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FIRST REPRINT

S.B. 122

SENATE BILL NO. 122—SENATORS CANCELA, RATTI;
CANNIZZARO, PARKS AND WOODHOUSE

PREFILED FEBRUARY 13, 2017

JOINT SPONSORS: ASSEMBLYMEN SPIEGEL AND SPRINKLE

Referred to Committee on Health and Human Services

SUMMARY—Establishes a program to provide grants for family planning services. (BDR 40-630)

FISCAL NOTE: Effect on Local Government: No.
Effect on the State: Yes.

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EXPLANATION – Matter in *bolded italics* is new; matter between brackets ~~omitted material~~ is material to be omitted.

AN ACT relating to family planning; establishing a program to award grants to local governmental entities and nonprofit organizations for the purpose of providing certain services relating to family planning; and providing other matters properly relating thereto.

Legislative Counsel's Digest:

1 Existing law authorizes the Division of Health Care Financing and Policy of the
2 Department of Health and Human Services to: (1) conduct a family planning
3 service in any county of this State; and (2) establish a policy of referral of certain
4 persons for family planning services. (NRS 422.308) **Section 5** of this bill
5 establishes the Account for Family Planning in the State General Fund and requires
6 the Administrator of the Division of Public and Behavioral Health of the
7 Department of Health and Human Services to administer the Account. **Section 5**
8 requires the money in the Account to be expended to award grants of money to
9 local governmental entities and nonprofit organizations to be used to provide
10 certain services relating to family planning to persons who would otherwise have
11 difficulty obtaining those services. **Section 5** authorizes a local government that is
12 awarded a grant to provide such family planning services through a contract with
13 another person or entity. **Section 6** of this bill authorizes the Administrator to
14 accept gifts, grants and donations for the purpose of awarding such grants. **Section**
15 **7** of this bill requires the recipient of a grant to provide certain information to a
16 person to whom the recipient provides counseling that is funded by a grant.
17 **Sections 7 and 9** of this bill provide that any personally identifiable information
18 concerning a person to whom a grant recipient provides services is confidential.



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19 **Section 8** of this bill requires the State Board of Health to adopt regulations
20 concerning the award of grants.

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

1 **Section 1.** Chapter 442 of NRS is hereby amended by adding
2 thereto the provisions set forth as sections 2 to 8, inclusive, of this
3 act.

4 **Sec. 2.** *As used in sections 2 to 8, inclusive of this act, unless*
5 *the context otherwise requires, the words and terms defined in*
6 *sections 3 and 4 of this act have the meanings ascribed to them in*
7 *those sections.*

8 **Sec. 3.** *“Account” means the Account for Family Planning*
9 *created by section 5 of this act.*

10 **Sec. 4.** *“Administrator” means the Administrator of the*
11 *Division.*

12 **Sec. 5. 1.** *The Account for Family Planning is hereby*
13 *created in the State General Fund. The Administrator shall*
14 *administer the Account.*

15 **2.** *Except as otherwise provided in subsection 4, the money in*
16 *the Account must be expended to award grants of money to local*
17 *governmental entities and nonprofit organizations to provide the*
18 *family planning services described in this section to persons who*
19 *would otherwise have difficulty obtaining such services because of*
20 *poverty, lack of insurance or transportation or any other reason.*
21 *Grants of money awarded pursuant to this section may only be*
22 *used to fund:*

23 *(a) The provision of counseling by trained personnel*
24 *concerning family planning;*

25 *(b) The distribution of information concerning family*
26 *planning;*

27 *(c) The referral of persons to appropriate agencies,*
28 *organizations and providers of health care for consultation,*
29 *examination, treatment, genetic counseling and prescriptions for*
30 *the purpose of family planning;*

31 *(d) The distribution of contraceptives, the installation of*
32 *contraceptive devices and the performance of contraceptive*
33 *procedures approved by the United States Food and Drug*
34 *Administration, which must be limited to:*

35 *(1) Sterilization surgery for women;*

36 *(2) Surgical sterilization implants for women;*

37 *(3) Implantable rods;*



1 (4) *Copper intrauterine devices and intrauterine devices*
2 *with progestin;*

3 (5) *Contraceptive injections and patches;*

4 (6) *Combined oral contraceptive pills, progestin only oral*
5 *contraceptives and oral contraceptives for extended or continuous*
6 *use;*

7 (7) *Vaginal contraceptive rings;*

8 (8) *Diaphragms;*

9 (9) *Contraceptive sponges;*

10 (10) *Cervical caps;*

11 (11) *Female condoms;*

12 (12) *Spermicide; and*

13 (13) *Levonorgestrel and ulipristal acetate;*

14 (e) *The provision of or referral of persons for preconception*
15 *health services and assistance to achieve pregnancy; and*

