

Committee in Session at 8:31 am on Monday, February 12, 1979

Senator Keith Ashworth in the Chair.

PRESENT: Chairman Keith Ashworth  
Senator Clifton Young  
Senator Wilbur Faiss  
Senator Jim Kosinski

ABSENT: Vice-Chairman Joe Neal  
Senator Rick Blakemore

GUESTS: Mr. David L. Howard, Office of the Secretary of  
State  
Senator Lawrence Jacobsen  
Mr. Lody Smith, Nevada Division of Forestry  
Mr. Al Edmundson, Nevada Division of Health  
Mr. George Bennett, Nevada State Board of  
Pharmacy

Chairman Ashworth opened the meeting with further testimony on  
S.B. 69.

Mr. David L. Howard, Office of the Secretary of State, stated that S.B. 69 was a bill requested by the Office of the Secretary of State; however, it appears the bill does not accomplish the purpose for which it was introduced. He stated his Office failed to see the necessity of having local health board regulations on file with the Secretary of State. He suggested the law be amended to allow for local filing of local regulations, thereby freeing the Office of the Secretary of State of that responsibility. Mr. Howard offered Exhibit "A" as a proposed amendment.

Senator Kosinski questioned if taking the provisions out of the Nevada Administrative Procedures Act might affect appeal procedures as well as the filing procedures and subsequent ramifications. Senator Young stated that approach would be of benefit to pursue. Senator Kosinski suggested having Mr. Frank Daykin look at the proposal and if he did not feel there would be any ramifications, action could be taken on the bill the following day. Chairman Ashworth concurred.

Senator Young questioned where the provision for filing with the Secretary of State's Office was located. Mr. Howard stated it was under the Administrative Procedures Act. Chairman Ashworth stated that perhaps the wrong section of the law is being addressed. Mr. Howard stated that it was possible, but S.B. 69 did not address the problem. Chairman Ashworth assigned Senator Kosinski to research the problem with the Legislative Counsel Bureau.

Mr. Howard stated that S.B. 184 seemed to have the same problem as to the language. Chairman Ashworth expressed concern as

to passage of legislation in the past specifying that documents be filed with the Secretary of State's Office and now that Office is trying to have that changed.

Senator Young asked if there has been any review of local agencies' regulations. Mr. Howard stated that there had not been any review to his knowledge.

There being no further testimony, Chairman Ashworth closed the hearing on S.B. 69 and opened the hearing on S.B. 179.

Senator Jacobsen spoke in support of S.B. 179 because of the difficulty involved allowing for food for firefighters under the present law.

Chairman Ashworth asked if there is a budgetary allowance for compensation of this sort.

Mr. Lody Smith, State Forester, Nevada Division of Forestry, stated there is an emergency account which would provide the necessary funds in this instance. Mr. Smith further stated there is a difficulty in that the State Administrative Manual only provides for employees working outside of a thirty-mile radius from their base of operations. Firefighters may be engaged in fighting a fire outside the thirty-mile radius but return to home base for food; therefore, they are not eligible for compensation.

Senator Kosinski questioned the fiscal note attached to this bill and Senator Young stated that he felt the bill should go to the Finance Committee.

Senator Kosinski stated that the language of S.B. 179 would only provide for those individuals engaged in fighting a fire and, in his opinion, not provide for individuals after the job has been completed. Chairman Ashworth stated that the determination of "practicability" would be the responsibility of the State Forester. Mr. Smith stated that, through policy, it was his intention to do so.

Senator Young asked how much the firefighters were paid. Mr. Smith replied that volunteers could be paid approximately \$3 per hour, depending on capability, or be paid by the number of calls taken. He further stated the money goes directly to the fire department, which they use to support their programs. This payment does not include feeding the firefighters.

There being no further testimony, Chairman Ashworth closed the hearing on S.B. 179 and opened the hearing on S.B. 159.

