

NEVADA LEGISLATURE

Eighty-Second Session, 2023

ASSEMBLY DAILY JOURNAL

THE ONE HUNDRED AND SECOND DAY

CARSON CITY (Thursday), May 18, 2023

Assembly called to order at 12 noon.

Mr. Speaker presiding.

Roll called.

All present.

Prayer by the Chaplain, Father Jeff Paul.

Faithful God, teach us Your ways, that we may be open to the same Spirit that moved over the waters of creation; that moves over the chaos of these times, to fashion a day like this, a world like ours, lives like these, Make us aware of the miracles of life, of warm and cold, of disarray and order, of howling wind and impermeable silence, and of the mystery of grace in which we are all embraced.

We invoke blessing and protection upon this Assembly, upon all who work herein.

AMEN.

Pledge of Allegiance to the Flag.

Assemblywoman Jauregui moved that further reading of the Journal be dispensed with and the Speaker and Chief Clerk be authorized to make the necessary corrections and additions.

Motion carried.

REPORTS OF COMMITTEES

Mr. Speaker:

Your Committee on Commerce and Labor, to which were referred Senate Bills Nos. 91, 131, 214, 259, has had the same under consideration, and begs leave to report the same back with the recommendation: Do pass.

ELAINE MARZOLA, *Chair*

Mr. Speaker:

Your Committee on Government Affairs, to which were referred Assembly Bill No. 514; Senate Bills Nos. 19, 247, 323, 433, has had the same under consideration, and begs leave to report the same back with the recommendation: Do pass.

Also, your Committee on Government Affairs, to which were referred Senate Bills Nos. 20, 22, 23, 261, 264, has had the same under consideration, and begs leave to report the same back with the recommendation: Do pass.

SELENA TORRES, *Chair*

Mr. Speaker:

Your Committee on Health and Human Services, to which were referred Senate Bills Nos. 4, 117, 119, 177, 260, 286, 411, has had the same under consideration, and begs leave to report the same back with the recommendation: Do pass.

SARAH PETERS, *Chair*

Mr. Speaker:

Your Committee on Ways and Means, to which was referred Assembly Bill No. 465, has had the same under consideration, and begs leave to report the same back with the recommendation: Do pass.

DANIELE MONROE-MORENO, *Chair*

MOTIONS, RESOLUTIONS AND NOTICES

Senate Joint Resolution No. 7 of the 81st Session.

Resolution read.

Remarks by Assemblywoman Kasama.

ASSEMBLYWOMAN KASAMA:

Senate Joint Resolution 7 of the 81st Session proposes to amend the *Nevada Constitution* to remove the constitutional provisions governing the Board of Regents of the University of Nevada. The Legislature shall provide by law for the governance of the University and the establishment of its various departments. In addition, the resolution stipulates that proceeds of public lands donated for the support of the institution shall be invested by the state of Nevada as required by law.

This resolution was approved by the 81st Session of the Legislature in 2021. If approved in identical form during the 2023 Legislative Session, the proposal will be submitted to the voters for final approval or disapproval.

Roll call on Senate Joint Resolution No. 7 of the 81st Session:

YEAS—34.

NAYS—DeLong, Dickman, Gallant, Gray, Hafen, Hansen, McArthur—7.

EXCUSED—Summers-Armstrong.

Senate Joint Resolution No. 7 of the 81st Session having received a constitutional majority, Mr. Speaker declared it passed.

Resolution ordered transmitted to the Senate.

NOTICE OF EXEMPTION

May 16, 2023

The Fiscal Analysis Division, pursuant to Joint Standing Rule No. 14.6, has determined the eligibility for exemption of Senate Bill No. 82.

SARAH COFFMAN
Fiscal Analysis Division

May 17, 2023

The Fiscal Analysis Division, pursuant to Joint Standing Rule No. 14.6, has determined the exemption of Senate Bill No. 440.

Also, the Fiscal Analysis Division, pursuant to Joint Standing Rule No. 14.6, has determined the eligibility for exemption of Senate Bill No. 66.

SARAH COFFMAN
Fiscal Analysis Division

Assemblywoman Jauregui moved that the person as set forth on the Nevada Legislature's Press Accreditation List of May 18, 2023, be accepted as an accredited press representative, assigned space at the press table in the

Assembly Chamber, allowed the use of appropriate broadcasting facilities, and that the list be included in this day's journal.

KOLO 8 NEWS NOW: Stone Suess.

Motion carried.

Assemblywoman Jauregui moved that Senate Bill No. 5 be withdrawn from the Committee on Ways and Means.

Motion carried.

Assemblywoman Jauregui moved that Senate Bill No. 5 be rereferred to the Committee on Government Affairs.

Motion carried.

Assemblywoman Jauregui moved that Senate Bill No. 406 be taken from its position on the General File and placed at the top of the General File.

Motion carried.

Assemblywoman Jauregui moved that Assembly Bill No. 404 be taken from the Chief Clerk's Desk and placed at the top of the General File.

Motion carried.

INTRODUCTION, FIRST READING AND REFERENCE

By the Committee on Ways and Means:

Assembly Bill No. 515—AN ACT relating to education; creating the Incentivizing Pathways to Teaching Grant Program in the Department of Education; providing for the award of grants to certain universities and colleges under the Program; requiring certain universities and colleges receiving grants under the Program to award tuition assistance and stipends to students who meet certain requirements; and providing other matters properly relating thereto.

Assemblywoman Monroe-Moreno moved that the bill be referred to the Committee on Ways and Means.

Motion carried.

By the Committee on Ways and Means:

Assembly Bill No. 516—AN ACT relating to Indian affairs; creating the Department of Native American Affairs; transferring the Nevada Indian Commission from the Department of Tourism and Cultural Affairs to the Department of Native American Affairs; transferring responsibility for administering the Account for the Protection and Rehabilitation of the Stewart Indian School to the Executive Director of the Department; establishing certain duties of the Executive Director and the Department; revising certain duties of the Commission; revising the membership of certain boards on which a representative of the Commission serves; and providing other matters properly relating thereto.

Assemblywoman Monroe-Moreno moved that the bill be referred to the Committee on Ways and Means.

Motion carried.

By the Committee on Ways and Means:

Assembly Bill No. 517—AN ACT relating to the Legislative Counsel Bureau; requiring the Research Director of the Research Division of the Legislative Counsel Bureau to appoint an employee to act as a liaison between the Legislature and the public regarding public education; requiring the Research Division to establish a method to report certain information regarding the system of public education; requiring the Legislative Auditor to conduct performance audits of certain school districts and the State Public Charter School Authority; authorizing the Chair of the Interim Finance Committee to request certain additional audits of school districts; establishing provisions governing such performance audits; and providing other matters properly relating thereto.

Assemblywoman Monroe-Moreno moved that the bill be referred to the Committee on Ways and Means.

