

TASK FORCE ON HUMAN IMMUNODEFICIENCY VIRUS EXPOSURE MODERNIZATION

BYLAWS

ARTICLE I AUTHORIZATION AND PURPOSE

Section 1: Authorization

1. The Division of Public and Behavioral Health, Task Force on Human Immunodeficiency Virus (HIV) Exposure Modernization (TFHEM) is authorized by 2019 Senate Bill 284 (19 SB284). See Exhibit I.

Section 2: Purpose

1. Mission
The Division of Public and Behavioral Health, Task Force on HIV Exposure Modernization will conduct a comprehensive examination during the 2019-2020 legislative interim of the statutes and regulations in this State related to the criminalization of exposing a person to the human immunodeficiency virus (HIV). This bill requires the Task Force to submit a report of its findings and recommendations to the Governor and the Legislative Counsel Bureau not later than September 1, 2020.
2. Under 19 SB 284, the specific duties and responsibilities of the Council are:
 - a. Identify, review and evaluate the current statutes and regulations of this State that criminalize exposure to HIV;
 - b. Research the implementation and impact of such statutes and regulations, including without limitation, quantifying their impact through the analysis of the records, information, and data relevant to this State to the extent possible;
 - c. Identify any disparities in arrests, prosecutions or convictions under such statutes or regulations related to race, color, sex, sexual orientation, gender identity or expression, age or national origin;
 - d. Evaluate current medical and scientific research with respect to the modes of HIV transmission implicated by such statutes and regulations;
 - e. Identify any court decisions enforcing or challenging such statutes and regulations;
 - f. Assess developments occurring in other states and nationally with respect to modernizing HIV criminalization laws.
 - g. The Task Force may make recommendations concerning any matter relating to the review and evaluation pursuant to subsection 10, including, without limitation, recommendations concerning proposed legislation, proposed regulations and policies.
 - h. The Task Force shall, on or before **September 1, 2020**, prepare and submit a report of the activities, findings, and recommendations of the Task Force to:

- i. The Governor;
- ii. and the Director of the Legislative Counsel Bureau for transmittal to the 81st Session of the Legislature.

ARTICLE II MEMBERSHIP

Section 1: Appointments

1. The Department of Health and Human Services shall provide the Task Force with such staff as is necessary for the Task Force to carry out its duties pursuant to this section.
2. The Chair and Co-Chair of the State of Nevada Task Force on HIV Exposure Modernization and the State of Nevada's Governor appointed designee.

Section 2: The following members appointed by the Governor:

1. Appoint not more than 15 members to the Task Force ensuring that the majority of the members are:
 - a. Persons who are living with the human immunodeficiency virus (HIV), affected by HIV or acquired immune deficiency syndrome (AIDS);
 - b. Or persons who represent an occupation, organization or community that is more affected or more at risk of being affected than the general population by the current statutes and regulations of this State that criminalize exposure to HIV.
2. The Speaker of the Assembly and the Majority Leader of the Senate may each recommend to the Governor the appointment of one Legislator to the Task Force.
3. At the first meeting of the Task Force, the members of the Task Force shall elect a Chair and a Vice Chair by majority vote.
4. A vacancy occurring in the appointed membership of the Task Force must be filled in the same manner as the original appointment.

Section 3: Additional membership:

1. The Task Force shall solicit input from persons and non-governmental agencies with expertise in matters relevant to the Task Force in carrying out its duties pursuant to this section, including, without limitation, persons, organizations and communities that are directly affected by the current statutes and regulations of this State that criminalize exposure to HIV or mandate HIV testing or disclosure as part of any civil or criminal law, or are likely to be affected by any law or policy recommended by the Task Force.

ARTICLE III VACANCIES

Section 1: Absences

1. Three (3) absences from regularly scheduled meetings within any twelve-month period without sufficient or overriding reason will be considered unexcused absences and may constitute grounds for the Task Force recommending the member's removal from the Task Force on Human Immunodeficiency Virus (HIV) Exposure Modernization.
2. At each regularly scheduled meeting, absent members will be noted as either excused or "currently unexcused". The Chair and Co-Chair will determine at the next scheduled meeting if the member's absence was excused or unexcused.
 - a. An excused absence includes, but is not limited to, an unexpected occurrence or emergency with health, family, or employment that would prevent the member from attending the meeting.
 - b. An unexcused absence includes, but is not limited to, lack of communication (no contact) with the Chair or Administrative Assistant.
3. Unless an absence is the result of an emergency or unexpected occurrence, members who cannot attend a regularly scheduled meeting must give written prior notice (letter, memo, or e-mail) to the Chair or co-chair no less than two (2) business days prior to the meeting. Failure to do so will result in an unexcused absence.

