

SENATE BILL NO. 362—SENATORS NEAL AND FLORES

MARCH 22, 2023

Referred to Committee on Judiciary

SUMMARY—Revises provisions relating to public safety. (BDR 15-289)

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 public safety; requiring a peace officer to ensure that medical aid is rendered to a person who indicates that he or she cannot breathe; prohibiting a peace officer from performing works protected by copyright in certain circumstances; revising provisions governing the establishment of a program for the imprinting of a symbol indicating a medical condition on a driver’s license or identification card; and providing other matters properly relating thereto.

Legislative Counsel’s Digest:

1 Existing law prohibits a peace officer from placing a person who is in the
2 custody of the peace officer in any position which compresses his or her airway or
3 restricts his or her ability to breathe. Existing law also requires a peace officer to
4 monitor any person who is in the custody of the peace officer for any signs of
5 distress and to take any actions necessary to place such a person in a recovery
6 position if he or she appears to be in distress or indicates that he or she cannot
7 breathe. (NRS 193.305) **Section 1** of this bill requires a peace officer to ensure that
8 medical aid is rendered to a person who indicates that he or she cannot breathe by
9 an emergency medical attendant, physician, physician assistant or registered nurse
10 as soon as practicable.

11 **Section 2** of this bill prohibits a peace officer from performing or causing the
12 performance of a copyrighted work while on duty, with certain exceptions. **Section**
13 **2** prohibits retaliation or punitive action against a peace officer who discloses
14 information concerning an unlawful performance of a copyrighted work.

15 Existing law authorizes the Department of Motor Vehicles to adopt regulations
16 establishing a program for the imprinting of a symbol or other indicator of a
17 medical condition on a driver’s license or identification card. (NRS 483.3485,
18 483.863) **Sections 4 and 6** of this bill authorize the Department to adopt
19 regulations establishing a program for the imprinting of a symbol, and not any other



20 indicator, of a medical condition on a driver's license and identification card,
21 respectively. If the Department establishes such a program, **sections 4 and 6**
22 additionally require: (1) the Department to adopt a single symbol to represent all
23 applicable medical conditions; (2) the regulations adopted by the Department to
24 provide that a person is eligible to have the symbol indicating a medical condition
25 imprinted on his or her driver's license or identification card if the person is on
26 anticoagulants or has certain specified medical conditions; (3) the Department to
27 maintain a record of the medical condition for which the symbol indicating a
28 medical condition was imprinted on the driver's license or identification card of a
29 person; and (4) the Department to maintain certain information about the program
30 on its Internet website. **Sections 3 and 5** of this bill make conforming changes in
31 existing provisions relating to the issuance or renewal of a driver's license or
32 identification card for consistency with the revisions made to the program pursuant
33 **sections 4 and 6. Section 7** of this bill requires the Department to include certain
34 information regarding the program on the notifications for renewal of registration
35 issued by the Department for a 12-month period.

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

1 **Section 1.** NRS 193.305 is hereby amended to read as follows:
2 193.305 1. In carrying out his or her duties, a peace officer
3 shall not use a choke hold on another person.
4 2. A peace officer shall not place a person who is in the
5 custody of the peace officer in any position which compresses his or
6 her airway or restricts his or her ability to breathe. A peace officer
7 shall monitor any person who is in the custody of the peace officer
8 for any signs of distress and shall take any actions necessary to
9 place such a person in a recovery position if he or she appears to be
10 in distress or indicates that he or she cannot breathe.
11 3. *If a person who is in the custody of a peace officer*
12 *indicates that he or she cannot breathe, the peace officer shall*
13 *ensure that medical aid is rendered to the person by an emergency*
14 *medical attendant, physician, physician assistant or registered*
15 *nurse as soon as practicable.*
16 4. If a peace officer, in carrying out his or her duties, uses
17 physical force on another person, the peace officer shall ensure that
18 medical aid is rendered to any person who is injured by the use of
19 such physical force as soon as practicable.
20 ~~{4}~~ 5. As used in this section ~~{,"choke"}~~ :
21 (a) "Choke hold" means:
22 ~~{(a)}~~ (1) A method by which a person applies sufficient pressure
23 to another person to make breathing difficult or impossible,
24 including, without limitation, any pressure to the neck, throat or
25 windpipe that may prevent or hinder breathing or reduce intake of
26 air; or



1 ~~(b)~~ (2) Applying pressure to a person's neck on either side of
2 the windpipe, but not the windpipe itself, to stop the flow of blood
3 to the brain via the carotid arteries.

4 (b) "Emergency medical attendant" means a person licensed
5 as an attendant or certified as an emergency medical technician,
6 advanced emergency medical technician or paramedic pursuant to
7 chapter 450B of NRS.

