

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

**Eighty-second Session  
April 12, 2023**

The Senate Committee on Commerce and Labor was called to order by Chair Pat Spearman at 7:34 a.m. on Wednesday, April 12, 2023, in Room 2134 of the Legislative Building, Carson City, Nevada. The meeting was videoconferenced to Room 4412 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 Pete Goicoechea, Senatorial District No. 19  
Senator Dallas Harris, Senatorial District No. 11  
Senator Rochelle T. Nguyen, Senatorial District No. 3  
Senator Heidi Seevers Gansert, Senatorial District No. 15  
Senator Robin L. Titus, Senatorial District No. 17

**STAFF MEMBERS PRESENT:**

Cesar Melgarejo, Policy Analyst  
Bryan Fernley, Counsel  
Veda Wooley, Counsel  
Kelly K. Clark, Committee Secretary

**OTHERS PRESENT:**

Jonathan Norman, Nevada Coalition of Legal Service Providers  
Will Pregman, Battle Born Progress  
Ben Iness, Nevada Housing Justice Alliance  
Azim Jessa, Nevada Association of Realtors  
John Sande, Nevada State Apartment Association  
Scott Kipper, Commissioner of Insurance, Division of Insurance, Nevada  
Department of Business and Industry  
Justin Worthington, Division of Insurance, Nevada Department of Business and  
Industry  
David White, D.D.S., American Dental Association; Nevada Dental Association  
Julie Muhle, Academic Program Director, Dental Assisting Program, Truckee  
Meadows Community College  
Lancette VanGuilder, Nevada Dental Hygienists' Association  
Alex Cannito, Board of Dental Examiners of Nevada  
Layke Martin, Nevada Cannabis Association  
Brett Scolari  
Alex Tanchek, Sierra Cannabis Coalition  
Kimberly Maxson-Rushton, RSR Analytical Laboratories  
Susan Proffitt, Vice President, Nevada Republican Club  
Tyler Klimas, Executive Director, Nevada Cannabis Compliance Board  
Paul Klein, Nevada Dental Association  
Richard J. Dragon, D.M.D., Nevada Dental Association  
Caryn Solie, Nevada Dental Hygienists' Association  
Mark Funke, D.D.S., Nevada Dental Association  
Matthew Steele, Association of Dental Support Organizations  
Viki Windfeldt, Executive Director, Nevada State Board of Accountancy  
Karen Peterson, Nevada State Board of Accountancy  
Anna Durst, CEO, Nevada Society of Certified Public Accountants

**CHAIR SPEARMAN:**

We have nine bills in work session today and we will hear five bills. We will start with Senate Bill (S.B.) 381.

**SENATE BILL 381**: Prohibits a landlord from requiring a tenant to pay certain charges. (BDR 10-650)

Senate Committee on Commerce and Labor  
April 12, 2023  
Page 3

SENATOR DALLAS HARRIS (Senatorial District No. 11):

I will present S.B. 381. This bill does one thing. It says if you are a landlord and you are responsible for maintaining a piece of equipment in the home to maintain habitability and it breaks, you cannot pass those repair charges down to your tenant. There is one clear exception. If the tenant is responsible for breaking the thing that the landlord must then fix, that is an exception, which is standard practice.

Occasionally, landlords have home warranties or they build a service fee into the lease. If, for instance, the air conditioning goes out, no fault of anyone, but the landlord wants to charge that \$75 call-out fee to the tenant, this bill says, by statute, that is the landlord's responsibility.

This does not affect what landlords are responsible for fixing or not fixing. We are not expanding or narrowing that. All it says is if the landlord is responsible for fixing it, we will make sure that they are responsible and not passing those fees on to their tenants, who, statutorily, today do not have to pay for those repairs.

SENATOR BUCK:

We are the landlord for one residence. We had a situation where the dryer lint caught fire. Who would mediate that? Obviously, that was a tenant error.

SENATOR HARRIS:

The answer is whoever would mediate it today. This bill would not change that mechanism. I am not a landlord. I do not know what mediation options are available, but the bill would not change those options.

SENATOR STONE:

As you know, I am a landlord, and I support the bill 100 percent. I agree with you wholeheartedly that we need to maintain the habitability, including washers and dryers. I just want to make sure that if damage is caused by a tenant's neglect or vandalism, that they would be responsible. Unfortunately, people are disgruntled sometimes.

SENATOR HARRIS:

There is an amendment ([Exhibit C](#)) that I have worked out with the realtors. It makes clear that negligence of the tenants or anyone the tenants permitted into their place with their permission would not fall under this bill.

Senate Committee on Commerce and Labor  
April 12, 2023  
Page 4

SENATOR STONE:

Sometimes people accidentally neglect things. As landlords, we require renter's insurance to cover damage. This is a good bill. Landlords should maintain their units to make them habitable.

SENATOR SCHEIBLE:

To clarify, would this cover a case like mine where our toilets stopped working, backed up and flooded our entire bathroom? When we called our landlord and asked him to fix it, he told us to call the plumber, get it fixed and send him the bill.

SENATOR HARRIS:

This bill would not cover that scenario because the landlord is still, in fact, paying for the repair. The landlord is covering it in full. If the Committee wants an amendment to say you are not allowed to seek reimbursement, that would be a different bill.

SENATOR SCHEIBLE:

I am not saying this happened, but what if we sent him the \$750 bill, and he said he was only going to pay \$100 of it?

SENATOR HARRIS:

As long as the backup was not caused by you or anyone else in your unit, this bill would cover that.

CHAIR SPEARMAN:

I am going to reiterate something. I had asked Senator Stone to work with some folks on a training vehicle for landlords. He is a model landlord. You might want to get with him on how to draft that model landlord language. He offered to do it out of the goodness of his heart.

JONATHAN NORMAN (Nevada Coalition of Legal Service Providers):

We support this bill and ditto the presenter.

