

Nevada's 82nd Legislative Session, 34th & 35th Special Session 2023



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Overview of 2023 Nevada Legislative Session

The 82nd Session of the Nevada Legislature commenced on February 6, 2023 and ran the full 120 days allowed by the Nevada Constitution. The session had legislators rushing to the finish line with conference committees in the middle of hallways and "behind the bar" in floor sessions. It marked a historic event for the state of Nevada with the introduction of the bill to bring a major film studio to Las Vegas, along with visits from celebrity guests. Also discussed were funding increases in access to healthcare and education. Although the session ran to the last minute of Sine Die, a special session was announced by Governor Lombardo on June 6 to pass the final budget bill. The 35th special session involved the Capital Improvement Program (CIP) bill and lasted only a couple hours, wrapping up the day it was announced. A second special session followed shortly after on June 7 where the Legislature passed a public financing package for a Major League Baseball stadium to be built in Las Vegas for the A's. In total, the Governor vetoed 75 bills, setting a new single-session veto record.

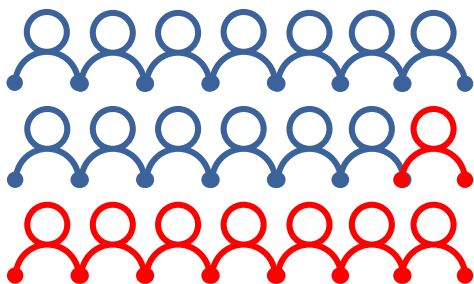
Conflicting Priorities

With a Republican Governor and a Democrat majority in both the Assembly and Senate, including a supermajority in the Assembly, conflict between the executive and legislative branches was inevitable. The Governor's priorities included expanded school choice, voter ID, rollbacks of criminal justice and school discipline reforms, and a modernized state government including pay raises for state employees. The Democratic Legislature's priorities included gun regulation, expanded prevailing wage laws, tenant protections, and higher public education spending. At the end of the day, the executive and legislative branches agreed on some of these issues, including a rollback of school discipline reform, state employee pay raises and increased funding for public schools. Other issues became casualties of the session and either failed to pass the Legislature or were vetoed by the Governor.

Legislative Makeup

Senate

13 Democrats
8 Republicans



Nicole Cannizzaro (D)
Senate Majority Leader



Heidi Seevers Gansert (R)
Senate Minority Leader

Nevada maintains
female majority
(61.9%)

2 New Legislative
Appointments

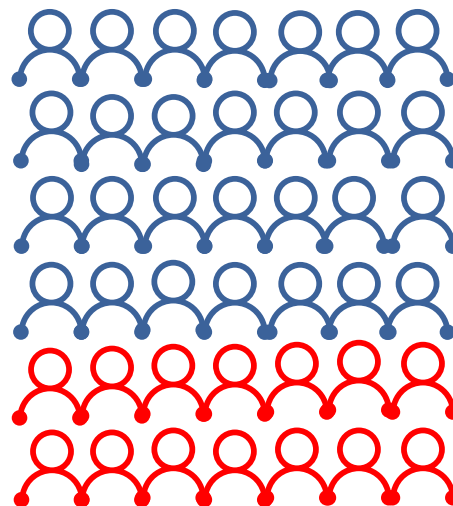
22 Freshman
Legislators

14 New Committee
Chairs

Democrat supermajority
in Assembly

Assembly

28 Democrats
14 Republicans



Steve Yeager (D)
Speaker of Assembly



Sandra Jauregui (D)
Assembly Majority Leader



P.K. O'Neil
Minority Floor Leader

Major Session Themes

Medical Malpractice

The 20-year battle over the state's cap on noneconomic damages in medical malpractice cases began in 2004 when Nevada voters approved a ballot question limiting non-economic medical malpractice damages to \$350,000. The 2004 ballot question campaign was premised on a concern that health care professionals were leaving the state due to medical malpractice claims and insurance policy costs. Since 2004, trial lawyers have argued that the damages cap provides limited legal accountability for serious medical mistakes, leaving permanently disabled victims with little economic restitution. Healthcare providers have argued that lifting the cap will increase insurance liability costs and force providers to leave the state. During the legislative session, the debate over medical malpractice centered on AB 404.

The trial attorneys initially sought a cap increase to \$2,500,000 along with various other changes including an increase on the amount of contingency fees in medical malpractice cases. In the final week of the session, the trial lawyers and the health care industry agreed to a deal whereby the cap would be increased to \$750,000 over a five year period with annual adjustments thereafter, and the amount of contingency fees allowed was increased to 35% of the recovery.

Economic Development

Two major economic development proposals were considered during the session, one relating to the construction of film studios and the second relating to a Major League baseball stadium.

SB 496, sponsored by Senator Roberta Lange (D-LV), proposed to issue \$190,000,000 annually in transferable tax credits to construct film studios on UNLV campus and in Summerlin. Efforts to pass the bill included cameo appearances from movie industry giants Mark Wahlberg and Jeremy Renner. Faced with a potential \$4,000,000,000 in lost revenue over 20 years, the Legislature balked at the scope of the proposal and it was not processed.

SB I was considered in the 35th special session of the Legislature, shortly after the conclusion of the regular session. The bill proposed a financing package of \$380,000,000 for a Major League baseball stadium in the form of transferable tax credits and county general obligation bonds repaid through a sports and entertainment tax financing district. After several lengthy hearings and amendments clarifying a community benefits agreement and a restriction of the stadium site to the current location of the Tropicana hotel, the bill was passed and signed into law by the Governor.

Housing

Housing issues, and particularly landlord tenant relationships, were a significant issue throughout the legislative session. Several bills relating to rent control and the summary eviction process were passed along party lines and vetoed by the Governor. Vetoed bills included AB 298 (10% rent cap for senior tenants), AB 340 (extension of the summary eviction process), SB 78 (security deposits and rental agreements), SB 275 (rent caps in manufactured home parks), SB 335 (stay of summary eviction process).

Other bills that would have likely faced a veto failed to be processed. These bills included SB 143 (prohibition on tenant background checks) and SB 175 (prohibition on foreclosure for certain people).

Bills that found other ways to promote housing had more success. AB 213 received broad bi-partisan support and requires a local government to expeditiously process residential land use applications, create a five year plan to address both market rate and affordable housing needs, prioritize affordable housing projects, and track application processing times. AB 528 authorizes up to \$100,000,000 in matching funds for a program to provide support services to people who are homeless or at risk of becoming homeless.

Healthcare

SB 131, sponsored by Senate Majority Leader Nicole Cannizzaro (D-LV), proposed to codify former Governor Sisolak's Executive Order protecting out of state residents who come to Nevada seeking reproductive care regardless of the policies in their home states. The Majority Leader stated that the bill aimed to provide healthcare providers the assurance that they may provide reproductive care which is legal under Nevada law without being prosecuted in another state. Opponents argued that the bill may create "abortion tourism" and could potentially increase sex trafficking. The Majority Leader dismissed these notions as unfounded and distracting from the purpose of the bill. Governor Lombardo stated publicly that he would support the bill as long as it focused on preventing state agencies from assisting other states in the prosecution of someone receiving reproductive care in Nevada. SB 131 was approved by the Governor (Chapter 82).

AB 108, sponsored by the Assembly Committee on Commerce and Labor, would have enabled Nevada to join the interstate Nurse Licensure Compact. The measure allowed a licensed nurse in a state that is also part of the Compact to obtain a multistate license to practice in states within the Compact. The bill was intended to address the healthcare provider shortage in this state. AB 108 was heard in the Committee on Commerce and Labor but was opposed by the nurses union and died at the First House Committee Passage deadline.

AB 250, sponsored by Assemblywoman Venicia Considine (D-LV), would ensure future negotiated prices for prescription drugs by Medicare once the federal insurance program for individuals 65 years and older sets those prices. Once approved, the measure would take effect in 2026 providing time for businesses to adjust. Supporters for the bill argued that setting prescription prices would save money for the average consumer. Opposition stated that the problem lies with the insurance industry imposing higher deductibles and other costs. AB 250 was vetoed by the Governor.

Education

Several K-12 education bills were proposed during the 2023 legislative session, including two bills on school safety, one of which was brought forward by Governor Lombardo (AB 330).

The school safety bills, AB 285 and AB 330, would repeal provisions originally implemented in AB 168, the restorative justice bill from the 2019 session. AB 285 and AB 330 provide easier authorization for school officials to suspend or expel a student who is at least 6 years old, rather than 11 years old, which was established in AB 168 (2019). Both bills were supported by two major teacher unions in Nevada and after Governor Lombardo threatened to veto several Democrat-sponsored bills, including the state budget, both AB 285 and AB 330 passed and were signed into law.

