

ASSEMBLY BILL NO. 313—ASSEMBLYMEN OCEGUERA, GIBBONS, GOLDWATER, BUCKLEY, MANENDO, ANDERSON, ANGLE, ARBERRY, BACHE, BEERS, BERMAN, BROWER, BROWN, CARPENTER, CEGAVSKE, CHOWNING, CLABORN, COLLINS, DE BRAGA, DINI, FREEMAN, GIUNCHIGLIANI, GUSTAVSON, HETTRICK, HUMKE, KOIVISTO, LEE, LESLIE, MARVEL, MCCLAIN, MORTENSON, NEIGHBORS, NOLAN, OHRENSCHALL, PARKS, PARNELL, PERKINS, PRICE, SMITH, TIFFANY, VON TOBEL AND WILLIAMS

MARCH 9, 2001

JOINT SPONSORS: SENATORS AMODEI, CARLTON, TITUS, PORTER, CARE, COFFIN, JACOBSEN, JAMES, MATHEWS, MCGINNESS, NEAL, RAGGIO, RAWSON, RHOADS, SCHNEIDER, SHAFFER, WASHINGTON AND WIENER

Referred to Committee on Commerce and Labor

SUMMARY—Creates conclusive presumption that hepatitis is occupational disease for certain employees. (BDR 53-843)

FISCAL NOTE: Effect on Local Government: Yes.  
Effect on the State: 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 occupational diseases; creating a conclusive presumption that hepatitis is an occupational disease for certain salaried firemen and emergency medical attendants; establishing requirements of eligibility for the statutory presumption; requiring the testing of such employees for the presence of hepatitis; 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.** NRS 616A.035 is hereby amended to read as follows:
- 2 616A.035 1. “Accident benefits” means medical, surgical, hospital
- 3 or other treatments, nursing, medicine, medical and surgical supplies,
- 4 crutches and apparatuses, including prosthetic devices.
- 5 2. The term includes:



- 1 (a) Medical benefits as defined by NRS 617.130;
- 2 (b) Preventive treatment administered as a precaution to an employee
- 3 who is exposed to a contagious disease while providing medical services,
- 4 including emergency medical care, in the course and scope of his
- 5 employment; ~~and~~
- 6 (c) Preventive treatment administered as a precaution to a police officer
- 7 or a salaried or volunteer fireman who was exposed to a contagious
- 8 disease:
- 9 (1) Upon battery by an offender; or
- 10 (2) While performing the duties of a police officer or
- 11 fireman,
- 12 if the exposure is documented by the creation and maintenance of a report
- 13 concerning the exposure pursuant to *paragraph (a) of* subsection 1 of NRS
- 14 616C.052 ~~+~~; *and*
- 15 *(d) Preventive treatment for hepatitis administered as a precaution to*
- 16 *a full-time salaried fireman or an emergency medical attendant employed*
- 17 *in this state.*
- 18 3. The term does not include:
- 19 (a) Exercise equipment, a hot tub or a spa for an employee's home;
- 20 (b) Membership in an athletic or health club;
- 21 (c) Except as otherwise provided in NRS 616C.245, a motor vehicle; or
- 22 (d) The costs of operating a motor vehicle provided pursuant to NRS
- 23 616C.245, fees related to the operation or licensing of the motor vehicle or
- 24 insurance for the motor vehicle.
- 25 4. As used in this section : ~~+, the term:~~
- 26 (a) "Battery" includes, without limitation, the intentional propelling or
- 27 placing, or the causing to be propelled or placed, of any human excrement
- 28 or bodily fluid upon the person of an employee.
- 29 (b) *"Emergency medical attendant" means a person licensed as an*
- 30 *attendant or certified as an emergency medical technician, intermediate*
- 31 *emergency medical technician or advanced emergency medical*
- 32 *technician pursuant to chapter 450B of NRS.*
- 33 (c) *"Hepatitis" includes hepatitis A, hepatitis B, hepatitis C and any*
- 34 *additional diseases or conditions that are associated with or result from*
- 35 *hepatitis A, hepatitis B or hepatitis C.*
- 36 (d) "Preventive treatment" includes, without limitation, tests to
- 37 determine if an employee has contracted ~~the~~ *hepatitis or any other*
- 38 contagious disease to which he was exposed.
- 39 **Sec. 2.** NRS 616A.265 is hereby amended to read as follows:
- 40 616A.265 1. "Injury" or "personal injury" means a sudden and
- 41 tangible happening of a traumatic nature, producing an immediate or
- 42 prompt result which is established by medical evidence, including injuries
- 43 to prosthetic devices. Any injury sustained by an employee while engaging
- 44 in an athletic or social event sponsored by his employer shall be deemed
- 45 not to have arisen out of or in the course of employment unless the
- 46 employee received remuneration for participation in the event.
- 47 2. For the purposes of chapters 616A to 616D, inclusive, of NRS:
- 48 (a) Coronary thrombosis, coronary occlusion, or any other ailment or
- 49 disorder of the heart, and any death or disability ensuing therefrom, shall



