

STATE OF NEVADA

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**SB 284 – ADVISORY TASK FORCE ON HIV EXPOSURE MODERNIZATION**

July 15, 2020  
5 p.m.

*Webex Teleconference*

**Draft Minutes**

**TASK FORCE MEMBERS PRESENT:**

Senator David Parks  
Senator Dallas Harris  
Steve Amend  
Andre' Wade  
Stephan Page  
Ruben Murillo  
Quentin Savvoir  
Octavio Posada  
Vince Collins

**TASK FORCE MEMBERS ABSENT:**

None

**DIVISION OF PUBLIC AND BEHAVIORAL HEALTH STAFF PRESENT:**

Tory Johnson, MMgt, Section Manager, Office of HIV  
Rhonda Buckley, Administrative Assistant II, Office of HIV  
Juan "Tony" Garcia, Grants & Projects Analyst I  
Xhosha Millington, Health Resource Analyst I

1. Call to Order, Roll Call – Chair Andre' Wade asked Administrative Assistant II Rhonda Buckley to conduct roll call. All nine (9) Task Force members are present; quorum met.

2. Public Comment

*(No action may be taken on a matter raised under this item of the agenda until the matter itself has been included specifically on an agenda as an item upon which action will be taken.)* –

Chair Wade asked if there were any public comment; there was none.

3. Open Meeting Law Questions – State of Nevada, Chief Deputy Attorney General, Linda Anderson

- Formation of Subcommittees
- Use of chat boxes during virtual meetings

Ms. Anderson first addressed the use of chat boxes during virtual meetings. She noted as technology has advanced, use of chat box is not recommended, as the text must be shareable with the entire group and those who are participating by phone. Chat boxes cannot do this; therefore, do not use them. Otherwise, each comment would have to be read in full context. Mr. Amend asked about OML and one-on-one communication with a Task Force member, is that in violation? Ms. Anderson suggesting using the meeting as actual discussion for transparency so everyone can hear and hopefully participate in the discussion.

Ms. Anderson then addressed the formation and use of subcommittees and informed the Task Force that yes, they too must adhere to Open Meeting Law. She noted the deadline the Task Force is facing in accomplishing its duties, it would be best to assign tasks to individuals so each one could then bring back their findings to the group at the next scheduled meeting.

Mr. Page asked, in regard to a guest speaker, do they have to be on the agenda under public comment? Or, can they invite/schedule a speaker for a presentation. Ms. Anderson noted they could be scheduled on the agenda for a presentation. Mr. Murillo asked of the deadline date of Sept. 1, 2020 could be changed. Ms. Anderson in reality, there is no way to change the date. She suggested completing the report as best as possible, and plan a supplemental report for follow up. She also said there are no consequences in the Bill (to the Task Force) if they do not reach their goal by deadline date.

Chair Wade asked if there were any other questions or comments for Ms. Anderson. Tory Johnson noted at this point he had neglected to hit “record” for the Webex meeting. Ms. Anderson said to hit record now, and state for the record, due to technical difficulties, this meeting is now being recorded, and prior time of the meeting would be considered for the record as notes were being taken. The same would apply to a faulty link on the agenda. When this happens, and there is also a working call-in telephone number, you may continue the meeting.

Mr. Johnson asked Ms. Anderson to give the Task Force information on emails, in the respect that if a person were to ‘reply all’ rather than reply only to sender. Ms. Anderson said if a person were to reply all, this would be in violation of the spirit of Open Meeting Law, and that any and all discussion should be saved for the actual meeting. Mr. Amend stated if more than one person is on the conversation, don’t ‘reply all.’ It is not advised. Mr. Murillo asked if there were questions, should the Task Force go directly to Mr. Johnson? Ms. Anderson said it always best to ask questions at the meeting itself. They could be added as future agenda items. She said the purpose of Open Meeting Law is transparency for the public. Ms. Anderson gave her contact information to the Task Force: Linda Anderson, (702) 486-3077; or to go through one of her staff.

