

Southern Nevada Health District

2023 Nevada Legislative Session Report

Nevada's 82nd session ended on June 5th, 2023. As usual given SNHD's expansive mission and status as a local government, the district was involved in a variety of legislation including some of the most talked about bills of the session. SNHD's staff and representatives worked diligently engaging in the process, shaping legislation to improve outcomes and protect against unintended consequences. SNHD's session culminated with a signature piece of legislation, passing an historic investment in public health after attempts in previous sessions fell short.

The legislative body was composed of a supermajority of 28 Democrats and 14 Republicans in the Assembly and 13 Democrats and 8 Republicans in the Senate. If the assembly holds and Democrats pick up a seat in the senate to achieve a supermajority, each of the 75 bills Governor Lombardo vetoed has a chance to be overridden and passed into law, as bills automatically come back for reconsideration at the next regular legislative session in 2025.

Below is a summation of important legislation of interest to the Southern Nevada Health District, with links to bill pages where bill history, hearings and exhibits for each piece of legislation can be found.

[SB118 – Public Health Improvement Fund](#)

The signature public health win of the session, this bill allocates \$15,000,000 to the Public Health Improvement Fund in DPBH to be allocated to the three health districts in the state and DPBH or a designee, \$10,950,000 of which will be awarded to the Southern Nevada Health District. The allocation is population based and defined in statute with the following percentages:

- SNHD 73%
- Washoe 16%
- Central Nevada 1.3%
- DPBH will receive the remaining 9.7%, with 2% of that being the “designee” health department, Carson City

The funds will be transferred to SNHD by August 1, 2024. This bill also removed the adjacent county requirement for forming new health districts, allowing the new CNHD to officially form and begin operations.

This is contemplated to be an ongoing line item in the Governor's budget and the legislative intent was made clear to that affect.

There is a reporting requirement in this bill due to the Interim Finance Committee, which includes a description of the process used to evaluate the public health needs of residents and the priority of those needs, a description of each expenditure, as well as the unallocated funds remaining in the account. Notably, this money has an extra year to be expended unlike most allocations that revert at the end of the 2 year biennium if not spent.

AB220 – Septic Conversion Program

This bill allows for SNHD, via a two-thirds vote of the board, to create a voluntary septic conversion program for residential property current served by municipal water. The board may impose a fee no greater than the annual sewer fee of Clark County, currently \$250 a year. 100 percent of the cost to convert may be paid by the program and those who have not paid the voluntary fee are ineligible. Notably, this bill also allows SNWA to limit usage amongst the largest water users in Clark County. We anticipate this bill will undergo may changes in upcoming future legislatures.

AB53 – Underage Tobacco Sales Enforcement

This bill revises the penalties for underage sales of tobacco products, removing both warnings and moving straight in to fines. The new law, which takes effect Jan 1, states that the penalties for violations occurring within a 24-month period at the same premises, a licensee is liable for the following civil penalties:

- 1st violation: \$2,500
- 2nd violation \$5,000
- 3rd violation \$7,500 and
- 4th violation \$10,000 for a fourth and any subsequent violation

The hope is this will increase Nevada's compliance rate on underage sales, currently one of the lowest in the nation. Future iterations of this law will hopefully include suspensions of sales to strengthen penalties, if needed.

SB92 – Street Food Vendors

This bill develops requirements for the licensing and regulation of street food vendors in Clark and Washoe Counties.

It creates the task force on Safe Sidewalk Vending in the Secretary of State’s Office, which will be required to review existing laws related to sidewalk vending and recommend approaches to improve the laws of the state, cities and counties to legalize sidewalk vending, simplify and standardize the laws governing sidewalk vending, remove unnecessary barriers and protect public health by ensuring that sidewalk vendors follow clear and narrowly tailored laws.

This bill also requires SNHD to offer a payment plan for licensing fees by January 1, as well as a process for accepting alternatives to licensing for those without a Nevada driver’s license. SNHD will be required to issue new regulations for street food vendors by the end of 2025, after the initial report of the task force which is due on September 1, 2024. Notably, this is after the conclusion of the next legislative session and such a process could be further changed by statute.

The nine-member task force consists of the following members, and SNHD has already advanced Nikki Burns-Savage as its representative for consideration (not yet appointed).

- Representative of a health district
- Representative of a county or city who works in business licensing
- A gaming or restaurant representative
- Law enforcement
- Secretary of State
- 4 members at large chosen by the SOS with priority given to sidewalk vendors and an organization that represents sidewalk vendors.

This bill prohibits sidewalk vending within 1,500 feet of a resort hotel, event facility of greater than 20K and a convention facility. City and county ordinances are required to be created by this bill and will further govern their operation under the purview of these jurisdictions.

