

**MINUTES OF THE
SENATE COMMITTEE ON COMMERCE AND LABOR**

**Eighty-second Session
April 5, 2023**

The Senate Committee on Commerce and Labor was called to order by Chair Pat Spearman at 8:05 a.m. on Wednesday, April 5, 2023, Room 2134 of the Legislative Building, Carson City, Nevada. The meeting was videoconferenced to Room 4412E of the Grant Sawyer State Office Building, 555 East Washington Avenue, Las Vegas, Nevada. [Exhibit A](#) is the Agenda. [Exhibit B](#) is the Attendance Roster. All exhibits are available and on file in the Research Library of the Legislative Counsel Bureau.

COMMITTEE MEMBERS PRESENT:

Senator Pat Spearman, Chair
Senator Roberta Lange, Vice Chair
Senator Melanie Scheible
Senator Skip Daly
Senator Julie Pazina
Senator Scott Hammond
Senator Carrie A. Buck
Senator Jeff Stone

GUEST LEGISLATORS PRESENT:

Senator Nicole J. Cannizzaro, Senatorial District No. 6
Senator Dina Neal, Senatorial District No. 4
Senator James Ohrenschall, Senatorial District No. 21

STAFF MEMBERS PRESENT:

Cesar Melgarejo, Policy Analyst
Bryan Fernley, Counsel
Veda Wooley, Counsel
Lynn Hendricks, Committee Secretary

OTHERS PRESENT:

Randy Soltero
Misty Grimmer, Nevada Resort Association

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André C. Wade, Silver State Equality
John "Rob" Phoenix
Elvira Diaz, Progressive Leadership Alliance of Nevada
Elizabeth Sterns
Barry Cole, M.D.
Sy Bernabei, Executive Director, Gender Justice Nevada
Sabastian Alcala, Program Manager, Gender Justice Nevada
Jessica Munger, Silver State Equality
West Juhl, American Civil Liberties Union of Nevada
David Parks, Silver State Equality
Dani Dawson, Human Rights Campaign
DelRio Perkins, Gender Justice Nevada
Frankie Perez, Make The Road Nevada
Marshall Delbecq
Reverend Li Arnee
Latoya Holman
Lea Case, Nevada Psychiatric Association; Nevada Primary Care Association
Justin Tyme, Las Vegas TransPride
Anastasia Tarver
Torri Shack, Our Center Reno
Cherokee Heinz
Erin Rook
Bishop Bonnie Radden, The Gathering Place
Brooke Naylath
Jenna Robertson, Nevada Alliance for Student Diversity
Vanessa Dunn, Nevada Primary Care Association
Sakura Nishikawa
Janine Hansen, Nevada Families for Freedom
Julie Burke
C,T, Wang
Leslie Quinn
Susan Proffitt
Wiselet Rouzard, Deputy State Director, Americans for Prosperity
Bob Russo
Unidentified speaker
Norma Valley
Lynn Chapman, Independent American Party
Celeste Parks
Michelle Hall

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Cyrus Hojjaty
Lisa Partee
Ryan Naples, DailyPay
Yvonne Chao, EarnIn
Molly Jones, Payactiv
Barbara Paulsen, Nevadans for the Common Good
Gerron Levi, American Fintech Council
Teping Piquado, Chamber of Progress
Trevor Parrish, Vegas Chamber
Jonathan Norman, Nevada Coalition of Legal Service Providers
Lorena Cardenes
Frank Dombrowski, FlexWage Solutions
Sandy O'Laughlin, Commissioner, Division of Financial Institutions, Nevada
Department of Business and Industry
Katrina Ivanov
Sena Loyd, Blockchains, Inc.
Melissa Clement, Nevada Right to Life
Jared Horn

CHAIR SPEARMAN:

The work session for [Senate Bill \(S.B.\) 57](#) will be rescheduled for another day.

[SENATE BILL 57](#): Revises provisions relating to insurance. (BDR 57-272)

I will open the work session on [S.B. 78](#).

[SENATE BILL 78](#): Makes various changes relating to property. (BDR 10-623)

CESAR MELGAREJO (Policy Analyst):

I have a work session document ([Exhibit C](#)) that explains the bill and reviews the amendments.

CHAIR SPEARMAN:

Can we verify that the amendment offered by the Manufactured Home Community Owners Association was a friendly amendment?

SENATOR SCHEIBLE:

Yes, it was.

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SENATOR LANGE MOVED TO AMEND AND DO PASS AS AMENDED
S.B. 78.

SENATOR SCHEIBLE SECONDED THE MOTION.

SENATOR HAMMOND:

I would like to take another look at the bill. I will vote yes on it today, but I reserve my right to change my vote on the Senate Floor.

THE MOTION PASSED. (SENATORS BUCK AND STONE VOTED NO.)

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CHAIR SPEARMAN:

I will open the work session on S.B. 131.

SENATE BILL 131: Revises provisions relating to reproductive health care.
(BDR 54-44)

MR. MELGAREJO:

I have a work session document regarding this bill ([Exhibit D](#)). No amendments were offered.

SENATOR LANGE VOTED TO DO PASS S.B. 131.

SENATOR SCHEIBLE SECONDED THE MOTION.

SENATOR BUCK:

I have some angst because of the parent notification issue, but I do not believe in criminalizing women who come here for abortion. I feel they are victims already. I am going to vote yes on this bill today but reserve my right to change my vote on the Senate Floor.

THE MOTION PASSED. (SENATORS HAMMOND AND STONE VOTED NO.)

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CHAIR SPEARMAN:

I will open the work session on S.B. 145.

SENATE BILL 145: Revises provisions related to employee misclassification.
(BDR 53-159)

MR. MELGAREJO:

I have a work session document ([Exhibit E](#)) that describes the bill and its amendment.

SENATOR DALY:

I will not be supporting this bill. I spoke with the sponsor of the bill and several other people. My problem is the provision about using penalty money to fund an agency. It is a slippery slope. It is a bad idea to have the person investigating you depend for their funding on what type of penalty you might be assessed.

SENATOR SCHEIBLE MOVED TO AMEND AND DO PASS AS AMENDED
S.B. 145.

SENATOR PAZINA SECONDED THE MOTION.

THE MOTION PASSED. (SENATORS BUCK AND DALY VOTED NO.)

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CHAIR SPEARMAN:

I will open the work session on S.B. 147.

SENATE BILL 147: Makes changes relating to employment. (BDR 53-463)

MR. MELGAREJO:

I have a work session document ([Exhibit F](#)) that describes the bill and its amendments.

SENATOR DALY:

I did not get a chance to speak with the sponsor on this bill, but I did speak with a couple of the people who were working on it with her. I think I understand the intention of the amendments, but they are awkwardly written. There is no definition for compensation when they are trying to delineate

between wages and other compensation. I do not think I can support the bill as it now exists.

CHAIR SPEARMAN:
Mr. Soltero, can you address that?

RANDY SOLTERO:
We have been working on this language quite a bit, and I believe we are in the right place. The language was drafted by the Legal Division of the Legislative Counsel Bureau (LCB). We have been working with Misty Grimmer from the Nevada Resort Association, which is where the issue came from.

MISTY GRIMMER (Nevada Resort Association):
In the resort hotel business, we have a lot of employees who are on call due to the ebb and flow of our work. We have a base group of employees, but if the market requires something more on a specific day, we have a lot of people we can call to come to work. That means we have a lot of people who are officially on laid-off status, but they are also on on-call status. That means any time we need them, we can call them back. They might work a week at a time every couple of weeks. Those employees appreciate being on that on-call status.

That is why we have added a delineated definition in section 2. We want these employees to be able to maintain their paid time-off (PTO), their seniority and whatever other compensation they have accumulated outside of wages. A lot of our union contracts actually cover these things already, but of course, not all the properties are union.

The goal of the amendment is that if employees are laid off, whatever money they are owed for the time they have worked is immediately due within three days, as the bill specifies, but other compensation such as PTO is maintained on the books. Then, if they come back to work two days or a month later, they still have their PTO, seniority, health insurance and so on. Section 4 of the bill allows employees to tell their employers that they want those other benefits to be paid out as well as wages.

I hope putting that on the record clarifies the goal.

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SENATOR DALY:

I understand the goal, but I do not know that the language is as clear as it could be. I still have some concerns with it. I would not presume to suggest changes without the sponsor's permission. I understand your intent and do not oppose that, but the language in the amendment does not mean what you want it to say.

CHAIR SPEARMAN:

It is clear that the language needs clarification. Senator Daly, please get with the bill's sponsor and the other presenters to see if there is a way to tweak the language. We will table this bill for now and bring it back for work session another day.

I will close the work session on S.B. 147 and open the work session on S.B. 167.

SENATE BILL 167: Prohibits the imposition of step therapy under certain circumstances. (BDR 57-81)

MR. MELGAREJO:

I have a work session document ([Exhibit G](#)) that describes the bill and its amendments.

SENATOR LANGE MOVED TO AMEND AND DO PASS AS AMENDED
S.B. 167.

SENATOR DALY SECONDED THE MOTION.

THE MOTION PASSED UNANIMOUSLY.

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CHAIR SPEARMAN:

I will open the work session on S.B. 195.

SENATE BILL 195: Revises provisions related to cannabis. (BDR 56-452)

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MR. MELGAREJO:

I have a work session document ([Exhibit H](#)) that describes the bill and its amendments.

SENATOR SCHEIBLE MOVED TO AMEND AND DO PASS AS AMENDED
S.B. 195.

SENATOR BUCK SECONDED THE MOTION.

THE MOTION PASSED UNANIMOUSLY.

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CHAIR SPEARMAN:

I will open the work session on S.B. 249.

SENATE BILL 249: Revises provisions relating to cosmetology. (BDR 54-829)

MR. MELGAREJO:

I have a work session document ([Exhibit I](#)) that describes the bill and its amendments.

SENATOR LANGE MOVED TO AMEND AND DO PASS AS AMENDED
S.B. 249.

SENATOR HAMMOND SECONDED THE MOTION.

THE MOTION PASSED UNANIMOUSLY.

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CHAIR SPEARMAN:

I will open the work session on S.B. 270.

SENATE BILL 270: Revises provisions governing massage therapists. (BDR 54-814)

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MR. MELGAREJO:

I have a work session document ([Exhibit J](#)) that describes the bill and its amendments.

SENATOR DALY:

I am not a fan of compacts, but I realize I am pushing against the tide, so I will vote yes on this bill.

SENATOR BUCK MOVED TO AMEND AND DO PASS AS AMENDED
S.B. 270.

SENATOR LANGE SECONDED THE MOTION.

THE MOTION PASSED UNANIMOUSLY.

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CHAIR SPEARMAN:

I will open the work session on S.B. 275.

SENATE BILL 275: Revises provisions relating to manufactured home parks.
(BDR 10-958)

MR. MELGAREJO:

I have a work session document ([Exhibit K](#)) that describes the bill and its amendments.

CHAIR SPEARMAN:

I was rather disturbed when some of the testifiers in the hearing on this bill talked about possible retaliation for their testimony. I want to be clear that the *Nevada Revised Statutes* (NRS) addresses that. If there is any retaliation because someone has reported some type of injustice, we will take swift action.

SENATOR SCHEIBLE MOVED TO AMEND AND DO PASS AS AMENDED
S.B. 275.

SENATOR PAZINA SECONDED THE MOTION.

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THE MOTION PASSED. (SENATORS BUCK, HAMMOND AND STONE
VOTED NO.)

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CHAIR SPEARMAN:
I will open the work session on S.B. 283.

SENATE BILL 283: Revises certain provisions relating to health care records.
(BDR 54-555)

MR. MELGAREJO:
I have a work session document (Exhibit L) that describes the bill and its
amendments.

SENATOR DALY MOVED TO AMEND AND DO PASS AS AMENDED
S.B. 283.

SENATOR SCHEIBLE SECONDED THE MOTION.

THE MOTION PASSED UNANIMOUSLY.

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CHAIR SPEARMAN:
I will open the hearing on S.B. 302.

SENATE BILL 302: Revises provisions relating to health care. (BDR 54-55)

SENATOR JAMES OHRENSCHALL (Senatorial District No. 21):
Senate Bill 302 addresses an issue that affects the lives and well-being of many
transgender individuals in Nevada and across the U.S. Gender-affirming services
are medically necessary treatments for individuals who experience gender
dysphoria, a serious condition that results from a mismatch between that
person's gender identity and the sex assigned to them at birth. These
gender-affirming services can include hormone therapy, surgery or counseling
and are crucial for the well-being of transgender and nonbinary people.

