

ASSEMBLY BILL NO. 507—COMMITTEE ON TRANSPORTATION

MARCH 28, 2005

Referred to Committee on Transportation

SUMMARY—Changes designation of fireman to firefighter.
(BDR 43-1329)

FISCAL NOTE: Effect on Local Government: No.
Effect on the State: No.

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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 public safety; changing the designation of
fireman to firefighter; 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 484.504 is hereby amended to read as follows:
2 484.504 1. Except as otherwise provided in this section, a
3 peace officer, a ~~fireman,~~ *firefighter*, an emergency medical
4 technician certified pursuant to chapter 450B of NRS or an
5 employee of a pedestrian mall, who operates a bicycle while he is on
6 duty, is not required to comply with any provision of NRS or any
7 ordinance of a local government relating to the operation of a
8 bicycle while on duty if he:
9 (a) Is responding to an emergency call or the peace officer is in
10 pursuit of a suspected violator of the law; or
11 (b) Determines that noncompliance with any such provision is
12 necessary to carry out his duties.
13 2. The provisions of this section do not:
14 (a) Relieve a peace officer, ~~fireman,~~ *firefighter*, emergency
15 medical technician or employee of a pedestrian mall from the duty
16 to operate a bicycle with due regard for the safety of others.
17 (b) Protect such a person from the consequences of his disregard
18 for the safety of others.



3. As used in this section, "pedestrian mall" has the meaning ascribed to it in NRS 268.811.

Sec. 2. NRS 484.789 is hereby amended to read as follows:

484.789 1. The Department may issue permits for authorized emergency vehicles to vehicles required to be operated primarily for the immediate preservation of life or property or for the apprehension of violators of the law. The permits must not be issued to vehicles when there are available comparable services provided by agencies referred to in NRS 484.787.

2. The issuance of the permits to vehicles under this section must be limited to:

(a) Agencies designated in NRS 484.787;

(b) Vehicles owned or operated by an agency of the United States engaged primarily in law enforcement work;

(c) Ambulances designed and operated exclusively as such; and

(d) Supervisory vehicles which are:

(1) Marked and used to coordinate and direct the response of ambulances to emergencies;

(2) Privately owned by a person licensed to operate an ambulance; and

(3) Operated under contract with a local governmental agency and at the request of its law enforcement agency or fire department.

3. The following are not emergency vehicles and must not be permitted to operate as such:

(a) Tow cars;

(b) Vehicles used by public utilities;

(c) Vehicles used in merchant patrols;

(d) Vehicles used in private escort service;

(e) Privately owned vehicles of volunteer ~~firemen;~~ *firefighters;*

(f) Privately owned vehicles of reserve members of a police department or a sheriff's office; and

(g) Vehicles of private detectives.

Sec. 3. NRS 41.0335 is hereby amended to read as follows:

41.0335 1. No action may be brought against:

(a) A sheriff or county assessor which is based solely upon any act or omission of a deputy;

(b) A chief of a police department which is based solely upon any act or omission of an officer of the department;

(c) A chief of a fire department which is based solely upon any act or omission of a ~~fireman~~ *firefighter* or other person called to assist the department;

(d) A member of the board of trustees of a county school district, the superintendent of schools of that school district or the



principal of a school, which is based solely upon any act or omission of a person volunteering as a crossing guard; or

(e) A chief of a local law enforcement agency which is based solely on any act or omission of a person volunteering as a crossing guard.

2. This section does not:

(a) Limit the authority of the State or a political subdivision or a public corporation of the State to bring an action on any bond or insurance policy provided pursuant to law for or on behalf of any person who may be aggrieved or wronged.

(b) Limit or abridge the jurisdiction of any court to render judgment upon any such bond or insurance policy for the benefit of any person so aggrieved or wronged.

Sec. 4. NRS 41.0336 is hereby amended to read as follows:

41.0336 A fire department or law enforcement agency is not liable for the negligent acts or omissions of its ~~firemen~~ *firefighters* or officers or any other persons called to assist it, nor are the individual officers, employees or volunteers thereof, unless:

1. The ~~fireman~~ *firefighter*, officer or other person made a specific promise or representation to a natural person who relied upon the promise or representation to his detriment; or

2. The conduct of the ~~fireman~~ *firefighter*, officer or other person affirmatively caused the harm.

↳ The provisions of this section are not intended to abrogate the principle of common law that the duty of governmental entities to provide services is a duty owed to the public, not to individual persons.

Sec. 5. NRS 41.139 is hereby amended to read as follows:

41.139 1. Except as otherwise provided in subsection 2, a peace officer, ~~fireman~~ *firefighter* or emergency medical attendant may bring and maintain an action for damages for personal injury caused by the willful act of another, or by another's lack of ordinary care or skill in the management of his property, if the conduct causing the injury:

(a) Occurred after the person who caused the injury knew or should have known of the presence of the peace officer, ~~fireman~~ *firefighter* or emergency medical attendant;

(b) Was intended to injure the peace officer, ~~fireman~~ *firefighter* or emergency medical attendant;

(c) Violated a statute, ordinance or regulation:

(1) Intended to protect the peace officer, ~~fireman~~ *firefighter* or emergency medical attendant; or

(2) Prohibiting resistance to or requiring compliance with an order of a peace officer or firefighter; or

(d) Was arson.



2. This section does not impose liability on the employer of the peace officer, ~~fireman~~ *firefighter* or emergency medical attendant.

3. As used in this section:

(a) "Emergency medical attendant" means a person licensed as an attendant or certified as an emergency medical technician, intermediate emergency medical technician or advanced emergency medical technician pursuant to chapter 450B of NRS.

(b) "Peace officer" has the meaning ascribed to it in NRS 169.125.

Sec. 6. NRS 200.033 is hereby amended to read as follows:

200.033 The only circumstances by which murder of the first degree may be aggravated are:

1. The murder was committed by a person under sentence of imprisonment.

2. The murder was committed by a person who, at any time before a penalty hearing is conducted for the murder pursuant to NRS 175.552, is or has been convicted of:

(a) Another murder and the provisions of subsection 12 do not otherwise apply to that other murder; or

(b) A felony involving the use or threat of violence to the person of another and the provisions of subsection 4 do not otherwise apply to that felony.

➤ For the purposes of this subsection, a person shall be deemed to have been convicted at the time the jury verdict of guilt is rendered or upon pronouncement of guilt by a judge or judges sitting without a jury.

3. The murder was committed by a person who knowingly created a great risk of death to more than one person by means of a weapon, device or course of action which would normally be hazardous to the lives of more than one person.

4. The murder was committed while the person was engaged, alone or with others, in the commission of, or an attempt to commit or flight after committing or attempting to commit, any robbery, arson in the first degree, burglary, invasion of the home or kidnapping in the first degree, and the person charged:

(a) Killed or attempted to kill the person murdered; or

(b) Knew or had reason to know that life would be taken or lethal force used.

5. The murder was committed to avoid or prevent a lawful arrest or to effect an escape from custody.

6. The murder was committed by a person, for himself or another, to receive money or any other thing of monetary value.

7. The murder was committed upon a peace officer or ~~fireman~~ *firefighter* who was killed while engaged in the performance of his official duty or because of an act performed in



1 his official capacity, and the defendant knew or reasonably should
2 have known that the victim was a peace officer or ~~{fireman.}~~
3 *firefighter*. For the purposes of this subsection, "peace officer"
4 means:

5 (a) An employee of the Department of Corrections who does not
6 exercise general control over offenders imprisoned within the
7 institutions and facilities of the Department, but whose normal
8 duties require him to come into contact with those offenders when
9 carrying out the duties prescribed by the Director of the Department.

10 (b) Any person upon whom some or all of the powers of a peace
11 officer are conferred pursuant to NRS 289.150 to 289.360, inclusive,
12 when carrying out those powers.

13 8. The murder involved torture or the mutilation of the victim.

14 9. The murder was committed upon one or more persons at
15 random and without apparent motive.

16 10. The murder was committed upon a person less than 14
17 years of age.

18 11. The murder was committed upon a person because of the
19 actual or perceived race, color, religion, national origin, physical or
20 mental disability or sexual orientation of that person.

21 12. The defendant has, in the immediate proceeding, been
22 convicted of more than one offense of murder in the first or second
23 degree. For the purposes of this subsection, a person shall be
24 deemed to have been convicted of a murder at the time the jury
25 verdict of guilt is rendered or upon pronouncement of guilt by a
26 judge or judges sitting without a jury.

27 13. The person, alone or with others, subjected or attempted to
28 subject the victim of the murder to nonconsensual sexual penetration
29 immediately before, during or immediately after the commission of
30 the murder. For the purposes of this subsection:

31 (a) "Nonconsensual" means against the victim's will or under
32 conditions in which the person knows or reasonably should know
33 that the victim is mentally or physically incapable of resisting,
34 consenting or understanding the nature of his conduct, including, but
35 not limited to, conditions in which the person knows or reasonably
36 should know that the victim is dead.

37 (b) "Sexual penetration" means cunnilingus, fellatio or any
38 intrusion, however slight, of any part of the victim's body or any
39 object manipulated or inserted by a person, alone or with others, into
40 the genital or anal openings of the body of the victim, whether or
41 not the victim is alive. The term includes, but is not limited to, anal
42 intercourse and sexual intercourse in what would be its ordinary
43 meaning.

44 14. The murder was committed on the property of a public or
45 private school, at an activity sponsored by a public or private school



1 or on a school bus while the bus was engaged in its official duties by
2 a person who intended to create a great risk of death or substantial
3 bodily harm to more than one person by means of a weapon, device
4 or course of action that would normally be hazardous to the lives of
5 more than one person. For the purposes of this subsection, "school
6 bus" has the meaning ascribed to it in NRS 483.160.

7 15. The murder was committed with the intent to commit,
8 cause, aid, further or conceal an act of terrorism. For the purposes of
9 this subsection, "act of terrorism" has the meaning ascribed to it in
10 NRS 202.4415.

11 **Sec. 7.** NRS 209.153 is hereby amended to read as follows:

12 209.153 The Assistant Director for Industrial Programs
13 appointed pursuant to subsection 1 of NRS 209.151 is entitled to
14 receive the same retirement benefits as police officers and ~~firemen~~
15 *firefighters* employed by public employers. For this purpose, the
16 provisions of chapter 286 of NRS governing the retirement benefits
17 of police officers and ~~firemen~~ *firefighters* apply to the Assistant
18 Director for Industrial Programs.

19 **Sec. 8.** NRS 245.055 is hereby amended to read as follows:

20 245.055 1. All county employees must be paid their salaries
21 as fixed by law, ordinance or resolution without diminution on
22 account of any time spent away from county employment while
23 acting as:

24 (a) Volunteer ~~firemen~~ *firefighters* of any regular organized
25 and recognized fire department in the protection of life or property;
26 or

27 (b) Volunteer ambulance drivers or attendants,
28 ➔ during working hours or fractions thereof which should otherwise
29 have been devoted to county employment.

30 2. As used in this section, "volunteer ambulance driver or
31 attendant" means a person who is a driver of or attendant on an
32 ambulance owned or operated by:

33 (a) A nonprofit organization that provides volunteer ambulance
34 service in any county, city or town in this State; or

35 (b) A political subdivision of this State.

