

ASSEMBLY BILL NO. 137—COMMITTEE ON  
HEALTH AND HUMAN SERVICES

(ON BEHALF OF THE JOINT INTERIM STANDING COMMITTEE  
ON HEALTH & HUMAN SERVICES)

FEBRUARY 9, 2023

Referred to Committee on Health and Human Services

SUMMARY—Revises provisions relating to fetal alcohol spectrum disorders. (BDR 40-327)

FISCAL NOTE: Effect on Local Government: May have Fiscal Impact.  
Effect on the State: Yes.

CONTAINS UNFUNDED MANDATE (§ 7)  
(NOT REQUESTED BY AFFECTED LOCAL GOVERNMENT)

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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 fetal alcohol spectrum disorders; making certain provisions applicable to fetal alcohol spectrum disorders; providing that fetal alcohol spectrum disorder is a developmental disability; and providing other matters properly relating thereto.

**Legislative Counsel’s Digest:**

1 Existing law requires the Advisory Board on Maternal and Child Health, the  
2 Division of Public and Behavioral Health of the Department of Health and Human  
3 Services and the University of Nevada School of Medicine to take certain actions to  
4 monitor, prevent, identify and treat fetal alcohol syndrome. (NRS 442.137,  
5 442.385, 442.390, 442.420) Existing law also provides that, if a pregnant woman is  
6 referred to the Division by a provider of health care or other services for  
7 information relating to programs for the prevention and treatment of fetal alcohol  
8 syndrome, any report relating to the referral or other associated documentation is  
9 confidential and not to be used in any criminal prosecution of the woman. (NRS  
10 442.395) **Sections 2-6** of this bill expand the applicability of those provisions to  
11 apply to all fetal alcohol spectrum disorders. **Section 1** of this bill defines the term  
12 “fetal alcohol spectrum disorder” for the purposes of provisions relating to maternal  
13 and child health to mean a continuum of birth defects caused by maternal  
14 consumption of alcohol during pregnancy.

15 Existing law defines “developmental disability” for the purpose of provisions  
16 governing services for persons with developmental disabilities as a neurological



17 condition that manifests before a person attains the age of 22 years, is likely to  
18 continue indefinitely and results in substantial functional limitations. (NRS  
19 435.007) **Section 7** of this bill provides that a fetal alcohol spectrum disorder is a  
20 developmental disability.

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

- 1     **Section 1.** NRS 442.003 is hereby amended to read as follows:  
2     442.003 As used in this chapter, unless the context requires  
3 otherwise:  
4     1. “Advisory Board” means the Advisory Board on Maternal  
5 and Child Health.  
6     2. “Department” means the Department of Health and Human  
7 Services.  
8     3. “Director” means the Director of the Department.  
9     4. “Division” means the Division of Public and Behavioral  
10 Health of the Department.  
11     5. “Fetal alcohol ~~[syndrome] includes fetal alcohol effects.~~  
12 *spectrum disorder*” *has the meaning ascribed to it in*  
13 *NRS 432B.0655.*  
14     6. “Freestanding birthing center” has the meaning ascribed to it  
15 in NRS 449.0065.  
16     7. “Laboratory” has the meaning ascribed to it in  
17 NRS 652.040.  
18     8. “Midwife” means:  
19     (a) A person certified as:  
20         (1) A Certified Professional Midwife by the North American  
21 Registry of Midwives, or its successor organization; or  
22         (2) A Certified Nurse-Midwife by the American Midwifery  
23 Certification Board, or its successor organization; or  
24     (b) Any other type of midwife.  
25     9. “Provider of health care or other services” means:  
26     (a) A clinical alcohol and drug counselor who is licensed, or an  
27 alcohol and drug counselor who is licensed or certified, pursuant to  
28 chapter 641C of NRS;  
29     (b) A physician or a physician assistant who is licensed pursuant  
30 to chapter 630 or 633 of NRS and who practices in the area of  
31 obstetrics and gynecology, family practice, internal medicine,  
32 pediatrics or psychiatry;  
33     (c) A licensed nurse;  
34     (d) A licensed psychologist;  
35     (e) A licensed marriage and family therapist;  
36     (f) A licensed clinical professional counselor;  
37     (g) A licensed social worker;



- 1 (h) A licensed dietitian; or
- 2 (i) The holder of a certificate of registration as a pharmacist.