Unfortunately, there are approximately 11 states where providing or receiving gender-affirming services can lead to legal consequences for that person or their healthcare provider, including criminal prosecution. Reportedly, another 21 states are considering or working to introduce legislation that may similarly restrict and possibly criminalize the provision of gender-affirming care and services. This not only denies these individuals access to essential health care but also subjects healthcare providers to the risk of losing their licenses, damaging their professional reputation and facing legal sanctions.

According to the Human Rights Campaign (HRC), in 2022, legislators across the Country introduced 315 bills that were considered discriminatory and anti-LGBTQ+. Of those, 29 were passed into law. The majority of these bills targeted the transgender and nonbinary community. So far this year, the HRC is tracking 340 bills considered discriminatory toward the LGBTQ+ community, and 150 of these bills specifically restrict the right of transgender people to receive gender-affirming care. Some of these measures impose punishments for providers of health care, up to ten years in prison and fines of up to \$15,000. That is a bill currently being considered in the Alabama Legislature.

It is crucial that we enact laws in Nevada to protect healthcare providers and individuals from being prosecuted for involvement in aiding or receiving gender-affirming services. By doing so, we can ensure that individuals in need have access to these life-affirming treatments and that healthcare providers can offer these services without fear of legal repercussions. Half a dozen states have enacted shield laws similar to S.B. 302, and another 21 states are considering legislation similar to S.B. 302. This bill is a step in the right direction.

I will walk you through the bill. Section 1 of the bill prevents healthcare licensing boards from disqualifying or disciplining individuals for providing or assisting in gender-affirming services if those services are lawful and consistent with professional standards in Nevada.

Section 2 prohibits Nevada's Governor from surrendering or arresting a person in Nevada who is charged in another state for a crime involving gender-affirming services unless those acts would constitute a criminal offense in Nevada.

Section 3 extends this protection to State agencies in the executive branch, which are prohibited under the bill from assisting investigations or proceedings

initiated by other states related to gender-affirming services except under certain limited circumstances.

Section 4 requires healthcare licensing boards to examine the feasibility of providing licensing for out-of-state providers of gender-affirming services to ensure that people seeking these services have access to the necessary care.

To be clear, S.B. 302 is drafted to ensure that care falling below the acceptable standard of care or that is otherwise not lawful in Nevada will not be protected under the bill. Therefore, if that care is not lawful within our State, this bill would not protect that care.

ANDRÉ C. WADE (Silver State Equality):

Today is Equality Day here in the Legislature, so there are many LGBTQ+ Nevadans and allies in Carson City.

On February 18, 2022, the Texas Attorney General (AG) issued an opinion letter answering the question of whether certain types of gender-affirming medical care could constitute child abuse under existing Texas law. The AG's opinion was that certain types of gender-affirming care could meet the definition of child abuse. Shortly after the Attorney General issued his opinion letter on gender-affirming care, the Governor of Texas issued a directive ordering the Department of Family and Protective Services to investigate reports of children receiving gender-transitioning procedures. All of this is overwhelmingly absurd and hard to take, given that gender-affirming care is delivered in age-appropriate evidence-based ways, and decisions to provide care are made in consultation with doctors and parents.

Every major medical and mental health organization, including the American Medical Association, the American Academy of Pediatrics and the American Psychological Association, recognizes that it is medically necessary to support people in affirming their gender identity. These groups collectively represent more than 1.3 million doctors across the U.S. The Child Welfare League of America, a coalition of hundreds of private and public agencies that has been around since the 1920s, released a statement opposing redefining child abuse to include gender-affirming care. They stated that they stand with national and local organizations in opposition to any redefinition of child abuse to include gender-affirming care for youth who are transgender or nonbinary. The president

and CEO of the Child Welfare League of America stated that providing appropriate, compassionate medical care for your child is not child abuse.

The policy decisions that came out of Texas have reverberated across the U.S., resulting in copycat laws and families fearing for the safety of their transgender children. We have worked for decades to encourage parents and families to accept their lesbian, gay, bi-romantic or transgender children, regardless of their religious beliefs or lack of understanding of what it means to be LGBTQ+. Research done by Dr. Caitlin Ryan shows that the more accepting parents are of their children, the less likely the children are to have negative outcomes.

Now, thanks to policies and laws coming out of Texas, Arkansas and Tennessee, among other states, parenting is becoming criminalized when parents make the personal family decision to provide gender-affirming care and services to their child. Parents are moving to other states simply to access gender-affirming care. Parents are panicking about what to do. It has been noted by Chase Strangio of the American Civil Liberties Union (ACLU) that there is no infrastructure in place to support thousands of people who are going to be deprived of care. Therefore, states like Nevada need to take on the responsibility of providing care.

The provision of gender-affirming health care is also being criminalized. It has been said that opponents of gender-affirming care attempt to wield the concept of medical judgment as both a sword and a shield, preventing physicians from exercising their medical judgment to provide gender-affirming care while preventing them from providing care at all. Legislation like S.B. 302 has been enacted in states like California, Vermont, Massachusetts and Illinois because other state governments are overreaching into the lives and parental rights of families to stop them from giving their children access to gender-affirming health care.

Transitional care for youth is not a single procedure. It is a series of conversations with patients and parents or guardians, referrals to providers, counseling and, depending on the patient, sustained hormone replacement therapy. The looming presence of anti-trans legislation has made it difficult for providers to plan for their future and offer a full range of medical services. We ask that you have the moral courage to do what is right by the people this bill aims to protect from harm. We must ask ourselves: who has the rights over

their body's autonomy, and who has the right to decide? Who has the right to equal protection under the law, and who has the right to decide?

In 2021, *USA Today* ranked Nevada as the best state for LGBTQ+ Americans to live. The index was compiled by looking at each state's hate crime laws, laws protecting LGBTQ+ folks and the percentage of LGBTQ+ people in the population. Nevada was recognized for our innovative equality laws, the most inclusive equal rights amendment in the Nation and Nevada being the first state to remove discriminatory language in our State constitution on marriage. This and other recognitions are evidence that Nevada is poised to be the state that welcomes providers and seekers of gender-affirming care.

There are many reasons why organizations like the LGBTQ+ Center of Southern Nevada, Our Center in Reno and other organizations serving the LGBTQ+ community are fielding calls from families in other states who are trying to find out about laws and resources in Nevada to help their children.

JOHN "ROB" PHOENIX:

I am here as an advanced practice registered nurse, the owner of the Huntridge Family Clinic, a harm reductionist and the leading provider of gender-affirming care in Nevada. Since 2013, the Huntridge Family Clinic has been providing gender-affirming care to residents of Nevada because they need access to health care. We currently participate in the medical care of over 1,000 transgender and gender-diverse people living in Nevada. I am also here as an advocate for access to medical care based on need, not on politics.

As Mr. Wade mentioned, Nevada has the distinction of being named in 2021 by *USA Today* as the number one state in America for LGBTQ+ people based on our history of policies and laws prohibiting discrimination, supporting parenting laws, statutes against hate and laws protecting access to health care. In addition, Nevada continues to rank high among national organizations for anti-discrimination efforts and our efforts to ensure that all Nevadans are treated with dignity and respect, valuing the person and their right to choose.

Just a few days ago, the Substance Abuse and Mental Health Services Administration released its report, "Moving Beyond Change Efforts: Evidence and Action to Support and Affirm LGBTQI+ Youth." Its conclusions, which are based on scientific research, include:

- Gender affirmation, including social transitioning and gender-affirming medical care, are appropriate and beneficial for many gender minority youth.
- Policies that stigmatize, restrict, or exclude sexual or gender minority youth are harmful to children and adolescents.
- Legal prohibitions on gender-affirming care including medical care are detrimental to LGBTQI+ children and adolescents.

The report also outlines associations that have taken measures to end sexual orientation and/or gender identity change efforts. I will not list them in the interest of time.

I have handed out a sheet that outlines some of the public health issues our adolescents face. ([Exhibit M](#) contains copyrighted material. Original is available upon request of the Research Library.) This chart is part of the article, "Anti-Transgender Legislation—A Public Health Concern for Transgender Youth," by Harry Barbee, Ph.D., et al, in the November 8, 2021, issue of *JAMA Pediatrics*. The graph compares the rate of various experiences and behaviors among transgender youth, cisgender girls and cisgender boys. It is alarming to see that more than 45 percent of those who identify as transgender considered committing suicide, as opposed to under 25 percent of cisgender girls and under 20 percent of cisgender boys. That is a huge difference.

The authors of this article caution that anti-transgender legislation could exacerbate existing health disparities, facilitate risky health behaviors and lead to preventable deaths. That makes this a public health concern. Barbee and associates identify how legislators such as yourselves can build healthy communities by prioritizing legislation that reduces discrimination against transgender people and opens access to medical care. This is what we are hoping [S.B. 302](#) will do.

In this Session and many previous sessions, the critical nature of the healthcare provider shortage in Nevada and the public health impact on Nevadans has been well documented. Earlier in today's meeting, you voted on [S.B. 131](#), which would provide similar protections to healthcare providers related to reproductive health care. Similarly, [S.B. 302](#) will protect healthcare providers like me who believe in providing medical care to patients based on their medical needs, rather than on a political agenda.

This bill will support the welcoming environment that Nevadans have created for our residents. It will allow us to attract medical professionals to Nevada to help alleviate the healthcare provider shortage by showing them we respect their educational training and professional judgment. It will enshrine our position as a leader in addressing public health crises and developing responses based on evidence-based science rooted in research and endorsed by almost every healthcare professional association in the U.S.

Senate Bill 302 will help to reduce healthcare shortages by fostering an environment that supports access to medical care in a safe environment for providers and patients. Passing laws that respect providers' clinical judgment for the delivery of medical care endorses the development of a sustainable workforce. Providers will see how Nevada respects its residents when we pass legislation like S.B. 302. If we build it, they will come.

This bill will support enrollment in our medical schools and healthcare education programs, since tomorrow's providers are looking for safe and affirming environments to live, learn and practice. I provide much of that education for many of our providers in Nevada. I preaccept students from the University of Nevada, Las Vegas School of Medicine, from the University of Nevada, Reno (UNR) School of Medicine, and from the physician assistant programs at UNR. I have medical students who come from Reno to spend a month in our clinic at their own expense to learn about providing gender-affirming care. This is something our future providers are interested in learning.

This bill brings essential protection so I can provide medical care to those in need without fear of being charged with a crime in another state where I do not live or practice. This bill affirms the rights of parents to seek medical care for their children based on medical need without fear of rejection and isolation.

One of the concerns raised during the hearings on S.B. 131 was that it would create a medical tourism industry, and the same concern has been raised about S.B. 302. I cannot completely agree with that statement. Instead, I believe it will create an environment of acceptance and affirmation, which is what I think of when I see the "Home Means Nevada" license plates on Nevada cars.

Unfortunately, many families are having to make difficult decisions about their children's health care. They are being forced to move because of legislation that puts the health and safety of their children at risk. For example, my office has

been receiving calls from families in Utah and Arizona seeking access to care in Nevada because their children cannot get that medically necessary care in their home state. We will be hearing from some families whose lives have been impacted by legislation targeted at denying their child access to medical care. They represent thousands of families across America that this bill will protect.

Likewise, I represent the thousands of healthcare providers from all disciplines this bill will protect. We are not asking you to compromise your beliefs or values. We are asking you to help families and patients make medical care decisions based on their assessments and that of their healthcare providers as to what is in their best medical interest. We are asking you to protect access to health care for all Nevadans.

Join me in protecting the rights of families to access medical care and healthcare professionals by supporting passage of S.B. 302.

ELVIRA DIAZ (Progressive Leadership Alliance of Nevada):

We are here in support of S.B. 302. I have written testimony ([Exhibit N](#)) describing my experiences as the mother of an 18-year-old transgender child.

CHAIR SPEARMAN:

I think it was you and your son that helped us get the bill passed to include transgender persons in the hate crimes legislation.

Ms. DIAZ:

Yes. I am so proud of my son, who has been accepted into the University of California, Berkeley.

