

ASSEMBLY BILL NO. 483—ASSEMBLYMEN ANDERSON, MANENDO, LESLIE,
PARKS, FREEMAN, BUCKLEY, CARPENTER, OHRENSCHALL, BROWER,
GUSTAVSON, KOIVISTO, ANGLE, MCCLAIN, NOLAN, DE BRAGA, HETTRICK
AND GOLDWATER

MARCH 11, 1999

Referred to Committee on Judiciary

SUMMARY—Requires certain persons charged with criminal offense who may have transferred blood or other bodily fluids to law enforcement officer, correctional officer or fireman to be tested for human immunodeficiency virus. (BDR 40-1399)

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 public health; requiring certain persons charged with a criminal offense who may have transferred blood or other bodily fluids to a law enforcement officer, correctional officer or fireman to be tested for the human immunodeficiency virus; 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. A law enforcement officer, correctional officer or fireman or an***
4 ***employer of a law enforcement officer, correctional officer or fireman***
5 ***may petition a court for an order requiring the testing for exposure to the***
6 ***human immunodeficiency virus of a person who is charged with a***
7 ***criminal offense in an indictment, information or complaint in which it is***
8 ***alleged that the person interfered with the official duties of the law***
9 ***enforcement officer, correctional officer or fireman by biting, scratching,***
10 ***spitting or transferring blood or other bodily fluids on or through the***
11 ***skin or membranes of the officer or fireman.***

1 **2. A court shall promptly hear a petition filed pursuant to subsection**
2 **1 and determine whether there is probable cause to believe that a possible**
3 **transfer of blood or other bodily fluids occurred between the person who**
4 **is charged with the criminal offense and the law enforcement officer,**
5 **correctional officer or fireman who filed the petition. If the court**
6 **determines that probable cause exists to believe that a possible transfer of**
7 **blood or other bodily fluids occurred, the court shall obtain two**
8 **specimens of blood from the person who is charged with the criminal**
9 **offense and submit them to the health authority for testing for exposure**
10 **to the human immunodeficiency virus. The health authority shall**
11 **perform the test in accordance with generally accepted medical practices.**

12 **3. The health authority shall disclose the results of all tests**
13 **performed pursuant to subsection 2 to:**

14 **(a) The person who was tested;**

15 **(b) The law enforcement officer, correctional officer or fireman who**
16 **filed the petition pursuant to subsection 1;**

17 **(c) The employer of the law enforcement officer, correctional officer**
18 **or fireman who filed the petition pursuant to subsection 1; and**

19 **(d) If the person who was tested is incarcerated or detained, the**
20 **person in charge of the facility in which the person is incarcerated or**
21 **detained and the chief medical officer of the facility in which the person**
22 **is incarcerated or detained, if any.**

23 **Sec. 2. NRS 441A.220 is hereby amended to read as follows:**

24 **441A.220** All information of a personal nature about any person
25 provided by any other person reporting a case or suspected case of a
26 communicable disease, or by any person who has a communicable disease,
27 or as determined by investigation of the health authority, is confidential
28 medical information and must not be disclosed to any person under any
29 circumstances, including pursuant to any subpoena, search warrant or
30 discovery proceeding, except as follows:

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

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

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

35 4. In reporting the actual or suspected abuse or neglect of a child or
36 elderly person.

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

1 6. If the person who is the subject of the information consents in
2 writing to the disclosure.

3 7. Pursuant to subsection 2 of NRS 441A.320 ~~§~~ *or subsection 3 of*
4 *section 1 of this act.*

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

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

14 10. If the disclosure is authorized or required by specific statute.

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