WILL PREGMAN (Battle Born Progress):

We support S.B. 381. It is a simple yet powerful bill to improve tenants' rights in Nevada. We are proud to stand in support.

Senate Committee on Commerce and Labor  
April 12, 2023  
Page 5

BEN INESS (Nevada Housing Justice Alliance):

We support S.B. 381. Our coalition includes grassroots organizers, community advocates, the ACLU of Nevada, Faith in Action Nevada, For Our Future Nevada, both the Northern Nevada and Las Vegas Democratic Socialist Alliances, Nevada Homeless Alliance, the Progressive Leadership Alliance of Nevada and others. We work directly with tenants to develop solutions and advocate for community investments. I echo others' comments. This is an important bill. It clearly outlines responsibilities between tenants and landlords and helps keep tenants stably housed.

AZIM JESSA (Nevada Association of Realtors):

We fully support S.B. 381, as amended. We appreciate Senator Harris working with us and taking our amendment. It addresses the issues Senator Stone mentioned.

JOHN SANDE (Nevada State Apartment Association):

We are neutral on this bill. Senator Harris sought our input.

SENATOR STONE MOVED TO AMEND AND DO PASS AS AMENDED  
S.B. 381.

SENATOR SCHEIBLE SECONDED THE MOTION.

THE MOTION CARRIED UNANIMOUSLY.

\* \* \* \* \*

CHAIR SPEARMAN:

We will open our work session with S.B. 57.

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

CESAR MELGAREJO (Policy Analyst):

The bill was sponsored by this Committee on behalf of the Division of Insurance, Nevada Department of Business and Industry (DOI). The work session document ([Exhibit D](#)) describes the history and amendments to the bill.

Senate Committee on Commerce and Labor  
April 12, 2023  
Page 6

SENATOR SCHEIBLE:

I know that some parties had concerns about the provision in the bill that would expand the confidentiality of insurance companies that had engaged in wrongdoing. Does this amendment fix that problem?

CHAIR SPEARMAN:

I believe it does. We have the DOI here.

SCOTT KIPPER (Commissioner of Insurance, Division of Insurance, Nevada Department of Business and Industry):

Justin Worthington, our Insurance Regulation Liaison, has been shepherding the bill and the amendments. I believe he is prepared to respond to your question.

JUSTIN WORTHINGTON (Division of Insurance, Nevada Department of Business and Industry):

We have been in ongoing discussions with several parties regarding section 2, which would have more broadly expanded confidentiality protections. We moved to amend that section again to remove all previous amendments. That section is removed completely. Section 4 remains, which deals with fraud investigations. The DOI worked closely with the Office of the Attorney General on that provision. We did not necessarily hear any opposition to that from the industry. We also spoke with the Nevada Justice Association; their concerns lay with section 2.

SENATOR SCHEIBLE:

That answers all my questions.

SENATOR LANGE MOVED TO AMEND AND DO PASS AS AMENDED  
S.B. 57.

SENATOR PAZINA SECONDED THE MOTION.

THE MOTION CARRIED UNANIMOUSLY.

\* \* \* \* \*

CHAIR SPEARMAN:

We will open the work session on S.B. 194.

Senate Committee on Commerce and Labor  
April 12, 2023  
Page 7

**SENATE BILL 194**: Revises provisions relating to step therapy protocols.  
(BDR 57-885)

MR. MELGAREJO:

There is an amendment submitted by Senator Ohrenschall, which is attached to the work session document ([Exhibit E](#)). It describes the history and amendments to the bill.

SENATOR DALY MOVED TO AMEND AND DO PASS AS AMENDED  
S.B. 194.

SENATOR LANGE SECONDED THE MOTION.

THE MOTION CARRIED UNANIMOUSLY.

\* \* \* \* \*

CHAIR SPEARMAN:

We will open the work session on S.B. 259.

**SENATE BILL 259**: Revises provisions relating to alcoholic beverages. (BDR 52-676)

MR. MELGAREJO:

The work session document ([Exhibit F](#)) describes the history and amendments to the bill and includes Proposed Amendment 3584.

SENATOR LANGE MOVED TO AMEND AND DO PASS AS AMENDED  
S.B. 259 WITH PROPOSED AMENDMENT 3584.

SENATOR BUCK SECONDED THE MOTION.

THE MOTION CARRIED UNANIMOUSLY.

\* \* \* \* \*

CHAIR SPEARMAN:

We will open the work session on S.B. 274.

**SENATE BILL 274**: Revises provisions relating to industrial insurance. (BDR 53-946)

MR. MELGAREJO:

Senator Daly's amendments are included in the work session document ([Exhibit G](#)).

CHAIR SPEARMAN:

I have a question for Senator Daly on the third amendment. One thing that happens is that transparency and accountability have often been defined by the person assigned to do it, not by the people whom it would benefit. Could you speak to that please?

SENATOR DALY:

We had discussions with the stakeholders, which included gaming, chambers of commerce and groups that represent various insurers, including self-insured groups and self-insured employers. We talked about making these benefit penalties public; they were previously confidential.

We left it with the Administrator of the Division of Industrial Relations, to make the determination. When these investigations are started or if there is a settlement, there is a determination. We are sending that information to the Commissioner of Insurance at the Division of Insurance.

He has assured me that when he gets those determinations and notices that will put him on notice with those providers. If he sees a pattern, he is going to move in an aggressive direction to remedy those issues. The whole thing is, if we are giving up the right to sue, we need to add transparency. We need to have the enforcement, because it is really not about the penalties, it is about paying the claims.

If you do not pay the claim and get the penalty, you are running the risk of having your certificate revoked or suspended by the Commissioner of Insurance. That is our goal on this.

CHAIR SPEARMAN:

Does that mean there will not be any nondisclosure agreements (NDA)? Or can that still occur under certain conditions?



