

CHAPTER.....

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:

Section 1. NRS 484.504 is hereby amended to read as follows:

484.504 1. Except as otherwise provided in this section, a peace officer, a ~~fireman,~~ *firefighter*, an emergency medical technician certified pursuant to chapter 450B of NRS or an employee of a pedestrian mall, who operates a bicycle while he is on duty, is not required to comply with any provision of NRS or any ordinance of a local government relating to the operation of a bicycle while on duty if he:

(a) Is responding to an emergency call or the peace officer is in pursuit of a suspected violator of the law; or

(b) Determines that noncompliance with any such provision is necessary to carry out his duties.

2. The provisions of this section do not:

(a) Relieve a peace officer, ~~fireman,~~ *firefighter*, emergency medical technician or employee of a pedestrian mall from the duty to operate a bicycle with due regard for the safety of others.

(b) Protect such a person from the consequences of his disregard 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 his official capacity, and the defendant knew or reasonably should have known that the victim was a peace officer or ~~{fireman}~~ *firefighter*. For the purposes of this subsection, "peace officer" means:

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

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

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

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

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

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

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

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

(a) “Nonconsensual” means against the victim’s will or under conditions in which the person knows or reasonably should know that the victim is mentally or physically incapable of resisting, consenting or understanding the nature of his conduct, including, but not limited to, conditions in which the person knows or reasonably should know that the victim is dead.

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

14. The murder was committed on the property of a public or private school, at an activity sponsored by a public or private school or on a school bus while the bus was engaged in its official duties by a person who intended to create a great risk of death or substantial bodily harm to more than one person by means of a weapon, device or course of action that would normally be hazardous to the lives of more than one person. For the purposes of this subsection, “school bus” has the meaning ascribed to it in NRS 483.160.

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

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

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

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

245.055 1. All county employees must be paid their salaries as fixed by law, ordinance or resolution without diminution on

account of any time spent away from county 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 county 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. 9. NRS 245.211 is hereby amended to read as follows:

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

2. The board of county commissioners may adopt ordinances, rules, regulations, policies and procedures necessary to establish and 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 ~~{fireman}~~ *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 year in lieu of receiving the compensation for the industrial injury or occupational disease for which he is eligible pursuant to chapters 616A to 616D, inclusive, or 617 of NRS, unless the police officer or ~~{fireman}~~ *firefighter* has made an election pursuant to NRS 281.390.

2. A program established pursuant to subsection 1:

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

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

3. Unless the employer is self-insured or a member of an association of self-insured public or private employers, the employer shall notify the insurer that provides industrial insurance for that employer of the election by a police officer or ~~{fireman}~~ *firefighter* pursuant to subsection 1. When the police officer or ~~{fireman}~~ *firefighter* is no longer eligible to receive his normal salary pursuant to such an election, the employer shall notify the insurer so that the insurer may begin paying to the police officer or ~~{fireman}~~ *firefighter* the benefits, if any, for industrial insurance for which the police officer or ~~{fireman}~~ *firefighter* is eligible. If the employer is self-insured or a member of an association of self-insured public or

private employers and the police officer or ~~fireman~~ *firefighter* is no longer eligible to receive his normal salary in accordance with an election pursuant to subsection 1, the employer shall begin paying the benefits, if any, for industrial insurance to which the police officer or ~~fireman~~ *firefighter* is entitled.

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

5. As used in this section:

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

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

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

284.180 1. The Legislature declares that since uniform salary and wage rates and classifications are necessary for an effective and efficient personnel system, the pay plan must set the official rates applicable to all positions in the classified service, but the establishment of the pay plan in no way limits the authority of the Legislature relative to budgeted appropriations for salary and wage expenditures.

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

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

- (a) Eight hours in 1 calendar day;
- (b) Eight hours in any 16-hour period; or
- (c) A 40-hour week.

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

- (a) Twenty-four hours in one scheduled shift; or
- (b) Fifty-three hours average per week during one work period for those hours worked or on paid leave.

➡ The appointing authority shall designate annually the length of the work period to be used in determining the work schedules for

such ~~firemen~~ *firefighters*. In addition to the regular amount paid such a ~~fireman~~ *firefighter* for the deemed average of 56 hours per week, he is entitled to payment for the hours which comprise the difference between the 56-hour average and the overtime threshold of 53 hours average at a rate which will result in the equivalent of overtime payment for those hours.

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

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

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

8. An agency may experiment with innovative workweeks upon the approval of the head of the agency and after majority consent of the affected employees. The affected employees are eligible for overtime only after working 40 hours in a workweek.

