
SENATE BILL NO. 318—SENATORS DONATE,
OHRENSCHALL, DENIS AND LANGE

MARCH 22, 2021

JOINT SPONSORS: ASSEMBLYMEN FLORES,
TORRES AND BENITEZ-THOMPSON

Referred to Committee on Health and Human Services

SUMMARY—Makes various changes relating to improving access to governmental services for persons with limited English proficiency. (BDR 40-955)

FISCAL NOTE: Effect on Local Government: May have Fiscal Effect.
Effect on the State: Yes.

CONTAINS UNFUNDED MANDATE (§§ 3, 4)
(NOT REQUESTED BY AFFECTED LOCAL GOVERNMENT)

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

AN ACT relating to public health; requiring the Division of Public and Behavioral Health of the Department of Health and Human Services and each district health department to take certain actions to ensure the availability of services to restrain the spread of COVID-19 to persons of limited English proficiency; requiring each agency of the Executive Department of the State Government to develop a language access plan; and providing other matters properly relating thereto.

Legislative Counsel’s Digest:

1 Existing law: (1) creates a health district in a county whose population is
2 700,000 or more (currently only Clark County); and (2) authorizes the board of
3 county commissioners and the governing bodies of any towns or cities in a smaller
4 county to create a health district. (NRS 439.361, 439.362, 439.370) Existing law
5 creates a district health department in each health district. (NRS 439.362, 439.370)
6 **Sections 2-4** of this bill require the Division of Public and Behavioral Health of the
7 Department of Health and Human Services and each district health department to
8 take certain measures to ensure that services to restrain the spread of COVID-19 are
9 available to persons with limited English proficiency, including: (1) maintaining a



10 record of the preferred language of the recipients of such services; (2) identifying
11 the preferred language of such recipients; (3) requiring staff or interpreters to be
12 available to the extent practicable to assist such recipients; (4) providing vital
13 information and documents in the preferred languages identified to the extent
14 practicable; and (5) collaborating with community-based organizations that serve
15 persons with limited English proficiency. **Sections 2-4** require the Division and
16 each district health department to research and apply for available federal and
17 private funding that could be used to financially support those activities. **Sections 5**
18 **and 6** of this bill make conforming changes to indicate the placement of **sections 3**
19 **and 4**, respectively, in the Nevada Revised Statutes.

20 **Section 7** of this bill requires each agency of the Executive Department of the
21 State Government to develop and annually revise a language access plan. **Section 7**
22 prescribes the required contents of a language access plan, which generally consist
23 of information relating to existing services available to persons of limited English
24 proficiency and recommendations for meeting the need for such services among
25 persons served or eligible to be served by the agency. **Section 8** of this bill removes
26 a requirement that a language access plan must include a review of the ability of the
27 agency to make language services available during the emergency described in the
28 Declaration of Emergency for COVID-19 issued on March 12, 2020. **Section 11** of
29 this bill makes a conforming change to indicate that **section 8** becomes effective 2
30 years after the termination of that emergency.

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

1 **Section 1.** Chapter 439 of NRS is hereby amended by adding
2 thereto the provisions set forth as sections 2, 3 and 4 of this act.

3 **Sec. 2. 1. *The Division shall:***

4 *(a) Maintain a record of the preferred language of each*
5 *person who receives any service from the Division that is intended*
6 *to help restrain the spread of COVID-19, including without*
7 *limitation, guidance, testing, contact tracing and immunization;*

8 *(b) Identify the languages preferred by such recipients;*

9 *(c) Ensure that staff who are able to communicate in each*
10 *language identified or an interpreter is available to recipients of*
11 *such services to the extent practicable; and*

12 *(d) Provide notice of the availability of such services, to the*
13 *extent practicable, in the languages identified and at a literacy*
14 *level and format that is likely to be understood by such recipients.*

15 **2. *The Division shall make vital information and documents***
16 *relating to COVID-19 available in each language preferred by*
17 *recipients of services identified pursuant to subsection 1 to the*
18 *extent practicable. Such information and documents include,*
19 *without limitation, those necessary to access or participate in the*
20 *services, programs and activities of the Division related to COVID-*
21 *19, including, without limitation, applications, instructions for*
22 *completing applications, contracts, stipulations, outreach*
23 *materials, written notices or letters that affect the legal rights or*



1 *benefits of a person and any communications of the Division*
2 *relating to COVID-19.*

