

## (REPRINTED WITH ADOPTED AMENDMENTS)

## SECOND REPRINT

A.B. 313

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 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:



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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~~ *within 30 days after the date*  
36 of termination and at 6 and 12 months after the date of termination, provide  
37 to the police officer or fireman a blood test *or other appropriate test*  
38 to screen for contagious diseases, including, without limitation, hepatitis A,  
39 hepatitis B, hepatitis C, tuberculosis and human immunodeficiency virus. If  
40 a blood test *or other appropriate test* administered pursuant to this  
41 subsection and provided to the employer reveals that a former police  
42 officer or a former salaried or volunteer fireman has a contagious disease  
43 or the antibodies associated with a contagious disease, the police officer or  
44 fireman is eligible, during his lifetime, to receive compensation for such a  
45 disease and any additional diseases or conditions that are associated with or  
46 result from the contagious disease pursuant to chapters 616A to 617,  
47 inclusive, of NRS. The former employer of a police officer or a salaried or  
48 volunteer fireman shall pay all the costs associated with providing blood  
49 tests *and other appropriate tests* 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 an emergency medical attendant shall*  
22 *submit to 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:*

27 *(a) Except as otherwise provided in paragraph (b), do not apply to a*  
28 *fireman or emergency medical attendant who is diagnosed with hepatitis*  
29 *upon employment.*

30 *(b) Apply to a fireman or emergency medical attendant who is*  
31 *diagnosed with hepatitis upon employment if, during the employment or*  
32 *within 1 year after the last day of the employment, he is diagnosed with a*  
33 *different strain of hepatitis.*

34 *(c) Apply to a fireman or emergency medical attendant who is*  
35 *diagnosed with hepatitis after the termination of the employment if the*  
36 *diagnosis is made within 1 year after the last day of the employment.*

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

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

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

45 *6. As used in this section:*

46 *(a) “Emergency medical attendant” means a person licensed as an*  
47 *attendant or certified as an emergency medical technician, intermediate*  
48 *emergency medical technician or advanced emergency medical*  
49 *technician pursuant to chapter 450B of NRS.*



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

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

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

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

16        2. If:

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

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

25        3. As used in this section:

26        (a) “Emergency medical attendant” means a person licensed as an  
27        attendant or certified as an emergency medical technician, intermediate  
28        emergency medical technician or advanced emergency medical technician  
29        pursuant to chapter 450B of NRS.

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

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

