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SB 284 – ADVISORY TASK FORCE ON HIV EXPOSURE MODERNIZATION

August 26, 2020
5 p.m.

Webex Teleconference

Draft Minutes

TASK FORCE MEMBERS PRESENT:

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

TASK FORCE MEMBERS ABSENT:

DIVISION OF PUBLIC AND BEHAVIORAL HEALTH STAFF PRESENT:

Juan "Tony" Garcia, Grants & Projects Analyst I, Office of HIV
Michael "Thomas" Blissett, Health Program Specialist I, Office of HIV
Rhonda Buckley, Administrative Assistant II, Office of HIV

GUESTS PRESENT:

Brad Sears
Cheryl Radeloff
Chris Reynolds
Marguerite Schauer
Connie Shearer

1. Call to Order, Roll Call – Chair Wade called the meeting to order at 5:01 p.m., and asked Administrative Assistant II Rhonda Buckley to conduct roll call. Nine (9) members 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 was any public comment and if so, state their name for the record, spell it and they have one (1) minute to speak. There was none.
3. Review and approval of meeting minutes of Aug. 19, 2020 (*For possible action*)
Chair Wade asked if there were any revisions/corrections to be made to the minutes. Quentin Savwoir noted he was not present for the meeting; no other changes. Chair Wade called for a vote to accept the minutes with the revision; Sen. Parks seconded the motion. All in favor say, ‘Aye,’ any opposed say, ‘Nay.’ None opposed; motion carried.
4. Presentations concerning work around HIV Modernization in Nevada
5. Update and Make Recommendations to the recruiting/onboarding of additional members – Chair, Andre’ Wade
6. Report Writing – Executive Summary, headers, statutes, themes, etc. (For Possible Action) – Chair, Andre’ Wade
Chair Wade asked members to access reports uploaded to the SB284 Modernization Task Force for review. Guest Brad Sears with the Williams Institute spoke on his contributions to the report, and summarized what he feels are three major points in Nevada Legislative history. He noted when the bills were passed, there was discussion at the committee hearings that no one knew what the impact would be. It was a very new thing in 1987 when the ones applying to sex work (criminal revisions) passed, and still new in 1993. Questions were asked about cost, would it stop the spread of HIV, how many people would be arrested. The repeated answers were, ‘I don’t know.’ And they didn’t know if it was constitutional. Now with 30 years of experience with criminal laws they know for a fact no research shows they actually helped stop

the spread of HIV. He said some research shows for the most vulnerable populations, they actually do the opposite. The second point is the AIDS epidemic looked very different in Nevada in 1987 than it does today. He said in 1987 there were only 84 reported AIDS cases and only two (2) of those were among women, 92 percent were among gay and bisexual men. Of the 84 cases at the time, 60 percent had died, and the thought was AIDS would become more transmittable over time, not less. Today, there are effective treatments that were not around in 1987 or 1993 when the bills were passed. HIV was the leading cause of death after the second bill was passed, in men ages 15-40. Today it's a chronic, manageable illness. There is treatment if people have access to them. And if they can stay on them they can be virally suppressed and not transmit the virus. The third point, which Mr. Sears said may not be so obvious, is, the climate of homophobia in which these laws were passed, both laws, in 1987 and 1993. Crimes relating to sex work passed in 1987, AIDS was identified as a disease of gay men and drug users. Six years later, Nevada is one of the first states without a court order to legislatively repeal a sodomy law. Both this and the second HIV law passed in 1993. He noted in the preamble of the (Nevada) bill, it says because they are repealing the sodomy law, they have to do something about HIV and HIV crimes, because gay and bisexual men (it doesn't say this, there is the sentiment) are vectors of disease. He noted the amount and level of testimony stigmatizing gay and bisexual men, resting on stereotypes – that they're predators, they're sick, diseased, serial killers, runs throughout many of the pages of testimony. Mr. Sears said some of those witnesses came back two weeks later and testified before the HIV crime. One of those who testified in support of the HIV crime, Paul Cameron (who has been discredited by his professional associations and not being a scientist or social scientist), shows his testimony has hatred for gay men. He said at this moment in history, fear of HIV and homophobia are intertwined to such an extent they can't be separated.