16 (f) *The provision of or referral of persons for testing for and*
17 *treatment of sexually transmitted infections.*

18 3. *Family planning services funded by a local governmental*
19 *entity using a grant awarded pursuant to this section may be*
20 *provided wholly or partially through a contract between the local*
21 *governmental entity and another local governmental entity, an*
22 *agency of the State, a community health nurse, a consultant or*
23 *any other person or entity.*

24 4. *Family planning services funded using a grant awarded*
25 *pursuant to this section must be provided:*

26 (a) *In a manner that protects the dignity of the recipient;*

27 (b) *Without regard to religion, race, color, national origin,*
28 *physical or mental disability, age, sex, gender identity or*
29 *expression, sexual orientation, number of previous pregnancies or*
30 *marital status;*

31 (c) *In accordance with:*

32 (1) *Written clinical protocols that are in accordance with*
33 *nationally recognized standards of care;*

34 (2) *The provisions of 42 U.S.C. § 300(a) requiring a*
35 *grantee to encourage family participation, to the extent practical,*
36 *in family planning projects; and*

37 (3) *The provisions of Program Policy Notice 2014-01 issued*
38 *by the Office of Population Affairs of the United States*
39 *Department of Health and Human Services on June 5, 2014,*
40 *prohibiting a grantee from requiring the consent of parents or*
41 *guardians for the provision of services to a minor or notifying the*
42 *parent or guardian of a minor before or after the minor has*
43 *requested or received family planning services, regardless of*
44 *whether that Program Policy Notice is superseded or revoked; and*



1 (d) *By persons who are required by NRS 432B.220 to report*
2 *the abuse or neglect of a child.*

3 5. *The Administrator may not use more than 10 percent of*
4 *the money in the Account to administer the Account.*

5 6. *The Administrator shall award grants of money from the*
6 *Account based entirely on the need for family planning services in*
7 *the community served by the local governmental entity or the*
8 *nonprofit organization and the ability of the local governmental*
9 *entity or nonprofit organization to effectively deliver family*
10 *planning services.*

11 7. *The existence of the Account does not create a right in any*
12 *local government or nonprofit organization to receive money from*
13 *the Account.*

14 8. *As used in this section, "preconception health services"*
15 *means the promotion of proper health practices, screenings and*
16 *interventions conducted before pregnancy to identify and modify*
17 *biomedical, behavioral and social risks to a woman's health or*
18 *pregnancy outcome through prevention and management.*

19 **Sec. 6. 1.** *The Administrator may apply for and accept any*
20 *gift, donation, bequest, grant or other source of money for the*
21 *purpose of awarding grants pursuant to section 5 of this act. Any*
22 *money so received must be deposited in the Account.*

23 2. *The interest and income earned on money in the Account*
24 *from any gift, donation or bequest, after deducting any applicable*
25 *charges, must be credited to the Account.*

26 3. *Money from any gift, donation or bequest that remains in*
27 *the Account at the end of the fiscal year does not revert to the*
28 *State General Fund, and the balance in the Account must be*
29 *carried forward to the next fiscal year.*

30 **Sec. 7. 1.** *A local governmental entity or nonprofit*
31 *organization that receives a grant pursuant to section 5 of this act*
32 *shall:*

33 (a) *Inform a person to whom the entity or organization*
34 *provides counseling concerning family planning which is funded*
35 *by a grant of any methods or procedures that may be used to assist*
36 *the person to achieve his or her goals concerning family planning.*
37 *The information must include:*

38 (1) *A clear explanation of family planning services,*
39 *procedures, prescriptions and devices available directly from the*
40 *entity or organization and those for which referral is required;*

41 (2) *A description of any risks of the method or procedure,*
42 *including possible negative outcomes and discomfort or pain that*
43 *may result from using the method or procedure;*

44 (3) *A description of the likely outcome and benefits of using*
45 *the method or procedure;*



1 (4) *A description of any alternative methods or procedures*
2 *designed to accomplish the same goal; and*

3 (5) *Answers to any questions the person has concerning the*
4 *method or procedure.*

5 (b) *Notify a person to whom the entity or organization provides*
6 *counseling concerning family planning which is funded by a grant*
7 *that the person is free to refuse any method or procedure about*
8 *which the entity or organization informs the person pursuant to*
9 *paragraph (a).*

10 2. *Any personally identifiable information concerning a*
11 *person to whom services funded by a grant pursuant to section 5*
12 *of this act are provided is confidential. A local governmental entity*
13 *or nonprofit organization that receives such a grant shall comply*
14 *with all laws concerning the privacy of information, including,*
15 *without limitation, the Health Insurance Portability and*
16 *Accountability Act of 1996, Public Law 104-191, as amended, and*
17 *applicable regulations.*