Other education bills included AB 175, which added four appointed nonvoting members to the Clark County School Board, AB 73, which allows students to wear religious or cultural regalia to a graduation, and SB 292, which makes K-12 principals at-will employees who can be dismissed. All bills were approved by the Governor.

Below is a brief look at various appropriations for K-12 education over the next biennium:

SB 400

- \$7,000,000 in 2024 and \$7,000,000 in 2025 for the State Public Charter School Authority for transportation.
- \$70,000,000 in 2024 and \$70,000,000 in 2025 for the Early Childhood Literacy and Readiness Account.
- \$2,000,000 in 2024 and \$2,000,000 in 2025 for the Nevada Teacher Advance Scholarship Program.

SB 503

- \$5.5 billion in 2024 and \$5.8 billion in 2025 for the Pupil-Centered Funding Plan.
 - Per-pupil funding- \$12,863 per pupil in FY 2023-2024 and \$13,368 per pupil in FY 2024-2025.
 - Adjustments to the per pupil amount are made based on county size and other weighted categories.
- \$470.6 million in funding for the Special Education Program.
- \$7,667,393 in 2024 and \$7,667,393 in 2025 for the Professional Development Programs Account.
- \$2,407,861 in 2024 and \$2,407,861 in 2025 for the Teach Nevada Scholarship Program Account.

General Budget Overview

A crucial component of the Nevada Legislative Session is creating the biennial budget. Typically, the budget is influenced by the Governor's priorities. This session proved to be different as the Democrat Legislature sparred with Republican Governor Lombardo on several key budgetary issues. Governor Lombardo outlined his priorities during the State of the State address which included improvements to K-12 education, aggressive economic development policies and the reversal of certain Democrat-led election and criminal justice policies. In the final weeks of session, Governor Lombardo threatened to veto the five major budget bills proposed by Democratic lawmakers until the Governor's priorities had been passed. Ultimately, Democratic leadership and Governor Lombardo came to an agreement and all but one of the five major budget bills were passed as AB 521, Capital Improvement Program (CIP) faltered in the final hours of session and failed to gain the necessary two-thirds majority to pass. This prompted a special session the day after the regular session ended to pass the CIP bill. In return, Governor Lombardo received three of his priority bills including charter school legislation, a government modernization effort and criminal justice reform. It is important to note that all three of the Governor's priority bills have been changed significantly from their original form. The two-year general fund budget passed is the largest in state history at \$11.6 billion with a projected \$2 billion surplus compared to 2021 (\$9.2 billion) as sales and gaming tax collections have exceeded expectations.

SB 503- K-12 Funding

- \$5.5 billion in 2024 and \$5.8 billion for the Pupil-Centered Funding Plan.
- Per-pupil funding- \$12,863 per pupil in FY 2023-2024 and \$13,368 per pupil in FY 2024-2025.
 - Adjustments to the per pupil amount are made based on county size and other weighted categories.
- \$470.6 million in funding for Special Education.

SB 504- The Authorizations Act (Authorizes state agencies to expend federal funds and certain fees)

- \$10.79 billion for Nevada Medicaid.
- \$1.18 billion for the Public Employees' Benefits Program.
- \$1.03 billion in COVID-19 funding for the Department of Education.
- \$432.6 million for the Governor's Office of Science, Innovation and Technology for broadband services.
- \$375 million for Home Means Nevada Initiative, the affordable housing program.

AB 1- (34th Special Session, 2023)- Capital Improvement Program Bill

- \$213.9 million for offices in Las Vegas to replace the Grant Sawyer building.
- \$158.5 million for the construction of an administration building in Carson City.
- \$21.4 million to replace doors, locks and security at the Southern Desert Correctional Center and \$10.6 million to upgrade perimeter security fencing.

AB 520- The Appropriations Act

- \$2.41 billion for Nevada Medicaid.
- \$255 million for UNR and \$379 million for UNLV.
- \$200.2 million for the Southern Nevada Adult Mental Health Services and \$50.6 million for Northern Nevada Adult Mental Health Services.
- \$49 million for the Office of Early Learning and Development.
- \$35 million for assessments and accountability within the Department of Education.

AB 522- Increase in State Employee Pay

- Implements a pay raise for state employees between 10%, 12% and 13% for Fiscal Year 2023-2024 and 4% for Fiscal Year 2024-2025.
 - The difference between the 10%, 12% and 13% would depend on the state worker's bargaining unit.
- Includes a retention incentive of \$250 to be paid to eligible employees on a quarterly basis beginning in September 2023 and continuing through June of 2025.
- The bill also includes an additional 7% pay increase for state workers in Fiscal Year 2025 that would only take effect if AB 498 (Revises provisions relating to public employees' retirement.) were not signed into law.
 - AB 498 would reduce the amount employees contribute to their state retirement.

AB 404: Medical Malpractice (PASSED)

Sponsor: Assembly Committee on Judiciary

- Increase in the cap for pain and suffering limitations.
 - Section 2: Limitations will cap out at \$750K and at the point it caps out there will be an annual increase of 2.1%. The cap itself will increase 800K per year starting January 1, 2024, and will conclude on January 1, 2028. At which point the 2.1% will kick in.
- Statute of Limitations.
 - Section 3 Subsection 2: Effective October 1, 2023, will increase to two years after the plaintiff discovers or to the reasonable due diligence should have discovered the medical malpractice. The outer statute of limitation will remain the same.
- Attorney's fees.
 - Section 3.5: State that no fee shall exceed 35% of the amount covered.
- Of note:
 - While not included in the language of the bill, there was an agreement and handshake deal made between the Governor's office and Trial Lawyers that the Trial Lawyers will ensure a 10-year "peace" period wherein they promise not to try to adjust this revised statute.

Assembly Passage: 24-17, 1 excused

Senate Passage: 16-5

Approved by Governor: June 16, 2023 (Chapter 493)

Effective: October 1, 2023

AB 7: Electronic Health Records (PASSED)

Sponsor: Assembly Committee on Health and Human Services

Current law states that a healthcare provider (Provider) who relies on electronic health records (Records) accessed from a health information exchange (Exchange) to make a decision concerning the health care of a patient is immune from civil or criminal liability if certain conditions regarding the Records are met.

- Expanding the immunity from liability to include a Provider who transmits, accesses, utilizes, discloses relies upon or provides to the patient and apparently genuine electronic health records is not an unfair trade practice.
- Requires medical facilities and health care providers, beginning on January 1, 2028, to maintain, transmit and exchange health records in a manner that: Allows patients to access their health records electronically and forward electronic records to other persons and entities.
- Makes an appropriation of \$3 million to the Department to award grants to certain small medical facilities and health care providers who work in small business settings to help with the health record requirements.

Bottom Line: Facilitating the accessibility of electronic healthcare records between facilities and patients.

Assembly Passage: 28-14

Senate Passage: 14-7

Approved by Governor June 10, 2023 (Chapter 278)

Effective: Section 4 and sections 1.09, 1.1 and 1.2 of this act effective June 10, 2023. Sections 2.5 and 2.7 of this act effective on July 1, 2023. Sections 1 to 1.08, inclusive, 1.3 to 2.45, inclusive, 2.8 and 3 of this act become effective: (a) June 10, 2023, for the purpose of adopting any regulations and performing any other preparatory administrative tasks that are necessary to carry out the provisions of this act; and (b) On July 1, 2024, for all other purposes.

AB 120: Voluntary Health Care Restrictions (PASSED)

Sponsor: Assemblyman Hafen (R)

This bill prohibits a provider of health care who was not initially issued his or her professional license or certificate within the immediately preceding 3 years and who has not practiced his or her profession within the immediately preceding 3 years from providing voluntary health care service in this State.

Assembly Passage: 42-0

Senate Passage: 20-0, 1 excused

Approved by Governor: May 31, 2023 (Chapter 128)

Effective: October 1, 2023

AB 127: Medicare Supplemental Policy (PASSED)

Sponsor: Assemblywoman Jauregui (D)

This bill prohibits an insurer or other person or entity from varying the commission associated with the purchase of Medicare supplemental policies during the open enrollment period, paying differential commissions associated with the purchase of Medicare supplemental policies during the open enrollment period or otherwise treating Medicare supplemental policies purchased during the open enrollment period differently for the purposes of commission for any reason. This bill additionally requires an insurer or other person or entity to treat the purchase of a Medicare supplemental policy during the open enrollment period in the same manner as the renewal of a Medicare supplemental policy relating to the payment of a commission.

