

SENATE BILL NO. 82—COMMITTEE ON HUMAN
RESOURCES AND FACILITIES

(ON BEHALF OF THE LEGISLATIVE COMMITTEE ON
HEALTH CARE (NRS 439B.200))

FEBRUARY 11, 2003

Referred to Committee on Human Resources and Facilities

SUMMARY—Makes various changes concerning public health
laws. (BDR 40-677)

FISCAL NOTE: Effect on Local Government: Yes.
Effect on the State: Yes.

~

EXPLANATION – Matter in *bolded italics* is new; matter between brackets ~~omitted material~~ is material to be omitted.

AN ACT relating to public health; establishing procedures for the
isolation or quarantine of a person with a communicable
disease; authorizing public health officials to isolate and
quarantine a group of persons; requiring the State Board
of Health to develop a syndromic reporting and active
surveillance system for monitoring public health;
expanding the exclusive jurisdiction of the family court to
include proceedings for an involuntary court-ordered
isolation or quarantine; 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 439.360 is hereby amended to read as follows:
2 439.360 The county board of health may:
3 1. Abate nuisances in accordance with law.
4 2. Establish and maintain an isolation hospital or quarantine
5 station when necessary ~~for~~ *for the isolation or quarantine of a*
6 *person or a group of persons.*



* S B 8 2 R 1 *

1 3. Restrain, quarantine and disinfect any person *or group of*
2 *persons* sick with or exposed to any contagious or infectious disease
3 that is dangerous to the public health.

4 4. Appoint quarantine officers when necessary to enforce a
5 quarantine, shall provide whatever medicines, disinfectants and
6 provisions which may be required, and shall arrange for the payment
7 of all debts or charges so incurred from any funds available, but
8 each patient shall, if he is able, pay for his food, medicine, clothes
9 and medical attendance.

10 5. Subject to the prior review and approval of the board of
11 county commissioners and except as otherwise provided in NRS
12 576.128, adopt a schedule of reasonable fees to be collected for
13 issuing or renewing any health permit or license required to be
14 obtained from the board pursuant to a law of this state or an
15 ordinance adopted by any political subdivision of this state. Such
16 fees must be for the sole purpose of defraying the costs and
17 expenses of the procedures for issuing licenses and permits, and
18 investigations related thereto, and not for the purposes of general
19 revenue.

20 **Sec. 2.** NRS 439.470 is hereby amended to read as follows:

21 439.470 The city board of health may:

22 1. Abate nuisances in accordance with law.

23 2. Establish a temporary isolation hospital or quarantine station
24 when *an* emergency demands ~~the~~ *the isolation or quarantine of a*
25 *person or a group of persons.*

26 3. Restrain, quarantine and disinfect any person *or group of*
27 *persons* sick with or exposed to any contagious or infectious disease
28 which is dangerous to the public health.

29 4. Appoint quarantine officers when necessary to enforce a
30 quarantine, and shall provide whatever medicines, disinfectants and
31 provisions which may be required. The city council shall pay all
32 debts or charges so incurred, ~~the~~ but each patient shall, if able, pay
33 for his food, medicine, clothes and medical attendance.

34 5. Subject to the prior review and approval of the governing
35 body of the city and except as otherwise provided in NRS 576.128,
36 adopt a schedule of reasonable fees to be collected for issuing or
37 renewing any health permit or license required to be obtained from
38 such board pursuant to state law or an ordinance adopted by any
39 political subdivision. Such fees must be for the sole purpose of
40 defraying the costs and expenses of the procedures for issuing
41 licenses and permits, and investigations related thereto, and not for
42 the purposes of general revenue.



* S B 8 2 R 1 *

1 **Sec. 3.** Chapter 441A of NRS is hereby amended by adding
2 thereto the provisions set forth as sections 4 to 27, inclusive, of this
3 act.

4 **Sec. 4.** *“Isolation” means the physical separation and*
5 *confinement of a person or a group of persons infected or*
6 *reasonably believed by a health authority to be infected with a*
7 *communicable disease from persons who are not infected with and*
8 *have not been exposed to the communicable disease, to limit the*
9 *transmission of the communicable disease to persons who are not*
10 *infected with and have not been exposed to the communicable*
11 *disease.*

12 **Sec. 5.** *“Quarantine” means the physical separation and*
13 *confinement of a person or a group of persons exposed to or*
14 *reasonably believed by a health authority to have been exposed to*
15 *a communicable disease who do not yet show any signs or*
16 *symptoms of being infected with the communicable disease from*
17 *persons who are not infected with and have not been exposed to*
18 *the communicable disease, to limit the transmission of the*
19 *communicable disease to persons who are not infected with and*
20 *have not been exposed to the communicable disease.*

21 **Sec. 6.** As used in sections 6 to 26, inclusive, of this act,
22 unless the context otherwise requires, “health authority” means:

- 23 1. The officers and agents of the Health Division;
24 2. The officers and agents of a health district; or
25 3. The district health officer in a district, or his designee, or,
26 if none, the State Health Officer, or his designee.

