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FIRST REPRINT

A.B. 197

ASSEMBLY BILL NO. 197—ASSEMBLYMEN WATTS, PETERS, NGUYEN; DURAN, GORELOW, MARTINEZ, C.H. MILLER, ORENTLICHER, SUMMERS-ARMSTRONG, THOMAS AND TORRES

MARCH 4, 2021

JOINT SPONSORS: SENATORS DONATE; AND DENIS

Referred to Committee on Health and Human Services

SUMMARY—Revises provisions relating to persons experiencing homelessness. (BDR 11-682)

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 homelessness; revising requirements concerning the provision of health care to a minor without the consent of his or her parents or legal guardian in certain circumstances; revising provisions requiring the State Registrar to provide certain certificates to a homeless person free of charge in certain circumstances; and providing other matters properly relating thereto.

Legislative Counsel’s Digest:

1 Existing law authorizes a minor to consent to certain services provided to
2 himself or herself or for his or her child by a local or state health officer, board of
3 health, licensed physician or hospital if the minor: (1) has been living apart from his
4 or her parents or legal guardian for at least 4 months; (2) is married or has been
5 married; (3) is a mother, or has borne a child; or (4) is in danger of suffering a
6 serious health hazard if health care services are not provided. (NRS 129.030)
7 **Section 1** of this bill: (1) authorizes a minor who meets any of those criteria to
8 consent to an examination or services provided by certain additional providers of
9 health care; and (2) additionally authorizes a minor who is a father to consent to
10 such an examination or services. **Section 1** also: (1) removes the requirement that a
11 minor must have lived apart from his or her parents or legal guardian for a period of
12 at least 4 months in order to provide such consent; and (2) prescribes the manner in
13 which a minor may demonstrate that he or she is living apart from his or her parents
14 or legal guardian.



Existing law requires a person from whom a minor requests treatment under the conditions described above to make prudent and reasonable efforts to obtain the consent of the minor to communicate with his or her parent, parents or legal guardian. (NRS 129.030) **Section 1** prohibits such a person from delaying or denying an examination or services because the minor refuses to consent to communication with his or her parent, parents or legal guardian.

Existing law provides that a parent or legal guardian of a minor receiving treatment under the conditions described above is not responsible for paying the cost of that treatment unless the parent or guardian has consented to such treatment. (NRS 129.030) **Section 1** additionally provides that a legal custodian of the minor is not responsible for such costs unless the custodian has consented to such treatment.

Existing law generally requires the State Registrar to charge a fee for a certified copy of a record of birth. Existing law prohibits the State Registrar from charging such a fee to a homeless person, including, without limitation, a homeless child or youth, who submits a signed affidavit on a form prescribed by the State Registrar stating that the person is homeless. (NRS 440.700) **Section 2** of this bill: (1) eliminates the requirement of the submission of a signed affidavit and instead requires the submission of a statement signed under penalty of perjury; and (2) prohibits the State Registrar from requiring such a statement to be notarized.

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

Section 1. NRS 129.030 is hereby amended to read as follows:

129.030 1. Except as otherwise provided in NRS 450B.525, a minor may give consent for *an examination or* the services provided in subsection ~~2~~ 3 for himself or herself or for his or her child, if the minor : ~~is:~~

(a) ~~Living~~ *Demonstrates in accordance with subsection 2 that he or she is living* apart from his or her parents or legal guardian, with or without the consent of the parent, parents or legal guardian ; ~~[, and has so lived for a period of at least 4 months;]~~

(b) ~~Married~~ *Is married* or has been married;

(c) ~~A mother,~~ *Is a parent*, or has borne a child; or

(d) ~~In a physician's]~~ *Is, in the* judgment ~~[]~~ *of a provider of health care*, in danger of suffering a serious health hazard if health care services are not provided.