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

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

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

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

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

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

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

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

(d) Volunteer ambulance drivers or attendants,
→ during working hours or fractions thereof which should otherwise have been devoted to state 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. 16. NRS 287.021 is hereby amended to read as follows:

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

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

(b) Killed in the line of duty,
→ may elect to accept or continue coverage under that group insurance, plan or medical and hospital service if the police officer or ~~fireman~~ *firefighter* was a participant or would have been eligible to participate in the group insurance, plan or medical and hospital service on the date of the death of the police officer or ~~fireman~~ *firefighter*. If the surviving spouse or child elects to accept coverage under the group insurance, plan or medical and hospital service in which the police officer or ~~fireman~~ *firefighter* would have been eligible to participate or to discontinue coverage under the group insurance, plan or medical and hospital service in which the police officer or ~~fireman~~ *firefighter* was a participant, the spouse, child or legal guardian of the child must notify in writing the local governmental agency that employed the police officer or ~~fireman~~ *firefighter* within 60 days after the date of death of the police officer or ~~fireman~~ *firefighter*.

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

3. A surviving spouse is eligible to receive coverage pursuant to this section for the duration of the life of the surviving spouse. A

surviving child is eligible to receive coverage pursuant to this section until the child reaches:

- (a) The age of 18 years; or
- (b) The age of 23 years, if the child is enrolled as a full-time student in an accredited university, college or trade school.

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

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

287.0477 1. Except as otherwise provided in subsection 4, the surviving spouse and any surviving child of a police officer or ~~{fireman}~~ *firefighter* who was employed by a participating public agency and who was killed in the line of duty may join or continue coverage under the Public Employees' Benefits Program or another insurer or employee benefit plan approved by the Board pursuant to NRS 287.0479 if the police officer or ~~{fireman}~~ *firefighter* was a participant or would have been eligible to participate on the date of the death of the police officer or ~~{fireman.}~~ *firefighter*. If the surviving spouse or child elects to join or discontinue coverage under the Public Employees' Benefits Program pursuant to this subsection, the spouse, child or legal guardian of the child must notify in writing the participating public agency that employed the police officer or ~~{fireman}~~ *firefighter* within 60 days after the date of death of the police officer or ~~{fireman.}~~ *firefighter*.

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

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

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

- (a) The age of 18 years; or
- (b) The age of 23 years, if the child is enrolled as a full-time student in an accredited university, college or trade school.

5. As used in this section “police officer” has the meaning ascribed to it in NRS 617.135.

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

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

2. A principal, assistant principal or other school administrator below the rank of superintendent, associate superintendent or assistant superintendent shall not be a member of the same bargaining unit with public school teachers unless the school district employs fewer than five principals but may join with other officials of the same specified ranks to negotiate as a separate bargaining unit.

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

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

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

6. As used in this section, “confidential employee” means an employee who is involved in the decisions of management affecting collective bargaining.

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

288.215 1. As used in this section:

(a) ~~“Firemen”~~ *“Firefighters”* means those persons who are salaried employees of a fire prevention or suppression unit organized by a political subdivision of the State and whose principal duties are controlling and extinguishing fires.

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

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

3. If the parties have not agreed to make the findings and recommendations of the fact finder final and binding upon all issues, and do not otherwise resolve their dispute, they shall, within 10 days after the fact finder’s report is submitted, submit the issues remaining in dispute to an arbitrator who must be selected in the manner provided in NRS 288.200 and have the same powers provided for fact finders in NRS 288.210.

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

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

- (a) The parties to the dispute; or
- (b) Any interested person.

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

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

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

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

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

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

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

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

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

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

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

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

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

3. As used in this section:

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

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

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

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

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

(2) A political subdivision of this State.

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

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

2. Except as otherwise provided in subsection 3, every employer shall, without charge to the peace officer or ~~fireman,~~ *firefighter*, provide each peace officer, whether or not he is on duty, and each ~~fireman~~ *firefighter* who is on duty, whether paid or voluntary, with:

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

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

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

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

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

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

6. As used in this section:

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

(b) "Peace officer" means:

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

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

(3) Marshals and policemen of cities and towns.

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

441A.195 1. A law enforcement officer, correctional officer, emergency medical attendant, ~~fireman~~ *firefighter* or any other person who is employed by an agency of criminal justice who may have been exposed to a contagious disease while performing his official duties, or the employer of such a person, may petition a court for an order requiring the testing of a person for exposure to the human immunodeficiency virus and the hepatitis B surface antigen if the person may have exposed the officer, medical attendant, ~~fireman~~ *firefighter* or other person employed by an agency of criminal justice to a contagious disease.

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

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

4. The employer of a person who files a petition or on whose behalf a petition is filed pursuant to this section or the insurer of the

employer shall pay the cost of performing the test pursuant to subsection 3.

5. As used in this section:

(a) “Agency of criminal justice” has the meaning ascribed to it in NRS 179A.030.

(b) “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.

