
ASSEMBLY BILL NO. 176—ASSEMBLYMEN HANSEN, DICKMAN,
WHEELER, ELLISON, HAFEN; HARDY, KASAMA, KRASNER,
LEAVITT, MATTHEWS, O’NEILL, ROBERTS, TITUS AND
TOLLES

FEBRUARY 24, 2021

Referred to Committee on Health and Human Services

SUMMARY—Revises provisions relating to abortions.
(BDR 40-655)

FISCAL NOTE: Effect on Local Government: Increases or Newly
Provides for Term of Imprisonment In County or City
Jail or Detention Facility.
Effect on the State: No.

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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 abortions; revising provisions relating to
parental notice of an abortion; revising certain procedures
and requirements for filing a petition for authorization of
an abortion without parental notice; providing a penalty;
and providing other matters properly relating thereto.

Legislative Counsel’s Digest:

1 Existing law regulates the medical conditions under which abortions may be
2 performed in this State. (NRS 442.250) Because NRS 442.250 was submitted to
3 and approved by a referendum of the voters at the 1990 general election, Section 1
4 of Article 19 of the Nevada Constitution dictates that the provisions of NRS
5 442.250 may not be amended, annulled, repealed, set aside, suspended or in any
6 way made inoperative except by the direct vote of the people. In addition to the
7 provisions of NRS 442.250, existing law contains certain requirements for parental
8 notice before performing an abortion upon a minor. (NRS 442.255, 442.2555,
9 442.268) Because the requirements concerning parental notice were not part of the
10 referendum in 1990, they may be amended or repealed by the Legislature without
11 approval by the direct vote of the people.

12 This bill revises the existing parental notification requirements for pregnant
13 minors. This bill conforms with Section 1 of Article 19 of the Nevada Constitution
14 because this bill does not amend, annul, repeal, set aside, suspend or in any way
15 make inoperative the provisions of NRS 442.250. Instead, this bill serves a different
16 governmental purpose than the provisions of NRS 442.250 and revises laws that are
17 separate and complete by themselves and are not amendatory of the provisions of



18 NRS 442.250. (*Matthews v. State ex rel. Nev. Tax Comm'n*, 83 Nev. 266, 267-69
19 (1967))

20 In 1985, the Legislature enacted the existing parental notification requirements
21 for pregnant minors which prohibit a physician, with certain exceptions, from
22 knowingly performing an abortion upon a pregnant minor unless: (1) a custodial
23 parent or guardian of the minor is notified in the statutorily prescribed manner
24 before the abortion; or (2) upon the request of the minor, a district court authorizes
25 the abortion without parental notification because the minor meets certain criteria.
26 (Sections 2, 3 and 8 of Senate Bill No. 510, chapter 681, Statutes of Nevada 1985,
27 at pages 6, 7, 9; NRS 442.255, 442.2555, 442.268) Before the requirements became
28 effective in 1985, Nevada's federal district court enjoined their implementation on
29 the grounds that they unconstitutionally burden a woman's fundamental right to
30 make the highly personal choice of whether to have an abortion, thereby violating
31 the woman's interests in personal liberty protected by the Due Process Clause of
32 the Fourteenth Amendment to the United States Constitution. (*Glick v. McKay*, 616
33 F. Supp. 322 (D. Nev. 1985))

34 In 1991, the United States Court of Appeals for the Ninth Circuit affirmed the
35 federal district court's decision. The Ninth Circuit relied upon two reasons for
36 invalidating Nevada's existing parental notification requirements: (1) the
37 requirements impermissibly narrowed the criteria under which the district court
38 could give judicial authorization for an abortion without parental notification when
39 the abortion would be in the minor's best interests; and (2) the requirements did not
40 place any time limit on the period within which the district court must rule upon a
41 request for judicial authorization and therefore they did not facially ensure that
42 the minor's interests would be protected by expedited judicial review. (*Glick v. McKay*,
43 937 F.2d 434, 437-42 (9th Cir. 1991))