SB 439 – HIV Modernization Task Force

Notably, this bill requires state and local agencies, including SNHD, to develop policies to provide uninterrupted services to individuals diagnosed with HIV during a public health emergency. It also mandates that private and public detention centers provide treatment and prevention programs and medication related to the transmission of HIV. The bill also requires

certain public and private insurers to cover testing, treatment, condoms/preventative measures as well as labs, diagnostics and drugs to prevent HIV/Hep C.

SB172 – Minor Access to Care

This bill allows for minors to receive access to preventative STD treatments, as well as contraception, without parental consent.

SB441 – Daily Room Cleaning

This bill completely repealed SNHD’s requirement to inspect transient lodging facilities over 200 rooms every 2 months, returning the organization to the pre-pandemic practice of once per year. This bill also repeals certain cleaning requirements and liabilities related to businesses impacted by SB4, adopted during the COVID special sessions in 2020.

SB232 – Postpartum Medicaid Expansion

Expands Medicaid postpartum care services for 12 months, up from 60 days currently.

SB35 – Fentanyl Trafficking

This bill establishes different levels of fentanyl trafficking and associated penalties based on quantity of possession in grams between 28-42g and between 42-100g. It also requires reporting to the state of certain information of those who were charged, including deaths and treatment programs in prisons. Also provides for medication assisted treatment program for offenders experiencing a substance abuse disorder.

SB237 – 988 Hotline

This bill sets the 988 hotline surcharge at 35 cents and makes clarifying language changes in wake of the regulatory process setting up the hotline.

AB45 – Student Loan Repayment

This bill strives to reduce the healthcare provider shortage in Nevada by providing for student loan repayment incentives not to exceed \$120k per individual. It provides repayment for those operating in a qualified census tract, socially vulnerable tract, historically discriminated area or areas where at least 20% of the population is non-English speaking. At least 15% of the fund must go to those operating in counties other than Clark and Washoe. The Nevada Treasurer's Office will be adopting regulations to carry out the specifics of the program.

AB232 – Wholesale Cigar Tax

This bill lowers the 30% wholesale tax on "premium cigars" to a maximum of 50 cents per cigar. The program has a built in sunset in 2027 in the event sales tax doesn't rise accordingly to offset the tax revenue loss, as was the bill sponsor's rationale for bringing the legislation forward.

AB122 – Electronic Age Verification for Tobacco

This bill clarifies that patrons receiving tobacco products on the casino floor of unrestricted gaming establishments are exempted from having their ID scanned for electronic age verification.

AB364 - Board of Medical Examiners Changes

This bill adds two seats to the Nevada Board of Medical Examiners – one for a Physician's Assistant and one for a Respiratory Specialist.

AB7 – Electronic Health Records

Requires implementation of electronic health care records in accordance with DHHS regulations by certain dates and appropriates \$3mm to help satisfy the bill's requirements. The dates/types are as follows:

- July 1, 2024 for hospitals and large physician group practices
- July 1, 2025 for government entities, other large health care practices, insurers, Pharmacy Benefit Managers and other insurance administrators

- January 1, 2030 for small physician practices and other small health care practices

AB132 – Opioid Task Force

This bill creates the Regional Opioid Task Force, which will include a representative from SNHD along with an Epidemiologist nominated by SNHD. Other representatives include a social services agency, Department of Family Services, Department of Juvenile Justice, primary health care provider, mental health care provider, Clark County School District, Metro, behavioral health provider, addiction specialist, EMS provider, public health educators or community health workers, bilingual rep, Substance Abuse Prevention Coalition and the Clark County Coroner.

The task force will be reviewing data to identify gaps and propose interventions in battling the opioid epidemic. After October 1, all deaths will be reviewed and analyzed on a variety of factors such as geography and social determinants of health. The group will meet quarterly and a report is due 12/2024.

AB158 – EMS Licensure

This bill enacts the Interstate EMS Licensure Compact, allowing EMT's to work freely between states that have ratified the compact. Of note, SNHD would like to be appointed at least every other year to the national conference Nevada will be joining as a result of passing this bill.

AB40 – Health Inspection Records

This bill, which is already SNHD practice, simply allows for health inspection records to be transmitted electronically.

SB22 – Legal Notices

Allows for legal notices to be published in the online only version of newspaper websites.

AB219 – Public Comment

This legislation mandates that public comment must be taken on each item for action on an agenda, after an item is heard but before voted upon and makes a host of other changes ensuring access for public comment to be given depending on the meeting type.

AB135 – Birth Certificates

Under AB135, those experiencing homelessness will be able to get a copy of their birth certificate without having their application notarized and will be given 30 days to correct deficiencies in their application. Also covers provisions for helping homeless youth get identification.

