

## Legislative Victories This Session:

- Nevada ratified the Equal Rights Amendment
- Victims of domestic violence have up to 120 hours of paid or unpaid leave to attend court proceedings, have counseling and doctor appointments, and develop a safe plan to help them leave the dangerous situation.
- Increased penalties for third time offenders of domestic violence, making it a class B felony punishable by 2 years in prison and a fine of at least \$2,000.
- Health insurance must cover certain preventative care procedures and cover contraception.
- Anyone convicted of battery, which constitutes domestic violence, is prohibited from owning or possessing a firearm.

## Our Major Victories

### **SJR 2: The ERA - The radical notion that women are people too!**



On March 21, 2017, Nevada ratified the Equal Rights Amendment 45 years since Congress passed the original amendment. This states “Equality of rights under the law shall not be denied or abridged by the United States or by any State on account of sex.”

The Nevada Women's Lobby is prominently featured in "Nevada Says ERA Yes!" *Ms. Magazine's* summer 2017 edition.

### **SB361 – The Safe Act**

Senator Cannizzaro graciously agreed to sponsor our bill which gives time off to victims of domestic violence. Although this is not paid time off as was originally intended, this bill affords victims and family members or household members of victims up to 120 hours of time off to attend court proceedings, have counseling and doctor appointments, and develop a safe plan to help them leave the dangerous situation. This bill also established increased penalties for third time offenders of domestic violence, making it a class B felony punishable by 2 years in prison and a fine of at least \$2,000. These increased penalties also apply in situations where strangulation is used in the act of violence, even if it is not the third offense.

### **SB233 – 12-month contraception and women's health**

Senator Julia Ratti and Elisa Cafferata with Nevada Advocates for Planned Parenthood led the charge to protect women's health. This was a HUGE win for the session! This bill requires health insurance to cover contraception and allows for doctors to prescribe contraception for up to 12 months. The first-time prescription of a contraceptive drug would be for 3 months, the second prescription would be for 9 months (or the remainder of the year) and the third-time prescription would be for 12 months. Included is coverage of ulipristal acetate, an emergency contraceptive pill.

It also requires insurance to cover certain preventative care procedures critical to women's health, such as mammograms, HPV screenings, counseling for sexually transmitted diseases, etc. There is a religious exemption meaning that organizations that are opposed to some of these medical requirements due to religious reasons do not have to offer these in their insurance plans. AB249 is a similar bill passed which also covers contraception and 12 month prescriptions. That bill was championed by Caroline Mello Roberson on behalf of NARAL.

### **SB124 – Domestic Abuse and Firearms**

Senator Spearman was critical in pushing this legislation through, which is critical to the safety of victims of domestic violence. The bill prevents anyone convicted of battery which constitutes domestic violence from owning or possessing a firearm, requiring them to permanently surrender, sell or transfer the firearm. In cases of stalking, if the victim has a reasonable fear of physical harm and the stalking is associated with domestic violence, then the convicted party must permanently surrender their firearms. A violation of this is subject to a category B felony. In cases of extended order for protection, existing law already requires the adverse party to surrender their firearms. If the adverse party violates the order and does not turn in their weapons, this bill increases penalties from a gross misdemeanor to a category B felony.

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## Other Successes

### **Women's Health:**

As the New York Times so aptly pointed out, "[When Women Legislate](#)" we get bills that help women! SB253 established the Pregnant Worker's Fairness Act which requires employers to provide reasonable accommodations to pregnant mothers; for example, moving their desk so it is closer to the restroom or allowing them to be seated rather than standing while at a cashier. This bill also prevents employers from taking adverse action against an employee for being pregnant. AB113 was another win for nursing mothers, by requiring businesses to provide a private, comfortable, sanitary space and adequate break time for women to express breast milk. The "Pink Tax" was a hot topic for the session, and SB415 which eliminates sales tax on feminine hygiene products passed with significant bipartisan support. This will still need to be put to a vote of the people before it goes into effect. SB122 created the Account for Family Planning, funding by the General Fund, which will give grant money to government entities and nonprofit organizations that provide family planning services to individuals who might not otherwise have access to these services.

### **Pay Equity:**

Although we suffered a few losses, some legislation was passed that makes a step in the right directions. Assemblywoman Ellen Spiegel worked hard to appease both sides of the aisle and got some useful legislation through. AB106 creates a gold star program, creating a certification awarded to vendors who give equal pay for equal work, which can then be advertised on their website or in the physical business. AB276 is another of Spiegel's efforts, making it illegal for businesses to punish their employees for discussing wages. Finally, AB423, a bill sponsored by the Nevada Women's Commission (NWC), establishes a pay equity index, similar to a human rights index. The Secretary of State and the NWC will create a survey which businesses can voluntarily answer and then the information will be publicized on the Secretary of State website so patrons can check the index to assess how a company treats their employees with regards to pay equity.

