

ASSEMBLY BILL NO. 264—ASSEMBLYMEMBER MILLER

FEBRUARY 20, 2025

Referred to Committee on Government Affairs

SUMMARY—Revises provisions relating to the issuance of professional and occupational licenses. (BDR 19-926)

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 professional licensing; establishing procedures by which an applicant for a professional or occupational license may obtain judicial review of the decision of a licensing agency denying the application of the applicant on the basis of the moral character or criminal history of the applicant; and providing other matters properly relating thereto.

Legislative Counsel’s Digest:

Existing law authorizes or requires various entities that issue professional or occupational licenses to deny an application for the issuance of such a license based on the moral character or criminal history of the applicant. For example, existing law authorizes the Nevada State Board of Accountancy to refuse to grant a certificate of certified public accountant to an applicant if he or she has been convicted of a felony in this State. (NRS 628.190) Similarly, existing law requires an applicant for a license as an athletic trainer to be of good moral character. (NRS 640B.310) Additionally, under existing law, the Cannabis Compliance Board is prohibited, with certain exceptions, from issuing a cannabis establishment agent registration card to a person who has been convicted of certain felony offenses. (NRS 678B.340) This bill sets forth procedures by which an applicant for the issuance of any license, certification, registration, permit or other authorization that grants a person the authority to engage in a profession or occupation in this State that is issued by any officer, agency, board or commission of this State or any political subdivision of this State may obtain judicial review of a decision denying the application of the applicant on the basis of the moral character or criminal history of the applicant.

This bill requires a licensing agency that denies an application for the issuance of a license on the basis of the moral character or criminal history of the applicant to provide written notice to the applicant within 10 days after the denial. This bill



21 authorizes the applicant to file a petition in the district court seeking review of the  
22 decision within 30 days after receipt of the notice. Under this bill, the licensing  
23 agency is required to prove by clear and convincing evidence at the hearing on the  
24 petition that the issuance of the license to the applicant would pose a direct,  
25 substantial and unmitigatable risk to public health or safety based on the duties and  
26 responsibilities of the profession or occupation in which the applicant wishes to  
27 engage. If the court determines that the licensing agency has met that burden of  
28 proof, this bill requires the court to issue an order affirming the decision of the  
29 licensing agency. If the court determines that the licensing agency has not met that  
30 burden of proof, this bill requires the court to order the licensing agency to issue the  
31 applicant the license. Under this bill, the licensing agency is required to comply  
32 with the order, notwithstanding any other provision of existing law.

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

1 **Section 1.** Chapter 237 of NRS is hereby amended by adding  
2 thereto a new section to read as follows:

3 *1. If a licensing agency denies an application for the issuance*  
4 *of a license on the basis of the moral character or criminal history*  
5 *of the applicant, the licensing agency shall provide to the*  
6 *applicant written notice within 10 days after the denial. The notice*  
7 *must set forth the basis for the decision of the licensing agency*  
8 *and contain an explanation of the provisions of this section.*

9 *2. An applicant who receives a notice provided pursuant to*  
10 *subsection 1 may, within 30 days after receipt of the notice, file a*  
11 *petition in the district court seeking review of the decision of the*  
12 *licensing agency.*

13 *3. Upon the filing of a petition pursuant to subsection 2, the*  
14 *court shall set a time for a hearing on the petition and provide*  
15 *notice of the hearing to the applicant and licensing agency. At the*  
16 *hearing, the licensing agency has the burden of proof of*  
17 *establishing by clear and convincing evidence that the issuance to*  
18 *the applicant of the license for which the applicant applied would*  
19 *pose a direct, substantial and unmitigatable risk to public health*  
20 *or safety based on the duties and responsibilities of the profession*  
21 *or occupation in which the applicant wishes to engage.*

22 *4. If the court determines that the licensing agency has met*  
23 *the burden of proof required by subsection 3, the court shall issue*  
24 *an order affirming the decision of the licensing agency. The order*  
25 *must contain specific findings of fact and conclusions of law*  
26 *supporting the decision of the court and specific recommendations*  
27 *to improve the possibility of being granted the license the next time*  
28 *the applicant applies for the license.*

29 *5. If the court determines that the licensing agency has failed*  
30 *to meet the burden of proof required by subsection 3, the court*



1 *shall issue an order requiring the licensing agency to issue the*  
2 *license to the applicant. Notwithstanding any other provision of*  
3 *law, the licensing agency shall comply with the order and issue the*  
4 *license to the applicant.*

5 *6. As used in this section:*

6 *(a) "License" means a license, certification, registration,*  
7 *permit or other authorization that grants a person the authority to*  
8 *engage in a profession or occupation in this State.*

9 *(b) "Licensing agency" means any officer, agency, board or*  
10 *commission of this State or any political subdivision of this State*  
11 *that issues a license.*