44 In 1997, when the United States Supreme Court reversed a different Ninth
45 Circuit decision that struck down Montana's parental notification requirements, the
46 United States Supreme Court disapproved the first reason relied upon by the Ninth
47 Circuit in the *Glick* decision to strike down Nevada's parental notification
48 requirements. (*Lambert v. Wicklund*, 520 U.S. 292, 294-99 (1997)) However, the
49 United States Supreme Court did not address the second reason relied upon by the
50 Ninth Circuit in the *Glick* decision to strike down Nevada's parental notification
51 requirements. As a result, based upon the second reason, the Ninth Circuit's *Glick*
52 decision is still in effect in Nevada, which means that Nevada's existing parental
53 notification requirements remain unconstitutional because they do not place any
54 time limit on the period within which the district court must rule upon a request for
55 judicial authorization and therefore they do not facially ensure that the minor's
56 interests will be protected by expedited judicial review. (*Glick v. McKay*, 937 F.2d
57 434, 440-42 (9th Cir. 1991); *Planned Parenthood of S. Ariz. v. Lawall (Lawall I)*,
58 180 F.3d 1022, 1029 n.9 (9th Cir. 1999) ("Nothing in *Wicklund*, however, affects
59 *Glick's* holding regarding [the failure of Nevada's law to facially comply with]
60 *Bellotti II's* expediency requirement."), *amended on denial of reh'g*, 193 F.3d 1042,
61 1043 (9th Cir. 1999))

62 This bill amends Nevada's existing parental notification requirements to
63 comply with the constitutional requirements for a statute requiring parental
64 notification before performing an abortion for a minor. The new notification
65 requirements also take into account additional constitutional considerations
66 addressed in other decisions of the United States Supreme Court and the Ninth
67 Circuit regarding parental notification or consent statutes. (*Ayotte v. Planned*
68 *Parenthood of N. New Eng.*, 546 U.S. 320, 323-28 (2006); *Lambert v. Wicklund*,
69 520 U.S. 292, 294-99 (1997); *Planned Parenthood of Se. Pa. v. Casey*, 505 U.S.
70 833, 899-901 (1992); *Ohio v. Akron Ctr. for Reproductive Health (Akron II)*, 497
71 U.S. 502, 510-19 (1990) (plurality opinion); *Hodgson v. Minnesota*, 497 U.S. 417,
72 422-23 (1990) (plurality opinion) (upholding portions of Minn. Stat. § 144.343);



73 *Bellotti v. Baird (Bellotti II)*, 443 U.S. 622, 646-51 (1979) (plurality opinion);
74 *Planned Parenthood of Idaho v. Wasden*, 376 F.3d 908, 924-35 (9th Cir. 2004);
75 *Planned Parenthood of S. Ariz. v. Lawall (Lawall II)*, 307 F.3d 783, 786-89 (9th
76 Cir. 2002); *Planned Parenthood of S. Ariz. v. Lawall (Lawall I)*, 180 F.3d 1022,
77 1027-33 (9th Cir. 1999), *amended on denial of reh'g*, 193 F.3d 1042, 1043 (9th Cir.
78 1999))

79 **Section 1** of this bill revises the existing parental notification law to generally
80 prohibit a physician from performing an abortion on a minor until 48 hours after
81 written notice has been served personally or by certified mail to the custodial parent
82 or guardian of the woman. (NRS 442.255) Performing a prohibited abortion is a
83 misdemeanor. (NRS 442.257) **Section 2** of this bill authorizes such a woman to
84 petition the district court to authorize a physician to perform an abortion without
85 notifying a custodial parent or guardian. **Section 2** also prohibits such a woman
86 from being charged certain fees related to the petition and revises provisions
87 governing the appointment of counsel to the woman. **Section 2** requires the court to
88 hold a hearing on the merits of the petition within 3 judicial days after the filing of
89 the petition. If the court finds that the woman is mature and capable of giving
90 informed consent or that the performance of the abortion without parental
91 notification is in the best interest of the woman, **section 2** requires the court to
92 authorize the performance of the abortion without parental notification. If the
93 court does not make such a finding, **section 2** requires the court to deny the
94 petition. **Section 2** requires the court to issue its order not later than 1 day after
95 the hearing. **Section 2** also provides for an expedited appeal at the request of the
96 woman. **Sections 2 and 3** of this bill provide for the confidentiality of proceedings
97 on a petition to authorize an abortion without parental notification.

