMAS AND TORRES
AN ACT relating to cannabis; providing for the licensure and regulation by the Cannabis Compliance Board of certain events at which the sale and consumption of cannabis or cannabis products is allowed; setting forth certain requirements for the issuance of a license to hold such an event, a cannabis event organizer license, temporary cannabis event permit and portable cannabis vendor license; setting forth certain requirements concerning the operation of a temporary cannabis event; imposing various requirements on persons licensed by the Board to hold such an event; providing that persons who hold certain events at which cannabis or cannabis products are displayed for informational or educational purposes are not required to obtain a license; cannabis event organizers and portable cannabis vendors; requiring the Board to take certain actions concerning applicants for certain licenses who are social equity applicants; requiring the Board to adopt regulations establishing certain fees; revising provisions relating to the consumption of cannabis in a public place; revising provisions relating to the excise tax on retail sales of cannabis and cannabis products; exempting the holder of certain licenses issued by the Board from certain provisions prohibiting a person from maintaining a place for the purpose of unlawfully selling, giving away or using any controlled substance; and providing other matters properly relating thereto.

Legislative Counsel’s Digest:
Existing law provides for the licensure and regulation of persons and establishments involved in the cannabis industry in this State by the Cannabis Compliance Board. (Title 56 of NRS) This bill provides for the licensure and regulation of two types of events at which the sale of cannabis or cannabis products and the consumption of cannabis or cannabis products by persons 21 years of age or older is allowed. Sections 5 and 8 of this bill, respectively, designate these two types of designates such events as “portable cannabis vendor events” and “temporary cannabis events.” Sections 15-20 of this bill set forth various requirements relating to a temporary cannabis event, which is generally defined in section 8 to mean an event at which: (1) participating adult-use cannabis retail stores sell cannabis or cannabis products to persons 21 years of age or older; and (2) the consumption of cannabis or cannabis products by such persons is allowed.

Section 16 of this bill prohibits a person from holding a temporary cannabis event unless: (1) the person has been licensed by the Board as a cannabis event organizer; and (2) the Board has issued a temporary cannabis event permit for the event. Section 15 of this bill establishes requirements for licensure as a cannabis event organizer. Section 16 sets forth certain requirements for a cannabis event organizer to obtain a temporary cannabis event permit. Section 16 also sets forth certain restrictions on the location and duration of temporary cannabis events.
Section 17 of this bill prohibits a person other than a participating adult-use cannabis retail store or portable cannabis vendor from selling cannabis or cannabis products at a temporary cannabis event and sets forth certain requirements for such sales. Sections 18 and 19 of this bill impose certain requirements and restrictions on a cannabis event organizer relating to the operation of a temporary cannabis event. Section 20 of this bill authorizes the Board to issue an order directing a cannabis event organizer to cease all operations of a temporary cannabis event under certain circumstances.

Sections 21-24 of this bill set forth various requirements relating to a portable cannabis vendor event, which is generally defined in section 5 of this bill to mean an event held by a portable cannabis vendor at which: (1) the portable cannabis vendor sells cannabis or cannabis products to persons 21 years of age or older, and (2) the consumption of cannabis or cannabis products by such persons is allowed.

Section 22 of this bill prohibits a person from holding a portable cannabis vendor event unless: (1) the person has been licensed by the Board as a portable cannabis vendor; and (2) the Board has issued a portable cannabis vendor event license for the event. Section 21 of this bill establishes requirements for licensure as a portable cannabis vendor. Section 22 sets forth requirements for a portable cannabis vendor to obtain a portable cannabis vendor event license.

Section 23 of this bill requires a portable cannabis vendor who participates in a temporary cannabis event to: (1) purchase all cannabis or cannabis products for resale at a portable temporary cannabis event from an adult-use cannabis retail store; and (2) return any unsold cannabis or cannabis products to the adult-use cannabis retail store not later than 4 hours after the conclusion of the event. Section 24 of this bill imposes certain requirements upon a portable cannabis vendor concerning the operation of a portable cannabis vendor event.

Section 25.3 of this bill requires the Board to give priority to a social equity applicant in: (1) processing applications for a cannabis event organizer license or portable cannabis vendor license; and (2) the issuance of such a license. Section 14.5 defines “social equity applicant” to mean, in general, an applicant that has been adversely affected by previous laws that criminalized activity relating to cannabis. Section 25.3 further requires the Board to adopt regulations establishing criteria to determine whether an applicant qualifies as a social equity applicant.

Section 25.6 of this bill sets forth certain requirements for the issuance of cannabis event organizer licenses and portable cannabis vendor licenses in a local governmental jurisdiction that limits the number of business licenses issued to cannabis event organizers and portable
cannabis vendors, which include, among other requirements, a requirement that a certain number of those licenses be issued to social equity applicants.

Existing law imposes an excise tax on each retail sale of cannabis or cannabis products by an adult-use cannabis retail store. (NRS 372A.290) Section 42 of this bill applies this excise tax to retail sales of cannabis or cannabis products by a portable cannabis vendor, and excludes from this excise tax sales of cannabis or cannabis products by an adult-use cannabis retail store to a portable cannabis vendor for the purpose of resale. Sections 39 and 41 of this bill make conforming changes to reflect the imposition of the excise tax on retail sales of cannabis or cannabis products by a portable cannabis vendor.

Section 25 of this bill authorizes a local government to charge a cannabis event organizer or portable cannabis vendor a fee for holding a temporary cannabis event based on the number of persons expected to attend the event. Section 31 of this bill requires the Board to adopt regulations establishing fees associated with a cannabis event organizer license, temporary cannabis event permit, portable cannabis vendor license, and portable cannabis vendor event license.

Section 26 of this bill provides that a person is not required to obtain a license for certain events at which cannabis or cannabis products are displayed for informational or educational purposes but are not sold or consumed. Section 31 authorizes the Board to establish reduced fees for the initial issuance or renewal of a cannabis event organizer license and portable cannabis vendor license for social equity applicants.

Section 11 of this bill includes a cannabis event organizer and a portable cannabis vendor within the definition of “cannabis establishment” provided in existing law, thereby subjecting such businesses to the requirements of existing law applicable to cannabis establishments. (NRS 678A.095) Similarly, section 12 of this bill includes a cannabis event organizer license, a temporary cannabis event permit, and a portable cannabis vendor license within the definition of “license” provided in existing law, thereby subjecting the holders of such licenses to the provisions of existing law applicable to holders of other licenses issued by the Board. (NRS 678A.160) Section 13 of this bill authorizes the Board to adopt regulations providing policies and procedures under which the Board is authorized to waive any requirement applicable to a cannabis establishment that the Board determines is not appropriate for a cannabis event organizer or portable cannabis vendor. Section 33 of this bill requires the Board to adopt regulations concerning the safe and healthful operation of such temporary cannabis events.

Section 27 of this bill provides that a license or permit issued by the Board pursuant to the provisions of this bill is a revocable privilege. Sections 28 and 29 of this bill prohibit the issuance of a medical cannabis establishment license or an adult-use cannabis establishment license, respectively, if any of the
persons proposed to be owners, officers or board members of the establishment have previously served in such a position for a cannabis establishment that has had a license or permit issued by the Board pursuant to the provisions of this bill revoked.

Existing law requires the Board to adopt regulations setting forth procedures and requirements for the transfer of a license issued by the Board from a holder to another person who is qualified to hold such a license. (NRS 678B.380) Section 30 of this bill provides, with certain exceptions, that a license issued by the Board pursuant to the provisions of this bill is nontransferable. It specifies that such regulations must set forth procedures and requirement for the transfer of a cannabis event organizer license or portable cannabis vendor license that is held by a social equity applicant.

Section 32 of this bill revises provisions of existing law that prohibit a person from selling or advertising the sale of cannabis or cannabis products for the purpose of authorizing the holder of a portable cannabis vendor license to engage in such activities. (NRS 678B.530) Existing law in general exempts persons who hold certain licenses issued by the Board from state prosecution for the possession, delivery or production of cannabis. (NRS 678D.200) Section 35 of this bill expands this exemption to include the holder of a portable cannabis vendor license.

Existing law in general prohibits the consumption of cannabis or cannabis products in a public place. (NRS 678C.300, 678D.300, 678D.310) Sections 34, 36 and 37 of this bill revise these provisions for the purposes of authorizing a person to consume cannabis or cannabis products in an area designated for that activity at a temporary cannabis event. Section 38 of this bill authorizes an adult-use cannabis distributor to transport cannabis and cannabis products between an adult-use cannabis retail store and a temporary cannabis event.

Section 39 of this bill authorizes an adult-use cannabis distributor to transport cannabis and cannabis products between an adult-use cannabis retail store and a temporary cannabis event.

Sections 2 to 9 of this bill define words and terms applicable to the provisions of this bill. Sections 10, 27.5 and 40 of this bill make conforming changes to indicate the proper placement of new provisions in the Nevada Revised Statutes. Section 43 of this bill makes a conforming change to reflect the addition of the provisions of section 31.

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

Section 1. Chapter 678A of NRS is hereby amended by adding thereto the provisions set forth as sections 2 to 9, inclusive, of this act.
Sec. 2. “Cannabis event organizer” means a business that:
1. Is licensed by the Board pursuant to section 15 of this act; and
2. Permits, maintains, promotes, conducts, advertises, operates, undertakes, organizes, manages, sells or gives away tickets to temporary cannabis events.

Sec. 3. “Cannabis event organizer license” means a license that is issued by the Board pursuant to section 15 of this act to authorize the operation of a cannabis event organizer.

Sec. 4. “Portable cannabis vendor” means a business that:
1. Is licensed by the Board pursuant to section 21 of this act; and
2. Permits, maintains, promotes, conducts, advertises, operates, undertakes, organizes, manages, sells or gives away tickets to portable purchases cannabis events or cannabis products from an adult-use cannabis retail store and sells such cannabis or cannabis products at a temporary cannabis event.

Sec. 5. “Portable cannabis vendor event” means an event held by a portable cannabis vendor for which a license has been issued by the Board pursuant to section 22 of this act and at which:
1. The portable cannabis vendor sells cannabis or cannabis products to persons 21 years of age or older; and
2. The consumption of cannabis or cannabis products by persons 21 years of age or older is allowed. (Deleted by amendment.)

Sec. 6. “Portable cannabis vendor event license” means a license that is issued by the Board pursuant to section 22 of this act to authorize a portable cannabis vendor to hold a portable cannabis vendor event. (Deleted by amendment.)

Sec. 7. “Portable cannabis vendor license” means a license that is issued by the Board pursuant to section 21 of this act to authorize the operation of a portable cannabis vendor.

Sec. 8. “Temporary cannabis event” means an event held by a cannabis event organizer for which a temporary cannabis event permit has been issued by the Board pursuant to section 16 of this act and at which:
1. Participating adult-use cannabis retail stores or portable cannabis vendors sell cannabis or cannabis products to persons 21 years of age or older; and
2. The consumption of cannabis or cannabis products by persons 21 years of age or older is allowed.

Sec. 9. “Temporary cannabis event license” means a license that is issued by the Board pursuant to section 16 of this act to authorize a cannabis event organizer to hold a temporary cannabis event.

Sec. 10. NRS 678A.010 is hereby amended to read as follows:
678A.010 As used in this title, unless the context otherwise requires, the words and terms defined in NRS 678A.020 to 678A.240, inclusive, and sections 2 to 9, inclusive, of this act have the meanings ascribed to them in those sections.
Sec. 11. NRS 678A.095 is hereby amended to read as follows:

678A.095 “Cannabis establishment” means:
1. An adult-use cannabis establishment;
2. A medical cannabis establishment;
3. A cannabis event organizer; or
4. A portable cannabis vendor.

Sec. 12. NRS 678A.160 is hereby amended to read as follows:

678A.160 “License” means:
1. An adult-use cannabis establishment license;
2. A medical cannabis establishment license;
3. A cannabis event organizer license;
4. A temporary cannabis event license; or
5. A portable cannabis vendor license.

Sec. 13. NRS 678A.450 is hereby amended to read as follows:

678A.450 The Board may adopt regulations necessary or convenient to carry out the provisions of this title. Such regulations may include, without limitation:
(a) Financial requirements for licensees.
(b) Establishing such investigative and enforcement mechanisms as the Board deems necessary to ensure the compliance of a licensee or registrant with the provisions of this title.
(c) Requirements for licensees or registrants relating to the cultivation, processing, manufacture, transport, distribution, testing, study, advertising and sale of cannabis and cannabis products.
(d) Policies and procedures to ensure that the cannabis industry in this State is economically competitive, inclusive of racial minorities, women and persons and communities that have been adversely affected by cannabis prohibition and accessible to persons of low-income seeking to start a business.
(e) Policies and procedures governing the circumstances under which the Board may waive the requirement to obtain a registration card pursuant to this title for any person who holds an ownership interest of less than 5 percent in any one cannabis establishment or an ownership interest in more than one cannabis establishment of the same type that, when added together, is less than 5 percent.
(f) Reasonable restrictions on the signage, marketing, display and advertising of cannabis establishments. Such a restriction must not require a cannabis establishment to obtain the approval of the Board before using a logo, sign or advertisement.
(g) Provisions governing the sales of products and commodities made from hemp, as defined in NRS 557.160, or containing cannabidiol by cannabis establishments.
(h) Policies and procedures governing the circumstances under which the Board may waive any requirement applicable to a cannabis establishment
that the Board determines is not appropriate for a cannabis event organizer or portable cannabis vendor.

2. The Board shall adopt regulations providing for the gathering and maintenance of comprehensive demographic information, including, without limitation, information regarding race, ethnicity, age and gender, concerning each:
   (a) Owner and manager of a cannabis establishment.
   (b) Holder of a cannabis establishment agent registration card.

3. The Board shall transmit the information gathered and maintained pursuant to subsection 2 to the Director of the Legislative Counsel Bureau for transmission to the Legislature on or before January 1 of each odd-numbered year.

4. The Board shall, by regulation, establish a pilot program for identifying opportunities for an emerging small cannabis business to participate in the cannabis industry. As used in this subsection, “emerging small cannabis business” means a cannabis-related business that:
   (a) Is in existence, operational and operated for a profit;
   (b) Maintains its principal place of business in this State; and
   (c) Satisfies requirements for the number of employees and annual gross revenue established by the Board by regulation.

Sec. 14. Chapter 678B of NRS is hereby amended by adding thereto the provisions set forth as sections 14.5 to 26, inclusive, of this act.

Sec. 14.5. “Social equity applicant” means an applicant for the issuance or renewal of a cannabis event organizer license or portable cannabis vendor license who has been adversely affected by provisions of previous laws which criminalized activity relating to cannabis, including, without limitation, adverse effects on an owner, officer or board member of the applicant.

Sec. 15. 1. A person shall not engage in the business of a cannabis event organizer unless the person holds a cannabis event organizer license issued pursuant to this section.

2. A person who wishes to engage in the business of a cannabis event organizer must submit to the Board an application on a form prescribed by the Board.

3. The Board shall issue a cannabis event organizer license to an applicant if:
   (a) The person who wishes to engage in the business of a cannabis event organizer has submitted to the Board all of the following:
      (1) The application fee, as set forth in NRS 678B.390;
      (2) An application, which must include:
         (I) The legal name of the proposed cannabis event organizer;
         (II) The physical address where the proposed cannabis event organizer will be located;
         (III) For the applicant and each person who is proposed to be an owner, officer or board member of the proposed cannabis event organizer, a
complete set of the person’s fingerprints and written permission of the person authorizing the Board to forward the fingerprints to the Central Repository for Nevada Records of Criminal History for submission to the Federal Bureau of Investigation for its report; and

(IV) The name, address and date of birth of each person who is proposed to be an owner, officer or board member of the proposed cannabis event organizer;

(3) Operating procedures consistent with rules of the Board for oversight of the proposed cannabis event organizer; and

(4) Such other information as the Board may require by regulation;

(b) None of the persons who are proposed to be owners, officers or board members of the proposed cannabis event organizer have been convicted of an excluded felony offense.

c) None of the persons who are proposed to be owners, officers or board members of the proposed cannabis event organizer have:

(1) Served as an owner, officer or board member for a cannabis establishment that has had its cannabis event organizer license, temporary cannabis event [license,] permit, portable cannabis vendor license, [portable cannabis vendor event license, adult-use cannabis establishment license or medical cannabis establishment license revoked;]

(2) Previously had a cannabis establishment agent registration card revoked; or

(3) Previously had a cannabis establishment agent registration card for a cannabis executive revoked; and

(c) None of the persons who are proposed to be owners, officers or board members of the proposed cannabis event organizer are under 21 years of age.

4. For each person who submits an application pursuant to this section, and each person who is proposed to be an owner, officer or board member of a proposed cannabis event organizer, the Board shall submit the fingerprints of the person to the Central Repository for Nevada Records of Criminal History for submission to the Federal Bureau of Investigation to determine the criminal history of that person.

5. Except as otherwise provided in section 25.6 of this act, if an applicant for licensure to engage in the business of a cannabis event organizer satisfies the requirements of this section, is qualified in the determination of the Board pursuant to NRS 678B.200 and is not disqualified from being licensed pursuant to this section or other applicable law, the Board shall issue to the applicant a cannabis event organizer license. A cannabis event organizer license expires 1 year after the date of issuance and may be renewed upon:

(a) Submission of the information required by the Board by regulation; and

(b) Payment of the renewal fee set forth in NRS 678B.390.
Sec. 16. 1. A person shall not hold a temporary cannabis event unless the person:
   (a) Is a cannabis event organizer; and
   (b) Has been issued a temporary cannabis event [license] permit for the temporary cannabis event by the Board pursuant to this section.

2. A cannabis event organizer who wishes to obtain a temporary cannabis event [license] permit must [at least 60 days before the date on which the proposed temporary cannabis event is to commence] submit to the Board the application fee, as set forth in NRS 678B.390, and an application on a form prescribed by the Board. The application must include:
   (a) The name and address of the applicant;
   (b) The physical address of the location at which the proposed temporary cannabis event will be held; [the location of which may not be within 1,000 feet of a public or private school that provides formal education traditionally associated with preschool or kindergarten through grade 12 and that existed on the date on which the application for the proposed temporary cannabis event was submitted to the Board, within 300 feet of a community facility that existed on the date on which the application for the proposed temporary cannabis event was submitted to the Board, or, if the proposed temporary cannabis event will be held in a county whose population is 100,000 or more, within 1,500 feet of an establishment that holds a nonrestricted gaming license described in subsection 1 or 2 of NRS 463.0177 and that existed on the date on which the application for the proposed temporary cannabis event was submitted to the Board;]
   (c) The [name of the proposed temporary cannabis event;]
   (d) The [date or dates of the proposed temporary cannabis event, the duration of which must not exceed 4 consecutive days;]
   (e) The hours of operation for the proposed temporary cannabis event;
   (f) [The number of persons expected to attend the proposed temporary cannabis event;]
   (g) A diagram of the physical layout of the proposed temporary cannabis event which clearly sets forth:
      (1) The boundaries of the proposed temporary cannabis event within the location at which the event is proposed to be held;
      (2) Each entrance and exit to the proposed temporary cannabis event that will be used by participants during the event;
      (3) Each
   (e) A detailed description of each area within the proposed temporary cannabis event designated for the sale of cannabis or cannabis products;
   (f) The [designated location within each area described in subparagraph (3) for each adult-use cannabis retail store participating in the proposed temporary cannabis event and an identifying number assigned for each such location;]
(5) Each area within the proposed temporary cannabis event designated for the storage of cannabis or cannabis products; and

(6) Each area within the proposed temporary cannabis event designated for the consumption of cannabis or cannabis products;

(h) A security plan for the proposed temporary cannabis event which, without limitation, provides for the presence of security personnel on the premises of the event during all hours of operation;

(i) Contact information for a person designated by the applicant to be the primary contact person regarding the proposed temporary cannabis event;

(j) Contact information for a person designated by the applicant to remain on the premises of the proposed temporary cannabis event during all hours of operation and who must be able to be reached by telephone during all hours of operation;

(g) Operating procedures consistent with regulations of the Board for the safe and healthful operation of temporary cannabis events;

(h) Evidence that the local government having jurisdiction over the location in which the proposed temporary cannabis event is to be held has approved the event to be held at the specified location and on the specified date or dates;

(i) A list of each adult-use cannabis retail store, portable cannabis vendor and cannabis establishment agent that will be participating in the proposed temporary cannabis event; and

J (m) Such other information as the Board may require by regulation.

3. The Board shall issue a temporary cannabis event permit to an applicant if:

(a) The application satisfies the requirements of this section;

(b) The applicant is a cannabis event organizer who is qualified in the determination of the Board pursuant to NRS 678B.200; and

(c) The temporary cannabis event is not disqualified from being licensed pursuant to any other applicable law.

4. Each temporary cannabis event permit issued pursuant to this section must set forth the location and date or dates of the temporary cannabis event for which the temporary cannabis event permit is issued.

5. If the Board issues a temporary cannabis event license to a cannabis event organizer pursuant to this section and the list of adult-use cannabis retail stores and cannabis establishment agents participating in the event submitted to the Board pursuant to subsection 2 changes, the cannabis event organizer shall, not later than 72 hours before the temporary cannabis event is to commence, submit to the Board an updated list and an updated diagram of the physical layout of the temporary cannabis event.
6. For the purposes of paragraph (b) of subsection 2, the distance must be measured from the main entrance to the proposed temporary cannabis event to the closest point of the property line of a school, community facility or gaming establishment.

7. As used in this section, "community facility" means:
   (a) A facility that provides day care to children.
   (b) A public park.
   (c) A playground.
   (d) A public swimming pool.
   (e) A center or facility, the primary purpose of which is to provide recreational opportunities or services to children or adolescents.
   (f) A church, synagogue or other building, structure or place used for religious worship or other religious purpose.

Sec. 17. 1. A person shall not sell cannabis or cannabis products at a temporary cannabis event unless the person is an adult-use cannabis retail store or a portable cannabis vendor and has been listed as a participant in the event in a list submitted to the Board pursuant to section 16 of this act.

2. An adult-use cannabis retail store that participates in a temporary cannabis event may conduct sales of cannabis or cannabis products only:
   (a) At the location within the temporary cannabis event designated for the adult-use cannabis retail store; and
   (b) During the hours of operation for the temporary cannabis event.

3. Each adult-use cannabis retail store that participates in a temporary cannabis event must prominently display at the location within the event designated for the adult-use cannabis retail store:
   (a) The adult-use cannabis establishment license of the adult-use cannabis retail store; and
   (b) A sign which shows the identifying number assigned to the location in the diagram submitted to the Board pursuant to section 16 of this act.

4. All cannabis and cannabis products offered for sale by an adult-use cannabis retail store at a temporary cannabis event must be transported to and from the event by an adult-use cannabis distributor.

5. Except as otherwise provided in subsection 6, all cannabis and cannabis products offered for sale at a temporary cannabis event must be stored in a secure, locked container at the location within the event designated for the storage of cannabis or cannabis products. Cannabis or a cannabis product may only be removed from the container:
   (a) For the purpose of selling the cannabis or cannabis product to a consumer;
   (b) Immediately before the cannabis or cannabis product is sold; and
   (c) By a cannabis establishment agent who is employed by or volunteers at the adult-use cannabis retail store which is conducting the sale and who has been listed as a participant in the temporary cannabis event in a list submitted to the Board pursuant to section 16 of this act.
6. An adult-use cannabis retail store that participates in a temporary cannabis event may display small amounts of cannabis or cannabis products at the location within the event designated for the adult-use cannabis retail store.

Except as otherwise provided by regulation adopted by the Board and except where inconsistent with the provisions of this section, all provisions of this title and the regulations adopted pursuant thereto relating to the testing and labeling of cannabis and cannabis products and the sale of cannabis and cannabis products on the premises of an adult-use cannabis retail store also apply to cannabis and cannabis products sold at a temporary cannabis event.

Sec. 18. A cannabis event organizer that holds a temporary cannabis event shall:

1. Ensure that only persons who are 21 years of age or older are allowed to access areas within the temporary cannabis event designated for the sale or consumption of cannabis or cannabis products;

2. Post and maintain a conspicuous sign at each entrance to an area within the temporary cannabis event designated for the sale or consumption of cannabis or cannabis products which clearly states that persons who are under 21 years of age are prohibited from entering the area;

3. Ensure that each area within the temporary cannabis event designated for the consumption of cannabis or cannabis products is not viewable from a public place or from any area of the event in which persons who are under 21 years of age are allowed to access;

4. Ensure that intoxicating liquor or tobacco products are not sold or consumed at the temporary cannabis event;

5. Comply with all procedures and requirements prescribed by regulation of the Board for the collection and disposal of cannabis or cannabis products which are left at the temporary cannabis event;

6. Ensure that sales and consumption of cannabis or cannabis products at the temporary cannabis event are confined to areas within the event designated for such activities;

7. Ensure that each adult-use cannabis retail store and portable cannabis vendor that participates in the temporary cannabis event complies with the requirements set forth in section 17 of this act and any other requirements prescribed by regulation of the Board; and

8. Comply with any other requirements prescribed by regulation of the Board.

Sec. 19. A cannabis event organizer shall not:

1. Sell cannabis or cannabis products at a temporary cannabis event unless the cannabis event organizer is an adult-use cannabis retail store or portable cannabis vendor and has been listed as a participant in the event in a list submitted to the Board pursuant to section 16 of this act.
2. Transport cannabis or cannabis products to or from a temporary cannabis event unless the cannabis event organizer is an adult-use cannabis distributor; or
3. Accept compensation from an adult-use cannabis retail store for participation in a temporary cannabis event that is based upon or contingent upon the sale of cannabis or cannabis products.

Sec. 20. 1. The Board may issue an order directing a cannabis event organizer to cease all operations of a temporary cannabis event if the Board determines such action is necessary to protect the public health and safety.
2. If the Board finds that a person is selling cannabis or cannabis products on the premises of a temporary cannabis event in violation of subsection 1 of section 17 of this act, the Board may issue an order directing the cannabis event organizer that is holding the event to expel the person from the event. If the cannabis event organizer fails to immediately expel such a person, the Board may issue an order directing the cannabis event organizer to cease all operations of the temporary cannabis event.
3. A cannabis event organizer that receives an order from the Board directing the cannabis event organizer to cease all operations of the temporary cannabis event pursuant to this section shall immediately cease all operations of the temporary cannabis event and ensure that all participants leave the event within the time frame prescribed by the Board.

Sec. 21. 1. A person shall not engage in the business of a portable cannabis vendor unless the person holds a portable cannabis vendor license issued pursuant to this section.
2. A person who wishes to engage in the business of a portable cannabis vendor must submit to the Board an application on a form prescribed by the Board.
3. The Board shall issue a portable cannabis vendor license to an applicant if:
   (a) The person who wishes to engage in the business of a portable cannabis vendor has submitted to the Board all of the following:
      (I) The application fee, as set forth in NRS 678B.390;
      (II) An application, which must include:
         (I) The legal name of the proposed portable cannabis vendor;
         (II) The physical address where the proposed portable cannabis vendor will be located;
         (III) For the applicant and each person who is proposed to be an owner, officer or board member of the proposed portable cannabis vendor, a complete set of the person's fingerprints and written permission of the person authorizing the Board to forward the fingerprints to the Central Repository for Nevada Records of Criminal History for submission to the Federal Bureau of Investigation for its report; and
(IV) The name, address and date of birth of each person who is proposed to be an owner, officer or board member of the proposed portable cannabis vendor;

(3) Operating procedures consistent with the rules of the Board for oversight of the proposed portable cannabis vendor; and

(4) Such other information as the Board may require by regulation;

(b) None of the persons who are proposed to be owners, officers or board members of the proposed portable cannabis vendor have been convicted of an excluded felony offense;

(c) None of the persons who are proposed to be owners, officers or board members of the proposed portable cannabis vendor have:

(1) Served as an owner, officer or board member for a cannabis establishment that has had its portable cannabis vendor license, portable cannabis vendor event license, cannabis event organizer license, temporary cannabis event license, permit, adult-use cannabis establishment license or medical cannabis establishment license revoked;

(2) Previously had a cannabis establishment agent registration card revoked; or

(3) Previously had a cannabis establishment agent registration card for a cannabis executive revoked; and

(c) None of the persons who are proposed to be owners, officers or board members of the proposed portable cannabis vendor are under 21 years of age.

4. For each person who submits an application pursuant to this section, and each person who is proposed to be an owner, officer or board member of a proposed portable cannabis vendor, the Board shall submit the fingerprints of the person to the Central Repository for Nevada Records of Criminal History for submission to the Federal Bureau of Investigation to determine the criminal history of that person.

5. Except as otherwise provided in section 25.6 of this act, if an applicant for licensure to engage in the business of a portable cannabis vendor satisfies the requirements of this section, is qualified in the determination of the Board pursuant to NRS 678B.200 and is not disqualified from being licensed pursuant to this section or other applicable law, the Board shall issue to the applicant a portable cannabis vendor license. A portable cannabis vendor license expires 1 year after the date of issuance and may be renewed upon:

(a) Submission of the information required by the Board by regulation; and

(b) Payment of the renewal fee set forth in NRS 678B.390.

Sec. 22. A person shall not hold a portable cannabis vendor event unless the person:

(a) Is a portable cannabis vendor; and

(b) Has been issued a portable cannabis vendor event license for the portable cannabis vendor event by the Board pursuant to this section.
2. A portable cannabis vendor who wishes to obtain a portable cannabis vendor event license must, at least 60 days before the date on which the proposed portable cannabis vendor event is to commence, submit to the Board the application fee, as set forth in NRS 678B.390, and an application on a form prescribed by the Board. The application must include:
   (a) The name and address of the applicant;
   (b) The physical address or a detailed description of the location at which the proposed portable cannabis vendor event will be held;
   (c) The date or dates of the proposed portable cannabis vendor event;
   (d) The number of persons who are expected to attend the proposed portable cannabis vendor event;
   (e) Procedures to ensure the health and safety of persons who attend the proposed portable cannabis vendor event;
   (f) A detailed description of the area of the proposed portable cannabis vendor event designated for the consumption of cannabis or cannabis products;
   (g) The number of cannabis establishment agents employed by the portable cannabis vendor who will be operating the proposed portable cannabis vendor event;
   (h) Procedures and protocols to ensure that persons who attend the proposed portable cannabis vendor event do not engage in the excessive consumption of cannabis or cannabis products;
   (i) A security plan for the proposed portable cannabis vendor event which includes, without limitation, an estimate of the number of security personnel that will be providing security at the event;
   (j) Procedures and protocols for the operation of the proposed portable cannabis vendor event, including, without limitation, procedures for the setup and breakdown of the event;
   (k) Evidence that the local government having jurisdiction over the location in which the proposed portable cannabis vendor event is to be held has approved the event to be held at the specified location and on the specified date or dates; and
   (l) Such other information as the Board may require by regulation.

3. The Board shall issue a license to an applicant for the issuance of a portable cannabis vendor event license if:
   (a) The application satisfies the requirements of this section;
   (b) The applicant is a portable cannabis vendor who is qualified in the determination of the Board pursuant to NRS 678B.200; and
   (c) The portable cannabis vendor event is not disqualified from being licensed pursuant to any other applicable law.

4. Each portable cannabis vendor event license issued pursuant to this section must set forth the location and the date or dates of the portable cannabis vendor event for which the license is issued. (Deleted by amendment.)
Sec. 23. 1. A portable cannabis vendor that holds a portable cannabis vendor event shall:
(a) purchase all cannabis or cannabis products for resale at the portable cannabis vendor event from an adult-use cannabis retail store, and
(b) return to the adult-use cannabis retail store any cannabis or cannabis product that was not sold at the portable cannabis vendor event.
2. An adult-use cannabis retail store shall accept the return of any cannabis or cannabis product purchased from the adult-use cannabis retail store by a portable cannabis vendor and refund to the portable cannabis vendor the full purchase price of the cannabis or cannabis product.

Sec. 24. 1. A portable cannabis vendor that holds a portable cannabis vendor event shall:
(a) ensure that only persons who are 21 years of age or older are allowed to access areas of the event designated for the consumption of cannabis or cannabis products;
(b) ensure that no person other than the portable cannabis vendor sells cannabis or cannabis products at the portable cannabis vendor event;
(c) enforce appropriate procedures and protocols to ensure that persons who attend the event do not engage in the excessive consumption of cannabis or cannabis products;
(d) comply with all procedures and requirements prescribed by regulation of the Board for the collection and disposal of cannabis or cannabis products which are left at the portable cannabis vendor event; and
(e) comply with any other requirements prescribed by regulation of the Board.
2. Except as otherwise provided by regulation adopted by the Board and except where inconsistent with the provisions of this section, all provisions of this title and the regulations adopted pursuant thereto relating to the testing and labeling of cannabis and cannabis products and the sale of cannabis and cannabis products on the premises of an adult-use cannabis retail store also apply to cannabis and cannabis products sold by a portable cannabis vendor at a portable cannabis vendor event. (Deleted by amendment.)

Sec. 25. A local government having jurisdiction over the location in which a temporary cannabis event or portable cannabis vendor event is to be held may charge the cannabis event organizer or portable cannabis vendor, as applicable, a fee for holding the event. (Such a fee must be based on the number of persons who are expected to attend the temporary cannabis event or portable cannabis vendor event.)

Sec. 25.3. 1. In processing applications for a cannabis event organizer license or portable cannabis vendor license and in the issuance of such a license, the Board shall give priority to a social equity applicant.
2. The Board shall adopt regulations establishing criteria to be used by the Board for determining whether an applicant for the issuance or renewal of a cannabis event organizer license or portable cannabis vendor license qualifies as a social equity applicant for the purposes of this chapter.

Sec. 25.6. 1. If, in a local governmental jurisdiction that issues business licenses, the local governmental jurisdiction limits the number of business licenses issued to cannabis event organizers and portable cannabis vendors, the Board shall determine the total number of cannabis event organizer licenses and portable cannabis vendor licenses that will be allocated to the local governmental jurisdiction.

2. Of the total number cannabis event organizer licenses and portable cannabis vendor licenses allocated to a local governmental jurisdiction pursuant to subsection 1, not less than 50 percent must be issued to social equity applicants. If, at any time, there are an insufficient number of qualified social equity applicants to satisfy this requirement, the Board shall hold the remaining number of licenses necessary to satisfy this requirement in reserve for the issuance to future social equity applicants.

3. Except as otherwise provided in subsection 2, if, at any time, the number of qualified applicants for the issuance of cannabis event organizer licenses or portable cannabis event licenses exceed the number of licenses allocated to that jurisdiction pursuant to subsection 1, the Board shall issue cannabis event organizer licenses and portable cannabis event licenses in the local governmental jurisdiction on the basis of a separate lottery system for each type of license.

4. As used in this section, “local governmental jurisdiction” means a city or unincorporated area within a county.

Sec. 26. 1. A person is not required to obtain a license issued by the Board pursuant to this chapter to hold an event at which cannabis or cannabis products are displayed for informational or educational purposes but are not sold or consumed.

2. A person who displays cannabis or cannabis products at an event described in subsection 1 must comply with the legal limits on the possession of cannabis for medical purposes, as set forth in NRS 678C.200, or adult-use purposes, as set forth in 678D.200, as applicable. (Deleted by amendment.)

Sec. 27. NRS 678B.010 is hereby amended to read as follows:

678B.010 The Legislature hereby finds and declares that:

1. The purpose for licensing cannabis establishments and registering cannabis establishment agents is to protect the public health and safety and the general welfare of the people of this State.

2. Any:

(a) Medical cannabis establishment license issued pursuant to NRS 678B.210;

(b) Adult-use cannabis establishment license issued pursuant to NRS 678B.250;
(c) Cannabis event organizer license issued pursuant to section 15 of this act;
(d) Temporary cannabis event license issued pursuant to section 16 of this act;
(e) Portable cannabis vendor license issued pursuant to section 21 of this act;
(f) Portable cannabis vendor event license issued pursuant to section 22 of this act;
(g) Cannabis establishment agent registration card issued pursuant to NRS 678B.340; and
(h) Cannabis establishment agent registration card for a cannabis executive issued pursuant to NRS 678B.350,
is a revocable privilege and the holder of such a license or card, as applicable, does not acquire thereby any vested right.

Sec. 27.5. NRS 678B.020 is hereby amended to read as follows:
678B.020 As used in this chapter, unless the context otherwise requires, the words and terms defined in NRS 678B.030 to 678B.070, inclusive, and section 14.5 of this act have the meanings ascribed to them in those sections.

Sec. 28. NRS 678B.210 is hereby amended to read as follows:
678B.210 1. A person shall not engage in the business of a medical cannabis establishment unless the person holds a medical cannabis establishment license issued by the Board pursuant to this section.
2. A person who wishes to engage in the business of a medical cannabis establishment must submit to the Board an application on a form prescribed by the Board.
3. Except as otherwise provided in NRS 678B.220, 678B.230 and 678B.240, not later than 90 days after receiving an application to engage in the business of a medical cannabis establishment, the Board shall register the medical cannabis establishment and issue a medical cannabis establishment license and a random 20-digit alphanumeric identification number if:
   (a) The person who wishes to operate the proposed medical cannabis establishment has submitted to the Board all of the following:
      (1) The application fee, as set forth in NRS 678B.390;
      (2) An application, which must include:
         (I) The legal name of the proposed medical cannabis establishment;
         (II) The physical address where the proposed medical cannabis establishment will be located and the physical address of any co-owned additional or otherwise associated medical cannabis establishments, the locations of which may not be within 1,000 feet of a public or private school that provides formal education traditionally associated with preschool or kindergarten through grade 12 and that existed on the date on which the application for the proposed medical cannabis establishment was submitted to the Board, within 300 feet of a community facility that existed on the date on which the application for the proposed medical cannabis establishment was submitted to the Board or, if the proposed medical cannabis establishment will
be located in a county whose population is 100,000 or more, within 1,500 feet of an establishment that holds a nonrestricted gaming license described in subsection 1 or 2 of NRS 463.0177 and that existed on the date on which the application for the proposed medical cannabis establishment was submitted to the Board;

(III) Evidence that the applicant controls not less than $250,000 in liquid assets to cover the initial expenses of opening the proposed medical cannabis establishment and complying with the provisions of this title;

(IV) Evidence that the applicant owns the property on which the proposed medical cannabis establishment will be located or has the written permission of the property owner to operate the proposed medical cannabis establishment on that property;

(V) For the applicant and each person who is proposed to be an owner, officer or board member of the proposed medical cannabis establishment, a complete set of the person’s fingerprints and written permission of the person authorizing the Board to forward the fingerprints to the Central Repository for Nevada Records of Criminal History for submission to the Federal Bureau of Investigation for its report; and

(VI) The name, address and date of birth of each person who is proposed to be an owner, officer or board member of the proposed medical cannabis establishment;

(3) Operating procedures consistent with rules of the Board for oversight of the proposed medical cannabis establishment, including, without limitation:

(I) Procedures to ensure the use of adequate security measures; and

(II) The use of an electronic verification system and an inventory control system pursuant to NRS 678C.420 and 678C.430;

(4) If the proposed medical cannabis establishment will sell or deliver medical cannabis products, proposed operating procedures for handling such products which must be preapproved by the Board;

(5) If the city or county in which the proposed medical cannabis establishment will be located has enacted zoning restrictions, proof that the proposed location is in compliance with those restrictions and satisfies all applicable building requirements; and

(6) Such other information as the Board may require by regulation;

(b) None of the persons who are proposed to be owners, officers or board members of the proposed medical cannabis establishment have been convicted of an excluded felony offense;  

(c) None of the persons who are proposed to be owners, officers or board members of the proposed medical cannabis establishment have:

(1) Served as an owner, officer or board member for a cannabis establishment that has had its medical cannabis establishment license, adult-use cannabis establishment license, cannabis event organizer license, temporary cannabis event license, permit or portable cannabis vendor license or portable cannabis vendor event license revoked;
(2) Previously had a cannabis establishment agent registration card revoked; or
(3) Previously had a cannabis establishment agent registration card for a cannabis executive revoked; and
(d) None of the persons who are proposed to be owners, officers or board members of the proposed medical cannabis establishment are under 21 years of age.

4. For each person who submits an application pursuant to this section, and each person who is proposed to be an owner, officer or board member of a proposed medical cannabis establishment, the Board shall submit the fingerprints of the person to the Central Repository for Nevada Records of Criminal History for submission to the Federal Bureau of Investigation to determine the criminal history of that person.

5. Except as otherwise provided in subsection 6, if an application for registration as a medical cannabis establishment satisfies the requirements of this section, is qualified in the determination of the Board pursuant to NRS 678B.200 and the establishment is not disqualified from being registered as a medical cannabis establishment pursuant to this section or other applicable law, the Board shall issue to the establishment a medical cannabis establishment license. A medical cannabis establishment license expires 1 year after the date of issuance and may be renewed upon:
(a) Submission of the information required by the Board by regulation; and
(b) Payment of the renewal fee set forth in NRS 678B.390.

6. In determining whether to issue a medical cannabis establishment license pursuant to this section, the Board shall consider the criteria of merit set forth in NRS 678B.240.

7. For the purposes of sub-subparagraph (II) of subparagraph (2) of paragraph (a) of subsection 3, the distance must be measured from the front door of the proposed medical cannabis establishment to the closest point of the property line of a school, community facility or gaming establishment.

8. As used in this section, “community facility” means:
(a) A facility that provides day care to children.
(b) A public park.
(c) A playground.
(d) A public swimming pool.
(e) A center or facility, the primary purpose of which is to provide recreational opportunities or services to children or adolescents.
(f) A church, synagogue or other building, structure or place used for religious worship or other religious purpose.

Sec. 29. NRS 678B.250 is hereby amended to read as follows:
678B.250 1. A person shall not engage in the business of an adult-use cannabis establishment unless the person holds an adult-use cannabis establishment license issued pursuant to this section.
2. A person who wishes to engage in the business of an adult-use cannabis establishment must submit to the Board an application on a form prescribed by the Board.

3. Except as otherwise provided in NRS 678B.260, 678B.270 and 678B.280, the Board shall issue an adult-use cannabis establishment license to an applicant if:
   (a) The person who wishes to operate the proposed adult-use cannabis establishment has submitted to the Board all of the following:
      (1) The application fee, as set forth in NRS 678B.390;
      (2) An application, which must include:
         (I) The legal name of the proposed adult-use cannabis establishment;
         (II) The physical address where the proposed adult-use cannabis establishment will be located and the physical address of any co-owned additional or otherwise associated adult-use cannabis establishments, the locations of which may not be within 1,000 feet of a public or private school that provides formal education traditionally associated with preschool or kindergarten through grade 12 and that existed on the date on which the application for the proposed adult-use cannabis establishment was submitted to the Board, within 300 feet of a community facility that existed on the date on which the application for the proposed adult-use cannabis establishment was submitted to the Board or, if the proposed adult-use cannabis establishment will be located in a county whose population is 100,000 or more, within 1,500 feet of an establishment that holds a nonrestricted gaming license described in subsection 1 or 2 of NRS 463.0177 and that existed on the date on which the application for the proposed adult-use cannabis establishment was submitted to the Board;
         (III) Evidence that the applicant controls liquid assets in an amount determined by the Board to be sufficient to cover the initial expenses of opening the proposed adult-use cannabis establishment and complying with the provisions of this title;
         (IV) Evidence that the applicant owns the property on which the proposed adult-use cannabis establishment will be located or has the written permission of the property owner to operate the proposed adult-use cannabis establishment on that property;
         (V) For the applicant and each person who is proposed to be an owner, officer or board member of the proposed adult-use cannabis establishment, a complete set of the person’s fingerprints and written permission of the person authorizing the Board to forward the fingerprints to the Central Repository for Nevada Records of Criminal History for submission to the Federal Bureau of Investigation for its report; and
         (VI) The name, address and date of birth of each person who is proposed to be an owner, officer or board member of the proposed adult-use cannabis establishment;
(3) Operating procedures consistent with rules of the Board for oversight of the proposed adult-use cannabis establishment, including, without limitation:
   (I) Procedures to ensure the use of adequate security measures; and
   (II) The use of an inventory control system;
(4) If the proposed adult-use cannabis establishment will sell or deliver adult-use cannabis products, proposed operating procedures for handling such products which must be preapproved by the Board; and
(5) Such other information as the Board may require by regulation;
   (b) None of the persons who are proposed to be owners, officers or board members of the proposed adult-use cannabis establishment have been convicted of an excluded felony offense;
   (c) None of the persons who are proposed to be owners, officers or board members of the proposed adult-use cannabis establishment have:
      (1) Served as an owner, officer or board member for a cannabis establishment that has had its adult-use cannabis establishment license, medical cannabis establishment license, cannabis event organizer license, temporary cannabis event license, permit or portable cannabis vendor license revoked;
      (2) Previously had a cannabis establishment agent registration card revoked; or
      (3) Previously had a cannabis establishment agent registration card for a cannabis executive revoked; and
   (d) None of the persons who are proposed to be owners, officers or board members of the proposed adult-use cannabis establishment are under 21 years of age.
4. For each person who submits an application pursuant to this section, and each person who is proposed to be an owner, officer or board member of a proposed adult-use cannabis establishment, the Board shall submit the fingerprints of the person to the Central Repository for Nevada Records of Criminal History for submission to the Federal Bureau of Investigation to determine the criminal history of that person.
5. Except as otherwise provided in subsection 6, if an applicant for licensure to operate an adult-use cannabis establishment satisfies the requirements of this section, is qualified in the determination of the Board pursuant to NRS 678B.200 and is not disqualified from being licensed pursuant to this section or other applicable law, the Board shall issue to the applicant an adult-use cannabis establishment license. An adult-use cannabis establishment license expires 1 year after the date of issuance and may be renewed upon:
   (a) Submission of the information required by the Board by regulation; and
   (b) Payment of the renewal fee set forth in NRS 678B.390.
6. In determining whether to issue an adult-use cannabis license pursuant to this section, the Board shall consider the criteria of merit set forth in NRS 678B.280.
7. For the purposes of sub-subparagraph (II) of subparagraph (2) of paragraph (a) of subsection 3, the distance must be measured from the front door of the proposed adult-use cannabis establishment to the closest point of the property line of a school, community facility or gaming establishment.

8. As used in this section, “community facility” means:
   (a) A facility that provides day care to children.
   (b) A public park.
   (c) A playground.
   (d) A public swimming pool.
   (e) A center or facility, the primary purpose of which is to provide recreational opportunities or services to children or adolescents.
   (f) A church, synagogue or other building, structure or place used for religious worship or other religious purpose.

Sec. 30. NRS 678B.380 is hereby amended to read as follows:

Sec. 30. NRS 678B.380 is hereby amended to read as follows:

678B.380 1. Except as otherwise provided by regulations adopted by the Board pursuant to subsection 2, the following are nontransferable:
   (a) A cannabis establishment agent registration card.
   (b) A cannabis establishment agent registration card for a cannabis executive.
   (c) A medical cannabis establishment license.
   (d) An adult-use cannabis establishment license.
   (e) A cannabis event organizer license.
   (f) A temporary cannabis event license permit.
   (g) A portable cannabis vendor license.

2. The Board shall adopt regulations which prescribe procedures and requirements by which a holder of a license, including, without limitation, the holder of a cannabis event organizer license or portable cannabis vendor license who is a social equity applicant, may transfer the license to another party who is qualified to hold such a license pursuant to the provisions of this chapter.

Sec. 31. NRS 678B.390 is hereby amended to read as follows:

Sec. 31. NRS 678B.390 is hereby amended to read as follows:

678B.390 1. Except as otherwise provided in subsection 4, the Board shall collect not more than the following maximum fees:

   For the initial issuance of a medical cannabis establishment license for a medical cannabis dispensary................................................................. $30,000
   For the renewal of a medical cannabis establishment license for a medical cannabis dispensary............................... $5,000
   For the initial issuance of a medical cannabis establishment license for a medical cannabis cultivation facility .......................................................... 3,000
   For the renewal of a medical cannabis establishment license for a medical cannabis cultivation facility ....................... 1,000
For the initial issuance of a medical cannabis establishment license for a medical cannabis production facility .......................................................... $3,000
For the renewal of a medical cannabis establishment license for a medical cannabis production facility ................. $1,000
For the initial issuance of a medical cannabis establishment license for a medical cannabis independent testing laboratory ........................................... $5,000
For the renewal of a medical cannabis establishment license for a medical cannabis independent testing laboratory ........................................... $3,000
For the initial issuance of an adult-use cannabis establishment license for an adult-use cannabis retail store ........................................................................... $20,000
For the renewal of an adult-use cannabis establishment license for an adult-use cannabis retail store ........................................... $6,600
For the initial issuance of an adult-use cannabis establishment license for an adult-use cannabis cultivation facility ........................................... $30,000
For the renewal of an adult-use cannabis establishment license for an adult-use cannabis cultivation facility .......... $10,000
For the initial issuance of an adult-use cannabis establishment license for an adult-use cannabis production facility ................................................... $10,000
For the renewal of an adult-use cannabis establishment license for an adult-use cannabis production facility ................................................... $3,300
For the initial issuance of an adult-use cannabis establishment license for an adult-use cannabis independent testing laboratory ........................................... $15,000
For the renewal of an adult-use cannabis establishment license for an adult-use cannabis independent testing laboratory ........................................... $5,000
For the initial issuance of an adult-use cannabis establishment license for an adult-use cannabis distributor .......................................................... $15,000
For the renewal of an adult-use cannabis establishment license for an adult-use cannabis distributor .......................................................... $5,000
For each person identified in an application for the initial issuance of a cannabis establishment agent registration card .......................................................... $150
For each person identified in an application for the renewal of a cannabis establishment agent registration card .......................................................... $150
2. **The Board shall establish by regulation fees for:**
   (a) **The issuance and renewal of a cannabis event organizer license.**
   (b) **The issuance of a temporary cannabis event permit.**
   (c) **The issuance and renewal of a portable cannabis vendor license.**
   (d) **The issuance of a portable cannabis vendor event license.** The fees for the issuance of a portable cannabis vendor event license must be based on the number of persons who are expected to attend the portable cannabis event.

3. **The Board may by regulation establish reduced fees for an applicant for the initial issuance or renewal of a cannabis event organizer license or portable cannabis vendor license that is a social equity applicant.**

4. **In addition to the fees described in subsection 1, each applicant for a medical cannabis establishment license or adult-use cannabis establishment license must pay to the Board:**
   (a) A one-time, nonrefundable application fee of $5,000; and
   (b) The actual costs incurred by the Board in processing the application, including, without limitation, conducting background checks.

5. **Any revenue generated from the fees imposed pursuant to this section:**
   (a) Must be expended first to pay the costs of the Board in carrying out the provisions of this title; and
   (b) If any excess revenue remains after paying the costs described in paragraph (a), such excess revenue must be paid over to the State Treasurer to be deposited to the credit of the State Education Fund.

Sec. 32. **NRS 678B.530 is hereby amended to read as follows:**

678B.530  1. A person shall not:
   (a) Advertise the sale of cannabis or cannabis products by the person; or
   (b) Sell, offer to sell or appear to sell cannabis or cannabis products or allow the submission of an order for cannabis or cannabis products, unless the person holds an adult-use cannabis establishment license, [or a medical cannabis establishment license] [or a portable cannabis vendor license].

2. A local government shall not regulate the content of an advertisement for the sale of cannabis or cannabis products unless the local government adopts an ordinance setting forth such regulations.

Sec. 33. **NRS 678B.650 is hereby amended to read as follows:**

678B.650  The Board shall adopt such regulations as it determines to be necessary or advisable to carry out the provisions of this chapter. Such regulations are in addition to any requirements set forth in statute and must, without limitation:
1. Prescribe the form and any additional required content of applications for licenses or registration cards issued pursuant to this chapter;
2. Establish procedures for the suspension or revocation of a license or registration card or other disciplinary action to be taken against a licensee or registrant;
3. Set forth rules pertaining to the safe and healthful operation of cannabis establishments, including, without limitation:
   (a) The manner of protecting against diversion and theft without imposing an undue burden on cannabis establishments or compromising the confidentiality of consumers and holders of registry identification cards and letters of approval, as those terms are defined in NRS 678C.080 and 678C.070, respectively;
   (b) Minimum requirements for the oversight of cannabis establishments;
   (c) Minimum requirements for the keeping of records by cannabis establishments;
   (d) Provisions for the security of cannabis establishments, including without limitation, requirements for the protection by a fully operational security alarm system of each cannabis establishment; and
   (e) Procedures pursuant to which cannabis establishments must use the services of cannabis independent testing laboratories to ensure that any cannabis or cannabis product or commodity or product made from hemp, as defined in NRS 557.160, sold by a cannabis sales facility to an end user is tested for content, quality and potency in accordance with standards established by the Board;

4. Establish circumstances and procedures pursuant to which the maximum fees set forth in NRS 678B.390 may be reduced over time to ensure that the fees imposed pursuant to NRS 678B.390 are, insofar as may be practicable, revenue neutral;

5. Establish different categories of cannabis establishment agent registration cards, including, without limitation, criteria for issuance of a cannabis establishment agent registration card for a cannabis executive and criteria for training and certification, for each of the different types of cannabis establishments at which such an agent may be employed or volunteer or provide labor as a cannabis establishment agent;

6. As far as possible while maintaining accountability, protect the identity and personal identifying information of each person who receives, facilitates or delivers services in accordance with this chapter;

7. Establish procedures and requirements to enable a dual licensee to operate a medical cannabis establishment and an adult-use cannabis establishment at the same location;

8. Determine whether any provision of this chapter or chapter 678C or 678D of NRS would make the operation of a cannabis establishment by a dual licensee unreasonably impracticable; [and]

9. Set forth rules pertaining to the safe and healthful operation of temporary cannabis events, and portable cannabis vendor events, including, without limitation:
   (a) Requirements for the testing, labeling and sale of cannabis and cannabis products at a temporary cannabis event, and portable cannabis vendor events.
(b) Procedures and requirements for the collection and disposal of cannabis and cannabis products which are left at a temporary cannabis event; for portable cannabis vendor event; and

10. Address such other matters as the Board deems necessary to carry out the provisions of this title.

Sec. 34. NRS 678C.300 is hereby amended to read as follows:

678C.300 1. A person who holds a registry identification card or letter of approval issued to him or her pursuant to NRS 678C.230 or 678C.270 is not exempt from state prosecution for, nor may the person establish an affirmative defense to charges arising from, any of the following acts:
(a) Driving, operating or being in actual physical control of a vehicle or a vessel under power or sail while under the influence of cannabis.
(b) Engaging in any other conduct prohibited by NRS 484C.110, 484C.120, 484C.130, 484C.430, subsection 2 of NRS 488.400, NRS 488.410, 488.420, 488.425 or 493.130.
(c) Possessing a firearm in violation of paragraph (b) of subsection 1 of NRS 202.257.
(d) Possessing cannabis in violation of NRS 453.336 or possessing paraphernalia in violation of NRS 453.560 or 453.566:
   (1) If the possession of the cannabis or paraphernalia is discovered because the person engaged or assisted in the medical use of cannabis in:
      (I) Any public place or in any place open to the public or exposed to public view; or
      (II) Any local detention facility, county jail, state prison, reformatory or other correctional facility, including, without limitation, any facility for the detention of juvenile offenders; or
   (2) If the possession of the cannabis or paraphernalia occurs on school property.
   (e) Delivering cannabis to another person who he or she knows does not lawfully hold a registry identification card or letter of approval issued by the Division or its designee pursuant to NRS 678C.230 or 678C.270.
   (f) Delivering cannabis for consideration to any person, regardless of whether the recipient lawfully holds a registry identification card or letter of approval issued by the Division or its designee pursuant to NRS 678C.230 or 678C.270.

2. Except as otherwise provided in NRS 678C.240 and in addition to any other penalty provided by law, if the Division determines that a person has willfully violated a provision of this chapter or any regulation adopted by the Division to carry out the provisions of this chapter, the Division may, at its own discretion, prohibit the person from obtaining or using a registry identification card or letter of approval for a period of up to 6 months.

3. For the purposes of sub-subparagraph (I) of subparagraph (1) of paragraph (d) of subsection 1, an area within a temporary cannabis event for portable cannabis vendor event that is designated for the consumption
of cannabis or cannabis products is not a public place or a place open to the public or exposed to public view.

4. Nothing in the provisions of this chapter shall be construed as in any manner affecting the provisions of chapter 678D of NRS relating to the adult use of cannabis.

5. As used in this section, “school property” means the grounds of any public school described in NRS 388.020 and any private school as defined in NRS 394.103.

Sec. 35. NRS 678D.200 is hereby amended to read as follows:

678D.200  1. Except as otherwise provided in NRS 678D.300, a person who is 21 years of age or older is exempt from state prosecution for:

(a) The possession, delivery or production of cannabis;
(b) The possession or delivery of paraphernalia;
(c) Aiding and abetting another in the possession, delivery or production of cannabis;
(d) Aiding and abetting another in the possession or delivery of paraphernalia;
(e) Any combination of the acts described in paragraphs (a) to (d), inclusive; and
(f) Any other criminal offense in which the possession, delivery or production of cannabis or the possession or delivery of paraphernalia is an element.

2. In addition to the provisions of subsections 1 and 5, no person may be subject to state prosecution for constructive possession, conspiracy or any other criminal offense solely for being in the presence or vicinity of the adult use of cannabis in accordance with the provisions of this title.

3. The exemption from state prosecution set forth in subsection 1 applies only to the extent that a person:

(a) Is 21 years of age or older;
(b) Is not employed by any agency or political subdivision of this State in a position which requires the person to be certified by the Peace Officers’ Standards and Training Commission;
(c) Engages in the adult use of cannabis in accordance with the provisions of this title;
(d) Does not, at any one time, possess, deliver or produce more than:
   (1) One ounce of usable cannabis;
   (2) One-eighth of an ounce of concentrated cannabis;
   (3) Six cannabis plants, irrespective of whether the cannabis plants are mature or immature; and
   (4) A maximum allowable quantity of adult-use cannabis products as established by regulation of the Board;
(e) Cultivates, grows or produces not more than six cannabis plants:
   (1) Within an enclosed area that is not exposed to public view that is equipped with locks or other security devices which allow access only by an authorized person; and
(2) At a residence or upon the grounds of a residence in which not more than 12 cannabis plants are cultivated, grown or produced;
(f) Delivers 1 ounce or less of usable cannabis or one-eighth of an ounce or less of concentrated cannabis without remuneration to a person who is 21 years of age or older so long as such delivery is not advertised or promoted to the public; and
(g) Assists another person who is 21 years of age or older in carrying out any of the acts described in paragraphs (a) to (f), inclusive.
4. If a person possesses, uses or produces cannabis in an amount which exceeds the amount set forth in paragraph (d) of subsection 3 or in any manner other than that set forth in subsection 3, the person is not exempt from state prosecution for the possession, delivery or production of cannabis.
5. A person who holds an adult-use cannabis establishment license issued to the person pursuant to NRS 678B.250, a portable cannabis vendor license issued to the person pursuant to section 21 of this act, a cannabis establishment agent registration card issued to the person pursuant to NRS 678B.340 or a cannabis establishment agent registration card for a cannabis executive issued to the person pursuant to NRS 678B.350, and confines his or her activities to those authorized by this title, and the regulations adopted by the Board pursuant thereto, is exempt from state prosecution for:
(a) The possession, delivery or production of cannabis;
(b) The possession or delivery of paraphernalia;
(c) Aiding and abetting another in the possession, delivery or production of cannabis;
(d) Aiding and abetting another in the possession or delivery of paraphernalia;
(e) Any combination of the acts described in paragraphs (a) to (d), inclusive; and
(f) Any other criminal offense in which the possession, delivery or production of cannabis or the possession or delivery of paraphernalia is an element.
6. The commission of any act by a person for which the person is exempt from state prosecution pursuant to this section must not be used as the basis for the seizure or forfeiture of any property of the person or for the imposition of a civil penalty.

Sec. 36. NRS 678D.300 is hereby amended to read as follows:

678D.300 1. A person is not exempt from state prosecution for any of the following acts:
(a) Driving, operating or being in actual physical control of a vehicle or a vessel under power or sail while under the influence of cannabis.
(b) Engaging in any other conduct prohibited by NRS 484C.110, 484C.120, 484C.130, 484C.430, subsection 2 of NRS 488.400, NRS 488.410, 488.420, 488.425 or 493.130.
(c) Possessing a firearm in violation of paragraph (b) of subsection 1 of NRS 202.257.
(d) Possessing cannabis in violation of NRS 453.336 or possessing paraphernalia in violation of NRS 453.560 or 453.566:

(1) If the possession of the cannabis or paraphernalia is discovered because the person engaged in the adult use of cannabis in:

(I) Any public place or in any place open to the public or exposed to public view; or

(II) Any local detention facility, county jail, state prison, reformatory or other correctional facility, including, without limitation, any facility for the detention of juvenile offenders; or

(2) If the possession of the cannabis or paraphernalia occurs on school property.

(e) Knowingly delivering cannabis to another person who is not 21 years of age or older unless:

(1) The recipient holds a valid registry identification card or letter of approval issued to the person by the Division of Public and Behavioral Health of the Department of Health and Human Services or its designee pursuant to NRS 678C.230 or 678C.270.

(2) The person demanded and was shown bona fide documentary evidence of the age and identity of the recipient issued by a federal, state, county or municipal government, or subdivision or agency thereof.

2. For the purposes of sub-subparagraph (I) of subparagraph (1) of paragraph (d) of subsection 1, an area within a temporary cannabis event or portable cannabis vendor event that is designated for the consumption of cannabis or cannabis products is not a public place or a place open to the public or exposed to public view.

3. As used in this section, “school property” means the grounds of any public school described in NRS 388.020 and any private school as defined in NRS 394.103.

Sec. 37. NRS 678D.310 is hereby amended to read as follows:

678D.310  1. Except as otherwise provided in chapter 678C of NRS, any person shall not:

(a) Cultivate cannabis within 25 miles of an adult-use cannabis retail store licensed pursuant to chapter 678B of NRS, unless the person is an adult-use cannabis cultivation facility or is a cannabis establishment agent volunteering at, employed by or providing labor to an adult-use cannabis cultivation facility;

(b) Cultivate cannabis plants where they are visible from a public place by normal unaided vision; or

(c) Cultivate cannabis on property not in the cultivator’s lawful possession or without the consent of the person in lawful physical possession of the property.

2. A person who violates the provisions of subsection 1 is guilty of:

(a) For a first violation, a misdemeanor punished by a fine of not more than $600.

(b) For a second violation, a misdemeanor punished by a fine of not more than $1,000.
(c) For a third violation, a gross misdemeanor.
(d) For a fourth or subsequent violation, a category E felony.

3. **Except as otherwise provided in subsection 9, a person who**
   smokes or otherwise consumes cannabis or a cannabis product in a public
   place, in an adult-use cannabis retail store or in a vehicle is guilty of a
   misdemeanor punished by a fine of not more than $600.

4. A person under 21 years of age who falsely represents himself or herself
   to be 21 years of age or older to obtain cannabis is guilty of a misdemeanor.

5. A person under 21 years of age who knowingly enters, loiteres or remains
   on the premises of an adult-use cannabis establishment shall be punished by a
   fine of not more than $500 unless the person is authorized to possess cannabis
   pursuant to chapter 678C of NRS and the adult-use cannabis establishment is
   a dual licensee.

6. A person who manufactures cannabis by chemical extraction or
   chemical synthesis, unless done pursuant to an adult-use cannabis
   establishment license for an adult-use cannabis production facility issued by
   the Board or authorized by this title, is guilty of a category E felony.

7. A person who knowingly gives cannabis or a cannabis product to any
   person under 21 years of age or who knowingly leaves or deposits any cannabis
   or cannabis product in any place with the intent that it will be procured by any
   person under 21 years of age is guilty of a misdemeanor.

8. A person who knowingly gives cannabis to any person under 18 years
   of age or who knowingly leaves or deposits any cannabis in any place with the
   intent that it will be procured by any person under 18 years of age is guilty of
   a gross misdemeanor.

9. **A person may smoke or otherwise consume cannabis or a cannabis**
   **product in an area within a temporary cannabis event or a portable cannabis**
   **vendor event that is designated for the consumption of cannabis or cannabis**
   **products.**

Sec. 38. **NRS 678D.440 is hereby amended to read as follows:**

678D.440  1. An adult-use cannabis distributor may transport cannabis
   and cannabis products between an adult-use cannabis establishment and
   another adult-use cannabis establishment or between the buildings of an adult-
   use cannabis establishment.

2. An adult-use cannabis distributor may transport cannabis and
   cannabis products between an adult-use cannabis retail store and a
   temporary cannabis event.

3. An adult-use cannabis establishment shall not transport cannabis or
   cannabis products to an adult-use cannabis retail store unless the adult-use
   cannabis establishment holds an adult-use cannabis establishment license for
   an adult-use cannabis distributor.

4. An adult-use cannabis distributor shall not purchase or sell
   cannabis or cannabis products unless the adult-use cannabis distributor also
   holds an adult-use cannabis establishment license for a type of adult use
cannabis establishment authorized by law to purchase or sell cannabis or cannabis products.

[4.] 5. An adult-use cannabis distributor may enter into an agreement or contract with an adult-use cannabis establishment for the transport of cannabis or cannabis products. Such an agreement or contract may include, without limitation, provisions relating to insurance coverage, climate control and theft by a third party or an employee.

[5.] 6. An adult-use cannabis distributor, and each cannabis establishment agent employed by the adult-use cannabis distributor who is involved in the transportation, is responsible for cannabis and cannabis products once the adult-use cannabis distributor takes control of the cannabis or cannabis products and leaves the premises of an adult-use cannabis establishment or a temporary cannabis event.

7. The Board may adopt regulations establishing additional requirements for the operations of an adult-use cannabis distributor. [Deleted by amendment.]

Sec. 39. Chapter 372A of NRS is hereby amended by adding thereto a new section to read as follows:

“Portable cannabis vendor” has the meaning ascribed to it in section 4 of this act.

Sec. 40. NRS 372A.200 is hereby amended to read as follows:

372A.200 As used in NRS 372A.200 to 372A.380, inclusive, and section 39 of this act, unless the context otherwise requires, the words and terms defined in NRS 372A.205 to 372A.250, inclusive, and section 39 of this act, have the meanings ascribed to them in those sections.

Sec. 41. NRS 372A.250 is hereby amended to read as follows:

372A.250 “Taxpayer” means a:
1. Cannabis cultivation facility; [or]
2. Adult-use cannabis retail store [or]
3. Portable cannabis vendor.

Sec. 42. NRS 372A.290 is hereby amended to read as follows:

372A.290 1. An excise tax is hereby imposed on each wholesale sale in this State of cannabis by a medical cannabis cultivation facility to another cannabis establishment at the rate of 15 percent of the fair market value at wholesale of the cannabis. The excise tax imposed pursuant to this subsection is the obligation of the medical cannabis cultivation facility.

2. An excise tax is hereby imposed on each wholesale sale in this State of cannabis by an adult-use cannabis cultivation facility to another cannabis establishment at the rate of 15 percent of the fair market value at wholesale of the cannabis. The excise tax imposed pursuant to this subsection is the obligation of the adult-use cannabis cultivation facility.

3. An excise tax is hereby imposed on each retail sale in this State of cannabis or cannabis products by an adult-use cannabis retail store or a portable cannabis vendor at the rate of 10 percent of the sales price of the
cannabis or cannabis products. The excise tax imposed pursuant to this subsection:

(a) Is the obligation of the adult-use cannabis retail store seller of the cannabis or cannabis product.

(b) Is separate from and in addition to any general state and local sales and use taxes that apply to retail sales of tangible personal property.

4. The revenues collected from the excise tax imposed pursuant to subsection 1 must be distributed:

(a) To the Cannabis Compliance Board and to local governments in an amount determined to be necessary by the Board to pay the costs of the Board and local governments in carrying out the provisions of chapter 678C of NRS; and

(b) If any money remains after the revenues are distributed pursuant to paragraph (a), to the State Treasurer to be deposited to the credit of the State Education Fund.

5. The revenues collected from the excise tax imposed pursuant to subsection 2 must be distributed:

(a) To the Cannabis Compliance Board and to local governments in an amount determined to be necessary by the Board to pay the costs of the Board and local governments in carrying out the provisions of chapter 678D of NRS; and

(b) If any money remains after the revenues are distributed pursuant to paragraph (a), to the State Treasurer to be deposited to the credit of the State Education Fund.

6. For the purpose of subsections 4 and 5, a total amount of $5,000,000 of the revenues collected from the excise tax imposed pursuant to subsection 1 and the excise tax imposed pursuant to subsection 2 in each fiscal year shall be deemed sufficient to pay the costs of all local governments to carry out the provisions of chapters 678C and 678D of NRS. The Board shall, by regulation, determine the manner in which local governments may be reimbursed for the costs of carrying out the provisions of chapters 678C and 678D of NRS.

7. The revenues collected from the excise tax imposed pursuant to subsection 3 must be paid over as collected to the State Treasurer to be deposited to the credit of the State Education Fund.

8. The excise tax imposed pursuant to subsection 3 does not apply to a sale of cannabis or cannabis products by an adult-use cannabis retail store to a portable cannabis vendor for the purpose of resale.

As used in this section:

(a) “Adult-use cannabis cultivation facility” has the meaning ascribed to it in NRS 678A.025.

(b) “Cannabis product” has the meaning ascribed to it in NRS 678A.120.

(c) “Local government” has the meaning ascribed to it in NRS 360.640.

(d) “Medical cannabis cultivation facility” has the meaning ascribed to it in NRS 678A.170.
(e) “Medical cannabis establishment” has the meaning ascribed to it in NRS 678A.180.

Sec. 43. NRS 387.1212 is hereby amended to read as follows:

387.1212 1. The State Education Fund is hereby created as a special revenue fund to be administered by the Superintendent of Public Instruction for the purpose of supporting the operation of the public schools in this State. The interest and income earned on the money in the Fund, after deducting any applicable charges, must be credited to the Fund.

2. Money which must be deposited for credit to the State Education Fund includes, without limitation:

(a) All money derived from interest on the State Permanent School Fund, as provided in NRS 387.030;

(b) The proceeds of the tax imposed pursuant to NRS 244.33561 and any applicable penalty or interest, less any amount retained by the county treasurer for the actual cost of collecting and administering the tax;

(c) The proceeds of the tax imposed pursuant to subsection 1 of NRS 387.195;

(d) The portion of the money in each special account created pursuant to subsection 1 of NRS 179.1187 which is identified in paragraph (d) of subsection 2 of NRS 179.1187;

(e) The money identified in subsection 1 of NRS 328.450;

(f) The money identified in subsection 1 of NRS 328.460;

(g) The money identified in paragraph (a) of subsection 2 of NRS 360.850;

(h) The money identified in paragraph (a) of subsection 2 of NRS 360.855;

(i) The money required to be paid over to the State Treasurer for deposit to the credit of the State Education Fund pursuant to subsection 4 of NRS 362.170;

(j) The portion of the proceeds of the tax imposed pursuant to subsection 1 of NRS 372A.290 identified in paragraph (b) of subsection 4 of NRS 372A.290;

(k) The proceeds of the tax imposed pursuant to subsection 3 of NRS 372A.290;

(l) The proceeds of the fees, taxes, interest and penalties imposed pursuant to chapter 374 of NRS, as transferred pursuant to subsection 3 of NRS 374.785;

(m) The money identified in paragraph (b) of subsection 3 of NRS 678B.390;

(n) The portion of the proceeds of the excise tax imposed pursuant to subsection 5 of NRS 463.385 identified in paragraph (c) of subsection 5 of NRS 463.385;

(o) The money required to be distributed to the State Education Fund pursuant to subsection 3 of NRS 482.181;

(p) The portion of the net profits of the grantee of a franchise, right or privilege identified in NRS 709.110;

(q) The portion of the net profits of the grantee of a franchise identified in NRS 709.230;
(r) The portion of the net profits of the grantee of a franchise identified in NRS 709.270; and

(s) The direct legislative appropriation from the State General Fund required by subsection 3.

3. In addition to money from any other source provided by law, support for the State Education Fund must be provided by direct legislative appropriation from the State General Fund in an amount determined by the Legislature to be sufficient to fund the operation of the public schools in this State for kindergarten through grade 12 for the next ensuing biennium for the population reasonably estimated for that biennium. Money in the State Education Fund does not revert to the State General Fund at the end of a fiscal year, and the balance in the State Education Fund must be carried forward to the next fiscal year.

4. Money in the Fund must be paid out on claims as other claims against the State are paid.

5. The Superintendent of Public Instruction may create one or more accounts in the State Education Fund for the purpose of administering any money received from the Federal Government for the support of education and any State money required to be administered separately to satisfy any requirement imposed by the Federal Government. The money in any such account must not be considered when calculating the statewide base per pupil funding amount or appropriating money from the State Education Fund pursuant to NRS 387.1214. The interest and income earned on the money in any such account, after deducting any applicable charges, must be credited to the account.

Sec. 44. NRS 453.316 is hereby amended to read as follows:

453.316  1. A person who opens or maintains any place for the purpose of unlawfully selling, giving away or using any controlled substance is guilty of a category C felony and shall be punished as provided in NRS 193.130.

2. If a person convicted of violating this section has previously been convicted of violating this section, or if, in the case of a first conviction of violating this section, the person has been convicted of an offense under the laws of the United States or any state, territory or district which, if committed in this State, would amount to a felony under this section, the person is guilty of a category B felony and shall be punished by imprisonment in the state prison for a minimum term of not less than 1 year and a maximum term of not more than 6 years, and may be further punished by a fine of not more than $10,000.

3. This section does not apply to:

(a) Any rehabilitation clinic established or licensed by the Division of Public and Behavioral Health of the Department.

(b) A cannabis event organizer, as defined in section 2 of this act, that holds a temporary cannabis event, as defined in section 8 of this act, and whose activities are confined to those authorized in title 56 of NRS.
(c) A portable cannabis vendor, as defined in section 1 of this act, that holds a portable cannabis vendor event, as defined in section 5 of this act, and whose activities are confined to those authorized in title 56 of NRS.

Sec. 45. 1. This section becomes effective upon passage and approval.

2. Sections 1 to 44, inclusive, of this act become effective:
(a) 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
(b) On July 1, 2022, for all other purposes.

Assemblywoman Cohen moved the adoption of the amendment.
Remarks by Assemblywoman Cohen.
Amendment adopted.
Bill ordered reprinted, engrossed and to third reading.

MOTIONS, RESOLUTIONS AND NOTICES

Assemblywoman Carlton moved that upon return from the printer, Assembly Bill No. 322 be rereferred to the Committee on Ways and Means.
Motion carried.

GENERAL FILE AND THIRD READING

Assembly Bill No. 326.
Bill read third time.
The following amendment was proposed by Assemblyman Roberts:
Amendment No. 472.
AN ACT relating to cannabis; authorizing a district attorney or city attorney to bring a civil action against a person for engaging in certain activities relating to cannabis without a license or registration card issued by the Cannabis Compliance Board; requiring the Board to adopt regulations relating to a cannabis establishment that is subject to a receivership; authorizing the Board to adopt regulations governing the transfer of licenses which give a priority in processing such transfers to certain types of transfers; requiring advertising by a cannabis establishment to include the name and license number or other unique identifier of the cannabis establishment; and providing other matters properly relating thereto.

Legislative Counsel’s Digest:
Existing law prohibits a person from possessing, delivering or producing marijuana or paraphernalia, or aiding and abetting another in doing so, but creates an exemption from state prosecution for such crimes in certain circumstances for persons who are at least 21 years of age or hold a registry identification card, letter of approval, cannabis establishment agent registration card, adult-use cannabis establishment license or medical cannabis establishment license. A person who engages in activities relating to cannabis for which a license or registration card is required without the appropriate...
license or registration card does not qualify for such an exemption and is therefore subject to prosecution for such crimes. (NRS 453.316, 453.321, 453.336, 453.337, 453.339, 453.3393, 678C.200, 678D.200) Existing law additionally prohibits a person from engaging in the business of a medical cannabis establishment or adult-use cannabis establishment without a license issued by the Cannabis Compliance Board. (NRS 678B.210, 678B.250) If a licensee has violated the provisions of law relating to the regulation of cannabis, the Board may impose certain penalties, including the revocation of the license of the licensee and the imposition of a civil penalty. (NRS 678A.600) **Section 1.5** of this bill provides that if a person engages in certain activities relating to cannabis without a license or registration card issued by the Board in violation of the provisions of existing law governing the regulation of cannabis, the district attorney or city attorney for the jurisdiction in which the violation occurred is authorized to bring an action against the person to recover a civil penalty of not more $50,000 for each violation. **Section 1.5** also authorizes a district attorney or city attorney to bring an action to enjoin such violations.

**Section 1.7** of this bill requires the Board to adopt regulations prescribing procedures and requirements by which a person who has been appointed by a court as a receiver may take possession of, manage the operations of and take any other action authorized by the court with respect to a cannabis establishment subject to a receivership. **Section 1.7** requires such regulations to: (1) set forth the qualifications for such a receiver; (2) prescribe procedures and requirements for certain actions taken by a receiver; and (3) require a receiver to obtain a cannabis establishment agent registration card and comply with all other applicable laws.

Existing law requires the Board to adopt regulations prescribing procedures and requirements by which the holder of a license issued by the Board may transfer the license to another qualified person. (NRS 678B.380) **Section 1.9** of this bill authorizes such regulations to give priority in the processing of such a transfer to transfers in which the transferor is: (1) subject to a receivership; (2) involved in a recapitalization; or (3) a party to a court proceeding involving financial distress.

Under existing law, certain activities concerning advertising by a cannabis establishment are prohibited or required, such as prohibiting a cannabis establishment from engaging in advertising which contains a statement or illustration that is false or misleading and requiring advertising to contain a warning that cannabis is for use only by adults who are 21 years of age or older. (NRS 678B.520) **Section 2** of this bill requires that all advertising by a cannabis establishment contain: (1) the name of the cannabis establishment; and (2) the adult-use cannabis establishment license number or other unique identifier or the medical cannabis establishment license number or other unique identifier of the cannabis establishment.
THE PEOPLE OF THE STATE OF NEVADA, REPRESENTED IN
SENATE AND ASSEMBLY, DO ENACT AS FOLLOWS:

Section 1.  (Deleted by amendment.)
Sec. 1.5.  Chapter 678A of NRS is hereby amended by adding thereto a new section to read as follows:

1. A person who does not hold a license and who, in violation of the provisions of this title:
   (a) Cultivates, delivers, transfers, supplies or sells cannabis; or
   (b) Manufactures, delivers, transfers, supplies or sells cannabis products,

is liable for a civil penalty of not more than $50,000 to be recovered in an action brought by the district attorney or city attorney for the jurisdiction in which the violation occurred. Any civil penalty collected by a district attorney or city attorney pursuant to this section must be deposited in the county or city treasury, as applicable.

2. The district attorney or city attorney of any county or city, respectively, in which a person engages in any of the conduct described in subsection 1 in violation of the provisions of this title may bring an action to enjoin the violation.

Sec. 1.7.  Chapter 678B of NRS is hereby amended by adding thereto a new section to read as follows:

The Board shall adopt regulations which prescribe procedures and requirements by which a receiver appointed by a court may take possession of, manage the operations of and take any other action authorized by a court with respect to a cannabis establishment subject to a receivership. Such regulations must, without limitation:

1. Set forth the required qualifications for such a receiver, which must include, without limitation, requiring that the receiver have:
   (a) Experience in or knowledge of the cannabis industry;
   (b) Experience as a receiver appointed by a court;
   (c) The knowledge and skills necessary to make reasonable financial decisions with respect to the finances of a cannabis establishment subject to a receivership; and
   (d) Adequate financial capacity to fulfill the duties of a receiver;

2. Prescribe procedures and requirements for the management, liquidation, sale or transfer of a cannabis establishment subject to a receivership by such a receiver, including, without limitation, procedures and requirements for the transfer of a license by a receiver in accordance with the regulations adopted pursuant to NRS 678B.380; and

3. Require such a receiver to:
   (a) Obtain a cannabis establishment agent registration card; and
   (b) Comply with all applicable provisions of this title and the regulations adopted pursuant thereto.

Sec. 1.9.  NRS 678B.380 is hereby amended to read as follows:
678B.380 1. Except as otherwise provided by regulations adopted by the Board pursuant to subsection 2, the following are nontransferable:
(a) A cannabis establishment agent registration card.
(b) A cannabis establishment agent registration card for a cannabis executive.
(c) A medical cannabis establishment license.
(d) An adult-use cannabis establishment license.
2. The Board shall adopt regulations which prescribe procedures and requirements by which a holder of a license may transfer the license to another party who is qualified to hold such a license pursuant to the provisions of this chapter. Such regulations may give priority in the processing of transfers of licenses to a transfer in which the transferor is:
   (a) Subject to a receivership;
   (b) Involved in a recapitalization; or
   (c) A party to a court proceeding involving financial distress.

Sec. 2. NRS 678B.520 is hereby amended to read as follows:
678B.520 1. Each cannabis establishment shall, in consultation with the Board, cooperate to ensure that all cannabis products offered for sale:
(a) Are labeled clearly and unambiguously:
   (1) As cannabis or medical cannabis with the words “THIS IS A MEDICAL CANNABIS PRODUCT” or “THIS IS A CANNABIS PRODUCT,” as applicable, in bold type; and
   (2) As required by the provisions of this chapter and chapters 678C and 678D of NRS.
(b) Are not presented in packaging that contains an image of a cartoon character, mascot, action figure, balloon or toy, except that such an item may appear in the logo of the cannabis production facility which produced the product.
(c) Are regulated and sold on the basis of the concentration of THC in the products and not by weight.
(d) Are packaged and labeled in such a manner as to allow tracking by way of an inventory control system.
(e) Are not packaged and labeled in a manner which is modeled after a brand of products primarily consumed by or marketed to children.
(f) Are labeled in a manner which indicates the amount of THC in the product, measured in milligrams, and includes a statement that the product contains cannabis and its potency was tested with an allowable variance of the amount determined by the Board by regulation.
(g) Are not labeled or marketed as candy.
2. A cannabis production facility shall not produce cannabis products in any form that:
(a) Is or appears to be a lollipop.
(b) Bears the likeness or contains characteristics of a real or fictional person, animal or fruit, including, without limitation, a caricature, cartoon or artistic rendering.
(c) Is modeled after a brand of products primarily consumed by or marketed to children.
(d) Is made by applying concentrated cannabis, as defined in NRS 453.042, to a commercially available candy or snack food item other than dried fruit, nuts or granola.

3. A cannabis production facility shall:
   (a) Seal any cannabis product that consists of cookies or brownies in a bag or other container which is not transparent.
   (b) Affix a label to each cannabis product which includes without limitation, in a manner which must not mislead consumers, the following information:
      (1) The words “Keep out of reach of children”;
      (2) A list of all ingredients used in the cannabis product;
      (3) A list of all allergens in the cannabis product; and
      (4) The total content of THC measured in milligrams.
   (c) Maintain a hand washing area with hot water, soap and disposable towels which is located away from any area in which cannabis products are cooked or otherwise prepared.
   (d) Require each person who handles cannabis products to restrain his or her hair, wear clean clothing and keep his or her fingernails neatly trimmed.
   (e) Package all cannabis products produced by the cannabis production facility on the premises of the cannabis production facility.

4. A cannabis establishment shall not engage in advertising that in any way makes cannabis or cannabis products appeal to children, including, without limitation, advertising which uses an image of a cartoon character, mascot, action figure, balloon, fruit or toy.

5. Each cannabis sales facility shall offer for sale containers for the storage of cannabis and cannabis products which lock and are designed to prohibit children from unlocking and opening the container.

6. A cannabis sales facility shall:
   (a) Include a written notification with each sale of cannabis or cannabis products which advises the purchaser:
      (1) To keep cannabis and cannabis products out of the reach of children;
      (2) That cannabis products can cause severe illness in children;
      (3) That allowing children to ingest cannabis or cannabis products or storing cannabis or cannabis products in a location which is accessible to children may result in an investigation by an agency which provides child welfare services or criminal prosecution for child abuse or neglect;
      (4) That the intoxicating effects of edible cannabis products may be delayed by 2 hours or more and users of edible cannabis products should initially ingest a small amount of the product, then wait at least 120 minutes before ingesting any additional amount of the product;
      (5) That pregnant women should consult with a physician before ingesting cannabis or cannabis products;
(6) That ingesting cannabis or cannabis products with alcohol or other drugs, including prescription medication, may result in unpredictable levels of impairment and that a person should consult with a physician before doing so;

(7) That cannabis or cannabis products can impair concentration, coordination and judgment and a person should not operate a motor vehicle while under the influence of cannabis or cannabis products; and

(8) That ingestion of any amount of cannabis or cannabis products before driving may result in criminal prosecution for driving under the influence.

(b) Enclose all cannabis and cannabis products in opaque, child-resistant packaging upon sale.

7. A cannabis sales facility shall allow any person who is at least 21 years of age to enter the premises of the cannabis sales facility.

8. If the health authority, as defined in NRS 446.050, where a cannabis production facility or cannabis sales facility which sells edible cannabis products is located requires persons who handle food at a food establishment to obtain certification, the cannabis production facility or cannabis sales facility shall ensure that at least one employee maintains such certification.

9. A cannabis production facility may sell a commodity or product made using hemp, as defined in NRS 557.160, or containing cannabidiol to a cannabis sales facility.

10. In addition to any other product authorized by the provisions of this title, a cannabis sales facility may sell:

(a) Any commodity or product made using hemp, as defined in NRS 557.160;

(b) Any commodity or product containing cannabidiol with a THC concentration of not more than 0.3 percent; and

(c) Any other product specified by regulation of the Board.

11. A cannabis establishment:

(a) Shall not engage in advertising which contains any statement or illustration that:

1. Is false or misleading;

2. Promotes overconsumption of cannabis or cannabis products;

3. Depicts the actual consumption of cannabis or cannabis products; or

4. Depicts a child or other person who is less than 21 years of age consuming cannabis or cannabis products or objects suggesting the presence of a child, including, without limitation, toys, characters or cartoons, or contains any other depiction which is designed in any manner to be appealing to or encourage consumption of cannabis or cannabis products by a person who is less than 21 years of age.

(b) Shall not advertise in any publication or on radio, television or any other medium if 30 percent or more of the audience of that medium is reasonably expected to be persons who are less than 21 years of age.

(c) Shall not place an advertisement:

1. Within 1,000 feet of a public or private school, playground, public park or library, but may maintain such an advertisement if it was initially
placed before the school, playground, public park or library was located within
1,000 feet of the location of the advertisement;
(2) On or inside of a motor vehicle used for public transportation or any
shelter for public transportation;
(3) At a sports event to which persons who are less than 21 years of age
are allowed entry; or
(4) At an entertainment event if it is reasonably estimated that 30 percent
or more of the persons who will attend that event are less than 21 years of age.
(d) Shall not advertise or offer any cannabis or cannabis product as “free”
or “donated” without a purchase.
(e) Shall ensure that all advertising by the cannabis establishment contains
such warnings as may be prescribed by the Board, which must include, without
limitation, the following words:
(1) “Keep out of reach of children”; and
(2) “For use only by adults 21 years of age and older.”
(f) Shall ensure that all advertising by the cannabis establishment contains:
(1) The name of the cannabis establishment; and
(2) The adult-use cannabis establishment license number or medical
establishment license number of the cannabis establishment or any
other unique identifier assigned to the cannabis establishment by the Board.
12. Nothing in subsection 11 shall be construed to prohibit a local
government, pursuant to chapter 244, 268 or 278 of NRS, from adopting an
ordinance for the regulation of advertising relating to cannabis which is more
restrictive than the provisions of subsection 11 relating to:
(a) The number, location and size of signs, including, without limitation,
any signs carried or displayed by a natural person;
(b) Handbills, pamphlets, cards or other types of advertisements that are
distributed, excluding an advertisement placed in a newspaper of general
circulation, trade publication or other form of print media;
(c) Any stationary or moving display that is located on or near the premises
of a cannabis establishment; and
(d) The content of any advertisement used by a cannabis establishment if
the ordinance sets forth specific prohibited content for such an advertisement.
13. If a cannabis establishment engages in advertising for which it is
required to determine the percentage of persons who are less than 21 years of
age and who may reasonably be expected to view or hear the advertisement,
the cannabis establishment shall maintain documentation for not less than 5
years after the date on which the advertisement is first broadcasted, published
or otherwise displayed that demonstrates the manner in which the cannabis
establishment determined the reasonably expected age of the audience for that
advertisement.
14. In addition to any other penalties provided for by law, the Board may
impose a civil penalty upon a cannabis establishment that violates the
provisions of subsection 11 or 13 as follows:
(a) For the first violation in the immediately preceding 2 years, a civil penalty not to exceed $1,250.
(b) For the second violation in the immediately preceding 2 years, a civil penalty not to exceed $2,500.
(c) For the third violation in the immediately preceding 2 years, a civil penalty not to exceed $5,000.
(d) For the fourth violation in the immediately preceding 2 years, a civil penalty not to exceed $10,000.