Section 2: Resignations

1. When a member resigns from the Task Force, a resignation notification shall be submitted to the Chair of the Task Force, via standard mail or electronic mail.
2. Resignations should not be submitted directly to the Division of Public and Behavioral Health (DPBH). Vacancies created by resignations will be filled as outlined in Section 6: Filling Vacancies

Section 3: Filling Vacancies

1. Council vacancies for members other than State representatives are filled by the following process:
 - a. The assigned DPBH staff member(s) to the Task Force shall maintain an active and secure file of interested applicants from which to draw in the event of Council vacancies.
 - b. The Task Force shall nominate candidates from the pool of applicants.
 - c. A majority vote by the Council shall determine recommended candidates.
2. Appointment is official when the Governor or his or her designee approves recommended candidates.
3. The Council shall not discriminate in any regard with respect to age, race, creed, color, sex, sexual orientation, marital status, religion, national origin, ancestry, pregnancy, parenthood, custody of a minor child, physical disability, or mental disability.

**ARTICLE IV
REIMBURSEMENT**

Section 1: Compensation

Members of the Council serve without compensation and are not entitled to per diem and travel expenses.

**ARTICLE V
MEETINGS**

Section 1: Frequency of Meetings

1. The Division of Public and Behavioral Health Task Force on Human Immunodeficiency Virus (HIV) Exposure Modernization shall meet at least once a month.
2. Special meetings of the Council may be called at any time by the Chair or by a quorum of Council members.

Section 2: Open Meetings

1. All meetings of the Council shall comply with the requirements of the State of Nevada Open Meeting Law.
2. A Public Comment item shall be included on each agenda to allow members of the public to address the Council.

Section 3: Requesting Tapes or Transcripts of Meetings

1. All requests for tapes or transcripts of Task Force on HIV Exposure Modernization meetings will adhere to established policy and procedures.
2. Requests should be directed to the Division of Public and Behavioral Health (DPBH).

**ARTICLE VI
QUORUM**

1. A quorum will consist of a majority of the members of the Council (one-half plus 1 of the total membership).

**ARTICLE VII
VOTING**

Section 1: Quorum Present

1. Voting shall occur only when a quorum is present. A vote of a majority of those present is required to carry a motion.

Section 2: Conflict of Interest

1. Members shall abstain from voting on issues that relate to a possible conflict of interest, e.g., funding to a program in which they are a salaried employee or a member of the governing or advisory board.
 - a. A record of abstentions shall be part of the minutes.
 - b. Agencies or programs with which Council members are directly employed or affiliated may not apply for or seek funding from the Council.
2. Members shall not use their position on the Council to influence other members or the Council as a whole to award funding or give privileges, preferences, exemptions, or advantages to specific agencies or programs with which they are directly employed or affiliated.
3. Members must disclose their employment or affiliation with specific agencies or programs when business related to such agencies or programs is set before the Council for deliberation.

ARTICLE VIII GRIEVANCES

Section 1: Grievance Rights

1. Grievances are limited to deviations from or violations of the bylaws established by the Division of Public and Behavioral Health, Task Force on Human Immunodeficiency Virus (HIV) Exposure Modernization.

Section 2: Grievance Procedure

1. The grievance process will be fair, impartial, and responsive to all parties.
2. A grievant shall not be discriminated against, nor suffer any retaliation, as a result of filing or participating in the grievance process.
3. A complaint or grievance must be submitted to the Chair, who will appoint a Grievance Committee consisting of at least three (3) members of the Council, within 30 days of the date of receipt in writing of the grievance.
4. The Chair shall advise the Council of grievances at the next scheduled Council meeting.
5. In the event the grievant does not agree with the Grievance Committee's final decision, the grievant may appeal to the Council as a whole within 30 days of the constructive receipt of the Grievance Committee's decision.
 - a. In such cases, the Grievance Committee will bring the formal recommendation before the Council at the next regularly scheduled Council meeting, which will be presented as an agenda item.
 - b. The Council will then, by majority vote, agree or disagree with the Grievance Committee's formal recommendation in determining the final action regarding the grievance.
 - c. The grievant may attend in person, or if not in person, elect to submit a letter on his or her behalf.

**ARTICLE X
AMENDMENTS**

Section 1: Amendment or Repeal

1. The initial draft Bylaws will be provided to members at least seven (7) days prior and public notice has been provided at least three (3) days before the initial Council meeting.
 - a. The Bylaws will be voted on by a majority vote at the initial meeting.
2. The Bylaws may be amended or repealed at any regular meeting of the Council by a majority vote of the quorum, provided that a written notice of proposed change(s) has been submitted to each member at least seven (7) days before said meeting and public notice has been provided at least three (3) days before said meeting.
 - a. Proposed amendments shall be received by the Administrative Assistant to the Council and circulated to the members of the Council at least seven (7) days before said meeting.

**ARTICLE XI
FUNCTIONS NOT SPECIFICALLY COVERED BY THESE BYLAWS**

1. Section 1: Rules of Order
Any necessary functions not specifically covered by these bylaws will be covered by Robert's Rules of Order, Revised (current version).