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

1 **Section 1.** NRS 442.255 is hereby amended to read as follows:
2 442.255 1. *Before performing an abortion, a physician must*
3 *certify the age of the patient in writing based on proof of age*
4 *offered by the patient.*

5 2. Unless in the judgment of the attending physician an
6 abortion is immediately necessary to preserve the patient's life or
7 health or an abortion is authorized pursuant to ~~[subsection 2 or]~~
8 NRS 442.2555, a physician shall not knowingly perform or induce
9 an abortion upon an unmarried and unemancipated woman who is
10 under the age of 18 years unless a custodial parent or guardian of the
11 woman is ~~[personally]~~ notified before the abortion ~~[. If the custodial~~
12 ~~parent or guardian cannot be so notified after a reasonable effort, the~~
13 ~~physician shall delay performing the abortion until the physician has~~
14 ~~notified the parent or guardian by certified mail at the last known~~
15 ~~address of the parent or guardian.~~

16 ~~—2.— An unmarried or unemancipated woman who is under the~~
17 ~~age of 18 years may request a district court to issue an order~~
18 ~~authorizing an abortion. If so requested, the court shall interview the~~
19 ~~woman at the earliest practicable time, which must be not more than~~
20 ~~2 judicial days after the request is made. If the court determines,~~



1 ~~from any information provided by the woman and any other~~
2 ~~evidence that the court may require, that:~~

3 ~~—(a) She is mature enough to make an intelligent and informed~~
4 ~~decision concerning the abortion;~~

5 ~~—(b) She is financially independent or is emancipated; or~~

6 ~~—(c) The notice required by subsection 1 would be detrimental to~~
7 ~~her best interests;~~

8 ~~↳ the court shall issue an order within 1 judicial day after the~~
9 ~~interview authorizing a physician to perform the abortion in~~
10 ~~accordance with the provisions of NRS 442.240 to 442.270,~~
11 ~~inclusive.~~

12 ~~—3.— If the court does not find sufficient grounds to authorize a~~
13 ~~physician to perform the abortion, it shall enter an order to that~~
14 ~~effect within 1 judicial day after the interview. If the court does not~~
15 ~~enter an order either authorizing or denying the performance of the~~
16 ~~abortion within 1 judicial day after the interview, authorization shall~~
17 ~~be deemed to have been granted.~~

18 ~~—4.— The court shall take the necessary steps to ensure that the~~
19 ~~interview and any other proceedings held pursuant to this subsection~~
20 ~~or NRS 442.2555 are confidential. The rules of civil procedure do~~
21 ~~not apply to any action taken pursuant to this subsection.] in~~
22 ~~accordance with subsection 3 and at least 48 hours has elapsed~~
23 ~~since such notice was deemed to be received pursuant to~~
24 ~~subsection 4.~~

25 *3. Notice to the custodial parent or guardian of a woman*
26 *pursuant to subsection 2 must be delivered by at least one of the*
27 *following methods:*

28 *(a) Personal service addressed to the custodial parent or*
29 *guardian at his or her usual residence or, if that address is not*
30 *known, the last known address of the parent or guardian.*

31 *(b) Certified mail, with return receipt requested and restricted*
32 *delivery, addressed to the custodial parent or guardian at his or*
33 *her usual place residence or, if that address is not known, the last*
34 *known address of the parent or guardian. As used in this*
35 *paragraph, “restricted delivery” means a postal employee is*
36 *required to deliver the certified mail only to an authorized*
37 *addressee.*

38 *4. The delivery of notice pursuant to this section shall be*
39 *deemed to be received:*

40 *(a) At the time the notice is delivered to the custodial parent or*
41 *guardian pursuant to paragraph (a) of subsection 3; or*

42 *(b) At 12 p.m. on the next day after the notice is mailed*
43 *pursuant to paragraph (b) of subsection 3 on which regular*
44 *delivery occurs.*