SENATOR DALY:

We said that any settlement or determination is public. It must be put on their website, notify the employer, the insured and the Commissioner of Insurance. That would not allow an NDA. If somebody tried to and said they did not have to, that would be against our intent. If we want to add some language that says, "notwithstanding any nondisclosure agreement, you have to provide this to the Commissioner of Insurance," I would be fine with that.

CHAIR SPEARMAN:

I will leave that up to you. The testimony we heard on that bill was heartbreaking. One of the most heartbreaking things was that the injured people are themselves the taxpayers who pay the salaries of the third-party administrators who are telling them no and will not pay the claims.

The people we saw and heard testify that day, particularly the young lady with dystonia, I know we cannot go back and make that right for her. Anyone who was responsible for her lack of treatment, I do not know how they sleep at night. They have denied her the opportunity to live life to the fullest. They should be using their prayer beads or something because that is just unacceptable.

We cannot go back and fix the situation for those who have already been wronged. I would ask those who are responsible for aggrieving those persons to go back and review those cases and try and make them right.

We had a couple of police officers who were affected, one of them had been waiting to be paid for three years. We cannot do anything about the past, but I certainly hope that the people who should have done something will go back and look at what should have been done but was not done.

SENATOR DALY:

I agree that there is a special place in Dante's Inferno for those people. I did talk with Kim Frankel yesterday. It is not, you know, about increasing the penalties. We are trying to get them to pay the claims and the way we try to get them to do that is through the penalty, but we must have enforcement. If we do not, we are spinning our wheels.

Also, I did ask the Commissioner of Insurance about retaliation yesterday. We are going to be looking to add that on the Assembly side. We are short of time

here, but we will bring that and the nondisclosure issue to stakeholders at a follow-up meeting.

SENATOR LANGE MOVED TO AMEND AND DO PASS AS AMENDED  
S.B. 274.

SENATOR STONE:

I appreciate the effort of my colleague to hold employers accountable who are not paying the awards due to injured workers, but I think increasing the fines will get the employer's attention. Litigation is not the answer; it will just increase costs. I am going to vote no today, but I reserve the right to change my vote on the Floor.

CHAIR SPEARMAN:

Many people say it is all about the money. If you are the aggrieved person, that is correct. You are about to lose your home, your car and a lot of other things, unless someone is willing to take your case for free. Some people have to wait two or three years. They do not get a chance. I often hear from people who say, "I am a taxpayer." This bill is addressing some injustices that have been done to people who are taxpayers. That is unconscionable to me.

SENATOR BUCK:

I am going to vote no today, but I will reserve my right to change my vote on the Floor.

SENATOR SCHEIBLE SECONDED THE MOTION.

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

\* \* \* \* \*

CHAIR SPEARMAN:

We will open the work session on S.B. 290.

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

Senate Committee on Commerce and Labor  
April 12, 2023  
Page 11

MR. MELGAREJO:

The work session document ([Exhibit H](#)) describes the history and amendments to the bill. There is an additional amendment that was submitted last night that is not included in this mock-up. The new language would be included in section 17, subsection 9, which is to include that "This section does not apply to a depository institution in which the deposits are federally insured up to applicable limits, or privately insured by an insurer approved pursuant to NRS 678.755."

SENATOR PAZINA MOVED TO AMEND AND DO PASS AS AMENDED  
S.B. 290 WITH NEW LANGUAGE.

SENATOR DALY SECONDED THE MOTION.

THE MOTION CARRIED UNANIMOUSLY.

\* \* \* \* \*

CHAIR SPEARMAN:

We will open the work session on S.B. 333.

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

MR. MELGAREJO:

The work session document ([Exhibit I](#)) describes the history and amendments to the bill.

SENATOR LANGE MOVED TO AMEND AND DO PASS AS AMENDED  
S.B. 333.

SENATOR DALY SECONDED THE MOTION.

SENATOR STONE:

I will not be supporting the bill, but I appreciate the efforts of Senator Neal to try to protect people who purchase virtual currencies.

SENATOR HAMMOND:

I am going to support this bill right now, but I reserve the right to change my vote when it comes to the Floor.

Senate Committee on Commerce and Labor  
April 12, 2023  
Page 12

CHAIR SPEARMAN:

During the presentation, Senator Neal told us about the unscrupulous people involved in this industry. I know of some professionals who did their due diligence, but when you have a website without regulation, it is difficult to protect them. I will be voting yes for that reason.

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

\* \* \* \* \*

CHAIR SPEARMAN:

We will open the work session on S.B. 352.

**SENATE BILL 352**: Revises provisions relating to prescription drugs. (BDR 57-134)

MR. MELGAREJO:

Our next bill revises provisions relating to prescription drugs, specifically contraceptive drugs. The work session document ([Exhibit J](#)) describes the history and amendments to the bill.

SENATOR STONE MOVED TO AMEND AND DO PASS AS AMENDED  
S.B. 352.

SENATOR PAZINA SECONDED THE MOTION.

THE MOTION CARRIED UNANIMOUSLY.

\* \* \* \* \*

CHAIR SPEARMAN:

We will open the work session on S.B. 355.

**SENATE BILL 355**: Revises provisions relating to financial services. (BDR 55-59)

MR. MELGAREJO:

The work session document ([Exhibit K](#)) describes the history and amendments to the bill.

SENATOR BUCK MOVED TO AMEND AND DO PASS AS AMENDED  
S.B. 355.

SENATOR HAMMOND SECONDED THE MOTION.

THE MOTION CARRIED UNANIMOUSLY.

\* \* \* \* \*

CHAIR SPEARMAN:

It is my hope and prayer that this will not be the last time we see such collegiality and bipartisanship when we are talking about legislating for the citizens of Nevada. We will open the work session on S.B. 402.

**SENATE BILL 402:** Creates the Cannabis Mentorship Pilot Program. (BDR 56-1064)

MR. MELGAREJO:

The work session document ([Exhibit L](#)) describes the history and amendments and includes a draft mock-up.

