
ASSEMBLY BILL NO. 320—ASSEMBLYMEN DICKMAN, GURR, LA
RUE HATCH; ANDERSON, CARTER, DELONG, D’SILVA,
DURAN AND GALLANT

MARCH 16, 2023

JOINT SPONSORS: SENATORS FLORES; HAMMOND AND STONE

Referred to Committee on Commerce and Labor

SUMMARY—Establishes provisions relating to Internet privacy.
(BDR 52-589)

FISCAL NOTE: Effect on Local Government: No.
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 Internet privacy; imposing certain requirements on certain businesses that provide an online service, product or feature that is likely to be accessed by children; exempting certain information and entities from those requirements; providing a civil penalty for violations of those requirements; requiring the Attorney General to take certain actions before bringing a civil action against a business to recover such a civil penalty under certain circumstances; and providing other matters properly relating thereto.

Legislative Counsel’s Digest:

1 This bill establishes various requirements for certain businesses that provide an
2 online service, product or feature that is likely to be accessed by children. **Sections**
3 **2-23** of this bill define various terms relating to those requirements. **Section 24** of
4 this bill requires certain businesses, on and after January 1, 2025, to complete a data
5 protection impact assessment before making any new online service, product or
6 feature that is likely to be accessed by children available to the public to determine
7 to what degree the online service, product or feature or certain practices of the
8 business involving the collection or use of data could detrimentally affect children.
9 **Section 25** of this bill requires certain businesses that offer an online service,
10 product or feature that is likely to be accessed by children to take certain other
11 actions relating to the online service, product or feature. **Section 28** of this bill: (1)
12 authorizes a business to consolidate certain information about online services,



13 products or features into a single data protection impact assessment; and (2)
14 provides that an assessment created for certain other purposes may be considered a
15 data protection impact assessment if it complies with the provisions of **section 24**.
16 **Section 32** of this bill requires a business which offers an online service, product or
17 feature that is likely to be accessed by children before January 1, 2025, and which
18 intends to offer the online service, product or feature on or after January 1, 2025, to
19 complete a data protection impact assessment for the online service, product or
20 feature on or before January 1, 2025.

21 **Section 26** of this bill: (1) requires a business to disclose information relating to
22 a data protection impact assessment to the Attorney General under certain
23 circumstances; and (2) provides that a data protection impact assessment is not
24 subject to public disclosure or the waiving of certain privileges related to
25 confidentiality. **Section 31** of this bill makes a conforming change to make
26 information in a data protection impact assessment confidential.

27 **Section 27** of this bill prohibits a business that provides an online service,
28 product or feature that is likely to be accessed by children from engaging in various
29 activities relating to the collection, retention, sharing, sale or use of the personal
30 information of a child and from employing certain user interfaces on the online
31 service, product or feature.

32 **Section 29** of this bill provides that a business that violates the provisions of
33 this bill is liable for a civil penalty to be recovered by the Attorney General. If the
34 business is in compliance with the requirements of **section 24** concerning data
35 protection impact assessments, **section 29** requires the Attorney General to provide
36 the business notice and an opportunity to cure any violation before initiating an
37 action to recover a civil penalty. **Section 30** of this bill: (1) exempts certain
38 information and entities from the requirements of this bill; and (2) provides that the
39 provisions of this bill do not establish a private right of action.

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

1 **Section 1.** Chapter 603A of NRS is hereby amended by
2 adding thereto the provisions set forth as sections 2 to 30, inclusive,
3 of this act.

4 **Sec. 2.** *As used in sections 2 to 30, inclusive, of this act,*
5 *unless the context otherwise requires, the words and terms defined*
6 *in sections 3 to 23, inclusive, of this act have the meanings*
7 *ascribed to them in those sections.*

8 **Sec. 3.** *“Aggregate consumer information” means*
9 *information that relates to a group or category of consumers, from*
10 *which the identities of individual consumers have been removed,*
11 *that is not linked or reasonably able to be linked to any individual*
12 *consumer or household, including, without limitation, via a*
13 *device.*

14 **Sec. 4. 1. “Business” means:**

15 *(a) A sole proprietorship, partnership, limited-liability*
16 *company, corporation, association or other legal entity that:*

17 *(1) Is organized or operated for profit or for the financial*
18 *benefit of its shareholders or other owners;*



1 (2) Collects or causes to be collected the personal
2 information of consumers;

3 (3) Determines, alone or jointly with others, the purposes
4 for and means of processing the personal information of
5 consumers;

6 (4) Does business in this State; and

7 (5) Satisfies one or more of the following:

8 (I) Reported to the Internal Revenue Service for the
9 immediately preceding federal tax year an annual gross revenue
10 in excess of \$25,000,000;

11 (II) Annually buys, sells or shares, or any combination
12 thereof, the personal information of 50,000 or more consumers,
13 households or devices, or any combination thereof; or

14 (III) Derives 50 percent or more of its annual gross
15 revenue from selling the personal information of consumers.