Motion carried.

SECOND READING AND AMENDMENT

Senate Bill No. 13.

Bill read second time and ordered to third reading.

Senate Bill No. 32.

Bill read second time.

The following amendment was proposed by the Committee on Commerce and Labor:

Amendment No. 537.

SUMMARY—Exempts persons engaged exclusively in transporting persons between certain states **or within this State** for certain purposes from provisions governing private investigators and related professions. (BDR 54-420)

AN ACT relating to the Private Investigator's Licensing Board; exempting persons engaged exclusively in transporting persons ~~between certain states~~ for the purposes of a temporary transfer of custody pursuant to the Agreement on Detainers, ~~for~~ extradition pursuant to the Uniform Criminal Extradition Act **or a temporary or permanent transfer of the custody of a person from one state or local governmental agency to another** from licensure and regulation by the Board; and providing other matters properly relating thereto.

Legislative Counsel's Digest:

Existing law provides for the licensure and regulation of private investigators, private patrol officers, process servers, repossessioners, dog handlers, security consultants and polygraphic examiners by the Private Investigator's Licensing Board. (Chapter 648 of NRS) Existing law further requires an employee of a person licensed by the Board to be registered with

the Board to perform any work regulated by the Board. (NRS 648.060, 648.1493, 648.203)

Under existing law, Nevada has enacted the Agreement on Detainers, an interstate agreement setting forth certain procedures for the temporary transfer of custody of an incarcerated person from the state in which the person is incarcerated to another state where the person is subject to pending criminal charges. (NRS 178.620) Existing law also sets forth the Uniform Criminal Extradition Act, which establishes certain procedures governing the extradition to and from this State of a person who has been charged with a crime or who has been alleged to have escaped from confinement or broken the terms of the person's bail, probation or parole. (NRS 179.177-179.235) Because persons who transport persons from this State to another state, ~~for~~ from another state to this State or through this State are private patrol officers for the purposes of existing law governing the licensure of private patrol officers by the Private Investigator's Licensing Board, such persons are required to obtain a license from the Board and employees of such persons are required to be registered with the Board. (NRS 648.013, 648.060, 648.063, 648.1493, 648.203)

This bill exempts ~~any person who is engaged exclusively in the business of transporting persons from this State to another state or from another state to this State for the purposes of a temporary transfer of custody pursuant to the Agreement on Detainers or extradition pursuant to the Uniform Criminal Extradition Act, or any employee of such a person,~~ from the provisions of existing law governing the licensure and regulation of private investigators and related professions by the Private Investigator's Licensing Board ~~for~~ any person, or any employee thereof, who is engaged exclusively in the business of transporting persons: (1) from this State to another state, from another state to this State or through this State for the purpose of a temporary transfer of custody pursuant to the Agreement on Detainers or extradition pursuant to the Uniform Criminal Extradition Act; or (2) within this State for the purpose of a temporary or permanent transfer of the custody of a person from one state or local governmental agency to another.

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

Section 1. NRS 648.018 is hereby amended to read as follows:

648.018 Except as to polygraphic examiners and interns, this chapter does not apply:

1. To any detective or officer belonging to the law enforcement agencies of the State of Nevada or the United States, or of any county or city of the State of Nevada, while the detective or officer is engaged in the performance of his or her official duties.

2. To special police officers appointed by the police department of any city, county, or city and county within the State of Nevada while the officer is engaged in the performance of his or her official duties.

3. To insurance adjusters licensed pursuant to the Nevada Insurance Adjusters Law who are not otherwise engaged in the business of private investigators.

4. To any private investigator, private patrol officer, process server, dog handler or security consultant employed by an employer regularly in connection with the affairs of that employer if a bona fide employer-employee relationship exists, except as otherwise provided in NRS 648.060, 648.140 and 648.203.

5. To a reposessor employed exclusively by one employer regularly in connection with the affairs of that employer if a bona fide employer-employee relationship exists, except as otherwise provided in NRS 648.060, 648.140 and 648.203.

6. To a person engaged exclusively in the business of obtaining and furnishing information as to the financial rating of persons.

7. To a charitable philanthropic society or association incorporated under the laws of this State which is organized and maintained for the public good and not for private profit.

8. To an attorney at law in performing his or her duties as such.

9. To a collection agency unless engaged in business as a reposessor, licensed by the Commissioner of Financial Institutions, or an employee thereof while acting within the scope of his or her employment while making an investigation incidental to the business of the agency, including an investigation of the location of a debtor or his or her assets and of property which the client has an interest in or lien upon.

10. To admitted insurers and agents and insurance brokers licensed by the State, performing duties in connection with insurance transacted by them.

11. To any bank organized pursuant to the laws of this State or to any national bank engaged in banking in this State.

12. To any person employed to administer a program of supervision for persons who are serving terms of residential confinement.

13. To any commercial registered agent, as defined in NRS 77.040, who obtains copies of, examines or extracts information from public records maintained by any foreign, federal, state or local government, or any agency or political subdivision of any foreign, federal, state or local government.

14. To any holder of a certificate of certified public accountant issued by the Nevada State Board of Accountancy pursuant to chapter 628 of NRS while performing his or her duties pursuant to the certificate.

15. To a person performing the repair or maintenance of a computer who performs a review or analysis of data contained on a computer solely for the purposes of diagnosing a computer hardware or software problem and who is not otherwise engaged in the business of a private investigator.

16. To any person who for any consideration engages in business or accepts employment to provide information security.

17. *To any person, or any employee thereof, who is engaged exclusively in the business of transporting persons ~~from~~:*

(a) From this State to another state, ~~for~~ from another state to this State or through this State for the purpose of a temporary transfer of custody pursuant to NRS 178.620 or extradition pursuant to NRS 179.177 to 179.235, inclusive; ~~for~~ or ~~any employee of such a person.~~

(b) Within this State for the purpose of a temporary or permanent transfer of the custody of a person from one state or local governmental agency to another.

Assemblywoman Marzola moved the adoption of the amendment.

Remarks by Assemblywoman Marzola.

Amendment adopted.

Bill ordered reprinted, engrossed and to third reading.

Senate Bill No. 113.

Bill read second time and ordered to third reading.

Senate Bill No. 115.

Bill read second time and ordered to third reading.

GENERAL FILE AND THIRD READING

Assembly Bill No. 404.

Bill read third time.

The following amendment was proposed by Assemblywoman Brittney Miller:

Amendment No. 573.