SENATOR LANGE MOVED TO AMEND AND DO PASS AS AMENDED  
S.B. 402.

SENATOR SCHEIBLE SECONDED THE MOTION.

SENATOR STONE:

I support the reentry program and I believe in second chances, but I have an issue with the tax credits and the public underwriting the program.

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

\* \* \* \* \*

CHAIR SPEARMAN:

We will open the hearing on S.B. 310.

**SENATE BILL 310:** Establishes provisions relating to dentistry. (BDR 54-601)

Senate Committee on Commerce and Labor  
April 12, 2023  
Page 14

SENATOR PETE GOICOECHEA (Senatorial District No. 19):

I will introduce S.B. 310. We have a conceptual amendment ([Exhibit M](#)). This started out as a lengthy bill and the tweaks have made it longer. I am way out over my skis on this one. I am not a dentist, but I have experts here to help me present this bill.

DAVID WHITE, D.D.S. (American Dental Association; Nevada Dental Association):  
Like many small businesses, during the COVID-19 pandemic crisis, dentists experienced loss of business and staff. During that time, I dedicated myself to finding opportunities to keep our offices together and bring back staff. That was the impetus for this bill. It gives us a way to increase staff opportunities and increase access to care. It ensures that is done using the highest and safest standards and provisions.

JULIE MUHLE (Academic Program Director, Dental Assisting Program, Truckee Meadows Community College):

I have been at the college since 1995. I started in dental hygiene in 1975 as a senior in high school; I have loved it ever since. I am representing our program in collaboration with the Nevada Dental Hygienists' Association and the Nevada Dental Association.

We would like to propose a dental assisting credential for Nevada. We have no requirements to become a dental assistant in Nevada. There has been a decline in the workforce for dental assisting since 2015 with a huge decline since 2020 with the pandemic. Even without barriers to become a dental assistant, there was still a decline.

Last fall, the American Dental Hygienists' Association and Dental Assisting National Board, among other entities, surveyed more than 8,000 dental hygiene professionals and assistants to determine the cause of the national workforce shortage. They identified several issues: low salaries, lack of benefits and lack of training.

Salary is the biggest issue. It used to be dental assistants were single women living at home or who had spouses to help support them. Now dental assistants are different genders, with or without children. They need a higher salary to support themselves.

Salaries have risen dramatically for dental assistants. Benefit packages have increased again dramatically. So why the shortage? The research says dental assistants want to be recognized, they want to be productive, they want to be able to make things happen and to care for patients. They want to fill a need in their position.

Nevada is one of only a few states that does not require training. Here we require a robust list of tasks for dental assistants to accomplish. Even that has not been enough for dental assistants to want to be in the profession in Nevada. It appears that states that have the expanded functions and the dental assistant credential have more activity.

Some of the expanded functions are minimal. Our proposal is robust and will make a big difference in the workforce shortage and provide access to care.

People will feel validated. They will want to be part of this. They will have a place to grow, without leaving dental assisting. We are hopeful that this will help alleviate the workforce shortage in our State. One in three dentists surveyed said they do not have a full patient schedule because they are understaffed.

Allowing people to attain this expanded credential will expand the number of qualified and trained people to provide services to patients. That could help clear some of the pandemic backlog and get things back on course, especially in rural Nevada. Many folks surveyed are eager for the expanded credential. They have no place to grow in dental assisting, unless they want to become a dental hygienist. Not every dental assistant wants to become a dental hygienist.

Our community college is now in talks with the Nevada Dental Hygienists' Association to create a program starting with Elko, Churchill and White Pine Counties. It would take 45 students from the high schools and teach them how to become dental assistants. We have also started a short-term training program to get an initial start with dental assistants.

Patient safety is as important as any of the other reasons for having expanded functions. There are pathways we built into this bill. They address a number of different things, including on-the-job training. It was identified that our schools alone probably cannot fill the current need for dental assistants due to the workforce shortage in Nevada. We are encouraging on-the-job training for

assistants then, after a certain number of hours, they can take the expanded functions training to become dental assistants in their own offices.

We looked at these pathways and we are comfortable with the training program. Public safety is important. You do not necessarily want to do this by affidavit and have a list of tasks that people sign off on because there is no standard with that. We want to have a measurable standard so we can assess where things are in Nevada.

This has been a group effort between the Nevada Dental Association, the Nevada Dental Hygienists' Association and dental assistants in Nevada. It is the first time all three groups have come together in complete agreement. We hope this will benefit the people of the State and dental assisting.

LANCETTE VANGUILDER (Nevada Dental Hygienists' Association):

I am a registered dental hygienist. I fully support S.B. 310 with a friendly amendment. We have an oral health crisis in our State. All 17 counties in Nevada are designated as dental health care professional shortage areas.

In addition, Nevada continues to rank among the worst in the Nation for oral health. Unfortunately, I have been involved in Nevada for more than 20 years and that has not changed. We are really excited about new innovative solutions to help get more workers into our rural areas.

I grew up in rural Nevada. This bill will benefit rural areas and help every part of our State. Expanded functions will help fill the gaps in the urban, rural, frontier and tribal communities.

There are medical reasons why we need to improve access to dental care. We know that poor oral health is highly linked to things like Alzheimer's, dementia, and different types of cancer. Oral health is critical to overall health, and we have a massive work shortage. We are here to tell you we have a crisis, and we need help.

We need to grow, evolve and transform like other areas of medicine. Expanded functions can help provide educational and career opportunities, professional development and hopefully reduce burnout from the pandemic.



If any of you have been to your dental hygienist lately, you know we are covered from head to toe with shields, goggles and gowns. Dentistry stepped up during the pandemic. We continued to help people with dental care when we did not even know what the virus was about. We are still asking to have that ability with a fully staffed dental team.