15. As used in this section, “motor vehicle used for public transportation” does not include a taxicab, as defined in NRS 706.124.

Sec. 3. This act becomes effective on July 1, 2021.

Assemblyman Roberts moved the adoption of the amendment.
Remarks by Assemblyman Roberts.
Amendment adopted.
Bill ordered reprinted, reengrossed and to third reading.

Assembly Bill No. 341.
Bill read third time.
The following amendment was proposed by the Committee on Judiciary:
Amendment No. 322.
AN ACT relating to cannabis; providing for the licensure and regulation by the Cannabis Compliance Board of cannabis consumption lounges; setting forth certain requirements for the licensure of cannabis consumption lounges; setting forth certain requirements for the operation of retail cannabis consumption lounges and independent cannabis consumption lounges; requiring the Board to adopt regulations establishing certain fees; revising provisions relating to certain cannabis products; revising provisions relating to the consumption of cannabis in a public place; establishing provisions relating to the civil liability of a person who serves, sells or furnishes cannabis or cannabis products to another person; revising provisions relating to the excise tax on retail sales of cannabis and cannabis products; exempting a cannabis consumption lounge from certain provisions prohibiting a person from maintaining a place for the purpose of unlawfully selling, giving away or using any controlled substance; and providing other matters properly relating thereto.

Legislative Counsel’s Digest:
Existing law provides for the licensure and regulation of persons and establishments in the cannabis industry in this State by the Cannabis Compliance Board. (Title 56 of NRS) Under existing law, a cannabis establishment is prohibited from allowing a person to consume cannabis on the property or premises of the establishment. (NRS 678B.510) Existing law also makes it a misdemeanor to consume cannabis or a cannabis product in a public place, in an adult-use cannabis retail store or in a vehicle. (NRS 678D.310) This bill provides for the licensure and regulation by the Board of certain businesses at which the consumption of certain cannabis and cannabis
products is allowed. **Section 2** of this bill designates such businesses generally as “cannabis consumption lounges.”

**Sections 3 and 5** of this bill designate two types of cannabis consumption lounges. **Section 5** of this bill defines “retail cannabis consumption lounge” to mean a business at which the consumption of single-use or ready-to-consume cannabis products is allowed and which is attached or immediately adjacent to an adult-use cannabis retail store. **Section 3** of this bill defines “independent cannabis consumption lounge” to mean a business at which the consumption of single-use or ready-to-consume cannabis products is allowed and which is not attached or immediately adjacent to an adult-use cannabis retail store.

**Section 5.5** of this bill defines “single-use cannabis product” to generally mean a type of cannabis or adult-use cannabis product that the Board has determined to be appropriate for consumption in a cannabis consumption lounge. **Section 4** of this bill defines “ready-to-consume cannabis product” to mean an adult-use edible cannabis product that is presented as a foodstuff or beverage and is intended for immediate consumption. **Section 28** of this bill requires the Board to adopt regulations designating types of cannabis and cannabis products as single-use cannabis products and establishing requirements for the preparation and sale of ready-to-consume cannabis products. **Sections 19 and 30** of this bill provide that certain requirements for cannabis products established under existing law do not apply to ready-to-consume cannabis products to the extent that such requirements are inconsistent with the regulations adopted by the Board.

Existing law prohibits a person from engaging in the business of an adult-use cannabis establishment unless the person has been issued an adult-use cannabis establishment license by the Board. Existing law sets forth certain requirements to obtain such a license. (NRS 678B.250) **Section 7** of this bill includes a retail cannabis consumption lounge and an independent cannabis consumption lounge within the definition of “adult-use cannabis establishment” provided under existing law, thereby requiring persons who wish to operate such establishments to obtain an adult-use cannabis establishment license in the manner provided in existing law. (NRS 678A.035)

**Sections 13.5 and 14** of this bill prohibit a cannabis establishment, including a cannabis consumption lounge, from being located on the property of an airport. **Section 10** of this bill prohibits the Board from issuing an adult-use cannabis establishment license for a retail cannabis consumption lounge unless: (1) the applicant holds an adult-use cannabis establishment license for an adult-use cannabis retail store; and (2) the location of the proposed retail cannabis consumption lounge is attached or immediately adjacent to the adult-use cannabis retail store. **Sections 10 and 14** of this bill exempt a proposed retail cannabis consumption lounge from certain restrictions relating to the location of an adult-use cannabis establishment under certain circumstances.
Section 11 of this bill requires the Board to adopt regulations establishing criteria to determine whether an applicant for the issuance or renewal of an adult-use cannabis establishment license for a retail cannabis consumption lounge or an independent cannabis consumption lounge qualifies as a social equity applicant, which is defined by Section 9 of this bill generally as an applicant that has been adversely affected by previous laws that criminalized activity relating to cannabis. Section 12 of this bill requires the Board to adopt regulations establishing criteria of merit and scoring guidelines to be used in evaluating applications for such licenses and requires the Board to give an additional positive weight to social equity applicants. Section 12.5 of this bill sets forth certain requirements for the issuance of adult-use cannabis establishment licenses for retail cannabis consumption lounges and independent cannabis consumption lounges in a local governmental jurisdiction that limits the number of business licenses issued to cannabis consumption lounges, which include, among other requirements, that a certain number of adult-use cannabis establishment licenses for independent cannabis consumption lounges be issued to social equity applicants.

Existing law prohibits the Board from issuing more than a certain number of adult-use cannabis establishment licenses to any one person, group or entity in certain counties. (NRS 678B.270) Section 15 of this bill provides that this prohibition does not apply to adult-use cannabis establishment licenses for retail cannabis consumption lounges or independent cannabis consumption lounges. Instead, Section 12.7 of this bill generally prohibits the Board from issuing more than one such license to any person, group of persons or entity in any county. Section 12.7 provides an exception to this prohibition for certain transfers of such licenses.

Existing law requires the Board to adopt regulations regarding the transfer of licenses issued by the Board. (NRS 678B.380) Section 16.5 of this bill requires those regulations to impose certain requirements and restrictions on the transfer an adult-use cannabis establishment license for an independent cannabis consumption lounge for a holder who is a social equity applicant.

Sections 22 and 24 of this bill set forth certain requirements and restrictions relating to the operation of a cannabis consumption lounge. Section 24 prohibits, among other things, the consumption of any cannabis or cannabis product at a cannabis consumption lounge that is not a single-
use cannabis product or ready-to-consume cannabis product. Section 23 of this bill authorizes a cannabis consumption lounge to engage in certain activities. Section 20 of this bill requires the Board to adopt certain regulations concerning cannabis consumption lounges.

Section 25 of this bill authorizes a retail cannabis consumption lounge to obtain single-use cannabis [or cannabis] products from the adult-use cannabis retail store to which the lounge is attached or adjacent and sell such products to customers of the lounge. Section 25 also authorizes a retail cannabis consumption lounge to prepare and sell ready-to-consume cannabis products.

Section 4 of this bill defines "ready-to-consume cannabis product" to mean an adult-use edible cannabis product that is presented as a foodstuff or beverage and is intended for immediate consumption. Section 28 of this bill requires the Board to adopt regulations establishing requirements for the preparation and sale of such products. Sections 19 and 20 of this bill provide that certain requirements for cannabis products established under existing law do not apply to ready-to-consume cannabis products to the extent that such requirements are inconsistent with the regulations adopted by the Board.

Section 26 of this bill requires an independent cannabis consumption lounge to allow single-use cannabis [or cannabis] products to be delivered to a customer in the lounge. Section 26 also prohibits, with certain exceptions, an independent cannabis consumption lounge from acquiring or selling cannabis or cannabis products. Section 27 of this bill authorizes an independent cannabis consumption lounge to submit a request to the Board for an endorsement to sell single-use and ready-to-consume cannabis [or cannabis] products to customers of the lounge. If the Board approves such a request, section 27 authorizes the independent cannabis consumption lounge to: (1) enter into a contract with one or more adult-use cannabis retail stores to obtain single-use cannabis products for resale and cannabis or cannabis products for use in the preparation of ready-to-consume cannabis products; (2) sell single-use cannabis [or cannabis] products to customers of the lounge; and (3) prepare and sell ready-to-consume cannabis products to customers of the lounge.

Section 30.5 of this bill establishes provisions relating to the civil liability of a person who serves, sells or furnishes cannabis or a cannabis product to another person for damages caused as a result of the consumption of the cannabis or cannabis product, which are based on similar provisions of existing law concerning alcoholic beverages. (NRS 41.1305)

Existing law imposes an excise tax on each retail sale of cannabis or cannabis products by an adult-use cannabis retail store. (NRS 372A.290) Section 34 of this bill applies this excise tax to retail sales of cannabis and cannabis products by a cannabis consumption lounge. Sections 31 and 33 of this bill make conforming changes to reflect the imposition of the excise tax on such sales.
Sections 18 and 29 of this bill revise provisions of existing law prohibiting the consumption of cannabis and cannabis products in a public place or in a cannabis establishment for the purpose of authorizing a person to engage in such activities in a cannabis consumption lounge. (NRS 678B.510, 678D.310)

Existing law prohibits a person from opening or maintaining a place for the purpose of unlawfully selling, giving away or using any controlled substance. (NRS 453.316) Section 36 of this bill exempts a cannabis consumption lounge whose activities are confined to those authorized under the provisions of this bill from the application of this provision.

Section 36.5 of this bill requires the Board, on or before January 1, 2023, to submit to the Legislature a report containing certain information regarding the effect of certain violations of the Nevada Unfair Trade Practice Act on independent cannabis consumption lounges.

Sections 2-5 and 9 of this bill define words and terms applicable to the provisions of this bill. Sections 6 and 32 of this bill make conforming changes to properly place new language in the Nevada Revised Statutes. Section 35 of this bill makes a conforming change to reflect the addition of the provisions of section 17.

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

Section 1. Chapter 678A of NRS is hereby amended by adding thereto the provisions set forth as sections 2 to 5.5, inclusive, of this act.

Sec. 2. “Cannabis consumption lounge” means:
1. A retail cannabis consumption lounge; or
2. An independent cannabis consumption lounge.

Sec. 3. “Independent cannabis consumption lounge” means a business that:
1. Is licensed by the Board pursuant to NRS 678B.250; and
2. Is not attached or immediately adjacent to an adult-use cannabis retail store; and
3. Allows single-use cannabis products or ready-to-consume cannabis products to be consumed on the premises of the business by persons 21 years of age or older.

Sec. 4. “Ready-to-consume cannabis product” means an adult-use edible cannabis product that is:
1. Prepared on the premises of a cannabis consumption lounge; and
2. Presented in the form of a foodstuff or beverage;
3. Sold in a heated or unheated state; and
4. Intended for immediate consumption.

Sec. 5. “Retail cannabis consumption lounge” means a business that:
1. Is licensed by the Board pursuant to NRS 678B.250; and
2. Is attached or immediately adjacent to an adult-use cannabis retail store; and
3. Allows single-use cannabis products or ready-to-consume cannabis products to be consumed on the premises of the business by persons 21 years of age or older.

Sec. 5.5. “Single-use cannabis product” means a type of cannabis or adult-use cannabis product, other than a ready-to-consume cannabis product, that the Board has determined to be appropriate for consumption in a cannabis consumption lounge pursuant to section 28 of this act.

Sec. 6. NRS 678A.010 is hereby amended to read as follows:

678A.010 As used in this title, unless the context otherwise requires, the words and terms defined in NRS 678A.020 to 678A.240, inclusive, and sections 2 to 5.5, inclusive, of this act have the meanings ascribed to them in those sections.

Sec. 7. NRS 678A.035 is hereby amended to read as follows:

678A.035 “Adult-use cannabis establishment” means:
1. An adult-use cannabis independent testing laboratory;
2. An adult-use cannabis cultivation facility;
3. An adult-use cannabis production facility;
4. An adult-use cannabis retail store;
5. An adult-use cannabis distributor;
6. A retail cannabis consumption lounge; or
7. An independent cannabis consumption lounge.

Sec. 8. Chapter 678B of NRS is hereby amended by adding thereto the provisions set forth as sections 9 to 12, inclusive, of this act.

Sec. 9. “Social equity applicant” means an applicant for the issuance or renewal of an adult-use cannabis establishment license for a retail cannabis consumption lounge or an independent cannabis consumption lounge who has been adversely affected by provisions of previous laws which criminalized activity relating to cannabis, including, as determined by the Board in accordance with the regulations adopted pursuant to section 11 of this act. Such adverse effects may include, without limitation, adverse effects on an owner or officer of the applicant or on the geographic area in which the applicant will operate.

Sec. 10. 1. The Board shall not issue an adult-use cannabis establishment license for a retail cannabis consumption lounge pursuant to NRS 678B.250 unless:
(a) The applicant holds an adult-use cannabis establishment license for an adult-use cannabis retail store; and
(b) The location of the proposed retail cannabis consumption lounge is attached or immediately adjacent to the adult-use cannabis retail store for which the applicant holds an adult-use cannabis establishment license.

2. The location of a proposed retail cannabis consumption lounge is not subject to the restrictions set forth in sub-subparagraph (II) of subparagraph (2) of paragraph (a) of subsection 3 of NRS 678B.250 so long as the adult-use cannabis retail store to which the proposed retail cannabis consumption lounge is to be attached or immediately adjacent was in compliance with
such requirements at the time it was issued an adult-use cannabis establishment license and must not be on the property of an airport.

Sec. 11. 1. The Board shall adopt regulations establishing criteria to be used by the Board for determining whether an applicant for the issuance or renewal of an adult-use cannabis establishment license for a retail cannabis consumption lounge or an independent cannabis consumption lounge qualifies as a social equity applicant for the purposes of NRS 678B.250 and section 12 of this chapter and section 27 of this act.

2. The regulations adopted pursuant to subsection 1 must establish the minimum percentage of ownership in a proposed independent cannabis consumption lounge which will be held by a person or group of persons who have been adversely affected by provisions of previous laws which criminalized activity relating to cannabis for the applicant to qualify as a social equity applicant.

Sec. 12. 1. The Board shall adopt regulations establishing criteria of merit and scoring guidelines to be used by the Board in evaluating applications for the issuance of an adult-use cannabis establishment license for a retail cannabis consumption lounge or an independent cannabis consumption lounge pursuant to NRS 678B.250.

2. In determining whether to issue an adult-use cannabis establishment license for a retail cannabis consumption lounge or an independent cannabis consumption lounge pursuant to NRS 678B.250, the Board shall, in addition to the factors set forth in that section, consider the criteria of merit and scoring guidelines established pursuant to subsection 1.

3. The criteria of merit established pursuant to subsection 1 must include, without limitation:
   (a) Establish a minimum required score for the issuance of an adult-use cannabis establishment license for a retail cannabis consumption lounge or an independent cannabis consumption lounge;
   (b) Provide an additional positive weight to

4. The criteria of merit established pursuant to subsection 1 must include, without limitation:
   (a) The diversity on the basis of race, ethnicity or gender of the applicant or the persons who are proposed to be owners or officers of the proposed retail cannabis consumption lounge or independent cannabis consumption lounge;
   (b) Whether the applicant qualifies as a social equity applicant, if applicable; and
   (c) Any other criteria of merit that the Board determines to be relevant.

Sec. 12.3. The Board shall give priority to a social equity applicant when processing applications for an adult-use cannabis establishment license for an independent cannabis consumption lounge and in the issuance of such a license.

Sec. 12.5. 1. The board shall, for each local governmental jurisdiction that limits the number of business licenses which may be issued to cannabis
consumption lounges, determine the number of licenses allocated to the jurisdiction for retail cannabis consumption lounges and independent cannabis consumption lounges.

2. Not more than 50 percent of the licenses allocated by the Board pursuant to subsection 1 may be issued to retail cannabis consumption lounges.

3. Except as otherwise provided in this subsection, at least 50 percent of the licenses allocated to a local governmental jurisdiction pursuant to subsection 1 must be issued to social equity applicants. If there are an insufficient number of social equity applicants to distribute licenses in that manner, the local governmental jurisdiction shall issue business licenses to all qualified social equity applicants and hold the remaining business licenses in reserve for future issuance to social equity applicants.

4. If the number of qualified applicants in a local governmental jurisdiction exceeds the number of licenses allocated to that jurisdiction pursuant to subsection 1, the Board shall issue adult-use cannabis establishment licenses for retail cannabis consumption lounges and independent cannabis consumption lounges in the local governmental jurisdiction to qualified applicants who are not social equity applicants using a separate lottery system for each type of license.

5. As used in this section, “local governmental jurisdiction” means a city or unincorporated area within a county.

Sec. 12.7. 1. Except as otherwise provided in subsection 2, the Board shall not issue:

(a) More than one adult-use cannabis establishment license for an independent cannabis consumption lounge to a person, group or entity;

(b) More than one adult-use cannabis establishment license for a retail cannabis consumption lounge to a person, group or entity; or

(c) Both an adult-use cannabis establishment license for a retail cannabis consumption lounge and an adult-use cannabis establishment license for an independent cannabis consumption lounge to a person, group or entity.

2. The Board may approve a transfer of an adult-use cannabis establishment license for a retail cannabis consumption lounge or an independent cannabis consumption lounge to a person, group of persons or entity that acquires a 100 percent ownership interest in a cannabis consumption lounge in a county in which the person, group or entity holds another such license, if the transfer:

(a) Complies with all requirements for the transfer of a license established by the Board pursuant to NRS 678B.380; and

(b) Will not result in the person, group or entity holding:

(1) Two or more adult-use cannabis establishment licenses for a retail cannabis consumption lounge;

(2) Two or more adult-use cannabis establishment licenses for an independent cannabis lounge; or

(3) Both:
(I) An adult-use cannabis establishment license for a retail cannabis consumption lounge and an adult-use cannabis establishment license for an independent cannabis consumption lounge; and

(II) Any additional adult-use cannabis establishment license for a retail cannabis consumption lounge or an independent cannabis consumption lounge.

3. A person, group of persons or entity that sells a 100 percent ownership interest in a cannabis consumption lounge may not subsequently apply for an adult-use cannabis establishment license for a retail cannabis consumption lounge or an independent cannabis consumption lounge for the county in which the ownership interest was sold.

Sec. 13. NRS 678B.020 is hereby amended to read as follows:

678B.020 As used in this chapter, unless the context otherwise requires, the words and terms defined in NRS 678B.030 to 678B.070, inclusive, and section 9 of this act have the meanings ascribed to them in those sections.

Sec. 13.5. NRS 678B.210 is hereby amended to read as follows:

678B.210 1. A person shall not engage in the business of a medical cannabis establishment unless the person holds a medical cannabis establishment license issued by the Board pursuant to this section.

2. A person who wishes to engage in the business of a medical cannabis establishment must submit to the Board an application on a form prescribed by the Board.

3. Except as otherwise provided in NRS 678B.220, 678B.230 and 678B.240, not later than 90 days after receiving an application to engage in the business of a medical cannabis establishment, the Board shall register the medical cannabis establishment and issue a medical cannabis establishment license and a random 20-digit alphanumeric identification number if:

(a) The person who wishes to operate the proposed medical cannabis establishment has submitted to the Board all of the following:

(1) The application fee, as set forth in NRS 678B.390;

(2) An application, which must include:

(I) The legal name of the proposed medical cannabis establishment;

(II) The physical address where the proposed medical cannabis establishment will be located and the physical address of any co-owned additional or otherwise associated medical cannabis establishments, the locations of which may not be on the property of an airport, within 1,000 feet of a public or private school that provides formal education traditionally associated with preschool or kindergarten through grade 12 and that existed on the date on which the application for the proposed medical cannabis establishment was submitted to the Board, within 300 feet of a community facility that existed on the date on which the application for the proposed medical cannabis establishment was submitted to the Board or, if the proposed medical cannabis establishment will be located in a county whose population is 100,000 or more, within 1,500 feet of an establishment that holds a nonrestricted gaming license described in subsection 1 or 2 of NRS 463.0177
and that existed on the date on which the application for the proposed medical cannabis establishment was submitted to the Board;

(III) Evidence that the applicant controls not less than $250,000 in liquid assets to cover the initial expenses of opening the proposed medical cannabis establishment and complying with the provisions of this title;

(IV) Evidence that the applicant owns the property on which the proposed medical cannabis establishment will be located or has the written permission of the property owner to operate the proposed medical cannabis establishment on that property;

(V) For the applicant and each person who is proposed to be an owner, officer or board member of the proposed medical cannabis establishment, a complete set of the person’s fingerprints and written permission of the person authorizing the Board to forward the fingerprints to the Central Repository for Nevada Records of Criminal History for submission to the Federal Bureau of Investigation for its report; and

(VI) The name, address and date of birth of each person who is proposed to be an owner, officer or board member of the proposed medical cannabis establishment;

(3) Operating procedures consistent with rules of the Board for oversight of the proposed medical cannabis establishment, including, without limitation:

(I) Procedures to ensure the use of adequate security measures; and

(II) The use of an electronic verification system and an inventory control system pursuant to NRS 678C.420 and 678C.430;

(4) If the proposed medical cannabis establishment will sell or deliver medical cannabis products, proposed operating procedures for handling such products which must be preapproved by the Board;

(5) If the city or county in which the proposed medical cannabis establishment will be located has enacted zoning restrictions, proof that the proposed location is in compliance with those restrictions and satisfies all applicable building requirements; and

(6) Such other information as the Board may require by regulation;

(b) None of the persons who are proposed to be owners, officers or board members of the proposed medical cannabis establishment have been convicted of an excluded felony offense;

(c) None of the persons who are proposed to be owners, officers or board members of the proposed medical cannabis establishment have:

(1) Served as an owner, officer or board member for a cannabis establishment that has had its medical cannabis establishment license or adult-use cannabis establishment license revoked;

(2) Previously had a cannabis establishment agent registration card revoked; or

(3) Previously had a cannabis establishment agent registration card for a cannabis executive revoked; and
(d) None of the persons who are proposed to be owners, officers or board members of the proposed medical cannabis establishment are under 21 years of age.

4. For each person who submits an application pursuant to this section, and each person who is proposed to be an owner, officer or board member of a proposed medical cannabis establishment, the Board shall submit the fingerprints of the person to the Central Repository for Nevada Records of Criminal History for submission to the Federal Bureau of Investigation to determine the criminal history of that person.

5. Except as otherwise provided in subsection 6, if an application for registration as a medical cannabis establishment satisfies the requirements of this section, is qualified in the determination of the Board pursuant to NRS 678B.200 and the establishment is not disqualified from being registered as a medical cannabis establishment pursuant to this section or other applicable law, the Board shall issue to the establishment a medical cannabis establishment license. A medical cannabis establishment license expires 1 year after the date of issuance and may be renewed upon:

(a) Submission of the information required by the Board by regulation; and

(b) Payment of the renewal fee set forth in NRS 678B.390.

6. In determining whether to issue a medical cannabis establishment license pursuant to this section, the Board shall consider the criteria of merit set forth in NRS 678B.240.

7. For the purposes of sub-subparagraph (II) of subparagraph (2) of paragraph (a) of subsection 3, the distance must be measured from the front door of the proposed medical cannabis establishment to the closest point of the property line of a school, community facility or gaming establishment.

8. As used in this section, “community facility” means:

(a) A facility that provides day care to children.

(b) A public park.

(c) A playground.

(d) A public swimming pool.

(e) A center or facility, the primary purpose of which is to provide recreational opportunities or services to children or adolescents.

(f) A church, synagogue or other building, structure or place used for religious worship or other religious purpose.

Sec. 14. NRS 678B.250 is hereby amended to read as follows:

678B.250 1. A person shall not engage in the business of an adult-use cannabis establishment unless the person holds an adult-use cannabis establishment license issued pursuant to this section.

2. A person who wishes to engage in the business of an adult-use cannabis establishment must submit to the Board an application on a form prescribed by the Board.

3. Except as otherwise provided in NRS 678B.260, 678B.270 and 678B.280, and sections 10, 13, 13.5 and 13.7 of this act, the Board shall issue an adult-use cannabis establishment license to an applicant if:
(a) The person who wishes to operate the proposed adult-use cannabis establishment has submitted to the Board all of the following:

1. The application fee, as set forth in NRS 678B.390;
2. An application, which must include:
   1. The legal name of the proposed adult-use cannabis establishment;
   2. The physical address where the proposed adult-use cannabis establishment will be located and the physical address of any co-owned additional or otherwise associated adult-use cannabis establishments, the locations of which may not, except as otherwise provided in section 10 of this act, be on the property of an airport, within 1,000 feet of a public or private school that provides formal education traditionally associated with preschool or kindergarten through grade 12 and that existed on the date on which the application for the proposed adult-use cannabis establishment was submitted to the Board, within 300 feet of a community facility that existed on the date on which the application for the proposed adult-use cannabis establishment was submitted to the Board or, if the proposed adult-use cannabis establishment will be located in a county whose population is 100,000 or more, within 1,500 feet of an establishment that holds a nonrestricted gaming license described in subsection 1 or 2 of NRS 463.0177 and that existed on the date on which the application for the proposed adult-use cannabis establishment was submitted to the Board;
3. Evidence that the applicant controls liquid assets in an amount determined by the Board to be sufficient to cover the initial expenses of opening the proposed adult-use cannabis establishment and complying with the provisions of this title;
4. Evidence that the applicant owns the property on which the proposed adult-use cannabis establishment will be located or has the written permission of the property owner to operate the proposed adult-use cannabis establishment on that property;
5. For the applicant and each person who is proposed to be an owner, officer or board member of the proposed adult-use cannabis establishment, a complete set of the person’s fingerprints and written permission of the person authorizing the Board to forward the fingerprints to the Central Repository for Nevada Records of Criminal History for submission to the Federal Bureau of Investigation for its report; and
6. The name, address and date of birth of each person who is proposed to be an owner, officer or board member of the proposed adult-use cannabis establishment;
3. Operating procedures consistent with rules of the Board for oversight of the proposed adult-use cannabis establishment, including, without limitation:
   1. Procedures to ensure the use of adequate security measures; and
   2. The use of an inventory control system;
(4) If the proposed adult-use cannabis establishment will sell or deliver adult-use cannabis products, proposed operating procedures for handling such products which must be preapproved by the Board; and

(5) Such other information as the Board may require by regulation;

(b) None of the persons who are proposed to be owners, officers or board members of the proposed adult-use cannabis establishment have been convicted of an excluded felony offense;

(c) None of the persons who are proposed to be owners, officers or board members of the proposed adult-use cannabis establishment have:

(1) Served as an owner, officer or board member for a cannabis establishment that has had its adult-use cannabis establishment license or medical cannabis establishment license revoked;

(2) Previously had a cannabis establishment agent registration card revoked; or

(3) Previously had a cannabis establishment agent registration card for a cannabis executive revoked; and

(d) None of the persons who are proposed to be owners, officers or board members of the proposed adult-use cannabis establishment are under 21 years of age.

4. For each person who submits an application pursuant to this section, and each person who is proposed to be an owner, officer or board member of a proposed adult-use cannabis establishment, the Board shall submit the fingerprints of the person to the Central Repository for Nevada Records of Criminal History for submission to the Federal Bureau of Investigation to determine the criminal history of that person.

5. Except as otherwise provided in subsection 6, if an applicant for licensure to operate an adult-use cannabis establishment satisfies the requirements of this section, is qualified in the determination of the Board pursuant to NRS 678B.200 and is not disqualified from being licensed pursuant to this section or other applicable law, the Board shall issue to the applicant an adult-use cannabis establishment license. An adult-use cannabis establishment license expires 1 year after the date of issuance and may be renewed upon:

(a) Submission of the information required by the Board by regulation; and

(b) Payment of the renewal fee set forth in NRS 678B.390.

6. In determining whether to issue an adult-use cannabis license pursuant to this section, the Board shall consider the criteria of merit and scoring guidelines set forth in NRS 678B.280 or section 12 of this act, as applicable.

7. For the purposes of sub-subparagraph (II) of subparagraph (2) of paragraph (a) of subsection 3, the distance must be measured from the front door of the proposed adult-use cannabis establishment to the closest point of the property line of a school, community facility or gaming establishment.

8. As used in this section, “community facility” means:

(a) A facility that provides day care to children.
(b) A public park.
(c) A playground.
(d) A public swimming pool.
(e) A center or facility, the primary purpose of which is to provide recreational opportunities or services to children or adolescents.
(f) A church, synagogue or other building, structure or place used for religious worship or other religious purpose.

Sec. 15. NRS 678B.270 is hereby amended to read as follows:

678B.270 1. Except as otherwise provided in paragraph (b) and subsection 2, this section, to prevent monopolistic practices, the Board shall ensure, in a county whose population is 100,000 or more, that it does not issue, to any one person, group of persons or entity, the greater of:

1. (a) One adult-use cannabis establishment license; or
(b) More than 10 percent of the adult-use cannabis establishment licenses otherwise allocable in the county.

2. The provisions of this section do not apply to an adult-use cannabis establishment license for a retail cannabis consumption lounge or an independent cannabis consumption lounge.

Sec. 16. NRS 678B.280 is hereby amended to read as follows:

678B.280 1. In determining whether to issue an adult-use cannabis establishment license pursuant to NRS 678B.250, other than an adult-use cannabis establishment license for a retail cannabis consumption lounge or an independent cannabis consumption lounge, the Board shall, in addition to the factors set forth in that section, consider criteria of merit established by regulation of the Board. Such criteria must include, without limitation:

(a) Whether the applicant controls liquid assets in an amount determined by the Board to be sufficient to cover the initial expenses of opening the proposed adult-use cannabis establishment and complying with the provisions of this title;
(b) Whether the owners, officers or board members of the proposed adult-use cannabis establishment have direct experience with the operation of a cannabis establishment in this State and have demonstrated a record of operating such an establishment in compliance with the laws and regulations of this State for an adequate period of time to demonstrate success;
(c) The educational and life experience of the persons who are proposed to be owners, officers or board members of the proposed adult-use cannabis establishment;
(d) Whether the applicant has an integrated plan for the care, quality and safekeeping of cannabis from seed to sale;
(e) The experience of key personnel that the applicant intends to employ in operating the type of adult-use cannabis establishment for which the applicant seeks a license;
(f) The diversity on the basis of race, ethnicity or gender of the applicant or the persons who are proposed to be owners, officers or board members of the proposed adult-use cannabis establishment, including, without limitation, the
inclusion of persons of backgrounds which are disproportionately underrepresented as owners, officers or board members of adult-use cannabis establishments; and

(g) Any other criteria of merit that the Board determines to be relevant.

2. The Board shall adopt regulations for determining the relative weight of each criteria of merit established by the Board pursuant to subsection 1.

Sec. 16.5. NRS 678B.380 is hereby amended to read as follows:

678B.380 1. Except as otherwise provided by regulations adopted by the Board pursuant to subsection 2, the following are nontransferable:

(a) A cannabis establishment agent registration card.

(b) A cannabis establishment agent registration card for a cannabis executive.

(c) A medical cannabis establishment license.

(d) An adult-use cannabis establishment license.

2. The Board shall adopt regulations which prescribe procedures and requirements by which a holder of a license, including, without limitation, the holder of an adult-use cannabis establishment license for an independent cannabis consumption lounge who is a social equity applicant, may transfer the license to another party who is qualified to hold such a license pursuant to the provisions of this chapter.

3. The regulations adopted pursuant to subsection 2 must:

   (a) Prohibit the holder of an adult-use cannabis establishment license for an independent cannabis consumption lounge who is a social equity applicant from transferring the license until at least 3 years from the date on which the license was issued;

   (b) Require the holder of an adult-use cannabis establishment license for an independent cannabis consumption lounge who is a social equity applicant and who wishes to cease operations before the holder has held the license for at least 3 years to surrender the license to the Board; and

   (c) Require the Board to hold a license surrendered pursuant to paragraph (b) in reserve for a future issuance to a social equity applicant.

Sec. 17. NRS 678B.390 is hereby amended to read as follows:

678B.390 1. Except as otherwise provided in subsection 2, the Board shall collect not more than the following maximum fees:

For the initial issuance of a medical cannabis establishment license for a medical cannabis dispensary ........................................ $30,000

For the renewal of a medical cannabis establishment license for a medical cannabis dispensary ...................................... 5,000

For the initial issuance of a medical cannabis establishment license for a medical cannabis cultivation facility .................. 5,000

For the renewal of a medical cannabis establishment license for a medical cannabis cultivation facility ..................... 3,000

For the initial issuance of a medical cannabis establishment license for a medical cannabis production facility .................. 3,000
For the renewal of a medical cannabis establishment license for a medical cannabis production facility ................................. 1,000
For the initial issuance of a medical cannabis establishment license for a medical cannabis independent testing laboratory ........................................................................................................... 5,000
For the renewal of a medical cannabis establishment license for a medical cannabis independent testing laboratory .................... 3,000
For the initial issuance of an adult-use cannabis establishment license for an adult-use cannabis retail store ........................................................................................................... 20,000
For the renewal of an adult-use cannabis establishment license for an adult-use cannabis retail store ........................................ 6,600
For the initial issuance of an adult-use cannabis establishment license for an adult-use cannabis cultivation facility .......................................................................................... 30,000
For the renewal of an adult-use cannabis establishment license for an adult-use cannabis cultivation facility ............... 10,000
For the initial issuance of an adult-use cannabis establishment license for an adult-use cannabis production facility .......................................................................................... 10,000
For the renewal of an adult-use cannabis establishment license for an adult-use cannabis production facility .................... 3,300
For the initial issuance of an adult-use cannabis establishment license for an adult-use cannabis independent testing laboratory ........................................................................ 15,000
For the renewal of an adult-use cannabis establishment license for an adult-use cannabis independent testing laboratory .......................................................................................... 5,000
For the initial issuance of an adult-use cannabis establishment license for a retail cannabis consumption lounge .................. 20,000
For the renewal of an adult-use cannabis establishment license for a retail cannabis consumption lounge .................... 10,000
For the initial issuance of an adult-use cannabis establishment license for an independent cannabis consumption lounge ........................................................................... 3,500
For an endorsement to an adult-use cannabis establishment license for an independent cannabis consumption lounge to engage in the sale of single-use cannabis products and ready-to-consume cannabis products ........................................................................... 6,500
For the renewal of an adult-use cannabis establishment license for an independent cannabis consumption lounge without an endorsement to engage in the sale of single-use cannabis products and ready-to-consume cannabis products
cannabis products ................................................................. 3,000

For the renewal of an adult-use cannabis establishment license for an independent cannabis consumption lounge with an endorsement to engage in the sale of single-use cannabis products and ready-to-consume cannabis products ................................................................. 10,000

For the initial issuance of an adult-use cannabis establishment license for an adult-use cannabis distributor ................................................................................ 15,000

For the renewal of an adult-use cannabis establishment license for an adult-use cannabis distributor ............................................. 5,000

For each person identified in an application for the initial issuance of a cannabis establishment agent registration card ............................................................................................... 150

For each person identified in an application for the renewal of a cannabis establishment agent registration card ............................. 150

2. The Board [shall] may by regulation establish reduced fees for [the]: (a) The initial issuance and renewal of [an adult-use cannabis establishment license for an adult-use cannabis distributor]; [and]
   (b) An endorsement to an adult-use cannabis establishment license for an independent cannabis consumption lounge [to engage in the sale of single-use cannabis products and ready-to-consume cannabis products]; and

3. The Board may by regulation establish reduced fees for an applicant for the initial issuance or renewal of a license specified: (c) The application fee set forth in subsection [2 that is] 3, for a social equity applicant. Such a reduction must not reduce the fee paid by a social equity applicant by more than 75 percent of the fee paid by an applicant who is not a social equity applicant.

4. Any revenue generated from the fees imposed pursuant to this section:

(a) Must be expended first to pay the costs of the Board in carrying out the provisions of this title; and

(b) If any excess revenue remains after paying the costs described in paragraph (a), such excess revenue must be paid over to the State Treasurer to be deposited to the credit of the State Education Fund.
Sec. 18. NRS 678B.510 is hereby amended to read as follows:

678B.510 1. The operating documents of a cannabis establishment must include procedures:
   (a) For the oversight of the cannabis establishment; and
   (b) To ensure accurate recordkeeping.

2. Except as otherwise provided in this subsection, a cannabis establishment:
   (a) That is a cannabis sales facility must have a single entrance for patrons, which must be secure, and shall implement strict security measures to deter and prevent the theft of cannabis and unauthorized entrance into areas containing cannabis.
   (b) That is not a cannabis sales facility must have a single secure entrance and shall implement strict security measures to deter and prevent the theft of cannabis and unauthorized entrance into areas containing cannabis.
   The provisions of this subsection do not supersede any state or local requirements relating to minimum numbers of points of entry or exit, or any state or local requirements relating to fire safety.

3. Except as otherwise provided in NRS 678D.400, all cultivation or production of cannabis that a cannabis cultivation facility carries out or causes to be carried out must take place in an enclosed, locked facility at the physical address provided to the Board during the licensing process for the cannabis cultivation facility. Such an enclosed, locked facility must be accessible only by cannabis establishment agents who are lawfully associated with the cannabis cultivation facility, except that limited access by persons necessary to perform construction or repairs or provide other labor is permissible if such persons are supervised by a cannabis establishment agent.

4. A cannabis establishment that is not a cannabis consumption lounge shall not allow any person to consume cannabis on the property or premises of the establishment.

5. Cannabis establishments are subject to reasonable inspection by the Board at any time, and a person who holds a license must make himself or herself, or a designee thereof, available and present for any inspection by the Board of the cannabis establishment.

6. Each cannabis establishment shall install a video monitoring system which must, at a minimum:
   (a) Allow for the transmission and storage, by digital or analog means, of a video feed which displays the interior and exterior of the cannabis establishment; and
   (b) Be capable of being accessed remotely by a law enforcement agency in real-time upon request.

7. A cannabis establishment shall not dispense or otherwise sell cannabis or cannabis products from a vending machine or allow such a vending machine to be installed at the interior or exterior of the premises of the cannabis establishment. As used in this subsection, “vending machine” has the meaning ascribed to it in NRS 209.229.
Sec. 19. NRS 678B.520 is hereby amended to read as follows:

678B.520 1. Each cannabis establishment shall, in consultation with the Board, cooperate to ensure that all cannabis products offered for sale:

(a) Are labeled clearly and unambiguously:

(1) As cannabis or medical cannabis with the words “THIS IS A MEDICAL CANNABIS PRODUCT” or “THIS IS A CANNABIS PRODUCT,” as applicable, in bold type; and

(2) As required by the provisions of this chapter and chapters 678C and 678D of NRS.

(b) Are not presented in packaging that contains an image of a cartoon character, mascot, action figure, balloon or toy, except that such an item may appear in the logo of the cannabis production facility which produced the product.

(c) Are regulated and sold on the basis of the concentration of THC in the products and not by weight.

(d) Are packaged and labeled in such a manner as to allow tracking by way of an inventory control system.

(e) Are not packaged and labeled in a manner which is modeled after a brand of products primarily consumed by or marketed to children.

(f) Are labeled in a manner which indicates the amount of THC in the product, measured in milligrams, and includes a statement that the product contains cannabis and its potency was tested with an allowable variance of the amount determined by the Board by regulation.

(g) Are not labeled or marketed as candy.

2. A cannabis production facility shall not produce cannabis products in any form that:

(a) Is or appears to be a lollipop.

(b) Bears the likeness or contains characteristics of a real or fictional person, animal or fruit, including, without limitation, a caricature, cartoon or artistic rendering.

(c) Is modeled after a brand of products primarily consumed by or marketed to children.

(d) Is made by applying concentrated cannabis, as defined in NRS 453.042, to a commercially available candy or snack food item other than dried fruit, nuts or granola.

3. A cannabis production facility shall:

(a) Seal any cannabis product that consists of cookies or brownies in a bag or other container which is not transparent.

(b) Affix a label to each cannabis product which includes without limitation, in a manner which must not mislead consumers, the following information:

(1) The words “Keep out of reach of children”;

(2) A list of all ingredients used in the cannabis product;

(3) A list of all allergens in the cannabis product; and

(4) The total content of THC measured in milligrams.
(c) Maintain a hand washing area with hot water, soap and disposable towels which is located away from any area in which cannabis products are cooked or otherwise prepared.
(d) Require each person who handles cannabis products to restrain his or her hair, wear clean clothing and keep his or her fingernails neatly trimmed.
(e) Package all cannabis products produced by the cannabis production facility on the premises of the cannabis production facility.

4. A cannabis establishment shall not engage in advertising that in any way makes cannabis or cannabis products appeal to children, including, without limitation, advertising which uses an image of a cartoon character, mascot, action figure, balloon, fruit or toy.

5. Each cannabis sales facility shall offer for sale containers for the storage of cannabis and cannabis products which lock and are designed to prohibit children from unlocking and opening the container.

6. A cannabis sales facility shall:
   (a) Include a written notification with each sale of cannabis or cannabis products which advises the purchaser:
       (1) To keep cannabis and cannabis products out of the reach of children;
       (2) That cannabis products can cause severe illness in children;
       (3) That allowing children to ingest cannabis or cannabis products or storing cannabis or cannabis products in a location which is accessible to children may result in an investigation by an agency which provides child welfare services or criminal prosecution for child abuse or neglect;
       (4) That the intoxicating effects of edible cannabis products may be delayed by 2 hours or more and users of edible cannabis products should initially ingest a small amount of the product, then wait at least 120 minutes before ingesting any additional amount of the product;
       (5) That pregnant women should consult with a physician before ingesting cannabis or cannabis products;
       (6) That ingesting cannabis or cannabis products with alcohol or other drugs, including prescription medication, may result in unpredictable levels of impairment and that a person should consult with a physician before doing so;
       (7) That cannabis or cannabis products can impair concentration, coordination and judgment and a person should not operate a motor vehicle while under the influence of cannabis or cannabis products; and
       (8) That ingestion of any amount of cannabis or cannabis products before driving may result in criminal prosecution for driving under the influence.
   (b) Enclose all cannabis and cannabis products in opaque, child-resistant packaging upon sale.

7. A cannabis sales facility shall allow any person who is at least 21 years of age to enter the premises of the cannabis sales facility.

8. If the health authority, as defined in NRS 446.050, where a cannabis production facility, cannabis sales facility or cannabis consumption lounge which sells edible cannabis products is located requires persons who handle food at a food establishment to obtain certification, the cannabis
A cannabis production facility may sell a commodity or product made using hemp, as defined in NRS 557.160, or containing cannabidiol to a cannabis sales facility.

9. In addition to any other product authorized by the provisions of this title, a cannabis sales facility may sell:
(a) Any commodity or product made using hemp, as defined in NRS 557.160;
(b) Any commodity or product containing cannabidiol with a THC concentration of not more than 0.3 percent; and
(c) Any other product specified by regulation of the Board.

11. A cannabis establishment:
(a) Shall not engage in advertising which contains any statement or illustration that:
   (1) Is false or misleading;
   (2) Promotes overconsumption of cannabis or cannabis products;
   (3) Depicts the actual consumption of cannabis or cannabis products; or
   (4) Depicts a child or other person who is less than 21 years of age consuming cannabis or cannabis products or objects suggesting the presence of a child, including, without limitation, toys, characters or cartoons, or contains any other depiction which is designed in any manner to be appealing to or encourage consumption of cannabis or cannabis products by a person who is less than 21 years of age.
(b) Shall not advertise in any publication or on radio, television or any other medium if 30 percent or more of the audience of that medium is reasonably expected to be persons who are less than 21 years of age.
(c) Shall not place an advertisement:
   (1) Within 1,000 feet of a public or private school, playground, public park or library, but may maintain such an advertisement if it was initially placed before the school, playground, public park or library was located within 1,000 feet of the location of the advertisement;
   (2) On or inside of a motor vehicle used for public transportation or any shelter for public transportation;
   (3) At a sports event to which persons who are less than 21 years of age are allowed entry; or
   (4) At an entertainment event if it is reasonably estimated that 30 percent or more of the persons who will attend the event are less than 21 years of age.
(d) Shall not advertise or offer any cannabis or cannabis product as “free” or “donated” without a purchase.
(e) Shall ensure that all advertising by the cannabis establishment contains such warnings as may be prescribed by the Board, which must include, without limitation, the following words:
   (1) “Keep out of reach of children”; and
   (2) “For use only by adults 21 years of age and older.”
12. Nothing in subsection 11 shall be construed to prohibit a local government, pursuant to chapter 244, 268 or 278 of NRS, from adopting an ordinance for the regulation of advertising relating to cannabis which is more restrictive than the provisions of subsection 11 relating to:
   (a) The number, location and size of signs, including, without limitation, any signs carried or displayed by a natural person;
   (b) Handbills, pamphlets, cards or other types of advertisements that are distributed, excluding an advertisement placed in a newspaper of general circulation, trade publication or other form of print media;
   (c) Any stationary or moving display that is located on or near the premises of a cannabis establishment; and
   (d) The content of any advertisement used by a cannabis establishment if the ordinance sets forth specific prohibited content for such an advertisement.

13. If a cannabis establishment engages in advertising for which it is required to determine the percentage of persons who are less than 21 years of age and who may reasonably be expected to view or hear the advertisement, the cannabis establishment shall maintain documentation for not less than 5 years after the date on which the advertisement is first broadcasted, published or otherwise displayed that demonstrates the manner in which the cannabis establishment determined the reasonably expected age of the audience for that advertisement.

14. To the extent that they are inconsistent or otherwise conflict with the regulations adopted by the Board pursuant to section 28 of this act, the requirements of this section pertaining to cannabis products do not apply to ready-to-consume cannabis products prepared and sold by a cannabis consumption lounge.

15. In addition to any other penalties provided for by law, the Board may impose a civil penalty upon a cannabis establishment that violates the provisions of subsection 11 or 13 as follows:
   (a) For the first violation in the immediately preceding 2 years, a civil penalty not to exceed $1,250.
   (b) For the second violation in the immediately preceding 2 years, a civil penalty not to exceed $2,500.
   (c) For the third violation in the immediately preceding 2 years, a civil penalty not to exceed $5,000.
   (d) For the fourth violation in the immediately preceding 2 years, a civil penalty not to exceed $10,000.

16. As used in this section, “motor vehicle used for public transportation” does not include a taxicab, as defined in NRS 706.124.

Sec. 20. NRS 678B.650 is hereby amended to read as follows:

678B.650 The Board shall adopt such regulations as it determines to be necessary or advisable to carry out the provisions of this chapter. Such regulations are in addition to any requirements set forth in statute and must, without limitation:
1. Prescribe the form and any additional required content of applications for licenses or registration cards issued pursuant to this chapter;
2. Establish procedures for the suspension or revocation of a license or registration card or other disciplinary action to be taken against a licensee or registrant;
3. Set forth rules pertaining to the safe and healthful operation of cannabis establishments, including, without limitation:
   (a) The manner of protecting against diversion and theft without imposing an undue burden on cannabis establishments or compromising the confidentiality of consumers and holders of registry identification cards and letters of approval, as those terms are defined in NRS 678C.080 and 678C.070, respectively;
   (b) Minimum requirements for the oversight of cannabis establishments;
   (c) Minimum requirements for the keeping of records by cannabis establishments;
   (d) Provisions for the security of cannabis establishments, including without limitation, requirements for the protection by a fully operational security alarm system of each cannabis establishment; and
   (e) Procedures pursuant to which cannabis establishments must use the services of cannabis independent testing laboratories to ensure that any cannabis or cannabis product or commodity or product made from hemp, as defined in NRS 557.160, sold by a cannabis sales facility to an end user is tested for content, quality and potency in accordance with standards established by the Board;
4. Establish circumstances and procedures pursuant to which the maximum fees set forth in NRS 678B.390 may be reduced over time to ensure that the fees imposed pursuant to NRS 678B.390 are, insofar as may be practicable, revenue neutral;
5. Establish different categories of cannabis establishment agent registration cards, including, without limitation, criteria for issuance of a cannabis establishment agent registration card for a cannabis executive and criteria for training and certification, for each of the different types of cannabis establishments at which such an agent may be employed or volunteer or provide labor as a cannabis establishment agent;
6. As far as possible while maintaining accountability, protect the identity and personal identifying information of each person who receives, facilitates or delivers services in accordance with this chapter;
7. Establish procedures and requirements to enable a dual licensee to operate a medical cannabis establishment and an adult-use cannabis establishment at the same location;
8. Determine whether any provision of this chapter or chapter 678C or 678D of NRS would make the operation of a cannabis establishment by a dual licensee unreasonably impracticable; and
9. Set forth rules pertaining to the safe and healthful operation of cannabis consumption lounges, including, without limitation:
(a) Standards for the air quality in a cannabis consumption lounge;
(b) Procedures and requirements for the delivery of a single-use cannabis product to a customer in an independent cannabis consumption lounge; and
(c) Procedures and requirements for the collection and disposal of cannabis and cannabis products which are left at a cannabis consumption lounge; and
(d) Requirements for the training of employees of a cannabis consumption lounge in the sale and safe consumption of single-use cannabis products and ready-to-consume cannabis products; and

10. Address such other matters as the Board deems necessary to carry out the provisions of this title.

Sec. 21. Chapter 678D of NRS is hereby amended by adding thereto the provisions set forth as sections 22 to 28, inclusive, of this act.

Sec. 22. 1. A cannabis consumption lounge shall:
(a) Require any single-use cannabis or cannabis product brought into the cannabis consumption lounge by a customer to be contained in the sealed, opaque packaging in which the single-use cannabis or cannabis product was originally sold;
(b) Require a person who wishes to bring single-use cannabis or cannabis products into the cannabis consumption lounge to, before entry, submit the each single-use cannabis or cannabis product to an employee for inspection to ensure that:
(1) The single-use cannabis or cannabis product satisfies the requirements of this subsection; and
(2) The person is in compliance with the legal limits on the possession of cannabis for adult-use purposes as set forth in NRS 678D.200;
(c) Install a ventilation and exhaust system which is capable of sufficiently expelling odors generated in the cannabis consumption lounge, reducing volatile organic compounds and maintaining the standards for air quality in the cannabis consumption lounge as set forth by regulation of the Board;
(d) Train each employee of the cannabis consumption lounge concerning paraphernalia, single-use cannabis products and ready-to-consume cannabis products, including, without limitation, the proper use of paraphernalia, the potency, absorption time and effects of single-use cannabis and products and ready-to-consume cannabis products, the recognition of impairment from and overconsumption of cannabis and the safe handling of a customer who is impaired;
(e) Submit a security plan to the Board which, without limitation, provides for adequate security and lighting at the cannabis consumption lounge and for each entrance and exit of the cannabis consumption lounge to be adequately secured, and submit to the Board such updates to the plan as the Board may require;
(f) Submit a plan to the Board setting forth protocols and procedures to deter customers from driving under the influence of cannabis, and submit to the Board such updates to the plan as the Board may require;

(g) Submit a plan to the Board setting forth protocols and procedures to ensure that cannabis and cannabis products are not sold or otherwise distributed in the cannabis consumption lounge other than as authorized in this chapter, and submit to the Board such updates to the plan as the Board may require;

(h) Dispose of cannabis or cannabis products which are left at the cannabis consumption lounge in accordance with the procedures for disposal set forth by the regulations of the Board;

(i) Comply with all local ordinances and rules pertaining to zoning, land use and signage; and

(j) Comply with any requirements set forth by regulation of the Board.

Sec. 23. A cannabis consumption lounge may:

1. Sell food and beverages to customers of the cannabis consumption lounge;

2. Sell any other item which does not contain cannabis or cannabis products and is not intended for use with cannabis or cannabis products to customers of the cannabis consumption lounge; and

3. Provide live entertainment at the cannabis consumption lounge.

Sec. 24. A cannabis consumption lounge shall not allow:

1. The consumption of cannabis or cannabis products at any place which is within view of a public place; and

2. The entry of any person who is less than 21 years of age to the cannabis consumption lounge;

3. The consumption of any cannabis or cannabis product in the cannabis consumption lounge that is not a single-use cannabis product or ready-to-consume cannabis product; or

4. A single-use cannabis product or ready-to-consume cannabis product that was purchased at the cannabis consumption lounge to be removed from the premises of the cannabis consumption lounge.

Sec. 25. 1. A retail cannabis consumption lounge may:

(a) Obtain cannabis or cannabis products from the adult-use cannabis retail store to which the retail cannabis consumption lounge is attached or immediately adjacent;

1. Single-use cannabis products for the purposes of resale; and

2. Cannabis or cannabis products for the purposes of producing ready-to-consume cannabis products;

(b) Sell single-use cannabis or cannabis products obtained pursuant to paragraph (a) to customers of the retail cannabis consumption lounge; and
(c) Prepare ready-to-consume cannabis products using cannabis obtained pursuant to paragraph (a) and sell such products to customers of the cannabis consumption lounge.

2. A retail cannabis consumption lounge shall ensure that only single-use cannabis products or ready-to-consume cannabis products that were purchased from the retail cannabis consumption lounge or the adult-use cannabis retail store to which the lounge is attached or immediately adjacent are consumed in the lounge.

Sec. 26. 1. An independent cannabis consumption lounge shall allow single-use cannabis products sold by an adult-use cannabis retail store to be delivered to a customer in the independent cannabis consumption lounge. Such a delivery must comply with the applicable requirements for the delivery of cannabis or cannabis products to a consumer set forth in this title and any other requirements the Board may establish by regulation.

2. Except as otherwise provided in section 27 of this act, an independent cannabis consumption lounge shall not obtain from any source or sell cannabis or cannabis products.

Sec. 27. 1. If an independent cannabis consumption lounge wishes to sell single-use cannabis products or ready-to-consume cannabis products to customers of the lounge, the independent cannabis consumption lounge must submit a request to the Board for an endorsement to the license of the independent cannabis consumption lounge to engage in such activities. Such a request must be accompanied by the fee set forth in NRS 678B.390 and include any information the Board may by regulation require.

2. If the Board approves a request submitted pursuant to subsection 1, the independent cannabis consumption lounge may:

(a) Enter into a contract with one or more adult-use cannabis retail stores to sell to the independent cannabis consumption lounge:

(1) Single-use cannabis products for the purpose of resale; all cannabis and cannabis products obtained by the independent cannabis consumption lounge; and

(2) Cannabis and products for the purpose of preparing ready-to-consume cannabis products;

(b) Sell single-use cannabis products obtained pursuant to paragraph (a) to customers of the independent cannabis consumption lounge; and

(c) Prepare ready-to-consume cannabis products using cannabis products obtained pursuant to paragraph (a) and sell such products to customers of the independent cannabis consumption lounge.

3. The Board shall adopt regulations governing the manner in which the Board will accept and evaluate requests submitted pursuant to subsection 1. The regulations must prescribe, without limitation:

(a) The required contents of such a request;
(b) Procedures for the submission and evaluation of such a request; and
(c) The criteria by which the Board will evaluate such a request, which may include, without limitation:

(1) Whether the requestor holds an additional adult-use cannabis establishment license for another type of cannabis establishment;
(2) Whether the requestor is a social equity applicant; and
(3) Whether the requestor has previously been subject to disciplinary action by the Board.

Sec. 28. The Board shall adopt regulations governing the [preparation and] sale and consumption of single-use cannabis products and ready-to-consume cannabis products at a cannabis consumption lounge. Such regulations must, without limitation:

1. Prescribe a list of a single-use cannabis products comprising each type of cannabis and adult-use cannabis product that the Board has determined to be appropriate for consumption at a cannabis consumption lounge;

2. Establish standards for the content, quality and potency of ready-to-consume cannabis products, including, without limitation, the maximum THC concentration for such products;

3. Prescribe procedures and protocols for the preparation and safe handling of ready-to-consume cannabis products to ensure that each such prepared product meets the standards established pursuant to subsection 1;

4. Establish requirements relating to the sale of ready-to-consume cannabis products, including, without limitation, requirements relating to notifications that must be provided to a purchaser of such a product at the time of sale; and

5. Set forth any other requirements concerning the preparation of ready-to-consume cannabis products and sale of single-use cannabis products and ready-to-consume cannabis products that the Board determines are necessary.

Sec. 29. NRS 678D.310 is hereby amended to read as follows:

678D.310 1. Except as otherwise provided in chapter 678C of NRS, any person shall not:

(a) Cultivate cannabis within 25 miles of an adult-use cannabis retail store licensed pursuant to chapter 678B of NRS, unless the person is an adult-use cannabis cultivation facility or is a cannabis establishment agent volunteering at, employed by or providing labor to an adult-use cannabis cultivation facility;
(b) Cultivate cannabis plants where they are visible from a public place by normal unaided vision; or
(c) Cultivate cannabis on property not in the cultivator’s lawful possession or without the consent of the person in lawful physical possession of the property.

2. A person who violates the provisions of subsection 1 is guilty of:

(a) For a first violation, a misdemeanor punished by a fine of not more than $600.
(b) For a second violation, a misdemeanor punished by a fine of not more than $1,000.
(c) For a third violation, a gross misdemeanor.
(d) For a fourth or subsequent violation, a category E felony.

3. **Except as otherwise provided in subsection 9,** a person who smokes or otherwise consumes cannabis or a cannabis product in a public place, in an adult-use cannabis retail store or in a vehicle is guilty of a misdemeanor punished by a fine of not more than $600.

4. A person under 21 years of age who falsely represents himself or herself to be 21 years of age or older to obtain cannabis is guilty of a misdemeanor.

5. A person under 21 years of age who knowingly enters, loiters or remains on the premises of an adult-use cannabis establishment shall be punished by a fine of not more than $500 unless the person is authorized to possess cannabis pursuant to chapter 678C of NRS and the adult-use cannabis establishment is a dual licensee.

6. A person who manufactures cannabis by chemical extraction or chemical synthesis, unless done pursuant to an adult-use cannabis establishment license for an adult-use cannabis production facility issued by the Board or authorized by this title, is guilty of a category E felony.

7. A person who knowingly gives cannabis or a cannabis product to any person under 21 years of age or who knowingly leaves or deposits any cannabis or cannabis product in any place with the intent that it will be procured by any person under 21 years of age is guilty of a misdemeanor.

8. A person who knowingly gives cannabis to any person under 18 years of age or who knowingly leaves or deposits any cannabis in any place with the intent that it will be procured by any person under 18 years of age is guilty of a gross misdemeanor.

9. **A person may smoke or otherwise consume cannabis or a cannabis product in a cannabis consumption lounge.**

Sec. 30. NRS 678D.420 is hereby amended to read as follows:

678D.420 1. An adult-use edible cannabis product or an adult-use cannabis-infused product must be labeled in a manner which indicates the number of servings of THC in the product, measured in servings of a maximum of 10 milligrams per serving.

2. An adult-use cannabis product must be sold in a single package. A single package must not contain:

(a) More than 1 ounce of usable cannabis or one-eighth of an ounce of concentrated cannabis.

(b) For an adult-use cannabis product sold as a capsule, more than 100 milligrams of THC per capsule or more than 800 milligrams of THC per package.

(c) For an adult-use cannabis product sold as a tincture, more than 800 milligrams of THC.

(d) For an adult-use edible cannabis product, more than 100 milligrams of THC.
(e) For an adult-use cannabis product sold as a topical product, a concentration of more than 6 percent THC or more than 800 milligrams of THC per package.

(f) For an adult-use cannabis product sold as a suppository or transdermal patch, more than 100 milligrams of THC per suppository or transdermal patch or more than 800 milligrams of THC per package.

(g) For any other adult-use cannabis product, more than 800 milligrams of THC.

3. To the extent that they are inconsistent or otherwise conflict with the regulations adopted by the Board pursuant to section 28 of this act, the requirements of this section do not apply to a ready-to-consume cannabis product prepared and sold by a cannabis consumption lounge.

Sec. 30.5. Chapter 41 of NRS is hereby amended by adding thereto a new section to read as follows:

1. A person who serves, sells or otherwise furnishes cannabis or a cannabis product to another person who is 21 years of age or older is not liable in a civil action for any damages caused by the person to whom the cannabis or cannabis product was served, sold or furnished as a result of the consumption of the cannabis or cannabis product.

2. Except as otherwise provided in this section, a person who:
   (a) Knowingly serves, sells or otherwise furnishes cannabis or a cannabis product to an underage person; or
   (b) Knowingly allows an underage person to consume cannabis or a cannabis product on premises or in a conveyance belonging to the person or over which the person has control,

   is liable in a civil action for any damages caused by the underage person as a result of the consumption of the cannabis or cannabis product.

3. The liability created pursuant to subsection 2 does not apply to a person who is licensed to serve, sell or furnish cannabis or cannabis products or to a person who is an employee or agent of such a person for any act or failure to act that occurs during the course of business or employment and any such act or failure to act may not be used to establish proximate cause in a civil action and does not constitute negligence per se.

4. A person who prevails in an action brought pursuant to subsection 2 may recover the person’s actual damages, attorney’s fees and costs and any punitive damages that the facts may warrant.

5. As used in this section:
   (a) “Cannabis” has the meaning ascribed to it in NRS 678A.085.
   (b) “Cannabis product” has the meaning ascribed to it in NRS 678A.120.
   (c) “Underage person” means a person who is less than 21 years of age.

Sec. 31. Chapter 372A of NRS is hereby amended by adding thereto a new section to read as follows:

“Cannabis consumption lounge” has the meaning ascribed to it in section 2 of this act.
Sec. 32. NRS 372A.200 is hereby amended to read as follows:

372A.200 As used in NRS 372A.200 to 372A.380, inclusive, and section 31 of this act, unless the context otherwise requires, the words and terms defined in NRS 372A.205 to 372A.250, inclusive, and section 31 of this act have the meanings ascribed to them in those sections.

Sec. 33. NRS 372A.250 is hereby amended to read as follows:

372A.250 “Taxpayer” means a:
1. Cannabis cultivation facility; or
2. Adult-use cannabis retail store; or
3. Cannabis consumption lounge.

Sec. 34. NRS 372A.290 is hereby amended to read as follows:

372A.290 1. An excise tax is hereby imposed on each wholesale sale in this State of cannabis by a medical cannabis cultivation facility to another cannabis establishment at the rate of 15 percent of the fair market value at wholesale of the cannabis. The excise tax imposed pursuant to this subsection is the obligation of the medical cannabis cultivation facility.
2. An excise tax is hereby imposed on each wholesale sale in this State of cannabis by an adult-use cannabis cultivation facility to another cannabis establishment at the rate of 15 percent of the fair market value at wholesale of the cannabis. The excise tax imposed pursuant to this subsection is the obligation of the adult-use cannabis cultivation facility.
3. An excise tax is hereby imposed on each retail sale in this State of cannabis or cannabis products by an adult-use cannabis retail store or cannabis consumption lounge at the rate of 10 percent of the sales price of the cannabis or cannabis products. The excise tax imposed pursuant to this subsection:
(a) Is the obligation of the seller of the cannabis or cannabis product;
(b) Is separate from and in addition to any general state and local sales and use taxes that apply to retail sales of tangible personal property.
4. The revenues collected from the excise tax imposed pursuant to subsection 1 must be distributed:
(a) To the Cannabis Compliance Board and to local governments in an amount determined to be necessary by the Board to pay the costs of the Board and local governments in carrying out the provisions of chapter 678C of NRS; and
(b) If any money remains after the revenues are distributed pursuant to paragraph (a), to the State Treasurer to be deposited to the credit of the State Education Fund.
5. The revenues collected from the excise tax imposed pursuant to subsection 2 must be distributed:
(a) To the Cannabis Compliance Board and to local governments in an amount determined to be necessary by the Board to pay the costs of the Board and local governments in carrying out the provisions of chapter 678D of NRS; and
(b) If any money remains after the revenues are distributed pursuant to paragraph (a), to the State Treasurer to be deposited to the credit of the State Education Fund.

6. For the purpose of subsections 4 and 5, a total amount of $5,000,000 of the revenues collected from the excise tax imposed pursuant to subsection 1 and the excise tax imposed pursuant to subsection 2 in each fiscal year shall be deemed sufficient to pay the costs of all local governments to carry out the provisions of chapters 678C and 678D of NRS. The Board shall, by regulation, determine the manner in which local governments may be reimbursed for the costs of carrying out the provisions of chapters 678C and 678D of NRS.

7. The revenues collected from the excise tax imposed pursuant to subsection 3 must be paid over as collected to the State Treasurer to be deposited to the credit of the State Education Fund.

8. As used in this section:
   (a) “Adult-use cannabis cultivation facility” has the meaning ascribed to it in NRS 678A.025.
   (b) “Adult-use cannabis retail store” has the meaning ascribed to it in NRS 678A.065.
   (c) “Cannabis product” has the meaning ascribed to it in NRS 678A.120.
   (d) “Local government” has the meaning ascribed to it in NRS 360.640.
   (e) “Medical cannabis cultivation facility” has the meaning ascribed to it in NRS 678A.170.
   (f) “Medical cannabis establishment” has the meaning ascribed to it in NRS 678A.180.

Sec. 35. NRS 387.1212 is hereby amended to read as follows:

387.1212 1. The State Education Fund is hereby created as a special revenue fund to be administered by the Superintendent of Public Instruction for the purpose of supporting the operation of the public schools in this State. The interest and income earned on the money in the Fund, after deducting any applicable charges, must be credited to the Fund.

2. Money which must be deposited for credit to the State Education Fund includes, without limitation:
   (a) All money derived from interest on the State Permanent School Fund, as provided in NRS 387.030;
   (b) The proceeds of the tax imposed pursuant to NRS 244.33561 and any applicable penalty or interest, less any amount retained by the county treasurer for the actual cost of collecting and administering the tax;
   (c) The proceeds of the tax imposed pursuant to subsection 1 of NRS 387.195;
   (d) The portion of the money in each special account created pursuant to subsection 1 of NRS 179.1187 which is identified in paragraph (d) of subsection 2 of NRS 179.1187;
   (e) The money identified in subsection 1 of NRS 328.450;
   (f) The money identified in subsection 1 of NRS 328.460;
(g) The money identified in paragraph (a) of subsection 2 of NRS 360.850;
(h) The money identified in paragraph (a) of subsection 2 of NRS 360.855;
(i) The money required to be paid over to the State Treasurer for deposit to the credit of the State Education Fund pursuant to subsection 4 of NRS 362.170;
(j) The portion of the proceeds of the tax imposed pursuant to subsection 1 of NRS 372A.290 identified in paragraph (b) of subsection 4 of NRS 372A.290;
(k) The proceeds of the tax imposed pursuant to subsection 3 of NRS 372A.290;
(l) The proceeds of the fees, taxes, interest and penalties imposed pursuant to chapter 374 of NRS, as transferred pursuant to subsection 3 of NRS 374.785;
(m) The money identified in paragraph (b) of subsection 3 of NRS 678B.390;
(n) The portion of the proceeds of the excise tax imposed pursuant to subsection 1 of NRS 463.385 identified in paragraph (c) of subsection 5 of NRS 463.385;
(o) The money required to be distributed to the State Education Fund pursuant to subsection 3 of NRS 482.181;
(p) The portion of the net profits of the grantee of a franchise, right or privilege identified in NRS 709.110;
(q) The portion of the net profits of the grantee of a franchise identified in NRS 709.230;
(r) The portion of the net profits of the grantee of a franchise identified in NRS 709.270; and
(s) The direct legislative appropriation from the State General Fund required by subsection 3.

3. In addition to money from any other source provided by law, support for the State Education Fund must be provided by direct legislative appropriation from the State General Fund in an amount determined by the Legislature to be sufficient to fund the operation of the public schools in this State for kindergarten through grade 12 for the next ensuing biennium for the population reasonably estimated for that biennium. Money in the State Education Fund does not revert to the State General Fund at the end of a fiscal year, and the balance in the State Education Fund must be carried forward to the next fiscal year.

4. Money in the Fund must be paid out on claims as other claims against the State are paid.

5. The Superintendent of Public Instruction may create one or more accounts in the State Education Fund for the purpose of administering any money received from the Federal Government for the support of education and any State money required to be administered separately to satisfy any requirement imposed by the Federal Government. The money in any such account must not be considered when calculating the statewide base per pupil funding amount or appropriating money from the State Education Fund...
pursuant to NRS 387.1214. The interest and income earned on the money in any such account, after deducting any applicable charges, must be credited to the account.

Sec. 36. NRS 453.316 is hereby amended to read as follows:

453.316 1. A person who opens or maintains any place for the purpose of unlawfully selling, giving away or using any controlled substance is guilty of a category C felony and shall be punished as provided in NRS 193.130.

2. If a person convicted of violating this section has previously been convicted of violating this section, or if, in the case of a first conviction of violating this section, the person has been convicted of an offense under the laws of the United States or any state, territory or district which, if committed in this State, would amount to a felony under this section, the person is guilty of a category B felony and shall be punished by imprisonment in the state prison for a minimum term of not less than 1 year and a maximum term of not more than 6 years, and may be further punished by a fine of not more than $10,000.

3. This section does not apply to any:
   (a) Any rehabilitation clinic established or licensed by the Division of Public and Behavioral Health of the Department.
   (b) Any cannabis consumption lounge, as defined in section 2 of this act, whose activities are confined to those authorized in title 56 of NRS.

Sec. 36.5. 1. On or before January 1, 2023, the Cannabis Compliance Board shall prepare and submit to the Director of the Legislative Counsel Bureau for transmission to the Legislature, a report regarding the effect of violations of NRS 598A.060 on independent cannabis consumption lounges. The report must include any recommendations for legislation that the Cannabis Compliance Board determines is necessary to ensure that such violations do not inhibit the growth of independent cannabis consumption lounges in this State.

2. As used in this section, “independent cannabis consumption lounge” has the meaning ascribed to it in section 3 of this act.

Assemblyman Yeager moved the adoption of the amendment.
Remarks by Assemblyman Yeager.
Amendment adopted.
Bill ordered reprinted, engrossed and to third reading.

MOTIONS, RESOLUTIONS AND NOTICES

Assemblywoman Carlton moved that upon return from the printer, Assembly Bill No. 341 be rereferred to the Committee on Ways and Means.
Motion carried.

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

Assembly in recess at 1:42 p.m.
ASSEMBLY IN SESSION

At 1:45 p.m.
Mr. Speaker presiding.
Quorum present.

MOTIONS, RESOLUTIONS AND NOTICES

Assemblywoman Benitez-Thompson moved that Assembly Bill No. 367 be taken from its position on the General File and placed at the bottom of the General File.
Motion carried.

GENERAL FILE AND THIRD READING

Assembly Bill No. 382.
Bill read third time.
The following amendment was proposed by the Committee on Commerce and Labor:
Amendment No. 367.
AN ACT relating to student education loans; providing for the licensing and regulation of student loan servicers by the Commissioner of Financial Institutions; requiring student loan servicers to pay certain assessments and fees; authorizing and requiring the Student Loan Ombudsman to perform certain acts; providing for the regulation of private education loans and private education lenders by the Commissioner; requiring the Commissioner to adopt certain regulations; establishing certain duties and prohibitions applicable to postsecondary educational institutions and postsecondary vocational institutions; requiring the Commission on Postsecondary Education to adopt certain standards concerning postsecondary vocational institutions; prohibiting the Commission from delegating certain duties; providing a penalty; and providing other matters properly relating thereto.

Legislative Counsel’s Digest:
Existing law authorizes the Commissioner of Financial Institutions to supervise and control various financial institutions, lenders and fiduciaries, including, without limitation, banks, credit unions, payday lenders and trust companies. (Chapter 604A of NRS, titles 55 and 56 of NRS) Sections 2-47 of this bill add a new chapter to the Nevada Revised Statutes to provide for the licensing and regulation of student loan servicers by the Commissioner as well as the regulation of private education loans and private education lenders. Sections 3-13 of this bill define terms used in the new chapter. Section 14 of this bill provides for money received pursuant to the new chapter to be accounted for separately and used for the regulation of student loan servicers. Sections 15-21, 25, 41 and 42 of this bill set forth requirements relating to the licensing of student loan servicers. In particular, section 15 of this bill prohibits a person from acting as a student loan servicer without obtaining a license from the Commissioner to do so, and also sets forth the persons...
exempted from this licensure requirement. **Section 16** of this bill sets forth various requirements for applying for a license, including, without limitation, the payment of a license fee and an investigation fee and the submission of a surety bond. **Section 42** of this bill provides that all fees paid are nonrefundable. **Section 20** of this bill requires the Commissioner to issue a license to persons who engage in student loan servicing in this State only pursuant to certain contracts with the federal government without requiring those persons to comply with the standard requirements for the issuance of a license. **Section 20** of this bill: (1) requires persons who are issued such a license to comply with other relevant provisions of law; and (2) provides for the expiration of such a license not later than 37 days after the expiration, revocation or termination of the federal contract that provided the basis for the issuance of the license. **Section 21 of this bill provides for the annual expiration and renewal of a license as a student loan servicer.**

**Sections 22-24 and 26-30** of this bill set forth requirements governing the business practices and other actions of student loan servicers. Specifically, **section 22** of this bill sets forth requirements applicable to a licensee ceasing to engage in the business of student loan servicing in this State. **Section 23** of this bill sets forth requirements applicable to a person who provides a check or other method of payment to the Commissioner which is returned or otherwise dishonored. **Section 24** of this bill requires licensees and applicants for licenses to notify the Commissioner of any changes in certain information provided to the Commissioner. **Sections 26 and 28** of this bill set forth requirements concerning business names, business locations and recordkeeping relating to student loan servicers and student education loans. **Section 29** of this bill prohibits a student loan servicer from engaging in specified conduct, including, without limitation, engaging in unfair or deceptive practices, knowingly misapplying payments, negligently making certain false statements or knowingly and willfully making certain omissions of material facts. **Section 30** of this bill authorizes the Student Loan Ombudsman in the Office of the State Treasurer or any member of the public to file a complaint with the Division of Financial Institutions of the Department of Business and Industry concerning the actions of a student loan servicer.

**Sections 31-36.5** of this bill establish provisions for a particular type of student loan, the private education loan, and for private education loan borrowers and private education lenders. In particular, **sections 31 and 32** of this bill establish certain protections for cosigners of private education loans. **Section 32** also prohibits a private education lender from accelerating repayment of a private education loan except in cases of a default in payment. **Section 33** of this bill establishes the rights and duties of private education lenders in cases of the total and permanent disability of a private education loan borrower or his or her cosigner. **Sections 34-36** of this bill set forth requirements and prohibitions governing the business practices and other actions of private education lenders. **Section 36.5 of this bill provides that a**
private education lender is not exempt from any applicable licensing requirements imposed by any other specific statute.

Sections 37-40 of this bill: (1) authorize the Commissioner to conduct investigations and examinations relating to student loan servicers and student education loans; (2) require the Commissioner to conduct such investigations and examinations at least annually; (3) require licensees to pay for such investigations and examinations; (4) authorize the Commissioner to retain certain professionals and specialists, enter into certain agreements and use certain resources for the purposes of investigations and examinations; (5) describe the scope of the authority of the Commissioner with regard to investigations and examinations; and (6) prohibit a student loan servicer or other person under examination or investigation from knowingly withholding or otherwise preventing access to information relating to the examination or investigation. Existing law requires financial institutions to pay assessments established by the Commissioner to cover the costs of certain independent audits and examinations, legal services provided by the Attorney General to the Commissioner and Division of Financial Institutions and supervision and examinations by the Commissioner or Division. (NRS 658.055, 658.098, 658.101) Sections 37.5 and 48.5 of this bill require a licensed student loan servicer to pay those assessments.

Section 41 of this bill sets forth grounds upon which the Commissioner may deny an application for a license or suspend, revoke or refuse to renew a license. Section 43 of this bill requires a student loan servicer to comply with certain federal laws and regulations, and deems a violation of those federal laws or regulations to be a violation of Nevada law upon which the Commissioner may act. Sections 44-46 of this bill establish the rights, remedies and penalties available for violations of the new chapter. Section 45.5 of this bill provides that any books, records or other information obtained by the Division in connection with an application, complaint, audit, investigation or examination are confidential. Section 50.5 of this bill makes a conforming change. Section 47 of this bill requires the Commissioner to adopt regulations for the new chapter. Section 48 of this bill makes a conforming change to indicate the proper placement of the new chapter in Nevada Revised Statutes.

Existing law establishes the duties of the Student Loan Ombudsman designated by the State Treasurer. Those duties include receiving, reviewing and attempting to resolve complaints from student loan borrowers. (NRS 226.570) Section 49 of this bill requires the Student Loan Ombudsman to make those complaints available to the Attorney General. Section 50 of this bill makes a conforming change to indicate the placement of section 49 in Nevada Revised Statutes.

Under existing law, the Commission on Postsecondary Education within the Employment Security Division of the Department of Employment, Training and Rehabilitation licenses and regulates postsecondary educational
institutions that are operated by private persons or entities in this State and their agents. (NRS 394.383-394.560) In particular, existing law vests the Commission with exclusive authority to license postsecondary educational institutions. (NRS 394.415) Section 62 of this bill prohibits the Commission from delegating to another state its authority to oversee and enforce compliance with the laws applicable to postsecondary educational institutions located in this State even if the institution is authorized by, or has its home in, another state. Section 53 of this bill prohibits postsecondary educational institutions from refusing to provide transcripts to current or former students on the grounds that the student owes a debt to the institution and imposes certain limitations on the services that may be withheld from such students. Section 54 of this bill imposes certain requirements on postsecondary educational institutions with respect to presentation of accurate information about the institution. Section 54 also requires postsecondary educational institutions to timely notify the Commission if it becomes subject to an investigation by any other oversight entity. Section 55 of this bill prohibits postsecondary educational institutions, and their agents, from engaging in certain practices in its efforts to recruit students. Sections 52 and 56-59 of this bill establish additional requirements on postsecondary educational institutions that primarily offer vocational education services. Section 52 defines such institutions as postsecondary vocational institutions, and section 56 of this bill requires the Commission to establish certain minimum standards for private postsecondary vocational institutions that are in addition to those applicable to all postsecondary educational institutions. Section 57 of this bill authorizes and directs the Commission’s actions if it determines that a postsecondary vocational institution or one of its programs is at risk of closure or termination. Section 58 of this bill prohibits postsecondary vocational institutions from engaging in certain unfair business practices and provides that each violation of those prohibitions is subject to a civil penalty. Section 59 of this bill provides that the rights, remedies and penalties established for violations of the provisions concerning postsecondary educational institutions are subject to any other rights, remedies or penalties that may exist at law or in equity. Sections 60, 61, 63 and 64 of this bill make conforming changes.

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

Section 1. Title 55 of NRS is hereby amended by adding thereto a new chapter to consist of the provisions set forth as sections 2 to 47, inclusive, of this act.

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

Sec. 3. 1. “Control person” means:
(a) An executive officer, director, general partner, trustee, member, qualified employee or shareholder of a student loan servicer, licensee or applicant for a license; or
(b) A person who is authorized to participate in direct or indirect control of the management or policies of a student loan servicer, licensee or applicant for a license.

2. As used in this section, “executive officer” means an officer, manager, partner or managing member of a student loan servicer, licensee or applicant for a license. The term includes, without limitation, a chief executive officer, president, vice president, chief financial officer, chief operating officer, chief legal officer, controller or compliance officer or a natural person who holds any similar position.

Sec. 4. “Cosigner” means:
1. Any person who is liable for the obligation of another without compensation, regardless of how the person is designated in the contract or instrument with respect to that obligation, including, without limitation, an obligation under a private education loan extended to consolidate a borrower’s pre-existing private education loans. The term includes any person whose signature is requested as a condition to grant credit or to forbear on collection.
2. As used in this section, the term does not include a spouse of an individual described in subsection 1 whose signature is needed to perfect the security interest in a loan.

Sec. 5. “License” means a license issued by the Commissioner pursuant to this chapter.

Sec. 6. “Licensee” means a student loan servicer licensed by the Commissioner pursuant to this chapter.

Sec. 7. 1. “Private education lender” means any person engaged in the business of securing, making or extending private education loans, or any holder of a private education loan.

2. To the extent that state law is not preempted by federal law, the term does not include a:
   (a) Federally chartered bank, savings bank, savings and loan association or credit union;
   (b) Wholly owned subsidiary of a federally chartered bank or credit union; or
   (c) Operating subsidiary if each owner of the operating subsidiary is wholly owned by the same federally chartered bank or credit union.

Sec. 8. 1. “Private education loan” means an extension of credit that is:
   (a) Extended to a consumer expressly, in whole or in part, for postsecondary educational expenses, regardless of whether the loan is provided by the educational institution that the student attends;
   (b) Not made, insured or guaranteed under Title IV of the Higher Education Act of 1965, 20 U.S.C. §§ 1070 et seq.
2. The term does not include an:
   (a) Open-end credit or any loan that is secured by real property or a dwelling; or
   (b) Extension of credit in which the covered educational institution is the creditor if:
      (1) The term of the extension of credit is 90 days or less; or
      (2) An interest rate is not applied to the credit balance and the term of the extension of credit is 1 year or less, even if the credit is payable in more than four installments.

Sec. 9. “Private education loan borrower” means any resident of this State who has received or agreed to pay a private education loan for the borrower’s own educational expenses.

Sec. 10. “Student education loan” means any loan primarily for personal use to finance education or other school-related expenses. The term includes a private education loan.

Sec. 11. “Student loan borrower” means a:
   1. Resident of this State who receives or agrees to pay a student education loan; and
   2. Person who shares responsibility with such a resident for repaying the student education loan.

Sec. 12. “Student loan servicer” means any person, wherever located, responsible for the servicing of any student education loan to any student loan borrower. The term includes a licensee and a person who engages in student loan servicing without a license pursuant to subsection 2 of section 15 of this act.

Sec. 13. “Student loan servicing” or “servicing” means:
   1. Receiving any scheduled periodic payments from a student loan borrower pursuant to the terms of a student education loan or any notification that a student loan borrower made such a scheduled periodic payment and applying the payments to the account of a student loan borrower, as may be required pursuant to the terms of a student education loan or a contract governing the servicing of a student education loan;
   2. During a period in which no payment is required on a student education loan, maintaining account records for a student education loan and communicating with the student loan borrower on behalf of the owner of the promissory note for the student education loan; or
   3. Interacting with a student loan borrower concerning a student education loan with the goal of helping the student loan borrower avoid default on the student education loan or facilitating the activities described in subsection 1 or 2.

Sec. 14. 1. The Commissioner shall:
   (a) Administer and account for separately the money received pursuant to this chapter.
   (b) Use the money received pursuant to this chapter for the purposes set forth in this chapter.
2. Any money that remains in the account at the end of the fiscal year does not revert to the State General Fund, and the balance of the account must be carried forward to the next fiscal year.

3. Any interest or income earned on the money in the account must be credited to the account, after deducting any applicable charges. Any claims against the account must be paid as other claims against the State are paid.

Sec. 15. 1. Except as otherwise provided in subsection 2, a person shall not act as a student loan servicer, directly or indirectly, without first obtaining a license from the Commissioner pursuant to this chapter.

2. The following persons may act as a student loan servicer without obtaining a license pursuant to this chapter:
   (a) Any bank, savings and loan association, savings bank, thrift company or credit union, whether chartered by this State, another state or the Federal Government.
   (b) Any wholly owned subsidiary of any person identified in paragraph (a).
   (c) Any operating subsidiary of any person identified in paragraph (a) if each owner of the operating subsidiary is wholly owned by the same person identified in paragraph (a).

Sec. 16. A person may apply for a license as a student loan servicer by submitting a written application to the Commissioner on a form prescribed by the Commissioner. The application must be accompanied by:

1. A financial statement prepared by a certified public accountant or a public accountant, the accuracy of which is sworn to under oath before a notary public by the proprietor, a general partner or a corporate officer or a member authorized to execute such documents;

2. Written consent authorizing the Commissioner to conduct a background investigation of the applicant and, if applicable, each control person of the applicant, including, without limitation, authorization to obtain:
   (a) An independent credit report from a consumer reporting agency described in section 603(f) of the Fair Credit Reporting Act, 15 U.S.C. § 1681a(f);
   (b) A criminal history report from the Federal Bureau of Investigation or any criminal history repository of any state, national or international governmental agency or entity; and
   (c) Information related to any administrative, civil or criminal proceedings in any jurisdiction in which the applicant, or a control person of the applicant, is or has been a party;

3. A complete set of fingerprints of the applicant or, if the applicant is not a natural person, a complete set of fingerprints of each control person of the applicant to forward to the Central Repository for Nevada Records of Criminal History for submission to the Federal Bureau of Investigation for its report;
4. Any other information requested by the Commissioner or otherwise required in connection with the evaluation and investigation of the applicant’s qualifications and suitability for licensure;
5. A nonrefundable license fee of $1,000;
6. A nonrefundable investigation fee of $800; and
7. A surety bond in an amount determined by the Commissioner.

Sec. 17. 1. In addition to any other requirements set forth in this chapter:
   (a) A natural person who applies for the issuance or renewal of a license as a student loan servicer or, if the applicant is not a natural person, each control person of the applicant, shall include the social security number of the applicant or control person, as applicable, in the application submitted to the Commissioner.
   (b) A natural person who applies for the issuance or renewal of a license as a student loan servicer or, if the applicant is not a natural person, each control person of the applicant, shall submit to the Commissioner the statement prescribed by the Division of Welfare and Supportive Services of the Department of Health and Human Services pursuant to NRS 425.520.
2. The Commissioner shall include the statement required pursuant to subsection 1 in:
   (a) The application or any other forms that must be submitted for the issuance or renewal of the license; or
   (b) A separate form prescribed by the Commissioner.
3. A license as a student loan servicer may not be issued or renewed by the Commissioner if the applicant or any control person of an applicant:
   (a) Fails to submit the statement required by subsection 1; or
   (b) Indicates on the statement submitted pursuant to subsection 1 that he or she is subject to a court order for the support of a child and is not in compliance with the order or a plan approved by the district attorney or other public agency enforcing the order for the repayment of the amount owed pursuant to the order.
4. If an applicant or a control person indicates on the statement submitted pursuant to subsection 1 that he or she is subject to a court order for the support of a child and is not in compliance with the order or a plan approved by the district attorney or other public agency enforcing the order for the repayment of the amount owed pursuant to the order, the Commissioner shall advise the applicant or control person, as applicable, to contact the district attorney or other public agency enforcing the order to determine the actions that he or she may take to satisfy the arrearage.
5. If the Commissioner receives a copy of a court order issued pursuant to NRS 425.540 that provides for the suspension of all professional, occupational and recreational licenses, certificates and permits issued to an applicant or control person, the Commissioner shall deem that license to be suspended at the end of the 30th day after the date on which the court order was issued unless the Commissioner receives a letter issued to the applicant
or control person by the district attorney or other public agency pursuant to NRS 425.550 stating that he or she has complied with the subpoena or warrant or has satisfied the arrearage pursuant to NRS 425.560.

6. The Commissioner shall reinstate a license as a student loan servicer that has been suspended by a district court pursuant to NRS 425.540 if the Commissioner receives a letter issued by the district attorney or other public agency pursuant to NRS 425.550 to the applicant or a control person of the applicant stating that the applicant or control person, as applicable, has complied with the subpoena or warrant or has satisfied the arrearage pursuant to NRS 425.560.