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

441A.220 All information of a personal nature about any person provided by any other person reporting a case or suspected case of a communicable disease, or by any person who has a communicable disease, or as determined by investigation of the health authority, is confidential medical information and must not be disclosed to any person under any circumstances, including pursuant to any subpoena, search warrant or discovery proceeding, except as follows:

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

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

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

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

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

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

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

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

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

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

Sec. 24. NRS 450B.073 is hereby amended to read as follows:
450B.073 ~~["Fireman"]~~ ***"Firefighter"*** means a person who holds a license and is employed by or serving as a volunteer with a fire-fighting agency.

Sec. 25. NRS 450B.090 is hereby amended to read as follows:
450B.090 "License" means the license issued by the health authority under the provisions of this chapter to an attendant of an ambulance or an air ambulance or to a ~~fireman~~ ***firefighter*** employed by or serving as a volunteer with a fire-fighting agency.

Sec. 26. NRS 450B.151 is hereby amended to read as follows:
450B.151 1. The Committee on Emergency Medical Services, consisting of nine members appointed by the Governor, is 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.

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

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

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

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

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

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

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

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

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

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

- (c) Any other course or training,

➡ approved by the Board of Medical Examiners or the State Board of Nursing, whichever is issuing the certification. The Board of Medical Examiners and the State Board of Nursing may require certification of training in all three areas set forth in subsection 7 for

a licensed physician, licensed physician assistant or registered nurse who primarily serves as an attendant in a county whose population is 400,000 or more.

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

450B.183 1. An applicant 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 shall submit to the health authority the statement prescribed by the Welfare Division of the Department of Human Resources pursuant to NRS 425.520. The statement must be completed and signed by the applicant.

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

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

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

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

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

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

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

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

450B.185 1. If the health authority receives a copy of a court order issued pursuant to NRS 425.540 that provides for the suspension of all professional, occupational and recreational licenses, certificates and permits issued to a person who is the holder of a license as an attendant or ~~fireman~~ *firefighter* employed by a fire-fighting agency or an emergency medical technician certificate, the health authority shall deem the license or certificate issued to that person to be suspended at the end of the 30th day after the date on which the court order was issued unless the health authority receives a letter issued to the holder of the license or certificate by the district attorney or other public agency pursuant to NRS 425.550 stating that the holder of the license or certificate has

complied with the subpoena or warrant or has satisfied the arrearage pursuant to NRS 425.560.

2. The health authority shall reinstate a license as an attendant or ~~fireman~~ *firefighter* employed by a fire-fighting agency or an emergency medical technician certificate that has been suspended 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,~~ *firefighters*, law enforcement officers, physicians, nurses and others in emergency first aid, emergency care and any other techniques associated with emergency care, transportation and treatment of the sick and injured and the proper operation of an ambulance service.

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

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

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

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

(1) His religious and cultural beliefs; and

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

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

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

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

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

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

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

↳ if there is not immediately available any other source of that information.

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

4. If, at or near the time of death of a patient, a hospital knows that an anatomical gift has been made pursuant to subsection 1 of

NRS 451.557 or that a patient or a person identified as in transit to the hospital is a donor, the hospital shall notify the donee if one is named and known to the hospital, or if not, it shall notify an appropriate procurement organization. The hospital shall cooperate in the implementation of the anatomical gift or release and removal of a part.

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

Sec. 37. NRS 472.040 is hereby amended to read as follows:
472.040 1. The State Forester Firewarden shall:

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

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

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

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

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

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

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

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

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

(a) Appoint paid foresters and firewardens to enforce the provisions of the laws of this State respecting forest and watershed management or the protection of forests and other lands from fire,

subject to the approval of the board of county commissioners of each county concerned.

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

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

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

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

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

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

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

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

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

475.070 1. Every person who, at any fire:

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

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

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

→ 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.

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

2. The Governor shall appoint:

- (a) A licensed architect;
- (b) A chief of a volunteer fire department;
- (c) A chief of a full-time, paid fire department;
- (d) A professional engineer;
- (e) The State Forester Firewarden;
- (f) A training officer of a volunteer fire department;
- (g) A training officer of a partially or fully paid fire department;

and

(h) A specialist in hazardous materials,

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

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

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

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

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

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

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

477.039 1. The State Fire Marshal shall:

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

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

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

(d) Develop a program to train instructors;

(e) Assist other agencies and organizations to prepare and 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*,

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

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

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

3. The term does not include:

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

(b) Membership in an athletic or health club;

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

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

4. As used in this section:

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

(b) “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.

(c) “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.

(d) “Preventive treatment” includes, without limitation:

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

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

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

616A.145 Volunteer ~~firemen~~ **firefighters** belonging to a regular organized and recognized fire department, while engaged in their duties in any voluntary community service which they may undertake, and while acting under the direction of the fire chief or any of his assistants in the protection of life or property, during fire, flood, earthquake, windstorm, ambulance service or other rescue work, shall be deemed, for the purpose of chapters 616A to 616D, inclusive, of NRS, employees of the city, town, county or district so recognizing them, at the wage of \$2,000 per month, and are entitled

to the benefits of those chapters upon such city, town, county or district's complying therewith.