8 **Sec. 2.** Chapter 289 of NRS is hereby amended by adding
9 thereto a new section to read as follows:

10 1. Except as otherwise provided in subsection 2, a peace
11 officer shall not perform, or cause the performance of, any
12 copyrighted work while on duty.

13 2. A peace officer may perform, or cause the performance of,
14 a copyrighted work:

15 (a) Within a vehicle of a law enforcement agency;

16 (b) If the copyrighted work is transmitted using headphones or
17 earphones;

18 (c) While engaged in an undercover investigation; or

19 (d) When the peace officer is not performing official duties.

20 3. No retaliatory or punitive action may be taken against a
21 peace officer who discloses information concerning the
22 performance of a copyrighted work in violation of this section.

23 4. As used in this section:

24 (a) "Copyrighted work" means any work protected under Title
25 17 of the United States Code.

26 (b) "Perform" has the meaning ascribed to it in 17 U.S.C. §
27 101.

28 **Sec. 3.** NRS 483.340 is hereby amended to read as follows:

29 483.340 1. The Department shall, upon payment of the
30 required fee, issue to every qualified applicant a driver's license
31 indicating the type or class of vehicles the licensee may drive.

32 2. The Department shall adopt regulations prescribing the
33 information that must be contained on a driver's license.

34 3. The Department may issue a driver's license for purposes of
35 identification only for use by officers of local police and sheriffs'
36 departments, agents of the Investigation Division of the Department
37 of Public Safety while engaged in special undercover investigations
38 relating to narcotics or prostitution or for other undercover
39 investigations requiring the establishment of a fictitious identity,
40 federal agents while engaged in undercover investigations,
41 investigators employed by the Attorney General while engaged in
42 undercover investigations, criminal investigators employed by the
43 Secretary of State while engaged in undercover investigations and
44 agents of the Nevada Gaming Control Board while engaged in
45 investigations pursuant to NRS 463.140. An application for such a



1 license must be made through the head of the police or sheriff's
2 department, the Chief of the Investigation Division of the
3 Department of Public Safety, the director of the appropriate federal
4 agency, the Attorney General, the Secretary of State or his or her
5 designee or the Chair of the Nevada Gaming Control Board. Such a
6 license is exempt from the fees required by NRS 483.410. The
7 Department, by regulation, shall provide for the cancellation of any
8 such driver's license upon the completion of the special
9 investigation for which it was issued.

10 4. Except as otherwise provided in NRS 239.0115, information
11 pertaining to the issuance of a driver's license pursuant to
12 subsection 3 is confidential.

13 5. It is a misdemeanor for any person to use a driver's license
14 issued pursuant to subsection 3 for any purpose other than the
15 special investigation for which it was issued.

16 6. At the time of the issuance or renewal of the driver's license,
17 the Department shall:

18 (a) Give the holder the opportunity to have indicated on his or
19 her driver's license that the holder wishes to be a donor of all or part
20 of his or her body pursuant to NRS 451.500 to 451.598, inclusive, or
21 to refuse to make an anatomical gift of his or her body or part
22 thereof.

23 (b) Give the holder the opportunity to have indicated whether he
24 or she wishes to donate \$1 or more to the Anatomical Gift Account
25 created by NRS 460.150.

26 (c) Provide to each holder who is interested in becoming a donor
27 information relating to anatomical gifts, including the procedure for
28 registering as a donor with the donor registry with which the
29 Department has entered into a contract pursuant to this paragraph.
30 To carry out this paragraph, the Department shall, on such terms as
31 it deems appropriate, enter into a contract with a donor registry that
32 is in compliance with the provisions of NRS 451.500 to 451.598,
33 inclusive.

34 (d) If the Department has established a program for imprinting a
35 symbol ~~for other indicator of~~ **indicating** a medical condition on a
36 driver's license pursuant to NRS 483.3485, give the holder the
37 opportunity to have a symbol ~~for other indicator of~~ **indicating**
38 a medical condition imprinted on his or her driver's license.

39 (e) Provide to the holder information instructing the holder how
40 to register with the Next-of-Kin Registry pursuant to NRS 483.653
41 if he or she so chooses.

42 7. If the holder wishes to make a donation to the Anatomical
43 Gift Account, the Department shall collect the donation and deposit
44 the money collected in the State Treasury for credit to the
45 Anatomical Gift Account.



1 8. The Department shall submit to the donor registry with
2 which the Department has entered into a contract pursuant to
3 paragraph (c) of subsection 6 information from the records of the
4 Department relating to persons who have drivers' licenses that
5 indicate the intention of those persons to make an anatomical gift.
6 The Department shall adopt regulations to carry out the provisions
7 of this subsection.

