

SENATE BILL NO. 94—COMMITTEE ON
HEALTH AND HUMAN SERVICES

(ON BEHALF OF THE LEGISLATIVE COMMITTEE
ON HEALTH CARE)

PREFILED JANUARY 24, 2019

Referred to Committee on Health and Human Services

SUMMARY—Revises provisions governing the Account for Family Planning. (BDR 40-446)

FISCAL NOTE: Effect on Local Government: No.
Effect on the State: Contains Appropriation not included in Executive Budget.

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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 family planning; revising provisions governing expenditures from the Account for Family Planning; making an appropriation to the Account; and providing other matters properly relating thereto.

Legislative Counsel’s Digest:

1 Existing law establishes the Account for Family Planning for the purpose of
2 awarding grants of money to local governmental entities and nonprofit
3 organizations to provide certain family planning services, including the distribution
4 of certain contraceptives, the installation of certain contraceptive devices and the
5 performance of certain contraceptive procedures. The Account is administered by
6 the Administrator of the Division of Public and Behavioral Health of the
7 Department of Health and Human Services. (NRS 442.725) **Section 1** of this bill
8 authorizes the Administrator to also use the money to pay for family planning
9 services offered by providers of health care or for other services offered by a
10 department or division of the Executive Department of State Government through a
11 contract with the recipient of the grant money. **Section 1** also requires family
12 planning services paid for with money from the Account to be made available to all
13 persons who would otherwise have difficulty obtaining such services.

14 Existing law requires insurers to cover certain types of contraception. (NRS
15 689A.0417, 689B.0378, 689C.1676, 695A.1865, 695B.1919, 695C.1696,
16 695G.1715) **Section 1** revises the types of contraception for which money from the
17 Account may be used to correspond to the types of contraceptives that insurers are
18 required to cover. **Section 1** additionally authorizes the use of money from the
19 Account to pay for voluntary sterilization for men and certain federally



20 recommended vaccinations. **Section 1** also prohibits the Administrator or any entity
21 that receives a grant from the Account or enters into a contract with the
22 Administrator from discriminating against a provider of family planning services.
23 **Section 2** of this bill makes an appropriation to the Account for the purpose of
24 providing family planning services during the 2019-2021 biennium.

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

1 **Section 1.** NRS 442.725 is hereby amended to read as follows:
2 442.725 1. The Account for Family Planning is hereby
3 created in the State General Fund. The Administrator shall
4 administer the Account.

5 2. Except as otherwise provided in subsection ~~{5.}~~ 6, the money
6 in the Account must be expended to ~~{award}~~ :

7 (a) *Award* grants of money to local governmental entities and
8 nonprofit organizations to provide the family planning services
9 described in ~~{this section}~~ *subsection 3* to *all* persons who would
10 otherwise have difficulty obtaining such services because of
11 poverty, lack of insurance or transportation or any other reason ~~{~~
12 ~~Grants of money awarded pursuant to this section}~~ ; or

13 (b) *Pay for family planning services described in subsection 3*
14 *which are provided by a department or division of the Executive*
15 *Department of State Government or pursuant to a contract with*
16 *such a department or division, which may include, without*
17 *limitation, a contract with a community health nurse, a consultant*
18 *or any other person or entity.*

19 3. *Money in the Account* may only be used to ~~{fund:}~~ *pay for:*

20 (a) The provision of education by trained personnel concerning
21 family planning;

22 (b) The distribution of information concerning family planning;

23 (c) The referral of persons to appropriate agencies, organizations
24 and providers of health care for consultation, examination,
25 treatment, genetic counseling and prescriptions for the purpose of
26 family planning;

27 (d) The distribution of contraceptives, the installation of
28 contraceptive devices and the performance of contraceptive
29 procedures approved by the United States Food and Drug
30 Administration, which must be limited to:

31 (1) ~~{Sterilization surgery}~~ *Voluntary sterilization* for *men*
32 *and* women;

33 (2) Surgical sterilization implants for women;

34 (3) Implantable rods;

35 (4) ~~{Copper}~~ *Copper-based* intrauterine devices ~~{and}~~ ;



1 (5) *Progesterone-based* intrauterine devices ; ~~{with~~
2 ~~progestin;~~

3 ~~— (5) Contraceptive injections and patches;}~~

4 (6) *Injections;*

5 (7) Combined ~~{oral contraceptive pills, progestin only oral~~
6 ~~contraceptives and oral contraceptives for extended or continuous~~
7 ~~use;~~