AB120 – Volunteer Medical Service

Under this bill, medical professionals will be able to provide volunteer medical services without meeting the previous requirement of 3 consecutive years of practice.

SB289 – Healthcare Assault and Battery

This expands the assault and battery penalties for crimes against medical professionals in a variety of healthcare settings, including SNHD.

SB117 - Community Health Workers

Allows for Medicaid expansion covering Community Health Workers who are supervised by medical professionals as defined under NRS 629.031. Previously these workers were eligible only under supervision of physicians after the law passed in 2021.

SB434 – PERS

Allows for an option of having PERS benefits paid to a beneficiary for 6 months following death of recipient.

AB434 – 340B Protections

This bill will positively impact SNHD’s FQHC. Under AB434, PBM’s are prohibited against taking certain actions against those who participate in the 340B program. It also limits the use of DHHS money administering the program, ensuring that a covered provider participating in the 340B program to buy drugs at discount, or a pharmacy contracting with a provider, get the full benefit of the program.

AB52 – Open Meeting Law Changes

This bill makes several clarifying changes to open meeting law, stating that nonvoting members do not count towards a meeting quorum and that if a vacancy occurs, the vacant position does not count towards calculating a quorum. It also adds additional methods whereby a subject of administrative action can be notified of a hearing while adding additional definitions and deadlines for such a proceeding.

SB261 – Business Impact Statements

Under SB261, SNHD is formally defined as a “local government” in statute. As such, the legislation lays out a series of requirements which must be met when issuing business impact statements, while including chambers of commerce in such processes. If two or more chambers of commerce request a workshop on potential rule changes, one must be held and notification sent as to when the workshop will occur. It also requires a list of chambers, trade associations and business owners be maintained and updated by January 31st each year. Finally, business impact statements must list the number of businesses likely to be affected, the list of organizations that were notified and a summary of the workshop held.

SB2 – Disaster Coordination Committee

Allows for SNHD to request a report from the committee for the purposes of conducting reunification or identification during an emergency. Also allows for the committee to be convened in preparation for an imminent public health emergency and if the committee is convened, prepare for the sharing of information on those who have contracted an illness or been injured or killed.

AB24 – State EMS Committee

This bill adds members to the State Committee on Emergency Medical Services, which includes a member of a local government that provides EMS services (but not fire services), as well as a representative of an organization that provides EMS services on tribal land.

AB37 – Behavioral Health Workforce

This bill authorizes the Board of Regents to establish the Behavioral Health Workforce Development Center of Nevada at one more institutions within NSHE. The center will consist of a main hub and regional hubs in each of the five behavioral health regions.

SB44 – Oral Health Care

This bill transfers the State Program for Oral Health, the Advisory Committee on the State Program for Oral Health, and the duty to appoint the State Dental Health Officer and the State Public Health Dental Hygienist to the Department of Health and Human Services. Additionally, the bill revises certain educational and licensing requirements for the State Dental Health Officer and the State Public Health Dental Hygienist and provides that persons holding these positions can be part time.

SB119 - Telehealth

This bill allows for payment parity in telehealth and repeals the expiration of coverage that was allowed during the COVID-19 Emergency Declaration. It makes permanent requiring a third-party payer who is not an industrial insurer to cover telehealth services, except for those provided through audio-only interaction, in the same amount as services provided in person or by other means.

SB445 - EMS System

This bill allows money generated from administrative penalties, fees from the issuance or renewal of a license to create and maintain an information system, which will consist of records of those who have completed ambulance attendant, firefighter, or legislative training programs.

Notable Vetoes and Bills Not Advancing

[SB361](#) was a bill SNHD played a major role in stopping that would have taken certain hard plastics out of the definition of solid waste for the purposes of “advanced recycling”, creating a slippery slope of what does and does not constitute solid waste.

[AB322](#) would have banned kratom products but was vetoed.

[SB419](#) was an expansive Medicaid bill that would have most notably covered pregnant women who are undocumented, amongst a variety of other Medicaid initiatives, but it was vetoed by the Governor.

[AB69](#) would have expanded loan repayment program to behavioral healthcare providers but did not advance. Notably, AB45 passed which more broadly provides loan repayment to healthcare providers in underserved areas.

[AB108](#) would have enacted the Nurse Licensure Compact but failed in committee.

[AB263](#) would have put certain requirements in place for water systems in health care facilities for the purpose of preventing Legionnaires’ disease. However, there was consensus in the public health community that these changes would not have moved the needle on prevention.

[AB294](#) was an ambitious, omnibus tobacco bill that sought to ban flavored tobacco/vapor products, phase out sales to those born after 2002 and make changes to tobacco wholesaling - the bill did not receive a hearing.