

ASSEMBLY BILL NO. 403—COMMITTEE ON  
HEALTH AND HUMAN SERVICES

MARCH 27, 2023

Referred to Committee on Health and Human Services

SUMMARY—Revises provisions governing halfway houses for persons recovering from alcohol or other substance use disorders. (BDR 40-1057)

FISCAL NOTE: Effect on Local Government: No.  
Effect on the State: No.

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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 medical facilities; removing a halfway house for persons recovering from alcohol or other substance use disorders from the definition of a facility for the dependent; revising terminology used to refer to such facilities; removing the requirement that such a facility be licensed and regulated as a facility for the dependent; and providing other matters properly relating thereto.

**Legislative Counsel’s Digest:**

Existing law: (1) requires a facility for the dependent to be licensed by the Division of Public and Behavioral Health of the Department of Health and Human Services; (2) imposes certain duties on a facility for the dependent concerning treatment of patients; (3) requires agents and employees of a facility for the dependent to receive cultural competency training; (4) prohibits a facility for the dependent from using a misleading name; and (5) exempts a facility for the dependent from a requirement that imposes certain safeguards relating to smoking from a requirement to equip every door to an exit corridor which serves 30 or more occupants with a device which closes the door. (NRS 449.030, 449.101-449.104, 449.204, 449A.100-449A.118, 477.120) Existing law requires a halfway house for persons recovering from alcohol or other substance use disorders to be licensed as a facility for the dependent and otherwise follow the laws and regulations governing facilities for the dependent. (NRS 449.0045, 449.030) Existing law also requires a facility for the education, prevention and treatment of persons with alcohol or other substance use disorders, including a halfway house for persons recovering from alcohol or other substance use disorders, to be certified by the Division as a condition of receiving public money. (NRS 458.025) **Section 1** of this bill removes the designation of a halfway house for persons recovering from alcohol or other substance use disorders as a facility for the dependent, thereby: (1) removing the



20 requirement that such a halfway house be licensed by the Division while preserving  
21 the requirement that such a halfway house be certified by the Division in order to  
22 receive public money; and (2) excluding such a halfway house from the duties,  
23 requirements, prohibitions and exemptions that apply to a facility for the dependent.  
24 **Section 3** of this bill makes a conforming change to remove a requirement that the  
25 Division post on the Internet information concerning the licensing status and  
26 quality of halfway houses for persons recovering from alcohol or other substance  
27 use disorders. **Section 5** of this bill makes a conforming change to remove a  
28 reference to a halfway house for persons recovering from alcohol or other  
29 substance use disorders as a type of facility for the dependent. **Sections 2 and 6-9**  
30 of this bill replace the term “halfway house for persons recovering from alcohol or  
31 other substance use disorders” with the term “recovery house for persons  
32 recovering from alcohol or other substance use disorders.” **Section 4** of this bill  
33 preserves certain immunity from liability for volunteers of a recovery house for  
34 persons recovering from alcohol or other substance use disorders.

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

1 **Section 1.** NRS 449.0045 is hereby amended to read as  
2 follows:

3 449.0045 “Facility for the dependent” includes:

- 4 1. A facility for the treatment of alcohol or other substance use  
5 disorders;
- 6 2. ~~[A halfway house for persons recovering from alcohol or  
7 other substance use disorders;~~
- 8 ~~—3.]~~ A facility for the care of adults during the day;
- 9 ~~[4.]~~ 3. A residential facility for groups;
- 10 ~~[5.]~~ 4. An agency to provide personal care services in the  
11 home;
- 12 ~~[6.]~~ 5. A facility for transitional living for released offenders;
- 13 ~~[7.]~~ 6. A home for individual residential care;
- 14 ~~[8.]~~ 7. A community health worker pool; and
- 15 ~~[9.]~~ 8. A provider of community-based living arrangement  
16 services.