16 (b) Any entity which controls or is controlled by an entity
17 described in paragraph (a) and which shares common branding
18 with the entity. As used in this paragraph:

19 (1) "Control" means owning or having the power to vote
20 more than 50 percent of the outstanding shares of any class of
21 voting security of a business or the ability to solely determine the
22 election of a majority of the directors or other individuals
23 performing similar functions of a business.

24 (2) "Common branding" means a shared name, service
25 mark, trademark or similar intellectual property that would cause
26 the average consumer to believe two or more entities are owned or
27 controlled by the same natural person or entity.

28 (c) A joint venture or partnership composed of entities
29 described in paragraph (a) or (b) in which each entity has an
30 ownership interest of at least 40 percent in the joint venture or
31 partnership.

32 2. The amount of annual gross revenue set forth in sub-
33 subparagraph (I) of subparagraph (5) of paragraph (a) of
34 subsection 1 must be increased or decreased in each odd-
35 numbered year beginning on January 1, 2027, in an amount
36 corresponding to the percentage of increase or decrease in the
37 Consumer Price Index (All Items) published by the United States
38 Department of Labor for the immediately preceding 2 years. The
39 Attorney General shall determine the amount of the increase or
40 decrease required by this subsection and establish the adjusted
41 amounts to take effect on January 1 of that year.

42 **Sec. 5.** "Child" means a consumer who is less than 18 years
43 of age.

44 **Sec. 6.** "Collects" or "collected" means buying, renting,
45 gathering, obtaining, receiving or accessing by any means any



1 *personal information pertaining to a consumer. The term includes*
2 *receiving information from a consumer and observing the*
3 *behavior of the consumer to gather information.*

4 **Sec. 7.** *“Consumer” means a natural person who is a*
5 *resident of this State, however identified, including, without*
6 *limitation, by any unique identifier.*

7 **Sec. 8.** *“Dark pattern” means a user interface designed or*
8 *manipulated with the substantial effect of subverting or impairing*
9 *the autonomy, decision making or choices of a user.*

10 **Sec. 9.** *“Data protection impact assessment” means a*
11 *systematic survey conducted by a business to assess and mitigate*
12 *risks relating to the data management practices of the business*
13 *that could detrimentally affect children who are reasonably likely*
14 *to access an online service, product or feature offered by the*
15 *business.*

16 **Sec. 10.** *“Default” means an option or setting that a business*
17 *preselects to apply to a user of an online service, product or*
18 *feature.*

19 **Sec. 11.** *“Deidentified information” means information*
20 *possessed by a business:*

21 *1. That cannot reasonably be used to infer information about,*
22 *or otherwise be linked to, a particular consumer; and*

23 *2. For which the business has taken the actions set forth in*
24 *subsection 7 of section 25 of this act.*

25 **Sec. 12.** *“Device” means any physical object that is capable*
26 *of connecting to the Internet, directly or indirectly, or to another*
27 *device.*

28 **Sec. 13.** *“Household” means a group of consumers who*
29 *cohabitate at the same residential address and share the use of*
30 *common devices or services.*

31 **Sec. 14.** *“Likely to be accessed by children” means a*
32 *reasonable expectation exists that an online service, product or*
33 *feature will be accessed by children because the online service,*
34 *product or feature:*

35 *1. Is a website or online service directed to children, as*
36 *defined by the Children’s Online Privacy Protection Act, 15 U.S.C.*
37 *§§ 6501;*

38 *2. Is determined, based on competent and reliable evidence*
39 *relating to the composition of the audience of the online service,*
40 *product or feature, to be routinely accessed by a significant*
41 *number of children;*

42 *3. Is substantially similar to or the same as an online service,*
43 *product or feature described by subsection 2;*

44 *4. Features advertisements marketed to children;*



1 5. *Has design elements that are known to be of interest to*
2 *children, including, without limitation, games, cartoons, music*
3 *and celebrities who appeal to children; or*

4 6. *Has been found, pursuant to research conducted by the*
5 *business offering the online service, product or feature, to have a*
6 *significant percentage of users who are children.*

7 **Sec. 15. "Online service, product or feature" does not**
8 **include:**

9 1. *A telecommunications service, as defined by 47 U.S.C. §*
10 *153(53); or*

11 2. *The delivery or use of a physical product.*

12 **Sec. 16. "Personal information":**

13 1. *Means information that identifies, relates to, describes, is*
14 *reasonably capable of being associated with or could reasonably*
15 *be linked, directly or indirectly, with a particular consumer or*
16 *household, including, without limitation:*

17 (a) *An identifier, including, without limitation, a real name,*
18 *alias, postal address, unique personal identifier, online identifier,*
19 *Internet Protocol address, electronic mail address, account name,*
20 *social security number, driver's license number, passport number*
21 *or other similar identifier.*

