

# NEVADA

Nevada's ballot measure, Right to Abortion Initiative, passed on November 5, 2024. The ballot measure will be voted on again, in 2026 and, if approved, will amend Nev. Const. art. I, s. 25. See below.

Sec. 1. All individuals shall have a fundamental right to abortion performed or administered by a qualified health care practitioner until fetal viability, or when needed to protect the life or health of the pregnant patient, without interference from the state or its political subdivisions. The right established by this section shall not be denied, burdened, or infringed upon unless justified by a compelling state interest that is achieved by the least restrictive means

Sec. 2. As used in this section: A "compelling state interest" means an interest which is limited exclusively to the state's interest in protecting, maintaining, or improving the health of an individual who is seeking abortion care that is consistent with accepted clinical standards of practice; and

"Fetal viability" means the point in pregnancy when, in the professional judgment of the patient's treating health care practitioner, there is a significant likelihood of the fetus' sustained survival outside the uterus without the application of extraordinary medical measures

## ABORTION

**NRS 442.240 "Abortion" defined.** As used in [NRS 442.240](#) to [442.270](#), inclusive, unless the context requires otherwise, "abortion" means the termination of a human pregnancy with an intention other than to produce the birth of an infant capable of sustained survival by natural or artificial supportive systems or to remove a dead fetus.

(Added to NRS by [1973, 1637](#); A [1981, 1163](#); [1985, 2307](#))

**NRS 442.250 Conditions under which abortion permitted.** [[NRS 442.250](#) was submitted to and approved by referendum at the 1990 general election and therefore is not subject to legislative amendment or repeal.]

1. No abortion may be performed in this state unless the abortion is performed:

(a) By a physician licensed to practice in this state or by a physician in the employ of the government of the United States who:

(1) Exercises his or her best clinical judgment in the light of all attendant circumstances including the accepted professional standards of medical practice in determining whether to perform an abortion; and

(2) Performs the abortion in a manner consistent with accepted medical practices and procedures in the community.

(b) Within 24 weeks after the commencement of the pregnancy.

(c) After the 24th week of pregnancy only if the physician has reasonable cause to believe that an abortion currently is necessary to preserve the life or health of the pregnant woman.

2. All abortions performed after the 24th week of pregnancy or performed when, in the judgment of the attending physician, there is a reasonable likelihood of the sustained survival of the fetus outside of the womb by natural or artificial supportive systems must be performed in a hospital licensed under [chapter 449](#) of NRS.

3. Before performing an abortion pursuant to subsection 2, the attending physician shall enter in the permanent records of the patient the facts on which the physician based his or her best clinical judgment that there is a substantial risk that continuance of the pregnancy would endanger the life of the patient or would gravely impair the physical or mental health of the patient.

(Added to NRS by [1973, 1637](#); A [1975, 367](#); [1977, 961](#); [1981, 1164](#); [1985, 2307](#))

**NRS 442.252 Physician to obtain informed consent before performing abortion.** No physician may perform an abortion in this state unless, before the physician performs it, he or she obtains the informed consent of the woman seeking the abortion pursuant to [NRS 442.253](#).

(Added to NRS by [1981, 1162](#); A [1985, 2308](#); [2019, 1502](#))

**NRS 442.253 Requirements for informed consent.**

1. The attending physician or a person meeting the qualifications established by regulations adopted by the Division shall:

(a) In an accurate and thorough manner which is reasonably likely to be understood by the pregnant woman, orally:

(1) Explain that, in his or her professional judgment, she is pregnant and a copy of her pregnancy test is available to her.

(2) Inform her of the estimated gestational age.

(3) Explain:

(I) The procedure to be used and the proper procedures for her care after the abortion.

(II) The discomforts and risks that may accompany or follow the procedure.

(III) If an interpreter is available to assist the woman because the woman does not understand the language used on a form indicating consent or the language used by the attending physician or person meeting the qualifications established by regulations adopted by the Division, that an interpreter is available to provide the explanation.

(b) Offer to answer any questions the woman has concerning the procedure.

(c) Provide the woman with a copy of a form indicating consent.

2. The form indicating consent provided pursuant to subsection 1 must clearly describe the nature and consequences of the procedure to be used.

3. Informed consent shall be deemed to have been given by a woman seeking an abortion for the purposes of [NRS 442.252](#) when:

(a) The form indicating consent provided pursuant to paragraph (c) of subsection 1 has been signed and dated by:

(1) The woman;

(2) The interpreter, if an interpreter is used;

(3) The attending physician who will perform the procedure; and

(4) The person meeting the qualifications established by regulations adopted by the Division if such a person performs the duties prescribed in subsection 1; and

(b) If the form indicating consent is not written in a language understood by the woman, the person who performs the duties prescribed in subsection 1 has certified on the form that the

information described in subsection 1 has been presented in such a manner as to be understood by the woman.