Assembly Passage: 40-0, 2 excused

Senate Passage: 20-1

Approved by Governor: June 2, 2023 (Chapter 185)

Effective: July 1, 2023

AB 155: Biomarker Testing (PASSED)**Sponsor:** Assemblywoman Peters (D)

This bill requires that certain health care plans (private and public, Medicaid, plans for state and local government employees) provide coverage for medically necessary biomarker testing for the diagnosis, treatment, and appropriate management and ongoing monitoring of cancer when biomarker testing is supported by medical and scientific evidence.

The health plans need to be able to provide the coverage in a manner that limits disruption in health care and the need to collect multiple specimens, and establish a process for requesting an exception to a policy excluding coverage for biomarker testing for the diagnosis, treatment, management or ongoing monitoring of cancer or appealing a denial of coverage for such testing. The health plans need to respond to any request for preauthorization for biomarker testing within 24 hours for urgent requests, and 72 hours for all other requests. An insurer is not required to cover biomarker testing for screening in certain circumstances. The Commissioner of Insurance can suspend the certificate of a health organization if they fail to comply with the bill.

Bottom Line: Private and public health care plans need to provide coverage for medically necessary biomarker testing when it is supported by scientific evidence.

Assembly Passage: 41-0, 1 excused

Senate Passage: 21-0

Approved by Governor: June 13, 2023 (Chapter 388)

Effective: Sections 1 to 10, inclusive, 12, and 28 to 29.5, inclusive, of this act become effective on July 1, 2023. Sections 11, 13 to 27, inclusive, and 30 of this act become effective: upon passage and approval for the purpose of adopting any regulations and performing any other preparatory administrative tasks that are necessary to carry out the provisions of this act; and on October 1, 2023, for all other purposes.

AB 202: Electronic Communication Devices in Health Care Facilities (PASSED)**Sponsor:** Summers-Armstrong (D)

A patient or their representative can request an electronic communication device in their living quarters in a skilled nursing facility. The patient must waive their right to privacy and obtain the consent of their roommate or their representative. If the roommate fails to provide consent, the skilled nursing facility must make efforts to accommodate that patient. Consent may be revoked by a patient, representative or their roommate. No one may use or tamper with the device other than the patient or representative. The patient or their representative is responsible for choosing, installing and maintaining the device.

A facility for skilled nursing is required to post notice in a “conspicuous place” at the entrance of the living quarters of the patient who owns the device stating that the device is within the room, and an employee is prohibited from refusing to enter the living quarters of a patient on the grounds that the device is in use. The State Board of Health will adopt regulations for this bill, and the bill is not applicable to devices installed by law enforcement agencies.

Bottom Line: A patient or their representative can request an electronic communication device within their living quarters in a skilled nursing facility, and is responsible for its installation and maintenance. A facility for skilled nursing must post notice outside of the living quarters that a device is within the room, along with other requirements.

Assembly Passage: 41-1

Senate Passage: 21-1

Approved by Governor: June 8, 2023 (Chapter 221)

Effective: Sections 1 to 14, inclusive, of this act become effective: upon passage and approval for the purpose of adopting any regulations and performing any other preparatory administrative tasks that are necessary to carry out the provisions of this act; and on October 1, 2023, for all other purposes.

AB 244 - Observers of Mental or Physical Examinations (PASSED)

Sponsor: Assemblywoman Torres (D)

The bill repeals the statute concerning observers that are present at a mental or physical examination as ordered by the court for the purpose of discovery in a civil action. The details that are repealed concerning the observer:

The observer may:

- Be an attorney for the person undergoing the examination; and
- Make an audio or stenographic recording of the examination.

This bill provides that, with certain exceptions, a person compelled to submit to a mental or physical examination pursuant to a court order, a contractual obligation or any other type of obligation has the right to:

- Receive notice of the examination at least 21 days before the date of the examination;
- Have an interpreter and certain observers present throughout the examination;
- Take notes or appoint an observer to take notes during the examination; and
- After providing notice to the examiner, make certain recordings of the examination.

AB 244 further provides that the testimony or reports of the examiner are not privileged communications.

The bill authorizes a person compelled to submit to a mental or physical examination to bring an action against a person who has violated the rights established, if notice of the alleged violation is provided to that person not later than 7 days before the action is commenced.

The person compelled to submit to a mental or physical examination may obtain certain remedies in that action, including:

- Attorney's fees;
- Actual damages or a fine of \$1,500, whichever is greater;
- Injunctive and protective relief; and
- An order prohibiting the use of any information gathered during the examination in any judicial or administrative proceeding.

Finally, the bill exempts from the requirements of certain compelled mental or physical examinations, including, without limitation, such an examination conducted by an examiner with whom the person compelled to submit to the examination has a preexisting relationship as a patient or will have a future relationship as a patient.

Bottom Line: The bill revises provisions and exemptions for observers of a physical or mental examination and details the rights of an examinee.

Assembly Passage: 34-8

Senate Passage: 16-4, 1 excused

Approved by Governor: June 16, 2023 (Chapter 503)

Effective: Upon passage and approval.

AB 270: Licensure of Anesthesiologist Assistants (PASSED)

Sponsor: Assemblywoman Marzola (D)

This bill provides for the licensure of Certified Anesthesiologist Assistants (CAA) by the Board of Medical Examiners and the State Board of Osteopathic Medicine, respectively, and prescribes the qualifications necessary for licensure. The bill requires that a CAA work under the supervision of a supervising anesthesiologist or supervising osteopathic anesthesiologist, except when rendering emergency care directly related to an emergency or disaster, under certain circumstances. It requires the Boards to adopt regulations establishing requirements for the licensure of CAAs. The bill prescribes the maximum fee that the Boards may charge for the respective applications for and the issuance of a license to practice as a CAA and the biennial registration of a CAA. AB 270 authorizes the Board of Medical Examiners to select CAAs to serve as advisory members of the Board. This bill authorizes a licensed CAA to assist in the practice of medicine under the supervision of a supervising MD anesthesiologist or supervising Osteopathic physician anesthesiologist, as applicable.

This bill provides that a CAA is immune from civil liability for rendering medical care in certain emergency situations. The bill requires a CAA to report instances of suspected abuse, neglect, exploitation, isolation or abandonment of older persons and vulnerable persons.. The bill requires a CAA to identify himself or herself as an anesthesiologist assistant when engaged in professional duties.

Bottom Line: The bill requires the Board of Medical Examiners and the State Board of Osteopathic Medicine to adopt regulations establishing requirements for the licensure of anesthesiologist assistants.

Assembly Passage: 42-0

Senate Passage: 20-0, 1 excused

Approved by Governor: June 9, 2023 (Chapter 247)

AB 311: Health Care, Armed Forces (PASSED)

Sponsor: Assemblywoman Bilbray-Axelrod (D)

This bill allows a hospital to enter into an agreement with the Armed Forces of the United States for an unlicensed person who provides care under authority granted by the Federal Government to provide care in the hospital in his or her official capacity, within the scope of practice authorized by the Federal Government; and as part of a training or educational program. Additionally, a surgical technologist is allowed to practice in a hospital, even if they do not meet the requirements of the State. These providers are exempted from provisions governing the licensure and regulation of certain health professionals in this State.

Assembly Passage: 42-0

Senate Passage: 20-1, 1 excused

Approved by Governor: May 30, 2023 (Chapter 86)

Effective: Upon passage and approval.

AB364: Physician Assistants (PASSED)

Sponsor: Assemblywoman Cohen (D)

Requires the Board of Medical Examiners to appoint one licensed Physician Assistant (PA) who has practiced as a PA in Nevada for at least 5 years, and one licensed Respiratory Therapist who has practiced at least 5 years to the board.

Assembly Passage: 32-10

Senate Passage: 15-5

Approval by Governor: June 9, 2023 (Chapter 258)

Effective: Upon passage and approval

SB 42: Funding of Medical Assistance to Indigent Persons (PASSED)**Sponsor:** Senate Committee on Health and Human Services

Authorizes the board of county commissioners in a county whose population is 100,000 or more (Clark and Washoe Counties) to allocate money from the medical assistance to indigent persons fund, if authorized under any other supplemental payment program administered by the Centers for Medicare and Medicaid to: a) Provide an enhanced rate of reimbursement to any public hospital in the county for hospital care that is provided to recipients of Medicaid; or b) make supplemental payments to any public hospital in the county for the provision of such hospital care through increased federal financial participation.

Assembly Passage: 42-0

Senate Passage: 21-0

Approved by Governor: May 25, 2023 (Chapter 44)

Effective: July 1, 2023

SB 119: Insurance Coverage of Telehealth Services (PASSED)**Sponsor:** Senate Committee on Health and Human Services

SB 119 retains the requirement that a third-party payer, who is not an industrial insurer, cover telehealth services (except audio-only services) in the same amount as services provided in person until July 1, 2023 (Coverage). On July 1, 2023, the bill retains the Coverage requirements for patients at certain originating sites located in rural areas or by certain facilities, and counseling or treatment relating to a mental health condition or substance use disorder (Counseling or Treatment). Finally, the Bill requires an insurer to provide reimbursement for Counseling or Treatment provided through audio only services in the same amount as if they were provided in person.