AN ACT relating to civil actions; **increasing the amount of civil damages for which certain providers of health care may be liable for acts or omissions in rendering care or assistance necessitated by certain traumatic injuries;** excluding certain health care professionals from the definition of “provider of health care” for certain purposes; increasing the limitation on the amount of noneconomic damages a plaintiff may recover in a civil action against a provider of health care for professional negligence; **imposing liability on a hospital for the professional negligence of a provider of health care who renders professional services at the hospital;** revising the statute of limitations for bringing an action against a provider of health care for injury or death based upon professional negligence, professional services rendered without consent or error or omission in practice; repealing ~~various requirements and restrictions concerning~~ **provisions which limit the amount of a contingent fee for which an attorney representing a plaintiff in a civil action against a provider of health care for professional negligence ~~for~~ may contract for or collect;** and providing other matters properly relating thereto.

Legislative Counsel’s Digest:

Existing law **limits to \$50,000 the amount of civil damages for which a licensed physician or dentist, a hospital or certain employees of a hospital may be held liable for certain acts or omissions in rendering care or assistance at a hospital necessitated by a traumatic injury demanding immediate medical attention. (NRS 41.503) Section 1 of this bill increases that amount to \$250,000 and, beginning on January 1, 2026, requires that amount to be adjusted each year based on the percentage increase in the Consumer Price Index (All Items) for the immediately preceding calendar year.**

Existing law sets forth various requirements and restrictions relating to civil actions against a provider of health care for professional negligence. (Chapter 41A of NRS) Existing law defines “provider of health care” for the purposes of those provisions to include a physician, physician assistant, dentist, licensed nurse, dispensing optician, optometrist, registered physical therapist, podiatric physician, licensed psychologist, chiropractic physician, doctor of Oriental medicine, medical laboratory director or technician, licensed dietitian, a person licensed to engage in radiation therapy or radiologic imaging, a licensed hospital and certain other entities. (NRS 41A.017) **Section ~~1.1~~ 1.5** of this bill excludes from that definition an agency to provide nursing in the home, a facility for intermediate care, a facility for skilled nursing, a facility for hospice care and a nursing pool, thereby specifically excluding such persons from the provisions of existing law imposing certain requirements and restrictions on civil actions brought against a provider of health care for professional negligence.

Existing law limits the amount of noneconomic damages that a plaintiff may recover in a civil action brought against a provider of health care for professional negligence to \$350,000, regardless of the number of plaintiffs, defendants or theories upon which liability may be based. (NRS 41A.035) **Section 2** of this bill instead limits the amount of noneconomic damages that a plaintiff may recover in such an action to ~~[\$2,500,000]~~ **:(1) for an action in which certain hospitals or employees, agents or affiliates of certain hospitals are a party, \$2,000,000; and, beginning (2) for any other action, \$550,000. Section 2 requires, beginning** on January 1, ~~[2025, requires]~~ **2026,** that ~~[amount to]~~ **those amounts** be adjusted each year based on the percentage increase in the Consumer Price Index (All Items) for the immediately preceding calendar year.

Existing law provides that each defendant in a civil action for injury or death against a provider of health care based upon professional negligence is severally, and not jointly, liable for damages awarded in the action. (NRS 41A.045) Section 2.5 of this bill: (1) deems a provider of health care who renders professional services at a hospital to be an agent of the hospital; and (2) provides that the hospital is vicariously liable for any professional negligence of the provider of health care in connection with the rendering of such services at the hospital.

Existing law requires an action for injury or death against a provider of health care based on professional negligence, professional services rendered without consent or error or omission in practice, to be commenced: (1) for an injury that occurred on or after October 1, 2002, not more than 3 years after the date of injury or 1 year after the plaintiff discovers or should have discovered the injury; and (2) if the injury occurred before October 1, 2002, not more than 4 years after the date of injury or 2 years after the plaintiff discovers or should have discovered the injury. (NRS 41A.097) **Section 3** of this bill revises those provisions to require all such actions to be brought not more than 4 years after the date of injury or 2 years after the plaintiff discovers or should have discovered the injury. **Section 4** of this bill provides that the changes in **section 3** apply retroactively to any injury or death that occurred before October 1, 2023, even if the statute of limitations that was in effect at the time of the injury or death has expired. Therefore, a civil action against a provider of health care that would otherwise be time-barred by the former statute of limitations is revived by this bill, so long as the revised statute of limitations set forth in **section 4** has not expired.

Section 6 of this bill repeals provisions that ~~[(1)]~~ limit the amount of a contingent fee that an attorney representing a plaintiff in a civil action against a provider of health care for professional negligence may contract for or collect ~~;~~ ~~[(2)]~~ limit to \$50,000 the amount of civil damages for which a licensed physician or dentist, a hospital or certain employees of a hospital may be held liable for certain acts or omissions in rendering care or assistance at a hospital necessitated by traumatic injury demanding immediate medical attention; ~~[(3)]~~ provide that each defendant in a civil action against a provider of health care for professional negligence is severally, and not jointly, liable for damages awarded in the action; and ~~[(4)]~~ authorize the introduction of certain evidence relating to collateral benefits, restrict certain sources of collateral benefits and provide for payment of future damages by periodic payments.]

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

Section 1. NRS 41.503 is hereby amended to read as follows:

41.503 1. Except as otherwise provided in subsection 2 and NRS 41.504, 41.505 and 41.506:

(a) A hospital which has been designated as a center for the treatment of trauma by the Administrator of the Division of Public and Behavioral Health of the Department of Health and Human Services pursuant to NRS 450B.237 and which is a nonprofit organization;

(b) A hospital other than a hospital described in paragraph (a);

(c) An employee of a hospital described in paragraph (a) or (b) who renders care or assistance to patients;

(d) A physician or dentist licensed under the provisions of chapter 630, 631 or 633 of NRS who renders care or assistance in a hospital described in

paragraph (a) or (b), whether or not the care or assistance was rendered gratuitously or for a fee; and

(e) A physician or dentist licensed under the provisions of chapter 630, 631 or 633 of NRS:

(1) Whose liability is not otherwise limited pursuant to NRS 41.032 to 41.0337, inclusive; and

(2) Who renders care or assistance in a hospital of a governmental entity that has been designated as a center for the treatment of trauma by the Administrator of the Division of Public and Behavioral Health of the Department of Health and Human Services pursuant to NRS 450B.237, whether or not the care or assistance was rendered gratuitously or for a fee,

↳ that in good faith renders care or assistance necessitated by a traumatic injury demanding immediate medical attention, for which the patient enters the hospital through its emergency room or trauma center, may not be held liable for more than ~~(\$50,000)~~ \$250,000 in civil damages, exclusive of interest computed from the date of judgment, to or for the benefit of any claimant arising out of any act or omission in rendering that care or assistance if the care or assistance is rendered in good faith and in a manner not amounting to gross negligence or reckless, willful or wanton conduct.