Mr. Al Edmundson, Commissioner of Food and Drugs, Nevada Division of Health, stated S.B. 159 is for the purpose of strengthening the Nevada food and drug statutes. Mr. Edmundson stated that, presently, the only drug manufacturers they can license are those

Date: February 12, 1979

Page: 3

manufacturing Gerovital and Laetrile. He further stated there has been some inquiry from other firms as to the regulations in the state of Nevada and, at present, the drug must be approved by the federal Food and Drug Administration. He stated this bill would give the Nevada Division of Health the authority to regulate any drug manufacturer. He stated the bill would also raise the penalties, raising the penalty from a misdemeanor.

Senator Faiss asked if the manufacture of vitamins and minerals would come under this legislation. Mr. Edmundson stated that they would not as they are classed as a food supplement.

Senator Young asked if the Division has the capacity to check quality control. Mr. Edmundson replied affirmatively and stated that at the present time, samples are being sent to laboratories out-of-state at a much higher cost.

Senator Young asked if the manufacturers would be paying enough money to insure that the state would be doing a first-class job of inspecting and regulating without fiscal impact to the state. Mr. Edmundson stated affirmatively.

Mr. George Bennett, representing the State Board of Pharmacy, stated his support of S.B. 159. Mr. Bennett stated that the federal Food and Drug Administration did not have the funds to inspect manufacturers as often as the state would have the capability. He also cited an increase of firms with an interest in manufacturing drugs in the state. Mr. Bennett stated the Board does have the authority to license and inspect wholesalers but it does not deal with good manufacturing procedures; rather, after they are manufactured, packaged and ready to be shipped.

Senator Kosinski asked if, under this language, a determination could be made as to the effectiveness of a drug. Mr. Edmundson responded that he could not, nor would he wish to.

Senator Kosinski asked the ramifications should S.B. 159 not be passed. Mr. Edmundson stated they would have the authority to inspect but not to license. He said that without the authority to license and revoke licenses, the fine is minimal.

Senator Faiss asked if the more industrial states have regulations such as these being proposed. Mr. Edmundson stated that they do.

There being no further testimony, Chairman Ashworth closed the hearing on S.B. 159.

S.B. 5 (Exhibit "B")

Chairman Ashworth presented a letter (Exhibit "C") to the committee from the Neurosurgical Society of Nevada, Inc., in support of S.B. 5.

Senator Young moved to "Do Pass" S.B. 5  
from committee.

Seconded by Senator Faiss.

Motion carried.

Yeas -- 4  
Nays -- None  
Absent -- Senators Neal and Blakemore

Chairman Ashworth presented letters from Dr. William Thomason regarding S.B. 83. The letter dated February 7, 1979 (Exhibit "D") offered an amendment to S.B. 83 and the letter dated February 8, 1979 (Exhibit "E") requested that S.B. 83 not be reported out of committee. The committee concurred to reschedule S.B. 83 for rehearing.

S.B. 179 (Exhibit "F")

Senator Kosinski moved to refer S.B. 179  
to the Senate Finance Committee without  
recommendation.

Seconded by Senator Young.

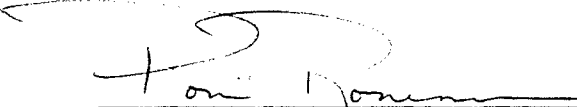
Motion carried.

Yeas -- 4  
Nays -- None  
Absent -- Senators Neal and Blakemore


Senator Kosinski requested that S.B. 159 be held temporarily pending review of other states' regulations. The committee concurred and Chairman Ashworth requested that Senator Kosinski obtain the necessary information.

There being no further business, Chairman Ashworth adjourned the meeting at 9:29 am.