Bottom Line: Retains the requirement for certain third-party payers to cover certain telehealth services in the same amount as in person services.

Assembly Passage: 41-0, 1 excused

Senate Passage: 21-0

Approved by the Governor: May 29, 2023 (Chapter 51)

Effective: Section 3 becomes effective upon passage and approval. Section 2 of this act becomes effective upon passage and approval and applies retroactively on and after May 20, 2023. Sections 1 to 1.9 become effective on July 1, 2023.

SB 241: Medicaid, Critical Access Hospitals (PASSED)**Sponsor:** Senator Titus (R)

This bill requires the Director of the Department of Health and Human Services to include in the State Plan for Medicaid, to the extent the federal financial participation is available, that the State pay the non federal share of expenditures for outpatient and swing-bed services at a critical access hospital. Medicaid must reimburse the hospital at a rate equal to the actual cost of the services or the amount charged by the critical access hospital for the services, whichever is less.

Assembly Passage: 42-0

Senate Passage: 21-0

Approved by Governor: June 13, 2023 (Chapter 383)

Effective: Section 2.5 of this act becomes effective on July 1, 2023. Sections 1 and 2 of this act become effective upon passage and approval for the purpose of performing any preparatory administrative tasks that are necessary to carry out the provisions of this act; and on January 1, 2024, for all other purposes.

SB283: Electronic Medical Records (PASSED)**Sponsor:** Senator Pazina (D)

This bill requires a custodian of health care records to electronically transmit the health care records to the person or, if the patient has provided written authorization for records to be furnished to another person or entity, to that person or entity. Section 1: prohibits a custodian of health care records from charging a fee that exceeds \$40 or other amounts prescribed by existing law for furnishing a copy of health care records electronically if the custodian of health care records maintains such health care records electronically;

Bottom Line: Patients may be charged 30 cents per page for medical records but will require no additional charge if sent digitally.

Senate Passage: 21-0

Assembly Passage: 41-0, 1 Excused

Approved by Governor: June 12, 2023 (Chapter 386)

Effective: Section 8, 1.55, 1.9, 2.5, 2.7, 5, & 6 become effective on July 1, 2023. Sections 1, 1.5, 2, 2.3, 3, 3, & 7 become effective on October 1, 2023. Sections 1.55 to 1.9 and 2.5 and 2.7 of this act expire by limitation on July 1, 2027.

SB 286: Multiple Sclerosis (PASSED)**Sponsor:** Senator Dondero Loop (D)

The Division of Public and Behavioral Health is required to post on their website concerning the prevention of chronic diseases information on multiple sclerosis, including information on resources that are available to the residents of the State who have multiple sclerosis. The third week of March will be proclaimed by the Governor as “Multiple Sclerosis Awareness Week” to bring factual information regarding the disease to the residents of Nevada.

Assembly Passage: 42-0

Senate Passage: 21-0

Approved by Governor: May 30, 2023 (Chapter 67)

Effective: July 1, 2023

SB 341: Governmental Financial Administration**Sponsor:** Senator Cannizzaro (D)

This bill makes various appropriations from the State General Fund relating to health, education and employment and other community services. Also amends federal state officers, employees and medical positions salaries. Appropriated from the State General Fund to Candlelighters Childhood Cancer Foundation of Nevada the sum of \$1,000,000 for the provision of assistance to children affected by cancer and their families. Appropriated from the State General Fund to the Cleveland Clinic Nevada the sum of \$3,000,000 for medical services and research. Appropriated from the State General Fund to the Nevada Blind Children’s Foundation the sum of \$1,000,000 for its programs and services. Appropriated from the State General Fund to the Roseman University of Health Sciences the sum of \$1,000,000 for recruitment of students.

Assembly Passage: 28-14

Senate Passage: 13-8

Enrolled and delivered to the Governor

Effective: Upon passage and approval

SB 348: Hospital Mergers and Off-Campus Locations (PASSED)**Sponsor:** Senator Donate (D)

This bill requires a person to obtain the written approval of the Director of the Department of Health and Human Services before closing a hospital in a county with a population of 100,000 or more (Clark and Washoe Counties) or converting a hospital into a different type of health facility. The Department reports to the Board of Medical Examiners and State Board of Osteopathic Medicine any physician group that fails to provide timely notice of any mergers or similar transactions. Upon notice, the Boards are to proceed as if a complaint has been filed.

After an investigation and hearing, if a group has failed to provide timely notice, the Boards are allowed to impose an administrative penalty.

An off-campus location of a hospital is currently required to include the national provider identifier on each claim for reimbursement of payment and may include on a claim the national provider identifier for the main campus of the hospital. The bill requires an independent center for emergency medical care to include its national provider identifier on all claims for reimbursement or payment. If an off-campus location of a hospital is a provider of emergency medical services, it must post notice that it is an emergency medical facility and will charge patients for an emergency room visit; and provide each patient with certain notice concerning their rights upon registration. The off-campus location must provide each patient with a detailed notice concerning billing and payment if the patient is found not to have an emergency medical condition or after the emergency medical condition of the patient has been stabilized.

Bottom Line: Makes requirements for a hospital or physician group when merging or converting their facility. Creates additional requirements for certain off-campus locations of a hospital dependent upon the off-campus locations function.

Assembly Passage: 27-14, 1 excused

Senate Passage: 13-8

Approved by the Governor: June 13, 2023 (Chapter 375)

Effective: Sections 1 to 11.5, inclusive, of this act become effective upon passage and approval for the purpose of adopting any regulations and performing any other preparatory administrative tasks that are necessary to carry out the provisions of this act; and on January 1, 2024, for all other purposes.

SB 350: The Graduate Medical Education Grant Program (PASSED)

Sponsor: Senator Pazina (D)

This bill requires the Office of Science, Innovation and Technology to establish the Graduate Medical Education Grant Program for the purpose of awarding grants to institutions seeking to create, expand or retain accredited programs for residency training and postdoctoral fellowships for physicians. The bill also creates the Account for the Graduate Medical Education Grant Program in the State General Fund, requires the Director of the Office to administer the Account and requires money in the Account to be used to award competitive grants pursuant to the Program.

SB 350 establishes the Advisory Council on Graduate Medical Education, and requires

- The Council to make recommendations to the Office concerning applications for grants pursuant to the Program.
- The Council and the Office are required to give priority to applications for grants made for the purpose of retaining programs of residency training and postdoctoral fellowships when the federal funding supporting such programs expires.

The Office is also required

- To establish a committee to develop a process, procedure and rubric for evaluating applications for grants pursuant to the Program.
- The Office to submit an annual report to the Governor and the Legislature concerning the Program and any recommendations for the measures to create, expand and retain programs of residency training and postdoctoral fellowships.

Bottom Line: This bill establishes and details the Graduate Medical Education Grant Program operated by the Office of Science, Innovation and Technology.

This bill was supported by: Touro University, RENOWN Health, the University of Nevada, Reno, Nevada Primary Care Association, Nevada Public Health Association, the Vegas Chamber, and the Nevada System of Higher Education.

Assembly Passage: 40-0, 2 excused.

Senate Passage: 21-0

Approved by the Governor: June 12, 2023 (Chapter 378).

Effective: Upon passage and approval.

SB370: Consumer Information Protection (PASSED)

Sponsor: Senator Cannizzaro (D)

Requires a regulated entity to develop, maintain, and make available a policy concerning the privacy of consumer health data. Prohibits a regulated entity from taking certain actions regarding consumer health data that are inconsistent with the policy without the affirmative consent of the consumer or entering into a contract for the processing of consumer health data that is inconsistent with the policy. Additionally prohibits a regulated entity from collecting or sharing consumer health data without the affirmative consent of the consumer, except to the extent necessary to provide a product or service that the customer has requested. Upon the request of a consumer, the regulated entity is required to confirm whether the entity is collecting, sharing, or selling consumer health data concerning the consumer. Provide the consumer with a list of all third parties with whom the regulated entity has shared or sold consumer health data. And cease collecting or sharing consumer health data relating to the consumer and if requested delete the data. In order to complete these requests the regulated entity must have a secure and reliable means for the consumer to make such requests, free of charge- unless the consumer submits more than two requests in a year and those requests are unfounded, excessive or repetitive, in which case a reasonable fee may be charged. Additionally the bill requires a regulated entity to establish a process to appeal the refusal of the regulated entity to act on a request made.

