

SENATE BILL NO. 94—COMMITTEE ON  
HEALTH AND HUMAN SERVICES

(ON BEHALF OF THE LEGISLATIVE COMMITTEE  
ON HEALTH CARE)

PREFILED JANUARY 24, 2019

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Referred to Committee on Health and Human Services

SUMMARY—Revises provisions governing the Account for Family Planning. (BDR 40-446)

FISCAL NOTE: Effect on Local Government: No.  
Effect on the State: Contains Appropriation not included in Executive Budget.

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

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AN ACT relating to family planning; revising provisions governing the Account for Family Planning; and providing other matters properly relating thereto.

**Legislative Counsel's Digest:**

1 Existing law establishes the Account for Family Planning for the purpose of  
2 awarding grants of money to local governmental entities and nonprofit  
3 organizations to provide certain family planning services, including the distribution  
4 of certain contraceptives, the installation of certain contraceptive devices and the  
5 performance of certain contraceptive procedures. The Account is administered by  
6 the Administrator of the Division of Public and Behavioral Health of the  
7 Department of Health and Human Services. Existing law authorizes the  
8 Administrator to use not more than 10 percent of the money in the Account to  
9 administer the Account. (NRS 442.725) **Section 1.2** of this bill transfers the duty to  
10 administer the Account from the Administrator to the Director of the Department of  
11 Health and Human Services or his or her designee. Additionally, **section 1.2**  
12 authorizes the Director or his or her designee to also use the money to pay for  
13 family planning services offered by providers of health care or for other services  
14 offered by a department or division of the Executive Department of State  
15 Government through a contract with the recipient of the grant money. Further,  
16 **section 1.2** decreases from 10 percent to 5 percent the amount of money in the  
17 Account that is authorized to be used to administer the Account. **Section 1.2** also  
18 requires family planning services paid for with money from the Account to be made  
19 available to all persons who would otherwise have difficulty obtaining such  
20 services.



21 Existing law requires insurers to cover certain types of contraception. (NRS  
22 689A.0418, 689B.0378, 689C.1676, 695A.1865, 695B.1919, 695C.1696,  
23 695G.1715) **Section 1.2** revises the types of contraception for which money from  
24 the Account may be used to correspond to the types of contraceptives that insurers  
25 are required to cover. **Section 1.2** additionally authorizes the use of money from the  
26 Account to pay for voluntary sterilization for men, male condoms and certain  
27 federally recommended vaccinations. **Section 1.2** also prohibits the Director or his  
28 or her designee or any entity that receives a grant from the Account or enters into a  
29 contract with the Director or his or her designee from discriminating against a  
30 provider of family planning services.

31 **Sections 1, 1.3 and 1.4** of this bill make conforming changes.

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

1 **Section 1.** NRS 442.720 is hereby amended to read as follows:

2 442.720 ~~["Administrator"]~~ **"Director"** means the  
3 ~~[Administrator of the Division.]~~ **Director of the Department of**  
4 **Health and Human Services.**

5 **Sec. 1.2.** NRS 442.725 is hereby amended to read as follows:

6 442.725 1. The Account for Family Planning is hereby  
7 created in the State General Fund. The ~~[Administrator]~~ **Director or**  
8 **his or her designee** shall administer the Account.

9 2. Except as otherwise provided in subsection ~~[5.]~~ **6**, the money  
10 in the Account must be expended to ~~[award]~~ **:**

11 **(a) Award** grants of money to local governmental entities and  
12 nonprofit organizations to provide the family planning services  
13 described in ~~[this section]~~ **subsection 3** to **all** persons who would  
14 otherwise have difficulty obtaining such services because of  
15 poverty, lack of insurance or transportation or any other reason ~~[-~~  
16 ~~Grants of money awarded pursuant to this section]~~ **; or**

17 **(b) Pay for family planning services described in subsection 3**  
18 **which are provided by a department or division of the Executive**  
19 **Department of State Government or pursuant to a contract with**  
20 **such a department or division, which may include, without**  
21 **limitation, a contract with a community health nurse, a consultant**  
22 **or any other person or entity.**

23 3. **Money in the Account** may only be used to ~~[fund:]~~ **pay for:**

24 (a) The provision of education by trained personnel concerning  
25 family planning;

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

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



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

(1) ~~{Sterilization-surgery}~~ *Voluntary sterilization for men and* women;

(2) Surgical sterilization implants for women;

(3) Implantable rods;

(4) ~~{Copper}~~ *Copper-based* intrauterine devices ~~{and}~~;

~~(5) Progesterone-based~~ intrauterine devices ; ~~{with progestin;~~

~~—(5) Contraceptive injections and patches;}~~

(6) *Injections;*

(7) Combined ~~{oral contraceptive pills, progestin only oral contraceptives and oral contraceptives for extended or continuous use;~~

~~—(7)} estrogen- and progestin-based drugs;~~

(8) *Progestin-based drugs;*

(9) *Extended- or continuous-regimen drugs;*

(10) *Estrogen- and progestin-based patches;*

(11) Vaginal contraceptive rings;

