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FIRST REPRINT

A.B. 121

ASSEMBLY BILL NO. 121—ASSEMBLYWOMEN CONSIDINE,  
ANDERSON, BILBRAY-AXELROD, GONZÁLEZ AND  
SUMMERS-ARMSTRONG

FEBRUARY 9, 2023

Referred to Committee on Judiciary

SUMMARY—Revises provisions relating to incarcerated persons.  
(BDR 16-138)

FISCAL NOTE: Effect on Local Government: May have Fiscal Impact.  
Effect on the State: Yes.

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EXPLANATION – Matter in *bolded italics* is new; matter between brackets ~~omitted material~~ is material to be omitted.

AN ACT relating to incarcerated persons; requiring institutions and facilities of the Department of Corrections to provide incarcerated persons with original, physical copies of mail under certain circumstances; requiring such institutions and facilities and city or county jails and detention facilities to provide notification to certain persons of a critical medical condition of an incarcerated person; requiring such institutions, facilities and jails to provide an opportunity for an incarcerated person to call a friend, relative or other person to provide notification of a critical medical condition of the incarcerated person under certain circumstances; requiring such institutions, facilities and jails to ensure the timely filling of prescriptions; and providing other matters properly relating thereto.

**Legislative Counsel’s Digest:**

1 Existing law requires the Director of the Department of Corrections to establish  
2 regulations with the approval of the Board of State Prison Commissioners,  
3 including regulations relating to the custody, care, training, health and safety of  
4 offenders. (NRS 209.131) **Section 2** of this bill requires the Department to provide  
5 to an offender the original, physical copy of any physical mail addressed to the  
6 offender that the offender is entitled and allowed to receive. **Section 3** of this bill  
7 requires the Department to ensure that an offender completes a medical release of  
8 information form at the time of intake and has the ability to update the completed  
9 form as necessary. If an offender in the custody of the Department is hospitalized  
10 for or diagnosed with a critical medical condition which requires the offender to  
11 stay in a medical facility overnight, **section 3** requires the Department, within 24



12 hours after such hospitalization or diagnosis, to attempt to inform all persons  
13 authorized by the current medical release of information form about the health  
14 status of the offender. If an offender in the custody of the Department is  
15 hospitalized for or diagnosed with a critical medical condition which does not  
16 require the offender to stay in a medical facility overnight, **section 3** requires the  
17 Department, within 4 hours after the return of the offender to the institution or  
18 facility at which the offender is incarcerated, to provide the offender with the  
19 opportunity to make a telephone call to a friend, relative or other person to inform  
20 the person about the health status of the offender.

21 **Section 4** of this bill requires the Department to ensure that if an offender  
22 requires prescription medication, the prescription will be filled in a timely manner.

23 **Sections 7 and 8** of this bill impose upon county and city jails and detention  
24 facilities requirements similar to those contained in **sections 3 and 4**.

25 **Section 9** of this bill requires the Department to revise its regulations to  
26 conform with the provisions of **sections 2-4**.

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

1 **Section 1.** Chapter 209 of NRS is hereby amended by adding  
2 thereto the provisions set forth as sections 2, 3 and 4 of this act.

3 **Sec. 2. 1.** *An institution or facility shall provide an*  
4 *offender with the original, physical copy of any mail addressed to*  
5 *the offender that the offender is entitled and allowed to receive.*

6 *2. As used in this section, "original, physical copy" means a*  
7 *letter, card or other document received by the institution or facility*  
8 *from the United States Postal Service or other delivery service.*  
9 *The term does not include mail that is scanned, photocopied or*  
10 *otherwise duplicated by the institution or facility or any entity*  
11 *contracted by the institution or facility to provide such a service.*

12 **Sec. 3. 1.** *The Department shall ensure that each offender:*

13 *(a) Completes a medical release of information form at the*  
14 *time of intake; and*

15 *(b) Has the ability to update a completed medical release of*  
16 *information form as necessary.*

