

Amendment No. 274

Assembly Amendment to Assembly Bill No. 403	(BDR 40-1057)
Proposed by: Assembly Committee on Health and Human Services	
Amends: Summary: No Title: No Preamble: No Joint Sponsorship: No Digest: Yes	

ASSEMBLY ACTION			Initial and Date	SENATE ACTION			Initial and Date		
Adopted	<input type="checkbox"/>	Lost	<input type="checkbox"/>	_____	Adopted	<input type="checkbox"/>	Lost	<input type="checkbox"/>	_____
Concurred In	<input type="checkbox"/>	Not	<input type="checkbox"/>	_____	Concurred In	<input type="checkbox"/>	Not	<input type="checkbox"/>	_____
Receded	<input type="checkbox"/>	Not	<input type="checkbox"/>	_____	Receded	<input type="checkbox"/>	Not	<input type="checkbox"/>	_____

EXPLANATION: Matter in (1) *blue bold italics* is new language in the original bill; (2) variations of green bold underlining is language proposed to be added in this amendment; (3) ~~red strikethrough~~ is deleted language in the original bill; (4) ~~purple double strikethrough~~ is language proposed to be deleted in this amendment; (5) orange double underlining is deleted language in the original bill proposed to be retained in this amendment.



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:

1 Existing law: (1) requires a facility for the dependent to be licensed by the Division of
2 Public and Behavioral Health of the Department of Health and Human Services; (2) imposes
3 certain duties on a facility for the dependent concerning treatment of patients; (3) requires
4 agents and employees of a facility for the dependent to receive cultural competency training;
5 (4) prohibits a facility for the dependent from using a misleading name; and (5) exempts a
6 facility for the dependent from a requirement that imposes certain safeguards relating to
7 smoking from a requirement to equip every door to an exit corridor which serves 30 or more
8 occupants with a device which closes the door. (NRS 449.030, 449.101-449.104, 449.204,
9 449A.100-449A.118, 477.120) Existing law requires a halfway house for persons recovering
10 from alcohol or other substance use disorders to be licensed as a facility for the dependent and
11 otherwise follow the laws and regulations governing facilities for the dependent. (NRS
12 449.0045, 449.030) Existing law also requires a facility for the education, prevention and
13 treatment of persons with alcohol or other substance use disorders, including a halfway house
14 for persons recovering from alcohol or other substance use disorders, to be certified by the
15 Division ~~as a condition of receiving public money.~~ (NRS 458.025) **Section 1** of this bill
16 removes the designation of a halfway house for persons recovering from alcohol or **other**
17 substance use disorders as a facility for the dependent, thereby: (1) removing the requirement
18 that such a halfway house be licensed by the Division while preserving the requirement that
19 such a halfway house be certified by the Division ~~in order to receive public money;~~ and
20 (2) excluding such a halfway house from the duties, requirements, prohibitions and
21 exemptions that apply to a facility for the dependent. **Section 3** of this bill makes a
22 conforming change to remove a requirement that the Division post on the Internet information
23 concerning the licensing status and quality of halfway houses for persons recovering from
24 alcohol or other substance use disorders. **Section 5** of this bill makes a conforming change to
25 remove a reference to a halfway house for persons recovering from alcohol or other substance

26 use disorders as a type of facility for the dependent. **Sections 2 and 6-9** of this bill replace the
 27 term “halfway house for persons recovering from alcohol or other substance use disorders”
 28 with the term “recovery house for persons recovering from alcohol or other substance use
 29 disorders.” **Section 4** of this bill preserves certain immunity from liability for volunteers of a
 30 recovery house for persons recovering from alcohol or other substance use disorders.

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 follows:

2 449.0045 “Facility for the dependent” includes:

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

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

14 449.008 ~~1. Halfway~~ **“Recovery** house for persons recovering from alcohol or
 15 other substance use disorders” ~~means a residence that provides housing and a~~
 16 ~~living environment for persons recovering from alcohol or other substance use~~
 17 ~~disorders and is operated to facilitate their reintegration into the community, but~~
 18 ~~does not provide any treatment for alcohol or other substance use disorders. The~~
 19 ~~term does not include a facility for transitional living for released offenders.] has~~
 20 ~~the meaning ascribed to it in NRS 278.02374.~~

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

22 449.03075 The Division shall:

- 23 1. Compile and post on an Internet website maintained by the Division
 24 information concerning the licensing status and quality of:
 - 25 (a) Facilities for the treatment of alcohol or other substance use disorders;
 - 26 (b) ~~Halfway houses for persons recovering from alcohol or other substance~~
 27 ~~use disorders;~~
 - 28 ~~(c)~~ Medical facilities that provide a program of treatment for alcohol or other
 29 substance use disorders; and
 - 30 ~~(d)~~ (c) To the extent that such information is available, unlicensed programs
 31 of treatment for alcohol or other substance use disorders; and
- 32 2. Update the information described in subsection 1 at least annually.

