

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 communicable 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 communicable diseases; revising provisions governing the testing of a person who may have exposed certain public employers, employees or volunteers to a communicable 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 communicable disease. **Section 1** requires a court
21 to determine that the employee or volunteer would require medical intervention if
22 there is a positive result to the test for the presence of a communicable disease
23 before issuing an order for a test. **Section 1** allows a judge or a justice of the peace
24 hearing the petition upon a determination of probable cause and the ordering of a
25 test, to authorize certain persons acting on behalf of the employer or public agency
26 to sign the name of the judge or justice of the peace on a duplicate order. Such an
27 order is to be deemed an order of the court but must be returned to the judge or
28 justice of the peace for endorsement. Failure by the judge or justice of the peace to
29 endorse the order does not in and of itself invalidate the order. **Section 1** also: (1)
30 requires any records concerning such a petition or proceeding on such a petition to
31 be sealed and kept confidential; and (2) authorizes a court to establish rules to allow
32 a judge or justice of the peace to conduct a hearing or issue an order by electronic
33 or telephonic means. **Sections 2 and 3** of this bill authorize justice courts and
34 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}~~ *a communicable disease* if the person or decedent
17 may have exposed the officer, *emergency* medical attendant,
18 firefighter, county coroner or medical examiner or their employee ~~†~~
19 *or volunteer*, other person employed by *or volunteering for* an
20 agency of criminal justice or other public employee ~~{whose duties~~
21 ~~may require him or her to come into contact with human blood or~~
22 ~~bodily fluids}~~ *or volunteer for a public agency* to a ~~{contagious}~~
23 *communicable* disease.

24 2. When possible, before filing a petition pursuant to
25 subsection 1, the person, ~~{or}~~ employer *or public agency for which*
26 *the person volunteers, and who is* petitioning shall submit
27 information concerning the possible exposure to a ~~{contagious}~~



1 *communicable* disease to the designated health care officer for the
2 employer *or public agency* or, if there is no designated health care
3 officer, the person designated by the employer *or public agency* to
4 document and verify possible exposure to ~~{contagious}~~
5 *communicable* diseases, for verification that there was substantial
6 exposure. Each designated health care officer or person designated
7 by an employer *or public agency* to document and verify possible
8 exposure to ~~{contagious}~~ *communicable* diseases shall establish
9 guidelines based on current scientific information to determine
10 substantial exposure.

11 3. A court shall promptly hear a petition filed pursuant to
12 subsection 1 and determine whether there is probable cause to
13 believe that a possible transfer of blood or other bodily fluids
14 occurred between the person who filed the petition or on whose
15 behalf the petition was filed and the person or decedent who
16 possibly exposed him or her to a ~~{contagious}~~ *communicable*
17 disease. If the court determines that probable cause exists to believe
18 that a possible transfer of blood or other bodily fluids occurred ~~{}~~
19 *and, that a positive result from the test for the presence of a*
20 *communicable disease would require the petitioner to seek medical*
21 *intervention,* the court shall:

22 (a) Order the person who possibly exposed the petitioner, or the
23 person on whose behalf the petition was filed, to a ~~{contagious}~~
24 *communicable* disease to submit two *appropriate* specimens ~~{of~~
25 ~~blood}~~ to a local hospital or medical laboratory for testing for
26 exposure to ~~{the human immunodeficiency virus, the hepatitis B~~
27 ~~surface antigen, hepatitis C and tuberculosis;}~~ *a communicable*
28 *disease;* or

29 (b) Order that two *appropriate* specimens ~~{of blood}~~ be ~~{drawn}~~
30 *taken* from the decedent who possibly exposed the petitioner, or the
31 person on whose behalf the petition was filed, to a ~~{contagious}~~
32 *communicable* disease and be submitted to a local hospital or
33 medical laboratory for testing for exposure to the ~~{human~~
34 ~~immunodeficiency virus, the hepatitis B surface antigen, hepatitis C~~
35 ~~and tuberculosis.}~~ *communicable disease.*

36 ➤ The local hospital or medical laboratory shall perform the test in
37 accordance with generally accepted medical practices and shall
38 disclose the results of the test in the manner set forth in
39 NRS 629.069.

40 4. *If a judge or a justice of the peace enters an order*
41 *pursuant to this section, the judge or justice of the peace may*
42 *authorize the designated health care officer or the person*
43 *designated by the employer or public agency to document and*
44 *verify possible exposure to a communicable disease to sign the*
45 *name of the judge or justice of the peace on a duplicate order.*



1 *Such a duplicate order shall be deemed to be an order of the court.*
2 *As soon as practicable after the duplicate order is signed, the*
3 *duplicate order must be returned to the judge or justice of the*
4 *peace who authorized the signing of it and must indicate on its*
5 *face the judge or justice of the peace to whom it is to be returned.*
6 *The judge or justice of the peace, upon receiving the returned*
7 *order, shall endorse the order with his or her name and enter the*
8 *date on which the order was returned. Any failure of the judge or*
9 *justice of the peace to make such an endorsement and entry does*
10 *not in and of itself invalidate the order.*

