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## Senate Bill No. 184—Senator Mathews

(Proposed amended bill from Michael “Mick” Gillins, NCOPS submitted 03/05/03)

Referred to Committee on Commerce and Labor

**SUMMARY**—Revises certain provisions governing occupational diseases contracted by police officers. (BDR 53-851)

**FISCAL NOTE:** Effect on Local Government: Yes.

Effect on the State: Yes.

EXPLANATION – Matter in bolded blue is new; matter between brackets [omitted material] is material to be omitted. numbers along left margin indicate location on the printed bill (e.g., 5-15 indicates page 5, line 15).

AN ACT relating to public employees; expanding the definition of “accident benefits” for purposes of industrial insurance to include preventative treatment for hepatitis administered as a precaution to a police officer employed in this state[; including certain game wardens and investigators within the definition of “police officer” for various purposes relating to industrial injuries, occupational diseases and programs for public employees;] creating a statutory presumption that hepatitis is an occupational disease for a police officer[; and providing other matters properly relating thereto].

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

- 1-1 **Section 1.** NRS 616A.035 is hereby amended to read as  
1-2 follows:  
1-3 616A.035 1. “Accident benefits” means medical, surgical,  
1-4 hospital or other treatments, nursing, medicine, medical and surgical  
1-5 supplies, crutches and apparatuses, including prosthetic devices.  
1-6 2. The term includes:  
1-7 (a) Medical benefits as defined by NRS 617.130;  
1-8 (b) Preventive treatment administered as a precaution to an  
1-9 employee who is exposed to a contagious disease while providing  
2-1 medical services, including emergency medical care, in the course  
2-2 and scope of his employment;  
2-3 (c) Preventive treatment administered as a precaution to a police  
2-4 officer or a salaried or volunteer fireman who:  
2-5 (1) Was exposed to a contagious disease:  
2-6 (I) Upon battery by an offender; or  
2-7 (II) While performing the duties of a police officer or  
2-8 fireman,

2-9 if the exposure is documented by the creation and maintenance of a  
2-10 report concerning the exposure pursuant to paragraph (a) of  
2-11 subsection 1 of NRS 616C.052; or

2-12 (2) Tests positive for exposure to tuberculosis under the  
2-13 circumstances described in NRS 616C.052; and

2-14 (d) Preventive treatment for hepatitis administered as a  
2-15 precaution to a police officer, full-time salaried fireman or [an]  
2-16 emergency medical attendant employed in this state.

2-17 3. The term does not include:

2-18 (a) Exercise equipment, a hot tub or a spa for an employee's  
2-19 home;

2-20 (b) Membership in an athletic or health club;

2-21 (c) Except as otherwise provided in NRS 616C.245, a motor  
2-22 vehicle; or

2-23 (d) The costs of operating a motor vehicle provided pursuant to  
2-24 NRS 616C.245, fees related to the operation or licensing of the  
2-25 motor vehicle or insurance for the motor vehicle.

2-26 4. As used in this section:

2-27 (a) "Battery" includes, without limitation, the intentional  
2-28 propelling or placing, or the causing to be propelled or placed, of  
2-29 any human excrement or bodily fluid upon the person of an  
2-30 employee.

2-31 (b) "Emergency medical attendant" means a person licensed as  
2-32 an attendant or certified as an emergency medical technician,  
2-33 intermediate emergency medical technician or advanced emergency  
2-34 medical technician pursuant to chapter 450B of NRS, whose  
2-35 primary duties of employment are the provision of emergency  
2-36 medical services.

2-37 (c) "Hepatitis" includes hepatitis A, hepatitis B, hepatitis C and  
2-38 any additional diseases or conditions that are associated with or  
2-39 result from hepatitis A, hepatitis B or hepatitis C.

