
ASSEMBLY BILL NO. 266—ASSEMBLYMEMBERS GONZÁLEZ, MOORE, MILLER; ANDERSON, DALIA, D’SILVA, GALLANT, GOULDING, GRAY, HUNT, JACKSON, KARRIS, LA RUE HATCH, NADEEM, NGUYEN, ORENTLICHER, ROTH AND TORRES-FOSSETT

FEBRUARY 20, 2025

JOINT SPONSORS: SENATORS CRUZ-CRAWFORD AND DOÑATE

Referred to Committee on Health and Human Services

SUMMARY—Makes revisions relating to breastfeeding. (BDR 40-595)

FISCAL NOTE: Effect on Local Government: Increases or Newly Provides for Term of Imprisonment in County or City Jail or Detention Facility.
Effect on the State: Yes.

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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 the Department of Health and Human Services to publish certain information relating to breastfeeding and develop a program of public education concerning lactation; authorizing certain providers of health care and medical facilities to provide that information to certain persons; prohibiting a place of public accommodation from engaging in certain discrimination against a person who is breastfeeding; authorizing certain civil actions and administrative actions to enforce that prohibition; providing a penalty; and providing other matters properly relating thereto.

Legislative Counsel’s Digest:

- 1 Existing law requires the Medicaid program to cover: (1) counseling and
- 2 support for breastfeeding; (2) supplies for breastfeeding until the child’s first
- 3 birthday; and (3) lactation consultation and support. (NRS 422.27174, 422.27179)
- 4 Existing law authorizes Medicaid to provide additional coverage of supplies for
- 5 breastfeeding. (NRS 422.27178) **Section 1** of this bill requires the Department of
- 6 Health and Human Services to post on an Internet website maintained by the



7 Department: (1) a fact sheet that provides information concerning that coverage
8 under Medicaid; and (2) a list of services available in the community for lactation
9 support. **Section 1** authorizes certain providers of health care and medical facilities
10 that provide care to a pregnant person to provide the information posted by the
11 Department to the pregnant person and, with the consent or at the direction of the
12 pregnant person, certain other persons. **Section 1** additionally requires
13 the Department to develop and carry out a program of public education to increase
14 public awareness about lactation.

15 Existing law provides that all persons are entitled to the full and equal
16 enjoyment of the goods, services, facilities, privileges, advantages and equal
17 accommodations of any place of public accommodation, without discrimination or
18 segregation on the ground of race, color, religion, national origin, disability, sexual
19 orientation, sex or gender identity or expression. (NRS 651.070) Existing law
20 defines the term "place of public accommodation" to mean any establishment or
21 place to which the public is invited or which is intended for public use, including,
22 inns, hotels, motels, restaurants, bars, gasoline stations, theaters, convention
23 centers, bakeries, grocery stores, laundromats, museums, libraries, parks, zoos,
24 nurseries, private and public schools or universities, day care centers, senior citizen
25 centers, gymnasiums, health spas and bowling alleys. (NRS 651.050; *Clark County*
26 *Sch. Dist. v. Buchanan*, 112 Nev. 1146 (1996)) **Section 4** of this bill prohibits a
27 place of public accommodation from: (1) denying the full and equal enjoyment of
28 the goods, services, facilities, privileges, advantages and accommodations of any
29 place of public accommodation to a person because the person is breastfeeding a
30 child; or (2) publishing a statement, advertisement, notice or sign that conflicts with
31 that prohibition. **Section 5** of this bill makes the definition of "place of public
32 accommodation" in existing law apply to **section 4**. **Section 6** of this bill clarifies
33 that those prohibitions do not apply to certain private establishments that are not
34 places of public accommodation. **Section 7** of this bill makes certain actions that
35 violate **section 4** misdemeanors, and **section 8** of this bill authorizes a victim of
36 such a violation to file a civil action. **Section 9** of this bill authorizes a county or
37 incorporated city to adopt an ordinance that protects the rights protected by **section**
38 **4**, with certain limitations. **Section 10** of this bill authorizes a victim of a violation
39 of **section 4** to file a complaint with the Nevada Equal Rights Commission, and
40 **section 3** of this bill authorizes the Commission to order its Administrator to
41 investigate and hold hearings on such a complaint. The Commission would also be
42 authorized to: (1) hold an informal meeting to attempt to settle a dispute over an
43 alleged violation of **section 4**; and (2) after a formal public hearing, order the place
44 of public accommodation to cease and desist from activity that violates **section 4**
45 and take corrective action. (NRS 233.170) **Section 2** of this bill makes a
46 conforming change to include preventing discrimination against persons who are
47 breastfeeding children within the purposes of the Commission.