ELIZABETH STERNS:

I support S.B. 302. I have written testimony ([Exhibit O](#)) from my son and me describing our experiences.

CHAIR SPEARMAN:

In 2021, we passed S.B. No. 109 of the 81st Session requiring state and local agencies to count transgender persons. We did that specifically for the purpose of bills like S.B. 302, so we could have a good account of how many people are suffering. Mr. Melgarejo, perhaps you can find out if we have done that and what we found out.

SENATOR DALY:

Thank you, Senator Ohrenschall, for bringing the bill. This is one of those topics that, like abortion and others, is creating a divide in legislatures across the U.S. The Nation is divided between states passing laws to make these procedures illegal and states like Nevada passing laws to enable them. The bill is timely. The people in this situation are a small segment of the population, but they deserve the same access to care as everyone else.

SENATOR OHRENSCHALL:

I think we heard it best from the two moms who just testified. These decisions need to be between the child, the family and the healthcare providers.

SENATOR SCHEIBLE:

I have been following some of the legislation that has been discussed, debated and passed in other states. My analysis is that some of the bills other states are trying to pass or are passing that criminalize or prohibit gender-affirming care are very expansive. We are not just talking about preventing doctors from providing top surgery or prescribing hormones. We are talking about criminalizing doctors who agree to do something like address somebody by the pronouns they prefer or change the name of a minor in the medical record from Samuel to Samantha, even if the care they are providing has nothing to do with the child's gender.

By passing S.B. 302, we will be protecting providers and parents who make these choices within their own homes. I am talking about choices beyond medical care, choices about the way that they treat their children, how they respect their children, how they listen to them, call them by the names they prefer, use the pronouns they prefer and generally foster an environment of love and acceptance.

SENATOR OHRENSCHALL:

It is a shame that states have to look at laws like this. Seeing what is happening to our transgender brothers and sisters across the U.S., however, it is important that Nevada declare that this is between the child, the family and the healthcare provider.

MR. WADE:

It is a growing concern. Initially, states started to ban young people's access to gender-affirming care, but now it is expanding to adults as well, or folks who

are at least age 26. We have people who are stockpiling hormones. In Kentucky, people have been forced to stop treatment in the middle of care, which can be damaging to anyone going through transition. It is becoming a concerning issue from both a legislative perspective and a healthcare concern.

MR. PHOENIX:

Participating in the care of your child is a stressful thing on a good day. When you have to make decisions about their medical care, it becomes much more stressful. Even dealing with pronouns in families is difficult.

I see adolescents in my practice on a daily basis, and I watch parents struggle with the grieving process of losing the child that was assigned at birth, a female now as identifying as a masculine person or vice versa, and the struggles that creates within the family. It puts an additional burden on families when they have to leave their support system because they cannot access gender-affirming care. The intent of this bill is to keep parents from losing that access so they do not have to deal with one more stress.

SENATOR STONE:

I believe anybody over the age of 18 who wants to undergo these treatments should have the full right to do so. However, not every child who has sexual dysphoria maintains that identity as they progress through puberty. I have a friend whose biological daughter wanted to become a male. They went through the treatments and went to Los Angeles to get gender-assigning surgery. This was about 15 years ago, and there were no physicians in Los Angeles who would provide the service, so they went to San Francisco and had top surgery. At that point, the child claimed that they had been confused and wanted to transition back to the original gender, and the top surgery had to be reversed.

This bill deals with criminal law and protecting providers, patients and those who are seeking services from being prosecuted by the states they came from. Does this bill prevent civil litigation coming across state lines or within the State between a patient and a provider?

We saw this same type of provision in S.B. 131 with regard to the Governor's duties. We also discussed the separation of powers with regard to the executive branch and the legislative branch. This bill also prohibits the Governor from extraditing people for breaking other states' laws in this regard. Can the

Governor assert his powers as the executive of the State and not be hampered by the legislative branch?

SENATOR OHRENSCHALL:

Regarding your first question, I do not believe S.B. 302 affects civil liability or potential actions for medical malpractice. Things that happened in other states would be governed by those state laws affecting tort liability and whether there is medical malpractice there.

As to the Governor's duties on extradition, I have checked with the LCB's Legal Division, and they have told me that they believe this bill meets constitutional muster and does not violate separation of powers. I stand behind the bill, and I believe it is good policy.

These decisions, as you mentioned, need to be between the child, the family and the healthcare provider. This bill goes a long way towards accomplishing that.

CHAIR SPEARMAN:

Mr. Melgarejo, do you have an answer to my earlier question?

MR. MELGAREJO:

You asked about S.B. No. 109 of the 81st Session. This bill enacted NRS 239B.026, which governs the request by governmental agencies of certain information related to sexual orientation, gender or identity. In summary, this section requires that if a government agency is already asking for demographic information, it should also ask for gender and sexual orientation information as well.

Several reports have been submitted in 2021 and 2022 calendar years from several municipalities and the Nevada Department of Health and Human Services, as well as the Nevada System of Higher Education. The aggregated data demonstrates who answered these questions, what their ethnicity is, what their preferred gender is or if they use another term other than female or male. The LCB's Research Library has several of these reports available on their website.

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CHAIR SPEARMAN:

Senator Ohrenschall answered the question about the separation of powers, but I would like counsel to weigh in on the constitutionality issue.

BRYAN FERNLEY (Counsel):

With respect to the issue of the separation of powers, the authority of the Governor to extradite is already governed by legislation. The conditions that govern when the Governor can extradite someone are included in NRS 179. This bill would just add one more circumstance in which the Governor would not be able to extradite somebody. That is, if an act occurred in Nevada in compliance with Nevada law, the Governor would be prohibited from extraditing that person to another state for that action that occurred in Nevada under Nevada law.

CHAIR SPEARMAN:

I have a Master's degree in theology. One of the things we studied in seminary was the traditions of Christianity. I was appalled to learn that there was a time when left-handed people were not given communion. Most people who have read the Bible know that there was a time when women experiencing a monthly biological function were cast out. A lot of times, it takes a while for tradition to catch up with reality. I am left-handed, and I have given communion, and I have also taken communion. So there we go.

BARRY COLE, M.D.:

I support S.B. 302.

As a psychiatrist who has done the psychological evaluations prior to surgery, I have been involved in this arena and worked with young people. I want to point out that transgender kids have the highest rates of suicide attempts and completed suicide.

In the latest edition of the *Diagnostic and Statistical Manual of Mental Disorders, Fifth Edition* (DSM-5), there is nothing about LGBTQ+. There are ten pages about gender dysphoria. There are 2 million Americans who self-identify as transgender, which is a significant number.

If this bill is not passed, the worst case scenario is that there will be nobody left to practice in Nevada. They will all move to a state where it is safe to practice. I have two residents right now, finishing at UNR's Department of Psychiatry,

who want to go into reproductive psychiatry. They have identified this as an interest area, a place for future study.

My worst nightmare is that some day, some vigilante in a state like Texas will file a lawsuit against me for services provided in Nevada. For extradition to even be on the table sounds like the collapse of the U.S. We really need to support this kind of legislation.

SY BERNABEI (Executive Director, Gender Justice Nevada):
I support S.B. 302.

I am a proud transgender Nevadan, and I thank you for giving me time to talk about my journey with gender-affirming health care. Having top surgery saved my life. Before I was able to access the health care, I had a diagnosis of gender dysphoria. Because of that, I was depressed and isolated. I could not walk proudly because of the crippling dysphoria. It was intrinsically tied to my mental health. I resorted to dangerous ways of modifying my body, and I know countless people in my community who have done dangerous things to help with their gender dysphoria.

People die when they cannot easily access this health care; they resort to underground health care, with medicines and even procedures that are harmful. These include pumping silicone oils into our bodies and obtaining watered-down and dangerous versions of testosterone and estrogen online. These things often result in terrible patient outcomes, including sepsis, permanent damage to the body and even death.

My journey has not been easy or simple. It took a lot of conversations with friends, families, doctors and therapists to bring me through it. It was imperative that my doctors were able to provide this kind of care without fear of losing their license or standing as physicians. This was lifesaving. I am now living happily, and I only wish that all of my transgender siblings were able to access this kind of lifesaving health care easily and without unnecessary barriers so that they can thrive like I do now.

SABASTIAN ALCALA (Program Manager, Gender Justice Nevada):
I am here in support of S.B. 302.

I have been queer all my life, but I have only been transitioning for the last four years. Learning what transitioning can include and then making the decision to move forward with it is huge, both socially and medically. Going forward down this path can have dire consequences. Will I lose my family? Will I lose my job? Is this really what I want? Is this the right decision? Will I be ugly? These are just a few of hundreds of potential outcomes that we have to weigh before we make a single decision to get a man's jacket or a dress.

Luckily for me, I made the decision as a Nevada resident, and everything I needed was available to me to pursue what I knew I needed to feel whole. I am so honored to sit here before you today, and I thank you for all the work that you have done to make sure that I have access to the care I need. That is what brings me here. I feel a sense of responsibility because what you have given me is so powerful that I want to follow your lead and make sure that not only do we protect our own residents, but we protect anyone and everyone currently fleeing prosecution in their home state.

We all know what is happening across the Country with the introduction of legislation targeting transgender and gender-diverse youth. Since 2011, Nevada has worked to become a place of inclusivity where its residents can thrive. Since Nevada ratified the Equal Rights Amendment in 2017, we have quickly elevated ourselves into a position where we have an opportunity to set the tone for what a thriving inclusive state can look like.

I urge you to support this bill the same way you have furthered inclusivity for all here. I thank you for what you have done for me.

JESSICA MUNGER (Silver State Equality):

We are in strong support of S.B. 302. This is an opportunity to provide protections for providers who are essential to the health and well-being of my community. We have heard many times this Session about the necessity of gender-affirming care for the survival of transgender and gender-nonconforming people to get this care in a safe way. Providers need to be safe providing it.

WEST JUHL (American Civil Liberties Union of Nevada):

We are in support of S.B. 302. On a basic level, protecting patients and medical providers from out-of-state, politically motivated prosecutions just makes sense if we are about liberty.

As a Nevadan who is nonbinary and transgender, what I need from this Legislature and from Nevada is safety. Safety is in short supply for our community. Currently, the ACLU is tracking 451 anti-LGBTQ+ bills across the U.S. The hotter the temperature gets in this culture war, the more pressure that puts on our community and the more dangerous it is for us. I just want to feel safe in Nevada.

Transgender people have always existed, and we are not going away. I urge you to take this opportunity to keep transgender Nevada safe by explicitly protecting our rights.

DAVID PARKS (Silver State Equality):

Please record my strong support for S.B. 302. I will not repeat what you have already heard from other speakers, whom I support.

DANI DAWSON (Human Rights Campaign):

My preferred pronouns are she and her. I am here representing HRC Nevada and am in support of S.B. 302.

I am a volunteer counselor for one of the largest nationwide 501(c) organizations that supports LGBTQ+ persons with suicidal ideations. I see firsthand how not having gender-affirming care has an adverse effect on the well-being of our community. The medical personnel who provide this lifesaving care should feel safe to do so. Wherever they practice, some states have passed legislation based on hate, fear and disinformation. This is our opportunity to enact legislation based on love, compassion and standards of care based on statistical data. It is our civic responsibility to protect those who protect us.

DEL RIO PERKINS (Gender Justice Nevada):

I am nonbinary. I am a representative of Gender Justice Nevada and am here in support of S.B. 302.

This bill does more than just not criminalizing people who support the nonbinary and gender-neutral community. It also creates an opportunity for people like me to live an affirmative life—people who look like me, people who walk like me, people who are your brothers, your sisters, your children, many of the people who are in this room right now. What you are doing gives us a chance not just to exist, but to thrive. Thank you so much.

FRANKIE PEREZ (Make The Road Nevada):

I am the LGBTQ+ justice organizer with Make The Road Nevada, a nonprofit organization that builds people power in working class communities and communities of color.

I am here in support of S.B. 302 as a community organizer, a U.S. Air Force veteran and a father. When I returned from my last deployment in Djibouti, Africa, I knew that receiving gender-affirming care was the next step for me, and finding a provider I felt safe with and affirmed by was crucial for my well-being.

As a father of five adopted children, I cannot imagine the difficulties parents have to face in states that do not support gender-affirming care, and who have to come to Nevada to receive the kind of care they need. This bill would allow healthcare providers to provide gender-affirming care without disqualifying or disciplining them for providing the services that have made it possible for me to thrive. I ask you to support S.B. 302.

