

Amendment No. 919

Senate Amendment to Assembly Bill No. 63 First Reprint

(BDR 57-207)

Proposed by: Committee on Commerce and Labor**Amendment Box:****Resolves Conflicts with:** N/A**Amends:** Summary: Yes Title: Yes Preamble: No Joint Sponsorship: No Digest: Yes

ASSEMBLY ACTION	Initial and Date	SENATE ACTION	Initial and Date
Adopted <input type="checkbox"/> Lost <input type="checkbox"/>	_____	Adopted <input type="checkbox"/> Lost <input type="checkbox"/>	_____
Concurred In <input type="checkbox"/> Not <input type="checkbox"/>	_____	Concurred In <input type="checkbox"/> Not <input type="checkbox"/>	_____
Receded <input type="checkbox"/> Not <input type="checkbox"/>	_____	Receded <input type="checkbox"/> Not <input type="checkbox"/>	_____

Amend section 1, page 2, line 3, by deleting “*subsection 2*,” and inserting “*this section*,”.

Amend section 1, page 2, between lines 26 and 27, by inserting:

“3. The provisions of this section do not prohibit an insurer from including in a policy of health insurance a provision which excludes the insurer from liability for a claim that involves an injury sustained by an insured as a consequence of being intoxicated or under the influence of a prohibited substance if the provision is limited to injuries for which there is a notation in a medical record or law enforcement record indicating that, within a reasonable period before or after the injury, the insured was tested and had:

(a) A concentration of alcohol of 0.08 or more in his blood or breath; or

(b) An amount of a prohibited substance in his blood or urine that is equal to or greater than:

SKO/LJM

Date: 5/23/2005

A.B. No. 63—Prohibits certain practices by health insurers with regard to injuries sustained while under influence of alcohol or controlled substance.

	<i>Urine</i>	<i>Blood</i>
	<i>Nanograms</i>	<i>Nanograms</i>
<i>Prohibited substance</i>	<i>per milliliter</i>	<i>per milliliter</i>
<i>(1) Amphetamine</i>	<i>500</i>	<i>100</i>
<i>(2) Cocaine</i>	<i>150</i>	<i>50</i>
<i>(3) Cocaine metabolite</i>	<i>150</i>	<i>50</i>
<i>(4) Heroin</i>	<i>2,000</i>	<i>50</i>
<i>(5) Heroin metabolite:</i>		
<i>(I) Morphine</i>	<i>2,000</i>	<i>50</i>
<i>(II) 6-monoacetyl morphine</i>	<i>10</i>	<i>10</i>
<i>(6) Lysergic acid diethylamide</i>	<i>25</i>	<i>10</i>
<i>(7) Marijuana</i>	<i>10</i>	<i>2</i>
<i>(8) Marijuana metabolite</i>	<i>15</i>	<i>5</i>
<i>(9) Methamphetamine</i>	<i>500</i>	<i>100</i>
<i>(10) Phencyclidine</i>	<i>25</i>	<i>10</i>

4. As used in this section, “concentration of alcohol of 0.08 or more in his blood or breath” means 0.08 gram or more of alcohol per 100 milliliters of the blood of a person or per 210 liters of his breath.”.

Amend sec. 3, page 3, line 9, by deleting “*subsection 2,*” and inserting “*this section,*”.

Amend sec. 3, page 3, between lines 32 and 33, by inserting:

“3. The provisions of this section do not prohibit an insurer from including in a policy of group health insurance a provision which excludes the insurer from liability for a claim that involves an injury sustained by an insured as a consequence of being intoxicated or under the influence of a prohibited substance if the provision is limited to injuries for which there is a notation in a medical record or law enforcement record indicating that, within a reasonable period before or after the injury, the insured was tested and had:

(a) A concentration of alcohol of 0.08 or more in his blood or breath; or

(b) An amount of a prohibited substance in his blood or urine that is equal to or greater than:

	<i>Urine</i>	<i>Blood</i>
	<i>Nanograms</i>	<i>Nanograms</i>
<i>Prohibited substance</i>	<i>per milliliter</i>	<i>per milliliter</i>
<i>(1) Amphetamine</i>	<i>500</i>	<i>100</i>
<i>(2) Cocaine</i>	<i>150</i>	<i>50</i>
<i>(3) Cocaine metabolite</i>	<i>150</i>	<i>50</i>
<i>(4) Heroin</i>	<i>2,000</i>	<i>50</i>
<i>(5) Heroin metabolite:</i>		
<i>(I) Morphine</i>	<i>2,000</i>	<i>50</i>
<i>(II) 6-monoacetyl morphine</i>	<i>10</i>	<i>10</i>
<i>(6) Lysergic acid diethylamide</i>	<i>25</i>	<i>10</i>
<i>(7) Marijuana</i>	<i>10</i>	<i>2</i>

<i>(8) Marijuana metabolite</i>	<i>15</i>	<i>5</i>
<i>(9) Methamphetamine</i>	<i>500</i>	<i>100</i>
<i>(10) Phencyclidine</i>	<i>25</i>	<i>10</i>

4. As used in this section, “concentration of alcohol of 0.08 or more in his blood or breath” means 0.08 gram or more of alcohol per 100 milliliters of the blood of a person or per 210 liters of his breath.”.