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

1 **Section 1.** Chapter 442 of NRS is hereby amended by adding
2 thereto a new section to read as follows:

3 ***1. The Department shall:***

4 ***(a) Post on an Internet website maintained by the Department***
5 ***and update at least annually:***

6 ***(1) A fact sheet that provides, in accessible language,***
7 ***information concerning the coverage provided under Medicaid***



1 *pursuant to paragraph (a) of subsection 1 of NRS 422.27174 and*
2 *paragraph (a) of subsection 1 of NRS 422.27179 and any*
3 *additional coverage provided under Medicaid pursuant to*
4 *subsection 1 of NRS 422.27178.*

5 (2) *A list of services available in the community for*
6 *lactation support. The list must include, without limitation, the*
7 *names, addresses and telephone numbers of organizations that*
8 *provide lactation support.*

9 (b) *Develop and carry out a program of public education to*
10 *increase public awareness about lactation, including, without*
11 *limitation, the health benefits of lactation and ways in which*
12 *pregnant persons and the parents of infants can connect to*
13 *lactation support.*

14 2. *The information described in paragraph (a) of subsection 1*
15 *must be available in English, Spanish, Tagalog and any other*
16 *language deemed appropriate by the Department.*

17 3. *A physician, physician assistant, advanced practice*
18 *registered nurse or midwife who attends a pregnant patient during*
19 *gestation or the delivery of an infant or a hospital or freestanding*
20 *birthing center from which a pregnant patient receives care*
21 *during gestation or the delivery of an infant may provide the*
22 *information posted by the Department pursuant to paragraph (a)*
23 *of subsection 1 to:*

24 (a) *The patient;*

25 (b) *With the consent of the patient, any other person*
26 *accompanying the patient when the patient receives care; and*

27 (c) *Any other person, at the direction of the patient.*

28 **Sec. 2.** NRS 233.010 is hereby amended to read as follows:

29 233.010 1. It is hereby declared to be the public policy of the
30 State of Nevada to protect the welfare, prosperity, health and peace
31 of all the people of the State, and to foster the right of all persons
32 reasonably to seek and obtain housing accommodations without
33 discrimination, distinction or restriction because of race, religious
34 creed, color, age, sex, disability, sexual orientation, gender identity
35 or expression, national origin or ancestry.

36 2. It is hereby declared to be the public policy of the State of
37 Nevada to protect the welfare, prosperity, health and peace of all the
38 people of the State, and to foster the right of all persons reasonably
39 to seek and be granted services in places of public accommodation
40 without discrimination, distinction or restriction because of race,
41 religious creed, color, age, sex, disability, sexual orientation,
42 national origin, ancestry or gender identity or expression **[H]** *or*
43 *because a person is breastfeeding a child.*

44 3. It is hereby declared to be the public policy of the State of
45 Nevada to protect the welfare, prosperity, health and peace of all the



1 people of the State, and to foster the right of all persons reasonably
2 to seek, obtain and hold employment without discrimination,
3 distinction or restriction because of race, religious creed, color, age,
4 sex, disability, sexual orientation, gender identity or expression,
5 national origin or ancestry. As used in this subsection:

6 (a) "Protective hairstyle" includes, without limitation, hairstyles
7 such as natural hairstyles, afros, bantu knots, curls, braids, locks and
8 twists.

9 (b) "Race" includes traits associated with race, including,
10 without limitation, hair texture and protective hairstyles.

11 4. It is recognized that the people of this State should be
12 afforded full and accurate information concerning actual and alleged
13 practices of discrimination and acts of prejudice, and that such
14 information may provide the basis for formulating statutory
15 remedies of equal protection and opportunity for all citizens in this
16 State.

17 **Sec. 3.** NRS 233.150 is hereby amended to read as follows:

18 233.150 The Commission may:

19 1. Order its Administrator to:

20 (a) With regard to public accommodation, investigate tensions,
21 practices of discrimination and acts of prejudice against any person
22 or group because of race, color, creed, sex, age, disability, sexual
23 orientation, national origin, ancestry or gender identity or expression
24 *or because the person is breastfeeding a child* and may conduct
25 hearings with regard thereto.

26 (b) With regard to housing, investigate tensions, practices of
27 discrimination and acts of prejudice against any person or group
28 because of race, color, creed, sex, age, disability, sexual orientation,
29 gender identity or expression, national origin or ancestry, and may
30 conduct hearings with regard thereto.

31 (c) With regard to employment, investigate:

32 (1) Tensions, practices of discrimination and acts of
33 prejudice against any person or group because of race, color, creed,
34 sex, age, disability, sexual orientation, gender identity or expression,
35 national origin or ancestry, and may conduct hearings with regard
36 thereto; and

37 (2) Any unlawful employment practice by an employer
38 pursuant to the provisions of NRS 613.4353 to 613.4383, inclusive,
39 and may conduct hearings with regard thereto.