22 (b) *Characteristics of protected classifications under federal or*
23 *state law.*

24 (c) *Commercial information, including, without limitation,*
25 *records of personal property, products or services purchased,*
26 *obtained or considered or other histories or tendencies relating to*
27 *the purchases or choices of a consumer.*

28 (d) *Biometric information.*

29 (e) *Information concerning activities on the Internet or other*
30 *electronic network, including, without limitation, browsing*
31 *history, search history and information concerning the interaction*
32 *of a consumer with an Internet website, application or*
33 *advertisement.*

34 (f) *Geolocation data.*

35 (g) *Audio, electronic, visual, thermal, olfactory or similar*
36 *information.*

37 (h) *Professional or employment-related information.*

38 (i) *Educational records or personally identifiable information*
39 *that are not available to the public and that are governed by the*
40 *Family Educational Rights and Privacy Act of 1974, 20 U.S.C. §*
41 *1232g, and 34 C.F.R. Part 99.*

42 (j) *Inferences drawn from any of the information identified in*
43 *this subsection to create a profile of a consumer reflecting his or*
44 *her preferences, characteristics, psychological trends,*



1 *predispositions, behavior, attitudes, intelligence, abilities and*
2 *aptitudes.*

3 (k) *Sensitive personal information.*

4 2. *Does not include:*

5 (a) *Aggregate consumer information or consumer information*
6 *that is deidentified information; or*

7 (b) *Publicly available information or lawfully obtained and*
8 *truthful information that is a matter of public concern. For the*
9 *purposes of this paragraph, “publicly available information”:*

10 (1) *Means information that is lawfully made available from*
11 *federal, state or local government records or that a business*
12 *reasonably believes is lawfully made available to the general*
13 *public by the consumer about whom it concerns or media that is*
14 *widely distributed.*

15 (2) *Does not include the biometric information of a*
16 *consumer collected by a business without the knowledge of the*
17 *consumer.*

18 **Sec. 17.** *“Precise geolocation” means any data that is derived*
19 *from a device and is used or intended to be used to locate a*
20 *consumer within a geographic area that is equal to or less than the*
21 *area of a circle with a radius of 1,850 feet.*

22 **Sec. 18.** *“Profiling” means any form of automated*
23 *processing of personal information that uses personal information*
24 *to evaluate certain aspects of a natural person, including, without*
25 *limitation, analyzing or predicting the performance at work,*
26 *economic situation, health, personal preferences, interests,*
27 *reliability, behavior, location or movements of the natural person.*

28 **Sec. 19.** *“Sell” or “selling” means a business selling,*
29 *renting, releasing, disclosing, disseminating, making available,*
30 *transferring or otherwise communicating the personal*
31 *information of a consumer to a third party for monetary or other*
32 *valuable consideration.*

33 **Sec. 20.** *“Sensitive personal information” means:*

34 1. *Personal information that reveals:*

35 (a) *The social security, driver’s license, identification card or*
36 *passport number of a consumer;*

37 (b) *A user name, electronic mail address, debit card or credit*
38 *card number in combination with any required security or access*
39 *code, password or credentials allowing access to an account of the*
40 *consumer;*

41 (c) *The precise geolocation of a consumer;*

42 (d) *The racial or ethnic identity, religious or philosophical*
43 *beliefs or union membership of a consumer;*



1 (e) *The contents of the mail, electronic mail or text messages*
2 *of a consumer, unless the business is the intended recipient of the*
3 *communication; or*

4 (f) *The genetic data of a consumer.*

5 2. *Biometric information that has been processed for the*
6 *purpose of uniquely identifying a consumer.*

7 3. *Personal information concerning the health, sexual*
8 *activity or sexual orientation of a consumer that has been*
9 *collected and analyzed.*

10 **Sec. 21.** 1. *“Share,” “shared” or “sharing” means a*
11 *business renting, releasing, disclosing, disseminating, making*
12 *available, transferring or otherwise communicating the personal*
13 *information of a consumer to a third party for cross-context*
14 *behavioral advertising, whether or not for monetary or other*
15 *valuable consideration, and including, without limitation,*
16 *transactions between a business and a third party for cross-context*
17 *behavioral advertising for the benefit of a business in which no*
18 *money is exchanged.*

19 2. *As used in this section, “cross-context behavioral*
20 *advertising” means the targeting of advertising to a consumer*
21 *based on personal information of the consumer obtained from the*
22 *activity of the consumer across businesses, distinctly branded*
23 *websites, applications or services other than the business,*
24 *distinctly branded website, application or service with which the*
25 *consumer intentionally interacts.*

26 **Sec. 22.** *“Third party” means an individual, proprietorship,*
27 *firm, partnership, joint venture, syndicate, business trust,*
28 *company, corporation, limited-liability company, association,*
29 *committee or any other organization or group of persons acting in*
30 *concert who is not:*