18 **Sec. 8. 1.** *The State Board of Health shall adopt any*
19 *regulations necessary to carry out the provisions of sections 2 to 8,*
20 *inclusive, of this act. The regulations must establish, without*
21 *limitation:*

22 (a) *The manner in which a local governmental entity or*
23 *nonprofit organization may apply for a grant pursuant to section 5*
24 *of this act; and*

25 (b) *A requirement that the recipient of a grant pursuant to*
26 *section 5 of this act must submit any information that the State*
27 *Board of Health determines is necessary for the Administrator to*
28 *determine the purposes for which such a grant was used and*
29 *evaluate the outcomes of services provided using such grants.*

30 2. *The regulations adopted pursuant to this section must not*
31 *require a local governmental entity or nonprofit organization to*
32 *apply for a grant pursuant to section 5 of this act.*

33 **Sec. 9.** NRS 239.010 is hereby amended to read as follows:

34 239.010 1. Except as otherwise provided in this section and
35 NRS 1.4683, 1.4687, 1A.110, 41.071, 49.095, 62D.420, 62D.440,
36 62E.516, 62E.620, 62H.025, 62H.030, 62H.170, 62H.220, 62H.320,
37 75A.100, 75A.150, 76.160, 78.152, 80.113, 81.850, 82.183, 86.246,
38 86.54615, 87.515, 87.5413, 87A.200, 87A.580, 87A.640, 88.3355,
39 88.5927, 88.6067, 88A.345, 88A.7345, 89.045, 89.251, 90.730,
40 91.160, 116.757, 116A.270, 116B.880, 118B.026, 119.260,
41 119.265, 119.267, 119.280, 119A.280, 119A.653, 119B.370,
42 119B.382, 120A.690, 125.130, 125B.140, 126.141, 126.161,
43 126.163, 126.730, 127.007, 127.057, 127.130, 127.140, 127.2817,
44 130.312, 130.712, 136.050, 159.044, 172.075, 172.245, 176.015,
45 176.0625, 176.09129, 176.156, 176A.630, 178.39801, 178.4715,



1 178.5691, 179.495, 179A.070, 179A.165, 179A.450, 179D.160,
2 200.3771, 200.3772, 200.5095, 200.604, 202.3662, 205.4651,
3 209.392, 209.3925, 209.419, 209.521, 211A.140, 213.010, 213.040,
4 213.095, 213.131, 217.105, 217.110, 217.464, 217.475, 218A.350,
5 218E.625, 218F.150, 218G.130, 218G.240, 218G.350, 228.270,
6 228.450, 228.495, 228.570, 231.069, 231.1473, 233.190, 237.300,
7 239.0105, 239.0113, 239B.030, 239B.040, 239B.050, 239C.140,
8 239C.210, 239C.230, 239C.250, 239C.270, 240.007, 241.020,
9 241.030, 241.039, 242.105, 244.264, 244.335, 250.087, 250.130,
10 250.140, 250.150, 268.095, 268.490, 268.910, 271A.105, 281.195,
11 281A.350, 281A.440, 281A.550, 284.4068, 286.110, 287.0438,
12 289.025, 289.080, 289.387, 289.830, 293.5002, 293.503, 293.558,
13 293B.135, 293D.510, 331.110, 332.061, 332.351, 333.333, 333.335,
14 338.070, 338.1379, 338.16925, 338.1725, 338.1727, 348.420,
15 349.597, 349.775, 353.205, 353A.049, 353A.085, 353A.100,
16 353C.240, 360.240, 360.247, 360.255, 360.755, 361.044, 361.610,
17 365.138, 366.160, 368A.180, 372A.080, 378.290, 378.300, 379.008,
18 385A.830, 385B.100, 387.626, 387.631, 388.1455, 388.259,
19 388.501, 388.503, 388.513, 388.750, 391.035, 392.029, 392.147,
20 392.264, 392.271, 392.850, 394.167, 394.1698, 394.447, 394.460,
21 394.465, 396.3295, 396.405, 396.525, 396.535, 398.403, 408.3885,
22 408.3886, 408.3888, 408.5484, 412.153, 416.070, 422.2749,
23 422.305, 422A.342, 422A.350, 425.400, 427A.1236, 427A.872,
24 432.205, 432B.175, 432B.280, 432B.290, 432B.407, 432B.430,
25 432B.560, 433.534, 433A.360, 439.840, 439B.420, 440.170,
26 441A.195, 441A.220, 441A.230, 442.330, 442.395, 445A.665,
27 445B.570, 449.209, 449.245, 449.720, 450.140, 453.164, 453.720,
28 453A.610, 453A.700, 458.055, 458.280, 459.050, 459.3866,
29 459.555, 459.7056, 459.846, 463.120, 463.15993, 463.240,
30 463.3403, 463.3407, 463.790, 467.1005, 480.365, 481.063, 482.170,
31 482.5536, 483.340, 483.363, 483.575, 483.659, 483.800, 484E.070,
32 485.316, 503.452, 522.040, 534A.031, 561.285, 571.160, 584.655,
33 587.877, 598.0964, 598.098, 598A.110, 599B.090, 603.070,
34 603A.210, 604A.710, 612.265, 616B.012, 616B.015, 616B.315,
35 616B.350, 618.341, 618.425, 622.310, 623.131, 623A.137, 624.110,
36 624.265, 624.327, 625.425, 625A.185, 628.418, 628B.230,
37 628B.760, 629.047, 629.069, 630.133, 630.30665, 630.336,
38 630A.555, 631.368, 632.121, 632.125, 632.405, 633.283, 633.301,
39 633.524, 634.055, 634.214, 634A.185, 635.158, 636.107, 637.085,
40 637B.288, 638.087, 638.089, 639.2485, 639.570, 640.075,
41 640A.220, 640B.730, 640C.400, 640C.745, 640C.760, 640D.190,
42 640E.340, 641.090, 641A.191, 641B.170, 641C.760, 642.524,
43 643.189, 644.446, 645.180, 645.625, 645A.050, 645A.082,
44 645B.060, 645B.092, 645C.220, 645C.225, 645D.130, 645D.135,
45 645E.300, 645E.375, 645G.510, 645H.320, 645H.330, 647.0945,



