

SENATE BILL NO. 4—COMMITTEE ON
HEALTH AND HUMAN SERVICES

(ON BEHALF OF THE CITY OF RENO)

PREFILED DECEMBER 19, 2012

Referred to Committee on Health and Human Services

SUMMARY—Revises provisions governing the testing of a person or decedent who may have exposed certain public employers, employees or volunteers to a contagious disease. (BDR 40-265)

FISCAL NOTE: Effect on Local Government: No.
Effect on the State: No.

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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 contagious diseases; revising provisions governing the testing of a person who may have exposed certain public employers, employees or volunteers to a contagious disease; and providing other matters properly relating thereto.

Legislative Counsel’s Digest:

1 Under existing law, if the duties of a law enforcement officer, correctional
2 officer, emergency medical attendant, firefighter, county coroner or medical
3 examiner or any of their employees, any other person who is employed by an
4 agency of criminal justice or any other public employee may require him or her to
5 come into contact with human blood or bodily fluids and if he or she may have
6 been exposed to a contagious disease while performing those duties, the employee
7 or his or her employer may petition a court to have the person or decedent who may
8 have exposed the employee or his or her employer to a contagious disease tested for
9 exposure to the human immunodeficiency virus, the hepatitis B surface antigen,
10 hepatitis C and tuberculosis. Upon a finding by a court that there is probable cause
11 to believe that a possible transfer of blood or other bodily fluids to the petitioner or
12 the person on whose behalf the petition was filed occurred, the court is required to
13 order testing of the blood of the person or decedent who possibly exposed to a
14 contagious disease the petitioner or the person on whose behalf the petition was
15 filed. (NRS 441A.195)

16 **Section 1** of this bill allows any such employee or a volunteer for a public
17 agency, who comes in contact with human blood or bodily fluids in the course of
18 his or her official duties, or his or her employer or the public agency for which he



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19 or she volunteers, to seek a test of the person or decedent who possibly exposed the
20 public employee or volunteer to a contagious disease. **Section 1** allows a judge or a
21 justice of the peace hearing the petition upon a determination of probable cause and
22 the ordering of a test, to authorize certain persons acting on behalf of the employer
23 or public agency to sign the name of the judge or justice of the peace on a duplicate
24 order. Such an order is to be deemed an order of the court but must be returned to
25 the judge or justice of the peace for endorsement. Failure by the judge or justice of
26 the peace to endorse the order does not in and of itself invalidate the order. **Section**
27 **1** also: (1) requires any records concerning such a petition or proceeding on such a
28 petition to be sealed and kept confidential; and (2) authorizes a court to establish
29 rules to allow a judge or justice of the peace to conduct a hearing or issue an order
30 by electronic or telephonic means. **Sections 2 and 3** of this bill authorize justice
31 courts and municipal courts to issue such orders.

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

1 **Section 1.** NRS 441A.195 is hereby amended to read as
2 follows:

3 441A.195 1. A law enforcement officer, correctional officer,
4 emergency medical attendant, firefighter, county coroner or medical
5 examiner or any of their employees ~~††~~ *or volunteers*, any other
6 person who is employed by *or is a volunteer for* an agency of
7 criminal justice or any other public employee ~~{whose duties may~~
8 ~~require him or her to come}~~ *or volunteer for a public agency who,*
9 *in the course of his or her official duties, comes* into contact with
10 human blood or bodily fluids, ~~{who may have been exposed to a~~
11 ~~contagious disease while performing his or her official duties.}~~ *or*
12 *the employer of such a person †† or the public agency for which*
13 *the person volunteers*, may petition a court for an order requiring
14 the testing of a person or decedent for exposure to the human
15 immunodeficiency virus, the hepatitis B surface antigen, hepatitis C
16 and tuberculosis if the person or decedent may have exposed the
17 officer, *emergency* medical attendant, firefighter, county coroner or
18 medical examiner or their employee ~~††~~ *or volunteer*, other person
19 employed by *or volunteering for* an agency of criminal justice or
20 other public employee ~~{whose duties may require him or her to~~
21 ~~come into contact with human blood or bodily fluids}~~ *or volunteer*
22 *for a public agency* to a contagious disease.