2-40 (d) "Preventive treatment" includes, without limitation:

2-41 (1) Tests to determine if an employee has contracted hepatitis  
2-42 or any other contagious disease to which he was exposed; and

2-43 (2) If an employee tests positive for exposure to tuberculosis  
2-44 under the circumstances described in NRS 616C.052, such  
2-45 medication and chest X rays as are recommended by the Centers for  
3-1 Disease Control and Prevention of the United States Department of  
3-2 Health and Human Services.

(Removed section 2., lines 3-3 to 3-36)

3-37 [Sec. 3.] Sec. 2. NRS 617.485 is hereby amended to read as follows:

3-38 617.485 1. Notwithstanding any other provision of this

3-39 chapter and except as otherwise provided in this section, if an

3-40 employee has hepatitis, the disease is conclusively presumed to have

3-41 arisen out of and in the course of his employment if the employee

3-42 has been continuously employed for 5 years or more as a **police**  
3-43 **officer**, full-time salaried fireman or emergency medical attendant in  
3-44 this state before the date of any temporary or permanent disability or  
3-45 death resulting from the hepatitis.

4-1 2. Compensation awarded to a **police officer**, fireman or [an]  
4-2 emergency medical attendant, or to the dependents of such a person,  
4-3 for hepatitis pursuant to this section must include:

4-4 (a) Full reimbursement for related expenses incurred for medical  
4-5 treatments, surgery and hospitalization; and

4-6 (b) The compensation provided in chapters 616A to 616D,  
4-7 inclusive, of NRS for the disability or death.

4-8 3. A **police officer**, salaried fireman or [an] emergency medical  
4-9 attendant shall submit to a blood test to screen for hepatitis upon  
4-10 employment, upon the commencement of coverage and thereafter on  
4-11 an annual basis during his employment. All blood tests required  
4-12 pursuant to this section must be paid for by the employer.

4-13 4. The provisions of this section:

4-14 (a) Except as otherwise provided in paragraph (b), do not apply  
4-15 to a **police officer**, fireman or emergency medical attendant who is  
4-16 diagnosed with hepatitis upon employment.

4-17 (b) Apply to a **police officer**, fireman or emergency medical  
4-18 attendant who is diagnosed with hepatitis upon employment if,  
4-19 during the employment or within 1 year after the last day of the  
4-20 employment, he is diagnosed with a different strain of hepatitis.

4-21 (c) Apply to a **police officer**, fireman or emergency medical  
4-22 attendant who is diagnosed with hepatitis after the termination of the  
4-23 employment if the diagnosis is made within 1 year after the last day  
4-24 of the employment.

4-25 5. A **police officer**, fireman or [an] emergency medical  
4-26 attendant who is determined to be:

4-27 (a) Partially disabled from an occupational disease pursuant to  
4-28 the provisions of this section; and

4-29 (b) Incapable of performing, with or without remuneration, work  
4-30 as a **police officer**, fireman or [an] emergency medical  
4-31 attendant,

4-32 may elect to receive the benefits provided pursuant to NRS  
4-33 616C.440 for a permanent total disability.

4-34 6. As used in this section:

4-35 (a) "Emergency medical attendant" means a person licensed as  
4-36 an attendant or certified as an emergency medical technician,  
4-37 intermediate emergency medical technician or advanced emergency  
4-38 medical technician pursuant to chapter 450B of NRS, whose  
4-39 primary duties of employment are the provision of emergency  
4-40 medical services.

4-41 (b) "Hepatitis" includes hepatitis A, hepatitis B, hepatitis C and

4-42 any additional diseases or conditions that are associated with or  
4-43 result from hepatitis A, hepatitis B or hepatitis C.

4-44 [Sec. 4.] Sec. 3. 1. Notwithstanding any provision of NRS 617.485, a  
4-45 person who submits to a blood test to screen for hepatitis on or after  
5-1 July 1, 2003, but on or before August 1, 2003, and who, on July 1,  
5-2 2003:

5-3 (a) Is employed as a police officer in this state; or  
5-4 (b) Had at any time been continuously employed for 5 years or  
5-5 more as a police officer in this state,  
5-6 shall be deemed to be in compliance with all blood testing that  
5-7 would otherwise be required by subsection 3 of NRS 617.485  
5-8 through the date of the blood test.