2. The limitation on liability provided pursuant to this section does not apply to any act or omission in rendering care or assistance:

(a) Which occurs after the patient is stabilized and is capable of receiving medical treatment as a nonemergency patient, unless surgery is required as a result of the emergency within a reasonable time after the patient is stabilized, in which case the limitation on liability provided by subsection 1 applies to any act or omission in rendering care or assistance which occurs before the stabilization of the patient following the surgery; or

(b) Unrelated to the original traumatic injury.

3. If: (a) A physician or dentist provides follow-up care to a patient to whom the physician or dentist rendered care or assistance pursuant to subsection 1; (b) A medical condition arises during the course of the follow-up care that is directly related to the original traumatic injury for which care or assistance was rendered pursuant to subsection 1; and

(c) The patient files an action for malpractice based on the medical condition that arises during the course of the follow-up care,

↳ there is a rebuttable presumption that the medical condition was the result of the original traumatic injury and that the limitation on liability provided by subsection 1 applies with respect to the medical condition that arises during the course of the follow-up care.

4. **The maximum amount of civil damages set forth in subsection 1 must be adjusted on January 1 of each year beginning on January 1, 2026, in a rounded dollar amount corresponding to the percentage increase in the Consumer Price Index (All Items) published by the United States Department of Labor for the immediately preceding calendar year. The Attorney General shall determine the amount of the increase required by this**

subsection and establish the adjusted amount to take effect on January 1 of that year.

5. For the purposes of this section:

(a) “Reckless, willful or wanton conduct,” as it applies to a person to whom subsection 1 applies, shall be deemed to be that conduct which the person knew or should have known at the time the person rendered the care or assistance would be likely to result in injury so as to affect the life or health of another person, taking into consideration to the extent applicable:

- (1) The extent or serious nature of the prevailing circumstances;
- (2) The lack of time or ability to obtain appropriate consultation;
- (3) The lack of a prior medical relationship with the patient;
- (4) The inability to obtain an appropriate medical history of the patient;

and

- (5) The time constraints imposed by coexisting emergencies.

(b) “Traumatic injury” means any acute injury which, according to standardized criteria for triage in the field, involves a significant risk of death or the precipitation of complications or disabilities.

~~Section 1.~~ **Sec. 1.5.** NRS 41A.017 is hereby amended to read as follows:

41A.017 **1.** “Provider of health care” means a physician licensed pursuant to chapter 630 or 633 of NRS, physician assistant, dentist, licensed nurse, dispensing optician, optometrist, registered physical therapist, podiatric physician, licensed psychologist, chiropractic physician, doctor of Oriental medicine, holder of a license or a limited license issued under the provisions of chapter 653 of NRS, medical laboratory director or technician, licensed dietitian or a licensed hospital, clinic, surgery center, physicians’ professional corporation or group practice that employs any such person and its employees.

2. The term does not include:

(a) *An agency to provide nursing in the home, as defined in NRS 449.0015.*

(b) *A facility for hospice care, as defined in NRS 449.0033.*

(c) *A facility for intermediate care, as defined in NRS 449.0038.*

(d) *A facility for skilled nursing, as defined in NRS 449.0039.*

(e) *A nursing pool, as defined in NRS 449.0153.*

Sec. 2. NRS 41A.035 is hereby amended to read as follows:

41A.035 **1.** In an action for injury or death against a provider of health care based upon professional negligence, the injured plaintiff may recover noneconomic damages, but the amount of noneconomic damages awarded in such an action must not exceed ~~,\$350,000,~~ regardless of the number of plaintiffs, defendants or theories upon which liability may be based ~~,\$2,500,000,~~ :

(a) For an action in which a hospital, other than a critical access hospital, or an employee, agent or affiliate of such a hospital is a party, \$2,000,000.

(b) For any other action, \$550,000.

2. ~~The maximum [amount]~~ amounts of noneconomic damages set forth in paragraphs (a) and (b) of subsection 1 must be adjusted on January 1 of each year beginning on January 1, ~~2025,~~ 2026, in a rounded dollar amount corresponding to the percentage of increase in the Consumer Price Index (All Items) published by the United States Department of Labor for the immediately preceding calendar year. The Attorney General shall determine the amount of the increase required by this subsection and establish the adjusted amounts to take effect on January 1 of that year.

3. As used in this section:

(a) "Affiliate" means a person who, directly or indirectly through one or more intermediaries, controls, is controlled by or is under common control with a hospital.

(b) "Critical access hospital" means a hospital which has been certified as a critical access hospital by the Secretary of Health and Human Services pursuant to 42 U.S.C. § 1395i-4(e).

Sec. 2.5. NRS 41A.045 is hereby amended to read as follows:

41A.045 1. In an action for injury or death against a provider of health care based upon professional negligence, each defendant is liable to the plaintiff for economic damages and noneconomic damages severally only, and not jointly, for that portion of the judgment which represents the percentage of negligence attributable to the defendant.

2. ~~[This section is]~~ The provisions of subsection 1 are intended to abrogate joint and several liability of a provider of health care in an action for injury or death against the provider of health care based upon professional negligence.

3. Notwithstanding the provisions of this section, if a provider of health care renders professional services at a hospital:

(a) The provider of health care shall be deemed to be an agent of the hospital; and

(b) The hospital is vicariously liable for any professional negligence of the provider of health care in connection with the rendering of such services at the hospital.

Sec. 3. NRS 41A.097 is hereby amended to read as follows:

41A.097 1. Except as otherwise provided in subsection ~~{3,}~~ 2, an action for injury or death against a provider of health care may not be commenced more than 4 years after the date of injury or 2 years after the plaintiff discovers or through the use of reasonable diligence should have discovered the injury, whichever occurs first, for:

(a) Injury to or the wrongful death of a person ~~[occurring before October 1, 2002,]~~ based upon alleged professional negligence of the provider of health care;

(b) Injury to or the wrongful death of a person ~~[occurring before October 1, 2002,]~~ from professional services rendered without consent; or

(c) Injury to or the wrongful death of a person ~~[occurring before October 1, 2002,]~~ from error or omission in practice by the provider of health care.

2. ~~Except as otherwise provided in subsection 3, an action for injury or death against a provider of health care may not be commenced more than 3 years after the date of injury or 1 year after the plaintiff discovers or through the use of reasonable diligence should have discovered the injury, whichever occurs first, for:~~

~~—(a) Injury to or the wrongful death of a person occurring on or after October 1, 2002, based upon alleged professional negligence of the provider of health care;~~

~~—(b) Injury to or the wrongful death of a person occurring on or after October 1, 2002, from professional services rendered without consent; or~~

~~—(c) Injury to or the wrongful death of a person occurring on or after October 1, 2002, from error or omission in practice by the provider of health care.~~

~~3.] This time limitation is tolled for any period during which the provider of health care has concealed any act, error or omission upon which the action is based and which is known or through the use of reasonable diligence should have been known to the provider of health care.~~

~~4.] 3. For the purposes of this section, the parent, guardian or legal custodian of any minor child is responsible for exercising reasonable judgment in determining whether to prosecute any cause of action limited by subsection 1 . ~~for 2.]~~ If the parent, guardian or custodian fails to commence an action on behalf of that child within the prescribed period of limitations, the child may not bring an action based on the same alleged injury against any provider of health care upon the removal of the child’s disability, except that in the case of:~~

~~(a) Brain damage or birth defect, the period of limitation is extended until the child attains 10 years of age.~~

~~(b) Sterility, the period of limitation is extended until 2 years after the child discovers the injury.~~

Sec. 4. The amendatory provisions of section 3 of this act apply to any injury or death that occurred before October 1, 2023, regardless of any statute of limitations that was in effect at the time the injury or death occurred, including, without limitation, any civil action that would have been barred by the statute of limitations that was in effect before October 1, 2023.