1 **Sec. 2.** NRS 442.2555 is hereby amended to read as follows:

2 442.2555 1. ~~If the order is denied pursuant to NRS 442.255,~~
3 ~~the~~ *An unmarried or unemancipated woman who is under the age*
4 *of 18 years may petition the district court to conduct an expedited*
5 *proceeding to determine whether to authorize a physician to*
6 *perform an abortion upon the woman without notifying a*
7 *custodial parent or guardian of the woman pursuant to*
8 *NRS 442.255.*

9 2. *The court shall, upon request by the [minor] woman if it*
10 *appears that she is unable to employ counsel, appoint an attorney to*
11 *represent her in the preparation of a petition, a hearing on the merits*
12 *of the petition, and on an appeal, if necessary. The court shall set*
13 *the compensation and expenses of [the] such an attorney in a*
14 *manner consistent with the compensation and expenses provided*
15 *in NRS 7.125 and 7.135 for similar legal work and such*
16 *compensation and expenses are a charge against the county . [as*
17 *provided in the following schedule:*

18 —(a) *For consultation, research and other time reasonably spent on*
19 *the matter, except court appearances, \$20 per hour.*

20 —(b) *For court appearances, \$30 per hour.]*

21 3. *Notwithstanding any other statute, regulation or rule to the*
22 *contrary the woman may not be charged, assessed or held liable*
23 *for any filing fees or other court fees related to the petition or any*
24 *proceedings regarding the petition, including, without limitation,*
25 *any appeal, except that the woman shall pay the special court fee*
26 *required by Section 6 of Article 6 of the Nevada Constitution*
27 *unless the woman does not have the ability to pay that fee.*

28 ~~[2.]~~ 4. The petition must ~~[set]~~ :

29 (a) *Set forth the initials of the [minor,] woman or a fictitious*
30 *name, the age of the [minor,] woman, the estimated number of*
31 *weeks elapsed from the probable time of conception, and whether*
32 *maturity, emancipation, notification detrimental to the [minor's]*
33 *woman's best interests or a combination thereof are relied upon in*
34 *avoidance of the notification required by NRS 442.255 [The*
35 *petition must be initialed by the minor.]; and*

36 (b) *Include any other information that may be relevant and*
37 *helpful to the district court in determining whether to authorize*
38 *the abortion without notifying a custodial parent or guardian of*
39 *the woman pursuant to NRS 442.255.*

40 ~~[3.]~~ 5. A hearing on the merits of the petition, on the record,
41 must be held as soon as possible and within ~~[5]~~ 3 judicial days after
42 the filing of the petition. *A judge who conducts a hearing pursuant*
43 *to this section shall ensure that a record of the evidence, findings*
44 *and conclusions is maintained.* At the hearing the court shall hear
45 evidence relating to:



1 (a) The ~~minor's~~ *woman's* emotional development, maturity,
2 intellect and understanding;

3 (b) The ~~minor's~~ *woman's* degree of financial independence
4 and degree of emancipation from parental authority;

5 (c) The ~~minor's~~ *woman's* best interests relative to parental
6 involvement in the decision whether to undergo an abortion; and

7 (d) Any other evidence that the court may find useful in
8 determining whether the ~~minor~~ *woman* is entitled to avoid *the*
9 parental notification ~~required by NRS 442.255.~~

10 ~~4.~~ *6. The court shall enter an order on the petition within 1*
11 *judicial day after the hearing. The order must include, without*
12 *limitation, specific factual findings and legal conclusions*
13 *supporting the decision. In the ~~decree,~~ order, the court shall : ~~;~~*
14 *for good cause;*

15 (a) Grant the petition, and give judicial authorization to permit a
16 physician to perform an abortion without the notification required in
17 NRS 442.255 ~~;~~ *if the court determines that:*

18 *(1) The woman is mature and capable of giving informed*
19 *consent pursuant to NRS 442.253; or*

20 *(2) The performance of the abortion without parental*
21 *notification is in the best interest of the woman; or*