Vince Collins had a question regarding posting of the agenda; that once it is posted to the DHHS Website, is it set in stone? Ms. Anderson said yes. Once the agenda is established, it is posted, starting at 9 a.m. three business days prior to the meeting, you cannot make changes to the agenda. Ms. Anderson addressed the by-laws, stating she read them and they looked good. However, she suggested adding the year 2019 when referring to Senate Bill 284. She said for the record, to be more specific when referencing this Bill. Octavio Posada asked if anyone can join the meeting, or is it just for Task Force members. Ms. Anderson said typically anyone who wanted to listen in or join the meeting could do so, as it is open to the public.

4. Review and amend Task Force By-laws (*For possible action*)

Chair Wade noted there was good discussion on the by-laws during the first meeting. He asked if Senator Parks or Senator Harris had any questions, comments or amendments to the by-laws. Senator Harris said she did not. Senator Harris said he reviewed the by-laws and they looked great to him. Chair Wade noted changes will be made to add 2019 to the by-laws as recommended by Ms. Anderson. Mr. Amend moved to accept the by-laws with noted amendment. Mr. Murillo made a second of the motion. Chair Wade asked all those in favor of accepting the amended by-laws signify by saying, 'Aye,' none opposed/abstained. Motion carried.

5. Review and discuss requirements of NRS 201.205, 201.358, 441A.300, and 441A.180 pertaining to 2019 Senate Bill 284 and approve next steps for Task Force (*For possible action*)

Chair Wade asked Stephan Page to continue with discussion of the said NRSs. He noted penalties of a person who tests positive for HIV, and possibly lowering the felony charge to a misdemeanor. Chair Wade agrees with recommendation. Mr. Page further gave a description of the charge and statute. Sen. Harris states for the record, the idea of repealing the statute in its entirety, that as a Task Force, they have the option to put this forward. Mr. Murillo asks for clarification on the charges on the statutes. Mr. Page said yes, most are charged as a felony, and they are recommending it be lowered to a misdemeanor. He said the Task Force could also define intentional transmission, or as Sen. Harris recommended, repeal the whole section. Mr. Posada agrees with repealing the whole thing, and maybe rewording or adding an element that if a person is found guilty, go through some sort of education or work program on prevention. Mr. Page said that was a great idea and something the State of California did. He also suggests repealing or rewriting this section of NRS 201.205. Mr. Amend said he would be more inclined to repeal the statute completely, as there are other laws people could be prosecuted under if they intentionally infect someone with any infectious disease. He did not know that a specific statute was needed for HIV. Mr. Page clarified it is NRS 201.358 that pertains to sex workers. Mr. Murillo likes what Sen. Harris suggested in repealing statute and there are other ways to address the issues that are eluded to in this Bill and it may be something for the Task Force to take a look at. Sen. Parks noted he and Sen. Harris have to leave the meeting for another call. Ms. Anderson asked if the meeting is still at quorum; Ms. Buckley confirmed that they were, with seven (7) of nine (9) members still present.

Chair Wade asked if Mr. Amend could make a note for follow up with research, other statutes in relation to NRS 201.205. Mr. Amend said yes, as it was a great suggestion. Mr. Amend also noted they could possibly get a public defender or prosecutor to give testimony and take questions regarding specific statutes. And maybe one of the attorneys who did the work on the memorandum or the other group, as they're knee deep in all of this and would be able to answer our questions and give us a presentation on where they see this working going. Chair Wade asked Mr. Page to make a note on prosecutors or attorneys who he works with, to invite

to be a part of the next meeting or a meeting. Mr. Page said he has reached out to the lawyer at Lambda Legal and has not yet received a response. Chair Wade said he had someone as well he could reach out to. Chair Wade asked Mr. Amend if he had a prosecutor he could contact. Mr. Amend said they may need to reach to someone in the 'Sex Crimes Unit' as in his seven years as a public defender he cannot recall anyone who was charged under the main statute. It's not something commonly charged, so they will have to go to the one unit who has the experience, and that would be the Sex Crimes Unit. But he will also reach out to former colleagues for information on these statutes.