3 3. *The Division shall translate and make available any*
4 *governmental order issued to restrain the spread of COVID-19*
5 *and any information relating to a state of emergency or*
6 *declaration of disaster for COVID-19 proclaimed pursuant to NRS*
7 *414.070, in each language preferred by recipients of services*
8 *identified pursuant to subsection 1 to the extent practicable within*
9 *7 days after the order is issued or the proclamation is made.*

10 4. *The Division shall collaborate with community-based*
11 *organizations that serve persons with limited English proficiency*
12 *to prioritize the provision of services, information and documents*
13 *in languages other than English as described in this section.*

14 5. *The Division:*

15 (a) *May accept gifts, grants and donations for the purpose of*
16 *carrying out the provisions of this section; and*

17 (b) *Shall research and apply for any available federal or*
18 *private funding that may be used to carry out the provisions of this*
19 *section.*

20 6. *As used in this section:*

21 (a) *“Contact tracing” means investigating a case of COVID-19*
22 *to identify:*

23 (1) *A person who has been diagnosed with COVID-19; and*

24 (2) *Any person who has or may have:*

25 (I) *Come into contact with a person who has been*
26 *diagnosed with COVID-19; or*

27 (II) *Otherwise been exposed to COVID-19.*

28 (b) *“COVID-19” means:*

29 (1) *The novel coronavirus identified as SARS-CoV-2;*

30 (2) *Any mutation of the novel coronavirus identified as*
31 *SARS-CoV-2; or*

32 (3) *A disease or health condition caused by the novel*
33 *coronavirus identified as SARS-CoV-2.*

34 (c) *“Person with limited English proficiency” means a person*
35 *who speaks a language other than English and who cannot readily*
36 *understand or communicate in the English language.*

37 **Sec. 3. 1. A district health department shall:**

38 (a) *Maintain a record of the preferred language of each person*
39 *who receives any service from the district health department that is*
40 *intended to help restrain the spread of COVID-19, including,*
41 *without limitation, guidance, testing, contact tracing and*
42 *immunization;*

43 (b) *Identify the languages preferred by such recipients;*



1 (c) *Ensure that staff who are able to communicate in each*
2 *language identified or an interpreter is available to recipients of*
3 *such services to the extent practicable; and*

4 (d) *Provide notice of the availability of such services, to the*
5 *extent practicable, in the languages identified and at a literacy*
6 *level and format that is likely to be understood by such recipients.*

7 2. *The district health department shall make vital information*
8 *and documents relating to COVID-19 available in each language*
9 *preferred by recipients of services identified pursuant to*
10 *subsection 1 to the extent practicable. Such information and*
11 *documents include, without limitation, those necessary to access*
12 *or participate in the services, programs and activities of the district*
13 *health department related to COVID-19, including, without*
14 *limitation, applications, instructions for completing applications,*
15 *contracts, stipulations, outreach materials, written notices or*
16 *letters that affect the legal rights or benefits of a person and any*
17 *communications of the district health department relating to*
18 *COVID-19.*

19 3. *The district health department shall translate and make*
20 *available any governmental order issued to restrain the spread of*
21 *COVID-19 and any information relating to a state of emergency*
22 *or declaration of disaster for COVID-19 proclaimed pursuant to*
23 *NRS 414.070, in each language preferred by recipients of services*
24 *identified pursuant to subsection 1 to the extent practicable within*
25 *7 days after the order is issued or the proclamation is made.*

26 4. *The district health department shall collaborate with*
27 *community-based organizations that serve persons with limited*
28 *English proficiency to prioritize the provision of services,*
29 *information and documents in languages other than English as*
30 *described in this section.*

31 5. *A district health department:*

32 (a) *May accept gifts, grants and donations for the purpose of*
33 *carrying out the provisions of this section; and*

34 (b) *Shall research and apply for any available federal or*
35 *private funding that may be used to carry out the provisions of this*
36 *section.*

37 6. *As used in this section:*

38 (a) *“Contact tracing” has the meaning ascribed to it in*
39 *paragraph (a) of subsection 6 of section 2 of this act.*

40 (b) *“COVID-19” has the meaning ascribed to it in paragraph*
41 *(b) of subsection 6 of section 2 of this act.*

42 (c) *“Person with limited English proficiency” has the meaning*
43 *ascribed to it in paragraph (c) of subsection 6 of section 2 of this*
44 *act.*

45 **Sec. 4. 1. A district health department shall:**



1 (a) Maintain a record of the preferred language of each
2 person who receives any service from the district health
3 department that is intended to help restrain the spread of COVID-
4 19, including, without limitation, guidance, testing, contact tracing
5 and immunization;

6 (b) Identify the languages preferred by such recipients;

7 (c) Ensure that staff who are able to communicate in each
8 language identified or an interpreter is available to recipients of
9 such services to the extent practicable; and

10 (d) Provide notice of the availability of such services, to the
11 extent practicable, in the languages identified and at a literacy
12 level and format that is likely to be understood by such recipients.

