

Assembly Bill No. 279—Assemblymen Leslie, Gibbons, Giunchigliani, Goldwater, Parks, Anderson, Buckley, Carpenter, Chowning, Collins, Freeman, Humke, Koivisto, Manendo, McClain, Neighbors, Ocegüera, Parnell, Price, Smith and Williams

CHAPTER.....

AN ACT relating to occupational disease; providing for the availability of industrial insurance benefits to employees for exposure to certain contagious diseases; and providing other matters properly relating thereto.

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

Section 1. Chapter 617 of NRS is hereby amended by adding thereto a new section to read as follows:

1. Notwithstanding any other provision of this chapter and except as otherwise provided in this section, if a person employed in this state contracts a contagious disease during the course and scope of his employment that results in a temporary or permanent disability or death, the disease is an occupational disease and compensable as such under the provisions of this chapter if:

(a) It is demonstrated that the employee was exposed to the contagious disease during the course and scope of his employment;

(b) The employee reported the exposure to his employer in compliance with the reporting requirements adopted by the employer; and

(c) A test to screen for the contagious disease that is approved by the state board of health is administered to the employee:

(1) Within 72 hours after the date of the exposure and the employee tests negative for exposure to the contagious disease; and

(2) After the incubation period for the contagious disease, as determined by the state board of health, but not later than 12 months after the date of the exposure, and the employee tests positive for exposure to the contagious disease.

2. Such an employee and his dependents are excluded from the benefits of this section if:

(a) The employee refuses to be tested for exposure to the contagious disease as required by subsection 1;

(b) The employee or his dependents are eligible to receive compensation pursuant to paragraph (b) of subsection 2 of NRS 616A.265 or NRS 616C.052; or

(c) It is proven by clear and convincing evidence that the contagious disease did not arise out of and in the course of the employment.

3. All tests for exposure to the contagious disease that are required pursuant to subsection 1 must be paid for by the employer.

4. Compensation awarded to an employee or his dependents pursuant to this section must include:

(a) Full reimbursement for related expenses incurred for:

(1) Preventive treatment administered as a precaution to the employee; and

(2) Other medical treatments, surgery and hospitalization; and

(b) The compensation provided in chapters 616A to 616D, inclusive, of NRS for the disability or death.

5. *As used in this section:*

(a) *"Contagious disease" means hepatitis A, hepatitis B, hepatitis C, tuberculosis, the human immunodeficiency virus or acquired immune deficiency syndrome.*

(b) *"Exposed" or "exposure" means the introduction of blood or other infectious materials into the body of an employee during the performance of his official duties through the skin, eye, mucous membrane or parenteral contact. The term includes contact with airborne materials carrying tuberculosis.*

(c) *"Preventive treatment" includes, without limitation, tests to determine if an employee has contracted the contagious disease to which he was exposed.*

Sec. 2. The provisions of this act do not apply to an employee who, before October 1, 2001, is receiving compensation pursuant to the provisions of chapters 616A to 616D, inclusive, or chapter 617 of NRS.