23 2. When possible, before filing a petition pursuant to
24 subsection 1, the person, ~~††~~ employer *or public agency for which*
25 *the person volunteers, and who is* petitioning shall submit
26 information concerning the possible exposure to a contagious
27 disease to the designated health care officer for the employer *or*
28 *public agency* or, if there is no designated health care officer, the
29 person designated by the employer *or public agency* to document
30 and verify possible exposure to contagious diseases, for verification



1 that there was substantial exposure. Each designated health care
2 officer or person designated by an employer *or public agency* to
3 document and verify possible exposure to contagious diseases shall
4 establish guidelines based on current scientific information to
5 determine substantial exposure.

6 3. A court shall promptly hear a petition filed pursuant to
7 subsection 1 and determine whether there is probable cause to
8 believe that a possible transfer of blood or other bodily fluids
9 occurred between the person who filed the petition or on whose
10 behalf the petition was filed and the person or decedent who
11 possibly exposed him or her to a contagious disease. If the court
12 determines that probable cause exists to believe that a possible
13 transfer of blood or other bodily fluids occurred, the court shall:

14 (a) Order the person who possibly exposed the petitioner, or the
15 person on whose behalf the petition was filed, to a contagious
16 disease to submit two specimens of blood to a local hospital or
17 medical laboratory for testing for exposure to the human
18 immunodeficiency virus, the hepatitis B surface antigen, hepatitis C
19 and tuberculosis; or

20 (b) Order that two specimens of blood be drawn from the
21 decedent who possibly exposed the petitioner, or the person on
22 whose behalf the petition was filed, to a contagious disease and be
23 submitted to a local hospital or medical laboratory for testing for
24 exposure to the human immunodeficiency virus, the hepatitis B
25 surface antigen, hepatitis C and tuberculosis.

26 ↪ The local hospital or medical laboratory shall perform the test in
27 accordance with generally accepted medical practices and shall
28 disclose the results of the test in the manner set forth in
29 NRS 629.069.

30 4. *If a judge or a justice of the peace enters an order*
31 *pursuant to this section, the judge or justice of the peace may*
32 *authorize the designated health care officer or the person*
33 *designated by the employer or public agency to document and*
34 *verify possible exposure to a contagious disease to sign the name*
35 *of the judge or justice of the peace on a duplicate order. Such a*
36 *duplicate order shall be deemed to be an order of the court. As*
37 *soon as practicable after the duplicate order is signed, the*
38 *duplicate order must be returned to the judge or justice of the*
39 *peace who authorized the signing of it and must indicate on its*
40 *face the judge or justice of the peace to whom it is to be returned.*
41 *The judge or justice of the peace, upon receiving the returned*
42 *order, shall endorse the order with his or her name and enter the*
43 *date on which the order was returned. Any failure of the judge or*
44 *justice of the peace to make such an endorsement and entry does*
45 *not in and of itself invalidate the order.*



1 **5. Except as otherwise provided in NRS 629.069, all records**
2 **submitted to the court in connection with a petition filed pursuant**
3 **to this section and any proceedings concerning the petition are**
4 **confidential and the judge or justice of the peace shall order the**
5 **records and any record of the proceedings to be sealed and to be**
6 **opened for inspection only upon an order of the court for good**
7 **cause shown.**

8 **6. A court may establish rules to allow a judge or justice of**
9 **the peace to conduct a hearing or issue an order pursuant to this**
10 **section by electronic or telephonic means.**

11 **7.** The employer of a person **or the public agency for which**
12 **the person volunteers**, who files a petition or on whose behalf a
13 petition is filed pursuant to this section or the insurer of the
14 employer **or public agency**, shall pay the cost of performing the test
15 pursuant to subsection 3.

16 ~~15.1~~ **8.** As used in this section:

17 (a) “Agency of criminal justice” has the meaning ascribed to it
18 in NRS 179A.030.

19 (b) “Emergency medical attendant” means a person licensed as
20 an attendant or certified as an emergency medical technician,
21 intermediate emergency medical technician or advanced emergency
22 medical technician pursuant to chapter 450B of NRS.

23 **Sec. 2.** NRS 4.370 is hereby amended to read as follows:

24 4.370 1. Except as otherwise provided in subsection 2, justice
25 courts have jurisdiction of the following civil actions and
26 proceedings and no others except as otherwise provided by specific
27 statute:

28 (a) In actions arising on contract for the recovery of money only,
29 if the sum claimed, exclusive of interest, does not exceed \$10,000.