Sec. 18. 1. In addition to any other requirements set forth in this chapter, a natural person who applies for the issuance or renewal of a license as a student loan servicer or, if the applicant is not a natural person, each control person of the applicant, shall submit to the Commissioner the statement prescribed by the Division of Welfare and Supportive Services of the Department of Health and Human Services pursuant to NRS 425.520.

2. The Commissioner shall include the statement required pursuant to subsection 1 in:

(a) The application or any other forms that must be submitted for the issuance or renewal of the license; or

(b) A separate form prescribed by the Commissioner.

3. A license as a student loan servicer may not be issued or renewed by the Commissioner if the applicant or any control person of an applicant:

(a) Fails to submit the statement required by subsection 1; or

(b) Indicates on the statement submitted pursuant to subsection 1 that he or she is subject to a court order for the support of a child and is not in compliance with the order or a plan approved by the district attorney or other public agency enforcing the order for the repayment of the amount owed pursuant to the order.

4. If an applicant or a control person indicates on the statement submitted pursuant to subsection 1 that he or she is subject to a court order for the support of a child and is not in compliance with the order or a plan approved by the district attorney or other public agency enforcing the order for the repayment of the amount owed pursuant to the order, the Commissioner shall advise the applicant or control person, as applicable, to contact the district attorney or other public agency enforcing the order to determine the actions that he or she may take to satisfy the arrearage.

5. If the Commissioner receives a copy of a court order issued pursuant to NRS 425.540 that provides for the suspension of all professional, occupational and recreational licenses, certificates and permits issued to an applicant or control person, the Commissioner shall deem that license to be suspended at the end of the 30th day after the date on which the court order was issued unless the Commissioner receives a letter issued to the applicant or control person by the district attorney or other public agency pursuant to
NRS 425.550 stating that he or she has complied with the subpoena or warrant or has satisfied the arrearage pursuant to NRS 425.560.

6. The Commissioner shall reinstate a license as a student loan servicer that has been suspended by a district court pursuant to NRS 425.540 if the Commissioner receives a letter issued by the district attorney or other public agency pursuant to NRS 425.550 to the applicant or a control person of the applicant stating that the applicant or control person, as applicable, has complied with the subpoena or warrant or has satisfied the arrearage pursuant to NRS 425.560.

Sec. 19. Upon the filing of an application for an initial license and the payment of the license fee and the investigation fee and submission of the surety bond required by section 16 of this act, the Commissioner shall investigate the financial condition and responsibility, financial and business experience, character and general fitness of the applicant. The Commissioner may issue a license if the Commissioner finds that:

1. The applicant’s financial condition is sound;
2. The applicant’s business will be conducted honestly, fairly, equitably, carefully and efficiently within the purposes and intent of this chapter and in a manner commanding the confidence and trust of the community;
3. If the applicant is:
   (a) A natural person, the person is in all respects properly qualified and of good character;
   (b) A partnership, each partner is in all respects properly qualified and of good character;
   (c) A corporation or association, the president, chairperson of the executive committee, senior officer responsible for the corporation's business and chief financial officer or any other person who performs similar functions as determined by the Commissioner, each director, each trustee and each shareholder owning 10 percent or more of each class of the securities of such corporation is in all respects properly qualified and of good character;
   (d) A limited liability company, each member is in all respects properly qualified and of good character;
4. No person on behalf of the applicant knowingly has made any incorrect statement of a material fact in the application, or in any report or statement made pursuant to this chapter;
5. No person on behalf of the applicant knowingly has omitted to state any material fact necessary to give the Commissioner any information lawfully required by the Commissioner;
6. The applicant has paid the license fee and the investigation fee and submitted the surety bond required by section 16 of this act; and
7. The applicant has met any other requirements set forth by the Commissioner in regulations adopted pursuant to this chapter.

Sec. 20. 1. A person seeking to act as a student loan servicer is exempt from the application procedures described in subsections 1 to 4, inclusive, of
section 16 of this act upon a determination by the Commissioner that the person’s student loan servicing performed in this State is conducted pursuant to a contract awarded by the United States Secretary of Education pursuant to 20 U.S.C. § 1087f. The Commissioner shall, by regulation, prescribe the procedure for documenting a person’s eligibility for this exemption.

2. Upon payment of the fees and the submission of the surety bond required by section 16 of this act, the Commissioner shall:
   (a) Issue a license to a person determined to be exempt pursuant to this section; and
   (b) Deem the person to have satisfied all requirements set forth in section 16 of this act.

3. A person issued a license pursuant to this section:
   (a) Is exempt from the requirements of sections 17, 18 and 19 of this act; and
   (b) Shall, except to the extent that those requirements are inconsistent with federal law, comply with all other applicable provisions of this chapter, including, without limitation, the record retention requirements set forth in section 28 of this act.

4. A person issued a license pursuant to this section shall provide the Commissioner with written notice within 7 days following notification of the expiration, revocation or termination of a contract awarded by the United States Secretary of Education pursuant to 20 U.S.C. § 1087f. The person has 30 days following notification to satisfy all requirements established by section 16 of this act in order to continue to act as a student loan servicer. At the expiration of the 30-day period, if the requirements have not been satisfied, the Commissioner shall immediately suspend a license granted to the person pursuant to this section.

5. With respect to student loan servicing not conducted pursuant to a contract awarded by the United States Secretary of Education pursuant to 20 U.S.C. § 1087f, nothing in this section prevents the Commissioner from issuing or filing a civil action for an order to temporarily or permanently bar a person from acting as a student loan servicer for violating applicable law.

Sec. 21. 1. A license issued pursuant to this chapter expires on December 31 of each year following its issuance, unless renewed or earlier surrendered, suspended or revoked pursuant to this chapter.

2. A licensee may renew the license by filing with the Commissioner an application containing all required documents and fees as set forth in section 16 of this act for an initial license. Such a renewal application shall be deemed to be timely filed if filed on or before November 1 of the year in which the license expires. Any renewal application filed with the Commissioner after November 1 must be accompanied by a late fee of $100 and, if so, such a filing also shall be deemed to be timely filed. If an application for renewal of
a license is timely filed with the Commissioner pursuant to this subsection on or before the date the license expires, the license sought to be renewed continues in full force and effect until the issuance by the Commissioner of the renewed license or until the Commissioner notifies the licensee in writing of the Commissioner’s refusal to issue a renewed license together with the grounds upon which such refusal is based. The Commissioner may refuse to issue a renewed license on any ground on which the Commissioner may refuse to issue an initial license.

3. Annually, on or before April 15, each licensee shall file with the Commissioner a report of operations of the licensed business for the preceding calendar year under oath and on a form prescribed by the Commissioner.

Sec. 22. 1. Not later than 15 days after a licensee ceases to engage in the business of student loan servicing in this State for any reason, including, without limitation, a business decision to terminate operations in this State, license revocation, bankruptcy or voluntary dissolution, the licensee shall provide written notice of surrender to the Commissioner and shall surrender to the Commissioner its license for each location in which the licensee has ceased to engage in such business.

2. A written notice of surrender provided pursuant to subsection 1 must identify the location where the records of the licensee will be stored and the name, address and telephone number of a natural person authorized to provide access to the records.

3. The surrender of a license does not reduce or eliminate the licensee’s civil or criminal liability arising from acts or omissions occurring before the surrender of the license, including, without limitation, any administrative actions undertaken by the Commissioner to revoke or suspend a license, assess a civil penalty, order restitution or exercise any other authority provided to the Commissioner.

Sec. 23. If the Commissioner determines that a check or other method of payment which is provided to the Commissioner to pay any fee required pursuant to this chapter has been returned to the Commissioner or otherwise dishonored because the person had insufficient money or credit with the drawee or financial institution to pay the check or other method of payment or because the person stopped payment on the check or other method of payment, the Commissioner shall automatically refuse to issue, suspend or refuse to renew the license, as applicable. The Commissioner must give the licensee reasonable advance notice of this automatic action and an opportunity for a hearing.

Sec. 24. A licensee or an applicant for a license shall notify the Commissioner, in writing, of any change in the information provided in the initial application for a license or the most recent application for renewal of such license, as applicable, not later than 10 business days after the occurrence of the event that results in such information becoming inaccurate.
Sec. 25. The Commissioner may deem an application for a license abandoned if the applicant fails to respond to any request for information required pursuant to this chapter or any regulations adopted pursuant thereto. The Commissioner shall notify the applicant, in writing, that if the applicant fails to submit such information not later than 60 days after the date on which such a request for information was made, the application shall be deemed abandoned. Any fees paid before the date an application is deemed abandoned pursuant to this section must not be refunded. Abandonment of an application pursuant to this section does not preclude the applicant from submitting a new application for a license pursuant to this chapter.

Sec. 26. A licensee shall not act as a student loan servicer or engage in student loan servicing under any other name or at any other place of business than that identified in the license. The licensee must notify the Commissioner in advance of any change of location of a place of business of the licensee. Only one place of business may be maintained under one license, but the Commissioner may issue more than one license to the same licensee upon the licensee’s application for a license for each place of business. A license is not transferable or assignable.

Sec. 27. 1. Except as otherwise provided by federal law or regulation, a student loan servicer shall:
   (a) Respond to any written inquiry from a student loan borrower or the representative of a student loan borrower by:
      (1) Acknowledging receipt of the inquiry within 10 business days; and
      (2) Providing information relating to the inquiry, and, if applicable, the action the student loan servicer will take to correct the account or an explanation of the student loan servicer’s position that the student loan borrower’s account is correct, within 30 business days.
   (b) Inquire of a student loan borrower how to apply an overpayment to a student education loan. A student loan borrower’s instruction on how to apply an overpayment to a student education loan must stay in effect for any future overpayments during the term of the student education loan unless the student loan borrower provides different instructions. For the purposes of this paragraph, “overpayment” means a payment on a student education loan that is in excess of the monthly amount due from the student loan borrower on the student education loan, commonly referred to as a prepayment.
   (c) Apply a partial payment from a student loan borrower on a student education loan in a manner that minimizes late fees and negative credit reporting. If there are multiple loans on a student loan borrower’s account at an equal stage of delinquency, a student loan servicer shall satisfy the requirements of this subsection by applying the partial payment to satisfy as many individual loan payments as possible on the student loan borrower’s account. For purposes of this subsection, “partial payment” means a payment to a student education loan account that contains multiple
individual loans if the payment is in an amount less than the amount necessary to satisfy the outstanding payment due on all loans in the student education loan account, commonly referred to as an “underpayment.”

2. If the sale, assignment or other transfer of the servicing of a student education loan results in a change in the identity of the person to whom a student loan borrower is required to send payments or direct any communication concerning the student education loan:
   (a) As a condition of a sale, an assignment or any other transfer of the servicing of a student education loan, require the new student loan servicer to honor all benefits originally represented as available to the student loan borrower during the repayment of the student education loan and preserve the availability of those benefits, including, without limitation, any benefits for which the student loan borrower has not yet qualified;
   (b) Transfer to the new student loan servicer for the student education loan all information regarding the student loan borrower, the account of the student loan borrower and the student education loan of the student loan borrower. The information must include, without limitation, the repayment status of the student loan borrower and any benefits associated with the student education loan of the student loan borrower; and
   (c) Complete the transfer of information required by paragraph (b) within 45 calendar days after the sale, assignment or other transfer of the servicing of the student education loan.

3. A student loan servicer who obtains the right to service a student education loan shall adopt policies and procedures to verify that the student loan servicer has received all information regarding the student loan borrower, the account of the student loan borrower and the student education loan of the student loan borrower including, without limitation, the repayment status of the student loan borrower and any benefits associated with the student education loan of the student loan borrower.

4. A student loan servicer shall evaluate a student loan borrower for eligibility for an income-driven repayment program before placing the student loan borrower in forbearance or default if an income-driven repayment program is available to the student loan borrower.

Sec. 28. 1. A student loan servicer shall maintain a record of each transaction relating to a student education loan for not less than 2 years following the final payment on the student education loan or the assignment of the student education loan, whichever occurs first, or such longer period as may be required by any other provision of law.

2. Upon the request of the Commissioner, a person required to maintain records pursuant to subsection 1 shall make such records available to the Commissioner, or send the records to the Commissioner, in the manner required by the Commissioner not later than 5 business days after requested by the Commissioner. Upon the person’s request, the Commissioner may allow additional time to make the records available to the Commissioner or send the records to the Commissioner.
Sec. 29. A student loan servicer shall not:
1. Directly or indirectly employ any scheme, device or artifice to defraud or mislead a student loan borrower.
2. Engage in any unfair or deceptive practice toward any person or misrepresent or omit any material information in connection with the servicing of a student education loan, including, without limitation, misrepresenting the amount, nature or terms of any fee or payment due or claimed to be due on a student education loan, the terms and conditions of the loan agreement or the student loan borrower’s obligations under the loan.
3. Obtain property by fraud or misrepresentation.
5. Knowingly or recklessly provide inaccurate information to a credit bureau in a manner which may harm a student loan borrower’s creditworthiness.
6. Fail to report both the favorable and unfavorable payment history of the student loan borrower to a nationally recognized consumer credit bureau at least annually if the student loan servicer regularly reports information to a credit bureau.
7. Refuse to communicate with an authorized representative of the student loan borrower if the authorized representative:
   (a) Provides a written authorization signed by the student loan borrower; and
   (b) Complies with any reasonable procedures which may be adopted by the student loan servicer to verify that the representative is in fact authorized to act on behalf of the student loan borrower.
8. Negligently make any false statement or knowingly and willfully make any omission of a material fact in connection with any information or reports filed with a governmental agency or in connection with any investigation conducted by the Commissioner or another governmental agency.
9. Fail to respond within 15 business days to communications from the Commissioner, or within a shorter, reasonable period of time as may be requested by the Commissioner.
10. Fail to respond within 15 business days to a consumer complaint submitted to the student loan servicer by the Commissioner or the Office of the Attorney General. If necessary, the student loan servicer may request additional time to respond to the complaint, up to a maximum of 45 business days, provided that the request is accompanied by an explanation of why additional time is reasonable and necessary.
11. Engage in abusive acts or practices when servicing a student loan in this State. An act or practice is abusive in connection with the servicing of a student loan if that act or practice does either of the following:
(a) Materially interferes with the ability of a student loan borrower to understand a term or condition of a student loan; or
(b) Takes unreasonable advantage of any of the following:
   (1) A lack of understanding on the part of a student loan borrower of the material risks, costs or conditions of the student loan;
   (2) The inability of a student loan borrower to protect the interests of the student loan borrower when selecting or using a student loan or feature, term or condition of a student loan; or
   (3) The reasonable reliance by the student loan borrower on a person engaged in servicing a student loan to act in the interests of the student loan borrower.

Sec. 30. 1. The Student Loan Ombudsman designated pursuant to NRS 226.560 or a member of the public may submit a complaint concerning a student loan servicer to the Commissioner for investigation pursuant to section 37 of this act.

2. The Division of Financial Institutions shall share a complaint submitted pursuant to this section with the Office of the Attorney General in accordance with section 49 of this act.

Sec. 31. 1. Before the extension of a private education loan that requires a cosigner, a private education lender shall deliver to the cosigner information concerning, without limitation:
   (a) How the private education loan obligation will appear on the cosigner’s credit;
   (b) How the cosigner will be notified if the private education loan becomes delinquent;
   (c) How the cosigner can cure a delinquency in order to avoid negative credit furnishing and loss of cosigner release eligibility; and
   (d) Eligibility of the cosigner to be released from his or her obligation on the private education loan, including, without limitation, the number of on-time payments and any other criteria required to approve the release of the cosigner from his or her obligation on the private education loan.

2. For any private education loan that obligates a cosigner, a private education lender shall provide the private education loan borrower and the cosigner an annual written notice containing information about the release of the cosigner from his or her obligation on the private education loan, including, without limitation:
   (a) Any administrative, non-judgmental criteria the private education lender requires to approve the release of the cosigner from the private education loan obligation; and
   (b) The process for applying for cosigner release.

3. If the private education loan borrower has met the applicable payment requirements to be eligible for cosigner release, the private education lender shall send the private education loan borrower and the cosigner a written notification by mail and by electronic mail, if the private education loan borrower or cosigner has elected to receive electronic communications from
the private education lender, informing the private education loan borrower and cosigner that the payment requirement to be eligible for cosigner release have been met. The notification must also include information about any additional criteria to qualify for cosigner release and the procedure to apply for cosigner release.

4. A private education lender shall provide written notice to a private education loan borrower who applies for cosigner release but whose application is incomplete. The written notice shall include a description of the information needed to consider the application complete and the date by which the applicant must furnish the missing information.

5. Within 30 days after a private education loan borrower submits a completed application for cosigner release, the private education lender shall send the private education loan borrower and cosigner a written notice that informs the private education loan borrower and cosigner whether the cosigner release application has been approved or denied. If the private education lender denies a request for cosigner release, the private education loan borrower may request any documents or information used in the determination, including, without limitation, the credit score threshold used by the private education lender, the private education loan borrower’s consumer credit report, the private education loan borrower’s credit score and any other documents specific to the private education loan borrower. The private education lender shall also provide any notices of adverse action required under applicable federal law if the denial is based in whole or in part on any information contained in a consumer credit report.

6. In response to a written or oral request for cosigner release, a private education lender shall provide the information described in subsection 2.

7. A private education lender shall not impose any restriction that permanently bars a private education loan borrower from qualifying for cosigner release, including, without limitation, restricting the number of times a private education loan borrower may apply for cosigner release.

8. A private education lender shall not impose any negative consequences on any private education loan borrower or cosigner during the 60 days following the issuance of the notice provided pursuant to subsection 4 or until the private education lender makes a final determination about a private education loan borrower’s cosigner application for release. For the purposes of this subsection, “negative consequences” includes, without limitation, the imposition of additional eligibility criteria, negative credit reporting, lost eligibility for cosigner release, late fees, interest capitalization or other financial injury.

9. A private education lender shall not require more than 12 consecutive, on-time payments as criteria for cosigner release. Any private education loan borrower who has paid the equivalent of 12 months of principal and interest payments within any 12-month period shall be deemed to have satisfied the consecutive, on-time payment requirement, even if the private education loan borrower has not made payments monthly during the 12-month period.
10. If a private education loan borrower or cosigner requests a change in terms that restarts the count of consecutive, on-time payments required for cosigner release, the private education lender shall notify the private education loan borrower and cosigner in writing of the impact of the change and provide the private education loan borrower or cosigner the right to withdraw or reverse the request to avoid that impact.

11. A private education loan borrower has the right to request an appeal of a private education lender’s determination to deny a request for cosigner release, and the private education lender shall permit the private education loan borrower to submit additional documentation evidencing the private education loan borrower’s ability, willingness and stability to meet the payment obligations. The private education loan borrower may request review of the determination made regarding cosigner release by another employee of the private education lender.

12. A private education lender shall establish and maintain a comprehensive record management system reasonably designed to ensure the accuracy, integrity and completeness of data and other information about cosigner release applications and to ensure compliance with applicable state and federal laws, including, without limitation, the federal Equal Credit Opportunity Act, 15 U.S.C. §§ 1691 et seq., and the Fair Credit Reporting Act, 15 U.S.C. §§ 1681 et seq. This system must include the number of cosigner release applications received, the approval and denial rate and the primary reasons for any denial.

13. A private education lender shall provide a cosigner with access to all documents or records related to the cosigned private education loan that are available to the private education loan borrower.

14. If a private education lender provides electronic access to documents and records for a private education loan borrower, the private education lender shall provide equivalent electronic access to the cosigner.

Sec. 32.
1. A private education loan made on or after January 1, 2022, may not include a provision that allows the private education lender to accelerate, in whole or in part, payments on the private education loan, except in cases of payment default. A private education lender shall not place any loan or account into default or accelerate a loan for any reason, other than for payment default.

2. A private education loan made before January 1, 2022, may permit the private education lender to accelerate payments only if the promissory note or loan agreement explicitly authorizes an acceleration and only for the reasons stated in the note or agreement.

3. In the event of the death or bankruptcy of a cosigner:
   (a) The private education lender must not attempt to collect against the cosigner’s estate or bankruptcy estate, other than for payment default.
   (b) Upon receiving notification of the death or bankruptcy of a cosigner, when the private education loan is not more than 60 days delinquent at the time of the notification, the private education lender shall not change any
terms or benefits under the promissory note, repayment schedule, repayment terms or monthly payment amount or any other provision associated with the loan.

4. A private education lender shall not place any private education loan or account into default or accelerate a private education loan while a private education loan borrower is seeking a loan modification or enrollment in a flexible repayment plan, except that a private education lender may place a loan or account into default or accelerate a loan for payment default 90 days following the private education loan borrower’s default.

Sec. 33. 1. A private education lender, when notified of the total and permanent disability of a private education loan borrower or cosigner, shall release any cosigner from the obligations of the cosigner under a private education loan. The private education lender shall not attempt to collect a payment from a cosigner following a notification of total and permanent disability of the private education loan borrower or cosigner.

2. A private education lender shall notify a private education loan borrower and cosigner for a private education loan if either a private education loan borrower or cosigner is released from the obligations of the private education loan under this section, within 30 days of the release.

3. A private education lender that extends a private education loan shall provide the private education loan borrower an option to designate an individual to have the legal authority to act on behalf of the private education loan borrower with respect to the loan in the event of the total and permanent disability of the private education loan borrower.

4. If a cosigner is released from the obligations of a private education loan pursuant to section 31 of this act:
   (a) The private education lender shall not require the private education loan borrower to obtain another cosigner on the private education loan obligation.
   (b) The private education lender shall not declare a default or accelerate the debt against the private education loan borrower on the sole basis of the release of the cosigner from the private education loan obligation.

5. A private education lender, if notified of the total and permanent disability of a private education loan borrower:
   (a) Shall discharge the liability of the private education loan borrower and cosigner on the private education loan; and
   (b) Shall not:
       (1) Attempt to collect on the outstanding liability of the private education loan borrower or cosigner; or
       (2) Monitor the disability status of the private education loan borrower at any point after the date of discharge.

6. As used in this section, “total and permanent disability” is the condition of an individual who:
   (a) Has been determined by the United States Secretary of Veterans Affairs to be unemployable due to a service-connected disability; or
(b) Is unable to engage in any substantial gainful activity by reason of any medically determinable physical or mental impairment that can be expected to result in death, has lasted for a continuous period of not less than 12 months or can be expected to last for a continuous period of not less than 12 months.

Sec. 34. 1. A private education lender shall, before offering a person a private education loan that is being used to refinance an existing private education loan, provide to the person a disclosure that informs the person that benefits and protections applicable to the existing private education loan may be lost due to the refinancing. The information must be provided on a one-page information sheet in at least 12-point font and must be written in simple, clear, understandable and easily readable language.

2. If a private education lender offers any private education loan borrower flexible repayment options in connection with a private education loan, those flexible repayment options must be made available to all private education loan borrowers of loans by the private education lender. A private education lender shall:
   (a) Provide on its Internet website a description of any flexible repayment options offered by the private education lender for private education loans;
   (b) Establish and consistently implement policies and procedures that facilitate the evaluation of private education loan flexible repayment option requests, including, without limitation, policies and procedures that provide accurate information regarding any private education loan flexible repayment option that:
      (1) May be available to the private education loan borrower through the promissory note; or
      (2) May have been marketed to the private education loan borrower through marketing materials; and
   (c) If the private education lender offers flexible repayment options, consistently present and offer similar options to private education loan borrowers with similar financial circumstances; and
   (d) Annually issue a letter to the private education loan borrower and cosigner that sets forth, without limitation:
      (1) The total cumulative principal and interest amount of all private education loans owed by the private education loan borrower or cosigner to the private education lender;
      (2) The total payoff amount of the loans listed in subparagraph (1); and
      (3) Estimated monthly payment amounts if the private education loan borrower or cosigner were to enroll in a flexible repayment plan offered by the private education lender.

Sec. 35. A private education lender shall not:
1. Offer any private education loan that does not comply with the provisions of sections 31 to 34, inclusive, of this act, or that is in violation of any other state or federal law.
2. Engage in any unfair, deceptive or abusive act or practice.
3. Make a private education loan upon the security of any assignment of or order for the payment of any salary, wages, commissions or other compensation for services earned, or to be earned. No assignment or order to secure a private education loan may be taken by a private education lender in connection with a private education loan, or for the enforcement or repayment thereof. Any assignment or order taken or given to secure any loan made by any lender pursuant to sections 31 to 35, inclusive, of this act is void.

4. Make, advertise, print, display, publish, distribute, electronically transmit, telecast or broadcast in any manner any statement or representation that is false, misleading or deceptive.

Sec. 36. A private education lender shall:
1. Establish and maintain records and permit the Division of Financial Institutions to access and copy any records required to be maintained pursuant to the provisions of this chapter; and
2. Retain a loan file, including, without limitation, any record specified for retention by regulations adopted by the Commissioner, for not less than 6 years after the termination of the private education loan account.

Sec. 36.5. Sections 31 to 36.5, inclusive, of this bill do not exempt a private education lender from complying with any requirement to obtain a license imposed by any other specific statute, including, without limitation, the provisions of chapter 675 of NRS. The Commissioner shall determine the particular license that a private education lender is required to obtain.

Sec. 37. In addition to any other authority provided under this title, the Commissioner may conduct investigations and examinations as follows:
1. For purposes of initial licensing, license renewal, license suspension, license revocation or termination or general or specific inquiry or investigation to determine compliance with this chapter, the Commissioner may access, receive and use any books, accounts, records, files, documents, information or evidence, including, without limitation:
   (a) Criminal, civil and administrative history information;
   (b) Personal history and experience information, including, without limitation, independent credit reports obtained from a consumer reporting agency described in section 603(p) of the Fair Credit Reporting Act, 15 U.S.C. § 1681a; and
   (c) Any other documents, information or evidence the Commissioner deems relevant to the inquiry or investigation regardless of the location, possession, control or custody of such documents, information or evidence.
2. For the purposes of investigating violations or complaints arising under this chapter or for the purposes of examination, the Commissioner may review, investigate or examine any student loan servicer or other person subject to this chapter as often as necessary in order to carry out the purposes of this chapter. The Commissioner may direct, subpoena or order the attendance of and examine under oath any person whose testimony may be required regarding a student education loan, the business of a student loan
servicer or the subject matter of any examination or investigation, and may
direct, subpoena or order such a person to produce books, accounts, records,
files and any other documents the Commissioner deems relevant to the
inquiry.

3. In making any examination or investigation authorized by this
section, the Commissioner may control access to any documents and records
of a student loan servicer or other person under examination or
investigation. The Commissioner may take possession of the documents and
records or place a person in exclusive charge of the documents and records
in the place where they are usually kept. During the period of control, a
person shall not remove or attempt to remove any of the documents and
records except pursuant to a court order or with the consent of the
Commissioner. Unless the Commissioner has reasonable grounds to believe
the documents or records of the student loan servicer or other person under
examination or investigation have been, or are at risk of being, altered or
destroyed for purposes of concealing a violation of this chapter, the student
loan servicer, the other person under examination or investigation or the
owner of the documents and records must be allowed access to the
documents or records as necessary to conduct ordinary business affairs.

4. At least once each year, the Commissioner or his or her authorized
representative shall conduct an investigation and examination of each
licensee pursuant to this section.

5. In addition to the fees prescribed in section 16, if it becomes necessary
to examine or investigate the books and records of a licensee pursuant to this
chapter, the licensee shall be liable for and shall pay to the Commissioner,
within 30 days after the presentation of an itemized statement (the actual
travel and reasonable living expenses incurred on account of the
examination, supervision and regulation or shall pay a reasonable per diem
rate approved by the Commissioner), therefor, an amount determined by the
Commissioner at the rate for supervision and examination of a financial
institution established and, if applicable, adjusted pursuant to NRS 658.101.

Sec. 37.5. Each licensee shall pay, in addition to any other assessment,
fee or cost required pursuant to this chapter:

1. The assessment levied pursuant to NRS 658.055 to cover all the costs
related to the employment by the Commissioner of a certified public
accountant and the performance by the certified public accountant of
independent audits and examinations; and

2. The assessment levied pursuant to NRS 658.098 to recover the cost of
legal services provided by the Attorney General to the Commissioner and to
the Division of Financial Institutions.

Sec. 38. To carry out the purposes of this chapter, the Commissioner
may:

1. Retain attorneys, accountants or other professionals and specialists
as examiners, auditors or investigators to conduct or assist in the conduct of
examinations or investigations;
2. Enter into agreements or relationships with other governmental officials or regulatory associations to improve efficiency and reduce any regulatory burden by sharing resources, standardizing or making uniform any applicable methods or procedures and sharing documents, records, information or evidence obtained pursuant to this chapter;

3. Use, hire, contract or employ publicly or privately available analytical systems, methods or software to examine or investigate a student loan servicer or other person under examination or investigation;

4. Accept and rely on examination or investigation reports made by other governmental officials, within or outside this State; and

5. Accept audit reports made by an independent certified public accountant for a student loan servicer or other person under examination or investigation in the course of that part of the examination covering the same general subject matter as the audit and may incorporate the audit report in any report of examination, report of investigation or other writing of the Commissioner.

Sec. 39. The authority of the Commissioner pursuant to this chapter with regard to a student loan servicer or other person under examination or investigation remains in effect, without regard to whether the student loan servicer or other person acts or claims to act under any other licensing or registration law of this State, or claims to act without such authority.

Sec. 40. A student loan servicer or other person under examination or investigation pursuant to this chapter shall not knowingly withhold, abstract, remove, mutilate, destroy or secrete any books, records, computer records or other information related to an investigation or examination pursuant to this chapter.

Sec. 41. The Commissioner may, as applicable, deny an application for a license issued pursuant to this chapter or suspend, revoke or refuse to renew a license issued pursuant to this chapter if the Commissioner finds that:

1. The applicant, licensee or a control person of the applicant or licensee has violated any provision of this chapter or any regulation adopted pursuant thereto;

2. With regard to a licensee or a control person of the licensee, any fact or condition exists which, if it had existed at the time of the original application for the license, would have resulted in a denial of the application;

3. The licensee has failed to pay, within 30 days after receiving an itemized statement or other demand for payment from the Commissioner, any assessment, fee or cost required pursuant to this chapter.

Sec. 42. All fees paid pursuant to this chapter are nonrefundable, including, without limitation, if a license is surrendered, revoked or suspended before the expiration of the period for which it was issued.

Sec. 43. A student loan servicer shall comply with all applicable federal laws and regulations relating to student loan servicing, including, without
limitation, the Truth in Lending Act, 15 U.S.C. §§ 1601 et seq., and the regulations promulgated thereunder. In addition to any other remedies provided by law, a violation of any such federal law or regulation shall be deemed a violation of this chapter and a basis upon which the Commissioner may take action pursuant to this chapter.

Sec. 44. 1. A person who suffers damage as a result of the failure of a student loan servicer to comply with section 43 of this act may bring an action on his or her own behalf and on behalf of a similarly situated class of persons against that student loan servicer to recover or obtain:
(a) Actual damages, but in no case may the total award be less than $500 per plaintiff, per violation;
(b) An order enjoining the methods, acts or practices;
(c) Restitution of property;
(d) Punitive damages;
(e) Attorney’s fees; and
(f) Any other relief that the court deems proper.

2. In addition to any other remedies provided by this section or otherwise provided by law, whenever it is proven by a preponderance of the evidence that a student loan servicer has engaged in conduct that substantially interferes with a student loan borrower’s right to a flexible payment arrangement, forgiveness, cancellation, discharge of a loan or any other financial benefit as established under the terms of a student loan borrower’s promissory note or under the Higher Education Act of 1965, 20 U.S.C. § 1070a et seq., and the regulations promulgated thereunder, the court shall award treble actual damages to the plaintiff, but in no case may the total award of damages be less than $1,500 per plaintiff, per violation.

3. A person claiming loss in connection with tuition or fees as a result of an unfair business practice by a student loan servicer may file a complaint with the Student Loan Ombudsman designated by the State Treasurer pursuant to NRS 226.560. The complaint must set forth the alleged violation and include any information required by the Student Loan Ombudsman.

Sec. 45. 1. A violation of any provision of this chapter may also be a violation of chapter 598B of NRS, the Nevada Equal Credit Opportunity Law.

2. In addition to any other remedies provided by this section or otherwise provided by law, whenever it is proven by a preponderance of the evidence in a civil action that a person or entity that makes a student education loan, including, without limitation, a private education lender, has filed information required pursuant to this chapter that is false, the court shall award treble damages to the student loan borrower, including, without limitation, a private education loan borrower, but in no case may the total award of damages in action be less than $1,500.

3. The rights, remedies and penalties provided by this chapter are cumulative and do not abrogate and are in addition to any other rights, remedies and penalties that may exist at law or in equity.
Sec. 45.5. Except as otherwise provided in this section and NRS 239.0115, any books, records, computer records or other information obtained by the Division in connection with an application, complaint, audit, investigation or examination pursuant to this chapter or in response to a subpoena are confidential and may be disclosed only to:

1. The Division, any authorized employee or representative of the Division and any state or federal agency investigating the activities covered under the provisions of this chapter; and 

2. Any person if the Commissioner, in his or her discretion, determines that the interests of the public that would be protected by disclosure outweigh the interest of any person in the confidential information not being disclosed.

Sec. 46. The Attorney General may bring an action in the name of the people of this State to restrain or prevent any violation of this chapter or any continuance of any such violation.

Sec. 47. The Commissioner shall adopt any regulations necessary to carry out the provisions of this chapter.

Sec. 48. NRS 657.005 is hereby amended to read as follows:

657.005  As used in chapters 657 to 671, inclusive, of NRS, and sections 2 to 47, inclusive, of this act, unless the context otherwise requires, the words and terms defined in NRS 657.016 to 657.085, inclusive, have the meanings ascribed to them in those sections.

Sec. 48.5. NRS 658.098 is hereby amended to read as follows:

658.098  1. On a quarterly or other regular basis, the Commissioner shall collect an assessment pursuant to this section from each:

(a) Check-cashing service or deferred deposit loan service that is supervised pursuant to chapter 604A of NRS;

(b) Collection agency that is supervised pursuant to chapter 649 of NRS;

(c) Bank that is supervised pursuant to chapters 657 to 668, inclusive, of NRS;

(d) Trust company or family trust company that is supervised pursuant to chapter 669 or 669A of NRS;

(e) Person engaged in the business of selling or issuing checks or of receiving for transmission or transmitting money or credits that is supervised pursuant to chapter 671 of NRS;

(f) Savings and loan association or savings bank that is supervised pursuant to chapter 673 of NRS;

(g) Person engaged in the business of lending that is supervised pursuant to chapter 675 of NRS;

(h) Thrift company that is supervised pursuant to chapter 677 of NRS; and

(i) Credit union that is supervised pursuant to chapter 672 of NRS; and

(j) Student loan servicer that is supervised pursuant to the chapter consisting of sections 2 to 47, inclusive, of this act.
2. The Commissioner shall determine the total amount of all assessments to be collected from the entities identified in subsection 1, but that amount must not exceed the amount necessary to recover the cost of legal services provided by the Attorney General to the Commissioner and to the Division of Financial Institutions. The total amount of all assessments collected must be reduced by any amounts collected by the Commissioner from an entity for the recovery of the costs of legal services provided by the Attorney General in a specific case.

3. The Commissioner shall collect from each entity identified in subsection 1 an assessment that is based on:
   (a) A portion of the total amount of all assessments as determined pursuant to subsection 2, such that the assessment collected from an entity identified in subsection 1 shall bear the same relation to the total amount of all assessments as the total assets of that entity bear to the total of all assets of all entities identified in subsection 1; or
   (b) Any other reasonable basis adopted by the Commissioner.

4. The assessment required by this section is in addition to any other assessment, fee or cost required by law to be paid by an entity identified in subsection 1.

5. Money collected by the Commissioner pursuant to this section must be deposited in the State Treasury pursuant to the provisions of NRS 658.091.

Sec. 49. Chapter 226 of NRS is hereby amended by adding thereto a new section to read as follows:

1. The Student Loan Ombudsman shall make all complaints received pursuant to NRS 226.570 available to the Office of the Attorney General.

2. The Student Loan Ombudsman and the Attorney General shall enter into an information sharing agreement for the sharing of complaints between offices.

Sec. 50. NRS 226.500 is hereby amended to read as follows:

226.500 As used in NRS 226.500 to 226.590, inclusive, and section 49 of this act, unless the context otherwise requires, the words and terms defined in NRS 226.510 to 226.550, inclusive, have the meanings ascribed to them in those sections.

Sec. 50.5. NRS 239.010 is hereby amended to read as follows:

section 45.5 of this act, unless otherwise declared by law to be confidential, all public books and public records of a governmental entity must be open at all times during office hours to inspection by any person, and may be fully copied or an abstract or memorandum may be prepared from those public books and public records. Any such copies, abstracts or memoranda may be used to supply the general public with copies, abstracts or memoranda of the records or may be used in any other way to the advantage of the governmental entity or of the general public. This section does not supersede or in any manner affect the federal laws governing copyrights or enlarge, diminish or affect in any other manner the rights of a person in any written book or record which is copyrighted pursuant to federal law.

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

3. A governmental entity that has legal custody or control of a public book or record shall not deny a request made pursuant to subsection 1 to inspect or copy or receive a copy of a public book or record on the basis that the requested public book or record contains information that is confidential if the governmental entity can redact, delete, conceal or separate, including, without limitation, electronically, the confidential information from the information included in the public book or record that is not otherwise confidential.

4. If requested, a governmental entity shall provide a copy of a public record in an electronic format by means of an electronic medium. Nothing in this subsection requires a governmental entity to provide a copy of a public record in an electronic format or by means of an electronic medium if:
   (a) The public record:
      (1) Was not created or prepared in an electronic format; and
      (2) Is not available in an electronic format; or
   (b) Providing the public record in an electronic format or by means of an electronic medium would:
(1) Give access to proprietary software; or
(2) Require the production of information that is confidential and that cannot be redacted, deleted, concealed or separated from information that is not otherwise confidential.

5. An officer, employee or agent of a governmental entity who has legal custody or control of a public record:
   (a) Shall not refuse to provide a copy of that public record in the medium that is requested because the officer, employee or agent has already prepared or would prefer to provide the copy in a different medium.
   (b) Except as otherwise provided in NRS 239.030, shall, upon request, prepare the copy of the public record and shall not require the person who has requested the copy to prepare the copy himself or herself.

Sec. 51. Chapter 394 of NRS is hereby amended by adding thereto the provisions set forth as sections 52 to 59, inclusive, of this act.

Sec. 52. “Postsecondary vocational institution” means a postsecondary educational institution that offers postsecondary education that does not result in a student earning a degree at a college or university and that is primarily for the purpose of instructing, training or preparing persons for a vocation or profession.

Sec. 53. 1. Notwithstanding any provision of law, a postsecondary educational institution shall not:
   (a) Refuse to provide a transcript for a current or former student on the grounds that the student owes a debt;
   (b) Condition the provision of a transcript on the payment of a debt, other than a fee charged to provide the transcript;
   (c) Charge a higher fee for obtaining a transcript, or provide less favorable treatment of a transcript request because a student owes a debt; or
   (d) Use transcript issuance as a tool for debt collection.

2. A postsecondary educational institution shall adopt policies and rules providing for:
   (a) The withholding of institutional services from students or former students who have been notified in writing at the student’s or former student’s last known address that they are in default on a loan or loans under the Federal Family Education Loan Program, 20 U.S.C. §§ 1071 to 1087-4, inclusive.
   (b) The services otherwise withheld may be provided during a period when the facts are in dispute or when the student or former student demonstrates to the governing board of the postsecondary educational institution or Commission and the appropriate entity or its designee, that reasonable progress has been made to repay the loan or that there exists a reasonable justification for the delay as determined by the postsecondary educational institution. The policies and rules must specify the services that may be withheld from the student, including, without limitation:
      (1) The provision of grades; or
      (2) The provision of a diploma or certificate.
The policies and rules must not authorize the withholding of registration privileges or transcripts.

3. A guarantor, or person acting as the agent or otherwise acting under the control of the guarantor or agent, who provides information to a postsecondary educational institution pursuant to this section, shall defend, indemnify and hold harmless the governing board of the postsecondary educational institution from a civil or administrative action resulting from compliance with this section if the action arises as a result of incorrect, misleading or untimely information provided to the postsecondary educational institution by the guarantor, agent, or person acting under the control of the guarantor or agent.

4. If a student transfers from one postsecondary educational institution to another within this State, the appropriate records or a copy thereof shall be transferred by the former postsecondary educational institution upon a request from the student. Any postsecondary educational institution making a transfer of these records shall notify the student of the student’s right to receive a copy of the record and the student’s right to a hearing to challenge the content of the record.

5. The Commission may adopt regulations concerning the transfer of the records described in subsection 4 to, from or between postsecondary educational institutions licensed to operate in this State.

6. For the purposes of this section, “default” means the failure of a borrower to make an installment payment when due, or to meet other terms of the promissory note under circumstances where the guarantee agency finds it reasonable to conclude that the borrower no longer intends to honor the obligation to repay if this failure persists:
   (a) For 180 days if the loan is repayable in monthly installments; or
   (b) For 240 days if the loan is repayable in installments that are less frequent than monthly.

7. As used in this section, “debt” means any money, obligation, claim or sum due or owing, or alleged to be due or owing, from a student. The term does not include the fee, if any, charged to the student for the actual costs of providing a transcript.

Sec. 54. A postsecondary educational institution authorized to operate pursuant to this chapter shall:

1. Present data about its completion rates, employment rates, loan or indebtedness metrics or its graduates’ median hourly [and] or annual earnings that is consistent with any applicable data published by the Commission or the United States Department of Education.

2. Disclose to the Commission any pending investigations by an oversight entity, including, without limitation, the nature of that investigation, within 30 days after the postsecondary educational institution’s first knowledge of the investigation. For the purposes of this subsection:
(a) “Investigation” means any inquiry into possible violations of any applicable laws or accreditation standards.

(b) “Oversight entity” means:

1. Any federal or state entity that provides financial aid to students of the institution or approves the institution for participation in a financial aid program.

2. The Attorney General of the United States, the Office of the Attorney General of the State of Nevada or the United States Department of Justice.

3. If applicable, any regulator that approves the operation of the postsecondary vocational institution.

4. The Consumer Financial Protection Bureau or the Securities and Exchange Commission.

5. Any accrediting agency.

Sec. 55. A postsecondary educational institution or its agent shall not:

1. Provide a prospective student with any testimonial, endorsement or other information that a reasonable person would find is likely to mislead or deceive prospective students or the public regarding current practices of the school, current conditions for employment opportunities, post-graduation employment by industry, probable earnings in the occupation for which the education was designed, the likelihood of obtaining financial aid or low-interest loans for tuition or the ability of graduates to repay loans;

2. Use any official United States military logo in advertising or promotional materials; or

3. Engage in any practice regarding the sale of, or inducing students to obtain, specific consumer student loan products to fund education that provides a financial benefit to any person or entity that has an ownership interest in the postsecondary educational institution, unless the postsecondary educational institution can demonstrate to the Commission that the student has exhausted all federal aid options and has been denied noninstitutional private commercial loan products. The prohibition in this subsection applies to any postsecondary educational institution authorized to operate by the Commission, and any agent of the postsecondary educational institution, that has not less than 150 students enrolled in this State in any given year, or that has been operating in the State for less than 2 consecutive years. For the purposes of this subsection:

(a) “Agent” means any employee, officer or contractor working on behalf of the postsecondary educational institution.

(b) “Financial benefit” does not include merely having an interest in students with loans enrolling in the postsecondary educational institution or assisting students with financial aid matters.

Sec. 56. 1. In addition to the minimum standards for postsecondary educational institutions required pursuant to NRS 394.251, the Commission shall establish minimum standards for applicants for a license to operate a private postsecondary vocational institution, or for an agent’s permit.
minimum standards must require a private postsecondary vocational institution to:

(a) Disclose to the Commission information about its ownership and financial position and to demonstrate that the private postsecondary vocational institution is financially viable and responsible and that it has sufficient financial resources to fulfill its commitments to students. Financial disclosures provided to the Commission shall not be subject to public disclosure.

(b) Follow [a uniform statewide] the most stringent applicable cancellation and refund policy, as specified by the Commission.

(c) Disclose to students through use of a school catalog, Internet website, brochure or other written material necessary information so that students may make informed enrollment decisions. The Commission shall specify what data and information are required to be discussed pursuant to this paragraph. To the extent that these Internet websites or materials present any data on the completion rates, employment rates, loan or indebtedness metrics and its graduates’ median hourly and annual earnings for the private postsecondary vocational institution or its programs, the posted data must be consistent with any applicable data published by the Commission or United States Department of Education.

(d) Use an enrollment contract or agreement that includes, without limitation:

(1) The cancellation and refund policy of the private postsecondary educational institution.

(2) A brief statement that the private postsecondary educational institution is licensed pursuant to this chapter and that inquiries, concerns or complaints may be made to the Commission.

(3) Other necessary information as determined by the Commission.

(e) Describe accurately and completely in writing to students before their enrollment the prerequisites and requirements for:

(1) Successful completion of the programs of study in which they are interested.

(2) Qualifying for the fields of employment for which their education is designed.

(f) Discuss with each prospective student the prospective student’s obligations in signing any enrollment contract or incurring any debt for educational purposes. If applicable, the discussion shall include the inadvisability of acquiring an excessive educational debt burden that will be difficult to repay given the employment opportunities and average starting salaries in the prospective student’s chosen field of employment.

(g) Ensure that any enrollment contract between the private postsecondary vocational institution and a student has an attachment in a format provided by the Commission. The attachment must be signed by both the private postsecondary educational institution and the student. The attachment must stipulate, without limitation, that:
(1) The private postsecondary educational institution has complied with paragraph (f).

(2) The student understands and accepts his or her responsibilities in signing any enrollment contract or debt application.

(3) The enrollment contract is not binding for at least 5 business days immediately following the signature of the enrollment contract by both parties.

2. A private postsecondary vocational institution that has not less than 150 students enrolled in this State during any given year, has been operating in this State for less than 2 consecutive years or has not had at least one of its programs recognized by the Commission as an eligible training provider for at least 2 consecutive years may not engage in any practice regarding the sale of, or inducing students to obtain, specific consumer student loan products to fund education that provide a financial benefit to any person or entity that has an ownership interest in the private postsecondary educational institution, unless the postsecondary educational institution can demonstrate to the Commission that the student has exhausted all federal aid options and has been denied noninstitutional private commercial loan products. As used in this subsection, “financial benefit” does not include merely having an interest in students with loans enrolling in the private postsecondary vocational institution or assisting students with financial aid matters.

3. The Commission may deny a private postsecondary vocational institution’s application for licensure if the private postsecondary vocational institution fails to meet the requirements in this section.

Sec. 57. 1. The Commission may determine that a licensed postsecondary vocational institution or a particular program of a postsecondary vocational institution is at risk of closure or termination if:

(a) There is a pattern or history of substantiated student complaints filed with the Commission; or

(b) The postsecondary vocational institution fails to meet minimum licensing requirements established by the Commission

2. If the Commission determines that a postsecondary vocational institution or a particular program is at risk of closure or termination, the Commission shall require the postsecondary vocational institution to take corrective action.

Sec. 58. 1. A postsecondary vocational institution or an agent shall not engage in an unfair business practice, including, without limitation:

(a) Failing to comply with the terms of a student enrollment contract or agreement;

(b) Using an enrollment contract form, catalog, brochure or similar written material affecting the terms and conditions of student enrollment other than that previously submitted to the Commission and authorized for use;
(c) Advertising in the “help wanted” section of a newspaper or otherwise represent falsely, directly or by implication, that the postsecondary vocational institution is an employment agency, is making an offer of employment or otherwise is attempting to conceal the fact that what is being represented are course offerings of a postsecondary vocational institution;

(d) Representing falsely, directly or by implication, that an educational program is approved by a particular industry or that successful completion of the program qualifies a student for admission to a labor union or similar organization or for the receipt of a state license in any business, occupation or profession;

(e) Representing falsely, directly or by implication, that a student who successfully completes a course or program of instruction may transfer credit for the course or program to any institution of higher education;

(f) Representing falsely, directly or by implication, in advertising or in any other manner the postsecondary vocational institution’s size, location, facilities, equipment, faculty qualifications, number of faculty or the extent or nature of any approval received from an accrediting association;

(g) Representing falsely, directly or by implication, the probable total cost to obtain a diploma or certificate;

(h) Representing that the postsecondary vocational institution is approved, recommended or endorsed by the State or the Commission, except the fact that the postsecondary vocational institution is licensed to operate pursuant to this chapter may be stated if true;

(i) Providing a prospective student with:
   (1) Any testimonial, endorsement or other information that a reasonable person would find likely to mislead or deceive prospective students or the public, including, without limitation, those regarding current practices of the postsecondary vocational institution;
   (2) Information regarding rates of completion or post-graduation employment, or its graduates’ median hourly or annual earnings, that is not consistent with any applicable data published by the Commission or the United States Department of Education;
   (3) Current conditions for employment opportunities;
   (4) Post-graduation employment by industry or probable earnings in the occupation for which the education was designed;
   (5) The acceptance of a diploma or certificate by employers as a qualification for employment;
   (6) The acceptance of courses, a diploma or a certificate by any institution of higher education;
   (7) The likelihood of obtaining financial aid or low-interest loans for tuition; and
   (8) The ability of graduates to repay loans;

(j) Designating or referring to a sales or admissions representative as a “counselor,” an “advisor” or a similar term that may have the tendency to
mislead or deceive a prospective student or the public regarding the authority or qualifications of the sales representative;

(k) Making or causing to be made any statement or representation in connection with the offering of education if the postsecondary vocational institution or agent knows or reasonably should have known the statement or representation to be false, substantially inaccurate or misleading;

(l) Engaging in methods of advertising, sales, collection, credit or other business practices that are false, deceptive, misleading or unfair, as determined by the Commission;

(m) Attempting to recruit students in or within 40 feet of a building that contains a welfare or unemployment office;

(n) If applicable, violating subsection 3 of section 55 of this act regarding the sale of, or inducing students to obtain, a specific consumer student loan product; and

(o) Using an official United States military logo in advertising or promotional materials.

As used in this subsection, “recruiting” includes, without limitation, canvassing and surveying. The term does not include leaving materials at or near an office for a person to pick up of his or her own accord or handing a brochure or leaflet to a person provided that no attempt is made to obtain a name, address, telephone number or other data or to otherwise actively pursue the enrollment of the prospective student.

2. The Commission may deny, revoke or suspend the license of any postsecondary vocational institution or agent that is found to have engaged in a substantial number of repeated unfair business practices or that has engaged in significant unfair business practices, as determined by the Administrator.

3. A postsecondary vocational institution or agent that violates this section is subject to a civil penalty of not more than $100 for each separate violation. Each day on which a violation occurs constitutes a separate violation. Multiple violations on a single day may be considered separate violations. The civil penalty may be imposed by the Commission or in any court of competent jurisdiction.

Sec. 59. The rights, remedies and penalties provided by sections 51 to 58, inclusive, of this act are cumulative and do not abrogate and are in addition to any other rights, remedies and penalties that may exist at law or in equity.

Sec. 60. NRS 394.005 is hereby amended to read as follows:

394.005 As used in this chapter, unless the context otherwise requires, the words and terms defined in NRS 394.006 to 394.112, inclusive, and section 52 of this act have the meanings ascribed to them in those sections.

Sec. 61. NRS 394.099 is hereby amended to read as follows:

394.099 1. “Postsecondary educational institution” means an academic, vocational, technical, home study, business, professional or other school,
college or university that is privately owned, or any person offering postsecondary education if he or she:

(a) Is not licensed as a postsecondary educational institution in this state by a federal or another state agency;

(b) Charges tuition, requires or requests donations or receives any consideration from a student for any portion of the instruction, including written or audiovisual material;

(c) Educates or trains persons who are not his or her employees; and

(d) Educates or trains, or claims or offers to educate or train, students in a program leading toward:

(1) Employment at a beginning or advanced level;

(2) Educational credentials;

(3) Credits that are intended to be applied toward an educational credential awarded in another state which does not require the person to obtain a majority of the credits required in that state; or

(4) Preparation for examinations for initial licensing in a profession or vocation.

The term includes a branch:

(a) Postsecondary vocational institution; and

(b) Branch or extension of a public or private postsecondary educational institution of another state that is located in this state or which offers educational services or education in this state.

The term does not include an institution or person offering only educational services or programs at the introductory level on the use of computer software to persons who have purchased that software from the institution or person.

Sec. 62. NRS 394.415 is hereby amended to read as follows:

394.415 1. Except as otherwise provided in NRS 397.060, the Commission is the sole authority for licensing a postsecondary educational institution. Any person who operates or claims to operate such an institution must be licensed by the Commission. The Administrator may require any person who operates or claims to operate such an institution to furnish information which will allow the Commission to determine whether a license is required.

2. The Commission shall not delegate to any other state its authority to oversee and enforce compliance with this chapter or its authority to respond to complaints made by students in this State, regardless of whether the postsecondary educational institution is authorized by, or has its home in, another state. Participation in interstate reciprocity agreements consistent with the purposes of this section does not delegate authority for compliance with this section or authority to respond to student complaints.

Sec. 63. NRS 394.570 is hereby amended to read as follows:

394.570  Funds to carry out the provisions of NRS 394.201 to 394.610, inclusive, and sections 52 to 59, inclusive, of this act shall be provided by
legislative appropriation from the General Fund, and shall be paid out on claims as other claims against the State are paid.

Sec. 64. NRS 394.610 is hereby amended to read as follows:

394.610 Unless a specific penalty is otherwise provided, a person who willfully violates the provisions of NRS 394.005 to 394.560, inclusive, and 52 to 59, inclusive, of this act is guilty of a gross misdemeanor. Each day’s failure to comply with the provisions of these sections is a separate offense.

Sec. 65. As soon as practicable after January 1, 2022, the Student Loan Ombudsman designated by the State Treasurer pursuant to NRS 226.560 and the Attorney General shall enter into the information sharing agreement required by section 49 of this act.

Sec. 66. 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. 67. 1. This section becomes effective upon passage and approval.
   2. Sections 1 to 17, inclusive, and 19 to 66, inclusive, of this act become effective:
      (a) Upon passage and approval for the purpose of adopting regulations and performing any other preparatory administrative tasks necessary to carry out the provisions of this act; and
      (b) On January 1, 2022, for all other purposes.
   3. Section 18 of this act becomes effective on the date on which the provisions of 42 U.S.C. § 666 requiring each state to establish procedures under which the state has authority to withhold or suspend, or to restrict the use of professional, occupational and recreational licenses of persons who:
      (a) Have failed to comply with a subpoena or warrant relating to a proceeding to determine the paternity of a child or to establish or enforce an obligation for the support of a child; or
      (b) Are in arrears in the payment for the support of one or more children, are repealed by the Congress of the United States.
   4. Section 17 of this act expires by limitation on the date on which the provisions of 42 U.S.C. § 666 requiring each state to establish procedures under which the state has authority to withhold or suspend, or to restrict the use of professional, occupational and recreational licenses of persons who:
      (a) Have failed to comply with a subpoena or warrant relating to a proceeding to determine the paternity of a child or to establish or enforce an obligation for the support of a child; or
      (b) Are in arrears in the payment for the support of one or more children, are repealed by the Congress of the United States.

Assemblywoman Jauregui moved the adoption of the amendment. Remarks by Assemblywoman Jauregui. Amendment adopted. Bill ordered reprinted, engrossed and to third reading.
Assemblywoman Carlton moved that upon return from the printer, Assembly Bill No. 382 be rereferred to the Committee on Ways and Means. Motion carried.

GENERAL FILE AND THIRD READING

Assembly Bill No. 383. Bill read third time.

The following amendment was proposed by Assemblyman Watts:

Amendment No. 430.

AN ACT relating to energy; requiring the Director of the Office of Energy to adopt standards of energy efficiency for certain appliances; prohibiting the sale, lease, rental or installation of certain new appliances that are not in compliance with energy efficiency standards; authorizing the Director to adopt standards of energy efficiency for certain additional appliances; requiring a manufacturer to submit a certification for certain appliances prior to sale; authorizing the Director to take certain actions to investigate possible violations; establishing a civil penalty for violations; authorizing the adoption of appliance standards to facilitate the implementation of flexible demand technology; and providing other matters properly relating thereto.

Legislative Counsel's Digest:

Sections 2-30 of this bill establish definitions for terms related to the energy efficiency of appliances.

Section 31 of this bill requires the Director of the Office of Energy to adopt regulations establishing minimum standards of energy efficiency for certain appliances sold in this State and methods for testing and verifying whether appliances comply with those standards. Section 31 prohibits, after certain dates, the sale, lease, rental or installation of a new appliance that does not meet the standards for energy efficiency adopted by the Director. Section 31 prescribes minimum standards of energy efficiency which the standards of energy efficiency adopted by the Director must meet or exceed.

Section 32 of this bill authorizes the Director, if certain findings are made, to adopt standards of energy efficiency for appliances other than the appliances for which standards of energy efficiency are specifically required to be adopted by this bill. Section 32 prohibits, after certain dates, the sale, lease, rental or installation of a new appliance that does not meet the standards for energy efficiency adopted by the Director pursuant to that section.

Section 33 of this bill requires the Director to seek a waiver of preemption from the Secretary of Energy of the United States Department of Energy if the Director has adopted or proposes to adopt a standard of energy efficiency for an appliance which is more stringent than the standard of energy efficiency for that appliance which exists under federal law.

Section 34 of this bill requires a manufacturer, before an appliance is made available for sale, lease or
rent in this State [and], to submit to the Director a certification for the appliance demonstrating that the appliance [for which] complies with the energy efficiency standards [have been] established [unless the manufacturer has obtained a certification for the appliance from] by the Director. Section 34 requires a manufacturer to ensure that a new appliance that has received a certification demonstrating that it complies with the minimum standards of energy efficiency includes a mark, label or tag at the time of sale or installation identifying the appliance as a certified appliance. Section 34 requires the Director to adopt regulations prescribing the procedures for governing the certification of appliances and the labeling of certified appliances.

Section 35 of this bill authorizes the Director to test appliances for compliance with the energy efficiency standards established by the Director and to conduct periodic inspections of the premises of manufacturers, distributors, retailers and installers of new appliances and newly constructed buildings which contain new appliances to determine whether there has been compliance with the provisions of this bill. Section 35 requires the Director to investigate complaints concerning alleged violations of the provisions of this bill. Section 35 establishes a civil penalty for violations of the provisions of this bill and authorizes the Attorney General to institute a civil action against a manufacturer, distributor, retailer or installer for such violations.

Section 36 of this bill authorizes the Director to adopt regulations to carry out the provisions of this bill.

Section 37 of this bill authorizes the Director to adopt standards for appliances and other provisions to facilitate the deployment of flexible demand technologies.

Section 38 of this bill excludes certain appliances from the provisions of this bill.

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

Section 1. Chapter 701 of NRS is hereby amended by adding thereto the provisions set forth as sections 2 to 38, inclusive, of this act.

Sec. 2. As used in sections 2 to 38, inclusive, of this act, unless the context otherwise requires, the words and terms defined in sections 3 to 30, inclusive, of this act have the meanings ascribed to them in those sections.

Sec. 3. “Air purifier” means an electric, cord-connected, portable appliance with the primary function of removing particulate matter from the air and which can be moved from room to room.

Sec. 4. “Cold only water cooler” means a water cooler that dispenses cold water only.

Sec. 5. “Cold-temperature fluorescent lamp” means a fluorescent lamp that:

1. Is not a compact fluorescent lamp;
2. Is specifically designed to operate at temperatures as low as -20 degrees Fahrenheit when used with a ballast conforming to the requirements of Standard Nos. C78.81 and C78.901 of the American National Standards Institute; and

3. Is expressly designated as a cold-temperature fluorescent lamp both in markings on the lamp and in marketing materials, including, without limitation, catalogs, sales literature or promotional materials.

Sec. 6. “Commercial dishwasher” means a machine designed to clean and sanitize plates, pots, pans, glasses, cups, bowls, utensils and trays by applying sprays of detergent solution, with or without blasting media granules, and a sanitizing rinse, and which is distributed for industrial or commercial use.

Sec. 7. “Commercial fryer” means an appliance, including, without limitation, a cooking vessel, in which:

1. Oil is placed to such a depth that the cooking food is essentially supported by displacement of the cooking fluid rather than by the bottom of the vessel.

2. Heat is delivered to the cooking fluid by means of an immersed electric element or band-wrapped vessel for electric fryers or by heat transfer from gas burners through either the walls of the fryer or through tubes passing through the cooking fluid for gas fryers.

Sec. 8. “Commercial hot-food holding cabinet”:

1. Means a heated, fully enclosed compartment with one or more solid or transparent doors designed to maintain the temperature of hot food that has been cooked using a separate appliance.

2. Does not include heated glass merchandizing cabinets, drawer warmers or cook-and-hold appliances.

Sec. 9. “Commercial oven” means a chamber designed for heating, roasting or baking food by conduction, convection, radiation or electromagnetic energy and which is distributed for industrial or commercial use.

Sec. 10. “Commercial steam cooker”:

1. Means a device with one or more food steaming compartments in which the energy in the steam is transferred to the food by direct contact.

2. Includes, without limitation, countertop models, wall-mounted models and floor models mounted on a stand, pedestal or cabinet-style base.

Sec. 11. “Compensation” means money or any other thing of value, regardless of form, received by a person for services rendered.

Sec. 12. “Computer”:

1. Means a device that performs logical operations and processes data and is composed of, at a minimum:

(a) A central processing unit to perform operations or, if no central processing unit is present, then the device must function as a client gateway to a server and the server acts as a computational central processing unit;
(b) The ability to support user input devices such as a keyboard, mouse or
touchpad; and
(c) An integrated display screen or the ability to support an external
display screen to output information.
2. Includes both stationary and portable units, and includes, without
limitation, a desktop computer, portable all-in-one computer, notebook
computer, mobile gaming system, high-expandability computer, small-scale
server, thin client or workstation.
3. Does not include a tablet, game console, television, small computer
device, server other than a small-scale server or an industrial computer.

Sec. 13. “Computer monitor”:
1. Means an analog or digital device of diagonal screen size not less than
17 inches and not more than 61 inches, that has a pixel density of more than
5,000 pixels per square inch and that is designed primarily for the display of
computer generated signals for viewing by one person in a desk-based
environment and which is composed of a display screen and associated
electronics.
2. Does not include:
   (a) Displays with integrated or replaceable batteries designed to support
primary operation without alternating current mains or external direct
current power, including, without limitation, electronic readers, mobile
phones, tablets and battery-powered digital frames; or
   (b) A television or signage display.

Sec. 14. “Cook and cold water cooler” means a water cooler that
dispenses both cold water and room-temperature water.

Sec. 15. “Decorative gas fireplace” means a vented fireplace, including,
without limitation, an appliance that is freestanding, recessed or zero
clearance or a gas fireplace insert, that is:
1. Fueled by natural gas or propane;
2. Marked for decorative use only; and
3. Not equipped with a thermostat or intended for use as a heater.

Sec. 16. “Electric vehicle supply equipment”:
1. Means the conductors, including, without limitation, the ungrounded,
grounded and equipment-grounding conductors, the electric vehicle
connectors, the attachment plugs and all other fittings, devices, power outlets
or apparatuses, installed specifically for the purpose of delivering energy
from the premises wiring to the electric vehicle.

   [Includes charging cords with NEMA 5-15P and NEMA 5-20P
attachment plugs.

   Does not include conductors, connectors and fittings that are part of
a vehicle.

Sec. 17. “Flexible demand” means the capability to schedule, shift or
curtail the electrical demand of a customer of a utility through direct action
by the customer or through action by a third party, the utility or a grid-
balancing authority, with the consent of the customer.
Sec. 18. “Gas fireplace” means a decorative gas fireplace or a heating gas fireplace.

Sec. 19. “Heating gas fireplace” means a vented fireplace, including, without limitation, an appliance that is freestanding, recessed or zero clearance or a gas fireplace insert, that is:
1. Fueled by natural gas or propane; and
2. Not a decorative gas fireplace.

Sec. 20. “High color rendering index fluorescent lamp” means a fluorescent lamp with a color rendering index of 87 or more that is not a compact fluorescent lamp.

Sec. 21. “Hot and cold water cooler” means a water cooler that dispenses both hot and cold water and which may or may not dispense room-temperature water.

Sec. 22. “Impact-resistant fluorescent lamp” means a fluorescent lamp that:
1. Is not a compact fluorescent lamp;
2. Has a coating or equivalent technology that is compliant with Standard No. 51 of the American National Standards Institute and is designed to contain the glass if the glass envelope of the lamp is broken; and
3. Is designated and marketed for the intended application with:
   (a) The designation on the lamp packaging; and
   (b) Marketing materials that identify the lamp as being impact-resistant, shatter-resistant, shatterproof or shatter-protected.

Sec. 23. “Industrial air purifier” means an indoor air-cleaning device manufactured, advertised, marketed, labeled and used solely for industrial use and that is marketed solely through industrial supply outlets or businesses and prominently labeled as follows: “Solely for industrial use. Potential health hazard: emits ozone.”

Sec. 24. “New” means that an appliance has not previously been sold to an end user.

Sec. 25. “On-demand” means a water cooler that heats water as it is requested, and which may take a few minutes to deliver hot water.

Sec. 26. “Portable electric spa” means a factory-built electric spa or hot tub which may or may not include any combination of integral controls, water heating or water-circulating equipment.

Sec. 27. “Regulated appliance” includes the following appliances:
1. An air purifier that is not an industrial air purifier;
2. A cold-temperature fluorescent lamp;
3. A commercial dishwasher;
4. A commercial fryer;
5. A commercial hot-food holding cabinet;
6. A commercial oven;
7. A commercial steam cooker;
8. A computer;
9. A computer monitor;
10. Electric vehicle supply equipment;
11. A gas fireplace;
12. A high color rendering index fluorescent lamp;
13. An impact-resistant fluorescent lamp;
14. A portable electric spa;
15. A residential ventilating fan; and

Sec. 28. “Residential ventilating fan” means a ceiling or wall-mounted fan, or remotely mounted in-line fan, designed to be used in a bathroom or utility room for the purpose of moving air from inside the building to outside the building.

Sec. 29. “Storage-type”:
1. Means a water cooler that stores thermally conditioned water in a tank and makes such water available instantaneously.
2. Includes point-of-use, dry storage compartment and bottled water coolers.

Sec. 30. “Water cooler” means a freestanding device that consumes energy to cool or heat potable water.

Sec. 31. 1. Not later than October 1, 2022, the Director of the Office of Energy [in consultation with the Director of the State Department of Conservation and Natural Resources and the Director of the Department of Business and Industry] shall adopt regulations establishing minimum standards of energy efficiency for regulated appliances and methods for testing verifying whether a regulated appliance complies with those standards.

2. On and after July 1, 2023, a new regulated appliance may not be sold, leased or rented in this State, or offered for sale, lease or rent in this State, unless it meets or exceeds the minimum standards of energy efficiency established by the Director pursuant to subsection 1. If the Director amends the regulations adopted pursuant to subsection 1 to establish more stringent standards of energy efficiency for regulated appliances, the Director shall establish an effective date for such amended regulations which must be not earlier than 365 days after the date on which the amended regulations are filed with the Secretary of State pursuant to NRS 233B.070.

3. On and after January 1, 2024, a new regulated appliance may not be installed for compensation in this State unless it meets or exceeds the minimum standards of energy efficiency established by the Director pursuant to subsection 1. If the Director amends the regulations adopted pursuant to subsection 1 to establish more stringent standards of energy efficiency for new regulated appliances, beginning 1 year after the amended regulations are filed with the Secretary of State pursuant to NRS 233B.070, it shall be unlawful to install for compensation in this State a new regulated appliance that does not meet or exceed the more stringent standards of energy efficiency adopted by the Director.
4. The minimum standards of energy efficiency for regulated appliances adopted by the Director pursuant to subsection 1 must meet or exceed the following standards:

   (a) An air purifier which is not an industrial air purifier must meet the following requirements as measured in accordance with version 2.0 of the “ENERGY STAR Product Specification for Room Air Cleaners” adopted by the United States Environmental Protection Agency:
      
      (1) The clean air delivery rate for smoke must be not less than 30 cubic feet per minute;
      
      (2) For models with a clean air delivery rate for smoke that is less than 100 cubic feet per minute, the clean air delivery rate per watt for smoke must be not less than 1.7 cubic feet per minute;
      
      (3) For models with a clean air delivery rate for smoke that is 100 or more but less than 150 cubic feet per minute, the clean air delivery rate per watt for smoke must be not less than 1.9 cubic feet per minute;
      
      (4) For models with a clean air delivery rate for smoke that is 150 or more cubic feet per minute, the clean air delivery rate per watt for smoke must be not less than 2.0 cubic feet per minute;
      
      (5) For ozone-emitting models, the measured ozone must be not more than 50 parts per billion;
      
      (6) For models with a wireless fidelity network connection enabled by default when shipped, the energy consumed when in partial on mode power must be not more than 2 watts; and
      
      (7) For models without a wireless fidelity network connection enabled by default when shipped, the energy consumed when in partial on mode must be not more than 1 watt.

   (b) Commercial dishwashers included in the scope of version 2.0 of the “ENERGY STAR Program Requirements Product Specification for Commercial Dishwashers” must meet the eligibility criteria of that specification.

   (c) Commercial fryers included in the scope of version 2.0 of the “ENERGY STAR Program Requirements Product Specification for Commercial Fryers” must meet the criteria of that specification.

   (d) Commercial hot food holding cabinets included in the scope of version 2.0 of the “ENERGY STAR Program Requirements Product Specification for Commercial Hot Food Holding Cabinets” must meet the criteria of that specification.

   (e) Commercial ovens included in the scope of version 2.2 of the “ENERGY STAR Program Requirements Product Specification for Commercial Ovens” must meet the criteria of that specification.

   (f) Commercial steam cookers included in the scope of version 1.2 of the “ENERGY STAR Program Requirements Product Specification for Commercial Steam Cookers” must meet the criteria of that specification.

   (g) Computers and computer monitors must meet the requirements set forth in section 1605.3(v) of Title 20 of the California Code of Regulations.
as in effect on January 1, 2020, and the test procedures for computers and computer monitors adopted by the Director must be in accordance with the testing method prescribed in section 1604(v) of Title 20 of the California Code of Regulations as in effect on January 1, 2020, except that the Director may elect to amend the test procedure to reflect changes to section 1604(v) of Title 20 of the California Code of Regulations that occur after January 1, 2020.

(h) Electric vehicle supply equipment included in the scope of version 1.0 of the “ENERGY STAR Program Requirements for Electric Vehicle Supply Equipment” must meet the eligibility criteria of that specification.

(i) Gas fireplaces must:

(1) Be capable of automatically extinguishing any pilot flame when the main gas burner flame is established and when it is extinguished.

(2) Prevent any ignition source for the main gas burner flame from operating continuously for more than 7 days.

(3) If the gas fireplace is a decorative gas fireplace, have a direct vent configuration, unless marked for replacement use only.

(4) If the gas fireplace is a heating gas fireplace, have a fireplace efficiency greater than or equal to 50 percent when tested in accordance with Standard No. P.4.1-15 of the Canadian Standards Association, “Testing Method for Measuring Annual Fireplace Efficiency.”

(j) High color rendering index fluorescent lamps, cold temperature fluorescent lamps and impact-resistant fluorescent lamps must meet the minimum efficacy requirements contained in 10 C.F.R. § 430.32(n)(4), as in effect on January 1, 2020, as measured in accordance with 10 C.F.R. Part 430, subpart B, Appendix R, “Uniform Test Method for Measuring Average Lamp Efficacy (LE), Color Rendering Index (CRI), and Correlated Color Temperature (CCT) of Electric Lamps,” as in effect on January 1, 2020.


(l) In-line residential ventilating fans must have a fan motor efficacy of not less than 2.8 cubic feet per minute per watt.

(m) Residential ventilating fans other than in-line residential ventilating fans must have a fan motor efficacy of not less than 1.4 cubic feet per minute per watt for airflows less than 90 cubic feet per minute and not less than 2.8 cubic feet per minute per watt for other airflows when tested in accordance with HVI Publication 916, “HVI Airflow Test Procedure,” of the Home Ventilating Institute.

(n) Water coolers included in the scope of version 2.0 of the “ENERGY STAR Program Requirements Product Specification for Water Coolers” must have an on mode with no water draw energy consumption of the following values as measured in accordance with the test requirements of that specification:
(1) Not more than 0.16 kilowatt-hours per day for cold only water coolers and cook and cold water coolers; 
(2) Not more than 0.87 kilowatt-hours per day for storage-type hot and cold water coolers; and 
(3) Not more than 0.18 kilowatt-hours per day for on-demand hot and cold water coolers.

Sec. 32. 1. The Director of the Office of Energy, in consultation with the Director of the State Department of Conservation and Natural Resources and the Director of the Department of Business and Industry, may adopt regulations establishing minimum standards of energy efficiency for new appliances other than regulated appliances and methods for testing verifying whether such an appliance complies with those standards upon a finding that the adoption of such standards would serve to promote energy or water conservation in this State and would be cost effective for consumers who purchase and use such new appliances.

2. The Director shall establish an effective date for regulations adopted pursuant to subsection 1 which must be not earlier than 365 days after the date on which the regulations are filed with the Secretary of State pursuant to NRS 233B.070.

3. On and after the effective date of any regulations adopted pursuant to subsection 1, a new appliance may not be sold, leased or rented in this State or offered for sale, lease or rent in this State unless it meets or exceeds the minimum standards of energy efficiency established by the Director pursuant to subsection 1.

4. Beginning 1 year after the effective date of any regulations adopted pursuant to subsection 1, it shall be unlawful to install for compensation in this State a new appliance that does not meet or exceed the standards of energy efficiency adopted by the Director pursuant to subsection 1.

Sec. 33. If there is a federal standard of energy efficiency for an appliance which is less stringent than the standard of energy efficiency for that appliance which is adopted by the Director or which the Director proposes to adopt pursuant to section 31 or 32 of this act, the Director shall seek a waiver pursuant to 42 U.S.C. § 6297 or 6316 from the Secretary of Energy of the United States Department of Energy to the extent necessary to allow the standard of energy efficiency adopted by the Director or which the Director proposes to adopt to become effective or remain in effect. (Deleted by amendment.)

Sec. 34. 1. Before a new regulated appliance is made available for sale, lease or rent in this State, the manufacturer shall not permit a regulated appliance or a new appliance for which standards of efficiency have been adopted pursuant to section 32 of this act to be made available for sale in this State unless the manufacturer has obtained a certification from the Director for the appliance. To obtain a certification for an appliance, the manufacturer must: 
(a) Test each basic model of the appliance in accordance with the testing procedures adopted by the Director pursuant to sections 31 and 32 of this act, to ensure that the appliance complies with the standards of energy efficiency adopted by the Director pursuant to sections 31 and 32 of this act.

(b) Based upon the test results pursuant to paragraph (a), submit a statement to the Director certifying that the appliance satisfies the standards of energy efficiency adopted by the Director pursuant to sections 31 and 32 of this act when tested in accordance with the testing procedures adopted by the Director pursuant to sections 31 and 32 of this act.

(c) Comply of the regulated appliance shall submit to the Director a certification which demonstrates that the regulated appliance complies with the minimum standard of energy efficiency for that appliance adopted by the Director pursuant to section 31 of this act.

2. Before a new appliance for which the Director has adopted a minimum standard of energy efficiency pursuant to section 32 of this act is made available for sale, lease or rent in this State, the manufacturer of the appliance shall submit to the Director a certification which demonstrates that the appliance complies with the minimum standard of energy efficiency for that appliance adopted by the Director pursuant to section 32 of this act.

3. A manufacturer of regulated appliances or appliances for which the Director has adopted a minimum standard of energy efficiency pursuant to section 32 of this act shall comply with such other requirements or submit such other information as the Director may require by regulation.

4. The Director shall adopt regulations governing the certification of appliances pursuant to subsection 1 for regulated appliances or appliances for which the Director has adopted a minimum standard of energy efficiency pursuant to section 32 of this act. In doing so, the Director shall coordinate with the certification programs of other states and federal agencies with similar standards of energy efficiency.

5. A manufacturer shall ensure that, at the time of sale or installation, a new appliance for which a certification has been issued pursuant to this section, for which the manufacturer has submitted a certification pursuant to subsection 1 or 2 includes a mark, label or tag on the product and packaging of the appliance which identifies the appliance as meeting the standards of energy efficiency established by the Director pursuant to sections 31 and 32 of this act. The Director shall adopt regulations governing the identification of certified appliances through the inclusion of a mark, label or tag, coordinating to the greatest practical extent with the labeling programs of other states and federal agencies with equivalent standards of energy efficiency. The Director shall permit the use of existing marks, labels or tags which connote compliance with the standards of energy efficiency adopted pursuant to sections 31 and 32 of this act.

Sec. 35. 1. The Director may test regulated appliances or new appliances for which standards of efficiency have been adopted pursuant to
section 32 of this act to ensure that such appliances comply with the standards of energy efficiency adopted pursuant to sections 31 and 32 of this act. If through testing the Director determines that an appliance which has received a certification from the Director pursuant to section 34 of this act does not comply with the standards of energy efficiency adopted pursuant to sections 31 and 32 of this act, the Director shall:
(a) Seek reimbursement from the manufacturer for the costs incurred by the Director to purchase and test the appliance and
(b) Make information regarding the failure of the appliance to comply with the standards of energy efficiency adopted pursuant to sections 31 and 32 of this act available to the Attorney General and the public.
2. With prior notice and at reasonable and convenient hours, the Director or his or her designee is authorized to conduct periodic inspections of the premises of manufacturers, distributors, retailers and installers of new regulated appliances or new appliances for which standards of efficiency have been adopted pursuant to section 32 of this act in order to determine whether there has been compliance with the requirements of sections 2 to 38, inclusive, of this act. Additionally, the Director may act in coordination with any official responsible for enforcing a building code adopted by a local government in this State to make inspections of newly constructed buildings which contain regulated appliances or appliances for which standards of energy efficiency have been adopted pursuant to section 32 of this act to determine whether there has been compliance with the requirements of sections 2 to 38, inclusive, of this act.
3. The Director shall investigate complaints received concerning alleged violations of sections 2 to 38, inclusive, of this act and may report any alleged violation of sections 2 to 38, inclusive, of this act which the Director verifies or discovers after investigation to the Attorney General.
4. Whenever it appears that a manufacturer, distributor, retailer or installer has violated or is violating or is threatening to violate the provisions of sections 2 to 38, inclusive, of this act, the Attorney General may institute a civil action in any district court of this State for injunctive relief to restrain the violation or threat of violation and, if a violation has occurred, for the assessment and recovery of a civil penalty.
5. Any manufacturer, distributor, retailer or installer who violates the provisions of sections 2 to 38, inclusive, of this act must, for a first time violation, be issued a warning and, for any subsequent violation, is liable to the State for a civil penalty of:
(a) For the first time a civil penalty is assessed, not more than $100 for each day of violation and for each act of violation.
(b) For any subsequent assessment of a civil penalty, not more than $500 for each day of violation and for each act of violation.
6. A civil penalty imposed pursuant to subsection 5 is in addition to any reimbursement owed to the Office of Energy pursuant to subsection 1.
4. Nothing in this section or in sections 2 to 38, inclusive, of this act shall be construed to require a city or county to take any action or to enforce the provisions of sections 2 to 38, inclusive, of this act.

Sec. 36. The Director may adopt such regulations as are necessary to carry out the provisions of sections 2 to 38, inclusive, of this act.

Sec. 37. 1. The Director may adopt by regulation standards for appliances and other provisions which are necessary and convenient to facilitate the deployment of flexible demand technologies, including, without limitation, regulations relating to the labeling of appliances incorporating flexible demand technologies to promote the use of such appliances. Any such regulations must be based on feasible and attainable efficiencies or feasible improvements that will enable appliance operations to be scheduled, shifted or curtailed to reduce emissions of greenhouse gases associated with electricity generation.

2. The Director shall establish an effective date for regulations adopted pursuant to subsection 1 which must be not earlier than 365 days after the date on which the regulations are filed with the Secretary of State pursuant to NRS 233B.070.

3. In establishing standards for appliances pursuant to subsection 1, the Director shall:
   (a) Consider the reliability and cybersecurity protocols of the National Institute of Standards and Technology of the United States Department of Commerce, or other cybersecurity protocols that are equally or more protective and adopt, at minimum, the North American Electric Reliability Corporation Critical Infrastructure Protection Standards, as those standards exist on the effective date of this act.
   (b) Determine the cost effectiveness of any standards adopted.
   (c) Consult with the Public Utilities Commission of Nevada and electric utilities to better align the flexible demand appliance standards with demand response programs and to incentivize the deployment of flexible demand appliances.

4. Flexible demand appliance standards adopted pursuant to subsection 1 must prioritize:
   (a) Appliances that can more conveniently have their electrical demand controlled by load-management technology and third-party load-management programs.
   (b) Appliances with load-management technology options that are readily available.
   (c) Appliances that have a user-friendly interface and follow a straightforward setup and connection process, such as remote setup by means of an Internet website or application.
   (d) Appliances with load-management technology options that follow simple standards for third-party direct operation of the appliances.
   (e) Appliances that are interoperable or open source.
Sec. 38. The provisions of sections 2 to 38, inclusive, of this act, and any regulations adopted pursuant thereto, do not apply to:

1. A new appliance manufactured in this State and sold outside of this State.
2. A new appliance sold at wholesale in this State for final retail sale outside of this State.
3. An appliance installed in a mobile home or manufactured home at the time of construction.
4. An appliance designed expressly for installation and use in a recreational vehicle, as defined in NRS 482.101.

Sec. 39. This act becomes effective on July 1, 2021.

Assemblyman Watts moved the adoption of the amendment.
Remarks by Assemblyman Watts.
Amendment adopted.
Bill ordered reprinted, reengrossed and to third reading.

MOTIONS, RESOLUTIONS AND NOTICES
Assemblywoman Carlton moved that upon return from the printer, Assembly Bill No. 383 be rereferred to the Committee on Ways and Means.
Motion carried.

GENERAL FILE AND THIRD READING
Assembly Bill No. 384.
Bill read third time.
The following amendment was proposed by the Committee on Education:
Amendment No. 303.

AN ACT relating to the Nevada System of Higher Education; authorizing the Board of Regents of the University of Nevada to provide for the development of a climate survey on sexual misconduct and require the institutions within the System to administer the survey to students; authorizing the imposition of additional requirements for the grievance process for sexual misconduct at an institution within the System; authorizing the Board of Regents to require each institution within the System to adopt a policy on sexual misconduct, enter into a memorandum of understanding with certain organizations and local law enforcement agencies and designate an advocate; prohibiting an institution within the System from imposing certain sanctions on certain students; authorizing the Board of Regents to require an institution within the System to take certain actions regarding a report of an alleged incident of sexual misconduct; providing for certain training and programming related to sexual misconduct; authorizing a student who has experienced sexual misconduct to request a waiver from
certain requirements of scholarships or academic activities; authorizing the Board of Regents to require an annual report from institutions within the System on certain information relating to sexual misconduct; authorizing the Board of Regents to impose a fine in certain circumstances; authorizing the Board of Regents to adopt regulations; making certain information relating to incidents of sexual misconduct confidential; and providing other matters properly relating thereto.

Legislative Counsel's Digest:
Existing federal law prohibits discrimination based on sex in programs or activities of education that receive federal funding. (Title IX of the Education Amendments Act of 1972, 20 U.S.C. §§ 1681 et seq.; 34 C.F.R. Part 106) Under existing federal regulations, an institution of higher education that receives federal funding must follow a grievance process that complies with Title IX to address formal complaints that allege an incident of sexual harassment that occurs in relation to an education program or activity of the institution, including, without limitation, incidents that occur on or off a campus of the institution. (34 C.F.R. §§ 106.44, 106.45) This bill generally expands the protections provided by Title IX.

Sections 2.3-11 of this bill define relevant terms. Section 12 of this bill authorizes the Board of Regents of the University of Nevada, to the extent that money is available, to appoint researchers employed at an institution within the Nevada System of Higher Education to develop a climate survey on sexual misconduct. Section 13 of this bill authorizes the Board of Regents, to the extent that money is available, to require an institution within the System to conduct a climate survey on sexual misconduct and section 14 of this bill sets forth the duties of the Board of Regents regarding the climate survey.

Section 15 of this bill authorizes the Board of Regents to require an institution to meet certain requirements related to the grievance process of the institution.

Section 16 of this bill authorizes the Board of Regents to require an institution within the System to adopt a policy on sexual misconduct and sets forth certain requirements related to the adoption of the policy. Section 17 of this bill prescribes the information that must be included in a policy on sexual misconduct, if such a policy is required to be adopted by an institution.

Section 17.5 of this bill authorizes the Board of Regents to require an institution to enter into a memorandum of understanding with a local law enforcement agency relating to the prevention of and response to alleged incidents of sexual misconduct and sets forth the provisions that must be included in the memorandum of understanding.

Section 18 of this bill authorizes the Board of Regents to require an institution to enter into a memorandum of understanding with an organization that assists victims of sexual misconduct and sets forth the provisions that may be included in such a memorandum of understanding.

Section 19 of this bill authorizes the Board of Regents to require an institution within the System to designate an advocate for parties.
to alleged incidents of sexual misconduct and provide training to the advocate. Section 20 of this bill sets forth the duties of the victim’s advocate if such an advocate is designated by an institution. Under existing law, certain communications between a victim and a victim’s advocate are deemed to be confidential. (NRS 49.2546) Existing law defines a victim’s advocate as a person who works for certain programs that provide assistance to victims of certain acts. (NRS 49.2545) Section 38 of this bill includes the provision of services pursuant to sections 2-32 of this bill to victims of sexual misconduct in the definition of victim’s advocate.

Section 21 of this bill prohibits an institution within the System from sanctioning a reporting party, complainant or witness who reports an incident of sexual misconduct for violating a policy of student conduct that occurred during or related to an alleged incident of sexual misconduct.

Section 22 of this bill authorizes the Board of Regents to require an institution within the System to provide training on the grievance process of the institution to certain employees. Section 23 of this bill authorizes the Board of Regents to require an institution within the System to provide programming on the awareness and prevention of sexual misconduct to students and employees of the institution.

Section 24 of this bill authorizes the Board of Regents to require an institution within the System to conduct an investigation or hold a hearing regarding an alleged incident of sexual misconduct. Sections 25 determine the responsibility of a respondent to an alleged incident of sexual misconduct based on a preponderance of the evidence. Section 26 and 27 of this bill set forth the requirements for conducting an investigation and holding a hearing, respectively. Section 25 of this bill authorizes the Board of Regents to require an institution within the System to consider a request from a reporting party, complainant who is at least 18 years of age to keep the identity of the reporting party, complainant confidential unless state or federal law requires disclosure or further action. Section 28 of this bill authorizes an institution to issue a no-contact directive in certain circumstances.

Section 29 of this bill authorizes a student who has experienced sexual misconduct to request a waiver from certain requirements of various scholarships or academic activities. Sections 33-37 of this bill make conforming changes related to such a waiver. Sections 33-37 make conforming changes for a student who has been granted such a waiver.

Section 30 of this bill authorizes the Board of Regents to require an institution within the System to submit an annual report on certain information relating to sexual misconduct. Section 30 also requires the Board of Regents to compile the reports and submit the compilation to the Director of the Department of Health and Human Services and to the Legislature or Legislative Committee on Education.

Section 31 of this bill authorizes the Board of Regents to impose a fine against an institution within the System that does not comply with the
requirements imposed by the Board of Regents pursuant to sections 2 to 32 of this bill. Section 32 of this bill authorizes the Board of Regents to adopt regulations.

Section 38.5 of this bill makes certain information generated pursuant to a climate survey on sexual misconduct and the annual report on sexual misconduct by an institution within the system confidential. (NRS 239.010)

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

Section 1. Chapter 396 of NRS is hereby amended by adding thereto the provisions set forth as sections 2 to 32, inclusive, of this act.