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

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

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

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

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

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

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

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

(1) Upon battery by an offender; or

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

↳ shall be deemed to be an injury by accident sustained by the police officer or ~~fireman~~ *firefighter* arising out of and in the course of his employment if the exposure is documented by the creation and maintenance of a report concerning the exposure pursuant to paragraph (a) of subsection 1 of NRS 616C.052. As used in this paragraph, the term "battery" includes, without limitation, the intentional propelling or placing, or the causing to be

propelled or placed, of any human excrement or bodily fluid upon the person of an employee.

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

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

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

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

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

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

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

(a) Upon battery by an offender; or

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

→ the employer of the police officer or ~~{fireman}~~ *firefighter* shall create and maintain a report concerning the exposure that includes, without limitation, the name of each police officer or ~~{fireman,}~~ *firefighter*, as applicable, who was exposed to the contagious disease and the name of each person, if any, to whom the police officer or ~~{fireman}~~ *firefighter* was exposed.

2. Except as otherwise provided in paragraph (d) of subsection 2 of NRS 616A.265, if the results of a physical examination administered pursuant to NRS 617.455 or 617.457 to a police officer or a salaried or volunteer ~~{fireman}~~ *firefighter* after the commencement of his employment reveal that the police officer or ~~{fireman}~~ *firefighter* tested positive for exposure to tuberculosis, the police officer or ~~{fireman}~~ *firefighter* is eligible, during his lifetime,

to receive compensation pursuant to chapters 616A to 617, inclusive, of NRS for tuberculosis and any additional diseases or conditions that are associated with or result from tuberculosis.

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

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

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

4. The former employer of a police officer or a salaried or volunteer ~~fireman~~ *firefighter* shall pay all the costs associated with providing skin and blood tests and other appropriate tests required pursuant to subsection 3.

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

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

617.070 “Employee” and “workman” are used interchangeably in this chapter and mean every person in the service of an employer under any appointment or contract of hire or apprenticeship, express

or implied, oral or written, whether lawfully or unlawfully employed, and include, but not exclusively:

1. Aliens and minors.
2. All elected and appointed paid public officers.
3. Members of boards of directors of quasi-public or private corporations while rendering actual service for such corporations for pay.
4. Volunteer ~~firemen~~ *firefighters* entitled to the benefits of chapters 616A to 616D, inclusive, of NRS pursuant to the provisions of NRS 616A.145.
5. Musicians providing music for hire, including members of local supporting bands and orchestras commonly known as house bands.

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

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

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

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

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

(b) It is demonstrated that:

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

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

2. With respect to a person who, for 5 years or more, has been employed in this State in a full-time salaried occupation of fire fighting for the benefit or safety of the public, the following substances shall be deemed, for the purposes of paragraph (b) of subsection 1, to be known carcinogens that are reasonably associated with the following disabling cancers:

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

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

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

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

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

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

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

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

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

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

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

5. Disabling cancer is presumed to have developed or manifested itself out of and in the course of the employment of any ~~{fireman}~~ **firefighter** described in this section. This rebuttable presumption applies to disabling cancer diagnosed after the termination of the person's employment if the diagnosis occurs within a period, not to exceed 60 months, which begins with the last date the employee actually worked in the qualifying capacity and extends for a period calculated by multiplying 3 months by the number of full years of his employment. This rebuttable presumption must control the awarding of benefits pursuant to this section unless evidence to rebut the presumption is presented.

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

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

617.455 1. Notwithstanding any other provision of this chapter, diseases of the lungs, 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 exposure to heat, smoke, fumes, tear gas or any other noxious

gases, arising out of and in the course of the employment of a person who, for 2 years or more, has been:

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

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

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

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

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

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

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

6. Failure to correct predisposing conditions which lead to lung disease when so ordered in writing by the examining physician after 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,

→ 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,

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

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

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

617.485 1. Notwithstanding any other provision of this chapter and except as otherwise provided in this section, if an employee has hepatitis, the disease is conclusively presumed to have arisen out of and in the course of his employment if the employee has been continuously employed for 5 years or more as a police officer, full-time salaried ~~fireman~~ *firefighter* or emergency

medical attendant in this State before the date of any temporary or permanent disability or death resulting from the hepatitis.

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

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

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

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

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

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

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

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

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

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

Sec. 57. The Legislative Counsel shall:

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

2. In preparing supplements to the Nevada Administrative Code, appropriately change any references to an officer, agency or other entity whose name is changed or whose responsibilities are

transferred pursuant to the provisions of this act to refer to the appropriate officer, agency or other entity.