30 (b) In actions for damages for injury to the person, or for taking,
31 detaining or injuring personal property, or for injury to real property
32 where no issue is raised by the verified answer of the defendant
33 involving the title to or boundaries of the real property, if the
34 damage claimed does not exceed \$10,000.

35 (c) Except as otherwise provided in paragraph (l), in actions for
36 a fine, penalty or forfeiture not exceeding \$10,000, given by statute
37 or the ordinance of a county, city or town, where no issue is raised
38 by the answer involving the legality of any tax, impost, assessment,
39 toll or municipal fine.

40 (d) In actions upon bonds or undertakings conditioned for the
41 payment of money, if the sum claimed does not exceed \$10,000,
42 though the penalty may exceed that sum. Bail bonds and other
43 undertakings posted in criminal matters may be forfeited regardless
44 of amount.



1 (e) In actions to recover the possession of personal property, if
2 the value of the property does not exceed \$10,000.

3 (f) To take and enter judgment on the confession of a defendant,
4 when the amount confessed, exclusive of interest, does not exceed
5 \$10,000.

6 (g) Of actions for the possession of lands and tenements where
7 the relation of landlord and tenant exists, when damages claimed do
8 not exceed \$10,000 or when no damages are claimed.

9 (h) Of actions when the possession of lands and tenements has
10 been unlawfully or fraudulently obtained or withheld, when
11 damages claimed do not exceed \$10,000 or when no damages are
12 claimed.

13 (i) Of suits for the collection of taxes, where the amount of the
14 tax sued for does not exceed \$10,000.

15 (j) Of actions for the enforcement of mechanics' liens, where the
16 amount of the lien sought to be enforced, exclusive of interest, does
17 not exceed \$10,000.

18 (k) Of actions for the enforcement of liens of owners of facilities
19 for storage, where the amount of the lien sought to be enforced,
20 exclusive of interest, does not exceed \$10,000.

21 (l) In actions for a fine imposed for a violation of
22 NRS 484D.680.

23 (m) Except as otherwise provided in this paragraph, in any
24 action for the issuance of a temporary or extended order for
25 protection against domestic violence. A justice court does not have
26 jurisdiction in an action for the issuance of a temporary or extended
27 order for protection against domestic violence:

28 (1) In a county whose population is 100,000 or more and less
29 than 700,000;

30 (2) In any township whose population is 100,000 or more
31 located within a county whose population is 700,000 or more; or

32 (3) If a district court issues a written order to the justice court
33 requiring that further proceedings relating to the action for the
34 issuance of the order for protection be conducted before the district
35 court.

36 (n) In an action for the issuance of a temporary or extended
37 order for protection against harassment in the workplace pursuant to
38 NRS 33.200 to 33.360, inclusive.

39 (o) In small claims actions under the provisions of chapter 73 of
40 NRS.

41 (p) In actions to contest the validity of liens on mobile homes or
42 manufactured homes.

43 (q) In any action pursuant to NRS 200.591 for the issuance of a
44 protective order against a person alleged to be committing the crime
45 of stalking, aggravated stalking or harassment.



1 (r) In any action pursuant to NRS 200.378 for the issuance of a
2 protective order against a person alleged to have committed the
3 crime of sexual assault.

4 (s) In actions transferred from the district court pursuant to
5 NRS 3.221.

6 (t) In any action for the issuance of a temporary or extended
7 order pursuant to NRS 33.400.

8 ***(u) In any action seeking an order pursuant to NRS 441A.195.***

9 2. The jurisdiction conferred by this section does not extend to
10 civil actions, other than for forcible entry or detainer, in which the
11 title of real property or mining claims or questions affecting the
12 boundaries of land are involved.

13 3. Justice courts have jurisdiction of all misdemeanors and no
14 other criminal offenses except as otherwise provided by specific
15 statute. Upon approval of the district court, a justice court may
16 transfer original jurisdiction of a misdemeanor to the district court
17 for the purpose of assigning an offender to a program established
18 pursuant to NRS 176A.250 or 176A.280.

19 4. Except as otherwise provided in subsections 5 and 6, in
20 criminal cases the jurisdiction of justices of the peace extends to the
21 limits of their respective counties.