8 **Sec. 4.** NRS 483.3485 is hereby amended to read as follows:

9 483.3485 1. The Department may adopt regulations
10 establishing a program for the imprinting of a symbol ~~for other~~
11 ~~indicator of~~ *indicating* a medical condition on a driver's license
12 issued by the Department.

13 2. ~~[Regulations adopted pursuant to subsection 1 must require~~
14 ~~the symbol or other indicator of a medical condition which is~~
15 ~~imprinted on a driver's license to]~~ *If the Department establishes a*
16 *program pursuant to subsection 1:*

17 (a) *Except as otherwise provided in this title, the Department*
18 *shall adopt a single symbol for imprinting on a driver's license to*
19 *indicate a medical condition and shall not adopt individualized*
20 *symbols for different medical conditions.*

21 (b) *The regulations adopted by the Department must provide*
22 *that a person is eligible to have the symbol indicating a medical*
23 *condition imprinted on his or her driver's license if the person is:*

24 (1) *On anticoagulants; or*

25 (2) *A person with:*

26 (I) *Diabetes;*

27 (II) *Epilepsy;*

28 (III) *Blindness and low vision;*

29 (IV) *Deafness;*

30 (V) *Coronary atherosclerosis;*

31 (VI) *Chronic obstructive pulmonary disease;*

32 (VII) *A food allergy;*

33 (VIII) *Malignant hyperthermia;*

34 (IX) *Sickle cell disease;*

35 (X) *Systemic lupus erythematosus;*

36 (XI) *Heart disease;*

37 (XII) *Schizophrenia;*

38 (XIII) *Depression; or*

39 (XIV) *A mental illness.*

40 (c) *The Department shall maintain a record of the medical*
41 *condition for which the symbol indicating a medical condition was*
42 *imprinted on the driver's license of an eligible person. The record*
43 *must be maintained in the same location and manner as all other*
44 *records relating to the driver's license of the person, including,*
45 *without limitation, the records relating to the driver's license of*



1 *the person that are made available to law enforcement agencies.*
2 *If the Department maintains such information in the form of a*
3 *code, the code used must* conform with the International
4 Classification of Diseases, Ninth Revision, Clinical Modification, or
5 the most current revision, adopted by the National Center for Health
6 Statistics and the Centers for Medicare and Medicaid Services.

7 *(d) The Department shall maintain on the Internet website of*
8 *the Department information about the program established*
9 *pursuant to subsection 1, including, without limitation, the*
10 *manner in which a person may obtain a driver's license which has*
11 *been imprinted with a symbol indicating a medical condition.*

12 3. The Department may apply for and accept any gift, grant,
13 appropriation or other donation to assist in carrying out a program
14 established pursuant to the provisions of this section.

15 **Sec. 5.** NRS 483.840 is hereby amended to read as follows:

16 483.840 1. The form of the identification cards must be
17 similar to that of drivers' licenses but distinguishable in color or
18 otherwise.

19 2. Identification cards do not authorize the operation of any
20 motor vehicles.

21 3. The Department shall adopt regulations prescribing the
22 information that must be contained on an identification card.

23 4. At the time of the issuance or renewal of the identification
24 card, the Department shall:

25 (a) Give the holder the opportunity to have indicated on his or
26 her identification card that the holder wishes to be a donor of all or
27 part of his or her body pursuant to NRS 451.500 to 451.598,
28 inclusive, or to refuse to make an anatomical gift of his or her body
29 or part thereof.

30 (b) Give the holder the opportunity to indicate whether he or she
31 wishes to donate \$1 or more to the Anatomical Gift Account created
32 by NRS 460.150.

33 (c) Provide to each holder who is interested in becoming a donor
34 information relating to anatomical gifts, including the procedure for
35 registering as a donor with the donor registry with which the
36 Department has entered into a contract pursuant to this paragraph.
37 To carry out this paragraph, the Department shall, on such terms as
38 it deems appropriate, enter into a contract with a donor registry that
39 is in compliance with the provisions of NRS 451.500 to 451.598,
40 inclusive.

41 (d) If the Department has established a program for imprinting a
42 symbol or other indicator of a medical condition on an identification
43 card pursuant to NRS 483.863, give the holder the opportunity to
44 have a symbol ~~for other indicator of~~ *indicating* a medical condition
45 imprinted on his or her identification card.



1 (e) Provide to the holder information instructing the holder how
2 to register with the Next-of-Kin Registry pursuant to NRS 483.653
3 if he or she so chooses.

4 5. If the holder wishes to make a donation to the Anatomical
5 Gift Account, the Department shall collect the donation and deposit
6 the money collected in the State Treasury for credit to the
7 Anatomical Gift Account.