36 **Sec. 9.** NRS 245.211 is hereby amended to read as follows:

37 245.211 1. The board of county commissioners of any county
38 may establish, by contract or otherwise, and administer a disability
39 pension plan or disability insurance program for the benefit of the
40 county sheriff, any sheriff's deputy or ~~fireman~~ *firefighter* who is
41 disabled, to any degree, by an injury arising out of and in the course
42 of his employment.

43 2. The board of county commissioners may adopt ordinances,
44 rules, regulations, policies and procedures necessary to establish and
45 administer the plan or program specified in subsection 1.



3. If a county elects to consider implementation of a plan or program specified in subsection 1, or to change the benefits provided by an existing plan or program, the persons affected by the proposed plan or program, or proposed change, may negotiate with the county concerning the nature and extent of such plan, program or change. Chapter 288 of NRS applies to negotiations for this purpose.

4. The plan or program authorized by this section must be supplemental or in addition to and not in conflict with the coverage, compensation, benefits or procedure established by or adopted pursuant to chapters 616A to 616D, inclusive, or chapter 617 of NRS.

5. The benefits provided for in this section are supplemental to other benefits an employee is entitled to receive on account of the same disability. In no event ~~shall~~ *may* the benefits provided for in this section, when added to benefits provided for or purchased by the expenditure of public money, exceed the maximum amount of benefits an employee is entitled to receive if he has been a member of the department or agency for 10 years or more.

Sec. 10. NRS 268.404 is hereby amended to read as follows:

268.404 1. All employees of incorporated cities which have been organized pursuant to general law or special charter must be paid their salaries as fixed by law or ordinance without diminution on account of any time spent away from city employment while acting as:

(a) Volunteer ~~firemen~~ *firefighters* of any regular organized and recognized fire department in the protection of life or property; or

(b) Volunteer ambulance drivers or attendants, during working hours or fractions thereof which should otherwise have been devoted to city employment.

2. As used in this section, "volunteer ambulance driver or attendant" means a person who is a driver of or attendant on an ambulance owned or operated by:

(a) A nonprofit organization that provides volunteer ambulance service in any county, city or town in this State; or

(b) A political subdivision of this State.

Sec. 11. NRS 268.406 is hereby amended to read as follows:

268.406 1. The governing board of any incorporated city may establish, by contract or otherwise, and administer a disability pension plan or disability insurance program for the benefit of any city police officer or ~~fireman~~ *firefighter* who is disabled, to any degree, by an injury arising out of and in the course of his employment.



2. The governing board may adopt ordinances, rules, regulations, policies and procedures necessary to establish and administer the plan or program specified in subsection 1.

3. If an incorporated city elects to consider implementation of a plan or program specified in subsection 1 or to change the benefits provided by an existing plan or program, the persons affected by the proposed plan or program, or proposed change, may negotiate with the city concerning the nature and extent of such plan, program or change. Chapter 288 of NRS applies to negotiations for this purpose.

4. The plan or program authorized by this section must be supplemental or in addition to and not in conflict with the coverage, compensation, benefits or procedure established by or adopted pursuant to chapters 616A to 616D, inclusive, or chapter 617 of NRS.

5. The benefits provided for in this section are supplemental to other benefits an employee is entitled to receive on account of the same disability. In no event ~~shall~~ *may* the benefits provided for in this section, when added to benefits provided for or purchased by the expenditure of public money, exceed the maximum amount of benefits an employee is entitled to receive if he has been a member of the department or agency for 10 years or more.

Sec. 12. NRS 269.082 is hereby amended to read as follows:

269.082 1. All employees of unincorporated towns must be paid their salaries as fixed by law or ordinance without diminution on account of any time spent away from town employment while acting as:

(a) Volunteer ~~firemen~~ *firefighters* of any regular organized and recognized fire department in the protection of life or property; or

(b) Volunteer ambulance drivers or attendants,
↳ during working hours or fractions thereof which should otherwise have been devoted to town employment.

2. As used in this section, "volunteer ambulance driver or attendant" means a person who is a driver of or attendant on an ambulance owned or operated by:

(a) A nonprofit organization that provides volunteer ambulance service in any county, city or town in this State; or

(b) A political subdivision of this State.

Sec. 13. NRS 281.153 is hereby amended to read as follows:

281.153 1. The employer of a police officer or ~~fireman~~ *firefighter* may establish a program that allows a police officer or ~~fireman~~ *firefighter* whom it employs who has suffered a catastrophe resulting in temporary total disability to elect to continue to receive his normal salary for a period of not more than



1 1 year in lieu of receiving the compensation for the industrial injury
2 or occupational disease for which he is eligible pursuant to chapters
3 616A to 616D, inclusive, or 617 of NRS, unless the police officer or
4 ~~fireman~~ *firefighter* has made an election pursuant to NRS 281.390.

5 2. A program established pursuant to subsection 1:

6 (a) Must prescribe the conditions pursuant to which a police
7 officer or ~~fireman~~ *firefighter* is eligible to receive his normal
8 salary in accordance with an election pursuant to subsection 1; and

9 (b) May allow a police officer or ~~fireman~~ *firefighter* to return
10 to light-duty employment or employment modified according to his
11 physical restrictions or limitations and receive his normal salary
12 during the period of his election pursuant to subsection 1.

13 3. Unless the employer is self-insured or a member of an
14 association of self-insured public or private employers, the employer
15 shall notify the insurer that provides industrial insurance for that
16 employer of the election by a police officer or ~~fireman~~ *firefighter*
17 pursuant to subsection 1. When the police officer or ~~fireman~~
18 *firefighter* is no longer eligible to receive his normal salary pursuant
19 to such an election, the employer shall notify the insurer so that the
20 insurer may begin paying to the police officer or ~~fireman~~
21 *firefighter* the benefits, if any, for industrial insurance for which the
22 police officer or ~~fireman~~ *firefighter* is eligible. If the employer is
23 self-insured or a member of an association of self-insured public or
24 private employers and the police officer or ~~fireman~~ *firefighter* is
25 no longer eligible to receive his normal salary in accordance with an
26 election pursuant to subsection 1, the employer shall begin paying
27 the benefits, if any, for industrial insurance to which the police
28 officer or ~~fireman~~ *firefighter* is entitled.

29 4. During the period in which the police officer or ~~fireman~~
30 *firefighter* elects to receive his normal salary pursuant to subsection
31 1, he accrues sick leave, annual leave and retirement benefits at the
32 same rate at which he accrued such leave and benefits immediately
33 before the election.

34 5. As used in this section:

35 (a) "Catastrophe" means an illness or accident arising out of or
36 in the course of employment which is life threatening or which will
37 require a period of convalescence that an attending physician
38 expects to exceed 30 days and because of which the employee is
39 unable to perform the duties of his position.

40 (b) "Police officer" has the meaning ascribed to it in
41 NRS 617.135.

42 **Sec. 14.** NRS 284.180 is hereby amended to read as follows:

43 284.180 1. The Legislature declares that since uniform salary
44 and wage rates and classifications are necessary for an effective and
45 efficient personnel system, the pay plan must set the official rates



1 applicable to all positions in the classified service, but the
2 establishment of the pay plan in no way limits the authority of the
3 Legislature relative to budgeted appropriations for salary and wage
4 expenditures.

5 2. Credit for overtime work directed or approved by the head
6 of an agency or his representative must be earned at the rate of time
7 and one-half, except for those employees described in NRS 284.148.

8 3. Except as otherwise provided in subsections 4, 6, 7 and 9,
9 overtime is considered time worked in excess of:

10 (a) Eight hours in 1 calendar day;

11 (b) Eight hours in any 16-hour period; or

12 (c) A 40-hour week.

13 4. ~~Firemen~~ *Firefighters* who choose and are approved for a
14 24-hour shift shall be deemed to work an average of 56 hours per
15 week and 2,912 hours per year, regardless of the actual number of
16 hours worked or on paid leave during any biweekly pay period. A
17 ~~fireman~~ *firefighter* so assigned is entitled to receive 1/26 of his
18 annual salary for each biweekly pay period. In addition, overtime
19 must be considered time worked in excess of:

20 (a) Twenty-four hours in one scheduled shift; or

21 (b) Fifty-three hours average per week during one work period
22 for those hours worked or on paid leave.

23 ➤ The appointing authority shall designate annually the length of
24 the work period to be used in determining the work schedules for
25 such ~~firemen~~ *firefighters*. In addition to the regular amount paid
26 such a ~~fireman~~ *firefighter* for the deemed average of 56 hours per
27 week, he is entitled to payment for the hours which comprise the
28 difference between the 56-hour average and the overtime threshold
29 of 53 hours average at a rate which will result in the equivalent of
30 overtime payment for those hours.

31 5. The Commission shall adopt regulations to carry out the
32 provisions of subsection 4.

33 6. For employees who choose and are approved for a variable
34 workday, overtime will be considered only after working 40 hours
35 in 1 week.

36 7. Employees who are eligible under the Fair Labor Standards
37 Act of 1938, 29 U.S.C. §§ 201 et seq., to work a variable 80-hour
38 work schedule within a biweekly pay period and who choose and
39 are approved for such a work schedule will be considered eligible
40 for overtime only after working 80 hours biweekly, except those
41 eligible employees who are approved for overtime in excess of one
42 scheduled shift of 8 or more hours per day.

43 8. An agency may experiment with innovative workweeks
44 upon the approval of the head of the agency and after majority



1 consent of the affected employees. The affected employees are
2 eligible for overtime only after working 40 hours in a workweek.

3 9. This section does not supersede or conflict with existing
4 contracts of employment for employees hired to work 24 hours a
5 day in a home setting. Any future classification in which an
6 employee will be required to work 24 hours a day in a home setting
7 must be approved in advance by the Commission.

8 10. All overtime must be approved in advance by the
9 appointing authority or his designee. No officer or employee, other
10 than a director of a department or the chairman of a board,
11 commission or similar body, may authorize overtime for himself.
12 The chairman of a board, commission or similar body must approve
13 in advance all overtime worked by members of the board,
14 commission or similar body.

15 11. The Budget Division of the Department of Administration
16 shall review all overtime worked by employees of the Executive
17 Department to ensure that overtime is held to a minimum. The
18 Budget Division shall report quarterly to the State Board of
19 Examiners the amount of overtime worked in the quarter within the
20 various agencies of the State.

21 **Sec. 15.** NRS 284.357 is hereby amended to read as follows:

22 284.357 1. All employees, whether in the classified or in the
23 unclassified service of the State of Nevada, must be paid their
24 salaries as fixed by law without diminution on account of any time
25 spent away from state employment while acting as:

26 (a) Volunteer ~~firemen~~ *firefighters* of any regular organized
27 and recognized fire department in the protection of life or property;

28 (b) Volunteer emergency medical technicians certified pursuant
29 to chapter 450B of NRS;

30 (c) Volunteer reserve members of a police department or a
31 sheriff's office; or

32 (d) Volunteer ambulance drivers or attendants,
33 ➤ during working hours or fractions thereof which should otherwise
34 have been devoted to state employment.

35 2. As used in this section, "volunteer ambulance driver or
36 attendant" means a person who is a driver of or attendant on an
37 ambulance owned or operated by:

38 (a) A nonprofit organization that provides volunteer ambulance
39 service in any county, city or town in this State; or

40 (b) A political subdivision of this State.