Respectfully submitted,

  
\_\_\_\_\_  
Roni Ronemus  
Committee Secretary

Approved:

  
\_\_\_\_\_  
Chairman  
Senator Keith Ashworth

STATE OF NEVADA  
DEPARTMENT OF STATE



EXHIBIT "A"

CARSON CITY, NEVADA 89710

February 8, 1979

NEVADA STATE LEGISLATURE  
SENATE COMMITTEE ON HUMAN RESOURCES AND FACILITIES  
SENATOR KEITH ASHWORTH, CHAIRMAN

re: S.B 69, suggested amendments

The office of Secretary of State would like to offer the following amendment to Sec. 4 of Senate Bill 69:

Sec. 4--Prior to the adoption, amendment or repeal of any regulation, the district board shall give at least 30 days' notice of its intended action, unless a shorter period of notice is specifically permitted by statute.

The notice must:

- (a) Include a statement of either the terms or substance of the proposed regulation or a description of the subjects and issues involved, and of the time when, the place where, and the manner in which, interested persons may present their views thereon.
- (b) State each address at which the text of the proposed regulation may be inspected and copied.
- (c) Be mailed to all persons who have requested in writing that they be placed upon a mailing list, which shall be kept by the district board for such purpose.

All interested persons shall be afforded a reasonable opportunity to submit data, views or arguments, orally or in writing. With respect to substantive regulations, the district board must set a time and place for an oral public hearing, but if no one appears who will be directly affected by the proposed regulation and requests an oral hearing, the district board may proceed immediately to act upon any written submissions. The district board must consider fully all written and oral submissions respecting the proposed regulation.

Each district board of health shall file a copy of all of its adopted regulations with the county clerk of each county in which it has jurisdiction.

S. B. 5

---

---

SENATE BILL NO. 5—SENATORS CLOSE AND WILSON

JANUARY 15, 1979

Referred to Committee on Human Resources and Facilities

SUMMARY—Adopts Uniform Brain Death Act. (BDR 40-559)

FISCAL NOTE: Effect on Local Government: No.  
Effect on the State or on Industrial Insurance: No.

---

---

EXPLANATION—Matter in *italics* is new; matter in brackets [ ] is material to be omitted.

AN ACT relating to the determination of death; adopting the Uniform Brain Death Act; and providing other matters properly relating thereto.

*The People of the State of Nevada, represented in Senate and Assembly, do enact as follows:*

- 1 SECTION 1. Chapter 451 of NRS is hereby amended by adding  
2 thereto a new section which shall read as follows:  
3 1. *For legal and medical purposes, a person who has sustained irre-*  
4 *versible cessation of all functioning of the brain, including the brain*  
5 *stem, is dead. A determination under this section must be made in accord-*  
6 *ance with reasonable medical standards.*  
7 2. *This section may be cited as the Uniform Brain Death Act.*

# Neurosurgical Society of Nevada, Inc.

633 NO. ARLINGTON • SUITE 250  
RENO, NEVADA 89503

January 31, 1979

Senator Mel Close  
Senator "Spike" Wilson  
Nevada State Senate  
Carson City, Nevada

Dear Senators Close and McGowan:

Please convey to the Nevada Senate and the Nevada Assembly that the Neurosurgical Society of Nevada has met in December of 1978 and have unanimously passed a request for a state law recognizing the entity of brain death. We believe in adhering to the Uniform Brain Death Act. "For legal and medical purposes, a person who has sustained irreversible cessation of all functioning of the brain, including the brain stem, is dead". A determination under this section must be made in accordance with reasonable medical standards.

We heartily support Senate Bill Five. We will be glad to serve as an authoratative source for determination of reasonable medical standards should this issue ever arise. We have several criteria of reasonable medical standards, however, due to the rapid advancement of medicine in this area it is advised not to include specific criteria in this general legislation as the criteria rapidly become outmoded. For this reason we will be glad to provide additional information at any time you request, as what we feel current reasonable medical standards should be.

Sincerely,

  
LON L. HAMMARGREN, Secretary  
Neurosurgical Society of Nevada

copies...Vance MacDonald, M. D.  
Richard Lewin, M. D.  
Robert Williams, M. D.  
Franco Erculei, M. D.  
Donald Olson, M. D.  
Joseph Walker, M. D.  
Robert Morelli, M. D.  
Charles Fleming, M. D.  
Adolf Rosenauer, M. D.  
Louis Levy, M. D.  
Ernest Mack, M. D.