Chair Wade said this all sounds good to him, and if there were any more comments or questions. Chair Wade also wanted to clarify or reiterate with Mr. Amend, not only will they need to get feedback on the statutes, but there have been any cases of prosecutions and if there are any disparities in that. Specifically letters b and e, in the by-laws. Mr. Amend said yes. Vince Collins had a comment on the language stating 'HIV/AIDS', that it is an archaic term. AIDS is a diagnosis, and HIV is the description of the disease. He said the Task Force needs to get more modern language in the health perspective as one is the disease and the other is the diagnosis. And find language that is more consistent. Mr. Page said he likes the idea and asks if they should just remove the word 'AIDS' or did he have another suggestion. Mr. Collins said the word AIDS is the cornerstone of the stigma, and it's not necessary in terms of describing the disease itself. Ultimately is the diagnosis of a very sick person. But in terms of stigma, it is something they would want to be removed. Chair Wade asked Mr. Collins, as far as letter 'b' in the by-laws, if he could research best medical practice language he could find, to back up his suggestion. Mr. Collins said he would look into better language, or a more clinical term. Mr. Posada asked if there would be any legalities removing the name 'AIDS' from the statute, opposed to stating both (HIV/AIDS). Chair Wade said this information is what needs to be brought to the table to help update and modernize the laws. Ms. Anderson noted the Task Force could make alternative recommendations, for instance, delete all and/or if keeping (the language), update the language to be more clinically accurate. Chair Wade next moved to NRS 201.358, which refers to sex workers. Mr. Page said he didn't believe anything new needed to be discussed here as he has already covered everything. He still thinks the charge of felony should be lowered to misdemeanor and they should have a lawyer comment in a future meeting as to the best course of action. But it's up for debate for everyone.

Chair Wade moved on to NRS 441A.300, and asked Mr. Page to lead discussion on this as well. Mr. Page noted this section is an great example in regard to the language previously discussed as it did not mention HIV at all, but uses AIDS only. Where language may need to be changed, is what behavior 'may' cause the spread of diseases. Chair Wade asked Mr. Page if he recommended repealing this section. Mr. Page said, not yet, but he feels it does need to be amended. He is open for discussion or what the group feels would be best. Chair Wade asked if there were questions or comments. Mr. Page said if they are going to repeal 201.205, he sees no reason not to repeal this section. Mr. Collins agreed. Mr. Savvoir agrees in repealing all together. Mr. Page mentions the next section, as it is also relevant, 441A.180, it has similar language, but is not specifying HIV or AIDS. Chair Wade asked Mr. Page if he was suggesting repealing this section as well. Mr. Wade said he did not want to go as far as that, because it could have negative consequences in terms of other diseases. Mr. Amend said he is in favor of keeping the statute the way it is written. Historically it has been used for the Spanish Flu, Ebola, and the same statute used for COVID-19. He does not feel changes to this section would be supported by the public or legislature. Mr. Savvoir, after reading the section and hearing comments, supports maintaining it as it will provide some level of protection to workers. Mr. Murillo agrees with everyone it should be kept, and supports the others to be repealed. Chair

Wade asked if there were any further discussion on this item. He then wanted to note the time of the meeting as 6:13 p.m. as the meeting is scheduled to end at 6:30 p.m. Mr. Amend motions to table Item 5 to the next meeting for further discussion. Mr. Page seconds the motion. Mr. Murillo asks for the next meeting, a list of items or recommendations for each one, to review. Chair Wade said yes. He would ask staff support to create a chart for tasks to be completed under each of the statutes. Chair Wade asks all those in favor of tableing item 5 to the next agenda say, 'Aye', none opposed/abstained. Motion carried.

