

Amendment No. 351

Senate Amendment to Senate Bill No. 118	(BDR 40-334)
Proposed by: Senate Committee on Health and Human Services	
Amendment Box: REPLACES AMENDMENT 5	
Amends: Summary: No Title: Yes Preamble: No Joint Sponsorship: No Digest: Yes	

ASSEMBLY ACTION		Initial and Date	SENATE ACTION	Initial and Date
Adopted <input type="checkbox"/>	Lost <input type="checkbox"/>	_____	Adopted <input type="checkbox"/>	Lost <input type="checkbox"/>
Concurred In <input type="checkbox"/>	Not <input type="checkbox"/>	_____	Concurred In <input type="checkbox"/>	Not <input type="checkbox"/>
Receded <input type="checkbox"/>	Not <input type="checkbox"/>	_____	Receded <input type="checkbox"/>	Not <input type="checkbox"/>

EXPLANATION: Matter in (1) *blue bold italics* is new language in the original bill; (2) variations of green bold underlining is language proposed to be added in this amendment; (3) ~~red strikethrough~~ is deleted language in the original bill; (4) ~~purple double strikethrough~~ is language proposed to be deleted in this amendment; (5) orange double underlining is deleted language in the original bill proposed to be retained in this amendment.



SENATE BILL NO. 118—COMMITTEE ON
HEALTH AND HUMAN SERVICES

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

FEBRUARY 8, 2023

Referred to Committee on Health and Human Services

SUMMARY—Revises provisions relating to public health. (BDR 40-334)

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

AN ACT relating to public health; requiring that an account for public health improvement be created in the State General Fund; prescribing the manner in which money is allocated from the account; authorizing the creation of a health district by certain counties which are not physically adjacent; ~~making an appropriation;~~ allocating money from a tax on tobacco products other than cigarettes to the account; and providing other matters properly relating thereto.

Legislative Counsel’s Digest:

Existing law creates a health district in any county whose population is 700,000 or more (currently Clark County), which has jurisdiction over all public health matters in the health district. (NRS 439.361, 439.362, 439.366) Existing law authorizes the creation of a health district with similar jurisdiction in counties whose population is less than 700,000 (currently all counties other than Clark County), subject to approval by the State Board of Health, by affirmative vote of: (1) the boards of county commissioners of two or more adjacent counties; (2) the governing bodies of two or more cities or towns within any county; or (3) the board of county commissioners and the governing body or bodies of any incorporated city or cities, town or towns, in such a county. (NRS 439.370) **Sections 7 and 8** of this bill remove the requirement that two counties must be physically adjacent in order to create a health district.

Section 5 of this bill requires that an account be created in the State General Fund, to be administered by the Administrator of the Division of Public and Behavioral Health of the Department of Health and Human Services, for the purpose of improving public health in this State. ~~Section 9 of this bill makes an appropriation to the Division for that purpose.~~ **Section 5** also authorizes the Administrator to apply for and accept any gift, bequest, grant and donation for credit to the account. **Section 4 of this bill defines the term “health authority” to mean the district health department or, in a location that is not part of a health district, the Division or a designee of the Division.** **Section 6** of this bill : (1) requires the Administrator to allocate money in the account annually, according to population, to be used ~~in~~ by each health ~~district or in the area for which a health district has not been created.~~ **Section 6 also** authority; and (2) prohibits ~~an entity to which money is allocated from the~~

~~account~~ a health authority from using such money to replace or supplant other sources of funding. Section 6 requires each entity to which money is allocated to annually report to the Legislature concerning the allocation and use of the money. ~~Section 3 and 4~~ of this bill ~~[define certain terms]~~ defines the term “account” for purposes related to the use of money in the account.

Existing law imposes a tax upon the receipt, purchase or sale of tobacco products other than cigarettes in this State at a rate of 30 percent of the wholesale price of those products. (NRS 370.450) Section 8.5 of this bill requires the Department of Taxation to annually transfer 35 percent of the proceeds of that tax to the account created by section 5.

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

Section 1. Chapter 439 of NRS is hereby amended by adding thereto the provisions set forth as sections 2 to 6, inclusive, of this act.

Sec. 2. *As used in sections 2 to 6, inclusive, of this act, unless the context otherwise requires, the words and terms defined in sections 3 and 4 of this act have the meanings ascribed to them in those sections.*

Sec. 3. *“Account” means the account created pursuant to section 5 of this act.*

Sec. 4. *“Health authority” means the district health department or, in a location that is not part of a health district, the Division ~~or~~ or a designee of the Division.*

Sec. 5. 1. *The Administrator may apply for and accept any gift, donation, bequest, grant or other source of money for the purpose of improving public health in this State. Any money so received or from any other source, including, without limitation, legislative appropriation, must be deposited in the State Treasury and accounted for separately in the State General Fund.*

2. *The Administrator shall administer the account. Money in the account must be expended in the manner prescribed by this section and section 6 of this act.*

3. *The interest and income earned on the money in the account, after deducting any applicable charges, must be credited to the account. Any money remaining in the account at the end of the fiscal year does not revert to the State General Fund, and the balance in the account must be carried forward to the next fiscal year.*

4. *All claims against the account must be paid as other claims against the State are paid.*

5. *The Administrator may use not more than 5 percent of the money in the account to administer the account and to fund statewide projects for the purpose prescribed in subsection 1.*

Sec. 6. 1. *The Administrator shall, on or before December 31 of each year:*

(a) Determine the total amount of money in the account after deducting any amount allocated for the uses described in subsection 5 of section 5 of this act; and

(b) Allocate money among the health authorities in this State in proportion to the populations of the areas under the jurisdiction of those health authorities.