27 **Sec. 7.** *If a health authority isolates or quarantines a person*
28 *or group of persons infected with, exposed to, or reasonably*
29 *believed by a health authority to have been infected with or*
30 *exposed to a communicable disease, the authority must isolate or*
31 *quarantine the person or group of persons in the manner set forth*
32 *in sections 6 to 26, inclusive, of this act.*

33 **Sec. 7.5.** A person who is isolated or quarantined pursuant to
34 sections 6 to 26, inclusive, of this act has the right:

- 35 1. To make a reasonable number of completed telephone calls
36 from the place where he is isolated or quarantined as soon as
37 reasonably possible after his isolation or quarantine; and
38 2. To possess and use a cellular phone or any other similar
39 means of communication to make and receive calls in the place
40 where he is isolated or quarantined.

41 **Sec. 8.** 1. If a person infected with or exposed to a
42 communicable disease is voluntarily isolated or quarantined in a
43 public or private medical facility, the facility shall not change the
44 status of the person to an emergency isolation or quarantine
45 unless, before the change in status is made:



* S B 8 2 R 1 *

- 1 (a) *The facility provides:*
2 (1) *An application to a health authority for an emergency*
3 *isolation or quarantine pursuant to section 10 of this act; and*
4 (2) *The certificate of a health authority, physician, licensed*
5 *physician assistant or registered nurse to a health authority*
6 *pursuant to section 11 of this act; or*
7 (b) *The facility receives an order for isolation or quarantine*
8 *issued by a health authority.*
9 2. *A person whose status is changed to an emergency*
10 *isolation or quarantine pursuant to subsection 1:*
11 (a) *Must not be detained in excess of 48 hours after the change*
12 *in status is made, unless within that period a written petition is*
13 *filed by a health authority with the clerk of the district court*
14 *pursuant to section 14 of this act.*
15 *act; and*
16 (b) *May, immediately after his status is changed, seek an*
17 *injunction or other appropriate process in district court*
18 *challenging his detention.*
19 3. *If the period specified in subsection 2 expires on a day on*
20 *which the office of the clerk of the district court is not open, the*
21 *written petition must be filed on or before the close of the business*
22 *day next following the expiration of that period.*
23 4. *Nothing in this section limits the actions that a public or*
24 *private medical facility may take to prevent or limit the*
25 *transmission of communicable diseases within the medical facility,*
26 *including, without limitation, practices for the control of*
27 *infections.*
28 **Sec. 9. 1.** *Any person or group of persons alleged to have*
29 *been infected with or exposed to a communicable disease may be*
30 *detained in a public or private medical facility, a residence or*
31 *other safe location under emergency isolation or quarantine for*
32 *testing, examination, observation and the provision of or*
33 *arrangement for the provision of consensual medical treatment in*
34 *the manner set forth in sections 6 to 26, inclusive, of this act, and*
35 *subject to the provisions of subsection 2:*
36 (a) *Upon application to a health authority pursuant to section*
37 *10 of this act;*
38 (b) *Upon order of a health authority; or*
39 (c) *Upon voluntary consent of the person, parent of a minor*
40 *person or legal guardian of the person.*
41 2. *Except as otherwise provided in subsection 3, 4 or 5, a*
42 *person voluntarily or involuntarily isolated or quarantined under*
43 *subsection 1 must be released within 72 hours, including*
44 *weekends and holidays, from the time of his admission to a*



* S B 8 2 R 1 *

1 *medical facility or isolation or quarantine in a residence or other*
2 *safe location, unless within that period:*

3 (a) *The additional voluntary consent of the person, the parent*
4 *of a minor person or a legal guardian of the person is obtained;*

5 (b) *A written petition for an involuntary court-ordered*
6 *isolation or quarantine is filed with the clerk of the district court*
7 *pursuant to section 14 of this act, including, without limitation,*
8 *the documents required pursuant to section 15 of this act; or*

9 (c) *The status of the person is changed to a voluntary isolation*
10 *or quarantine.*

11 3. *A person who is involuntarily isolated or quarantined*
12 *under subsection 1 may, immediately after he is isolated or*
13 *quarantined, seek an injunction or other appropriate process in*
14 *district court challenging his detention.*