Sec. 2. As used in sections 2 to 32 of this act, unless the context otherwise requires, the words and terms defined in sections 2.3 to 11, inclusive, of this act have the meanings ascribed to them in those sections.

Sec. 2.3. “Complainant” means a student or employee of an institution within the System who is alleged to be the victim of conduct that could constitute sexual misconduct.

Sec. 2.7. “Dating violence” has the meaning ascribed to it in 34 U.S.C. 12291(a).

Sec. 3. “Domestic violence” has the meaning ascribed to it in 34 U.S.C. § 12291(a).

Sec. 4. “Reporting party” means a student or employee of an institution within the System who reports being a victim of an alleged incident of sexual misconduct to the institution.

Sec. 5. “Respondent” means a student or employee of an institution within the System who has been accused of committing an alleged incident of sexual misconduct to the institution.


Sec. 7. “Sexual harassment” means conduct on the basis of sex, whether direct or indirect, implicit or explicit, verbal or nonverbal or in person or via virtual or electronic means, that includes one or more of the following:

1. An employee of an institution within the System conditioning the provision of an aid, benefit or service of the institution or the terms, conditions or privileges of the participation of a person in the education programs or activities of the institution on the person’s participation in unwelcome sexual conduct, including, without limitation:
   (a) A sexual advance;
   (b) A request for sexual favors; or
   (c) Other conduct of a sexual nature.
2. Unwelcome conduct determined by a reasonable person to be
sufficiently severe, pervasive and objectively offensive that it effectively
denies a person equal access to the education programs or activities of an
institution within the System.

3. Sexual assault, dating violence, domestic violence or stalking.

Sec. 8. “Sexual misconduct” means sexual dating violence, domestic
violence, gender-based violence or harassment, violence based on sexual
orientation, gender identity or gender expression, sexual assault, sexual
harassment or stalking.

Sec. 9. “Stalking” means a violation of NRS 200.575.

Sec. 10. “Supportive measures” has the meaning ascribed to it in 34 C.F.R. § 106.30.

Sec. 11. “Trauma-informed response” means a response involving an
understanding of the complexities of sexual misconduct, including, without
limitation:

1. Perpetrator methodology;
2. Conducting an effective investigation;
3. The neurobiological causes and impacts of trauma; and
4. The influence of social myths and stereotypes surrounding the
causes and impacts of trauma.

Sec. 12. To the extent that money is available, the Board of
Regents may appoint researchers employed at one or more institutions
within the System to develop a climate survey on sexual misconduct designed
to be administered at an institution within the System. The climate survey on
sexual misconduct must:

(a) Provide institution-specific data regarding the prevalence of gender-
based harassment and discrimination;
(b) Be fair and unbiased;
(c) Be scientifically valid and reliable; and
(d) Meet the highest standards of survey research.

2. If appointed to develop a climate survey on sexual misconduct, the
researchers shall:

(a) Use best practices from peer-reviewed research;
(b) Consult with persons with expertise in the development and use of
climate surveys on sexual misconduct at institutions of higher education;
(c) Review climate surveys on sexual misconduct which have been
developed and implemented by institutions of higher education, including,
without limitation, institutions in other states;
(d) Provide opportunity for written comment from organizations that
assist victims of sexual misconduct to ensure the adequacy and
appropriateness of any proposed content of the climate survey on sexual
misconduct;
(e) Consult with institutions within the System on strategies for
optimizing the effectiveness of the climate survey on sexual misconduct; and
(f) Account for the diverse needs and differences of the institutions within the System.

3. If a climate survey on sexual misconduct is developed, the climate survey must request information on topics related to sexual misconduct. The topics may include, without limitation:
   (a) The estimated number of alleged incidents of sexual misconduct, both reported and not reported, at an institution within the System, if a student taking the survey has knowledge of such information;
   (b) When and where an alleged incident of sexual misconduct occurred;
   (c) Whether an alleged incident of sexual misconduct was perpetrated by a student, faculty member, staff member of an institution within the System, third party vendor or another person;
   (d) Awareness of a student of the policies and procedures related to sexual misconduct at an institution;
   (e) Whether a student reported an alleged incident of sexual misconduct and:
      (1) If the incident was reported, to which campus resource or law enforcement agency a report was made; and
      (2) If the incident was not reported, the reason the student chose not to report the incident;
   (f) Whether a student who reported an alleged incident of sexual misconduct was:
      (1) Offered supportive measures by an institution;
      (2) Informed of, aware of or referred to campus, local or state resources for support for victims, including, without limitation, appropriate medical care and legal services; and
      (3) Informed of the prohibition against retaliation for reporting an alleged incident of sexual misconduct;
   (g) Contextual factors in an alleged incident of sexual misconduct, such as the involvement of force, incapacitation or coercion;
   (h) Demographic information that could be used to identify at-risk groups, including, without limitation, the gender, race, ethnicity, national origin, economic status, disability, gender identity or expression, immigration status and sexual orientation of the student [to] taking the climate survey on sexual misconduct;
   (i) Perceptions a student has of campus safety;
   (j) Whether a student has confidence in the ability of the institution to protect against and respond to alleged incidents of sexual misconduct;
   (k) Whether a student chose to withdraw or take a leave of absence from the institution or transfer to another institution because the student is the responding party, complainant or responding party respondent in an alleged incident of sexual misconduct;
   (l) Whether a student withdrew from any classes or was placed on academic probation, disciplinary probation or otherwise disciplined as a result of an alleged incident of sexual misconduct;
(m) Whether a student experienced any financial impact as a result of an alleged incident of sexual misconduct or the response of an institution within the System to the alleged incident of sexual misconduct;

(n) Whether a student experienced any negative health impacts as a result of an alleged incident of sexual misconduct or the response of an institution within the System to the alleged incident of sexual misconduct, including, without limitation, post-traumatic stress disorder, anxiety, depression, chronic pain or an eating disorder;

(o) The perception of the [respondent of participants in the survey of the attitudes of the community toward sexual misconduct, including, without limitation, the willingness of a person to intervene in an ongoing incident of sexual misconduct as a bystander; and

(p) Any other questions as determined necessary by the researchers.

4. The climate survey on sexual misconduct must provide an option for students to decline to answer a question.

Sec. 13. 1. [The] To the extent that money is available, the Board of Regents may require each institution within the System to conduct a climate survey on sexual misconduct at the institution biennially.

2. A climate survey on sexual misconduct conducted pursuant to subsection 1 must include the questions developed by researchers employed at an institution within the System pursuant to section 12 of this act. If an institution within the System includes additional questions on a climate survey on sexual misconduct conducted pursuant to subsection 1, the questions must not be unnecessarily traumatizing for a victim of an alleged incident of sexual misconduct.

3. If an institution within the System conducts a climate survey on sexual misconduct pursuant to subsection 1, the institution shall:
   (a) Provide the survey to each student at the institution, including, without limitation, students studying abroad or on a leave of absence from the institution;
   (b) Not require the disclosure of personally identifiable information by a [respondent of participant in the climate survey on sexual misconduct;
   (c) Work to ensure an adequate number of students complete the survey to achieve a random and representative sample size of students;
   (d) Within 120 days after completion of the climate survey on sexual misconduct:
      (1) Compile a summary of the responses to the survey; and
      (2) Submit the summary of responses to the Board of Regents; and
   (e) Post on the Internet website maintained by the institution in a manner that does not disclose the identity of a student:
      (1) The responses to the climate survey on sexual misconduct;
      (2) The summary of the responses to the climate survey on sexual misconduct; and
(2) A link to the summary of the responses to the climate survey on sexual misconduct on the Internet website maintained by the Board of Regents.

4. A climate survey on sexual misconduct must be administered electronically by an institution within the System and provide reasonable accommodations for students with a disability.

5. An institution within the System may obtain a waiver from the Board of Regents to not administer a climate survey on sexual misconduct pursuant to this section due to the financial circumstances of the institution.

6. An institution within the System may apply for and accept any gifts, grants, donations, bequests or other money from any source to carry out the provisions of this section.

7. Any data or reports that underline the summaries generated pursuant to subsection 3 are confidential and are not a public record for the purposes of chapter 239 of NRS.

Sec. 14. If the Board of Regents requires an institution within the System to conduct a climate survey on sexual misconduct pursuant to section 13 of this act, the Board of Regents shall:

(a) Provide a copy of the questions developed by researchers employed at an institution within the System pursuant to section 12 of this act to each institution within a reasonable time after the Board of Regents receives the questions from the researchers who develop the questions;

(b) Establish a repository for the summaries of the climate survey on sexual misconduct submitted by each institution pursuant to section 13 of this act;

(c) Post each summary of the responses to a climate survey on sexual misconduct submitted by an institution pursuant to section 13 of this act on the Internet website maintained by the Board of Regents in a manner that does not disclose the identity of a student;

(d) Adopt a policy on the dissemination, collection and summation of the responses to the climate survey on sexual misconduct; and

(e) On or before February 1 of each odd-numbered year, report the summaries of the climate survey on sexual misconduct submitted by an institution pursuant to section 13 of this act to the Director of the Legislative Counsel Bureau for transmittal to the Senate and Assembly Standing Committees on Education.

2. Any data or reports that underline the summaries generated pursuant to subsection 1 are confidential and are not a public record for the purposes of chapter 239 of NRS.

Sec. 15. The Board of Regents may require an institution within the System to:

1. Require employees who participate in the grievance process of the institution pursuant to Title IX of the Education Amendments Act of 1972, 20 U.S.C. §§ 1681 et seq., or a policy adopted pursuant to section 16 of this
act to receive annual training on topics related to sexual misconduct which may include, without limitation, any training required pursuant to section 22 of this act;

2. Provide a reporting party complainant and responding party respondent with a copy of the policies of the institution regarding the submission and consideration of evidence that may be considered during the grievance process;

3. Within 7 business days after a final determination of a report of an alleged incident of sexual misconduct, inform the reporting party complainant and the responding party respondent of the result of the final determination; and

4. Unless otherwise required by state or federal law, not disclose the identity of a reporting party complainant or responding party respondent.

Sec. 16. 1. The Board of Regents may require an institution within the System to adopt a policy on sexual misconduct consistent with applicable state and federal law.

2. If the Board of Regents requires the adoption of a policy on sexual misconduct pursuant to subsection 1, in developing the policy on sexual misconduct, an institution within the System:

(a) Shall:
   (1) Incorporate a trauma-informed response;
   (2) Coordinate with:
      (I) The Title IX coordinator of the institution; and
      (II) If an institution has entered into a memorandum of understanding pursuant to section 18 of this act, the organization that assists victims of sexual misconduct; and
   (3) Engage in a culturally competent manner to reflect the diverse needs of all students; and

(b) May consider input from internal and external entities, including, without limitation:
   (1) Administrators at the institution;
   (2) Personnel affiliated with health care centers located on or off a campus of the institution that provide services to the institution;
   (3) An advocate designated pursuant to section 19 of this act;
   (4) Staff affiliated with campus housing services;
   (5) Students enrolled in an institution within the System;
   (6) Law enforcement agencies, including, without limitation, campus police or security; and
   (7) The district attorney of the county where the main campus of the institution is located.

3. If the Board of Regents requires the adoption of a policy on sexual misconduct pursuant to subsection 1, an institution within the System shall provide:
(a) Internal or external entities an opportunity to provide comment on the initial policy on sexual misconduct or any substantive change to the policy; (b) Instructions on how an internal or external entity may provide comment on the initial policy on sexual misconduct or a substantive change to the policy; and (c) A reasonable length of time during which the institution will accept comment.

4. After an initial policy on sexual misconduct is adopted by an institution within the System, the opportunity for comment by an internal or external entity pursuant to subsection 3 applies only to a substantive change to the policy, as determined by the institution.

5. If the Board of Regents requires the adoption of a policy on sexual misconduct pursuant to subsection 1, an institution within the System shall make the policy on sexual misconduct publicly available not later than the start of each academic year:
   (a) On a campus of the institution in locations where students regularly congregate, including, without limitation, a dining facility, recreational facility, library, bookstore, student union, student center or common area of campus housing;
   (b) Upon request, to a prospective student, current student or employee of the institution; and
   (c) On the Internet website maintained by the institution.

6. As used in this section, “student” includes, without limitation, a former student of the institution who took a leave of absence or withdrew from the institution due to being a reporting party or complainant of an alleged incident of sexual misconduct.

Sec. 17. If the Board of Regents requires the adoption of a policy on sexual misconduct pursuant to section 16 of this act, the policy must include, without limitation, information on:
   (a) The procedures by which a student or employee at the institution within the System may report or disclose an alleged incident of sexual misconduct that occurred on or off a campus of the institution;
   (b) Obtaining emergency medical assistance after an alleged incident of sexual misconduct, including, without limitation:
      (1) The name and location of the nearest medical facility where a student or employee may receive a forensic medical examination;
      (2) Options for transportation and reimbursement for travel costs associated with obtaining a forensic medical examination;
      (3) The telephone number and Internet website for a national 24-hour hotline and any other state or local resources that provide information on sexual misconduct; and
      (4) Any programs that may provide financial assistance to a student for the cost of obtaining emergency medical assistance;
   (c) The types of counseling and health, safety, academic and other support services available within the local community or through an
organization that assists victims of sexual misconduct, including, without limitation, the contact information for any relevant providers of support services;

(d) The name, contact information and a description of the role of and services provided by:

(1) An advisor who may serve as a confidential resource to a responding party;

(2) A victim’s advocate designated by the institution pursuant to section 19 of this act;

(3) The Title IX coordinator of the institution;

(4) An organization that supports persons accused of sexual misconduct;

(5) An organization that assists victims of sexual misconduct; and

(6) Employees designated as responsible employees;

(c) The rights or obligations of a student or employee to:

(1) Notify or decline to notify a law enforcement agency of an alleged incident of sexual misconduct;

(2) Receive assistance from the appropriate personnel on a campus of the institution in notifying a law enforcement agency of an alleged incident of sexual misconduct;

(3) Obtain an order for protection, restraining order or injunction issued by a court or

(4) Obtain an agreement between the reporting party and responding party to restrict contact;

(f) Procedures for a student or employee to notify an institution that an order for protection, restraining order or injunction has been issued under state or federal law;

(g) The responsibilities of the institution upon receipt of the notice of an order for protection, restraining order or injunction;

(h) 2. Supportive measures, including, without limitation:

(a) Changing academic, living, campus transportation or work arrangements;

(b) Taking a leave of absence from the institution in response to an alleged incident of sexual misconduct;

(c) How to request supportive measures; and

(d) The process to have any supportive measures reviewed by the institution;

(i) 3. Appropriate local, state and federal law enforcement agencies, including, without limitation, the contact information for a law enforcement agency; and

(j) 4. The grievance process of the institution for investigating and resolving a report of an alleged incident of sexual misconduct pursuant to Title IX of the Education Amendments Act of 1972, 20 U.S.C. §§ 1681 et seq., the policy on sexual misconduct adopted pursuant to section 16 of this
act and, if required by the Board of Regents, the requirements of section 15 of this act.

2. As used in this section:
   (a) "Forensic medical examination" has the meaning ascribed to it in NRS 217.300.
   (b) "Student" includes, without limitation, a former student of the institution who took a leave of absence or withdrew from the institution because the student was a reporting party of an alleged incident of sexual misconduct.

Sec. 17.5. 1. To the extent practicable, the Board of Regents may require an institution within the System to enter into a memorandum of understanding with a local law enforcement agency of the jurisdiction in which the main campus of the institution is located to establish the respective roles and responsibilities of the institution and the law enforcement agency relating to the prevention of and response to alleged incidents of sexual misconduct on-campus and off-campus. Such a memorandum of understanding must, without limitation:
   (a) Establish the jurisdiction of the local law enforcement agency based on criteria including, without limitation, the location and type of an alleged incident of sexual misconduct;
   (b) Provide for a cross-jurisdictional or multi-jurisdictional response or investigation, as appropriate;
   (c) In accordance with state and federal law, establish protocols for the release of relevant documentation and information relating to an alleged incident of sexual misconduct to the law enforcement agency during an investigation conducted by the institution or the law enforcement agency in investigations where a student or employee of the institution consents to the release of such documentation or information; and
   (d) Include methods for notifying the district attorney of the county where the main campus of the institution is located of an alleged incident of sexual misconduct, as appropriate.

2. If an institution within the System enters into a memorandum of understanding pursuant to this section, the institution shall comply with applicable state and federal confidentiality and privacy laws.

3. If an institution is located in the jurisdiction of more than one local law enforcement agency, only one memorandum of understanding between the institution and a local law enforcement agency is necessary to comply with this section.

Sec. 18. 1. The Board of Regents may require an institution within the System to enter into a memorandum of understanding with an organization that assists victims of sexual misconduct. The memorandum of understanding may, without limitation:
   (a) Ensure cooperation and training between the institution and the organization that assists victims of sexual misconduct to ensure an understanding of the:
(1) Responsibilities that the institution and organization that assists victims of sexual misconduct have in responding to a report or disclosure of an alleged incident of sexual misconduct; and

(2) Procedures of the institution for providing support and services to students and employees; and

(b) Require an organization that assists victims of sexual misconduct to:

(1) Assist with developing policies, programming or training at the institution regarding sexual misconduct;

(2) Provide an alternative for a student or employee of the institution to receive free and confidential counseling, advocacy or crisis services related to sexual misconduct that are located on or off a campus of the institution, including, without limitation:

(I) Access to a health care provider who specializes in forensic medical examinations; and

(II) Confidential services to a victim;

(III) Consultation on a report made by a victim or a case in which a victim is involved;

(3) The development and implementation of education and prevention programs for students of the institution; and

(4) The development and implementation of training and prevention curriculum for employees of the institution.

2. The memorandum of understanding may include a fee structure for any services provided by an organization that assists victims of sexual misconduct.

3. As used in this section:

(a) "Forensic medical examination" has the meaning ascribed to it in NRS 217.300.

(b) "Student" includes, without limitation, a former student of the institution who took a leave of absence or withdrew from the institution because the student was a reporting party of an alleged incident of sexual misconduct.

Sec. 19. 1. The Board of Regents may require an institution within the System to designate an advocate for parties to alleged incidents of sexual misconduct. If the Board of Regents requires the designation of an advocate, an institution shall designate existing categories of employees who may serve as an advocate. An institution may:

(a) Partner with an organization that assists victims of sexual misconduct to designate an advocate; or

(b) If the institution enrolls less than 1,000 students who reside in campus housing, partner with another institution within the System to designate an advocate.

2. An advocate designated pursuant to subsection 1:

(a) May not have another role at the institution;
(b) Must not be a student, a Title IX coordinator, a member of campus police or law enforcement or any other official of the institution who is authorized to initiate a disciplinary proceeding on behalf of the institution or whose position at the institution may create a conflict of interest; and

(c) Must be designated based on the training or experience and demonstrated ability of the person to effectively provide victim services related to sexual misconduct; and

(d) Must have completed at least 20 hours of relevant training.

3. If an institution within the System designates a victim’s advocate pursuant to subsection 1, the institution shall provide training to the victim’s advocate must be trained on:

(a) The awareness and prevention of sexual misconduct;
(b) Title IX of the Education Amendments Act of 1972, 20 U.S.C. §§ 1681 et seq.;
(c) Any policy on sexual misconduct adopted by the institution pursuant to section 16 of this act; and
(d) Trauma-informed responses to a report of an alleged incident of sexual misconduct.

4. An institution within the System that designates a victim’s advocate pursuant to subsection 1 shall provide for the availability of an advocate to students within a reasonable distance from the institution or by electronic means if it is not practicable to provide for the availability of an advocate in person.

Sec. 20. 1. If a victim’s advocate is designated pursuant to section 19 of this act, the victim’s advocate shall:

(a) If an institution within the System has entered into a memorandum of understanding pursuant to section 18 of this act, coordinate with the organization that assists victims of sexual assault;

(b) Inform a student or employee of, or provide resources about how to obtain information on:

(1) Options on how to report an alleged incident of sexual misconduct and the effects of each option;

(2) Counseling services available on a campus of the institution and through a local organization that assists victims of sexual misconduct;

(3) Medical and legal services available on or off a campus of the institution;

(4) Available supportive measures;

(5) Counseling related to student loans, including, without limitation, loan deferment, forbearance or other programs for students considering a leave of absence from, withdrawal from, or part-time enrollment at the institution;

(6) The grievance process of the institution and that the grievance process is not a substitute for the system of criminal justice;

(7) The role of local, state and federal law enforcement agencies;
(8) Any limits on the ability of the [victim's] advocate to provide privacy or confidentiality to the student or employee; and
(9) A policy of sexual misconduct adopted by the institution pursuant to section 16 of this act;
(c) Notify the student or employee of his or her rights and the responsibilities of the institution regarding an order for protection, restraining order or injunction issued by a court;
(d) Except as otherwise required by state or federal law, not be required to report an alleged incident of sexual misconduct to the institution or a law enforcement agency;
(e) Provide confidential services to students and employees;
(f) Not provide confidential services to more than one party in a grievance process;
(g) Except as otherwise required by state or federal law, not disclose confidential information without the prior written consent of the student or employee who shared the information;
(h) Support a complainant in obtaining supportive measures to ensure the complainant has continued access to education;
(i) Notify all staff of the institution who are involved in providing or enforcing supportive measures of the duties of the staff and ensure staff are trained; and
(j) Inform a student or employee that supportive measures may be available through disability services or the Title IX coordinator.
2. If an advocate is designated pursuant to section 19 of this act, the advocate may:
(a) If appropriate and if directed by a student or employee, assist the student or employee in reporting an alleged incident of sexual misconduct to the institution or a law enforcement agency; and
(b) Attend a disciplinary proceeding of the institution as the advisor or support person of a complainant or respondent.
3. Notice to an advocate of an alleged incident of sexual misconduct or the performance of services by an advocate pursuant to this section must not be considered actual or constructive notice of an alleged incident of sexual misconduct to the institution within the System which designated the advocate pursuant to section 19 of this act.
4. If a conflict of interest arises between the institution within the System which designated an advocate and the advocate in advocating for the provision of supportive measures by the institution to a complainant or respondent, the institution shall not discipline, penalize or otherwise retaliate against the advocate for advocating for a complainant or respondent.
Sec. 21. 1. The Board of Regents may prohibit an institution within the System from not subjecting a complainant or a witness who reported to an alleged incident of sexual misconduct to a disciplinary proceeding or sanction for a violation of a policy on student conduct related to drug or alcohol use, trespassing or unauthorized entry of school facilities or other violation of a policy of an institution that occurred during or related to an alleged incident of sexual misconduct unless the institution determines that the:
   (a) Report of an alleged incident of sexual misconduct was not made in good faith; or
   (b) The violation of a policy on student conduct was egregious, including, without limitation, a violation that poses a risk to the health or safety of another person.

2. The Board of Regents may require an institution within the System to review any disciplinary action taken against a complainant or witness to determine if there is any connection between the alleged incident of sexual misconduct that was reported and the misconduct that led to the complainant or witness being disciplined.

Sec. 22. 1. The Board of Regents may require an institution within the System to provide training on the grievance process of the institution to an employee who is a participant in the grievance process. The training must include, without limitation:
   (a) How to respond to and otherwise address a report of an alleged incident of sexual misconduct;
   (b) Information on working with and interviewing victims of sexual misconduct;
   (c) Information on particular types of sexual misconduct, including, without limitation, domestic violence and sexual assault;
   (d) An explanation of consent as it applies to a sexual act or sexual conduct with another person;
   (e) The manner in which drugs and alcohol may affect the ability of a person to consent to a sexual act or sexual conduct with another person;
   (f) The effects of trauma, including, without limitation, any neurobiological impact on a person;
   (g) Training in cultural competency regarding how sexual misconduct may impact students differently depending on, without limitation, the national origin, sex, ethnicity, religion, gender identity, gender expression or sexual orientation of a student;
   (h) Information regarding how sexual misconduct may impact students with disabilities;
   (i) Ways to communicate appropriately with a complainant;
   (j) Ways to communicate appropriately with a respondent, including, without limitation, an awareness of the emotional impact of being falsely accused; and
(k) Information regarding re-traumatization and blaming of a victim.

2. The Board of Regents may require an institution within the System to train the Title IX coordinator and members of the campus police or safety personnel of the institution in the awareness of sexual misconduct and in trauma-informed responses to an alleged incident of sexual misconduct.

Sec. 23. 1. The Board of Regents may require an institution within the System to provide [annual] programming on awareness and prevention of sexual misconduct to all students and employees of the institution. If the Board of Regents requires an institution to provide programming on awareness and prevention of sexual misconduct, the programming [must] may include, without limitation:

(a) An explanation of consent as it applies to a sexual act or sexual conduct with another person;
(b) The manner in which drugs and alcohol may affect the ability of a person to consent to a sexual act or sexual conduct with another person;
(c) Information on options for reporting an alleged incident of sexual misconduct, the effects of each option and the method to file a report under each option, including, without limitation, a description of the confidentiality and anonymity, as applicable, of a report;
(d) Information on the grievance process of the institution for addressing a report of an alleged incident of sexual misconduct, including, without limitation, a policy on sexual misconduct adopted pursuant to section 16 of this act;
(e) The range of sanctions or penalties the institution may impose on a student or employee found responsible for an incident of sexual misconduct;
(f) If a victim's advocate is designated pursuant to section 19 of this act, the name, contact information and role of the victim's advocate;
(g) Strategies for intervention by bystanders;
(h) Strategies for reduction of the risk of sexual misconduct; and
(i) Any other opportunities for additional programming on awareness and prevention of sexual misconduct.

2. If an institution provides programming on awareness and prevention of sexual misconduct pursuant to subsection 1, the institution [shall]:

(a) Shall coordinate with the Title IX coordinator of the institution [if]

(b) May coordinate with a law enforcement agency and, if the institution entered into a memorandum of understanding with an organization that assists victims of sexual misconduct pursuant to section 18 of this act, that organization; and
(c) Shall require students or employees to attend the programming on the awareness and prevention of sexual misconduct.

3. If an institution provides programming on awareness and prevention of sexual misconduct pursuant to subsection 1, the programming [may] may be culturally responsive and address the unique experiences and challenges
faced by students based on the race, ethnicity, national origin, economic status, disability, gender identity or expression, immigration status and sexual orientation of a student.

Sec. 24. 1. The Board of Regents may require an institution within the System that receives a report or has reason to know of an alleged incident of sexual misconduct that involves a student or employee of the institution, to:

(a) If necessary, conduct an investigation pursuant to section 26 of this act;
(b) If necessary, hold a hearing pursuant to section 27 of this act; and
(c) If the alleged incident of sexual misconduct is determined to have occurred, determine the responsibility of a respondent based on a preponderance of the evidence.

2. An institution shall be deemed to know, or reasonably should know, about a possible incident of sexual misconduct if a responsible employee identified pursuant to paragraph (d) of subsection 1 of section 17 of this act knew of the possible incident of sexual misconduct or, in the exercise of reasonable care, should have known of the possible incident of sexual misconduct.

3. As used in this section, “hostile environment” means an environment where a student or employee experiences harassment that is sufficiently severe, persistent or pervasive enough to limit or deny:

(a) A student the ability to effectively participate in or benefit from the programs and education offered by the institution; or
(b) An employee the ability to effectively or comfortably work at the institution.

Sec. 25. 1. The Board of Regents may require an institution within the System to accept a request from a reporting party complainant who is 18 years of age or older to keep the identity of the reporting party complainant confidential or take no investigative or disciplinary action against a responding party respondent. An institution shall not grant such a request if state or federal law requires disclosure or further action. In determining whether to grant such a request, the institution shall consider whether:

(a) There are any previous or existing reports of an incident of sexual misconduct, violence, discrimination or harassment against the responding party respondent, including, without limitation, records of complaints against or the arrest of the respondent;
(b) The responding party respondent allegedly used a weapon; or
(c) Any reasonable steps were taken to address a hostile environment, if such an environment has been created, preventing the recurrence of the conduct and addressing the effects of the conduct.
(c) The respondent is a faculty or staff member of the institution with oversight of students; respondent threatened violence, discrimination or harassment against the complainant or other persons;

(d) There is an imbalance of power between the reporting party and the responding party; The alleged incident of sexual misconduct was alleged to have been committed by two or more people;

(e) The reporting party believes that the reporting party will be less safe if the identity of the reporting party is disclosed, an investigation is conducted or disciplinary action is taken against the responding party; circumstances surrounding the alleged incident of sexual misconduct indicate that the incident was premeditated and, if so, whether the respondent or another person allegedly premeditated the incident;

(f) The responding party can sufficiently respond to the allegations without knowing the identity of the reporting party; and circumstances surrounding the alleged incident of sexual misconduct indicate a pattern of consistent behavior at a particular location or by a particular group of people;

(g) The institution is able to conduct a thorough investigation and obtain relevant evidence without the cooperation of the responding party;

(h) There are any other factors that indicate the respondent may repeat the behavior alleged by the complainant or that the complainant or other persons may be at risk of harm.

2. If an institution within the System grants a request for confidentiality or to not take any investigative or disciplinary action pursuant to subsection 1, the institution shall take reasonable steps to, without initiating formal action against the responding party:

(a) Respond to the report of an alleged incident of sexual misconduct while maintaining the confidentiality of the reporting party; complainant;

(b) Limit the effects of the alleged incident of sexual misconduct; and

(c) Prevent the recurrence of any misconduct; and

(d) Provide for the safety of the reporting party.

3. Reasonable steps taken pursuant to subsection 2 may include, without limitation:

(a) Increased monitoring, supervision or security at locations or activities where the alleged incident of sexual misconduct occurred;

(b) Providing additional training and educational materials for students and employees; or

(c) Ensuring a reporting party, complainant, is informed of and has access to appropriate supportive measures.

(d) Conducting additional climate surveys on sexual misconduct in accordance with sections 13, 12 and 11 of this act.

4. If an institution within the System grants a request for confidentiality or to not take any investigative or disciplinary action pursuant to subsection 1, the institution shall inform the reporting party, complainant that the
ability of the institution to respond to the report of the alleged incident of sexual misconduct will be limited by the request.

5. If an institution within the System determines that it cannot grant a request for confidentiality or to not take any investigative or disciplinary action pursuant to subsection 1, the institution shall:
   (a) Inform the [reporting party] complainant of the determination before disclosing the identity of the [reporting party] complainant or initiating an investigation;
   (b) Provide supportive measures for the [safety of the reporting party] complainant; and
   (c) If requested by the [reporting party] complainant, inform the [responding party] respondent that the [reporting party] complainant asked the institution not to take investigative or disciplinary action against the [responding party] respondent.

Sec. 26. 1. In conducting an investigation of an alleged incident of sexual misconduct pursuant to section 24 of this act, an institution within the System shall:
   (a) Provide the [reporting party] complainant and the [responding party] respondent the opportunity to identify witnesses and other evidence to assist the institution in determining whether an alleged incident of sexual misconduct has occurred;
   (b) Inform the [reporting party] complainant and the [responding party] respondent that any evidence available to the party but not disclosed during the investigation might not be considered at a subsequent hearing; and
   (c) [Use equitable guidelines for the collection] Equitably collect and use evidence, including, without limitation, providing that:
      (1) Except as otherwise authorized by this section, an investigator may not consider the sexual history of a [reporting party] complainant or [responding party] respondent;
      (2) An investigator may not consider any previous or subsequent sexual history between the [reporting party] complainant and any party other than the [responding party] respondent unless the history is directly relevant to prove that any physical injuries alleged to have been inflicted by the [responding party] respondent were inflicted by another person; and
      (3) An investigator may not consider the existence of a dating relationship or previous or subsequent consensual sexual conduct between the [reporting party] complainant and the [responding party] respondent unless the evidence is relevant to demonstrate how the parties communicated consent in previous or subsequent consensual sexual conduct.

2. The fact that a [reporting party] complainant and [responding party] respondent engaged in any previous or subsequent consensual sexual
relations is not by itself sufficient to establish that the conduct in question was consensual.

3. Notwithstanding the provisions of section 27 of this act, an investigation conducted in response to an alleged incident of sexual misconduct shall take no more than 60 days.

4. An institution within the System shall provide periodic updates on the investigation to the reporting party, complainant and the responding party, respondent regarding the timeline of the investigation.

4. An institution within the System shall notify the complainant and the respondent of the findings of an investigation simultaneously.

5. If an institution within the System imposes any disciplinary action based on the findings of an investigation on a respondent, such disciplinary action must be imposed in accordance with the grievance process of the institution.

Sec. 27. After conducting an investigation pursuant to section 26 of this act, an institution within the System shall determine whether to hold a hearing. In determining whether to hold a hearing, the institution may consider whether the reporting party and responding party cooperated in the investigation and whether each party had the opportunity to suggest questions to be asked of the other party or witnesses, or both, during the investigation. The following rules apply to any hearing conducted pursuant to this section:

(a) Except as otherwise determined by the hearing officer, the reporting party or responding party may not introduce evidence, including, without limitation, witness testimony, at the hearing that was not disclosed or available during the investigation conducted pursuant to section 26 of this act. The hearing officer may accept such evidence for good cause.

(b) Except as otherwise required by federal law, any cross-examination of the reporting party, the responding party, or any witness may not be conducted directly by the reporting party or responding party, or an advisor to the reporting party or responding party, as applicable.

(c) The reporting party, the responding party, or any witness may request to answer questions by videoconference.

(d) The reporting party and the responding party shall have the opportunity to submit written questions to the hearing officer in advance of the hearing. At the hearing, the reporting party and the responding party shall have the opportunity to note an objection to any question posed by the other party. The hearing officer may limit objections to written form. The hearing officer shall note an objection on the record, but is not otherwise required to respond to an objection. The hearing officer shall disregard or rephrase any question the hearing officer deems to be repetitive, irrelevant or harassing. In making a determination pursuant to this paragraph, the hearing officer may use, but is not bound by, the rules of evidence at common law.

(e) All determinations must be based on a preponderance of the evidence.
Except as otherwise provided in this subsection, an institution within the System that receives a report shall take not more than 60 calendar days to reach a final determination regarding the alleged incident of sexual misconduct. An institution may take more than 60 calendar days to reach a final determination for good cause, which includes, without limitation, unworked holiday breaks, mutual agreement of the reporting party and the responding party or waiting for evidence that has been requested from a third party. Good cause does not include, without limitation, worked holiday breaks, distance barriers that can be overcome through videoconferencing, graduation of one of the parties, unnecessary request for delay that the institution reasonably perceives to be delay tactics or police investigations that require more than a temporary delay.

If the institution within the System includes an appeal process in its grievance, the institution shall inform the parties of the appeals process.

An institution within the System shall provide periodic updates on any hearing or appeals process to the reporting party and responding party, including, without limitation, written notice of any delay. (Deleted by amendment.)

Sec. 28.

1. An institution within the System may issue a no-contact directive prohibiting the responding party and the reporting party from contacting each other during the pendency of an investigation and hearing. An institution may issue a no-contact directive if the directive is necessary to:
   (a) Protect the safety or well-being of either the reporting party complainant or the responding party respondent; or
   (b) Respond to interference with an investigation.

2. A no-contact directive issued after a decision of responsibility against the responding party respondent has been made is unilateral and applies only against the responding party respondent.

3. If an institution issues a mutual no-contact directive, the institution shall provide the reporting party complainant and the responding party respondent with a written justification for the directive and an explanation of the terms of the directive, including, without limitation, a description of the circumstances under which a violation of the directive may subject the party to disciplinary action.

Sec. 29.

1. A student who experiences sexual misconduct may request a waiver from any requirement to maintain a certain grade point average, credit enrollment, or other academic or disciplinary record requirement related to academic success for any scholarship, grant or other academic program offered by an institution within the System. A waiver may be granted by an advocate designated pursuant to section 19 of this act, the Title IX coordinator of the institution, a law enforcement officer employed by the institution, an academic advisor or staff member of a disability resource center of the institution.
2. A student or employee who experiences sexual misconduct shall be granted a request to take a leave of absence or, to the extent practicable, extend benefits of employment.

Sec. 30. 1. The Board of Regents may require an institution within the System to prepare and submit to the Board an annual report that includes, without limitation:

(a) The total number of reports of alleged incidents of sexual misconduct allegedly committed by a student or employee of the institution made to the Title IX office of the institution;
(b) The number of investigations initiated by a law enforcement agency in response to reports of alleged incidents of sexual misconduct, if known;
(c) The number of students and employees found responsible for an incident of sexual misconduct by the institution;
(d) The number of students and employees accused of but found not responsible for an incident of sexual misconduct by the institution;
(e) The number of persons sanctioned by the institution as a result of a finding of responsibility for an incident of sexual misconduct;
(f) and
(g) The number of reporting parties who took a leave of absence, transferred to another institution or withdrew from the institution.

2. A report submitted pursuant to subsection 1 shall not contain any personally identifiable information of a student or employee of an institution within the System.

3. Information contained in a report submitted pursuant to subsection 1 must be able to be disaggregated by students and employees.

4. If the Board of Regents requires a report to be prepared and submitted pursuant to subsection 1, an institution shall submit the report to the Board of Regents not later than October 1 of each year.

5. If the Board of Regents requires a report to be prepared and submitted pursuant to subsection 1, the Board of Regents shall, not later than December 31 of each year, submit a compilation of the reports the Board received pursuant to subsection 1 to the Director of the Department of Health and Human Services and the Director of the Legislative Counsel Bureau for transmittal to the next regular session of the Legislature in even-numbered years or to the Legislative Committee on Education in odd-numbered years.

6. Any data or reports that underlie the report prepared pursuant to subsection 3 are confidential and are not a public record for the purposes of chapter 239 of NRS.

Sec. 31. 1. The Board of Regents may, after reasonable notice and opportunity for hearing, determine that an institution within the System
failed to comply with a requirement imposed by the Board of Regents pursuant to sections 2 to 32, inclusive, of this act. If the Board of Regents determines an institution failed to comply with a requirement imposed by the Board, the Board may, for each violation, impose a fine of not more than $150,000 or one percent of the annual operating budget of the institution, whichever is less, against the institution.

2. The Board of Regents shall use any money collected from the imposition of a fine pursuant to subsection 1 to administer and enforce the provisions of sections 2 to 32, inclusive, of this act. (Deleted by amendment.)

Sec. 32. The Board of Regents may adopt regulations as necessary to carry out the provisions of sections 2 to 32, inclusive, of this act.

Sec. 33. NRS 396.585 is hereby amended to read as follows:

396.585 1. The Board of Regents shall require each student who participates as a member of a varsity athletic team which represents an institution within the System to make satisfactory progress toward obtaining a degree as a condition of participation as a member of the team.

2. The Board of Regents shall establish standards for determining whether a student is making satisfactory progress toward obtaining his or her degree as required by this section. Except as otherwise provided in section 29 of this act, the standards must:

(a) Include a requirement that a student enroll in a sufficient number of courses in each semester that are required to obtain the academic degree the student is seeking to allow the student to complete the requirements for obtaining the degree within a reasonable period after the student’s admission.

(b) Include a requirement that a student maintain a minimum grade point average in the courses required pursuant to paragraph (a).

Sec. 34. NRS 396.890 is hereby amended to read as follows:

396.890 1. The Board of Regents may administer, directly or through a designated officer or employee of the System, a program to provide loans for fees, books and living expenses to students in the nursing programs of the System.

2. Each student to whom a loan is made must:

(a) Have been a “bona fide resident” of Nevada, as that term is defined in NRS 396.540, for at least 6 months prior to the “matriculation” of the student in the System, as that term is defined pursuant to NRS 396.540;

(b) Be enrolled at the time the loan is made in a nursing program of the System for the purpose of becoming a licensed practical nurse or registered nurse;

(c) Except as otherwise provided in section 29 of this act, fulfill all requirements for classification as a full-time student showing progression towards completion of the program; and
Except as otherwise provided in section 29 of this act, maintain at least a 2.00 grade point average in each class and at least a 2.75 overall grade point average, on a 4.0 grading scale.

3. Each loan must be made upon the following terms:
   (a) All loans must bear interest at 8 percent per annum from the date when the student receives the loan.
   (b) Each student receiving a loan must repay the loan with interest following the termination of the student’s education for which the loan is made. The loan must be repaid in monthly installments over the period allowed with the first installment due 1 year after the date of the termination of the student’s education for which the loan is made. The amounts of the installments must not be less than $50 and may be calculated to allow a smaller payment at the beginning of the period of repayment, with each succeeding payment gradually increasing so that the total amount due will have been paid within the period for repayment. The period for repayment of the loans must be:
      (1) Five years for loans which total less than $10,000.
      (2) Eight years for loans which total $10,000 or more, but less than $20,000.
      (3) Ten years for loans which total $20,000 or more.

4. A delinquency charge may be assessed on any installment delinquent 10 days or more in the amount of 8 percent of the installment or $4, whichever is greater, but not more than $15.

5. The reasonable costs of collection and an attorney’s fee may be recovered in the event of delinquency.

Sec. 35. NRS 396.930 is hereby amended to read as follows:
396.930 1. Except as otherwise provided in subsections 2 and 4, a student may apply to the Board of Regents for a Millennium Scholarship if the student:
   (a) Except as otherwise provided in paragraph (e) of subsection 2, has been a resident of this State for at least 2 years before the student applies for the Millennium Scholarship;
   (b) Except as otherwise provided in paragraph (c), graduated from a public or private high school in this State:
      (1) After May 1, 2000, but not later than May 1, 2003; or
      (2) After May 1, 2003, and, except as otherwise provided in paragraphs (c), (d) and (f) of subsection 2, not more than 6 years before the student applies for the Millennium Scholarship;
   (c) Does not satisfy the requirements of paragraph (b) and:
      (1) Was enrolled as a pupil in a public or private high school in this State with a class of pupils who were regularly scheduled to graduate after May 1, 2000;
      (2) Received his or her high school diploma within 4 years after he or she was regularly scheduled to graduate; and
(3) Applies for the Millennium Scholarship not more than 6 years after

he or she was regularly scheduled to graduate from high school;

(d) Except as otherwise provided in paragraph (e), maintained in high

school in the courses designated by the Board of Regents pursuant to paragraph

(b) of subsection 2, at least:

(1) A 3.00 grade point average on a 4.0 grading scale, if the student was

a member of the graduating class of 2003 or 2004;

(2) A 3.10 grade point average on a 4.0 grading scale, if the student was

a member of the graduating class of 2005 or 2006; or

(3) A 3.25 grade point average on a 4.0 grading scale, if the student was

a member of the graduating class of 2007 or a later graduating class;

(e) Does not satisfy the requirements of paragraph (d) and received at least

the minimum score established by the Board of Regents on a college entrance

examination approved by the Board of Regents that was administered to the

student while the student was enrolled as a pupil in a public or private high

school in this State; and

(f) Except as otherwise provided in NRS 396.936 and section 29 of this

act, is enrolled in at least:

(1) Nine semester credit hours in a community college within the System;

(2) Twelve semester credit hours in another eligible institution; or

(3) A total of 12 or more semester credit hours in eligible institutions if

the student is enrolled in more than one eligible institution.

2. The Board of Regents:

(a) Shall define the core curriculum that a student must complete in high

school to be eligible for a Millennium Scholarship.

(b) Shall designate the courses in which a student must earn the minimum

grade point averages set forth in paragraph (d) of subsection 1.

(c) May establish criteria with respect to students who have been on active

duty serving in the Armed Forces of the United States to exempt such students

from the 6-year limitation on applications that is set forth in subparagraph (2)

of paragraph (b) of subsection 1.

(d) Shall establish criteria with respect to students who have a documented

physical or mental disability or who were previously subject to an

individualized education program under the Individuals with Disabilities

Education Act, 20 U.S.C. §§ 1400 et seq., or a plan under Title V of the

Rehabilitation Act of 1973, 29 U.S.C. §§ 791 et seq. The criteria must provide

an exemption for those students from:

(1) The 6-year limitation on applications that is set forth in subparagraph

(2) of paragraph (b) of subsection 1 and subparagraph (3) of paragraph (c) of

subsection 1 and any limitation applicable to students who are eligible

pursuant to subparagraph (1) of paragraph (b) of subsection 1.

(2) The minimum number of credits prescribed in paragraph (f) of

subsection 1.

(e) Shall establish criteria with respect to students who have a parent or

legal guardian on active duty in the Armed Forces of the United States to
exempt such students from the residency requirement set forth in paragraph (a) of subsection 1 or subsection 4.

(f) Shall establish criteria with respect to students who have been actively serving or participating in a charitable, religious or public service assignment or mission to exempt such students from the 6-year limitation on applications that is set forth in subparagraph (2) of paragraph (b) of subsection 1. Such criteria must provide for the award of Millennium Scholarships to those students who qualify for the exemption and who otherwise meet the eligibility criteria to the extent that money is available to award Millennium Scholarships to the students after all other obligations for the award of Millennium Scholarships for the current school year have been satisfied.

3. If the Board of Regents requires a student to successfully complete courses in mathematics or science to be eligible for a Millennium Scholarship, a student who has successfully completed one or more courses in computer science described in NRS 389.0186 must be allowed to apply not more than one unit of credit received for the completion of such courses toward that requirement.

4. Except as otherwise provided in paragraph (c) of subsection 1, for students who did not graduate from a public or private high school in this State and who, except as otherwise provided in paragraph (e) of subsection 2, have been residents of this State for at least 2 years, the Board of Regents shall establish:
   (a) The minimum score on a standardized test that such students must receive; or
   (b) Other criteria that students must meet,

5. In awarding Millennium Scholarships, the Board of Regents shall enhance its outreach to students who:
   (a) Are pursuing a career in education or health care;
   (b) Come from families who lack sufficient financial resources to pay for the costs of sending their children to an eligible institution; or
   (c) Substantially participated in an antismoking, antidrug or antialcohol program during high school.

6. The Board of Regents shall establish a procedure by which an applicant for a Millennium Scholarship is required to execute an affidavit declaring the applicant’s eligibility for a Millennium Scholarship pursuant to the requirements of this section. The affidavit must include a declaration that the applicant is a citizen of the United States or has lawful immigration status, or that the applicant has filed an application to legalize the applicant’s immigration status or will file an application to legalize his or her immigration status as soon as he or she is eligible to do so.

Sec. 36. NRS 396.934 is hereby amended to read as follows:

396.934 1. Except as otherwise provided in this section, within the limits of money available in the Trust Fund, a student who is eligible for a Millennium Scholarship is entitled to receive:
(a) If he or she is enrolled in a community college within the System, including, without limitation, a summer academic term, $40 per credit for each lower division course and $60 per credit for each upper division course in which the student is enrolled, or the amount of money that is necessary for the student to pay the costs of attending the community college that are not otherwise satisfied by other grants or scholarships, whichever is less. The Board of Regents shall provide for the designation of upper and lower division courses for the purposes of this paragraph.

(b) If he or she is enrolled in a state college within the System, including, without limitation, a summer academic term, $60 per credit for which the student is enrolled, or the amount of money that is necessary for the student to pay the costs of attending the state college that are not otherwise satisfied by other grants or scholarships, whichever is less.

(c) If he or she is enrolled in another eligible institution, including, without limitation, a summer academic term, $80 per credit for which the student is enrolled, or the amount of money that is necessary for the student to pay the costs of attending the university that are not otherwise satisfied by other grants or scholarships, whichever is less.

(d) If he or she is enrolled in more than one eligible institution, including, without limitation, a summer academic term, the amount authorized pursuant to paragraph (a), (b) or (c), or a combination thereof, in accordance with procedures and guidelines established by the Board of Regents.

In no event may a student who is eligible for a Millennium Scholarship receive more than the cost of 15 semester credits per semester pursuant to this subsection.

2. No student may be awarded a Millennium Scholarship:
   (a) To pay for remedial courses.
   (b) For a total amount in excess of $10,000.

3. Except as otherwise provided in NRS 396.936 and section 29 of this act, a student who receives a Millennium Scholarship shall:
   (a) Make satisfactory academic progress toward a recognized degree or certificate, as determined by the Board of Regents pursuant to subsection 8; and
   (b) Maintain at least a 2.75 grade point average on a 4.0 grading scale for each semester of enrollment in the Governor Guinn Millennium Scholarship Program.

4. A student who receives a Millennium Scholarship is encouraged to volunteer at least 20 hours of community service for this State, a political subdivision of this State or a charitable organization that provides service to a community or the residents of a community in this State during each year in which the student receives a Millennium Scholarship.

5. If a student does not satisfy the requirements of subsection 3 during one semester of enrollment, excluding a summer academic term, he or she is not eligible for the Millennium Scholarship for the succeeding semester of enrollment. If such a student:
(a) Subsequently satisfies the requirements of subsection 3 in a semester in which he or she is not eligible for the Millennium Scholarship, the student is eligible for the Millennium Scholarship for the student’s next semester of enrollment.

(b) Fails a second time to satisfy the requirements of subsection 3 during any subsequent semester, excluding a summer academic term, the student is no longer eligible for a Millennium Scholarship.

6. A Millennium Scholarship must be used only:
   (a) For the payment of registration fees and laboratory fees and expenses;
   (b) To purchase required textbooks and course materials; and
   (c) For other costs related to the attendance of the student at the eligible institution.

7. The Board of Regents shall certify a list of eligible students to the State Treasurer. The State Treasurer shall disburse a Millennium Scholarship for each semester on behalf of an eligible student directly to the eligible institution in which the student is enrolled, upon certification from the eligible institution of the number of credits for which the student is enrolled, which must meet or exceed the minimum number of credits required for eligibility and certification that the student is in good standing and making satisfactory academic progress toward a recognized degree or certificate, as determined by the Board of Regents pursuant to subsection 8. The Millennium Scholarship must be administered by the eligible institution as other similar scholarships are administered and may be used only for the expenditures authorized pursuant to subsection 6. If a student is enrolled in more than one eligible institution, the Millennium Scholarship must be administered by the eligible institution at which the student is enrolled in a program of study leading to a recognized degree or certificate.

8. The Board of Regents shall establish:
   (a) Criteria for determining whether a student is making satisfactory academic progress toward a recognized degree or certificate for purposes of subsection 7.
   (b) Procedures to ensure that all money from a Millennium Scholarship awarded to a student that is refunded in whole or in part for any reason is refunded to the Trust Fund and not the student.
   (c) Procedures and guidelines for the administration of a Millennium Scholarship for students who are enrolled in more than one eligible institution.

Sec. 37. NRS 396.945 is hereby amended to read as follows:

396.945  1. The Board shall annually award the Memorial Scholarship to:
   (a) Two recipients who are students enrolled at:
       (1) The University of Nevada, Reno, Great Basin College or Sierra Nevada College;
       (2) A nonprofit university which awards a bachelor’s degree in education to residents of northern Nevada; or
(3) Any other college or university which awards a bachelor’s degree in education and which is designated by the Board as an institution representative of northern Nevada; and
(b) Two recipients who are students enrolled at:
   (1) The University of Nevada, Las Vegas, or Nevada State College;
   (2) A nonprofit university which awards a bachelor’s degree in education to residents of southern Nevada; or
   (3) Any other college or university which awards a bachelor’s degree in education and which is designated by the Board as an institution representative of southern Nevada.
2. The Board shall establish additional criteria governing the annual selection of each recipient of the Memorial Scholarship, which must include, without limitation, a requirement that a recipient:
   (a) Be in or entering his or her senior year at an academic institution described in subsection 1;
   (b) Satisfy the eligibility requirements for a Millennium Scholarship set forth in NRS 396.930;
   (c) Except as otherwise provided in section 29 of this act, have a college grade point average of not less than 3.5 on a 4.0 grading scale or, if enrolled at an academic institution that does not use a grade point system to measure academic performance, present evidence acceptable to the Board that demonstrates a commensurate level of academic achievement;
   (d) Have a declared major in elementary education or secondary education;
   (e) Have a stated commitment to teaching in this State following graduation; and
   (f) Have a record of community service.
3. A student who satisfies the criteria established pursuant to this section may apply for a Memorial Scholarship by submitting an application to the Office of the State Treasurer on a form provided on the Internet website of the State Treasurer.
4. The State Treasurer shall forward all applications received pursuant to subsection 3 to the Board. The Board shall review and evaluate each application received from the State Treasurer and select each recipient of the Memorial Scholarship in accordance with the criteria established pursuant to this section.
5. To the extent of available money in the account established pursuant to NRS 396.940, the annual Memorial Scholarship may be awarded to each selected recipient in an amount not to exceed $5,000 to pay the educational expenses of the recipient for the school year which are authorized by subsection 6 and which are not otherwise paid for by the Millennium Scholarship awarded to the recipient.
6. A Memorial Scholarship must be used only:
   (a) For the payment of registration fees and laboratory fees and expenses;
   (b) To purchase required textbooks and course materials; and
(c) For other costs related to the attendance of the student at the academic institution in which he or she is enrolled.

7. As used in this section, “Board” means the Board of Trustees of the College Savings Plans of Nevada created by NRS 353B.005.

Sec. 38. NRS 49.2545 is hereby amended to read as follows:
49.2545 “Victim’s advocate” means a person who works for a nonprofit program, a program of a university, state college or community college within the Nevada System of Higher Education or a program of a tribal organization which provides assistance to victims or who provides services to a victim of an alleged incident of sexual misconduct pursuant to sections 2 to 32, inclusive, of this act with or without compensation and who has received at least 20 hours of relevant training.

Sec. 38.5. NRS 239.010 is hereby amended to read as follows:
sections 13, 14 and 30 of this act, sections 35, 38 and 41 of chapter 478, Statutes of Nevada 2011 and section 2 of chapter 391, Statutes of Nevada 2013 and unless otherwise declared by law to be confidential, all public books and public records of a governmental entity must be open at all times during office hours to inspection by any person, and may be fully copied or an abstract or memorandum may be prepared from those public books and public records. Any such copies, abstracts or memoranda may be used to supply the general
public with copies, abstracts or memoranda of the records or may be used in any other way to the advantage of the governmental entity or of the general public. This section does not supersede or in any manner affect the federal laws governing copyrights or enlarge, diminish or affect in any other manner the rights of a person in any written book or record which is copyrighted pursuant to federal law.

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

3. A governmental entity that has legal custody or control of a public book or record shall not deny a request made pursuant to subsection 1 to inspect or copy or receive a copy of a public book or record on the basis that the requested public book or record contains information that is confidential if the governmental entity can redact, delete, conceal or separate, including, without limitation, electronically, the confidential information from the information included in the public book or record that is not otherwise confidential.

4. If requested, a governmental entity shall provide a copy of a public record in an electronic format by means of an electronic medium. Nothing in this subsection requires a governmental entity to provide a copy of a public record in an electronic format or by means of an electronic medium if:
   (a) The public record:
      (1) Was not created or prepared in an electronic format; and
      (2) Is not available in an electronic format; or
   (b) Providing the public record in an electronic format or by means of an electronic medium would:
      (1) Give access to proprietary software; or
      (2) Require the production of information that is confidential and that cannot be redacted, deleted, concealed or separated from information that is not otherwise confidential.

5. An officer, employee or agent of a governmental entity who has legal custody or control of a public record:
   (a) Shall not refuse to provide a copy of that public record in the medium that is requested because the officer, employee or agent has already prepared or would prefer to provide the copy in a different medium.
   (b) Except as otherwise provided in NRS 239.030, shall, upon request, prepare the copy of the public record and shall not require the person who has requested the copy to prepare the copy himself or herself.

Sec. 39. 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. 40. 1. This section becomes effective upon passage and approval.

2. Sections 1 to 39, inclusive, of this act become effective:
   (a) Upon passage and approval for the purpose of adopting regulations and performing any other preparatory administrative tasks that are necessary to carry out the provisions of this act; and
   (b) On July 1, 2022, for all other purposes.
Assemblywoman Bilbray-Axelrod moved the adoption of the amendment.
Remarks by Assemblywoman Bilbray-Axelrod.
Amendment adopted.
Bill ordered reprinted, engrossed and to third reading.

Assembly Bill No. 387.
Bill read third time.
The following amendment was proposed by the Committee on Commerce and Labor:
   Amendment No. 365.
   AN ACT relating to midwives; establishing the Board of Licensed Certified Professional Midwives and requiring the Board to adopt certain regulations; requiring the Division of Public and Behavioral Health of the Department of Health and Human Services to perform certain tasks relating to the regulation of licensed certified professional midwives; providing for the licensure of licensed certified professional midwives and the issuance of permits to certified professional midwife student midwives; authorizing a licensed certified professional midwife to utilize a certified professional midwife birth assistant under certain circumstances; prescribing requirements relating to the practice of certified professional midwifery; requiring all types of midwives practicing in this State to provide to clients a Community Birth Disclosure; authorizing a licensed certified professional midwife to possess, administer and order certain drugs, devices, chemicals and solutions; exempting a licensed certified professional midwife and other providers of health care from certain liability; requiring Medicaid to cover the services of a licensed certified professional midwife; providing a penalty; and providing other matters properly relating thereto.

Legislative Counsel’s Digest:
Existing law requires a midwife to perform certain duties relating to reporting births and deaths and testing newborn babies for certain diseases. (NRS 440.100, 440.740, 442.008-442.110, 442.600-442.680) Sections 2-32 of this bill provide for: (1) the licensure of licensed certified professional midwives by the Division of Public and Behavioral Health of the Department of Health and Human Services; and (2) the regulation of licensed certified professional midwives by the Division and the Board of Licensed Certified Professional Midwives created by section 16 of this bill. Sections 2-14, 45, 69 and 73 of this bill define certain terms related to the practice of certified professional midwifery. Section 15 of this bill exempts other providers of health care from requirements governing the licensure and regulation of licensed certified professional midwives. Section 15 also authorizes an unlicensed person to engage in the practice of midwifery if that person obtains from each client a statement acknowledging that the person is not regulated by the State. Sections 36, 38, 39 and 42-44 of this bill similarly exempt licensed certified professional midwives and certified professional midwife student midwives from provisions governing certain other providers of health care.
Licensed certified professional midwives and certified professional midwife student midwives would also be exempt from provisions governing allopathic physicians. (NRS 630.047)

Section 16 creates the Board of Licensed Certified Professional Midwives. Sections 34, 55 and 58-62 of this bill make various changes to ensure that the Board is treated similarly to other boards that regulate health-related professions. Specifically, section 34 provides that a person may obtain a license as a licensed certified professional midwife through reciprocity if the person has been in practice for at least the 3 years immediately preceding the date on which the person submits an application. Section 17 of this bill prescribes certain requirements concerning the operations and duties of the Board. Section 18 of this bill requires the Board to adopt regulations governing the practice of certified professional midwifery, including requirements governing: (1) programs of training for licensed certified professional midwives; (2) qualifications for licensure as a licensed certified professional midwife; (3) investigation of misconduct and discipline; (4) management of a client who is at a moderate or high risk of an adverse outcome; and (5) certain other aspects of the practice of certified professional midwifery.

Sections 19, 20 and 21 of this bill prescribe the requirements for the issuance of a license as a licensed certified professional midwife, a license by endorsement as a licensed certified professional midwife and a permit as a certified professional midwife student midwife, respectively. Section 101 of this bill revises the requirements for the issuance of a license as a licensed certified professional midwife on January 1, 2025, and section 100 of this bill removes a reference to a provision removed by section 101. Section 22 of this bill: (1) authorizes a licensed certified professional midwife to utilize a certified professional midwife birth assistant to perform certain simple, routine medical tasks; and (2) prescribes the required training for a certified professional midwife birth assistant.

Existing federal law requires each state to adopt procedures to ensure that applicants for certain licenses and certificates comply with child support obligations. (42 U.S.C. § 666) Sections 23 and 29 of this bill enact such procedures as applicable to an applicant for a license as a licensed certified professional midwife or a permit as a certified professional midwife student midwife in order to comply with federal law. Sections 102 and 107 of this bill remove a requirement that an application for a license as a licensed certified professional midwife or a permit as a certified professional midwife student midwife include the social security number of the applicant on the date that those federal requirements are repealed, while leaving in place the other requirements of sections 23 and 29 until 2 years after that date. Section 33 of this bill makes a conforming change to address applicants for licensure who do not have a social security number.

Section 24 of this bill prescribes the authorized activities of a certified professional midwife student midwife and requirements governing the
supervision of a certified professional midwife student midwife by a preceptor. Section 25 of this bill requires any midwife who provides birthing services in this State to provide to a client a Community Birth Disclosure that contains certain information. Section 25 additionally requires the Board to create this Community Birth Disclosure in collaboration with all types of midwives who provide birthing services in this State. Section 25 further requires a licensed certified professional midwife to obtain informed consent from each client before providing services.

Existing law authorizes only certain practitioners who are licensed in this State and registered with the State Board of Pharmacy to prescribe drugs and devices. (NRS 639.235, 639.23505) Sections 26, 40, 41 and 76 of this bill authorize a licensed certified professional midwife to: (1) order, possess and administer certain drugs, devices, chemicals and solutions; and (2) order certain devices and vaccines for a client. Sections 22, 24 and 77 of this bill authorize a certified professional midwife birth assistant or certified professional midwife student midwife to administer certain drugs, devices, chemicals and solutions under the direct supervision of a licensed certified professional midwife.

Section 27 of this bill imposes specific requirements concerning the management of a client who is at a moderate or high risk of an adverse outcome, and section 103 of this bill revises some of those requirements on the effective date of regulations adopted by the Board of Licensed Certified Professional Midwives to replace those requirements. Section 105 of this bill creates the Collaboration and Transfer Guidelines Workgroup to make recommendations to the Board for regulations governing the transfer of such a client to a medical facility. Section 27 also exempts: (1) a licensed certified professional midwife from liability resulting from the informed refusal of such a client to consent to consultation, co-management with or referral to another provider of health care or transfer to a medical facility or the inability of the licensed certified professional midwife to arrange for such consultation or carry out such co-management, referral or transfer; and (2) other providers of health care from liability for the actions or omissions of a licensed certified professional midwife.

Section 28 of this bill requires a licensed certified professional midwife to annually report certain information concerning his or her practice to the Division.

Section 30 of this bill: (1) requires the Division to maintain certain records of proceedings relating to licensing, disciplinary actions and investigations; and (2) declares certain records to be confidential and certain other records to be public. Section 57 of this bill makes a conforming change to clarify that confidential records of the Division are not public records. Section 31 of this bill makes it a misdemeanor for a person who does not hold a license as a certified professional midwife or a permit as a certified professional midwife student midwife to: (1) engage in the practice of midwifery without...
taking the actions required by section 15: or (2) represent that he or she is licensed to engage in the practice of certified professional midwifery. **Section 31 allows a person to represent that he or she is licensed or permitted to engage in the practice of certified professional midwifery if the person is licensed or permitted in another district, state or territory of the United States and the person discloses that license or permit to the public. Section 31 also makes it a misdemeanor for a certified professional midwife student midwife to represent that he or she is qualified to engage in the practice of certified professional midwifery without supervision. **Section 31 authorizes the Division to, when it has reason to believe or has received complaints that a person has repeatedly violated section 31, certify the facts to the Attorney General or other appropriate law enforcement officer who may, in his or her discretion, cause appropriate proceedings to be brought. **Section 32 of this bill authorizes the Division or the Attorney General to seek an injunction against any person violating any provision of sections 2-32.

Existing law defines the term “provider of health care” as a person who practices any of certain professions related to the provision of health care. (NRS 629.031) Existing law imposes certain requirements upon providers of health care, including requirements for billing, standards for advertisements and criminal penalties for acquiring certain debts. (NRS 629.071, 629.076, 629.078) **Section 35 of this bill includes licensed certified professional midwives in the definition of “provider of health care,” thereby subjecting licensed certified professional midwives to those requirements. **Section 75 of this bill makes a conforming change to clarify that licensed certified professional midwives are providers of health care. **Section 37 of this bill requires a licensed certified professional midwife to report misconduct by a person licensed or certified by the State Board of Nursing to the Executive Director of the Board.

**Sections 48 and 49 of this bill provide that a licensed certified professional midwife is not liable for civil damages resulting from providing emergency care or gratuitous care to an indigent person under certain circumstances. **Section 70 of this bill requires a licensed certified professional midwife who attends a birth that occurs outside a hospital which is not also attended by a physician or advanced practice registered nurse to prepare a birth certificate. **Section 71 of this bill provides for the imposition of a fine upon a person who furnishes false information to a licensed certified professional midwife for the purpose of making incorrect certification of births or deaths.

Existing law provides that, in any civil action concerning any unwelcome or nonconsensual sexual conduct, there is a rebuttable presumption that the sexual conduct was unwelcome or nonconsensual if the alleged perpetrator was a person in a position of authority over the alleged victim. (NRS 41.138) **Section 47 of this bill provides that a licensed certified professional midwife, certified professional midwife student midwife or certified professional midwife birth assistant is a person of authority for that purpose.
Sections 46, 50-54, 63, 64, 66-75 and 78-99 of this bill make revisions to treat licensed certified professional midwives similarly to other providers of health care in certain respects. Section 65 of this bill requires Medicaid to cover the services of a licensed certified professional midwife and provide reimbursement for such services at comparable rates to other providers of health care who provide similar services. Section 56 of this bill makes a conforming change to indicate the placement of section 65 in the Nevada Revised Statutes.

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

Section 1. Title 54 of NRS is hereby amended by adding thereto a new chapter to consist of the provisions set forth as sections 2 to 32, inclusive, of this act.

Sec. 2. As used in this chapter, unless the context otherwise requires, the words and terms defined in sections 4 to 14, inclusive, of this act have the meanings ascribed to them in those sections.

Sec. 3. “Birth assistant” means a person who performs routine medical tasks and procedures under the direct supervision of a licensed certified professional midwife. (Deleted by amendment.)

Sec. 4. “Board” means the Board of Licensed Certified Professional Midwives created by section 16 of this act.

Sec. 5. “Certified nurse-midwife” means a person who is:
1. Certified as a nurse-midwife by the American Midwifery Certification Board, or its successor organization; and
2. Licensed as an advanced practice registered nurse pursuant to NRS 632.237.

Sec. 5.3. “Certified professional midwife birth assistant” means a person who performs routine medical tasks and procedures under the direct supervision of a licensed certified professional midwife.

Sec. 5.7. “Certified professional midwife student midwife” means a person who holds a permit as a certified professional midwife student midwife issued pursuant to section 21 of this act.

Sec. 6. “Co-manage” means a licensed certified professional midwife jointly managing the care of a client with another provider of health care.

Sec. 7. “Consult” means a client receiving an opinion concerning the management of a particular condition or symptom from an appropriate provider of health care at the direction of a licensed certified professional midwife.

Sec. 8. “Division” means the Division of Public and Behavioral Health of the Department of Health and Human Services.

Sec. 9. “Licensed certified professional midwife” means a person licensed as a licensed certified professional midwife pursuant to section 19 or 20 of this act.
Sec. 10. “Medical facility” has the meaning ascribed to it in NRS 449.0151.

Sec. 11. “Practice of certified professional midwifery” means the provision of autonomous care to healthy clients who are at low risk of developing complications before conception, while pregnant and during the postpartum period and to newborn infants for up to 6 weeks after childbirth. The term includes, without limitation, co-management of the care of a client with a qualified provider of health care.

Sec. 12. “Provider of health care” has the meaning ascribed to it in NRS 629.031.

Sec. 13. “Refer” means a licensed certified professional midwife arranging for another provider of health care to assume primary responsibility for managing a condition or symptom.

Sec. 14. [“Student midwife” means a person who holds a permit as a student midwife issued pursuant to section 21 of this act.] (Deleted by amendment.)

Sec. 15. 1. Except as otherwise provided in this section and sections 22 and 27 of this act, the provisions of this chapter do not apply to a person who holds a license, certificate or other credential issued pursuant to chapters 630 to 641C, inclusive, of NRS and is practicing within the scope of authority authorized by that license, certificate or other credential. For the purposes of this subsection, a certified nurse-midwife shall be deemed to be practicing within the scope of authority authorized by his or her license as an advanced practice registered nurse.

2. [A person who is not licensed pursuant to this chapter and engages in the practice of midwifery must:
   (a) Obtain from each client of the person a statement in the form prescribed by the Division signed by the person and the client stating that:
      (1) The person is not a licensed certified professional midwife and has not had his or her credentials reviewed by any governmental entity and
      (2) There is no state agency that oversees the services provided by the person with which the client may file a complaint concerning those services; and
   (b) Maintain the statement in the records of the person for at least 5 years after the person ceases providing services to the client.

3. This chapter does not prohibit:
   (a) Gratuitous services of a person in an emergency; or
   (b) Gratuitous care by friends or by members of the family.

Sec. 16. 1. The Board of Licensed Certified Professional Midwives is hereby created.

2. The Administrator of the Division shall appoint to the Board:
   (a) Four voting members who are licensed certified professional midwives currently practicing in this State;
   (b) One voting member who is an advanced practice registered nurse, certified nurse-midwife or physician currently practicing in the area of
(c) One voting member who is a provider of health care, other than a licensed certified professional midwife or a physician practicing in the area of pediatrics, provider of health care described in paragraph (a) or (b), who is currently providing neonatal care in this State;

(d) Two voting members who are representatives of the general public and who have received care from a certified nurse-midwife; and

(e) One nonvoting member to serve as a liaison with the Division.

3. Each member of the Board must be a resident of this State.

4. The Administrator of the Division:

(a) May solicit nominations for appointment to the Board from interested persons and entities.

(b) Shall give preference when appointing the members of the Board to candidates who have experience collaborating with licensed certified professional midwives or providing or utilizing midwifery services outside of a hospital.

5. The Board shall adopt regulations prescribing the terms of its members. Such terms must not exceed 4 years. The Administrator of the Division may:

(a) Reappoint a member at the expiration of his or her term; or

(b) Terminate a member before the expiration of his or her term for cause.

6. A vacancy on the Board must be filled in the same manner as the initial appointment.

7. Except as otherwise provided in this subsection, members of the Board serve without compensation. The State Board of Health may, by regulation, provide for compensation of the members of the Board.

Sec. 17. 1. A majority of the voting members of the Board constitutes a quorum for the transaction of business, and a majority of a quorum present at any meeting is sufficient for any official action taken by the Board.

2. The Board shall:

(a) At its first meeting and annually thereafter, elect a Chair from among its members;

(b) Meet regularly at the call of the Chair; and

(c) Recommend to the Legislature any statutory changes to improve the practice of certified professional midwifery in this State.

3. To the extent practicable, any advice or recommendations made by the Board concerning the practice of certified professional midwifery must be guided by current, peer-reviewed scientific research.

Sec. 18. 1. The Board shall adopt any regulations necessary or convenient for carrying out the provisions of this chapter. Those regulations must include, without limitation:

(a) Requirements concerning the approval by the Division of programs of training for licensed certified professional midwives and certified
professional midwife birth assistants, including, without limitation, the required training and instruction that must be provided by such a program and the procedure for obtaining such approval. Those regulations must require that a program for the training of licensed certified professional midwives be accredited by the Midwifery Education Accreditation Council, or its successor organization.

(b) Requirements governing the issuance and renewal of a license as a licensed certified professional midwife, including, without limitation:

(1) The educational qualifications that, except as otherwise provided in section 19 of this act and in addition to the qualifications prescribed by that section, are necessary to obtain a license pursuant to that section.

(2) The period for which a license is valid.

(3) A requirement that an applicant for the renewal of a license must have completed continuing education in cultural humility or the elimination of racism or bias.

(c) The procedure for filing a complaint with the Division concerning a licensed certified professional midwife or certified professional midwife student midwife.

(d) Grounds for the Division to impose disciplinary action against a licensed certified professional midwife or certified professional midwife student midwife and the procedure by which the Division will impose such disciplinary action.

(e) Requirements governing the reinstatement of a license that has been revoked, including, without limitation, the procedure to apply for reinstatement.

(f) Regulations governing the ordering, usage and administration of drugs, vaccines, chemicals, solutions and devices pursuant to section 26 of this act.

(g) Regulations concerning the management by a licensed certified professional midwife of a client who may have a condition that puts the client at a moderate or high risk of an adverse outcome for the client or the fetus or newborn infant of the client. The regulations must, to the extent practicable, be guided by current, peer-reviewed scientific research and must include, without limitation:

(1) A list of conditions or symptoms associated with a risk of serious permanent harm or death to a client or the fetus or newborn infant of a client;

(2) A list of conditions or symptoms associated with a risk of greater than minimal harm to a client or the fetus or newborn infant of a client that do not pose a risk of serious permanent harm or death; and

(3) Specific requirements for each condition or symptom listed pursuant to subparagraphs (1) and (2) governing:

(I) The circumstances under which a licensed certified professional midwife must arrange for the client to consult with another provider of health care, co-manage the care of the client with another provider of health care, or otherwise manage the care of the client with another provider of health care;
care, refer primary responsibility for the care of a client to another provider of health care or transfer the care of the client to a medical facility, procedures for such consultation, co-management, referral or transfer and requirements to ensure that a provider of health care who is consulted, with whom a client’s condition or symptom is co-managed or to whom primary responsibility for the care of a client is referred is appropriately qualified; and

(II) The information that must be included on the form for providing informed refusal to consent to consultation, co-management, referral or transfer pursuant to section 27 of this act and the management of a client who provides such informed refusal to consent.

(h) Requirements governing the screening of clients in accordance with chapter 442 of NRS and necessary measures for the prevention of communicable diseases.

(i) Requirements concerning the records of treatment and outcomes that must be kept by a licensed certified professional midwife.

(j) Any other requirements necessary to optimize obstetrical and neonatal outcomes for clients of licensed certified professional midwives.

2. The Board may, by regulation, require an applicant for a license as a licensed certified professional midwife, including, without limitation, an applicant for a license by endorsement pursuant to section 20 of this act, to submit to the Division a complete set of his or her fingerprints and written permission authorizing the Division to forward the fingerprints to the Central Repository for Nevada Records of Criminal History for submission to the Federal Bureau of Investigation for its report.

Sec. 19. 1. An applicant for a license as a licensed certified professional midwife, other than a license by endorsement pursuant to section 20 of this act, must submit to the Division an application pursuant to this section in the form prescribed by the Division. The application must be accompanied by a fee in the amount prescribed by regulation of the State Board of Health pursuant to NRS 439.150, which must not exceed $1,000. The application must include, without limitation, proof that the applicant:

(a) Is certified as a certified professional midwife by the North American Registry of Midwives, or its successor organization;

(b) Has completed an educational program accredited by the Midwifery Education Accreditation Council, or its successor organization;

or

(b) Holds a Midwifery Bridge Certificate issued by the North American Registry of Midwives, or its successor organization, and has completed the Portfolio Evaluation Process prescribed by that organization.

2. A license as a licensed certified professional midwife may be renewed upon submission to the Division of a renewal application in the form prescribed by the Division. The renewal application must:
(a) Be accompanied by a renewal fee in the amount prescribed by regulation of the State Board of Health pursuant to NRS 439.150, which must not exceed $1,000; and
(b) Include any information required by the regulations adopted by the Board pursuant to section 18 of this act.

3. The State Board of Health shall establish by regulation a procedure through which:
   (a) An applicant may petition the State Board to reduce the fees imposed pursuant to this section. An applicant may qualify for such a reduction if the applicant demonstrates, to the satisfaction of the State Board, that the fees imposed pursuant to this section are an economic hardship on the applicant.
   (b) The State Board allocates a portion of the fees imposed and collected pursuant to this section to programs that promote applicants from marginalized identities through increasing the numbers of such applicants and reducing barriers that such applicants face.

4. As used in this section, “marginalized identity” means an identity or expression that causes or has historically caused a person of such identity or expression to be disproportionately discriminated against, harassed or otherwise negatively treated or affected as a result of the identity or expression.

Sec. 20. 1. The Division shall issue a license by endorsement as a licensed certified professional midwife to an applicant who meets the requirements set forth in this section. An applicant may submit to the Division an application for such a license if the applicant holds a corresponding valid and unrestricted license as a licensed certified professional midwife in the District of Columbia or any state or territory of the United States.

2. An applicant for a license by endorsement pursuant to this section must submit to the Division with his or her application:
   (a) Proof satisfactory to the Board that the applicant:
      (1) Satisfies the requirements of subsection 1;
      (2) Has not been disciplined or investigated by the corresponding regulatory authority of the District of Columbia or any state or territory in which the applicant currently holds or has held a license as a licensed certified professional midwife or any other type of midwife;
      (3) Has not been held civilly or criminally liable for malpractice in the District of Columbia or any state or territory of the United States;
      (4) Is certified as a certified professional midwife by the North American Registry of Midwives, or its successor organization; and
      (5) Holds a Midwifery Bridge Certificate issued by the North American Registry of Midwives, or its successor organization, and has completed the Portfolio Evaluation Process prescribed by that organization or meets the educational requirements prescribed by the Board pursuant to section 18 of this act;
(b) An affidavit stating that the information contained in the application and any accompanying material is true and correct;
(c) The fee prescribed by the State Board of Health pursuant to NRS 439.150, which must not exceed $1,000; and
(d) Any other information required by the Division.
3. Not later than 15 business days after receiving an application for a license by endorsement as a licensed certified professional midwife pursuant to this section, the Division shall provide written notice to the applicant of any additional information required by the Division to consider the application. Unless the Division denies the application for good cause, the Division shall approve the application and issue a license by endorsement as a licensed certified professional midwife to the applicant not later than:
   (a) Forty-five days after receiving the application; or
   (b) If the Board requires the applicant to submit his or her fingerprints pursuant to section 18 of this act, 10 days after the Board receives a report on the applicant’s background based on the submission of the applicant’s fingerprints, whichever occurs later.

Sec. 21. 1. An applicant for a permit as a certified professional midwife student midwife must submit to the Division an application in the form prescribed by the Division. The application must be accompanied by a fee of $100 and must include, without limitation:
   (a) A copy of an agreement with at least one preceptor to supervise the applicant and proof that each preceptor meets the requirements of section 24 of this act; and
   (b) Proof that the applicant is enrolled in a program of training for licensed certified professional midwives approved by the Division.
2. A permit as a certified professional midwife student midwife is valid for 2 years after the date of issuance and may be renewed upon submission to the Division of:
   (a) A renewal application in the form prescribed by the Division; and
   (b) A renewal fee of $100.
3. Upon approving an application for the issuance or renewal of a permit as a certified professional midwife student midwife, the Division shall provide to the applicant a written copy of the provisions of section 24 of this act and any regulations adopted pursuant to section 18 of this act that apply to certified professional midwife student midwives.

Sec. 22. 1. A licensed certified professional midwife may utilize a certified professional midwife birth assistant to perform the tasks and procedures authorized by subsection 3. Except as otherwise provided in subsection 2, a certified professional midwife birth assistant, including, without limitation, a provider of health care serving as a certified professional midwife birth assistant, must:
   (a) Be at least 18 years of age;
(b) Have completed the training for certified professional midwife birth assistants approved by the Division;
(c) Have completed training in cultural humility or the elimination of racism or bias;
(d) Hold current certification in the techniques of administering neonatal resuscitation issued by an instructor certified by the American Academy of Pediatrics, or its successor organization; and
(e) Hold current certification in the techniques of administering cardiopulmonary resuscitation.

2. A certified professional midwife birth assistant who is a licensed certified professional midwife or who is a certified nurse-midwife is not required to possess the qualifications set forth in subsection 1.

3. A certified professional midwife birth assistant may perform routine clinical tasks and procedures under the direct supervision of a licensed certified professional midwife who is present on the premises and able to intervene if necessary. Such tasks include, without limitation:
(a) Administering medications, including, without limitation and to the extent applicable, any medication described in subsection 2 of section 26 of this act, intradermally, subcutaneously and intramuscularly and performing skin tests;
(b) Providing medication, including, without limitation and to the extent applicable, any medication described in subsection 2 of section 26 of this act, to a patient to self-administer orally, sublingually, topically or rectally;
(c) Administering oxygen;
(d) Assisting in the care of a newborn infant immediately after birth;
(e) Placing a device used for auscultation of fetal heart tones;
(f) Assisting a client with activities of daily living and assisting the client in moving between the bed and bathroom;
(g) Performing cardiopulmonary or neonatal resuscitation; and
(h) Checking vital signs.

4. A certified professional midwife birth assistant shall not assess clinical information or make clinical decisions.

Sec. 23. 1. In addition to any other requirements set forth in this chapter:
(a) An applicant for the issuance of a license as a licensed certified professional midwife or a permit as a certified professional midwife student midwife in this State shall include the social security number of the applicant in the application submitted to the Division.
(b) An applicant for the issuance of a license as a licensed certified professional midwife or a permit as a certified professional midwife student midwife in this State shall submit to the Division of Public and Behavioral Health of the Department of Health and Human Services the statement prescribed by the Division of Welfare and Supportive Services of the Department of Health and Human Services pursuant to NRS 425.520. The statement must be completed and signed by the applicant.
2. The Division of Public and Behavioral Health of the Department of Health and Human Services shall include the statement required pursuant to subsection 1 in:
   (a) The application or any other forms that must be submitted for the issuance or renewal of the license or permit; or
   (b) A separate form prescribed by the Division.
3. A license as a licensed certified professional midwife or a permit as a certified professional midwife student midwife may not be issued or renewed by the Division if the applicant:
   (a) Fails to submit the statement required pursuant to subsection 1; or
   (b) Indicates on the statement submitted pursuant to subsection 1 that the applicant is subject to a court order for the support of a child and is not in compliance with the order or a plan approved by the district attorney or other public agency enforcing the order for the repayment of the amount owed pursuant to the order.
4. If an applicant indicates on the statement submitted pursuant to subsection 1 that the applicant is subject to a court order for the support of a child and is not in compliance with the order or a plan approved by the district attorney or other public agency enforcing the order for the repayment of the amount owed pursuant to the order, the Division shall advise the applicant to contact the district attorney or other public agency enforcing the order to determine the actions that the applicant may take to satisfy the arrearage.

Sec. 24. 1. A certified professional midwife student midwife may engage in the practice of certified professional midwifery, including, without limitation, by using or administering any drug, vaccine, device, chemical or solution described in subsection 1, 2 or 3 of section 26 of this act, under the direct supervision of a preceptor who is present on the premises and able to intervene if necessary. The preceptor is responsible for each client to whom the certified professional midwife student midwife provides midwifery services.
2. A preceptor must be a person engaged in the practice of certified professional midwifery who is approved by the North American Registry of Midwives, or its successor organization, to serve as a preceptor.
3. A preceptor shall:
   (a) Provide to each client in the form prescribed by the Division notice that a certified professional midwife student midwife may be involved in the care of the client;
   (b) Explain the scope of the activities that the certified professional midwife student midwife may perform under the supervision of the preceptor; and
   (c) Review and evaluate all care provided by a certified professional midwife student midwife under his or her supervision and attend every encounter between the certified professional midwife student midwife and a client.
4. Not later than 10 days after the preceptor of a certified professional midwife student midwife ceases to serve as his or her preceptor, the certified professional midwife student midwife shall notify the Division. If the certified professional midwife student midwife has no additional preceptor, the certified professional midwife student midwife must cease engaging in the practice of certified professional midwifery until he or she submits to the Division a written agreement with a new preceptor who meets the requirements of this section.

Sec. 25. Upon accepting a client:

1. A midwife, including, without limitation, a licensed certified professional midwife and a certified nurse-midwife, shall provide the client with a Community Birth Disclosure. The Community Birth Disclosure must inform the client regarding:
   (a) The type of midwife that the midwife is;
   (b) The level of education that the midwife has received; and
   (c) The care to be provided by the midwife.

2. The Board shall create the Community Birth Disclosure in collaboration with all types of midwives practicing in this State.

3. In addition to providing the Community Birth Disclosure pursuant to subsection 1, a licensed certified professional midwife shall obtain from the client informed written consent regarding the care to be provided by the licensed certified professional midwife. Informed written consent requires that the licensed certified professional midwife provide to the client:
   (a) A description of the educational background and credentials of the licensed certified professional midwife;
   (b) A description of the practice of certified professional midwifery as set forth in section 11 of this act and the limitations on the practice of a licensed certified professional midwife;
   (c) Instructions for obtaining a copy of the provisions of sections 2 to 32, inclusive, of this act and the regulations adopted pursuant to section 18 of this act;
   (d) Instructions for filing a complaint with the Division in accordance with the regulations adopted pursuant to section 18 of this act;
   (e) A description of the actions that the licensed certified professional midwife will take in an emergency, including, without limitation, the conditions under which the licensed certified professional midwife will recommend the transfer of the client to a medical facility and the procedure that the licensed certified professional midwife will follow when making such a transfer;
(f) A description of the procedures that will be used during the birth in the client’s chosen setting, the risks and benefits of birth in that setting and the conditions that may arise during delivery;

(g) A disclosure of whether the licensed certified professional midwife holds liability insurance; and, if so, the amount for which the licensed certified professional midwife is insured;

(h) A summary of the provisions of section 27 of this act and the regulations adopted pursuant to section 18 of this act governing consultation, co-management, referral and transfer and a description of the procedures established by the licensed certified professional midwife for consultation, co-management, referral and transfer; and

(i) Any other information required by regulation of the Board.

Sec. 26. 1. A licensed certified professional midwife may use the following devices:

(a) Dopplers, syringes, needles, phlebotomy equipment, sutures, urinary catheters, intravenous equipment, amnihooks, airway suction devices, electronic fetal monitors, tocodynamometer monitors, equipment for administering oxygen, glucose monitoring systems and testing strips, neonatal and adult oximetry equipment, centrifuges and equipment for conducting screenings of hearing ability;

(b) Equipment for administering nitrous oxide, including, without limitation, scavenging systems onl only in the setting where the birth is taking place;

(c) Neonatal and adult resuscitation equipment, including, without limitation, airway devices; and

(d) Any other device authorized by regulation of the Board.

2. A licensed certified professional midwife may possess and administer:

(a) Oxytocin, misoprostol, methylergonovine, tranexamic acid, lidocaine, penicillin, ampicillin, cefazolin, clindamycin, epinephrine, diphenhydramine, ondansetron, phylloquinone, erythromycin ointment and nitrous oxide;

(b) Influenza vaccine, hepatitis B vaccine and diphtheria, tetanus and pertussis vaccine;

(c) Rho (D) immune globulin and hepatitis B immune globulin; and

(d) Terbutaline only in the setting where the birth is taking place; and

(e) Any other drugs or vaccines authorized by regulation of the Board.

3. A licensed certified professional midwife may possess and administer:

(a) Oxygen, lactated Ringers solution, 5 percent dextrose in lactated Ringers solution, 0.9 percent sodium chloride solution and sterile water; and

(b) Any other chemicals or solutions authorized by regulation of the Board.

4. A licensed certified professional midwife may order for a client:

(a) Breast pumps, compression stockings and belts, maternity belts, diaphragms, cervical caps, glucometers, glucose testing strips, iron supplements and prenatal vitamins; and
(b) Any vaccine described in paragraph (b) of subsection 2.

Sec. 27. 1. Except as otherwise provided in subsections 4 and 5, a licensed certified professional midwife must recommend and, with the consent of the client, arrange for consultation or co-management with or referral to a qualified provider of health care or transfer to an appropriate medical facility if the licensed certified professional midwife determines that any of the following conditions or symptoms exist:

(a) Complete placenta previa;
(b) Partial placenta previa after the 27th week of gestation;
(c) Infection with the human immunodeficiency virus;
(d) Cardiovascular disease;
(e) Severe mental illness that may cause the client to cause harm to themselves or others;
(f) Pre-eclampsia or eclampsia;
(g) Fetal growth restriction, oligohydramnios or moderate or severe polyhydramnios in the pregnancy;
(h) Potentially serious anatomic fetal abnormalities;
(i) Diabetes that requires insulin or other medication for management;
(j) Gestational age of greater than 43 weeks; or
(k) Any other condition or symptom which, in the judgment of the licensed certified professional midwife, could threaten the life of the client or the fetus or newborn infant of the client.

2. Except as otherwise provided in subsections 4 and 5, a licensed certified professional midwife must recommend and, with the consent of the client, arrange for consultation or co-management with or referral to a qualified provider of health care if the licensed certified professional midwife determines that any of the following conditions or symptoms exist:

(a) Prior cesarean section or other surgery resulting in a uterine scar;
(b) Multifetal gestation; or
(c) Non-cephalic presentation after 36 weeks of gestation.