### **Minimum Wage and Worker's Rights:**

With the exception of one resolution, all minimum wage bills died or were vetoed. However, we were able to pass Senate Joint Resolution 6, which would amend the Nevada Constitution so that beginning on January 1, 2021, the minimum wage would be raised to \$9.40 per hour, and would continue to rise \$1.15 each year until it reached a minimum wage of \$14 per hour. For SJR6 to amend the constitution, it will need to be passed by the 2019 legislative session, then go to a vote in the 2020 election, and upon passage by the people will go into effect in 2021. SB232 is another critical piece of legislation passed which establishes the Domestic Worker's Bill of Rights, requiring that the domestic worker be compensated for all hours during which he or she is required to be on duty and remain in the employer's household and requires that the worker get 1 day off a week, and 2 consecutive days off per month.

### **Domestic and Sexual Violence:**

Many representatives this session were dedicated advocates of victims of sexual and domestic violence. Assembly Benitez-Thompson and Sen Ford passed AB97, which requires law enforcement to submit a sexual assault forensic evidence kit (SAFE kit) to the forensic laboratory within 30 days of receiving it and requires the laboratory to test the kit within 120

days of receiving it. This also creates a program to track the SAFE kits and makes an appropriation of \$3 million to help reduce the backlog of SAFE kits that have not been tested.

Assemblywoman Benitez-Thompson also passed AB122 which allows victims of crime who are not citizens or legally residing residents of the United States to receive victim of crime compensation. This is especially applicable in cases of domestic violence so that a non-citizen would be able to receive compensation. Assemblyman Watkins passed AB146 which allows Nevada to recognize and enforce Canadian Domestic Violence Protection Orders in the same manner law enforcement deals with protection orders issued by the state of Nevada. AB362, sponsored by Assemblywoman Tolles, addresses the “pass the trash” phenomenon, when individuals who have committed sexual offenses with minors from quietly move from school to school by requiring prospective employees to provide certain information with regards to their employment history.

### **Prostitution and Sex Trafficking:**

Many bills were introduced to help victims of prostitution and sex trafficking. AB260 is an important piece of legislation introduced by Assemblywoman Tolles which increases penalties for customers of prostitution, making a first-time offense punishable by a misdemeanor and a fine, a second offense a gross misdemeanor and fine, and any subsequent offense a gross misdemeanor and fine of at least \$1,300. This is important because it shifts more responsibility onto the “John” rather than the prostitute. SB488 is a result of the hard work of sponsor Senator Spearman and Kimberly Mull, NCEDSV. It makes the act of facilitating sex trafficking a crime punishable by a category B felony. If there is an individual under the age of 18 being sex trafficked or facilitating the trafficking, they are presumed to be acting under duress.

This bill also creates the Sexual Trauma Services Guide as a service provided by Medicaid to victims who are eligible for Medicaid. AB243 is a bill which helps victims of sex trafficking or involuntary servitude by allowing them to petition the court to seal their criminal history. This bill is critical in allowing these victims to reintegrate in society by taking away their criminal record and allowing them to more easily enter the workforce. Another huge win is

Assemblywoman Krasner's bill, AB145, which extends the statute of limitation for sexual assault cases from 10 years to 20 years and extends the statute of limitations for children featured in pornography from 3 years to 20 years. The new 20-year statute of limitation begins as soon as the victim turns 18 meaning a victim would be able to accuse the perpetrator for the child abuse until the victim is 38 years old. Gloria Allred, a longtime attorney on behalf of child and adult victims of sexual abuse and the lead lawyer in the Bill Crosby cases came to present and testify in support of this legislation.

### **Child care:**

In the realm of children, a number of positive pieces of legislation went through to help protect children. AB346 requires "small childcare establishments," those which have fewer than 5 children, to register with the Division of Welfare and Supportive Services and requires that all employees undergo criminal background checks at the time of employment and at least every 5 years. SB46 aligns state law with federal law and adds to the list of offenses which preclude an individual from obtaining a license to operate a childcare facility or from being an employee of a childcare facility or youth program. AB340 is a bill to help families on public assistance by conducting a study to find federal or state funds which can be used to help needy families pay for disposable diapers.