5-9 2. Notwithstanding the provisions of NRS 617.485, a person  
5-10 who, on July 1, 2003, is employed as a police officer in this state  
5-11 shall submit to a blood test to screen for hepatitis on or before  
5-12 August 1, 2003. The blood test must be paid for by the employer of  
5-13 the person. If a person fails to submit to a blood test required by this  
5-14 subsection, the conclusive presumption relating to hepatitis  
5-15 otherwise created by NRS 617.485 shall be deemed with regard to  
5-16 that person and for the purposes of NRS 617.485 to be a rebuttable  
5-17 presumption that may only be rebutted by clear and convincing  
5-18 evidence that the hepatitis was not contracted during the period in  
5-19 which the person was employed as a police officer.

5-20 3. If:

5-21 (a) A blood test taken pursuant to this section indicates that a  
5-22 person has hepatitis; and

5-23 (b) Before taking the blood test, the person had at any time been  
5-24 continuously employed for 5 years or more as a police officer in this  
5-25 state,

5-26 the person is entitled to a rebuttable presumption that the hepatitis  
5-27 arose out of and in the course of his employment and is  
5-28 compensable in accordance with NRS 617.485 if he, before  
5-29 January 1, 2004, files a claim for compensation pursuant to chapter  
5-30 617 of NRS. The presumption may only be rebutted by clear and  
5-31 convincing evidence that the hepatitis was not contracted during the  
5-32 period in which the person was employed as a police officer in this  
5-33 state.

5-34 4. As used in this section:

5-35 (a) "Hepatitis" includes hepatitis A, hepatitis B, hepatitis C and  
5-36 any additional diseases or conditions that are associated with or  
5-37 result from hepatitis A, hepatitis B or hepatitis C.

5-38 (b) "Police officer" includes:

5-39 (1) A sheriff, deputy sheriff, officer of a metropolitan police  
5-40 department or city policeman;

5-41 (2) A chief, inspector, supervisor, commercial officer or

5-42 trooper of the Nevada Highway Patrol;

5-43 (3) A chief, investigator or agent of the Investigation

5-44 Division of the Department of Public Safety;

6-1 (4) An officer or investigator of the Section for the Control

6-2 of Emissions From Vehicles of the Department of Motor Vehicles;

6-3 (5) An investigator of the Division of Compliance

6-4 Enforcement of the Department of Motor Vehicles;

6-5 (6) A member of the police department of the University and

6-6 Community College System of Nevada;

6-7 (7) A:

6-8 (I) Uniformed employee of; or

6-9 (II) Forensic specialist employed by,

6-10 the Department of Corrections whose position requires regular and

6-11 frequent contact with the offenders imprisoned and subjects the

6-12 employee to recall in emergencies;

6-13 (8) A parole and probation officer of the Division of Parole

6-14 and Probation of the Department of Public Safety;

6-15 (9) A forensic specialist or correctional officer employed by

6-16 the Division of Mental Health and Developmental Services of the

6-17 Department of Human Resources at facilities for mentally

6-18 disordered offenders;

6-19 (10) The State Fire Marshal, his assistant and his deputies;

(Removed lines 6-20 to 6-26)

6-27 [Sec. 5.] Sec. 4. The amendatory provisions of this act do not apply to

6-28 any person who, on July 1, 2003, is receiving compensation for

6-29 hepatitis pursuant to chapters 616A to 616D, inclusive, of NRS. As

6-30 used in this section, "hepatitis" includes hepatitis A, hepatitis B,

6-31 hepatitis C and any additional diseases or conditions that are

6-32 associated with or result from hepatitis A, hepatitis B or hepatitis C.

6-33 [Sec. 6.] Sec. 5. This act becomes effective on July 1, 2003.

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