31 1. *The business with whom a consumer intentionally*
32 *interacts and that collects personal information from the*
33 *consumer as part of that interaction with the business;*

34 2. *A service provider to a business; or*

35 3. *A contractor.*

36 **Sec. 23.** *“Unique identifier” means a persistent identifier*
37 *that can be used to recognize a consumer, household or device*
38 *that is linked to a consumer or household over time and across*
39 *different services.*

40 **Sec. 24.** 1. *On and after January 1, 2025, before a business*
41 *offers to the public a new online service, product or feature which*
42 *is likely to be accessed by children, the business shall complete a*
43 *data protection impact assessment.*

44 2. *The data protection impact assessment required by*
45 *subsection 1 must:*



1 (a) *Identify:*

2 (1) *The purpose of the online service, product or feature;*

3 (2) *How the online service, product or feature uses the*
4 *personal information of children; and*

5 (3) *The risks of material detriment to a child that may arise*
6 *from the data management practices of the business;*

7 (b) *Address, to the extent applicable:*

8 (1) *Whether the design of the online service, product or*
9 *feature could:*

10 (I) *Harm a child in any way, including, without*
11 *limitation, by exposing the child to harmful or potentially harmful*
12 *content on the online service, product or feature;*

13 (II) *Lead to a child experiencing or being targeted by*
14 *harmful or potentially harmful contacts while using the online*
15 *service, product or feature;*

16 (III) *Enable a child to witness, participate in or be*
17 *subject to harmful or potentially harmful conduct on the online*
18 *product, service or feature; or*

19 (IV) *Allow a child to be a party to or exploited by*
20 *harmful or potentially harmful contact on the online service,*
21 *product or feature;*

22 (2) *Whether a child could be harmed by the algorithms or*
23 *targeted advertising systems used by the online service, product or*
24 *feature;*

25 (3) *Whether and how the online service, product or feature*
26 *uses aspects of system design to increase, sustain or extend use of*
27 *the online service, product or feature by a child, including,*
28 *without limitation, by the use of:*

29 (I) *Media that plays automatically;*

30 (II) *Rewards for time spent using the online service,*
31 *product or feature; and*

32 (III) *Notifications; and*

33 (4) *Whether, how and for what purpose the online service,*
34 *product or feature collects or processes sensitive personal*
35 *information of a child.*

36 3. *A business that completes a data protection impact*
37 *assessment pursuant to subsection 1 shall:*

38 (a) *Before the online service, product or feature for which the*
39 *data protection impact assessment was completed is accessible to*
40 *children, create a plan to mitigate or eliminate any risk of material*
41 *detriment to children that is identified in the assessment that arises*
42 *from the data management practices of the business;*

43 (b) *Maintain documentation of the data protection impact*
44 *assessment for as long as the online service, product or feature for*



1 *which the assessment was created is likely to be accessed by*
2 *children; and*

3 *(c) Review the data protection impact assessment biennially.*

4 **Sec. 25.** *On and after January 1, 2025, a business that*
5 *provides an online service, product or feature which is likely to be*
6 *accessed by children shall:*

7 **1.** *Either:*

8 *(a) Estimate, with a reasonable level of certainty that is*
9 *appropriate to the risks that arise from the data management*
10 *practices of the business, the ages of children that are users of the*
11 *online service, product or service; or*

12 *(b) Provide to all users of the online service, product or feature*
13 *the level of privacy and data protections that a business is required*
14 *to provide pursuant to sections 2 to 30, inclusive, of this act to a*
15 *user who is a child.*

16 **2.** *Configure the default privacy settings of the online service,*
17 *product or feature for each user who is a child to settings that*
18 *provide the highest level of privacy available to a user, unless the*
19 *business can demonstrate a compelling reason why a different*
20 *setting is in the best interest of children using the online service,*
21 *product or feature.*

22 **3.** *Provide any information relating to the privacy of a user*
23 *and the terms of service, policies and community standards of the*
24 *online service, product or feature in a:*

25 *(a) Prominent location on the online service, product or*
26 *feature; and*

27 *(b) Clear and concise manner, using language that is*
28 *understandable to a child who is likely to access the online service,*
29 *product or feature.*

30 **4.** *If the online service, product or feature allows a consumer*
31 *to track the physical location or monitor the online activity of a*
32 *child, provide an obvious signal to the child when he or she is*
33 *being tracked or monitored.*

34 **5.** *Enforce terms, policies and community standards which*
35 *the business has established and published for the online service,*
36 *product or feature, including, without limitation, terms, policies*
37 *and community standards relating to children and the privacy of*
38 *users.*

39 **6.** *Provide prominent, easily accessible and responsive tools*
40 *to enable a child or, if applicable, the parent or guardian of a*
41 *child, to exercise the right of the child to protect his or her privacy*
42 *and report concerns.*