2. *A health authority to which money is allocated pursuant to subsection 1 shall:*

1 (a) Evaluate the public health needs of residents of the area under the
2 jurisdiction of the health authority;

3 (b) Determine the level of priority of the public health needs identified
4 pursuant to paragraph (a); ~~and~~

5 (c) Expend the money in accordance with the levels of priority identified
6 pursuant to paragraph (b) ~~and~~; and

7 (d) Not later than 90 days after the end of the fiscal year in which the health
8 authority receives the money;

9 (1) Prepare a report which must include, without limitation, a description
10 of:

11 (I) The process used by the health authority pursuant to paragraph
12 (a) to evaluate the public health needs of residents of the area under the
13 jurisdiction of the health authority and the public health needs identified through
14 that process;

15 (II) The process used by the health authority pursuant to paragraph
16 (b) to determine the level of priority of the public health needs identified pursuant
17 to paragraph (a) and the levels of priority assigned to those public health needs
18 through that process; and

19 (III) Each expenditure made by the health authority pursuant to
20 paragraph (c); and

21 (2) Submit the report to the Director of the Legislative Counsel Bureau
22 for transmittal to the Interim Finance Committee.

23 3. A health authority shall not use money allocated to the health authority
24 pursuant to subsection 1 to replace or supplant money available from other
25 sources.

26 **Sec. 7.** NRS 439.370 is hereby amended to read as follows:

27 439.370 By affirmative vote of:

28 1. The boards of county commissioners of two or more ~~adjacent~~ counties;

29 2. The governing bodies of two or more cities or towns within any county; or

30 3. The board of county commissioners and the governing body or bodies of
31 any incorporated city or cities, town or towns, in such county,

32 and with the approval of the State Board of Health, there may be created a health
33 district with a health department consisting of a district health officer and a district
34 board of health.

35 **Sec. 8.** NRS 439.383 is hereby amended to read as follows:

36 439.383 When two or more ~~adjacent~~ counties establish a district board of
37 health, all county boards of health in such district shall thereupon be abolished.

38 **Sec. 8.5.** NRS 370.500 is hereby amended to read as follows:

39 370.500 1. All amounts of tax required to be paid to the State pursuant to
40 NRS 370.440 to 370.490, inclusive, must be paid to the Department in the form of
41 remittances payable to the Department.

42 2. The Department shall deposit these payments with the State Treasurer for
43 credit to the Account for the Tax on Products Made From Tobacco, Other Than
44 Cigarettes, in the State General Fund.

45 3. At the end of each fiscal year, the Department shall transfer from the
46 Account for the Tax on Products Made From Tobacco, Other Than Cigarettes to
47 the account created pursuant to section 5 of this act an amount equal to 35
48 percent of the tax collected pursuant to NRS 370.440 to 370.490, inclusive,
49 during the fiscal year.

50 **Sec. 9.** ~~1. There is hereby appropriated from the State General Fund to the~~
51 ~~Division of Public and Behavioral Health of the Department of Health and Human~~
52 ~~Services for the purpose of improving public health in this State in accordance with~~
53 ~~the provisions of sections 5 and 6 of this act the following sums:~~

1 ~~For the fiscal year 2023-2024~~ \$15,000,000

2 ~~For the fiscal year 2024-2025~~ \$15,000,000

3 ~~2. Any balance of the sums appropriated by subsection 1 remaining at the end~~
4 ~~of the respective fiscal years must not be committed for expenditure after June 30~~
5 ~~of the respective fiscal years by the entity to which the appropriation is made or any~~
6 ~~entity to which money from the appropriation is granted or otherwise transferred in~~
7 ~~any manner, and any portion of the appropriated money remaining must not be~~
8 ~~spent for any purpose after September 20, 2024, and September 19, 2025,~~
9 ~~respectively, by either the entity to which the money was appropriated or the entity~~
10 ~~to which the money was subsequently granted or transferred, and must be reverted~~
11 ~~to the State General Fund on or before September 20, 2024, and September 19,~~
12 ~~2025, respectively.] (Deleted by amendment.)~~

13 Sec. 9.5. The provisions of subsection 1 of NRS 218D.380 do not apply to
14 any provision of this act which adds or revises a requirement to submit a
15 report to the Legislature.

16 Sec. 10. This act becomes effective on July 1, 2023.