22 (b) Deny the petition ~~;~~ *setting* ~~;~~ *if the court determines that*
23 *none of the conditions set forth in paragraph (a) are met. An order*
24 *denying a petition must set forth the grounds on which the petition*
25 *is denied.*

26 ~~5. An~~

27 *7. Upon request of the woman, an expedited* appeal from an
28 order issued under subsection ~~4~~ *5* may be taken to the appellate
29 court of competent jurisdiction pursuant to the rules fixed by the
30 Supreme Court pursuant to Section 4 of Article 6 of the Nevada
31 Constitution, which shall suspend the Nevada Rules of Appellate
32 Procedure pursuant to NRAP 2 to provide for an expedited appeal.
33 The notice of ~~intent to~~ appeal must be ~~given~~ *filed with the clerk*
34 *of the district court* within 1 judicial day after the ~~issuance of~~ *date*
35 *on which the ~~order,~~ woman is served with the written order of the*
36 *district court pursuant to subsection 6.* The record on appeal must
37 be perfected within 5 judicial days after the filing of the notice of
38 appeal and transmitted to the appellate court of competent
39 jurisdiction pursuant to the rules fixed by the Supreme Court. The
40 appellate court of competent jurisdiction shall, by court order or
41 rule, provide for a confidential and expedited appellate review of
42 cases appealed under this section.

43 *8. The district and appellate courts shall take necessary steps*
44 *to ensure that any proceedings conducted under this section or*
45 *NRS 442.255 are confidential and take precedence over other*



1 *pending matters. Members of the public may not inspect, obtain*
2 *copies of or otherwise access records of court proceedings under*
3 *this section, including, without limitation, all files, documents and*
4 *records relating to the proceedings.*

5 *9. The rules of civil procedure do not apply to a petition filed*
6 *pursuant to this section as any proceedings regarding such a*
7 *petition. The Supreme Court shall adopt and issue all necessary*
8 *rules and orders, which must not be inconsistent with this section,*
9 *to implement and facilitate expedited and confidential judicial*
10 *review and resolution of the petition at all stages of the*
11 *proceedings, including, without limitation, any appeal.*

12 **Sec. 3.** NRS 239.010 is hereby amended to read as follows:

13 239.010 1. Except as otherwise provided in this section and
14 NRS 1.4683, 1.4687, 1A.110, 3.2203, 41.071, 49.095, 49.293,
15 62D.420, 62D.440, 62E.516, 62E.620, 62H.025, 62H.030, 62H.170,
16 62H.220, 62H.320, 75A.100, 75A.150, 76.160, 78.152, 80.113,
17 81.850, 82.183, 86.246, 86.54615, 87.515, 87.5413, 87A.200,
18 87A.580, 87A.640, 88.3355, 88.5927, 88.6067, 88A.345, 88A.7345,
19 89.045, 89.251, 90.730, 91.160, 116.757, 116A.270, 116B.880,
20 118B.026, 119.260, 119.265, 119.267, 119.280, 119A.280,
21 119A.653, 119A.677, 119B.370, 119B.382, 120A.690, 125.130,
22 125B.140, 126.141, 126.161, 126.163, 126.730, 127.007, 127.057,
23 127.130, 127.140, 127.2817, 128.090, 130.312, 130.712, 136.050,
24 159.044, 159A.044, 172.075, 172.245, 176.01249, 176.015,
25 176.0625, 176.09129, 176.156, 176A.630, 178.39801, 178.4715,
26 178.5691, 179.495, 179A.070, 179A.165, 179D.160, 200.3771,
27 200.3772, 200.5095, 200.604, 202.3662, 205.4651, 209.392,
28 209.3923, 209.3925, 209.419, 209.429, 209.521, 211A.140,
29 213.010, 213.040, 213.095, 213.131, 217.105, 217.110, 217.464,
30 217.475, 218A.350, 218E.625, 218F.150, 218G.130, 218G.240,
31 218G.350, 226.300, 228.270, 228.450, 228.495, 228.570, 231.069,
32 231.1473, 233.190, 237.300, 239.0105, 239.0113, 239.014,
33 239B.030, 239B.040, 239B.050, 239C.140, 239C.210, 239C.230,
34 239C.250, 239C.270, 239C.420, 240.007, 241.020, 241.030,
35 241.039, 242.105, 244.264, 244.335, 247.540, 247.550, 247.560,
36 250.087, 250.130, 250.140, 250.150, 268.095, 268.0978, 268.490,
37 268.910, 269.174, 271A.105, 281.195, 281.805, 281A.350,
38 281A.680, 281A.685, 281A.750, 281A.755, 281A.780, 284.4068,
39 286.110, 286.118, 287.0438, 289.025, 289.080, 289.387, 289.830,
40 293.4855, 293.5002, 293.503, 293.504, 293.558, 293.5757, 293.870,
41 293.906, 293.908, 293.910, 293B.135, 293D.510, 331.110, 332.061,
42 332.351, 333.333, 333.335, 338.070, 338.1379, 338.1593, 338.1725,
43 338.1727, 348.420, 349.597, 349.775, 353.205, 353A.049,
44 353A.085, 353A.100, 353C.240, 360.240, 360.247, 360.255,
45 360.755, 361.044, 361.2242, 361.610, 365.138, 366.160, 368A.180,



