

# NEVADA

Senate Bill No. 131 – signed into law May 30<sup>th</sup>, 2023:

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

**Section 1.** Chapter 629 of NRS is hereby amended by adding thereto a new section to read as follows:

1. A health care licensing board shall not disqualify a person from licensure or subject any person to discipline solely:
  - (a) For providing or assisting in the provision of reproductive health care services; or
  - (b) As a consequence of any judgment, discipline or other sanction threatened or imposed under the laws of the District of Columbia or any state or territory of the United States for providing or assisting in the provision of reproductive health care services,  $\cong$  if the reproductive health care services as provided would have been lawful and consistent with standards for the practice of the relevant profession in this State.
2. As used in this section:
  - (a) “Health care licensing board” means:
    - (1) A board created pursuant to chapter 630, 630A, 631, 632, 633, 634, 634A, 635, 636, 637, 637B, 639, 640, 640A, 640B, 640C, 640D, 640E, 641, 641A, 641B, 641C or 641D of NRS.
    - (2) The Division of Public and Behavioral Health of the Department of Health and Human Services.
  - (b) “Reproductive health care services” means medical, surgical, counseling or referral services relating to the human reproductive system, including, without limitation, services relating to pregnancy, contraception, the termination of pregnancy or any procedure or care found by a competent medical professional to be appropriate based upon the wishes of a patient and in accordance with the laws of this State.

**Sec. 2.** Chapter 179 of NRS is hereby amended by adding thereto a new section to read as follows:

1. Notwithstanding the provisions of NRS 179.177 to 179.235, inclusive, the Governor shall not surrender, or issue a warrant pursuant to NRS 179.191 for the arrest of, any person in this State who is charged in another state with a criminal violation of the laws of that other state if the violation alleged involves the provision or receipt of or assistance with reproductive health care services, unless the acts forming the basis of the prosecution of the crime charged would constitute a criminal offense under the laws of the State of Nevada.
2. The provisions of this section do not apply in the circumstance where a demand for the extradition of a person charged with crime in another state is made in accordance with NRS 179.183, and the person who is the subject of the demand was physically present in the demanding state at the time of the commission of the alleged offense and thereafter fled from that state.
3. As used in this section:
  - (a) “Reproductive health care services” means medical, surgical, counseling or referral services relating to the human reproductive system, including, without limitation, services

relating to pregnancy, contraception, the termination of pregnancy or any procedure or care found by a competent medical professional to be appropriate based upon the wishes of a patient and in accordance with the laws of this State.

(b) The words and terms defined in NRS 179.179 have the meanings ascribed to them in that section.

**Sec. 3.** Chapter 232 of NRS is hereby amended by adding thereto a new section to read as follows:

1. Except as required by the order of a court of competent jurisdiction, a state agency shall not provide any information or expend or use time, money, facilities, property, equipment, personnel or other resources in furtherance of any investigation or proceeding initiated in or by another state that seeks to impose civil or criminal liability or professional sanction upon a person or entity for:

(a) The provision, securing or receiving of, or any inquiry concerning, reproductive health care services that are legal in this State; or

(b) Any assistance given to any person or entity that relates to the provision, securing or receiving of, or any inquiry concerning, reproductive health care services that are legal in this State.

2. The provisions of subsection 1 do not apply to any investigation or proceeding where the conduct that is subject to potential liability under the investigation or proceeding initiated in or by the other state would be subject to civil or criminal liability or professional sanction under the laws of the State of Nevada, if committed in this State.

3. Notwithstanding the provisions of this section, a state agency or employee, appointee, officer or other person acting on behalf of a state agency may provide information or assistance in connection with such an investigation or proceeding in response to a written request by the person who is the subject of the investigation or proceeding.

4. As used in this section:

(a) "Reproductive health care services" means medical, surgical, counseling or referral services relating to the human reproductive system, including, without limitation, services relating to pregnancy, contraception, the termination of pregnancy or any procedure or care found by a competent medical professional to be appropriate based upon the wishes of a patient and in accordance with the laws of this State.

(b) "State agency" means an agency, bureau, board, commission, department, division, officer, employee, appointee or agent or any other unit of the Executive Department.

**Sec. 4.**

1. Each health care licensing board that licenses providers of health care who provide reproductive health care services shall examine the feasibility of providing opportunities for reciprocity of licensure to providers of health care who provide reproductive health care services in other states to facilitate the provision of quality reproductive health care services to persons from other states who seek reproductive health care services in this State.

2. As used in this section:

(a) "Health care licensing board" has the meaning ascribed to it in section 1 of this act.

(b) "Provider of health care" has the meaning ascribed to it in NRS 629.031.