(Added to NRS by [1981, 1162](#); A [1985, 2308](#); [2019, 1503](#))

**NRS 442.255 Notice to custodial parent or guardian; request for authorization for abortion; rules of civil procedure inapplicable.**

1. Unless in the judgment of the attending physician an abortion is immediately necessary to preserve the patient's life or health or an abortion is authorized pursuant to subsection 2 or [NRS 442.2555](#), a physician shall not knowingly perform or induce an abortion upon an unmarried and unemancipated woman who is under the age of 18 years unless a custodial parent or guardian of the woman is personally notified before the abortion. If the custodial parent or guardian cannot be so notified after a reasonable effort, the physician shall delay performing the abortion until the physician has notified the parent or guardian by certified mail at the last known address of the parent or guardian.

2. An unmarried or unemancipated woman who is under the age of 18 years may request a district court to issue an order authorizing an abortion. If so requested, the court shall interview the woman at the earliest practicable time, which must be not more than 2 judicial days after the request is made. If the court determines, from any information provided by the woman and any other evidence that the court may require, that:

- (a) She is mature enough to make an intelligent and informed decision concerning the abortion;
- (b) She is financially independent or is emancipated; or
- (c) The notice required by subsection 1 would be detrimental to her best interests,

È the court shall issue an order within 1 judicial day after the interview authorizing a physician to perform the abortion in accordance with the provisions of [NRS 442.240](#) to [442.270](#), inclusive.

3. If the court does not find sufficient grounds to authorize a physician to perform the abortion, it shall enter an order to that effect within 1 judicial day after the interview. If the court does not enter an order either authorizing or denying the performance of the abortion within 1 judicial day after the interview, authorization shall be deemed to have been granted.

4. The court shall take the necessary steps to ensure that the interview and any other proceedings held pursuant to this subsection or [NRS 442.2555](#) are confidential. The rules of civil procedure do not apply to any action taken pursuant to this subsection.

(Added to NRS by [1981, 1163](#); A [1985, 2309](#))

**NRS 442.255 Procedure if district court denies request for authorization for abortion: Petition; hearing on merits; appeal.**

1. If the order is denied pursuant to [NRS 442.255](#), the court shall, upon request by the minor if it appears that she is unable to employ counsel, appoint an attorney to represent her in the preparation of a petition, a hearing on the merits of the petition, and on an appeal, if necessary. The compensation and expenses of the attorney are a charge against the county as provided in the following schedule:

- (a) For consultation, research and other time reasonably spent on the matter, except court appearances, \$20 per hour.
- (b) For court appearances, \$30 per hour.

2. The petition must set forth the initials of the minor, the age of the minor, the estimated number of weeks elapsed from the probable time of conception, and whether maturity, emancipation, notification detrimental to the minor's best interests or a combination thereof are relied upon in avoidance of the notification required by [NRS 442.255](#). The petition must be initialed by the minor.

3. A hearing on the merits of the petition, on the record, must be held as soon as possible and within 5 judicial days after the filing of the petition. At the hearing the court shall hear evidence relating to:

- (a) The minor's emotional development, maturity, intellect and understanding;
- (b) The minor's degree of financial independence and degree of emancipation from parental authority;
- (c) The minor's best interests relative to parental involvement in the decision whether to undergo an abortion; and
- (d) Any other evidence that the court may find useful in determining whether the minor is entitled to avoid parental notification.

4. In the decree, the court shall, for good cause:

- (a) Grant the petition, and give judicial authorization to permit a physician to perform an abortion without the notification required in [NRS 442.255](#); or
- (b) Deny the petition, setting forth the grounds on which the petition is denied.

5. An appeal from an order issued under subsection 4 may be taken to the appellate court of competent jurisdiction pursuant to the rules fixed by the Supreme Court pursuant to [Section 4 of Article 6](#) of the Nevada Constitution, which shall suspend the Nevada Rules of Appellate Procedure pursuant to [NRAP 2](#) to provide for an expedited appeal. The notice of intent to appeal must be given within 1 judicial day after the issuance of the order. The record on appeal must be perfected within 5 judicial days after the filing of the notice of appeal and transmitted to the appellate court of competent jurisdiction pursuant to the rules fixed by the Supreme Court. The appellate court of competent jurisdiction shall, by court order or rule, provide for a confidential and expedited appellate review of cases appealed under this section.

(Added to NRS by [1985, 2306](#); A [2013, 1784](#))

**NRS 442.256 Records.** A physician who performs an abortion shall maintain a record of it for at least 5 years after it is performed. The record must contain:

1. The form indicating consent completed in compliance with subsection 3 of [NRS 442.253](#).
2. A statement of the information which was provided to the woman pursuant to [NRS 442.253](#).
3. A description of efforts to give any notice required by [NRS 442.255](#).