### **The Insulin Victory:**

To help combat rising drug costs, Senator Cancela worked hard throughout the session on SB265. This bill requires addresses the exorbitant cost of insulin by requiring more transparency from the pharmaceutical companies. Through this legislation, the Department of Health and Human Services would compile a list of prescription drugs essential to the treatment of diabetes and then require the manufacturer of these drugs to notify the Dept. of HHS regarding price increases and provide a list of sales representatives. The Dept. of HHS would publicize this information online. This bill was originally vetoed by the governor shortly after the failure of the ESA program. However, it was then amended into Senator Roberson's bill, SB539 and signed into law.

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## Wait – There’s More

**AB14** – Requires individuals requesting a change of name and who have a criminal record to submit a complete set of fingerprints. This also requires that a person who is cited for offenses relating to domestic violence must submit complete set of fingerprints which will be sent to the Central Repository.

**AB177** – Sprinkle’s bill which applies to cases of domestic violence and the issuance of extended orders for protection, allowing the court to schedule a second hearing if the adversary party fails to appear for the first hearing. This hearing must be scheduled within 90 days after the first hearing. This bill also allows the courts to schedule a third hearing within 90 days if the adversary party does not appear for the second hearing. The temporary protective order would remain in effect until the date of the second or third hearing.

**AB181** – This bill expands rights for ex-felons by reinstating voting rights to those discharged both honorably and dishonorably. Previously, only ex-felons who had been released honorably were able to reinstate voting rights. However, dishonorable releases are often because of operational issues, such as an ex-felon not being able to pay off all the fees or breaking curfew and arriving home 5 minutes late. These dishonorably discharged felons will now be able to vote. The related bill SB125 also passed.

**SB25** – Attorney General bill that abolishes the Nevada Council for the Prevention of Domestic Violence and transfers the duties to the Committee on Domestic Violence. It also allows the AG to appoint additional members to the committee, establishes 2-year terms for each appointed member, and allows for members to be appointed for additional terms. Secondly, it transfers regulations relating to treatment programs for people who commit domestic violence from the Committee on Domestic Violence to the Division of Public and Behavioral Health of the Department of Health and Human Services. Thirdly, the bill transfers the duty of reviewing the death of a victim related to domestic violence from the Attorney General to the Committee on Domestic Violence. Finally, the fictitious address program which allows victims to get a fictitious address rather than having their own address on public file, will be transferred from the Attorney General to the Division of Child and Family Services.

**SB125** – see the explanation for AB181

**SB126** – Senator Ford’s bill which allows the Office of Economic Development to develop a program to give loans to certain small businesses owned by women or minorities.

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## **Good Bills VETOED by the GOVERNOR**

### **SB196 – Ford’s Paid Sick Time; VETOED**

This bill would have required businesses with 25 employees or more to offer paid sick leave to full time employees; Full time employees are considered those that work 1600 hours in a 12-month period. Paid sick time would have been earned at 1 hour leave per 40 hours worked and would not have been able to be used until 12 months after the start of employment. The employer would need to maintain leave time records for a 3-year period. Violation of this would be considered a misdemeanor, punishable by a \$5,000 fine for each violation.

### **SB397 – Senator Spearman’s equal pay bill; VETOED**

In cases of pay inequality, this bill would have given more power to the Nevada Equal Rights Commission to help enforce pay equality in the workplace. It would have allowed NERC to award back pay to the employee for a period beginning 2 years before the date of the filing of a complaint regarding the pay discrimination, award costs and reasonable attorney’s fees, order payment of compensatory damages, and issue punitive damages in cases where the employer is acting with malice or reckless indifference. These fines would be paid into the general fund and must be used to prevent unlawful employment practices and enforce this measure.

### **SB106 – Increase to the Minimum wage; VETOED**

Would have increased the minimum wage to \$12 per hour at a rate of 75 cents each year for 5 years, and to \$11 if the employer offers health insurance to the employee.

### **AB175 – McCurdy’s bill to establish certain requirements to medical benefits; VETOED**

Originally this bill was written to raise the minimum wage to \$15 per hour. However, it was amended to establish a number of requirements in health care businesses need to provide in

their benefits package in order to pay their employees the lower minimum wage currently in statute.

**AB348 – Assemblywoman Joiner’s Sex Ed.; VETOED**

This bill would require public schools to teach a sexual education curriculum which covers instruction concerning acquired immune deficiency syndrome, the human reproductive system, related communicable diseases, and sexual responsibility. This bill also allows a school district to put the parental notification form online, and allows for a parent to opt into that year only or opt in for as long as the pupil is enrolled in the school district. If the form is not returned within two weeks, the bill requires that the school follow up with the parents with additional information.

