

SENATE BILL NO. 170—SENATOR HARDY

FEBRUARY 18, 2019

Referred to Committee on Commerce and Labor

SUMMARY—Revises provisions relating to health care.  
(BDR 54-523)

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 health care; revising requirements governing the injection of neuromodulators derived from *Clostridium botulinum* or dermal and soft tissue fillers; revising the definition of “chemical restraint” as used in provisions regulating the use of such restraint; and providing other matters properly relating thereto.

**Legislative Counsel’s Digest:**

1 Existing law prohibits the injection of neuromodulators that are derived from  
2 *Clostridium botulinum* or dermal or soft tissue fillers: (1) by any person other than  
3 certain providers of health care who are licensed in this State; and (2) at any  
4 location other than a medical facility or the office of such a licensed provider of  
5 health care. (NRS 454.217, 629.086) **Sections 1 and 17** of this bill additionally  
6 authorize a physician or physician assistant licensed in any jurisdiction of the  
7 United States to inject neuromodulators that are derived from *Clostridium*  
8 *botulinum* or dermal or soft tissue fillers for demonstration purposes at an  
9 educational event recognized by the American Medical Association, the American  
10 Academy of Family Physicians or the American Osteopathic Association.

11 Existing law limits the circumstances under which a mental health facility is  
12 authorized to use chemical restraint on a consumer. (NRS 433.5486, 433.549,  
13 433.5503) Existing law excludes from the definition of the term “chemical  
14 restraint” the administration of drugs on a regular basis, as prescribed by a  
15 physician, to treat the symptoms of mental, physical, emotional or behavioral  
16 disorders and for assisting a person in gaining self-control over his or her impulses.  
17 (NRS 433.5456) Existing law imposes various requirements concerning the use of  
18 chemical restraints. (NRS 433.5486, 433.549) **Section 16** of this bill broadens that  
19 exclusion to also include the administration of drugs, as prescribed by a physician,  
20 for these purposes other than on a regular basis.



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

1       **Section 1.** NRS 629.086 is hereby amended to read as follows:

2       629.086 1. ~~[A]~~ *Except as otherwise authorized by*  
3 *subsection 2, a* person shall not inject dermal or soft tissue fillers:

4       (a) Unless the person is:

5           (1) A physician or physician assistant licensed pursuant to  
6 chapter 630 of NRS;

7           (2) A dentist who has successfully completed the training  
8 prescribed by the Board of Dental Examiners of Nevada pursuant to  
9 NRS 631.391;

10          (3) A registered nurse or advanced practice registered nurse;

11          (4) A physician or physician assistant licensed pursuant to  
12 chapter 633 of NRS; or

13          (5) A podiatric physician who has successfully completed the  
14 training prescribed by the State Board of Podiatry pursuant to  
15 NRS 635.200.

16       (b) Outside his or her scope of practice.

17       (c) At a location other than a medical facility or the office of a  
18 physician or physician assistant licensed pursuant to chapter 630 or  
19 633 of NRS, dentist, advanced practice registered nurse or podiatric  
20 physician.

21       2. *A physician or physician assistant licensed in any state of*  
22 *the United States, the District of Columbia, the Commonwealth of*  
23 *Puerto Rico or any territory or insular possession subject to the*  
24 *jurisdiction of the United States may inject dermal or soft tissue*  
25 *fillers at an educational event recognized by the American*  
26 *Medical Association or its successor organization, the American*  
27 *Academy of Family Physicians or its successor organization or the*  
28 *American Osteopathic Association or its successor organization*  
29 *for the purpose of demonstrating proper technique for performing*  
30 *such an injection.*

31       3. A person who is authorized by ~~[subsection 1]~~ *this section* to  
32 inject dermal or soft tissue fillers shall not delegate such injection to  
33 a person who is prohibited by ~~[subsection 1]~~ *this section* from  
34 injecting dermal or soft tissue fillers.

35       ~~[3.]~~ 4. A person who violates any provision of this section is  
36 guilty of a misdemeanor.

37       ~~[4.]~~ 5. As used in this section, "dermal or soft tissue filler"  
38 means a material that is injected into the skin to fill in wrinkles or  
39 into the soft tissue to alter the contour of the soft tissue.

40       **Sec. 2.** (Deleted by amendment.)

41       **Sec. 3.** (Deleted by amendment.)

42       **Sec. 4.** (Deleted by amendment.)



1     **Sec. 5.** (Deleted by amendment.)

2     **Sec. 6.** (Deleted by amendment.)

3     **Sec. 7.** (Deleted by amendment.)

4     **Sec. 8.** (Deleted by amendment.)

5     **Sec. 9.** (Deleted by amendment.)

6     **Sec. 10.** (Deleted by amendment.)

7     **Sec. 11.** (Deleted by amendment.)

8     **Sec. 12.** (Deleted by amendment.)

9     **Sec. 13.** (Deleted by amendment.)

10    **Sec. 14.** (Deleted by amendment.)

11    **Sec. 15.** (Deleted by amendment.)

12    **Sec. 16.** NRS 433.5456 is hereby amended to read as follows:

13    433.5456 “Chemical restraint” means the administration of  
14 drugs for the specific and exclusive purpose of controlling an acute  
15 or episodic aggressive behavior when alternative intervention  
16 techniques have failed to limit or control the behavior. The term  
17 does not include the administration of drugs, ~~{on a regular basis,}~~ as  
18 prescribed by a physician, to treat the symptoms of mental, physical,  
19 emotional or behavioral disorders and for assisting a person in  
20 gaining self-control over his or her impulses.

21    **Sec. 17.** NRS 454.217 is hereby amended to read as follows:

22    454.217 1. ~~{A}~~ *Except as otherwise authorized by*  
23 *subsection 2, a* person shall not inject a neuromodulator that is  
24 derived from Clostridium botulinum or is biosimilar to or the  
25 bioequivalent of such a neuromodulator:

26    (a) Unless the person is:

27       (1) A physician or physician assistant licensed pursuant to  
28 chapter 630 of NRS;

29       (2) A dentist who has successfully completed the training  
30 prescribed by the Board of Dental Examiners of Nevada pursuant to  
31 NRS 631.391;

32       (3) A registered nurse or advanced practice registered nurse;

33       (4) A physician or physician assistant licensed pursuant to  
34 chapter 633 of NRS; or

35       (5) A podiatric physician who has successfully completed the  
36 training prescribed by the State Board of Podiatry pursuant to  
37 NRS 635.200.

38    (b) Outside his or her scope of practice.

39    (c) At a location other than a medical facility, as defined in NRS  
40 449.0151, or the office of a physician or physician assistant licensed  
41 pursuant to chapter 630 or 633 of NRS, dentist, advanced practice  
42 registered nurse or podiatric physician.

43    2. *A physician or physician assistant licensed in any state of*  
44 *the United States, the District of Columbia, the Commonwealth of*  
45 *Puerto Rico or any territory or insular possession subject to the*



1 *jurisdiction of the United States may inject a neuromodulator*  
2 *described in subsection 1 at an educational event recognized by*  
3 *the American Medical Association or its successor organization,*  
4 *the American Academy of Family Physicians or its successor*  
5 *organization or the American Osteopathic Association or its*  
6 *successor organization for the purpose of demonstrating the*  
7 *proper technique for performing such an injection.*

8 3. A person who is authorized by ~~subsection 1~~ *this section* to  
9 inject a neuromodulator described in ~~that subsection~~ *this section*  
10 shall not delegate such injection to a person who is prohibited by  
11 ~~subsection 1~~ *this section* from injecting such a neuromodulator.

12 **Sec. 18.** (Deleted by amendment.)