15 4. *If the period specified in subsection 2 expires on a day on*
16 *which the office of the clerk of the district court is not open, the*
17 *written petition must be filed on or before the close of the business*
18 *day next following the expiration of that period.*

19 5. *During a state of emergency or declaration of disaster*
20 *regarding public health proclaimed by the Governor or the*
21 *Legislature pursuant to NRS 414.070, a health authority may,*
22 *before the expiration of the period of 72 hours set forth in*
23 *subsection 2, petition, with affidavits supporting its request, a*
24 *district court for an order finding that a reasonably foreseeable*
25 *immediate threat to the health of the public requires the 72-hour*
26 *period of time to be extended for no longer than the court deems*
27 *necessary for available governmental resources to investigate, file*
28 *and prosecute the relevant written petitions for involuntary court-*
29 *ordered isolation or quarantine pursuant to sections 6 to 26,*
30 *inclusive, of this act.*

31 **Sec. 10. 1.** *An application to a health authority for an order*
32 *of emergency isolation or quarantine of a person or a group of*
33 *persons alleged to have been infected with or exposed to a*
34 *communicable disease may only be made by another health*
35 *authority, a physician, a licensed physician assistant, a registered*
36 *nurse or a medical facility by submitting the certificate required by*
37 *section 11 of this act. Within its jurisdiction, upon application or*
38 *on its own, subject to the provisions of sections 6 to 26, inclusive, a*
39 *health authority may:*

40 (a) *Pursuant to its own order and without a warrant:*

41 (1) *Take a person or group of persons alleged to and*
42 *reasonably believed by the health authority to have been infected*
43 *with or exposed to a communicable disease into custody in any*
44 *safe location under emergency isolation or quarantine for testing,*



* S B 8 2 R 1 *

1 *examination, observation and the provision of or arrangement for*
2 *the provision of consensual medical treatment; and*

3 (2) *Transport the person or group of persons alleged to and*
4 *reasonably believed by the health authority to have been infected*
5 *with or exposed to a communicable disease to a public or private*
6 *medical facility, a residence or other safe location for that*
7 *purpose, or arrange for the person or group of persons to be*
8 *transported for that purpose by:*

9 (I) *A local law enforcement agency;*

10 (II) *A system for the nonemergency medical*
11 *transportation of persons whose operation is authorized by the*
12 *Transportation Services Authority; or*

13 (III) *If medically necessary, an ambulance service that*
14 *holds a permit issued pursuant to the provisions of chapter 450B*
15 *of NRS,*

16 *only if the health authority acting in good faith has, based upon*
17 *personal observation, its own epidemiological investigation or an*
18 *epidemiological investigation by another health authority, a*
19 *physician, a licensed physician assistant or a registered nurse as*
20 *stated in a certificate submitted pursuant to section 11 of this act,*
21 *if such a certificate was submitted, of the person or group of*
22 *persons alleged to have been infected with or exposed to a*
23 *communicable disease, a reasonable factual and medical basis to*
24 *believe that the person or group of persons has been infected with*
25 *or exposed to a communicable disease, and that because of the*
26 *risks of that disease the person or group of persons is likely to be*
27 *an immediate threat to the health of members of the public who*
28 *have not been infected with or exposed to the communicable*
29 *disease.*

30 (b) *Petition a district court for an emergency order requiring:*

31 (1) *Any health authority or peace officer to take a person or*
32 *group of persons alleged to have been infected with or exposed to*
33 *a communicable disease into custody to allow the health authority*
34 *to investigate, file and prosecute a petition for the involuntary*
35 *court-ordered isolation or quarantine of the person or group of*
36 *persons alleged to have been infected with or exposed to a*
37 *communicable disease in the manner set forth in sections 6 to 26,*
38 *inclusive, of this act; and*

39 (2) *Any agency, system or service described in*
40 *subparagraph (2) of paragraph (a) to transport, in accordance*
41 *with such court order, the person or group of persons alleged to*
42 *have been infected with or exposed to a communicable disease to a*
43 *public or private medical facility, a residence or other safe*
44 *location for that purpose.*



1 2. The district court may issue an emergency order for
2 isolation or quarantine pursuant to paragraph (b) of subsection 1:

3 (a) Only for the time deemed necessary by the court to allow a
4 health authority to investigate, file and prosecute each petition for
5 involuntary court-ordered isolation or quarantine pursuant to
6 sections 6 to 26, inclusive, of this act; and

7 (b) Only if it is satisfied that there is probable cause to believe
8 that the person or group of persons alleged to have been infected
9 with or exposed to a communicable disease has been infected with
10 or exposed to a communicable disease, and that because of the
11 risks of that disease the person or group of persons is likely to be
12 an immediate threat to the health of the public.