3 **Sec. 2.** NRS 442.137 is hereby amended to read as follows:

4 442.137 The purpose of the Advisory Board is to advise the  
5 Administrator of the Division concerning perinatal care to enhance  
6 the survivability and health of infants and persons who are pregnant,  
7 are giving birth and have given birth, and concerning programs to  
8 improve the health of preschool children, to achieve the following  
9 objectives:

10 1. Ensuring the availability and accessibility of primary care  
11 health services;

12 2. Reducing the rate of infant mortality;

13 3. Reducing the incidence of preventable diseases and  
14 handicapping conditions among children;

15 4. Identifying the most effective methods of preventing fetal  
16 alcohol [~~syndrome~~] *spectrum disorder* and collecting information  
17 relating to the incidence of fetal alcohol [~~syndrome~~] *spectrum*  
18 *disorders* in this state;

19 5. Preventing the consumption of alcohol by women during  
20 pregnancy;

21 6. Reducing the need for inpatient and long-term care services;

22 7. Increasing the number of children who are appropriately  
23 immunized against disease;

24 8. Increasing the number of children from low-income families  
25 who are receiving assessments of their health;

26 9. Ensuring that services to follow up the assessments are  
27 available, accessible and affordable to children identified as in need  
28 of those services;

29 10. Assisting the Division in developing a program of public  
30 education that it is required to develop pursuant to NRS 442.385,  
31 including, without limitation, preparing and obtaining information  
32 relating to fetal alcohol [~~syndrome;~~] *spectrum disorders*;

33 11. Assisting the University of Nevada School of Medicine in  
34 reviewing, amending and distributing the guidelines it is required to  
35 develop pursuant to NRS 442.390; and

36 12. Promoting the health of infants and persons who are  
37 pregnant, are giving birth or have given birth by ensuring the  
38 availability and accessibility of affordable perinatal services.

39 **Sec. 3.** NRS 442.385 is hereby amended to read as follows:

40 442.385 The Division shall develop and carry out a program of  
41 public education to increase public awareness about the dangers of  
42 fetal alcohol [~~syndrome~~] *spectrum disorders* and other adverse  
43 effects on a fetus that may result from the consumption of alcohol  
44 during pregnancy. The program must include, without limitation:



1 1. Educational messages that are directed toward the general  
2 public and specific geographical areas and groups of persons in this  
3 State that are identified pursuant to subsection 1 of NRS 442.420 as  
4 having women who are at a high risk of consuming alcohol during  
5 pregnancy.

6 2. Providing training materials to school personnel to assist  
7 them in identifying pupils who may be suffering from *a* fetal alcohol  
8 ~~[syndrome]~~ *spectrum disorder* and offering to provide the parents of  
9 those pupils with a referral for diagnostic services and treatment.

10 3. If a toll-free telephone service is otherwise provided by the  
11 Division, the use of that telephone service for providing information  
12 relating to programs for the treatment of substance use disorders,  
13 providers of health care or other services and other available  
14 resources, and referrals to those programs, if appropriate. The  
15 telephone number must be disclosed in the educational messages  
16 provided pursuant to this section.

17 **Sec. 4.** NRS 442.390 is hereby amended to read as follows:

18 442.390 The University of Nevada School of Medicine shall  
19 develop guidelines to assist a provider of health care or other  
20 services in identifying:

21 1. Pregnant women who are at a high risk of consuming  
22 alcohol during pregnancy; and

23 2. Children who are suffering from fetal alcohol ~~[syndrome.]~~  
24 *spectrum disorders*.

25 **Sec. 5.** NRS 442.395 is hereby amended to read as follows:

26 442.395 Except as otherwise provided in NRS 239.0115 and  
27 439.538, if a pregnant woman is referred to the Division by a  
28 provider of health care or other services for information relating to  
29 programs for the prevention and treatment of fetal alcohol  
30 ~~[syndrome.]~~ *spectrum disorders*, any report relating to the referral  
31 or other associated documentation is confidential and must not be  
32 used in any criminal prosecution of the woman.

33 **Sec. 6.** NRS 442.420 is hereby amended to read as follows:

34 442.420 The Division shall develop and maintain a system for  
35 monitoring fetal alcohol ~~[syndrome.]~~ *spectrum disorders* that may  
36 include, without limitation, a method of:

37 1. Identifying the geographical areas in this state in which  
38 women are at a high risk of consuming alcohol during pregnancy  
39 and groups of persons in this state that include such women;

40 2. Identifying and evaluating deficiencies in existing systems  
41 for delivering perinatal care; and

42 3. Collecting and analyzing data relating to systems for  
43 delivering perinatal care.



