

ASSEMBLY BILL NO. 176—ASSEMBLYMEMBER TORRES-FOSSETT

PREFILED FEBRUARY 2, 2025

Referred to Committee on Health and Human Services

SUMMARY—Revises provisions relating to reproductive health care. (BDR 40-177)

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; prohibiting a governmental entity from substantially burdening certain activity relating to reproductive health care under certain circumstances; authorizing a person whose engagement in such activity has been so burdened to assert the violation as a claim or defense in a judicial proceeding; authorizing a court to award damages against a governmental entity that substantially burdens such activity in certain circumstances; and providing other matters properly relating thereto.

Legislative Counsel’s Digest:

1 Existing law prescribes certain rights for a patient of a medical facility or a
2 facility for the dependent. (NRS 449A.100-449A.124) **Sections 2-8** of this bill
3 establish the Right to Reproductive Health Care Act. **Sections 4-6** define certain
4 terms for purposes of the Act. **Section 3** establishes the applicability of those
5 definitions. **Section 7** applies the provisions of the Act to certain state laws and all
6 local laws and ordinances and the implementation of those laws and ordinances,
7 regardless of when those laws or ordinances were enacted. **Section 8** generally
8 prohibits a governmental entity from enacting or implementing any limitation or
9 requirement that singles out reproductive health care and substantially burdens: (1)
10 the access of a person to reproductive health care, drugs or devices related to
11 reproductive health care or information related to reproductive health care; or (2)
12 the ability of a provider of health care to provide reproductive health care, drugs or
13 devices related to reproductive health care or information related to reproductive
14 health care within his or her scope of practice, training and experience. **Section 8**
15 creates an exception to such prohibitions if the governmental entity demonstrates
16 by clear and convincing evidence that the burden, as applied to the person or
17 provider of health care who is subject to the burden: (1) furthers a compelling
18 interest; and (2) is the least restrictive means of furthering that interest. **Section 8**



19 authorizes a person whose ability to obtain or provide reproductive health care,
20 drugs or devices related to reproductive health care or information related to
21 reproductive health care is burdened to bring or defend an action in court and
22 obtain appropriate relief. **Section 8** requires a court to award costs and attorney's
23 fees to a person who prevails on such a claim.

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

1 **Section 1.** Chapter 449A of NRS is hereby amended by
2 adding thereto the provisions set forth as sections 2 to 8, inclusive,
3 of this act.

4 **Sec. 2.** *Sections 2 to 8, inclusive, of this act may be cited as*
5 *the Right to Reproductive Health Care Act.*

6 **Sec. 3.** *As used in sections 2 to 8, inclusive, of this act, unless*
7 *the context otherwise requires, the words and terms defined in*
8 *sections 4, 5 and 6 of this act have the meanings ascribed to them*
9 *in those sections.*

10 **Sec. 4.** *“Governmental entity” means the State of Nevada or*
11 *any of its agencies or political subdivisions.*

12 **Sec. 5.** *“Provider of health care” has the meaning ascribed*
13 *to it in NRS 629.031.*

14 **Sec. 6.** *“Reproductive health care” means medical, surgical,*
15 *counseling or referral services relating to the human reproductive*
16 *system, including, without limitation, services relating to*
17 *pregnancy, contraception, miscarriage, in vitro fertilization or any*
18 *procedure or care found by a competent medical professional to be*
19 *appropriate based upon the wishes of a patient and in accordance*
20 *with the laws of this State.*

21 **Sec. 7.** *1. Except as otherwise provided in this section, the*
22 *provisions of sections 2 to 8, inclusive, of this act apply to all state*
23 *and local laws and ordinances and the implementation of those*
24 *laws and ordinances, whether statutory or otherwise, and whether*
25 *enacted before, on or after January 1, 2026. The provisions of*
26 *sections 2 to 8, inclusive, of this act do not apply to NRS 442.250*
27 *or the implementation of NRS 442.250.*

28 *2. State laws that are enacted on or after January 1, 2026, are*
29 *subject to the provisions of sections 2 to 8, inclusive, of this act*
30 *unless the law explicitly excludes such application by reference to*
31 *this section.*

32 *3. The provisions of sections 2 to 8, inclusive, of this act do*
33 *not:*

34 *(a) Authorize a governmental entity to burden:*



1 (1) *The access of any person to reproductive health care,*
2 *information related to reproductive health care or any drug or*
3 *device related to reproductive health care; or*

4 (2) *The ability of a provider of health care to provide*
5 *reproductive health care or information related to reproductive*
6 *health care or to provide, administer, dispense or prescribe any*
7 *drug or device related to reproductive health care within the scope*
8 *of practice, training and experience of the provider of health care.*

9 (b) *Authorize or sanction any sterilization procedure without*
10 *the voluntary and informed consent of the patient.*

11 **Sec. 8. 1.** *Except as otherwise provided in this section, a*
12 *governmental entity shall not enact or implement any limitation or*
13 *requirement that:*

14 (a) *Expressly, effectively, implicitly or, as implemented, singles*
15 *out reproductive health care, drugs or devices related to*
16 *reproductive health care or information related to reproductive*
17 *health care or any providers of health care or facilities that*
18 *provide reproductive health care, drugs or devices related to*
19 *reproductive health care or information related to reproductive*
20 *health care; and*

21 (b) *Substantially burdens:*

22 (1) *The access of a person to reproductive health care,*
23 *drugs or devices related to reproductive health care or information*
24 *related to reproductive health care; or*

25 (2) *The ability of a provider of health care to provide*
26 *reproductive health care, drugs or devices related to reproductive*
27 *health care or information related to reproductive health care*
28 *within the scope of practice, training and experience of the*
29 *provider of health care.*

30 2. *A governmental entity may enact a requirement or*
31 *limitation described in subsection 1 if the governmental entity*
32 *demonstrates by clear and convincing evidence that the burden*
33 *imposed by the requirement or limitation on the activity described*
34 *in paragraph (b) of subsection 1, as applied to the person or*
35 *provider of health care who is subject to the burden:*

36 (a) *Furthers a compelling interest; and*

37 (b) *Is the least restrictive means of furthering that interest.*

38 3. *Notwithstanding any provision of NRS 41.0305 to 41.039,*
39 *inclusive, but subject to the limitation on damages set forth in*
40 *NRS 41.035 when applicable, a person or provider of health care*
41 *who has been substantially burdened in violation of this section*
42 *may assert that violation as a claim or defense in a judicial*
43 *proceeding and obtain appropriate relief. A court shall award*
44 *costs and attorney's fees to a person who prevails on such a claim*
45 *or defense pursuant to this section.*



1 **4. A court may find that a person is a vexatious litigant if the**
2 **person makes a claim within the scope of sections 2 to 8, inclusive,**
3 **of this act which is without merit, fraudulent or otherwise**
4 **intended to harass or annoy a person. If a court finds that a**
5 **person is a vexatious litigant pursuant to this subsection, the court**
6 **may deny standing to that person to bring further claims which**
7 **allege a violation of this section.**

8 **Sec. 9.** 1. This section becomes effective upon passage and
9 approval.

10 2. Sections 1 to 8, inclusive, of this act become effective:

11 (a) Upon passage and approval for the purpose of adopting any
12 regulations and performing any other preparatory administrative
13 tasks that are necessary to carry out the provisions of this act; and

14 (b) On January 1, 2026, for all other purposes.