41 **Sec. 16.** NRS 287.021 is hereby amended to read as follows:

42 287.021 1. Except as otherwise provided in subsection 3, the
43 surviving spouse and any surviving child of a police officer or
44 ~~fireman~~ *firefighter* who was:



1 (a) Employed by a local governmental agency that had
2 established group insurance, a plan of benefits or medical and
3 hospital service pursuant to NRS 287.010, 287.015, 287.020 or
4 paragraph (b), (c) or (d) of subsection 1 of NRS 287.025; and

5 (b) Killed in the line of duty,

6 ➔ may elect to accept or continue coverage under that group
7 insurance, plan or medical and hospital service if the police officer
8 or ~~{fireman}~~ *firefighter* was a participant or would have been
9 eligible to participate in the group insurance, plan or medical and
10 hospital service on the date of the death of the police officer or
11 ~~{fireman}~~ *firefighter*. If the surviving spouse or child elects to
12 accept coverage under the group insurance, plan or medical and
13 hospital service in which the police officer or ~~{fireman}~~ *firefighter*
14 would have been eligible to participate or to discontinue coverage
15 under the group insurance, plan or medical and hospital service in
16 which the police officer or ~~{fireman}~~ *firefighter* was a participant,
17 the spouse, child or legal guardian of the child must notify in writing
18 the local governmental agency that employed the police officer or
19 ~~{fireman}~~ *firefighter* within 60 days after the date of death of the
20 police officer or ~~{fireman}~~ *firefighter*.

21 2. The local governmental agency that employed the police
22 officer or ~~{fireman}~~ *firefighter* shall pay the entire cost of the
23 premiums or contributions for the group insurance, plan of benefits
24 or medical and hospital service for the surviving spouse or child
25 who meets the requirements set forth in subsection 1.

26 3. A surviving spouse is eligible to receive coverage pursuant
27 to this section for the duration of the life of the surviving spouse. A
28 surviving child is eligible to receive coverage pursuant to this
29 section until the child reaches:

30 (a) The age of 18 years; or

31 (b) The age of 23 years, if the child is enrolled as a full-time
32 student in an accredited university, college or trade school.

33 4. As used in this section "police officer" has the meaning
34 ascribed to it in NRS 617.135.

35 **Sec. 17.** NRS 287.0477 is hereby amended to read as follows:

36 287.0477 1. Except as otherwise provided in subsection 4,
37 the surviving spouse and any surviving child of a police officer or
38 ~~{fireman}~~ *firefighter* who was employed by a participating public
39 agency and who was killed in the line of duty may join or continue
40 coverage under the Public Employees' Benefits Program or another
41 insurer or employee benefit plan approved by the Board pursuant to
42 NRS 287.0479 if the police officer or ~~{fireman}~~ *firefighter* was a
43 participant or would have been eligible to participate on the date of
44 the death of the police officer or ~~{fireman}~~ *firefighter*. If the
45 surviving spouse or child elects to join or discontinue coverage



1 under the Public Employees' Benefits Program pursuant to this
2 subsection, the spouse, child or legal guardian of the child must
3 notify in writing the participating public agency that employed the
4 police officer or ~~{fireman}~~ *firefighter* within 60 days after the date
5 of death of the police officer or ~~{fireman}~~ *firefighter*.

6 2. Except as otherwise provided in subsection 4, the surviving
7 spouse and any surviving child of a volunteer ~~{fireman}~~ *firefighter*
8 who was killed in the line of duty and who was officially a member
9 of a volunteer fire department in this State is eligible to join the
10 Public Employees' Benefits Program. If such a spouse or child
11 elects to join the Public Employees' Benefits Program, the spouse,
12 child or legal guardian of the child must notify in writing the Board
13 within 60 days after the date of death of the volunteer ~~{fireman}~~
14 *firefighter*.

15 3. The participating public agency that employed the police
16 officer or ~~{fireman}~~ *firefighter* shall pay the entire cost of the
17 premiums or contributions for the Public Employees' Benefits
18 Program or another insurer or employee benefit plan approved by
19 the Board pursuant to NRS 287.0479 for the surviving spouse or
20 child who meets the requirements set forth in subsection 1. The
21 State of Nevada shall pay the entire cost of the premiums or
22 contributions for the Public Employees' Benefits Program for the
23 surviving spouse or child who elects to join the Public Employees'
24 Benefits Program pursuant to subsection 2.

25 4. A surviving spouse is eligible to receive coverage pursuant
26 to this section for the duration of the life of the surviving spouse. A
27 surviving child is eligible to receive coverage pursuant to this
28 section until the child reaches:

29 (a) The age of 18 years; or

30 (b) The age of 23 years, if the child is enrolled as a full-time
31 student in an accredited university, college or trade school.

32 5. As used in this section "police officer" has the meaning
33 ascribed to it in NRS 617.135.

34 **Sec. 18.** NRS 288.170 is hereby amended to read as follows:

35 288.170 1. Each local government employer which has
36 recognized one or more employee organizations shall determine,
37 after consultation with the recognized organization or organizations,
38 which group or groups of its employees constitute an appropriate
39 unit or units for negotiating. The primary criterion for that
40 determination must be the community of interest among the
41 employees concerned.

42 2. A principal, assistant principal or other school administrator
43 below the rank of superintendent, associate superintendent or
44 assistant superintendent shall not be a member of the same
45 bargaining unit with public school teachers unless the school district



1 employs fewer than five principals but may join with other officials
2 of the same specified ranks to negotiate as a separate bargaining
3 unit.

4 3. A head of a department of a local government, an
5 administrative employee or a supervisory employee ~~[shall]~~ **must** not
6 be a member of the same bargaining unit as the employees under his
7 direction. Any dispute between the parties as to whether an
8 employee is a supervisor must be submitted to the Board. An
9 employee organization which is negotiating on behalf of two or
10 more bargaining units consisting of ~~[firemen]~~ **firefighters** or police
11 officers, as defined in NRS 288.215, may select members of the
12 units to negotiate jointly on behalf of each other, even if one of the
13 units consists of supervisory employees and the other unit does not.

14 4. Confidential employees of the local government employer
15 must be excluded from any bargaining unit but are entitled to
16 participate in any plan to provide benefits for a group that is
17 administered by the bargaining unit of which they would otherwise
18 be a member.

19 5. If any employee organization is aggrieved by the
20 determination of a bargaining unit, it may appeal to the Board.
21 Subject to judicial review, the decision of the Board is binding upon
22 the local government employer and employee organizations
23 involved. The Board shall apply the same criterion as specified in
24 subsection 1.

25 6. As used in this section, "confidential employee" means an
26 employee who is involved in the decisions of management affecting
27 collective bargaining.

28 **Sec. 19.** NRS 288.215 is hereby amended to read as follows:

29 288.215 1. As used in this section:

30 (a) ~~["Firemen"]~~ **"Firefighters"** means those persons who are
31 salaried employees of a fire prevention or suppression unit
32 organized by a political subdivision of the State and whose principal
33 duties are controlling and extinguishing fires.

34 (b) "Police officers" means those persons who are salaried
35 employees of a police department or other law enforcement agency
36 organized by a political subdivision of the State and whose principal
37 duties are to enforce the law.

38 2. The provisions of this section apply only to ~~[firemen]~~
39 **firefighters** and police officers and their local government
40 employers.

41 3. If the parties have not agreed to make the findings and
42 recommendations of the fact finder final and binding upon all issues,
43 and do not otherwise resolve their dispute, they shall, within 10 days
44 after the fact finder's report is submitted, submit the issues
45 remaining in dispute to an arbitrator who must be selected in the



1 manner provided in NRS 288.200 and have the same powers
2 provided for fact finders in NRS 288.210.

3 4. The arbitrator shall, within 10 days after he is selected, and
4 after 7 days' written notice is given to the parties, hold a hearing to
5 receive information concerning the dispute. The hearings must be
6 held in the county in which the local government employer is
7 located and the arbitrator shall arrange for a full and complete
8 record of the hearings.

9 5. At the hearing, or at any subsequent time to which the
10 hearing may be adjourned, information may be presented by:

11 (a) The parties to the dispute; or

12 (b) Any interested person.

13 6. The parties to the dispute shall each pay one-half of the costs
14 incurred by the arbitrator.

15 7. A determination of the financial ability of a local
16 government employer must be based on all existing available
17 revenues as established by the local government employer and
18 within the limitations set forth in NRS 354.6241, with due regard
19 for the obligation of the local government employer to provide
20 facilities and services guaranteeing the health, welfare and safety of
21 the people residing within the political subdivision.

22 8. At the recommendation of the arbitrator, the parties may,
23 before the submission of a final offer, enter into negotiations. If the
24 negotiations are begun, the arbitrator may adjourn the hearings for a
25 period of 3 weeks. An agreement by the parties is final and binding,
26 and upon notification to the arbitrator, the arbitration terminates.

27 9. If the parties do not enter into negotiations or do not agree
28 within 30 days, each of the parties shall submit a single written
29 statement containing its final offer for each of the unresolved issues.

30 10. The arbitrator shall, within 10 days after the final offers are
31 submitted, accept one of the written statements, on the basis of the
32 criteria provided in NRS 288.200, and shall report his decision to
33 the parties. The decision of the arbitrator is final and binding on the
34 parties. Any award of the arbitrator is retroactive to the expiration
35 date of the last contract.

36 11. The decision of the arbitrator must include a statement:

37 (a) Giving his reason for accepting the final offer that is the
38 basis of his award; and

39 (b) Specifying his estimate of the total cost of the award.

40 **Sec. 20.** NRS 396.545 is hereby amended to read as follows:

41 396.545 1. To the extent of legislative appropriation, the
42 Board of Regents shall pay all registration fees, laboratory fees and
43 expenses for required textbooks and course materials assessed
44 against or incurred by a dependent child of:



1 (a) A police officer, ~~fireman~~ *firefighter* or officer of the
2 Nevada Highway Patrol who was killed in the line of duty; or

3 (b) A volunteer ambulance driver or attendant who was killed
4 while engaged as a volunteer ambulance driver or attendant,
5 ➤ for classes taken towards satisfying the requirements of an
6 undergraduate degree at a school within the University and
7 Community College System of Nevada. No such payment may be
8 made for any fee assessed after the child reaches the age of 23 years.

9 2. There is hereby created in the State Treasury a Trust Fund
10 for the Education of Dependent Children. The Board of Regents
11 shall administer the Trust Fund. The Board of Regents may accept
12 gifts and grants for deposit in the Trust Fund. All money held by the
13 State Treasurer or received by the Board of Regents for that purpose
14 must be deposited in the Trust Fund. The money in the Trust Fund
15 must be invested as the money in other state funds is invested. After
16 deducting all applicable charges, all interest and income earned on
17 the money in the Trust Fund must be credited to the Trust Fund.

18 3. As used in this section:

19 (a) ~~“Fireman”~~ *“Firefighter”* means a person who is a salaried
20 employee or volunteer member of a fire prevention or suppression
21 unit organized by a local government and whose principal duty is to
22 control and extinguish fires.

23 (b) “Local government” means a county, city, unincorporated
24 town or metropolitan police department.

25 (c) “Police officer” means a person who is a salaried employee
26 of a police department or other law enforcement agency organized
27 or operated by a local government and whose principal duty is to
28 enforce the law.

29 (d) “Volunteer ambulance driver or attendant” means a person
30 who is a driver of or attendant on an ambulance owned or operated
31 by:

32 (1) A nonprofit organization that provides volunteer
33 ambulance service in any county, city or town in this State; or

34 (2) A political subdivision of this State.