8 ~~— (7)} *estrogen- and progestin-based drugs;*~~

9 (8) *Progestin-based drugs;*

10 (9) *Extended- or continuous-regimen drugs;*

11 (10) *Estrogen- and progestin-based patches;*

12 (11) Vaginal contraceptive rings;

13 ~~{(8)} (12) Diaphragms {;~~

14 ~~— (9) Contraceptive sponges;~~

15 ~~— (10)} *with spermicide;*~~

16 (13) *Sponges with spermicide;*

17 (14) Cervical caps {;

18 ~~— (11)} *with spermicide;*~~

19 (15) Female condoms;

20 ~~{(12)} (16) Spermicide; {and~~

21 ~~— (13) Levonorgestrel and ulipristal}~~

22 (17) *Combined estrogen- and progestin-based drugs for*
23 *emergency contraception or progestin-based drugs for emergency*
24 *contraception; and*

25 (18) *Ulipristal* acetate {;} *for emergency contraception;*

26 (e) The provision of or referral of persons for preception
27 health services and assistance to achieve pregnancy; ~~{and}~~

28 (f) The provision of or referral of persons for testing for and
29 treatment of sexually transmitted infections {

30 ~~— 3.} ; and~~

31 (g) *The provision of any vaccinations recommended by the*
32 *Advisory Committee on Immunization Practices of the Centers for*
33 *Disease Control and Prevention of the United States Department*
34 *of Health and Human Services or its successor organization.*

35 4. Family planning services funded by a local governmental
36 entity using a grant awarded pursuant to ~~{this section}~~ *paragraph (a)*
37 *of subsection 2* may be provided wholly or partially through a
38 contract between the local governmental entity and another local
39 governmental entity, an agency of the State, a community health
40 nurse, a consultant or any other person or entity.

41 ~~{4.}~~ 5. Family planning services ~~{funded using a grant~~
42 ~~awarded}~~ *paid for* pursuant to this section must be made available to
43 *all* persons requesting such services:

44 (a) In a manner that protects the dignity of the recipient;



1 (b) Without regard to religion, race, color, national origin,
2 physical or mental disability, age, sex, gender identity or expression,
3 sexual orientation, number of previous pregnancies or marital status;

4 (c) In accordance with written clinical protocols that are in
5 accordance with nationally recognized standards of care; and

6 (d) By persons who are required by NRS 432B.220 to report the
7 abuse or neglect of a child.

8 ~~5.1~~ 6. The Administrator may not use more than 10 percent of
9 the money in the Account to administer the Account.

10 ~~6.1~~ 7. The Administrator shall award grants of money from
11 the Account *pursuant to paragraph (a) of subsection 2* based
12 entirely on the need for family planning services in the community
13 served by the local governmental entity or the nonprofit
14 organization and the ability of the local governmental entity or
15 nonprofit organization to effectively deliver family planning
16 services.

17 ~~7.1~~ 8. *The Administrator or any entity that receives a grant*
18 *or enters into a contract pursuant to subsection 2 shall not*
19 *discriminate against any provider of family planning services in*
20 *any manner, including, without limitation, by:*

21 (a) *Refusing to allow a provider of family planning services to*
22 *provide family planning services paid with money from the*
23 *Account; or*

24 (b) *Failing to provide timely or appropriate reimbursement for*
25 *such family planning services.*

26 9. The existence of the Account does not create a right in any
27 local government or nonprofit organization *or other entity* to receive
28 money from the Account.

29 ~~8.1~~ 10. As used in this section, “preconception health
30 services” means the promotion of proper health practices, screenings
31 and interventions conducted before pregnancy to identify and
32 modify biomedical, behavioral and social risks to a woman’s health
33 or pregnancy outcome through prevention and management.

34 **Sec. 2.** 1. There is hereby appropriated from the State
35 General Fund to the Account for Family Planning created by NRS
36 442.725 the sum of \$6,000,000 to carry out the purposes set forth in
37 that section.

38 2. Any remaining balance of the appropriation made by
39 subsection 1 must not be committed for expenditure after June 30,
40 2021, by the entity to which the appropriation is made or any entity
41 to which money from the appropriation is granted or otherwise
42 transferred in any manner, and any portion of the appropriated
43 money remaining must not be spent for any purpose after
44 September 17, 2021, by either the entity to which the money was
45 appropriated or the entity to which the money was subsequently



1 granted or transferred, and must be reverted to the State General
2 Fund on or before September 17, 2021.

3 **Sec. 3.** This act becomes effective on July 1, 2019.