A person is prohibited from selling or offering to sell consumer health data without the written authorization of the consumer to whom the data pertains and requires a person who sells consumer health data to establish means by which a consumer may revoke such authorization and provide a copy of the authorization to the consumer and purchaser. This authorization must be maintained by the seller and the purchaser of consumer health data for at least six years after the expiration of the authorization. Finally a person is prohibited from implementing a geofence within 1,750 feet of any person or entity that provides in-person health care services or products for certain purposes.

Provisions of this bill do not apply to certain persons and entities whose collection and disclosure of data is specifically regulated by federal law as well as certain data that is collected or disclosed under certain provisions of federal law or regulations or state law. Bill further exempts consumer health data from provisions of existing law governing information collected on the Internet from consumers because those provisions are less stringent than the provisions provided in the bill.

Bottom Line: Revises provisions regulating data privacy and consumer health data. Including the regulations of certain entities in communications with consumers and the maintaining of the consumers data.

Assembly Passage: 33-8, 1 Excused

Senate Passage: 13-8

Approved by the Governor: June 16, 2023 (Chapter 525)

Effective: March 31, 2024

SB 375: Grant Program for Undergraduate Nursing Programs (PASSED)

Sponsor: Senator Seevers Gansert (R)

SB375 makes a \$20,000,000 appropriation over the biennium to the Nevada System of Higher Education for a grant program to expand undergraduate and graduate nursing programs at institutions within the System. Funds may only be used as grant awards for operating costs associated with expanding undergraduate and graduate nursing programs and must not be used for capital expenditures. Monies not spent by September 19, 2025 must revert to the General Fund.

Senate Passage: 21-0

Assembly Passage: 42-0

Approved by the Governor: June 15, 2023 (Chapter 421)

Effective: Upon passage and approval

SB 385: Patient and Dietician Communication, Medicaid

Sponsor: Senator Neal (D)

This bill requires that a patient who is discharged from a hospital or the patient's primary responsible caregiver be informed by the hospital on how to contact a dietician assigned to their care team during patient rehabilitation. Certain licensed entities are required to have patients who are discharged from a hospital consult with a dietician to ensure they or their primary care person understands their dietary needs.

The Director of the Department of Health and Human Services is required to include Medicaid coverage for the filling of cavities, the creation and placement of temporary and permanent crowns, removable dentures and polycarbonate lenses.

Bottom Line: Patients or their primary responsible caregiver, once discharged from a hospital, must be able to contact their dietician. Some licensed entities are required to have patients within that same category consult with a dietician. Medicaid coverage is expanded to certain areas.

Assembly Passage: 33-9

Senate Passage: 20-0, 1 excused

Enrolled and delivered to the Governor

Effective: Section 11.5 of this act becomes effective on July 1, 2023. Sections 1 to 7, inclusive, 10 and 11 of this act become effective on October 1, 2023. Sections 8 to 9.8, inclusive, of this act become effective upon passage and approval for the purpose of performing any other preparatory administrative tasks that are necessary to carry out the provisions of this act; and on January 1, 2024, for all other purposes.

SB 390: UNLV and Neurodegenerative Diseases (PASSED)

Sponsor: Senator Scheible (D)

This bill authorizes the Department of Brain Health at the University of Nevada, Las Vegas to establish a similar system of reporting information on Parkinson's disease, Parkinsonisms, multiple sclerosis, Alzheimer's, and other neurodegenerative diseases as maintained by the Chief Medical Officer. The Department of Brain Health, with the Chief Medical officer, are required to prescribe the neurodegenerative diseases for which information may be reported, the form of the report, and the protocol for access and preserving the confidentiality of the records of patients needed for research of neurodegenerative diseases. The patient may opt in to the reporting of information relating to them, and this bill authorizes a hospital, laboratory or other facility to report information concerning the patient to the system created by the Department of Brain Health. The Department is authorized to post an annual report concerning the activities of the system on the website that will be created and maintained for the system by the Chief Medical Officer.

Bottom Line: The Department of Brain Health and the Chief Medical Officer will assist UNLV in establishing a system of reporting information on neurodegenerative diseases.

Assembly Passage: 40-0, 2 Excused

Senate Passage: 20-0, 1 Excused

Approved by the Governor: June 13, 2023 (Chapter 380)

Effective: July 1, 2023

SB 435: Health Assessment Fund Uses (PASSED)

Sponsor: Senate Committee on Health and Human Services

This bill expands the money generated from assessments on operators of agencies of personal care services in the home and certain medical facilities imposed by the Division of Health Care Financing and Policy to also provide supplemental payments and enhanced rates of reimbursement to operators that are not subject to the assessment in certain circumstances. Additionally, the Division can use money generated from assessments imposed on private and rural hospitals to provide support and services under Medicaid, for Medicaid recipients with serious behavioral health conditions. Not more than 15 percent of the total amount of money generated each year by such an assessment may be used for administrative costs and to fund certain supports and services.

Bottom Line: Expands the uses of money generated from assessments imposed by the Division of Health Care Financing and Policy on certain operators to support services and patients under Medicaid and other uses.

Assembly Passage: 41-0, 1 excused

Senate Passage: 21-0

Approved by the Governor: June 12, 2023 (Chapter 329)

Effective: Upon passage and approval.

AB 11: Physicians and Hospitals (VETOED)

Sponsor: Assembly Committee on Health and Human Services

Proposed by the Culinary Union, this bill would have expressly prohibited a hospital or psychiatric hospital from employing a physician for the purpose of practicing medicine, homeopathic medicine or osteopathic medicine except where expressly authorized by law. Additionally, the bill authorized a hospital or psychiatric hospital to employ a physician (while facilities who are conducted for adherents of a religious denomination or maintained by the United States Government are exempt):

- Who is participating in certain graduate programs; or
- If the hospital or psychiatric hospital is owned or operated by the State Government.

Bottom Line: This bill would have prohibited a hospital or psychiatric hospital from employing a physician for the purpose of practicing medicine, homeopathic medicine or osteopathic medicine except where expressly authorized by law. The bill also prohibited a hospital from including in a contract with a provider of health care any provision prohibiting the provider from discussing with other persons his or her wages or salary or other information relating to working conditions.

Assembly Passage: 26-16

Senate Passage: 13-7, 1 Excused

Vetoed by the Governor.

Veto Message

SB239: Medical Aid in Dying (VETOED)

Sponsor: Senator Flores (D)

- Sections 10-39 of this bill authorized a patient, under certain circumstances, to self-administer a medication that is designed to end the life of the patient.
- Section 23 of this bill authorized a patient to request that his or her attending practitioner prescribe a medication that is designed to end his or her life if the patient.

Bill passed both houses but was vetoed by Governor Lombardo.

Vetoed by the Governor: June 5, 2023

Veto Message

SB419: Data Registries (VETOED)

Sponsor: Senate Committee on Health and Human Services

Section 1 required the Department to notify the relevant regulatory body if a health care provider, insurer, pharmacy benefit manager or other insurance administrator that was previously out of compliance with the requirement to maintain, transmit and exchange health information electronically comes into compliance with that requirement.

Section 39 of this bill required the Director to apply to the Federal Government for authority to provide coverage under the Children's Health Insurance Program for prenatal, labor and delivery care for persons who are not eligible for Medicaid because of their immigration status.

Assembly Passage: 28-19

Senate Passage: 15-6

Vetoed by Governor: June 16, 2023

Veto Message

AB 6: Health Care Cost Growth Benchmark (FAILED)

Sponsor: Assembly Committee on Health and Human Services.

This bill required the PPC to send the Director of the DHHS recommendations for the Benchmark for consideration.

Bill was voted out of Assembly 28-14 and died in Senate Finance.

AB 85: Rate Fixing for certain Healthcare goods and services (FAILED)

Sponsor: Assemblyman Orentlicher (D)

Bill established procedures to fix rates charged by hospitals, independent centers for emergency medical care and surgical centers for ambulatory patients (Providers) for goods and services that are reimbursable through Medicare when provided to a patient who is: a) not indigent; and b) not covered by Medicare or Medicaid. It also would prohibit Providers from charging rates different from those established.

AB 99: Medicaid Reimbursement Review (FAILED)

Sponsor: Assemblywoman Brown-May (D)

This bill required the Division of Health Care Financing and Policy to submit a report to the Legislature concerning the adequacy of reviewing Medicaid reimbursement rates every four years. The Division was also required to conduct a study during the interim to determine the cost to the State General Fund of providing a one-time cost-of-living increase to the rates of reimbursement under Medicaid for certain long-term care providers; and an annual cost-of-living increase to such rates of reimbursement.