1 370.257, 370.327, 372A.080, 378.290, 378.300, 379.0075, 379.008,
2 379.1495, 385A.830, 385B.100, 387.626, 387.631, 388.1455,
3 388.259, 388.501, 388.503, 388.513, 388.750, 388A.247, 388A.249,
4 391.033, 391.035, 391.0365, 391.120, 391.925, 392.029, 392.147,
5 392.264, 392.271, 392.315, 392.317, 392.325, 392.327, 392.335,
6 392.850, 393.045, 394.167, 394.16975, 394.1698, 394.447, 394.460,
7 394.465, 396.3295, 396.405, 396.525, 396.535, 396.9685,
8 398A.115, 408.3885, 408.3886, 408.3888, 408.5484, 412.153,
9 414.280, 416.070, 422.2749, 422.305, 422A.342, 422A.350,
10 425.400, 427A.1236, 427A.872, 432.028, 432.205, 432B.175,
11 432B.280, 432B.290, 432B.407, 432B.430, 432B.560, 432B.5902,
12 432C.140, 432C.150, 433.534, 433A.360, 437.145, 437.207,
13 439.4941, 439.840, 439.914, 439B.420, 439B.754, 439B.760,
14 440.170, 441A.195, 441A.220, 441A.230, 442.2555, 442.330,
15 442.395, 442.735, 442.774, 445A.665, 445B.570, 445B.7773,
16 447.345, 449.209, 449.245, 449.4315, 449A.112, 450.140,
17 450B.188, 453.164, 453.720, 453A.610, 453A.700, 458.055,
18 458.280, 459.050, 459.3866, 459.555, 459.7056, 459.846, 463.120,
19 463.15993, 463.240, 463.3403, 463.3407, 463.790, 467.1005,
20 480.535, 480.545, 480.935, 480.940, 481.063, 481.091, 481.093,
21 482.170, 482.5536, 483.340, 483.363, 483.575, 483.659, 483.800,
22 484A.469, 484E.070, 485.316, 501.344, 503.452, 522.040,
23 534A.031, 561.285, 571.160, 584.655, 587.877, 598.0964, 598.098,
24 598A.110, 599B.090, 603.070, 603A.210, 604A.303, 604A.710,
25 612.265, 616B.012, 616B.015, 616B.315, 616B.350, 618.341,
26 618.425, 622.238, 622.310, 623.131, 623A.137, 624.110, 624.265,
27 624.327, 625.425, 625A.185, 628.418, 628B.230, 628B.760,
28 629.047, 629.069, 630.133, 630.2673, 630.30665, 630.336,
29 630A.555, 631.368, 632.121, 632.125, 632.3415, 632.405, 633.283,
30 633.301, 633.4715, 633.524, 634.055, 634.214, 634A.185, 635.158,
31 636.107, 637.085, 637B.288, 638.087, 638.089, 639.2485, 639.570,
32 640.075, 640A.220, 640B.730, 640C.580, 640C.600, 640C.620,
33 640C.745, 640C.760, 640D.190, 640E.340, 641.090, 641.221,
34 641.325, 641A.191, 641A.262, 641A.289, 641B.170, 641B.282,
35 641B.460, 641C.760, 641C.800, 642.524, 643.189, 644A.870,
36 645.180, 645.625, 645A.050, 645A.082, 645B.060, 645B.092,
37 645C.220, 645C.225, 645D.130, 645D.135, 645G.510, 645H.320,
38 645H.330, 647.0945, 647.0947, 648.033, 648.197, 649.065,
39 649.067, 652.228, 653.900, 654.110, 656.105, 657A.510, 661.115,
40 665.130, 665.133, 669.275, 669.285, 669A.310, 671.170, 673.450,
41 673.480, 675.380, 676A.340, 676A.370, 677.243, 678A.470,
42 678C.710, 678C.800, 679B.122, 679B.124, 679B.152, 679B.159,
43 679B.190, 679B.285, 679B.690, 680A.270, 681A.440, 681B.260,
44 681B.410, 681B.540, 683A.0873, 685A.077, 686A.289, 686B.170,
45 686C.306, 687A.110, 687A.115, 687C.010, 688C.230, 688C.480,