This bill will increase access to high-quality, safe and effective dental care. The bill language focuses on the highest standards of education. All three entities are here to say we want the highest level of education by removing as many barriers as we can.

You will see the amendments that have been drafted by all three leading organizations in Nevada. The intent is for you to see why we have these amendments. You will see that a two-thirds majority vote is required on a fiscal note from the Board of Dental Examiners of Nevada (BODE).

That is because this bill will require some administrative work to develop a new provider group. We went through the same thing in 2019 when the State Legislature approved and passed the master's degree mid-level provider for dental hygienists.

The professional associations are here today asking for your help. We want to remain competitive with initiatives to recruit and retain a highly skilled workforce like all the states around us. We want to work to improve access to care, especially in our rural communities. We want to step up and address the needs of our communities.

SENATOR STONE:

Can you tell me what a dental assistant can do once they are trained with the new expanded functions?

MS. VANGUILDER:

They will be able to use an ultrasonic tool to remove excess bonding. After orthodontic bracket removal, they will be able to place, condense, contour and direct restored materials, composite fillings and silver amalgam fillings. They will be able to adjust prosthetic devices such as dentures. They will be able to provide bleaching for patients. Those are just a few of the enhancements.

SENATOR STONE:

Is there any ratio of dental assistants per dentist, or is it one to one under the expanded functions?

MS. VANGUILDER:

For the expanded function dental assistants, that is something we talked about. That will be determined by the BODE. We are looking at possibly two dental assistants per practice or two per dentist. We are looking at that ratio. Some states have to pay per day, per dentist in an office. It just depends on how we flesh that out.

SENATOR STONE:

Dental hygienists are going to be able to write prescriptions. They cannot prescribe any controlled substances. Basically, is it for maintenance or for antibiotics? This scope enhancement seems like a good idea.

MS. VANGUILDER:

There is no ability to write prescriptions for antibiotics, controlled substances or pain medications. These prescriptions would be primarily for preventive fluoride and other new gels and therapies to help prevent gum disease and cavities.

ALEX CANNITO (Board of Dental Examiners of Nevada):

I am here on behalf of the Board of Dental Examiners. We are neutral on this bill. If S.B. 310 passes, the BODE will be mandated to continue to protect the public by regulating and licensing. These types of auxiliary licenses support any proposal that increases the accessibility and affordability of dental services to Nevadans.

The BODE is researching expanded functions, dental assisting programs currently being offered in the U.S. and other state dental board statutes, to better provide input to your Committee members about qualifications and licensing requirements.

The BODE also wants to be certain that the duties proposed in S.B. 310 are actually taught in the expanded functions sections of the Dental Assistant Program. This bill includes the ability for dental hygienists to prescribe, but that does not include controlled substance prescriptions.

The BODE is researching if hygiene programs have an adequate pharmacy educational component to grant this practice to hygienists. If anything we find needs to be verified, we will be sure to address that with the bill sponsor. The BODE fully supports improved access to care while keeping to its mandate to protect the public by ensuring appropriate licensing, education and training requirements.

SENATOR GOICOECHEA:

I am just reflecting that we did have the three groups really come together to work on this bill. It will expand dental health care across the State. For those reasons, I ask you to please support this bill.

CHAIR SPEARMAN:

We will close the hearing on S.B. 310. We will open the hearing on S.B. 328.

**SENATE BILL 328**: Revises the procedures by which the Cannabis Compliance Board is required to adopt, amend or repeal regulations. (BDR 56-519)

SENATOR ROBIN L. TITUS (Senatorial District No. 17):

With me here today is Senator Rochelle Nguyen, Senatorial District No. 3. We will present S.B. 328 which revises the procedures by which the Cannabis Compliance Board (CCB) is required to adopt, amend or repeal regulations.

We brought forward S.B. 328 after receiving many statements of concern and complaints regarding the regulations and fines that the CCB had administered. That led to the question of how these regulations were passed. The first Nevada laws regarding cannabis were passed in 2002. That bill, A.B. No. 453 of the 71st Session, established medical marijuana in the Nevada Department of Agriculture in 2019.

After being passed by a ballot initiative, recreational marijuana became legal in 2019. After that, A.B. No. 533 of the 80th Session then created the Cannabis Advisory Board. At the time, it was a new industry, and the regulatory process was in its infancy. It was decided to place the Board and the provisions under the Nevada Administrative Procedure Act with the idea that they would function similar to gaming.

*Nevada Revised Statutes* (NRS) 678A is a section that creates their special regulation process. This bill, S.B. 328, eliminates their exemption from the

Administrative Procedure Act. It would require that any regulations to be passed go to the Legislative Commission. To be clear, the Legislative Commission has the right to review the regulations now, but only upon request. Senator Nguyen has an amendment she will discuss.

SENATOR ROCHELLE T. NGUYEN (Senatorial District No. 3):

I never in a million years thought I would be sitting at this table with Senator Titus talking about weed. But here we are.

I think this comes from the best of the policy-making conversations that we can have in this building. It came from a combination of conversations that I had with you, Chair Spearman, after the presentation of S.B. 195 in this Committee, and from questions that have been asked by your Committee members about how the fines and fee schedules were developed.

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

I remember having a conversation with the Chair about when you go to a store or restaurant, you see what the menu items are, you know what your costs are. We wondered if we could get that same kind of transparency here. We are aiming for that.

Fast forward to the CCB presenting their budget. There were additional questions about some of the regulatory fines and fees, about who made those determinations and how they were made.

That conversation was the impetus for this bill. Senate Bill 328 results from the best kind of bipartisan conversations that we can have in this building. It was drafted collaboratively in a bipartisan effort to solve real problems in our State.

Essentially, S.B. 328 removes the CCB's exemption from NRS 233B, the Nevada Administrative Procedure Act, for the purpose of adopting regulations but not for adjudicating contested cases.