AB 108: Nurse Licensure Compact (FAILED)

Sponsor: Assembly Committee on Commerce and Labor

This bill enacted the Nurse Licensure Compact, which allows a person who is licensed as a nurse in a state that is a member of the Compact to obtain a multistate license to practice as a nurse in other states that are members to the Compact. The Compact authorized a member state to take adverse action against a nurse's privilege to practice in the party state under the Compact. The Compact created the coordinated licensure information system, which provides for the sharing of certain information concerning investigations and disciplinary action amongst member states. The Compact required that the states who are members to create and establish a joint public entity known as the Interstate Commission of Nurse Licensure Compact Administrators to carry out the Compact; and provided for the governance of the Commission, including authorizing the Commission to levy and collect assessments from member states to cover the cost of its operations.

AB 188: Investigational Treatments (FAILED)**Sponsor:** Assemblywoman Kasama (R)

This bill removed the requirement that a patient be diagnosed with a terminal condition before a physician is authorized to prescribe or recommend an investigational drug and before a manufacturer can provide an investigational drug, product, or device. Instead, patients needed only to be diagnosed with a life-threatening or severely debilitating disease or condition for access to investigational drugs, etc. Additionally, the bill authorized the manufacturer of an individualized investigational treatment to make the treatment available to a patient under similar conditions to such drugs, biological products or devices if the manufacturer operates in a facility that meets certain federal requirements for the protection of human subjects and allows for a physician to prescribe or recommend such items.

This bill received bipartisan support and passage from both Assembly Health, the full Assembly and Senate Health and Human Services, with both Democrat and Republican members of the Senate Committee commenting that they "love this bill." However, Senate Majority Leader Cannizzaro put the bill "on the desk" where it languished and died.

Bottom Line: Contained oversight, regulations, and removed some requirements for investigational treatments, drugs, biological products and devices.

AB 197: Expansion of Assessments on Health Care Agencies (FAILED)**Sponsor:** Assemblyman Orentlicher (D)

This bill authorized the expansion of the Division of Health Care Financing and Policies imposed assessments on agencies to provide personal care services in the home/medical services with certain licenses to groups of health care providers who provide similar services in a specialty area. The bill additionally would have created the Account to Improve Health Care Quality and Access for Patients of Certain Providers.

AB 198: Certified Registered Nurse Anesthetist (FAILED)**Sponsor:** Assemblyman Orentlicher (D)

Authorized a Certified Registered Nurse Anesthetist to order, prescribe, possess and administer controlled substances, poisons, dangerous drugs and devices to treat a person under the care of a licensed physician, dentist, podiatric physician before, during and after surgery or childbirth.

Bottom Line: Would have given CRNAs the ability to prescribe and dispense dangerous drugs, and allowed them to apply for and receive DEA license.

Bill passed the Assembly and Senate, however, the bill was put on the Secretary's desk.

AB 209 - Medical Malpractice (FAILED)**Sponsor:** Assemblywoman Gonzalez (D)

The bill would have prohibited a provider of health care from providing any health care service to a person in this State unless the provider of health care has obtained or otherwise carries a policy of professional liability insurance in an amount of not less than \$1,000,000 for each occurrence and \$3,000,000 in the aggregate.

Existing law, with certain exceptions, limits to \$50,000 the amount of damages for which certain providers of health care may be held liable for acts or omissions in rendering care or assistance to a patient in a hospital which was necessitated by a traumatic injury and for which the patient entered the hospital through its emergency room or trauma center, so long as the care or assistance is rendered in good faith and in a manner not amounting to gross negligence or reckless, willful or wanton conduct. This bill would repeal that limitation.

Bottom Line: AB 209 would have required providers to carry liability insurance of at least \$1 million for each occurrence and \$3 million in the aggregate. The bill removes the \$350,000 cap on noneconomic damages which can include pain and suffering. The bill also would have repealed various requirements, exceptions and restrictions relating to a medical malpractice lawsuit.

AB 234: Providing Healthcare Services To Those Without COVID-19 Vaccination (FAILED)**Sponsor:** Assemblywoman Dickman (R)

This bill prohibited certain providers of healthcare from refusing to provide services to a patient solely on whether the patient has received the COVID-19 vaccine, and authorized disciplinary action against a facility/health care provider who violated the provision. Additionally, the bill required medical facilities where patients stayed overnight to not require visitors to have a COVID-19 vaccine, and allowed those who are allowed to prescribe and dispense drugs to dispense drugs for an off-label use if the patient consented.

AB 248: Health Services in Underserved Areas (FAILED)**Sponsor:** Assemblyman Hafen (R)

Existing law authorizes the University of Nevada School of Medicine to: (1) establish a Nevada Health Service Corps to encourage practitioners of certain health professions to practice in underserved areas of this State; and (2) apply for any matching money available for the program from the Federal Government.

This bill would have made an appropriation from the State General Fund for allocation to the Nevada Health Service Corps for the purpose of obtaining such matching federal money.

AB 293: Medicaid Coverage (FAILED)**Sponsor:** Assemblyman Orentlicher (D)

Existing law requires the Department of Health and Human Services to administer Medicaid. Section 1 of this bill required the Director of the Department, to the extent that money and federal financial participation are available, to include under Medicaid coverage for supports and services provided to recipients of Medicaid through medical-legal partnerships that are aimed at addressing social determinants of health.

AB 393: Doctors for Nevada Program (FAILED)**Sponsor:** Assemblywoman Kasama (R)

This bill required the Director of the Office of Science, Innovation and Technology in the Office of the Governor to establish the Doctors for Nevada Program. The Program would have reimbursed the educational debt of physicians who relocate to Nevada to practice and provided stipends to resident physicians who are unable to obtain a residency in Nevada because there were not any residency positions in this State in the chosen field of the resident physician and who committed to practice medicine in Nevada for at least 2 years after the conclusion of their residencies. Additionally, the program would have reimbursed the educational debt of those resident physicians after finishing their residencies.

AB 490: Academic Medical District Act (FAILED)**Sponsor:** Speaker Yeager (D)

This bill authorized the creation and governance of an Academic Medical District. Additionally, the bill authorized a tax increment area and the issuance of bonds and securities for projects within the medical district. Businesses located within the academic medical district would be allowed to receive partial abatements of local sales and use taxes, and the excise tax on wages paid to critical medical or scientific employees.

SB 73: Civil Liability for Injury or Death from COVID-19 (FAILED)**Sponsor:** Senator Titus (R)

Provided immunity to medical facilities, providers and independent contractors from civil liability when an exposure to COVID-19 results in personal injury or death.

SB 203: Prohibits Gifts from Manufacturers of Drugs to Wholesalers (FAILED)**Sponsor:** Senator Donate (D)

This bill prohibited a wholesaler or manufacturer of certain drugs, medicines, chemicals, devices or appliances or an agent of a wholesaler or manufacturer from offering or giving a gift to a practitioner or otherwise directly or indirectly arranging, facilitating or serving as a conduit for the gifting of a gift.

SB 365: Cultural Competency Training of Employees of Health Facilities (FAILED)**Sponsor:** Senator Titus (R)

This bill limited the requirement of cultural competency training to employees who only provide clinical or administrative support services and regularly have direct patient training as part of their regular job duties or oversee those employees. The bill also prohibited the State Board of Health from requiring those employees to receive more than 2 hours of cultural competency training every two years.

SB 369: Tax Credits for Organizations that Provides Grants to Hospitals (FAILED)**Sponsor:** Senator Titus (R)

This bill established a credit against the modified business tax for taxpayers who donate money to an organization that provides grants to hospitals in the State that establish a new residency training or postdoctoral fellowship program in primary care or an underserved specialty. An organization that received a donation for which a tax credit was approved must provide grants to public or private institutions, including those that establish new residency training or postdoctoral fellowship programs in primary care or underserved specialties; and may receive gifts, grants and donations from any source to establish a new residency training or postdoctoral fellowship program in primary care or an underserved specialty.

35th (2023) Special Session

SB 1 -Revises provisions governing economic infrastructure projects.

Sponsor: Senate Committee of the Whole

SB 1 enacts the Southern Nevada Tourism Innovation Act to establish financing for a Major League Baseball (MLB) stadium. Once the Clark County Stadium Authority (Authority) has taken certain actions relating to the relocation of an MLB team, the bill requires the Clark County Board of County Commissioners to create a sports and entertainment improvement district on the corner of Las Vegas Boulevard and Tropicana Avenue. It requires the Authority to negotiate and enter into a development, lease, and non-relocation agreement once an MLB team has committed to relocating. It requires 15% of the subcontracts for the construction of the MLB stadium project (Project) to be with small local businesses. It revises the membership of the Board of Directors of the Authority (Board) to include two members of the public, one who is recommended by an NFL team and one who is recommended by an MLB team.