THESE BYLAWS WERE Approved July 15, 2020 AND REMAIN IN EFFECT UNTIL AMENDED OR REPEAL.

Exhibit I

Senate Bill No. 284—Senators Parks, Brooks, Spearman; Cancela, Denis, Dondero Loop, D. Harris, Ratti, Scheible and Woodhouse

Joint Sponsors: Assemblymen Thompson;
Carlton and Spiegel

CHAPTER.....

AN ACT relating to medical conditions; creating the Advisory Task Force on HIV Exposure Modernization; setting forth the duties of the Task Force; and providing other matters properly relating thereto.

Legislative Counsel’s Digest:

This bill creates the Advisory Task Force on HIV Exposure Modernization appointed by the Governor. This bill requires the Task Force to conduct a comprehensive examination during the 2019-2020 legislative interim of the statutes and regulations in this State related to the criminalization of exposing a person to the human immunodeficiency virus (HIV). This bill requires the Task Force to submit a report of its findings and recommendations to the Governor and the Legislative Counsel Bureau not later than September 1, 2020.

EXPLANATION – Matter in *bolded italics* is new; matter between brackets ~~omitted material~~ is material to be omitted.

WHEREAS, Multiple peer-reviewed studies demonstrate that human immunodeficiency virus-specific laws do not reduce risk-taking behavior or increase disclosure by people living with or at risk of contracting the human immunodeficiency virus (HIV), and there is increasing evidence that these laws reduce the willingness to get tested; and

WHEREAS, Antiretroviral medications can reduce the human immunodeficiency virus to undetectable levels and reduce the risk of transmitting HIV to near zero; and

WHEREAS, Nevada has implemented multiple statutes that impose penalties on people with HIV who know their HIV status and potentially expose others to HIV; now, therefore,

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

Section 1. 1. The Advisory Task Force on HIV Exposure Modernization is hereby created.

2. The Governor shall:

(a) Solicit applications for appointment to the Task Force; and



(b) After considering each application received pursuant to this subsection, appoint not more than 15 members to the Task Force ensuring that the majority of the members are:

(1) Persons who are living with the human immunodeficiency virus (HIV), affected by HIV or acquired immune deficiency syndrome (AIDS); or

(2) Persons who represent an occupation, organization or community that is more affected or more at risk of being affected than the general population by the current statutes and regulations of this State that criminalize exposure to HIV.

3. The Speaker of the Assembly and the Majority Leader of the Senate may each recommend to the Governor the appointment of one Legislator to the Task Force.

4. At the first meeting of the Task Force, the members of the Task Force shall elect a Chair and a Vice Chair by majority vote.

5. A vacancy occurring in the appointed membership of the Task Force must be filled in the same manner as the original appointment.

6. The Task Force shall solicit input from persons and nongovernmental agencies with expertise in matters relevant to the Task Force in carrying out its duties pursuant to this section, including, without limitation, persons, organizations and communities that are directly affected by the current statutes and regulations of this State that criminalize exposure to HIV or mandate HIV testing or disclosure as part of any civil or criminal law, or are likely to be affected by any law or policy recommended by the Task Force.

7. The Department of Health and Human Services shall provide the Task Force with such staff as is necessary for the Task Force to carry out its duties pursuant to this section.

8. The members of the Task Force serve without compensation or per diem allowance. A member may receive reimbursement for travel expenses if sufficient money collected pursuant to subsection 9 for the Task Force to carry out its duties is available.

9. The Task Force may apply for any available grants and accept any gifts, grants or donations to assist the Task Force in carrying out its duties pursuant to this section.

10. The Task Force shall:

(a) Identify, review and evaluate the current statutes and regulations of this State that criminalize exposure to HIV;

(b) Research the implementation and impact of such statutes and regulations, including without limitation, quantifying their impact



through the analysis of the records, information and data relevant to this State to the extent possible;

(c) Identify any disparities in arrests, prosecutions or convictions under such statutes or regulations related to race, color, sex, sexual orientation, gender identity or expression, age or national origin;

(d) Evaluate current medical and scientific research with respect to the modes of HIV transmission implicated by such statutes and regulations;

(e) Identify any court decisions enforcing or challenging such statutes and regulations; and

(f) Assess developments occurring in other states and nationally with respect to modernizing HIV criminalization laws.

11. The Task Force may make recommendations concerning any matter relating to the review and evaluation pursuant to subsection 10, including, without limitation, recommendations concerning proposed legislation, proposed regulations and policies.

12. The Task Force shall, on or before September 1, 2020, prepare and submit a report of the activities, findings and recommendations of the Task Force to:

(a) The Governor; and

(b) The Director of the Legislative Counsel Bureau for transmittal to the 81st Session of the Legislature.

Sec. 2. This act becomes effective on July 1, 2019.