Chair Wade thanked Mr. Sears and asked the members if there were any questions for him. Senator Parks thanked Mr. Sears for his presentation.

7. Review and approve timeline with benchmarks, to complete report by due date to legislature (*For possible action*) – Chair, Andre' Wade
Chair Wade motioned to move this item to the next meeting's agenda. Mr. Murillo seconded the motion. All in favor vote, 'Aye,' opposed say, 'Nay.' None opposed; motion carried.
8. Review and discuss research on HIV Modernization done by the HIV Modernization Coalition and Silver State Equality, which includes Nevada Revised Statutes pertaining to 2019 Senate Bill 284 (19SB284) and approve recommendations for the report to the legislature from the Task Force (*For possible action*) – Chair, Andre' Wade
Chair Wade began discussion on the draft of statutory recommendations. Mr. Page began discussion with NRS 174.031 – Recommendation is no change.
NRS. 201.205 – Last week recommendations is to not repeal, but change (felony charge) to a misdemeanor. Mr. Amend questioned if there should any consideration if the alleged victim is a minor considering they can't consent (depending on their age), and if the alleged perpetrator knew they were HIV positive. He could see how this could be a contention of prosecutors at a hearing in front of legislators. He feels it is something they should consider, too. Mr. Collins noted in his conversation with DOC, the intent to charge was added if it was associated with a sexual assault. He said language not only in this statute but in solicitation, look at how they can maybe make the exception of when it's multiple charges. If there's language in the statute that

triggers the intent charge, as a result of an assault charge or a violent crime. Mr. Page asked if anyone knew how other sex crimes related to minors, if there was a clause that they applied differently to minors. Mr. Amend said there were certain laws that minors can be charged with under the age of 18. Sexual assault is one of them, murder is another. NRS201.204 does not apply to minors. They cannot be charged as an adult, but can be charged as juvenile delinquent. He's more concerned about if the perpetrator is an adult and the victim is a minor, especially if it's a minor who can't consent – or if they can consent, at age 16 or 17, to having sex, he doesn't know they should be allowed to consent necessarily to have sex with somebody who's HIV positive. Unless they knew. I don't think they should be allowed to have someone who is HIV positive, period. Chair Wade asked how this would fall in alignment with being undetectable, unable to transmit, intent – regardless of them being a minor and being able to consent. Mr. Collins said as far as he understood, the district attorney would not pursue if it's one person's word against the other in terms of disclosure. As far as minors, they are able to be on prep (prophylaxis therapy), consent and their ability to determine whether or not they want to have sex with a person who discloses their HIV status, people have a right to make that decision by the time they're 17. Mr. Amend suggests asking Mr. Sears if he has an opinion on this or how it's been handled in other states, that when they have reduced or gotten rid of these types of laws how they've addressed the issues of minors. Mr. Sears said he does not think there's any state that has called out modernization that has addressed minors. He said what remains on the book is anything that is a sex crime in Nevada will remain a sex crime. Mr. Amend said one thing that's unique to Nevada, is the age of consent is 16. So although they can consent to have sex at the age of 16 or 17, he has a concern because they're still minors. Because of their status as a juvenile, there should be additional protections for them. Mr. Page said how he sees it, if it's consensual sexual relationship where a minor is involved we are trusting that minor at the age of consent to engage in sex. We therefore should also trust that minor to consent to sex with a person living with HIV. He feels it may be more of a critique of the sexual education in the state, and not a critique of this law. Connie Shearer added if we are going to worry about 13-year-olds having sex, we need to address also they can be tested for HIV, so if we're going to trust them to be tested for HIV at 13, we need to be aware of that and realize any law impacting that could also affect their ability to be of sound mind and consent to getting their own test and pregnancy test and things like that. Mr. Sears said these are great points, there is a requirement of intent to transmit the virus or (and) conduct that is likely to transmit the virus. Mr. Page asked Mr. Sears if he was recommending 'and' instead of 'or' in the statute. Mr. Sears said yes, in following general principles of criminal law. Chair Wade asked Mr. Page if the Task Force is good to go on this statute. Mr. Page feels it's fine as is, but that's his opinion. Chair Wade asked Mr. Amend if he had any thoughts. Mr. Amend said his mind is not made up, he'd like to hear from a prosecutor who prosecutes these types of crimes. Mr. Page asked if it was okay to move on and come back to this statute. Chair Wade said yes. Mr. Murillo asked before they move on, if using consistent language in their recommendations should be considered. Mr. Page said he is okay with that. Mr. Page was editing so it would be final in the final draft. Mr. Collins if they had discussed the penalty portion of the statute, as a recommendation to reduce it, and have they agreed on it. Mr. Page said it seemed they were in agreement at the last meeting, and if they were in disagreement to say so now. Chair Wade noted the Center for HIV Law and Policy recommends moving the fine from \$10,000 to \$1,000 and maximum term to not more than ten (10) years, to six (6) months and imprisonment in county jail instead of state prison. Ms. Schaurer noted for everyone's information that was taken from Nevada law for a simple misdemeanor. Mr. Page noted if this is what State law said he's okay with the recommendation. Chair Wade asked if there were thoughts from anyone