43 **7.** *Take the following actions with respect to any deidentified*
44 *information possessed by the business:*



1 (a) *Take reasonable measures to ensure that the information*
2 *cannot be associated with a consumer or household;*

3 (b) *Publicly commit to maintain and use the information in*
4 *deidentified form and not to attempt to reidentify the information*
5 *except for the purpose of determining whether the deidentification*
6 *process of the business satisfies the requirements of this*
7 *subsection; and*

8 (c) *Contractually obligate any recipient of the information to*
9 *comply with the provisions of this subsection.*

10 **Sec. 26.** 1. *Not later than 3 business days after receiving a*
11 *written request from the Attorney General, a business shall*
12 *provide the Attorney General with a list of all data protection*
13 *impact assessments the business has completed pursuant to section*
14 *24 of this act.*

15 2. *Not later than 5 business days after receiving a written*
16 *request from the Attorney General, a business shall make a data*
17 *protection impact assessment available to the Attorney General.*

18 3. *A data protection impact assessment completed pursuant to*
19 *section 24 of this act is confidential and is not a public book or*
20 *public record for the purposes of NRS 239.010.*

21 4. *To the extent that any information in a data protection*
22 *impact assessment that is disclosed to the Attorney General*
23 *contains information subject to attorney-client privilege,*
24 *including, without limitation, the work-product doctrine,*
25 *disclosure of the information pursuant to this section shall not be*
26 *deemed to constitute a waiver of that privilege.*

27 **Sec. 27.** *On and after January 1, 2025, a business that*
28 *provides an online service, product or feature which is likely to be*
29 *accessed by children shall not:*

30 1. *Use the personal information of any child in a way that the*
31 *business knows or has reason to know is materially detrimental to*
32 *the physical health, mental health or well-being of children.*

33 2. *Profile a child by default, unless the business can*
34 *demonstrate it has appropriate safeguards in place to protect*
35 *children and:*

36 (a) *Profiling is necessary to provide the online service, product*
37 *or feature requested by the child and is only used with respect to*
38 *the aspects of the online service, product or feature with which the*
39 *child is actively and knowingly engaged; or*

40 (b) *The business can demonstrate a compelling reason why*
41 *profiling is in the best interests of children who are likely to access*
42 *the online service, product or feature.*

43 3. *Collect, sell, share or retain any personal information that*
44 *is not necessary to provide an online service, product or feature*
45 *with which the child is actively and knowingly engaged, unless the*



1 *business can demonstrate a compelling reason that the collecting,*
2 *selling, sharing or retaining of the personal information is in the*
3 *best interests of children who are likely to access the online*
4 *service, product or feature.*

5 4. *Use any personal information of a child who uses the*
6 *online service, product or feature for any reason other than the*
7 *reason for which that personal information was collected, unless*
8 *the business can demonstrate a compelling reason why an*
9 *alternate use of the personal information is in the best interests of*
10 *the child.*

11 5. *Collect, sell or share as a default function of the online*
12 *service, product or feature information identifying the precise*
13 *geolocation of a child unless that information is:*

14 (a) *Necessary for the business to provide the service, product*
15 *or feature requested by the child; and*

16 (b) *Collected or shared only for the minimum amount of time*
17 *necessary to provide the service, product or feature.*

18 6. *Collect any information identifying the precise geolocation*
19 *of a child unless the business provides the child with an obvious*
20 *sign that:*

21 (a) *Informs the child that the information is being collected;*
22 *and*

23 (b) *Persists as long as the information is being collected.*

24 7. *Use a dark pattern to encourage a child to:*

25 (a) *Provide more personal information than what a reasonable*
26 *user who is not a child would expect to provide to the online*
27 *service, product or feature in order to use the online service,*
28 *product or feature;*

29 (b) *Forego privacy protections; or*

30 (c) *Take any action that the business knows or has reason to*
31 *know is materially detrimental to the physical health, mental*
32 *health or well-being of children.*

33 8. *Use any personal information collected for the purpose of*
34 *estimating the age of any user of an online service, product or*
35 *feature for any other purpose or retain the personal information*
36 *for longer than is necessary to estimate the age of a user.*

37 9. *Share personal information with any other business that is*
38 *part of the same joint venture or partnership.*

39 **Sec. 28.** 1. *A data protection impact assessment completed*
40 *by a business for the purpose of compliance with any other law*
41 *complies with the provisions of section 24 of this act if the data*
42 *protection impact assessment satisfies the requirements of section*
43 *24 of this act.*

44 2. *A single data protection impact assessment may contain*
45 *multiple similar processing operations that present similar risks*