2. *A minor may demonstrate that he or she is living apart from his or her parents or legal guardian pursuant to paragraph (a) of subsection 1 by providing to the person from whom an examination or services are requested documentary proof that he or she is living apart from his or her parents or legal guardian. Such documentary proof may include, without limitation:*

(a) *A written statement affirming that the minor is living separately from his or her parents or legal guardian signed by:*

(1) *A director of a governmental agency or nonprofit organization that provides services to persons who are*



1 *experiencing homelessness or the designee of the director of such*
2 *an agency or organization;*

3 (2) *A school social worker, a school counselor or a person*
4 *designated as a local educational agency liaison for homeless*
5 *children and youths pursuant to 42 U.S.C. § 11432(g)(1)(J)(ii); or*

6 (3) *An attorney representing the minor in any manner;*
7 (b) *Documentation that the minor has been placed in*
8 *protective custody; or*

9 (c) *A copy of a decree of emancipation or proof that a petition*
10 *for such a decree has been filed.*

11 3. Except as otherwise provided in subsection ~~[4]~~ 5 and NRS
12 449A.551 and 450B.525, the consent of the parent or parents or the
13 legal guardian of a minor is not necessary for a local or state health
14 officer, board of health, licensed ~~[physician]~~ *provider of health care*
15 or public or private hospital to examine or provide ~~[treatment]~~
16 *physical, behavioral, dental or mental health services* for any
17 minor, included within the provisions of subsection 1, who
18 understands the nature and purpose of the proposed examination or
19 ~~[treatment]~~ *services* and ~~[its]~~ *the* probable outcome, and voluntarily
20 requests ~~[it.]~~ *the proposed examination or services.* The consent of
21 the minor to examination or ~~[treatment]~~ *services* pursuant to this
22 subsection is not subject to disaffirmance because of minority.

23 ~~[3.]~~ 4. A person who ~~[treats]~~ *provides an examination or*
24 *services to* a minor pursuant to subsection ~~[2]~~ 3 shall, before
25 initiating ~~[treatment.]~~ *the examination or services,* make prudent
26 and reasonable efforts to obtain the consent of the minor to
27 communicate with his or her parent, parents or legal guardian, and
28 shall make a note of such efforts in the record of the minor's care. If
29 the person believes that such efforts would jeopardize ~~[treatment]~~
30 *the examination or services* necessary to the minor's life or
31 necessary to avoid a serious and immediate threat to the minor's
32 health, the person may omit such efforts and note the reasons for the
33 omission in the record.

34 ~~[4.]~~ *The person shall not delay or deny the examination or*
35 *services because the minor refuses to consent to communication*
36 *with his or her parent, parents or legal guardian.*

37 5. A minor may not consent to his or her sterilization.

38 ~~[5.]~~ 6. In the absence of *professional* negligence, no person
39 providing *an examination or* services pursuant to subsection ~~[2]~~ 3 is
40 subject to civil or criminal liability for providing *that examination*
41 *or* those services.

42 ~~[6.]~~ 7. The parent, parents, ~~[or]~~ legal guardian *or custodian* of
43 a minor who receives *an examination or* services pursuant to
44 subsection ~~[2]~~ 3 are not liable for the payment for *that examination*
45 *or* those services unless the parent, parents, ~~[or]~~ legal guardian *or*



1 *custodian* has consented to ~~[such health care]~~ *the examination or*
2 services. The provisions of this subsection do not relieve a parent,
3 parents, ~~[or]~~ legal guardian *or custodian* from liability for payment
4 for emergency services provided to a minor pursuant to
5 NRS 129.040.

6 **8. As used in this section:**

7 (a) *“Custodian” has the meaning ascribed to it in*
8 *NRS 432B.060.*

9 (b) *“Professional negligence” has the meaning ascribed to it*
10 *in NRS 41A.015.*

11 (c) *“Provider of health care” has the meaning ascribed to it in*
12 *NRS 629.031.*

13 **Sec. 2.** NRS 440.700 is hereby amended to read as follows:

14 440.700 1. Except as otherwise provided in this section, the
15 State Registrar shall charge and collect a fee in an amount
16 established by the State Registrar by regulation:

17 (a) For searching the files for one name, if no copy is made.

