
ASSEMBLY BILL NO. 190—ASSEMBLYMAN ARBERRY (BY REQUEST)

FEBRUARY 10, 1999

Referred to Concurrent Committees on Health and
Human Services and Ways and Means

SUMMARY—Requires testing of certain persons for communicable diseases and increases penalty for conduct likely to expose others to communicable disease. (BDR 40-161)

FISCAL NOTE: Effect on Local Government: Yes.
Effect on the State or on Industrial Insurance: Yes.

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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; requiring the testing of certain persons for communicable diseases; increasing the penalty for conduct likely to expose others to a communicable disease; and providing other matters properly relating thereto.

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

1 **Section 1.** Chapter 441A of NRS is hereby amended by adding
2 thereto a new section to read as follows:
3 ***1. As soon as practicable after:***
4 ***(a) A person is arrested for the commission of a crime or a minor is***
5 ***detained for the commission of an act that, if committed by a person***
6 ***other than a minor, would constitute a crime; and***
7 ***(b) A request is made by a person who in the course of his official***
8 ***duties has come into contact with the person or minor because of his***
9 ***alleged commission of a crime or commission of such act, and who may***
10 ***have been or may be exposed to fluid or material from the body of the***
11 ***arrested person or detained minor,***
12 ***the health authority shall test a specimen obtained from the arrested***
13 ***person or detained minor for exposure to the human immunodeficiency***
14 ***virus, hepatitis and any commonly contracted communicable disease,***
15 ***regardless of whether the arrested person or the parent or guardian of***
16 ***the detained minor consents to providing the specimen. The agency that***

1 *has custody of the arrested person or detained minor shall obtain the*
2 *specimen and submit it to the health authority for testing. The health*
3 *authority shall perform the test in accordance with generally accepted*
4 *medical practices.*

5 *2. The health authority shall disclose the results of all tests*
6 *performed pursuant to subsection 1 to the:*

7 *(a) Person requesting the test; and*

8 *(b) The arrested person or the parent or guardian of the detained*
9 *minor.*

10 *3. If the health authority determines, from the results of a test*
11 *performed pursuant to subsection 1, that the person requesting the test*
12 *may have been exposed to the human immunodeficiency virus, hepatitis*
13 *or any commonly contracted communicable disease, it shall, at the*
14 *request of such person, provide him with:*

15 *(a) An examination for exposure to the human immunodeficiency*
16 *virus, hepatitis and any commonly contracted communicable disease to*
17 *which the health authority determines he may have been exposed;*

18 *(b) Counseling regarding the human immunodeficiency virus,*
19 *hepatitis and any commonly contracted communicable disease to which*
20 *the health authority determines he may have been exposed; and*

21 *(c) A referral for health care and other assistance,*
22 *as appropriate.*

23 *4. If the court in:*

24 *(a) A criminal proceeding determines that a person has committed a*
25 *crime; or*

26 *(b) A proceeding conducted pursuant to chapter 62 of NRS determines*
27 *that a minor has committed an act which, if committed by a person other*
28 *than a minor would constitute a crime,*
29 *the court shall, upon application by the health authority, order that*
30 *minor or other person to pay any expenses incurred in carrying out this*
31 *section with regard to that minor or other person and the person*
32 *requesting a test pursuant to subsection 1.*

33 **Sec. 2.** NRS 441A.180 is hereby amended to read as follows:

34 441A.180 1. A person who has a communicable disease in an
35 infectious state shall not conduct himself in any manner likely to expose
36 others to the disease or engage in any occupation in which it is likely that
37 the disease will be transmitted to others.

38 2. A health authority who has reason to believe that a person is in
39 violation of subsection 1 shall issue a warning to him, in writing,
40 informing him of the behavior which constitutes the violation and of the
41 precautions that he must take to avoid exposing others to the disease. The
42 warning must be served upon the person by delivering a copy to him.

1 3. A person who violates the provisions of subsection 1 after service
2 upon him of a warning from a health authority is guilty of a

3 ~~misdemeanor.~~ *category A felony and shall be punished by:*

4 *(a) Imprisonment in the state prison for a definite term of 25 years,*
5 *with eligibility for parole beginning when a minimum of 10 years has*
6 *been served; and*

7 *(b) A fine of not more than \$10,000.*

8 **Sec. 3.** NRS 441A.220 is hereby amended to read as follows:

9 441A.220 All information of a personal nature about any person
10 provided by any other person reporting a case or suspected case of a
11 communicable disease, or by any person who has a communicable disease,
12 or as determined by investigation of the health authority, is confidential
13 medical information and must not be disclosed to any person under any
14 circumstances, including pursuant to any subpoena, search warrant or
15 discovery proceeding, except as follows:

16 1. For statistical purposes, provided that the identity of the person is
17 not discernible from the information disclosed.

18 2. In a prosecution for a violation of this chapter.

19 3. In a proceeding for an injunction brought pursuant to this chapter.

20 4. In reporting the actual or suspected abuse or neglect of a child or
21 elderly person.

22 5. To any person who has a medical need to know the information for
23 his own protection or for the well-being of a patient or dependent person,
24 as determined by the health authority in accordance with regulations of the
25 board.

26 6. If the person who is the subject of the information consents in
27 writing to the disclosure.

28 7. Pursuant to subsection 2 of NRS 441A.320.

29 8. *Pursuant to subsection 2 of section 1 of this act.*

30 9. If the disclosure is made to the welfare division of the department of
31 human resources and the person about whom the disclosure is made has
32 been diagnosed as having acquired immunodeficiency syndrome or an
33 illness related to the human immunodeficiency virus and is a recipient of
34 or an applicant for Medicaid.

35 ~~9.~~ 10. To a fireman, police officer or person providing emergency
36 medical services if the board has determined that the information relates to
37 a communicable disease significantly related to that occupation. The
38 information must be disclosed in the manner prescribed by the board.

39 ~~10.~~ 11. If the disclosure is authorized or required by specific statute.

40 **Sec. 4.** The amendatory provisions of section 2 of this act do not
41 apply to offenses that are committed before October 1, 1999.