35 **Sec. 21.** NRS 439.255 is hereby amended to read as follows:

36 439.255 1. The State Board of Health shall adopt by
37 regulation the types of portable manual masks and face shields that
38 are approved by the Board to assist in the prevention of the spread
39 of communicable diseases during the administration of
40 cardiopulmonary resuscitation. An approved mask or face shield
41 may not weigh more than 1 pound.

42 2. Except as otherwise provided in subsection 3, every
43 employer shall, without charge to the peace officer or ~~fireman,~~
44 *firefighter*, provide each peace officer, whether or not he is on duty,



1 and each ~~fireman~~ *firefighter* who is on duty, whether paid or
2 voluntary, with:

3 (a) A portable manual mask and face shield approved by the
4 Board; and

5 (b) Initial training and instruction in the use of the equipment.

6 ➔ The mask, shield and training must be provided not later than 30
7 days after the first day of employment. The employer shall provide
8 refresher courses in the use of the equipment when necessary.

9 3. An employer may apply to the Health Division for a waiver
10 of the requirements of subsection 2 with regard to each peace officer
11 or ~~fireman~~ *firefighter* who, in the normal course of his
12 employment, is not likely ever to administer cardiopulmonary
13 resuscitation. The application must be in writing, specify the reasons
14 why the employee is not likely in the normal course of his
15 employment ever to administer cardiopulmonary resuscitation and
16 be sworn to by the employer or his authorized representative. The
17 Health Division shall grant or deny the waiver based on the
18 information contained in the application.

19 4. A waiver granted pursuant to subsection 3 expires upon any
20 change in the duties of the peace officer or ~~fireman which make~~
21 *firefighter which makes* it likely that he will administer
22 cardiopulmonary resuscitation at some time in the normal course of
23 his employment. The date of the change in duties shall be deemed to
24 be the first day of employment for purposes of subsection 2.

25 5. An injury or illness which results from the use of a mask or
26 shield by a peace officer or ~~fireman~~ *firefighter* pursuant to
27 subsection 2 may not be considered as negligence or as causation in
28 any civil action brought against a peace officer or ~~fireman~~
29 *firefighter* or his employer.

30 6. As used in this section:

31 (a) "Employer" means any person who employs or provides
32 equipment to a ~~fireman~~ *firefighter* or peace officer, including the
33 State of Nevada and its political subdivisions.

34 (b) "Peace officer" means:

35 (1) Sheriffs of counties and of metropolitan police
36 departments and their deputies;

37 (2) Personnel of the Nevada Highway Patrol when exercising
38 the police powers specified in NRS 480.330 and 480.360; and

39 (3) Marshals and policemen of cities and towns.

40 **Sec. 22.** NRS 441A.195 is hereby amended to read as follows:

41 441A.195 1. A law enforcement officer, correctional officer,
42 emergency medical attendant, ~~fireman~~ *firefighter* or any other
43 person who is employed by an agency of criminal justice who may
44 have been exposed to a contagious disease while performing his
45 official duties, or the employer of such a person, may petition a



1 court for an order requiring the testing of a person for exposure to
2 the human immunodeficiency virus and the hepatitis B surface
3 antigen if the person may have exposed the officer, medical
4 attendant, ~~fireman~~ *firefighter* or other person employed by an
5 agency of criminal justice to a contagious disease.

6 2. When possible, before filing a petition pursuant to
7 subsection 1, the person or employer petitioning shall submit
8 information concerning the possible exposure to a contagious
9 disease to the designated health care officer for the employer, or ~~if~~
10 if there is no designated health care officer, the person designated by
11 the employer to document and verify possible exposure to
12 contagious diseases, for verification that there was substantial
13 exposure. Each designated health care officer or person designated
14 by an employer to document and verify possible exposure to
15 contagious diseases shall establish guidelines based on current
16 scientific information to determine substantial exposure.

17 3. A court shall promptly hear a petition filed pursuant to
18 subsection 1 and determine whether there is probable cause to
19 believe that a possible transfer of blood or other bodily fluids
20 occurred between the person who filed the petition or on whose
21 behalf the petition was filed and the person who possibly exposed
22 him to a contagious disease. If the court determines that probable
23 cause exists to believe that a possible transfer of blood or other
24 bodily fluids occurred, the court shall order the person who possibly
25 exposed the petitioner to a contagious disease to submit two
26 specimens of blood to a local hospital or medical laboratory for
27 testing for exposure to the human immunodeficiency virus and the
28 hepatitis B surface antigen. The local hospital or medical laboratory
29 shall perform the test in accordance with generally accepted medical
30 practices and shall disclose the results of the test in the manner set
31 forth in NRS 629.069.

32 4. The employer of a person who files a petition or on whose
33 behalf a petition is filed pursuant to this section or the insurer of the
34 employer shall pay the cost of performing the test pursuant to
35 subsection 3.

36 5. As used in this section:

37 (a) "Agency of criminal justice" has the meaning ascribed to it
38 in NRS 179A.030.

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

43 **Sec. 23.** NRS 441A.220 is hereby amended to read as follows:

44 441A.220 All information of a personal nature about any
45 person provided by any other person reporting a case or suspected



1 case of a communicable disease, or by any person who has a
2 communicable disease, or as determined by investigation of the
3 health authority, is confidential medical information and must not be
4 disclosed to any person under any circumstances, including pursuant
5 to any subpoena, search warrant or discovery proceeding, except as
6 follows:

7 1. For statistical purposes, provided that the identity of the
8 person is not discernible from the information disclosed.

9 2. In a prosecution for a violation of this chapter.

10 3. In a proceeding for an injunction brought pursuant to this
11 chapter.

12 4. In reporting the actual or suspected abuse or neglect of a
13 child or elderly person.

14 5. To any person who has a medical need to know the
15 information for his own protection or for the well-being of a patient
16 or dependent person, as determined by the health authority in
17 accordance with regulations of the Board.

18 6. If the person who is the subject of the information consents
19 in writing to the disclosure.

20 7. Pursuant to subsection 2 of NRS 441A.320 or NRS 629.069.

21 8. If the disclosure is made to the Department of Human
22 Resources and the person about whom the disclosure is made has
23 been diagnosed as having acquired immunodeficiency syndrome or
24 an illness related to the human immunodeficiency virus and is a
25 recipient of or an applicant for Medicaid.

26 9. To a ~~fireman~~ *firefighter*, police officer or person
27 providing emergency medical services if the Board has determined
28 that the information relates to a communicable disease significantly
29 related to that occupation. The information must be disclosed in the
30 manner prescribed by the Board.

31 10. If the disclosure is authorized or required by specific
32 statute.

33 **Sec. 24.** NRS 450B.073 is hereby amended to read as follows:

34 450B.073 ~~“Fireman”~~ *“Firefighter”* means a person who
35 holds a license and is employed by or serving as a volunteer with a
36 fire-fighting agency.

37 **Sec. 25.** NRS 450B.090 is hereby amended to read as follows:

38 450B.090 “License” means the license issued by the health
39 authority under the provisions of this chapter to an attendant of an
40 ambulance or an air ambulance or to a ~~fireman~~ *firefighter*
41 employed by or serving as a volunteer with a fire-fighting agency.

42 **Sec. 26.** NRS 450B.151 is hereby amended to read as follows:

43 450B.151 1. The Committee on Emergency Medical
44 Services, consisting of nine members appointed by the Governor, is
45 hereby created.



2. Upon request of the Governor, employee associations that represent persons that provide emergency medical services, including, without limitation, physicians and nurses that provide emergency medical services, emergency medical technicians, ambulance attendants, ~~firemen;~~ *firefighters*, fire chiefs and employees of rural hospitals, shall submit to the Governor written nominations for appointments to the Committee.

3. After considering the nominations submitted pursuant to subsection 2, the Governor shall appoint to the Committee:

(a) One member who is a physician licensed pursuant to chapter 630 or 633 of NRS and who has experience providing emergency medical services;

(b) One member who is a registered nurse and who has experience providing emergency medical services;

(c) One member who is a volunteer ~~fireman;~~ *firefighter*;

(d) One member who is employed by a fire-fighting agency at which some of the ~~firemen~~ *firefighters* are employed and some serve as volunteers;

(e) One member who is employed by an urban fire-fighting agency;

(f) One member who is employed by or serves as a volunteer with a medical facility that is located in a rural area and that provides emergency medical services;

(g) One member who is employed by an organization that provides emergency medical services in an air ambulance and whose duties are closely related to such emergency medical services;

(h) One member who is employed by a privately owned entity that provides emergency medical services; and

(i) One member who is employed by an operator of a service which is:

(1) Provided for the benefit of the employees of an industry who become sick or are injured at the industrial site; and

(2) Staffed by employees who are licensed attendants and perform emergency medical services primarily for the industry.

4. In addition to the members set forth in subsection 3, the following persons are ex officio members of the Committee:

(a) An employee of the Health Division, appointed by the Administrator of the Health Division, whose duties relate to administration and enforcement of the provisions of this chapter;

(b) The county health officer appointed pursuant to NRS 439.290 in each county whose population is 100,000 or more, or his designee; and



(c) A physician who is a member of a committee which consists of directors of trauma centers in this State and who is nominated by that committee.

5. The term of each member appointed by the Governor is 2 years, and such a member may not serve more than two consecutive terms.

6. The Governor shall not appoint to the Committee two persons who are employed by or volunteer with the same organization, except the Governor may appoint a person who is employed by or volunteers with the same organization of which a member who serves ex officio is an employee.

7. Each member of the Committee shall appoint an alternate to serve in his place if he is temporarily unable to perform the duties required of him pursuant to NRS 450B.151 to 450B.154, inclusive.

8. A position on the Committee that becomes vacant before the end of the term of the member must be filled in the manner prescribed by this section for the remainder of the term.

Sec. 27. NRS 450B.160 is hereby amended to read as follows:

450B.160 1. The health authority may issue licenses to attendants and to ~~firemen~~ *firefighters* employed by or serving as volunteers with a fire-fighting agency.

2. Each license must be evidenced by a card issued to the holder of the license, is valid for a period not to exceed 2 years and is renewable.

3. An applicant for a license must file with the health authority:

(a) A current, valid certificate evidencing his successful completion of a program or course for training in emergency medical technology, if he is applying for a license as an attendant, or, if a volunteer attendant, at a level of skill determined by the board.

(b) A current valid certificate evidencing his successful completion of a program for training as an intermediate emergency medical technician or advanced emergency medical technician if he is applying for a license as a ~~fireman~~ *firefighter* with a fire-fighting agency.

(c) A signed statement showing:

- (1) His name and address;
- (2) His employer's name and address; and
- (3) A description of his duties.

(d) Such other certificates for training and such other items as the board may specify.

4. The board shall adopt such regulations as it determines are necessary for the issuance, suspension, revocation and renewal of licenses.



1 5. Each operator of an ambulance or air ambulance and each
2 fire-fighting agency shall annually file with the health authority a
3 complete list of the licensed persons in its service.

4 6. Licensed physicians, registered nurses and licensed
5 physician assistants may serve as attendants without being licensed
6 under the provisions of this section. A registered nurse who
7 performs advanced emergency care in an ambulance or air
8 ambulance ~~[must]~~ *shall* perform the care in accordance with the
9 regulations of the State Board of Nursing. A licensed physician
10 assistant who performs advanced emergency care in an ambulance
11 or air ambulance ~~[must]~~ *shall* perform the care in accordance with
12 the regulations of the Board of Medical Examiners.