13 2. A district health department shall make vital information
14 and documents relating to COVID-19 available in each language
15 preferred by recipients of services identified pursuant to
16 subsection 1 to the extent practicable. Such information and
17 documents include, without limitation, those necessary to access
18 or participate in the services, programs and activities of the district
19 health department related to COVID-19, including, without
20 limitation, applications, instructions for completing applications,
21 contracts, stipulations, outreach materials, written notices or
22 letters that affect the legal rights or benefits of a person and any
23 communications of the district health department relating to
24 COVID-19.

25 3. The Division shall translate and make available any
26 governmental order issued to restrain the spread of COVID-19
27 and any information relating to a state of emergency or
28 declaration of disaster for COVID-19 proclaimed pursuant to NRS
29 414.070, in each language preferred by recipients of services
30 identified pursuant to subsection 1 to the extent practicable within
31 7 days after the order is issued or the proclamation is made.

32 4. The district health department shall collaborate with
33 community-based organizations that serve persons with limited
34 English proficiency to prioritize the provision of services,
35 information and documents in languages other than English as
36 described in this section.

37 5. A district health department:

38 (a) May accept gifts, grants and donations for the purpose of
39 carrying out the provisions of this section; and

40 (b) Shall research and apply for any available federal or
41 private funding that may be used to carry out the provisions of this
42 section.

43 6. As used in this section:

44 (a) "Contact tracing" has the meaning ascribed to it in
45 paragraph (a) of subsection 6 of section 2 of this act.



1 (b) "COVID-19" has the meaning ascribed to it in paragraph
2 (b) of subsection 6 of section 2 of this act.

3 (c) "Person with limited English proficiency" has the meaning
4 ascribed to it in paragraph (c) of subsection 6 of section 2 of this
5 act.

6 **Sec. 5.** NRS 439.361 is hereby amended to read as follows:
7 439.361 The provisions of NRS 439.361 to 439.3685,
8 inclusive, *and section 3 of this act* apply to a county whose
9 population is 700,000 or more.

10 **Sec. 6.** NRS 439.369 is hereby amended to read as follows:
11 439.369 The provisions of NRS 439.369 to 439.410, inclusive,
12 *and section 4 of this act* apply to a county whose population is less
13 than 700,000.

14 **Sec. 7.** Chapter 232 of NRS is hereby amended by adding
15 thereto a new section to read as follows:

16 1. *The head of each agency of the Executive Department*
17 *shall designate one or more employees of the agency to be*
18 *responsible for developing and annually revising a language*
19 *access plan for the agency that meets the requirements of*
20 *subsection 2.*

21 2. *A language access plan must assess existing needs of*
22 *persons served by the agency for language services and the degree*
23 *to which the agency has met those needs. The plan must include*
24 *recommendations to expand language services if needed to*
25 *improve access to the services provided by the agency. The plan*
26 *must:*

27 (a) *Outline the compliance of the agency with existing federal*
28 *and state laws and regulations and any requirements associated*
29 *with funding received by the agency concerning the availability of*
30 *language services and accessibility of the services provided by the*
31 *agency to persons with limited English proficiency;*

32 (b) *List the relevant demographics of persons served by or*
33 *eligible to receive services from the agency, including, without*
34 *limitation:*

35 (1) *The types of services received by such persons or for*
36 *which such persons are eligible;*

37 (2) *The preferred language and literacy level of such*
38 *persons;*

39 (3) *The ability of such persons to access the services of the*
40 *agency electronically;*

41 (4) *The number and percentage of such persons who are*
42 *indigenous; and*

43 (5) *The number and percentage of such persons who are*
44 *refugees;*



1 (c) Provide an inventory of language services currently
2 provided, including, without limitation:

3 (1) Procedures for designating certain information and
4 documents as vital and providing such information and documents
5 to persons served by the agency, to the extent practicable, in the
6 preferred language of such persons, in aggregate and
7 disaggregated by language and type of service to which the
8 information and documents relate;

9 (2) Oral language services offered by language and type;

10 (3) A comparison of the number of employees of the agency
11 who regularly have contact with the public to the number of such
12 employees who are fluent in more than one language, in
13 aggregate and disaggregated by language;

14 (4) A description of any position at the agency designated
15 for an employee who is fluent in more than one language;