~~{(8)} (12) Diaphragms {;~~

~~—(9) Contraceptive sponges;~~

~~—(10) with spermicide;~~

(13) *Sponges with spermicide;*

(14) Cervical caps {;

~~—(11) with spermicide;~~

(15) ~~{Female condoms;}~~ *Condoms;*

~~{(12)} (16) Spermicide; {and~~

~~—(13) Levonorgestrel and ulipristal}~~

(17) *Combined estrogen- and progestin-based drugs for emergency contraception or progestin-based drugs for emergency contraception; and*

(18) *Ulipristal* acetate {;} *for emergency contraception;*

(e) The provision of or referral of persons for preconception health services and assistance to achieve pregnancy; ~~{and}~~

(f) The provision of or referral of persons for testing for and treatment of sexually transmitted infections {;

~~—3.} ; and~~

(g) *The provision of any vaccinations recommended by the Advisory Committee on Immunization Practices of the Centers for Disease Control and Prevention of the United States Department of Health and Human Services or its successor organization.*

4. Family planning services funded by a local governmental entity using a grant awarded pursuant to ~~{this section}~~ *paragraph (a)*



1 *of subsection 2* may be provided wholly or partially through a  
2 contract between the local governmental entity and another local  
3 governmental entity, an agency of the State, a community health  
4 nurse, a consultant or any other person or entity.

5 ~~{4.}~~ 5. Family planning services ~~{funded using a grant~~  
6 ~~awarded}~~ *paid for* pursuant to this section must be made available to  
7 *all* persons requesting such services:

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

9 (b) Without regard to religion, race, color, national origin,  
10 physical or mental disability, age, sex, gender identity or expression,  
11 sexual orientation, number of previous pregnancies or marital status;

12 (c) In accordance with written clinical protocols that are in  
13 accordance with nationally recognized standards of care; and

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

16 ~~{5.}~~ 6. The ~~{Administrator}~~ *Director or his or her designee*  
17 may not use more than ~~{10}~~ 5 percent of the money in the Account  
18 to administer the Account.

19 ~~{6.}~~ 7. The ~~{Administrator}~~ *Director or his or her designee*  
20 shall award grants of money from the Account *pursuant to*  
21 *paragraph (a) of subsection 2* based entirely on the need for family  
22 planning services in the community served by the local  
23 governmental entity or the nonprofit organization and the ability of  
24 the local governmental entity or nonprofit organization to  
25 effectively deliver family planning services.

26 ~~{7.}~~ 8. *The Director or his or her designee or any entity that*  
27 *receives a grant or enters into a contract pursuant to subsection 2*  
28 *shall not discriminate against any provider of family planning*  
29 *services in any manner, including, without limitation, by:*

30 (a) *Refusing to allow a provider of family planning services to*  
31 *provide family planning services paid with money from the*  
32 *Account; or*

33 (b) *Failing to provide timely or appropriate reimbursement for*  
34 *such family planning services.*

35 9. The existence of the Account does not create a right in any  
36 local government or nonprofit organization *or other entity* to receive  
37 money from the Account.

38 ~~{8.}~~ 10. As used in this section, “preconception health  
39 services” means the promotion of proper health practices, screenings  
40 and interventions conducted before pregnancy to identify and  
41 modify biomedical, behavioral and social risks to a woman’s health  
42 or pregnancy outcome through prevention and management.

43 **Sec. 1.3.** NRS 442.730 is hereby amended to read as follows:

44 442.730 1. The ~~{Administrator}~~ *Director or his or her*  
45 *designee* may apply for and accept any gift, donation, bequest, grant



1 or other source of money for the purpose of awarding grants  
2 pursuant to NRS 442.725. Any money so received must be  
3 deposited in the Account.

4 2. The interest and income earned on money in the Account  
5 from any gift, donation or bequest, after deducting any applicable  
6 charges, must be credited to the Account.

7 3. Money from any gift, donation or bequest that remains in the  
8 Account at the end of the fiscal year does not revert to the State  
9 General Fund, and the balance in the Account must be carried  
10 forward to the next fiscal year.

11 **Sec. 1.4.** NRS 442.745 is hereby amended to read as follows:

12 442.745 1. The State Board of Health shall adopt any  
13 regulations necessary to carry out the provisions of NRS 442.710 to  
14 442.745, inclusive. The regulations must establish, without  
15 limitation:

16 (a) The manner in which a local governmental entity or  
17 nonprofit organization may apply for a grant pursuant to NRS  
18 442.725; and

19 (b) A requirement that the recipient of a grant pursuant to NRS  
20 442.725 must submit any information that the State Board of Health  
21 determines is necessary for the ~~Administrator~~ *Director or his or*  
22 *her designee* to determine the purposes for which such a grant was  
23 used and evaluate the outcomes of services provided using such  
24 grants.

25 2. The regulations adopted pursuant to this section must not  
26 require a local governmental entity or nonprofit organization to  
27 apply for a grant pursuant to NRS 442.725.

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

29 **Sec. 3.** This act becomes effective on July 1, 2019.