MARSHALL DELBECO:

I am testifying in support of S.B. 302.

This year marks 10 years after my first suicide attempt at the age of 16, which was due to domestic violence, insecure housing and low income. I made repeated attempts as an adult as well. Today marks four weeks since my recovery from top surgery. It took me six years to get to this point because of relapses and insurance. In September 2018, I could not find a single top surgeon in Nevada who accepted the insurance I had, so I moved to Washington for a year. After I moved back to Nevada, I still could not find one, aside from a physician in Las Vegas who was disrespectful and did not see me for the person I was trying to become. Eventually, I left Nevada again to get the care I needed.

Cisgender people get gender-affirming care all the time. They get breast enhancement surgery and other procedures. We are being discriminated against on the basis of our identity. Cisgender people are trusted to know who they are, and we are not.

CHAIR SPEARMAN:

In Nevada, every medical facility is required to have cultural competency training just for that reason. If you have an experience like our last speaker, I would encourage you to report that person to their governing board.

REVEREND LI ARNEE:

I am in support of S.B. 302.

I am with Unity Fellowship of Christ Church Movement, Las Vegas. I am here today because my life began in 2020 at the age of 45. That is when I was able to begin my gender-affirming treatments. Before then, I attempted to remove my own breast. Before then, I was not able to thrive in life. If I had been able to have my gender-affirming surgery in high school, I might have been able to identify as the handsome man I am today. My life would have been totally different, and I would have thrived and achieved more in life as the person that God had intended me to be.

LATOYA HOLMAN:

I support S.B. 302.

I am here as an ally. I am a black woman and a cisgender heterosexual. I believe in family, and I believe in parents' right to take care of their children. I am here in support of this community because some of the stories that you have heard today, as disturbing as they are, will happen to our children if we do not let parents work with doctors to give them the care they need and if we do not allow healthcare providers to practice in Nevada without fear. I know what it feels like, and my parents knew what it felt like, to not have the community stand with you.

I will always stand with the LGBTQ+ community, particularly when it comes to families protecting their children and having the right to make decisions about their health care. I ask that you support this bill.

LEA CASE (Nevada Psychiatric Association; Nevada Primary Care Association):

Our physicians are some of the providers who would be impacted by this bill. We are thrilled to be in full support of S.B. 302.

JUSTIN TYME (Las Vegas TransPride):

Thank you for considering S.B. 302. As a transgender man who has not begun my transition yet, I feel grateful to live in Nevada where I feel safe in moving forward in my decision to live as the person I have always been. My concern is for my siblings who live in states where this is not possible, states where they can be harmed and their healthcare providers arrested. They need to be able to come here to receive treatment. They need to save their lives and live authentically. I implore you to support and pass S.B. 302.

ANASTASIA TARVER:

I support S.B. 302. I am a member of the community and a transgender woman.

I do not understand what triggered the question about lawsuits. This bill will protect providers and doctors for doing their jobs, which is lifesaving. At the end of the day, if you do not support this bill, you are essentially endangering other people's lives.

TORRI SHACK (Our Center, Reno):

I am here to show my support for S.B. 302.

I am a transgender man who had top surgery in July. I have attempted suicide twice because of my gender dysphoria. At the age of ten, I was sent home from school because I had no top on, which was because I thought I was a boy. I was also discriminated against harshly by my father. He did not want a paper trail of my medical and therapy appointments because he did not want anyone to know I was gay.

CHEROKEE HEINZ:

I am in support of this bill because I am grateful to be able to access gender-affirming care. It allowed me to put my best foot forward. I am glad to be able to show myself to the world for everybody to see who I am, versus who I was told to be. I am worried about that care being taken away if this bill does not pass. I worry about my friends who live in states that are not safe. I had a phone call last night about a friend who is considering moving, and the first thing out of my mouth was, "Hey, come to Nevada. They have care here." I tell my friends to come to Nevada to get the care that they need so they can be themselves and thrive.

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ERIN ROOK:

I am here in support of S.B. 302. I have written testimony ([Exhibit P](#)) regarding the importance of this bill.

BISHOP BONNIE RADDEN (The Gathering Place):

I am in strong support of S.B. 302.

I am not only a pastor and a bishop, but I am also a psychologist. I came to Nevada in 2017 after the shooting in Las Vegas as a mass crisis counselor. I saw the lack of services and started a nonprofit entitled The Gathering Place.

In 2007, Barbara Walters did a piece on the TV show *20/20* on transgender children entitled "My Secret Self." It changed my life as a gay woman, and I have used it over and over again with individuals who cannot understand transgender people, particularly transgender children under five years old.

Yesterday, I was a part of a group of individuals talking about these bans across the U.S. I was proud because the map they used showed Nevada colored green, which meant Nevada has no bans and has protections for transgender patients.

BROOKE NAYLATH:

I am in support of S.B. 302. My comments reflect only my personal views.

As you have heard, jurisdictions outside of Nevada are passing laws to criminalize the treatment of transgender people, children and adults, their parents and their providers, even those who are treated in states like Nevada where such treatment is legal. It is up to this Body to take a stand against the overreach and cruel intent of those immoral and unjust laws.

To those legislators who have supported such laws, I say clearly and on the record: if you have to make laws to hurt a group of people just to prove your morals and faith, you have no true morals or faith to prove. In this time of performative cruelty by hateful people, it is imperative for this Body to publicly support compassion and protect the most vulnerable amongst us. Protect these providers, who treat not only transgender patients but many others in need of primary and specialty care. Show the world that Nevada truly is a place where the principles of this Country are true—that all people are created equal and have unalienable rights, including the rights to life, liberty and the pursuit of happiness. Vote yes on S.B. 302.

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JENNA ROBERTSON (Nevada Alliance for Student Diversity):
I support S.B. 302.

I am a mom of five, including a fierce, outspoken transgender daughter who wishes she was with you in person today. I do not know what "sexual dysphoria" is, as mentioned by Senator Stone, but I am the mother of a child with gender dysphoria. It has nothing to do with her sexuality. It has to do with how she feels, how she presents, how she dresses, what she wants to be called, what pronouns she uses and how she wants you to interact with her. It has to do with how she sees herself in the world and how she wants us to see her and treat her and speak to her. I am sure the Senator misspoke and knows that gender has nothing to do with sexuality, but I wanted to correct that misconception.

As a family with a transgender child, we have the gift and privilege of time. She revealed herself to us when she was eight years old, well before puberty, and we had the time to debate things like hormone blockers and gender-affirming care. I found it scary until I saw a set of identical twins assigned male at birth. One grew into a handsome strapping young man and the other was given the gift of puberty blockers and was able to develop into a gorgeous feminine young teen girl. From that moment on, it was a no-brainer for us, and every time my child was treated with puberty blockers, I thought of the surgeries she would be able to avoid in the future.

It is hard being a transgender child in America. It is a little easier being a transgender child in Nevada, thanks to our amazing Legislature. Without the gender-affirming care my child needs, we would have to leave. We are proud that home means Nevada. Please support this bill and help us keep Nevada our home.

VANESSA DUNN (Nevada Primary Care Association):
Federally qualified health centers (FQHC) are clinics that are the safety net for providers. They are for those who are uninsured and underinsured, as well as providing safe, nonjudgmental care to all who seek care.

This bill would directly impact the healthcare providers at FQHCs, and we are in support of S.B. 302.

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SAKURA NISHIKAWA:

I am a Japanese transgender women and live in Las Vegas, Nevada. I am a volunteer with HRC, and we are here today with the Nevada Equality Coalition. I support S.B. 302, which will help our LGBTQ+ communities by allowing parents of transgender and nonbinary children to make decisions without government intervention. We support this bill that will help our community.

JANINE HANSEN (Nevada Families for Freedom):

I am the state president of Nevada Families for Freedom, but the things I say are going to be my own opinion.

We oppose S.B. 302. There is nothing stopping gender-affirming doctors from practicing in Nevada right now or moving here. This bill will make Nevada a sanctuary state for hack doctors with little government opportunity to protect our citizens. We oppose limiting the powers of the Governor and agencies to protect our citizens. We mourn for the children who will be permanently harmed by this legislation in Nevada. We will now become a gender-affirming tourism state.

Nevada law still requires parental consent for gender-affirming care, and this bill does not change that.

We oppose this bill and encourage you to think of the future of Nevada.

JULIE BURKE:

I am in opposition to S.B. 302. This seems to be a disturbing theme this Session, with several bills presented that involve children. I have to wonder why. The incredible desire to alter children's genders and entice doctors to come to Nevada to perform these gender-affirming practices when they have broken the law elsewhere is wrong. How can one set such a low standard for a child's doctor? Where was the same passion and concern for the doctors who were trying to save lives with prophylactic drugs during the COVID-19 pandemic? The attitude was quite the opposite, which proves a point.

I believe this bill is agenda-driven. The movement to dismantle families and harm children has deep pockets and depraved minds. There are many statistics and stories regarding the severe and harmful effects of gender surgery on children. Nevada should not be a destination for this or protect those who choose to break the law to perform it. The movement to confuse children into this

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ideology is the real issue that should be addressed. I do not believe this is loving or caring. Please vote no.

C.T. WANG:
I oppose S.B. 302.

I would like to bring another perspective to this issue. I have been hearing all morning about gender affirmation, but the whole argument has been to support transgender efforts. The reason I oppose the bill is that it is not inclusive. We are not affirming people or giving counseling that would help people to overcome these kinds of problems, which are largely psychological and probably spiritual. We need a bill that includes that kind of therapy, that kind of health care. This bill does not include that.

I share Ms. Hansen's comment about restricting the Governor's authority to extradite when other states call for that, which in my opinion is unconstitutional.

My brother died of oral cancer at the age of 60. He was homosexual. One month ago, we celebrated my grandson's twenty-third birthday, and he introduced us to his boyfriend. It breaks my heart. I love him; I loved my brother. They did not get the health care, the emotional, moral and spiritual health care they needed.

LESLIE QUINN:
I oppose S.B. 302 for many reasons, but my message today is not about those reasons. As a parent, I will always want to get medical care for my children so they can thrive in this world as whole people. I also hope this for all parents and all peoples today. My message is to all struggling with gender dysphoria or any mental health issue. I know you are fearfully and wonderfully made just the way you are. Know that you are loved from head to toe just the way you are now. There are many who will support you just the way you are; you were not born a mistake. I know you are loved by the God of all creation, so much that he sent his only son to die on the cross for you.

I encourage everyone to love our fellow humans. Please do not encourage vengeance or retribution against others who do not agree with you. Choice is a freedom we are all given by God. Please oppose S.B. 302.

SUSAN PROFFITT:

I am the vice president of the Nevada Republican Club, but today I am speaking for myself because I have some experience with this. Thank you for trying to help people. This is an issue, and it is getting larger every day, and I have my ideas on why, but we do not have time for that.

I oppose S.B. 302 and transgender care, especially for children. Nevada lacks the medical infrastructure to serve the citizens. Adding this bill adds expenses that could implode the State seriously. We do not have the infrastructure, and a lot of things have to happen before we are going to be able to attract the doctors to move here.

Some misinformation has been shared here. Insurance companies do not pay for breast enhancement surgery for cisgender women. When I needed breast reduction surgery, my insurance refused to pay for it, even though it was causing other medical issues. I paid for it out of pocket, and it was insulting when Nevada charged me a luxury tax on top of that. I do not want to pay for someone else's transgender surgery because it is a choice.

When I moved to Nevada, Silver State Health Insurance assigned me to a pediatrician. I am a senior citizen with disabilities, and we do not have the infrastructure. You need to get that fixed before you go any further.

I would suggest that you make sure transgender people have emotional support and psychiatric care in the cases that need it. We need to allow people to make choices on how they want to live without passing judgment. But when I hear some of the stories about parents being denied the ability to make parental decisions regarding medical and school issues, they appear to reinforce the suspicions that many have. I do not want to believe it, but it does appear that you want to remove parents' rights, and that is unconstitutional. I hope you will not pass this bill.

WISELET ROUZARD (Deputy State Director, Americans for Prosperity):

I am calling in my own personal capacity and expressing my opinion in regards to this bill. The bill has great intent, but I am opposing it because it does not go far enough.