13 7. Each licensed physician, registered nurse and licensed
14 physician assistant who serves as an attendant must have current
15 certification of completion of training in:

16 (a) Advanced life-support procedures for patients who require
17 cardiac care;

18 (b) Life-support procedures for pediatric patients who require
19 cardiac care; or

20 (c) Life-support procedures for patients with trauma that are
21 administered before the arrival of those patients at a hospital.

22 ➔ The certification must be issued by the Board of Medical
23 Examiners for a physician or licensed physician assistant or by the
24 State Board of Nursing for a registered nurse.

25 8. The Board of Medical Examiners and the State Board of
26 Nursing shall issue a certificate pursuant to subsection 7 if the
27 licensed physician, licensed physician assistant or registered nurse
28 attends:

29 (a) A course offered by a national organization which is
30 nationally recognized for issuing such certification;

31 (b) Training conducted by the operator of an ambulance or air
32 ambulance; or

33 (c) Any other course or training,

34 ➔ approved by the Board of Medical Examiners or the State Board
35 of Nursing, whichever is issuing the certification. The Board of
36 Medical Examiners and the State Board of Nursing may require
37 certification of training in all three areas set forth in subsection 7 for
38 a licensed physician, licensed physician assistant or registered nurse
39 who primarily serves as an attendant in a county whose population
40 is 400,000 or more.

41 **Sec. 28.** NRS 450B.183 is hereby amended to read as follows:

42 450B.183 1. An applicant for the issuance or renewal of a
43 license as an attendant or ~~[fireman]~~ *firefighter* employed by a fire-
44 fighting agency or an emergency medical technician certificate shall
45 submit to the health authority the statement prescribed by the



1 Welfare Division of the Department of Human Resources pursuant
2 to NRS 425.520. The statement must be completed and signed by
3 the applicant.

4 2. The health authority shall include the statement required
5 pursuant to subsection 1 in:

6 (a) The application or any other forms that must be submitted
7 for the issuance or renewal of the license or certificate; or

8 (b) A separate form prescribed by the health authority.

9 3. A license or certificate described in subsection 1 may not be
10 issued or renewed by the health authority if the applicant:

11 (a) Fails to submit the statement required pursuant to subsection
12 1; or

13 (b) Indicates on the statement submitted pursuant to subsection
14 1 that he is subject to a court order for the support of a child and is
15 not in compliance with the order or a plan approved by the district
16 attorney or other public agency enforcing the order for the
17 repayment of the amount owed pursuant to the order.

18 4. If an applicant indicates on the statement submitted pursuant
19 to subsection 1 that he is subject to a court order for the support of a
20 child and is not in compliance with the order or a plan approved by
21 the district attorney or other public agency enforcing the order for
22 the repayment of the amount owed pursuant to the order, the health
23 authority shall advise the applicant to contact the district attorney or
24 other public agency enforcing the order to determine the actions that
25 the applicant may take to satisfy the arrearage.

26 **Sec. 29.** NRS 450B.185 is hereby amended to read as follows:

27 450B.185 1. If the health authority receives a copy of a court
28 order issued pursuant to NRS 425.540 that provides for the
29 suspension of all professional, occupational and recreational
30 licenses, certificates and permits issued to a person who is the
31 holder of a license as an attendant or ~~fireman~~ **firefighter** employed
32 by a fire-fighting agency or an emergency medical technician
33 certificate, the health authority shall deem the license or certificate
34 issued to that person to be suspended at the end of the 30th day after
35 the date on which the court order was issued unless the health
36 authority receives a letter issued to the holder of the license or
37 certificate by the district attorney or other public agency pursuant to
38 NRS 425.550 stating that the holder of the license or certificate has
39 complied with the subpoena or warrant or has satisfied the arrearage
40 pursuant to NRS 425.560.

41 2. The health authority shall reinstate a license as an attendant
42 or ~~fireman~~ **firefighter** employed by a fire-fighting agency or an
43 emergency medical technician certificate that has been suspended
44 by a district court pursuant to NRS 425.540 if:



(a) The health authority receives a letter issued by the district attorney or other public agency pursuant to NRS 425.550 to the person whose license or certificate was suspended stating that the person whose license or certificate was suspended has complied with the subpoena or warrant or has satisfied the arrearage pursuant to NRS 425.560; and

(b) The person whose license or certificate was suspended pays any fees imposed by the health authority for the reinstatement of a suspended license or certificate.

Sec. 30. NRS 450B.187 is hereby amended to read as follows:

450B.187 An application for the issuance or renewal of a license as an attendant or ~~fireman~~ *firefighter* employed by a fire-fighting agency or an emergency medical technician certificate must include the social security number of the applicant.

Sec. 31. NRS 450B.191 is hereby amended to read as follows:

450B.191 1. A program of training in intermediate emergency care of a patient in urgent need of medical care or observation must be conducted by a licensed physician and approved by the health authority.

2. A program of training for an intermediate emergency medical technician must include an approved curriculum in intravenous therapy and the management of a passage for air to the lungs. Only a certified emergency medical technician with experience as established by the board is eligible for this training.

3. In order to maintain his certification, each intermediate emergency medical technician must annually:

(a) Comply with the requirements established by the board for continuing medical education; and

(b) Demonstrate his skills as required by regulation of the board.

4. The board may by regulation prescribe the curriculum and other requirements for training and maintaining certification in intermediate emergency care. The curriculum must be at least equivalent to any curriculum prepared by the Department of Transportation as a national standard for intermediate emergency medical technicians.

5. A person shall not represent himself to be an intermediate emergency medical technician unless he has on file with the health authority a currently valid certificate demonstrating successful completion of the program of training required by this section.

6. Except as authorized by subsection 6 of NRS 450B.160, an attendant or ~~fireman~~ *firefighter* shall not perform, and the owner, operator, director or chief officer of an ambulance or a fire-fighting agency must not offer, intermediate emergency care without fulfilling the requirements established by the board.



Sec. 32. NRS 450B.195 is hereby amended to read as follows:

450B.195 1. Only a certified emergency medical technician who is a licensed attendant or a ~~{fireman}~~ *firefighter* with experience as established by the board is eligible for training as an advanced emergency medical technician.

2. A program of training in advanced emergency care for advanced emergency medical technicians must be conducted by a licensed physician and approved by the health authority.

3. In order to maintain his certification, each advanced emergency medical technician must annually:

(a) Comply with the requirements established by the board for continuing medical education; and

(b) Demonstrate his skills as required by regulation of the board.

4. The board may by regulation prescribe the curriculum and other requirements for training and maintaining certification in advanced emergency care. The curriculum must be at least equivalent to any curriculum prepared by the Department of Transportation as a national standard for advanced emergency medical technicians.

5. A person shall not represent himself to be an advanced emergency medical technician unless he has on file with the health authority a currently valid certificate evidencing his successful completion of the program of training required by this section.

6. Except as authorized by subsection 6 of NRS 450B.160, an attendant or ~~{fireman}~~ *firefighter* shall not perform, and the owner, operator, director or chief officer of an ambulance or a fire-fighting agency must not offer, advanced emergency care without fulfilling the requirements established by the board.

Sec. 33. NRS 450B.197 is hereby amended to read as follows:

450B.197 An attendant or a ~~{fireman}~~ *firefighter* who is an advanced emergency medical technician may perform any procedure and administer any drug approved by regulation of the board.

Sec. 34. NRS 450B.250 is hereby amended to read as follows:

450B.250 Except as otherwise provided in this chapter, a person shall not serve as an attendant on any ambulance or air ambulance and a ~~{fireman}~~ *firefighter* shall not provide intermediate or advanced medical care to sick or injured persons at the scene of an emergency or while transporting those persons to a medical facility unless he holds a currently valid license issued by the health authority under the provisions of this chapter.

Sec. 35. NRS 450B.850 is hereby amended to read as follows:

450B.850 The health authority may operate training programs and may contract with others to operate training programs for ambulance attendants, ambulance service operators, ~~{firemen,}~~



1 *firefighters*, law enforcement officers, physicians, nurses and others
2 in emergency first aid, emergency care and any other techniques
3 associated with emergency care, transportation and treatment of the
4 sick and injured and the proper operation of an ambulance service.

5 **Sec. 36.** NRS 451.577 is hereby amended to read as follows:

6 451.577 1. Every hospital shall establish policies and
7 procedures to identify potential donors. The policies and procedures
8 must require the administrator of the hospital or his representative:

9 (a) To determine whether a person is a donor.

10 (b) If the person is not a donor, to determine if the person is a
11 potential donor, including the consideration of:

12 (1) His religious and cultural beliefs; and

13 (2) The suitability of his organs and tissues for donation.

14 (c) At or near the time of death of a person identified as a
15 potential donor, to request the person designated in subsection 1 of
16 NRS 451.557, in the stated order of priority if persons in a prior
17 class are not available, to consent to the gift of all or any part of the
18 decedent's body as an anatomical gift.

19 (d) If he has actual knowledge of a contrary intent of the
20 decedent or opposition by a person in the same class as or a prior
21 class than a person who has consented to an anatomical gift, not to
22 procure an anatomical gift.

23 (e) If an anatomical gift is made, to notify an organization which
24 procures organs and tissues and cooperate in the procurement of the
25 anatomical gift.

26 2. The following persons shall make a reasonable search for a
27 document of gift or other information identifying the bearer as a
28 donor or as a person who has refused to make an anatomical gift:

29 (a) A law enforcement officer, ~~fireman,~~ *firefighter*, emergency
30 medical technician or other emergency rescuer finding a person who
31 the searcher believes is dead or near death; and

32 (b) A hospital, upon the admission of a person at or near the
33 time of death,

34 ➔ if there is not immediately available any other source of that
35 information.

36 3. If a document of gift or evidence of refusal to make an
37 anatomical gift is located by the search required by paragraph (a) of
38 subsection 2, and the person or body to whom it relates is taken to a
39 hospital, the hospital must be notified of the contents and the
40 document or other evidence must be sent to the hospital.

41 4. If, at or near the time of death of a patient, a hospital knows
42 that an anatomical gift has been made pursuant to subsection 1 of
43 NRS 451.557 or that a patient or a person identified as in transit to
44 the hospital is a donor, the hospital shall notify the donee if one is
45 named and known to the hospital, or if not, it shall notify an



1 appropriate procurement organization. The hospital shall cooperate
2 in the implementation of the anatomical gift or release and removal
3 of a part.

4 5. A person who fails to discharge the duties imposed by this
5 section is not subject to criminal or civil liability but is subject to
6 appropriate administrative sanctions.

7 **Sec. 37.** NRS 472.040 is hereby amended to read as follows:

8 472.040 1. The State Forester Firewarden shall:

9 (a) Supervise or coordinate all forestry and watershed work on
10 state-owned and privately owned lands, including fire control, in
11 Nevada, working with federal agencies, private associations,
12 counties, towns, cities or private persons.

13 (b) Administer all fire control laws and all forestry laws in
14 Nevada outside of townsite boundaries, and perform any other
15 duties designated by the Director of the State Department of
16 Conservation and Natural Resources or by state law.

17 (c) Assist and encourage county or local fire protection districts
18 to create legally constituted fire protection districts where they are
19 needed and offer guidance and advice in their operation.

20 (d) Designate the boundaries of each area of the State where the
21 construction of buildings on forested lands creates such a fire hazard
22 as to require the regulation of roofing materials.