else. Mr. Page said he appreciates what Mr. Sears said about the use of the word ‘and,’ and if they wanted to use that as an additional recommendation. Chair Wade said he was having audio difficulties during this part of the conversation and asked Mr. Page to identify where the or/and section was mentioned. Mr. Page read the statute, and noted Mr. Sears recommendation. Mr. Sears added this is consistent with other (state’s) modernization efforts. Ms. Schauer directed the member’s attention to the CHLP draft as there is a lot of proposals for this statute regarding changes and wanted the Task Force to use the recommendations in the document. Mr. Page asked Chair Wade if he should go through the document again, and Ms. Schauer go through the document and give their recommendations one by one. Chair Wade said they’ll go through the recommendations one by one and where appropriate Ms. Schauer can chime in. Or whomever. Mr. Sears said he fully supports the elements Ms Schauer outlined.

Mr. Page continued to NRS 201.354 – recommended no change as it pertains to prostitution and does not mention HIV. Ms. Schauer recommended on this statute, CHLP’s document is not making recommendations as she is not personally comfortable suggesting, that this statute is beyond the scope of HIV criminal laws being addressed at the time. Mr. Page continued to NRS 201.356 – Mr. Page noted the Task Force has not yet decided on this statute; there are three (3) different options. Optoin one, his recommendation, is to completely remove the \$100 fine for the HIV test. Another possibility was suggested at the last meeting, is instead of removing the fine, changing the \$100 to the actual cost of the test. The third recommendation is no change at all to the statute. Mr. Collins noted his dicussssion with DOC, their practice is when a person is arrested on solicitation they are not required to take an HIV test even though it’s on the statute. Mainly because there can be more than 50 individuals they would need to process, so the practice is, they’re in and out once they’re detained. And it’s only if the individual requests the test or if they have assault charges connected to another charge. Mr. Collins said he feels they should get rid of the fine. Mr. Amend said it’s not a fine it’s a reimbursement of cost. Mr. Collins agreed. Mr. Amend said he would be worried about leaving it open ended to say they have to pay for the actual cost of the test because it may include drawing of the blood, hiring the person to do that – which could be more than \$100. He said this cost was set a while back and he could see now how they could add in other factors it could be more than \$100. Chair Wade asked Ms. Schauer to clarify that the CHLP is recommending repealing mandatory HIV testing for sex workers following arrest for prostitution. Ms. Schauer said yes, it is CHLP’s recommendation. The mandatory testing is an HIV specific law (garbled words) were overly punitive. Mr. Page said he supports Ms. Schaur’s recommendation and they don’t administer the test to everyone. To be in alignment with modernization they should repeal the test entirely and they may not be opposed to since they’re not administering it to everyone. Mr. Sears supports repeal of this section, as well. Mr. Murillo talked about taking this to the legislature, and just because it’s not being enforced doesn’t mean there might not be some pushback. Mr. Posada asked if this was being documented because if there was anything, it would help justify their recommendation. Mr. Collins said the short answer is, ‘no.’ But to look at the data of individuals who are arrested for solicitation you won’t find data that connects with testing. Those who request to be testing are followed up with Southern Nevada Health District. Senator Harris said it’s a good point there are violent crimes where they might want to actually want to have people tested for that intent element. If the Task Force is thinking about getting rid of this requirement, they to want to carve out these types of violent crimes. This may also minimize the chance of there being any pushback, she said there will be pushback, but it may help mitigate some of the pushback. She said they may want to leave space for heinous violent crimes where it’s not just sex work, it’s a power trip, an assault, serial issue. Ms. Radeloff asked if solicitation is just for people offering or selling sexual services, or those who