When we talk about the bill protecting healthcare providers, we saw during the COVID-19 pandemic that many states, including California, sought to restrict

doctors' ability to truly exercise their oath and provide care through voluntary service for their patients. If this bill is about protecting patients and doctors being able to make decisions consensually, I would encourage the bill's sponsor to include in section 14 not only gender-affirming services, but services such as serving patients who refuse to receive vaccines. We saw healthcare providers denied the ability to exercise their profession at certain institutions due to the fact that they were exercising their oath to provide the care that the patients wanted.

What this bill is intended to do is protect healthcare providers who seek to exercise their oath and not be persecuted for doing so, even if that includes a parent who would like to provide treatment to their child.

If my amendment is adopted, I would definitely be happy to support the bill. But as the bill is written, I ask you to oppose it. We need to protect all healthcare providers and, more importantly, protect the patient-doctor relationship in Nevada.

BOB RUSSO:

I oppose S.B. 302 because it will make Nevada a safe haven for criminal doctors who come here to perform gender-affirming treatments and are seeking protection from prosecution in other states. It will prevent the Governor from extraditing doctors who have broken gender-affirming laws in other states.

I believe that the larger picture behind this and similar bills is a concerted effort to impose gender-affirming surgery and use of puberty blockers and cross-sex hormones on our youth. In my opinion, this is not only immoral but dangerous to the health and well-being of our young people.

According to California endocrinologist Michael Laidlaw, cross-sex hormones carry side effects, including sterility and increased risk for breast and uterine cancers, plus harmful psychoactive effects, such as mood swings and psychosis. A March 9, 2018 article from the Heritage Foundation cited a 30-year Swedish study that showed that 10 to 15 years after surgical reassignment, the suicide rate of those who underwent sex reassignment surgery rose to 20 times that of comparable peers.

As Senator Stone implied, kids can outgrow their gender dysphoria. I am in the camp that believes gender-affirming procedures should be reserved for those

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capable of making a clear decision about what they want at a minimum of 21 years of age.

It appears that the push for gender-affirming care is all about money, big money for the medical and pharmaceutical industries. According to recently released documentary entitled "The Affirmation Generation," the U.S. sex reassignment surgery market generated \$304.8 million in 2020, with estimates of it reaching \$781.8 million by 2027.

CHAIR SPEARMAN:

You have quoted several articles, and I would appreciate it if you could either send the names of the people that you quoted or the links so that we can include that in the record.

UNIDENTIFIED SPEAKER:

To the Senate Committee, my fellow believers, my LGBTQ friends and also Happy Passover to the Jewish community, God loves you. Each one of you is beautifully created, and there are members of the opposite sex who would desire you.

As a State, we must get rid of the stigma of being called Sin City. I like Dr. Anthony Fauci's slogan, "Follow the science," and this quote from Cicero: "True law is right reason in agreement with nature."

This bill is unconstitutional because it will stop the reproduction of human life and could condemn a person to a choice made in their childhood. In Las Vegas, we are lacking in education. Legislators, please show Nevada the importance of scientific facts and reason. Also, we are underpopulated. I was raised in the home of a real African woman. I will always advocate for the African American community. We must ensure that this community will continue to grow. This bill discourages the reproduction of that community. I am also against our tax dollars being used for this purpose.

NORMA VALLEY:

I am the Community Relations Chair for Boulder City Republican Women, and I am speaking on my own behalf.

Let me preface this by saying I have deep compassion for anyone going through psychological difficulties, especially children. Let me also say that not all lesbians support the transgender movement, and it is indeed a movement.

I oppose S.B. 302 because it will serve as a dangerous means to foster the aggressive indoctrination of children and parents into believing that any child's psychological ills will be solved by changing their gender. Without question, children who express any confusion about gender are encouraged to start puberty blockers and all medical steps to begin gender reassignment. Many of these medical transgender facilities automatically start the process simply on a child saying so.

The high rate of suicide in transgender children is tragic, but it is erroneous to conclude that one is because of the other. The rise in depression and anxiety in our children is symptomatic of far greater issues in our society. We need to get to the root of their depression and bring legislation to support and help those children, not enact legislation like S.B. 302 that accelerates transgenderism.

Children are fragile and malleable. Their prefrontal cortex is not fully developed until age 25. Why is the LGBTQ+ community not speaking about their brothers and sisters detransitioning, living in deep pain and regret, mutilated and angry that they were not better guided as children? I considered myself a tomboy, but I am grateful my parents did not take me to a transgender medical facility to fix me.

We should oppose S.B. 302 that supports radical and permanent biological changes to children for a psychological state that is so often a temporary condition.

LYNN CHAPMAN (Independent American Party):

We oppose S.B. 302. We understand that when people are 18 years or older, whatever they do is their own business. We also understand that children are not included in gender-affirming surgeries and medications without their parents' consent.

Concerning this bill, we need more doctors to come to Nevada, but we need to be careful of what doctors are allowed to come to Nevada and practice medicine. When doctors perform surgeries in a state that does not allow that

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surgery and that state files criminal charges against them, they should not be allowed to come to Nevada and be protected.

Also concerning is that S.B. 302 prohibits the Executive Branch from providing information, time, money, facilities, property equipment and resources in the furtherance of an investigation initiated in or by another state. In other words, the Executive Branch is not allowed to do its job, but that is not what the taxpayers paid for or expect from our government.

Please vote no on S.B. 302.

CELESTE PARKS:
I oppose S.B. 302.

I am a Christian and also a healthcare worker in Nevada. This bill protects physicians who have been disciplined by their state medical boards, which is alarming to me as a nurse.

According to the American Academy of Child and Adolescent Psychiatry, adolescents are less likely to think before they act, pause to consider the consequences of their action or change their dangerous or inappropriate behaviors. This is because of the frontal cortex, the area of the brain that controls reasoning and helps us think before we act. This part of the brain is still changing and maturing well into adulthood.

As a healthcare worker, I am a firm believer in mental health, and I say present a bill that would support mental health. There was a French study that detailed the many post-operative complications of male-to-female sex reassignment surgery. Do we want our developing children to go through these complicated post-surgical complications? That is life threatening.

I would like to quote Genesis 1:27: "So God created man in his own image, in the image of God created he him; male and female created he them."

Please oppose S.B. 302.

MICHELLE HALL:
I am speaking in my personal capacity, and this is my opinion only.

I respectfully wish to go on the record and implore you all to vote no on S.B. 302. God, your creator, loves each and every one of you, everyone in the room, no matter your age, color, gender, race, religion or whatever. He loves everyone. This is not a message of hate or intolerance or unacceptance. It is opposite to that. It is a message of care, concern and engagement.

I am not sure why none of the activists today gave testimony on all the folks who are detransitioning. We know that many young people regret their gender change treatments and surgeries. If you stroll the Internet, you will find many, many sad testimonies that are coming to light in increasing numbers. These reports mostly seem to be people under the age of 25.

I agree with the previous speaker who talked about frontal cortex development. We are not mature as adolescents. Allowing kids to undergo these incredibly serious changes in their bodies before they mature is radical. You will see these testimonies on Reddit, YouTube and TikTok. If we do not allow people to drink until they are 21, how can we allow children to have their bodies altered and their anatomy lopped off?

If we think deeper about this, we can see that there is a huge monetary advantage to the medical establishment in gender-affirming procedures. They are making a lot of money. Gender dysphoria is something that has a time element to it. It is a phase that most children get over.

CYRUS HOJJATY:

I would like to ditto the comments made by the previous callers.

I do not see this as a public health issue. It is the same as the so-called doctor shortage. The same people who are trying to help public health were promoting the lockdowns and the vaccines, and yet we have not gotten any reports on whether they work.

In the past, almost 20 years ago, the idea of children changing their genders was considered a taboo, and we were not talking about this 5 to 15 years ago. What changed? Let us just think about it all. I see this as a war against heterosexuality, a war against promoting a good-sized birthrate to replace the population. This is nothing more than a political pawn being used to promote agendas.

LISA PARTEE:

I have heard that people seeking gender-affirming services are being rejected because it is illegal. However, a doctor who is providing these services testified today, so it is not illegal. It seems to me that this bill is a solution looking for a problem.

None of the folks who testified today as to their journeys addressed the issues this bill truly addresses. It does not ensure the safety of anyone, nor is anyone in danger if it does not pass. You are able to access these services. No one is denying those to you.

I personally do not see or judge people by color or sexuality. Many of them today got the treatment. They decided as adults the way it should be. Children are not developed enough in their brains to make these life-changing decisions. I feel that any gender-affirming care should be disallowed until they are at least 18 years old. There is nothing preventing parents from caring and nurturing their kids until they are old enough to make these decisions for themselves. That is parenting.

I have also seen a few stories recently of adults whose parents provided gender transition for their kids who now have great regrets. This is something you cannot get back. I feel many parents are just trying to get the girl they always wanted at the expense of the boy that they had. I could be wrong.

The people who were adversely affected discussed how the mental health issues were never addressed. They only focused on the gender dysphoria and never solved the root problem. The depression never stopped with the surgeries. The suicides will continue.

I fear all this gender dysphoria discussion this Session will increase these incidents in Nevada. Please do not make Nevada a sanctuary state for gender-affirming doctors from other states who have violated the laws of those states. I oppose restricting the Governor's constitutional authority to extradite criminals who have fled to our State.

This bill is unnecessary and overreaching. By taking away the right of the Governor to do what he needs to do, you are not looking out for Nevada citizens. If you put this bill through, you need to remember your constituents who put you in office so as not to risk harm to our citizens.

CHAIR SPEARMAN:

I would like to add to the record that the DSM-5 removed homosexuality from its list of mental disorders in 1973. It is not a mental disorder. I will also note that an article from the National Library of Medicine regarding gender dysphoria states that it is neuroanatomical in nature. It is something physical in the brain, not just an idea in the mind.

SENATOR OHRENSCHALL:

This legislation seeks to protect healthcare providers and individuals in Nevada who are involved in gender-affirming services in other states. If S.B. 302 is enacted, we can ensure access to essential health care for our transgender and nonbinary brothers and sisters and provide a safe environment for healthcare providers to offer these necessary services. I believe it is our responsibility as legislators and citizens to support and protect the well-being of all members of our community. Senate Bill 302 is an important step towards achieving that goal.

MR. WADE:

I want to correct some misconceptions. Social affirmation and puberty blockers are reversible and rarely involve surgery. I want to make sure we are clear on that. Gender-affirming care certainly does include mental health services and counseling. This bill protects those providing counseling and mental health services.

I also wanted to clarify that any sort of unlawful bad malpractice going on in other states will still be considered malpractice if the practitioner comes to Nevada. This is not a bill that would allow someone providing bad care in another state to come to Nevada and provide bad care here.

MR. PHOENIX:

One of the testifiers said something about cisgender individuals being provided gender-affirming care. Nevada has legislative protections under title 10 that allow children as young as 13 to access gender-affirming care in the form of birth control without parental consent.

Detransitioning is extremely uncommon. The online transgender clinic GenderGP publishes data from five countries on their website, and they confirm the low rates of detransitioning in the U.S. at about 8 percent. They also note that 62 percent of those who do detransition are doing so because of pressure from

their peers, their families and society. While it is something that happens, it is extremely uncommon. In my ten-plus years of doing this, I have had only two patients who have detransitioned, out of the thousands I have helped with their transition.

SENATOR SCHEIBLE:

I hate to be the bearer of bad news, but I wanted to let everybody knows that on Monday, the North Dakota Senate passed a ban on gender-affirming care. Just yesterday, the Idaho Governor signed into law a bill banning gender-affirming care.

This measure is extremely timely. I am heartened to see so many people here supporting it.

CHAIR SPEARMAN:

We have received other letters of support ([Exhibit Q](#)) and one in opposition ([Exhibit R](#)) for S.B. 302.

I will close the hearing on S.B. 302 and open the hearing on S.B. 290.

SENATE BILL 290: Provides for the regulation of employer-integrated earned wage access providers. (BDR 52-9)

SENATOR NICOLE J. CANNIZZARO (Senatorial District No. 6):

I am here to present S.B. 290, which seeks to license and regulate earned wage access (EWA) service providers in Nevada. Some of you may remember that last Session I sponsored a similar measure, S.B. No 198 of the 81st Session, which was passed by this Committee but did not ultimately make it to the Governor's desk. This bill has some changes from that bill, and I am hopeful we will be able to get it over the finish line this time.

