

ASSEMBLY BILL NO. 418—ASSEMBLYMAN ORENTLICHER

MARCH 27, 2023

Referred to Committee on Health and Human Services

SUMMARY—Revises provisions governing health care. (BDR 40-448)

FISCAL NOTE: Effect on Local Government: No. 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 health care; prescribing certain limitations on the regulation of abortion; prohibiting health care facilities from making certain deceptive statements to the public; authorizing the Attorney General to bring an action against a health care facility for such a violation; and providing other matters properly relating thereto.

**Legislative Counsel’s Digest:**

1 Existing law requires the Division of Public and Behavioral Health of the  
2 Department of Health and Human Services to adopt and enforce regulations  
3 governing: (1) the conditions under and the method by which abortions may  
4 be performed; (2) the qualifications of a person to provide informed consent before the  
5 procedure occurs; and (3) other aspects pertaining to the performance of abortions.  
6 (NRS 442.260) **Section 1** also provides that existing law governing abortion and  
7 any regulations adopted pursuant thereto supersede and preempt any local  
8 ordinance or regulation adopted by any county, city or political subdivision in this  
9 State that specifically regulates or disproportionately affects abortion or facilities  
10 that perform abortion.

11 **Section 3** of this bill defines “health care facility” to refer to any entity that  
12 provides health care. **Section 4** of this bill prohibits a health care facility from  
13 making or disseminating to the public a deceptive statement concerning any service  
14 that is offered or is not offered by the health care facility. **Section 5** of this bill  
15 authorizes the Attorney General to seek certain remedial and injunctive relief and  
16 civil penalties by bringing an action against a health care facility that violates  
17 **section 4**.



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

1       **Section 1.** NRS 442.260 is hereby amended to read as follows:

2       442.260 1. The Division shall adopt and enforce regulations  
3 governing the conditions under and the methods by which abortions  
4 may be performed, the reasonable minimum qualifications of a  
5 person authorized to provide the information required in NRS  
6 442.253, as well as all other aspects pertaining to the performance of  
7 abortions pursuant to NRS 442.250.

8       2. The Division shall adopt and enforce regulations for a  
9 system for reporting abortions. This system must be designed to  
10 preserve confidentiality of information on the identity of women  
11 upon whom abortions are performed. The Division may require that  
12 the following items be reported for each abortion:

13       (a) The date of the abortion;

14       (b) The place of the abortion including the city, county and  
15 state;

16       (c) The type of facility;

17       (d) The usual residence of the woman, including the city, county  
18 and state;

19       (e) Her age;

20       (f) Her ethnic group or race;

21       (g) Her marital status;

22       (h) The number of previous live births;

23       (i) The number of previous induced abortions;

24       (j) The duration of her pregnancy, as measured from first day of  
25 last normal menses to date of abortion, and as estimated by uterine  
26 size prior to performance of the abortion;

27       (k) The type of abortion procedure; and

28       (l) If a woman has had a previously induced abortion, the  
29 information in paragraphs (a) to (k), inclusive, or as much thereof as  
30 can be reasonably obtained, for each previous abortion.

31       3. The Division may adopt regulations to permit studies of  
32 individual cases of abortion, but these studies must not be permitted  
33 unless:

34       (a) Absolute assurance is provided that confidentiality of  
35 information on the persons involved will be preserved;

36       (b) Informed consent of each person involved in the study is  
37 obtained in writing;

38       (c) The study is conducted according to established standards  
39 and ethics; and

40       (d) The study is related to problems of health and has scientific  
41 merit with regard to both design and the importance of the problems  
42 to be solved.



1       **4. The provisions of NRS 442.240 to 442.270, inclusive, and**  
2 **any regulations adopted pursuant thereto, supersede and preempt**  
3 **any ordinance or regulation adopted by the governing body of any**  
4 **county, city, district, agency or other political subdivision of this**  
5 **State that specifically regulates or disproportionately affects**  
6 **abortion or facilities that provide abortion.**

7       **Sec. 2.** Chapter 597 of NRS is hereby amended by adding  
8 thereto the provisions set forth as sections 3, 4 and 5 of this act.

9       **Sec. 3.** *As used in sections 3, 4 and 5, inclusive, of this act,*  
10 *unless the context otherwise requires, "health care facility" means*  
11 *a facility licensed pursuant to chapter 449 of NRS, an office of a*  
12 *provider of health care, as defined in NRS 629.031, a clinic or any*  
13 *other entity that provides health care.*

14       **Sec. 4. 1.** *A health care facility shall not make or*  
15 *disseminate, or cause to be made or disseminated, to the public in*  
16 *any newspaper or other publication, in any advertising device,*  
17 *over the Internet or in any other manner a statement that the*  
18 *health care facility knows or should know is deceptive concerning*  
19 *any service that is or is not offered by the health care facility.*

20       **2.** *For the purposes of subsection 1, a statement is deceptive if*  
21 *the statement includes, without limitation, assertions to mislead*  
22 *persons to believe that the health care facility provides a health*  
23 *care service that the facility does not actually provide.*

24       **Sec. 5. 1.** *If the Attorney General has reason to believe that*  
25 *a health care facility has violated the provisions of section 4 of this*  
26 *act, the Attorney General may bring an action in the name of the*  
27 *State of Nevada in any court of competent jurisdiction against that*  
28 *health care facility to obtain a temporary restraining order, a*  
29 *preliminary or permanent injunction or other appropriate relief.*  
30 *The relief may include, without limitation, requiring the health*  
31 *care facility to:*

32       **(a)** *Pay for and disseminate appropriate corrective advertising*  
33 *in the same newspaper, publication or manner as was used to*  
34 *disseminate the deceptive statement to the public;*

35       **(b)** *Post a remedial notice that corrects the effects of the*  
36 *deceptive statement; or*

37       **(c)** *Provide such narrowly tailored relief as the court deems*  
38 *necessary to remedy the adverse effects of the deceptive statement*  
39 *on any patients seeking a service.*

40       **2.** *Before commencing an action pursuant to subsection 1,*  
41 *the Attorney General shall provide a written notice to the relevant*  
42 *health care facility, including, without limitation, the following*  
43 *information:*



1 (a) A statement that the Attorney General intends to  
2 commence an action against the health care facility pursuant to  
3 subsection 1;

4 (b) A description of the violation that the Attorney General  
5 believes the health care facility has committed;

6 (c) The manner in which the health care facility must cure the  
7 violation; and

8 (d) The time within which the health care facility must cure  
9 the violation.

10 3. Before bringing an action pursuant to subsection 1 against  
11 a health care facility, the Attorney General shall allow the health  
12 care facility at least 10 days to cure the relevant violation.

13 4. If, in an action brought pursuant to subsection 1, a court  
14 finds by a preponderance of the evidence that a health care facility  
15 violated the provisions of section 4 of this act, the court:

16 (a) Shall award the State:

17 (1) A civil penalty of at least \$50 and not more than \$500  
18 per violation; and

19 (2) Reasonable attorney's fees and costs.

20 (b) May award any other relief authorized by subsection 1.

21 5. This section does not limit the authority of this State or any  
22 political subdivision of this State to seek any other administrative,  
23 legal or equitable relief permitted by law.

24 **Sec. 6.** This act becomes effective upon passage and approval.