Amend sec. 4, page 3, line 35, by deleting “*subsection 2,*” and inserting “*this section,*”.

Amend sec. 4, page 4, between lines 13 and 14, by inserting:

“3. The provisions of this section do not prohibit a carrier from including in a health benefit plan a provision which excludes the carrier from liability for a claim that involves an injury sustained by an insured as a consequence of being intoxicated or under the influence of a prohibited substance if the provision is limited to injuries for which there is a notation in a medical record or law enforcement record indicating that, within a reasonable period before or after the injury, the insured was tested and had:

(a) A concentration of alcohol of 0.08 or more in his blood or breath; or

(b) An amount of a prohibited substance in his blood or urine that is equal to or greater than:

	<i>Urine</i>	<i>Blood</i>
	<i>Nanograms</i>	<i>Nanograms</i>
<i>Prohibited substance</i>	<i>per milliliter</i>	<i>per milliliter</i>

<i>(1) Amphetamine</i>	<i>500</i>	<i>100</i>
<i>(2) Cocaine</i>	<i>150</i>	<i>50</i>
<i>(3) Cocaine metabolite</i>	<i>150</i>	<i>50</i>
<i>(4) Heroin</i>	<i>2,000</i>	<i>50</i>
<i>(5) Heroin metabolite:</i>		
<i>(I) Morphine</i>	<i>2,000</i>	<i>50</i>
<i>(II) 6-monoacetyl morphine</i>	<i>10</i>	<i>10</i>
<i>(6) Lysergic acid diethylamide</i>	<i>25</i>	<i>10</i>
<i>(7) Marijuana</i>	<i>10</i>	<i>2</i>
<i>(8) Marijuana metabolite</i>	<i>15</i>	<i>5</i>
<i>(9) Methamphetamine</i>	<i>500</i>	<i>100</i>
<i>(10) Phencyclidine</i>	<i>25</i>	<i>10</i>

4. As used in this section, “concentration of alcohol of 0.08 or more in his blood or breath” means 0.08 gram or more of alcohol per 100 milliliters of the blood of a person or per 210 liters of his breath.”.

Amend sec. 5, page 4, line 16, by deleting “*subsection 2,*” and inserting “*this section,*”.

Amend sec. 5, page 4, between lines 37 and 38, by inserting:

“3. The provisions of this section do not prohibit a society from including in a benefit contract a provision which excludes the society from liability for a claim that involves an injury sustained by an insured as a consequence of being intoxicated or under the influence of a prohibited substance if the provision is limited to injuries for which there is a notation in a medical record or

law enforcement record indicating that, within a reasonable period before or after the injury, the insured was tested and had:

(a) A concentration of alcohol of 0.08 or more in his blood or breath; or

(b) An amount of a prohibited substance in his blood or urine that is equal to or greater than:

<i>Prohibited substance</i>	<i>Urine</i>	<i>Blood</i>
	<i>Nanograms</i>	<i>Nanograms</i>
	<i>per milliliter</i>	<i>per milliliter</i>
<i>(1) Amphetamine</i>	<i>500</i>	<i>100</i>
<i>(2) Cocaine</i>	<i>150</i>	<i>50</i>
<i>(3) Cocaine metabolite</i>	<i>150</i>	<i>50</i>
<i>(4) Heroin</i>	<i>2,000</i>	<i>50</i>
<i>(5) Heroin metabolite:</i>		
<i>(I) Morphine</i>	<i>2,000</i>	<i>50</i>
<i>(II) 6-monoacetyl morphine</i>	<i>10</i>	<i>10</i>
<i>(6) Lysergic acid diethylamide</i>	<i>25</i>	<i>10</i>
<i>(7) Marijuana</i>	<i>10</i>	<i>2</i>
<i>(8) Marijuana metabolite</i>	<i>15</i>	<i>5</i>
<i>(9) Methamphetamine</i>	<i>500</i>	<i>100</i>
<i>(10) Phencyclidine</i>	<i>25</i>	<i>10</i>

4. As used in this section, “concentration of alcohol of 0.08 or more in his blood or breath” means 0.08 gram or more of alcohol per 100 milliliters of the blood of a person or per 210 liters of his breath.”.

Amend sec. 6, page 4, line 40, by deleting “*subsection 2,*” and inserting “*this section,*”.