One of the reasons this particular conversation is pertinent today is because it relates directly to many of our communities. It is no secret to anyone here that many families in our communities struggle financially, and many Nevadans live paycheck to paycheck. That is a common occurrence. In 2022, 64 percent of Americans lived paycheck to paycheck, which is up 11 percent from 2021, according to a recent LendingClub Bank report. In addition, 47 percent of those earning more than \$100,000 per year reported living paycheck to paycheck. That is a 13 percent increase from a low of 34 percent in July 2021. In

addition, 74 percent of Americans would experience financial difficulty if their paychecks were delayed by a week.

This is the situation many are living under. For Nevadans on a tight budget, everyday events are not always compatible with pay periods. Workers are demanding access to their already earned wages so they can address those ongoing everyday needs.

As many of you have heard me say, I grew up in a family where we lived paycheck to paycheck, and I have spent most of my life living paycheck to paycheck. It is not as uncommon as you would think. For my family, an emergency expenditure, something that was outside of the regular calculated budget, would mean a financial decision had to be made about what was going to be missed to cover it. How do you address that issue? Even small costs, something like \$200, can derail a family living paycheck to paycheck. In that situation, those small life events can be devastating. Sometimes it is a matter of trying to find someone to borrow from, asking your folks or your friends for a little bit of money to put in your bank account so you do not bounce checks.

I have been there. I worked in the restaurant industry as a busser, as a hostess, as a prep cook, as a dishwasher, as a server. Sometimes when you are waiting for the next paycheck, or you are waiting for the next day so you can go to work and make tips, you might just need \$5 to put in your bank account to make sure nothing bounces and you get charged that \$35 nonsufficient funds fee. Many Nevadans face this kind of situation every day.

As you may know, EWA providers give workers an opportunity to access net pay they have already earned before the traditional pay day, helping them to address financial emergencies or unexpected expenses. These services can be beneficial to many Nevadans, especially in times of economic uncertainty.

It is crucial that we ensure these services are provided responsibly and transparently to protect both workers and businesses from potential exploitation. We first saw EWA services with the development of the gig economy, but interest has spread to employers and employees and traditional businesses. The COVID-19 pandemic accelerated the demand for EWA services at traditional brick-and-mortar businesses. For example, one in six grocery workers now have access to EWA services.

We need to consider consumer protections in this industry. I know this Committee is no stranger to the idea of consumer protections in Nevada; we lead in consumer protection, and that should be no different for EWA providers. One of our most important roles as legislators is to protect consumers from unscrupulous and dangerous products and services. We have a long and thoughtful history of balanced regulation in Nevada, especially within the financial realm, and that should continue with these applications. That is what you are seeing before you in S.B. 290.

This bill leads the Nation in regulating a new and promising market alternative that has the power to bring much needed relief to hardworking Nevadans, particularly in these difficult times of record high inflation. As families are struggling and banks are closing, we need to find a safe and secure means for Nevada families to avoid predatory credit finance. Earned wage access allows a worker who needs a bit of money to cover an unexpected expense to access money they have already earned. If you talk to anybody who has ever lived paycheck to paycheck, that period between checks is the critical period. This bill is an effort to regulate that industry and provide some consumer protections.

I have submitted a conceptual amendment ([Exhibit S](#)) that is the product of lengthy negotiations between the EWA industry, the Legal Aid Center of Southern Nevada and the Division of Financial Institutions (FID), Nevada Department of Business and Industry. I will walk through the substantive sections of the bill working from [Exhibit S](#).

Sections 2 through 15 of S.B. 290 define key terms and concepts that are essential to understanding EWA services and that distinguish EWA services from other types of financial products.

Section 5 of the bill defines "earned but unpaid income" to mean salary, wages or other compensation that an employee has already earned, but that has not been paid to the employee at the time of an EWA transaction. This definition is key to distinguishing EWA products from loans and other lending-related financial products and services.

Section 11 of the bill defines "licensee" and makes it clear that an EWA provider must obtain a license to transact business in Nevada, whether as a direct-to-consumer provider or an employer-integrated provider, to guarantee the responsible and transparent operation of these providers.

Section 16 of the bill requires a provider to obtain a license from the commissioner of the FID.

Sections 16 and 17 detail the requirements for licensure ensuring that only qualified and trustworthy businesses can offer these services. The Commissioner of the FID is required to develop an application for licensing and establish a fee for the issuance and renewal of a license as an EWA provider. To be licensed, an applicant must disclose to the FID the terms and conditions that will govern its EWA products and services and must offer a zero-cost EWA option for users, among other requirements, to ensure compliance with the established regulations.

Sections 23 through 28 of the bill authorize the Commissioner to conduct examinations of licensees and requires the Commissioner to charge a fee for such examinations. The legislation was premised on the concept that FID needs the tools necessary to enforce compliance with the law. Sections 22 through 31 further outline the full extent of its ability to do so.

Sections 32 and 33 establish consumer protection rules and practices for EWA providers, including but not limited to the following: Providers must enact consumer complaint policies and procedures to respond to questions and complaints by users. Providers must clearly disclose terms, fees and conditions to users and must allow users to cancel a subscription at any time at no cost to the user. Providers must comply with all privacy and data protection laws. Providers that allow users to pay tips or gratuities must provide certain disclosures to users concerning the use of those funds. Providers that debit for repayment must notify users of the date of repayment and reimburse for any overdraft fees caused by reimbursing for the incorrect amount or on the incorrect date. Providers may not accept payment of fees from a user via credit card and may not require a user's credit report and credit score to determine eligibility for EWA services. Providers may not charge late fees, interest or any other penalty or charge for users' failure to pay any outstanding fees. Providers may not file suit against the user to collect outstanding fees.

These nonrecourse aspects of EWA regulations are an important consumer protection feature that distinguishes EWA products from other predatory and high-interest financial products and loans.

Section 34 of the bill mandates that EWA providers submit annual reports that will allow the FID to maintain effective regulatory oversight over the industry. These rules are based on model requirements that have been enacted in other states, including California.

Section 36 of the bill distinguishes EWA services and products from loans and other financial products. The fundamental aspect of EWA services is that they allow access to income that has been earned but not yet paid. Section 36 acknowledges that EWA providers are not lenders in the traditional sense and EWA products are not loans under Nevada law. This bill also exempts employer-integrated EWA providers from provisions governing businesses that transmit money, as stated in section 35.

Section 41 of the bill establishes important effective dates that allow the FID to begin the regulatory and administrative rulemaking process immediately upon passage and approval. It also allows existing EWA providers who are operating under a memorandum of understanding or other temporary arrangement with the FID to continue operating while they complete the application and review processes established under the bill. It establishes an automatic sunset date that requires the Legislature to revisit the statute in the future and determine if it wishes to extend or otherwise revise the EWA rules set out by S.B. 290.

Senate Bill 290 aims to create a comprehensive regulatory framework for EWA providers and users in Nevada. By implementing licensing and regulations, we can ensure that these services operate responsibly, are transparent and work in the best interests of workers and businesses alike.

RYAN NAPLES (DailyPay):

I am from DailyPay, which provides EWA to employees in Nevada and throughout the U.S. More than 100,000 employees have utilized EWA from over 6 in-state businesses, or about 10 percent of Nevada's workforce. Some 2,000 active users of DailyPay live in Chair Spearman's district, and 6,000 of her constituents have made at least one EWA transfer. Those numbers are from my company only. I have a presentation ([Exhibit T](#)) that illustrates these figures.

As Senator Cannizzaro said, in today's economy, everyday obligations and emergency events do not neatly arise every two weeks or once a month when paychecks are issued. In addition, Nevadans in the modern tech economy increasingly demand responsive human resources departments and payroll

systems. An EWA company can solve these disconnects by facilitating access to already earned wages for either no fee or a very low fee.

Several years ago, there were only a handful of EWA providers. Today, there are several dozen. They each have slightly different flavors, but they all share a few key tenets. All EWA is based on wages earned. Workers can only access money they have already worked for. We are not credit institutions because our product is not a loan. No EWA provider charges interest or late fees. All EWA products are nonrecourse, meaning the risk of an employer failing to make payroll falls on the EWA provider, not the worker. There is no requirement to repay, no collection activity and no credit bureau reporting for nonpayment.

While there are some costs associated with EWA, most providers offer at least one way to access earned wages at no cost, such as through an electronic bank transfer that arrives the next business day. This is for users who would like their wages instantly; they can elect a nominal fee of about \$3 for instant delivery to any bank. This optional fee structure is similar to Venmo and costs less than an out-of-network ATM fee. This is partly why EWA is a responsible low-cost alternative for working Nevadans. Without EWA, accessing funds quickly can be costly if you do not have great credit. They include overdrafting a bank account for an average fee of \$29 nationally, a pawnshop loan where fees average \$150 or a payday loan, where the average fee in Nevada over four months is \$924, the second highest in the U.S.

In 2021, DailyPay commissioned independent research to assess EWA's impact on its users. The data showed that 95 percent of users previously reliant on payday loans no longer used these high-cost predatory products once they gained access to DailyPay's EWA service. This saved these individuals between \$630 and \$930 a year. The results were similarly positive for frequent overdrafters.

Since EWA is not credit, our industry conducts no underwriting and does not base its low transaction fees or access to wages on creditworthiness. We also do not charge these incredibly low fees in installments. For these reasons, an annual percentage rate, which would be misleadingly high even with our very low fees, is incongruous to how EWA is structured. These rates would therefore not represent the actual cost and potential savings available to EWA users compared to other far more costly financial products.

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As an industry, we are supportive of this bill's consumer protections and requirements for all EWA companies.

YVONNE CHAO (EarnIn):

I am here to testify in support of S.B. 290 on behalf of EarnIn, which provides customers with access to their earnings as they are earned without mandatory fees, interest or recourse.

As Senator Cannizzaro mentioned, often bills and pay cycles are misaligned. Workers can get into deep debt paying high fees to compensate for the liquidity gap between paydays. With EWA, people are not more dependent on access than they are on their paychecks. EarnIn is both a safety net and a budgeting tool to meet that unique need. This is not just a company pitch; it has real life impact.

Since EarnIn launched in 2014, we have served over 43,000 Nevada workers, 19,000 in the last year alone. In a 2021 study of the customers of three companies, 87 percent said EWA helped them to take better care of themselves and their families. In that same study, 44 percent said that without EWA, they would not pay certain bills on time. These findings are reinforced by the 649 Nevadans who have benefited from EWA and who signed on to a letter in support ([Exhibit U](#)) for S.B. 290 a few days ago.

At EarnIn, we truly see ourselves as consumer advocates. We are actively finding better solutions for consumers with their input along the way. At EarnIn, for profit does not mean for profit at the expense of consumers. Not supporting EWA would drive those in need to alternatives like overdrafts and other high cost products. I urge you to support this bill today.

MOLLY JONES (Payactiv):

We support S.B. 290. I have written testimony ([Exhibit V](#)) expressing our support of this legislation.

Earned wage access is a unique payroll innovation that has the opportunity to provide tremendous benefit to over half of working Nevadans who live paycheck to paycheck. This bill creates a number of strong consumer protections, and we are glad to support the bill.

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SENATOR DALY:

Section 5 of [Exhibit S](#) defines earned but unpaid income and lists what that includes. Am I right that it does not include other compensation, such as vacation time, paid sick leave, bonuses and things like that?

MR. NAPLES.

That is correct. The bill is limited to wages.

SENATOR DALY:

It might be a good idea if you spelled that out explicitly in the bill.

Section 29 of [Exhibit S](#) has to do with complaints, and subsection 4 states that complaints and the investigations into those complaints are confidential. We heard a bill earlier in the Session on a similar topic, and with that bill we felt that while some of the information is confidential, the results of the investigation needs to be public.

SENATOR CANNIZZARO:

Yes. The complaint would be something that could be disclosed. The FID Commissioner has discretion to disclose information that might be necessary to ensure there is compliance with consumer protection.

The intent of this provision is to ensure that the investigation can occur without all that information being public, but that the complaint and the result of the investigation would be available to the public. It was not our intent to make everything completely confidential so no one would know if a provider was not complying with the law.