17 **Sec. 2.** NRS 449.008 is hereby amended to read as follows:

18 449.008 ~~[“Halfway”]~~ **“Recovery** house for persons recovering  
19 from alcohol or other substance use disorders” ~~[means a residence  
20 that provides housing and a living environment for persons  
21 recovering from alcohol or other substance use disorders and is  
22 operated to facilitate their reintegration into the community, but  
23 does not provide any treatment for alcohol or other substance use  
24 disorders. The term does not include a facility for transitional living  
25 for released offenders.]~~ **has the meaning ascribed to it in**  
26 **NRS 278.02374.**

27 **Sec. 3.** NRS 449.03075 is hereby amended to read as follows:

28 449.03075 The Division shall:



1 1. Compile and post on an Internet website maintained by the  
2 Division information concerning the licensing status and quality of:

3 (a) Facilities for the treatment of alcohol or other substance use  
4 disorders;

5 (b) ~~Halfway houses for persons recovering from alcohol or~~  
6 ~~other substance use disorders;~~

7 ~~(c)~~ Medical facilities that provide a program of treatment for  
8 alcohol or other substance use disorders; and

9 ~~(d)~~ (c) To the extent that such information is available,  
10 unlicensed programs of treatment for alcohol or other substance use  
11 disorders; and

12 2. Update the information described in subsection 1 at least  
13 annually.

14 **Sec. 4.** NRS 41.485 is hereby amended to read as follows:

15 41.485 1. Except as otherwise provided in subsection 2, a  
16 volunteer of a charitable organization is immune from liability for  
17 civil damages as a result of an act or omission:

18 (a) Of an agent of the charitable organization; or

19 (b) Concerning services the volunteer performs for the  
20 charitable organization that are not supervisory in nature and are not  
21 part of any duties or responsibilities the volunteer may have as an  
22 officer, director or trustee of the charitable organization, unless the  
23 act is intentional, willful, wanton or malicious.

24 2. This section does not restrict the liability of a charitable  
25 organization for the acts or omissions of a volunteer performing  
26 services on its behalf.

27 3. As used in this section:

28 (a) "Agent" means an officer, director, trustee or employee,  
29 whether or not compensated, or a volunteer;

30 (b) "Charitable organization" means a nonprofit corporation,  
31 association or organization, *a recovery house for persons*  
32 *recovering from alcohol or other substance use disorders* or a  
33 licensed medical facility or facility for the dependent, but does not  
34 include a fire department, law enforcement agency or auxiliary  
35 thereof; ~~and~~

36 (c) *"Recovery house for persons recovering from alcohol or*  
37 *other substance use disorders" has the meaning ascribed to it in*  
38 *NRS 278.02374; and*

39 (d) "Volunteer" means an officer, director, trustee or other  
40 person who performs services without compensation, other than  
41 reimbursement for actual and necessary expenses on behalf of or to  
42 benefit a charitable organization.



1       **Sec. 5.** NRS 129.050 is hereby amended to read as follows:  
2       129.050 1. Except as otherwise provided in NRS 449A.551  
3 and 450B.525, any minor who is under the influence of, or  
4 suspected of being under the influence of, a controlled substance:

5       (a) May give express consent; or  
6       (b) If unable to give express consent, shall be deemed to  
7 consent,

8       ↳ to the furnishing of hospital, medical, surgical or other care for  
9 the treatment of substance use disorders or related illnesses by any  
10 public or private hospital, medical facility, facility for the dependent  
11 ~~[, other than a halfway house for persons recovering from alcohol~~  
12 ~~and other substance use disorders,]~~ or any licensed physician, and  
13 the consent of the minor is not subject to disaffirmance because of  
14 minority.

15       2. Immunity from civil or criminal liability extends to any  
16 physician or other person rendering care or treatment pursuant to  
17 subsection 1, in the absence of negligent diagnosis, care or  
18 treatment.

19       3. The consent of the parent, parents or legal guardian of the  
20 minor is not necessary to authorize such care, but any physician who  
21 treats a minor pursuant to this section shall make every reasonable  
22 effort to report the fact of treatment to the parent, parents or legal  
23 guardian within a reasonable time after treatment.

24       **Sec. 6.** NRS 244.3549 is hereby amended to read as follows:

25       244.3549 1. Except as otherwise provided in subsections 2  
26 and 3, each board of county commissioners shall adopt an ordinance  
27 using the following terms to describe the following types of  
28 facilities, homes, houses and institutions:

29       (a) Child care institution, as that term is used in  
30 NRS 432A.0245.

31       (b) Facility for transitional living for released offenders, as that  
32 term is used in NRS 449.0055.

33       (c) Group foster home, as that term is used in NRS 424.015.

34       (d) ~~[Halfway house for persons recovering from alcohol and~~  
35 ~~other substance use disorders, as that term is used in NRS 449.008.~~

36       ~~—(e)—~~ Home for individual residential care, as that term is used in  
37 NRS 449.0105.