13 **Sec. 11.** A health authority shall not accept an application
14 for an emergency isolation or quarantine under section 10 of this
15 act unless that application is accompanied by a certificate of
16 another health authority or a physician, licensed physician
17 assistant or registered nurse stating that he has examined the
18 person or group of persons alleged to have been infected with or
19 exposed to a communicable disease or has investigated the
20 circumstances of potential infection or exposure regarding the
21 person or group of persons alleged to have been infected with or
22 exposed to a communicable disease and that he has concluded that
23 the person or group of persons has been infected with or exposed
24 to a communicable disease, and that because of the risks of that
25 disease the person or group of persons is likely to be an immediate
26 threat to the health of the public. The certificate required by this
27 section may be obtained from a physician, licensed physician
28 assistant or registered nurse who is employed by the public or
29 private medical facility in which the person or group of persons is
30 admitted or detained and from the facility from which the
31 application is made.

32 **Sec. 12.** 1. No application or certificate authorized under
33 section 10 or 11 of this act may be considered if made by a person
34 on behalf of a medical facility or by a health authority, physician,
35 licensed physician assistant or registered nurse who is related by
36 blood or marriage to the person alleged to have been infected with
37 or exposed to a communicable disease, or who is financially
38 interested, in a manner that would be prohibited pursuant to NRS
39 439B.425 if the application or certificate were deemed a referral,
40 in a medical facility in which the person alleged to have been
41 infected with or exposed to a communicable disease is to be
42 detained.

43 2. No application or certificate of any health authority or
44 person authorized under section 10 or 11 of this act may be
45 considered unless it is based on personal observation, examination



* S B 8 2 R 1 *

1 *or epidemiological investigation of the person or group of persons*
2 *alleged to have been infected with or exposed to a communicable*
3 *disease made by such health authority or person not more than 72*
4 *hours before the making of the application or certificate. The*
5 *certificate must set forth in detail the facts and reasons on which*
6 *the health authority or person who submitted the certificate*
7 *pursuant to section 11 of this act based his opinions and*
8 *conclusions.*

9 **Sec. 13.** *Within 24 hours after a person's involuntary*
10 *admission into a public or private medical facility under*
11 *emergency isolation or quarantine, the administrative officer of*
12 *the public or private medical facility shall reasonably attempt to*
13 *ascertain the identification and location of the spouse or legal*
14 *guardian of that person and, if reasonably possible, mail notice of*
15 *the admission by certified mail to the spouse or legal guardian of*
16 *that person.*

17 **Sec. 14.** *A proceeding for an involuntary court-ordered*
18 *isolation or quarantine of any person in this state may be*
19 *commenced by a health authority filing a petition with the clerk of*
20 *the district court of the county where the person is to be isolated or*
21 *quarantined. The petition may be pled in the alternative for both*
22 *isolation and quarantine, if required by developing or changing*
23 *facts, and must be accompanied:*

24 *1. By a certificate of a health authority or a physician, a*
25 *licensed physician assistant or a registered nurse stating that he*
26 *has examined the person alleged to have been infected with or*
27 *exposed to a communicable disease or has investigated the*
28 *circumstances of potential infection or exposure regarding the*
29 *person alleged to have been infected with or exposed to a*
30 *communicable disease and has concluded that the person has*
31 *been infected with or exposed to a communicable disease, and that*
32 *because of the risks of that disease the person is likely to be an*
33 *immediate threat to the health of the public; or*

34 *2. By a sworn written statement by the health authority that:*

35 *(a) The health authority has, based upon its personal*
36 *observation of the person alleged to have been infected with or*
37 *exposed to a communicable disease, or its epidemiological*
38 *investigation of the circumstances of potential infection or*
39 *exposure regarding the person alleged to have been infected with*
40 *or exposed to a communicable disease, a reasonable factual and*
41 *medical basis to believe that the person has been infected with or*
42 *exposed to a communicable disease and, that because of the risks*
43 *of that disease the person is likely to be an immediate threat to the*
44 *health of the public; and*



* S B 8 2 R 1 *

1 **(b)** *The person alleged to have been infected with or exposed to*
2 *a communicable disease has refused to submit to voluntary*
3 *isolation or quarantine, examination, testing, or treatment known*
4 *to control or resolve the transmission of the communicable*
5 *disease.*

6 **Sec. 15.** *In addition to the requirements of section 14 of this*
7 *act, a petition filed pursuant to that section with the clerk of the*
8 *district court to commence proceedings for involuntary court-*
9 *ordered isolation or quarantine of a person pursuant to section 8*
10 *or 9 of this act must include a certified copy of:*