16 (5) Procedures and resources used by the agency for
17 outreach to persons with limited English proficiency who are
18 served by the agency or eligible to receive services from the
19 agency, including, without limitation, procedures for building
20 relationships with community-based organizations that serve such
21 persons; and

22 (6) Any resources made available to employees of the
23 agency related to cultural competency;

24 (d) Provide an inventory of the training and resources
25 provided to employees of the agency who serve persons with
26 limited English proficiency, including, without limitation, training
27 and resources regarding:

28 (1) Obtaining language services internally or from a
29 contractor;

30 (2) Responding to persons with limited English
31 proficiency over the telephone, in writing or in person;

32 (3) Ensuring the competency of interpreters and
33 translation services;

34 (4) Recording in the electronic records of the agency
35 that a person served by the agency is a person with limited English
36 proficiency, the preferred language of the person and his or her
37 literacy level in English and in his or her preferred language; and

38 (5) Communicating with the persons in charge of the
39 agency concerning the needs of the persons served by and eligible
40 to receive the services from the agency for language services;

41 (e) Review the ability of the agency to make language services
42 available during the emergency described in the Declaration of
43 Emergency for COVID-19 issued on March 12, 2020; and

44 (f) Identify areas in which the services described in paragraph
45 (c) and the training and resources described in paragraph (d) do



1 *not meet the needs of persons with limited English proficiency*
2 *served by the agency, including, without limitation:*

3 (1) *Estimates of additional funding required to meet those*
4 *needs;*

5 (2) *Targets for employing persons who are fluent in more*
6 *than one language;*

7 (3) *Additional requirements necessary to ensure:*

8 (I) *Adequate credentialing and oversight of translators*
9 *and interpreters employed by or serving as independent*
10 *contractors for the agency; and*

11 (II) *That translators and interpreters used by the agency*
12 *adequately represent the preferred languages spoken by persons*
13 *served by the agency or eligible to receive services from the*
14 *agency; and*

15 (4) *Additional requirements, trainings, incentives and*
16 *recruiting initiatives to employ or contract with interpreters who*
17 *speak languages for which the need is high and ways to partner*
18 *with entities involved in workforce development in imposing those*
19 *requirements, offering those trainings and incentives and carrying*
20 *out those recruiting initiatives.*

21 3. *If there is insufficient information available to develop or*
22 *update the language access plan in accordance with the*
23 *requirements of this section, the employee or employees*
24 *designated pursuant to subsection 1 shall develop procedures to*
25 *obtain that information and include the information in any*
26 *revision to the language access plan.*

27 4. *As used in this section:*

28 (a) *“Agency of the Executive Department” means an agency,*
29 *board, commission, bureau, council, department, division,*
30 *authority or other unit of the Executive Department of the State*
31 *Government. The term does not include the Nevada System of*
32 *Higher Education.*

33 (b) *“Language services” means oral language services and*
34 *translation services.*

35 (c) *“Oral language services” means services used to provide*
36 *verbal information to persons served or eligible to be served by an*
37 *agency of the Executive Department, including, without limitation,*
38 *interpreters and employees who speak more than one language.*

39 (d) *“Person with limited English proficiency” means a person*
40 *who speaks a language other than English and who cannot readily*
41 *understand or communicate in the English language.*

42 **Sec. 8.** Section 7 of this act is hereby amended to read as
43 follows:

44 Sec. 7. 1. The head of each agency of the Executive
45 Department shall designate one or more employees of the



1 agency to be responsible for developing and annually revising
2 a language access plan for the agency that meets the
3 requirements of subsection 2.

4 2. A language access plan must assess existing needs of
5 persons served by the agency for language services and the
6 degree to which the agency has met those needs. The plan
7 must include recommendations to expand language services if
8 needed to improve access to the services provided by the
9 agency. The plan must:

10 (a) Outline the compliance of the agency with existing
11 federal and state laws and regulations and any requirements
12 associated with funding received by the agency concerning
13 the availability of language services and accessibility of the
14 services provided by the agency to persons with limited
15 English proficiency;

16 (b) List the relevant demographics of persons served by
17 or eligible to receive services from the agency, including,
18 without limitation:

19 (1) The types of services received by such persons or
20 for which such persons are eligible;

21 (2) The preferred language and literacy level of such
22 persons;

23 (3) The ability of such persons to access the services
24 of the agency electronically;

25 (4) The number and percentage of such persons who
26 are indigenous; and

27 (5) The number and percentage of such persons who
28 are refugees;

29 (c) Provide an inventory of language services currently
30 provided, including, without limitation:

31 (1) Procedures for designating certain information and
32 documents as vital and providing such information and
33 documents to persons served by the agency, to the extent
34 practicable, in the preferred language of such persons, in
35 aggregate and disaggregated by language and type of service
36 to which the information and documents relate;

37 (2) Oral language services offered by language and
38 type;

39 (3) A comparison of the number of employees of the
40 agency who regularly have contact with the public to the
41 number of such employees who are fluent in more than one
42 language, in aggregate and disaggregated by language;

43 (4) A description of any position at the agency
44 designated for an employee who is fluent in more than one
45 language;



1 (5) Procedures and resources used by the agency for
2 outreach to persons with limited English proficiency who are
3 served by the agency or eligible to receive services from the
4 agency, including, without limitation, procedures for building
5 relationships with community-based organizations that serve
6 such persons; and

7 (6) Any resources made available to employees of the
8 agency related to cultural competency;

9 (d) Provide an inventory of the training and resources
10 provided to employees of the agency who serve persons with
11 limited English proficiency, including, without limitation,
12 training and resources regarding:

13 (1) Obtaining language services internally or from
14 a contractor;

15 (2) Responding to persons with limited English
16 proficiency over the telephone, in writing or in person;

17 (3) Ensuring the competency of interpreters and
18 translation services;

19 (4) Recording in the electronic records of the
20 agency that a person served by the agency is a person with
21 limited English proficiency, the preferred language of the
22 person and his or her literacy level in English and in his or
23 her preferred language; and

24 (5) Communicating with the persons in charge of
25 the agency concerning the needs of the persons served by and
26 eligible to receive the services from the agency for language
27 services;

28 (e) ~~Review the ability of the agency to make language~~
29 ~~services available during the emergency described in the~~
30 ~~Declaration of Emergency for COVID-19 issued on March~~
31 ~~12, 2020; and~~

32 ~~(f) Identify areas in which the services described in~~
33 ~~paragraph (c) and the training and resources described in~~
34 ~~paragraph (d) do not meet the needs of persons with limited~~
35 ~~English proficiency served by the agency, including, without~~
36 ~~limitation:~~

37 (1) Estimates of additional funding required to meet
38 those needs;

39 (2) Targets for employing persons who are fluent in
40 more than one language;

41 (3) Additional requirements necessary to ensure:

42 (I) Adequate credentialing and oversight of
43 translators and interpreters employed by or serving as
44 independent contractors for the agency; and



1 (II) That translators and interpreters used by the
2 agency adequately represent the preferred languages spoken
3 by persons served by the agency or eligible to receive
4 services from the agency; and

5 (4) Additional requirements, trainings, incentives and
6 recruiting initiatives to employ or contract with interpreters
7 who speak languages for which the need is high and ways to
8 partner with entities involved in workforce development in
9 imposing those requirements, offering those trainings and
10 incentives and carrying out those recruiting initiatives.

11 3. If there is insufficient information available to
12 develop or update the language access plan in accordance
13 with the requirements of this section, the employee or
14 employees designated pursuant to subsection 1 shall develop
15 procedures to obtain that information and include the
16 information in any revision to the language access plan.

17 4. As used in this section:

18 (a) "Agency of the Executive Department" means an
19 agency, board, commission, bureau, council, department,
20 division, authority or other unit of the Executive Department
21 of the State Government. The term does not include the
22 Nevada System of Higher Education.

23 (b) "Language services" means oral language services
24 and translation services.

25 (c) "Oral language services" means services used to
26 provide verbal information to persons served or eligible to be
27 served by an agency of the Executive Department, including,
28 without limitation, interpreters and employees who speak
29 more than one language.

30 (d) "Person with limited English proficiency" means a
31 person who speaks a language other than English and who
32 cannot readily understand or communicate in the English
33 language.

34 **Sec. 9.** 1. The head of each agency of the Executive
35 Department shall ensure that a language access plan is developed for
36 the agency pursuant to section 7 of this act not later than
37 June 1, 2021.

38 2. As used in this section, "agency of the Executive
39 Department" has the meaning ascribed to it in section 7 of this act.

40 **Sec. 10.** The provisions of NRS 354.599 do not apply to any
41 additional expenses of a local government that are related to the
42 provisions of this act.

43 **Sec. 11.** 1. This section, sections 1 to 7, inclusive, 9 and 10
44 of this act become effective upon passage and approval.



1 2. Section 8 of this act becomes effective 2 years after the date
2 on which the Governor terminates the emergency described in the
3 Declaration of Emergency for COVID-19 issued on
4 March 12, 2020.

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