The bill mandates the development of a community benefits agreement (CBA) as part of the Project. The bill requires the CBA to be approved by the Board and must be updated at least once every five years. It establishes and outlines the membership and powers of the Baseball Stadium Community Oversight Committee to oversee the implementation of the CBA.

The CBA must include:

- Requirements to ensure diversity among the workforce used on the Project;
- Require a living wage to employees of the Project;
- Outlines the requirements for community engagement by the MLB team and the Baseball Stadium Events Company (Company) including:
 - Participation by players in the community including education programs, donation of tickets, and programs to support youth baseball in underserved communities.
- The use of a community suite by charitable or economic development organization;
- Require the developer partner and the Company to:
 - Provide educational programming by working with colleges and universities on career development for the sports industry and scholarships, internships and mentorship programs; and
- Require the developer partner and the Company to make an annual financial commitment in the community which must not be less than:
 - \$500,000 per calendar year while the Project is being constructed; and
 - \$2 million per calendar year or 1% of MLB team ticket revenue generated by the Project beginning one year after the Project opening.

The bill prohibits the Authority from approving more than \$36 million of transferable tax credits (Credits) in a fiscal year or \$180 million in total Credits. Also, if the total amount of Credits exceeds \$60 million, the Credits in excess of \$60 million will be refunded to the state by the Authority.

The bill made two other changes that were not directly related to the A's stadium. First, it requires a business applying for a state tax abatement and with more than 50 full-time employees to have a policy of at least 12 weeks of paid family and medical leave at a rate of 55% of the employees' regular wage. Second, the bill requires rail or monorail projects to be subject to prevailing wage laws.

Vetoed Bills

Firearms

AB 354- Revises provisions relating to firearms.

Prohibited possession of a firearm within a certain distance of an election site and marketing/buying unfinished frames or receivers.

AB 355- Revises provisions relating to firearms.

Prohibited a person less than 21 years of age from possessing certain firearms.

SB 171- Revises provisions relating to firearms.

Prohibited the purchase, possession or ownership of a firearm by a person who has been convicted of committing or attempting to commit a crime motivated by certain characteristics of the victim.

State and Local Government

SB 20- Revises provisions relating to the process for filling a vacancy in the office of county commissioner.

Required the Governor to fill a vacancy on a County Commission from a list of two nominees provided by the County Commission.

SB 169- Revises provisions governing master plans.

Required Clark County and Washoe County to include a heat mitigation element in master plans.

SB 210- Revises provisions governing state boards and commissions.

Required persons appointed to certain public bodies by the Governor to reflect the diversity of the State.

AB 464- Makes an appropriation to the Legislative Fund for costs relating to anticipated building renovations and construction.

Would have sent \$1.55 million to the Legislative Fund for project development and initial operating expenses relating to anticipated building renovations and construction.

AB 366- Revises provisions governing the Keep Nevada Working Task Force.

Moved the Keep Nevada Working Task Force from the Office of the Lieutenant Governor to the Office of the Secretary of State; revising the membership of the Task Force.

AB 520- Makes various changes regarding state financial administration and makes appropriations for the support of the civil government of the State.

Made appropriations from the State General Fund and the State Highway Fund for the support of the civil government of the State of Nevada for the 2023-2025 biennium.

AB 97-Revises provisions relating to government administration.

Provided, with certain exceptions, that governmental entities shall not prohibit the use of certain refrigerants.

AB 243- Revises provisions relating to legislative affairs.

Proposed numerous changes to the Legislature's interim structure, applying common-law principles of parliamentary law to interim committees, moving up the authorized start date for interim committees and renaming committees.

AB 498- Revises provisions relating to public employees' retirement.

Would have trimmed in half state employees' share of retirement contributions through the Public Employees' Retirement System (PERS), while increasing employer's share of contributions.

AB 527- Revises provisions relating to state financial administration.

Would have required the Governor, in preparing the executive budget, to include the judicial and legislative branches' budgets in conjunction with the executive budget when calculating the minimum 5 percent and maximum 10 percent reserve.

SB 81- Revises provisions governing regional planning.

Would have extended and revised existing law that requires certain counties and cities in Nevada to prepare reports on growth-related issues (the I-80 corridor within Washoe, Lyon and Storey counties) by extending the reporting requirements that expired last year until 2026.

SB 88- Requires the Joint Interim Committee on Natural Resources to conduct an interim study of certain state agencies.

The Joint Interim Committee on Natural Resources would have been charged with conducting an interim study of state agencies that regulate natural resources in Nevada.

SB 440- Makes appropriations requiring certain one-time payments for certain state personnel.

Would have paid out more than \$25 million of a 2021 arbitration award for some state worker bargaining units, including the Nevada Police Union (NPU) and AFSCME.

SB 104- Revises provisions relating to traffic offenses.

Aimed to clean up two bills from the 2021 session that reformed state traffic laws: AB116, which decriminalized traffic tickets, and SB219, which prohibited suspension of a driver's license for unpaid fines.

SB 246- Revises provisions relating to governmental administration.

Included a workforce development program and made various revisions designed to empower a city charter committee.

SB 262- Revises the qualifications for membership on certain town advisory councils and boards.

Eliminated a requirement that members of a citizen's advisory council or town advisory board be qualified electors.

SB 371- Revises provisions governing local governments.

Provided a broad and undefined grant of power to a local government to take action in response to affordable housing issues.

SB 384- Establishes certain provisions relating to the award of grants of federal money by a state agency for the development of broadband services and infrastructure.

Would have created new requirements for state agencies issuing federal grants for broadband infrastructure projects.

SB 314- Revises provisions relating to energy storage systems.

Sought to require the Public Utilities Commission of Nevada to establish targets every two years for energy storage by electric utilities.

SB 319- Revises provisions relating to public employees.

Would have changed the definition of “employee” in the state employee collective bargaining law to include unclassified category I, II and III peace officers in addition to classified employees already covered by the law.

AB 160- Revises provisions governing the sealing of certain criminal records.

Would have adopted procedures to automatically seal criminal records.

SB 272- Revises provisions relating to governmental administration.

Would have required state agencies and local governments to publish annual reports online detailing the number and size of public works contracts, as well as how many of those contracts went to minority-owned, women-owned, and LGBTQ-owned businesses.

Healthcare

AB 265- Revises provisions relating to mental health.

Added certain members to the Subcommittee on the Mental Health of Children of the Commission on Behavioral Health; created a statewide mental health consortium; prescribed the membership, powers and duties of the statewide mental health consortium; authorized the statewide mental health consortium to request the drafting of not more than 1 legislative measure for each regular session of the Legislature.

AB 11-Revising provisions governing hospitals.

Prohibited a hospital or psychiatric hospital from employing a physician under certain circumstances; provided penalties for a violation of such prohibition; prohibiting a hospital from taking measures to restrict certain activity of a provider of health care who is employed by or serves as an independent contractor of the hospital.

SB 400- Revises provisions relating to homelessness.

Would have required health maintenance organizations (HMOs) that contract with the state Department of Health and Human Services for Medicaid managed care programs to reinvest a percentage of their annual profits in programs in the local community to address homelessness and provide medication and housing.

SB 302- Revises provisions relating to health care.

Prohibited health care licensing boards from taking certain action against a provider of health care or certain other persons for providing or assisting in the provision of gender-affirming health care services.

AB 250- Establishes provisions governing prescription drugs.

Prohibited certain actions related to pricing and reimbursement for certain drugs; creating a cause of action for violating such prohibitions.

SB 239-Establishes provisions governing the prescribing, dispensing and administering of medication designed to end the life of a patient.

Authorized physician assisted death for terminally ill patients.

AB 251- Revises provisions governing prescriptions.

Required each pharmacy to provide prescription information in the 10 languages most commonly spoken in the State.

SB 419- Makes revisions relating to public health.

Expanded Medicaid coverage for prenatal care and labor and delivery services but did not include an appropriation.

AB 201- Revises provisions relating to planning for the provision of behavioral health care.

Required the Department of Health and Human Services to track spending and quantify cost avoidance and report projected savings to a Joint Interim Committee.

AB 281- Revises provisions governing senior living facilities.

Would have required that ventilation systems of senior living centers be routinely inspected and maintained by specifically qualified personnel.

AB 322- Revises provisions relating to kratom products.

Would have prohibited the sale of any product or food containing kratom unless the product is registered with the Division of Public and Behavioral Health.

AB 383- Revises provisions relating to health care.

Would have guaranteed access to contraceptive methods and prohibited the state from enacting any law that burdens access to reproductive health care.

AB 437- Limits the amount and circumstances under which a provider of health care may charge for filling out certain forms associated with certain leaves of absence.

Would have limited the fees health care providers could charge for filling out forms that patients need to submit to their employers to take a leave of absence under the federal Family and Medical Leave Act of 1993.