40 ➤ As used in this paragraph, "race" includes traits associated with
41 race, including, without limitation, hair texture and protective
42 hairstyles, as defined in paragraph (a) of subsection 3 of
43 NRS 233.010.

44 2. Mediate between or reconcile the persons or groups involved
45 in those tensions, practices and acts.



1 3. Issue subpoenas for the attendance of witnesses or for the
2 production of documents or tangible evidence relevant to any
3 investigations or hearings conducted by the Commission.

4 4. Delegate its power to hold hearings and issue subpoenas to
5 any of its members or any hearing officer in its employ.

6 5. Adopt reasonable regulations necessary for the Commission
7 to carry out the functions assigned to it by law.

8 **Sec. 4.** Chapter 651 of NRS is hereby amended by adding
9 thereto a new section to read as follows:

10 *Unless expressly authorized by federal or state law or*
11 *regulations, it is unlawful for a place of public accommodation to:*

12 1. *Deny the full and equal enjoyment of the goods, services,*
13 *facilities, privileges, advantages and accommodations of the place*
14 *of public accommodation to a person because the person is*
15 *breastfeeding a child.*

16 2. *Print, circulate, post, mail or otherwise cause to be*
17 *published a statement, advertisement, notice or sign:*

18 (a) *Stating that the place of public accommodation refuses or*
19 *denies the full and equal enjoyment of any good, service, facility,*
20 *privilege, advantage or accommodation of the place of public*
21 *accommodation to a person in violation of subsection 1; or*

22 (b) *Otherwise indicating that the patronage or presence of a*
23 *person at a place of public accommodation is objectionable,*
24 *unwelcome, unacceptable or undesirable because the person is*
25 *breastfeeding a child.*

26 **Sec. 5.** NRS 651.050 is hereby amended to read as follows:

27 651.050 As used in NRS 651.050 to 651.110, inclusive, *and*
28 *section 4 of this act*, unless the context otherwise requires:

29 1. "Disability" means, with respect to a person:

30 (a) A physical or mental impairment that substantially limits one
31 or more of the major life activities of the person;

32 (b) A record of such an impairment; or

33 (c) Being regarded as having such an impairment.

34 2. "Gender identity or expression" means a gender-related
35 identity, appearance, expression or behavior of a person, regardless
36 of the person's assigned sex at birth.

37 3. "Online establishment" means a business, whether or not
38 conducted for profit, which:

39 (a) Offers goods or services to the general public in this State
40 through an Internet website, mobile application or other electronic
41 medium; and

42 (b) Is not operated in conjunction with a physical location which
43 is open to the public.

44 4. "Place of public accommodation" means:



1 (a) Any inn, hotel, motel or other establishment which provides
2 lodging to transient guests, except an establishment located within a
3 building which contains not more than five rooms for rent or hire
4 and which is actually occupied by the proprietor of the
5 establishment as the proprietor's residence;

6 (b) Any restaurant, bar, cafeteria, lunchroom, lunch counter,
7 soda fountain, casino or any other facility where food or spirituous
8 or malt liquors are sold, including any such facility located on the
9 premises of any retail establishment;

10 (c) Any gasoline station;

11 (d) Any motion picture house, theater, concert hall, sports arena
12 or other place of exhibition or entertainment;

13 (e) Any auditorium, convention center, lecture hall, stadium or
14 other place of public gathering;

15 (f) Any bakery, grocery store, clothing store, hardware store,
16 shopping center or other sales or rental establishment;

17 (g) Any laundromat, dry cleaner, bank, barber shop, beauty
18 shop, travel service, shoe repair service, funeral parlor, office of an
19 accountant or lawyer, pharmacy, insurance office, office of a
20 provider of health care, hospital or other service establishment;

21 (h) Any terminal, depot or other station used for specified public
22 transportation;

23 (i) Any museum, library, gallery or other place of public display
24 or collection;

25 (j) Any park, zoo, amusement park or other place of recreation;

26 (k) Any nursery, private school or university or other place of
27 education;

28 (l) Any day care center, senior citizen center, homeless shelter,
29 food bank, adoption agency or other social service establishment;

30 (m) Any gymnasium, health spa, bowling alley, golf course or
31 other place of exercise or recreation;

32 (n) Any other establishment or place to which the public is
33 invited or which is intended for public use;

34 (o) Any establishment physically containing or contained within
35 any of the establishments described in paragraphs (a) to (n),
36 inclusive, which holds itself out as serving patrons of the described
37 establishment; and

38 (p) Any online establishment.

39 5. "Sexual orientation" means having or being perceived as
40 having an orientation for heterosexuality, homosexuality or
41 bisexuality.