11 **1.** *If an application for an order of emergency isolation or*
12 *quarantine of the person was made pursuant to section 10 of this*
13 *act, the application for the emergency isolation or quarantine of*
14 *the person made to the petitioning health authority pursuant to*
15 *section 10 of this act; and*

16 **2.** *A petition executed by a health authority, including,*
17 *without limitation, a sworn statement that:*

18 **(a)** *The health authority or a physician, licensed physician*
19 *assistant or registered nurse who submitted a certificate pursuant*
20 *to section 11 of this act, if such a certificate was submitted, has*
21 *examined the person alleged to have been infected with or exposed*
22 *to a communicable disease;*

23 **(b)** *In the opinion of the health authority, there is a reasonable*
24 *degree of certainty that the person alleged to have been infected*
25 *with or exposed to a communicable disease is currently capable of*
26 *transmitting the disease, or is likely to become capable of*
27 *transmitting the disease in the near future;*

28 **(c)** *Based on either the health authority's personal observation*
29 *of the person alleged to have been infected with or exposed to the*
30 *communicable disease or the health authority's epidemiological*
31 *investigation of the circumstances of potential infection or*
32 *exposure regarding the person alleged to have been infected with*
33 *or exposed to the communicable disease, and on other facts set*
34 *forth in the petition, the person likely poses an immediate threat to*
35 *the health of the public; and*

36 **(d)** *In the opinion of the health authority, involuntary isolation*
37 *or quarantine of the person alleged to have been infected with or*
38 *exposed to a communicable disease to a public or private medical*
39 *facility, residence or other safe location is necessary to prevent the*
40 *person from immediately threatening the health of the public.*

41 **Sec. 16. 1.** *Immediately after he receives any petition filed*
42 *pursuant to section 14 or 15 of this act, the clerk of the district*
43 *court shall transmit the petition to the appropriate district judge,*
44 *who shall set a time, date and place for its hearing. The date must*



* S B 8 2 R 1 *

1 *be within 5 judicial days after the date on which the petition is*
2 *received by the clerk.*

3 2. *The court shall give notice of the petition and of the time,*
4 *date and place of any proceedings thereon to the subject of the*
5 *petition, his attorney, if known, the petitioner and the*
6 *administrative office of any public or private medical facility in*
7 *which the subject of the petition is detained.*

8 3. *The provisions of this section do not preclude a health*
9 *authority from ordering the release from isolation or quarantine*
10 *of a person before the time set pursuant to this section for the*
11 *hearing concerning the person, if appropriate.*

12 4. *After the filing of a petition pursuant to section 14 or 15 of*
13 *this act and before any court-ordered involuntary isolation or*
14 *quarantine, a health authority shall file notice with the court of*
15 *any order of the health authority issued after the petition was filed*
16 *to release the person from emergency isolation or quarantine,*
17 *upon which the court may dismiss the petition without prejudice.*

18 **Sec. 17.** 1. *After the filing of a petition to commence*
19 *proceedings for the involuntary court-ordered isolation or*
20 *quarantine of a person pursuant to section 14 or 15 of this act, the*
21 *court shall promptly cause two or more physicians or licensed*
22 *physician assistants, at least one of whom must always be a*
23 *physician, to either examine the person alleged to have been*
24 *infected with or exposed to a communicable disease or assess the*
25 *likelihood that the person alleged to have been infected with or*
26 *exposed to a communicable disease has been so infected or*
27 *exposed.*

28 2. *To conduct the examination or assessment of a person who*
29 *is not being detained at a public or private medical facility,*
30 *residence or other safe location under emergency isolation or*
31 *quarantine pursuant to the emergency order of a health authority*
32 *or court made pursuant to section 9 or 10 of this act, the court*
33 *may order a peace officer to take the person into protective custody*
34 *and transport him to a public or private medical facility, residence*
35 *or other safe location where he may be detained until a hearing is*
36 *held upon the petition.*

37 3. *If the person is being detained at his home or other place*
38 *of residence under an emergency order of a health authority or*
39 *court pursuant to section 9 or 10 of this act, he may be allowed to*
40 *remain in his home or other place of residence pending an*
41 *ordered assessment, examination or examinations and to return to*
42 *his home or other place of residence upon completion of the*
43 *assessment, examination or examinations if such remaining or*
44 *returning would not constitute an immediate threat to others*
45 *residing in his home or place of residence.*



1 4. Each physician and licensed physician assistant who
2 examines or assesses a person pursuant to subsection 1 shall, not
3 later than 24 hours before the hearing set pursuant to section 16
4 of this act, submit to the court in writing a summary of his
5 findings and evaluation regarding the person alleged to have been
6 infected with or exposed to a communicable disease.

