

Amendment No. 933

Senate Amendment to Senate Bill No. 118 First Reprint	(BDR 40-334)
Proposed by: Senate Committee on Finance	
Amends: Summary: No Title: Yes Preamble: No Joint Sponsorship: No Digest: Yes	

Adoption of this amendment will ADD an appropriation where one does not currently exist in S.B. 118 R1.

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.

EGO



Date: 6/2/2023

S.B. No. 118—Revises provisions relating to public health. (BDR 40-334)



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; ~~allocating money from a tax on tobacco products other than cigarettes to the account;~~ **making an appropriation;** 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 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 by each health authority; and (2) prohibits 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.~~

22 Section 3 of this bill defines the term “account” for purposes related to the use of money in the
23 account.

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

28 Section 9.2 of this bill makes an appropriation to the Division of Public and
29 Behavioral Health of the Department of Health and Human Services for allocation to
30 specified entities for the improvement of public health. Section 9.2 requires each such
31 entity to submit a report to the Interim Finance Committee at the end of Fiscal Year
32 2024-2025 and Fiscal Year 2025-2026, respectively, concerning the use of the allocated
33 money.

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

1 Section 1. [Chapter 439 of NRS is hereby amended by adding thereto the
2 provisions set forth as sections 2 to 6, inclusive, of this act.] (Deleted by
3 amendment.)

4 Sec. 2. [As used in sections 2 to 6, inclusive, of this act, unless the context
5 otherwise requires, the words and terms defined in sections 3 and 4 of this act
6 have the meanings ascribed to them in those sections.] (Deleted by amendment.)

7 Sec. 3. [“Account” means the account created pursuant to section 5 of this
8 act.] (Deleted by amendment.)

9 Sec. 4. [“Health authority” means the district health department or, in a
10 location that is not part of a health district, the Division or a designee of the
11 Division.] (Deleted by amendment.)

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

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

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

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

27 5. The Administrator may use not more than 5 percent of the money in the
28 account to administer the account and to fund statewide projects for the purpose
29 prescribed in subsection 1.] (Deleted by amendment.)

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

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

35 (b) Allocate money among the health authorities in this State in proportion
36 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:~~

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

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

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

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

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

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

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

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

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

~~3. A health authority shall not use money allocated to the health authority pursuant to subsection 1 to replace or supplant money available from other sources.] (Deleted by amendment.)~~

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

439.370 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 county,

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

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

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

Sec. 8.5. ~~[NRS 370.500 is hereby amended to read as follows:~~

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

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

~~3. At the end of each fiscal year, the Department shall transfer from the Account for the Tax on Products Made From Tobacco, Other Than Cigarettes to the account created pursuant to section 5 of this act an amount equal to 35 percent of the tax collected pursuant to NRS 370.440 to 370.490, inclusive, during the fiscal year.] (Deleted by amendment.)~~

Sec. 9. (Deleted by amendment.)

1 Sec. 9.2. 1. There is hereby appropriated from the State General Fund
2 to the Division of Public and Behavioral Health of the Department of Health
3 and Human Services the sum of \$15,000,000 for allocation pursuant to
4 subsection 2 for the improvement of the public health.

5 2. On or before August 1, 2024, the Division of Public and Behavioral
6 Health shall allocate the money appropriated by subsection 1 to the following
7 entities based on the following prescribed percentages of the total
8 appropriated money:

9 (a) The Central Nevada Health District, 1.3 percent;

10 (b) The Washoe County Health District, 16 percent;

11 (c) The Southern Nevada Health District, 73 percent; and

12 (d) The Division of Public and Behavioral Health or a designee of the
13 Division, 9.7 percent.

14 3. An entity to which money is allocated pursuant to subsection 2 shall:

15 (a) Evaluate the public health needs of residents of the area under the
16 jurisdiction of the entity;

17 (b) Determine the level of priority of the public health needs identified
18 pursuant to paragraph (a);

19 (c) Expend the allocated money in accordance with the levels of priority
20 identified pursuant to paragraph (b); and

21 (d) Not later than 90 days after the end of Fiscal Year 2024-2025 and
22 2025-2026, respectively:

23 (I) Prepare a report which must include, without limitation:

24 (I) A description of the process used by the entity pursuant to
25 paragraph (a) to evaluate the public health needs of residents of the area
26 under the jurisdiction of the entity and the public health needs identified
27 through that process;

28 (II) A description of the process used by the entity pursuant to
29 paragraph (b) to determine the level of priority of the public health needs
30 identified pursuant to paragraph (a) and the levels of priority assigned to those
31 public health needs through that process;

32 (III) A description of each expenditure of the allocated money
33 made by the entity pursuant to paragraph (c); and

34 (IV) The unexpended balance of the allocated money at the end of
35 the fiscal year.

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

38 4. An entity to which money is allocated pursuant to subsection 2 shall
39 not use the money to replace or supplant money available from other sources.

40 5. The portion of any money remaining at the end of Fiscal Year 2024-
41 2025 from an allocation of the money appropriated by subsection 1 that is not
42 committed for expenditure by June 30, 2025, must be carried forward to Fiscal
43 Year 2025-2026 to be used for the same purpose. Any remaining balance of the
44 allocated money carried forward to Fiscal Year 2025-2026 must not be
45 committed for expenditure after June 30, 2026, and must be reverted to the
46 State General Fund on or before September 18, 2026.

47 Sec. 9.5. ~~[The provisions of subsection 1 of NRS 218D.380 do not apply to~~
48 ~~any provision of this act which adds or revises a requirement to submit a report to~~
49 ~~the Legislature.] (Deleted by amendment.)~~

50 Sec. 10. 1. This ~~[act becomes]~~ section and sections 1 to 9, inclusive, and
51 9.5 of this act become effective ~~[on July 1, 2023,]~~ upon passage and approval.

52 2. Section 9.2 of this act becomes effective on July 1, 2024.