1 be deemed not to be an injury by accident sustained by an employee arising  
2 out of and in the course of his employment.

3 (b) The exposure of an employee to a contagious disease while  
4 providing medical services, including emergency medical care, in the  
5 course and scope of his employment shall be deemed to be an injury by  
6 accident sustained by the employee arising out of and in the course of his  
7 employment.

8 (c) The exposure to a contagious disease of a police officer or a salaried  
9 or volunteer fireman who was exposed to the contagious disease:

10 (1) Upon battery by an offender; or

11 (2) While performing the duties of a police officer or  
12 fireman,

13 shall be deemed to be an injury by accident sustained by the police officer  
14 or fireman arising out of and in the course of his employment if the  
15 exposure is documented by the creation and maintenance of a report  
16 concerning the exposure pursuant to *paragraph (a) of* subsection 1 of NRS  
17 616C.052. As used in this paragraph, the term "battery" includes, without  
18 limitation, the intentional propelling or placing, or the causing to be  
19 propelled or placed, of any human excrement or bodily fluid upon the  
20 person of an employee.

21 **Sec. 3.** NRS 616C.052 is hereby amended to read as follows:

22 616C.052 1. *Except as otherwise provided in section 4 of this act:*

23 (a) If a police officer or a salaried or volunteer fireman is exposed to a  
24 contagious disease:

25 ~~(a)~~ (1) Upon battery by an offender; or

26 ~~(b)~~ (2) While performing the duties of a police officer or  
27 fireman,

28 the employer of the police officer or fireman shall create and maintain a  
29 report concerning the exposure that includes, without limitation, the name  
30 of each police officer or fireman, as applicable, who was exposed to the  
31 contagious disease and the name of each person, if any, to whom the police  
32 officer or fireman was exposed.

33 ~~(2)~~ (b) If the employment of a police officer or a salaried or volunteer  
34 fireman is terminated, voluntarily or involuntarily, the employer of the  
35 police officer or fireman shall, at the time of termination and at 6 and 12  
36 months after the date of termination, provide to the police officer or  
37 fireman a blood test *or other appropriate test* to screen for contagious  
38 diseases, including, without limitation, hepatitis A, hepatitis B, hepatitis C,  
39 tuberculosis and human immunodeficiency virus. If a blood test *or other*  
40 *appropriate test* administered pursuant to this subsection and provided to  
41 the employer reveals that a former police officer or a former salaried or  
42 volunteer fireman has a contagious disease or the antibodies associated  
43 with a contagious disease, the police officer or fireman is eligible, during  
44 his lifetime, to receive compensation for such a disease and any additional  
45 diseases or conditions that are associated with or result from the contagious  
46 disease pursuant to chapters 616A to 617, inclusive, of NRS. The former  
47 employer of a police officer or a salaried or volunteer fireman shall pay all  
48 the costs associated with providing blood tests *and other appropriate tests*  
49 required pursuant to this subsection.



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1 ~~13.1~~ 2. As used in this section, the term “battery” includes, without  
2 limitation, the intentional propelling or placing, or the causing to be  
3 propelled or placed, of any human excrement or bodily fluid upon the  
4 person of an employee.