In 2019, the Legislature created the Cannabis Compliance Board, with the passage of A.B. No. 533 of the 80th Session. In many ways, the legislation modeled the CCB after the Gaming Control Board, including exempting it from NRS 233B.

There are three boards that I can think of that do not have to go through the Legislative Commission and are not guided by NRS 233B. One is the CCB, another is the Gaming Control Board and the third is the Nevada Department of Corrections.

In the case of the CCB, there is still potential for Legislative Commission review. If the Chair, or any member of the Legislative Commission wants to review regulations, he or she can do it upon request, but it is not automatic.

For example, for people who have had bills or policies passed during this Session that involved the Nevada Department of Health and Human Services, those provisions go to the Legislative Commission for approval before they are implemented.

This bill is seeking Legislative Commission oversight for the Cannabis Compliance Board. The Administrative Procedure Act (APA) establishes minimum procedures for adopting regulations. It provides uniformity and administrative rulemaking and opportunities for public participation in the process. Many Committee members sitting here today have heard from the cannabis industry about the lack of transparency. There is a lack of voice in the rulemaking process and the regulatory structure. This change would allow for that administrative oversight and public input; it would actually come to our Body.

We would be able to hear that and ensure that the public process is open. The APA also provides for a clear process of adjudicating disputes before administrative agencies and for judicial review with any agency. There is concern with concentrating the powers of rulemaking—investigator, prosecutor and decision-maker—all in one body. The APA would safeguard against that accumulation of unchecked power in one administrative agency.

I will walk you through some of the sections of the bill. We do have a friendly amendment from the Nevada Cannabis Association ([Exhibit N](#)) that makes one change to the bill.

Section 1 amends NRS 233B.039 to remove the CCB from the list of agencies exempted from the requirements of NRS 233B.

Section 1, subsection 6 limits that exemption to adopting regulations but does not change the CCB's existing process for contested cases. This is the section we intend to change through the amendment. The amendment removes the language in subsection 6 to apply the APA to contested cases. We wanted to ensure that extra level of balance and oversight that NRS 233B provides.

Section 2 repeals NRS 678A.460, which is the CCB's current process for adopting regulations and legislative review. This will be replaced by the process set forth in the APA.

Section 3 makes the bill effective upon passage and approval. We have several members of the cannabis industry here in support.

CHAIR SPEARMAN:

There is another cannabis bill that might be heard, S.B. 69. Will there be conflict between that bill and this one?

**SENATE BILL 69**: Revises provisions relating to disciplinary proceedings against the holder of a license or registration card issued by the Cannabis Compliance Board. (BDR 56-278)

SENATOR NGUYEN:

I did have an opportunity to see that bill. The intent is for it to be amended and introduced. I do not see any conflicts between this bill and that one, or even the previous bill that I presented, S.B. 195.

CHAIR SPEARMAN:

I want to make sure we do not bring competing bills.

SENATOR TITUS:

We have had that conversation. We are clear that this bill stands alone. It will not impede or help any other legislation.

SENATOR DALY:

I always favor things going through the regulatory process. This first came forward a few years back in the Senate Judiciary Committee. I also support them going through the contested cases provisions. There is a process in NRS 233B, there is due notice and there is a hearing.

Senate Committee on Commerce and Labor  
April 12, 2023  
Page 23

LAYKE MARTIN (Nevada Cannabis Association):  
We support S.B. 328.

BRETT SCOLARI:  
We are here on behalf of multiple cannabis clients. We also support S.B. 328.

ALEX TANCHEK (Sierra Cannabis Coalition):  
Ditto.

KIMBERLY MAXSON-RUSHTON (RSR ANALYTICAL LABORATORIES):  
I am representing RSR Analytical Laboratories, the independent cannabis testing lab in Nevada. I encourage you to support and pass S.B. 328. The Administrative Procedure Act in NRS 233B is important for administrative agencies to follow. It provides transparency and an easy road map for individuals interested in participating in the regulatory process. It also provides clarity relative to the disciplinary process.

Most importantly, as it applies to discipline, it recognizes the value of compliance overall. This bill is not only good for licensees; it is also good for the State. It is an administrative act that other State agencies follow. It has been demonstrated to be successful and effective. For those reasons, we encourage your support.

SUSAN PROFFITT (Vice President, Nevada Republican Club):  
We need more oversight and less cronyism in this industry in Las Vegas. Please pass this bill.

TYLER KLIMAS (Executive Director, Nevada Cannabis Compliance Board):  
Given the amendment that was just brought up, there may be some provisions that conflict with S.B. 69, as you mentioned. We would appreciate additional conversations with the bill sponsors. We have not had any outreach to date.

CHAIR SPEARMAN:  
Have you reached out to the sponsors of S.B. 328?

MR. KLIMAS:  
We have had some preliminary discussions, but I will certainly reach out after this hearing.

Senate Committee on Commerce and Labor  
April 12, 2023  
Page 24

CHAIR SPEARMAN:

You said that you have not had any discussions regarding S.B. 69? Have you discussed the discrepancies that you have seen with them?

MR. KLIMAS:

There was no discrepancy until this amendment in subsection 6, which we just heard about today. Before that, there was no potential conflict.

CHAIR SPEARMAN:

My suggestion is to huddle really quick; we will not have 40 days to process this bill.

SENATOR NGUYEN:

We have done some outreach on this bill. We just received proposed language on S.B. 69. We will continue to have those conversations. It was my understanding from talking with working group members that there was no conflict. We will get back to them to see if there are any issues.

CHAIR SPEARMAN:

I was more than a bit disturbed by testimony we heard from dispensary owners about the lack of transparency and so many other things. We will close the hearing on S.B. 328 and open S.B. 393.