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1 647.0947, 648.033, 648.197, 649.065, 649.067, 652.228, 654.110,
2 656.105, 661.115, 665.130, 665.133, 669.275, 669.285, 669A.310,
3 671.170, 673.430, 675.380, 676A.340, 676A.370, 677.243,
4 679B.122, 679B.152, 679B.159, 679B.190, 679B.285, 679B.690,
5 680A.270, 681A.440, 681B.260, 681B.410, 681B.540, 683A.0873,
6 685A.077, 686A.289, 686B.170, 686C.306, 687A.110, 687A.115,
7 687C.010, 688C.230, 688C.480, 688C.490, 692A.117, 692C.190,
8 692C.3536, 692C.3538, 692C.354, 692C.420, 693A.480, 693A.615,
9 696B.550, 703.196, 704B.320, 704B.325, 706.1725, 706A.230,
10 710.159, 711.600, *and section 7 of this act*, sections 35, 38 and 41
11 of chapter 478, Statutes of Nevada 2011 and section 2 of chapter
12 391, Statutes of Nevada 2013 and unless otherwise declared by law
13 to be confidential, all public books and public records of a
14 governmental entity must be open at all times during office hours to
15 inspection by any person, and may be fully copied or an abstract or
16 memorandum may be prepared from those public books and public
17 records. Any such copies, abstracts or memoranda may be used to
18 supply the general public with copies, abstracts or memoranda of the
19 records or may be used in any other way to the advantage of the
20 governmental entity or of the general public. This section does not
21 supersede or in any manner affect the federal laws governing
22 copyrights or enlarge, diminish or affect in any other manner the
23 rights of a person in any written book or record which is
24 copyrighted pursuant to federal law.

25 2. A governmental entity may not reject a book or record
26 which is copyrighted solely because it is copyrighted.

27 3. A governmental entity that has legal custody or control of a
28 public book or record shall not deny a request made pursuant to
29 subsection 1 to inspect or copy or receive a copy of a public book or
30 record on the basis that the requested public book or record contains
31 information that is confidential if the governmental entity can
32 redact, delete, conceal or separate the confidential information from
33 the information included in the public book or record that is not
34 otherwise confidential.

35 4. A person may request a copy of a public record in any
36 medium in which the public record is readily available. An officer,
37 employee or agent of a governmental entity who has legal custody
38 or control of a public record:

39 (a) Shall not refuse to provide a copy of that public record in a
40 readily available medium because the officer, employee or agent has
41 already prepared or would prefer to provide the copy in a different
42 medium.

43 (b) Except as otherwise provided in NRS 239.030, shall, upon
44 request, prepare the copy of the public record and shall not require



1 the person who has requested the copy to prepare the copy himself
2 or herself.

3 **Sec. 10.** This act becomes effective upon passage and approval
4 for the purpose of adopting regulations and performing any other
5 administrative tasks that are necessary to carry out the provisions of
6 this act and on January 1, 2018, for all other purposes.

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