3. A licensed certified professional midwife who recommends to a client consultation, co-management, referral or transfer shall document in the record of the client:

(a) The contents of the recommendation;
(b) The condition or symptom for which the recommendation was made;
(c) Whether the client consented to the consultation, co-management, referral or transfer; and

(d) If the client provides consent, the name, profession and specialty of the provider of health care with whom the licensed certified professional midwife consulted or co-managed or to whom the client was referred or the medical facility to which the client was transferred.

4. A client may provide informed refusal to consent to consultation, co-management, referral or transfer in writing on a form prescribed by the Division. If a client provides informed refusal to consent to:
(a) Consultation, co-management, referral or transfer after the licensed certified professional midwife has determined that a condition or symptom described in subsection 1 exists, the licensed certified professional midwife must attempt to locate a qualified provider of health care for which the client consents to consultation, co-management or referral or an appropriate medical facility for which the client consents to transfer. If the licensed certified professional midwife is unable to locate such a provider of health care who is willing to consult, co-manage or accept the referral or such a medical facility which is willing to accept the transfer, the licensed certified professional midwife is not liable for any damages resulting from the failure to consult, co-manage, refer or transfer. If the condition or symptom threatens the life or health of the client or the fetus or the newborn infant of the client during labor or delivery, the licensed certified professional midwife must call 911 and provide care until relieved by a qualified provider of health care.

(b) Consultation, co-management or referral after the licensed certified professional midwife has determined that a condition or symptom described in subsection 2 exists, the licensed certified professional midwife:

1. May continue to serve as the primary provider of health care for the client until the client provides such consent; and
2. Is not liable for any damages resulting from the failure to consult, co-manage or refer.

5. If, after determining that a condition or symptom described in:

(a) Subsection 1 exists and making a reasonable effort to arrange for consultation with, co-management of the condition or symptom with or referral of the client to a qualified provider of health care or the transfer of the client to an appropriate medical facility, a licensed certified professional midwife is unable to locate a qualified provider of health care who is willing to consult, co-manage or accept the referral or an appropriate medical facility willing to accept the transfer, the licensed certified professional midwife shall be deemed to be in compliance with the requirements of this section and is not liable for any damages resulting from the inability of the licensed certified professional midwife to consult, co-manage, refer or transfer. If the condition or symptom threatens the life or health of the client or the fetus or newborn infant of the client during labor or delivery, the licensed certified professional midwife must call 911 and provide care until relieved by a qualified provider of health care.

(b) Subsection 2 exists and making a reasonable effort to arrange for consultation with, co-management of the condition or symptom with or referral of the client to a qualified provider of health care, a licensed certified professional midwife is unable to locate a qualified provider of health care who is willing to consult, co-manage or accept the referral, the licensed certified professional midwife shall be deemed to be in compliance with the requirements of this section and is not liable for any damages resulting from
the inability of the licensed certified professional midwife to arrange for consultation, co-manage or refer.

6. A provider of health care who is not a licensed certified professional midwife is not liable for any damages resulting from any act or omission of a licensed certified professional midwife and is not required to adhere to any standards of care governing the practice of certified professional midwifery. Such a provider of health care is only liable for the damages resulting from his or her own acts or omissions in accordance with the standards of care governing his or her profession.

Sec. 28. 1. On or before January 31 of each year, a licensed certified professional midwife shall submit to the Division a report that includes, for the immediately preceding calendar year:

(a) The total number of clients who, when accepted by the licensed certified professional midwife as clients, intended to deliver their babies outside of a hospital;
(b) The number of live births attended by the licensed certified professional midwife outside of a hospital;
(c) The number of cases of fetal demise, deaths of newborns and maternal deaths attended by the licensed certified professional midwife;
(d) The number of clients transferred to a medical facility during the antepartum, intrapartum or immediate postpartum periods and the reason for and outcome of each such transfer;
(e) A brief description of any complications resulting in maternal or infant morbidity or mortality;
(f) The planned location and actual location of each delivery; and
(g) Any other information required by regulation of the Board.

2. Not later than 30 days after attending a maternal or newborn infant death, a licensed certified professional midwife shall report the death to the Division and the Board.

Sec. 29. 1. If the Division receives a copy of a court order issued pursuant to NRS 425.540 that provides for the suspension of all professional, occupational and recreational licenses, certificates and permits issued to a person who is the holder of a license or permit issued pursuant to this chapter, the Division shall deem the license or permit issued to that person to be suspended at the end of the 30th day after the date on which the court order was issued unless the Division receives a letter issued to the holder of the license by the district attorney or other public agency pursuant to NRS 425.550 stating that the holder of the license has complied with the subpoena or warrant or has satisfied the arrearage pursuant to NRS 425.560.

2. The Division shall reinstate a license or permit issued pursuant to this chapter that has been suspended by a district court pursuant to NRS 425.540 if:

(a) The Division receives a letter issued by the district attorney or other public agency pursuant to NRS 425.550 to the person whose license or permit was suspended stating that the person whose license or permit was
suspended has complied with the subpoena or warrant or has satisfied the arrearage pursuant to NRS 425.560; and

(b) The person whose license or permit was suspended pays the appropriate fee required pursuant to this chapter.

Sec. 30. 1. The Division shall keep a record of its proceedings relating to licensing, disciplinary actions and investigations. Except as otherwise provided in this chapter, the record must be open to public inspection at all reasonable times.

2. Except as otherwise provided in this section and NRS 239.0115, a complaint filed with the Division, all documents and other information filed with the complaint and all documents and other information compiled as a result of an investigation conducted to determine whether to initiate disciplinary action against a person are confidential and privileged, unless the person submits a written statement to the Division requesting that such documents and information be made public records.

3. A complaint or other document filed by the Division to initiate disciplinary action, any written opinion rendered by the Division and all documents and information considered by the Division when determining whether to impose discipline are public records.

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

5. The provisions of this section do not prohibit the Division from communicating or cooperating with or providing any documents or other information to any other licensing board or any other agency that is investigating a person, including, without limitation, a law enforcement agency.

Sec. 31. 1. Except as otherwise provided in subsection 2, a person who is not licensed as a licensed certified professional midwife or does not hold a permit as a certified professional midwife student midwife or a person whose license as a licensed certified professional midwife or permit as a certified professional midwife student midwife has been suspended or revoked by the Division shall not:

(a) Engage in the practice of midwifery without complying with the requirements of subsection 2 of section 15 of this act;

(b) Use in connection with his or her name the words “licensed certified professional midwife,” “certified professional midwife,” “licensed midwife” or “student certified professional midwife student midwife” or any other letters, words or insignia indicating or implying that he or she is licensed or holds a permit to engage in the practice of certified professional midwifery, or in any other way, orally, or in writing or print, or by sign, directly or by implication, represent himself or herself as licensed or holding a permit engage in the practice of certified professional midwifery in this State; or

(c) List or cause to have listed in any directory, including, without limitation, a telephone directory, his or her name or the name of his or her company under the heading “licensed certified professional midwife,”...
“certified professional midwife,” “licensed midwife” or any other term that indicates or implies that he or she is licensed or holds a permit to engage in the practice of certified professional midwifery in this State.

2. A person who is not licensed as a licensed certified professional midwife or does not hold a permit as a certified professional midwife student midwife or a person whose license as a licensed certified professional midwife or permit as a certified professional midwife student midwife has been suspended or revoked by the Division may use or list the words or headings described in paragraph (a) or (b) of subsection 1 if the person is licensed or holds a permit in the District of Columbia or any state or territory of the United States. If the person uses or lists the words or headings pursuant to this section, the person shall disclose the district, state or territory, as applicable, in which he or she is licensed or permitted.

3. A person who is licensed as a licensed certified professional midwife or holds a permit as a certified professional midwife student midwife and who is also licensed or holds a permit in the District of Columbia or any state or territory of the United States shall disclose each additional district, state or territory, as applicable, in which he or she is licensed or permitted in all circumstances described in paragraphs (a) and (b) of subsection 1.

4. A certified professional midwife student midwife shall not use in connection with his or her name the words “licensed certified professional midwife,” “certified professional midwife,” “licensed midwife” or any other letters, words or insignia indicating or implying that he or she is licensed to engage in the practice of certified professional midwifery without supervision, or in any other way, orally, or in writing or print, or by sign, directly or by implication, represent himself or herself as licensed to engage in the practice of certified professional midwifery without supervision in this State.

5. A person or entity shall not operate a program of training for licensed certified professional midwives or certified professional midwife birth assistants or advertise or otherwise represent that the person or entity is authorized to operate such a program unless the person or entity has been approved to offer such a program by the Division.

6. If the Division has reason to believe that a person has repeatedly violated any provision of this section or the Division has received complaints that a person has repeatedly violated any provision of this section, the Division may certify the facts to the Attorney General, or other appropriate enforcement officer, who may, in his or her discretion, cause appropriate proceedings to be brought.

7. A person who violates any provision of this section is guilty of a misdemeanor.

Sec. 32. 1. The Division or the Attorney General may maintain in any court of competent jurisdiction a suit to enjoin any person from violating a provision of this chapter or any regulations adopted pursuant thereto.

2. Such an injunction:
(a) May be issued without proof of actual damage sustained by any person as a preventive or punitive measure.

(b) Does not relieve any person or business entity from any other legal action.

Sec. 33. NRS 622.238 is hereby amended to read as follows:

622.238 1. The Legislature hereby finds and declares that:

(a) It is in the best interests of this State to make full use of the skills and talents of every resident of this State.

(b) It is the public policy of this State that each resident of this State, regardless of his or her immigration or citizenship status, is eligible to receive the benefit of applying for a license, certificate or permit pursuant to 8 U.S.C. § 1621(d).

2. Notwithstanding any other provision of this title, a regulatory body shall not deny the application of a person for the issuance of a license pursuant to this title based solely on his or her immigration or citizenship status.


4. A regulatory body shall not disclose to any person who is not employed by the regulatory body the social security number or alternative personally identifying number, including, without limitation, an individual taxpayer identification number, of an applicant for a license for any purpose except:

(a) Tax purposes;
(b) Licensing purposes; and
(c) Enforcement of an order for the payment of child support.

5. A social security number or alternative personally identifying number, including, without limitation, an individual taxpayer identification number, provided to a regulatory body is confidential and is not a public record for the purposes of chapter 239 of NRS.

Sec. 34. NRS 622.520 is hereby amended to read as follows:

622.520 1. A regulatory body that regulates a profession pursuant to chapters 630, 630A, 632 to 641C, inclusive, and sections 2 to 32, inclusive, of this act, 644A or 653 of NRS in this State may enter into a reciprocal agreement with the corresponding regulatory authority of the District of Columbia or any other state or territory of the United States for the purposes of:
(a) Authorizing a qualified person licensed in the profession in that state or territory to practice concurrently in this State and one or more other states or territories of the United States; and
(b) Regulating the practice of such a person.

2. A regulatory body may enter into a reciprocal agreement pursuant to subsection 1 only if the regulatory body determines that:
   (a) The corresponding regulatory authority is authorized by law to enter into such an agreement with the regulatory body; and
   (b) The applicable provisions of law governing the practice of the respective profession in the state or territory on whose behalf the corresponding regulatory authority would execute the reciprocal agreement are substantially similar to the corresponding provisions of law in this State.

3. A reciprocal agreement entered into pursuant to subsection 1 must not authorize a person to practice his or her profession concurrently in this State unless the person:
   (a) Has an active license to practice his or her profession in another state or territory of the United States.
   (b) Has been in practice for at least the 5 years immediately preceding the date on which the person submits an application for the issuance of a license pursuant to a reciprocal agreement entered into pursuant to subsection 1. If the person seeks to practice as a licensed certified professional midwife in this State pursuant to sections 2 to 32, inclusive, of this act, the person must have been in practice for at least the 3 years immediately preceding the date on which the person submits an application for the issuance of a license pursuant to a reciprocal agreement entered into pursuant to subsection 1.
   (c) Has not had his or her license suspended or revoked in any state or territory of the United States.
   (d) Has not been refused a license to practice in any state or territory of the United States for any reason.
   (e) Is not involved in and does not have pending any disciplinary action concerning his or her license or practice in any state or territory of the United States.
   (f) Pays any applicable fees for the issuance of a license that are otherwise required for a person to obtain a license in this State.
   (g) Submits to the applicable regulatory body the statement required by NRS 425.520.

4. If the regulatory body enters into a reciprocal agreement pursuant to subsection 1, the regulatory body must prepare an annual report before January 31 of each year outlining the progress of the regulatory body as it relates to the reciprocal agreement and submit the report to the Director of the Legislative Counsel Bureau for transmittal to the next session of the Legislature in odd-numbered years or to the Legislative Committee on Health Care in even-numbered years.
Sec. 35. NRS 629.031 is hereby amended to read as follows:

629.031 Except as otherwise provided by a specific statute:

1. “Provider of health care” means:
   (a) A physician licensed pursuant to chapter 630, 630A or 633 of NRS;
   (b) A physician assistant;
   (c) A dentist;
   (d) A licensed nurse;
   (e) A person who holds a license as an attendant or who is certified as an emergency medical technician, advanced emergency medical technician or paramedic pursuant to chapter 450B of NRS;
   (f) A dispensing optician;
   (g) An optometrist;
   (h) A speech-language pathologist;
   (i) An audiologist;
   (j) A practitioner of respiratory care;
   (k) A licensed physical therapist;
   (l) An occupational therapist;
   (m) A podiatric physician;
   (n) A licensed psychologist;
   (o) A licensed marriage and family therapist;
   (p) A licensed clinical professional counselor;
   (q) A music therapist;
   (r) A chiropractor;
   (s) An athletic trainer;
   (t) A perfusionist;
   (u) A doctor of Oriental medicine in any form;
   (v) A medical laboratory director or technician;
   (w) A pharmacist;
   (x) A licensed dietitian;
   (y) An associate in social work, a social worker, an independent social worker or a clinical social worker licensed pursuant to chapter 641B of NRS;
   (z) An alcohol and drug counselor or a problem gambling counselor who is certified pursuant to chapter 641C of NRS;
      (aa) An alcohol and drug counselor or a clinical alcohol and drug counselor who is licensed pursuant to chapter 641C of NRS; [set]
      (bb) A licensed certified professional midwife; or
      (cc) A medical facility as the employer of any person specified in this subsection.

2. For the purposes of NRS 629.400 to 629.490, inclusive, the term includes:
   (a) A person who holds a license or certificate issued pursuant to chapter 631 of NRS; and
   (b) A person who holds a current license or certificate to practice his or her respective discipline pursuant to the applicable provisions of law of another state or territory of the United States.
Sec. 36.  NRS 630A.090 is hereby amended to read as follows:

630A.090  1.  This chapter does not apply to:
          (a) The practice of dentistry, chiropractic, Oriental medicine, podiatry, optometry, perfusion, respiratory care, faith or Christian Science healing, nursing, certified professional midwifery, veterinary medicine or fitting hearing aids.
          (b) A medical officer of the Armed Forces or a medical officer of any division or department of the United States in the discharge of his or her official duties, including, without limitation, providing medical care in a hospital in accordance with an agreement entered into pursuant to NRS 449.2455.
          (c) Licensed or certified nurses in the discharge of their duties as nurses.
          (d) Homeopathic physicians who are called into this State, other than on a regular basis, for consultation or assistance to any physician licensed in this State, and who are legally qualified to practice in the state or country where they reside.
          2.  This chapter does not repeal or affect any statute of Nevada regulating or affecting any other healing art.
          3.  This chapter does not prohibit:
              (a) Gratuitous services of a person in case of emergency.
              (b) The domestic administration of family remedies.
          4.  This chapter does not authorize a homeopathic physician to practice medicine, including allopathic medicine, except as otherwise provided in NRS 630A.040.

Sec. 37.  NRS 632.472 is hereby amended to read as follows:

632.472  1.  The following persons shall report in writing to the Executive Director of the Board any conduct of a licensee or holder of a certificate which constitutes a violation of the provisions of this chapter:
          (a) Any physician, dentist, dental hygienist, licensed certified professional midwife, chiropractor, optometrist, podiatric physician, medical examiner, resident, intern, professional or practical nurse, nursing assistant, medication aide - certified, perfusionist, physician assistant licensed pursuant to chapter 630 or 633 of NRS, psychiatrist, psychologist, marriage and family therapist, clinical professional counselor, alcohol or drug counselor, music therapist, holder of a license or limited license issued pursuant to chapter 653 of NRS, driver of an ambulance, paramedic or other person providing medical services licensed or certified to practice in this State.
          (b) Any personnel of a medical facility or facility for the dependent engaged in the admission, examination, care or treatment of persons or an administrator, manager or other person in charge of a medical facility or facility for the dependent upon notification by a member of the staff of the facility.
          (c) A coroner.
          (d) Any person who maintains or is employed by an agency to provide personal care services in the home.
(e) Any person who operates, who is employed by or who contracts to provide services for an intermediary service organization as defined in NRS 449.4304.

(f) Any person who maintains or is employed by an agency to provide nursing in the home.

(g) Any employee of the Department of Health and Human Services.

(h) Any employee of a law enforcement agency or a county’s office for protective services or an adult or juvenile probation officer.

(i) Any person who maintains or is employed by a facility or establishment that provides care for older persons.

(j) Any person who maintains, is employed by or serves as a volunteer for an agency or service which advises persons regarding the abuse, neglect or exploitation of an older person and refers them to persons and agencies where their requests and needs can be met.

(k) Any social worker.

(l) Any person who operates or is employed by a community health worker pool or with whom a community health worker pool contracts to provide the services of a community health worker, as defined in NRS 449.0027.

(m) Any person who operates or is employed by a peer support recovery organization.

2. Every physician who, as a member of the staff of a medical facility or facility for the dependent, has reason to believe that a nursing assistant or medication aide - certified has engaged in conduct which constitutes grounds for the denial, suspension or revocation of a certificate shall notify the superintendent, manager or other person in charge of the facility. The superintendent, manager or other person in charge shall make a report as required in subsection 1.

3. A report may be filed by any other person.

4. Any person who in good faith reports any violation of the provisions of this chapter to the Executive Director of the Board pursuant to this section is immune from civil liability for reporting the violation.

5. As used in this section:

(a) “Agency to provide personal care services in the home” has the meaning ascribed to it in NRS 449.0021.

(b) “Community health worker pool” has the meaning ascribed to it in NRS 449.0028.

(c) “Peer support recovery organization” has the meaning ascribed to it in NRS 449.01563.

Sec. 38. NRS 633.171 is hereby amended to read as follows:

633.171 1. This chapter does not apply to:

(a) The practice of medicine or perfusion pursuant to chapter 630 of NRS, dentistry, chiropractic, podiatry, optometry, respiratory care, faith or Christian Science healing, nursing, certified professional midwifery, veterinary medicine or fitting hearing aids.
(b) A medical officer of the Armed Forces or a medical officer of any division or department of the United States in the discharge of his or her official duties, including, without limitation, providing medical care in a hospital in accordance with an agreement entered into pursuant to NRS 449.2455.

(c) Osteopathic physicians who are called into this State, other than on a regular basis, for consultation or assistance to a physician licensed in this State, and who are legally qualified to practice in the state where they reside.

(d) Osteopathic physicians who are temporarily exempt from licensure pursuant to NRS 633.420 and are practicing osteopathic medicine within the scope of the exemption.

2. This chapter does not repeal or affect any law of this State regulating or affecting any other healing art.

3. This chapter does not prohibit:
   (a) Gratuitous services of a person in cases of emergency.
   (b) The domestic administration of family remedies.

Sec. 39. NRS 637B.080 is hereby amended to read as follows:
637B.080 The provisions of this chapter do not apply to any person who:
1. Holds a current credential issued by the Department of Education pursuant to chapter 391 of NRS and any regulations adopted pursuant thereto and engages in the practice of audiology or speech-language pathology within the scope of that credential;
2. Is employed by the Federal Government and engages in the practice of audiology or speech-language pathology within the scope of that employment;
3. Is a student enrolled in a program or school approved by the Board, is pursuing a degree in audiology or speech-language pathology and is clearly designated to the public as a student; or
4. Holds a current license issued pursuant to chapters 630 to 637, inclusive, 640 to 641C, inclusive, or 653 of NRS and who does not engage in the private practice of audiology or speech-language pathology in this State.

Sec. 40. NRS 639.0125 is hereby amended to read as follows:
639.0125 “Practitioner” means:
1. A physician, dentist, veterinarian or podiatric physician who holds a license to practice his or her profession in this State;
2. A hospital, pharmacy or other institution licensed, registered or otherwise permitted to distribute, dispense, conduct research with respect to or administer drugs in the course of professional practice or research in this State;
3. An advanced practice registered nurse who has been authorized to prescribe controlled substances, poisons, dangerous drugs and devices;
4. A physician assistant who:
   (a) Holds a license issued by the Board of Medical Examiners; and
(b) Is authorized by the Board to possess, administer, prescribe or dispense controlled substances, poisons, dangerous drugs or devices under the supervision of a physician as required by chapter 630 of NRS;

5. A physician assistant who:
   (a) Holds a license issued by the State Board of Osteopathic Medicine; and
   (b) Is authorized by the Board to possess, administer, prescribe or dispense controlled substances, poisons, dangerous drugs or devices under the supervision of an osteopathic physician as required by chapter 633 of NRS;

6. An optometrist who is certified by the Nevada State Board of Optometry to prescribe and administer pharmaceutical agents pursuant to NRS 636.288, when the optometrist prescribes or administers pharmaceutical agents within the scope of his or her certification; or

7. A licensed certified professional midwife, for the purpose of ordering:
   (a) Any device or drug described in subsection 1 or 2 of section 26 of this act for use in his or her practice in accordance with the provisions of that section and any regulations adopted pursuant to section 18 of this act; and
   (b) Any device or vaccine described in subsection 4 of section 26 of this act for a client.

Sec. 41. NRS 639.23505 is hereby amended to read as follows:

639.23505

1. Except as otherwise provided in subsection 2, a practitioner shall not dispense for human consumption any controlled substance or dangerous drug if the practitioner charges a patient for that substance or drug, either separately or together with charges for other professional services:

   (a) Unless the practitioner first applies for and obtains a certificate from the Board and pays the required fee; and

   (b) Issues a written prescription.

2. A licensed certified professional midwife may administer drugs and devices ordered pursuant to section 26 of this act in accordance with the provisions of that section and any regulations adopted pursuant to section 18 of this act without obtaining a certificate from the Board.

Sec. 42. NRS 640A.070 is hereby amended to read as follows:

640A.070 This chapter does not apply to a person:

1. Holding a current license or certificate issued pursuant to chapter 391, 630 to 637B, inclusive, 640 or 640B to 641B, inclusive, of NRS, or sections 2 to 32, inclusive, of this act who practices within the scope of that license or certificate.

2. Employed by the Federal Government who practices occupational therapy within the scope of that employment.

3. Enrolled in an educational program approved by the Board which is designed to lead to a certificate or degree in occupational therapy, if the person is designated by a title which clearly indicates that he or she is a student.

4. Obtaining the supervised fieldwork experience necessary to satisfy the requirements of subsection 3 of NRS 640A.120.
Sec. 43. NRS 640B.145 is hereby amended to read as follows:
640B.145 The provisions of this chapter do not apply to:
1. A person who is licensed pursuant to chapters 630 to 637, inclusive, or chapter 640 or 640A of NRS, or sections 2 to 32, inclusive, of this act when acting within the scope of that license.
2. A person who is employed by the Federal Government and engages in the practice of athletic training within the scope of that employment.
3. A person who is temporarily exempt from licensure pursuant to NRS 640B.335 and is practicing athletic training within the scope of the exemption.

Sec. 44. NRS 640C.100 is hereby amended to read as follows:
640C.100 1. The provisions of this chapter do not apply to:
   (a) A person licensed pursuant to chapter 630, 630A, 631, 632, 633, 634, 634A, 635, 640, 640A or 640B of NRS or sections 2 to 32, inclusive, of this act if the massage therapy, reflexology or structural integration is performed in the course of the practice for which the person is licensed.
   (b) A person licensed as a barber or apprentice pursuant to chapter 643 of NRS if the person is massaging, cleansing or stimulating the scalp, face, neck or skin within the permissible scope of practice for a barber or apprentice pursuant to that chapter.
   (c) A person licensed or registered as an esthetician, esthetician’s apprentice, hair designer, hair designer’s apprentice, hair braider, shampoo technologist, cosmetologist or cosmetologist’s apprentice pursuant to chapter 644A of NRS if the person is massaging, cleansing or stimulating the scalp, face, neck or skin within the permissible scope of practice for an esthetician, esthetician’s apprentice, hair designer, hair designer’s apprentice, hair braider, shampoo technologist, cosmetologist or cosmetologist’s apprentice pursuant to that chapter.
   (d) A person licensed or registered as a nail technologist or nail technologist’s apprentice pursuant to chapter 644A of NRS if the person is massaging, cleansing or stimulating the hands, forearms, feet or lower legs within the permissible scope of practice for a nail technologist or nail technologist’s apprentice.
   (e) A person who is an employee of an athletic department of any high school, college or university in this State and who, within the scope of that employment, practices massage therapy, reflexology or structural integration on athletes.
   (f) Students enrolled in a school of massage therapy, reflexology or structural integration recognized by the Board.
   (g) A person who practices massage therapy, reflexology or structural integration solely on members of his or her immediate family.
   (h) A person who performs any activity in a licensed brothel.
2. Except as otherwise provided in subsection 3 and NRS 640C.330, the provisions of this chapter preempt the licensure and regulation of a massage therapist, reflexologist or structural integration practitioner by a county, city or town, including, without limitation, conducting a criminal background
investigation and examination of a massage therapist, reflexologist or structural integration practitioner or applicant for a license to practice massage therapy, reflexology or structural integration.

3. The provisions of this chapter do not prohibit a county, city or town from requiring a massage therapist, reflexologist or structural integration practitioner to obtain a license or permit to transact business within the jurisdiction of the county, city or town, if the license or permit is required of other persons, regardless of occupation or profession, who transact business within the jurisdiction of the county, city or town.

4. As used in this section, “immediate family” means persons who are related by blood, adoption or marriage, within the second degree of consanguinity or affinity.

**Sec. 45.** The preliminary chapter of NRS is hereby amended by adding thereto a new section to read as follows:

*Except as otherwise expressly provided in a particular statute or required by the context, “licensed certified professional midwife” means a person licensed as a licensed certified professional midwife pursuant to section 19 or 20 of this act.*

**Sec. 46.** NRS 7.095 is hereby amended to read as follows:

7.095 1. An attorney shall not contract for or collect a fee contingent on the amount of recovery for representing a person seeking damages in connection with an action for injury or death against a provider of health care based upon professional negligence in excess of:

   (a) Forty percent of the first $50,000 recovered;
   (b) Thirty-three and one-third percent of the next $50,000 recovered;
   (c) Twenty-five percent of the next $500,000 recovered; and
   (d) Fifteen percent of the amount of recovery that exceeds $600,000.

2. The limitations set forth in subsection 1 apply to all forms of recovery, including, without limitation, settlement, arbitration and judgment.

3. For the purposes of this section, “recovered” means the net sum recovered by the plaintiff after deducting any disbursements or costs incurred in connection with the prosecution or settlement of the claim. Costs of medical care incurred by the plaintiff and general and administrative expenses incurred by the office of the attorney are not deductible disbursements or costs.

4. As used in this section:

   (a) “Professional negligence” means a negligent act or omission to act by a provider of health care in the rendering of professional services, which act or omission is the proximate cause of a personal injury or wrongful death. The term does not include services that are outside the scope of services for which the provider of health care is licensed or services for which any restriction has been imposed by the applicable regulatory board or health care facility.

   (b) “Provider of health care” means a physician licensed under chapter 630 or 633 of NRS, dentist, registered nurse, licensed certified professional midwife, dispensing optician, optometrist, registered physical therapist, podiatric physician, licensed psychologist, chiropractor, doctor of Oriental
medicine, holder of a license or a limited license issued under the provisions of chapter 653 of NRS, medical laboratory director or technician, licensed dietitian or a licensed hospital and its employees.

Sec. 47. NRS 41.138 is hereby amended to read as follows:

41.138 1. In any civil action concerning any unwelcome or nonconsensual sexual conduct, including, without limitation, sexual harassment, there is a rebuttable presumption that the sexual conduct was unwelcome or nonconsensual if the alleged perpetrator was a person in a position of authority over the alleged victim.

2. As used in this section:
   (a) “Person in a position of authority” means a parent, relative, household member, employer, supervisor, youth leader, scout leader, coach, mentor in a mentoring program, teacher, professor, counselor, school administrator, religious leader, doctor, nurse, licensed certified professional midwife, certified professional midwife student midwife, certified professional midwife birth assistant, psychologist, other health care provider, guardian ad litem, guardian, babysitter, police officer or other law enforcement officer or any other person who, by reason of his or her position, is able to exercise significant or undue influence over the victim.
   (b) “Sexual harassment” has the meaning ascribed to it in NRS 176A.280.

Sec. 48. NRS 41.505 is hereby amended to read as follows:

41.505 1. Any person licensed under the provisions of chapter 630, 632 or 633 of NRS or sections 2 to 32, inclusive, of this act and any person who holds an equivalent license issued by another state, who renders emergency care or assistance, including, without limitation, emergency obstetrical care or assistance, in an emergency, gratuitously and in good faith, is not liable for any civil damages as a result of any act or omission, not amounting to gross negligence, by that person in rendering the emergency care or assistance or as a result of any failure to act, not amounting to gross negligence, to provide or arrange for further medical treatment for the injured or ill person. This section does not excuse a physician, physician assistant, nurse or licensed certified professional midwife from liability for damages resulting from that person’s acts or omissions which occur in a licensed medical facility relative to any person with whom there is a preexisting relationship as a patient.

2. Any person licensed under the provisions of chapter 630, 632 or 633 of NRS or sections 2 to 32, inclusive, of this act and any person who holds an equivalent license issued by another state who:
   (a) Is retired or otherwise does not practice on a full-time basis; and
   (b) Gratuitously and in good faith, renders medical care within the scope of that person’s license to an indigent person,
   − is not liable for any civil damages as a result of any act or omission by that person, not amounting to gross negligence or reckless, willful or wanton conduct, in rendering that care.

3. Any person licensed to practice medicine under the provisions of chapter 630 or 633 of NRS or licensed to practice dentistry under the
provisions of chapter 631 of NRS who renders care or assistance to a patient for a governmental entity or a nonprofit organization is not liable for any civil damages as a result of any act or omission by that person in rendering that care or assistance if the care or assistance is rendered gratuitously, in good faith and in a manner not amounting to gross negligence or reckless, willful or wanton conduct.

4. As used in this section, “gratuitously” has the meaning ascribed to it in NRS 41.500.

Sec. 49. NRS 41.506 is hereby amended to read as follows:

Sec. 49. NRS 41.506 is hereby amended to read as follows:

41.506  1. Any person licensed under the provisions of chapter 630, 632 or 633 of NRS or sections 2 to 32, inclusive, of this act and any person who holds an equivalent license issued by another state who renders emergency obstetrical care or assistance to a pregnant woman during labor or the delivery of the child is not liable for any civil damages as a result of any act or omission by that person in rendering that care or assistance if:

(a) The care or assistance is rendered in good faith and in a manner not amounting to gross negligence or reckless, willful or wanton conduct;

(b) The person has not previously provided prenatal or obstetrical care to the woman; and

(c) The damages are reasonably related to or primarily caused by a lack of prenatal care received by the woman.

2. A licensed medical facility in which such care or assistance is rendered is not liable for any civil damages as a result of any act or omission by the person in rendering that care or assistance if that person is not liable for any civil damages pursuant to subsection 1 and the actions of the medical facility relating to the rendering of that care or assistance do not amount to gross negligence or reckless, willful or wanton conduct.

Sec. 50. NRS 41A.017 is hereby amended to read as follows:

41A.017 “Provider of health care” means a physician licensed pursuant to chapter 630 or 633 of NRS, physician assistant, dentist, licensed nurse, licensed certified professional midwife, dispensing optician, optometrist, registered physical therapist, podiatric physician, licensed psychologist, chiropractor, doctor of Oriental medicine, holder of a license or a limited license issued under the provisions of chapter 653 of NRS, medical laboratory director or technician, licensed dietitian or a licensed hospital, clinic, surgery center, physicians’ professional corporation or group practice that employs any such person and its employees.

Sec. 51. NRS 42.021 is hereby amended to read as follows:

42.021 1. In an action for injury or death against a provider of health care based upon professional negligence, if the defendant so elects, the defendant may introduce evidence of any amount payable as a benefit to the plaintiff as a result of the injury or death pursuant to the United States Social Security Act, any state or federal income disability or worker’s compensation act, any health, sickness or income-disability insurance, accident insurance that provides health benefits or income-disability coverage, and any contract
or agreement of any group, organization, partnership or corporation to provide, pay for or reimburse the cost of medical, hospital, dental or other health care services. If the defendant elects to introduce such evidence, the plaintiff may introduce evidence of any amount that the plaintiff has paid or contributed to secure the plaintiff’s right to any insurance benefits concerning which the defendant has introduced evidence.

2. A source of collateral benefits introduced pursuant to subsection 1 may not:
   (a) Recover any amount against the plaintiff; or
   (b) Be subrogated to the rights of the plaintiff against a defendant.

3. In an action for injury or death against a provider of health care based upon professional negligence, a district court shall, at the request of either party, enter a judgment ordering that money damages or its equivalent for future damages of the judgment creditor be paid in whole or in part by periodic payments rather than by a lump-sum payment if the award equals or exceeds $50,000 in future damages.

4. In entering a judgment ordering the payment of future damages by periodic payments pursuant to subsection 3, the court shall make a specific finding as to the dollar amount of periodic payments that will compensate the judgment creditor for such future damages. As a condition to authorizing periodic payments of future damages, the court shall require a judgment debtor who is not adequately insured to post security adequate to assure full payment of such damages awarded by the judgment. Upon termination of periodic payments of future damages, the court shall order the return of this security, or so much as remains, to the judgment debtor.

5. A judgment ordering the payment of future damages by periodic payments entered pursuant to subsection 3 must specify the recipient or recipients of the payments, the dollar amount of the payments, the interval between payments, and the number of payments or the period of time over which payments will be made. Such payments must only be subject to modification in the event of the death of the judgment creditor. Money damages awarded for loss of future earnings must not be reduced or payments terminated by reason of the death of the judgment creditor, but must be paid to persons to whom the judgment creditor owed a duty of support, as provided by law, immediately before the judgment creditor’s death. In such cases, the court that rendered the original judgment may, upon petition of any party in interest, modify the judgment to award and apportion the unpaid future damages in accordance with this subsection.

6. If the court finds that the judgment debtor has exhibited a continuing pattern of failing to make the periodic payments as specified pursuant to subsection 5, the court shall find the judgment debtor in contempt of court and, in addition to the required periodic payments, shall order the judgment debtor to pay the judgment creditor all damages caused by the failure to make such periodic payments, including, but not limited to, court costs and attorney’s fees.
7. Following the occurrence or expiration of all obligations specified in the periodic payment judgment, any obligation of the judgment debtor to make further payments ceases and any security given pursuant to subsection 4 reverts to the judgment debtor.

8. As used in this section:
   (a) “Future damages” includes damages for future medical treatment, care or custody, loss of future earnings, loss of bodily function, or future pain and suffering of the judgment creditor.
   (b) “Periodic payments” means the payment of money or delivery of other property to the judgment creditor at regular intervals.
   (c) “Professional negligence” means a negligent act or omission to act by a provider of health care in the rendering of professional services, which act or omission is the proximate cause of a personal injury or wrongful death. The term does not include services that are outside the scope of services for which the provider of health care is licensed or services for which any restriction has been imposed by the applicable regulatory board or health care facility.
   (d) “Provider of health care” means a physician licensed under chapter 630 or 633 of NRS, dentist, licensed nurse, licensed certified professional midwife, dispensing optician, optometrist, registered physical therapist, podiatric physician, licensed psychologist, chiropractor, doctor of Oriental medicine, holder of a license or a limited license issued under the provisions of chapter 653 of NRS, medical laboratory director or technician, licensed dietitian or a licensed hospital and its employees.

Sec. 52. NRS 52.320 is hereby amended to read as follows:

52.320 As used in NRS 52.320 to 52.375, inclusive, unless the context otherwise requires:
1. “Custodian of medical records” means a chiropractor, physician, registered physical therapist, licensed nurse or licensed certified professional midwife who prepares and maintains medical records, or any employee or agent of such a person or a facility for convalescent care, medical laboratory or hospital who has care, custody and control of medical records for such a person or institution.
2. “Medical records” includes bills, ledgers, statements and other accounts which show the cost of medical services or care provided to a patient.

Sec. 53. NRS 200.5093 is hereby amended to read as follows:

200.5093 1. Any person who is described in subsection 4 and who, in a professional or occupational capacity, knows or has reasonable cause to believe that an older person or vulnerable person has been abused, neglected, exploited, isolated or abandoned shall:
   (a) Except as otherwise provided in subsection 2, report the abuse, neglect, exploitation, isolation or abandonment of the older person or vulnerable person to:
      (1) The local office of the Aging and Disability Services Division of the Department of Health and Human Services;
      (2) A police department or sheriff’s office; or
(3) A toll-free telephone service designated by the Aging and Disability Services Division of the Department of Health and Human Services; and

(b) Make such a report as soon as reasonably practicable but not later than 24 hours after the person knows or has reasonable cause to believe that the older person or vulnerable person has been abused, neglected, exploited, isolated or abandoned.

2. If a person who is required to make a report pursuant to subsection 1 knows or has reasonable cause to believe that the abuse, neglect, exploitation, isolation or abandonment of the older person or vulnerable person involves an act or omission of the Aging and Disability Services Division, another division of the Department of Health and Human Services or a law enforcement agency, the person shall make the report to an agency other than the one alleged to have committed the act or omission.

3. Each agency, after reducing a report to writing, shall forward a copy of the report to the Aging and Disability Services Division of the Department of Health and Human Services and the Unit for the Investigation and Prosecution of Crimes.

4. A report must be made pursuant to subsection 1 by the following persons:

(a) Every physician, dentist, dental hygienist, chiropractor, optometrist, podiatric physician, medical examiner, resident, intern, professional or practical nurse, physician assistant licensed pursuant to chapter 630 or 633 of NRS, licensed certified professional midwife, perfusionist, psychiatrist, psychologist, marriage and family therapist, clinical professional counselor, clinical alcohol and drug counselor, alcohol and drug counselor, music therapist, athletic trainer, driver of an ambulance, paramedic, licensed dietitian, holder of a license or a limited license issued under the provisions of chapter 653 of NRS or other person providing medical services licensed or certified to practice in this State, who examines, attends or treats an older person or vulnerable person who appears to have been abused, neglected, exploited, isolated or abandoned.

(b) Any personnel of a hospital or similar institution engaged in the admission, examination, care or treatment of persons or an administrator, manager or other person in charge of a hospital or similar institution upon notification of the suspected abuse, neglect, exploitation, isolation or abandonment of an older person or vulnerable person by a member of the staff of the hospital.

(c) A coroner.

(d) Every person who maintains or is employed by an agency to provide personal care services in the home.

(e) Every person who maintains or is employed by an agency to provide nursing in the home.

(f) Every person who operates, who is employed by or who contracts to provide services for an intermediary service organization as defined in NRS 449.4304.
(g) Any employee of the Department of Health and Human Services, except the State Long-Term Care Ombudsman appointed pursuant to NRS 427A.125 and any of his or her advocates or volunteers where prohibited from making such a report pursuant to 45 C.F.R. § 1321.11.

(h) Any employee of a law enforcement agency or a county’s office for protective services or an adult or juvenile probation officer.

(i) Any person who maintains or is employed by a facility or establishment that provides care for older persons or vulnerable persons.

(j) Any person who maintains, is employed by or serves as a volunteer for an agency or service which advises persons regarding the abuse, neglect, exploitation, isolation or abandonment of an older person or vulnerable person and refers them to persons and agencies where their requests and needs can be met.

(k) Every social worker.

(l) Any person who owns or is employed by a funeral home or mortuary.

(m) Every person who operates or is employed by a peer support recovery organization, as defined in NRS 449.01563.

(n) Every person who operates or is employed by a community health worker pool, as defined in NRS 449.0028, or with whom a community health worker pool contracts to provide the services of a community health worker, as defined in NRS 449.0027.

5. A report may be made by any other person.

6. If a person who is required to make a report pursuant to subsection 1 knows or has reasonable cause to believe that an older person or vulnerable person has died as a result of abuse, neglect, isolation or abandonment, the person shall, as soon as reasonably practicable, report this belief to the appropriate medical examiner or coroner, who shall investigate the cause of death of the older person or vulnerable person and submit to the appropriate local law enforcement agencies, the appropriate prosecuting attorney, the Aging and Disability Services Division of the Department of Health and Human Services and the Unit for the Investigation and Prosecution of Crimes his or her written findings. The written findings must include the information required pursuant to the provisions of NRS 200.5094, when possible.

7. A division, office or department which receives a report pursuant to this section shall cause the investigation of the report to commence within 3 working days. A copy of the final report of the investigation conducted by a division, office or department, other than the Aging and Disability Services Division of the Department of Health and Human Services, must be forwarded within 30 days after the completion of the report to the:

(a) Aging and Disability Services Division;

(b) Repository for Information Concerning Crimes Against Older Persons or Vulnerable Persons created by NRS 179A.450; and

(c) Unit for the Investigation and Prosecution of Crimes.

8. If the investigation of a report results in the belief that an older person or vulnerable person is abused, neglected, exploited, isolated or abandoned,
the Aging and Disability Services Division of the Department of Health and Human Services or the county’s office for protective services may provide protective services to the older person or vulnerable person if the older person or vulnerable person is able and willing to accept them.

9. A person who knowingly and willfully violates any of the provisions of this section is guilty of a misdemeanor.

10. As used in this section, “Unit for the Investigation and Prosecution of Crimes” means the Unit for the Investigation and Prosecution of Crimes Against Older Persons or Vulnerable Persons in the Office of the Attorney General created pursuant to NRS 228.265.

Sec. 54. NRS 200.5095 is hereby amended to read as follows:

200.5095 1. Reports made pursuant to NRS 200.5093 and 200.5094, and records and investigations relating to those reports, are confidential.

2. A person, law enforcement agency or public or private agency, institution or facility who willfully releases data or information concerning the reports and investigation of the abuse, neglect, exploitation, isolation or abandonment of older persons or vulnerable persons, except:
   (a) Pursuant to a criminal prosecution;
   (b) Pursuant to NRS 200.50982; or
   (c) To persons or agencies enumerated in subsection 3, is guilty of a misdemeanor.

3. Except as otherwise provided in subsection 2 and NRS 200.50982, data or information concerning the reports and investigations of the abuse, neglect, exploitation, isolation or abandonment of an older person or a vulnerable person is available only to:
   (a) A physician who is providing care to an older person or a vulnerable person who may have been abused, neglected, exploited, isolated or abandoned;
   (b) An agency responsible for or authorized to undertake the care, treatment and supervision of the older person or vulnerable person;
   (c) A district attorney or other law enforcement official who requires the information in connection with an investigation of the abuse, neglect, exploitation, isolation or abandonment of the older person or vulnerable person;
   (d) A court which has determined, in camera, that public disclosure of such information is necessary for the determination of an issue before it;
   (e) A person engaged in bona fide research, but the identity of the subjects of the report must remain confidential;
   (f) A grand jury upon its determination that access to such records is necessary in the conduct of its official business;
   (g) Any comparable authorized person or agency in another jurisdiction;
   (h) A legal guardian of the older person or vulnerable person, if the identity of the person who was responsible for reporting the alleged abuse, neglect, exploitation, isolation or abandonment of the older person or vulnerable person to the public agency is protected, and the legal guardian of the older person or
vulnerable person is not the person suspected of such abuse, neglect, exploitation, isolation or abandonment;

(i) If the older person or vulnerable person is deceased, the executor or administrator of his or her estate, if the identity of the person who was responsible for reporting the alleged abuse, neglect, exploitation, isolation or abandonment of the older person or vulnerable person to the public agency is protected, and the executor or administrator is not the person suspected of such abuse, neglect, exploitation, isolation or abandonment;

(j) The older person or vulnerable person named in the report as allegedly being abused, neglected, exploited, isolated or abandoned, if that person is not legally incapacitated;

(k) An attorney appointed by a court to represent a protected person in a guardianship proceeding pursuant to NRS 159.0485, if:

(1) The protected person is an older person or vulnerable person;

(2) The identity of the person who was responsible for reporting the alleged abuse, neglect, exploitation, isolation or abandonment of the older person or vulnerable person to the public agency is protected; and

(3) The attorney of the protected person is not the person suspected of such abuse, neglect, exploitation, isolation or abandonment; or

(l) The State Guardianship Compliance Office created by NRS 159.341.

4. If the person who is reported to have abused, neglected, exploited, isolated or abandoned an older person or a vulnerable person is the holder of a license, certificate or permit issued pursuant to chapters 449, 630 to 641B, inclusive, 653 or 654 of NRS or sections 2 to 32, inclusive, of this act, the information contained in the report must be submitted to the board that issued the license.

5. If data or information concerning the reports and investigations of the abuse, neglect, exploitation, isolation or abandonment of an older person or a vulnerable person is made available pursuant to paragraph (b) or (j) of subsection 3 or subsection 4, the name and any other identifying information of the person who made the report must be redacted before the data or information is made available.

Sec. 55. NRS 218G.400 is hereby amended to read as follows:

218G.400 1. Except as otherwise provided in subsection 2, each board created by the provisions of NRS 590.485 and chapters 623 to 625A, inclusive, 628, 630 to 644A, inclusive, and sections 2 to 32, inclusive, of this act, 648, 654 and 656 of NRS shall:

(a) If the revenue of the board from all sources is less than $200,000 for any fiscal year and, if the board is a regulatory body pursuant to NRS 622.060, the board has submitted to the Director of the Legislative Counsel Bureau for each quarter of that fiscal year the information required by NRS 622.100, prepare a balance sheet for that fiscal year on the form provided by the Legislative Auditor and file the balance sheet with the Legislative Auditor and the Chief of the Budget Division of the Office of Finance on or before December 1 following the end of that fiscal year. The Legislative Auditor shall prepare and
make available a form that must be used by a board to prepare such a balance sheet.

(b) If the revenue of the board from all sources is $200,000 or more for any fiscal year, or if the board is a regulatory body pursuant to NRS 622.060 and has failed to submit to the Director of the Legislative Counsel Bureau for each quarter of that fiscal year the information required by NRS 622.100, engage the services of a certified public accountant or public accountant, or firm of either of such accountants, to audit all its fiscal records for that fiscal year and file a report of the audit with the Legislative Auditor and the Chief of the Budget Division of the Office of Finance on or before December 1 following the end of that fiscal year.

2. In lieu of preparing a balance sheet or having an audit conducted for a single fiscal year, a board may engage the services of a certified public accountant or public accountant, or firm of either of such accountants, to audit all its fiscal records for a period covering two successive fiscal years. If such an audit is conducted, the board shall file the report of the audit with the Legislative Auditor and the Chief of the Budget Division of the Office of Finance on or before December 1 following the end of the second fiscal year.

3. The cost of each audit conducted pursuant to subsection 1 or 2 must be paid by the board that is audited. Each such audit must be conducted in accordance with generally accepted auditing standards, and all financial statements must be prepared in accordance with generally accepted principles of accounting for special revenue funds.

4. Whether or not a board is required to have its fiscal records audited pursuant to subsection 1 or 2, the Legislative Auditor shall audit the fiscal records of any such board whenever directed to do so by the Legislative Commission. When the Legislative Commission directs such an audit, the Legislative Commission shall also determine who is to pay the cost of the audit.

5. A person who is a state officer or employee of a board is guilty of nonfeasance if the person:
   
   (a) Is responsible for preparing a balance sheet or having an audit conducted pursuant to this section or is responsible for preparing or maintaining the fiscal records that are necessary to prepare a balance sheet or have an audit conducted pursuant to this section; and
   
   (b) Knowingly fails to prepare the balance sheet or have the audit conducted pursuant to this section or knowingly fails to prepare or maintain the fiscal records that are necessary to prepare a balance sheet or have an audit conducted pursuant to this section.

6. In addition to any other remedy or penalty, a person who is guilty of nonfeasance pursuant to this section forfeits the person’s state office or employment and may not be appointed to a state office or position of state employment for a period of 2 years following the forfeiture. The provisions of this subsection do not apply to a state officer who may be removed from office only by impeachment pursuant to Article 7 of the Nevada Constitution.
Sec. 56. NRS 232.320 is hereby amended to read as follows:

232.320 1. The Director:

(a) Shall appoint, with the consent of the Governor, administrators of the divisions of the Department, who are respectively designated as follows:
   (1) The Administrator of the Aging and Disability Services Division;
   (2) The Administrator of the Division of Welfare and Supportive Services;
   (3) The Administrator of the Division of Child and Family Services;
   (4) The Administrator of the Division of Health Care Financing and Policy; and
   (5) The Administrator of the Division of Public and Behavioral Health.

(b) Shall administer, through the divisions of the Department, the provisions of chapters 63, 424, 425, 427A, 432A to 442, inclusive, 446 to 450, inclusive, 458A and 656A of NRS, NRS 127.220 to 127.310, inclusive, 422.001 to 422.410, inclusive, and section 65 of this act, 422.580, 432.010 to 432.133, inclusive, 432B.6201 to 432B.626, inclusive, 444.002 to 444.430, inclusive, and 445A.010 to 445A.055, inclusive, and all other provisions of law relating to the functions of the divisions of the Department, but is not responsible for the clinical activities of the Division of Public and Behavioral Health or the professional line activities of the other divisions.

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

(d) Shall, after considering advice from agencies of local governments and nonprofit organizations which provide social services, adopt a master plan for the provision of human services in this State. The Director shall revise the plan biennially and deliver a copy of the plan to the Governor and the Legislature at the beginning of each regular session. The plan must:
   (1) Identify and assess the plans and programs of the Department for the provision of human services, and any duplication of those services by federal, state and local agencies;
   (2) Set forth priorities for the provision of those services;
   (3) Provide for communication and the coordination of those services among nonprofit organizations, agencies of local government, the State and the Federal Government;
   (4) Identify the sources of funding for services provided by the Department and the allocation of that funding;
   (5) Set forth sufficient information to assist the Department in providing those services and in the planning and budgeting for the future provision of those services; and
   (6) Contain any other information necessary for the Department to communicate effectively with the Federal Government concerning demographic trends, formulas for the distribution of federal money and any need for the modification of programs administered by the Department.
(e) May, by regulation, require nonprofit organizations and state and local governmental agencies to provide information regarding the programs of those organizations and agencies, excluding detailed information relating to their budgets and payrolls, which the Director deems necessary for the performance of the duties imposed upon him or her pursuant to this section.

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

2. Notwithstanding any other provision of law, the Director, or the Director’s designee, is responsible for appointing and removing subordinate officers and employees of the Department.

Sec. 57. NRS 239.010 is hereby amended to read as follows:

and section 30 of this act, sections 35, 38 and 41 of chapter 478, Statutes of Nevada 2011 and section 2 of chapter 391, Statutes of Nevada 2013 and unless otherwise declared by law to be confidential, all public books and public records of a governmental entity must be open at all times during office hours to inspection by any person, and may be fully copied or an abstract or memorandum may be prepared from those public books and public records. Any such copies, abstracts or memoranda may be used to supply the general public with copies, abstracts or memoranda of the records or may be used in any other way to the advantage of the governmental entity or of the general public. This section does not supersede or in any manner affect the federal laws
governing copyrights or enlarge, diminish or affect in any other manner the rights of a person in any written book or record which is copyrighted pursuant to federal law.

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

3. A governmental entity that has legal custody or control of a public book or record shall not deny a request made pursuant to subsection 1 to inspect or copy or receive a copy of a public book or record on the basis that the requested public book or record contains information that is confidential if the governmental entity can redact, delete, conceal or separate, including, without limitation, electronically, the confidential information from the information included in the public book or record that is not otherwise confidential.

4. If requested, a governmental entity shall provide a copy of a public record in an electronic format by means of an electronic medium. Nothing in this subsection requires a governmental entity to provide a copy of a public record in an electronic format or by means of an electronic medium if:
   (a) The public record:
      (1) Was not created or prepared in an electronic format; and
      (2) Is not available in an electronic format; or
   (b) Providing the public record in an electronic format or by means of an electronic medium would:
      (1) Give access to proprietary software; or
      (2) Require the production of information that is confidential and that cannot be redacted, deleted, concealed or separated from information that is not otherwise confidential.

5. An officer, employee or agent of a governmental entity who has legal custody or control of a public record:
   (a) Shall not refuse to provide a copy of that public record in the medium that is requested because the officer, employee or agent has already prepared or would prefer to provide the copy in a different medium.
   (b) Except as otherwise provided in NRS 239.030, shall, upon request, prepare the copy of the public record and shall not require the person who has requested the copy to prepare the copy himself or herself.

Sec. 58. NRS 284.013 is hereby amended to read as follows:

284.013 1. Except as otherwise provided in subsection 4, this chapter does not apply to:
   (a) Agencies, bureaus, commissions, officers or personnel in the Legislative Department or the Judicial Department of State Government, including the Commission on Judicial Discipline;
   (b) Any person who is employed by a board, commission, committee or council created in chapters 445C, 590, 623 to 625A, inclusive, 628, 630 to 644A, inclusive, **and sections 2 to 32, inclusive, of this act**, 648, 652, 654 and 656 of NRS; or
   (c) Officers or employees of any agency of the Executive Department of the State Government who are exempted by specific statute.
2. Except as otherwise provided in subsection 3, the terms and conditions of employment of all persons referred to in subsection 1, including salaries not prescribed by law and leaves of absence, including, without limitation, annual leave and sick and disability leave, must be fixed by the appointing or employing authority within the limits of legislative appropriations or authorizations.

3. Except as otherwise provided in this subsection, leaves of absence prescribed pursuant to subsection 2 must not be of lesser duration than those provided for other state officers and employees pursuant to the provisions of this chapter. The provisions of this subsection do not govern the Legislative Commission with respect to the personnel of the Legislative Counsel Bureau.

4. Any board, commission, committee or council created in chapters 445C, 590, 623 to 625A, inclusive, 628, 630 to 644A, inclusive, 648, 652, 654 and 656 of NRS which contracts for the services of a person, shall require the contract for those services to be in writing. The contract must be approved by the State Board of Examiners before those services may be provided.

5. To the extent that they are inconsistent or otherwise in conflict, the provisions of this chapter do not apply to any terms and conditions of employment that are properly within the scope of and subject to the provisions of a collective bargaining agreement or a supplemental bargaining agreement that is enforceable pursuant to the provisions of NRS 288.400 to 288.630, inclusive.

Sec. 59. NRS 353.005 is hereby amended to read as follows:

353.005 Except as otherwise provided in NRS 353.007, the provisions of this chapter do not apply to boards created by the provisions of NRS 590.485 and chapters 623 to 625A, inclusive, 628, 630 to 644A, inclusive, and sections 2 to 32, inclusive, of this act, 648, 654 and 656 of NRS and the officers and employees of those boards.

Sec. 60. NRS 353A.020 is hereby amended to read as follows:

353A.020 1. The Director, in consultation with the Committee and Legislative Auditor, shall adopt a uniform system of internal accounting and administrative control for agencies. The elements of the system must include, without limitation:

(a) A plan of organization which provides for a segregation of duties appropriate to safeguard the assets of the agency;

(b) A plan which limits access to assets of the agency to persons who need the assets to perform their assigned duties;

(c) Procedures for authorizations and recordkeeping which effectively control accounting of assets, liabilities, revenues and expenses;

(d) A system of practices to be followed in the performance of the duties and functions of each agency; and

(e) An effective system of internal review.

2. The Director, in consultation with the Committee and Legislative Auditor, may modify the system whenever the Director considers it necessary.
3. Each agency shall develop written procedures to carry out the system of internal accounting and administrative control adopted pursuant to this section.

4. For the purposes of this section, “agency” does not include:
   (a) A board created by the provisions of NRS 590.485 and chapters 623 to 625A, inclusive, 628, 630 to 644A, inclusive, and sections 2 to 32, inclusive, of this act, 648, 654 and 656 of NRS.
   (b) The Nevada System of Higher Education.
   (c) The Public Employees’ Retirement System.
   (d) The Housing Division of the Department of Business and Industry.
   (e) The Colorado River Commission of Nevada.

Sec. 61. NRS 353A.025 is hereby amended to read as follows:

353A.025  1. The head of each agency shall periodically review the agency’s system of internal accounting and administrative control to determine whether it is in compliance with the uniform system of internal accounting and administrative control for agencies adopted pursuant to subsection 1 of NRS 353A.020.

2. On or before July 1 of each even-numbered year, the head of each agency shall report to the Director whether the agency’s system of internal accounting and administrative control is in compliance with the uniform system adopted pursuant to subsection 1 of NRS 353A.020. The reports must be made available for inspection by the members of the Legislature.

3. For the purposes of this section, “agency” does not include:
   (a) A board created by the provisions of NRS 590.485 and chapters 623 to 625A, inclusive, 628, 630 to 644A, inclusive, and sections 2 to 32, inclusive, of this act, 648, 654 and 656 of NRS.
   (b) The Nevada System of Higher Education.
   (c) The Public Employees’ Retirement System.
   (d) The Housing Division of the Department of Business and Industry.
   (e) The Colorado River Commission of Nevada.

4. The Director shall, on or before the first Monday in February of each odd-numbered year, submit a report on the status of internal accounting and administrative controls in agencies to the:
   (a) Director of the Legislative Counsel Bureau for transmittal to the:
       (1) Senate Standing Committee on Finance; and
       (2) Assembly Standing Committee on Ways and Means;
   (b) Governor; and
   (c) Legislative Auditor.

5. The report submitted by the Director pursuant to subsection 4 must include, without limitation:
   (a) The identification of each agency that has not complied with the requirements of subsections 1 and 2;
   (b) The identification of each agency that does not have an effective method for reviewing its system of internal accounting and administrative control; and
(c) The identification of each agency that has weaknesses in its system of internal accounting and administrative control, and the extent and types of such weaknesses.

Sec. 62. NRS 353A.045 is hereby amended to read as follows:

353A.045  The Administrator shall:
1. Report to the Director.
2. Develop long-term and annual work plans to be based on the results of periodic documented risk assessments. The annual work plan must list the agencies to which the Division will provide training and assistance and be submitted to the Director for approval. Such agencies must not include:
   (a) A board created by the provisions of NRS 590.485 and chapters 623 to 625A, inclusive, 628, 630 to 644A, inclusive, and sections 2 to 32, inclusive, of this act, 648, 654 and 656 of NRS.
   (b) The Nevada System of Higher Education.
   (c) The Public Employees’ Retirement System.
   (d) The Housing Division of the Department of Business and Industry.
   (e) The Colorado River Commission of Nevada.
3. Provide a copy of the approved annual work plan to the Legislative Auditor.
4. In consultation with the Director, prepare a plan for auditing executive branch agencies for each fiscal year and present the plan to the Committee for its review and approval. Each plan for auditing must:
   (a) State the agencies which will be audited, the proposed scope and assignment of those audits and the related resources which will be used for those audits; and
   (b) Ensure that the internal accounting, administrative controls and financial management of each agency are reviewed periodically.
5. Perform the audits of the programs and activities of the agencies in accordance with the plan approved pursuant to subsection 5 of NRS 353A.038 and prepare audit reports of his or her findings.
6. Review each agency that is audited pursuant to subsection 5 and advise those agencies concerning internal accounting, administrative controls and financial management.
7. Submit to each agency that is audited pursuant to subsection 5 analyses, appraisals and recommendations concerning:
   (a) The adequacy of the internal accounting and administrative controls of the agency; and
   (b) The efficiency and effectiveness of the management of the agency.
8. Report any possible abuses, illegal actions, errors, omissions and conflicts of interest of which the Division becomes aware during the performance of an audit.
9. Adopt the standards of The Institute of Internal Auditors for conducting and reporting on internal audits.
10. Consult with the Legislative Auditor concerning the plan for auditing
and the scope of audits to avoid duplication of effort and undue disruption of
the functions of agencies that are audited pursuant to subsection 5.

Sec. 63. NRS 372.7285 is hereby amended to read as follows:

372.7285 1. In administering the provisions of NRS 372.325, the
Department shall apply the exemption to the sale of a medical device to a
governmental entity that is exempt pursuant to that section without regard to
whether the person using the medical device or the governmental entity that
purchased the device is deemed to be the holder of title to the device if:
   (a) The medical device was ordered or prescribed by a provider of health
care, within his or her scope of practice, for use by the person to whom it is
   provided;
   (b) The medical device is covered by Medicaid or Medicare; and
   (c) The purchase of the medical device is made pursuant to a contract
between the governmental entity that purchases the medical device and the
person who sells the medical device to the governmental entity.

2. As used in this section:
   (a) “Medicaid” means the program established pursuant to Title XIX of the
Social Security Act, 42 U.S.C. §§ 1396 et seq., to provide assistance for part
or all of the cost of medical care rendered on behalf of indigent persons.
   (b) “Medicare” means the program of health insurance for aged persons and
persons with disabilities established pursuant to Title XVIII of the Social
Security Act, 42 U.S.C. §§ 1395 et seq.
   (c) “Provider of health care” means a physician or physician assistant
licensed pursuant to chapter 630, 630A or 633 of NRS, perfusionist, dentist,
licensed nurse, licensed certified professional midwife, dispensing optician,
optomist, practitioner of respiratory care, registered physical therapist,
podiatric physician, licensed psychologist, licensed audiologist, licensed
speech-language pathologist, licensed hearing aid specialist, licensed marriage
and family therapist, licensed clinical professional counselor, chiropractor,
licensed dietitian or doctor of Oriental medicine in any form.

Sec. 64. NRS 374.731 is hereby amended to read as follows:

374.731 1. In administering the provisions of NRS 374.330, the
Department shall apply the exemption to the sale of a medical device to a
governmental entity that is exempt pursuant to that section without regard to
whether the person using the medical device or the governmental entity that
purchased the device is deemed to be the holder of title to the device if:
   (a) The medical device was ordered or prescribed by a provider of health
care, within his or her scope of practice, for use by the person to whom it is
   provided;
   (b) The medical device is covered by Medicaid or Medicare; and
   (c) The purchase of the medical device is made pursuant to a contract
between the governmental entity that purchases the medical device and the
person who sells the medical device to the governmental entity.

2. As used in this section:
(a) “Medicaid” means the program established pursuant to Title XIX of the Social Security Act, 42 U.S.C. §§ 1396 et seq., to provide assistance for part or all of the cost of medical care rendered on behalf of indigent persons.

(b) “Medicare” means the program of health insurance for aged persons and persons with disabilities established pursuant to Title XVIII of the Social Security Act, 42 U.S.C. §§ 1395 et seq.

(c) “Provider of health care” means a physician or physician assistant licensed pursuant to chapter 630, 630A or 633 of NRS, perfusionist, dentist, licensed nurse, licensed certified professional midwife, dispensing optician, optometrist, practitioner of respiratory care, registered physical therapist, podiatric physician, licensed psychologist, licensed audiologist, licensed speech-language pathologist, licensed hearing aid specialist, licensed marriage and family therapist, licensed clinical professional counselor, chiropractor, licensed dietitian or doctor of Oriental medicine in any form.

Sec. 65. Chapter 422 of NRS is hereby amended by adding thereto a new section to read as follows:

1. To the extent authorized by federal law, the Director shall include a requirement in the State Plan for Medicaid a requirement that, except as otherwise provided in subsection 2, the State pay the nonfederal share of expenditures incurred for services rendered by a licensed certified professional midwife. Such services must be reimbursed at a comparable rate to similar services provided by other providers of health care, including, without limitation, physicians, physician assistants and advanced practice registered nurses, regardless of the location at which the services are provided.

2. The Department or a managed care organization, including, without limitation, a health maintenance organization, that provides health care services to recipients of Medicaid under the State Plan for Medicaid may charge a copayment or coinsurance or apply a deductible for the services described in subsection 1. The amount of such a copayment, coinsurance or deductible must not exceed the amount of the copayment, coinsurance or deductible charged for the same services provided by another provider of health care.

3. As used in this section, “provider of health care” has the meaning ascribed to it in NRS 629.031.

Sec. 66. NRS 432B.220 is hereby amended to read as follows:

432B.220 1. Any person who is described in subsection 4 and who, in his or her professional or occupational capacity, knows or has reasonable cause to believe that a child has been abused or neglected shall:

(a) Except as otherwise provided in subsection 2, report the abuse or neglect of the child to an agency which provides child welfare services or to a law enforcement agency; and

(b) Make such a report as soon as reasonably practicable but not later than 24 hours after the person knows or has reasonable cause to believe that the child has been abused or neglected.
2. If a person who is required to make a report pursuant to subsection 1 knows or has reasonable cause to believe that the abuse or neglect of the child involves an act or omission of:
   (a) A person directly responsible or serving as a volunteer for or an employee of a public or private home, institution or facility where the child is receiving child care outside of the home for a portion of the day, the person shall make the report to a law enforcement agency.
   (b) An agency which provides child welfare services or a law enforcement agency, the person shall make the report to an agency other than the one alleged to have committed the act or omission, and the investigation of the abuse or neglect of the child must be made by an agency other than the one alleged to have committed the act or omission.

3. Any person who is described in paragraph (a) of subsection 4 who delivers or provides medical services to a newborn infant and who, in his or her professional or occupational capacity, knows or has reasonable cause to believe that the newborn infant has been affected by a fetal alcohol spectrum disorder or prenatal substance use disorder or has withdrawal symptoms resulting from prenatal substance exposure shall, as soon as reasonably practicable but not later than 24 hours after the person knows or has reasonable cause to believe that the newborn infant is so affected or has such symptoms, notify an agency which provides child welfare services of the condition of the infant and refer each person who is responsible for the welfare of the infant to an agency which provides child welfare services for appropriate counseling, training or other services. A notification and referral to an agency which provides child welfare services pursuant to this subsection shall not be construed to require prosecution for any illegal action.

4. A report must be made pursuant to subsection 1 by the following persons:
   (a) A person providing services licensed or certified in this State pursuant to, without limitation, chapter 450B, 630, 630A, 631, 632, 633, 634, 634A, 635, 636, 637, 637B, 639, 640, 640A, 640B, 640C, 640D, 640E, 641, 641A, 641B, 641C or 653 of NRS or sections 2 to 32, inclusive, of this act.
   (b) Any personnel of a medical facility licensed pursuant to chapter 449 of NRS who are engaged in the admission, examination, care or treatment of persons or an administrator, manager or other person in charge of such a medical facility upon notification of suspected abuse or neglect of a child by a member of the staff of the medical facility.
   (c) A coroner.
   (d) A member of the clergy, practitioner of Christian Science or religious healer, unless the person has acquired the knowledge of the abuse or neglect from the offender during a confession.
   (e) A person employed by a public school or private school and any person who serves as a volunteer at such a school.
(f) Any person who maintains or is employed by a facility or establishment that provides care for children, children’s camp or other public or private facility, institution or agency furnishing care to a child.

(g) Any person licensed pursuant to chapter 424 of NRS to conduct a foster home.

(h) Any officer or employee of a law enforcement agency or an adult or juvenile probation officer.

(i) Except as otherwise provided in NRS 432B.225, an attorney.

(j) Any person who maintains, is employed by or serves as a volunteer for an agency or service which advises persons regarding abuse or neglect of a child and refers them to persons and agencies where their requests and needs can be met.

(k) Any person who is employed by or serves as a volunteer for a youth shelter. As used in this paragraph, “youth shelter” has the meaning ascribed to it in NRS 244.427.

(l) Any adult person who is employed by an entity that provides organized activities for children, including, without limitation, a person who is employed by a school district or public school.

5. A report may be made by any other person.

6. If a person who is required to make a report pursuant to subsection 1 knows or has reasonable cause to believe that a child has died as a result of abuse or neglect, the person shall, as soon as reasonably practicable, report this belief to an agency which provides child welfare services or a law enforcement agency. If such a report is made to a law enforcement agency, the law enforcement agency shall notify an agency which provides child welfare services and the appropriate medical examiner or coroner of the report. If such a report is made to an agency which provides child welfare services, the agency which provides child welfare services shall notify the appropriate medical examiner or coroner of the report. The medical examiner or coroner who is notified of a report pursuant to this subsection shall investigate the report and submit his or her written findings to the appropriate agency which provides child welfare services, the appropriate district attorney and a law enforcement agency. The written findings must include, if obtainable, the information required pursuant to the provisions of subsection 2 of NRS 432B.230.

7. The agency, board, bureau, commission, department, division or political subdivision of the State responsible for the licensure, certification or endorsement of a person who is described in subsection 4 and who is required in his or her professional or occupational capacity to be licensed, certified or endorsed in this State shall, at the time of initial licensure, certification or endorsement:

(a) Inform the person, in writing or by electronic communication, of his or her duty as a mandatory reporter pursuant to this section;

(b) Obtain a written acknowledgment or electronic record from the person that he or she has been informed of his or her duty pursuant to this section; and
(c) Maintain a copy of the written acknowledgment or electronic record for as long as the person is licensed, certified or endorsed in this State.

8. The employer of a person who is described in subsection 4 and who is not required in his or her professional or occupational capacity to be licensed, certified or endorsed in this State must, upon initial employment of the person:
   (a) Inform the person, in writing or by electronic communication, of his or her duty as a mandatory reporter pursuant to this section;
   (b) Obtain a written acknowledgment or electronic record from the person that he or she has been informed of his or her duty pursuant to this section; and
   (c) Maintain a copy of the written acknowledgment or electronic record for as long as the person is employed by the employer.

9. Before a person may serve as a volunteer at a public school or private school, the school must:
   (a) Inform the person, in writing or by electronic communication, of his or her duty as a mandatory reporter pursuant to this section and NRS 392.303;
   (b) Obtain a written acknowledgment or electronic record from the person that he or she has been informed of his or her duty pursuant to this section and NRS 392.303; and
   (c) Maintain a copy of the written acknowledgment or electronic record for as long as the person serves as a volunteer at the school.

10. 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. 67. NRS 439A.0195 is hereby amended to read as follows:

439A.0195 “Practitioner” means a physician licensed under chapter 630, 630A or 633 of NRS, dentist, licensed nurse, licensed certified professional midwife, dispensing optician, optometrist, registered physical therapist, podiatric physician, licensed psychologist, chiropractor, doctor of Oriental medicine in any form, medical laboratory director or technician, pharmacist or other person whose principal occupation is the provision of services for health.

Sec. 68. NRS 439B.225 is hereby amended to read as follows:

439B.225 1. As used in this section, “licensing board” means any division or board empowered to adopt standards for the issuance or renewal of licenses, permits or certificates of registration pursuant to NRS 435.3305 to 435.339, inclusive, chapter 449, 625A, 630, 630A, 631, 632, 633, 634, 634A, 635, 636, 637, 637B, 639, 640, 640A, 640D, 641, 641A, 641B, 641C, 652, 653 or 654 of NRS and sections 2 to 32, inclusive, of this act.

2. The Committee shall review each regulation that a licensing board proposes or adopts that relates to standards for the issuance or renewal of licenses, permits or certificates of registration issued to a person or facility regulated by the board, giving consideration to:
   (a) Any oral or written comment made or submitted to it by members of the public or by persons or facilities affected by the regulation;
   (b) The effect of the regulation on the cost of health care in this State;
(c) The effect of the regulation on the number of licensed, permitted or registered persons and facilities available to provide services in this State; and
(d) Any other related factor the Committee deems appropriate.

3. After reviewing a proposed regulation, the Committee shall notify the agency of the opinion of the Committee regarding the advisability of adopting or revising the proposed regulation.

4. The Committee shall recommend to the Legislature as a result of its review of regulations pursuant to this section any appropriate legislation.

Sec. 69. Chapter 440 of NRS is hereby amended by adding thereto a new section to read as follows:

As used in this chapter, “midwife” means: 1. Any type of midwife, including, without limitation, a licensed certified professional midwife or 2. Any person who engages in the practice of certified professional midwifery.

Sec. 70. NRS 440.280 is hereby amended to read as follows:

440.280 1. If a birth occurs in a hospital or the mother and child are immediately transported to a hospital, the person in charge of the hospital or his or her designated representative shall obtain the necessary information, prepare a birth certificate, secure the signatures required by the certificate and file it within 10 days with the health officer of the registration district where the birth occurred. The physician in attendance shall provide the medical information required by the certificate and certify to the fact of birth within 72 hours after the birth. If the physician does not certify to the fact of birth within the required 72 hours, the person in charge of the hospital or the designated representative shall complete and sign the certification.

2. If a birth occurs outside a hospital and the mother and child are not immediately transported to a hospital, the birth certificate must be prepared and filed by one of the following persons in the following order of priority:
   (a) The physician or advanced practice registered nurse in attendance at or immediately after the birth.
   (b) The licensed certified professional midwife in attendance at or immediately after the birth.
   (c) Any other person in attendance at or immediately after the birth.
   (d) The father, mother or, if the father is absent and the mother is incapacitated, the person in charge of the premises where the birth occurred.

3. If a birth occurs in a moving conveyance, the place of birth is the place where the child is removed from the conveyance.

4. In cities, the certificate of birth must be filed sooner than 10 days after the birth if so required by municipal ordinance or regulation.

5. If the mother was:
   (a) Married at the time of birth, the name of her spouse must be entered on the certificate as the other parent of the child unless:
   (1) A court has issued an order establishing that a person other than the mother’s spouse is the other parent of the child; or
(2) The mother and a person other than the mother’s spouse have signed a declaration for the voluntary acknowledgment of paternity developed by the Board pursuant to NRS 440.283 or a declaration for the voluntary acknowledgment of parentage developed by the Board pursuant to NRS 440.285.

(b) Widowed at the time of birth but married at the time of conception, the name of her spouse at the time of conception must be entered on the certificate as the other parent of the child unless:

(1) A court has issued an order establishing that a person other than the mother’s spouse at the time of conception is the other parent of the child; or

(2) The mother and a person other than the mother’s spouse at the time of conception have signed a declaration for the voluntary acknowledgment of paternity developed by the Board pursuant to NRS 440.283 or a declaration for the voluntary acknowledgment of parentage developed by the Board pursuant to NRS 440.285.

6. If the mother was unmarried at the time of birth, the name of the other parent may be entered on the original certificate of birth only if:

(a) The provisions of paragraph (b) of subsection 5 are applicable;

(b) A court has issued an order establishing that the person is the other parent of the child; or

(c) The parents of the child have signed a declaration for the voluntary acknowledgment of paternity developed by the Board pursuant to NRS 440.283 or a declaration for the voluntary acknowledgment of parentage developed by the Board pursuant to NRS 440.285. If both parents execute a declaration consenting to the use of the surname of one parent as the surname of the child, the name of that parent must be entered on the original certificate of birth and the surname of that parent must be entered thereon as the surname of the child.

7. An order entered or a declaration executed pursuant to subsection 6 must be submitted to the local health officer, the local health officer’s authorized representative, or the attending physician or midwife before a proper certificate of birth is forwarded to the State Registrar. The order or declaration must then be delivered to the State Registrar for filing. The State Registrar’s file of orders and declarations must be sealed and the contents of the file may be examined only upon order of a court of competent jurisdiction or at the request of either parent or the Division of Welfare and Supportive Services of the Department of Health and Human Services as necessary to carry out the provisions of 42 U.S.C. § 654a. The local health officer shall complete the original certificate of birth in accordance with subsection 6 and other provisions of this chapter.

8. As used in this section, “court” has the meaning ascribed to it in NRS 125B.004.

Sec. 71. NRS 440.770 is hereby amended to read as follows:

440.770 Any person who furnishes false information to a physician, advanced practice registered nurse, licensed certified professional midwife,
funeral director, midwife or informant for the purpose of making incorrect certification of births or deaths shall be punished by a fine of not more than $250.

Sec. 72. NRS 441A.110 is hereby amended to read as follows:

441A.110 “Provider of health care” means a physician, nurse, licensed certified professional midwife or veterinarian licensed in accordance with state law or a physician assistant licensed pursuant to chapter 630 or 633 of NRS.

Sec. 73. NRS 442.003 is hereby amended to read as follows:

442.003 As used in this chapter, unless the context requires otherwise:
1. “Advisory Board” means the Advisory Board on Maternal and Child Health.
3. “Director” means the Director of the Department.
4. “Division” means the Division of Public and Behavioral Health of the Department.
5. “Fetal alcohol syndrome” includes fetal alcohol effects.
6. “Laboratory” has the meaning ascribed to it in NRS 652.040.
7. “Midwife” means [a] any type of midwife, including, without limitation, a licensed certified professional midwife [ or [b] any person who engages in the practice of certified professional midwifery, pursuant to subsection 2 of section 15 of this act.]
8. “Obstetric center” has the meaning ascribed to it in NRS 449.0155.

Sec. 74. NRS 442.119 is hereby amended to read as follows:

442.119 As used in NRS 442.119 to 442.1198, inclusive, unless the context otherwise requires:
1. “Health officer” includes a local health officer, a city health officer, a county health officer and a district health officer.
2. “Medicaid” has the meaning ascribed to it in NRS 439B.120.
3. “Medicare” has the meaning ascribed to it in NRS 439B.130.
4. “Provider of prenatal care” means:
   (a) A physician who is licensed in this State and certified in obstetrics and
gynecology, family practice, general practice or general surgery.
   (b) A certified nurse midwife who is licensed by the State Board of Nursing.
   (c) An advanced practice registered nurse who is licensed by the State
Board of Nursing pursuant to NRS 632.237 and who has specialized skills and
training in obstetrics or family nursing.
   (d) A physician assistant licensed pursuant to chapter 630 or 633 of NRS
who has specialized skills and training in obstetrics or family practice.
   (e) A licensed certified professional midwife.

Sec. 75. NRS 442.610 is hereby amended to read as follows:
442.610 “Provider of health care” means:
1. A provider of health care as defined in NRS 629.031, including,
   without limitation, a licensed certified professional midwife; and
2. Any other type of midwife; and
3. An obstetric center licensed pursuant to chapter 449 of NRS.

Sec. 76. NRS 454.00958 is hereby amended to read as follows:
454.00958 “Practitioner” means:
1. A physician, dentist, veterinarian or podiatric physician who holds a
valid license to practice his or her profession in this State.
2. A pharmacy, hospital or other institution licensed or registered to
distribute, dispense, conduct research with respect to or to administer a
dangerous drug in the course of professional practice in this State.
3. When relating to the prescription of poisons, dangerous drugs and
devices:
   (a) An advanced practice registered nurse who holds a certificate from the
State Board of Pharmacy permitting him or her so to prescribe; or
   (b) A physician assistant who holds a license from the Board of Medical
Examiners and a certificate from the State Board of Pharmacy permitting him
or her so to prescribe.
4. An optometrist who is certified to prescribe and administer
pharmaceutical agents pursuant to NRS 636.288 when the optometrist
prescribes or administers dangerous drugs which are within the scope of his or
her certification.
5. A licensed certified professional midwife, for the purpose of ordering:
   (a) Any device or drug described in subsection 1 or 2 of section 26 of this
act for use in his or her practice; or
   (b) Any device or vaccine described in subsection 4 of section 26 of this
act for a client.

Sec. 77. NRS 454.213 is hereby amended to read as follows:
454.213 1. Except as otherwise provided in NRS 454.217, a drug or
medicine referred to in NRS 454.181 to 454.371, inclusive, may be possessed
and administered by:
   (a) A practitioner.
(b) A physician assistant licensed pursuant to chapter 630 or 633 of NRS, at the direction of his or her supervising physician or a licensed dental hygienist acting in the office of and under the supervision of a dentist.

c) Except as otherwise provided in paragraph (d), a registered nurse licensed to practice professional nursing or licensed practical nurse, at the direction of a prescribing physician, physician assistant licensed pursuant to chapter 630 or 633 of NRS, dentist, podiatric physician or advanced practice registered nurse, or pursuant to a chart order, for administration to a patient at another location.

d) In accordance with applicable regulations of the Board, a registered nurse licensed to practice professional nursing or licensed practical nurse who is:

   (1) Employed by a health care agency or health care facility that is authorized to provide emergency care, or to respond to the immediate needs of a patient, in the residence of the patient; and

   (2) Acting under the direction of the medical director of that agency or facility who works in this State.

e) A medication aide - certified at a designated facility under the supervision of an advanced practice registered nurse or registered nurse and in accordance with standard protocols developed by the State Board of Nursing. As used in this paragraph, “designated facility” has the meaning ascribed to it in NRS 632.0145.

f) Except as otherwise provided in paragraph (g), an advanced emergency medical technician or a paramedic, as authorized by regulation of the State Board of Pharmacy and in accordance with any applicable regulations of:

   (1) The State Board of Health in a county whose population is less than 100,000;

   (2) A county board of health in a county whose population is 100,000 or more; or

   (3) A district board of health created pursuant to NRS 439.362 or 439.370 in any county.

g) An advanced emergency medical technician or a paramedic who holds an endorsement issued pursuant to NRS 450B.1975, under the direct supervision of a local health officer or a designee of the local health officer pursuant to that section.

h) A respiratory therapist employed in a health care facility. The therapist may possess and administer respiratory products only at the direction of a physician.

i) A dialysis technician, under the direction or supervision of a physician or registered nurse only if the drug or medicine is used for the process of renal dialysis.

j) A medical student or student nurse in the course of his or her studies at an accredited college of medicine or approved school of professional or practical nursing, at the direction of a physician and:

   (1) In the presence of a physician or a registered nurse; or
(2) Under the supervision of a physician or a registered nurse if the student is authorized by the college or school to administer the drug or medicine outside the presence of a physician or nurse.

A medical student or student nurse may administer a dangerous drug in the presence or under the supervision of a registered nurse alone only if the circumstances are such that the registered nurse would be authorized to administer it personally.

(k) Any person designated by the head of a correctional institution.

(l) An ultimate user or any person designated by the ultimate user pursuant to a written agreement.

(m) A holder of a license to engage in radiation therapy and radiologic imaging issued pursuant to chapter 653 of NRS, at the direction of a physician and in accordance with any conditions established by regulation of the Board.

(n) A chiropractic physician, but only if the drug or medicine is a topical drug used for cooling and stretching external tissue during therapeutic treatments.

(o) A physical therapist, but only if the drug or medicine is a topical drug which is:

1. Used for cooling and stretching external tissue during therapeutic treatments; and

2. Prescribed by a licensed physician for:

   I. Iontophoresis; or

   II. The transmission of drugs through the skin using ultrasound.

(p) In accordance with applicable regulations of the State Board of Health, an employee of a residential facility for groups, as defined in NRS 449.017, pursuant to a written agreement entered into by the ultimate user.

(q) A veterinary technician or a veterinary assistant at the direction of his or her supervising veterinarian.

(r) In accordance with applicable regulations of the Board, a registered pharmacist who:

1. Is trained in and certified to carry out standards and practices for immunization programs;

2. Is authorized to administer immunizations pursuant to written protocols from a physician; and

3. Administers immunizations in compliance with the “Standards for Immunization Practices” recommended and approved by the Advisory Committee on Immunization Practices of the Centers for Disease Control and Prevention.

(s) A registered pharmacist pursuant to written guidelines and protocols developed and approved pursuant to NRS 639.2629 or a collaborative practice agreement, as defined in NRS 639.0052.

(t) A person who is enrolled in a training program to become a physician assistant licensed pursuant to chapter 630 or 633 of NRS, dental hygienist, advanced emergency medical technician, paramedic, respiratory therapist, dialysis technician, physical therapist or veterinary technician or to obtain a
license to engage in radiation therapy and radiologic imaging pursuant to chapter 653 of NRS if the person possesses and administers the drug or medicine in the same manner and under the same conditions that apply, respectively, to a physician assistant licensed pursuant to chapter 630 or 633 of NRS, dental hygienist, advanced emergency medical technician, paramedic, respiratory therapist, dialysis technician, physical therapist, veterinary technician or person licensed to engage in radiation therapy and radiologic imaging who may possess and administer the drug or medicine, and under the direct supervision of a person licensed or registered to perform the respective medical art or a supervisor of such a person.

(u) A medical assistant, in accordance with applicable regulations of the:
   (1) Board of Medical Examiners, at the direction of the prescribing physician and under the supervision of a physician or physician assistant.
   (2) State Board of Osteopathic Medicine, at the direction of the prescribing physician and under the supervision of a physician or physician assistant.

(v) A certified professional midwife student midwife or certified professional midwife birth assistant who is administering the medicine or drug under the direct supervision of a licensed certified professional midwife as authorized by sections 2 to 32, inclusive, of this act and any regulations adopted pursuant thereto.

2. As used in this section, “accredited college of medicine” has the meaning ascribed to it in NRS 453.375.

Sec. 78. NRS 454.361 is hereby amended to read as follows:

454.361 A conviction of the violation of any of the provisions of NRS 454.181 to 454.371, inclusive, constitutes grounds for the suspension or revocation of any license issued to such person pursuant to the provisions of chapters 630, 631, 633, 635, 636, 638, 639 or 653 of NRS or sections 2 to 32, inclusive, of this act.

Sec. 79. NRS 608.0116 is hereby amended to read as follows:

608.0116 “Professional” means pertaining to:

1. An employee who is licensed or certified by the State of Nevada for and engaged in the practice of law or any of the professions regulated by chapters 623 to 645, inclusive, 645G and 656A of NRS and sections 2 to 32, inclusive, of this act.

2. A creative professional as described in 29 C.F.R. § 541.302 who is not an employee of a contractor as that term is defined in NRS 624.020.

Sec. 80. NRS 679B.440 is hereby amended to read as follows:

679B.440 1. The Commissioner may require that reports submitted pursuant to NRS 679B.430 include, without limitation, information regarding:

(a) Liability insurance provided to:

(I) Cities and towns;
(II) School districts; and
(III) Other political subdivisions;
(2) Public officers;
(3) Establishments where alcoholic beverages are sold;
(4) Facilities for the care of children;
(5) Labor, fraternal or religious organizations; and
(6) Officers or directors of organizations formed pursuant to title 7 of NRS, reported separately for nonprofit entities and entities organized for profit;
(b) Liability insurance for:
(1) Defective products;
(2) Medical or dental malpractice of:
   (I) A practitioner licensed pursuant to chapter 630, 630A, 631, 632, 633, 634, 634A, 635, 636, 637, 637B, 639 or 640 of NRS or sections 2 to 32, inclusive, of this act or who holds a license or limited license issued pursuant to chapter 653 of NRS;
   (II) A hospital or other health care facility; or
   (III) Any related corporate entity;
(3) Malpractice of attorneys;
(4) Malpractice of architects and engineers; and
(5) Errors and omissions by other professionally qualified persons;
(c) Vehicle insurance, reported separately for:
(1) Private vehicles;
(2) Commercial vehicles;
(3) Liability insurance; and
(4) Insurance for property damage; and
(d) Workers’ compensation insurance.
2. The Commissioner may require that the report include, without limitation, information specifically pertaining to this State or to an insurer in its entirety, in the aggregate or by type of insurance, and for a previous or current year, regarding:
(a) Premiums directly written;
(b) Premiums directly earned;
(c) Number of policies issued;
(d) Net investment income, using appropriate estimates when necessary;
(e) Losses paid;
(f) Losses incurred;
(g) Loss reserves, including:
   (1) Losses unpaid on reported claims; and
   (2) Losses unpaid on incurred but not reported claims;
(h) Number of claims, including:
   (1) Claims paid; and
   (2) Claims that have arisen but are unpaid;
(i) Expenses for adjustment of losses, including allocated and unallocated losses;
(j) Net underwriting gain or loss;
(k) Net operation gain or loss, including net investment income; and
(l) Any other information requested by the Commissioner.
3. The Commissioner may also obtain, based upon an insurer in its
entirety, information regarding:
(a) Recoverable federal income tax;
(b) Net unrealized capital gain or loss; and
(c) All other expenses not included in subsection 2.
Sec. 81. NRS 686A.2825 is hereby amended to read as follows:
686A.2825 “Practitioner” means:
1. A physician, dentist, nurse, licensed certified professional midwife,
dispensing optician, optometrist, physical therapist, podiatric physician,
psychologist, chiropractor, doctor of Oriental medicine in any form, director
or technician of a medical laboratory, pharmacist, person who holds a license
to engage in radiation therapy and radiologic imaging or a limited license to
engage in radiologic imaging pursuant to chapter 653 of NRS or other provider
of health services who is authorized to engage in his or her occupation by the
laws of this state or another state; and
2. An attorney admitted to practice law in this state or any other state.
Sec. 82. NRS 686B.030 is hereby amended to read as follows:
686B.030 1. Except as otherwise provided in subsection 2 and NRS
686B.125, the provisions of NRS 686B.010 to 686B.1799, inclusive, apply to
all kinds and lines of direct insurance written on risks or operations in this State
by any insurer authorized to do business in this State, except:
(a) Ocean marine insurance;
(b) Contracts issued by fraternal benefit societies;
(c) Life insurance and credit life insurance;
(d) Variable and fixed annuities;
(e) Credit accident and health insurance;
(f) Property insurance for business and commercial risks;
(g) Casualty insurance for business and commercial risks other than
insurance covering the liability of a practitioner licensed pursuant to chapters
630 to 640, inclusive, of NRS and sections 2 to 32, inclusive, of this act or
who holds a license or limited license issued pursuant to chapter 653 of NRS;
(h) Surety insurance;
(i) Health insurance offered through a group health plan maintained by a
large employer; and
(j) Credit involuntary unemployment insurance.
2. The exclusions set forth in paragraphs (f) and (g) of subsection 1 extend
only to issues related to the determination or approval of premium rates.
Sec. 83. NRS 686B.040 is hereby amended to read as follows:
686B.040 1. Except as otherwise provided in subsection 2, the
Commissioner may by rule exempt any person or class of persons or any
market segment from any or all of the provisions of NRS 686B.010 to
686B.1799, inclusive, if and to the extent that the Commissioner finds their
application unnecessary to achieve the purposes of those sections.
2. The Commissioner may not, by rule or otherwise, exempt an insurer from the provisions of NRS 686B.010 to 686B.1799, inclusive, with regard to insurance covering the liability of a practitioner licensed pursuant to chapter 630, 631, 632 or 633 of NRS or sections 2 to 32, inclusive, of this act for a breach of the practitioner's professional duty toward a patient.