22 5. In the case of any arrest made by a member of the Nevada
23 Highway Patrol, the jurisdiction of the justices of the peace extends
24 to the limits of their respective counties and to the limits of all
25 counties which have common boundaries with their respective
26 counties.

27 6. Each justice court has jurisdiction of any violation of a
28 regulation governing vehicular traffic on an airport within the
29 township in which the court is established.

30 **Sec. 3.** NRS 5.050 is hereby amended to read as follows:

31 5.050 1. Municipal courts have jurisdiction of civil actions or
32 proceedings:

33 (a) For the violation of any ordinance of their respective cities.

34 (b) To prevent or abate a nuisance within the limits of their
35 respective cities.

36 2. The municipal courts have jurisdiction of all misdemeanors
37 committed in violation of the ordinances of their respective cities.
38 Upon approval of the district court, a municipal court may transfer
39 original jurisdiction of a misdemeanor to the district court for the
40 purpose of assigning an offender to a program established pursuant
41 to NRS 176A.250 or 176A.280.

42 3. The municipal courts have jurisdiction of:

43 (a) Any action for the collection of taxes or assessments levied
44 for city purposes, when the principal sum thereof does not exceed
45 \$2,500.



1 (b) Actions to foreclose liens in the name of the city for the
2 nonpayment of those taxes or assessments when the principal sum
3 claimed does not exceed \$2,500.

4 (c) Actions for the breach of any bond given by any officer or
5 person to or for the use or benefit of the city, and of any action for
6 damages to which the city is a party, and upon all forfeited
7 recognizances given to or for the use or benefit of the city, and upon
8 all bonds given on appeals from the municipal court in any of the
9 cases named in this section, when the principal sum claimed does
10 not exceed \$2,500.

11 (d) Actions for the recovery of personal property belonging to
12 the city, when the value thereof does not exceed \$2,500.

13 (e) Actions by the city for the collection of any damages, debts
14 or other obligations when the amount claimed, exclusive of costs or
15 attorney's fees, or both if allowed, does not exceed \$2,500.

16 ***(f) Actions seeking an order pursuant to NRS 441A.195.***

17 4. Nothing contained in subsection 3 gives the municipal court
18 jurisdiction to determine any such cause when it appears from the
19 pleadings that the validity of any tax, assessment or levy, or title to
20 real property, is necessarily an issue in the cause, in which case the
21 court shall certify the cause to the district court in like manner and
22 with the same effect as provided by law for certification of causes
23 by justice courts.

24 **Sec. 4.** NRS 629.069 is hereby amended to read as follows:

25 629.069 1. A provider of health care shall disclose the results
26 of all tests performed pursuant to NRS 441A.195 to:

27 (a) The person who was tested and, upon request, a member of
28 the family of a decedent who was tested;

29 (b) The law enforcement officer, correctional officer, emergency
30 medical attendant, firefighter, county coroner or medical examiner
31 or their employee ~~or~~ ***or volunteer***, other person who is employed by
32 ***or volunteers for*** an agency of criminal justice or other public
33 employee ~~{whose duties may require him or her to come into contact~~
34 ~~with human blood or bodily fluids}~~ ***or volunteer of a public agency***
35 who filed the petition or on whose behalf the petition was filed
36 pursuant to NRS 441A.195;

37 (c) The designated health care officer for the employer of the
38 person ***or the public agency for which the person volunteers, as***
39 described in paragraph (b) or, if there is no designated health care
40 officer, the person designated by the employer ***or public agency*** to
41 document and verify possible exposure to contagious diseases;

42 (d) If the person who was tested is incarcerated or detained, the
43 person in charge of the facility in which the person is incarcerated or
44 detained and the chief medical officer of the facility in which the
45 person is incarcerated or detained, if any; and



- 1 (e) A designated investigator or member of the State Board of
- 2 Osteopathic Medicine during any period in which the Board is
- 3 investigating the holder of a license pursuant to chapter 633 of NRS.
- 4 2. A provider of health care and an agent or employee of a
- 5 provider of health care are immune from civil liability for a
- 6 disclosure made in accordance with the provisions of this section.
- 7 **Sec. 5.** This act becomes effective upon passage and approval.

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