Sec. 5. The amendatory provisions of ~~sections~~ **;**

1. Sections 1, ~~2, 1.5, 2.5~~ and 6 of this act apply to a cause of action that accrues on or after October 1, 2023.

2. Section 2 of this act applies to a cause of action that accrues on or after January 1, 2024.

Sec. 6. NRS 7.095 ~~[, 41.503, 41A.045 and 42.021 are]~~ **is** hereby repealed.

~~LEADLINES] TEXT OF REPEALED [SECTIONS] SECTION~~

7.095 Limitations on contingent fees for representation of persons in certain actions against providers of health care.

~~[41.503 Hospital care or assistance necessitated by traumatic injury; presumption regarding follow-up care.~~

~~41A.045 Several liability of defendants for damages; abrogation of joint and several liability.~~

~~42.021 Actions based on professional negligence of providers of health care: Introduction of certain evidence relating to collateral benefits; restrictions on source of collateral benefits; payment of future damages by periodic payments.]~~

1. An attorney shall not contract for or collect a fee contingent on the amount of recovery for representing a person seeking damages in connection with an action for injury or death against a provider of health care based upon professional negligence in excess of:

- (a) Forty percent of the first \$50,000 recovered;**
- (b) Thirty-three and one-third percent of the next \$50,000 recovered;**
- (c) Twenty-five percent of the next \$500,000 recovered; and**
- (d) Fifteen percent of the amount of recovery that exceeds \$600,000.**

2. The limitations set forth in subsection 1 apply to all forms of recovery, including, without limitation, settlement, arbitration and judgment.

3. For the purposes of this section, “recovered” means the net sum recovered by the plaintiff after deducting any disbursements or costs incurred in connection with the prosecution or settlement of the claim. Costs of medical care incurred by the plaintiff and general and administrative expenses incurred by the office of the attorney are not deductible disbursements or costs.

4. As used in this section:

(a) “Professional negligence” means a negligent act or omission to act by a provider of health care in the rendering of professional services, which act or omission is the proximate cause of a personal injury or wrongful death. The term does not include services that are outside the scope of services for which the provider of health care is licensed or services for which any restriction has been imposed by the applicable regulatory board or health care facility.

(b) “Provider of health care” means a physician licensed under chapter 630 or 633 of NRS, dentist, registered nurse, dispensing optician, optometrist, registered physical therapist, podiatric physician, licensed psychologist, chiropractic physician, doctor of Oriental medicine, holder of a license or a limited license issued under the provisions of chapter 653 of NRS, medical laboratory director or technician, licensed dietitian or a licensed hospital and its employees.

Assemblywoman Brittney Miller moved the adoption of the amendment.

Remarks by Assemblywoman Brittney Miller.

Amendment adopted.

Bill ordered reprinted, engrossed and to third reading.

Senate Bill No. 406.

Bill read third time.

The following amendment was proposed by Assemblyman O'Neill:
Amendment No. 582.

AN ACT relating to elections; making it unlawful for a person to use or threaten or attempt to use any force, intimidation, coercion, violence, restraint or undue influence with the intent to interfere with the performance of duties of an elections official or retaliate against an elections official for the performance of such duties; making it unlawful to disseminate certain information about an elections official; **prohibiting certain constitutional officers from soliciting or accepting political contributions during certain periods**; providing penalties; and providing other matters properly relating thereto.

Legislative Counsel's Digest:

Existing law makes it a crime, punishable as a category E felony, to use or threaten to use any force, intimidation, coercion, violence, restraint or undue influence in connection with any election, petition or preregistration or registration of voters. (NRS 293.710) **Section 1** of this bill makes it a crime, punishable as a category E felony, for any person to use or threaten or attempt to use any force, intimidation, coercion, violence, restraint or undue influence with the intent to: (1) interfere with the performance of the duties of any elections official relating to an election; or (2) retaliate against any elections official for performing duties relating to an election. **Section 1** further makes it a crime, punishable as a category E felony, for any person to disseminate any personal identifying information or sensitive information of an elections official without the consent of the elections official, knowing that the elections official could be identified by such information, if: (1) the person disseminates such personal identifying information or sensitive information with the intent to aid, assist, encourage, facilitate, further or promote any criminal offense which would be reasonably likely to cause death, bodily injury or stalking or with the intent to cause harm to the elections official and with knowledge of or reckless disregard for the reasonable likelihood that the dissemination of the information may cause death, bodily injury or stalking; and (2) the dissemination of the personal identifying information or sensitive information would cause a reasonable person to fear the death, bodily injury or stalking of himself or herself or a close relation or causes the death, bodily injury or stalking of the elections official whose information was disseminated or a close relation of the elections official. Finally, **section 1** establishes that certain activities are not restricted by **section 1**.

Existing law makes it unlawful for a member of the Legislature, the Lieutenant Governor, the Lieutenant Governor-Elect, the Governor or the Governor-Elect from soliciting or accepting monetary contributions for any political purpose during a certain period before and after a legislative session. (NRS 294A.300) Section 5.3 of this bill makes it unlawful for the Secretary of State, the State Treasurer, the State Controller or the Attorney General from soliciting or accepting monetary contributions for any political purpose during a certain period before and

after a legislative session. Section 5.6 of this bill makes conforming changes to prohibit a lobbyist from making or committing or offering to make a monetary contribution during such periods. Section 6 of this bill makes sections 5.3 and 5.6 effective on October 1, 2023.

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

Section 1. Chapter 293 of NRS is hereby amended by adding thereto a new section to read as follows:

1. It is unlawful for any person to use or threaten or attempt to use any force, intimidation, coercion, violence, restraint or undue influence with the intent to:

(a) Interfere with the performance of the duties of any elections official relating to an election; or

(b) Retaliate against any elections official for performing duties relating to an election.

2. The provisions of subsection 1 apply regardless of whether a person uses or threatens or attempts to use such force, intimidation, coercion, violence, restraint or undue influence at a polling place or a location other than a polling place.