(Added to NRS by [1981, 1163](#); A [1985, 2310](#); [2019, 1504](#))

**NRS 442.257 Criminal penalty.** Any person who violates any provision of [NRS 442.252](#) to [442.256](#), inclusive, is guilty of a misdemeanor.

(Added to NRS by [1981, 1163](#))

**Nev. Rev. Stat. Ann. § 442.257. Criminal penalty.**

Any person who violates any provision of NRS 442.252 to 442.256, inclusive, is guilty of a misdemeanor.

**NRS 442.260 Division to adopt regulations governing performance and reporting of abortions.**

1. The Division shall adopt and enforce regulations governing the conditions under and the methods by which abortions may be performed, the reasonable minimum qualifications of a person authorized to provide the information required in [NRS 442.253](#), as well as all other aspects pertaining to the performance of abortions pursuant to [NRS 442.250](#).

2. The Division shall adopt and enforce regulations for a system for reporting abortions. This system must be designed to preserve confidentiality of information on the identity of women upon

whom abortions are performed. The Division may require that the following items be reported for each abortion:

- (a) The date of the abortion;
- (b) The place of the abortion including the city, county and state;
- (c) The type of facility;
- (d) The usual residence of the woman, including the city, county and state;
- (e) Her age;
- (f) Her ethnic group or race;
- (g) Her marital status;
- (h) The number of previous live births;
- (i) The number of previous induced abortions;
- (j) The duration of her pregnancy, as measured from first day of last normal menses to date of abortion, and as estimated by uterine size prior to performance of the abortion;
- (k) The type of abortion procedure; and
- (l) If a woman has had a previously induced abortion, the information in paragraphs (a) to (k), inclusive, or as much thereof as can be reasonably obtained, for each previous abortion.

3. The Division may adopt regulations to permit studies of individual cases of abortion, but these studies must not be permitted unless:

- (a) Absolute assurance is provided that confidentiality of information on the persons involved will be preserved;
- (b) Informed consent of each person involved in the study is obtained in writing;
- (c) The study is conducted according to established standards and ethics; and
- (d) The study is related to problems of health and has scientific merit with regard to both design and the importance of the problems to be solved.

(Added to NRS by [1973, 1638](#); A [1973, 1406](#); [1985, 2310](#); [2013, 3050](#))

**NRS 442.265 Hospital to submit monthly report to State Registrar of Vital Statistics.**

Each hospital shall submit a monthly report to the State Registrar of Vital Statistics which contains the following information:

1. The number of patients admitted for hospital care for a complication which resulted from an abortion;
2. The nature of the complication by its diagnostic name; and
3. The type of abortion.

(Added to NRS by [1981, 1941](#))

**NRS 442.268 Civil immunity of person performing judicially authorized abortion in accordance with provisions of [NRS 442.240](#) to [442.270](#), inclusive.** If an abortion is judicially authorized and the provisions of [NRS 442.240](#) to [442.270](#), inclusive, are complied with, an action by the parents or guardian of the minor against persons performing the abortion is barred. This civil immunity extends to the performance of the abortion and any necessary accompanying services which are performed in a competent manner. The costs of the action, if brought, must be borne by the parties respectively.

(Added to NRS by [1985, 2307](#))

**NRS 442.270 Liability for failure to exercise reasonable care to preserve life of infant born as result of attempted abortion.** Whenever an abortion results in the birth of an infant capable of sustained survival by natural or artificial supportive systems, the failure to take all reasonable steps, in keeping with good medical practice, to preserve the life and health of the infant subjects the person performing the abortion to the laws of this state governing criminal liability and civil liability for wrongful death and medical malpractice.

(Added to NRS by [1973, 1639](#); A [1975, 368](#); [1985, 2311](#))

**NRS Ann. § 200.220. Taking drugs to terminate pregnancy guilty; penalty.**

A woman who takes or uses, or submits to the use of, any drug, medicine or substance, or any instrument or other means, with the intent to terminate her pregnancy after the 24th week of pregnancy, unless the same is performed upon herself upon the advice of a physician acting pursuant to the provisions of NRS 442.250, and thereby causes the death of the child of the pregnancy, commits manslaughter and shall be punished for a category B felony by imprisonment in the state prison for a minimum term of not less than 1 year and a maximum term of not more than 10 years, and may be further punished by a fine of not more than \$10,000.