38       (e) *Recovery house for persons recovering from alcohol or*  
39 *other substance use disorders, as that term is defined in*  
40 *NRS 278.02374.*

41       (f) Residential facility for groups, as that term is used in  
42 NRS 449.017.

43       2. Subsection 1 requires the board of county commissioners to  
44 use the specified terms solely for the purpose of referring to the  
45 named facilities, homes, houses and institutions and does not require



1 the board to adopt the State’s definition for the purpose of regulating  
2 or imposing any requirement with respect to such a facility, home,  
3 house or institution.

4 3. A board of county commissioners is not required to include  
5 a term set forth in subsection 1 in the ordinance if:

6 (a) A facility, home, house or institution of the type  
7 corresponding to the term does not exist in the county; or

8 (b) The county’s ordinances do not otherwise, by whatever  
9 name, refer to a facility, home, house or institution of the type  
10 corresponding to the term.

11 **Sec. 7.** NRS 268.0193 is hereby amended to read as follows:

12 268.0193 1. Except as otherwise provided in subsections 2  
13 and 3, the governing body of each city shall adopt an ordinance  
14 using the following terms to describe the following types of  
15 facilities, homes, houses and institutions:

16 (a) Child care institution, as that term is used in  
17 NRS 432A.0245.

18 (b) Facility for transitional living for released offenders, as that  
19 term is used in NRS 449.0055.

20 (c) Group foster home, as that term is used in NRS 424.015.

21 ~~(d) Halfway house for persons recovering from alcohol and~~  
22 ~~other substance use disorders, as that term is used in NRS 449.008.~~

23 ~~—(e)—~~ Home for individual residential care, as that term is used in  
24 NRS 449.0105.

25 *(e) Recovery house for persons recovering from alcohol or*  
26 *other substance use disorders, as that term is used in*  
27 *NRS 278.02374.*

28 (f) Residential facility for groups, as that term is used in  
29 NRS 449.017.

30 2. Subsection 1 requires the governing body of the city to use  
31 the specified terms solely for the purpose of referring to the named  
32 facilities, homes, houses and institutions and does not require the  
33 governing body to use the State’s definition for the purpose of  
34 regulating or imposing any requirement with respect to such a  
35 facility, home, house or institution.

36 3. The governing body of a city is not required to include a  
37 term set forth in subsection 1 in the ordinance if:

38 (a) A facility, home, house or institution of the type  
39 corresponding to the term does not exist in the city; or

40 (b) The city’s ordinances do not otherwise, by whatever name,  
41 refer to a facility, home, house or institution of the type  
42 corresponding to the term.

43 **Sec. 8.** NRS 278.02374 is hereby amended to read as follows:

44 278.02374 ~~["Halfway"]~~ *“Recovery* house for persons recovering  
45 from alcohol ~~[and]~~ *or* other substance use disorders” ~~[has the~~



1 ~~meaning ascribed to it in NRS 449.008.]~~ *means a residence that*  
2 *provides housing and a living environment for persons recovering*  
3 *from alcohol or other substance use disorders and is operated to*  
4 *facilitate their reintegration into the community but does not*  
5 *provide any treatment for alcohol or other substance use*  
6 *disorders. The term does not include a facility for transitional*  
7 *living for released offenders.*

8 **Sec. 9.** The Legislative Counsel shall:

9 1. In preparing the Nevada Revised Statutes, use the authority  
10 set forth in subsection 10 of NRS 220.120 to substitute  
11 appropriately the term “recovery house for persons recovering from  
12 alcohol or other substance use disorders” for the term “halfway  
13 house for persons recovering from alcohol or other substance use  
14 disorders.”

15 2. In preparing supplements to the Nevada Administrative  
16 Code, substitute appropriately the term “recovery house for persons  
17 recovering from alcohol or other substance use disorders” for the  
18 term “halfway house for persons recovering from alcohol or other  
19 substance use disorders.”

20 **Sec. 10.** 1. This section becomes effective upon passage and  
21 approval.

22 2. Sections 1 to 9, inclusive, of this act become effective:

23 (a) Upon passage and approval for the purpose of adopting any  
24 regulations and performing any other preparatory administrative  
25 tasks that are necessary to carry out the provisions of this act; and

26 (b) On January 1, 2024, for all other purposes.