5 **Sec. 4.** Chapter 617 of NRS is hereby amended by adding thereto a  
6 new section to read as follows:

7 *1. Notwithstanding any other provision of this chapter and except as*  
8 *otherwise provided in this section, if an employee has hepatitis, the*  
9 *disease is conclusively presumed to have arisen out of and in the course*  
10 *of his employment if the employee has been continuously employed for 5*  
11 *years or more as a full-time salaried fireman or emergency medical*  
12 *attendant in this state before the date of any temporary or permanent*  
13 *disability or death resulting from the hepatitis.*

14 *2. Compensation awarded to a fireman or an emergency medical*  
15 *attendant, or to the dependents of such a person, for hepatitis pursuant to*  
16 *this section must include:*

17 *(a) Full reimbursement for related expenses incurred for medical*  
18 *treatments, surgery and hospitalization; and*

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

21 *3. A salaried fireman or emergency medical attendant shall submit to*  
22 *a blood test to screen for hepatitis upon employment, upon the*  
23 *commencement of coverage and thereafter on an annual basis during his*  
24 *employment. All blood tests required pursuant to this section must be*  
25 *paid for by the employer.*

26 *4. The provisions of this section apply to a fireman or emergency*  
27 *medical attendant who is diagnosed with hepatitis after the termination*  
28 *of the employment if the diagnosis is made within 1 year after the last*  
29 *day of the employment.*

30 *5. A fireman or an emergency medical attendant who is determined*  
31 *to be:*

32 *(a) Partially disabled from an occupational disease pursuant to the*  
33 *provisions of this section; and*

34 *(b) Incapable of performing, with or without remuneration, work as a*  
35 *fireman or an emergency medical attendant,*  
36 *may elect to receive the benefits provided pursuant to NRS 616C.440 for*  
37 *a permanent total disability.*

38 *6. As used in this section:*

39 *(a) “Emergency medical attendant” means a person licensed as an*  
40 *attendant or certified as an emergency medical technician, intermediate*  
41 *emergency medical technician or advanced emergency medical*  
42 *technician pursuant to chapter 450B of NRS.*

43 *(b) “Hepatitis” includes hepatitis A, hepatitis B, hepatitis C and any*  
44 *additional diseases or conditions that are associated with or result from*  
45 *hepatitis A, hepatitis B or hepatitis C.*

46 **Sec. 5.** 1. Notwithstanding any provision of section 4 of this act, a  
47 person who submits to a blood test to screen for hepatitis on or after  
48 October 1, 2001, but on or before November 1, 2001, and who, on October  
49 1, 2001:



1 (a) Is employed as a full-time salaried fireman or emergency medical  
2 attendant in this state; or

3 (b) Had at any time been continuously employed for 5 years or more as  
4 a full-time salaried fireman or emergency medical attendant in  
5 this state,  
6 shall be deemed to be in compliance with all blood testing that would  
7 otherwise be required by subsection 3 of section 4 of this act through the  
8 date of the blood test.

9 2. If:

10 (a) A blood test taken pursuant to this section reveals that a person has  
11 hepatitis; and

12 (b) Before taking the blood test, the person had at any time been  
13 continuously employed for 5 years or more as a full-time salaried fireman  
14 or emergency medical attendant in this state,  
15 the person is entitled to the conclusive presumption relating to hepatitis  
16 created by section 4 of this act if he, before January 1, 2002, files a claim  
17 for compensation pursuant to chapter 617 of NRS.

18 3. As used in this section:

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

23 (b) “Hepatitis” includes hepatitis A, hepatitis B, hepatitis C and any  
24 additional diseases or conditions that are associated with or result from  
25 hepatitis A, hepatitis B or hepatitis C.

26 **Sec. 6.** The amendatory provisions of this act do not apply to any  
27 person who, on October 1, 2001, is receiving compensation for hepatitis  
28 pursuant to chapters 616A to 616D, inclusive, of NRS. As used in this  
29 section, “hepatitis” includes hepatitis A, hepatitis B, hepatitis C and any  
30 additional diseases or conditions that are associated with or result from  
31 hepatitis A, hepatitis B or hepatitis C.