are offering to purchase sexual services. Mr. Amend said it does apply to both. More often the sex worker is arrested and not the ‘John,’ whether it be because of stings or whatever. Occasionally ‘Johns’ are arrested and charged with solicitation also. Mr. Collins said more than likely if they’re charging you with solicitation they will not be testing (the person). Chair Wade said to clarify, there would be four recommendations: removing the \$100 fine; change the actual cost of the test; no change; and repealing. He said per Senator Harris’ suggestion, the recommendation should carve out heinous violent crimes. Chair Wade said they will circle back and vote on some of the recommendations. Mr. Page asked if there is a statute that if you do rape or sexually assault someone you have to be tested for HIV or any other STD as there may be another statute for that and if there is, repealing this statute would be okay. Senator Harris said that is a good point as this section is just about prostitution and solicitation and they can agree that is not an instance that would need someone tested and move forward with the repeal. She feels the members should do their research on whether that’s required and if not maybe just add it, in order to couple it with the suggested change. Mr. Page said the recommendation could be repealing the statute then recommending that statutes are analyzed to ensure there is a state statute that would mandate an STD test for some who commits a violent sexual crime. Mr. Amend suggested leaving this part out of it. Mr. Page asked if they should recommend repeal, he is in support of it. Mr. Collins said he was in support as well. Chair Wade said they will circle back and get final votes on it and asked Mr. Page to go to the next NRS.

Mr. Page addressed NRS 201.358 – He noted this is a statute that was changed at the last meeting. They originally recommended to change the statute, but after Ms. Schauer’s recommendation during the last meeting, they decided to change that recommendation to complete repeal and that’s where the recommendation stands at this time. Chair Wade read a note from the CHLP that they recommend the statute be repealed. However, anyone engaging in any form of legal employment including legal sex work violates federal disability anti-discrimination law and prohibition should be repealed. Ms. Schauer clarified the statement, saying the recommendation on NRS 201.354 was different than what is being discussed on the current statute. Mr. Murillo asked Mr. Page in looking at the recommendations state the language so it is similar to others. Mr. Page said, noted and thank you.