11 *5. Except as otherwise provided in NRS 629.069, all records*
12 *submitted to the court in connection with a petition filed pursuant*
13 *to this section and any proceedings concerning the petition are*
14 *confidential and the judge or justice of the peace shall order the*
15 *records and any record of the proceedings to be sealed and to be*
16 *opened for inspection only upon an order of the court for good*
17 *cause shown.*

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

21 *7. The employer of a person or the public agency for which*
22 *the person volunteers, who files a petition or on whose behalf a*
23 *petition is filed pursuant to this section or the insurer of the*
24 *employer or public agency, shall pay the cost of performing the test*
25 *pursuant to subsection 3.*

26 ~~15-1~~ **8.** As used in this section:

27 (a) "Agency of criminal justice" has the meaning ascribed to it
28 in NRS 179A.030.

29 (b) "Emergency medical attendant" means a person licensed as
30 an attendant or certified as an emergency medical technician,
31 intermediate emergency medical technician or advanced emergency
32 medical technician pursuant to chapter 450B of NRS.

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

34 4.370 1. Except as otherwise provided in subsection 2, justice
35 courts have jurisdiction of the following civil actions and
36 proceedings and no others except as otherwise provided by specific
37 statute:

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

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



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

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

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

13 (f) To take and enter judgment on the confession of a defendant,
14 when the amount confessed, exclusive of interest, does not exceed
15 \$10,000.

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

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

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

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

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

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

33 (m) Except as otherwise provided in this paragraph, in any
34 action for the issuance of a temporary or extended order for
35 protection against domestic violence. A justice court does not have
36 jurisdiction in an action for the issuance of a temporary or extended
37 order for protection against domestic violence:

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

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

42 (3) If a district court issues a written order to the justice court
43 requiring that further proceedings relating to the action for the
44 issuance of the order for protection be conducted before the district
45 court.



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

4 (o) In small claims actions under the provisions of chapter 73 of
5 NRS.

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

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

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

14 (s) In actions transferred from the district court pursuant to
15 NRS 3.221.

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

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

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

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

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

32 5. In the case of any arrest made by a member of the Nevada
33 Highway Patrol, the jurisdiction of the justices of the peace extends
34 to the limits of their respective counties and to the limits of all
35 counties which have common boundaries with their respective
36 counties.

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

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

41 5.050 1. Municipal courts have jurisdiction of civil actions or
42 proceedings:

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

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



1 2. The municipal courts have jurisdiction of all misdemeanors
2 committed in violation of the ordinances of their respective cities.
3 Upon approval of the district court, a municipal court may transfer
4 original jurisdiction of a misdemeanor to the district court for the
5 purpose of assigning an offender to a program established pursuant
6 to NRS 176A.250 or 176A.280.

7 3. The municipal courts have jurisdiction of:

8 (a) Any action for the collection of taxes or assessments levied
9 for city purposes, when the principal sum thereof does not exceed
10 \$2,500.

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

14 (c) Actions for the breach of any bond given by any officer or
15 person to or for the use or benefit of the city, and of any action for
16 damages to which the city is a party, and upon all forfeited
17 recognizances given to or for the use or benefit of the city, and upon
18 all bonds given on appeals from the municipal court in any of the
19 cases named in this section, when the principal sum claimed does
20 not exceed \$2,500.

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

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

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

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

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

35 629.069 1. A provider of health care shall disclose the results
36 of all tests performed pursuant to NRS 441A.195 to:

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

39 (b) The law enforcement officer, correctional officer, emergency
40 medical attendant, firefighter, county coroner or medical examiner
41 or their employee ~~H~~ *or volunteer*, other person who is employed by
42 *or volunteers for* an agency of criminal justice or other public
43 employee ~~[whose duties may require him or her to come into contact~~
44 ~~with human blood or bodily fluids]~~ *or volunteer of a public agency*



1 who filed the petition or on whose behalf the petition was filed
2 pursuant to NRS 441A.195;

3 (c) The designated health care officer for the employer of the
4 person *or the public agency for which the person volunteers, as*
5 described in paragraph (b) or, if there is no designated health care
6 officer, the person designated by the employer *or public agency* to
7 document and verify possible exposure to ~~contagious~~
8 *communicable* diseases;

9 (d) If the person who was tested is incarcerated or detained, the
10 person in charge of the facility in which the person is incarcerated or
11 detained and the chief medical officer of the facility in which the
12 person is incarcerated or detained, if any; and

13 (e) A designated investigator or member of the State Board of
14 Osteopathic Medicine during any period in which the Board is
15 investigating the holder of a license pursuant to chapter 633 of NRS.

16 2. A provider of health care and an agent or employee of a
17 provider of health care are immune from civil liability for a
18 disclosure made in accordance with the provisions of this section.

19 3. *A person to whom the results of a test pursuant to*
20 *paragraph (b) or (c) of subsection 1 are disclosed shall keep any*
21 *information relating to the identity of the person about whom the*
22 *results relate in strict confidence and shall not disclose any*
23 *information about that person or the results of any test which*
24 *would identify the person to any other person or governmental*
25 *entity.*

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