1 688C.490, 689A.696, 692A.117, 692C.190, 692C.3507, 692C.3536,
2 692C.3538, 692C.354, 692C.420, 693A.480, 693A.615, 696B.550,
3 696C.120, 703.196, 704B.325, 706.1725, 706A.230, 710.159,
4 711.600, sections 35, 38 and 41 of chapter 478, Statutes of Nevada
5 2011 and section 2 of chapter 391, Statutes of Nevada 2013 and
6 unless otherwise declared by law to be confidential, all public books
7 and public records of a governmental entity must be open at all
8 times during office hours to inspection by any person, and may be
9 fully copied or an abstract or memorandum may be prepared from
10 those public books and public records. Any such copies, abstracts or
11 memoranda may be used to supply the general public with copies,
12 abstracts or memoranda of the records or may be used in any other
13 way to the advantage of the governmental entity or of the general
14 public. This section does not supersede or in any manner affect the
15 federal laws governing copyrights or enlarge, diminish or affect in
16 any other manner the rights of a person in any written book or
17 record which is copyrighted pursuant to federal law.

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

20 3. A governmental entity that has legal custody or control of a
21 public book or record shall not deny a request made pursuant to
22 subsection 1 to inspect or copy or receive a copy of a public book or
23 record on the basis that the requested public book or record contains
24 information that is confidential if the governmental entity can
25 redact, delete, conceal or separate, including, without limitation,
26 electronically, the confidential information from the information
27 included in the public book or record that is not otherwise
28 confidential.

29 4. If requested, a governmental entity shall provide a copy of a
30 public record in an electronic format by means of an electronic
31 medium. Nothing in this subsection requires a governmental entity
32 to provide a copy of a public record in an electronic format or by
33 means of an electronic medium if:

34 (a) The public record:

- 35 (1) Was not created or prepared in an electronic format; and
36 (2) Is not available in an electronic format; or

37 (b) Providing the public record in an electronic format or by
38 means of an electronic medium would:

- 39 (1) Give access to proprietary software; or
40 (2) Require the production of information that is confidential
41 and that cannot be redacted, deleted, concealed or separated from
42 information that is not otherwise confidential.

43 5. An officer, employee or agent of a governmental entity who
44 has legal custody or control of a public record:



1 (a) Shall not refuse to provide a copy of that public record in the
2 medium that is requested because the officer, employee or agent has
3 already prepared or would prefer to provide the copy in a different
4 medium.

5 (b) Except as otherwise provided in NRS 239.030, shall, upon
6 request, prepare the copy of the public record and shall not require
7 the person who has requested the copy to prepare the copy himself
8 or herself.

9 **Sec. 4.** This act becomes effective on July 1, 2021.

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