6. Review, discuss and approve of research on HIV Modernization done by the HIV Modernization Coalition and Silver State Equality (*For possible action*)

- Timeline with benchmarks to complete report by due date
- Is the due date for the report moveable

Chair Wade noted the group will create a timeline with benchmarks to create the work, for the report due Sept. 1, 2020, and asked for any suggestions. Mr. Murillo said he was not sure the Task Force could do a thorough job with one month left. He said they could probably do the task, but did not want to feel rushed to get a complete report done, but could do what they could, and follow up with a supplemental report. Chair Wade asked for clarification. Mr. Murillo suggested to start drafting what a report would look like. Continue conversation and use information from items 5 and 6 of the Agenda in the report, and include this group continue into the next (Legislative) Session. Mr. Page recommends the next few meetings to continue review of the law and recommendations and save the last two meetings specifically for creating the report. Mr. Collins agreed it sounded like a solid timeline. Mr. Murillo asked if staff and attorneys would have enough time to review the draft before submitting, or would they need an additional date as he doesn't know how reports are written and submitted. Mr. Johnson asked Ms. Anderson how much time they would have to submit the report to the Legislature. Ms. Anderson noted from conversation, they Task Force is making a good-faith effort to give the Legislature information by Sept. 1, and the report can indicate you need additional time to give them the information needed and you will be filing a supplement. This way the group is complying with the spirit of the law by getting them something on Sept 1, but perhaps acknowledging all the time constraints and issues that have happened, you want to be sure to give them a thorough report if additional information comes to light. Mr. Murillo asked if a supplemental report is to be given, would that enable the group to work through upcoming months, to be able to give it to the Legislature for action in the 2021 Session. Ms. Anderson said she thinks so, because they'll have the initial report and ultimately they'll be looking at the group's recommendations, and may make other decisions. But the report you will be giving them will offer the framework of issues to be looked at and can be supplemented as you continue to work on those issues you think would need more time. Mr. Posada suggests for the next agenda, to work on specific items for the timeline.

Mr. Johnson suggested to the group that at the next meeting they hammer out the timeline, as he will be going out on medical leave for three months. He is short staffed, the agency is in a hiring freeze so he cannot hire anyone to assist to theoretically help out. So as much information the group can give him and his assistant, to help support and assist them, would be very helpful especially in a tight turn-around. Mr. Page asked if there were any requirements on how the report needs to be formatted. Does it need to be reviewed by anyone prior to submission to LCB? Or do they essentially type the report and submit it right away. Ms. Anderson noted SB 284 (2019) gives the issues they want the Task Force to look at, but it does not suggest a specific format. So the group gets to control it in the way they feel it most persuasive and most informative for the Legislature. That they will rely on the expertise the

