

SENATE BILL NO. 131—SENATORS CANNIZZARO, LANGE, SCHEIBLE, NGUYEN, SPEARMAN; DALY, DONATE, DONDERO LOOP, FLORES, D. HARRIS, NEAL, OHRENSCHALL AND PAZINA

FEBRUARY 9, 2023

JOINT SPONSORS: ASSEMBLYMEN ANDERSON, BACKUS, BILBRAY-AXELROD, BROWN-MAY, CARTER, COHEN, CONSIDINE, D’SILVA, DURAN, GONZÁLEZ, GORELOW, JAUREGUI, LA RUE HATCH, MARZOLA, BRITTNEY MILLER, C.H. MILLER, MONROE-MORENO, MOSCA, NEWBY, NGUYEN, ORENTLICHER, PETERS, SUMMERS-ARMSTRONG, TAYLOR, THOMAS, TORRES, WATTS AND YEAGER

Referred to Committee on Commerce and Labor

SUMMARY—Revises provisions relating to reproductive health care. (BDR 54-44)

FISCAL NOTE: Effect on Local Government: No.
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 reproductive health care; prohibiting health care licensing boards from disqualifying from licensure or disciplining a person for providing or assisting in the provision of certain reproductive health care services; prohibiting the Governor from surrendering, or issuing an arrest warrant for, a person who is charged in another state with a criminal violation related to certain reproductive health care services; prohibiting state agencies from assisting in certain investigations and proceedings initiated in other states related to certain reproductive health care services; requiring certain health care licensing boards to examine the feasibility of reciprocal licensure for health care providers who provide reproductive health care services in other states; and providing other matters properly relating thereto.



Legislative Counsel's Digest:

1 Existing law regulates the licensing, certification and registration of various
2 providers of health care in this State. (Chapters 630-637B and 639-641D of NRS)
3 **Section 1** of this bill prohibits a health care licensing board from disqualifying a
4 person from licensure or subjecting a person to discipline because he or she
5 provided or assisted in providing certain reproductive health care services or was
6 subject to judgment, discipline or other sanction in another state for providing or
7 assisting in the provision of certain reproductive health care services if the
8 reproductive health care services as provided would have been lawful and
9 consistent with standards for the practice of the relevant profession in this State.

10 **Section 4** of this bill requires each health care licensing board that licenses
11 providers of health care who provide certain reproductive health care services to
12 examine the feasibility of providing reciprocal licensing to providers of health care
13 in other states to facilitate the provision of reproductive health care services to
14 persons from other states who seek reproductive health care services in this State.

15 In accordance with the Extradition Clause of Section 2 of Article IV of the
16 United States Constitution, existing state law provides that it is the duty of the
17 Governor to have arrested and delivered up to the executive authority of any other
18 state any person charged in that state with treason, felony or other crime, who has
19 fled from justice and is found in this State. (NRS 179.181) Under existing law, the
20 Governor is also authorized, but not required, to surrender, on demand of the
21 executive authority of any other state, any person in this State charged in the other
22 state with committing an act in this State, or in a third state, intentionally resulting
23 in a crime in the state whose executive authority is making the demand, even
24 though the accused was not in that state at the time of the commission of the crime,
25 and has not thereafter fled from that state. (NRS 179.189) **Section 2** of this bill
26 prohibits the Governor from surrendering, or issuing a warrant of arrest for, a
27 person in this State who is charged in another state with a criminal violation of the
28 laws of that other state if the violation involves the provision or receipt of or
29 assistance with certain reproductive health care services, unless the acts forming the
30 basis of the prosecution of the crime would also constitute a criminal offense under
31 the laws of this State. **Section 2** excludes from this prohibition circumstances in
32 which the executive authority of another state demands the surrender of a person
33 who was physically present in the demanding state at the time of the commission of
34 the alleged offense and thereafter fled from that state.

35 **Section 3** of this bill prohibits state agencies in the Executive Department of
36 the State Government from providing information or expending or using time,
37 money, facilities, property, equipment, personnel or other resources in furtherance
38 of an investigation or proceeding initiated in another state related to the provision,
39 securing or receiving of, or any inquiry concerning, certain reproductive health care
40 services, except under certain limited circumstances.

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

1 **Section 1.** Chapter 629 of NRS is hereby amended by adding
2 thereto a new section to read as follows:

3 **1. A health care licensing board shall not disqualify a person**
4 **from licensure or subject any person to discipline solely:**

5 **(a) For providing or assisting in the provision of reproductive**
6 **health care services; or**



1 (b) As a consequence of any judgment, discipline or other
2 sanction threatened or imposed under the laws of the District of
3 Columbia or any state or territory of the United States for
4 providing or assisting in the provision of reproductive health care
5 services,
6 ↳ if the reproductive health care services as provided would have
7 been lawful and consistent with standards for the practice of the
8 relevant profession in this State.