23 (e) Adopt and enforce regulations relating to standards for fire
24 retardant roofing materials to be used in the construction, alteration,
25 change or repair of buildings located within the boundaries of fire
26 hazardous forested areas.

27 (f) Purchase communication equipment which can use the
28 microwave channels of the state communications system and store
29 this equipment in regional locations for use in emergencies.

30 (g) Administer money appropriated and grants awarded for fire
31 prevention, fire control and the education of ~~firemen~~ **firefighters**
32 and award grants of money for those purposes to fire departments
33 and educational institutions in this State.

34 (h) Determine the amount of wages that must be paid to
35 offenders who participate in conservation camps and who perform
36 work relating to fire fighting and other work projects of
37 conservation camps.

38 2. The State Forester Firewarden in carrying out the provisions
39 of this chapter may:

40 (a) Appoint paid foresters and firewardens to enforce the
41 provisions of the laws of this State respecting forest and watershed
42 management or the protection of forests and other lands from fire,
43 subject to the approval of the board of county commissioners of
44 each county concerned.



1 (b) Appoint suitable citizen-wardens. Citizen-wardens serve
2 voluntarily except that they may receive compensation when an
3 emergency is declared by the State Forester Firewarden.

4 (c) Appoint, upon the recommendation of the appropriate federal
5 officials, resident officers of the United States Forest Service and
6 the United States Bureau of Land Management as voluntary
7 firewardens. Voluntary firewardens are not entitled to compensation
8 for their services.

9 (d) Appoint certain paid foresters or firewardens to be arson
10 investigators.

11 (e) Employ, with the consent of the Director of the State
12 Department of Conservation and Natural Resources, clerical
13 assistance, county and district coordinators, patrolmen, firefighters,
14 and other employees as needed, and expend such sums as may be
15 necessarily incurred for this purpose.

16 (f) Purchase, or acquire by donation, supplies, material,
17 equipment and improvements necessary to fire protection and forest
18 and watershed management.

19 (g) With the approval of the Director of the State Department of
20 Conservation and Natural Resources and the State Board of
21 Examiners, purchase or accept the donation of real property to be
22 used for lookout sites and for other administrative, experimental or
23 demonstration purposes. No real property may be purchased or
24 accepted unless an examination of the title shows the property to be
25 free from encumbrances, with title vested in the grantor. The title to
26 the real property must be examined and approved by the Attorney
27 General.

28 (h) Expend any money appropriated by the State to the Division
29 of Forestry of the State Department of Conservation and Natural
30 Resources for paying expenses incurred in fighting fires or in
31 emergencies which threaten human life.

32 3. The State Forester Firewarden, in carrying out the powers
33 and duties granted in this section, is subject to administrative
34 supervision by the Director of the State Department of Conservation
35 and Natural Resources.

36 **Sec. 38.** NRS 475.070 is hereby amended to read as follows:

37 475.070 1. Every person who, at any fire:

38 (a) Disobeys the lawful order of any peace officer or ~~fireman,~~
39 *firefighter*, or a member of a search and rescue organization who is
40 under the direction of the sheriff;

41 (b) Resists or interferes with any lawful effort to extinguish the
42 fire; or

43 (c) Engages in any conduct likely to interfere with the
44 extinguishment of the fire,

45 ➤ is guilty of a misdemeanor.



2. Every person who, at the scene of an emergency, other than a fire, disobeys any of the lawful orders of a peace officer or ~~{fireman,}~~ *firefighter*, or a member of a search and rescue organization who is under the direction of the sheriff, or resists or interferes with the lawful efforts of any ~~{firemen}~~ *firefighters* or company of ~~{firemen,}~~ *firefighters*, or members of a search and rescue organization who are under the direction of the sheriff, to control or handle the emergency, or conducts himself in a disorderly manner likely to interfere with the control or handling thereof, or who forbids, prevents or dissuades others from assisting to control or handle the emergency, is guilty of a misdemeanor.

Sec. 39. NRS 475.100 is hereby amended to read as follows:

475.100 1. It is unlawful for a person intentionally to give or cause to be given, or turn in or cause to be turned in, any false alarm of fire.

2. A person who violates any of the provisions of this section shall be punished:

(a) If the act is malicious and another person suffers death or substantial bodily harm as a result, for a category D felony as provided in NRS 193.130.

(b) Otherwise, for a gross misdemeanor.

3. This section does not apply to alarms given for practice by any chief of a fire department or by any other person properly authorized to give such alarms, nor to alarms given by a person to attract attention of police, ~~{firemen}~~ *firefighters* or other people to acts of violence, disorder or menace.

Sec. 40. NRS 475.115 is hereby amended to read as follows:

475.115 1. Any person, corporation, partnership, association or other entity who is an employer or is vested with the power to discharge or recommend the discharge of a person who serves as a volunteer ~~{fireman}~~ *firefighter* shall not deprive the person performing such service of his employment as a consequence of his action.

2. A person discharged in violation of subsection 1 may commence a civil action against his employer and obtain:

(a) Wages and benefits lost as a result of the violation;

(b) An order of reinstatement without loss of position, seniority or benefits;

(c) Damages equal to the amount of lost wages and benefits; and

(d) Reasonable attorney's fees fixed by the court.

3. Any applicant for employment who is, and any employee who becomes, a volunteer ~~{fireman}~~ *firefighter* must disclose that fact to his prospective or present employer, as the case may be.



1 **Sec. 41.** NRS 477.020 is hereby amended to read as follows:
2 477.020 1. The State Board of Fire Services, consisting of
3 eight members appointed by the Governor, is hereby created.

4 2. The Governor shall appoint:

5 (a) A licensed architect;

6 (b) A chief of a volunteer fire department;

7 (c) A chief of a full-time, paid fire department;

8 (d) A professional engineer;

9 (e) The State Forester Firewarden;

10 (f) A training officer of a volunteer fire department;

11 (g) A training officer of a partially or fully paid fire department;
12 and

13 (h) A specialist in hazardous materials,

14 → to the Board. No member other than the State Forester
15 Firewarden may serve for more than two consecutive terms.

16 3. The Board shall select a Chairman from among its members
17 to serve for 1 year. The State Fire Marshal shall serve as the
18 Secretary of the Board.

19 4. The Board may meet regularly at least twice each year or on
20 the call of the Chairman, the Secretary or any three members.

21 5. The members of the Board, except the State Forester
22 Firewarden, are entitled to receive a salary of \$60 for each day's
23 attendance at a meeting of the Board.

24 6. The Board shall make recommendations to the State Fire
25 Marshal and to the Legislature concerning necessary legislation in
26 the field of fire fighting and fire protection. When requested to do so
27 by the Director of the Department of Public Safety, the Board shall
28 recommend to him not fewer than three persons for appointment as
29 State Fire Marshal.

30 7. The Board shall advise the State Fire Marshal on matters
31 relating to the training of ~~{firemen;}~~ *firefighters*.

32 **Sec. 42.** NRS 477.039 is hereby amended to read as follows:

33 477.039 1. The State Fire Marshal shall:

34 (a) Furnish and administer programs for the training of
35 ~~{firemen;}~~ *firefighters*;

36 (b) Describe the programs that are available for training of
37 ~~{firemen}~~ *firefighters* and notify fire departments of the availability
38 of these programs;

39 (c) Administer a program to certify ~~{firemen;}~~ *firefighters*,
40 whenever requested to do so, for successful completion of a training
41 program;

42 (d) Develop a program to train instructors;

43 (e) Assist other agencies and organizations to prepare and
44 administer training programs;



(f) Carry out the provisions of paragraphs (a) to (e), inclusive, in accordance with recommendations submitted to him by the Fire Service Standards and Training Committee and the regulations adopted by the Committee; and

(g) Establish a regional hazardous materials training facility and furnish training programs concerning hazardous materials for emergency personnel, agencies and other persons.

2. The State Fire Marshal may enter into agreements for the procurement of necessary services or property, may accept gifts, grants, services or property for the training programs and may charge fees for training programs, materials or services provided.

Sec. 43. NRS 477.047 is hereby amended to read as follows:

477.047 1. The State Fire Marshal shall establish a mobile training team to train volunteer ~~firemen~~ *firefighters* to respond to incidents involving hazardous materials.

2. The State Fire Marshal shall have the goal of providing to all volunteer ~~firemen~~ *firefighters* training in compliance with the requirements for the first responder operations level set forth in 29 C.F.R. § 1910.120.

3. As used in this section, "hazardous material" has the meaning ascribed to it in NRS 459.7024.

Sec. 44. NRS 590.485 is hereby amended to read as follows:

590.485 1. The Board for the Regulation of Liquefied Petroleum Gas, consisting of six members appointed by the Governor, is hereby created.

2. The Governor shall appoint:

(a) One member who is a volunteer ~~fireman~~ *firefighter* in a rural area of this State.

(b) One member who is a ~~fireman~~ *firefighter* employed by the fire department of a city in this State.

(c) Two members who:

(1) Are or have been engaged in the sale or distribution of liquefied petroleum gas in this State; and

(2) Have a working knowledge of and actual experience in the daily operation of a business classified pursuant to the provisions of subsection 1 of NRS 590.575.

↪ Each member appointed pursuant to this paragraph may be appointed from a separate list of three nominees for appointment if such a list of nominees is provided to the Governor by the Nevada Propane Dealers Association.

(d) Two members who are representatives of the general public.

3. After the initial terms, the members of the Board must be appointed to terms of 4 years.

4. Any appointed member may, for cause, inefficiency or neglect of duties, be removed from office by the Governor.



5. Each member of the Board is entitled to receive a salary of not more than \$80 per day, as fixed by the Board, while engaged in the business of the Board.

6. While engaged in the business of the Board, each member and employee of the Board is entitled to receive the per diem allowance and travel expenses provided for state officers and employees generally.

7. Except as otherwise provided by NRS 590.547 and 590.605, the salaries, per diem allowances and travel expenses of the members and employees of the Board must be paid out of the money of the Board, after approval by a majority of the Board.

Sec. 45. NRS 590.519 is hereby amended to read as follows:

590.519 1. The Board shall adopt regulations regarding safety for all:

(a) Systems for the distribution of liquefied petroleum gas to nine users of liquefied petroleum gas or less;

(b) Tanks and appliances for liquefied petroleum gas; and

(c) Suppliers and distributors of liquefied petroleum gas to any person or any system for the distribution of liquefied petroleum gas.

2. The Board shall:

(a) Provide for the regular inspection of all systems, containers, apparatus and equipment for the storage, distribution, transportation, dispensing or use of liquefied petroleum gas.

(b) Employ such qualified inspectors as are necessary to carry out the provisions of paragraph (a).

(c) Conduct programs on safety relating to liquefied petroleum gas for volunteer ~~firemen~~ *firefighters* and groups of persons who use liquefied petroleum gas.

Sec. 46. NRS 616A.035 is hereby amended to read as follows:

616A.035 1. "Accident benefits" means medical, surgical, hospital or other treatments, nursing, medicine, medical and surgical supplies, crutches and apparatuses, including prosthetic devices.

2. The term includes:

(a) Medical benefits as defined by NRS 617.130;

(b) Preventive treatment administered as a precaution to an employee who is exposed to a contagious disease while providing medical services, including emergency medical care, in the course and scope of his employment;

(c) Preventive treatment administered as a precaution to a police officer or a salaried or volunteer ~~fireman~~ *firefighter* who:

(1) Was exposed to a contagious disease:

(I) Upon battery by an offender; or

(II) While performing the duties of a police officer or ~~fireman~~ *firefighter*,



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

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

6 (d) Preventive treatment for hepatitis administered as a
7 precaution to a police officer, full-time salaried ~~fireman~~ *firefighter*
8 or emergency medical attendant employed in this State. As used in
9 this paragraph, "police officer" means a sheriff, deputy sheriff,
10 officer of a metropolitan police department or city policeman.