3. It is unlawful for a person to disseminate any personal identifying information or sensitive information of an elections official without the consent of the elections official, knowing that the elections official could be identified by such information, if:

(a) The person disseminates such personal identifying information or sensitive information:

(1) With the intent to aid, assist, encourage, facilitate, further or promote any criminal offense which would be reasonably likely to cause death, bodily injury or stalking; or

(2) With the intent to cause harm to the elections official and with knowledge of or reckless disregard for the reasonable likelihood that the dissemination of the information may cause death, bodily injury or stalking; and

(b) The dissemination of the personal identifying information or sensitive information:

(1) Would cause a reasonable person to fear the death, bodily injury or stalking of himself or herself or a close relation; or

(2) Causes the death, bodily injury or stalking of the elections official whose information was disseminated or a close relation of the elections official.

4. A person who violates the provisions of subsection 1 or 3 is guilty of a category E felony and shall be punished as provided in NRS 193.130.

5. This section does not limit:

(a) The applicability of the provisions of law relating to:

(1) *Observing the conduct of voting at a polling place pursuant to NRS 293.274 or 293C.269;*

(2) *Observing the conduct of tests pursuant to NRS 293B.145 or 293C.615;*

(3) *Observing the handling of ballots upon the closing of the polls pursuant to NRS 293B.330 or 293C.630;*

(4) *Observing the counting of ballots at the central counting place pursuant to NRS 293B.353;*

(5) *Observing the delivery, counting, handling and processing of the ballots at a polling place, receiving center and the central counting place pursuant to NRS 293B.354; and*

(6) *Observing ballot processing pursuant to NRS 293B.380.*

(b) *The ability of a person to give or offer to give prepackaged food items, nonalcoholic beverages, coats, handwarmers or other similar items to other persons who are at a polling place or any other location described in paragraph (a), if done in accordance with any other law and to the extent such items are not distributed inside of a building which does not permit the distribution of such items in the building as indicated by a sign posted in a prominent place at the entrance of the building.*

(c) *The ability of a person to engage in written recordation of notes at a polling place or a location other than a polling place; or*

(d) *The ability of a person to communicate with voters, election board officers or other persons in any way that is not otherwise limited or prohibited pursuant to subsection 1 or 3 or any other provision of law, including, without limitation, NRS 293.740.*

6. *As used in this section:*

(a) *“Close relation” means a current or former spouse or domestic partner, parent, child, sibling, stepparent, grandparent or any person who regularly resides in the household of who, within the immediately preceding 6 months, regularly resided in the household.*

(b) *“Elections official” means:*

(1) *The Secretary of State or any deputy or employee in the Elections Division of the Office of the Secretary of State who is charged with duties relating to an election;*

(2) *A registrar of voters, county clerk, city clerk or any deputy or employee in the elections division of a county or city who is charged with elections duties; or*

(3) *An election board officer or counting board officer.*

(c) *“Personal identifying information” has the meaning ascribed to it in NRS 205.4617.*

(d) *“Sensitive information” has the meaning ascribed to it in NRS 41.1347.*

(e) *“Stalking” means a violation of NRS 200.575.*

Sec. 2. (Deleted by amendment.)

Sec. 3. (Deleted by amendment.)

Sec. 4. (Deleted by amendment.)

Sec. 5. (Deleted by amendment.)

Sec. 5.3. **NRS 294A.300 is hereby amended to read as follows:**

294A.300 1. Except as otherwise provided in this section, it is unlawful for a member of the Legislature, the Lieutenant Governor, the Lieutenant Governor-Elect, the Governor, ~~for~~ the Governor-Elect, **the Secretary of State, the State Treasurer, the State Controller or the Attorney General** to solicit or accept any monetary contribution, or solicit or accept a commitment to make such a contribution for any political purpose during the period beginning:

(a) Thirty days before a regular session of the Legislature and ending 30 days after the final adjournment of a regular session of the Legislature;

(b) Fifteen days before a special session of the Legislature is set to commence and ending 15 days after the final adjournment of a special session of the Legislature, if:

(1) The Governor sets a specific date for the commencement of the special session that is more than 15 days after the date on which the Governor issues the proclamation calling for the special session pursuant to Section 9 of Article 5 of the Nevada Constitution; or

(2) The members of the Legislature set a date on or before which the Legislature is to convene the special session that is more than 15 days after the date on which the Secretary of State receives one or more substantially similar petitions signed, in the aggregate, by the required number of members calling for the special session pursuant to Section 2A of Article 4 of the Nevada Constitution; or

(c) The day after:

(1) The date on which the Governor issues the proclamation calling for the special session and ending 15 days after the final adjournment of the special session if the Governor sets a specific date for the commencement of the special session that is 15 or fewer days after the date on which the Governor issues the proclamation calling for the special session; or

(2) The date on which the Secretary of State receives one or more substantially similar petitions signed, in the aggregate, by the required number of members of the Legislature calling for the special session and ending 15 days after the final adjournment of the special session if the members set a date on or before which the Legislature is to convene the special session that is 15 or fewer days after the date on which the Secretary of State receives the petitions.

2. Except as otherwise provided in this section, a person shall not make or commit to make a contribution or commitment prohibited by subsection 1.

3. This section does not prohibit the payment of a salary or other compensation or income to a member of the Legislature, the Lieutenant Governor, ~~for~~ the Governor, **the Secretary of State, the State Treasurer, the State Controller or the Attorney General** during the period set forth in

subsection 1 if it is made for services provided as a part of his or her regular employment or is additional income to which he or she is entitled.

4. This section does not apply to any monetary contribution or commitment to make such a contribution that may be given to or accepted by a person pursuant to NRS 294A.115. The provisions of this subsection do not authorize:

(a) A person to accept or solicit a contribution, or solicit or accept a commitment to make such a contribution, other than a contribution authorized pursuant to NRS 294A.115.

(b) A person to make or commit to make a contribution other than a contribution authorized pursuant to NRS 294A.115.

5. This section does not apply to any monetary contribution or commitment to make such a contribution that may be given to or accepted by a Legislator pursuant to NRS 294A.117.

6. As used in this section, “political purpose” includes, without limitation, the establishment of, or the addition of money to, a legal defense fund.

Sec. 5.6. NRS 218H.930 is hereby amended to read as follows:

218H.930 1. A lobbyist shall not knowingly or willfully make any false statement or misrepresentation of facts:

(a) To any member of the Legislative Branch in an effort to persuade or influence the member in any legislative action.

(b) In a registration statement or report concerning lobbying activities filed with the Director.

2. A lobbyist shall not knowingly or willfully give any gift to a member of the Legislative Branch or a member of his or her immediate family or otherwise directly or indirectly arrange, facilitate or serve as a conduit for such a gift, whether or not the Legislature is in a regular or special session.