AB 439- Revises provisions governing certain contracts of insurance.

Would have ensured provisions for arbitration in various types of insurance contracts would not be binding, covering a wide variety of contracts including health insurance, group health insurance, health benefits plans and contracts for medical services coverage by various health care organizations.

SB 76- Establishes provisions governing certain products that contain intentionally added perfluoroalkyl and polyfluoroalkyl substances.

Would have banned the sale of certain products containing PFAS (per- and polyfluoroalkyl substances) or carpets, food packages and cosmetics.

General Business

AB 144-Revises provisions governing the sale of certain lighting products.

Restricted the sale of fluorescent lights.

AB 223- Revises requirements relating to collection agencies.

Required a collection agency to provide a payoff letter upon the request of a debtor; required a collection agency to provide a satisfaction letter to a debtor after a claim has been satisfied; authorized a debtor to bring a civil action against a collection agency that violated the requirement to provide a payoff letter or a satisfaction letter to the debtor; revised the method by which a collection agency must notify a medical debtor before taking any action to collect a medical debt.

AB 258- Enacts certain provisions governing the confidentiality of certain personal information of a donor, member or volunteer of a nonprofit organization.

A governmental entity would have been required to keep any records identifying a person as a donor, member or volunteer for a nonprofit organization confidential.

AB 371- Makes various changes relating to parentage.

Would have adopted provisions of the Uniform Parentage Act which provides a uniform legal framework for establishing parent-child relationships.

SB 429- Requires certain new or expanding businesses to provide certain family and medical leave to employees in order to qualify for a partial abatement of certain taxes.

Would have required companies with 50-plus employees that are seeking tax abatements from the state to provide their employees with paid family and medical leave for at least 12 weeks at a rate of at least 55 percent of the employee's salary.

Construction

AB 235- Revises provisions governing public works projects.

Required the payment of prevailing wages to workers who perform custom fabrication on a public work or for certain performance contracts of local governments or state agencies.

SB 433-Revises provisions relating to prevailing wages.

Required the Labor Commissioner to adopt regulations establishing factors to be considered when determining whether prevailing wages are required on a project.

AB 172- Revises provisions governing collective bargaining for certain public employees.

Would have required school districts to provide unions recognized by the district with the name, address, email address, telephone number and work contact information for each employee in a collective bargaining unit at least on a semiannual basis, unless the district and union agreed otherwise.

AB 224- Revises provisions governing collective bargaining.

Would have placed professional employees at the Nevada System of Higher Education (NSHE) under a 2019 law allowing state workers to collectively bargain.

AB 305- Revises provisions governing public works.

Would have required at least 2 percent of the hours of labor in a public works department be completed by women apprentices.

SB 301- Revises provisions governing public works.

Would have expanded the definition of employees on public works projects, subject to the state's prevailing wage, to include workers who deliver or remove construction material or structures.

Tax

AB 359- Revises provisions relating to the imposition by certain counties of additional taxes on fuels for motor vehicles.

Revising provisions governing the effectuation of additional annual increases in certain taxes imposed on fuels for motor vehicles in certain larger counties.

Landlord & Tenant

AB 298- Revises provisions governing housing.

A landlord who collects from a prospective tenant an application fee rent a dwelling unit to return such fees; required any written agreement for the use and occupancy of a dwelling unit or premises to contain separate appendices relating to fees and tenant rights; temporarily prohibited a landlord from entering into a rental agreement with certain existing tenants that increases the rent due from the tenant by more than 10% of the rental agreement in effect June 30, 2023.

AB 218- Revises provisions governing landlords and tenants.

Would have increased damages in certain actions by a tenant against a landlord and prohibited fees associated with paying rent through an online payment system.against a tenant and prohibited fees associated with paying rent through an online payment system.and prohibited fees associated with paying rent through an online payment system.against a tenant and prohibited fees associated with paying rent through an online payment system.

AB 340- Revises provisions governing certain actions and proceedings relating to real property.

Sought to amend Nevada's summary process by requiring a landlord to make the first filing in a summary eviction case.

SB 78- Makes various changes relating to property.

Would have provided for a grace period of at least three days before a landlord could charge a tenant late fees, specified that a landlord could only charge an application fee to one prospective tenant at a time and prohibit increases in fees without advance notice.

SB 335- Revises provisions regarding real property.

Would have modified tenant eviction proceeding for tenants receiving rental assistance and established a formal eviction diversion program within Nevada's court system.

SB 395- Revises provisions relating to real property.

Would have prohibited corporations, limited-liability companies and any affiliates from purchasing more than 1,000 residential properties in a year.

SB 275- Revises provisions relating to manufactured home parks.

Would have provided rent caps for those living in mobile homes.

Elections

AB 246- Revises provisions governing elections.

Would have required counties to provide ballots in non-English languages if there are at least 5,000 qualified voters from a minority group of limited-English proficiency in that county.

AB 394- Revises provisions governing elections.

Required the Secretary of State to adopt regulations that prescribe the procedure to be used if the abstract or certification of results for any election is not timely prepared or transmitted; prohibiting, with certain exceptions, the counting of ballots more than once.

SB 404-Makes various changes relating to elections.

Revised provisions relating to the challenge of a person applying to vote; authorized a county or city clerk to order the count of returns for early voting begin on or after the first day of early voting.

SB 133- Revises provisions relating to presidential electors.

Prohibited a person from creating or serving in a false slate of presidential electors or conspiring to create or serve in a false slate of presidential electors; prohibited the State or a local government from appointing to public office or employing a person convicted of such an offense; providing penalties.

AB242- Revises provisions relating to elections.

Would have mandated that all ballots be counted with a mechanical voting system.

SB 443- Revises provisions relating to voter registration.

Would have required DMV offices in Clark and Washoe counties to establish extended hours for the two weeks leading up to the deadline to register to vote by mail.

SB 60- Revises provisions relating to campaign practices.

Required a state constitutional officers' "inaugural committee" to report financial contributions and expenditures, similar to what is required for a political action committee.

Transportation

AB 456-Revises provisions relating to railroads.

Established requirements for the installation and operation of wayside detector systems; required a stopped train or other equipment to be cut, separated or moved to clear a railroad grade crossing upon the approach of an emergency vehicle; provided a civil penalty; prohibited the operation in this State of certain trains that are more than 7,500 feet long on certain railroad tracks.

AB 334- Revises provisions relating to insurance for motor vehicles.

Would have set up a standard timeline for insurers to follow on the inspection and repair of motor vehicles.

SB 299- Revises provisions related to monorails.

Eliminated certain exemptions from prevailing wage requirements relating to railroad companies or monorails.

Education

SB 251-Revises provisions relating to employees of school districts.

Revised provisions governing the authority of a large school district to negotiate certain conditions of employment; revised provisions governing mandatory subjects of collective bargaining relevant to school districts.

AB 74- Revises provisions relating to agreements entered into by public bodies.

Would have allowed the Board of Regents to enter into public-private partnerships in order to promote and enhance student life or an educational program at an institution within the Nevada System of Higher Education (NSHE).

AB 319- Makes an appropriation to the State Department of Agriculture for universal free breakfast and lunch for Nevada pupils.

Would have extended a COVID-era decision by lawmakers to fund universal free school lunches statewide at K-12 schools.

AB 282- Establishes provisions governing a subsidy for certain substitute teachers.

Required school districts to provide certain substitute teachers with a subsidy for the purchase of health insurance coverage.

SB 148- Revises provisions relating to local school precincts.

Prohibited a local school precinct from employing or otherwise procuring the services of certain personnel for a school; revised provisions relating to the selection of certain personnel by the principal of a local school precinct; providing that the superintendent of a large school district is responsible for making certain personnel decisions; authorized certain uses of a year-end balance by a local school precinct under certain circumstances.

SB 340- Revises provisions relating to education.

Required the board of trustees of a school district and the State Public Charter School Authority to submit to the Superintendent of Public Instruction plans for the provision of summer school to certain pupils; required the submission to certain entities of certain reports relating to such plans for the provision of summer school.

Departing Members

Legislative Service

- Co-Minority Whip, 2019
- Co-Majority Whip, 2015
- Nevada Senate 2012 -Present (first elected November 2012)
- Nevada Assembly, 2011-2012 (first elected November 2010)



Senator Scott Hammond (R)



Senator Pat Spearman (D)

Legislative Service

- President Pro Tempore, 2023
- Co-Majority Whip, 2019
- Nevada Senate, 2012 - Present (first elected November 2012)

Legislative Service

- Nevada Senate, 2012 - Present (first elected November 2012)
- Minority Floor Leader, 2011-2012
- Minority Whip, 2007-2010
- Nevada Assembly, 2002-2012 (first elected November 2002)



Senator Pete Goicoechea (R)

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