**AB374 – Assemblyman Sprinkle’s bill – “Medicaid for all”; VETOED**

Establishes the Nevada Care Plan within Medicaid and makes it available for purchase by anyone who is not otherwise covered by Medicaid. All services provided by Medicaid must also be covered in this plan.

**AB408 – Assemblywoman Joiner’s Medicaid bill; VETOED**

Enshrines certain ACA coverage in Nevada law. Prevents insurance from denying coverage because of preexisting conditions. Allows children to stay on parental insurance until the age of 26. Requires all insurance to cover maternity and newborn care.

**AB427 – Removes drug treatment requirement for SNAP; VETOED**

Existing law requires that an individual who was convicted of drug offenses complete a drug treatment program before they are eligible for SNAP or TANF benefits. This bill removes this requirement, allowing them to be eligible for SNAP or TANF if the individual can demonstrate that he or she is not currently using illegal drugs.

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## **Good Bills that didn’t Pass**

**AB111** – Thompson’s bill that would allow funds in the Fund for Energy Assistance and Conservation to be used to help low-income households pay for internet.

**AB178** – Jauregui’s pay equity bill that gives more power to the Nevada Equal Rights Commission by extending the statute of limitations from 300 days to 2 years to submit a complaint, requiring businesses to maintain employment records for 5 years, and issuing a \$5,000 fine to employers who don’t maintain the records.

**AB237** – Ohrenschall’s bill that abolishes capital punishment.

**AB266** – Neal’s bill that gives tax credits to employers who provide paid family medical leave to their employees.

**AB394** – Bilbray-Axelrod’s bill that requires private employers who provide paid sick leave to allow their employees to use the leave time to take care of members of their immediate family who are suffering from illness, injury, medical appointment, etc.

**AB402** – Jauregui’s bill that proposes to remove the sales tax on feminine hygiene products and diapers.

**AJR8** – Urging the United States Senate to protect a woman’s reproductive rights as it undergoes the process of vetting a nominee for the United States Supreme Court.

**SB387 – Senator Ratti’s High Risk Protection Order; DIED in the Assembly**

The bill allows for a family or household member or law enforcement officer to file with probable cause a “high risk protection order” which prevents the individual at risk from owning or having in his/her possession a firearm. This would be used in cases of severe depression where an individual is at risk of committing suicide. During the hearings, many questions were raised with regards to 2nd amendment rights, for how long the firearms could be taken away, and what the process was to get the firearms back.

**SB17** – A payday lending bill which would cap the number of high interest loans a person could take out at a single time.

**SB147** – Spearman’s bill which gives tax credits for employers who assist employees by paying for daycare.

**SB384** – Julia Ratti’s privacy bill. This would have limited the amount of public information available regarding the recipients of PERS (Public Employee Retirement System). The

information that would remain public would be the recipient's name, their employer prior to retirement, and the amount they are receiving in pension; VETOED by Gov.

**SB455** – Senator Farley's bill which gives a tax credit to employers who provide child care assistance to a child care provider on behalf of an employee who has one or more children under the age of 13 and whose income does not exceed 85% of the median income in the state. This bill had a very high fiscal note, which likely caused the early death.

**SB189** – Senator Woodhouse worked diligently on this bill which creates a number of requirements for childcare facilities. First, it requires an additional 24 hours of training annually for employees of childcare facilities and changes laws regarding background checks, requiring that a background check be completed before an employee has any direct interaction with a child and expanding the list of crimes that are included in the background check. Second, this bill creates a rating system for childcare facilities, with the grades posted online and in the facility.

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## Bad Bills Killed by Nasty Women

**AB91** – Wheeler's bill that would have further enforced the requirement to work for those on the Supplemental Nutrition Assistance Program and preventing the Department of health and Human Services from granting an exemption in certain cases.

**AB131** – McArthur's bill to make English the official language of Nevada.

**AB164** – Krasner's bill to require proof of identification when voting in person.

**SB100** – Settlemeyer's bill that would require proof of identification when voting in person.

**SB102** – Settlemeyer's bill that allows individuals to possess a handgun in their vehicle while on the premises of a school or child care facility.

**SB298** – Roberson's bill that requires those applying for and receiving public assistance to submit drug tests and prevents them from receiving public assistance if the test is positive for controlled substances.

**SB307** – Gustavson's bill which repeals the concealed firearm permit, allowing people to carry concealed weapons without a permit.

**SB382** – Roberson’s bill which requires parental notification for any child or ward under the age of 18 who is not married or emancipated. Furthermore, it would require a 48 hour wait period after the notification is delivered to the physician before they are able to complete the abortion.

Article by: **NWL**

This is the official account for the NWL Steering Committee.