7 **Sec. 18.** 1. The Health Division shall establish such
8 evaluation teams as are necessary to aid the courts under sections
9 17 and 24 of this act.

10 2. Each team must be composed of at least two physicians, or
11 at least one physician and one physician assistant.

12 3. Fees for the evaluations must be established and collected
13 as set forth in section 19 of this act.

14 **Sec. 19.** 1. In counties where the examining personnel
15 required pursuant to section 17 of this act are not available,
16 proceedings for involuntary court-ordered isolation or quarantine
17 shall be conducted in the nearest county having such examining
18 personnel available in order that there be minimum delay.

19 2. The entire expense of proceedings for involuntary court-
20 ordered isolation or quarantine shall be paid by the county in
21 which the application is filed.

22 **Sec. 20.** 1. The person alleged to have been infected with or
23 exposed to a communicable disease, or any relative or friend on
24 his behalf, is entitled to retain counsel to represent him in any
25 proceeding before the district court relating to involuntary court-
26 ordered isolation or quarantine, and if he fails or refuses to obtain
27 counsel, the court shall advise him and his guardian or next of
28 kin, if known, of the right to counsel and shall appoint counsel,
29 who may be the public defender or his deputy.

30 2. Any counsel appointed pursuant to subsection 1 must be
31 awarded compensation by the court for his services in an amount
32 determined by the court to be fair and reasonable. Except as
33 otherwise provided in this subsection, the compensation must be
34 charged against the estate of the person for whom the counsel was
35 appointed or, if the person is indigent, against the county in which
36 the application for involuntary court-ordered isolation or
37 quarantine was filed. In any proceeding before the district court
38 relating to involuntary court-ordered isolation or quarantine, if
39 the person for whom counsel was appointed is challenging his
40 isolation or quarantine or any condition of his isolation or
41 quarantine and the person succeeds in his challenge, the
42 compensation must be charged against the county in which the
43 application for involuntary court-ordered isolation or quarantine
44 was filed.



* S B 8 2 R 1 *

1 3. The court shall, at the request of counsel representing the
2 person alleged to have been infected with or exposed to a
3 communicable disease in proceedings before the court relating to
4 involuntary court-ordered isolation or quarantine, grant a recess
5 in the proceedings for the shortest time possible, but for not more
6 than 5 days, to give the counsel an opportunity to prepare his case.

7 4. Each district attorney or his deputy shall appear and
8 represent the State in all involuntary court-ordered isolation or
9 quarantine proceedings in his county. The district attorney is
10 responsible for the presentation of evidence, if any, in support of
11 the involuntary court-ordered isolation or quarantine of a person
12 to a medical facility, residence or other safe location in
13 proceedings held pursuant to section 14 or 15 of this act.

14 **Sec. 21.** In proceedings for involuntary court-ordered
15 isolation or quarantine, the court shall hear and consider all
16 relevant testimony, including, but not limited to, the testimony of
17 examining personnel who participated in the evaluation of the
18 person alleged to have been infected with or exposed to a
19 communicable disease and the certificates, if any, of a health
20 authority or a physician, licensed physician assistant or registered
21 nurse accompanying the petition. The court may consider
22 testimony relating to any past actions of the person alleged to have
23 been infected with or exposed to a communicable disease if such
24 testimony is probative of the question of whether the person
25 presently has been infected with or exposed to a communicable
26 disease and is likely to present an immediate threat to the health of
27 the public.

28 **Sec. 22.** 1. In proceedings for an involuntary court-ordered
29 isolation or quarantine, the person with respect to whom the
30 proceedings are held has the right:

31 (a) To be present by live telephonic conferencing or
32 videoconferencing; and

33 (b) To testify in his own behalf, to the extent that the court
34 determines he is able to do so without endangering the health of
35 others.

36 2. A person who is alleged to have been infected with or
37 exposed to a communicable disease does not have the right to be
38 physically present during the proceedings if such person, if
39 present in the courtroom, would likely pose an immediate threat to
40 the health of the judge or the staff or officers of the court.

41 **Sec. 23.** Witnesses subpoenaed under the provisions of
42 sections 6 to 26, inclusive, of this act shall be paid the same fees
43 and mileage as are paid to witnesses in the courts of the State of
44 Nevada.



