

Senate Bill No. 131—Senators Cannizzaro, Lange, Scheible, Nguyen, Spearman; Daly, Donate, Dondero Loop, Flores, D. Harris, Neal, Ohrenschall and Pazina

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

CHAPTER.....

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:

Existing law regulates the licensing, certification and registration of various providers of health care in this State. (Chapters 630-637B and 639-641D of NRS) **Section 1** of this bill prohibits a health care licensing board from disqualifying a person from licensure or subjecting a person to discipline because he or she provided or assisted in providing certain reproductive health care services or was subject to judgment, discipline or other sanction in another state for providing or assisting in the provision of certain reproductive health care services if the reproductive health care services as provided would have been lawful and consistent with standards for the practice of the relevant profession in this State. **Section 4** of this bill requires each health care licensing board that licenses providers of health care who provide certain reproductive health care services to examine the feasibility of providing reciprocal licensing to providers of health care in other states to facilitate the provision of reproductive health care services to persons from other states who seek reproductive health care services in this State.

In accordance with the Extradition Clause of Section 2 of Article IV of the United States Constitution, existing state law provides that it is the duty of the Governor to have arrested and delivered up to the executive authority of any other state any person charged in that state with treason, felony or other crime, who has fled from justice and is found in this State. (NRS 179.181) Under existing law, the Governor is also authorized, but not required, to surrender, on demand of the



executive authority of any other state, any person in this State charged in the other state with committing an act in this State, or in a third state, intentionally resulting in a crime in the state whose executive authority is making the demand, even though the accused was not in that state at the time of the commission of the crime, and has not thereafter fled from that state. (NRS 179.189) **Section 2** of this bill prohibits the Governor from surrendering, or issuing a warrant of arrest for, a person in this State who is charged in another state with a criminal violation of the laws of that other state if the violation involves the provision or receipt of or assistance with certain reproductive health care services, unless the acts forming the basis of the prosecution of the crime would also constitute a criminal offense under the laws of this State. **Section 2** excludes from this prohibition circumstances in which the executive authority of another state demands the surrender of a person who was physically present in the demanding state at the time of the commission of the alleged offense and thereafter fled from that state.

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

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

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

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

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

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

(b) As a consequence of any judgment, discipline or other sanction threatened or imposed under the laws of the District of Columbia or any state or territory of the United States for providing or assisting in the provision of reproductive health care services,

↳ if the reproductive health care services as provided would have been lawful and consistent with standards for the practice of the relevant profession in this State.

2. As used in this section:

(a) “Health care licensing board” means:

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

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



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

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

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

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

3. As used in this section:

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

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

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

1. Except as required by the order of a court of competent jurisdiction, a state agency shall not provide any information or expend or use time, money, facilities, property, equipment, personnel or other resources in furtherance of any investigation or proceeding initiated in or by another state that seeks to impose



civil or criminal liability or professional sanction upon a person or entity for:

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

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

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

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

4. As used in this section:

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

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

Sec. 4. 1. Each health care licensing board that licenses providers of health care who provide reproductive health care services shall examine the feasibility of providing opportunities for reciprocity of licensure to providers of health care who provide reproductive health care services in other states to facilitate the provision of quality reproductive health care services to persons from other states who seek reproductive health care services in this State.

2. As used in this section:

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



(b) “Provider of health care” has the meaning ascribed to it in NRS 629.031.

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

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