**NRS. 629.250 Disqualification from licensure or disciplinary action for providing or assisting in provision of certain reproductive health care services prohibited**

1. A health care licensing board shall not disqualify a person from licensure or subject any person to discipline solely:
  - (a) For providing or assisting in the provision of reproductive health care services; or
  - (b) As a consequence of any judgment, discipline or other sanction threatened or imposed under the laws of the District of Columbia or any state or territory of the United States for providing or assisting in the provision of reproductive health care services, if the reproductive health care services as provided would have been lawful and consistent with standards for the practice of the relevant profession in this State.

2. As used in this section:

(a) “Health care licensing board” means:

(1) A board created pursuant to chapter 630, 630A, 631, 632, 633, 634, 634A, 635, 636, 637, 637B, 639, 640, 640A, 640B, 640C, 640D, 640E, 641, 641A, 641B, 641C or 641D of NRS.

(2) The Division of Public and Behavioral Health of the Department of Health and Human Services.

(b) “Reproductive health care services” means medical, surgical, counseling or referral services relating to the human reproductive system, including, without limitation, services relating to pregnancy, contraception, the termination of pregnancy or any procedure or care found by a competent medical professional to be appropriate based upon the wishes of a patient and in accordance with the laws of this State  
Added to NRS by 2023, 406 Added by 2023, Ch. 82,§1, eff. 5/30/2023

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Senate Bill No. 131 – signed into law May 30<sup>th</sup>, 2023:

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

**Sec. 2. Chapter 179 of NRS is hereby amended** by adding thereto a new section to read as follows:

1. Notwithstanding the provisions of NRS 179.177 to 179.235, inclusive, the Governor shall not surrender, or issue a warrant

pursuant to NRS 179.191 for the arrest of, any person in this State who is charged in another state with a criminal violation of the laws of that other state if the violation alleged involves the provision or receipt of or assistance with reproductive health care services, unless the acts forming the basis of the prosecution of the crime charged would constitute a criminal offense under the laws of the State of Nevada.

2. The provisions of this section do not apply in the circumstance where a demand for the extradition of a person charged with crime in another state is made in accordance with NRS 179.183, and the person who is the subject of the demand was physically present in the demanding state at the time of the commission of the alleged offense and thereafter fled from that state.

3. As used in this section:

(a) “Reproductive health care services” means medical, surgical, counseling or referral services relating to the human reproductive system, including, without limitation, services relating to pregnancy, contraception, the termination of pregnancy or any procedure or care found by a competent medical professional to be appropriate based upon the wishes of a patient and in accordance with the laws of this State.

(b) The words and terms defined in NRS 179.179 have the meanings ascribed to them in that section.

**Sec. 3. Chapter 232 of NRS is hereby amended** by adding thereto a new section to read as follows:

1. Except as required by the order of a court of competent jurisdiction, a state agency shall not provide any information or expend or use time, money, facilities, property, equipment, personnel or other resources in furtherance of any investigation or proceeding initiated in or by another state that seeks to impose civil or criminal liability or professional sanction upon a person or entity for:

(a) The provision, securing or receiving of, or any inquiry concerning, reproductive health care services that are legal in this State; or

(b) Any assistance given to any person or entity that relates to the provision, securing or receiving of, or any inquiry concerning, reproductive health care services that are legal in this State.

2. The provisions of subsection 1 do not apply to any investigation or proceeding where the conduct that is subject to potential liability under the investigation or proceeding initiated in or by the other state would be subject to civil or criminal liability or professional sanction under the laws of the State of Nevada, if committed in this State.

3. Notwithstanding the provisions of this section, a state agency or employee, appointee, officer or other person acting on behalf of a state agency may provide information or assistance in

connection with such an investigation or proceeding in response to a written request by the person who is the subject of the investigation or proceeding.

4. As used in this section:

(a) "Reproductive health care services" means medical, surgical, counseling or referral services relating to the human reproductive system, including, without limitation, services relating to pregnancy, contraception, the termination of pregnancy or any procedure or care found by a competent medical professional to be appropriate based upon the wishes of a patient and in accordance with the laws of this State.

(b) "State agency" means an agency, bureau, board, commission, department, division, officer, employee, appointee or agent or any other unit of the Executive Department.

**Sec. 4.**

1. Each health care licensing board that licenses providers of health care who provide reproductive health care services shall examine the feasibility of providing opportunities for reciprocity of licensure to providers of health care who provide reproductive health care services in other states to facilitate the provision of quality reproductive health care services to persons from other states who seek reproductive health care services in this State.

2. As used in this section:

(a) "Health care licensing board" has the meaning ascribed to it in section 1 of this act.

(b) "Provider of health care" has the meaning ascribed to it in NRS 629.031.

(c) "Reproductive health care services" has the meaning ascribed to it in section 1 of this act.

**Sec. 5.** This act becomes effective upon passage and approval.