42 **Sec. 6.** NRS 651.060 is hereby amended to read as follows:

43 651.060 1. The provisions of NRS 651.050 to 651.110,
44 inclusive, *and section 4 of this act* do not apply to any private club,
45 private online discussion forum or other establishment not in fact



1 open to the public, except to the extent that the facilities of such
2 establishment are made available to the customers or patrons of an
3 establishment within the scope of NRS 651.050.

4 2. As used in this section, "private online discussion forum"
5 means an online forum:

6 (a) Which is operated for the primary purpose of allowing its
7 members to exercise their constitutionally protected right of
8 expressive association;

9 (b) Which has not more than 1,000 members; and

10 (c) The operator of which does not regularly receive payment,
11 directly or indirectly, from or on behalf of nonmembers for dues,
12 fees, use of facilities or goods or services for the furtherance of trade
13 or business.

14 **Sec. 7.** NRS 651.080 is hereby amended to read as follows:

15 651.080 1. Any person is guilty of a misdemeanor who:

16 (a) Withholds, denies, deprives or attempts to withhold, deny or
17 deprive any other person of any right, privilege or access secured by
18 NRS 651.070, 651.072 or 651.075 ~~§~~ *or section 4 of this act;*

19 (b) Intimidates, threatens, coerces or attempts to threaten,
20 intimidate or coerce any other person for the purpose of interfering
21 with any right, privilege or access secured by NRS 651.070,
22 651.072 or 651.075 ~~§~~ *or section 4 of this act;* or

23 (c) Punishes or attempts to punish any other person for
24 exercising or attempting to exercise any right, privilege or access
25 secured by NRS 651.070, 651.072 or 651.075 ~~§~~ *or section 4 of this*
26 *act.*

27 2. A prosecution for violation of a local ordinance authorized
28 by NRS 651.100 is a bar to any prosecution pursuant to this section.

29 **Sec. 8.** NRS 651.090 is hereby amended to read as follows:

30 651.090 1. Any person who:

31 (a) Withholds, denies, deprives or attempts to withhold, deny or
32 deprive any other person of any right or privilege secured by NRS
33 651.070 or 651.075 ~~§~~ *or section 4 of this act;*

34 (b) Intimidates, threatens, coerces or attempts to threaten,
35 intimidate or coerce any other person for the purpose of interfering
36 with any right or privilege secured by NRS 651.070 or 651.075 ~~§~~
37 *or section 4 of this act;* or

38 (c) Punishes or attempts to punish any other person for
39 exercising or attempting to exercise any right or privilege secured
40 by NRS 651.070 or 651.075 ~~§~~ *or section 4 of this act,*

41 ➔ is liable to the person whose rights pursuant to NRS 651.070 or
42 651.075 *or section 4 of this act* are affected for actual damages, to
43 be recovered by a civil action in a court in and for the county in
44 which the infringement of civil rights occurred or in which the
45 defendant resides.



1 2. In an action brought pursuant to this section, the court may:
2 (a) Grant any equitable relief it considers appropriate, including
3 temporary, preliminary or permanent injunctive relief, against the
4 defendant.

5 (b) Award costs and reasonable attorney's fees to the prevailing
6 party.

7 **Sec. 9.** NRS 651.100 is hereby amended to read as follows:

8 651.100 Any county or incorporated city of this state may
9 adopt a local ordinance prohibiting infringement of the rights,
10 privileges or access secured by NRS 651.070, 651.072 or 651.075
11 ~~§~~ *or section 4 of this act*, but such an ordinance must not apply to
12 any establishment outside the scope of NRS 651.050 and 651.060 or
13 impose a penalty more severe than that provided by NRS 651.075 or
14 651.080. A prosecution pursuant to NRS 651.075 or 651.080 is a
15 bar to any prosecution pursuant to an ordinance authorized by this
16 section.

17 **Sec. 10.** NRS 651.110 is hereby amended to read as follows:

18 651.110 1. Except as otherwise provided in subsection 2, any
19 person who believes he or she has been denied full and equal
20 enjoyment of the goods, services, facilities, privileges, advantages
21 and accommodations of any place of public accommodation because
22 of discrimination or segregation based on race, color, religion,
23 national origin, disability, sexual orientation, sex or gender identity
24 or expression *or because the person is breastfeeding a child* may
25 file a complaint to that effect with the Nevada Equal Rights
26 Commission.

27 2. A complaint may not be filed with the Nevada Equal Rights
28 Commission for a violation of NRS 651.072.

29 **Sec. 11.** 1. This section becomes effective upon passage and
30 approval.

31 2. Sections 2 to 10, inclusive, of this act become effective on
32 July 1, 2025.

33 3. Section 1 of this act becomes effective:

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

37 (b) On October 1, 2025, for all other purposes.