* S B 8 2 R 1 *

1 **Sec. 24. 1.** *If the district court finds, after proceedings for*
2 *the involuntary court-ordered isolation or quarantine of a person*
3 *to a public or private medical facility, residence or other safe*
4 *location:*

5 (a) *That there is not clear and convincing evidence that the*
6 *person with respect to whom the hearing was held has been*
7 *infected with or exposed to a communicable disease or is likely to*
8 *be an immediate threat to the health of the public, the court shall*
9 *enter its finding to that effect and the person must not be*
10 *involuntarily detained in such a facility, residence or other safe*
11 *location.*

12 (b) *That there is clear and convincing evidence that the person*
13 *with respect to whom the hearing was held has been infected with*
14 *or exposed to a communicable disease and, because of that*
15 *disease, is likely to be an immediate threat to the health of the*
16 *public, the court may order the involuntary isolation or quarantine*
17 *of the person and may order the most appropriate course of*
18 *treatment after considering the rights of the person and the desires*
19 *of the person concerning treatment, including, without limitation,*
20 *the rights set forth in NRS 441A.210, the rights set forth in section*
21 *7.5 of this act, the right to counsel set forth in section 20 of this*
22 *act, and the right of a person to challenge his isolation or*
23 *quarantine or any condition of his isolation or quarantine. The*
24 *order of the court must be interlocutory and must not become final*
25 *if, within 14 days after the court orders the involuntary isolation*
26 *or quarantine, the person is unconditionally released by a health*
27 *authority from the medical facility, residence or other safe*
28 *location.*

29 2. *An involuntary isolation or quarantine pursuant to*
30 *paragraph (b) of subsection 1 automatically expires at the end of*
31 *30 days if not terminated previously by a health authority. At the*
32 *end of the court-ordered period of isolation or quarantine, the*
33 *health authority may petition to renew the detention of the person*
34 *for additional periods not to exceed 120 days each. For each*
35 *renewal, the petition must set forth to the court specific reasons*
36 *why further isolation or quarantine is appropriate and that the*
37 *person likely poses an ongoing immediate threat to the health of*
38 *the public. If the court finds in considering a petition for renewal*
39 *that the person is noncompliant with a court-ordered measure to*
40 *control or resolve the risk of transmitting the communicable*
41 *disease, it may order the continued isolation and treatment of the*
42 *person for any period of time the court deems necessary to resolve*
43 *the immediate and ongoing risk of the person transmitting the*
44 *disease.*



* S B 8 2 R 1 *

1 3. Before issuing an order for involuntary isolation or
2 quarantine or a renewal thereof, the court shall explore other
3 alternative courses of isolation, quarantine and treatment within
4 the least restrictive appropriate environment as suggested by the
5 evaluation team who evaluated the person, or other persons
6 professionally qualified in the field of communicable diseases,
7 which the court believes may be in the best interests of the person.

8 **Sec. 25.** The order for involuntary court isolation or
9 quarantine of any person to a medical facility, public or private,
10 must be accompanied by a clinical abstract, including a history of
11 illness, diagnosis and treatment, and the names of relatives or
12 correspondents.

13 **Sec. 26.** When any involuntary court isolation or quarantine
14 is ordered under the provisions of sections 6 to 26, inclusive, of
15 this act, the involuntarily isolated or quarantined person, together
16 with the court orders, any certificates of the health authorities,
17 physicians, licensed physician assistants or registered nurses, the
18 written summary of the evaluation team and a full and complete
19 transcript of the notes of the official reporter made at the
20 examination of such person before the court, must be delivered to
21 the sheriff of the appropriate county who must be ordered to:

- 22 1. Transport the person; or
23 2. Arrange for the person to be transported by:
24 (a) A system for the nonemergency medical transportation of
25 persons whose operation is authorized by the Transportation
26 Services Authority; or
27 (b) If medically necessary, an ambulance service that holds a
28 permit issued pursuant to the provisions of chapter 450B of
29 NRS,
30 to the appropriate public or private medical facility, residence or
31 other safe location.

32 **Sec. 27. 1.** The Board shall develop a system which
33 provides for syndromic reporting and active surveillance to
34 monitor public health in this state during major events or when
35 determined appropriate and necessary by a health authority.

36 2. The Board shall adopt regulations concerning the system it
37 develops pursuant to this section, including, without limitation:

- 38 (a) The manner in which and situations during which the
39 system actively gathers information;
40 (b) The persons who are required to report information to the
41 system; and
42 (c) The procedures for reporting required information to the
43 system.



1 **Sec. 28.** NRS 441A.010 is hereby amended to read as follows:
2 441A.010 As used in this chapter, unless the context otherwise
3 requires, the words and terms defined in NRS 441A.020 to
4 441A.110, inclusive, *and sections 4 and 5 of this act* have the
5 meanings ascribed to them in those sections.

6 **Sec. 29.** NRS 441A.120 is hereby amended to read as follows:
7 441A.120 The Board shall adopt regulations governing the
8 control of communicable diseases in this state, including regulations
9 specifically relating to the control of such diseases in educational,
10 medical and correctional institutions. The regulations must specify:

11 1. The diseases which are known to be communicable.
12 2. The communicable diseases which are known to be sexually
13 transmitted.