**[SENATE BILL 393](#)**: Revises provisions related to dental insurance. (BDR 57-101)

SENATOR HEIDI SEEVERS GANSERT (Senatorial District No. 15):

I will present S.B. 393. With me is Paul Klein, representing the Nevada Dental Association. We have submitted an amendment ([Exhibit O](#)). We have worked extremely hard with the dental care coverage industry and the Commissioner of Insurance to ensure we had an agreement that was acceptable to everyone.

Oral health is a vital component of overall health and well-being. When neglected, dental issues can lead to pain, infection and even systemic health problems.

In many cases, those who cannot afford dental care suffer complications that significantly impact the quality of their life. The situation can contribute to an increased burden on public health resources as individuals may seek emergency



care for issues that could have been prevented or managed with timely dental care.

By regulating dental care coverage contracts, we can ensure that more individuals can access the necessary services to maintain their oral health, reducing the burden on emergency rooms and public health resources.

Senate Bill 393, with the amendment, proposes to regulate dental care coverage contracts, particularly focused on the rates charged by insurers' organizations or other persons providing such coverage. The bill acknowledges the need for fair pricing to ensure the dental care is accessible and affordable to all citizens.

The bill also aims to enhance transparency in the dental care coverage market by establishing reporting requirements and empowers the Commissioner to examine the records of insurers and other entities selling dental care coverage contracts. It seeks to ensure that these parties are operating within the defined regulatory boundaries and are not taking advantage of consumers through excessive rates.

This bill prohibits the sale of dental care coverage contracts with excessive rates, which are defined as a ratio of losses to premiums collected which is less than 75 percent. Starting June 1, 2026, a loss-to-premium ratio under 75 percent is considered excessive. That dental loss ratio right now is 75 percent, but we have never measured it. The Commissioner never had the opportunity to examine the records and it was unclear that they could access the records to ensure the dental loss ratios were under 75 percent.

Those provisions do not apply to small employers, which are those who employ less than 50 employees. Insurers must report annual losses and premiums collected and the Commissioner will calculate average ratios and identify excessive rates.

The Commissioner may examine insurer records to ensure compliance. If violations are found, the insurer must adjust rates accordingly and potentially compensate the insured who are impacted. Insurers must keep related records for at least five years. Lastly, the Commissioner is required to disapprove a proposed rate that is excessive.

PAUL KLEIN (Nevada Dental Association):

This is a good day for transparency, which is what S.B. 393 does. In our insurance right now, Nevada is required to spend at least 80 percent of our health premiums and 75 percent of our dental premiums on patient care. The rest of it, 20 percent to 25 percent, is for administrative costs, marketing and executive salaries and bonuses.

As Senator Seevers Gansert said, while health insurance plans are required to report how they are meeting this requirement, dental insurance plans are not. An audit of California dental plans between 2014 and 2016, found that as little as 4 percent of premiums was being spent on dental care. Patients quickly moved for a transparency and reporting law, which was passed and implemented in 2021 in California.

Nevadans deserve transparency on how their dental premiums are spent. Senate Bill 393 ensures that. I will summarize the bill and amendment.

This bill would require that insurance plans spend at least 75 percent of premiums on patient care and report their spending to the Division of Insurance, Nevada Department of Business and Industry. The Commissioner will order a remedy that will ensure consumers are protected.

That is what this bill does. We have cleaned it up to specifically focus on that transparency piece. Small employers are exempt.

In the amendment, Section 1, subsections 4 through 6, requires insurers to report their spending on care versus administrative costs each calendar year. The DOI will average the three most recent years of reports and identify compliance, each year before June 1, starting in 2026. We felt that going retroactively could cause extra work for the DOI, so we are starting it and moving forward.

Section 1, subsection 7 of the amendment states that the DOI will publish their findings on a website for the public to view so that Nevadans can see how their premium dollars are being spent.

Section 1, subsections 8 and 9 describe that DOI can go further if they want—to audit, examine accounts and transactions to ensure compliance. If an insurer is out of compliance and not meeting the standard of the law, then the DOI can

require them to make good for consumers. It could be a rate adjustment or some plan to compensate those consumers. This bill ensures Nevadans get the care they deserve for the insurance premiums they pay, putting patients before profits.

RICHARD J. DRAGON, D.M.D. (Nevada Dental Association):

The dental loss ratio (DLR) is a guarantee to patients who pay premiums for their dental coverage that a set percentage of premiums received by insurance companies is spent on patient care.

We have current law that was passed in 1983 that stated that 75 percent of all dental premiums go to patient care. Massachusetts recently incorporated a law voted in by their residents on DLR where 83 percent of the premiums must go toward patient care. This is a matter of patient protection and what we consider an expected right when patients put their trust in their insurer.

CARYN SOLIE (Nevada Dental Hygienists' Association):

I am a registered dental hygienist. I am here on behalf of the Nevada Dental Hygienists' Association Board of Trustees. We support S.B. 393 as presented today.

MARK FUNKE, D.D.S. (Nevada Dental Association):

I am in favor of S.B. 393. Of the people who have insurance, only about 50 percent to 70 percent of them actually use it. Of those, only 6 percent even reach their maximum allowance. The rhetorical question is, if there are monthly dues going in here, yes, we have administrative costs, but where is all the other money going?

MATTHEW STEELE (Association of Dental Support Organizations):

The Association of Dental Support Organizations is a nonprofit organization committed to providing support to our members through affiliate dentists to focus on patients, expanding access to quality dental care and improving the oral health of their communities. We provide the highest level of non-clinical support to more than 11,000 dentists at more than 6,000 supported practices across the Country.

In Nevada, we have 99 supported offices, 86 dentists and 172 hygienists. Our affiliated dentists and hygienists have served over 66,000 patients in Nevada.

We are here in support of S.B. 393. Medical loss ratio (MLR) is not new. It is mandated of major medical plans in the Affordable Care Act. This MLR legislation will ensure premium transparency applies to dental plans in the same way it applies to medical plans. Nevada law establishing MLR will ensure that dental plans are more transparent and ultimately will best serve the dental care of Nevada patients throughout the State.