Mr. Page moved to NRS 209.385 – the recommendation has not changed since the last meeting. That they find some issue with the term ‘segregated’ as they don’t know if it means solitary confinement or something else. And they have an issue with the Department of Corrections having wide authority to decide what is risky behavior in terms of behavior that is likely to transmit. Chair Wade noted a submission from CHLP strongly urges the Task Force to consider repealing the statute that singles out people living with HIV. Ms. Schauer noted the last comment where they raised discrimination of, disability discrimination concerning as far as it being legal for everyone other than those living with HIV to engage in sex work in Nevada. She noted as far as segregation, and various scenarios, it didn’t matter. It’s still discrimination. They recommend the entire statute be repealed. Mr. Collins noted his conversation with DOC the practice is not to apply segregation in the jails. At least in the city jails, and he needs to confirm that in terms of prisons. He said to repeal it. Mr. Sears also said it should be repealed. And that for inmates, it could mean not having access to job programs, rehab meetings, things they get points or money for to help them get out of prison. Often segregation means longer sentences, and it gives the correctional officers a power that can be misused. Mr. Posada made a comment, which was garbled. Mr. Collins mentioned the state has a comprehensive program installed in jails, so when they are released they are connected to resources. Mr. Posada asked if this was like a reentry program. Mr. Collins replied yes, and gave an example. Mr. Reynolds wanted to

clarify, there is a big difference between Clark County Detention Center and the Nevada Department of Corrections. It is a lawsuit within the Nevada DOC Mr. Posada was talking about. And there are differences in testing, how and when they are tested. With no other questions, Chair Wade moved to the next statute.

Mr. Page read NRS 441A.160 – He said his recommendation was no change, question mark. He had an issue with the power of public health authorities, and maybe the Task Force should discuss further. Ms. Schauer said due to limited time, the CHP had no recommendation. Mr. Page asked if they could come back to this NRS. Mr. Amend recommended they don't make any recommendations on this item. Chair Wade asked Mr. Page to go forward with the next item.

NRS 441A.180 – Mr. Page noted they recommended no change as it has to do with health authority and any communicable disease, not just HIV specific. Ms. Schauer noted this statute seemed overbroad, so the recommendation of the CHP was use of 'any communicable disease' language. They also changed the language to where there is a significant likelihood of transmission also to make it less broad. Mr. Page agreed with the recommendation. Mr. Amend said he had no problem with the way it was originally written, when you think about Hepatitis A and food service workers, it's not an airborne disease, it's highly communicable. He said the safeguard to this is have a health authority evaluate, give them a violation, tell them what behavior they're doing to put other people at risk and give them a warning not to do it. Only then can they charge them with a misdemeanor afterward. Ms. Radeloff said Mr. Amend made a good point when you have Hep A and other diseases through environmental health, you have concerns with restaurant providers but you have to have some authority with public health to do investigations and they could be linked with occupations. Mr. Sears agreed the provision is overbroad and it has more to do with the occupation, not the individual. Chair Wade commented the recommendation is changes in section one, and striking section two altogether. Mr. Amend said he only issue he has is it states it must be an airborne communicable disease. He would leave it as a person who has a communicable disease, and strike the information about occupations. Mr. Sears had a question for Ms. Schauer, that if airborne is taken out, what about leaving the word 'serious.' Ms. Schauer said serious is better than it being applicable to any disease. Serious is better than nothing. Mr. Amend said the only problem he had with serious is it is really vague. Maybe there is another way to describe it. It is so subjective to a jury it doesn't give anybody the opportunity to make sure they don't violate the law. Chair Wade asked Ms. Radeloff if she had examples or suggested language to get on the discussion around serious. Ms. Radeloff said she had been thinking about the term serious and other diseases that may not be airborne, such as Norovirus, Legionella, she's not sure what to say, but in terms of airborne. Mr. Sears noted a similar law in California – definition of infectious or communicable disease – Communicable disease means a disease that spreads from person to person, directly or indirectly, that has significant public health implications. Ms. Shearer asked if they could use something to the effect of transmissibility or risk of transmissibility. Ms. Schauer noted they did suggest language adding on the tail end, that this should only apply to conduct that has a significant likelihood of transmitting the disease. Although they would not want this applied to all diseases. Mr. Reynolds said the Task Force should only be dealing with HIV, so why is discussion about other diseases and changing language referencing other diseases. Mr. Page said HIV is a communicable disease so the statute does apply to HIV. Mr. Amend said it does, but the intent of the statute it's the powers of the health department. He thinks that by taking out HIV specifically, it's because it stigmatizes HIV. Mr. Reynolds agreed it's about the power of the health authority and maybe make a recommendation to the health authority to maybe take out HIV and leave it as communicable diseases. Mr. Amend said he