11 3. The term does not include:

12 (a) Exercise equipment, a hot tub or a spa for an employee's
13 home;

14 (b) Membership in an athletic or health club;

15 (c) Except as otherwise provided in NRS 616C.245, a motor
16 vehicle; or

17 (d) The costs of operating a motor vehicle provided pursuant to
18 NRS 616C.245, fees related to the operation or licensing of the
19 motor vehicle or insurance for the motor vehicle.

20 4. As used in this section:

21 (a) "Battery" includes, without limitation, the intentional
22 propelling or placing, or the causing to be propelled or placed, of
23 any human excrement or bodily fluid upon the person of an
24 employee.

25 (b) "Emergency medical attendant" means a person licensed as
26 an attendant or certified as an emergency medical technician,
27 intermediate emergency medical technician or advanced emergency
28 medical technician pursuant to chapter 450B of NRS, whose
29 primary duties of employment are the provision of emergency
30 medical services.

31 (c) "Hepatitis" includes hepatitis A, hepatitis B, hepatitis C and
32 any additional diseases or conditions that are associated with or
33 result from hepatitis A, hepatitis B or hepatitis C.

34 (d) "Preventive treatment" includes, without limitation:

35 (1) Tests to determine if an employee has contracted hepatitis
36 or any other contagious disease to which he was exposed; and

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

42 **Sec. 47.** NRS 616A.145 is hereby amended to read as follows:

43 616A.145 Volunteer ~~firemen~~ *firefighters* belonging to a
44 regular organized and recognized fire department, while engaged in
45 their duties in any voluntary community service which they may



1 undertake, and while acting under the direction of the fire chief or
2 any of his assistants in the protection of life or property, during fire,
3 flood, earthquake, windstorm, ambulance service or other rescue
4 work, shall be deemed, for the purpose of chapters 616A to 616D,
5 inclusive, of NRS, employees of the city, town, county or district so
6 recognizing them, at the wage of \$2,000 per month, and are entitled
7 to the benefits of those chapters upon such city, town, county or
8 district's complying therewith.

9 **Sec. 48.** NRS 616A.150 is hereby amended to read as follows:

10 616A.150 A ~~fireman~~ *firefighter* who is employed by a
11 regular organized and recognized fire department, while engaged off
12 duty in the voluntary performance of services as a ~~fireman~~
13 *firefighter* within the jurisdiction served by his department or a
14 jurisdiction with which his department has a reciprocal agreement,
15 is entitled to receive the benefits provided by chapters 616A to
16 616D, inclusive, of NRS as though he were an employee receiving
17 the wage which he receives from his regular employer.

18 **Sec. 49.** NRS 616A.265 is hereby amended to read as follows:

19 616A.265 1. "Injury" or "personal injury" means a sudden
20 and tangible happening of a traumatic nature, producing an
21 immediate or prompt result which is established by medical
22 evidence, including injuries to prosthetic devices. Except as
23 otherwise provided in subsection 3, any injury sustained by an
24 employee while engaging in an athletic or social event sponsored by
25 his employer shall be deemed not to have arisen out of or in the
26 course of employment unless the employee received remuneration
27 for participation in the event.

28 2. For the purposes of chapters 616A to 616D, inclusive, of
29 NRS:

30 (a) Coronary thrombosis, coronary occlusion, or any other
31 ailment or disorder of the heart, and any death or disability ensuing
32 therefrom, shall be deemed not to be an injury by accident sustained
33 by an employee arising out of and in the course of his employment.

34 (b) The exposure of an employee to a contagious disease while
35 providing medical services, including emergency medical care, in
36 the course and scope of his employment shall be deemed to be an
37 injury by accident sustained by the employee arising out of and in
38 the course of his employment.

39 (c) Except as otherwise provided in paragraph (d), the exposure
40 to a contagious disease of a police officer or a salaried or volunteer
41 ~~fireman~~ *firefighter* who was exposed to the contagious disease:

42 (1) Upon battery by an offender; or

43 (2) While performing the duties of a police officer or
44 ~~fireman~~ *firefighter*,



1 ➡ shall be deemed to be an injury by accident sustained by
2 the police officer or ~~fireman~~ *firefighter* arising out of and in the
3 course of his employment if the exposure is documented by the
4 creation and maintenance of a report concerning the exposure
5 pursuant to paragraph (a) of subsection 1 of NRS 616C.052. As
6 used in this paragraph, the term "battery" includes, without
7 limitation, the intentional propelling or placing, or the causing to be
8 propelled or placed, of any human excrement or bodily fluid upon
9 the person of an employee.

10 (d) If a police officer or a salaried or volunteer ~~fireman~~
11 *firefighter* tests positive for exposure to tuberculosis under the
12 circumstances described in subsection 2 or 3 of NRS 616C.052, he
13 shall be deemed to have sustained an injury by accident arising out
14 of and in the course of his employment, unless the insurer can prove
15 by a preponderance of the evidence that the exposure was not
16 related to the employment of the police officer or ~~fireman~~
17 *firefighter*.

18 3. Any injury sustained by an employee of a school district
19 while engaging in an athletic or social event shall be deemed to have
20 arisen out of and in the course of his employment, whether or not
21 the employee received remuneration for participation in the event,
22 if:

23 (a) The event was sponsored by the school district, or the event
24 was an extracurricular activity which was sponsored or organized by
25 a student class, student group or student organization for an
26 educational, recreational or charitable purpose and which was
27 reasonably related to the employee's job with the school district;

28 (b) The employee participated in the event at the request of or
29 with the concurrence of supervisory personnel, whether the request
30 or concurrence was oral or written; and

31 (c) The employee participated in the event to enable the event to
32 take place or to ensure the safety and well-being of any students of
33 the school district.

34 **Sec. 50.** NRS 616C.052 is hereby amended to read as follows:

35 616C.052 1. Except as otherwise provided in NRS 617.485,
36 if a police officer or a salaried or volunteer ~~fireman~~ *firefighter* is
37 exposed to a contagious disease:

38 (a) Upon battery by an offender; or

39 (b) While performing the duties of a police officer or ~~fireman~~
40 *firefighter*,

41 ➡ the employer of the police officer or ~~fireman~~ *firefighter* shall
42 create and maintain a report concerning the exposure that includes,
43 without limitation, the name of each police officer or ~~fireman~~
44 *firefighter*, as applicable, who was exposed to the contagious



1 disease and the name of each person, if any, to whom the police
2 officer or ~~{fireman}~~ *firefighter* was exposed.

3 2. Except as otherwise provided in paragraph (d) of subsection
4 2 of NRS 616A.265, if the results of a physical examination
5 administered pursuant to NRS 617.455 or 617.457 to a police officer
6 or a salaried or volunteer ~~{fireman}~~ *firefighter* after the
7 commencement of his employment reveal that the police officer or
8 ~~{fireman}~~ *firefighter* tested positive for exposure to tuberculosis, the
9 police officer or ~~{fireman}~~ *firefighter* is eligible, during his lifetime,
10 to receive compensation pursuant to chapters 616A to 617,
11 inclusive, of NRS for tuberculosis and any additional diseases or
12 conditions that are associated with or result from tuberculosis.

13 3. Except as otherwise provided in NRS 617.485, if the
14 employment of a police officer or a salaried or volunteer ~~{fireman}~~
15 *firefighter* is terminated, voluntarily or involuntarily, the employer
16 of the police officer or ~~{fireman}~~ *firefighter* shall:

17 (a) At the time of termination and at 3 months after the date of
18 termination, provide to the police officer or ~~{fireman}~~ *firefighter* a
19 purified protein derivative skin test to screen for exposure to
20 tuberculosis, unless the police officer or ~~{fireman}~~ *firefighter*
21 previously submitted to such a test and tested positive for exposure
22 to tuberculosis. Except as otherwise provided in paragraph (d) of
23 subsection 2 of NRS 616A.265, if a skin test administered pursuant
24 to this paragraph and provided to the employer reveals that the
25 police officer or ~~{fireman}~~ *firefighter* tested positive for exposure to
26 tuberculosis, the police officer or ~~{fireman}~~ *firefighter* is eligible,
27 during his lifetime, to receive compensation pursuant to chapters
28 616A to 617, inclusive, of NRS for tuberculosis and any additional
29 diseases or conditions that are associated with or result from
30 tuberculosis.

31 (b) Within 30 days after the date of termination and at 6 and 12
32 months after the date of termination, provide to the police officer or
33 ~~{fireman}~~ *firefighter* a blood test or other appropriate test to screen
34 for other contagious diseases, including, without limitation, hepatitis
35 A, hepatitis B, hepatitis C and human immunodeficiency virus. If a
36 blood test or other appropriate test administered pursuant to this
37 paragraph and provided to the employer reveals that the police
38 officer or ~~{fireman}~~ *firefighter* has any other contagious disease or
39 the antibodies associated with a contagious disease, the police
40 officer or ~~{fireman}~~ *firefighter* is eligible, during his lifetime, to
41 receive compensation pursuant to chapters 616A to 617, inclusive,
42 of NRS for such a disease and any additional diseases or conditions
43 that are associated with or result from the contagious disease.

44 4. The former employer of a police officer or a salaried or
45 volunteer ~~{fireman}~~ *firefighter* shall pay all the costs associated with



1 providing skin and blood tests and other appropriate tests required
2 pursuant to subsection 3.

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

7 **Sec. 51.** NRS 617.070 is hereby amended to read as follows:

8 617.070 “Employee” and “workman” are used interchangeably
9 in this chapter and mean every person in the service of an employer
10 under any appointment or contract of hire or apprenticeship, express
11 or implied, oral or written, whether lawfully or unlawfully
12 employed, and include, but not exclusively:

13 1. Aliens and minors.

14 2. All elected and appointed paid public officers.

15 3. Members of boards of directors of quasi-public or private
16 corporations while rendering actual service for such corporations for
17 pay.

18 4. Volunteer ~~firemen~~ *firefighters* entitled to the benefits of
19 chapters 616A to 616D, inclusive, of NRS pursuant to the
20 provisions of NRS 616A.145.

21 5. Musicians providing music for hire, including members of
22 local supporting bands and orchestras commonly known as house
23 bands.

24 **Sec. 52.** NRS 617.453 is hereby amended to read as follows:

25 617.453 1. Notwithstanding any other provision of this
26 chapter, cancer, resulting in either temporary or permanent
27 disability, or death, is an occupational disease and compensable as
28 such under the provisions of this chapter if:

29 (a) The cancer develops or manifests itself out of and in the
30 course of the employment of a person who, for 5 years or more, has
31 been:

32 (1) Employed in this State in a full-time salaried occupation
33 of fire fighting for the benefit or safety of the public; or

34 (2) Acting as a volunteer ~~fireman~~ *firefighter* in this State
35 and is entitled to the benefits of chapters 616A to 616D, inclusive,
36 of NRS pursuant to the provisions of NRS 616A.145; and

37 (b) It is demonstrated that:

38 (1) He was exposed, while in the course of the employment,
39 to a known carcinogen as defined by the International Agency for
40 Research on Cancer or the National Toxicology Program; and

41 (2) The carcinogen is reasonably associated with the
42 disabling cancer.