This is the practice for most investigations of this type. The investigation is confidential while it is going on, but the findings are public. That is the intent of this particular provision: to allow the FID to disclose those pieces of the complaint and its outcome as necessary to ensure protection of consumers.

SENATOR DALY:

Hopefully, we can make sure the language is clear on that point.

Section 32, subsections 5 and 6 refer to tips. Who in this process gets tips?

Ms. CHAO:

The company gets the tip. It allows us to give people access to their earnings without paying a fee when they need it.

SENATOR STONE:

As I understand this, 100 percent of the risk of the payment to the worker is carried by the EWA company. There is no recourse if there are issues of malfeasance or if the employer were to go bankrupt. That would be your issue to deal with. But I assume that if you accidentally make an overpayment to a worker, you would have some recourse and could say, "Well, we paid you \$100 more than we should have, and we want that back." Could you get that back? Or do you truly have no recourse, even if you made the mistake?

MR. NAPLES:

We have no recourse if we make an error ourselves.

SENATOR STONE:

Are you allowed to credit the next request against that error?

MR. NAPLES:

There is no recourse. The only errors we deal with regularly happen when we overpay because the employer made a mistake. We have never had a situation in which we made a mistake. In that hypothetical situation, there is no recourse.

SENATOR STONE:

As I read the bill, this only pertains to private employers. In other words, if somebody is getting a regular unemployment check from the State of Nevada, there cannot be a relationship between the State and an EWA company to advance money.

SENATOR CANNIZZARO:

That is correct. The person has to be employed by a private employer. I think there are some providers who will work with government employees. But it would not apply to the situation that you mentioned with someone getting an unemployment check from the State.

SENATOR STONE:

It might be worth our while to look at unemployment or disability benefits in the future.

I was brought up in Anaheim, California. When I was ten years old, my dad used to give my mom \$200 a week, out of which she had to pay the mortgage, buy groceries, pay for insurance and make car payments. God forbid that one of us got sick, because we had no way to pay the doctor. For a long time, we could not afford milk, so Mom bought Hawaiian Punch concentrate instead, and we ate packaged macaroni and cheese for dinner two or three times a week. I wish my mom had had access to a program like this back then. It would have given her some comfort knowing that she could cover the expenses without risking losing the house.

I thank you for bringing this legislation forward. It is going to help and is already helping thousands of people in Nevada that otherwise would have to incur credit card transfer fees. This is a tremendous service for the citizens of Nevada, and I encourage all my colleagues to support it.

SENATOR BUCK:

I appreciate the guardrails the FID is putting into place in this bill for consumer protection.

You have mentioned several times in your presentation that EWA is not a loan. Could you clarify that? Who fronts the money?

MR. NAPLES:

Earned wage access is not a loan because it is simply access to money the person has already earned. They have to work to earn the money before we give them access to it. Our products do not have any of the characteristics of a loan. There is no underwriting; there is no assessment of creditworthiness; it does not have to be paid back to us. The transaction fee does not vary based on the person's credit score. Nothing is paid in installments, no interest is charged and there is no recourse. It is very far from being a loan.

SENATOR BUCK:

That is helpful. I like this legislation. Thank you for bringing it forward.

SENATOR SCHEIBLE:

For an employer-integrated model, would the person's next paycheck be reduced by the amount the person got from EWA?

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MR. NAPLES:

Yes. If the person decides to access \$100 the week before payday, their next check will be the normal amount minus that \$100. It is like payday on demand.

SENATOR CANNIZZARO:

The important thing to remember is that these are wages that have already been earned. The hours, days or jobs have already been worked, and the company is just waiting for payday to distribute the funds. This just allows employees to access some of their pay early. It is money they are entitled to. If they were to be paid every day, this service would not be needed, but typically payday comes every two weeks or once a month. That makes this product very different from others this Committee is familiar with.

SENATOR DALY:

Section 22, subsection 1, paragraph (c) refers to "the 3735 authority." Can you explain that?

SENATOR CANNIZZARO:

My apologies. That is a typo. The sentence should read, "... within the authority or beyond the scope ... " We will correct it.

BARBARA PAULSEN (Nevadans for the Common Good):

We support S.B. 290. I have written testimony ([Exhibit W](#)) in support of this bill.

GERRON LEVI (American Fintech Council):

We are in support of S.B. 290.

The American Fintech Council is a national trade association based in Washington that represents banks, nonbanks and a variety of business models providing a range of financial products and services, including EWA providers. I have a fact sheet ([Exhibit X](#)) about EWA.

As a former state legislator from Maryland and someone who was in the labor movement for 15 years, I have spent a lot of time advocating for strong consumer protections. I fully appreciate your side of the desk and the balance you are trying to strike between ensuring strong consumer protections around EWA products and facilitating a competitive financial marketplace. The goal is to give consumers what I call the three As: availability of options, accessibility

and affordability. We believe EWA products meet the three As and also provide needed and affordable alternatives to high cost options in the marketplace.

Regulation of EWA is in its early stage. We support Nevada setting out strong standards and parameters around this product. As a trade, we adhere to some key principles for our members: robust wage verification, so access can be based on wages earned; nonrecourse for the worker; free options; and cost transparency, which you all have talked about.

The clarification that EWA is not a loan or credit product is key. You have heard a lot about what distinguishes EWA from credit products, including no credit checks, no late fees or penalties, no recourse, no impact to the user's credit score and more. It also does not allow the EWA provider to pursue collections against the consumer. Regulations clarifying that EWA is not a loan is key to keeping these protections in place and keeping the product affordable.

I urge you to support S.B. 290 and allow workers the option to access their wages early.

TEPRING PIQUADO (Chamber of Progress):

We support S.B. 290. I have written testimony ([Exhibit Y](#)) expressing our support.

TREVOR PARRISH (Vegas Chamber):

The Vegas Chamber is in support of S.B. 290. The passage of this bill is important because it will create regulatory oversight for a new and emerging financial services tool for the benefit of Nevada's workers. This bill provides regulations and accountability, such as requiring that EWA companies be licensed and bonded. We believe these provisions are important to the public and the industry. These companies will help Nevada's workers access their salaries and wages early without needing to take out a loan. Thank you for your support of Nevada's workers.

JONATHAN NORMAN (Nevada Coalition of Legal Service Providers):

We are currently in opposition to S.B. 290. I want to thank the sponsor and the providers who have worked with us to get meaningful consumer protections in this bill. I would say that we are very close to being in support of this bill, but we are not there yet. We have a meeting scheduled tonight to go over some final tweaks to the language.

SENATOR BUCK:

Could you explain your problems with the bill?

MR. NORMAN:

The language needs a few little tweaks. I have worked on this bill more than other bills because I believe it is fundamentally better than the other options. At the same time, it is important to acknowledge the need to protect consumers and the problems we have had with payday lending in Nevada. Dialing in those consumer protections are important to our organization and our community partners. For one thing, we would like to nail down what happens when the sunset clause happens. Also, what happens with reporting? What information are we collecting?

I think EWA is fundamentally better than payday lending, which is why I have engaged so much on this bill. It serves the people. We just need time to work out some of the fine details.

LORENA CARDENES:

I oppose S.B. 290.

In my experience, getting advances on your wages never works. You throw off the order of things. What ends up happening is that people run out of money before their next payday, and they get in trouble again, unless you are proposing that people do this repeatedly. I do not think it is a good idea. I do not think we should be making it easier to tap into wage salaries. We are adults. We should know how to handle our finances.

FRANK DOMBROWSKI (FlexWage Solutions):

We are opposed to S.B. 290. We have written testimony ([Exhibit Z](#)) explaining our position.

Ms. QUINN:

I oppose S.B. 290. I do not believe borrowing money from your employer is the way to go. It is almost like a hard money loan, even though it costs less than a predatory loan. We need to learn how to balance our budgets. We are adults. If you do not work, you do not eat.

My solution would be to lower the cost of food, energy and gas. Costs have almost tripled, not only for gasoline but also for natural gas. If we can lower the

cost of utilities, even on the national level, why are we giving out money to other countries? We should be taking care of our own citizens first and foremost, and not putting in more legislation to give money to illegal aliens. I love all people, but we need to take care of Nevadans who work hard for their money.

SANDY O'LAUGHLIN (Commissioner, Division of Financial Institutions, Nevada Department of Business and Industry):

We are neutral on S.B. 290. We have worked with the stakeholders and will continue to do so on any outstanding items.

SENATOR CANNIZZARO:

There have been many, many meetings on this issue since last Session, some with as many as 20 to 25 different industry representatives. This bill has been a collaboration and has taken into account many concerns. That is why there were so many folks here today to support the bill. We took their concerns into consideration and have made significant amendments to this bill. There should be no room in this hearing to argue that you were not part of that discussion because there have been many meetings with many people, both in person and on Zoom, with multiple options to participate.

We appreciate the work of the Legal Aid Center of Southern Nevada and agree that we have to get the consumer protection piece right. That is an important function of this bill.

Regarding the comments that this money is being borrowed, it is money the employee is entitled to. It is the employee's money. We are just allowing for some more flexibility in terms of pay periods. That is what this bill is seeking to do.

However, those consumer protection pieces are important. It is important to note that this is money that is already earned and that there are no recourses for these companies from the participants.

We will continue to have some meetings and hopefully shore up the last remaining concerns on this bill.

CHAIR SPEARMAN:

I will close the hearing on S.B. 290 and open the hearing on S.B. 333.

SENATE BILL 333: Revises provisions relating to virtual currency. (BDR 57-18)

SENATOR DINA NEAL (Senatorial District No. 4):

I have a conceptual amendment ([Exhibit AA](#)) that fixes some spots in the bill that did not meet my intent. I also had some representatives of the industry ask if I wanted to charge them 5 percent for existing. The answer is no; that charge was supposed to be a recovery fund for fraud, abuse and manipulation of vulnerable populations.

I will cover all those issues, but I want to start off with some background information. Cryptocurrency scammers have stolen over \$1 billion from 46,000 people since the start of 2021, according to a report from the Federal Trade Commission (FTC). From October 1, 2019, through March 31, 2020, 570 cryptocurrency investment scams were reported, with \$7.5 million in total losses. The following year, October 1, 2020, through March 31, 2021, 6,792 people reported a loss of over \$80 million on these types of scams. The reported median loss was somewhere between \$1,900 and \$2,600 for the individuals who reported the scams. About 92 percent of the cryptocurrency investment scams from October 1, 2020, through March 31, 2021, are classified as miscellaneous investments. Victims between the ages of 20 and 39 accounted for \$35 million of the \$80 million that was lost in cryptocurrency scams. I used reports from the FTC and the FBI for this data.

Under the FTC-reported cryptocurrency losses from January 2021 to March 2022, \$575 million were investment-related fraud, \$185 million were romance scams, \$93 million were business imposters and \$43 million were government imposters. In the *FBI Internet Crime Report 2022*, business email scams represented roughly a \$1.8 million loss. Of those, there were 64,551 victims age 50 to 59 who lost \$1.8 million nationally. There were 88,632 people over the age of 60 who lost a total of \$3.1 billion nationally.

This bill and [Exhibit AA](#) speak to fraud committed against people under 21, senior citizens and vulnerable people. Why did I select those particular groups? It was because we need to protect the most vulnerable people first. People under 21 and senior citizens are the most likely to be targeted and manipulated by cryptocurrency scams.

Why do cryptocurrency scams happen? For one thing, there is no bank to flag a suspicious transaction. The transfers are irreversible. The victims are typically

novice investors who are not familiar with how cryptocurrency works, and the transactions are not insured by the Federal Deposit Insurance Corporation.

The fake investment opportunities that accounted for \$575 million in cryptocurrency losses reported by the FTC are typically presented as an investment strategy. They come from a person who is befriending you on Facebook or Instagram and building a relationship with you. Suddenly they say, "Hey, are you interested in cryptocurrency investment? I have tips to help you make money fast!" They post their account balance, and it shows that they took in \$10,000 today or \$8,000 yesterday, so it looks real. Some of the Facebook posts are raunchy to draw your attention. They might show a beautiful woman holding a lot of cash in an inappropriate place. The goal is to make the reader say, "How is he making that kind of money and getting that kind of woman?"

The platforms where these scams happen are Instagram, 32 percent; Facebook, 26 percent; and WhatsApp, 9 percent. A further 7 percent utilize telegrams issued by Walmart. Walmart has a policy that when you send a money order, they have an advisory that if someone is pressuring you to transfer money to them, take another look at the situation. I am happy they do that because this kind of scam is of course not confined just to cryptocurrency.