14 3. The procedures for investigating and reporting cases or
15 suspected cases of communicable diseases, including the time
16 within which these actions must be taken.

17 4. For each communicable disease, the procedures for testing,
18 treating, isolating and quarantining a person *or group of persons*
19 who ~~has or is~~ *have been exposed to or have or are* suspected of
20 having the disease.

21 5. *A method for ensuring that any testing, treatment, isolation*
22 *or quarantine of a person or a group of persons pursuant to this*
23 *chapter is carried out in the least restrictive manner or*
24 *environment that is appropriate and acceptable under current*
25 *medical and public health practices.*

26 **Sec. 30.** NRS 441A.160 is hereby amended to read as follows:

27 441A.160 1. A health authority who knows, suspects or is
28 informed of the existence within his jurisdiction of any
29 communicable disease shall immediately investigate the matter and
30 all circumstances connected with it, and shall take such measures for
31 the prevention, suppression and control of the disease as are
32 required by the regulations of the Board or a local board of health.

33 2. A health authority may:

34 (a) Enter private property at reasonable hours to investigate any
35 case or suspected case of a communicable disease.

36 (b) Order any person whom he reasonably suspects has a
37 communicable disease in an infectious state to submit to any
38 medical examination or test which he believes is necessary to verify
39 the presence of the disease. The order must be in writing and specify
40 the name of the person to be examined and the time and place of the
41 examination and testing, and may include such terms and conditions
42 as the health authority believes are necessary to protect the public
43 health.

44 (c) Except as otherwise provided in NRS 441A.210, issue an
45 order requiring the isolation, quarantine or treatment of any person



* S B 8 2 R 1 *

1 *or group of persons* if he believes that such action is necessary to
2 protect the public health. The order must be in writing and specify
3 the person *or group of persons* to be isolated ~~or~~ *or quarantined*, the
4 time during which the order is effective, the place of isolation or
5 quarantine and other terms and conditions which the health authority
6 believes are necessary to protect the public health, except that no
7 isolation or quarantine may take place if the health authority
8 determines that such action may endanger the life of ~~the person~~ *a*
9 *person who is isolated or quarantined*.

10 (d) Each order issued pursuant to this section must be served
11 upon each person named in the order by delivering a copy to him.

12 *3. If a health authority issues an order to isolate or*
13 *quarantine a person with a communicable or infectious disease in*
14 *a medical facility, the health authority must isolate or quarantine*
15 *the person in the manner set forth in sections 6 to 26, inclusive, of*
16 *this act.*

17 **Sec. 31.** NRS 3.223 is hereby amended to read as follows:

18 3.223 1. Except if the child involved is subject to the
19 jurisdiction of an Indian tribe pursuant to the Indian Child Welfare
20 Act of 1978 , ~~§~~ 25 U.S.C. §§ 1901 et seq. , ~~§~~ in each judicial
21 district in which it is established, the family court has original,
22 exclusive jurisdiction in any proceeding:

23 (a) Brought pursuant to chapter 31A, 62, 123, 125, 125A, 125B,
24 125C, 126, 127, 128, 129, 130, 159, 425 or 432B of NRS, except to
25 the extent that a specific statute authorizes the use of any other
26 judicial or administrative procedure to facilitate the collection of an
27 obligation for support.

28 (b) Brought pursuant to NRS 442.255 and 442.2555 to request
29 the court to issue an order authorizing an abortion.

30 (c) For judicial approval of the marriage of a minor.

31 (d) Otherwise within the jurisdiction of the juvenile court.

32 (e) To establish the date of birth, place of birth or parentage of a
33 minor.

34 (f) To change the name of a minor.

35 (g) For a judicial declaration of the sanity of a minor.

36 (h) To approve the withholding or withdrawal of life-sustaining
37 procedures from a person as authorized by law.

38 (i) Brought pursuant to NRS 433A.200 to 433A.330, inclusive,
39 for an involuntary court-ordered admission to a mental health
40 facility.

41 *(j) Brought pursuant to sections 6 to 26, inclusive, of this act*
42 *for an involuntary court-ordered isolation or quarantine.*

43 2. The family court, where established, and the justices' court
44 have concurrent jurisdiction over actions for the issuance of a



1 temporary or extended order for protection against domestic
2 violence.

3 3. The family court, where established, and the district court,
4 have concurrent jurisdiction over any action for damages brought
5 pursuant to NRS 41.134 by a person who suffered injury as the
6 proximate result of an act that constitutes domestic violence.

7 **Sec. 32.** This act becomes effective on July 1, 2003.