has no problem with taking out HIV as it is a communicable disease. Ms. Radeloff agreed with what was said by Mr. Reynolds and Mr. Amend. Mr. Page wanted to clarify if it was a recommendation to adding something to the statute saying it cannot apply to HIV. Senator Harris said the recommendation was to have the health district take a look at removing HIV, not for us to recommend it in the statute. Mr. Amend said he was under the impression it stated HIV, but if it doesn't, recommends no changes to the statute. Ms. Shearer agrees with Mr. Amend. Chair Wade noted what is on the table is recommended no change. Mr. Posada asked if they were still on NRS 441A. 180, Chair Wade said yes. Mr. Posada also recommends to leave as is. Mr. Collins agreed. Chair Wade asked Mr. Page to go to the next NRS.

NRS 441.230 – Mr. Page said they recommended no change (as it does not mention HIV).

NRS 441.300 - The recommendation was to repeal. He noted the CHLP agreed.

NRS 441.320 – Mr. Page noted the only issue with this statute was the mention of the phrase HIV and STDs. The recommendation is to amend to read only STDs.

NRS 441A.910 – The recommendation is no change. Mr. Murillo noted he needed to leave the meeting. Mr. Posada said he is fine with leaving as is, providing it does not change the fee or time in jail.

NRS 441A.195 – Mr. Page referred to purpose of statute. The recommendation is to amend the statute by adding an additional subsection for clarification. Mr. Posada said the statute is also part of public health and safety. Mr. Amend said he is not inclined to make any changes on this. And to maybe look into it further. Mr. Page wanted to note Ms. Schauer's recommendation that instead of mandating the police officer petition the court for the violator to be tested for HIV, the police officer themselves could be tested for HIV. Ms. Schauer agreed with Ms. Schauer's recommendation. Ms. Schauer wanted to note in addition to that thought, the draft language document also provides an alternative way to try to possibly accomplish what the Task Force was wanting to accomplish as far as considering method of transmission. And they did this by adding a sentence to the subsection about where a judge needs to determine if there was probable cause to believe there was transfer of bodily fluid, that also away to accomplish for the court to determine there was probable cause to the there was actually any likelihood of transmission. Mr. Sears agreed. Mr. Reynolds asked if this statute specifically mentions HIV. Mr. Page said no, it refers to communicable disease. Mr. Amend said the one safeguard he sees in this is the person may petition the court to have testing if the person may have exposed the officer, EMT, firefighter ... it has to show they have the possibility of exposing them to the communicable disease. Mr. Posada said since it does not include HIV (remaining comment garbled). Mr. Amend read part of the statute, and said there a lot of safeguards in the statute already. Ms. Schauer noted when courts hear exposure or transfer, it's not scientific. Chair Wade said they will leave this statute as is for now. Chair Wade went back through some of the earlier recommendations – NRS 201.205, for the report, put forth their recommendation then outline what Mr. Amend's secondary recommendation is. He asked for a vote on the two measures for the statute. The recommendations are not to repeal, but have the charge be a misdemeanor designation. However Mr. Amend brought up concerns about the applicability of if a minor is involved, so he recommended talking to a prosecutor, doing more research. Chair Wade said what is on the table is this charge be a misdemeanor with the caveat of talking to a prosecutor in how this relates to a minor, if a minor is involved. Mr. Amend said what the Task Force could vote to make a recommendation on this or not. He would abstain because he doesn't have all the information he needs to make a recommendation. Mr. Page noted Mr. Sears' recommendation changing 'or' to 'and.' Chair Wade also noted the change of the charge from \$10,000 to \$1,000. He also asked the Task Force if they've had a chance to review the recommendations by the CHLP. Chair Wade moved to vote to recommend section 201.205 be