9 2. As used in this section:

10 (a) "Health care licensing board" means:

11 (1) A board created pursuant to chapter 630, 630A, 631,
12 632, 633, 634, 634A, 635, 636, 637, 637B, 639, 640, 640A, 640B,
13 640C, 640D, 640E, 641, 641A, 641B, 641C or 641D of NRS.

14 (2) The Division of Public and Behavioral Health of the
15 Department of Health and Human Services.

16 (b) "Reproductive health care services" means medical,
17 surgical, counseling or referral services relating to the human
18 reproductive system, including, without limitation, services
19 relating to pregnancy, contraception, the termination of
20 pregnancy or any procedure or care found by a competent medical
21 professional to be appropriate based upon the wishes of a patient
22 and in accordance with the laws of this State.

23 **Sec. 2.** Chapter 179 of NRS is hereby amended by adding
24 thereto a new section to read as follows:

25 1. Notwithstanding the provisions of NRS 179.177 to 179.235,
26 inclusive, the Governor shall not surrender, or issue a warrant
27 pursuant to NRS 179.191 for the arrest of, any person in this State
28 who is charged in another state with a criminal violation of the
29 laws of that other state if the violation alleged involves the
30 provision or receipt of or assistance with reproductive health care
31 services, unless the acts forming the basis of the prosecution of the
32 crime charged would constitute a criminal offense under the laws
33 of the State of Nevada.

34 2. The provisions of this section do not apply in the
35 circumstance where a demand for the extradition of a person
36 charged with crime in another state is made in accordance with
37 NRS 179.183, and the person who is the subject of the demand
38 was physically present in the demanding state at the time of the
39 commission of the alleged offense and thereafter fled from that
40 state.

41 3. As used in this section:

42 (a) "Reproductive health care services" means medical,
43 surgical, counseling or referral services relating to the human
44 reproductive system, including, without limitation, services
45 relating to pregnancy, contraception, the termination of



1 *pregnancy or any procedure or care found by a competent medical*
2 *professional to be appropriate based upon the wishes of a patient*
3 *and in accordance with the laws of this State.*

4 *(b) The words and terms defined in NRS 179.179 have the*
5 *meanings ascribed to them in that section.*

6 **Sec. 3.** Chapter 232 of NRS is hereby amended by adding
7 thereto a new section to read as follows:

8 *1. Except as required by the order of a court of competent*
9 *jurisdiction, a state agency shall not provide any information or*
10 *expend or use time, money, facilities, property, equipment,*
11 *personnel or other resources in furtherance of any investigation*
12 *or proceeding initiated in or by another state that seeks to impose*
13 *civil or criminal liability or professional sanction upon a person or*
14 *entity for:*

15 *(a) The provision, securing or receiving of, or any inquiry*
16 *concerning, reproductive health care services that are legal in this*
17 *State; or*

18 *(b) Any assistance given to any person or entity that relates to*
19 *the provision, securing or receiving of, or any inquiry concerning,*
20 *reproductive health care services that are legal in this State.*

21 *2. The provisions of subsection 1 do not apply to any*
22 *investigation or proceeding where the conduct that is subject to*
23 *potential liability under the investigation or proceeding initiated in*
24 *or by the other state would be subject to civil or criminal liability*
25 *or professional sanction under the laws of the State of Nevada, if*
26 *committed in this State.*

27 *3. Notwithstanding the provisions of this section, a state*
28 *agency or employee, appointee, officer or other person acting on*
29 *behalf of a state agency may provide information or assistance in*
30 *connection with such an investigation or proceeding in response*
31 *to a written request by the person who is the subject of the*
32 *investigation or proceeding.*

33 *4. As used in this section:*

34 *(a) "Reproductive health care services" means medical,*
35 *surgical, counseling or referral services relating to the human*
36 *reproductive system, including, without limitation, services*
37 *relating to pregnancy, contraception, the termination of*
38 *pregnancy or any procedure or care found by a competent medical*
39 *professional to be appropriate based upon the wishes of a patient*
40 *and in accordance with the laws of this State.*

41 *(b) "State agency" means an agency, bureau, board,*
42 *commission, department, division, officer, employee, appointee or*
43 *agent or any other unit of the Executive Department.*

44 **Sec. 4.** 1. Each health care licensing board that licenses
45 providers of health care who provide reproductive health care



1 services shall examine the feasibility of providing opportunities for
2 reciprocity of licensure to providers of health care who provide
3 reproductive health care services in other states to facilitate the
4 provision of quality reproductive health care services to persons
5 from other states who seek reproductive health care services in this
6 State.

7 2. As used in this section:

8 (a) "Health care licensing board" has the meaning ascribed to it
9 in section 1 of this act.

10 (b) "Provider of health care" has the meaning ascribed to it in
11 NRS 629.031.

12 (c) "Reproductive health care services" has the meaning
13 ascribed to it in section 1 of this act.

14 **Sec. 5.** This act becomes effective upon passage and approval.