3. A member of the Legislative Branch or a member of his or her immediate family shall not knowingly or willfully solicit or accept any gift from a lobbyist, whether or not the Legislature is in a regular or special session.

4. A client of a lobbyist shall not make that lobbyist’s compensation or reimbursement contingent in any manner upon the outcome of any legislative action.

5. Except during the period permitted by NRS 218H.200, a person shall not knowingly act as a lobbyist during a regular or special session without being registered as required by that section, unless the person qualifies for an exemption or exception from the requirements to register as a lobbyist pursuant to any regulations adopted in accordance with NRS 218H.500.

6. Except as otherwise provided in subsection 7, a member of the Legislative or Executive Branch of the State Government and an elected officer or employee of a political subdivision shall not receive compensation or reimbursement other than from the State or the political subdivision for personally engaging in lobbying.

7. An elected officer or employee of a political subdivision may receive compensation or reimbursement from any organization whose membership consists of elected or appointed public officers.

8. A lobbyist shall not instigate the introduction of any legislation for the purpose of obtaining employment to lobby in opposition to that legislation.

9. A lobbyist shall not make, commit to make or offer to make a monetary contribution to a Legislator, the Lieutenant Governor, the Lieutenant Governor-elect, the Governor, ~~for~~ the Governor-elect, the Secretary of State, the State Treasurer, the State Controller or the Attorney General during the period set forth in subsection 1 of NRS 294A.300 unless such act is otherwise authorized pursuant to subsection 4 of NRS 294A.300.

Sec. 6. 1. ~~This act becomes~~ **section and sections 1 to 5, inclusive, of this act become** effective upon passage and approval.

2. Sections 5.3 and 5.6 of this act become effective on October 1, 2023.

Assemblyman O'Neill moved the adoption of the amendment.

Remarks by Assemblyman O'Neill.

Amendment adopted.

Bill ordered reprinted, re-engrossed and to third reading.

MOTIONS, RESOLUTIONS AND NOTICES

Assemblywoman Jauregui moved to dispense with the reprinting of Senate Bill No. 406.

Motion carried.

Assemblywoman Jauregui moved that Senate Bill No. 406 be taken from its position on the General File and placed at the top of the General File.

Motion carried.

GENERAL FILE AND THIRD READING

Senate Bill No. 406.

Bill read third time.

Remarks by Assemblywoman Brittney Miller.

ASSEMBLYWOMAN BRITTNEY MILLER:

Senate Bill 406 makes it unlawful for a person to use, threaten, or attempt to use any force, intimidation, coercion, violence, restraint, or undue influence to interfere with the performance of the duties of an election official or retaliate against an election official for performing such duties. The bill also makes it unlawful to disseminate certain information about election officials without consent. These crimes are punishable as a category E felony.

I rise today in support of Senate Bill 406. This bill provides additional protections for election workers against harassment and intimidation and states loudly and clearly that assaults on the democratic process have no place here in Nevada. Quite simply, elections do not work without people. Over the last four years, Nevada has seen significant turnover of election officials in both elected and administrative positions. It has also gotten harder to recruit poll workers because they are afraid. We need knowledgeable and trusted election administrators to keep our elections free, fair, and secure. Protecting the people who run elections from harassment, threats, and intimidation protects our democracy. In fact, upstairs we have a few of those election officials here today. I would like to thank you all for your work to uphold the exercise of democracy here in the state of Nevada. I urge your support for Senate Bill 406.

Roll call on Senate Bill No. 406:

YEAS—42.

NAYS—None.

Senate Bill No. 406 having received a constitutional majority, Mr. Speaker declared it passed, as amended.

Bill ordered transmitted to the Senate.

Senate Bill No. 2.

Bill read third time.

Remarks by Assemblyman Hibbetts.

ASSEMBLYMAN HIBBETTS:

Senate Bill 2 clarifies that under certain circumstances, the Chief of the Division of Emergency Management may activate the State Disaster Identification Coordination Committee or a subcommittee in preparation for an imminent emergency, disaster, public health emergency, or other health event. The bill also makes certain reporting by health care providers mandatory during such emergencies or events. Finally, SB 2 requires the Committee to share the information from reports submitted by health care providers with a county or city, upon request, for the purpose of reunification or identification services.

Roll call on Senate Bill No. 2:

YEAS—42.

NAYS—None.

Senate Bill No. 2 having received a constitutional majority, Mr. Speaker declared it passed.

Bill ordered transmitted to the Senate.

Senate Bill No. 3.

Bill read third time.

Remarks by Assemblywoman Taylor.

ASSEMBLYWOMAN TAYLOR:

Senate Bill 3 requires the Governor to appoint the Director of the Department of Public Safety or his or her designee to the Nevada Commission on Homeland Security.

Roll call on Senate Bill No. 3:

YEAS—42.

NAYS—None.

Senate Bill No. 3 having received a constitutional majority, Mr. Speaker declared it passed.

Bill ordered transmitted to the Senate.

MOTIONS, RESOLUTIONS AND NOTICES

Assemblywoman Jauregui moved that Senate Bills Nos. 8, 16, 18, 21, 25, 27, 42, 44, 66, 87, 169, 210, and 437 be taken from the General File and placed on the General File for the next legislative day.

Motion carried.

VETOED BILLS AND SPECIAL ORDERS OF THE DAY

Vetoed Assembly Bill No. 354 of the 82nd Session.

Governor's message stating his objections read.

OFFICE OF THE GOVERNOR

May 17, 2023

THE HONORABLE STEVE YEAGER, SPEAKER OF THE NEVADA STATE ASSEMBLY, Nevada
Legislature, 401 South Carson Street, Carson City, Nevada 89701

RE: Assembly Bill 354 of the 82nd Legislative Session

DEAR SPEAKER YEAGER:

I am forwarding to you, for filing within the time limit set forth in the Nevada Constitution and without my approval, Assembly Bill 354 (AB 354), which is titled as follows:

AN ACT relating to firearms; prohibiting, under certain circumstances, the possession of a firearm in or within a certain distance of an election site; revising the definition of the term “firearms importer or manufacturer”; defining certain terms; prohibiting a person from engaging in certain acts relating to unfinished frames or receivers, ready frames or receivers and market frames or receivers; revising provisions relating to certain acts involving unfinished frames or receivers, ready frames or receivers and market frames or receivers which are not imprinted with a serial number under certain circumstances; providing penalties; repealing certain provisions relating to firearms; and providing other matters properly relating thereto.

AB 354 is commendable inasmuch as it aims to increase public confidence in the safety in and around our election process. However, its scope is too broad and there is no notable history of gun violence at election facilities in Nevada.