1 *only if each relevant online service, product or feature is*
2 *addressed.*

3 **Sec. 29.** 1. *A business that violates any provision of*
4 *sections 2 to 30, inclusive, of this act is liable in a civil action*
5 *brought in the name of the State of Nevada by the Attorney*
6 *General for a civil penalty of not more than \$2,500 for each child*
7 *affected by each negligent violation or not more than \$7,500 for*
8 *each child affected by each intentional violation.*

9 2. *All money collected for civil penalties pursuant to*
10 *subsection 1 must be deposited in the Consumer Protection*
11 *Administrative Account created by NRS 228.332 and may only be*
12 *used to defray the costs of administering and enforcing the*
13 *provisions of sections 2 to 30, inclusive, of this act.*

14 3. *If a business is in substantial compliance with the*
15 *requirements of section 24 of this act, the Attorney General shall,*
16 *before initiating an action pursuant to this section, provide written*
17 *notice to the business identifying the specific provisions of sections*
18 *2 to 30, inclusive, of this act that the business is alleged to have*
19 *violated.*

20 4. *A business shall not be liable for a civil penalty pursuant to*
21 *this section if the business:*

22 (a) *Cures all alleged violations not later than 90 days after*
23 *receiving notice pursuant to subsection 3; and*

24 (b) *Provides the Attorney General with a written statement that*
25 *the alleged violations have been cured and that the business has*
26 *taken sufficient measures to prevent any future violations.*

27 **Sec. 30.** 1. *The provisions of sections 2 to 30, inclusive, of*
28 *this act do not establish a private right of action against any*
29 *business or natural person.*

30 2. *The provisions of sections 2 to 30, inclusive, of this act do*
31 *not apply to:*

32 (a) *Protected health information that is collected by a covered*
33 *entity or business associate governed by the:*

34 (1) *Privacy, security and breach notification rules set forth*
35 *in 45 C.F.R. Parts 160 and 164;*

36 (2) *Health Insurance Portability and Accountability Act of*
37 *1996, Public Law 104-191; or*

38 (3) *Health Information Technology for Economic and*
39 *Clinical Health Act of 2009, 42 U.S.C. §§ 300jj et seq., and 17901*
40 *et seq.*

41 (b) *A covered entity governed by the privacy, security and*
42 *breach notification rules set forth in 45 C.F.R. Parts 160 and 164*
43 *to the extent the covered entity maintains patient information in*
44 *the same manner as medical information or protected health*
45 *information as described in paragraph (a).*



1 (c) *Information collected:*

2 (1) *As part of a clinical trial subject to the Federal Policy*
3 *for the Protection of Human Subjects, 45 C.F.R. Part 46;*

4 (2) *Pursuant to 21 C.F.R. Part 50; or*

5 (3) *Pursuant to the ICH E6 Good Clinical Practice*
6 *Guidelines published by the International Council for*
7 *Harmonisation of Technical Requirements for Pharmaceuticals*
8 *for Human Use.*

9 3. *As used in this section, “business associate” and “covered*
10 *entity” have the meanings ascribed to them in 45 C.F.R. §*
11 *160.103.*

12 **Sec. 31.** NRS 239.010 is hereby amended to read as follows:

13 239.010 1. Except as otherwise provided in this section and
14 NRS 1.4683, 1.4687, 1A.110, 3.2203, 41.0397, 41.071, 49.095,
15 49.293, 62D.420, 62D.440, 62E.516, 62E.620, 62H.025, 62H.030,
16 62H.170, 62H.220, 62H.320, 75A.100, 75A.150, 76.160, 78.152,
17 80.113, 81.850, 82.183, 86.246, 86.54615, 87.515, 87.5413,
18 87A.200, 87A.580, 87A.640, 88.3355, 88.5927, 88.6067, 88A.345,
19 88A.7345, 89.045, 89.251, 90.730, 91.160, 116.757, 116A.270,
20 116B.880, 118B.026, 119.260, 119.265, 119.267, 119.280,
21 119A.280, 119A.653, 119A.677, 119B.370, 119B.382, 120A.640,
22 120A.690, 125.130, 125B.140, 126.141, 126.161, 126.163, 126.730,
23 127.007, 127.057, 127.130, 127.140, 127.2817, 128.090, 130.312,
24 130.712, 136.050, 159.044, 159A.044, 172.075, 172.245, 176.015,
25 176.0625, 176.09129, 176.156, 176A.630, 178.39801, 178.4715,
26 178.5691, 179.495, 179A.070, 179A.165, 179D.160, 200.3771,
27 200.3772, 200.5095, 200.604, 202.3662, 205.4651, 209.392,
28 209.3923, 209.3925, 209.419, 209.429, 209.521, 211A.140,
29 213.010, 213.040, 213.095, 213.131, 217.105, 217.110, 217.464,
30 217.475, 218A.350, 218E.625, 218F.150, 218G.130, 218G.240,
31 218G.350, 224.240, 226.300, 228.270, 228.450, 228.495, 228.570,
32 231.069, 231.1473, 232.1369, 233.190, 237.300, 239.0105,
33 239.0113, 239.014, 239B.026, 239B.030, 239B.040, 239B.050,
34 239C.140, 239C.210, 239C.230, 239C.250, 239C.270, 239C.420,
35 240.007, 241.020, 241.030, 241.039, 242.105, 244.264, 244.335,
36 247.540, 247.550, 247.560, 250.087, 250.130, 250.140, 250.150,
37 268.095, 268.0978, 268.490, 268.910, 269.174, 271A.105, 281.195,
38 281.805, 281A.350, 281A.680, 281A.685, 281A.750, 281A.755,
39 281A.780, 284.4068, 284.4086, 286.110, 286.118, 287.0438,
40 289.025, 289.080, 289.387, 289.830, 293.4855, 293.5002, 293.503,
41 293.504, 293.558, 293.5757, 293.870, 293.906, 293.908, 293.910,
42 293B.135, 293D.510, 331.110, 332.061, 332.351, 333.333, 333.335,
43 338.070, 338.1379, 338.1593, 338.1725, 338.1727, 348.420,
44 349.597, 349.775, 353.205, 353A.049, 353A.085, 353A.100,
45 353C.240, 360.240, 360.247, 360.255, 360.755, 361.044, 361.2242,