Sec. 84. NRS 686B.115 is hereby amended to read as follows:

686B.115 1. Any hearing held by the Commissioner to determine whether rates comply with the provisions of NRS 686B.010 to 686B.1799, inclusive, must be open to members of the public.

2. All costs for transcripts prepared pursuant to such a hearing must be paid by the insurer requesting the hearing.

3. At any hearing which is held by the Commissioner to determine whether rates comply with the provisions of NRS 686B.010 to 686B.1799, inclusive, and which involves rates for insurance covering the liability of a practitioner licensed pursuant to chapter 630, 631, 632 or 633 of NRS or sections 2 to 32, inclusive, of this act for a breach of the practitioner's professional duty toward a patient, if a person is not otherwise authorized pursuant to this title to become a party to the hearing by intervention, the person is entitled to provide testimony at the hearing if, not later than 2 days before the date set for the hearing, the person files with the Commissioner a written statement which states:

(a) The name and title of the person;
(b) The interest of the person in the hearing; and
(c) A brief summary describing the purpose of the testimony the person will offer at the hearing.

4. If a person provides testimony at a hearing in accordance with subsection 3:

(a) The Commissioner may, if the Commissioner finds it necessary to preserve order, prevent inordinate delay or protect the rights of the parties at the hearing, place reasonable limitations on the duration of the testimony and prohibit the person from providing testimony that is not relevant to the issues raised at the hearing.

(b) The Commissioner shall consider all relevant testimony provided by the person at the hearing in determining whether the rates comply with the provisions of NRS 686B.010 to 686B.1799, inclusive.

Sec. 85. NRS 689A.035 is hereby amended to read as follows:

689A.035 1. An insurer shall not charge a provider of health care a fee to include the name of the provider on a list of providers of health care given by the insurer to its insureds.

2. An insurer shall not contract with a provider of health care to provide health care to an insured unless the insurer uses the form prescribed by the Commissioner pursuant to NRS 629.095 to obtain any information related to the credentials of the provider of health care.

3. A contract between an insurer and a provider of health care may be modified:
(a) At any time pursuant to a written agreement executed by both parties.

(b) Except as otherwise provided in this paragraph, by the insurer upon giving to the provider 45 days’ written notice of the modification of the insurer’s schedule of payments, including any changes to the fee schedule applicable to the provider’s practice. If the provider fails to object in writing to the modification within the 45-day period, the modification becomes effective at the end of that period. If the provider objects in writing to the modification within the 45-day period, the modification must not become effective unless agreed to by both parties as described in paragraph (a).

4. If an insurer contracts with a provider of health care to provide health care to an insured, the insurer shall:

(a) If requested by the provider of health care at the time the contract is made, submit to the provider of health care the schedule of payments applicable to the provider of health care;

(b) If requested by the provider of health care at any other time, submit to the provider of health care the schedule of payments, including any changes to the fee schedule applicable to the provider’s practice, specified in paragraph (a) within 7 days after receiving the request.

5. As used in this section, “provider of health care” means a provider of health care who is licensed pursuant to chapter 630, 631, 632 or 633 of NRS or sections 2 to 32, inclusive, of this act.

Sec. 86. NRS 689B.015 is hereby amended to read as follows:

689B.015 1. An insurer that issues a policy of group health insurance shall not charge a provider of health care a fee to include the name of the provider on a list of providers of health care given by the insurer to its insureds.

2. An insurer specified in subsection 1 shall not contract with a provider of health care to provide health care to an insured unless the insurer uses the form prescribed by the Commissioner pursuant to NRS 629.095 to obtain any information related to the credentials of the provider of health care.

3. A contract between an insurer specified in subsection 1 and a provider of health care may be modified:

(a) At any time pursuant to a written agreement executed by both parties.

(b) Except as otherwise provided in this paragraph, by the insurer upon giving to the provider 45 days’ written notice of the modification of the insurer’s schedule of payments, including any changes to the fee schedule applicable to the provider’s practice. If the provider fails to object in writing to the modification within the 45-day period, the modification becomes effective at the end of that period. If the provider objects in writing to the modification within the 45-day period, the modification must not become effective unless agreed to by both parties as described in paragraph (a).

4. If an insurer specified in subsection 1 contracts with a provider of health care to provide health care to an insured, the insurer shall:

(a) If requested by the provider of health care at the time the contract is made, submit to the provider of health care the schedule of payments applicable to the provider of health care; or
(b) If requested by the provider of health care at any other time, submit to the provider of health care the schedule of payments, including any changes to the fee schedule applicable to the provider’s practice, specified in paragraph (a) within 7 days after receiving the request.

5. As used in this section, “provider of health care” means a provider of health care who is licensed pursuant to chapter 630, 631, 632 or 633 of NRS or sections 2 to 32, inclusive, of this act.

Sec. 87. NRS 689C.435 is hereby amended to read as follows:

689C.435  1. A carrier serving small employers and a carrier that offers a contract to a voluntary purchasing group shall not charge a provider of health care a fee to include the name of the provider on a list of providers of health care given by the carrier to its insureds.

2. A carrier specified in subsection 1 shall not contract with a provider of health care to provide health care to an insured unless the carrier uses the form prescribed by the Commissioner pursuant to NRS 629.095 to obtain any information related to the credentials of the provider of health care.

3. A contract between a carrier specified in subsection 1 and a provider of health care may be modified:
   (a) At any time pursuant to a written agreement executed by both parties.
   (b) Except as otherwise provided in this paragraph, by the carrier upon giving to the provider 45 days’ written notice of the modification of the carrier’s schedule of payments, including any changes to the fee schedule applicable to the provider’s practice. If the provider fails to object in writing to the modification within the 45 day period, the modification becomes effective at the end of that period. If the provider objects in writing to the modification within the 45 day period, the modification must not become effective unless agreed to by both parties as described in paragraph (a).

4. If a carrier specified in subsection 1 contracts with a provider of health care to provide health care to an insured, the carrier shall:
   (a) If requested by the provider of health care at the time the contract is made, submit to the provider of health care the schedule of payments applicable to the provider of health care; or
   (b) If requested by the provider of health care at any other time, submit to the provider of health care the schedule of payments, including any changes to the fee schedule applicable to the provider’s practice, specified in paragraph (a) within 7 days after receiving the request.

5. As used in this section, “provider of health care” means a provider of health care who is licensed pursuant to chapter 630, 631, 632 or 633 of NRS or sections 2 to 32, inclusive, of this act.

Sec. 88. NRS 690B.250 is hereby amended to read as follows:

690B.250  Except as more is required in NRS 630.3067 and 633.526:

1. Each insurer which issues a policy of insurance covering the liability of a practitioner licensed pursuant to chapters 630 to 640, inclusive, of NRS or sections 2 to 32, inclusive, of this act or who holds a license or limited license issued pursuant to chapter 653 of NRS for a breach of his or her professional
duty toward a patient shall report to the board which licensed the practitioner within 45 days each settlement or award made or judgment rendered by reason of a claim, if the settlement, award or judgment is for more than $5,000, giving the name of the claimant and the practitioner and the circumstances of the case.

2. A practitioner licensed pursuant to chapters 630 to 640, inclusive, of NRS or sections 2 to 32, inclusive, of this act or who holds a license or limited license issued pursuant to chapter 653 of NRS who does not have insurance covering liability for a breach of his or her professional duty toward a patient shall report to the board which licensed the practitioner’s license within 45 days of each settlement or award made or judgment rendered by reason of a claim, if the settlement, award or judgment is for more than $5,000, giving the practitioner’s name, the name of the claimant and the circumstances of the case.

3. These reports are public records and must be made available for public inspection within a reasonable time after they are received by the licensing board.

Sec. 89. NRS 690B.270 is hereby amended to read as follows:

690B.270 If an insurer declines to issue to a practitioner licensed pursuant to chapter 630, 631, 632 or 633 of NRS or sections 2 to 32, inclusive, of this act a policy of professional liability insurance, the insurer shall, upon the request of the practitioner, disclose to the practitioner the reasons the insurer declined to issue the policy.

Sec. 90. NRS 690B.280 is hereby amended to read as follows:

690B.280 If an insurer, for a policy of professional liability insurance for a practitioner licensed pursuant to chapter 630, 631, 632 or 633 of NRS or sections 2 to 32, inclusive, of this act, sets the premium for the policy for the practitioner at a rate that is higher than the standard rate of the insurer for the applicable type of policy and specialty of the practitioner, the insurer shall, upon the request of the practitioner, disclose the reasons the insurer set the premium for the policy at the higher rate.

Sec. 91. NRS 690B.290 is hereby amended to read as follows:

690B.290 If an insurer offers to issue a claims-made policy to a practitioner licensed pursuant to chapter 630, 631, 632 or 633 of NRS or sections 2 to 32, inclusive, of this act, the insurer shall:

1. Offer to issue an extended reporting endorsement to the practitioner; and

2. Disclose to the practitioner the cost formula that the insurer uses to determine the premium for the extended reporting endorsement. The cost formula must be based on:

   (a) An amount that is not more than twice the amount of the premium for the claims-made policy at the time of the termination of that policy; and

   (b) The rates filed by the insurer and approved by the Commissioner.

Sec. 92. NRS 690B.300 is hereby amended to read as follows:

690B.300 Except as otherwise provided in this section, if an insurer issues a policy of professional liability insurance to a practitioner licensed
pursuant to chapter 630, 632 or 633 of NRS or sections 2 to 32, inclusive, of this act who delivers one or more babies per year, the insurer shall not set the premium for the policy at a rate that is different from the rate set for such a policy issued by the insurer to any other practitioner licensed pursuant to chapter 630, 632 or 633 of NRS or sections 2 to 32, inclusive, of this act who delivers one or more babies per year if the difference in rates is based in whole or in part upon the number of babies delivered per year by the practitioner.

2. If an insurer issues a policy of professional liability insurance to a practitioner licensed pursuant to chapter 630, 632 or 633 of NRS or sections 2 to 32, inclusive, of this act who delivers one or more babies per year, the insurer may set the premium for the policy at a rate that is different, based in whole or in part upon the number of babies delivered per year by the practitioner, from the rate set for such a policy issued by the insurer to any other practitioner licensed pursuant to chapter 630, 632 or 633 of NRS or sections 2 to 32, inclusive, of this act who delivers one or more babies per year if the insurer:

(a) Bases the difference upon actuarial and loss experience data available to the insurer; and

(b) Obtains the approval of the Commissioner for the difference in rates.

3. The provisions of this section do not prohibit an insurer from setting the premium for a policy of professional liability insurance issued to a practitioner licensed pursuant to chapter 630, 632 or 633 of NRS or sections 2 to 32, inclusive, of this act who delivers one or more babies per year at a rate that is different from the rate set for such a policy issued by the insurer to any other practitioner licensed pursuant to chapter 630, 632 or 633 of NRS or sections 2 to 32, inclusive, of this act who delivers one or more babies per year if the difference in rates is based solely upon factors other than the number of babies delivered per year by the practitioner.

Sec. 93. NRS 690B.310 is hereby amended to read as follows:

690B.310 1. If an agreement settles a claim or action against a practitioner licensed pursuant to chapter 630, 631, 632 or 633 of NRS or sections 2 to 32, inclusive, of this act for a breach of his or her professional duty toward a patient, the following terms of the agreement must not be made confidential:

(a) The names of the parties;
(b) The date of the incidents or events giving rise to the claim or action;
(c) The nature of the claim or action as set forth in the complaint and the answer that is filed with the district court; and
(d) The effective date of the agreement.

2. Any provision of an agreement to settle a claim or action that conflicts with this section is void.

Sec. 94. NRS 690B.320 is hereby amended to read as follows:

690B.320 1. If an insurer offers to issue a claims-made policy to a practitioner licensed pursuant to chapters 630 to 640, inclusive, of NRS or
sections 2 to 32, inclusive, of this act or who holds a license or limited license issued pursuant to chapter 653 of NRS, the insurer shall:

(a) Offer to issue to the practitioner an extended reporting endorsement without a time limitation for reporting a claim.

(b) Disclose to the practitioner the premium for the extended reporting endorsement and the cost formula that the insurer uses to determine the premium for the extended reporting endorsement.

(c) Disclose to the practitioner the portion of the premium attributable to funding the extended reporting endorsement offered at no additional cost to the practitioner in the event of the practitioner’s death, disability or retirement, if such a benefit is offered.

(d) Disclose to the practitioner the vesting requirements for the extended reporting endorsement offered at no additional cost to the practitioner in the event of the practitioner’s death or retirement, if such a benefit is offered. If such a benefit is not offered, the absence of such a benefit must be disclosed.

(e) Include, as part of the insurance contract, language which must be approved by the Commissioner and which must be substantially similar to the following:

If we adopt any revision that would broaden the coverage under this policy without any additional premium either within the policy period or within 60 days before the policy period, the broadened coverage will immediately apply to this policy.

2. The disclosures required by subsection 1 must be made as part of the offer and acceptance at the inception of the policy and again at each renewal in the form of an endorsement attached to the insurance contract and approved by the Commissioner.

3. The requirements set forth in this section are in addition to the requirements set forth in NRS 690B.290.

Sec. 95. NRS 690B.360 is hereby amended to read as follows:

690B.360 1. The Commissioner may collect all information which is pertinent to monitoring whether an insurer that issues professional liability insurance for a practitioner licensed pursuant to chapter 630, 631, 632 or 633 of NRS or sections 2 to 32, inclusive, of this act is complying with the applicable standards for rates established in NRS 686B.010 to 686B.1799, inclusive. Such information may include, without limitation:

(a) The amount of gross premiums collected with regard to each medical specialty;

(b) Information relating to loss ratios; and

(c) Information reported pursuant to NRS 679B.430 and 679B.440.

2. In addition to the information collected pursuant to subsection 1, the Commissioner may request any additional information from an insurer:

(a) Whose rates and credit utilization are materially different from other insurers in the market for professional liability insurance for a practitioner
licensed pursuant to chapter 630, 631, 632 or 633 of NRS or sections 2 to 32, inclusive, of this act in this State;

(b) Whose credit utilization shows a substantial change from the previous year; or

(c) Whose information collected pursuant to subsection 1 indicates a potentially adverse trend.

3. If the Commissioner requests additional information from an insurer pursuant to subsection 2, the Commissioner may:

(a) Determine whether the additional information offers a reasonable explanation for the results described in paragraph (a), (b) or (c) of subsection 2; and

(b) Take any steps permitted by law that are necessary and appropriate to assure the ongoing stability of the market for professional liability insurance for a practitioner licensed pursuant to chapter 630, 631, 632 or 633 of NRS or sections 2 to 32, inclusive, of this act in this State.

4. On an ongoing basis, the Commissioner may analyze and evaluate the information collected pursuant to this section to determine trends in and measure the health of the market for professional liability insurance for a practitioner licensed pursuant to chapter 630, 631, 632 or 633 of NRS or sections 2 to 32, inclusive, of this act in this State.

5. If the Commissioner convenes a hearing pursuant to subsection 1 of NRS 690B.350 and determines that the market for professional liability insurance issued to any class, type or specialty of practitioner licensed pursuant to chapter 630, 631 or 633 of NRS or sections 2 to 32, inclusive, of this act is not competitive and that such insurance is unavailable or unaffordable for a substantial number of such practitioners, the Commissioner shall prepare and submit a report of the Commissioner’s findings and recommendations to the Director of the Legislative Counsel Bureau for transmittal to members of the Legislature.

Sec. 96. NRS 695A.095 is hereby amended to read as follows:

695A.095  1. A society shall not charge a provider of health care a fee to include the name of the provider on a list of providers of health care given by the society to its insureds.

2. A society shall not contract with a provider of health care to provide health care to an insured unless the society uses the form prescribed by the Commissioner pursuant to NRS 629.095 to obtain any information related to the credentials of the provider of health care.

3. A contract between a society and a provider of health care may be modified:

(a) At any time pursuant to a written agreement executed by both parties.

(b) Except as otherwise provided in this paragraph, by the society upon giving to the provider 45 days’ written notice of the modification of the society’s schedule of payments, including any changes to the fee schedule applicable to the provider’s practice. If the provider fails to object in writing to the modification within the 45-day period, the modification becomes
effective at the end of that period. If the provider objects in writing to the modification within the 45-day period, the modification must not become effective unless agreed to by both parties as described in paragraph (a).

4. If a society contracts with a provider of health care to provide health care to an insured, the society shall:
   (a) If requested by the provider of health care at the time the contract is made, submit to the provider of health care the schedule of payments applicable to the provider of health care; or
   (b) If requested by the provider of health care at any other time, submit to the provider of health care the schedule of payments, including any changes to the fee schedule applicable to the provider’s practice, specified in paragraph (a) within 7 days after receiving the request.

5. As used in this section, “provider of health care” means a provider of health care who is licensed pursuant to chapter 630, 631, 632 or 633 of NRS 695B.035 is hereby amended to read as follows:

Sec. 97. NRS 695B.035 is hereby amended to read as follows:

1. A corporation subject to the provisions of this chapter shall not charge a provider of health care a fee to include the name of the provider on a list of providers of health care given by the corporation to its insureds.

2. A corporation specified in subsection 1 shall not contract with a provider of health care to provide health care to an insured unless the corporation uses the form prescribed by the Commissioner pursuant to NRS 629.095 to obtain any information related to the credentials of the provider of health care.

3. A contract between a corporation specified in subsection 1 and a provider of health care may be modified:
   (a) At any time pursuant to a written agreement executed by both parties.
   (b) Except as otherwise provided in this paragraph, by the corporation upon giving to the provider 45 days’ written notice of the modification of the corporation’s schedule of payments, including any changes to the fee schedule applicable to the provider’s practice. If the provider fails to object in writing to the modification within the 45-day period, the modification becomes effective at the end of that period. If the provider objects in writing to the modification within the 45-day period, the modification must not become effective unless agreed to by both parties as described in paragraph (a).

4. If a corporation specified in subsection 1 contracts with a provider of health care to provide health care to an insured, the corporation shall:
   (a) If requested by the provider of health care at the time the contract is made, submit to the provider of health care the schedule of payments applicable to the provider of health care; or
   (b) If requested by the provider of health care at any other time, submit to the provider of health care the schedule of payments, including any changes to the fee schedule applicable to the provider’s practice, specified in paragraph (a) within 7 days after receiving the request.
5. As used in this section, “provider of health care” means a provider of health care who is licensed pursuant to chapter 630, 631, 632 or 633 of NRS or sections 2 to 32, inclusive, of this act.

Sec. 98. NRS 695C.125 is hereby amended to read as follows:

695C.125 1. A health maintenance organization shall not contract with a provider of health care to provide health care to an insured unless the health maintenance organization uses the form prescribed by the Commissioner pursuant to NRS 629.095 to obtain any information related to the credentials of the provider of health care.

2. A contract between a health maintenance organization and a provider of health care may be modified:
   (a) At any time pursuant to a written agreement executed by both parties.
   (b) Except as otherwise provided in this paragraph, by the health maintenance organization upon giving to the provider 45 days' written notice of the modification of the health maintenance organization's schedule of payments, including any changes to the fee schedule applicable to the provider's practice. If the provider fails to object in writing to the modification within the 45-day period, the modification becomes effective at the end of that period. If the provider objects in writing to the modification within the 45-day period, the modification must not become effective unless agreed to by both parties as described in paragraph (a).

3. If a health maintenance organization contracts with a provider of health care to provide health care to an enrollee, the health maintenance organization shall:
   (a) If requested by the provider of health care at the time the contract is made, submit to the provider of health care the schedule of payments applicable to the provider of health care; or
   (b) If requested by the provider of health care at any other time, submit to the provider of health care the schedule of payments, including any changes to the fee schedule applicable to the provider's practice, specified in paragraph (a) within 7 days after receiving the request.

4. As used in this section, “provider of health care” means a provider of health care who is licensed pursuant to chapter 630, 631, 632 or 633 of NRS or sections 2 to 32, inclusive, of this act.

Sec. 99. NRS 695G.430 is hereby amended to read as follows:

695G.430 1. A managed care organization shall not contract with a provider of health care to provide health care to an insured unless the managed care organization uses the form prescribed by the Commissioner pursuant to NRS 629.095 to obtain any information related to the credentials of the provider of health care.

2. A contract between a managed care organization and a provider of health care may be modified:
   (a) At any time pursuant to a written agreement executed by both parties.
   (b) Except as otherwise provided in this paragraph, by the managed care organization upon giving to the provider 45 days' written notice of the
modification of the managed care organization’s schedule of payments, including any changes to the fee schedule applicable to the provider’s practice. If the provider fails to object in writing to the modification within the 45-day period, the modification becomes effective at the end of that period. If the provider objects in writing to the modification within the 45-day period, the modification must not become effective unless agreed to by both parties as described in paragraph (a).

3. If a managed care organization contracts with a provider of health care to provide health care services pursuant to chapter 689A, 689B, 689C, 695A, 695B or 695C of NRS, the managed care organization shall:
   (a) If requested by the provider of health care at the time the contract is made, submit to the provider of health care the schedule of payments applicable to the provider of health care; or
   (b) If requested by the provider of health care at any other time, submit to the provider of health care the schedule of payments, including any changes to the fee schedule applicable to the provider’s practice, specified in paragraph (a) within 7 days after receiving the request.

4. As used in this section, “provider of health care” means a provider of health care who is licensed pursuant to chapter 630, 631, 632 or 633 of NRS or sections 2 to 32, inclusive, of this act.

Sec. 100. Section 18 of this act is hereby amended to read as follows:

Sec. 18. 1. The Board shall adopt any regulations necessary or convenient for carrying out the provisions of this chapter. Those regulations must include, without limitation:
   (a) Requirements concerning the approval by the Division of programs of training for licensed certified professional midwives and certified professional midwife birth assistants, including, without limitation, the required training and instruction that must be provided by such a program and the procedure for obtaining such approval.
   (b) Requirements governing the issuance and renewal of a license as a licensed certified professional midwife, including, without limitation:
      (1) The educational qualifications that, except as otherwise provided in section 19 of this act and in addition to the qualifications prescribed by that section, are necessary to obtain a license pursuant to that section.
      (2) The period for which a license is valid.
      (3) A requirement that an applicant for the renewal of a license must have completed continuing education in cultural humility or the elimination of racism or bias.
      (c) The procedure for filing a complaint with the Division concerning a licensed certified professional midwife or certified professional midwife student midwife.
      (d) Grounds for the Division to impose disciplinary action against a licensed certified professional midwife or certified professional midwife
student midwife and the procedure by which the Division will impose such disciplinary action.

(e) Requirements governing the reinstatement of a license that has been revoked, including, without limitation, the procedure to apply for reinstatement.

(f) Regulations governing the ordering, usage and administration of drugs, vaccines, chemicals, solutions and devices pursuant to section 26 of this act;

(g) Regulations concerning the management by a licensed certified professional midwife of a client who may have a condition that puts the client at a moderate or high risk of an adverse outcome for the client or the fetus or newborn infant of the client. The regulations must, to the extent practicable, be guided by current, peer-reviewed scientific research and must include, without limitation:

(1) A list of conditions or symptoms associated with a risk of serious permanent harm or death to a client or the fetus or newborn infant of a client;

(2) A list of conditions or symptoms associated with a risk of greater than minimal harm to a client or the fetus or newborn infant of a client that do not pose a risk of serious permanent harm or death; and

(3) Specific requirements for each condition or symptom listed pursuant to subparagraphs (1) and (2) governing:

(I) The circumstances under which a licensed certified professional midwife must arrange for the client to consult with another provider of health care, co-manage the care of the client with another provider of health care, refer primary responsibility for the care of a client to another provider of health care or transfer the care of the client to a medical facility, procedures for such consultation, co-management, referral or transfer and requirements to ensure that a provider of health care who is consulted, with whom a client’s condition or symptom is co-managed or to whom primary responsibility for the care of a client is referred is appropriately qualified; and

(II) The information that must be included on the form for providing informed refusal to consent to consultation, co-management, referral or transfer pursuant to section 27 of this act and the management of a client who provides such informed refusal to consent.

(h) Requirements governing the screening of clients in accordance with chapter 442 of NRS and necessary measures for the prevention of communicable diseases.

(i) Requirements concerning the records of treatment and outcomes that must be kept by a licensed certified professional midwife.

(j) Any other requirements necessary to optimize obstetrical and neonatal outcomes for clients of licensed certified professional midwives.

2. The Board may, by regulation, require an applicant for a license as a licensed certified professional midwife, including, without limitation, an applicant for a license by endorsement pursuant to section 20 of this act, to submit to the Division a complete set of his or her fingerprints and written permission authorizing the Division to forward the fingerprints to the Central
Repository for Nevada Records of Criminal History for submission to the Federal Bureau of Investigation for its report.

Sec. 101. Section 19 of this act is hereby amended to read as follows:

Sec. 19. 1. An applicant for a license as a licensed certified professional midwife, other than a license by endorsement pursuant to section 20 of this act, must submit to the Division an application pursuant to this section in the form prescribed by the Division. The application must be accompanied by a fee in the amount prescribed by regulation of the State Board of Health pursuant to NRS 439.150, which must not exceed $1,000. The application must include, without limitation, proof that the applicant is certified as a midwife by the North American Registry of Midwives, or its successor organization, and:

(a) Except as otherwise provided in subsection 2, has completed an educational program accredited by the Midwifery Education Accreditation Council, or its successor organization; or

(b) Holds a Midwifery Bridge Certificate issued by the North American Registry of Midwives, or its successor organization, and has completed the Portfolio Evaluation Process prescribed by that organization.

2. If the Division determines it to be necessary to address shortages in the number of midwives practicing in rural or underserved areas in this State, the Division may, on a case-by-case basis, exempt an applicant from complying with paragraph (a) of subsection 1 if the applicant complies with paragraph (b) of subsection 1.

3. A license as a licensed certified professional midwife may be renewed upon submission to the Division of a renewal application in the form prescribed by the Division. The renewal application must:

(a) Be accompanied by a renewal fee in the amount prescribed by regulation of the State Board of Health pursuant to NRS 439.150, which must not exceed $1,000; and

(b) Include any information required by the regulations adopted by the Board pursuant to section 18 of this act.

4. The State Board of Health shall establish by regulation a procedure through which:

(a) An applicant may petition the State Board to reduce the fees imposed pursuant to this section. An applicant may qualify for such a reduction if the applicant demonstrates, to the satisfaction of the State Board, that the fees imposed pursuant to this section are an economic hardship on the applicant.

(b) The State Board allocates a portion of the fees imposed and collected pursuant to this section to programs that promote applicants from marginalized identities through increasing the numbers of such applicants and reducing barriers that such applicants face.

5. As used in this section, “marginalized identity” means an identity or expression that causes or has historically caused a person of such identity or expression to be disproportionately discriminated against, harassed or otherwise negatively treated or affected as a result of the identity or expression.

Sec. 102. Section 23 of this act is hereby amended to read as follows:
Sec. 23. 1. In addition to any other requirements set forth in this chapter:

(a) An applicant for the issuance of a license as a licensed certified professional midwife or a permit as a student midwife in this State shall include the social security number of the applicant in the application submitted to the Division.

(b) An applicant for the issuance of a license as a licensed certified professional midwife or a permit as a certified professional midwife student midwife in this State shall submit to the Division of Public and Behavioral Health of the Department of Health and Human Services the statement prescribed by the Division of Welfare and Supportive Services of the Department of Health and Human Services pursuant to NRS 425.520. The statement must be completed and signed by the applicant.

2. The Division of Public and Behavioral Health of the Department of Health and Human Services shall include the statement required pursuant to subsection 1 in:

(a) The application or any other forms that must be submitted for the issuance or renewal of the license or permit; or

(b) A separate form prescribed by the Division.

3. A license as a licensed certified professional midwife or a permit as a certified professional midwife student midwife may not be issued or renewed by the Division if the applicant:

(a) Fails to submit the statement required pursuant to subsection 1; or

(b) Indicates on the statement submitted pursuant to subsection 1 that the applicant is subject to a court order for the support of a child and is not in compliance with the order or a plan approved by the district attorney or other public agency enforcing the order for the repayment of the amount owed pursuant to the order.

4. If an applicant indicates on the statement submitted pursuant to subsection 1 that the applicant is subject to a court order for the support of a child and is not in compliance with the order or a plan approved by the district attorney or other public agency enforcing the order for the repayment of the amount owed pursuant to the order, the Division shall advise the applicant to contact the district attorney or other public agency enforcing the order to determine the actions that the applicant may take to satisfy the arrearage.

Sec. 103. Section 27 of this act is hereby amended to read as follows:

Sec. 27. 1. Except as otherwise provided in subsections 4 and 5, a licensed certified professional midwife must recommend and, with the consent of the client, arrange for consultation or co-management with or referral to a qualified provider of health care or transfer to an appropriate medical facility if the licensed certified professional midwife determines that any of the following conditions or symptoms exist:

(a) Complete placenta previa;

(b) Partial placenta previa after the 27th week of gestation;

(c) Infection with the human immunodeficiency virus;
(d) Cardiovascular disease;
(e) Severe mental illness that may cause the client to cause harm to themselves or others;
(f) Pre-eclampsia or eclampsia;
(g) Fetal growth restriction, oligohydramnios or moderate or severe polyhydramnios in the pregnancy;
(h) Potentially serious anatomic fetal abnormalities;
(i) Diabetes that requires insulin or other medication for management;
(j) Gestational age of greater than 43 weeks; or
(k) Any other condition or symptom which, in the judgment of the licensed certified professional midwife, could threaten the life of the client or the fetus or newborn infant of the client.

2. Except as otherwise provided in subsections 4 and 5, a licensed certified professional midwife must recommend and, with the consent of the client, arrange for consultation or co-management with or referral to a qualified provider of health care if the licensed certified professional midwife determines that any of the following conditions or symptoms exist:
   (a) Prior cesarean section or other surgery resulting in a uterine scar;
   (b) Multifetal gestation; or
   (c) Non-cephalic presentation after 36 weeks of gestation.

3. A licensed certified professional midwife who recommends to a client consultation, co-management, referral or transfer shall document in the record of the client:
   (a) The contents of the recommendation;
   (b) The condition or symptom for which the recommendation was made;
   (c) Whether the client consented to the consultation, co-management, referral or transfer; and
   (d) If the client provides consent, the name, profession and specialty of the provider of health care with whom the licensed certified professional midwife consulted or co-managed or to whom the client was referred or the medical facility to which the client was transferred.

4. A client may provide informed refusal to consent to consultation, co-management, referral or transfer in writing on a form prescribed by the Division. If a client provides informed refusal to consent to consultation, co-management, referral or transfer after the licensed certified professional midwife has determined that a condition or symptom described in subsection 1 exists, the licensed certified professional midwife must attempt to locate a qualified provider of health care for which the client consents to consultation, co-management or referral or an appropriate medical facility for which the client consents to transfer. If the licensed certified professional midwife is unable to locate such a provider of health care who is willing to consult, co-manage or accept the referral or such a medical facility which is willing to
accept the transfer, the licensed certified professional midwife is not liable for any damages resulting from
the failure to consult, co-manage, refer or transfer. If the condition or symptom threatens the life or health of the client, the fetus or newborn infant of the client during labor or delivery, the licensed certified professional midwife must call 911 and provide care until relieved by a qualified provider of health care.

(b) Consultation, co-management or referral after the licensed certified professional midwife has determined that a condition or symptom described in subsection 2 exists, the licensed certified professional midwife:

— (1) May continue to serve as the primary provider of health care for the client until the client provides such consent; and

— (2) Is not liable for any damages resulting from the failure to consult, co-manage or refer.

5. If, after determining that a condition or symptom described in:

— (a) Subsection 1 exists for which consultation, co-management, referral or transfer is required by the regulations adopted pursuant to section 18 of this act and making a reasonable effort to arrange for consultation with, co-management of the condition or symptom with or referral of the client to a qualified provider of health care or the transfer of the client to an appropriate medical facility, comply with those regulations, a licensed certified professional midwife is unable to locate a qualified provider of health care who is willing to consult, co-manage or accept the referral or an appropriate medical facility willing to accept the transfer, the licensed certified professional midwife shall be deemed to be in compliance with the requirements of this section and is not liable for any damages resulting from the inability of the licensed certified professional midwife to consult, co-manage, refer or transfer. If the condition or symptom threatens the life or health of the client or the fetus or newborn infant of the client during labor or delivery, the licensed certified professional midwife must call 911 and provide care until relieved by a qualified provider of health care.

— (b) Subsection 2 exists and making a reasonable effort to arrange for consultation with, co-management of the condition or symptom with or referral of the client to a qualified provider of health care, a licensed certified professional midwife is unable to locate a qualified provider of health care who is willing to consult, co-manage or accept the referral, the licensed certified professional midwife shall be deemed to be in compliance with the requirements of this section and is not liable for any damages resulting from
6. A provider of health care who is not a licensed certified professional midwife is not liable for any damages resulting from any act or omission of a licensed certified professional midwife and is not required to adhere to any standards of care governing the practice of certified professional midwifery. Such a provider of health care is only liable for the damages resulting from his or her own acts or omissions in accordance with the standards of care governing his or her profession.

Sec. 104. As soon as practicable on or after the effective date of this section, but not later than 6 months after receiving the recommendations of the [Collaboration and Transfer Guidelines Working Group] created pursuant to section 105 of this act, the Board of Licensed Certified Professional Midwives created by section 16 of this act shall adopt the regulations required by paragraph (g) of subsection 1 of section 18 of this act. In adopting the regulations, the Board shall consider the measures necessary to minimize the likelihood of serious harm to the client and the fetus or newborn infant of the client.

Sec. 105. 1. The [Collaboration and Transfer Guidelines Working Group] is hereby created.

2. The Administrator of the Division of Public and Behavioral Health of the Department of Health and Human Services shall appoint to the [Working Group]:

(a) One voting member who is a physician who practices in the area of obstetrics or a certified nurse-midwife in Northern Nevada;

(b) One voting member who is a physician who practices in the area of obstetrics or a certified nurse-midwife in Southern Nevada;

(c) One voting member who is a nurse manager of a labor and delivery ward or a registered nurse with similar duties who is responsible for coordinating transfers of pregnant women from a home or birth center to a hospital and who practices in Northern Nevada;

(d) One voting member who is a nurse manager of a labor and delivery ward or a registered nurse with similar duties who is responsible for coordinating transfers of pregnant women from a home or birth center to a hospital and who practices in Southern Nevada;

(e) One voting member who represents a provider of emergency medical services in Northern Nevada;

(f) One voting member who represents a provider of emergency medical services in Southern Nevada; and

(g) One nonvoting member to serve as a liaison with the State Board of Health.

3. The Nevada Chapter of the National Association of Certified Professional Midwives, or its successor organization, shall appoint to the [Working Group] four voting members who are midwives who practice in Nevada. To the extent practicable, two of those members must...
practice in Northern Nevada and two of those members must practice in Southern Nevada.

4. The Nevada Hospital Association, or its successor organization, may appoint to the \textbf{Working Group} one member who is a representative of that organization.

5. A vacancy on the \textbf{Working Group} must be filled in the same manner as the initial appointment.

6. Members of the \textbf{Working Group} serve without compensation and are not entitled to receive the per diem allowance and travel expenses provided for state officers and employees generally.

7. A member of the \textbf{Working Group} 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 \textbf{Working Group} and perform any work necessary to carry out the duties of the \textbf{Working Group} 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 \textbf{Working Group} 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 \textbf{Working Group}; or

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

8. The \textbf{Working Group} may divide into one subcommittee of members from Northern Nevada and one subcommittee of members from Southern Nevada.

9. A majority of the voting members of the \textbf{Working Group} or a subcommittee thereof constitutes a quorum for the transaction of business, and a majority of a quorum present at any meeting is sufficient for any official action taken by the \textbf{Working Group} or a subcommittee thereof.

10. The \textbf{Working Group} and each subcommittee thereof shall:

   (a) At its first meeting and annually thereafter, elect a Chair from among its members; and

   (b) Meet at the call of the Chair.

11. Not later than July 1, 2022, the \textbf{Working Group} or, if the \textbf{Working Group} divides into subcommittees pursuant to subsection 8, each subcommittee of the \textbf{Working Group} shall make recommendations to the Board of Licensed Certified Professional Midwives created by section 16 of this act concerning the regulations required by paragraph (g) of subsection 1 of section 18 of this act governing the transfer of the client of a licensed certified professional midwife to a medical facility. Those recommendations must, to the extent practicable, be guided upon peer-reviewed scientific evidence and widely accepted best practices and include, without limitation, provisions for the transmission of all information necessary for the care of the client from the licensed certified professional midwife to the medical facility. The \textbf{Working Group} ceases to exist upon
submission of those recommendations unless the Board requests that the
Working Group continue to meet.

12. As used in this section:
   (a) “Certified nurse-midwife” means an advanced practice registered nurse
       who is certified as a nurse-midwife by the American Midwifery Certification
       Board, or its successor organization.
   (b) “Licensed certified professional midwife” means a person who is
       certified as a certified professional midwife by the North American
       Registry of Midwives.
   (c) “Medical facility” has the meaning ascribed to it in NRS 449.0151.
   (d) “Midwife” means a person who is certified as a certified professional
       midwife by the North American Registry of Midwives.
   (e) “Northern Nevada” means Carson City and the counties of Churchill,
       Elko, Eureka, Douglas, Humboldt, Lander, Lyon, Pershing, Storey, Washoe
       and White Pine.
   (f) “Southern Nevada” means the counties of Clark, Esmeralda, Lincoln,
       Mineral and Nye.

Sec. 106. 1. Notwithstanding any provision of this act to the contrary,
any person who is engaging in the practice of midwifery as:
   (a) A midwife on or before January 1, 2022, may continue to do so until
       July 1, 2022, without complying with the requirements of subsection 2 of
       section 15 of this act or obtaining a license as a licensed certified professional
       midwife.
   (b) A student midwife under the supervision of a preceptor described in
       paragraph (a) on or before January 1, 2022, may continue to do so until July 1,
       2022, without complying with the requirements of subsection 2 of section 15
       of this act or obtaining a permit as a student midwife pursuant to section 21 of
       this act.

2. Notwithstanding the provisions of section 16 of this act, on or before
July 1, 2022, the Administrator of the Division of Public and Behavioral
Health of the Department of Health and Human Services may appoint to the
Board of Licensed Certified Professional Midwives created by that section
four members pursuant to paragraph (a) of subsection 2 of that section who are
not licensed pursuant to section 19 or 20 of this act and are certified as
midwives by the North American Registry of Midwives, or its successor
organization. If such a member is not licensed as a licensed certified
professional midwife pursuant to section 19 or 20 of this act on July 1, 2022:
   (a) His or her term ends on that date; and
   (b) The Administrator shall appoint a person who is so licensed to fill
       the vacancy.

Sec. 107. 1. This section and sections 104 and 105 of this act become
effective upon passage and approval.
2. Sections 1 to 99, inclusive, and 106 of this act become effective:
   (a) Upon passage and approval for the purpose of appointing the members
       of the Board of Licensed Certified Professional Midwives, adopting any
regulations and performing any other preparatory administrative tasks that are necessary to carry out the provisions of this act; and
(b) On January 1, 2022, for all other purposes.

3. Sections 100 and 101 of this act become effective on January 1, 2024.

4. Section 102 of this act becomes effective on the date on which the provisions of 42 U.S.C. § 666 requiring each state to establish procedures under which the state has authority to withhold or suspend, or to restrict the use of professional, occupational and recreational licenses of persons who:
(a) Have failed to comply with a subpoena or warrant relating to a proceeding to determine the paternity of a child or to establish or enforce an obligation for the support of a child; or
(b) Are in arrears in the payment for the support of one or more children, are repealed by the Congress of the United States.

5. Section 103 of this act becomes effective on the date on which the regulations described in section 104 of this act become effective.

6. Section 33 of this act expires by limitation on the date on which the provisions of 42 U.S.C. § 666 requiring each state to establish procedures under which the state has authority to withhold or suspend, or to restrict the use of professional, occupational and recreational licenses of persons who:
(a) Have failed to comply with a subpoena or warrant relating to a proceeding to determine the paternity of a child or to establish or enforce an obligation for the support of a child; or
(b) Are in arrears in the payment for the support of one or more children, are repealed by the Congress of the United States.

7. Sections 23, 29 and 102 of this act expire by limitation on the date 2 years after the date on which the provisions of 42 U.S.C. § 666 requiring each state to establish procedures under which the state has authority to withhold or suspend, or to restrict the use of professional, occupational and recreational licenses of persons who:
(a) Have failed to comply with a subpoena or warrant relating to a proceeding to determine the paternity of a child or to establish or enforce an obligation for the support of a child; or
(b) Are in arrears in the payment for the support of one or more children, are repealed by the Congress of the United States.

Assemblywoman Jauregui moved the adoption of the amendment.
Remarks by Assemblywoman Jauregui.
Amendment adopted.
Bill ordered reprinted, engrossed and to third reading.

MOTIONS, RESOLUTIONS AND NOTICES
Assemblywoman Carlton moved that upon return from the printer, Assembly Bill No. 387 be rereferred to the Committee on Ways and Means.
Motion carried.
Assemblywoman Benitez-Thompson moved that the Assembly dispense with the reprinting of Assembly Bills Nos. 3, 45, 59, 158, 243, 326, 384, and 388. Motion carried.

GENERAL FILE AND THIRD READING

Assembly Bill No. 388. Bill read third time. The following amendment was proposed by the Committee on Growth and Infrastructure:

Amendment No. 377.

ASSEMBLYMEN C.H. MILLER, [AND] DURAN; AND THOMAS
AN ACT relating to telecommunication service; requiring the Public Utilities Commission of Nevada to establish a program to assist certain persons with low income in obtaining access to broadband services; enable voluntary contributions for infrastructure grants for broadband deployment; establishing certain requirements for the program; providing for reimbursements to certain providers of telephone services for the reduction in rates for telephone services under certain circumstances; requiring the Office of Science, Innovation and Technology in the Office of the Governor to establish a program to make infrastructure grants for broadband deployment; requiring the Office to establish a program to encourage deployment of broadband infrastructure in certain communities; and providing other matters properly relating thereto.

Legislative Counsel's Digest:

Existing law requires the Public Utilities Commission of Nevada to regulate public utilities that provide telecommunication service to the public. (Chapter 704 of NRS)

Section 2 of this bill provides a definition of “broadband service.” Sections 4 and 6 of this bill make conforming changes. Section 4 indicates the proper placement of section 2 within the Nevada Revised Statutes and section 6 deletes an existing definition which is being replaced by section 2.

Section 3 of this bill requires the Commission to establish, by regulation, a program to assist persons with low income in obtaining access to broadband services. Section 2 also establishes certain requirements for the program, including: (1) that certain providers of telephone services must provide a reduction in rates for telephone services to certain low-income customers to ensure access to broadband services for such customers; and (2) that such providers must be reimbursed from the fund to maintain the availability of telephone service for the amount of the reduction in the rates for telephone services provided to such customers.

Existing law provides a definition of “telecommunication.” (NRS 704.025) Section 5 of this bill modifies that definition to clarify that telecommunication includes broadband service.
Existing law establishes provisions governing certain reductions in rates for telephone rates by certain providers of telephone service. (NRS 707.490) Section 7 of this bill extends those governing provisions to apply to reductions in rates required by the program to assist persons with low income in obtaining access to broadband services [that enables a provider of broadband or commercial mobile radio service to participate in a voluntary contribution program for broadband infrastructure that enables a customer to opt in and make voluntary contributions as part of the customer’s monthly bill for distribution to the Office of Science, Innovation and Technology in the Office of the Governor to administer a program of infrastructure grants for broadband deployment. Section 3.5 of this bill creates an account within what is commonly called the Nevada Universal Service Fund to facilitate the financial relations between the two programs. Section 4.5 of this bill revises the statutory name of that fund as a result of its expanded purpose. Existing law imposes certain limits on the jurisdiction of the Commission over broadband services. (NRS 704.684) Section 6 of this bill provides that those limits do not prevent the Commission from carrying out its duties concerning the voluntary contribution program for broadband infrastructure created by section 3.

Existing law establishes the Office of Science, Innovation and Technology in the Office of the Governor and prescribes its powers and duties and those of its Director. (NRS 223.600-223.650) Sections 7.2-7.9 of this bill expand those powers and duties. In particular, section 7.6 of this bill requires the Director of the Office to at least biennially: (1) collect and map broadband speed data in each county in this State; (2) prepare a report concerning the availability of broadband service in this State; and (3) submit the report to the Governor and Legislature. Section 7.7 of this bill requires the Office to establish a Broadband Ready Communities Certification program in order to encourage the deployment of broadband infrastructure in underserved communities and prescribes certain required elements of the program. Section 7.8 of this bill requires the Director of the Office to establish and administer a program of infrastructure grants for the development or improvement of broadband services for persons with low income and persons in rural areas of this State. The program is funded using money distributed to the Office by the voluntary contribution program for broadband infrastructure created by section 3.

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

Section 1. Chapter 704 of NRS is hereby amended by adding thereto the provisions set forth as sections 24 to 3.5, inclusive, of this act.

Sec. 2. “Broadband service” means any two-way service that transmits information at a rate that is generally not less than 25 megabits per second.
when downloading information and 3 megabits per second when uploading information.

Sec. 2.5. “Voluntary contribution program for broadband infrastructure” means the program established by the Commission pursuant to section 3 of this act.

Sec. 3. 1. To the extent consistent with federal law, the Commission shall establish, by regulation, a program to assist persons with low income in obtaining access to broadband services. The program must:
   (a) Require an eligible provider to provide a reduction in rates for telephone services to an eligible low-income customer to ensure that the customer has access to broadband services. The amount of the reduction:
      (1) Must be determined by the Commission;
      (2) Must be in addition to the amount of any reduction in rates received by an eligible low-income customer pursuant to NRS 707.490; and
      (3) Must not, when added to the amount of any reduction in rates received by an eligible low-income customer pursuant to NRS 707.490, reduce the total rate charged to obtain telephone services to zero or less.
   (b) Enable an eligible provider to apply to receive payments from the fund to maintain the availability of telephone service to be reimbursed for the amount of the reduction in the rates for telephone service provided to an eligible customer pursuant to this section.
   (c) Require the independent administrator with whom the Commission has contracted pursuant to paragraph (a) of subsection 6 of NRS 704.040 to certify or recertify the eligibility of persons of low income for the program established pursuant to this section if the administrator determines that the person is eligible for lifeline service, as defined in NRS 707.450.
   (d) Require the independent administrator of the fund to maintain the availability of telephone service, with whom the Commission has contracted pursuant to subsection 5 of NRS 704.040, in addition to the duties set forth in NRS 704.040, to establish procedures to enable an eligible provider to be reimbursed for a reduction in rates as set forth in this section and NRS 704.6873.

2. As used in this section:
   (a) “Eligible low-income customer” means a person who has been certified by the independent administrator with whom the Commission has contracted pursuant to paragraph (a) of subsection 6 of NRS 704.040 as eligible to receive lifeline service.
   (b) “Eligible provider” means a provider of telecommunications service that has been designated by the Commission as eligible to receive reimbursement from the fund to maintain the availability of telephone service.
   (c) Lifeline has the meaning ascribed to it in NRS 707.450,3 that enables a provider of broadband or commercial mobile radio service to participate in a voluntary contribution program for broadband infrastructure that enables
a customer of the provider to opt in and make voluntary contributions as part of the customer’s monthly bill to fund a program of infrastructure grants for broadband deployment. The regulations must establish, without limitation:

(a) Procedures to enable a provider of broadband or commercial mobile radio service to elect to participate in the program;

(b) The manner in which a participating provider must give notice to its customers about the program;

(c) Procedures to enable a customer of a participating provider to opt in to the program and make contributions to the program;

(d) The manner in which a participating provider must collect and account for contributions to the program made by participating customers;

(e) Procedures governing the collection and accounting by the independent administrator selected by the Commission pursuant to NRS 704.040 of the contributions made to the program by participating customers and the use by the independent administrator of money from those contributions to defray costs incurred by the administrator as set forth in section 3.5 of this act; and

(f) Procedures for the distribution to the Office of Science, Innovation and Technology of money collected pursuant to the voluntary contribution program for broadband infrastructure by the independent administrator.

2. The Commission has jurisdiction over a provider of broadband or commercial mobile radio service who elects to participate in the voluntary contribution program for broadband infrastructure only for the purposes of:

(a) Auditing and verifying the collection of contributions by participating customers of the provider; and

(b) Adjudicating complaints against the provider, if any, by participating customers concerning the program.

Sec. 3.5. 1. The Account for the Voluntary Contribution Program for Broadband Infrastructure is hereby created in the fund established by the Commission pursuant to NRS 704.040 to maintain the availability of telecommunication or broadband service.

2. The Account must be administered by the independent administrator of the fund selected by the Commission pursuant to NRS 704.040.

3. Any money collected pursuant to the voluntary contribution program for broadband infrastructure must be deposited in the Account.

4. The interest and income earned on the money in the Account, after deducting any applicable charges, must be credited to the Account.

5. The money in the Account must only be used:

(a) To defray costs incurred by the independent administrator to administer the Account; and

(b) For distribution to the Account for the Grant Program for Broadband Infrastructure created by section 7.5 of this act.

6. Claims against the Account must be paid as other claims against the State are paid.
Sec. 4. NRS 704.005 is hereby amended to read as follows:

704.005 As used in this chapter, unless the context otherwise requires, the words and terms defined in NRS 704.006 to 704.028, inclusive, and sections 2 and 2.5 of this act have the meanings ascribed to them in those sections.

Sec. 4.5. NRS 704.013 is hereby amended to read as follows:

704.013 “Fund to maintain the availability of telecommunication or broadband service” means the fund established by the Commission pursuant to NRS 704.040 to maintain the availability of telephone service.

Sec. 5. NRS 704.025 is hereby amended to read as follows:

704.025 “Telecommunication” means the transmission, between or among points specified by the user, of information of the user’s choosing, without change in the form or content of the information sent and received, regardless of the facilities, equipment or technology used. The term includes broadband service.

Sec. 6. NRS 704.684 is hereby amended to read as follows:

704.684 1. Except as otherwise provided in this section, the Commission shall not regulate any broadband service, including imposing any requirements relating to the terms, conditions, rates or availability of broadband service.

2. The provisions of subsection 1 do not limit or modify the authority of the Commission to:

(a) Consider any revenues, costs and expenses that a small-scale provider of last resort derives from providing a broadband service, if the Commission is determining the rates of the provider under a general rate application that is filed pursuant to subsection 3 of NRS 704.110;

(b) Act on a complaint filed pursuant to NRS 703.310, if the complaint relates to a broadband service that is provided by a public utility;

(c) Include any appropriate gross operating revenue that a public utility derives from providing broadband service when the Commission calculates the gross operating revenue of the public utility for the purposes of levying and collecting the annual assessment in accordance with the provisions of NRS 704.033; or

(d) Determine the rates, pricing, terms and conditions of intrastate switched or special access services provided by a telecommunication provider.

3. The provisions of subsection 1 do not:

(a) Apply to the Commission in connection with any actions or decisions required or permitted by the Telecommunications Act of 1996, Public Law 104-104, 110 Stat. 56-161;

(b) Prevent the Commission from exercising its authority pursuant to 47 U.S.C. § 214(e) or § 254(f) relating to the implementation of the federal universal service program, including, without limitation, taking any action within the scope of that authority because of a regulation or order of the Federal Communications Commission; or

(c) Limit or modify:
The duties of a telecommunication provider regarding the provision of network interconnection, unbundled network elements and resold services under the provisions of the Telecommunications Act of 1996, Public Law 104-104, 110 Stat. 56-161; or

The authority of the Commission to act pursuant to NRS 704.6881 and 704.6882.

As used in this section, “broadband service” means any two-way service that transmits information at a rate that is generally not less than 200 kilobits per second in at least one direction.

(d) Prevent the Commission from carrying out its duties concerning the voluntary contribution program for broadband infrastructure established by the Commission pursuant to section 3 of this act.

Sec. 7. NRS 707.490 is hereby amended to read as follows:

707.490 1. The reduction in the telephone rates provided by lifeline or tribal link up services or the program to assist persons with low income in obtaining access to broadband services established pursuant to section 3 of this act, must be based on the methods for determining reductions which are adopted by the Commission by regulation. The Commission may provide different methods for determining reductions to allow for differences between eligible providers. The methods may include:

(a) Basing the reduction on the tariff filed by the eligible provider with the Commission; or

(b) Establishing a formula pursuant to which the amount of the reduction may be determined.

2. The reduction in such telephone rates applies only to:

(a) Basic network service or the voice telephony service included in any bundled service offering that includes voice telephony service and any other services specified in 47 C.F.R. § 54.401(b), as that section existed on April 2, 2012.

(b) Residential service connection charges for such service.

(c) Broadband service for which eligible low-income customers pay reduced charges as a result of the program to assist persons with low income in obtaining access to broadband services established pursuant to section 3 of this act.

3. If the amount of the reduction in rates provided by an eligible provider to an eligible customer for lifeline services is greater than the amount which the eligible provider receives as universal service support pursuant to 47 U.S.C. § 254, the eligible provider is entitled to reimbursement from the fund to maintain the availability of telephone service established by the Commission pursuant to NRS 704.040 for the difference between the amount of the reduction and the amount received as universal service support pursuant to 47 U.S.C. § 254.

4. An eligible provider that provides a reduction in rates to an eligible customer pursuant to the program for access to broadband services established pursuant to section 3 of this act is entitled to reimbursement from...
the fund to maintain the availability of telephone service, established by the
Commission pursuant to NRS 704.040, for the amount of the reduction.)

(Deleted by amendment.)

Sec. 7.1. Chapter 223 of NRS is hereby amended by adding thereto
the provisions set forth as sections 7.2 to 7.7, inclusive, of this act.

Sec. 7.2. As used in NRS 223.600 to 223.650, inclusive, and sections 7.2
to 7.7, inclusive, of this act, unless the context otherwise requires, the words
and terms defined in sections 7.3 and 7.4 of this act have the meanings
ascribed to them in those sections.

Sec. 7.3. “Broadband service” has the meaning ascribed to it in section
2 of this act.

Sec. 7.4. “Voluntary contribution program for broadband
infrastructure” has the meaning ascribed to it in section 2.5 of this act.

Sec. 7.5. 1. The Account for the Grant Program for Broadband
Infrastructure is hereby created in the State General Fund. The Account
must be administered by the Director of the Office of Science, Innovation
and Technology.

2. Any money transferred from the Account for the Voluntary Program
for Broadband Infrastructure created by section 3.5 of this act established
pursuant to section 3 of this act must be deposited in the Account.

3. The interest and income earned on the money in the Account, after
deducting any applicable charges, must be credited to the Account.

4. The money in the Account must only be used to:
   (a) Make infrastructure grants for the development or improvement of
   broadband services for persons with low income and persons in rural areas
   of this State established by the Director pursuant to subsection 5 of NRS
   223.610; and
   (b) Defray costs incurred by the Director to establish and administer the
   program.

5. Claims against the Account must be paid as other claims against the
State are paid.

Sec. 7.6. The Director of the Office of Science, Innovation and
Technology shall, not less than biennially:

1. Collect and map broadband speed data at the address level in each
county of this State;

2. Prepare a report that includes, without limitation:
   (a) A summary of the availability of broadband services throughout the
   State;
   (b) Identification of each community that receives service at speeds at
   least as fast as those necessary to meet the definition of broadband service
   in section 2 of this act;
   (c) Identification of each community that does not receive service or
   receives service at speeds that are not at least as fast as those necessary to
   meet the definition of broadband service in section 2 of this act; and
(d) Recommendations for the deployment of broadband infrastructure to underserved communities.

3. Submit the report prepared pursuant to subsection 2 to the Governor and to the Director of the Legislative Counsel Bureau for transmittal to the Legislature, or if the Legislature is not in session, to the Legislative Commission.

Sec. 7.7. 1. The Office of Science, Innovation and Technology shall:
(a) Establish a Broadband Ready Community Certification program in order to encourage the deployment of broadband infrastructure in underserved communities in this State;
(b) Establish forms and procedures for the use of local governments that wish to obtain certification pursuant to this section;
(c) Develop a model ordinance for adoption by a local government which must include, without limitation:
(I) Suggestions for a local government to reduce obstacles to investment in broadband infrastructure;
(II) Suggestions for the implementation of policies that encourage the use of local shared utility trenches, commonly called “one-dig policies”;
(III) Requirements that the local government designate a single point of contact within the local government for all matters related to broadband services; and
(IV) With respect to applications to the local government for permits and right-of-way uses, require that the local government:
(I) Provide for the electronic submission of such applications;
(II) Provide for expedited review of such applications;
(III) Notify an applicant whether the application is complete within 10 days after submission of the application;
(IV) Approve or deny an application within 60 days after submission of the application;
(V) If the application is denied, notify the applicant of specific corrective actions; and
(VI) Not require a fee for an application that exceeds $100.

2. The Office of Science, Innovation and Technology shall certify a community as a Broadband Ready Community if the local government:
(a) Submits an application for certification on the form and in the manner prescribed by the Office; and
(b) Adopts the model ordinance developed by the Office pursuant to paragraph (c) of subsection 1.

3. The Office of Science, Innovation and Technology may withdraw a certification as Broadband Ready Community if a local government repeals or modifies the model ordinance or fails to comply with its requirements.

4. The Office of Science, Innovation and Technology shall post on an Internet website maintained by the Office, a list of each community in this State that has been certified as a Broadband Ready Community.
5. As used in this section, “local government” means a county, city or other unit of local government that has the authority to adopt ordinances.

Sec. 7.8. NRS 223.610 is hereby amended to read as follows:

223.610 The Director of the Office of Science, Innovation and Technology shall:

1. Advise the Governor and the Executive Director of the Office of Economic Development on matters relating to science, innovation and technology.

2. Work in coordination with the Office of Economic Development to establish criteria and goals for economic development and diversification in this State in the areas of science, innovation and technology.

3. As directed by the Governor, identify, recommend and carry out policies related to science, innovation and technology.

4. Report periodically to the Executive Director of the Office of Economic Development concerning the administration of the policies and programs of the Office of Science, Innovation and Technology.

5. Coordinate activities in this State relating to the planning, mapping and procurement of broadband service in a competitively neutral and nondiscriminatory manner, which must include, without limitation:
   (a) Development of a strategic plan to improve the delivery of broadband services in this State to schools, libraries, providers of health care, transportation facilities, prisons and other community facilities;
   (b) Applying for state and federal grants on behalf of eligible entities and managing state matching money that has been appropriated by the Legislature;
   (c) Coordinating and processing applications for state and federal money relating to broadband services;
   (d) Prioritizing construction projects which affect or involve the expansion or deployment of broadband services in this State;
   (e) In consultation with providers of health care from various health care settings, the expansion of telehealth services to reduce health care costs and increase health care quality and access in this State, especially in rural, unserved and underserved areas of this State;
   (f) Expansion of the fiber optic infrastructure in this State for the benefit of the public safety radio and communications systems in this State;
   (g) Collection and storage of data relating to agreements and contracts entered into by the State for the provision of fiber optic assets in this State;
   (h) Administration of the trade policy for fiber optic infrastructure in this State; and
   (i) Establishing and administering a program of infrastructure grants for the development or improvement of broadband services for persons with low income and persons in rural areas of this State using money from the Account for the Grant Program for Broadband Infrastructure created by section 7.5 of this act. The Director may adopt regulations to carry out his or duties pursuant to this paragraph.
6. Provide support to the Advisory Council on Science, Technology, Engineering and Mathematics and direct the implementation in this State of plans developed by the Council concerning, without limitation, workforce development, college preparedness and economic development.

7. In carrying out his or her duties pursuant to this section, consult with the Executive Director of the Office of Economic Development and cooperate with the Executive Director in implementing the State Plan for Economic Development developed by the Executive Director pursuant to subsection 2 of NRS 231.053.

8. Administer such grants as are provided by legislative appropriation.

Sec. 7.9. NRS 223.630 is hereby amended to read as follows:

223.630 1. The Account for the Office of Science, Innovation and Technology is hereby created in the State General Fund. The Account must be administered by the Director of the Office of Science, Innovation and Technology.

2. Except as otherwise provided in section 7.5 of this act, any money accepted pursuant to NRS 223.620 must be deposited in the Account.

3. The interest and income earned on the money in the Account, after deducting any applicable charges, must be credited to the Account.

4. The money in the Account must only be used to carry out the duties of the Director.

5. Claims against the Account must be paid as other claims against the State are paid.

Sec. 7.95. 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. 1. This section becomes effective upon passage and approval.

2. Sections 1 to 7.95, inclusive, of this act become effective:

(a) Upon passage and approval for the purpose of adopting regulations and performing any other administrative tasks that are necessary to carry out the provisions of this act; and

(b) On January 1, 2022, for all other purposes.

Assemblywoman Monroe-Moreno moved the adoption of the amendment. Remarks by Assemblywoman Monroe-Moreno. Amendment adopted. Bill ordered reprinted, engrossed and to third reading.

Assembly Bill No. 399.

Bill read third time.

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

Amendment No. 343.

AN ACT relating to eggs; prohibiting a farm owner or operator in this State from knowingly confining egg-laying hens in an enclosure which is not a...
cage-free housing system or is a cage-free housing system that has insufficient
usable floor space for each egg-laying hen; certain enclosures; requiring a
farm owner or operator to obtain a certificate an endorsement stating that
the egg products or shell eggs sold, offered or exposed for sale or transported
for sale within this State were produced by an egg-laying hen housed in an
cage-free housing system; prohibiting a business owner or operator from doing business with
a farm owner or operator that does not have a certified certain acts related
to the sale of egg products in shell eggs; providing that the Department or an
authorized inspector or agent of the Department is entitled to free access during
regular business hours to the farm, business, or records or vehicles of a
farm owner or operator or business owner or operator to carry out certain
inspections; authorizing the State Quarantine Officer to adopt regulations; including regulations establishing reasonable fees and charges; providing that certain civil penalties apply to any person who violates any provisions of
this bill; a civil penalty; and providing other matters properly relating thereto.

Legislative Counsel’s Digest:
Existing law sets forth various provisions governing the grades and
standards for the sale of eggs in this State. (NRS 583.110-583.210) Sections
2-22 of this bill require that enact provisions to prohibit an egg
product or egg from being sold, offered for sale or transported for
the purpose of sale within this State that is produced by an egg-
laying hen that is housed in a cage-free housing system. Section 1.3
of this bill provides that the Legislature finds and declares
that the regulation of egg production on farms and of the sale of eggs and
egg products in this State is necessary to protect the health and welfare of
its citizens, promote food safety and advance animal welfare.

Section 15 of this bill prohibits, on or after July 1, 2022, a farm owner
or operator in this State from knowingly confining an egg-laying hen in
an enclosure which has less than 1 square foot of usable floor space per
egg-laying hen. Section 15 prohibits, on or after January 1, 2024, a farm
owner or operator in this State from knowingly confining an egg-laying hen in
an enclosure which: (1) is not a cage-free housing system; or (2) is a cage-
free housing system that has insufficient usable floor space for each egg-laying
hen. Section 5 of this bill provides that an egg-laying hen is a female chicken,
turkey, duck, goose or guinea fowl that is domesticated and is kept for the
purpose of producing eggs commercially. Section 3 of this bill provides that a
cage-free housing system is an enclosure for egg-laying hens which is located
indoors or outdoors, in which egg-laying hens are unrestricted and free to
roam under certain circumstances and which: (1) provides egg-laying hens
enrichment that allows them to exhibit natural behaviors; (2) enables farm
employees to provide care while standing within the usable floor space of the system; and (3) for a system located indoors, allows the egg-laying hens to be unrestricted and free to roam within the system. Section 15 exempts certain farm owners or operators from this prohibition if the farm owner or operator confines an egg-laying hen or has confined an egg-laying hen is confined during certain activities.

Existing law requires a person who is an actual producer of farm products, including, without limitation, eggs, to obtain a certificate as an actual producer of farm products from the State Department of Agriculture. (NRS 576.128; NAC 576.300-576.440) Before selling, offering or exposing for sale or transporting for sale egg products or shell eggs within this State, section 16 of this bill requires a farm owner or operator to obtain from the State Department of Agriculture stating an endorsement of the certificate indicating that the egg products or shell eggs sold, offered or exposed for sale or transported for sale within this State are produced by an egg-laying hen which was confined in a manner that complies with section 15. Section 16 requires the farm owner or operator to pay any applicable fee, as established in regulation by the State Quarantine Officer, and to submit certain information to the Department to apply for such an endorsement, including evidence that the enclosure for egg-laying hens has been inspected by a government inspector or a private inspection or process verification provider to ensure compliance. Section 16 provides that an endorsement is valid for the same period as the certificate as an actual producer issued to the farm owner or operator. Section 16 additionally sets forth how such an endorsement may be renewed and authorizes the Department to require an inspection of the enclosure for egg-laying hens before renewing the endorsement. Section 16 prohibits the Department from renewing a certificate of a farm owner or operator who fails, without good cause, to submit the renewal fee to the Department within a certain period of time.

Section 17 of this bill authorizes the Department to deny an application for an endorsement or a renewal of an endorsement or to suspend or revoke an endorsement upon the following grounds: (1) the failure or refusal of a farm owner or operator to comply with the provisions governing cage-free housing systems; (2) the failure or refusal of a farm owner or operator to cooperate with an inspection; or (3) a farm owner or operator selling, offering or exposing for sale or transporting for sale egg products or shell eggs within this State without an endorsement. Section 18 of this bill provides that a farm owner or operator whose endorsement is denied, suspended or revoked may, not later than 10 business days after such denial, suspension or revocation, file a notice of appeal to the Department.
Section 19 of this bill prohibits a business owner or operator from knowingly selling, offering or exposing for sale or transporting for sale egg products or shell eggs within this State that the business owner or operator knows or should have known were produced by an egg-laying hen which was confined in a manner that conflicts with the standards set forth in section 15. Section 19 requires a business owner or operator to: (1) obtain a copy of the certificate with the endorsement issued pursuant to section 16 issued to a farm owner or operator before doing business with the farm owner or operator; (2) retain a copy of the certificate; and (3) provide the copy of the certificate to the Department upon request. Section 19 provides that it is a defense to any action to enforce this bill that a business owner or operator relied in good faith upon a certificate obtained from a farm owner or operator.

Section 20 of this bill requires the Department to enforce the provisions of this bill. Section 20 provides that the Department or an authorized inspector or agent of the Department is entitled to free access during regular business hours to the farm, business, or records of a farm owner or operator to ensure compliance with the provisions of this bill. Section 20 authorizes the Department to employ such inspectors or agents and requires the State Quarantine Officer, who is the Director of the Department, to adopt regulations governing the enforcement of this bill, including regulations governing such inspections.

Section 21 of this bill authorizes the State Quarantine Officer to adopt such regulations as he or she deems necessary to carry out the provisions of this bill. Existing law provides that any person violating certain provisions is subject to a civil penalty that does not exceed: (1) for the first violation, $250; (2) for the second violation, $500; and (3) for each subsequent violation, $1,000. Section 22 of this bill provides that any person who violates any of the provisions of this bill is subject to these civil penalties.

Section 23 of this bill provides that this bill is in addition to and suppletional to the powers conferred by any other law protecting animal welfare. Section 23 provides that the provisions of this bill must not be construed as to prevent the exercise of any power granted by any other law to any officer, agent or employee of this State or of a county or local governing body in this State that protect animal welfare. Section 23 provides that this bill does not prevent a county or local governing body from adopting and enforcing its own animal welfare rules or ordinances that are more stringent than the provisions of this bill.

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

Section 1. Chapter 583 of NRS is hereby amended by adding thereto the provisions set forth as sections 1.3 to 22, inclusive, of this act.
Sec. 1.3. The Legislature finds and declares that the regulation of egg production on farms in this State and the regulation of the sale of eggs and egg products in this State is necessary to:

1. Protect the health and welfare of consumers and its citizens;
2. Promote food safety; and
3. Advance animal welfare.

Sec. 1.7. As used in sections 1.3 to 22, inclusive, of this act, unless the context otherwise requires, the words and terms defined in sections 2 to 14, inclusive, of this act have the meanings ascribed to them in those sections.

Sec. 2. “Business owner or operator” means any person who owns or controls the operations of a business.

Sec. 3. 1. “Cage-free housing system” means an enclosure for egg-laying hens which is located indoors or outdoors, in which egg-laying hens are unrestricted and free to roam except as otherwise provided in paragraph (c), and which:

(a) Provides egg-laying hens enrichment that allows the egg-laying hens to exhibit natural behaviors, including, without limitation, scratch areas, perches, nest boxes and dust bathing areas;
(b) Enables farm employees to provide care while standing within the usable floor space of the system for the egg-laying hens; and
(c) For a system located indoors, allows the egg-laying hens to be unrestricted and free to roam, except for the presence of:
   (1) Exterior walls; and
   (2) Interior fencing that is used to contain the entire flock of egg-laying hens within the system or to subdivide the flock of egg-laying hens into smaller groups if such interior fencing:
      (I) Enables farm employees to walk through each contained or subdivided area to provide care to egg-laying hens; and
      (II) Provides each egg-laying hen the minimum amount of usable floor space, as set forth in section 15 of this act.

2. The term includes, without limitation:

(a) Multi-tiered aviaries, partially slatted systems and single-level, all-litter floor systems which satisfy the conditions set forth in paragraphs (a), (b) and (c) of subsection 1; and
(b) Any future systems which satisfy the conditions set forth in paragraphs (a), (b) and (c) of subsection 1.

3. The term does not include systems that are commonly referred to as battery cages, colony cages, enriched cages, enriched colony cages, modified cages, convertible cages, furnished cages or any similar cage system.

Sec. 4. 1. “Egg products” means the eggs of an egg-laying hen that are:

(a) Separated from the shells of the eggs;
(b) Intended for human consumption in liquid, solid, dried or frozen form;
(c) Raw or cooked; and
(d) In a form with the yolks and whites in their natural proportions or with the yolks and whites separated, mixed or mixed and strained.

2. The term does not include pizzas, cookies, cookie dough, ice cream, mixes used for making pancakes or cakes and any other combination food product that is composed of more than egg products, sugar, salt, water, seasoning, coloring, flavoring, preservatives, stabilizers or similar food additives.

Sec. 5. “Egg-laying hen” means a female chicken, turkey, duck, goose or guinea fowl that is domesticated and is kept for the purpose of producing eggs commercially.

Sec. 6. “Enclosure” means a structure used to confine an egg-laying hen.

Sec. 7. 1. “Farm” means the land, buildings, support facilities and equipment used wholly or partially for the purpose of commercially producing animals or animal products that are used for food.

2. The term does not include live animal markets or official plants if the market or plant is receiving inspection service pursuant to the Egg Products Inspection Act, 21 U.S.C. §§ 1031 et seq.

Sec. 8. “Farm owner or operator” means a person who owns a farm or controls the operations of a farm.

Sec. 9. “Multi-tiered aviary” means a cage-free housing system where egg-laying hens have unrestricted access to multiple elevated flat platforms that provide the egg-laying hens with usable floor space both on top of and underneath the platforms.

Sec. 10. “Partially slatted system” means a cage-free housing system where egg-laying hens have unrestricted access to elevated flat platforms under which manure drops through the flooring to a pit or belt that remove manure which is below the platforms.

Sec. 11. 1. “Sale” means a commercial sale by a business that sells any item covered by sections 1.3 to 22, inclusive, of this act which occurs at the location where the buyer takes physical possession of the item.

2. The term does not include a sale undertaken at an official plant where mandatory inspections are maintained pursuant to the Egg Products Inspection Act, 21 U.S.C. §§ 1031 et seq.

Sec. 12. “Shell egg” means a whole egg of an egg-laying hen that is in its shell form and intended for human consumption.

Sec. 13. “Single-level, all-litter floor system” means a cage-free housing system that uses litter for a ground cover and where egg-laying hens have limited or no access to elevated flat platforms.

Sec. 14. 1. “Usable floor space” means the total square footage of floor space provided to each egg-laying hen, as calculated by dividing the total square footage of floor space provided to egg-laying hens in an enclosure by the total number of egg-laying hens in that enclosure.
2. The term includes both ground space and elevated flat or nearly flat platforms upon which the egg-laying hens can roost.
3. The term does not include perches or ramps.

Sec. 15. 1. Except as otherwise provided in subsection 2, subsections 2 and 3, on or after July 1, 2022, a farm owner or operator in this State shall not knowingly confine an egg-laying hen in an enclosure which has less than 1 square foot of usable floor space per egg-laying hen.
2. Except as otherwise provided in subsection 3, on or after January 1, 2024, a farm owner or operator in this State shall not knowingly confine an egg-laying hen in an enclosure which:
   (a) Is not a cage-free housing system; or
   (b) Is a cage-free housing system that has less than:
      (1) One square foot of usable floor space per egg-laying hen if the cage-free housing system provides egg-laying hens with unrestricted access to elevated flat platforms, including, without limitation, unrestricted access in a multi-tiered aviary or partially slatted system; or
      (2) One and one-half square feet of usable floor space per egg-laying hen if the cage-free housing system does not provide unrestricted access to elevated flat platforms, including, without limitation, unrestricted access in a single-level, all-litter floor system.
3. The prohibitions in subsections 1 and 2 do not apply to a farm owner or operator that confines an egg-laying hen during:
   (a) Medical research for which the egg-laying hen is used;
   (b) The examination, testing or treatment of or a surgical procedure performed on the egg-laying hen that is conducted by a person licensed to practice as a veterinarian pursuant to chapter 638 of NRS or a person who is under the direct supervision of a person licensed to practice as a veterinarian pursuant to chapter 638 of NRS;
   (c) The transportation of the egg-laying hen;
   (d) A State or county fair exhibition, 4-H program and other similar exhibition involving the egg-laying hen;
   (e) The slaughter of the egg-laying hen so long as the slaughter complies with the rules and regulations governing the slaughtering of such animals; or
   (f) Temporary periods for animal husbandry purposes. Such temporary periods must last not more than 6 hours in any 24-hour period and not more than 24 hours in total of such temporary periods are allowed in any 30-day period.

Sec. 16. 1. A farm owner or operator shall not sell, offer or expose for sale or transport for sale egg products or shell eggs within this State unless the farm owner or operator has been issued a certificate by the Department pursuant to NRS 576.128 and an endorsement of the certificate by the Department indicating that the egg products or shell eggs were produced by
an egg-laying hen which was confined in a manner that complies with section 15 of this act.

2. To apply for an endorsement required by subsection 1, a farm owner or operator must submit to the Department with an application for a certificate or renewal of a certificate issued pursuant to NRS 576.128:

   (a) A completed application on a form provided by the Department;
   (b) An attestation that the farm owner or operator confined the egg-laying hens in a manner that complies with section 15 of this act; and
   (c) Any applicable fees, as set forth by the State Quarantine Officer by regulation; and
   (d) Evidence that the enclosures for egg-laying hens are inspected in accordance with the regulations adopted pursuant to section 20 of this act.

Documentation proving that the enclosures for egg-laying hens have been inspected by an inspector or agent employed by the Department shall be sufficient evidence that the enclosures for egg-laying hens are inspected in accordance with the regulations adopted pursuant to section 20 of this act.

3. The Department shall issue the endorsement required by subsection 1 to an applicant if:

   (a) The farm owner or operator submits the information required pursuant to subsection 2; and
   (b) The Department determines that such information is sufficient to indicate compliance with section 15 of this act.

4. The Department may use a government inspector, including, without limitation, an inspector who is employed, contracted with or authorized by the Department, or a private inspection or process verification provider to ensure compliance with sections 1.3 to 22, inclusive, of this act during the production and the handling of egg products and shell eggs. If the Department uses such an inspector or provider, the Department must approve the inspector or provider as competent to ensure compliance with sections 1.3 to 22, inclusive, of this act.

5. Each endorsement issued pursuant to subsection 3 is valid for 1 year from the date of issuance.

6. If a holder of a certificate issued pursuant to NRS 576.128 holds an endorsement issued pursuant to this section, the Department shall, not later than 15 days before a certificate issued pursuant to subsection 3 expires, send to the holder of the certificate the notice of renewal of the certificate provided to the holder of the certificate. The notice must include:

   (a) The amount of the fee for the renewal of the certificate, as set forth by the State Quarantine Officer by regulation; and

   (b) Any applicable fees, as set forth by the State Quarantine Officer by regulation; and
The date on which the application for the renewal of the certificate and fee for renewal must be returned to the Department is a notice to renew the endorsement issued pursuant to this section.

The Department may require an inspection of the enclosure for egg-laying hens to determine whether to renew an endorsement issued pursuant to this section. If the Department determines that an inspection of the enclosure is required for the renewal of the endorsement, the endorsement remains in effect until the endorsement expires or until the Department makes a determination whether to renew the endorsement, whichever occurs later.

The Department shall not renew the certificate of a farm owner or operator who fails, without good cause, to submit the fee for renewal to the Department at least 30 days before the certificate expires. The provisions of this subsection do not prohibit a farm owner or operator from applying for a new certificate.

The Department may not charge a fee for the issuance or renewal of an endorsement pursuant to this section.

The Department may deny an application for a certificate or an application for the renewal of an endorsement submitted pursuant to section 16 of this act or suspend or revoke an endorsement issued pursuant to section 16 of this act upon any of the following grounds:

1. The failure or refusal of a farm owner or operator to comply with the provisions of sections 1.3 to 22, inclusive, of this act, or any regulations adopted by the State Quarantine Officer pursuant thereto;

2. The failure or refusal of a farm owner or operator to cooperate with an inspection conducted by the Department pursuant to section 16 or 20 of this act; or

3. Selling, offering or exposing for sale or transporting for sale egg products or shell eggs within this State without being issued a certificate pursuant to NRS 576.128 and an endorsement issued pursuant to section 16 of this act.

A farm owner or operator who is aggrieved by an action of the Department concerning the denial, suspension or revocation of a certificate or an endorsement pursuant to section 17 of this act may, not later than 10 business days after the date on which the action of the Department is taken, file a notice of appeal to the Department in the manner set forth by the State Quarantine Officer by regulation.

A business owner or operator shall not knowingly sell, offer or expose for sale or transport for sale egg products or shell eggs within this State if the business owner or operator knows or should have known that the egg products or shell eggs were produced by an egg-laying hen which was confined in a manner that does not comply with the standards set forth in section 15 of this act.
2. A business owner or operator shall obtain a copy of the certificate issued pursuant to NRS 576.128 that contains the endorsement issued pursuant to section 16 of this act from the farm owner or operator to whom the certificate is issued before doing any business governed by sections 1.3 to 22, inclusive, of this act with the farm owner or operator.

3. The business owner or operator shall:
   (a) Retain a copy of the certificate obtained pursuant to subsection 2; and
   (b) Provide a copy of the certificate to the Department upon request.

4. It is a defense to any action to enforce sections 1.3 to 22, inclusive, of this act that a business owner or operator relied in good faith upon a certificate obtained pursuant to subsection 2.

Sec. 20. 1. The Department shall enforce the provisions of sections 1.3 to 22, inclusive, of this act.

2. The Department or an authorized inspector or agent of the Department is entitled to free access during regular business hours to an applicable farm or business and to the records of such a farm owner or operator or business owner or operator [or may enter any vehicle being used to transport or hold egg-laying hens, egg products or shell eggs in commerce] for the purpose of inspecting such farm, business [or record or vehicle] to determine whether any of the provisions of sections 1.3 to 22, inclusive, of this act are being or have been violated.

3. The Department may employ such inspectors or agents as may be necessary within any revenues generated or appropriation provided for the purpose of carrying out and enforcing the provisions of sections 2 to 22, inclusive, of this act. If the Department employs such inspectors or agents, the Department must approve each inspector or agent as competent to ensure compliance with sections 2 to 22, inclusive, of this act.

4. The State Quarantine Officer shall adopt regulations governing the enforcement of sections 2 to 22, inclusive, of this act. Such regulations must include, without limitation, rules governing the inspection of farms, businesses, records, vehicles, egg-laying hens, egg products and shell eggs.

Sec. 21. The State Quarantine Officer may adopt such regulations as he or she deems necessary for carrying out the provisions of sections 1.3 to 22, inclusive, of this act, including, without limitation, the establishment of reasonable fees and charges.

Sec. 22. Any person who violates any of the provisions of sections 1.3 to 22, inclusive, of this act is subject to a civil penalty pursuant to NRS 583.700.

Sec. 23. 1. The provisions of this act are in addition to and supplemental to, and not in substitution for, the powers conferred by any other law protecting animal welfare.

2. The provisions of this act must not be construed as to prevent the exercise of any power granted by any other law to any officer, agent or employee of this State or of a county or local governing body in this State that protects animal welfare.
3. The provisions of this act do not prevent a county or local governing body from adopting and enforcing its own animal welfare rules or ordinances that are more stringent than the provisions of this act.

Sec. 24. 1. This section becomes effective upon passage and approval.
2. Sections 1 to 23, inclusive, of this act become effective:
(a) 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
(b) July 1, 2022, for all other purposes.

Assemblyman Watts moved the adoption of the amendment.
Remarks by Assemblyman Watts.
Amendment adopted.
Bill ordered reprinted, engrossed and to third reading.

Assembly Bill No. 3.
Bill read third time.
Remarks by Assemblywoman Thomas.

ASSEMBLYWOMAN THOMAS:
Assembly Bill 3 authorizes the filing, submission, and presentation of maps and related documents electronically subject to certain requirements, except in circumstances relating to the recording of such a document if the county recorder does not accept electronic documents for recording.

Roll call on Assembly Bill No. 3:
YEAS—42.
NAYS—None.
Assembly Bill No. 3 having received a constitutional majority, Mr. Speaker declared it passed, as amended.
Bill ordered transmitted to the Senate.

Assembly Bill No. 7.
Bill read third time.
Remarks by Assemblywoman Cohen.

ASSEMBLYWOMAN COHEN:
Assembly Bill 7 revises various provisions related to gaming, including establishing provisions relating to the approval of games or gambling games by the Nevada Gaming Commission; amending existing law to provide that inter-casino linked systems are subject to the same regulation and control as associated equipment; requiring certain persons to register with the Nevada Gaming Control Board; and repealing laws authorizing certain business entities to place race book and sports pool wagers.

Roll call on Assembly Bill No. 7:
YEAS—30.
Assembly Bill No. 7 having received a two-thirds majority, Mr. Speaker declared it passed, as amended.
Bill ordered transmitted to the Senate.
Assembly Bill No. 38.
Bill read third time.
Remarks by Assemblyman McArthur.

Assemblyman McArthur:
Assembly Bill 38 revises the membership and duties of an advisory technical skills committee appointed by the superintendent of a school district that has established a program of career and technical education and exempts such a committee from Nevada’s Open Meeting Law. Additionally, instead of appointing an advisory committee, the bill allows the superintendent or his or her designee to consult with certain stakeholders to perform the advisory committee’s duties. The bill also revises certain provisions governing work-based learning programs of school districts and charter schools, including application requirements, program content, reporting requirements, and student evaluations.

Roll call on Assembly Bill No. 38:
YEAS—42.
NAYS—None.

Assembly Bill No. 38 having received a constitutional majority, Mr. Speaker declared it passed, as amended.
Bill ordered transmitted to the Senate.

Assembly Bill No. 47.
Bill read third time.
Remarks by Assemblywoman Considine.

Assemblywoman Considine:
Assembly Bill 47 imposes certain notification requirements relating to certain transactions involving health carriers or certain business entities consisting of health care practitioners. A person who is required to file notification regarding any transaction involving assets of a group practice or health carrier in Nevada under the federal Hart-Scott-Rodino Antitrust Improvements Act of 1976 must simultaneously submit a copy of the filing to the Attorney General. The measure also revises provisions relating to proceedings under the Nevada Unfair Trade Practice Act, and prohibits a noncompetition covenant from applying to employees who are paid solely on an hourly wage basis.

Roll call on Assembly Bill No. 47:
YEAS—27.

Assembly Bill No. 47 having received a constitutional majority, Mr. Speaker declared it passed, as amended.
Bill ordered transmitted to the Senate.

Assembly Bill No. 55.
Bill read third time.
Remarks by Assemblywoman Anderson.

Assemblywoman Anderson:
Assembly Bill 55 revises the charter of the City of North Las Vegas. The bill creates a charter committee to prepare recommendations to be presented to the Legislature on behalf of the City concerning all necessary amendments to the charter. The bill also, in addition to other provisions, authorizes the City Council to establish an animal shelter rather than a pound, specifies that the removal of the City Attorney must be in accordance with the terms of his or her employment contract, and authorizes the City Manager and City Attorney to take certain legal action for the
collection and disposition of certain money. Finally, the bill authorizes the City Council to hold an emergency meeting on the call of the Mayor or by a majority of the Council.

Roll call on Assembly Bill No. 55:
YEAS—42.
NAYS—None.
Assembly Bill No. 55 having received a constitutional majority, Mr. Speaker declared it passed, as amended.
Bill ordered transmitted to the Senate.

Assembly Bill No. 66.
Bill read third time.
Remarks by Assemblyman Orentlicher.

ASSEMBLYMAN ORENTLICHER:
Assembly Bill 66 tightens up the requirements for tax abatements from the Governor’s Office of Economic Development. Applicants have to enter into agreements within one year of submitting an application and have to enter the agreement within one year after the abatement is approved.

Roll call on Assembly Bill No. 66:
YEAS—42.
NAYS—None.
Assembly Bill No. 66 having received a constitutional majority, Mr. Speaker declared it passed, as amended.
Bill ordered transmitted to the Senate.

Assembly Bill No. 73.
Bill read third time.
Remarks by Assemblywoman Jauregui.