AB 354 replicates federal and state laws prohibiting intimidation at or near a ballot-box. For example, 18 U.S. Code § 594 makes it unlawful to intimidate, threaten, or coerce a person “for the purpose of interfering” with that individual’s right “to vote as he may choose.” NRS 293.710 ultimately renders the same actions unlawful in Nevada. Moreover, NRS 293.730 subjects an individual to prosecution for a Category E felony if they, “[r]emain in or outside of any polling place so as to interfere with the conduct of the election.” The provisions in AB 354 are merely duplicative of these existing laws and do nothing but establish more “gun-free zones.”

Additionally, AB 354 is impermissibly vague in relation to its 100 feet gun-free radius surrounding a “ballot-box.” Ballot boxes appear in common community gathering locations across our state, including grocery stores, shopping centers, gyms, and libraries. It is untenable to prohibit law-abiding citizens from exercising their Second Amendment rights in these areas.

Finally, AB 354’s aim to end the transfer of certain firearm parts and receivers would place an impermissible burden on constitutionally protected conduct because possession of firearms, firearm frames, and receivers is within the scope of the Second Amendment’s right to keep and bear arms. Last fall, a Delaware judge ruled that prohibitions on manufacturing and possession are not “consistent with the nation’s historical tradition of firearm regulation.” *Rigby v. Jennings*, 2022 WL 4448220 at *5, (D. Del. Sept. 2022) (citing *New York State Rifle & Pistol Association, Inc. v. Bruen*, 142 S. Ct. 2111, 2130 (2022)).

For these reasons, I veto this bill and return it to you without my signature or approval.

Respectfully submitted,
JOE LOMBARDO
Governor

Bill read.

Assemblywoman Jauregui moved that Assembly Bill No. 354 be placed on the Chief Clerk’s Desk.

Motion carried.

Vetoed Assembly Bill No. 355 of the 82nd Session.

Governor’s message stating his objections read.

OFFICE OF THE GOVERNOR

May 17, 2023

THE HONORABLE STEVE YEAGER, SPEAKER OF THE NEVADA STATE ASSEMBLY, Nevada
Legislature, 401 South Carson Street, Carson City, Nevada 89701

RE: Assembly Bill 355 of the 82nd Legislative Session

DEAR SPEAKER YEAGER:

I am forwarding to you, for filing within the time limit set forth in the Nevada Constitution and without my approval, Assembly Bill 355 (AB 355), which is titled as follows:

AN ACT relating to firearms; prohibiting a person who is less than 21 years of age from possessing certain firearms; making it unlawful to aid or knowingly permit a person who is less than 21 years of age to possess a firearm under certain circumstances; revising provisions relating to the storage of a firearm; revising provisions relating to the handling, possession or control of a firearm by certain children; providing penalties; and providing other matters properly relating thereto.

AB 355 is presumably intended to decrease gun violence in communities across the state – an admirable goal. However, last year, in *Jones v. Bonta*, the Ninth Circuit Court of Appeals struck down as unconstitutional California’s ban on the sale of semiautomatic rifles to adults younger than 21. In a 2-1 panel decision, the court found that the Second Amendment “protects the right of young adults to keep and bear arms, which includes the right to purchase them.” This ruling was subsequently vacated by the Ninth Circuit so the trial court could readdress its legal findings after the United States Supreme Court issued its ruling in *New York State Rifle and Pistol Association, Inc. v. Bruen*, 142 S. Ct. 2111 (2022). In *Bruen*, the Court held that gun restrictions are constitutional only insofar as there is a tradition of such regulation in United States history. The United States has little, if any, tradition of entirely prohibiting the possession of semi-automatic firearms to those under 21 years of age. Additionally, this month, a federal court in the Eastern District of Virginia, noting that the Second Amendment’s protections “extend in full to law-abiding adults aged eighteen or older[.]” ruled that there was insufficient support for the proposition “that restrictions on the purchasing [and possession] of firearms by 18-20 year olds is part of our Nation’s history and tradition.”

As such, were this bill to become law, it is unlikely it would pass constitutional muster.

For these reasons, I veto this bill and return it to you without my signature or approval.

Respectfully submitted,
JOE LOMBARDO
Governor

Bill read.

Assemblywoman Jauregui moved that Assembly Bill No. 355 be placed on the Chief Clerk’s Desk.

Motion carried.

GUESTS EXTENDED PRIVILEGE OF ASSEMBLY FLOOR

On request of Assemblyman Gregory Koenig, the privilege of the floor of the Assembly Chamber for this day was extended to Richele Swagler and Christopher Adams.

On request of Assemblywoman Selena La Rue Hatch, the privilege of the floor of the Assembly Chamber for this day was extended to the following students, teachers, and chaperones from George Westergard Elementary School: Leila Ahtoong, Mason Perea, Abel Morgan, Adrian Jimenez, Aliyah Keenom, Amayrani Rivera Velazquez, Aria Contreras, Arianni Serrano,

Audrey Frank, Aymee Lunsford, Bentley Green-Miller, Brynn Hoffbuhr, Bryson Grubb, Cadence Carlile, Cameron Miers, Casey Casacca, Cayden Flint-Lafond, Chase Peek, Collin Oneill, Connor Szabo, Cora Reyes, Defne Caglar, Elizabeth Romano, Ella King, Emalee Shank, Emilio Arias Lonato, Ethan Chonez, Finn Parker, Genesis Rodriguez, Grace Tilston, Haegen Phillips, Izabelle Walker, Jack Morrison, Jaden Duran-Rojas, Jae Jones, Jameson Williams, Jasmine Jasmine, Jax O'daye, Jude Melendez, Kaylin Rayas, Kendall Brooks, Kevin Rayas, Kingston Wickes, Lance Dumond, Landyn Napier, Laura Baur, Layton Avers, Lexie Luong, Liam Dale, Lincoln Isbell, Logan Holstrom, Luis Sagastume Bonilla, Maddison Maurer, Marshall Grayson, Merrick Moss, Mirabelle Vaillant, Mohammed Hadj Nacer, Molly Hajec, Nicole Rodriguez, Reagan Krukow, Reagan Simpson, Ryan Tate, Sarah Hansford, Sawyer Ashby, Sawyer Frugoli, Sawyer Hawes, Sawyer Jenkins, Sebastian Rodriguez, Snow Li, Sophia Julian, Synthia Jeline Seekings, Vicky Jovel, Victoria Hurlles-Mcintyre, Vivienne Rose, Wyatt Mccoy, Zoe Haas, and Zoya Lehil.

On request of Assemblyman Toby Yurek, the privilege of the floor of the Assembly Chamber for this day was extended to Ashley Marion Mills, Janice Yurek and Taun Yurek.

Assemblywoman Jauregui moved that the Assembly adjourn until Friday, May 19, 2023, at 11:30 a.m.

Motion carried.

Assembly adjourned at 12:37 p.m.

Approved:

STEVE YEAGER
Speaker of the Assembly

Attest: SUSAN FURLONG
Chief Clerk of the Assembly