In cryptocurrency scams, 40 percent of the money lost originates from social media, according to the FTC. Victims 50 and older are far less likely to report losing money in cryptocurrency scams, but when they do, their average loss is roughly \$3,200. Victims between 21 and 49 report their losses more often, and the average loss is between \$1,900 and \$2,600. For victims over 70, the median loss is around \$11,700. This is a big deal.

Another reason I brought this bill is that most seniors are not going to be able to go back to work to recoup their losses. Typically, they just believe that people have good hearts. They see cryptocurrency as a long-term investment. In fact, it is much more of a day-to-day investment. If you invest in cryptocurrency, you probably should be monitoring it daily or more often to see how your money is fluctuating. I have had family members tell me, "Hey, I invested \$1,100 in cryptocurrency," and I said, "Well, did it grow or did you lose it in the next 30 minutes?" It is not a fidelity trust investment; it is a high-risk gamble, and you could lose it all.

The way the scam usually works is that the scammer befriends you, and from there they build it into a fake romance. They build a relationship with you, and then they start talking to you about cryptocurrency investment. They might say, "I've made over \$10,000 with my cryptocurrency investment. Would you like to go in on this with me?" Because they have built the trust within that romantic relationship, the victims often think, "I don't believe this person would lie to me. I'll give them some money, and we'll make money together and both be rich." That is not what happens.

The romance scam nationally represents about 19,000 people who have lost around \$735 million. In Nevada, there have been about 9,000 victims who have lost \$127 million. Business email scams have victimized about 21,000 people.

The FBI has noted a rise in a cryptocurrency scam they call the business email compromise or email account compromise. This is a type of direct cash transfer to a cryptocurrency exchange or what is called a second hop transfer. In a second hop transfer, the victim has been persuaded to provide a copy of a driver's license or passport. The scammer then opens a cryptocurrency wallet and a bank account in the victim's name. The scammer can then transfer funds at will.

Another reason I wanted to bring this bill was that cryptocurrency scams have been on the rise since the start of the COVID-19 pandemic. That might be because a lot of people lost their jobs and were desperate for money. A lot of people in Nevada have been charmed into giving their money away in such a way that they can never get it back because it has been transferred into cryptocurrency.

The amendment in [Exhibit AA](#) sets up a recovery fund, to be funded by a 5 percent fee or assessment from cryptocurrency businesses. The amendment also sets up a system to register cryptocurrency businesses operating in Nevada. This will not be easy to do; we will have to figure out a way to find these people and get them registered.

SENATOR DALY:

How are we going to track these people down to register them when they are all online? This is a step in the right direction, but I do not know how you solve that first problem. Perhaps the safest thing to do is not invest in cryptocurrency.

SENATOR NEAL:

It is not going to be easy. The bill allows the Commissioner to create regulations regarding a registration system. I do not think people are just going to say, "Well, I guess this is the law now, so I'd better go register." The first step is to fan the bushes and find out who they are.

My first idea for this bill was a direct and total prohibition of cryptocurrency. I changed my mind because we passed a bill in 2019 saying we could not discriminate against Bitcoin or other cryptocurrencies.

SENATOR DALY:

If we could get people to register, we could have a resource where users could go to check out a person or a company before they handed over their money. It would work like looking up a licensed contractor with the contractor's board.

This is similar to the discussions we had about Internet gaming. We decided we were not going to be able to stop it, so instead we took steps to regulate it. This is a step in that direction.

SENATOR STONE:

Thank you for trying to take on this complicated and impactful issue. I know a senior citizen in Nevada who was dealing in cryptocurrency as a result of an online romance. He was almost 90 years old, and he ended up losing \$150,000, his entire nest egg.

I applaud your efforts. I assume, however, that many of these businesses are located somewhere out in cyberspace. If they have a physical location, it might not be on U.S. soil. That 5 percent fee might be enough to push them further out into the shadows. People who want to invest in cryptocurrencies should do so with legitimate companies that are registered in Nevada, which this bill is trying to do.

Is the recovery fund only going to reimburse the vulnerable populations? What about other people who have gotten caught up and lost their money?

SENATOR NEAL:

I am open to that amendment. I am sure the FID will put one heck of a fiscal note on this. I started off with a baby step because it is hard to argue against protecting vulnerable populations.

CHAIR SPEARMAN:

I asked Senator Neal to revive this bill because I have a friend who was talked into investing in cryptocurrency by someone who allegedly was a financial planner. Some four sessions ago, former Senator Aaron Ford had a bill that cracked down on people who posed as financial planners without being certified. One thing I know about cryptocurrency is that if there is not a quick investigation, the money is gone, poof. My friend called the FBI and was told that nothing could be done.

SENATOR NEAL:

I know that the biggest part of this problem is the anonymity of the person doing the transactions. There has been conversation about regulating them and what they do, about identifying them by their tag in the cyberspace, so we can identify the bad actors. A lot will depend on what country they start in, because once money leaves the U.S., we lose all control of it. That is one reason we have been slow to deal with this. Everybody saw it as this new alternate currency that was going to change the game.

MR. ROUZARD:

I come before you today in opposition to S.B. 333. This legislation targets an emerging industry and imposes overly prescriptive regulations that would deter any meaningful integration and adoption of digital assets in Nevada. The overly prescriptive requirements to operate in Nevada will deter businesses from wanting to do business here. The Legislature should be focused on ways to empower innovation and attract businesses to Nevada instead of pursuing proposals such as this that would have the opposite effect. As a nonprofit focused on identifying and removing barriers to enhance the lives of Americans, we ask you to oppose S.B. 333.

If we are talking about theft, we should talk about federal government spending that has led to the inflation that has robbed people of their wealth. We should talk about the government-mandated lockdown and its consequences. We are more than happy to work with the bill sponsor to ensure innovative markets like cryptocurrency are something Nevada can take pride in.

MS. QUINN:

I oppose S.B. 333. I do not feel this bill is ready for what it is trying to accomplish. In addition, I think it will cause more problems than it controls.

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KATRINA IVANOV:

I am opposed to S.B. 333.

The same person who proposed to tax our ringtones to collect more money from us is proposing to take our money to pay for people who make mistakes. This kind of scam has been going on a long time, only now it is using cryptocurrency. We have to spend money on educating people not to fall for the scam, not to pay for people's mistakes. Everybody makes mistakes, even when you invest in the stock market. Are we going to have a fund to give money back to people who lost it in the stock market?

MS. PROFFITT:

I am opposed to this bill. I agree that you need to kill it.

If you want to protect people, we need to educate them and ban cryptocurrency. The problem with cryptocurrency is, it is the cryptocurrency businesses or the government who will ultimately control it, not the owner of the money. As you stated, this form of money is often used for nefarious purposes. Changing the definition of money would eliminate the risk of using it.

Regulating it closely, as this bill appears to do, is the wrong move. I have dealt with a cryptocurrency dealer who was establishing his company. It turned out he was a fraud, and the red flag that tipped me off was that he claimed Rockefeller was financing it.

Digital currency will make it impossible for anyone to hide their piggy bank, which I am sure the government would not like. It also allows the government, or whoever is the ultimate holder of your money, to control the money in the future. If the communist agenda is forced on this Country, the government would be able to determine if we could use our own money and what we could use it for. This would not help anyone but a totalitarian government like China who needs to be able to control their citizens and keep them from speaking out.

SENA LOYD (Blockchains, Inc.):

We are currently neutral regarding S.B. 333.

We were initially opposed to the bill partly because among other things, it proposed a tax on the gross receipts of a broad swath of vaguely defined virtual currency activities. However, Senator Neal was gracious enough to meet with

us yesterday evening and share her conceptual amendment, which addressed most of our concerns.

While we agree about the policy behind the bill, namely enhancing consumer protections, we are still concerned that S.B. 333 seeks to redefine virtual currency. That definition is currently contained in NRS 361.228, subsection 4, paragraph (d). The bill also defines virtual currency businesses without articulating the proper technical details that would enable us to understand who is regulated and who is defined as a resident in Nevada.

However, with Senator Neal's assurances that she will work with us and consider the language, we are now testifying in neutral. We thank Senator Neal for the conversation and look forward to continuing to work with the Senator on the conceptual amendment.

Ms. O'LAUGHLIN:

I have worked with Senator Neal on this bill, and we are neutral on the bill.

CHAIR SPEARMAN:

Many of us know people who have lost money in this way. It is a brand-new technology, and whenever something is new, you have good actors and bad actors. One thing that could help the image of the industry is for those who are good actors to do what they can to make the bad actors cease and desist, but I do not know that that is going to happen. I hope this bill passes, because there are people who need this type of protection, especially in the early days when most people do not even know what cryptocurrency is.

I will close the hearing on S.B. 333. Is there any public comment?

MELISSA CLEMENT (Nevada Right to Life):

I want to clarify something on the record. There were several questions today about whether or not parental notification exists in Nevada for a minor seeking an abortion, and it does not. Two sections were in the NRS, but there was an injunction on them back in the 1980s. We have never had parental notification for underage girls seeking abortion in Nevada. Girls as young as eight, nine or ten can get a surgical or pill abortion without a parent even knowing. Just last week, Idaho passed a bill creating a crime of abortion trafficking. An adult who takes a child across the border with the intent to get an abortion for that child will be guilty of a crime that will result in two to five years of prison, not for the

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child, but for the person who transports that child across the border. There is no good reason for an adult to take a child over the border to get any kind of abortion unless they are predators or bad actors.

JARED HORN:

I wanted to express general support for the regulation of cryptocurrency. It is a Wild West out there. I would encourage the members of this Committee to watch a documentary from 2022 called, *Line Goes Up—The Problem with NFTs*, by the content creator Folding Ideas. It is very informative about the world of cryptocurrency, the unregulated stock market it has created for itself and how it hurts people. I would like to encourage more regulations and bills concerning cryptocurrency.

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CHAIR SPEARMAN:

Is there any further public comment? Hearing none, we are adjourned at 12:30 p.m.

RESPECTFULLY SUBMITTED:

Lynn Hendricks,
Committee Secretary

APPROVED BY:

Senator Pat Spearman, Chair

DATE: _____

EXHIBIT SUMMARY				
Bill	Exhibit Letter	Introduced on Minute Report Page No.	Witness / Entity	Description
	A	1		Agenda
	B	1		Attendance Roster
S.B. 78	C	3	Cesar Melgarejo	Work session document
S.B. 131	D	4	Cesar Melgarejo	Work session document
S.B. 145	E	5	Cesar Melgarejo	Work session document
S.B. 147	F	5	Cesar Melgarejo	Work session document
S.B. 167	G	7	Cesar Melgarejo	Work session document
S.B. 195	H	8	Cesar Melgarejo	Work session document
S.B. 249	I	8	Cesar Melgarejo	Work session document
S.B. 270	J	9	Cesar Melgarejo	Work session document
S.B. 275	K	9	Cesar Melgarejo	Work session document
S.B. 283	L	10	Cesar Melgarejo	Work session document
S.B. 302	M	15	John Phoenix	Anti-Transgender Legislation (copyright)
S.B. 302	N	17	Elvira Diaz	Written testimony
S.B. 302	O	17	Elizabeth Sterns	Written testimony
S.B. 302	P	28	Erin Rook	Written testimony
S.B. 302	Q	40	Senator Pat Spearman	Letters of Support
S.B. 302	R	40	Senator Pat Spearman	Letter of Opposition
S.B. 290	S	42	Senator Nicole Cannizzaro	Conceptual Amendment
S.B. 290	T	44	Ryan Naples / DailyPay	Presentation
S.B. 290	U	46	Yvonne Chao / EarnIn	Support letter from users of EWA

S.B. 290	V	46	Molly Jones / Payactiv	Written testimony
S.B. 290	W	50	Barbara Paulsen / Nevadans for the Common Good	Written testimony in support
S.B. 290	X	50	Gerron Levi / American Fintech Council	EWA Fact Sheet
S.B. 290	Y	51	Tepring Piquado / Chamber of Progress	Written testimony in support
S.B. 290	Z	52	Frank Dombrowski / FlexWage Solutions	Written testimony in opposition
S.B. 333	AA	54	Senator Dina Neal	Conceptual amendment