ASSEMBLYWOMAN JAUREGUI:
Assembly Bill 73 requires an applicant for a license to practice dietetics to provide evidence that he or she is a registered dietician in good standing with the Commission on Dietetic Registration. The bill removes the requirement that a licensed dietician who fails to apply for the renewal of his or her license within two years after the date of the expiration of the license must take the Registration Examination for Dietitians before renewing his or her license.

Roll call on Assembly Bill No. 73:
YEAS—42.
NAYS—None.
Assembly Bill No. 73 having received a constitutional majority, Mr. Speaker declared it passed, as amended.
Bill ordered transmitted to the Senate.

Assembly Bill No. 85.
Bill read third time.
Remarks by Assemblyman Watts.

ASSEMBLYMAN WATTS:
Assembly Bill 85 removes from statute certain provisions that prohibits the State Quarantine Officer from designating a weed as noxious and authorizes the State Quarantine Officer to limit a declaration of noxious weeds to specific geographic areas in this state.
Roll call on Assembly Bill No. 85:
YEAS—27.
Assembly Bill No. 85 having received a constitutional majority, Mr. Speaker declared it passed, as amended.
Bill ordered transmitted to the Senate.

Assembly Bill No. 86.
Bill read third time.
Remarks by Assemblywoman Peters.

ASSEMBLYWOMAN PETERS:
Assembly Bill 86 authorizes the governing body of a county, city, or general improvement district created to furnish fire protection to bring an action against a person, firm, association, or agency that is responsible for willfully or negligently causing a wildfire to recover any expenses incurred in extinguishing the wildfire and reasonable attorney’s fees and litigation expenses. The bill also revises circumstances under which those agencies may be liable for costs to extinguish a fire. The bill provides certain exceptions that certain people are liable for expenses incurred in extinguishing a fire.

Roll call on Assembly Bill No. 86:
YEAS—33.
Assembly Bill No. 86 having received a constitutional majority, Mr. Speaker declared it passed, as amended.
Bill ordered transmitted to the Senate.

Assembly Bill No. 87.
Bill read third time.
Remarks by Assemblywoman Nguyen.

ASSEMBLYWOMAN NGUYEN:
Assembly Bill 87 authorizes the governing body of a city or county to establish by ordinance a simplified procedure for the vacation or abandonment of an easement without conducting a hearing on the vacation or abandonment. This bill also provides that unless the vacation or abandonment of the easement is for a public utility owned or controlled by the governing body, the simplified procedure must include certain provisions and must not apply to the vacation or abandonment of any street, drainage easement, sidewalk, or other pedestrian right-of-way.

Roll call on Assembly Bill No. 87:
YEAS—42.
NAYS—None.
Assembly Bill No. 87 having received a constitutional majority, Mr. Speaker declared it passed, as amended.
Bill ordered transmitted to the Senate.

Assembly Bill No. 96.
Bill read third time.
Remarks by Assemblywoman Cohen.
Assembly Bill 96 authorizes a governmental entity that licenses and regulates emergency response employees to contract with a nonprofit organization to establish a program to provide peer support counseling for those employees. The bill also requires the Division of Public and Behavioral Health of the Department of Health and Human Services to post on its website information concerning peer support services available to first responders. The Division must also, to the extent funds are available, collect and report certain information relating to suicide among first responders.

Roll call on Assembly Bill No. 96:
YEAS—31.

Assembly Bill No. 96 having received a constitutional majority, Mr. Speaker declared it passed, as amended.
Bill ordered transmitted to the Senate.

Assembly Bill No. 97.
Bill read third time.
Remarks by Assemblyman Watts.

Assembly Bill 97 requires the Division of Environmental Protection to form a working group to study environmental contamination resulting from certain toxic substances. The bill prohibits, with certain exceptions, the discharge, use, or release of firefighting foam that intentionally contains those substances and requires the notification of the Division if such actions are taken.
The bill also prohibits, with certain exceptions, the manufacture and sale of certain products that contain certain amounts of certain flame retardant chemicals.

Roll call on Assembly Bill No. 97:
YEAS—26.

Assembly Bill No. 97 having received a constitutional majority, Mr. Speaker declared it passed, as amended.
Bill ordered transmitted to the Senate.

Assembly Bill No. 115.
Bill read third time.
Remarks by Assemblywoman Nguyen.

Assembly Bill 115 authorizes one or more adults to petition a court for the adoption of a child. Each prospective adopting adult and legal parent must also seek or retain his or her own parental rights and must be joined as a petitioner. Lastly, the bill makes conforming changes in statute to reflect that a child may have a legal relationship with more than two parents.

Roll call on Assembly Bill No. 115:
YEAS—34.

Assembly Bill No. 115 having received a constitutional majority, Mr. Speaker declared it passed, as amended.
Bill ordered transmitted to the Senate.
Assembly Bill No. 118.
Bill read third time.
Remarks by Assemblywoman Bilbray-Axelrod.

ASSEMBLYWOMAN BILBRAY-AXELROD:

Assembly Bill 118 in its second reprint removes everything from the bill with the exception of children less than two years of age must be secured in a rear-facing child restraint system in the back seat of a motor vehicle. It changes the weight requirement from a child seat to a booster seat to a height requirement. It also allows the Department of Public Safety to accept gifts, grants, and donations from any source to purchase or donate child restraint systems for persons in financial need.

Roll call on Assembly Bill No. 118:
YEAS—39.
NAYS—Black, Carlton, Dickman—3.
Assembly Bill No. 118 having received a constitutional majority, Mr. Speaker declared it passed, as amended.
Bill ordered transmitted to the Senate.

Assembly Bill No. 146.
Bill read third time.
Remarks by Assemblywoman Peters.

ASSEMBLYWOMAN PETERS:

Assembly Bill 146 authorizes the State Department of Conservation and Natural Resources to develop plans, recommendations, and policies to address water pollution resulting from diffuse sources. The bill requires the Director of the Department to consult or notify Indian tribes when working to control water pollution. The bill provides that the Legislature declares that the people of this state have a right to clean water and that it is the policy of Nevada to mitigate any degradation of the waters of this state.

Roll call on Assembly Bill No. 146:
YEAS—26.
Assembly Bill No. 146 having received a constitutional majority, Mr. Speaker declared it passed, as amended.
Bill ordered transmitted to the Senate.

Assembly Bill No. 153.
Bill read third time.
Remarks by Assemblywoman Dickman.

ASSEMBLYWOMAN DICKMAN:

Assembly Bill 153 declares that it is the policy of the state to encourage using agencies to implement any operating cost-saving measures to reduce costs related to energy, water, or the disposal of waste, or related labor costs. The bill also clarifies that any savings realized throughout the term of a performance contract may be used to make any payments required under the performance contract, including the payment of finance charges. Finally, the bill authorizes using agencies to request the reinvestment of savings realized under a performance contract as part of the process for the preparation of the proposed budget of the Executive Department.
Roll call on Assembly Bill No. 153:
YEAS—39.
NAYS—Carlton, Monroe-Moreno, Yeager—3.
Assembly Bill No. 153 having received a constitutional majority,
Mr. Speaker declared it passed, as amended.
Bill ordered transmitted to the Senate.

Assembly Bill No. 169.
Bill read third time.
Remarks by Assemblywoman Hardy.

ASSEMBLYWOMAN HARDY:
Assembly Bill 169 requires licensed private postsecondary institutions to one, limit where
recruiting activities take place and, two, provide applicants with certain information prior to
signing an enrollment agreement. Such institutions must also provide each student with a copy of
the enrollment agreement and certain other information.

Roll call on Assembly Bill No. 169:
YEAS—42.
NAYS—None.
Assembly Bill No. 169 having received a constitutional majority,
Mr. Speaker declared it passed, as amended.
Bill ordered transmitted to the Senate.

Assembly Bill No. 180.
Bill read third time.
Remarks by Assemblywoman Hansen.

ASSEMBLYWOMAN HANSEN:
Assembly Bill 180 requires the Commissioner of Insurance to adopt regulations requiring each
insurer that issues a policy to supplement Medicare to offer all policies that one, provide coverage
for persons who are less than 65 years of age and eligible for Medicare by reason of disability and,
two, are guaranteed to be issued under federal law. The regulations must authorize insurers to
develop rates for premiums that are specific to such persons. This bill is effective upon passage
and approval for the purpose of adopting regulations and performing any other preparatory
administrative tasks and on January 1, 2022, for all other purposes.

Roll call on Assembly Bill No. 180:
YEAS—40.
NAYS—Carlton, Monroe-Moreno—2.
Assembly Bill No. 180 having received a constitutional majority,
Mr. Speaker declared it passed, as amended.
Bill ordered transmitted to the Senate.

Assembly Bill No. 184.
Bill read third time.
Remarks by Assemblywoman Torres.

ASSEMBLYWOMAN TORRES:
Assembly Bill 184 temporarily creates the Office of Small Business Advocacy within the
Office of the Lieutenant Governor to provide certain information to small businesses and to
coordinate with certain state agencies and local governments to facilitate interactions between
such entities and small businesses.
Roll call on Assembly Bill No. 184:

YEAS—31.


Assembly Bill No. 184 having received a constitutional majority, Mr. Speaker declared it passed, as amended.

Bill ordered transmitted to the Senate.

Assembly Bill No. 195.

Bill read third time.

Remarks by Assemblywoman Torres.

ASSEMBLYWOMAN TORRES:

Assembly Bill 195 requires the board of trustees of each school district to collect data regarding English language learners and their educators. This bill also enumerates the rights of pupils who are English learners and the rights of parents or guardians of pupils who are English learners.

Roll call on Assembly Bill No. 195:

YEAS—34.


Assembly Bill No. 195 having received a constitutional majority, Mr. Speaker declared it passed, as amended.

Bill ordered transmitted to the Senate.

Assembly Bill No. 200.

Bill read third time.

Remarks by Assemblywoman Bilbray-Axelrod.

ASSEMBLYWOMAN BILBRAY-AXELROD:

Assembly Bill 200 prohibits the practice of veterinary medicine unless a veterinarian-client-patient relationship exists, except that emergency or urgent care may be provided to an animal when a client cannot be identified. A veterinarian who practices telemedicine in Nevada must be licensed in Nevada.

Roll call on Assembly Bill No. 200:

YEAS—40.

NAYS—Black, Carlton—2.

Assembly Bill No. 200 having received a constitutional majority, Mr. Speaker declared it passed, as amended.

Bill ordered transmitted to the Senate.

Assembly Bill No. 207.

Bill read third time.

Remarks by Assemblyman Watts.

ASSEMBLYMAN WATTS:

Assembly Bill 207 provides that a business that offers goods or services to the general public in this state through an Internet website, mobile application, or other electronic medium, and which is not operated from a physical location in this state, is considered to be a “place of public accommodation” and subject to the relevant nondiscrimination laws.
Assembly Bill No. 207 having received a constitutional majority, Mr. Speaker declared it passed, as amended. Bill ordered transmitted to the Senate.

Roll call on Assembly Bill No. 209:
YEAS—28.

Assembly Bill No. 209 having received a constitutional majority, Mr. Speaker declared it passed, as amended. Bill ordered transmitted to the Senate.

Assembly Bill No. 211.
Bill read third time.
Remarks by Assemblywoman Thomas.

Assembly Bill 211 requires tentative maps for the subdivision of land to be forwarded to the Department of Wildlife for comment on potential impacts to wildlife and wildlife habitat unless the governing body has adopted a habitat conservation plan for multiple species. Finally, the measure requires the governing body or planning commission to consider the potential impact to wildlife and wildlife habitat before taking final action on a tentative map.

Roll call on Assembly Bill No. 211:
YEAS—26.

Assembly Bill No. 211 having received a constitutional majority, Mr. Speaker declared it passed, as amended. Bill ordered transmitted to the Senate.
ASSEMBLYWOMAN TORRES:
Assembly Bill 222 codifies in statute the whistleblower protections as interpreted by the Nevada Supreme Court for employees who report to the appropriate external authority or to the employer conduct by the employer that the employee reasonably and in good faith suspects may be illegal, or notifies the Division of Industrial Relations for the Department of Business and Industry of a safety or health violation the employee has reason to believe exists in the workplace. The measure further provides the same protections to employees who reasonably refuse to engage in such conduct and revises provisions governing periods of limitation in certain civil actions concerning unlawful employment practices.

Roll call on Assembly Bill No. 222:
YEAS—26.
Assembly Bill No. 222 having received a constitutional majority,
Mr. Speaker declared it passed, as amended.
Bill ordered transmitted to the Senate.

Assembly Bill No. 235.
Bill read third time.
Remarks by Assemblywoman Hardy.

ASSEMBLYWOMAN HARDY:
Assembly Bill 235 requires the board of trustees of a school district, the governing body of a charter school, and a private school that operates a high school to provide one, education to pupils on the importance of financial planning and completing the Free Application for Federal Student Aid [FAFSA] and information on the Nevada College Kick Start Program and, two, information on events for and encouragement to complete or receive help completing the FAFSA. It also requires reporting to the State Treasurer on attendance at such events and certain information concerning FAFSA assistance.

Roll call on Assembly Bill No. 235:
YEAS—31.
Assembly Bill No. 235 having received a constitutional majority,
Mr. Speaker declared it passed, as amended.
Bill ordered transmitted to the Senate.

Assembly Bill No. 245.
Bill read third time.
Remarks by Assemblyman Flores.

ASSEMBLYMAN FLORES:
Assembly Bill 245 increases the fees a public notary is authorized to charge for certain activities. The bill also increases the application and renewal fee. Finally, the bill authorizes the Secretary of State to impose a civil penalty upon persons registered to engage in the business of document preparation service and persons who are engaged in the business but have not registered. Any determination by the Secretary of State that a violation has occurred is a public record.
I just wanted to say thank you to all the small businesses who came together and asked that we help them. What AB 245 does is allow them to finally be able to charge an amount for their services that will allow them to create some type of revenue to benefit from. Additionally, Mr. Speaker, I also want to make the point that the small business community was very adamant about making sure that we get rid of some of the bad actors in their industry. Giving this penalty power
to the Secretary of State is a way to enforce that and allow for these small businesses to continue to thrive and make some money finally. So this is a very important bill to them and I want to thank all the folks that worked with me on it.

**Roll call on Assembly Bill No. 245:**

**YEAS**—23.


Assembly Bill No. 245 having failed to receive a two-thirds majority, Mr. Speaker declared it lost.

**MOTIONS, RESOLUTIONS AND NOTICES**

Assemblywoman Benitez-Thompson moved that the Assembly reconsider the action whereby Assembly Bill No. 245 was lost.

Motion carried.

Assemblywoman Benitez-Thompson moved that Assembly Bill No. 245 be taken from the General File and placed on the Chief Clerk’s desk.

Motion carried.

**GENERAL FILE AND THIRD READING**

Assembly Bill No. 249. Bill read third time.

Remarks by Assemblywoman Jauregui.

**ASSEMBLYWOMAN JAUREGUI:**

Assembly Bill 249 prohibits the executive board and the governing documents of a common-interest community from restricting the hours in which construction may begin during the period beginning on May 1 and ending on September 30 to any hours other than those authorized by the governing body of a county or city.

**Roll call on Assembly Bill No. 249:**

**YEAS**—31.


Assembly Bill No. 249 having received a constitutional majority, Mr. Speaker declared it passed, as amended.

Bill ordered transmitted to the Senate.

**MOTIONS, RESOLUTIONS AND NOTICES**

Assemblywoman Benitez-Thompson moved that Assembly Bill No. 251 be taken from its position on the General File and placed at the bottom of the General File.

Motion carried.

**GENERAL FILE AND THIRD READING**

Assembly Bill No. 253. Bill read third time.

Remarks by Assemblywoman Considine.
Assembly Bill 253 makes various changes to the Open Meeting Law (OML), including providing that a subcommittee or working group is subject to the requirements of the OML if a majority of the membership of the subcommittee or working group are members of the public body or staff and at least two members of the subcommittee or working group are members of the public body. It authorizes, under certain circumstances, a public body to conduct a meeting using a remote technology system and requires the notice of a public meeting that uses a remote technology system to include information about how a member of the public may hear, observe, participate in, and provide public comment at the meeting through the remote technology system. It must have an Internet website and post on its Internet website the notice of the meeting and any supporting material for the meeting.

Roll call on Assembly Bill No. 253:
YEAS—28.
Assembly Bill No. 253 having received a constitutional majority, Mr. Speaker declared it passed, as amended.
Bill ordered transmitted to the Senate.

Assembly Bill No. 254.
Bill read third time.
Remarks by Assemblywoman Bilbray-Axelrod.

Assembly Bill 254 authorizes a student athlete to enter into a contract with an outside entity for compensation, so long as the contract does not conflict with the contract between the student athlete and the institution in which the athlete is enrolled and the student athlete meets certain specified responsibilities. The bill also requires the Legislative Committee on Education to appoint a committee to conduct an interim study concerning collegiate bylaws and state and federal laws related to compensating student athletes for the use of their name, image, or likeness.

Roll call on Assembly Bill No. 254:
YEAS—34.
Assembly Bill No. 254 having received a constitutional majority, Mr. Speaker declared it passed, as amended.
Bill ordered transmitted to the Senate.

Assembly Bill No. 257.
Bill read third time.
Remarks by Assemblywoman Martinez.

Assembly Bill 257 requires the board of trustees of a school district and the governing body of a charter school to assess the status of, make improvements to, and report on the ventilation and air filtration systems of a school and ensure that the systems are performing adequately and efficiently. The bill also sets forth requirements for certain personnel to assess and perform updates to systems, rates, and monitors in schools for filtration, ventilation, heating and air conditioning, and carbon dioxide. The board of trustees of a school district and the governing body of a charter school must prepare a report on work performed and make it available to the Office of Energy and the public upon request. Further, a local education agency must include information from the report in any plans for the safe return to in-person instruction.
Roll call on Assembly Bill No. 257:
YEAS—26.
Assembly Bill No. 257 having received a constitutional majority, Mr. Speaker declared it passed, as amended.
Bill ordered transmitted to the Senate.

Assembly Bill No. 266.
Bill read third time.
Remarks by Assemblywoman Brittney Miller.

ASSEMBLYWOMAN BRITTNEY MILLER:
Assembly Bill 266 requires an accurate calculation of class sizes based on only the licensed teacher actually teaching and not all the licensed personnel in the building. It also requires that the board of trustees post job vacancies in the school district based on the number of licensed teachers that would be required in order to achieve the recommended pupil-to-teacher ratio.

Roll call on Assembly Bill No. 266:
YEAS—26.
Assembly Bill No. 266 having received a constitutional majority, Mr. Speaker declared it passed, as amended.
Bill ordered transmitted to the Senate.

MOTIONS, RESOLUTIONS AND NOTICES

Assemblywoman Benitez-Thompson moved that Assembly Bills Nos. 268, 330, and 333 be taken from their positions on the General File and placed at the bottom of the General File.
Motion carried.

GENERAL FILE AND THIRD READING

Assembly Bill No. 277.
Bill read third time.
Remarks by Assemblywoman Duran.

ASSEMBLYWOMAN DURAN:
Assembly Bill 277 requires the amount paid by an insurance company for the optional coverage for the payment of reasonable and necessary medical expenses resulting from a crash be based on the actual charges for the locality where the medical expenses were incurred. Any such payment made to an insured person by the insurance company may be deposited to the trust account maintained by the attorney of the insured person under certain circumstances. The measure revises provisions relating to the exchange of medical and insurance information by certain persons involved in a personal injury claim under an insurance policy covering a passenger car or motorcycle.

Roll call on Assembly Bill No. 277:
YEAS—26.
Assembly Bill No. 277 having received a constitutional majority, Mr. Speaker declared it passed, as amended. Bill ordered transmitted to the Senate.

Assembly Bill No. 281.
Bill read third time.
Remarks by Assemblyman Watts.

ASSEMBLYMAN WATTS:
Assembly Bill 281 permits short-term lessors, brokers, and dealers of motor vehicles to maintain and store the books and records of their business electronically and to produce these records within three business days upon request.

Roll call on Assembly Bill No. 281:
YEAS—42.
NAYS—None.

Assembly Bill No. 281 having received a constitutional majority, Mr. Speaker declared it passed, as amended. Bill ordered transmitted to the Senate.

Assembly Bill No. 287.
Bill read third time.
Remarks by Assemblywoman Monroe-Moreno.

ASSEMBLYWOMAN MONROE-MORENO:
Assembly Bill 287 provides for the licensure of freestanding birthing centers through the State Board of Health, Division of Public and Behavioral Health, and requires the Board to adopt regulations necessary to provide for such licensure.

Roll call on Assembly Bill No. 287:
YEAS—30.

Assembly Bill No. 287 having received a constitutional majority, Mr. Speaker declared it passed, as amended. Bill ordered transmitted to the Senate.

Assembly Bill No. 296.
Bill read third time.
Remarks by Assemblywoman Nguyen.

ASSEMBLYWOMAN NGUYEN:
Assembly Bill 296 establishes a civil cause of action against a person who disseminates personal identifying information or sensitive information of another person without the consent of that person, knowing that the person could be identified. The act of disseminating such information is commonly referred to as “doxing.” A person is found liable for doxing if the dissemination of information would cause a reasonable person to feel mental anguish or fear the death, bodily injury, or stalking of himself or herself or a close relation or does in fact cause the death, bodily injury, stalking, or mental anguish of the person whose information was disseminated or a close relation of the person.

Roll call on Assembly Bill No. 296:
YEAS—42.
NAYS—None.
Assembly Bill No. 296 having received a constitutional majority, Mr. Speaker declared it passed, as amended. Bill ordered transmitted to the Senate.

Assembly Bill No. 298.
Bill read third time.
Remarks by Assemblyman Flores.

ASSEMBLYMAN FLORES:
Assembly Bill 298 sets forth provisions that govern a “consumer vehicle lease.” The measure requires a lessor who is a dealer to use a lease agreement for a consumer vehicle lease of a new vehicle that establishes the conditions under which the lessor can enforce a term regarding a default by a lessee. A lessor who is a dealer must use a lease agreement for a consumer vehicle lease of a used vehicle that provides certain requirements and contains provisions, notices, and disclosures, amongst other things.

Roll call on Assembly Bill No. 298:
YEAS—42.
NAYS—None.

Assembly Bill No. 298 having received a constitutional majority, Mr. Speaker declared it passed, as amended. Bill ordered transmitted to the Senate.

Assembly Bill No. 301.
Bill read third time.
Remarks by Assemblyman C.H. Miller.

ASSEMBLYMAN C.H. MILLER:
Assembly Bill 301 requires tow car operators to immediately release a vehicle to its owner at no charge if the tow is for a lack of registration or an expired registration and the owner is able to provide evidence of valid vehicle registration that predates the tow. The measure requires a private property owner from a residential complex with designated parking to make reasonable efforts to notify the owner or operator of a vehicle that it may be towed. It extends the time from the notification to the tow from 48 hours to 5 days and requires car tow operators to independently verify the registration status of a vehicle with the Department of Motor Vehicles. It does not allow storage charges to accrue until after 48 hours have passed from the vehicle arriving at the storage place and requires the Nevada Transportation Authority to implement a hardship tariff program for vehicle owners facing financial hardship.

Roll call on Assembly Bill No. 301:
YEAS—35.

Assembly Bill No. 301 having received a constitutional majority, Mr. Speaker declared it passed, as amended. Bill ordered transmitted to the Senate.

Assembly Bill No. 307.
Bill read third time.
Remarks by Assemblywoman Martinez.

ASSEMBLYWOMAN MARTINEZ:
Assembly Bill 307 requires the Department of Employment, Training and Rehabilitation to prepare one or more notices concerning job training or employment programs conducted by the Department and to provide the notices to the Labor Commissioner. The Labor Commissioner
must make each such notice available to each employer in private employment in this state and
require each employer to post and maintain each notice in a conspicuous location at the workplace.

Roll call on Assembly Bill No. 307:
YEAS—29.
NAYS—Black, Dickman, Ellison, Hafen, Hansen, Kasama, Leavitt, Matthews, McArthur,
EXCUSED—González.
Assembly Bill No. 307 having received a constitutional majority,
Mr. Speaker declared it passed, as amended.
Bill ordered transmitted to the Senate.

Assembly Bill No. 318.
Bill read third time.
Remarks by Assemblywoman Marzola.

ASSEMBLYWOMAN MARZOLA:
Assembly Bill 318 revises various provisions relating to trusts and estates, including
authorizing a principal or person granted authority to act for a principal under a power of attorney
to obtain declaratory relief under the power of attorney. It revises provisions governing electronic
wills and also revises the acts of personal representatives and their powers and duties.

Roll call on Assembly Bill No. 318:
YEAS—41.
NAYS—None.
EXCUSED—González.
Assembly Bill No. 318 having received a constitutional majority,
Mr. Speaker declared it passed, as amended.
Bill ordered transmitted to the Senate.

Assembly Bill No. 327.
Bill read third time.
Remarks by Assemblywoman Torres.

ASSEMBLYWOMAN TORRES:
Assembly Bill 327 requires certain mental health professionals to complete two hours of
instruction relating to cultural competency and diversity, equity, and inclusion to be completed
biennially as part of their continuing education. A health care provider who receives cultural
competency training as part of his or her employment at a health care facility may use that training
to satisfy his or her continuing education requirement.

Roll call on Assembly Bill No. 327:
YEAS—32.
EXCUSED—González.
Assembly Bill No. 327 having received a constitutional majority,
Mr. Speaker declared it passed, as amended.
Bill ordered transmitted to the Senate.

Assembly Bill No. 335.
Bill read third time.
Remarks by Assemblywoman Summers-Armstrong.
Assembly Bill 335 reorganizes existing requirements for an employment plan that applies to a redevelopment project undertaken in a redevelopment area of a city whose population is 500,000 or more. The bill requires the employment plan to include a description of how the developer will seek the participation in the redevelopment project of local small business contractors and subcontractors who are licensed in this state and whose place of business is located within 100 miles of the project. These provisions also apply to a public agency that uses redevelopment funds for the design or construction of a redevelopment project being built as a public work in a redevelopment area of a city whose population is 500,000 or more.

Roll call on Assembly Bill No. 335:
YEAS—26.
Assembly Bill No. 335 having received a constitutional majority, Mr. Speaker declared it passed, as amended.
Bill ordered transmitted to the Senate.

Assembly Bill No. 336.
Bill read third time.
Remarks by Assemblywoman Monroe-Moreno.

Assembly Bill 336 requires the Peace Officers’ Standards and Training Commission to adopt regulations establishing standards for an annual behavioral wellness visit for peace officers to aid in preserving the emotional and mental health of the peace officer and assessing conditions that may affect the performance of duties by the peace officer.

Roll call on Assembly Bill No. 336:
YEAS—33.
Assembly Bill No. 336 having received a constitutional majority, Mr. Speaker declared it passed, as amended.
Bill ordered transmitted to the Senate.

Assembly Bill No. 339.
Bill read third time.
Remarks by Assemblywoman Nguyen.

Assembly Bill 399 authorizes a justice court or municipal court to establish a program of treatment for a defendant who is charged with misdemeanor battery which constitutes domestic violence. Upon the fulfillment of the terms and conditions, the court may conditionally dismiss the charges. Additionally, this bill eliminates the prohibition on plea bargaining by a prosecuting attorney and authorizes a court to suspend a sentence to assign a person to such a treatment program.

Roll call on Assembly Bill No. 339:
YEAS—41.
NAYS—Black.
Assembly Bill No. 339 having received a constitutional majority, Mr. Speaker declared it passed, as amended.
Bill ordered transmitted to the Senate.
Assembly Bill No. 343.
Bill read third time.
Remarks by Assemblywoman Thomas.

ASSEMBLYWOMAN THOMAS:
Assembly Bill 343 requires the regional transportation commission in a county whose population is 100,000 or more, in collaboration with various other state and local agencies, to develop a written plan for conducting walking audits of urbanized areas within the county to assess whether an area is safe and has adequate lighting at night; healthy food is available in the area; sidewalks are in good condition and free of barriers; there are benches and other places available for pedestrians to rest; and there are curb cuts and audible crosswalks that provide pedestrians with sufficient time to cross the street. The plans must be submitted to the respective district health department and the Legislative Committee on Health Care no later than June 1, 2022. This bill is effective upon passage and approval.

Roll call on Assembly Bill No. 343:
YEAS—29.
Assembly Bill No. 343 having received a constitutional majority,
Mr. Speaker declared it passed, as amended.
Bill ordered transmitted to the Senate.

MOTIONS, RESOLUTIONS AND NOTICES

Assemblywoman Benitez-Thompson moved that Assembly Bills Nos. 367 and 374 be taken from their positions on the General File and placed at the bottom of the General File.
Motion carried.

GENERAL FILE AND THIRD READING

Assembly Bill No. 345.
Bill read third time.
Remarks by Assemblyman Orentlicher.

ASSEMBLYMAN ORENTLICHER:
Assembly Bill 345 excludes fentanyl testing strips, which are strips used to rapidly test for the presence of fentanyl or other synthetic opiates, from the definition of the term “drug paraphernalia,” thereby authorizing the delivery, sale, possession, manufacture, advertising, or use of such strips.

Roll call on Assembly Bill No. 345:
YEAS—39.
NAYS—Black, Ellison, Wheeler—3.
Assembly Bill No. 345 having received a constitutional majority,
Mr. Speaker declared it passed, as amended.
Bill ordered transmitted to the Senate.

Assembly Bill No. 359.
Bill read third time.
Remarks by Assemblywoman Considine.
Assemblywoman Considine:  
Assembly Bill 359 requires a person who, in the course of his or her business, advertises in a language other than English and negotiates certain transactions in a language other than English, to provide a translation of the contract or agreement in the language that was used in advertisement. A person who knowingly violates these provisions is guilty of a deceptive trade practice.

Roll call on Assembly Bill No. 359:
YEAS—42.
NAYS—None.
Assembly Bill No. 359 having received a constitutional majority, Mr. Speaker declared it passed, as amended.
Bill ordered transmitted to the Senate.

Assembly Bill No. 368.
Bill read third time.
Remarks by Assemblyman C.H. Miller.

Assemblyman C.H. Miller:
Assembly Bill 368 adds information that the Department of Taxation must include in the periodic report that must be issued relating to tourism improvement districts in a municipality. The bill also includes alternative reporting requirements for the Department if the Department cannot report information about the tourism improvement district without disclosing proprietary information.

Roll call on Assembly Bill No. 368:
YEAS—42.
NAYS—None.
Assembly Bill No. 368 having received a constitutional majority, Mr. Speaker declared it passed, as amended.
Bill ordered transmitted to the Senate.

Motions, Resolutions and Notices
Assemblywoman Benitez-Thompson moved that Assembly Bill No. 376 be taken from the General File and placed on the Chief Clerk’s desk.
Motion carried.

General File and Third Reading
Assembly Bill No. 378.
Bill read third time.
Remarks by Assemblywoman Martinez.

Assemblywoman Martinez:
Assembly Bill 378 revises the purpose of the State Land Office to include, where appropriate, disposing of state lands. The bill eliminates the definition of “public lands” for the purposes of state planning for the use of certain lands and eliminates from the list of priorities of the State Land Use Planning Agency, one, activities relating to federal lands in this state and, two, the investigation and review of proposals for the designation of areas of critical environmental concern and the development of standards and plans. Additionally, the measure revises various other duties of the Administrator of the Division of State Lands of the State Department of Conservation and Natural Resources and of the State Land Use Planning Agency. Finally, the bill repeals various provisions relating to the management, regulation, and acquisition of public lands.
Assembly Bill No. 378 having received a constitutional majority, Mr. Speaker declared it passed, as amended.
Bill ordered transmitted to the Senate.

Assembly Bill No. 385.
Bill read third time.
Remarks by Assemblywoman Martinez.

Assemblywoman Martinez:
Assembly Bill 385 prohibits a public body from entering into an employment contract that entitles an officer or employee of the public body to receive one, any fringe benefit unless the public body has adopted a policy authorizing all persons employed in a similar position to receive the benefit, two, any bonus unless the bonus is based on merit and awarded at a public meeting and, three, certain wages or other payments upon the termination of the employment of the officer or employee for cause or resignation of the officer or employee when an investigation relating to his or her employment is pending. This bill also prescribes certain payments and benefits to which an officer or employee of a public body is entitled or remains entitled upon termination of employment.

Roll call on Assembly Bill No. 385:
YEAS—26.
Assembly Bill No. 385 having received a constitutional majority, Mr. Speaker declared it passed, as amended.
Bill ordered transmitted to the Senate.

Assembly Bill No. 391.
Bill read third time.
Remarks by Assemblywoman Anderson.

Assemblywoman Anderson:
Assembly Bill 391 revises provisions relating to the Board of Dispensing Opticians and the practice of licensees regulated by the Board. It makes various changes to provisions governing the operation of the Board and its members, staff, and employees to align it with those of other boards.

Roll call on Assembly Bill No. 391:
YEAS—33.
Assembly Bill No. 391 having received a two-thirds majority, Mr. Speaker declared it passed, as amended.
Bill ordered transmitted to the Senate.

Assembly Bill No. 397.
Bill read third time.
Remarks by Assemblyman Matthews.
ASSEMBLYMAN MATTHEWS:
Assembly Bill 397 revises provisions related to the payment and use of marriage license fees and fees charged for filing and recording or issuing certain bonds, declarations, and certificates. In addition to other provisions, the bill revises the permitted uses of these proceeds by providing that the fees may be used in the office of the county clerk to one, acquire, improve, support, or maintain technology; two, train employees in the operation of the technology; and three, acquire temporary or permanent staff or professional services to implement, support, or maintain technology that enhances customer service, improves efficiency, or promotes transparency in government.

Roll call on Assembly Bill No. 397:
YEAS—36.
Assembly Bill No. 397 having received a constitutional majority, Mr. Speaker declared it passed, as amended.
Bill ordered transmitted to the Senate.
Mr. Speaker announced if there were no objections, the Assembly would recess subject to the call of the Chair.
Assembly in recess at 3:20 p.m.

ASSEMBLY IN SESSION
At 5:34 p.m.
Mr. Speaker presiding.
Quorum present.

MOTIONS, RESOLUTIONS AND NOTICES
Assemblywoman Benitez-Thompson moved that Assembly Bills Nos. 367 and 286 be taken from their positions on the General File and placed at the top of the General File.
Motion carried.

GENERAL FILE AND THIRD READING
Assembly Bill No. 367.
Bill read third time.
The following amendment was proposed by the Committee on Education: Amendment No. 203.
AN ACT relating to education; adding disciplinary studies to the list of core academic subjects that are required to be taught in all public schools; eliminating the requirement that a combined course of American government and economics use an advanced placement curriculum for the American government credit; requiring elementary and secondary educational institutions to provide pupils with instruction in disciplinary skills as part of the required instruction in American government; and providing other matters properly relating thereto.
Legislative Counsel’s Digest:

Existing law designates the core academic subjects that are required to be taught in all public schools, the Caliente Youth Center, the Nevada Youth Training Center and any other state facility for the detention of children that is operated pursuant to the provisions governing juvenile justice. (NRS 389.018) This bill adds disciplinary studies to the list of core academic subjects.

Existing law authorizes a school district to offer a combined course in American government and economics for one unit of credit if the curriculum of an advanced placement course is used for American government in the combined course. (NRS 389.018) This Section 1 of this bill eliminates the requirement for the curriculum of an advanced placement course to be used for the American government credit in a combined course.

Existing law designates the academic subjects and courses of study which must be taught in both public and private schools in this State. (NRS 338A.366, 389.003-389.077, 394.130) Section 1.5 of this bill requires such schools to provide pupils with instruction in disciplinary skills as part of the required instruction in American government.

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

Section 1.  NRS 389.018 is hereby amended to read as follows:

389.018  1.  The following subjects are designated as the core academic subjects that must be taught, as applicable for grade levels, in all public schools, the Caliente Youth Center, the Nevada Youth Training Center and any other state facility for the detention of children that is operated pursuant to title 5 of NRS:
   (a) English language arts;
   (b) Mathematics;
   (c) Science; and
   (d) Social studies, which includes only the subjects of history, geography, economics and government, and disciplinary studies.

  2.  Except as otherwise provided in this subsection, a pupil enrolled in a public high school must enroll in a minimum of:
   (a) Four units of credit in English language arts;
   (b) Four units of credit in mathematics, including, without limitation, Algebra I and geometry, or an equivalent course of study that integrates Algebra I and geometry;
   (c) Three units of credit in science, including two laboratory courses; and
   (d) Three units of credit in social studies, including, without limitation:
      (1) One-half unit of credit in American government;
      (2) Two units of credit in American history, world history or geography; and
      (3) One-half unit of credit in economics.
A pupil is not required to enroll in the courses of study and credits required by this subsection if the pupil, the parent or legal guardian of the pupil and an administrator or a counselor at the school in which the pupil is enrolled mutually agree to a modified course of study for the pupil and that modified course of study satisfies at least the requirements for a standard high school diploma, an adjusted diploma or an alternative diploma, as applicable. A school district may authorize one or more public high schools in the school district to offer a combined course in American government and economics for one unit of credit which satisfies the requirements of subparagraphs (1) and (3). If the curriculum of an advanced placement course is used for American government in the combined course.

3. Except as otherwise provided in this subsection, in addition to the core academic subjects, the following subjects must be taught as applicable for grade levels and to the extent practicable in all public schools, the Caliente Youth Center, the Nevada Youth Training Center and any other state facility for the detention of children that is operated pursuant to title 5 of NRS:
   (a) The arts;
   (b) Computer education and technology;
   (c) Health; and
   (d) Physical education.

If the State Board requires the completion of course work in a subject area set forth in this subsection for graduation from high school or promotion to the next grade, a public school shall offer the required course work. Except as otherwise provided for a course of study in health prescribed by subsection 1 of NRS 389.021 and the instruction prescribed by subsection 1 of NRS 389.064, unless a subject is required for graduation from high school or promotion to the next grade, a charter school is not required to comply with this subsection.

4. Instruction in health and physical education provided pursuant to subsection 3 must include, without limitation, instruction concerning the importance of annual physical examinations by a provider of health care and the appropriate response to unusual aches and pains.

Sec. 1.5. NRS 389.054 is hereby amended to read as follows:

389.054 1. In all public schools, the Caliente Youth Center, the Nevada Youth Training Center and any other state facility for the detention of children that is operated pursuant to title 5 of NRS, instruction must be given in American government, including, without limitation, instruction on:
   (a) The essentials of:
       (1) The Constitution of the United States, including, without limitation, the Bill of Rights;
       (2) The Constitution of the State of Nevada; and
       (3) The Declaration of Independence;
   (b) The origin and history of the Constitutions;
   (c) The study of and devotion to American institutions and ideals; and
   (d) Civics;
Disciplinary skills.

2. Except as otherwise provided in NRS 388C.120, the instruction required in subsection 1 must be given during at least 1 year of the elementary school grades and for a period of at least 1 year in all high schools.

Sec. 2. 1. This section becomes effective upon passage and approval.

2. [Sections 1 and 1.5 of this act] become effective:
   (a) Upon passage and approval for the purpose of adopting regulations and performing any preliminary administrative tasks that are necessary to carry out the provisions of this act; and
   (b) On January 1, 2022, for all other purposes.

Assemblywoman Bilbray-Axelrod moved the adoption of the amendment.
Remarks by Assemblywoman Bilbray-Axelrod.
Amendment adopted.
Bill ordered reprinted, engrossed and to third reading.

Assembly Bill No. 286.
Bill read third time.
The following amendment was proposed by Assemblywoman Jauregui:
Amendment No. 481.
AN ACT relating to crimes; prohibiting a person from possessing a firearm on a covered premises under certain circumstances; prohibiting a person from engaging in certain acts relating to unfinished frames or receivers under certain circumstances; prohibiting a person from engaging in certain acts relating to firearms which are not imprinted with a serial number under certain circumstances; revising provisions relating to the confiscation and disposal of dangerous weapons, providing penalties; and providing other matters properly relating thereto.

Legislative Counsel’s Digest:
Existing law makes it a misdemeanor for a person to go upon the land or into any building of another person in certain circumstances, including willfully going or remaining on land or in a building after being warned by the owner or occupant not to trespass. (NRS 207.200) Section 2 of this bill establishes similar provisions which make it unlawful for a person to possess a firearm on a covered premises without the written consent of the owner or operator of the covered premises or an agent thereof after being warned by the owner, operator or agent that possessing the firearm on the covered premises is prohibited. Section 2 defines “covered premises” as real property owned or operated by a person who holds a nonrestricted gaming license, or any affiliate thereof.

Section 2 provides that, for the purpose of determining whether a person has been given a sufficient warning against the possession of a firearm, the owner or occupant of the covered premises or an agent thereof may post a sign which meets certain specifications at each public entrance of the covered premises. Section 2 also provides that, in addition to posting the sign, if the covered premises is a public accommodation facility, the covered premises may
provide guests at the time of check-in with documentation containing specific language relating to the prohibition on firearms. Upon the posting of the sign, section 2 requires the owner, operator or agent to inform the respective law enforcement agency of the warning relating to the prohibition on firearms at the covered premises.

Section 2 provides that any person who possesses a firearm in such an unlawful manner: (1) for the first offense, is guilty of a misdemeanor; (2) for the second offense, is guilty of a gross misdemeanor; and (3) for the third or any subsequent offense, is guilty of a category E felony. Section 9 of this bill adds an exception to the crime of trespass for application of the greater penalties prescribed by section 2.

Existing law establishes procedures for the disposal of certain dangerous instruments and weapons taken from the possession of a person charged with the commission of a public offense or crime or a child charged with committing a delinquent act. (NRS 202.340) Section 8 of this bill requires firearms confiscated from the possession of a person who commits a third or subsequent violation of section 2 to be disposed of in the manner provided for dangerous instruments and weapons.

Existing law establishes various unlawful acts relating to firearms. (Chapter 202 of NRS) Sections 3-5 of this bill create additional unlawful acts relating to firearms.

Section 3 of this bill prohibits a person from possessing, purchasing, transporting or receiving an unfinished frame or receiver unless: (1) the person is a firearms importer or manufacturer; or (2) the unfinished frame or receiver is required to be, and has been, imprinted with a serial number. Section 3 provides that a person who commits such an unlawful act: (1) for the first offense, is guilty of a gross misdemeanor; and (2) for the second or any subsequent offense, is guilty of a category D felony.

Similarly, section 3.5 of this bill prohibits a person from selling, offering to sell or transferring an unfinished frame or receiver unless: (1) the person is a firearms importer or manufacturer and the recipient of the unfinished frame or receiver is a firearms importer or manufacturer; or (2) the unfinished frame or receiver is required to be, and has been, imprinted with a serial number. Section 3.5 provides that a person who commits such an unlawful act: (1) for the first offense, is guilty of a gross misdemeanor; and (2) for the second or any subsequent offense, is guilty of a category D felony.

Section 4 of this bill prohibits a person from manufacturing or causing to be manufactured or assembling or causing to be assembled a firearm that is not imprinted with a serial number issued by a firearms importer or manufacturer in accordance with federal law and any regulations adopted thereunder unless the firearm is: (1) rendered permanently inoperable; (2) an antique; or (3) a collector’s item, curio or relic. Section 4 provides that a person who commits such an unlawful act: (1) for the first offense, is guilty of a gross misdemeanor; and (2) for the second or any subsequent offense, is guilty of a category D felony.
Similarly, section 5 of this bill prohibits a person from possessing, selling, offering to sell, transferring, purchasing, transporting or receiving a firearm that is not imprinted with a serial number issued by a firearms importer or manufacturer in accordance with federal law and any regulations adopted thereunder unless: (1) the person is a law enforcement agency or a firearms importer or manufacturer; or (2) the firearm is rendered permanently inoperable or is an antique, collector's item, curio or relic. Section 5 provides that a person who commits such an unlawful act: (1) for the first offense, is guilty of a gross misdemeanor; and (2) for the second or any subsequent offense, is guilty of a category D felony.

Section 6 of this bill defines the terms “antique firearm,” “firearms importer or manufacturer” and “unfinished frame or receiver.” Section 7 of this bill makes a conforming change relating to the new definitions.

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

Section 1. Chapter 202 of NRS is hereby amended by adding thereto the provisions set forth as sections 2 to 5, inclusive, of this act.

Sec. 2. 1. A person shall not possess a firearm on a covered premises without the written consent of the owner or operator of the covered premises or an agent thereof after having been warned by the owner, operator or agent that the person is prohibited from possessing the firearm on the covered premises.

2. A sufficient warning against possessing a firearm on a covered premises, within the meaning of this section, is given by posting at each public entrance of the covered premises the following sign, which must be not less than 8 1/2 inches in width by 11 inches in height:

![No Guns Sign]

fires are prohibited on this property unless the person wishing to possess the firearm has obtained the written consent of the owner or operator of this property or an authorized agent thereof. Violation may result in criminal charges pursuant to State Law.
3. In addition to posting the sign prescribed by subsection 2, if the covered premises is a public accommodation facility, the covered premises may provide guests at the time of check-in with a document which contains the language: "Firearms are prohibited on this property unless the person wishing to possess the firearm has obtained the written consent of the owner or operator of this property or an agent thereof."

4. Upon the posting of the sign prescribed by subsection 2 at each public entrance of the covered premises, the owner or operator of the covered premises or the agent thereof shall inform a law enforcement agency with jurisdiction over a violation of subsection 1 that a sufficient warning within the meaning of this section is being provided on the covered premises.

5. A person who violates subsection 1:
   (a) For the first offense, is guilty of a misdemeanor;
   (b) For the second offense, is guilty of a gross misdemeanor; and
   (c) For the third or any subsequent offense, is guilty of a category E felony and shall be punished as provided in NRS 193.130.

6. This section:
   (a) Except as otherwise provided in paragraph (b), applies to any person entering a covered premises, including, without limitation, any person who is the holder of a permit to carry a concealed firearm issued pursuant to NRS 202.3653 to 202.369, inclusive.
   (b) Does not apply to:
      (1) A security guard of a covered premises or an officer of a law enforcement agency who is required to carry a firearm as part of his or her official duties and who is acting in his or her official capacity at the time of possessing the firearm on the covered premises;
      (2) A residential unit owner who:
         (I) Carries or stores a firearm in his or her unit;
         (II) Carries a firearm directly to his or her unit from a location where he or she is authorized to carry or store a firearm under this subparagraph or from his or her unit to a location where he or she is authorized to carry or store a firearm under this subparagraph;
         (III) Carries or stores a firearm in his or her vehicle located in a parking area designated for the residential unit owner;
         (IV) Carries a firearm directly to his or her vehicle located in a parking area designated for the residential unit owner from a location where he or she is authorized to carry or store a firearm under this subparagraph or from such a vehicle to a location where he or she is authorized to carry or store a firearm under this subparagraph;
      (3) A guest of a public accommodation facility who:
         (I) Purchases a firearm at a trade show in this State;
         (II) Transports the purchased firearm directly from the trade show to the public accommodation facility in accordance with all applicable laws;
         (III) Enters the public accommodation facility with the firearm unloaded and contained within a bag and
(IV) Notifies the public accommodation facility in writing that his or her bag contains an unloaded firearm; or

(4) If a major purpose of a trade show is the feature of firearms, an employee or operator of the trade show who:

(I) Possesses or displays a firearm at the trade show while acting in his or her official capacity as an employee or operator of the trade show; and

(II) Transports an operable or inoperable firearm directly between a parking garage, parking structure or staging area and the trade show.

7. Nothing in this section shall:

(a) Prohibit or restrict a rule, policy or practice of an owner or operator of a covered premises concerning or prohibiting the presence of firearms on the covered premises; or

(b) Require an owner or operator of a covered premises to adopt a rule, policy or practice concerning or prohibiting the presence of firearms on the covered premises.

8. As used in this section:

(a) “Consent” does not include consent that is induced by force, threat or fraud.

(b) “Covered premises” means any real property owned or operated by a person who holds a nonrestricted license, as defined in NRS 463.0177, or any affiliate thereof. The term includes, without limitation any tenant of the real property or establishment located within the bounds of the real property.

(c) “Law enforcement agency” has the meaning ascribed to it in NRS 289.010.

(d) “Official capacity” includes, without limitation, the observance of a meal or other authorized break.

(e) “Public entrance” includes, without limitation, a parking lot or parking structure.

(f) “Residential unit owner” has the meaning ascribed to it in NRS 116B.205.

(g) “Trade show” means an event of limited duration primarily attended by members of a particular trade or industry for the purpose of exhibiting their merchandise or services or discussing matters of interest to members of that trade or industry. (Deleted by amendment.)

Sec. 3. 1. A person shall not possess, purchase, transport or receive an unfinished frame or receiver unless:

(a) The person is a firearms importer or manufacturer; or

(b) The unfinished frame or receiver is required by federal law to be imprinted with a serial number issued by a firearms importer or manufacturer and the unfinished frame or receiver has been imprinted with the serial number.

2. A person who violates this section:

(a) For the first offense, is guilty of a gross misdemeanor; and

(b) For the second or any subsequent offense, is guilty of a category D felony and shall be punished as provided in NRS 193.130.
Sec. 3.5. 1. A person shall not sell, offer to sell or transfer an unfinished frame or receiver unless:
   (a) The person is:
      (1) A firearms importer or manufacturer; and
      (2) The recipient of the unfinished frame or receiver is a firearms importer or manufacturer; or
   (b) The unfinished frame or receiver is required by federal law to be imprinted with a serial number issued by an importer or manufacturer and the unfinished frame or receiver has been imprinted with the serial number.

2. A person who violates this section:
   (a) For the first offense, is guilty of a gross misdemeanor; and
   (b) For the second or any subsequent offense, is guilty of a category D felony and shall be punished as provided in NRS 193.130.

Sec. 4. 1. A person shall not manufacture or cause to be manufactured or assemble or cause to be assembled a firearm that is not imprinted with a serial number issued by a firearms importer or manufacturer in accordance with federal law and any regulations adopted thereunder unless the firearm:
   (a) Has been rendered permanently inoperable;
   (b) Is an antique firearm; or
   (c) Has been determined to be a collector’s item pursuant to 26 U.S.C. Chapter 53 or a curio or relic pursuant to 18 U.S.C. Chapter 44.

2. A person who violates this section:
   (a) For the first offense, is guilty of a gross misdemeanor; and
   (b) For the second or any subsequent offense, is guilty of a category D felony and shall be punished as provided in NRS 193.130.

3. As used in this section:
   (a) “Assemble” means to fit together component parts.
   (b) “Manufacture” means to fabricate, make, form, produce or construct by manual labor or machinery.

Sec. 5. 1. A person shall not possess, sell, offer to sell, transfer, purchase, transport or receive a firearm that is not imprinted with a serial number issued by a firearms importer or manufacturer in accordance with federal law and any regulations adopted thereunder unless:
   (a) The person is:
      (1) A law enforcement agency; or
      (2) A firearms importer or manufacturer; or
   (b) The firearm:
      (1) Has been rendered permanently inoperable;
      (2) Is an antique firearm; or
      (3) Has been determined to be a collector’s item pursuant to 26 U.S.C. Chapter 53 or a curio or relic pursuant to 18 U.S.C. Chapter 44.

2. A person who violates this section:
   (a) For the first offense, is guilty of a gross misdemeanor; and
(b) For the second or any subsequent offense, is guilty of a category D felony and shall be punished as provided in NRS 193.130.

3. As used in this section, “law enforcement agency” has the meaning ascribed to it in NRS 239C.065.

Sec. 6. NRS 202.253 is hereby amended to read as follows:

202.253 As used in NRS 202.253 to 202.369, inclusive 4, and sections 2 to 5, inclusive, of this act:

1. “Antique firearm” has the meaning ascribed to it in 18 U.S.C. § 921(a)(16).

2. “Explosive or incendiary device” means any explosive or incendiary material or substance that has been constructed, altered, packaged or arranged in such a manner that its ordinary use would cause destruction or injury to life or property.

3. “Firearm” means any device designed to be used as a weapon from which a projectile may be expelled through the barrel by the force of any explosion or other form of combustion.

4. “Firearm capable of being concealed upon the person” applies to and includes all firearms having a barrel less than 12 inches in length.

5. “Firearms importer or manufacturer” means a person licensed to import or manufacture firearms pursuant to 18 U.S.C. Chapter 44.

6. “Machine gun” means any weapon which shoots, is designed to shoot or can be readily restored to shoot more than one shot, without manual reloading, by a single function of the trigger.

7. “Motor vehicle” means every vehicle that is self-propelled.

8. “Semiautomatic firearm” means any firearm that:

(a) Uses a portion of the energy of a firing cartridge to extract the fired cartridge case and chamber the next shell or round;

(b) Requires a separate function of the trigger to fire each cartridge; and

(c) Is not a machine gun.

9. “Unfinished frame or receiver” means a blank, a casting or a machined body that is intended to be turned into the frame or lower receiver of a firearm with additional machining and which has been formed or machined to the point at which most of the major machining operations have been completed to turn the blank, casting or machined body into a frame or lower receiver of a firearm even if the fire-control cavity area of the blank, casting or machined body is still completely solid and unmachined.

Sec. 7. NRS 202.2548 is hereby amended to read as follows:

202.2548 The provisions of NRS 202.2547 do not apply to:

1. The sale or transfer of a firearm by or to any law enforcement agency and, to the extent he or she is acting within the course and scope of his or her employment and official duties, any peace officer, security guard entitled to carry a firearm under NAC 648.345, member of the armed forces or federal official.

2. The sale or transfer of an antique firearm, as defined in 18 U.S.C. § 921(a)(16).
3. The sale or transfer of a firearm between immediate family members, which for the purposes of this section means spouses and domestic partners and any of the following relations, whether by whole or half blood, adoption, or step-relation: parents, children, siblings, grandparents, grandchildren, aunts, uncles, nieces and nephews.

4. The transfer of a firearm to an executor, administrator, trustee or personal representative of an estate or a trust that occurs by operation of law upon the death of the former owner of the firearm.

5. A temporary transfer of a firearm to a person who is not prohibited from buying or possessing firearms under state or federal law if such transfer:
   (a) Is necessary to prevent imminent death or great bodily harm; and
   (b) Lasts only as long as immediately necessary to prevent such imminent death or great bodily harm.

6. A temporary transfer of a firearm if:
   (a) The transferor has no reason to believe that the transferee is prohibited from buying or possessing firearms under state or federal law;
   (b) The transferor has no reason to believe that the transferee will use or intends to use the firearm in the commission of a crime; and
   (c) Such transfer occurs and the transferee’s possession of the firearm following the transfer is exclusively:
      (1) At an established shooting range authorized by the governing body of the jurisdiction in which such range is located;
      (2) At a lawful organized competition involving the use of a firearm;
      (3) While participating in or practicing for a performance by an organized group that uses firearms as a part of the public performance;
      (4) While hunting or trapping if the hunting or trapping is legal in all places where the transferee possesses the firearm and the transferee holds all licenses or permits required for such hunting or trapping; or
      (5) While in the presence of the transferor.

Sec. 8. NRS 202.340 is hereby amended to read as follows:

202.340 1. Except as otherwise provided for firearms forfeitable pursuant to NRS 453.301, when any instrument or weapon described in NRS 202.350 is taken from the possession of any person charged with the commission of any public offense or crime or any child charged with committing a delinquent act, or when any firearm is taken from the possession of any person charged with a third or subsequent violation of section 2 of this act, the instrument, weapon or firearm must be surrendered to:
   (a) The head of the police force or department of an incorporated city if the possession thereof was detected by any member of the police force of the city, or
   (b) The chief administrator of a state law enforcement agency, for disposal pursuant to NRS 233.220, if the possession thereof was detected by any member of the agency.
2. Except as otherwise provided in subsection 5, the governing body of the county or city or the metropolitan police committee on fiscal affairs shall at least once a year order the local law enforcement officer to whom any instrument, weapon or firearm is surrendered pursuant to subsection 1 to:
   (a) Retain the confiscated instrument, weapon or firearm for use by the law enforcement agency headed by the officer;
   (b) Sell the confiscated instrument, weapon or firearm to another law enforcement agency;
   (c) Destroy or direct the destruction of the confiscated instrument, weapon or firearm if it is not otherwise required to be destroyed pursuant to subsection 5;
   (d) Trade the confiscated instrument, weapon or firearm to a properly licensed retailer or wholesaler in exchange for equipment necessary for the performance of the agency’s duties; or
   (e) Donate the confiscated instrument, weapon or firearm to a museum, the Nevada National Guard or, if appropriate, to another person for use which further a charitable or public interest.
3. All proceeds of a sale ordered pursuant to subsection 2 by:
   (a) The governing body of a county or city must be deposited with the county treasurer or the city treasurer and the county or city treasurer shall credit the proceeds to the general fund of the county or city.
   (b) A metropolitan police committee on fiscal affairs must be deposited in a fund which was created pursuant to NRS 280.220.
4. Any officer receiving an order pursuant to subsection 2 shall comply with the order as soon as practicable.
5. Except as otherwise provided in subsection 6, the officer to whom a confiscated instrument, weapon or firearm is surrendered pursuant to subsection 1 shall:
   (a) Except as otherwise provided in paragraph (c), destroy or direct to be destroyed any instrument, weapon or firearm which is determined to be dangerous to the safety of the public;
   (b) Except as otherwise provided in paragraph (c), return any instrument, weapon or firearm which has not been destroyed pursuant to paragraph (a):
      (1) Upon demand, to the person from whom the instrument, weapon or firearm was confiscated if the person is acquitted of the public offense or crime of which the person was charged; or
      (2) To the legal owner of the instrument, weapon or firearm if the Attorney General or the district attorney determines that the instrument, weapon or firearm was unlawfully acquired from the legal owner. If retention of the instrument, weapon or firearm is ordered or directed pursuant to
paragraph (c), except as otherwise provided in paragraph (a), the instrument, weapon or firearm must be returned to the legal owner as soon as practicable after the order or direction is rescinded.

(c) Retain the confiscated instrument, weapon or firearm held by the officer pursuant to an order of a judge of a court of record or by direction of the Attorney General or district attorney that the retention is necessary for purposes of evidence, until the order or direction is rescinded.

(d) Return any instrument, weapon or firearm which was stolen to its rightful owner, unless the return is otherwise prohibited by law.

6. Before any disposition pursuant to subsection 5, the officer who is in possession of the confiscated instrument, weapon or firearm shall submit a full description of the instrument, weapon or firearm to a laboratory which provides forensic services in this State. The director of the laboratory shall determine whether the instrument, weapon or firearm:

(a) Must be sent to the laboratory for examination as part of a criminal investigation; or

(b) Is a necessary addition to a referential collection maintained by the laboratory for purposes relating to law enforcement.

Sec. 9. NRS 207.200 is hereby amended to read as follows:

207.200 1. Unless a greater penalty is provided pursuant to NRS 200.603 or section 2 of this act, any person who, under circumstances not amounting to a burglary:

(a) Goes upon the land or into any building of another with intent to vex or annoy the owner or occupant thereof, or to commit any unlawful act; or

(b) Willfully goes or remains upon any land or in any building after having been warned by the owner or occupant thereof not to trespass,

is guilty of a misdemeanor. The meaning of this subsection is not limited by subsections 2 and 4.

2. A sufficient warning against trespassing, within the meaning of this section, is given by any of the following methods:

(a) Painting with fluorescent orange paint:

(1) Not less than 50 square inches of a structure or natural object or the top 12 inches of a post, whether made of wood, metal or other material, at:

(I) Intervals of such a distance as is necessary to ensure that at least one such structure, natural object or post would be within the direct line of sight of a person standing next to another such structure, natural object or post, but at intervals of not more than 1,000 feet; and

(II) Each corner of the land, upon or near the boundary; and

(2) Each side of all gates, cattle guards and openings that are designed to allow human ingress to the area;

(b) Fencing the area;

(c) Posting “no trespassing” signs or other notice of like meaning at
(1) Intervals of such a distance as is necessary to ensure that at least one such sign would be within the direct line of sight of a person standing next to another such sign, but at intervals of not more than 500 feet; and
(2) Each corner of the land, upon or near the boundary,
(d) Using the area as cultivated land; or
(e) By the owner or occupant of the land or building making an oral or written demand to any guest to vacate the land or building.
3. It is prima facie evidence of trespass for any person to be found on private or public property which is posted or fenced as provided in subsection 2 without lawful business with the owner or occupant of the property.
4. An entryman on land under the laws of the United States is an owner within the meaning of this section.
5. As used in this section:
(a) “Cultivated land” means land that has been cleared of its natural vegetation and is presently planted with a crop.
(b) “Fence” means a barrier sufficient to indicate an intent to restrict the area to human ingress, including, but not limited to, a wall, hedge or chain link or wire mesh fence. The term does not include a barrier made of barbed wire.
(c) “Guest” means any person entertained or to whom hospitality is extended, including, but not limited to, any person who stays overnight. The term does not include a tenant as defined in NRS 118A.170.
Sec. 10. 1. This section and sections 1 to 4, inclusive, and 6 to 9, inclusive, of this act become effective upon passage and approval.
2. Section 5 of this act becomes effective on January 1, 2022.
Assemblywoman Jauregui moved the adoption of the amendment.
Remarks by Assemblywoman Jauregui.
Amendment adopted.
Bill ordered reprinted, reengrossed and to third reading.
Assembly Bill No. 400.
Bill read third time.
Remarks by Assemblyman Yeager.
ASSEMBLYMAN YEAGER:
Assembly Bill 400 removes the per se limits for THC and marijuana metabolite from the driving under-the-influence statutes and it also revises the workers’ compensation statutes by retaining the amounts of certain prohibited substances that are in existing law for the purpose of determining whether an employee is under the influence of that substance.
Roll call on Assembly Bill No. 400:
YEAS—26.
Assembly Bill No. 400 having received a constitutional majority, Mr. Speaker declared it passed, as amended.
Bill ordered transmitted to the Senate.
Assembly Bill No. 405.
Bill read third time.
Remarks by Assemblyman Wheeler.

ASSEMBLYMAN WHEELER:
Assembly Bill 405 revises existing law that makes it unlawful for a person to engage in certain actions relating to gaming by including that it is a violation for an agreement to be made with a player, participant, judge, referee, manager, coach, or other official with the intent for such persons to use less than their best efforts to win, judge, referee, manage, coach, or officiate to limit a margin of victory or to adversely affect the outcome of a sporting event.

Roll call on Assembly Bill No. 405:
YEAS—41.
NAYS—Ellison.

Assembly Bill No. 405 having received a constitutional majority, Mr. Speaker declared it passed, as amended.
Bill ordered transmitted to the Senate.

Assembly Bill No. 410.
Bill read third time.
Remarks by Assemblyman Flores.

ASSEMBLYMAN FLORES:
Assembly Bill 410 revises the qualifications of a construction manager as agent and requires the selection of a construction manager as agent to be made on the basis of competence and qualifications and not on the basis of competitive fees. The bill also requires that a construction manager at risk must not have entered into a contract with a public body to act as a construction manager as agent during the five years immediately preceding the date of an advertisement for proposals.

Roll call on Assembly Bill No. 410:
YEAS—26.

Assembly Bill No. 410 having received a constitutional majority, Mr. Speaker declared it passed, as amended.
Bill ordered transmitted to the Senate.

Assembly Bill No. 413.
Bill read third time.
Remarks by Assemblywoman Summers-Armstrong.

ASSEMBLYWOMAN SUMMERS-ARMSTRONG:
Assembly Bill 413 requires Nevada’s Department of Transportation to establish an Advisory Working Group to Study Certain Issues Related to Transportation during the 2021–2022 interim. The measure requires the Department to submit a written report describing the activities, findings, conclusions, and recommendations of the Working Group for transmittal to the 82nd Session of the Nevada Legislature.

Roll call on Assembly Bill No. 413:
YEAS—42.
NAYS—None.
Assembly Bill No. 413 having received a constitutional majority, Mr. Speaker declared it passed, as amended. Bill ordered transmitted to the Senate.

Assembly Bill No. 417.
Bill read third time.
Remarks by Assemblywoman Hardy.

ASSEMBLYWOMAN HARDY:
Assembly Bill 417 revises provisions related to school bus inspections by reducing the frequency of inspections from semiannually to annually and requiring the reinspection of any vehicle that receives a violation notice. It also increases the number of days to correct a bus defect from 10 days to 20 calendar days and it requires the Department of Public Safety to provide an annual report to each superintendent of a school district or governing body of a charter school on the health and safety of the fleet.

Roll call on Assembly Bill No. 417:
YEAS—41.
NAYS—Thomas.

Assembly Bill No. 417 having received a constitutional majority, Mr. Speaker declared it passed, as amended. Bill ordered transmitted to the Senate.

Assembly Bill No. 419.
Bill read third time.
Remarks by Assemblywoman Bilbray-Axelrod.

ASSEMBLYWOMAN BILBRAY-AXELROD:
Assembly Bill 419 requires the sponsor of a charter school to establish standards for provide training on the governance of the charter school. It also says that the sponsor of a charter school that received one- or two-star performance ratings in each of the last three consecutive years must submit a report to the Legislative Committee on Education. It also sets forth that in reviewing applications to form a charter school, the proposed sponsor of a charter school must consider academic, financial, and organizational performance of any charter schools currently holding a contract with the proposed operator.

Roll call on Assembly Bill No. 419:
YEAS—33.

Assembly Bill No. 419 having received a constitutional majority, Mr. Speaker declared it passed, as amended. Bill ordered transmitted to the Senate.

Assembly Bill No. 420.
Bill read third time.
Remarks by Assemblywoman Bilbray-Axelrod.

ASSEMBLYWOMAN BILBRAY-AXELROD:
Assembly Bill 420 revises the definition of an “educational management organization” to mean a for-profit entity that contracts with and is accountable to the governing body of a charter school to provide centralized support or operations, including, without limitation, educational, administrative, management, compliance, or instructional services or staff to the charter school.
Roll call on Assembly Bill No. 420:
YEAS—42.
NAYS—None.
Assembly Bill No. 420 having received a constitutional majority, Mr. Speaker declared it passed, as amended.
Bill ordered transmitted to the Senate.

Assembly Bill No. 424.
Bill read third time.
Remarks by Assemblywoman Nguyen.

ASSEMBLYWOMAN NGUYEN:
Assembly Bill 424 removes the requirement that an arrested person show good cause before being released without bail and instead provides that a court may only impose bail or a condition of release, or both, on a person if the imposition is necessary to protect the community and to ensure the appearance of the person in court.

Roll call on Assembly Bill No. 424:
YEAS—30.
Assembly Bill No. 424 having received a constitutional majority, Mr. Speaker declared it passed, as amended.
Bill ordered transmitted to the Senate.

Assembly Bill No. 436.
Bill read third time.
Remarks by Assemblywoman Marzola.

ASSEMBLYWOMAN MARZOLA:
Assembly Bill 436 prohibits an insurer from entering into a contract with a provider of vision care that places certain limitations on coverage. An insurer must provide the provider of vision care with a list of reimbursement rates that the insurer provides for covered vision care in the network of the insurer. Additionally, an insurer must disclose, in any vision insurance policy or related materials, any ownership or other interest of the insurer in a manufacturer of goods covered by the policy or in a provider of vision care and imposes certain restrictions concerning the advertising and marketing of vision coverage.

Roll call on Assembly Bill No. 436:
YEAS—42.
NAYS—None.
Assembly Bill No. 436 having received a constitutional majority, Mr. Speaker declared it passed, as amended.
Bill ordered transmitted to the Senate.

Assembly Bill No. 440.
Bill read third time.
Remarks by Assemblywoman Nguyen.

ASSEMBLYWOMAN NGUYEN:
Assembly Bill 440 requires peace officers to issue misdemeanor citations, traffic citations, vessel citations, and wildlife citations under certain circumstances for offenses punishable as misdemeanors that do not constitute repeat offenses or crimes of violence. Additionally, the bill
Roll call on Assembly Bill No. 440:
YEAS—26.
Assembly Bill No. 440 having received a constitutional majority, Mr. Speaker declared it passed, as amended.
Bill ordered transmitted to the Senate.

Assembly Bill No. 442.
Bill read third time.
Remarks by Assemblyman Orentlicher.

ASSEMBLYMAN ORENTLICHER:
Assembly Bill 440 requires peace officers to issue misdemeanor citations, traffic citations, vessel citations, and wildlife citations under certain circumstances for offenses punishable as misdemeanors that do not constitute repeat offenses or crimes of violence. Additionally, the bill specifies circumstances when a person must be taken before a magistrate if the officer has reasonable cause for believing that the person has committed certain offenses.

Roll call on Assembly Bill No. 442:
YEAS—38.
Assembly Bill No. 442 having received a constitutional majority, Mr. Speaker declared it passed, as amended.
Bill ordered transmitted to the Senate.

Assembly Bill No. 444.
Bill read third time.
Remarks by Assemblyman Wheeler.

ASSEMBLYMAN WHEELER:
Assembly Bill 444 authorizes a transportation network company to enter into a contract with certain limousine motor carriers who hold certificates of public convenience and necessity to allow drivers employed by the limousine motor carrier to receive connections to potential passengers from the transportation network company.

Roll call on Assembly Bill No. 444:
YEAS—41.
NAYS—Thomas.
Assembly Bill No. 444 having received a constitutional majority, Mr. Speaker declared it passed, as amended.
Bill ordered transmitted to the Senate.

Assembly Bill No. 102.
Bill read third time.
Remarks by Assemblywoman Krasner.

ASSEMBLYWOMAN KRASNER:
Assembly Bill 102 eliminates the requirement that the permanent service-connected disability rating of a resident of this state be 10 percent or more before he or she may be issued a free annual permit for entering, camping, and boating in all state parks.
Roll call on Assembly Bill No. 102:
YEAS—42.
NAYS—None.
Assembly Bill No. 102 having received a constitutional majority, Mr. Speaker declared it passed, as amended.
Bill ordered transmitted to the Senate.

MOTIONS, RESOLUTIONS AND NOTICES
Assemblywoman Benitez-Thompson moved that Assembly Bills Nos. 139 and 231 be taken from the General File and placed on the Chief Clerk’s desk. Motion carried.

Assemblywoman Benitez-Thompson moved that Assembly Bill No. 245 be taken from the Chief Clerk’s desk and placed on the General File immediately after Assembly Bill No. 388. Motion carried.

Assemblywoman Benitez-Thompson moved that Assembly Bill No. 123 be taken from the Chief Clerk’s desk and placed on the General File immediately after Assembly Bill No. 330. Motion carried.

Assemblywoman Carlton moved that Assembly Bill No. 225 be taken from the General File and rereferred to the Committee on Ways and Means. Motion carried.

GENERAL FILE AND THIRD READING
Assembly Bill No. 313.
Bill read third time.
Remarks by Assemblywoman Hansen.

Assemblywoman Hansen:
Assembly Bill 313 authorizes the use of secret electronic ballots for the election or removal of any member of the executive board of a unit-owners’ association of a common-interest community and requires that the results of such ballots be reviewed, announced, and entered into the record at a meeting of the association. It also revises the circumstances in which money may be withdrawn from the operating account of an association without multiple signatures and requires the Commission for Common-Interest Communities and Condominium Hotels to adopt regulations relating to the transfer of all books, records, and other papers of a client upon the termination or assignment of a management agreement. Provisions regarding the transfer of books, records, and other papers is effective upon passage and approval for the purposes of adopting regulations and performing other preparatory administrative tasks and on October 1, 2021, for all other purposes.

Roll call on Assembly Bill No. 313:
YEAS—40.
NAYS—Duran, Thomas—2.
Assembly Bill No. 313 having received a constitutional majority, Mr. Speaker declared it passed, as amended.
Bill ordered transmitted to the Senate.
Assembly Bill No. 316.
Bill read third time.
Remarks by Assemblyman O’Neill.

ASSEMBLYMAN O’NEILL:
Assembly Bill 316 makes the following requirements concerning veterans’ benefits, with certain exceptions. Any person who advertises or promotes any event or other public gathering relating to benefits or entitlements for veterans must disclose certain information, including that the event is not associated with the United States Department of Veterans Affairs or the Department of Veterans Services and that the veteran may qualify for benefits other than those discussed at the event. Also, any person who advertises or promotes services to represent or assist veterans in matters relating to benefits or entitlements must disclose certain information regarding compensation and the availability of free services, and any person who provides services to obtain veterans’ benefits in exchange for compensation must provide a written disclosure before entering into an agreement with a client for the provision of those services. Finally, this measure authorizes the Attorney General to collect a civil penalty of up to $10,000 for each violation of the provisions of the bill. The bill specifies that such a violation constitutes consumer fraud, and a victim may bring a civil action.

Roll call on Assembly Bill No. 316:
YEAS—42.
NAYS—None.
Assembly Bill No. 316 having received a constitutional majority, Mr. Speaker declared it passed, as amended.
Bill ordered transmitted to the Senate.

Assembly Bill No. 59.
Bill read third time.
Remarks by Assemblyman Yeager.

ASSEMBLYMAN YEAGER:
Assembly Bill 59 prohibits the selling, distributing, or offering to sell cigarettes, any product containing, made, or derived from tobacco, vapor product, alternative nicotine product, or product containing, made, or derived from nicotine to a person under 21 years of age, as opposed to the previous age of 18 years old.

Roll call on Assembly Bill No. 59:
YEAS—34.
NAYS—Black, Carlton, Dickman, Ellison, Hansen, Matthews, McArthur, Titus—8.
Assembly Bill No. 59 having received a constitutional majority, Mr. Speaker declared it passed, as amended.
Bill ordered transmitted to the Senate.

Assembly Bill No. 45.
Bill read third time.
Remarks by Assemblyman O’Neill.

ASSEMBLYMAN O’NEILL:
Assembly Bill 45 makes various changes relating to insurance. Among other things, the measure revises provisions relating to bonds filed by various persons regulated by the Commissioner of Insurance; revises provisions governing the service of process on certain insurers; revises provisions governing the issuance, renewal, and expiration of various licenses, permits, certificates, and other authorizations; revises certain requirements governing holding companies and reinsurers and reinsurance; and revises provisions governing annual disclosures by
certain persons regulated by the Commissioner of Insurance. It provides specific requirements for certain stop-loss insurance policies and the insurers who issue them and expands the list of statutory provisions to which certain health care related entities and risk retention groups are expressly made subject.

Roll call on Assembly Bill No. 45:
YEAS—36.
Assembly Bill No. 45 having received a constitutional majority, Mr. Speaker declared it passed, as amended.
Bill ordered transmitted to the Senate.

Assembly Bill No. 158.
Bill read third time.
Remarks by Assemblywoman Monroe-Moreno.

ASSEMBLYWOMAN MONROE-MORENO:
Assembly Bill 158 establishes and revises the penalties for certain offenses involving alcohol, marijuana, and cannabis. The bill also expands the jurisdiction of juvenile courts to include offenses committed by children relating to the possession or consumption of alcohol or offenses relating to possessing one ounce or less of marijuana.

Roll call on Assembly Bill No. 158:
YEAS—42.
NAYS—None.
Assembly Bill No. 158 having received a constitutional majority, Mr. Speaker declared it passed, as amended.
Bill ordered transmitted to the Senate.

Assembly Bill No. 243.
Bill read third time.
Remarks by Assemblyman Orentlicher.

ASSEMBLYMAN ORENTLICHER:
Assembly Bill 243 does two things in criminal justice. First, when a youthful offender is tried as an adult, at sentencing the judge should take into account the youth of the offender up until age 21 instead of the current age 18. Second, the bill authorizes prosecutors to establish a system of charging where they do not know the race of the suspect when deciding whether charges should be filed.

Roll call on Assembly Bill No. 243:
YEAS—26.
Assembly Bill No. 243 having received a constitutional majority, Mr. Speaker declared it passed, as amended.
Bill ordered transmitted to the Senate.

Assembly Bill No. 326.
Bill read third time.
Remarks by Assemblyman Roberts.
ASSEMBLYMAN ROBERTS:
Assembly Bill 326 authorizes a district attorney or a city attorney to bring a civil action against a person who engages in certain activities relating to cannabis without the required license or registration card issued by the Cannabis Compliance Board. Additionally, this bill requires the Cannabis Compliance Board to establish regulations for advertising and transfer of license.

Roll call on Assembly Bill No. 326:
YEAS—42.
NAYS—None.
Assembly Bill No. 326 having received a constitutional majority, Mr. Speaker declared it passed, as amended.
Bill ordered transmitted to the Senate.

Assembly Bill No. 384.
Bill read third time.
Remarks by Assemblywoman Torres.

ASSEMBLYWOMAN TORRES:
Assembly Bill 384 authorizes the Board of Regents of the Nevada System of Higher Education [NSHE] to develop a climate survey on sexual misconduct and authorizes the Board to require institutions to conduct the climate survey, provide training to personnel, adopt a policy on sexual misconduct, enter into a memorandum of understanding with an organization that assists victims of sexual misconduct, provide training on the grievance process, conduct investigations or hold hearings, and make certain information relating to incidents confidential. Additionally, the bill gives permission to Title IX coordinators to seek a waiver from certain requirements of academic activity.

Roll call on Assembly Bill No. 384:
YEAS—42.
NAYS—None.
Assembly Bill No. 384 having received a constitutional majority, Mr. Speaker declared it passed, as amended.
Bill ordered transmitted to the Senate.

Assembly Bill No. 388.
Bill read third time.
Remarks by Assemblyman C.H. Miller.

ASSEMBLYMAN C.H. MILLER:
Assembly Bill 388 requires the Public Utilities Commission of Nevada [PUCN] to enact regulations establishing a program enabling providers of broadband or commercial radio service and their customers to participate in a voluntary contribution program for grants to support the expansion of broadband infrastructure deployment in underserved and rural communities.

The measure also creates the Account for the Voluntary Contribution Program for Broadband Infrastructure within the Nevada Universal Service Fund, and it creates the Account for the Grant Program for Broadband Infrastructure within the General Fund and sets forth provisions for its administration by the Office of Science, Innovation, and Technology [OSIT]. It also requires OSIT to collect, map, and report data concerning broadband access speeds across the state and requires OSIT to establish a Broadband Ready Community Certification program.

Roll call on Assembly Bill No. 388:
YEAS—42.
NAYS—None.
Assembly Bill No. 388 having received a constitutional majority, Mr. Speaker declared it passed, as amended. Bill ordered transmitted to the Senate.

Assembly Bill No. 245.
Bill read third time.
Remarks by Assemblyman Flores.

ASSEMBLYMAN FLORES:
Assembly Bill 245 increases the fees a public notary is authorized to charge for certain activities. The bill also increases the application and renewal fee. Finally, the bill authorizes the Secretary of State to impose a civil penalty upon persons registered to engage in the business of document preparation service and persons who are engaged in the business but have not registered.

Roll call on Assembly Bill No. 245:
YEAS—31.

Assembly Bill No. 245 having received a two-thirds majority, Mr. Speaker declared it passed, as amended.
Bill ordered transmitted to the Senate.

Assembly Bill No. 399.
Bill read third time.
Remarks by Assemblyman Watts.

ASSEMBLYMAN WATTS:
Assembly Bill 399 prohibits an egg or egg product from being sold, offered for sale, or transported for the purpose of sale in Nevada if it is produced by an egg-laying hen that is confined in certain enclosures. The measure prohibits farm owners and operators from knowingly confining an egg-laying hen in an enclosure that does not comply with the bill’s provisions.

Roll call on Assembly Bill No. 399:
YEAS—27.

Assembly Bill No. 399 having received a constitutional majority, Mr. Speaker declared it passed, as amended.
Bill ordered transmitted to the Senate.

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

Assembly in recess at 6:18 p.m.

ASSEMBLY IN SESSION

At 6:20 p.m.
Mr. Speaker presiding.
Quorum present.
Assemblywoman Benitez-Thompson moved that Assembly Bill No. 376 be taken from the Chief Clerk’s desk and placed at the top of the General File. Motion carried.

GENERAL FILE AND THIRD READING

Assembly Bill No. 376.
Bill read third time.
The following amendment was proposed by Assemblywoman Benitez-Thompson:
Amendment No. 483.
SUMMARY—Enacts the Keep Nevada Working Act and makes various other changes relating to immigration. (BDR 14-737, 18-737)
AN ACT relating to immigration; enacting the Keep Nevada Working Act; prohibiting certain state and local agencies from performing certain actions relating to immigration enforcement; prohibiting certain state or local law enforcement agencies, school police units and campus police departments from collecting, using and providing certain information to federal immigration authorities; requiring state or local law enforcement agencies to provide certain written disclosures to persons before making inquiries relating to immigration; limiting the circumstances under which a state or local law enforcement agency may permit federal immigration authorities to interview persons who are under state or local custody; prohibiting state or local law enforcement agencies from detaining persons on the basis of a hold request or for the purpose of determining the immigration status of the person; prohibiting state or local law enforcement agencies from contracting for or otherwise using the language services of federal immigration authorities; creating the Keep Nevada Working Task Force and establishing the power and duties of the Task Force; requiring the Attorney General to publish model policies relating to immigration; requiring state and local law enforcement agencies, public schools, institutions of higher education, health care facilities and courthouses to take certain actions relating to the model policies published by the Attorney General; and providing other matters properly relating thereto.
Legislative Counsel’s Digest:
Section 2 of this bill declares that the primary purpose of certain law enforcement agencies and related entities in this State is not to enforce immigration. Sections 4-7 of this bill define the terms “campus police department,” “federal immigration authority,” “notification request” and “state or local law enforcement agency,” respectively, for the purposes of sections 2-14 of this bill.
Sections 8 and 9 of this bill prohibit state or local law enforcement agencies, school police units and campus police departments from providing certain information pursuant to a notification request from a federal immigration
authority. Section 9 of this bill additionally prohibits state or local law enforcement agencies from providing federal immigration authorities with certain personal demographic information of persons subject to the custody or supervision of the state or local law enforcement agency.

Section 8 of this bill also prohibits school police units and campus police departments from inquiring into and collecting information concerning the immigration or citizenship status of a person or the place of birth of the person. Section 9 reenacts the same prohibition for state or local law enforcement agencies unless there is a direct connection between the information sought and a criminal violation of a state law or local ordinance. In such circumstances where the state or local law enforcement agency is permitted to make such an inquiry, section 9 requires the state or local law enforcement agency, before making the inquiry, to provide certain written disclosures to the person and an interpreter for the disclosures under certain circumstances. Section 29 of this bill makes a conforming change by repealing provisions of law which require certain disclosures be made to a person in a county or city jail or a detention facility before questioning the person regarding his or her immigration status, as such disclosures are encompassed by and expanded under section 9.

Additionally, section 10 of this bill prohibits state or local law enforcement agencies from using agency funds, facilities, property, equipment or personnel to investigate, question, interrogate, detain, detect or arrest a person for the purpose of immigration enforcement.

Section 11 of this bill prohibits state or local law enforcement agencies from detaining a person solely for the purpose of determining the immigration status of the person. Additionally, section 11 prohibits state or local law enforcement agencies from detaining a person on the basis of a hold request relating to immigration enforcement unless the hold request is accompanied by a warrant for the arrest of the person.

Section 12 of this bill prohibits state or local law enforcement agencies from permitting federal immigration authorities to interview a person who is subject to state or local custody concerning a noncriminal matter unless: (1) the interview is required by law or court order, or (2) the person gives informed consent in writing to the interview. Specifically, section 12 requires the state or local law enforcement agency to provide certain oral and written disclosures to the person before obtaining such written consent and requires the use of an interpreter for the disclosures under certain circumstances.

Section 13 of this bill prohibits school police units, campus police departments and state or local law enforcement agencies from entering into contracts for the provision of language services by federal immigration authorities or otherwise accepting the provision of such language services.

Section 14 of this bill requires the Attorney General to publish model policies which provide guidance and training recommendations to state or local law enforcement agencies and which must be consistent with sections 2-14. Section 14 also requires each state or local law enforcement agency to: (1) adopt policies that are consistent with the model policies of the Attorney
Section 16 of this bill establishes the Keep Nevada Working Act and provides that sections 16-20 of this bill may be cited as such. Section 18 of this bill creates the Keep Nevada Working Task Force and sets forth the membership of the Task Force. Section 20.6 of this bill provides for the appointment of the members to the Task Force. Section 19 of this bill requires the Task Force to meet quarterly and sets forth various other administrative functions. Finally, section 20 of this bill: (1) prescribes the duties of the Task Force; (2) requires the Task Force to submit an annual report to the Director of the Legislative Counsel Bureau for transmission to the Legislative Commission; (3) authorizes the Lieutenant Governor to accept gifts, grants or donations for the purpose of the Task Force; and (4) requires state and local agencies, boards, commissions, departments and officers, employees and agents thereof to assist the Task Force under certain circumstances.

Section 21.5 of this bill declares that it is not the primary purpose of an agency or regulatory body of this State or a political subdivision thereof to enforce civil federal immigration law. Section 22 of this bill prohibits state or local agencies and regulatory bodies from using agency funds, facilities, property, equipment or personnel to investigate, enforce, cooperate with or assist in the investigation or enforcement of any federal registration or surveillance program or any other law, rule or policy that targets residents exclusively on the basis of race, religion, immigration or citizenship status or national or ethnic origin. Section 23 of this bill requires certain agencies of this State to publish agency policies which are consistent with section 22 and which relate to the collection, use and disclosure of information by the agency and the provision of its services.

Section 24 of this bill requires the Attorney General to publish model policies which provide guidance and training recommendations to state or local law enforcement agencies. Section 20.6 also requires each state or local law enforcement agency to: (1) adopt policies that are consistent with the model policies of the Attorney General; or (2) notify the Attorney General that the state or local law enforcement agency is not adopting policies consistent with the model policies. Similarly, section 20.9 of this bill requires the Attorney General to publish model policies which provide recommendations to limit immigration enforcement at public schools, institutions of higher education, certain health care facilities, courthouses and other state and local governmental agencies. Additionally, section 20.9 requires such entities to: (1) adopt policies consistent with the model policies of the Attorney General; or (2) notify the Attorney General that the entity is not adopting policies consistent with the model policies of the Attorney General. Section 20.9 also encourages
certain other organizations to adopt policies consistent with the model policies
of the Attorney General.

WHEREAS, there is a thriving economy in this State which encompasses a broad range of industries, including tourism, hospitality, gaming, agriculture, construction, health care and technology, which necessitates the need for a skilled workforce in a variety of such industries to ensure the economic vitality of this State; and

WHEREAS, there are nearly 614,000 immigrants in this State, with immigrants accounting for approximately one in every four people in this State and 26 percent of workers in this State; and

WHEREAS, there are approximately 33,731 immigrant entrepreneurs in this State which means that 30 percent of entrepreneurs in this State are immigrants; and

WHEREAS, immigrant business owners have a large impact on the economy of this State through innovation and the creation of jobs, and immigrants account for approximately 30 percent of business owners in this State, as such businesses employ approximately 61,196 people; and

WHEREAS, it is a vital interest of this State to ensure that families are protected from undue harm and separation; and

WHEREAS, in recognition of the significant contribution of immigrants to the overall prosperity and strength of this State, there is a compelling interest in ensuring that this State remains a place where the rights and dignity of all residents are maintained and protected in order to keep this State working; now, therefore,

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

Section 1. Chapter 178 of NRS is hereby amended by adding thereto the provisions set forth as sections 2 to 14, inclusive, of this act. (Deleted by amendment.)

Sec. 2. The Legislature hereby finds and declares that:
1. It is not the primary purpose of state or local law enforcement agencies, school police units or campus police departments to enforce civil federal immigration law.
2. State or local law enforcement agencies, school police units or campus police departments should not be concerned with any matter which exclusively involves one or more of the following circumstances:
   (a) The immigration status of a person;
   (b) The presence of a person in the United States;
   (c) The entry or reentry of a person into the United States; or
   (d) The employment of a person in the United States.
Federal immigration authorities have primary jurisdiction over the enforcement of Title 8 of the United States Code relating to the illegal entry of persons into the United States. (Deleted by amendment.)

Sec. 3. As used in sections 2 to 14, inclusive, of this act, unless the context otherwise requires, the words and terms defined in sections 4 to 7, inclusive, of this act have the meanings ascribed to them in those sections. (Deleted by amendment.)

Sec. 4. "Campus police department" has the meaning ascribed to it in NRS 179D.015. (Deleted by amendment.)