1 361.610, 365.138, 366.160, 368A.180, 370.257, 370.327, 372A.080,
2 378.290, 378.300, 379.0075, 379.008, 379.1495, 385A.830,
3 385B.100, 387.626, 387.631, 388.1455, 388.259, 388.501, 388.503,
4 388.513, 388.750, 388A.247, 388A.249, 391.033, 391.035,
5 391.0365, 391.120, 391.925, 392.029, 392.147, 392.264, 392.271,
6 392.315, 392.317, 392.325, 392.327, 392.335, 392.850, 393.045,
7 394.167, 394.16975, 394.1698, 394.447, 394.460, 394.465,
8 396.1415, 396.1425, 396.143, 396.159, 396.3295, 396.405, 396.525,
9 396.535, 396.9685, 398A.115, 408.3885, 408.3886, 408.3888,
10 408.5484, 412.153, 414.280, 416.070, 422.2749, 422.305,
11 422A.342, 422A.350, 425.400, 427A.1236, 427A.872, 432.028,
12 432.205, 432B.175, 432B.280, 432B.290, 432B.4018, 432B.407,
13 432B.430, 432B.560, 432B.5902, 432C.140, 432C.150, 433.534,
14 433A.360, 439.4941, 439.4988, 439.840, 439.914, 439A.116,
15 439A.124, 439B.420, 439B.754, 439B.760, 439B.845, 440.170,
16 441A.195, 441A.220, 441A.230, 442.330, 442.395, 442.735,
17 442.774, 445A.665, 445B.570, 445B.7773, 447.345, 449.209,
18 449.245, 449.4315, 449A.112, 450.140, 450B.188, 450B.805,
19 453.164, 453.720, 458.055, 458.280, 459.050, 459.3866, 459.555,
20 459.7056, 459.846, 463.120, 463.15993, 463.240, 463.3403,
21 463.3407, 463.790, 467.1005, 480.535, 480.545, 480.935, 480.940,
22 481.063, 481.091, 481.093, 482.170, 482.368, 482.5536, 483.340,
23 483.363, 483.575, 483.659, 483.800, 484A.469, 484B.830,
24 484B.833, 484E.070, 485.316, 501.344, 503.452, 522.040,
25 534A.031, 561.285, 571.160, 584.655, 587.877, 598.0964, 598.098,
26 598A.110, 598A.420, 599B.090, 603.070, 603A.210, 604A.303,
27 604A.710, 612.265, 616B.012, 616B.015, 616B.315, 616B.350,
28 618.341, 618.425, 622.238, 622.310, 623.131, 623A.137, 624.110,
29 624.265, 624.327, 625.425, 625A.185, 628.418, 628B.230,
30 628B.760, 629.047, 629.069, 630.133, 630.2671, 630.2672,
31 630.2673, 630.30665, 630.336, 630A.327, 630A.555, 631.332,
32 631.368, 632.121, 632.125, 632.3415, 632.3423, 632.405, 633.283,
33 633.301, 633.4715, 633.4716, 633.4717, 633.524, 634.055,
34 634.1303, 634.214, 634A.169, 634A.185, 635.111, 635.158,
35 636.262, 636.342, 637.085, 637.145, 637B.192, 637B.288, 638.087,
36 638.089, 639.183, 639.2485, 639.570, 640.075, 640.152, 640A.185,
37 640A.220, 640B.405, 640B.730, 640C.580, 640C.600, 640C.620,
38 640C.745, 640C.760, 640D.135, 640D.190, 640E.225, 640E.340,
39 641.090, 641.221, 641.2215, 641.325, 641A.191, 641A.217,
40 641A.262, 641B.170, 641B.281, 641B.282, 641C.455, 641C.760,
41 641D.260, 641D.320, 642.524, 643.189, 644A.870, 645.180,
42 645.625, 645A.050, 645A.082, 645B.060, 645B.092, 645C.220,
43 645C.225, 645D.130, 645D.135, 645G.510, 645H.320, 645H.330,
44 647.0945, 647.0947, 648.033, 648.197, 649.065, 649.067, 652.126,
45 652.228, 653.900, 654.110, 656.105, 657A.510, 661.115, 665.130,