group brings to them, but it will also go to public forum so they will be able to give their input as well. Mr. Collins said the group should take advantage in presenting the initial report in a format that is tried and true and maybe reach out to other states or individuals to find out how these changes or proposals might be helpful. Then try to build as much content as possible and work with Tory's timeline. And even though it's an abbreviated report, the group still provides substantial content in terms of the areas we are concentrating on. Mr. Murillo said he feels the deadline is Aug. 1, with Tory going out on medical leave, and to start working on a letter now. Mr. Page rejects the idea (of an earlier deadline). He said Tory's presence is appreciated and has been very helpful. Nevertheless, the work the group is doing and recommendations they are going to make are all of *their* recommendations. As they are doing that, there's no reason they cannot continue this when Tory is not able to attend the meetings. Mr. Murillo clarified his statement in that they continue to work and have something to prepare on Sept. 1 that allows them to continue the work without being rushed. Mr. Johnson wanted to stress the importance of a timeline and they still have access to staff, Rhonda (Buckley) is still available, and there will be another staff member they would have access to. He was trying to lay out a picture of what assistance his staff would be in his absence. He just wanted this to be known. Mr. Page expressed his timeline, of using the next three weeks for working on recommendations and the last two weeks for writing the report. Mr. Johnson noted the meeting is scheduled to cut off at 7 p.m. Chair Wade thanked Mr. Johnson for the time clarification. Chair Wade also said he'd be happy to go over the memo he submitted and have some of those items float over into the timeline for the next meetings. He said there are eight (8) statutes that are listed in the memo, that have not yet been talked about, and could be at the next meetings. Mr. Page asked for clarification referencing information on the memo. Mr. Amend then asked if the source of the memo would be opposed to using the memo as an exhibit attached at the end of their report. Chair Wade said he believes this is Silver State Equality's work document. He believes the answer would be yes, but will get confirmation for everyone. Ms. Anderson thanked the group for their work and appreciated their time, as she needed to leave the call. Mr. Murillo asked Chair Wade if he was suggesting moving item 6 to the following week's agenda. Chair Wade said yes, but also wanted to go over the by-laws, letters a through h, they have done most of that. He feels the group is on task in a lot of ways with the work the HIV Coalition has done and what Silver State Equality will bring to the table. Chair Wade addressed Mr. Page in creating the timeline. Mr. Page said they could do comparisons to a California bill and what they have included in theirs. He will also take ownership to item c of the by-laws. Mr. Posada offered to help Mr. Page in collecting data. Mr. Page also noted dedicating one meeting date, as an agenda item, for a lawyer to be a guest speaker. Chair Wade asked Mr. Johnson, that if a document was created for a timeline, what might that look like. And does it have to go through him or staff for dissemination. Mr. Johnson said yes. Chair Wade asked Mr. Page if he could take this task on. Mr. Page said he guessed he could, but that it would be better if all members worked together to create a timeline for the remaining meetings. Mr. Murillo agreed everyone's input would be better. Mr. Collins asked how the information would be given and who would he be passing it on to. Mr. Page advised Mr. Collins that all documents would be sent to Tory Johnson first, for dissemination. Mr. Collins asked Mr. Johnson what was the latest time he could send documents to him. Mr. Johnson advised just after Wednesday evening's meeting, or by 9 a.m. the immediate Friday, in order to meet the 72-hour advance notice window. Mr. Page asked that if an item is on the agenda and documents are not provided by the 72-hour window, can it still be an agenda item for discussion, just not have action taken on it. Mr. Wade said this would work for him. Chair Wade said the agenda for next meeting, they will look at further discussion of timelines, review of draft minutes of July 8, 2020, have a law

representative, and review of the Sidley memo. Mr. Murillo said he would like to invite Antiocho Carillo and Chris Reynolds, to give a brief presentation on what they are doing in the community and what they have been working on in relation to the Task Force's work. Mr. Posada said he would support this idea. Chair Wade asked if this would be for the next meeting or a meeting in general. Mr. Murillo said it would be before the next meeting. Mr. Posada asked if they would have documents and, if they could get them to Mr. Johnson by Friday. Mr. Murillo said he would find out. Chair Wade asks for a motion to table agenda item 6 to the next meeting. Mr. Amend motions; the motion is seconded by Mr. Posada. The vote for all in favor say, 'Aye,' none opposed/abstained. Motion carried.

7. Public Comment

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Mr. Murillo asked for individual Task Force introductions. Each member announced their name, who they work with, who they work for, and how they are active in their community. Chair Wade asked if there was any public comment to be made and if so, state their name and keep comments to 1 minute in length of time. There was no public comment.

8. Adjournment

Chair Wade asked for a motion to adjourn the meeting. Mr. Murillo motioned for adjournment; Mr. Posada seconds the motion. All in favor say, 'Aye,' none opposed/abstained. Motion carried.

Chair Wade adjourned the meeting at 6:59 p.m.