Sec. 5. "Federal immigration authority" means any officer, employee or person who is paid by or acting as an agent of:
1. The United States Immigration and Customs Enforcement of the United States Department of Homeland Security, or any division thereof;
2. The United States Customs and Border Protection of the United States Department of Homeland Security, or any division thereof or
3. The United States Department of Homeland Security or any other component thereof charged with immigration enforcement. (Deleted by amendment.)

Sec. 6. "Notification request" means a formal or informal request from a federal immigration authority for information concerning the date and time for the release of a person under the custody or supervision of a state or local law enforcement agency. (Deleted by amendment.)

Sec. 7. "State or local law enforcement agency" means:
1. The sheriff’s office of a county;
2. A metropolitan police department;
3. A police department of an incorporated city;
4. Any entity authorized to operate a prison, jail or detention facility, including, without limitation, any facility for the detention of juveniles;
5. The Division of Parole and Probation of the Department of Public Safety;
6. Any department of alternative sentencing and
7. Any other state or local agency, office, bureau, department, unit or division created by any statute, ordinance or rule which:
   (a) Has a duty to enforce the law and
   (b) Employs any person upon whom some or all of the powers of a peace officer are conferred pursuant to NRS 289.150 to 289.360, inclusive. (Deleted by amendment.)

Sec. 8. "School police unit or campus police department shall not:
1. Inquire into or collect information concerning:
   (a) The immigration or citizenship status of a person; or
   (b) The place of birth of a person.
2. Provide information pursuant to a notification request, except as otherwise required by law. (Deleted by amendment.)

Sec. 9. A state or local law enforcement agency shall not inquire into or collect information relating to the immigration or citizenship status
of a person or the place of birth of the person unless there is a direct
connection between the information sought and a criminal violation of a
state law or local ordinance.
2. Except as otherwise provided by law, a state or local law enforcement
agency shall not provide federal immigration authorities with:
(a) Information pursuant to a notification request; or
(b) Personal demographic information that is not publicly available
concerning a person subject to the custody or supervision of the state or local
law enforcement agency.
3. A state or local law enforcement agency who seeks to question a
person concerning his or her immigration or citizenship status or place of
birth in accordance with subsection 1 shall, before making such an inquiry,
provide the person with a written document which:
(a) Informs the person of the purpose of the questions concerning his or
her immigration or citizenship status or place of birth;
(b) Warns the person that any statement made about his or her
immigration or citizenship status or place of birth may be shared with federal
immigration authorities and possibly used in a federal proceeding for the
deposition or removal of the person;
(c) Informs the person whether he or she is required by law to answer the
questions concerning his or her immigration or citizenship status or place of
birth, and if the person is not so required, informs the person of that fact; and
(d) Informs the person that the person:
(1) May decline to answer the questions of the state or local law
enforcement agency; or
(2) Require that his or her attorney be present during the questioning
with the state or local law enforcement agency.
4. The state or local law enforcement agency making an inquiry
pursuant to this section shall, to the extent practicable, provide an interpreter
for translation of the document described in subsection 3.
5. As used in this section, “personal demographic information” means:
(a) Any information relating to the person’s race, color, gender identity
or expression, age, religion, disability, national origin, place of birth,
ancestry, sexual orientation, marital status, military status, order of
protection status, pregnancy, unfavorable discharge from military service;
(b) Any personally identifiable information, including, without limitation,
a home address, physical address, electronic mail address, telephone
number, social security number, driver’s license number, photo
identification number, individual taxpayer identification number, or any
other identifier of the person; or
(c) Any other information concerning a person that could be used to
contact, track, locate, identify or reasonably infer the identity of the person.
(Deleted by amendment.)
Sec. 10. ¶ In addition to any limitation pursuant to section 22 of this act, a state or local law enforcement agency shall not use agency funds, facilities, property, equipment or personnel to investigate, question, interrogate, detain, detect or arrest any person for immigration enforcement purposes.

2. The limitations set forth in this section do not apply to a detention authorized pursuant to paragraph (b) of subsection 1 of section 11 of this act.

(Deleted by amendment.)

Sec. 11. ¶ A state or local law enforcement agency shall not detain a person:

(a) Solely for the purpose of determining the immigration status of the person; or

(b) On the basis of a hold request unless the hold request is:

(1) Accompanied by a warrant which is:

(I) Based upon probable cause and

(II) Issued by a federal judge or federal magistrate judge.

(Deleted by amendment.)

Sec. 12. ¶ A state or local law enforcement agency shall not permit a federal immigration authority to interview a person about a noncriminal matter while the person is in the custody of the state or local law enforcement agency unless:

(a) The interview is required by law or court order; or

(b) The state or local law enforcement agency obtains the informed, written consent of the person.

2. Before obtaining the informed, written consent of the person, the state or local law enforcement agency shall disclose orally and in writing:

(a) The purpose of the interview with the federal immigration authority;

(b) That the interview with the federal immigration authority is voluntary and that the person will not be punished or suffer retaliation for declining to be interviewed by the federal immigration authority;

(c) That the person:

(1) May decline to be interviewed by the federal immigration authority; or

(2) Require that his or her attorney be present for the interview with the federal immigration authority; and

(d) That any statement made about his or her immigration or citizenship status or place of birth may be used in a federal proceeding for the deportation or removal of the person.
3. The state or local law enforcement agency shall:
   (a) Make the written disclosures available in English and Spanish and any other language prescribed by the state or local law enforcement agency; and
   (b) Use an interpreter for the oral disclosures if the person is unable to read the written disclosures. (Deleted by amendment.)

Sec. 13. A state or local law enforcement agency, school police unit or campus police department shall not:

1. Enter into or renew a contract for the provision of language services from federal immigration authorities; or
2. Accept any language services offered for free or otherwise by federal immigration authorities. (Deleted by amendment.)

Sec. 14. The Attorney General shall, in consultation with relevant stakeholders and the Keep Nevada Working Task Force created by section 18 of this act, publish model policies which provide guidance and training recommendations to state or local law enforcement agencies. The model policies must:

(a) Be consistent with sections 2 to 14, inclusive, of this act; and
(b) Prioritize guidance and training recommendations which:
   (1) Foster trust between the community and state or local law enforcement agencies; and
   (2) Limit, to the fullest extent practicable and consistent with any applicable law, the engagement of state or local law enforcement agencies with federal immigration authorities for the purpose of immigration enforcement.

2. Every state or local law enforcement agency shall:
   (a) Adopt policies consistent with the model policies of the Attorney General; or
   (b) Notify the Attorney General that the state or local law enforcement agency is not adopting policies consistent with the model policies of the Attorney General.

3. The notification described in subsection 2 must include, without limitation:
   (a) The reason that the state or local law enforcement agency is not adopting policies consistent with the model policies of the Attorney General;
   (b) A copy of the policies of the state or local law enforcement agency; and
   (c) A certification of whether the policies of the state or local law enforcement agency are in compliance with sections 2 to 14, inclusive, of this act. (Deleted by amendment.)

Sec. 15. Chapter 224 of NRS is hereby amended by adding thereto the provisions set forth as sections 16 to 20, inclusive, of this act.

Sec. 16. Sections 16 to 20, inclusive, of this act may be cited as the Keep Nevada Working Act.
Sec. 17. As used in sections 16 to 20, inclusive, of this act, “Task Force” means the Keep Nevada Working Task Force created by section 18 of this act.

Sec. 18. 1. The Keep Nevada Working Task Force is hereby created within the Office of Lieutenant Governor.
2. The Task Force consists of:
   (a) The Lieutenant Governor, or his or her designee;
   (b) Seven members appointed by the Lieutenant Governor; and
   (c) One member appointed jointly by the Governor and the Office for New Americans.
3. Every member appointed to the Task Force shall represent at least one of the following:
   (a) An immigrant advocacy group;
   (b) A professional association representing business;
   (c) A labor organization with a statewide presence;
   (d) A workforce or economic development interest;
   (e) A bar association or like association of lawyers which is involved in the advocacy of immigrants;
   (f) A faith-based, nonprofit organization;
   (g) An advocacy group which focuses on immigration and criminal justice;
   (h) An institution of higher education; or
   (i) A state or local law enforcement agency.
4. The members of the Task Force shall serve terms of 3 years. A member may be reappointed to the Task Force and any vacancy must be filled in the same manner as the original appointment.
5. The members of the Task Force serve without compensation.

Sec. 19. 1. At the first meeting of each fiscal year, the Task Force shall elect from its members a Chair and a Vice Chair.
2. The Task Force shall meet at least once each quarter and hold meetings at various locations throughout the State.
3. A majority of the members of the Task Force constitutes a quorum for the transaction of business, and a majority of these members present at the meeting is sufficient for any official action taken by the Task Force.

Sec. 20. 1. The Task Force may:
   (a) Develop strategies with private sector businesses, labor organizations and immigrant advocacy groups to support current and future industries across this State;
   (b) Conduct research on methods to strengthen career pathways for immigrants and create enhanced partnerships with projected growth industries;
   (c) Support the efforts of business leadership, civic groups, government and immigrant advocacy groups to provide predictability and stability to the workforce in this State;
(d) Recommend approaches to improve the ability of this State to attract and retain immigrant business owners that provide new business and trade opportunities; and

(e) Enter into a contract with a consultant to perform research necessary to carry out the duties of the Task Force.

2. On or before July 1, 2022, and on or before July 1 of each subsequent year, the Task Force shall submit a written report to the Director of the Legislative Counsel Bureau for submission to the Legislative Commission. The report must include, without limitation, a summary of the work of the Task Force and any recommendations for legislation.

3. The Lieutenant Governor may accept gifts, grants and donations from any source for the purpose of carrying out the provisions of sections 16 to 20, inclusive, of this act.

4. The Office of Lieutenant Governor shall provide personnel, facilities, equipment, funding and supplies as required by the Task Force to carry out its duties.

5. Each agency, board, commission, department, officer, employee or agent of this State, or a political subdivision thereof, shall provide the Task Force with such assistance as the Task Force may reasonably require in discharging its duties.

Sec. 20.3. Chapter 228 of NRS is hereby amended by adding thereto the provisions set forth as sections 20.6 and 20.9 of this act.

Sec. 20.6. 1. The Attorney General shall, in consultation with relevant stakeholders and the Keep Nevada Working Task Force created by section 18 of this act, publish model policies which provide guidance and training recommendations to state or local law enforcement agencies. The model policies must prioritize guidance and training recommendations which:

(a) Foster trust between the community and state or local law enforcement agencies; and

(b) Limit, to the fullest extent practicable and consistent with any applicable law, the engagement of state or local law enforcement agencies with federal immigration authorities for the purpose of immigration enforcement.

2. Each state or local law enforcement agency shall:

(a) Adopt policies consistent with the model policies of the Attorney General published pursuant to subsection 1; or

(b) Notify the Attorney General that the state or local law enforcement agency is not adopting policies consistent with the model policies of the Attorney General.

3. The notification described in paragraph (b) of subsection 2 must include, without limitation:

(a) The reason that the state or local law enforcement agency is not adopting policies consistent with the model policies of the Attorney General; and

(b) A copy of the policies of the state or local law enforcement agency.
4. As used in this section, “state or local law enforcement agency” means:
   (a) The sheriff’s office of a county;
   (b) A metropolitan police department;
   (c) A police department of an incorporated city;
   (d) Any entity authorized to operate a prison, jail or detention facility, including, without limitation, any facility for the detention of juveniles;
   (e) The Division of Parole and Probation of the Department of Public Safety;
   (f) Any department of alternative sentencing; and
   (g) Any other state or local agency, office, bureau, department, unit or division created by any statute, ordinance or rule which:
      (1) Has a duty to enforce the law; and
      (2) Employs any person upon whom some or all of the powers of a peace officer are conferred pursuant to NRS 289.150 to 289.360, inclusive.

Sec. 20.9. 1. The Attorney General shall, in consultation with relevant stakeholders and the Keep Nevada Working Task Force created by section 18 of this act, publish model policies for limiting, to the fullest extent possible and consistent with any applicable law, immigration enforcement at public schools, institutions of higher education, health care facilities and courthouses to ensure that such places remain safe and accessible to residents of this State regardless of the immigration status or citizenship of such persons.

2. Each public school, institution of higher education, health care facility and courthouse in this State shall:
   (a) Adopt policies consistent with the model policies of the Attorney General published pursuant to subsection 1; or
   (b) Notify the Attorney General that the public school, institution of higher education, health care facility or courthouse, as applicable, is not adopting policies consistent with the model policies of the Attorney General.

3. Any organization that provides services relating to physical or mental health and wellness, education or access to justice is encouraged to adopt policies consistent with the model policies of the Attorney General published pursuant to subsection 1.

4. The notification described in paragraph (b) of subsection 2 must include, without limitation:
   (a) The reason that the public school, institution of higher education, health care facility or courthouse, as applicable, is not adopting policies consistent with the model policies of the Attorney General; and
   (b) A copy of the policies of the public school, institution of higher education, health care facility or courthouse, as applicable.

5. A policy adopted pursuant to this section must comply with:
   (a) Any applicable law:
(b) Any policy, grant, waiver or other requirement necessary to maintain the funding of the public school, institution of higher education, health care facility, courthouse or other organization, as applicable; and

(c) Any agreement related to the operation and functions of the public school, institution of higher education, health care facility, courthouse or other organization, as applicable.

6. As used in this section:

(a) “Health care facility” means a facility licensed pursuant to chapter 449 of NRS and which is operated by this State or a political subdivision thereof.

(b) “Institution of higher education” has the meaning ascribed to it in NRS 179D.045.

(c) “Public school” means any school described in NRS 388.020.

Sec. 21. Chapter 237 of NRS is hereby amended by adding thereto the provisions set forth as sections 21.5 to 25, inclusive, of this act. (Deleted by amendment.)

Sec. 21.5. The Legislature hereby finds and declares that it is not the primary purpose of an agency or regulatory body of this State or a political subdivision thereof to enforce civil federal immigration law. (Deleted by amendment.)

Sec. 22. Except as otherwise provided in subsection 2, an agency or regulatory body of this State or a political subdivision thereof shall not:

(a) Use agency funds, facilities, property, equipment or personnel to investigate, enforce, cooperate with or assist in the investigation or enforcement of any federal registration or surveillance program or any other law, rule or policy that targets residents of this State solely on the basis of race, religion, immigration or citizenship status or national or ethnic origin.

(b) Condition the provision of agency services on or otherwise require proof of the immigration or citizenship status of a person or the place of birth of the person.

An agency of this State or political subdivision thereof may collect, use or disclose information that would otherwise violate subsection 1, if the collection, use or disclosure is:

(a) Required by law or court order;

(b) Necessary to perform agency duties, functions or other business and such performance:

(1) Is expressly authorized by law and

(2) Is not related to immigration enforcement;

(c) Required to comply with policies, grants, waivers or other requirements necessary to maintain the funding of the agency; or

(d) Provided in aggregate form or another like form which does not include personally identifiable information.

As used in this section, “court order” does not include an order of an administrative court. (Deleted by amendment.)
Sec. 23. The following agencies shall each publish agency policies which are consistent with section 22 of this act and which relate to the collection, use and disclosure of information by the agency and the provision of services to persons in this State regardless of the immigration or citizenship status of the person or his or her place of birth:

1. The Department of Administration;
2. The Department of Agriculture;
3. The Department of Business and Industry;
4. The Department of Education;
5. The Department of Employment, Training and Rehabilitation;
6. The Department of Health and Human Services;
7. The Department of Motor Vehicles;
8. The Department of Public Safety;
9. The Department of Taxation;
10. The Department of Tourism and Cultural Affairs;
11. The Department of Transportation;
12. The Public Employees' Retirement System. (Deleted by amendment.)

Sec. 24. 1. The Attorney General shall, in consultation with relevant stakeholders and the Keep Nevada Working Task Force created by section 18 of this act, publish model policies for limiting, to the fullest extent possible and consistent with any applicable law, immigration enforcement at public schools, institutions of higher education, health care facilities, courthouses and governmental agencies to ensure that such places remain safe and accessible to residents of this State regardless of the immigration or citizenship of such persons.

2. Every public school, institution of higher education, health care facility and courthouse of this State shall:

(a) Adopt policies consistent with the model policies of the Attorney General;

(b) Notify the Attorney General that the public school, institution of higher education, health care facility or courthouse, as applicable, is not adopting policies consistent with the model policies of the Attorney General.

3. Any organization that provides services relating to physical or mental health and wellness, education or access to justice is encouraged to adopt policies consistent with the model policies of the Attorney General.

4. The notification described in subsection 2 must include, without limitation:

(a) The reason that the public school, institution of higher education, health care facility or courthouse, as applicable, is not adopting policies consistent with the model policies of the Attorney General;

(b) A copy of the policies of the public school, institution of higher education, health care facility or courthouse, as applicable; and
(c) Whether the policies of the public school, institution of higher education, health care facility or courthouse, as applicable, are in compliance with this section.

5. A policy adopted pursuant to this section must comply with:
   (a) Any applicable law;
   (b) Any policy, grant, waiver or other requirement necessary to maintain the funding of the public school, institution of higher education, health care facility, courthouse or other organization, as applicable; and
   (c) Any agreement related to the operation and functions of the public school, institution of higher education, health care facility, courthouse or other organization, as applicable.

6. As used in this section:
   (a) “Health care facility” means a facility licensed pursuant to chapter 449 of NRS and which is operated by this State or a political subdivision thereof.
   (b) “Institution of higher education” has the meaning ascribed to it in NRS 179D.045.
   (c) “Public school” means any school described in NRS 388.020.

Sec. 25. (Deleted by amendment.)

Sec. 26. (Deleted by amendment.)

Sec. 27. 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. 28. [The provisions of NRS 354.590 do not apply to any additional expenses of a local government that are related to the provisions of this act.] (Deleted by amendment.)

Sec. 29. [NRS 211.007 is hereby repealed.] (Deleted by amendment.)

Sec. 30. 1. This section becomes effective upon passage and approval.
   2. Sections 15 to 20, inclusive, of this act become effective:
       (a) Upon passage and approval for the purpose of appointing members of the Keep Nevada Working Task Force created by section 18 of this act and performing any preparatory administrative tasks necessary to carry out the provisions of sections 15 to 20, inclusive, of this act; and
       (b) On July 1, 2021, for all other purposes.
   3. Sections 1 to 13, inclusive, and 20.3, 21, 21.5, 22 and 25 to 29, inclusive, of this act become effective on July 1, 2021.
   4. Sections 14, 20.6, 20.9 and 24 of this act become effective:
       (a) On July 1, 2021, for the purpose of adopting model policies and performing any other preparatory administrative tasks necessary to carry out the provisions of sections 14, 20.6, 20.9 and 24 of this act; and
       (b) On July 1, 2022, for all other purposes.
   5. Section 23 of this act becomes effective:
(a) On July 1, 2021, for the purposes of performing any preparatory administrative tasks necessary to carry out the provisions of section 23 of this act; and
(b) On October 1, 2021, for all other purposes.

---

**TEXT OF REPEALED SECTION**

**211.007 Required information before questioning prisoner regarding immigration status.** Before questioning a prisoner who is in the custody of a county or city jail or detention facility regarding his or her immigration status, the person seeking to question the prisoner shall inform the prisoner of the purpose of the questions regarding the immigration status of the prisoner.

Assemblywoman Benitez-Thompson moved the adoption of the amendment.
Remarks by Assemblywoman Benitez-Thompson.
Amendment adopted.

The following amendment was proposed by Assemblywoman Benitez-Thompson:
Amendment No. 487.

AN ACT relating to immigration; enacting the Keep Nevada Working Act; prohibiting certain state and local agencies from performing certain actions relating to immigration enforcement; prohibiting certain state or local law enforcement agencies, school police units and campus police departments from collecting, using and providing certain information to federal immigration authorities; requiring state or local law enforcement agencies to provide certain written disclosures to persons before making inquiries relating to immigration; limiting the circumstances under which a state or local law enforcement agency may permit federal immigration authorities to interview persons who are under state or local custody; prohibiting state or local law enforcement agencies from detaining persons on the basis of a hold request or for the purpose of determining the immigration status of the person; prohibiting state or local law enforcement agencies from contracting for or otherwise using the language services of federal immigration authorities; creating the Keep Nevada Working Task Force and establishing the power and duties of the Task Force; making an appropriation; and providing other matters properly relating thereto.

**Legislative Counsel’s Digest:**

Section 2 of this bill declares that the primary purpose of certain law enforcement agencies and related entities in this State is not to enforce immigration. Sections 4-7 of this bill define the terms “campus police department,” “federal immigration authority,” “notification request” and “state or local law enforcement agency,” respectively, for the purposes of sections 2-14 of this bill.
Sections 8 and 9 of this bill prohibit state or local law enforcement agencies, school police units and campus police departments from providing certain information pursuant to a notification request from a federal immigration authority. Section 9 of this bill additionally prohibits state or local law enforcement agencies from providing federal immigration authorities with certain personal demographic information of persons subject to the custody or supervision of the state or local law enforcement agency.

Section 8 of this bill also prohibits school police units and campus police departments from inquiring into and collecting information concerning the immigration or citizenship status of a person or the place of birth of the person. Section 9 sets forth the same prohibition for state or local law enforcement agencies unless there is a direct connection between the information sought and a criminal violation of a state law or local ordinance. In such circumstances where the state or local law enforcement agency is permitted to make such an inquiry, section 9 requires the state or local law enforcement agency, before making the inquiry, to provide certain written disclosures to the person and an interpreter for the disclosures under certain circumstances. Section 29 of this bill makes a conforming change by repealing provisions of law which require certain disclosures be made to a person in a county or city jail or a detention facility before questioning the person regarding his or her immigration status, as such disclosures are encompassed by and expanded under section 9.

Additionally, section 10 of this bill prohibits state or local law enforcement agencies from using agency funds, facilities, property, equipment or personnel to investigate, question, interrogate, detain, detect or arrest a person for the purpose of immigration enforcement.

Section 11 of this bill prohibits state or local law enforcement agencies from detaining a person solely for the purpose of determining the immigration status of the person. Additionally, section 11 prohibits state or local law enforcement agencies from detaining a person on the basis of a hold request relating to immigration enforcement unless the hold request is accompanied by a warrant for the arrest of the person.

Section 12 of this bill prohibits state or local law enforcement agencies from permitting federal immigration authorities to interview a person who is subject to state or local custody concerning a noncriminal matter unless: (1) the interview is required by law or court order; or (2) the person gives informed consent in writing to the interview. Specifically, section 12 requires the state or local law enforcement agency to provide certain oral and written disclosures to the person before obtaining such written consent and requires the use of an interpreter for the disclosures under certain circumstances.

Section 13 of this bill prohibits school police units, campus police departments and state or local law enforcement agencies from entering into contracts for the provision of language services by federal immigration authorities or otherwise accepting the provision of such language services.

Section 14 of this bill requires the Attorney General to publish model policies which provide guidance and training recommendations to state or
local law enforcement agencies and which must be consistent with sections 2-14. Section 14 also requires each state or local law enforcement agency to: (1) adopt policies that are consistent with the model policies of the Attorney General; or (2) notify the Attorney General that the state or local law enforcement agency is not adopting policies consistent with the model policies.

Section 18 of this bill creates the Keep Nevada Working Task Force and sets forth the membership of the Task Force. Section 26 of this bill provides for the appointment of the members to the Task Force. Section 19 of this bill requires the Task Force to meet quarterly and sets forth various other administrative functions. Finally, section 20 of this bill: (1) prescribes the duties of the Task Force; (2) requires the Task Force to submit an annual report to the Director of the Legislative Counsel Bureau for transmission to the Legislative Commission; (3) authorizes the Lieutenant Governor to accept gifts, grants or donations for the purpose of the Task Force; and (4) requires state and local agencies, boards, commissions, departments and officers, employees and agents thereof to assist the Task Force under certain circumstances.

Section 21.5 of this bill declares that it is not the primary purpose of an agency or regulatory body of this State or a political subdivision thereof to enforce civil federal immigration law. Section 22 of this bill prohibits state or local agencies and regulatory bodies from using agency funds, facilities, property, equipment or personnel to investigate, enforce, cooperate with or assist in the investigation or enforcement of any federal registration or surveillance program or any other law, rule or policy that targets residents exclusively on the basis of race, religion, immigration or citizenship status or national or ethnic origin. Section 23 of this bill requires certain agencies of this State to publish agency policies which are consistent with section 22 and which relate to the collection, use and disclosure of information by the agency and the provision of its services.

Section 24 of this bill requires the Attorney General to publish model policies which provide recommendations to limit immigration enforcement at public schools, institutions of higher education, certain health care facilities, courthouses and other state and local governmental agencies. Additionally, section 24 requires such entities to: (1) adopt policies consistent with the model policies of the Attorney General; or (2) notify the Attorney General that the entity is not adopting policies consistent with the model policies of the Attorney General. Section 24 also encourages certain other organizations to adopt policies consistent with the model policies of the Attorney General.

Section 26.5 of this bill makes an appropriation to the Immigration Clinic at the William S. Boyd School of Law of the University of Nevada, Las Vegas, for the purpose of providing pro bono legal services relating to immigration law.
WHEREAS, The economy of this State encompasses a broad range of industries necessitating the need for a skilled workforce in a variety of industries to ensure the economic vitality of this State; and

WHEREAS, Immigrants make up 19 percent of the population in this State, with immigrants accounting for approximately one in every four workers in this State; and

WHEREAS, Business owners have a large impact on the economy of this State through innovation and the creation of jobs, and immigrants account for approximately 30 percent of business owners in this State; and

WHEREAS, In recognition of the significant contribution of immigrants to the overall prosperity and strength of this State, there is a compelling interest in ensuring that this State remains a place where the rights and dignity of all residents are maintained and protected in order to keep this State working; now, therefore,

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

Section 1. Chapter 178 of NRS is hereby amended by adding thereto the provisions set forth as sections 2 to 14, inclusive, of this act.

Sec. 2. The Legislature hereby finds and declares that:
1. It is not the primary purpose of state or local law enforcement agencies, school police units or campus police departments to enforce civil federal immigration law.
2. State or local law enforcement agencies, school police units or campus police departments should not be concerned with any matter which exclusively involves one or more of the following circumstances:
   (a) The immigration status of a person;
   (b) The presence of a person in the United States;
   (c) The entry or reentry of a person into the United States; or
   (d) The employment of a person in the United States.
3. Federal immigration authorities have primary jurisdiction over the enforcement of Title 8 of the United States Code relating to the illegal entry of persons into the United States.

Sec. 3. As used in sections 2 to 14, inclusive, of this act, unless the context otherwise requires, the words and terms defined in sections 4 to 7, inclusive, of this act have the meanings ascribed to them in those sections.

Sec. 4. “Campus police department” has the meaning ascribed to it in NRS 179D.015.

Sec. 5. “Federal immigration authority” means any officer, employee or person who is paid by or acting as an agent of:
1. The United States Immigration and Customs Enforcement of the United States Department of Homeland Security, or any division thereof;
2. The United States Customs and Border Protection of the United States Department of Homeland Security, or any division thereof; or
3. The United States Department of Homeland Security or any other component thereof charged with immigration enforcement.

Sec. 6. “Notification request” means a formal or informal request from a federal immigration authority for information concerning the date and time for the release of a person under the custody or supervision of a state or local law enforcement agency.

Sec. 7. “State or local law enforcement agency” means:

1. The sheriff’s office of a county;
2. A metropolitan police department;
3. A police department of an incorporated city;
4. Any entity authorized to operate a prison, jail or detention facility, including, without limitation, any facility for the detention of juveniles;
5. The Division of Parole and Probation of the Department of Public Safety;
6. Any department of alternative sentencing; and
7. Any other state or local agency, office, bureau, department, unit or division created by any statute, ordinance or rule which:
   (a) Has a duty to enforce the law; and
   (b) Employs any person upon whom some or all of the powers of a peace officer are conferred pursuant to NRS 289.150 to 289.360, inclusive.

Sec. 8. A school police unit or campus police department shall not:

1. Inquire into or collect information concerning:
   (a) The immigration or citizenship status of a person; or
   (b) The place of birth of a person.
2. Provide information pursuant to a notification request, except as otherwise required by law.

Sec. 9. 1. A state or local law enforcement agency shall not inquire into or collect information relating to the immigration or citizenship status of a person or the place of birth of the person unless there is a direct connection between the information sought and a criminal violation of a state law or local ordinance.

2. Except as otherwise provided by law, a state or local law enforcement agency shall not provide federal immigration authorities with:
   (a) Information pursuant to a notification request; or
   (b) Personal demographic information that is not publicly available concerning a person subject to the custody or supervision of the state or local law enforcement agency.

3. A state or local law enforcement agency who seeks to question a person concerning his or her immigration or citizenship status or place of birth in accordance with subsection 1 shall, before making such an inquiry, provide the person with a written document which:
   (a) Informs the person of the purpose of the questions concerning his or her immigration or citizenship status or place of birth;
   (b) Warns the person that any statement made about his or her immigration or citizenship status or place of birth may be shared with federal
immigration authorities and possibly used in a federal proceeding for the deportation or removal of the person;
(c) Informs the person whether he or she is required by law to answer the questions concerning his or her immigration or citizenship status or place of birth, and if the person is not so required, informs the person of that fact; and
(d) Informs the person that the person:
   (1) May decline to answer the questions of the state or local law enforcement agency; or
   (2) Require that his or her attorney be present during the questioning with the state or local law enforcement agency.
4. The state or local law enforcement agency making an inquiry pursuant to this section shall, to the extent practicable, provide an interpreter for translation of the document described in subsection 3.
5. As used in this section, “personal demographic information” means:
   (a) Any information relating to the person’s race, color, gender identity or expression, age, religion, disability, national origin, place of birth, ancestry, sexual orientation, marital status, military status, order of protection status, pregnancy, unfavorable discharge from military service;
   (b) Any personally identifiable information, including, without limitation, a home address, physical address, electronic mail address, telephone number, social security number, driver’s license number, photo identification number, individual tax payer identification number or any other identifier of the person; or
   (c) Any other information concerning a person that could be used to contact, track, locate, identify or reasonably infer the identity of the person.
Sec. 10. 1. In addition to any limitation pursuant to section 22 of this act, a state or local law enforcement agency shall not use agency funds, facilities, property, equipment or personnel to investigate, question, interrogate, detain, detect or arrest any person for immigration enforcement purposes.
2. The limitations set forth in this section do not apply to a detention authorized pursuant to paragraph (b) of subsection 1 of section 11 of this act.
Sec. 11. 1. A state or local law enforcement agency shall not detain a person:
   (a) Solely for the purpose of determining the immigration status of the person; or
   (b) On the basis of a hold request unless the hold request is:
      (1) Accompanied by a warrant which is:
      (I) Based upon probable cause; and
      (II) Issued by a federal judge or federal magistrate judge.
2. As used in this section, “hold request” means a formal or informal request by a federal immigration authority that a state or local law enforcement agency maintain custody of a person who is in the custody of
the state or local law enforcement agency for a period not to exceed 48 hours, excluding Saturdays, Sundays and holidays, or beyond the time the person would otherwise be eligible for release from the custody of the state or local law enforcement agency, in order to facilitate the transfer of custody of the person to the federal immigration authority.

Sec. 12. 1. A state or local law enforcement agency shall not permit a federal immigration authority to interview a person about a noncriminal matter while the person is in the custody of the state or local law enforcement agency unless:

(a) The interview is required by law or court order; or
(b) The state or local law enforcement agency obtains the informed, written consent of the person.

2. Before obtaining the informed, written consent of the person, the state or local law enforcement agency shall disclose orally and in writing:

(a) The purpose of the interview with the federal immigration authority;
(b) That the interview with the federal immigration authority is voluntary and that the person will not be punished or suffer retaliation for declining to be interviewed by the federal immigration authority;
(c) That the person:
   (1) May decline to be interviewed by the federal immigration authority;
   or
   (2) Require that his or her attorney be present for the interview with the federal immigration authority; and
(d) That any statement made about his or her immigration or citizenship status or place of birth may be used in a federal proceeding for the deportation or removal of the person.

3. The state or local law enforcement agency shall:

(a) Make the written disclosures available in English and Spanish and any other language prescribed by the state or local law enforcement agency; and

(b) Use an interpreter for the oral disclosures if the person is unable to read the written disclosures.

Sec. 13. A state or local law enforcement agency, school police unit or campus police department shall not:

1. Enter into or renew a contract for the provision of language services from federal immigration authorities; or
2. Accept any language services offered for free or otherwise by federal immigration authorities.

Sec. 14. 1. The Attorney General shall, in consultation with relevant stakeholders and the Keep Nevada Working Task Force created by section 18 of this act, publish model policies which provide guidance and training recommendations to state or local law enforcement agencies. The model policies must:

(a) Be consistent with sections 2 to 14, inclusive, of this act; and
(b) Prioritize guidance and training recommendations which:
(1) Foster trust between the community and state or local law enforcement agencies; and

(2) Limit, to the fullest extent practicable and consistent with any applicable law, the engagement of state or local law enforcement agencies with federal immigration authorities for the purpose of immigration enforcement.

2. Every state or local law enforcement agency shall:
   (a) Adopt policies consistent with the model policies of the Attorney General; or
   (b) Notify the Attorney General that the state or local law enforcement agency is not adopting policies consistent with the model policies of the Attorney General.

3. The notification described in subsection 2 must include, without limitation:
   (a) The reason that the state or local law enforcement agency is not adopting policies consistent with the model policies of the Attorney General;
   (b) A copy of the policies of the state or local law enforcement agency; and
   (c) A certification of whether the policies of the state or local law enforcement agency are in compliance with sections 2 to 14, inclusive, of this act.

Sec. 15. Chapter 224 of NRS is hereby amended by adding thereto the provisions set forth as sections 16 to 20, inclusive, of this act.

Sec. 16. Sections 16 to 20, inclusive, of this act may be cited as the Keep Nevada Working Act.

Sec. 17. As used in sections 16 to 20, inclusive, of this act, “Task Force” means the Keep Nevada Working Task Force created by section 18 of this act.

Sec. 18. 1. The Keep Nevada Working Task Force is hereby created within the Office of Lieutenant Governor.

2. The Task Force consists of:
   (a) The Lieutenant Governor, or his or her designee;
   (b) Seven members appointed by the Lieutenant Governor; and
   (c) One member appointed jointly by the Governor and the Office for New Americans.

3. Every member appointed to the Task Force shall represent at least one of the following:
   (a) An immigrant advocacy group;
   (b) A professional association representing business;
   (c) A labor organization with a statewide presence;
   (d) A workforce or economic development interest;
   (e) A bar association or like association of lawyers which is involved in the advocacy of immigrants;
   (f) A faith-based, nonprofit organization;
(g) An advocacy group which focuses on immigration and criminal justice;
(h) An institution of higher education; or
(i) A state or local law enforcement agency.
4. The members of the Task Force shall serve terms of 3 years. A member may be reappointed to the Task Force and any vacancy must be filled in the same manner as the original appointment.
5. The members of the Task Force serve without compensation.

Sec. 19. 1. At the first meeting of each fiscal year, the Task Force shall elect from its members a Chair and a Vice Chair.
2. The Task Force shall meet at least once each quarter and hold meetings at various locations throughout the State.
3. A majority of the members of the Task Force constitutes a quorum for the transaction of business, and a majority of these members present at the meeting is sufficient for any official action taken by the Task Force.

Sec. 20. 1. The Task Force may:
(a) Develop strategies with private sector businesses, labor organizations and immigrant advocacy groups to support current and future industries across this State;
(b) Conduct research on methods to strengthen career pathways for immigrants and create enhanced partnerships with projected growth industries;
(c) Support the efforts of business leadership, civic groups, government and immigrant advocacy groups to provide predictability and stability to the workforce in this State;
(d) Recommend approaches to improve the ability of this State to attract and retain immigrant business owners that provide new business and trade opportunities; and
(e) Enter into a contract with a consultant to perform research necessary to carry out the duties of the Task Force.
2. On or before July 1, 2022, and on or before July 1 of each subsequent year, the Task Force shall submit a written report to the Director of the Legislative Counsel Bureau for submission to the Legislative Commission. The report must include, without limitation, a summary of the work of the Task Force and any recommendations for legislation.
3. The Lieutenant Governor may accept gifts, grants and donations from any source for the purpose of carrying out the provisions of sections 16 to 20, inclusive, of this act.
4. The Office of Lieutenant Governor shall provide personnel, facilities, equipment, funding and supplies as required by the Task Force to carry out its duties.
5. Each agency, board, commission, department, officer, employee or agent of this State, or a political subdivision thereof, shall provide the Task Force with such assistance as the Task Force may reasonably require in discharging its duties.
Sec. 21. Chapter 237 of NRS is hereby amended by adding thereto the provisions set forth as sections 21.5 to 25, inclusive, of this act.

Sec. 21.5. The Legislature hereby finds and declares that it is not the primary purpose of an agency or regulatory body of this State or a political subdivision thereof to enforce civil federal immigration law.

Sec. 22. 1. Except as otherwise provided in subsection 2, an agency or regulatory body of this State or a political subdivision thereof shall not:
   (a) Use agency funds, facilities, property, equipment or personnel to investigate, enforce, cooperate with or assist in the investigation or enforcement of any federal registration or surveillance program or any other law, rule or policy that targets residents of this State solely on the basis of race, religion, immigration or citizenship status or national or ethnic origin.
   (b) Condition the provision of agency services on or otherwise require proof of the immigration or citizenship status of a person or the place of birth of the person.

2. An agency of this State or political subdivision thereof may collect, use or disclose information that would otherwise violate subsection 1, if the collection, use or disclosure is:
   (a) Required by law or court order;
   (b) Necessary to perform agency duties, functions or other business and such performance:
      (1) Is expressly authorized by law; and
      (2) Is not related to immigration enforcement;
   (c) Required to comply with policies, grants, waivers or other requirements necessary to maintain the funding of the agency; or
   (d) Provided in aggregate form or another like form which does not include personally identifiable information.

3. As used in this section, “court order” does not include an order of an administrative court.

Sec. 23. The following agencies shall each publish agency policies which are consistent with section 22 of this act and which relate to the collection, use and disclosure of information by the agency and the provision of services to persons in this State regardless of the immigration or citizenship status of the person or his or her place of birth:
1. The Department of Administration;
2. The Department of Agriculture;
3. The Department of Business and Industry;
4. The Department of Education;
5. The Department of Employment, Training and Rehabilitation;
6. The Department of Health and Human Services;
7. The Department of Motor Vehicles;
8. The Department of Public Safety;
9. The Department of Taxation;
10. The Department of Tourism and Cultural Affairs;
11. The Department of Transportation; and
12. The Public Employees’ Retirement System.
Sec. 24. 1. The Attorney General shall, in consultation with relevant stakeholders and the Keep Nevada Working Task Force created by section 18 of this act, publish model policies for limiting, to the fullest extent possible and consistent with any applicable law, immigration enforcement at public schools, institutions of higher education, health care facilities, courthouses and governmental agencies to ensure that such places remain safe and accessible to residents of this State regardless of the immigration or citizenship of such persons.

2. Every public school, institution of higher education, health care facility and courthouse of this State shall:
   (a) Adopt policies consistent with the model policies of the Attorney General; or
   (b) Notify the Attorney General that the public school, institution of higher education, health care facility or courthouse, as applicable, is not adopting policies consistent with the model policies of the Attorney General.

3. Any organization that provides services relating to physical or mental health and wellness, education or access to justice is encouraged to adopt policies consistent with the model policies of the Attorney General.

4. The notification described in subsection 2 must include, without limitation:
   (a) The reason that the public school, institution of higher education, health care facility or courthouse, as applicable, is not adopting policies consistent with the model policies of the Attorney General;
   (b) A copy of the policies of the public school, institution of higher education, health care facility or courthouse, as applicable; and
   (c) Whether the policies of the public school, institution of higher education, health care facility or courthouse, as applicable, are in compliance with this section.

5. A policy adopted pursuant to this section must comply with:
   (a) Any applicable law;
   (b) Any policy, grant, waiver or other requirement necessary to maintain the funding of the public school, institution of higher education, health care facility, courthouse or other organization, as applicable; and
   (c) Any agreement related to the operation and functions of the public school, institution of higher education, health care facility, courthouse or other organization, as applicable.

6. As used in this section:
   (a) “Health care facility” means a facility licensed pursuant to chapter 449 of NRS and which is operated by this State or a political subdivision thereof;
   (b) “Institution of higher education” has the meaning ascribed to it in NRS 179D.045.
   (c) “Public school” means any school described in NRS 388.020.
Sec. 25. (Deleted by amendment.)
Sec. 26. (Deleted by amendment.)

Sec. 26.5. 1. There is hereby appropriated from the State General Fund to the Immigration Clinic at the William S. Boyd School of Law of the University of Nevada, Las Vegas, the sum of $500,000 for the purpose of providing pro bono legal services relating to immigration law.

2. Any remaining balance of the appropriation made by subsection 1 must not be committed for expenditure after June 30, 2023, by the entity to which the appropriation is made or any entity to which money from the appropriation is granted or otherwise transferred in any manner, and any portion of the appropriated money remaining must not be spent for any purpose after September 15, 2023, by either the entity to which the money was appropriated or the entity to which the money was subsequently granted or transferred, and must be reverted to the State General Fund on or before September 15, 2023.

Sec. 27. 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. 28. 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. 29. NRS 211.007 is hereby repealed.

Sec. 30. 1. This section and section 26.5 of this act become effective upon passage and approval.

2. Sections 15 to 20, inclusive, of this act become effective:
   (a) Upon passage and approval for the purpose of appointing members of the Keep Nevada Working Task Force created by section 18 of this act and performing any preparatory administrative tasks necessary to carry out the provisions of sections 15 to 20, inclusive of this act; and
   (b) On July 1, 2021, for all other purposes.

3. Sections 1 to 13, inclusive, and 21, 21.5, 22, 23, 24, 25, 26, 27, 28 and 29, inclusive, of this act become effective on July 1, 2021.

4. Sections 14 and 24 of this act become effective:
   (a) On July 1, 2021, for the purpose of performing any preparatory administrative tasks necessary to carry out the provisions of sections 14 and 24 of this act; and
   (b) On July 1, 2022, for all other purposes.

5. Section 23 of this act becomes effective:
   (a) On July 1, 2021, for the purposes of performing any preparatory administrative tasks necessary to carry out the provisions of section 23 of this act; and
   (b) On October 1, 2021, for all other purposes.

TEXT OF REPEALED SECTION

211.007 Required information before questioning prisoner regarding immigration status. Before questioning a prisoner who is in the custody of a county or city jail or detention facility regarding his or her immigration
status, the person seeking to question the prisoner shall inform the prisoner of the purpose of the questions regarding the immigration status of the prisoner.

Assemblywoman Benitez-Thompson moved the adoption of the amendment.

Remarks by Assemblywoman Benitez-Thompson.

Amendment adopted.

Bill ordered reprinted, reengrossed and to third reading.

MOTIONS, RESOLUTIONS AND NOTICES

Assemblywoman Carlton moved that upon return from the printer, Assembly Bill No. 376 be rerefereed to the Committee on Ways and Means.

Motion carried.

Assemblywoman Benitez-Thompson moved that the Assembly dispense with the reprinting of Assembly Bills Nos. 139, 286, and 367.

Motion carried.

GENERAL FILE AND THIRD READING

Assembly Bill No. 251.

Bill read third time.

Remarks by Assemblywoman Krasner.

ASSEMBLYWOMAN KRASNER:

Assembly Bill 251 establishes provisions relating to the expungement and destruction of certain records relating to children. A child 18 years of age or older may petition the juvenile court for an order expunging all records relating to certain offenses that are misdemeanors or less. If the juvenile court enters an order expunging the records, all proceedings recounted in the records are deemed never to have occurred. Also, this bill requires that certain records be automatically sealed within 60 days after the date the child reaches 18 years of age, rather than at 21 years of age.

Roll call on Assembly Bill No. 251:

YEAS—42.

NAYS—None.

Assembly Bill No. 251 having received a constitutional majority, Mr. Speaker declared it passed, as amended.

Bill ordered transmitted to the Senate.

Assembly Bill No. 268.

Bill read third time.

Remarks by Assemblywoman Krasner.

ASSEMBLYWOMAN KRASNER:

Assembly Bill 268 requires each law enforcement agency to adopt and post to an Internet website, if feasible, a written policy regarding the use of force. The written policy must include a requirement that a peace officer use de-escalation techniques, crisis intervention, and other alternatives to force when feasible. A peace officer must use de-escalation techniques for responding to a person with mental illness or experiencing a behavioral health crisis. A law enforcement agency, when feasible, should send a peace officer who has been trained in crisis intervention to respond to an incident involving a person who has made suicidal statements.
Roll call on Assembly Bill No. 268:
YEAS—42.
NAYS—None.
Assembly Bill No. 268 having received a constitutional majority,
Mr. Speaker declared it passed, as amended.
Bill ordered transmitted to the Senate.

Assembly Bill No. 330.
Bill read third time.
Remarks by Assemblyman Ellison.

ASSEMBLYMAN ELLISON:
Assembly Bill 330 provides that a person who, in secondary or postsecondary education,
completes a training program in career, occupational, technical, trade, or vocational education and
receives a certificate for the completion of the program, is eligible to receive equivalent credit
towards related professional and occupational licenses and certifications. The measure provides
for the appeal of a denial of equivalent credit by a regulatory body. Each regulatory body, in
coordination with Nevada’s Department of Education and the Nevada System of Higher
Education, must adopt regulations regarding the eligibility of equivalent credits towards such a
license and certificate.

Roll call on Assembly Bill No. 330:
YEAS—42.
NAYS—None.
Assembly Bill No. 330 having received a constitutional majority,
Mr. Speaker declared it passed, as amended.
Bill ordered transmitted to the Senate.

Assembly Bill No. 123.
Bill read third time.
Roll call on Assembly Bill No. 123:
YEAS—30.
NAYS—Black, Dickman, Ellison, Hafen, Hansen, Hardy, Leavitt, Matthews, McArthur,
Assembly Bill No. 123 having received a two-thirds majority, Mr. Speaker
declared it passed.
Bill ordered transmitted to the Senate.

Assembly Bill No. 333.
Bill read third time.
Remarks by Assemblywoman Krasner.

ASSEMBLYWOMAN KRASNER:
Assembly Bill 333 revises provisions relating to land use planning and judicial review of certain
land use planning decisions of a governing body, commission, or board. The bill also provides
that under certain circumstances in a county whose population is 100,000 or more but less than
700,000—currently Washoe County—certain requirements related to the appropriation of water
do not apply to the retention or detention of developed stormwater flow for the purpose of flood
control or storm water management.
This bill did not come out of drafting the way we wanted or intended, and I do intend to work
on the bill and amend it prior to a hearing in the Senate. Thank you for your consideration.
Roll call on Assembly Bill No. 333:
YEAS—33.
Assembly Bill No. 333 having received a constitutional majority,
Mr. Speaker declared it passed, as amended.
Bill ordered transmitted to the Senate.

Assembly Bill No. 360.
Bill read third time.
Remarks by Assemblyman Hafen.

ASSEMBLYMAN HAFEN:
Assembly Bill 360 requires retailers to utilize advanced age verification technology at the point of sale for cigarettes or other tobacco products purchased by a person under 40 years of age to ensure that the purchaser is old enough to make the purchase of cigarettes or other tobacco products.

Roll call on Assembly Bill No. 360:
YEAS—40.
NAYS—Black, Ellison—2.
Assembly Bill No. 360 having received a constitutional majority,
Mr. Speaker declared it passed, as amended.
Bill ordered transmitted to the Senate.

Assembly Bill No. 374.
Bill read third time.
Remarks by Assemblywoman Tolles.

ASSEMBLYWOMAN TOLLES:
Assembly Bill 374 does all the things the Chief Clerk just said.

Roll call on Assembly Bill No. 374:
YEAS—42.
NAYS—None.
Assembly Bill No. 374 having received a constitutional majority,
Mr. Speaker declared it passed, as amended.
Bill ordered transmitted to the Senate.

Assembly Bill No. 367.
Bill read third time.
Remarks by Assemblywoman Tolles.

ASSEMBLYWOMAN TOLLES:
Assembly Bill 367 eliminates the requirement that the curriculum of an advanced placement course be used for the American government portion of a combined course in American government and economics. This bill is effective upon passage and approval for the purpose of adopting regulations and performing preliminary administrative tasks and on January 1, 2022, for all other purposes.

Roll call on Assembly Bill No. 367:
YEAS—40.
NAYS—Brittney Miller, Thomas—2.
Assembly Bill No. 367 having received a constitutional majority, Mr. Speaker declared it passed, as amended.
Bill ordered transmitted to the Senate.

Assembly Bill No. 286.
Bill read third time.
Remarks by Assemblymen Jauregui, Wheeler, and Ellison.

ASSEMBLYWOMAN JAUREGUI:
Assembly Bill 286 places restrictions on the manufacture, possession, transfer, transportation, or sale of firearms and unfinished frames or receivers that have not been imprinted with a serial number in accordance with federal law. It provides penalties for violating those restrictions.

ASSEMBLYMAN WHEELER:
First I would like to thank the sponsor of the bill for amending the bill this morning and taking out one of the bad parts of this bill. But, Mr. Speaker, the second part of the bill still stops kit guns from circulation and possession, turning law abiding citizens who are current gun owners—that is the people that already own these weapons—into criminals. The reality of this provision is not just to stop new sales of the kit guns and receivers. No, Mr. Speaker, that is not the reality at all. Instead, it makes manufacturing even the mere possession of a kit gun a felony after the second offense, without even a grandfather clause for the thousands of hobbyists who have already built and still have these guns. This tells me, and should tell you, that the true purpose of this bill is to remove a certain class of guns from the possession of law abiding citizens while criminals who flaunt the law anyway will be in possession of these weapons. It tells us all that this is just another assault on the United States Constitution and the Nevada Constitution which both guarantee our rights to keep and bear arms.

This bill was brought forward by out-of-state interests . . .

MR. SPEAKER:
Assemblyman, I will caution you that we do not denigrate the intents and motives of bills in this House.

ASSEMBLYMAN WHEELER:
I am sorry Mr. Speaker. I meant to say “presented in committee” and I did not. I do apologize for that. By someone who could not even pronounce the name of the state correctly. To me, this bill is nothing but the camel’s nose under the tent except this time, it is up to the neck. This bill is another bite of the apple and that apple is your Second Amendment rights being taken away, bite by bite. We all took an oath to uphold the Constitution, so I sincerely hope you will all join me in opposing this bill.

ASSEMBLYMAN ELLISON:
I rise in opposition to AB 286. Our Second Amendment rights are cherished as a constitutional liberty in order to defend our homes and our families. Assembly Bill 286 restricts law abiding citizens and CCW [carrying a concealed weapon] holders in Nevada from defending themselves, and makes our communities less safe. The attack on our Second Amendment and elections are a consistent, coordinated national effort to disarm law abiding citizens. We suffer because of it. I call on all Nevadans to stand together for our Nevada way of life, and please stand with me to vote no on this bill.

Roll call on Assembly Bill No. 286:
YEAS—26.
Assembly Bill No. 286 having received a constitutional majority, Mr. Speaker declared it passed, as amended. Bill ordered transmitted to the Senate.

INTRODUCTION, FIRST READING AND REFERENCE

Assemblywoman Benitez-Thompson moved that Senate Bill No. 2 be referred to the Committee on Education. Motion carried.

Assemblywoman Benitez-Thompson moved that Senate Bill No. 6 be referred to the Committee on Judiciary. Motion carried.

Assemblywoman Benitez-Thompson moved that Senate Bill No. 8 be referred to the Committee on Judiciary. Motion carried.

Assemblywoman Benitez-Thompson moved that Senate Bill No. 59 be referred to the Committee on Growth and Infrastructure. Motion carried.

Assemblywoman Benitez-Thompson moved that Senate Bill No. 75 be referred to the Committee on Commerce and Labor. Motion carried.

Assemblywoman Benitez-Thompson moved that Senate Bill No. 122 be referred to the Committee on Commerce and Labor. Motion carried.

Assemblywoman Benitez-Thompson moved that Senate Bill No. 127 be referred to the Committee on Government Affairs. Motion carried.

Assemblywoman Benitez-Thompson moved that Senate Bill No. 146 be referred to the Committee on Health and Human Services. Motion carried.

Assemblywoman Benitez-Thompson moved that Senate Bill No. 151 be referred to the Committee on Education. Motion carried.
Assemblywoman Benitez-Thompson moved that the bill be referred to the Committee on Education.
Motion carried.

Senate Bill No. 160.
Assemblywoman Benitez-Thompson moved that the bill be referred to the Committee on Education.
Motion carried.

Senate Bill No. 166.
Assemblywoman Benitez-Thompson moved that the bill be referred to the Committee on Judiciary.
Motion carried.

Senate Bill No. 168.
Assemblywoman Benitez-Thompson moved that the bill be referred to the Committee on Judiciary.
Motion carried.

Senate Bill No. 177.
Assemblywoman Benitez-Thompson moved that the bill be referred to the Committee on Judiciary.
Motion carried.

Senate Bill No. 186.
Assemblywoman Benitez-Thompson moved that the bill be referred to the Committee on Commerce and Labor.
Motion carried.

Senate Bill No. 188.
Assemblywoman Benitez-Thompson moved that the bill be referred to the Committee on Health and Human Services.
Motion carried.

Senate Bill No. 190.
Assemblywoman Benitez-Thompson moved that the bill be referred to the Committee on Commerce and Labor.
Motion carried.

Senate Bill No. 209.
Assemblywoman Benitez-Thompson moved that the bill be referred to the Committee on Commerce and Labor.
Motion carried.

Senate Bill No. 215.
Assemblywoman Benitez-Thompson moved that the bill be referred to the Committee on Education.
Motion carried.
Senate Bill No. 251.
Assemblywoman Benitez-Thompson moved that the bill be referred to the Committee on Health and Human Services.
Motion carried.

Senate Bill No. 290.
Assemblywoman Benitez-Thompson moved that the bill be referred to the Committee on Commerce and Labor.
Motion carried.

Senate Bill No. 293.
Assemblywoman Benitez-Thompson moved that the bill be referred to the Committee on Commerce and Labor.
Motion carried.

Senate Bill No. 309.
Assemblywoman Benitez-Thompson moved that the bill be referred to the Committee on Health and Human Services.
Motion carried.

Senate Bill No. 317.
Assemblywoman Benitez-Thompson moved that the bill be referred to the Committee on Judiciary.
Motion carried.

Senate Bill No. 327.
Assemblywoman Benitez-Thompson moved that the bill be referred to the Committee on Commerce and Labor.
Motion carried.

Senate Bill No. 363.
Assemblywoman Benitez-Thompson moved that the bill be referred to the Committee on Education.
Motion carried.

Senate Bill No. 383.
Assemblywoman Benitez-Thompson moved that the bill be referred to the Committee on Growth and Infrastructure.
Motion carried.

Senate Bill No. 396.
Assemblywoman Benitez-Thompson moved that the bill be referred to the Committee on Health and Human Services.
Motion carried.

Senate Bill No. 406.
Assemblywoman Benitez-Thompson moved that the bill be referred to the Committee on Natural Resources.
Motion carried.
Mr. Speaker announced if there were no objections, the Assembly would recess subject to the call of the Chair.

Assembly in recess at 6:53 p.m.

ASSEMBLY IN SESSION

At 7:48 p.m.
Mr. Speaker presiding.
Quorum present.

MOTIONS, RESOLUTIONS AND NOTICES

Assemblywoman Benitez-Thompson moved that Assembly Bills Nos. 139 and 231 be taken from the Chief Clerk's desk and placed on the General File.
Motion carried.

GENERAL FILE AND THIRD READING

Assembly Bill No. 139.
Bill read third time.
The following amendment was proposed by Assemblyman Yeager:
Amendment No. 489.

AN ACT relating to local governments; authorizing the governing body of a county or city to transfer money from certain enterprise funds to pay the costs for constructing one or more fire stations; requiring, under certain circumstances, the Committee on Local Government Finance to submit a report related to certain enterprise funds to the Director of the Legislative Counsel Bureau; and providing other matters properly relating thereto.

Legislative Counsel's Digest:
Existing law requires, under certain circumstances, a local government to create an enterprise fund exclusively for building permit fees and fees imposed for the issuance of barricade permits and encroachment permits. Under existing law, money in such an enterprise fund must not be used for any purpose other than the actual direct and indirect costs of the program for the issuance of barricade permits, encroachment permits and building permits, including the cost of checking plans, issuing permits, inspecting buildings and administering the program. (NRS 354.59891)

Section 1 of this bill authorizes the governing body of a county or city to transfer money from the enterprise fund to pay the capital costs of constructing one or more fire stations if: (1) the transfer does not cause the balance of the unreserved working capital in the enterprise fund to be less than 50 percent of the annual operating costs and capital expenditures for the program for the issuance of barricade permits, encroachment permits and building permits; and (2) the governing body finds that the construction of the fire station is necessary based on an analysis of the need for infrastructure prepared between January 1, 2020, and December 31, 2021. Section 1 also creates an exception to the requirement for the county or city to reduce the fees
it charges for barricade permits, encroachment permits and building permits when the balance in the enterprise fund exceeds a certain amount. Section 1 further: (1) prohibits the transfer of money from the enterprise fund after December 31, 2021; (2) prohibits money transferred from the enterprise fund from being committed for expenditure after December 31, 2023; and (3) requires any portion of such money remaining to be reverted to the enterprise fund on January 1, 2024. [Additionally, section 1 requires the Committee on Local Government Finance to: (1) review the fees imposed for the issuance of a building permit, barricade permit or encroachment permit by any local governing body that transfers money from an enterprise fund for the construction of a fire station to determine whether such fees are excessive; and (2) submit a report to the Director of the Legislative Counsel Bureau.]

Section 2 of this bill indicates the placement of section 1 in the Nevada Revised Statutes.

Sections 3 and 4 of this bill create exceptions to existing provisions that restrict the transfer and use of money from an enterprise fund.

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

Section 1. Chapter 354 of NRS is hereby amended by adding thereto a new section to read as follows:

1. The governing body of a county or city that has created an enterprise fund pursuant to NRS 354.59891 may transfer an amount of money from the enterprise fund to pay the capital costs of constructing one or more fire stations if:
   (a) The transfer from the enterprise fund does not cause the balance of unreserved working capital in the enterprise fund to be less than 50 percent of the annual operating costs and capital expenditures for the program for the issuance of barricade permits, encroachment permits and building permits; and
   (b) The governing body finds that the construction of the fire station is necessary based on an analysis of the need for infrastructure prepared pursuant to NRS 278.02591 between January 1, 2020, and December 31, 2021.

2. Money transferred from an enterprise fund pursuant to subsection 1 must only be used to pay the capital costs of constructing one or more fire stations.

3. The provisions of subsection 6 of NRS 354.59891 do not apply to a county or city that uses money from the enterprise fund to the extent that the excess of the amount authorized pursuant to paragraph (d) of subsection 4 of NRS 354.59891 is transferred from the enterprise fund to pay the capital costs of constructing a fire station pursuant to subsection 1.

4. No money may be transferred from an enterprise fund pursuant to subsection 1 after December 31, 2021. Any remaining balance of the money transferred from the enterprise fund pursuant to subsection 1 must not be
committed for expenditure after December 31, 2023, and any portion of the money remaining must be reverted to the enterprise fund on January 1, 2024.

If the governing body of a county or city transfers money from an enterprise fund pursuant to subsection 1, the Committee on Local Government Finance must review the fees imposed by the governing body for the issuance of building permits, barricade permits and encroachment permits and determine whether the fees are excessive. The Committee shall submit a report of its findings to the Director of the Legislative Counsel Bureau for transmittal to the Legislature or, if the Legislature is not in session, to the Legislative Commission. The report must include, without limitation, the findings of the Committee on whether the fees are excessive and any recommendations for additional limitations for the use of money from an enterprise fund created pursuant to NRS 354.59891. Any report required pursuant to this subsection is due one year after the date on which the governing body of the county or city transfers money from an enterprise fund pursuant to subsection 1.

Sec. 2. NRS 354.470 is hereby amended to read as follows:

Sec. 3. NRS 354.59891 is hereby amended to read as follows:
(g) “Encroachment permit” means the official document issued by the building officer of a local government which authorizes construction activity within a public right-of-way.

(h) “Operating cost” means the amount paid by a local government for supplies, services, salaries, wages and employee benefits to provide the services associated with issuing building permits.

(i) “Working capital” means the excess of current assets over current liabilities, as determined by the local government at the end of the current fiscal year.

2. Except as otherwise provided in subsections 3 and 4, a local government shall not increase its building permit basis by more than an amount equal to the building permit basis on June 30, 1989, multiplied by a percentage equal to the percentage increase in the Western Urban Nonseasonally Adjusted Consumer Price Index, as published by the United States Department of Labor, from January 1, 1988, to the January 1 next preceding the fiscal year for which the calculation is made.

3. A local government may submit an application to increase its building permit basis by an amount greater than otherwise allowable pursuant to subsection 2 to the Nevada Tax Commission. The Nevada Tax Commission may allow the increase only if it finds that:
   (a) Emergency conditions exist which impair the ability of the local government to perform the basic functions for which it was created; or
   (b) The building permit basis of the local government is substantially below that of other local governments in the State and the cost of providing the services associated with the issuance of building permits in the previous fiscal year exceeded the total revenue received from building permit fees, excluding any amount of residential construction tax collected, for that fiscal year.

4. Upon application by a local government, the Nevada Tax Commission shall exempt the local government from the limitation on the increase of its building permit basis if:
   (a) The local government creates an enterprise fund pursuant to NRS 354.612 exclusively for building permit fees, fees imposed for the issuance of barricade permits and fees imposed for encroachment permits; and
   (b) Except as otherwise provided in section 1 of this act:
      (1) The purpose of the enterprise fund is to recover the costs of operating the activity for which the fund was created, including overhead;
      (2) Any interest or other income earned on the money in the enterprise fund is credited to the enterprise fund;
      (3) The local government maintains a balance of unreserved working capital in the enterprise fund that does not exceed 50 percent of the annual operating costs and capital expenditures for the program for the issuance of barricade permits, encroachment permits and building permits of the local government, as determined by the annual audit of the local government conducted pursuant to NRS 354.624; and
The local government does not use any of the money in the enterprise fund for any purpose other than the actual direct and indirect costs of the program for the issuance of barricade permits, encroachment permits and building permits, including, without limitation, the cost of checking plans, issuing permits, inspecting buildings and administering the program. The Committee on Local Government Finance shall adopt regulations governing the permissible expenditures from an enterprise fund pursuant to this paragraph.

5. Any amount in an enterprise fund created pursuant to this section that is designated for special use, including, without limitation, prepaid fees and any other amount subject to a contractual agreement, must be identified as a restricted asset and must not be included as a current asset in the calculation of working capital.

6. Except as otherwise provided in section 1 of this act, if a balance in excess of the amount authorized pursuant to subparagraph (3) of paragraph (b) of subsection 4 is maintained in an enterprise fund created pursuant to this section at the close of 2 consecutive fiscal years, the local government shall reduce the fees for barricade permits, encroachment permits and building permits it charges by an amount that is sufficient to ensure that the balance in the enterprise fund at the close of the fiscal year next following those 2 consecutive fiscal years does not exceed the amount authorized pursuant to subparagraph (3) of paragraph (b) of subsection 4.

Sec. 4. NRS 354.613 is hereby amended to read as follows:

354.613 1. Except as otherwise provided in this section and section 1 of this act, the governing body of a local government may, on or after July 1, 2011, loan or transfer money from an enterprise fund, money collected from fees imposed for the purpose for which an enterprise fund was created or any income or interest earned on money in an enterprise fund only if the loan or transfer is made:

(a) In accordance with a medium-term obligation issued by the recipient in compliance with the provisions of chapter 350 of NRS, the loan or transfer is proposed to be made and the governing body approves the loan or transfer under a nonconsent item that is separately listed on the agenda for a regular meeting of the governing body, and:

(1) The money is repaid in full to the enterprise fund within 5 years; or
(2) If the recipient will be unable to repay the money in full to the enterprise fund within 5 years, the recipient notifies the Committee on Local Government Finance of:
   (I) The total amount of the loan or transfer;
   (II) The purpose of the loan or transfer;
   (III) The date of the loan or transfer; and
   (IV) The estimated date that the money will be repaid in full to the enterprise fund;
(b) To pay the expenses related to the purpose for which the enterprise fund was created;
(c) For a cost allocation for employees, equipment or other resources related
to the purpose of the enterprise fund which is approved by the governing body
under a nonconsent item that is separately listed on the agenda for a regular
meeting of the governing body; or
(d) Upon the dissolution of the enterprise fund.

2. Except as otherwise provided in this section, the governing body of a
local government may increase the amount of any fee imposed for the purpose
for which an enterprise fund was created only if the governing body approves
the increase under a nonconsent item that is separately listed on the agenda for
a regular meeting of the governing body, and the governing body determines
that:

(a) The increase is not prohibited by law;
(b) The increase is necessary for the continuation or expansion of the
purpose for which the enterprise fund was created; and
(c) All fees that are deposited in the enterprise fund are used solely for the
purposes for which the fees are collected.

3. Upon the adoption of an increase in any fee pursuant to subsection 2,
the governing body shall, except as otherwise provided in this subsection,
provide to the Department of Taxation an executed copy of the action
increasing the fee. This requirement does not apply to the governing body of a
federally regulated airport.

4. The provisions of subsection 2 do not limit the authority of the
governing body of a local government to increase the amount of any fee
imposed upon a public utility in compliance with the provisions of NRS
354.59881 to 354.59889, inclusive, for a right-of-way over any public area if
the public utility is billed separately for that fee. As used in this subsection,
“public utility” has the meaning ascribed to it in NRS 354.598817.

5. This section must not be construed to:

(a) Prohibit a local government from increasing a fee or using money in an
enterprise fund to repay a loan lawfully made to the enterprise fund from
another fund of the local government; or

(b) Prohibit or impose any substantive or procedural limitations on any
increase of a fee that is necessary to meet the requirements of an instrument
that authorizes any bonds or other debt obligations which are secured by or
payable from, in whole or in part, money in the enterprise fund or the revenues
of the enterprise for which the enterprise fund was created.

6. The Department of Taxation shall provide to the Committee on Local
Government Finance a copy of each report submitted to the Department on or
after July 1, 2011, by a county or city pursuant to NRS 354.6015. The
Committee shall:

(a) Review each report to determine whether the governing body of the
local government is in compliance with the provisions of this section; and
(b) On or before January 15 of each odd-numbered year, submit a report of
its findings to the Director of the Legislative Counsel Bureau for transmittal to
the Legislature.
7. A fee increase imposed in violation of this section must not be invalidated on the basis of that violation. The sole remedy for a violation of this section is the penalty provided in NRS 354.626. Any person who pays a fee for the enterprise for which the enterprise fund is created may file a complaint with the district attorney or Attorney General alleging a violation of this section for prosecution pursuant to NRS 354.626.

8. For the purposes of paragraph (c) of subsection 1, the Committee on Local Government Finance shall adopt regulations setting forth the extent to which general, overhead, administrative and similar expenses of a local government of a type described in paragraph (c) of subsection 1 may be allocated to an enterprise fund. The regulations must require that:
   (a) Each cost allocation makes an equitable distribution of all general, overhead, administrative and similar expenses of the local government among all activities of the local government, including the activities funded by the enterprise fund; and
   (b) Only the enterprise fund’s equitable share of those expenses may be treated as expenses of the enterprise fund and allocated to it pursuant to paragraph (c) of subsection 1.

9. Except as otherwise provided in subsections 10 and 11, if a local government has subsidized its general fund with money from an enterprise fund for the 5 fiscal years immediately preceding the fiscal year beginning on July 1, 2011, the provisions of subsection 1 do not apply to transfers from the enterprise fund to the general fund of the local government for the purpose of subsidizing the general fund if the local government:
   (a) Does not increase the amount of the transfers to subsidize the general fund in any fiscal year beginning on or after July 1, 2011, above the amount transferred in the fiscal year ending on June 30, 2011, except for loans and transfers that comply with the provisions of subsection 1; and
   (b) Does not, on or after July 1, 2011, increase any fees for any enterprise fund used to subsidize the general fund except for increases described in paragraph (b) of subsection 5.

10. On and after July 1, 2021, the provisions of subsection 1 apply to transfers from an enterprise fund described in subsection 9 to the general fund of a local government for the purpose of subsidizing the general fund unless:
   (a) On or before July 1, 2018, the Committee on Local Government Finance has approved a plan adopted by the governing body of the local government to eliminate transfers from an enterprise fund to subsidize the general fund of the local government that are not made in compliance with subsection 1, which must include, without limitation, a plan to reduce, by at least 3.3 percent each fiscal year during the term of the plan, the amount of the transfers from the enterprise fund to the general fund of the local government for the purpose of subsidizing the general fund; and
   (b) In accordance with the plan approved by the Committee on Local Government Finance pursuant to paragraph (a), for each fiscal year during the term of the plan, the local government reduces by at least 3.3 percent the
amount of the transfers from the enterprise fund to the general fund of the local
government for the purpose of subsidizing the general fund.

11. Each plan approved by the Committee on Local Government Finance
pursuant to subsection 10 is subject to annual review by the Committee.

12. After the expiration of the term of a plan approved by the Committee
on Local Government Finance pursuant to subsection 10, the provisions of
subsection 1 apply to the local government that adopted the plan.

13. The provisions of this section do not apply to an enterprise fund
created by the governing body of a local government for the purpose of
providing telecommunication services pursuant to the provisions of NRS
710.010 to 710.159, inclusive.

Sec. 4.5. 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.  [Deleted by amendment.]

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

2. Sections 1 to 4, inclusive, of this act expire by limitation on June 30,
2024.

Assemblyman Yeager moved the adoption of the amendment.
Remarks by Assemblyman Yeager.
Amendment adopted.
Bill ordered reprinted, reengrossed and to third reading.

Assembly Bill No. 231.
Bill read third time.
The following amendment was proposed by the Committee on Education:
Amendment No. 488.
AN ACT relating to education; establishing the Account for Instruction on
the Holocaust and Other Genocides in the State General Fund; authorizing the
Council to Establish Academic Standards for Public Schools to establish
standards of content and performance for instruction on the Holocaust and
other genocides; imposing certain additional duties on the Governor's
Advisory Council on Education Relating to the Holocaust; requiring the State
Board of Education to appoint a subcommittee to conduct an interim study on
providing curriculum on the review and make recommendations on the
manner in which to provide certain information to pupils concerning the
Holocaust and other genocides; requiring the subcommittee to review the
manner in which certain standards support comprehensive education on
the Holocaust; requiring the State Board to submit a report to the
Legislative Committee on Education; requiring the Legislative
Committee on Education to submit a report to the Legislature; and
providing other matters properly relating thereto.

Legislative Counsel's Digest:
[Existing law creates and sets forth the duties of the Governor's Advisory
Section 4 of this bill imposes additional duties on the Council relating to the
provision of education in this State on issues relating to the Holocaust and other genocides.

Section 1 of this bill establishes the Account for Instruction on the Holocaust and Other Genocides in the State General Fund and requires that the money in the Account be expended only for the purpose of providing instruction on the Holocaust and other genocides.

Existing law requires the Council to Establish Academic Standards for Public Schools to establish standards of content and performance for various subjects. (NRS 389.520) Section 1 of this bill requires the State Board of Education to appoint a subcommittee to review and make recommendations on the manner in which to provide age-appropriate and historically accurate instruction relating to the Holocaust and other genocides [during the 2021-2022 interim. Existing law creates the Council to Establish Academic Standards for Public Schools. (NRS 389.510) Section 2 of this bill authorizes the Council to establish standards of content and performance for instruction on the Holocaust and other genocides. Section 3 of this bill makes a conforming change to indicate the placement of section 2 in the Nevada Revised Statutes], such as the Armenian, Cambodian, Darfur, Guatemalan and Rwandan genocides, in certain courses of study. Section 1 requires the review conducted and recommendations made by the subcommittee to include, without limitation: (1) the manner in which to modify the curricula of certain courses to include certain instruction on the Holocaust and other genocides, such as the Armenian, Cambodian, Darfur, Guatemalan and Rwandan genocides; (2) an inventory of available classroom resources for educators; (3) any professional development that may be necessary for a teacher who provides certain instruction on the Holocaust and other genocides, such as the Armenian, Cambodian, Darfur, Guatemalan and Rwandan genocides; and (4) consideration of any similar instruction provided in another state or school district.

Section 1 requires the subcommittee to review the manner in which current standards support comprehensive education on the Holocaust and other genocides, such as the Armenian, Cambodian, Darfur, Guatemalan and Rwandan genocides. Section 1 sets forth the membership of the subcommittee. Section 1 requires the State Board of Education to, on or before October 1 of each even-numbered year, submit a report to the Legislative Committee on Education. Section 1 requires the Legislative Committee on Education to consider such a report and, on or before February 1 of each odd-numbered year, prepare and submit a written report to the Director of the Legislative Counsel Bureau for transmittal to the Legislature.

THE PEOPLE OF THE STATE OF NEVADA, REPRESENTED IN SENATE AND ASSEMBLY, DO ENACT AS FOLLOWS:
Section 1. Chapter 388 of NRS is hereby amended by adding thereto a new section to read as follows:

1. The Account for Instruction on the Holocaust and Other Genocides is hereby created in the State General Fund, to be administered by the Superintendent of Public Instruction. The Superintendent of Public Instruction may accept gifts and grants of money from any source for deposit in the Account. Any money from gifts and grants may be expended in accordance with the terms and conditions of the gift or grant, or in accordance with subsection 2. The interest and income earned on the sum of the money in the Account and any unexpended appropriations made to the Account from the State General Fund must be credited to the Account. Any money remaining in the Account at the end of the fiscal year does not revert to the State General Fund, and the balance in the Account must be carried forward to the next fiscal year.

3. Except as otherwise provided in subsection 1, the money in the Account must be used only for providing instruction on the Holocaust and other genocides as may be required by section 2 of this act. The State Board shall adopt regulations governing the distribution of money in the Account for this purpose. The State Board shall create a subcommittee to review and make recommendations on the manner in which to provide age-appropriate and historically accurate instruction about the Holocaust and other genocides, such as the Armenian, Cambodian, Darfur, Guatemalan and Rwandan genocides, in social studies and language arts courses of study.

2. The review conducted and any recommendations made by the subcommittee pursuant to this section must include, without limitation:

(a) The manner in which to modify the curricula of relevant courses in social studies and language arts to include the instruction described in this section;

(b) An inventory of available classroom resources for educators to meet the requirements of this section;

(c) The professional development that may be necessary or appropriate for a teacher who provides the instruction described in this section; and

(d) Consideration of any similar instruction provided in another state or school district.

3. The subcommittee shall link current standards with community resources that may assist in the implementation of the instruction described in subsection 1. The subcommittee shall review the manner in which the current standards support comprehensive education regarding the Holocaust and other genocides, such as the Armenian, Cambodian, Darfur, Guatemalan and Rwandan genocides, including, without limitation, by:

(a) Preparing pupils to confront the immorality of the Holocaust, other genocides, such as the Armenian, Cambodian, Darfur, Guatemalan and Rwandan genocides, and other acts of mass violence and to reflect on the causes of related historical events;
(b) Addressing the breadth of the history of the Holocaust, including, without limitation, the dictatorship of the Third Reich, the system of concentration camps, the persecution of both Jewish and non-Jewish people, the resistance to the Third Reich and the Holocaust by both Jewish and non-Jewish people and the various trials that occurred after the end of World War II;

(c) Developing the respect of pupils for cultural diversity and helping pupils to gain insight into the importance of international human rights for all people;

(d) Promoting the understanding of pupils of how the Holocaust contributed to the need for the term “genocide” and led to international legislation that recognized genocide as a crime;

(e) Communicating the impact of personal responsibility, civic engagement and societal responsiveness;

(f) Stimulating the reflection of pupils on the role and responsibility of citizens in democratic societies to combat misinformation, indifference and discrimination through the development of critical thinking skills and through tools of resistance such as protest, reform and celebration;

(g) Providing pupils with opportunities to contextualize and analyze patterns of human behavior by persons and groups who belong in one or more categories, including, without limitation, perpetrator, collaborator, bystander, victim and rescuer;

(h) Enabling pupils to understand the ramifications of prejudice, racism and stereotyping;

(i) Preserving the memories of survivors of genocide and providing opportunities for pupils to discuss and honor the cultural legacies of survivors;

(j) Providing pupils with a foundation for examining the history of discrimination in this State;

(k) Including in curricula the use of personal narratives and multimedia primary source materials, which may include, without limitation, video testimony, photographs, artwork, diary entries, letters, government documents, maps and poems; and

(l) Exploring the various mechanisms of transitional and restorative justice that help humanity move forward in the aftermath of genocide.

4. The subcommittee must be composed of the Superintendent of Public Instruction, or his or her designee, and the following members appointed by the Superintendent:

(a) Three members representing the Governor’s Advisory Council on Education Relating to the Holocaust created by NRS 233G.020;

(b) Three members representing nonprofit organizations that have developed curricula regarding the Holocaust for use in public schools;

(c) At least one member representing a school district in which 60,000 or more pupils are enrolled;
(d) At least one member representing a school district in which fewer than 60,000 pupils are enrolled;
(e) At least one member representing a charter school located in this State;
(f) At least one member representing nonprofit organizations that have developed curricula for use in public schools regarding the Armenian genocide; and
(g) At least one member representing nonprofit organizations that have developed curricula for use in public schools regarding genocides other than the Holocaust and the Armenian genocide.

5. On or before October 1 of each even-numbered year, the State Board shall report its findings and any recommendations to the Legislative Committee on Education, including, without limitation, any recommendations made by the subcommittee pursuant to subsection 1, as well as any actions the State Board has taken or intends to take to include the instruction in the relevant courses pursuant to subsection 2.

6. On or before February 1 of each odd-numbered year, the Legislative Committee on Education shall consider the report submitted by the State Board and prepare and submit a written report to the Director of the Legislative Counsel Bureau for transmittal to the Legislature concerning the Committee’s consideration of the matters described in this section and any recommendations for legislation to ensure the instruction described in this section is included in the curricula for the relevant courses.

7. As used in this section:
(a) “Genocide” means any of the following acts committed with intent to destroy, in whole or in part, a national, ethnic, racial or religious group and includes, without limitation, genocides and other acts of mass atrocities identified by the United States Holocaust Memorial Museum:
   (1) Killing members of the group;
   (2) Causing serious bodily or mental harm to members of the group;
   (3) Deliberately inflicting on the group conditions of life calculated to bring about its physical destruction in whole or in part;
   (4) Imposing measures intended to prevent births within the group; and
   (5) Forcibly transferring children of the group to another group.
(b) “Holocaust” means the systematic, bureaucratic, state-sponsored persecution and murder of approximately 6,000,000 Jewish persons and 5,000,000 other persons by the Nazi regime and its collaborators.

Sec. 2. Chapter 389 of NRS is hereby amended by adding thereto a new section to read as follows:

1. The Council may establish standards of content and performance for instruction on the Holocaust and other genocides.
2. If the Council establishes standards of content and performance for instruction on the Holocaust and other genocides, the board of trustees of a school district and the governing body of a charter school shall provide instruction on the Holocaust and other genocides that comply with the
standards of content and performance established by the Council pursuant to this section.

3. If the Council establishes standards of content and performance for instruction on the Holocaust and other genocides, the Department shall:
   (a) Provide technical assistance to the board of trustees of a school district or the governing body of a charter school that offers instruction on the Holocaust and other genocides;
   (b) Distribute information and resources on appropriate materials or other resources for instruction on the Holocaust and other genocides to the board of trustees of a school district or the governing body of a charter school that offers instruction on the Holocaust and other genocides; and
   (c) Provide training programs, which may include, without limitation, training programs identified pursuant to NRS 233G.040, on providing instruction on the Holocaust and other genocides for school personnel who administer instruction on the Holocaust and other genocides.

4. The governing body of a private school may request information on the technical assistance, information and resources or training programs required to be developed pursuant to subsection 3 from the Department. The Department may provide such information to a governing body of a private school that requests the information.

5. The State Board may adopt such regulations as necessary to carry out the provisions of this section.

6. As used in this section:
   (a) "Genocide" means acts committed with the intent to destroy, in whole or in part, a national ethnic, racial or religious group, including, without limitation:
      (1) Killing members of the group;
      (2) Causing serious bodily or mental harm to members of the group;
      (3) Deliberately inflicting conditions on the group calculated to bring about the physical destruction of the group, in whole or in part;
      (4) Imposing measures intended to prevent births within the group;
      (5) Forcibly transferring children of the group to another group.
   (b) "Holocaust" means the systematic, bureaucratic, state-sponsored persecution and murder of approximately 6 million Jewish persons and 5 million other persons by the Nazi regime and its collaborators between 1933-1945. (Deleted by amendment.)

Sec. 3. NRS 389.500 is hereby amended to read as follows:

389.500 As used in NRS 389.500 to 389.540, inclusive, and section 2 of this act, "Council" means the Council to Establish Academic Standards for Public Schools. (Deleted by amendment.)

Sec. 4. NRS 233G.040 is hereby amended to read as follows:

233G.040 The Council shall:
   1. Consult with an organization with expertise in providing instruction relating to the Holocaust and other genocides to identify strategies and
content for providing and enhancing education in issues relating to the Holocaust and other genocides in this State.

2. Develop programs for the education of children and adults in issues relating to the Holocaust and other genocides, make reports and advise public and private bodies throughout the State on matters relevant to education concerning the Holocaust and other genocides.

3. Advise the Superintendent of Public Instruction, the board of trustees of school districts, the governing bodies of charter schools and the governing bodies of private schools on strategies and content for providing and enhancing education in issues relating to the Holocaust and other genocides in this State.

4. Identify programs and resources to train teachers in providing education in issues relating to the Holocaust and other genocides.

5. Promote the implementation of education in issues relating to the Holocaust and other genocides in this State.

6. Develop programs to raise money for the use of the Council in carrying out its duties. Any money raised by the Council pursuant to this subsection must be accounted for separately in the State General Fund and is authorized for expenditure by the Council in carrying out its duties.

7. On or before February 1 of each year, submit a report on the status of education in issues relating to the Holocaust and other genocides in this State to:

(a) In odd-numbered years, the Director of the Legislative Counsel Bureau for transmittal to the next regular session of the Legislature; and
(b) In even-numbered years, the Legislative Committee on Education.

Sec. 5.

1. The State Board of Education shall appoint a subcommittee to study the manner in which instruction on the Holocaust and other genocides is currently offered by public schools within this State.

2. The study conducted by the subcommittee pursuant to this section must include, without limitation:

(a) The number of school districts, public schools and charter schools that offer instruction on the Holocaust and other genocides;

(b) The number of school districts, public schools and charter schools that use the technical assistance, information and resources or training programs required to be developed by the Department of Education pursuant to section 2 of this act;

(c) A description of the manner in which school districts, public schools and charter schools that offer instruction on the Holocaust and other genocides conduct such instruction including, without limitation, the number of hours provided in the instruction, the grade levels in which the instruction is provided and the subject area within which the instruction is provided; and

(d) Recommendations for the content of curriculum for instruction on the Holocaust and other genocides, which must, without limitation.
(1) Prepare students to confront the immorality of the Holocaust, other genocides and other acts of mass violence and to reflect on the causes of related historical events;

(2) Address the breadth of the history of the Holocaust, including, without limitation, the dictatorship of the Third Reich, the system of concentration camps, persecution of both Jewish and non-Jewish people, resistance to the Third Reich and the Holocaust by both Jewish and non-Jewish people and trials that occurred after the end of World War II;

(3) Develop the respect of pupils for cultural diversity and help pupils gain insight into the importance of the protection of international human rights for all people;

(4) Promote the understanding of pupils of how the Holocaust contributed to the need for the term “genocide” and led to international legislation that recognized genocide as a crime;

(5) Communicate the impact of personal responsibility, civic engagement and societal responses;

(6) Stimulate the reflection of pupils on the roles and responsibilities of citizens in democratic societies to combat misinformation, indifference and discrimination through development of critical thinking skills and through tools of resistance such as protest, reform and celebration;

(7) Provide pupils with opportunities to contextualize and analyze patterns of human behavior by individual persons and groups who belong in one or more categories, including, without limitation, perpetrator, collaborator, bystander, victim and rescuer;

(8) Enable pupils to understand the ramifications of prejudice, racism and stereotyping;

(9) Preserve the memories of survivors of genocide and provide opportunities for pupils to discuss and honor the cultural legacies of survivors;

(10) Provide pupils with a foundation for examining the history of discrimination in this State;

(11) Include the use of personal narratives and multimedia primary source materials, which may include, without limitation, video testimony, photographs, artwork, diary entries, letters, government documents, maps and poems; and

(12) Explore the various mechanisms of transitional and restorative justice that help humanity move forward in the aftermath of genocide.

3. The subcommittee must be composed of:

(a) The Superintendent of Public Instruction, or his or her designee;

(b) Three members representing the Governor’s Advisory Council on Education Relating to the Holocaust created pursuant to NRS 233G.020;

(c) Three members representing nonprofit organizations that have developed curriculum regarding the Holocaust or other genocides for use in public schools;

(d) At least one member representing a school district in a county whose population is 700,000 or more;
(e) At least one member representing a school district in a county whose population is less than 700,000; and

(f) At least one member representing a charter school located in this State.

4. The subcommittee created pursuant to subsection 1 shall submit any recommendations for the curriculum content to provide instruction on the Holocaust and other genocides developed by the subcommittee pursuant to paragraph (d) of subsection 2 to the Council to Establish Academic Standards for Public Schools.

5. The subcommittee created pursuant to subsection 1 shall report its findings to the State Board of Education on or before April 8, 2022. The State Board of Education shall, on or before August 1, 2022, submit a report to the Legislative Committee on Education which includes its recommendations to carry out the instruction described in subsection 1, as well as any actions the State Board has taken or intends to take to include the instruction in the relevant courses.

6. The Legislative Committee on Education shall consider the report submitted by the State Board of Education and, on or before December 1, 2022, prepare and submit a written report to the Director of the Legislative Counsel Bureau, for transmittal to the 82nd Session of the Nevada Legislature, concerning the Committee’s consideration of the matters described in this section and any recommendations for legislation to ensure the instruction described in subsection 1 is included in the curriculum for the relevant courses.

Sec. 6. 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. 7. 1. This section and sections 5 and 6 of this act become effective upon passage and approval.

2. Sections 1 to 4, inclusive, of this act become effective:

(a) 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

(b) On July 1, 2022, for all other purposes.

Assemblywoman Bilbray-Axelrod moved the adoption of the amendment. Remarks by Assemblywoman Bilbray-Axelrod. Amendment adopted.

Assemblywoman Carlton moved that upon return from the printer, Assembly Bill No. 231 be rereferred to the Committee on Ways and Means. Motion carried.
Assembly Bill No. 139.
Bill read third time.
Remarks by Assemblyman Yeager.

Assemblyman Yeager:
Assembly Bill 139 authorizes the governing body of a county or city to transfer money from an enterprise fund to pay for the capital costs of constructing one or more fire stations under the following conditions: Number one, the transfer does not cause the balance of the unreserved working capital in the enterprise fund to be less than 50 percent of the annual operating costs and, number two, the governing body finds that the construction of the fire station is necessary based on an analysis of the need for infrastructure prepared between January 1, 2020, and December 31, 2021.

Roll call on Assembly Bill No. 139:
YEAS—40.
NAYS—Carlton, Flores—2.
Assembly Bill No. 139 having received a constitutional majority, Mr. Speaker declared it passed, as amended.
Bill ordered transmitted to the Senate.

Remarks from the Floor
Assemblywoman Benitez-Thompson moved that the Assembly adjourn until Thursday, April 22, 2021, at 11:30 a.m.
Motion carried.
Assembly adjourned at 7:56 p.m.

Approved: JASON FRIERSON
Speaker of the Assembly

Attest: SUSAN FURLONG
Chief Clerk of the Assembly