8 6. The Department shall submit to the donor registry with
9 which the Department has entered into a contract pursuant to
10 paragraph (c) of subsection 4 information from the records of the
11 Department relating to persons who have identification cards issued
12 by the Department that indicate the intention of those persons to
13 make an anatomical gift. The Department shall adopt regulations to
14 carry out the provisions of this subsection.

15 **Sec. 6.** NRS 483.863 is hereby amended to read as follows:

16 483.863 1. The Department may adopt regulations
17 establishing a program for the imprinting of a symbol ~~for other~~
18 ~~indicator of]~~ *indicating* a medical condition on an identification card
19 issued by the Department.

20 2. ~~[Regulations adopted pursuant to subsection 1 must require~~
21 ~~the symbol or other indicator of a medical condition which is~~
22 ~~imprinted on an identification card to]~~ *If the Department*
23 *establishes a program pursuant to subsection 1:*

24 *(a) Except as otherwise provided in this title, the Department*
25 *shall adopt a single symbol for imprinting on an identification*
26 *card to indicate a medical condition and shall not adopt*
27 *individualized symbols for different medical conditions.*

28 *(b) The regulations adopted by the Department must provide*
29 *that a person is eligible to have the symbol indicating a medical*
30 *condition imprinted on his or her identification card if the person*
31 *is:*

32 *(1) On anticoagulants; or*

33 *(2) A person with:*

34 *(I) Diabetes;*

35 *(II) Epilepsy;*

36 *(III) Blindness and low vision;*

37 *(IV) Deafness;*

38 *(V) Coronary atherosclerosis;*

39 *(VI) Chronic obstructive pulmonary disease;*

40 *(VII) A food allergy;*

41 *(VIII) Malignant hyperthermia;*

42 *(IX) Sickle cell disease;*

43 *(X) Systemic lupus erythematosus;*

44 *(XI) Heart disease;*

45 *(XII) Schizophrenia;*



1 (XIII) Depression; or

2 (XIV) A mental illness.

3 (c) *The Department shall maintain a record of the medical*
4 *condition for which the symbol indicating a medical condition was*
5 *imprinted on the identification card of an eligible person. The*
6 *record must be maintained in the same location and manner as all*
7 *other records relating to the identification card of the person,*
8 *including, without limitation, the records relating to the*
9 *identification card of the person that are available to law*
10 *enforcement agencies. If the Department maintains such*
11 *information in the form of a code, the code used must conform*
12 *with the International Classification of Diseases, Ninth Revision,*
13 *Clinical Modification, or the most current revision, adopted by the*
14 *National Center for Health Statistics and the Centers for Medicare*
15 *and Medicaid Services.*

16 (d) *The Department shall, at the time of the issuance or*
17 *renewal of an identification card, give the holder the opportunity*
18 *to have imprinted on his or her identification card a symbol*
19 *indicating a medical condition.*

20 (e) *The Department shall maintain on the Internet website of*
21 *the Department information about the program established*
22 *pursuant to subsection 1, including, without limitation, the*
23 *manner in which a person may obtain an identification card*
24 *which has been imprinted with a symbol indicating a medical*
25 *condition.*

26 3. The Department may apply for and accept any gift, grant,
27 appropriation or other donation to assist in carrying out a program
28 established pursuant to the provisions of this section.

29 **Sec. 7.** If the Department of Motor Vehicles adopts a program
30 for the imprinting of a symbol indicating a medical condition on a
31 driver's license or identification card issued by the Department
32 pursuant to NRS 483.3485, as amended by section 4 of this act, or
33 483.863, as amended by section 6 of this act, respectively, the
34 Department shall, 30 days after the date on which the Department
35 first accepts an application for the imprinting of a symbol indicating
36 a medical condition pursuant to NRS 483.3485, as amended by
37 section 4 of this act, or 483.863, as amended by section 6 of this act,
38 and any regulations adopted pursuant thereto, and for 12 calendar
39 months thereafter, print on each notification for renewal of
40 registration mailed by the Department pursuant to NRS 482.280,
41 and on any electronic notification for renewal of registration issued
42 by the Department:

43 1. A statement notifying the public that an eligible person may
44 have imprinted on his or her driver's license or identification card a
45 symbol indicating a medical condition.



1 2. The address of the Internet website of the Department where
2 interested persons may obtain more information about the program
3 established pursuant to NRS 483.3485, as amended by section 4 of
4 this act, or 483.863, as amended by section 6 of this act.

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

7 2. Sections 1 and 2 of this act become effective on October 1,
8 2023.

9 3. Sections 3 to 7, inclusive, of this act become effective:

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

13 (b) January 1, 2024, for all other purposes.