1       **Sec. 7.** NRS 435.007 is hereby amended to read as follows:  
2       435.007 As used in this chapter, unless the context otherwise  
3 requires:

4       1. “Administrative officer” means a person with overall  
5 executive and administrative responsibility for those state or  
6 nonstate intellectual and developmental disability centers designated  
7 by the Administrator.

8       2. “Administrator” means the Administrator of the Division.

9       3. “Child” means any person under the age of 18 years who  
10 may be eligible for intellectual disability services or developmental  
11 disability services.

12       4. “Department” means the Department of Health and Human  
13 Services.

14       5. “Developmental disability” means autism, cerebral palsy,  
15 epilepsy , *a fetal alcohol spectrum disorder* or any other  
16 neurological condition diagnosed by a qualified professional that:

17       (a) Is manifested before the person affected attains the age of 22  
18 years;

19       (b) Is likely to continue indefinitely;

20       (c) Results in substantial functional limitations, as measured by  
21 a qualified professional, in three or more of the following areas of  
22 major life activity:

23           (1) Taking care of oneself;

24           (2) Understanding and use of language;

25           (3) Learning;

26           (4) Mobility;

27           (5) Self-direction; and

28           (6) Capacity for independent living; and

29       (d) Results in the person affected requiring a combination of  
30 individually planned and coordinated services, support or other  
31 assistance that is lifelong or has an extended duration.

32       6. “Director of the Department” means the administrative head  
33 of the Department.

34       7. “Division” means the Aging and Disability Services  
35 Division of the Department.

36       8. “Division facility” means any unit or subunit operated by the  
37 Division for the care, treatment and training of consumers.

38       9. *“Fetal alcohol spectrum disorder” has the meaning*  
39 *ascribed to it in NRS 432B.0655.*

40       10. “Intellectual disability” means significantly subaverage  
41 general intellectual functioning existing concurrently with deficits in  
42 adaptive behavior and manifested during the developmental period.

43       ~~10.~~ 11. “Intellectual and developmental disability center”  
44 means an organized program for providing appropriate services and  
45 treatment to persons with intellectual disabilities and persons with



1 developmental disabilities. An intellectual and developmental  
2 disability center may include facilities for residential treatment and  
3 training.

4 ~~{H1}~~ 12. “Medical director” means the chief medical officer of  
5 any program of the Division for persons with intellectual disabilities  
6 or developmental disabilities.

7 ~~{H2}~~ 13. “Mental illness” has the meaning ascribed to it in  
8 NRS 433.164.

9 ~~{H3}~~ 14. “Parent” means the parent of a child. The term does  
10 not include the parent of a person who has attained the age of 18  
11 years.

12 ~~{H4}~~ 15. “Person” includes a child and any other consumer  
13 with an intellectual disability and a child or any other consumer with  
14 a developmental disability who has attained the age of 18 years.

15 ~~{H5}~~ 16. “Person professionally qualified in the field of  
16 psychiatric mental health” has the meaning ascribed to it in  
17 NRS 433.209.

18 ~~{H6}~~ 17. “Residential facility for groups” means a structure  
19 similar to a private residence which will house a small number of  
20 persons in a homelike atmosphere.

21 ~~{H7}~~ 18. “Training” means a program of services directed  
22 primarily toward enhancing the health, welfare and development of  
23 persons with intellectual disabilities or persons with developmental  
24 disabilities through the process of providing those experiences that  
25 will enable the person to:

26 (a) Develop his or her physical, intellectual, social and  
27 emotional capacities to the fullest extent;

28 (b) Live in an environment that is conducive to personal dignity;  
29 and

30 (c) Continue development of those skills, habits and attitudes  
31 essential to adaptation in contemporary society.

32 ~~{H8}~~ 19. “Treatment” means any combination of procedures or  
33 activities, of whatever level of intensity and whatever duration,  
34 ranging from occasional counseling sessions to full-time admission  
35 to a residential facility.

36 **Sec. 8.** The provisions of NRS 354.599 do not apply to any  
37 additional expenses of a local government that are related to the  
38 provisions of this act.

39 **Sec. 9.** This act becomes effective on July 1, 2023.