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

34 41.485 1. Except as otherwise provided in subsection 2, a volunteer of a
 35 charitable organization is immune from liability for civil damages as a result of an
 36 act or omission:

- 37 (a) Of an agent of the charitable organization; or
- 38 (b) Concerning services the volunteer performs for the charitable organization
 39 that are not supervisory in nature and are not part of any duties or responsibilities
 40 the volunteer may have as an officer, director or trustee of the charitable
 41 organization, unless the act is intentional, willful, wanton or malicious.
- 42 2. This section does not restrict the liability of a charitable organization for
 43 the acts or omissions of a volunteer performing services on its behalf.

1 3. As used in this section:

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

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

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

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

14 **Sec. 5.** NRS 129.050 is hereby amended to read as follows:

15 129.050 1. Except as otherwise provided in NRS 449A.551 and 450B.525,
16 any minor who is under the influence of, or suspected of being under the influence
17 of, a controlled substance:

18 (a) May give express consent; or

19 (b) If unable to give express consent, shall be deemed to consent,
20 ~~to the furnishing of hospital, medical, surgical or other care for the treatment of~~
21 ~~substance use disorders or related illnesses by any public or private hospital,~~
22 ~~medical facility, facility for the dependent ~~[, other than a halfway house for persons~~~~
23 ~~recovering from alcohol and other substance use disorders,]~~ or any licensed
24 physician, and the consent of the minor is not subject to disaffirmance because of
25 minority.

26 2. Immunity from civil or criminal liability extends to any physician or other
27 person rendering care or treatment pursuant to subsection 1, in the absence of
28 negligent diagnosis, care or treatment.

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

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

34 244.3549 1. Except as otherwise provided in subsections 2 and 3, each
35 board of county commissioners shall adopt an ordinance using the following terms
36 to describe the following types of facilities, homes, houses and institutions:

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

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

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

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

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

44 (e) *Recovery house for persons recovering from alcohol ~~and~~ or other*
45 *substance use disorders, as that term is defined in NRS 278.02374.*

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

47 2. Subsection 1 requires the board of county commissioners to use the
48 specified terms solely for the purpose of referring to the named facilities, homes,
49 houses and institutions and does not require the board to adopt the State's definition
50 for the purpose of regulating or imposing any requirement with respect to such a
51 facility, home, house or institution.

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

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

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

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

6 268.0193 1. Except as otherwise provided in subsections 2 and 3, the
7 governing body of each city shall adopt an ordinance using the following terms to
8 describe the following types of facilities, homes, houses and institutions:

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

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

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

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

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

16 (e) *Recovery house for persons recovering from alcohol ~~and~~ or other*
17 *substance use disorders, as that term is used in NRS 278.02374.*

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

19 2. Subsection 1 requires the governing body of the city to use the specified
20 terms solely for the purpose of referring to the named facilities, homes, houses and
21 institutions and does not require the governing body to use the State's definition for
22 the purpose of regulating or imposing any requirement with respect to such a
23 facility, home, house or institution.

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

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

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

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

31 278.02374 ~~["Halfway"]~~ ***Recovery*** house for persons recovering from alcohol
32 ~~and~~ or other substance use disorders" ~~has the meaning ascribed to it in NRS~~
33 ~~449.008.] means a residence that provides housing and a living environment for~~
34 ~~persons recovering from alcohol or other substance use disorders and is operated~~
35 ~~to facilitate their reintegration into the community but does not provide any~~
36 ~~treatment for alcohol or other substance use disorders. The term does not include~~
37 ~~a facility for transitional living for released offenders.~~

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

39 1. In preparing the Nevada Revised Statutes, use the authority set forth in
40 subsection 10 of NRS 220.120 to substitute appropriately the term "recovery house
41 for persons recovering from alcohol ~~and~~ or other substance use disorders" for the
42 term "halfway house for persons recovering from alcohol ~~and~~ or other substance
43 use disorders."

44 2. In preparing supplements to the Nevada Administrative Code, substitute
45 appropriately the term "recovery house for persons recovering from alcohol ~~and~~
46 or other substance use disorders" for the term "halfway house for persons
47 recovering from alcohol ~~and~~ or other substance use disorders."

48 **Sec. 10. 1.** This ~~act~~ section becomes effective ~~on July 1, 2023.~~ upon
49 passage and approval.

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

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

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