designated a misdemeanor as part of their recommendation; Mr. Page seconded the motion. All in favor say, ‘Aye,’ any opposed say, ‘Nay,’ none opposed. Mr. Amend abstained. Motion carried. Mr. Page introduced a motion to change the language that conditions list be changed from ‘or’ to ‘and.’ Mr. Posada seconded the motion. All in favor say, ‘Aye,’ opposed say, ‘Nay,’ there were none; motion carried. Chair Wade went on to NRS 201.356 – Mr. Sears commented on transmission, and specific intent. Chair Wade should they have time they will come back to his comment. Mr. Page said Mr. Sears’ comment was substantial to the statute, and did not see why they would need to make recommendations on it (NRS 201.205) at this time. Mr. Page noted Ms. Schauer’s recommendations were important and hope they will have time to go over them, at some point. Chair Wade asked Ms. Schauer to go over the recommendations on this statute. Ms. Schauer noted adding elements of the offense, the specific intent to do harm, conduct that poses risk of transmission, and actually transmitting, and she failed to put ‘and’ in the comment. She also made the change instead of saying intentionally, knowingly or willingly of willfully, saying intentionally. That this is the standard for states to not be broad enough not to cover just acting with knowledge. She then said as far as defenses go, the statute provided one defense with three pieces. That it goes to the knowledge of the victim; they kept that in and added an additional affirmative defense for using, for attempting to use practical means to prevent transmission. And just saying this does not affect a person’s right to bring a common-law defense. Saying also that although they provided this affirmative defense for using a practical means to prevent transmission, that not using a practical means to prevent transmission is not enough to prove intent. Then clarifying that this does not apply to different situations involving pregnancies and people living with HIV as well as attempts to or actually donating organs, blood, tissue. She felt adding the definition of practical defense was important, and another definition that was added that defines one of the elements of the offense that is proposed, engaging in conduct that poses a substantial risk of transmitting, that also is defined and also is important to say it refers to conduct that has a high probability. Mr. Posada said this is an important statute and did they have time to vote on the submission by CHLP. Ms. Schauer wanted to point out the definitions she mentioned start on line six (of the document). Mr. Page asked Ms. Schauer if they would be allowed to submit this document along with their report. Ms. Schauer said she approved of that. Mr. Collins asked if this was as a reference or a potential recommendation. Mr. Page said it would be good to include under their statutory recommendations, as an attachment. Mr. Posada asked if they would be making a motion on this action. Mr. Page said it would be best to go through and review the document first. Mr. Amend said a motion to adopt lines six (6) through forty (40) as a recommendation for NRS 201.204 and NRS 201.205 understanding coupled with the two prior motions and make it a recommendation. Mr. Page said instead of recommending section by section, once they go through the entire document, they could make a motion to add the entire document to their recommendations. Chair Wade asked the Task Force members, how did they want to move forward with getting to some sense of recommendations for report with the caveat that they can make note that they haven’t either come to full agreement or want more research done, and finally that they would follow this up with an amended report. He asked how they wanted to move forward. Mr. Page said it would be valuable for them to go through the entire document and make decisions on it. He said a possible idea is to submit the recommendations and the document he has already written up, then also submit the document from CHLP, and let the LCB decide what is best with the recommendations. Mr. Amend recommends to have set a meeting for the following week and then finish it up and turn it in. Chair Wade asked for thoughts on Mr. Amend’s recommendation to meet the following week. Mr. Savvoir said he was good with meeting the following week. Mr. Posada agreed. Mr. Page