1 665.133, 669.275, 669.285, 669A.310, 671.170, 673.450, 673.480,
2 675.380, 676A.340, 676A.370, 677.243, 678A.470, 678C.710,
3 678C.800, 679B.122, 679B.124, 679B.152, 679B.159, 679B.190,
4 679B.285, 679B.690, 680A.270, 681A.440, 681B.260, 681B.410,
5 681B.540, 683A.0873, 685A.077, 686A.289, 686B.170, 686C.306,
6 687A.060, 687A.115, 687B.404, 687C.010, 688C.230, 688C.480,
7 688C.490, 689A.696, 692A.117, 692C.190, 692C.3507, 692C.3536,
8 692C.3538, 692C.354, 692C.420, 693A.480, 693A.615, 696B.550,
9 696C.120, 703.196, 704B.325, 706.1725, 706A.230, 710.159,
10 711.600, *and section 26 of this act*, sections 35, 38 and 41 of
11 chapter 478, Statutes of Nevada 2011 and section 2 of chapter 391,
12 Statutes of Nevada 2013 and unless otherwise declared by law to be
13 confidential, all public books and public records of a governmental
14 entity must be open at all times during office hours to inspection by
15 any person, and may be fully copied or an abstract or memorandum
16 may be prepared from those public books and public records. Any
17 such copies, abstracts or memoranda may be used to supply the
18 general public with copies, abstracts or memoranda of the records or
19 may be used in any other way to the advantage of the governmental
20 entity or of the general public. This section does not supersede or in
21 any manner affect the federal laws governing copyrights or enlarge,
22 diminish or affect in any other manner the rights of a person in any
23 written book or record which is copyrighted pursuant to federal law.

24 2. A governmental entity may not reject a book or record
25 which is copyrighted solely because it is copyrighted.

26 3. A governmental entity that has legal custody or control of a
27 public book or record shall not deny a request made pursuant to
28 subsection 1 to inspect or copy or receive a copy of a public book or
29 record on the basis that the requested public book or record contains
30 information that is confidential if the governmental entity can
31 redact, delete, conceal or separate, including, without limitation,
32 electronically, the confidential information from the information
33 included in the public book or record that is not otherwise
34 confidential.

35 4. If requested, a governmental entity shall provide a copy of a
36 public record in an electronic format by means of an electronic
37 medium. Nothing in this subsection requires a governmental entity
38 to provide a copy of a public record in an electronic format or by
39 means of an electronic medium if:

- 40 (a) The public record:
- 41 (1) Was not created or prepared in an electronic format; and
 - 42 (2) Is not available in an electronic format; or
- 43 (b) Providing the public record in an electronic format or by
44 means of an electronic medium would:
- 45 (1) Give access to proprietary software; or



1 (2) Require the production of information that is confidential
2 and that cannot be redacted, deleted, concealed or separated from
3 information that is not otherwise confidential.

4 5. An officer, employee or agent of a governmental entity who
5 has legal custody or control of a public record:

6 (a) Shall not refuse to provide a copy of that public record in the
7 medium that is requested because the officer, employee or agent has
8 already prepared or would prefer to provide the copy in a different
9 medium.

10 (b) Except as otherwise provided in NRS 239.030, shall, upon
11 request, prepare the copy of the public record and shall not require
12 the person who has requested the copy to prepare the copy himself
13 or herself.

14 **Sec. 32.** 1. A business which offers an online service,
15 product or feature that is likely to be accessed by children before
16 January 1, 2025, and which intends to offer the online service,
17 product or feature on or after January 1, 2025, shall complete a data
18 protection impact assessment for the online service, product or
19 feature in accordance with section 24 of this act not later than
20 January 1, 2025.

21 2. A data protection impact assessment completed pursuant to
22 this section shall be deemed to be a data protection impact
23 assessment completed pursuant to section 24 of this act.

24 3. As used in this section:

25 (a) "Business" has the meaning ascribed to it in section 4 of this
26 act.

27 (b) "Data protection impact assessment" has the meaning
28 ascribed to it in section 9 of this act.

29 (c) "Likely to be accessed by children" has the meaning ascribed
30 to it in section 14 of this act.

31 (d) "Online service, product or feature" has the meaning
32 ascribed to it in section 15 of this act.