18 (b) For verifying a vital record.

19 (c) For establishing and filing a record of paternity, other than a
20 hospital-based paternity, and providing a certified copy of the new
21 record.

22 (d) For a certified copy of a record of birth.

23 (e) For a certified copy of a record of death originating in a
24 county in which the board of county commissioners has not created
25 an account for the support of the office of the county coroner
26 pursuant to NRS 259.025.

27 (f) For a certified copy of a record of death originating in a
28 county in which the board of county commissioners has created an
29 account for the support of the office of the county coroner pursuant
30 to NRS 259.025.

31 (g) For correcting a record on file with the State Registrar and
32 providing a certified copy of the corrected record.

33 (h) For replacing a record on file with the State Registrar and
34 providing a certified copy of the new record.

35 (i) For filing a delayed certificate of birth and providing a
36 certified copy of the certificate.

37 (j) For the services of a notary public, provided by the State
38 Registrar.

39 (k) For an index of records of marriage provided on microfiche
40 to a person other than a county clerk or a county recorder of a
41 county of this State.

42 (l) For an index of records of divorce provided on microfiche to
43 a person other than a county clerk or a county recorder of a county
44 in this State.



1 (m) For compiling data files which require specific changes in
2 computer programming.

3 2. The fee collected for furnishing a copy of a certificate of
4 birth or death must include the sum of \$3 for credit to the Children's
5 Trust Account created by NRS 432.131.

6 3. The fee collected for furnishing a copy of a certificate of
7 death must include the sum of \$1 for credit to the Review of Death
8 of Children Account created by NRS 432B.409.

9 4. The fee collected for furnishing a copy of a certificate of
10 death must include the sum of 50 cents for credit to the Grief
11 Support Trust Account created by NRS 439.5132.

12 5. The State Registrar shall not charge a fee for furnishing a
13 certified copy of a record of birth to:

14 (a) A homeless person, including, without limitation, a homeless
15 child or youth, who submits ~~[a signed affidavit]~~ on a form
16 prescribed by the State Registrar ~~[stating]~~ *a statement signed under*
17 *penalty of perjury* that the person is homeless. *The State Registrar*
18 *shall not require such a statement to be notarized.*

19 (b) A person who submits documentation from the Department
20 of Corrections verifying that the person was released from prison
21 within the immediately preceding 90 days.

22 (c) A staff person of a local educational agency who has been
23 designated pursuant to 42 U.S.C. § 11432(g)(1)(J)(ii) for a certified
24 copy of a record of birth of a homeless child or youth who is
25 enrolled in the local educational agency.

26 (d) A social worker licensed to practice in this State, for a
27 certified copy of a record of birth of a homeless child or youth who
28 is a client of the social worker.

29 6. The fee collected for furnishing a copy of a certificate of
30 death originating in a county in which the board of county
31 commissioners has created an account for the support of the office
32 of the county coroner pursuant to NRS 259.025 must include the
33 sum of \$4 for credit to the account for the support of the office of
34 the county coroner of the county in which the certificate originates.

35 7. Upon the request of any parent or guardian or an
36 unaccompanied youth, the State Registrar shall supply, without the
37 payment of a fee, a certificate limited to a statement as to the date of
38 birth of any child or of the unaccompanied youth as disclosed by the
39 record of such birth when the certificate is necessary for admission
40 to school or for securing employment.

41 8. The United States Bureau of the Census may obtain, without
42 expense to the State, transcripts or certified copies of births and
43 deaths without payment of a fee.

44 9. As used in this section:



1 (a) “Homeless child or youth” has the meaning ascribed to it in
2 42 U.S.C. § 11434a.

3 (b) “Local educational agency” has the meaning ascribed to it in
4 42 U.S.C. § 11434a.

5 (c) “Unaccompanied youth” has the meaning ascribed to it in 42
6 U.S.C. § 11434a.

7 **Sec. 3.** This act becomes effective upon passage and approval.