asked how the Task Force would be submitting the report. Did they know who to submit it to and how to submit it to the LCB and the governor. Chair Wade said his thoughts were to ask staff to compile this into a readable form and handle the submission. He asked Mr. Garcia for his thoughts on this. Mr. Garcia said yes, we could do that. But he needed clarification as to when he wanted it done. Chair Wade clarified that regardless of when they submit (the report), the question is that staff would put the report together and submit, but they are also talking about scheduling a meeting for the following week to finalize everything. Mr. Garcia said that was fine. Mr. Sears commented on NRS 201.205 and based on the discussion held, in terms of writing the report with those two locked in, even if they saved discussion for the next meeting, it sounded as if the report could be generated. Mr. Collins asked Chair Wade if that was he was trying to do in terms of finalizing some of the language in trying to submit the report. Chair Wade said yes, essentially this is what he was hoping to do, but ran out of time trying to get a consensus around it. Chair Wade said he wondered if it were easier at this point, to meet the following week, to Mr. Amend's point, and flush out the final thoughts on things. Mr. Collins said by meeting the following week would be for the sole intention of construction a final draft. Chair Wade said technically, yes. Mr. Amend noted for Mr. Page's paper and recommendations, he knows how everyone feels on each of the sections, so if he wanted to just amend his with everything they have discussed he thinks it would easier to just go through them the following week. Mr. Page said this was the idea he was getting to. To submit the draft he already made, and on top of that, submitting the document from Ms. Schauer as another option of recommendations. Chair Wade asked Senator Parks for his thoughts. Sen. Parks said he was leaning toward submitting a preliminary recommendation then reconvening to work at cleaning it up for afterwards and go from there. Mr. Posada said he agrees with Mr. Amend, (remaining comment badly garbled). He repeated he's okay with meeting the following week to finalize the report. Chair Wade asked if members were available Monday, Aug. 31. Mr. Blissett advised Chair Wade it could not be Monday. The soonest they could turn around the agenda for OML posting, then meet, would be Tuesday, Sept. 1. The agenda must be posted by 9 a.m., Thursday, Aug. 27 with meeting time/date information, in order to meet Tuesday, Aug. 31. Mr. Page noted whether the meeting was Aug. 31 or Sept. 1, the report would still be late as it may take time for the Office of HIV to compile all of the information. With that said, he suggested keeping the meeting date of Wednesday, Sept 2, to continue working on the report. Chair Wade asked for Mr. Collins' input. Mr. Collins said he was okay with meeting Sept. 2 at 5 p.m. Chair Wade asked of staff were available that day/time. Mr. Garcia and Ms. Buckley are; Mr. Blissett is not, but asked Chair Wade when he would start sending information to staff for them to compiling and cleaning up for the Task Force. The quicker staff get the information the more of a finished document they will have for the following week. Chair Wade noted there were other sections of the report he could send to be compiled, and leave off the pertinent recommendations section to submit later.

Chair Wade moved for the Task Force to meet Sept. 2, 2020 at 5 p.m.; Mr. Collins seconded the motion. All in favor say, 'Aye,' any opposed say, 'Nay.' None opposed; motion carried. Chair Wade asked about items for the agenda, aside from going through the report. There were no other items.

9. Review and discuss next meeting's agenda – Chair, Andre' Wade

Chair Wade moved to include report writing for the following agenda; Mr. Amend seconded the motion. All in favor say, 'Aye,' any opposed say, 'Nay.' None opposed; motion carried. Chair Wade motioned to add Update and Recruiting/onboarding of additional members to the Task Force to the agenda; Mr. Page seconded the motion. All in favor say, 'Aye,' opposed say

‘Nay.’ None opposed; motion carried. Chair Wade motioned to add discussion of frequency of meetings on an on-going basis to the next agenda; Sen. Parks seconded the motion. All in favor say, ‘Aye,’ any opposed say, ‘Nay.’ None opposed, motion carried.

10. 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 was any public comment to be made and if so, state their name and keep comments to one (1) minute in length of time. There was no public comment.

11. Adjournment

Chair Wade motions to adjourn the meeting; Mr. Amend seconded the motion. All in favor say, ‘Aye,’ any opposed say, ‘Nay.’ None opposed; motion carried. Chair Wade adjourns the meeting at 7:14 p.m.