(c) "Reproductive health care services" has the meaning ascribed to it in section 1 of this act.

**Sec. 5.** This act becomes effective upon passage and approval.

**Nev. Rev. Stat. Ann. § 200.220. Taking drugs to terminate pregnancy guilty; penalty.**

A woman who takes or uses, or submits to the use of, any drug, medicine or substance, or any instrument or other means, with the intent to terminate her pregnancy after the 24th week of pregnancy, unless the same is performed upon herself upon the advice of a physician acting pursuant to the provisions of NRS 442.250, and thereby causes the death of the child of the pregnancy, commits manslaughter and shall be punished for a category B felony by imprisonment in the state prison for a minimum term of not less than 1 year and a maximum term of not more than 10 years, and may be further punished by a fine of not more than \$10,000.

**Nev. Rev. Stat. Ann. § 442.250. Conditions under which abortion permitted.**

1. No abortion may be performed in this state unless the abortion is performed:

(a) By a physician licensed to practice in this state or by a physician in the employ of the government of the United States who:

(1) Exercises his or her best clinical judgment in the light of all attendant circumstances including the accepted professional standards of medical practice in determining whether to perform an abortion; and

(2) Performs the abortion in a manner consistent with accepted medical practices and procedures in the community.

(b) Within 24 weeks after the commencement of the pregnancy.

(c) After the 24th week of pregnancy only if the physician has reasonable cause to believe that an abortion currently is necessary to preserve the life or health of the pregnant woman.

2. All abortions performed after the 24th week of pregnancy or performed when, in the judgment of the attending physician, there is a reasonable likelihood of the sustained survival of the fetus outside of the womb by natural or artificial supportive systems must be performed in a hospital licensed under chapter 449 of NRS.

3. Before performing an abortion pursuant to subsection 2, the attending physician shall enter in the permanent records of the patient the facts on which the physician based his or her best clinical judgment that there is a substantial risk that continuance of the pregnancy would endanger the life of the patient or would gravely impair the physical or mental health of the patient.

**Nev. Rev. Stat. Ann. § 442.252. Physician to obtain informed consent before performing abortion.**

No physician may perform an abortion in this state unless, before the physician performs it, he or she obtains the informed consent of the woman seeking the abortion pursuant to NRS 442.253.

**Nev. Rev. Stat. Ann. § 442.255. Notice to custodial parent or guardian; request for authorization for abortion; rules of civil procedure inapplicable.**

1. Unless in the judgment of the attending physician an abortion is immediately necessary to preserve the patient's life or health or an abortion is authorized pursuant to subsection 2 or NRS 442.2555, a physician shall not knowingly perform or induce an abortion upon an unmarried and unemancipated woman who is under the age of 18 years unless a custodial parent or guardian of the woman is personally notified before the abortion. If the custodial parent or guardian cannot be so notified after a reasonable effort, the physician shall delay performing the abortion until the physician has notified the parent or guardian by certified mail at the last known address of the parent or guardian.

2. An unmarried or unemancipated woman who is under the age of 18 years may request a district court to issue an order authorizing an abortion. If so requested, the court shall interview the woman at the earliest practicable time, which must be not more than 2 judicial days after the request is made. If the court determines, from any information provided by the woman and any other evidence that the court may require, that:

- (a) She is mature enough to make an intelligent and informed decision concerning the abortion;
- (b) She is financially independent or is emancipated; or
- (c) The notice required by subsection 1 would be detrimental to her best interests, the court shall issue an order within 1 judicial day after the interview authorizing a physician to perform the abortion in accordance with the provisions of NRS 442.240 to 442.270, inclusive.

3. If the court does not find sufficient grounds to authorize a physician to perform the abortion, it shall enter an order to that effect within 1 judicial day after the interview. If the court does not enter an order either authorizing or denying the performance of the abortion within 1 judicial day after the interview, authorization shall be deemed to have been granted.

4. The court shall take the necessary steps to ensure that the interview and any other proceedings held pursuant to this subsection or NRS 442.2555 are confidential. The rules of civil procedure do not apply to any action taken pursuant to this subsection.

**Nev. Rev. Stat. Ann. § 442.256. Records.**

A physician who performs an abortion shall maintain a record of it for at least 5 years after it is performed. The record must contain:

- 1. The form indicating consent completed in compliance with subsection 3 of NRS 442.253.
- 2. A statement of the information which was provided to the woman pursuant to NRS 442.253.
- 3. A description of efforts to give any notice required by NRS 442.255.

**Nev. Rev. Stat. Ann. § 442.257. Criminal penalty.**

Any person who violates any provision of NRS 442.252 to 442.256, inclusive, is guilty of a misdemeanor.

Nev. Rev. Stat. Ann

Chapter 629

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