43 2. With respect to a person who, for 5 years or more, has been
44 employed in this State in a full-time salaried occupation of fire
45 fighting for the benefit or safety of the public, the following



1 substances shall be deemed, for the purposes of paragraph (b) of
2 subsection 1, to be known carcinogens that are reasonably
3 associated with the following disabling cancers:

4 (a) Diesel exhaust, formaldehyde and polycyclic aromatic
5 hydrocarbon shall be deemed to be known carcinogens that are
6 reasonably associated with bladder cancer.

7 (b) Acrylonitrile, formaldehyde and vinyl chloride shall be
8 deemed to be known carcinogens that are reasonably associated with
9 brain cancer.

10 (c) Diesel exhaust and formaldehyde shall be deemed to be
11 known carcinogens that are reasonably associated with colon cancer.

12 (d) Formaldehyde shall be deemed to be a known carcinogen
13 that is reasonably associated with Hodgkin's lymphoma.

14 (e) Formaldehyde and polycyclic aromatic hydrocarbon shall be
15 deemed to be known carcinogens that are reasonably associated with
16 kidney cancer.

17 (f) Chloroform, soot and vinyl chloride shall be deemed to be
18 known carcinogens that are reasonably associated with liver cancer.

19 (g) Acrylonitrile, benzene, formaldehyde, polycyclic aromatic
20 hydrocarbon, soot and vinyl chloride shall be deemed to be known
21 carcinogens that are reasonably associated with lymphatic or
22 haematopoietic cancer.

23 3. The provisions of subsection 2 do not create an exclusive list
24 and do not preclude any person from demonstrating, on a case-by-
25 case basis for the purposes of paragraph (b) of subsection 1, that a
26 substance is a known carcinogen that is reasonably associated with a
27 disabling cancer.

28 4. Compensation awarded to the employee or his dependents
29 for disabling cancer pursuant to this section must include:

30 (a) Full reimbursement for related expenses incurred for medical
31 treatments, surgery and hospitalization in accordance with the
32 schedule of fees and charges established pursuant to NRS 616C.260
33 or, if the insurer has contracted with an organization for managed
34 care or with providers of health care pursuant to NRS 616B.527, the
35 amount that is allowed for the treatment or other services under that
36 contract; and

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

39 5. Disabling cancer is presumed to have developed or
40 manifested itself out of and in the course of the employment of any
41 ~~fireman~~ **firefighter** described in this section. This rebuttable
42 presumption applies to disabling cancer diagnosed after the
43 termination of the person's employment if the diagnosis occurs
44 within a period, not to exceed 60 months, which begins with the last
45 date the employee actually worked in the qualifying capacity and



1 extends for a period calculated by multiplying 3 months by the
2 number of full years of his employment. This rebuttable
3 presumption must control the awarding of benefits pursuant to this
4 section unless evidence to rebut the presumption is presented.

5 6. The provisions of this section do not create a conclusive
6 presumption.

7 **Sec. 53.** NRS 617.455 is hereby amended to read as follows:

8 617.455 1. Notwithstanding any other provision of this
9 chapter, diseases of the lungs, resulting in either temporary or
10 permanent disability or death, are occupational diseases and
11 compensable as such under the provisions of this chapter if caused
12 by exposure to heat, smoke, fumes, tear gas or any other noxious
13 gases, arising out of and in the course of the employment of a
14 person who, for 2 years or more, has been:

15 (a) Employed in this State in a full-time salaried occupation of
16 fire fighting for the benefit or safety of the public;

17 (b) Acting as a volunteer ~~fireman~~ *firefighter* in this State and
18 is entitled to the benefits of chapters 616A to 616D, inclusive, of
19 NRS pursuant to the provisions of NRS 616A.145; or

20 (c) Employed in a full-time salaried occupation as a police
21 officer in this State.

22 2. Except as *otherwise* provided in subsection 3, each
23 employee who is to be covered for diseases of the lungs pursuant to
24 the provisions of this section shall submit to a physical examination,
25 including a thorough test of the functioning of his lungs and the
26 making of an X-ray film of his lungs, upon employment, upon
27 commencement of the coverage, once every even-numbered year
28 until he is 40 years of age or older and thereafter on an annual basis
29 during his employment.

30 3. A thorough test of the functioning of the lungs is not
31 required for a volunteer ~~fireman~~ *firefighter*.

32 4. All physical examinations required pursuant to subsection 2
33 must be paid for by the employer.

34 5. A disease of the lungs is conclusively presumed to have
35 arisen out of and in the course of the employment of a person who
36 has been employed in a full-time continuous, uninterrupted and
37 salaried occupation as a police officer or ~~fireman~~ *firefighter* for 5
38 years or more before the date of disablement.

39 6. Failure to correct predisposing conditions which lead to lung
40 disease when so ordered in writing by the examining physician after
41 the annual examination excludes the employee from the benefits of
42 this section if the correction is within the ability of the employee.

43 7. A person who is determined to be:

44 (a) Partially disabled from an occupational disease pursuant to
45 the provisions of this section; and



(b) Incapable of performing, with or without remuneration, work as a ~~fireman~~ *firefighter* or police officer,
→ may elect to receive the benefits provided under NRS 616C.440 for a permanent total disability.

Sec. 54. NRS 617.457 is hereby amended to read as follows:

617.457 1. Notwithstanding any other provision of this chapter, diseases of the heart of a person who, for 5 years or more, has been employed in a full-time continuous, uninterrupted and salaried occupation as a ~~fireman~~ *firefighter* or police officer in this State before the date of disablement are conclusively presumed to have arisen out of and in the course of the employment.

2. Notwithstanding any other provision of this chapter, diseases of the heart, resulting in either temporary or permanent disability or death, are occupational diseases and compensable as such under the provisions of this chapter if caused by extreme overexertion in times of stress or danger and a causal relationship can be shown by competent evidence that the disability or death arose out of and was caused by the performance of duties as a volunteer ~~fireman~~ *firefighter* by a person entitled to the benefits of chapters 616A to 616D, inclusive, of NRS pursuant to the provisions of NRS 616A.145 and who, for 5 years or more, has served continuously as a volunteer ~~fireman~~ *firefighter* in this State and who has not reached the age of 55 years before the onset of the disease.

3. Except as otherwise provided in subsection 4, each employee who is to be covered for diseases of the heart pursuant to the provisions of this section shall submit to a physical examination, including an examination of the heart, upon employment, upon commencement of coverage and thereafter on an annual basis during his employment.

4. A physical examination is not required for a volunteer ~~fireman~~ *firefighter* more than once every 3 years after an initial examination.

5. All physical examinations required pursuant to subsection 3 must be paid for by the employer.

6. Failure to correct predisposing conditions which lead to heart disease when so ordered in writing by the examining physician subsequent to the annual examination excludes the employee from the benefits of this section if the correction is within the ability of the employee.

7. A person who is determined to be:

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

(b) Incapable of performing, with or without remuneration, work as a ~~fireman~~ *firefighter* or police officer,



1 ➔ may elect to receive the benefits provided under NRS 616C.440
2 for a permanent total disability.

3 8. Claims filed under this section may be reopened at any time
4 during the life of the claimant for further examination and treatment
5 of the claimant upon certification by a physician of a change of
6 circumstances related to the occupational disease which would
7 warrant an increase or rearrangement of compensation.

8 **Sec. 55.** NRS 617.485 is hereby amended to read as follows:

9 617.485 1. Notwithstanding any other provision of this
10 chapter and except as otherwise provided in this section, if an
11 employee has hepatitis, the disease is conclusively presumed to have
12 arisen out of and in the course of his employment if the employee
13 has been continuously employed for 5 years or more as a police
14 officer, full-time salaried ~~fireman~~ *firefighter* or emergency
15 medical attendant in this State before the date of any temporary or
16 permanent disability or death resulting from the hepatitis.

17 2. Compensation awarded to a police officer, ~~fireman~~
18 *firefighter* or emergency medical attendant, or to the dependents of
19 such a person, for hepatitis pursuant to this section must include:

20 (a) Full reimbursement for related expenses incurred for medical
21 treatments, surgery and hospitalization; and

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

24 3. A police officer, salaried ~~fireman~~ *firefighter* or emergency
25 medical attendant shall:

26 (a) Submit to a blood test to screen for hepatitis C upon
27 employment, upon the commencement of coverage and thereafter on
28 an annual basis during his employment.

29 (b) Submit to a blood test to screen for hepatitis A and hepatitis
30 B upon employment, upon the commencement of coverage and
31 thereafter on an annual basis during his employment, except that a
32 police officer, salaried ~~fireman~~ *firefighter* or emergency medical
33 attendant is not required to submit to a blood test to screen for
34 hepatitis A and hepatitis B on an annual basis during his
35 employment if he has been vaccinated for hepatitis A and hepatitis
36 B upon employment or at other medically appropriate times during
37 his employment. Each employer shall provide a police officer,
38 salaried ~~fireman~~ *firefighter* or emergency medical attendant with
39 the opportunity to be vaccinated for hepatitis A and hepatitis B upon
40 employment and at other medically appropriate times during his
41 employment.

42 4. All blood tests required pursuant to this section and all
43 vaccinations provided pursuant to this section must be paid for by
44 the employer.

45 5. The provisions of this section:



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

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

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

6. A police officer, ~~fireman~~ *firefighter* or emergency medical attendant who is determined to be:

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

(b) Incapable of performing, with or without remuneration, work as a police officer, ~~fireman~~ *firefighter* or emergency medical attendant,

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

7. As used in this section:

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

(b) "Hepatitis" includes hepatitis A, hepatitis B, hepatitis C and any additional diseases or conditions that are associated with or result from hepatitis A, hepatitis B or hepatitis C.

(c) "Police officer" means a sheriff, deputy sheriff, officer of a metropolitan police department or city policeman.

Sec. 56. NRS 629.069 is hereby amended to read as follows:

629.069 1. A provider of health care shall disclose the results of all tests performed pursuant to NRS 441A.195 to:

(a) The person who was tested;

(b) The law enforcement officer, correctional officer, emergency medical attendant, ~~fireman~~ *firefighter* or other person who is employed by an agency of criminal justice who filed the petition or on whose behalf the petition was filed pursuant to NRS 441A.195;

(c) The designated health care officer for the employer of the person described in paragraph (b) or, if there is no designated health care officer, the person designated by the employer to document and verify possible exposure to contagious diseases; and



1 (d) If the person who was tested is incarcerated or detained, the
2 person in charge of the facility in which the person is incarcerated or
3 detained and the chief medical officer of the facility in which the
4 person is incarcerated or detained, if any.

5 2. A provider of health care and an agent or employee of a
6 provider of health care are immune from civil liability for a
7 disclosure made in accordance with the provisions of this section.

8 **Sec. 57.** The Legislative Counsel shall:

9 1. In preparing the reprint and supplements to the Nevada
10 Revised Statutes, appropriately change any references to an officer,
11 agency or other entity whose name is changed or whose
12 responsibilities are transferred pursuant to the provisions of this act
13 to refer to the appropriate officer, agency or other entity.

14 2. In preparing supplements to the Nevada Administrative
15 Code, appropriately change any references to an officer, agency or
16 other entity whose name is changed or whose responsibilities are
17 transferred pursuant to the provisions of this act to refer to the
18 appropriate officer, agency or other entity.