NEVADA STATE DIVISION OF HEALTH  
BUREAU OF HEALTH FACILITIES  
CAPITOL COMPLEX  
505 EAST KING STREET  
CARSON CITY, NEVADA 89710

(702) 885-4475

February 7, 1979

The Honorable Keith Ashworth, Chairman  
Senate Human Resources and Facilities Committee  
Legislative Office Building, Room 213  
Carson City, Nevada 89710

Dear Senator Ashworth:

At your direction, we offer the following alternative wording to be considered in your deliberations on SB 83:

SECTION 1. NRS 449.003 is hereby amended to read as follows:

449.003 "Child care facility" means *a state operated facility* or an establishment operated and maintained for the purpose of furnishing care on a temporary or permanent basis, during the day or overnight, for compensation, to five or more children under 18 years of age. "Child care facility" does not include:

1. The home of a natural parent or guardian, foster care as defined in chapter 424 of NRS or maternity home; or
2. A home in which the only children received, cared for and maintained are related within the third degree of consanguinity or affinity by blood, adoption or marriage to the person operating the facility.

We hope that this is adequate to your needs. If we may be of further assistance, please call us at 885-4475.

Sincerely yours,

A handwritten signature in cursive script, appearing to read "William L. Thomason".

William L. Thomason, D.D.S.  
Administrator  
Bureau of Health Facilities

WLT/met





NEVADA STATE DIVISION OF HEALTH  
BUREAU OF HEALTH FACILITIES  
CAPITOL COMPLEX  
505 EAST KING STREET  
CARSON CITY, NEVADA 89710

(702) 865-4475

February 8, 1979

The Honorable Keith Ashworth  
Senate Human Resources and Facilities Committee  
Legislative Council Building, Room 213  
Carson City, Nevada 89710


Dear Senator Ashworth:

During our testimony before your committee several days ago, it was indicated to you that the Children's Behavioral Services operations in Reno and Las Vegas had evidenced interest in being licensed by us as Child Care Facilities to enable them to seek federal funding.

There have been several administrative changes in the Division of Mental Hygiene and Retardation in the past several months. Today we received a telephone communication from a staff member of that Division indicating that the new Acting Administrator does not wish these facilities to be subject to licensure. In view of the committee's reluctance to extend the provisions of NRS 449.003 to non-profit operations, and Dr. Oberle's stated position opposing licensure of his state operation, it is our feeling that SB 83 should not be reported out of committee.

Thank you for your kind attention to this matter.

Sincerely yours,

  
William L. Thomason, D.D.S.  
Administrator  
Bureau of Health Facilities

cc: Senate Human Resources & Facilities  
Committee Members  
Judson B. Oberle, Ph.D.  
John H. Carr, M.D.

S. B. 179

---

---

SENATE BILL NO. 179—SENATOR JACOBSEN

FEBRUARY 2, 1979

Referred to Committee on Human Resources and Facilities

SUMMARY—Authorizes state forester firewarden to provide meals to certain employees fighting fires under specified circumstances. (BDR 42-452)

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

---

---

EXPLANATION—Matter in *italics* is new; matter in brackets [ ] is material to be omitted.

---

---

AN ACT relating to the state forester firewarden; authorizing him to provide meals to certain employees fighting fires under specified circumstances; and providing other matters properly relating thereto.

*The People of the State of Nevada, represented in Senate and Assembly, do enact as follows:*

- 1 SECTION 1. Chapter 472 of NRS is hereby amended by adding
- 2 thereto a new section which shall read as follows:
- 3 *The state forester firewarden may provide meals to employees of the*
- 4 *division of forestry of the state department of conservation and natural*
- 5 *resources who are involved in emergency fire fighting if he determines*
- 6 *that it is impractical for the employees to eat at home because of their*
- 7 *duties in that emergency.*

30