SENATOR SEEVERS GANSERT:

This bill is about transparency. The DLR percentage has been in statute for a long time, and this will provide accountability as well. I appreciate your support on the measure.

CHAIR SPEARMAN:

We will close the hearing on S.B. 393 and open the hearing on S.B. 437.

**[SENATE BILL 437](#)**: Revises provisions governing accountants. (BDR 54-1079)

VIKI WINDFELDT (Executive Director, Nevada State Board of Accountancy):  
I will go through the bill and its various sections and intent.

Section 1 adds firms to the definition of practice of public accounting.

Section 2 covers conforming changes to comply with the Uniform Accountancy Act and changes the requirement to one year of public accounting experience with government and industry included. A quick note on that section; there are currently 45 states that have had this language in their laws for many years. Nevada would be complying with what other states are doing as well.

Section 3 is cleanup language that moves information over to what we do through licensure rather than through the examination process.

Section 4 addresses the current law that requires us to charge a fee for the exam. This section would allow us to not charge a fee or waive it for certain individuals. The intent is to waive the exam fees for military individuals, including veterans, spouses and active military.

Section 5 allows the Nevada State Board of Accountancy to waive certain requirements for individuals who are physically moving to Nevada under reciprocity. Currently, the way the law reads is that we can only waive it if they

have been licensed and practicing in public accounting for four of the last ten years. This language would broaden that to industry, governmental or public accounting.

Sections 6 through 21 include all conforming changes to remove the requirement for out-of-state firms to register with the Board.

In 2009, the Board adopted what is considered individual mobility, cross border practice, or what is referred to as practice privilege. That allows individuals to cross border practice without having to register or get licensed. But it required firms that provide audit review or full disclosure compilations to get a one-page registration with the Board. These sections remove that requirement so that there is firm mobility as well as individual mobility.

That would allow the firms to enter the State and perform those services without having to go through the registration process. There are 33 jurisdictions in states that have firm mobility, including ours with active legislation. There are 54 jurisdictions that have individual mobility. We have had individual mobility without any issues since 2009.

KAREN PETERSON (Nevada State Board of Accountancy):

We have two minor amendments ([Exhibit P](#)) that we would like to propose to clarify sections of the bill. In section 5, we would like to delete the words "the financial services" and add "industry or federal, state or local government."

Section 6, subsection 2, is about discipline for firms coming into our State. This section says that if a firm's license in another state becomes invalid or not in good standing, that the natural person or certified public accounting firm must cease practicing public accounting in this State. This makes this section consistent with subsection 1.

CHAIR SPEARMAN:

One question. Will this still require firms to be registered?

MS. WINDFELDT:

Only those firms that are located in Nevada. In-State firms would still require registration. Out-of-state firms would not. They have to be active and in good standing in their home jurisdiction. It is a cross border practice activity; they are not physically locating here.

Senate Committee on Commerce and Labor  
April 12, 2023  
Page 30

CHAIR SPEARMAN:  
This is just for temporary activities, like an audit or something?

Ms. WINDFELDT:  
Exactly.

ANNA DURST (CEO, Nevada Society of Certified Public Accountants):  
We have a letter of support ([Exhibit Q](#)). I ditto the comments of the bill presenter.

CHAIR SPEARMAN:  
Is there any way to verify that out-of-state firms are licensed and in good standing?

Ms. WINDFELDT:  
Yes, there are multiple ways. There is a national database where all state boards store their information. It is called CPA Verify. We can verify the information for all 55 jurisdictions. Hawaii is still working on their data feed, but you can verify there and you can verify at their individual website as well.

CHAIR SPEARMAN:  
This bill was not opposed. We will close S.B. 437. I would like to vote this out today.

SENATOR LANGE MOVED TO AMEND AND DO PASS AS AMENDED  
S.B. 437.

SENATOR SCHEIBLE SECONDED THE MOTION.

THE MOTION PASSED UNANIMOUSLY.

\* \* \* \* \*

Senate Committee on Commerce and Labor  
April 12, 2023  
Page 31

CHAIR SPEARMAN:  
Hearing no public comment, we are adjourned at 9:32 a.m.

RESPECTFULLY SUBMITTED:

---

Kelly K. Clark,  
Committee Secretary

APPROVED BY:

---

Senator Pat Spearman, Chair

DATE: \_\_\_\_\_

<b>EXHIBIT SUMMARY</b>				
<b>Bill</b>	<b>Exhibit Letter</b>	<b>Exhibit Introduced on Minute Report Page No.</b>	<b>Witness / Entity</b>	<b>Description</b>
	A	1		Agenda
	B	1		Attendance Roster
S.B. 381	C	3	Senator Dallas Harris	Proposed Amendment
S.B. 57	D	5	Cesar Melgarejo	Work Session document
S.B. 194	E	7	Cesar Melgarejo	Work Session document
S.B. 259	F	7	Cesar Melgarejo	Work Session document
S.B. 274	G	8	Cesar Melgarejo	Work Session document
S.B. 290	H	11	Cesar Melgarejo	Work Session document
S.B. 333	I	11	Cesar Melgarejo	Work Session document
S.B. 352	J	12	Cesar Melgarejo	Work Session document
S.B. 355	K	12	Cesar Melgarejo	Work Session document
S.B. 402	L	13	Cesar Melgarejo	Work Session document
S.B. 310	M	14	Senator Pete Goicoechea	Proposed Amendment
S.B. 328	N	21	Senator Rochelle Nguyen	Proposed Amendment by Nevada Cannabis Association
S.B. 393	O	24	Senator Heidi Seevers Gansert	Proposed Amendment by Nevada Dental Association
S.B. 437	P	29	Karen Peterson / Nevada State Board of Accountancy	Proposed Amendment
S.B. 437	Q	30	Anna Durst / Nevada Society of Certified Public Accountants	Letter of Support