17 *2. If an offender in the custody of the Department is*  
18 *hospitalized for or diagnosed with a critical medical condition*  
19 *which requires the offender to stay in a medical facility overnight,*  
20 *the Department shall, within 24 hours after such hospitalization or*  
21 *diagnosis, attempt to inform all persons authorized by the current*  
22 *medical release of information form about the health status of the*  
23 *offender.*

24 *3. If an offender in the custody of the Department is*  
25 *hospitalized for or diagnosed with a critical medical condition*  
26 *which does not require the offender to stay in a medical facility*  
27 *overnight, the Department shall, within 4 hours after the return of*  
28 *the offender to the institution or facility at which the offender is*



1 *incarcerated, provide the offender with the opportunity to make a*  
2 *telephone call to a friend, relative or other person to inform the*  
3 *person about the health status of the offender.*

4 4. *As used in this section:*

5 (a) *“Critical medical condition” means a condition diagnosed*  
6 *by a provider of health care that:*

7 (1) *Is terminal;*

8 (2) *Requires life-sustaining medical treatment;*

9 (3) *Involves a significant risk of death; or*

10 (4) *Involves extreme physical illness.*

11 (b) *“Medical facility” has the meaning ascribed to it in*  
12 *NRS 449.0151.*

13 **Sec. 4.** *If an offender in the custody of the Department*  
14 *requires prescription medication for any physical or mental*  
15 *illness, the Department shall ensure that:*

16 1. *If the prescription is new, the prescription is transmitted to*  
17 *a licensed pharmacy and filled as soon as possible; or*

18 2. *If the prescription is a refill, the prescription is refilled on*  
19 *or before the date on which the current supply of the prescription*  
20 *medication is exhausted.*

21 **Sec. 5.** Chapter 211 of NRS is hereby amended by adding  
22 thereto the provisions set forth as sections 7 and 8 of this act.

23 **Sec. 6.** (Deleted by amendment.)

24 **Sec. 7.** 1. *Each county or city jail or detention facility shall*  
25 *ensure that each prisoner:*

26 (a) *Completes a medical release of information form at the*  
27 *time of intake; and*

28 (b) *Has the ability to update a completed medical release of*  
29 *information form as necessary.*

30 2. *If a prisoner in the custody of a jail or detention facility is*  
31 *hospitalized for or diagnosed with a critical medical condition*  
32 *which requires the prisoner to stay in a medical facility overnight,*  
33 *the jail or detention facility shall, within 24 hours after such*  
34 *hospitalization or diagnosis, attempt to inform all persons listed on*  
35 *the current medical release of information form about the health*  
36 *status of the prisoner.*

37 3. *If a prisoner in the custody of a jail or detention facility is*  
38 *hospitalized for or diagnosed with a critical medical condition*  
39 *which does not require the prisoner to stay in a medical facility*  
40 *overnight, the jail or detention facility shall, within 4 hours after*  
41 *the return of the prisoner to the jail or detention facility at which*  
42 *the prisoner is imprisoned, provide the prisoner with the*  
43 *opportunity to make a telephone call to a friend, relative or other*  
44 *person to inform the person about the health status of the*  
45 *prisoner.*



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

2       **(a) "Critical medical condition" means a condition diagnosed**  
3 **by a provider of health care that:**

4           **(1) Is terminal;**

5           **(2) Requires life-sustaining medical treatment;**

6           **(3) Involves a significant risk of death; or**

7           **(4) Involves extreme physical illness.**

8       **(b) "Medical facility" has the meaning ascribed to it in**  
9 **NRS 449.0151.**

10       **Sec. 8. If a prisoner in the custody of a county or city jail or**  
11 **detention facility requires prescription medication for any physical**  
12 **or mental illness, the jail or detention facility shall ensure that:**

13           **1. If the prescription is new, the prescription is transmitted to**  
14 **a licensed pharmacy and filled as soon as possible; or**

15           **2. If the prescription is a refill, the prescription is refilled on**  
16 **or before the date on which the current supply of the prescription**  
17 **medication is exhausted.**

18       **Sec. 9.** The Department of Corrections shall, as soon as  
19 practicable, amend or repeal any existing regulations that conflict or  
20 are inconsistent with the provisions of sections 2, 3 and 4 of this act.