Amend sec. 6, page 5, between lines 19 and 20, by inserting:

“3. The provisions of this section do not prohibit a medical services corporation from including in a contract for hospital, medical or dental services a provision which excludes the medical services corporation from liability for a claim that involves an injury sustained by an insured as a consequence of being intoxicated or under the influence of a prohibited substance if the provision is limited to injuries for which there is a notation in a medical record or law enforcement record indicating that, within a reasonable period before or after the injury, the insured was tested and had:

(a) A concentration of alcohol of 0.08 or more in his blood or breath; or

(b) An amount of a prohibited substance in his blood or urine that is equal to or greater than:

	<i>Urine</i>	<i>Blood</i>
	<i>Nanograms</i>	<i>Nanograms</i>
<i>Prohibited substance</i>	<i>per milliliter</i>	<i>per milliliter</i>
(1) Amphetamine	500	100
(2) Cocaine	150	50
(3) Cocaine metabolite	150	50

(4) Heroin	2,000	50
(5) Heroin metabolite:		
(I) Morphine	2,000	50
(II) 6-monoacetyl morphine	10	10
(6) Lysergic acid diethylamide	25	10
(7) Marijuana	10	2
(8) Marijuana metabolite	15	5
(9) Methamphetamine	500	100
(10) Phencyclidine	25	10

4. As used in this section, “concentration of alcohol of 0.08 or more in his blood or breath” means 0.08 gram or more of alcohol per 100 milliliters of the blood of a person or per 210 liters of his breath.”.

Amend sec. 7, page 5, line 22, by deleting “*subsection 2,*” and inserting “*this section,*”.

Amend sec. 7, page 5, line 40, by deleting “*insured’s*” and inserting “*enrollee’s*”.

Amend sec. 7, page 5, after line 45, by inserting:

“3. The provisions of this section do not prohibit a health maintenance organization from including in a health care plan a provision which excludes the health maintenance organization from liability for a claim that involves an injury sustained by an enrollee as a consequence of being intoxicated or under the influence of a prohibited substance if the provision is limited to injuries for which there is a notation in a medical record or law enforcement record indicating that, within a reasonable period before or after the injury, the enrollee was tested and had:

(a) A concentration of alcohol of 0.08 or more in his blood or breath; or

(b) An amount of a prohibited substance in his blood or urine that is equal to or greater than:

<i>Prohibited substance</i>	<i>Urine</i>	<i>Blood</i>
	<i>Nanograms</i>	<i>Nanograms</i>
	<i>per milliliter</i>	<i>per milliliter</i>
<i>(1) Amphetamine</i>	<i>500</i>	<i>100</i>
<i>(2) Cocaine</i>	<i>150</i>	<i>50</i>
<i>(3) Cocaine metabolite</i>	<i>150</i>	<i>50</i>
<i>(4) Heroin</i>	<i>2,000</i>	<i>50</i>
<i>(5) Heroin metabolite:</i>		
<i>(I) Morphine</i>	<i>2,000</i>	<i>50</i>
<i>(II) 6-monoacetyl morphine</i>	<i>10</i>	<i>10</i>
<i>(6) Lysergic acid diethylamide</i>	<i>25</i>	<i>10</i>
<i>(7) Marijuana</i>	<i>10</i>	<i>2</i>
<i>(8) Marijuana metabolite</i>	<i>15</i>	<i>5</i>
<i>(9) Methamphetamine</i>	<i>500</i>	<i>100</i>
<i>(10) Phencyclidine</i>	<i>25</i>	<i>10</i>

4. As used in this section, “concentration of alcohol of 0.08 or more in his blood or breath” means 0.08 gram or more of alcohol per 100 milliliters of the blood of a person or per 210 liters of his breath.”.

Amend sec. 8, page 6, line 3, by deleting “*subsection 2,*” and inserting “*this section,*”.

Amend sec. 8, page 6, line 21, by deleting “*insured’s*” and inserting “*member’s*”.

Amend sec. 8, page 6, between lines 26 and 27, by inserting:

“3. The provisions of this section do not prohibit an organization for dental care from including in a plan for dental care a provision which excludes the organization from liability for a claim that involves an injury sustained by a member as a consequence of being intoxicated or under the influence of a prohibited substance if the provision is limited to injuries for which there is a notation in a medical record or law enforcement record indicating that, within a reasonable period before or after the injury, the member was tested and had:

(a) A concentration of alcohol of 0.08 or more in his blood or breath; or

(b) An amount of a prohibited substance in his blood or urine that is equal to or greater than:

	<i>Urine</i>	<i>Blood</i>
	<i>Nanograms</i>	<i>Nanograms</i>
<i>Prohibited substance</i>	<i>per milliliter</i>	<i>per milliliter</i>
<i>(1) Amphetamine</i>	<i>500</i>	<i>100</i>
<i>(2) Cocaine</i>	<i>150</i>	<i>50</i>
<i>(3) Cocaine metabolite</i>	<i>150</i>	<i>50</i>

(4) Heroin	2,000	50
(5) Heroin metabolite:		
(I) Morphine	2,000	50
(II) 6-monoacetyl morphine	10	10
(6) Lysergic acid diethylamide	25	10
(7) Marijuana	10	2
(8) Marijuana metabolite	15	5
(9) Methamphetamine	500	100
(10) Phencyclidine	25	10

4. As used in this section, “concentration of alcohol of 0.08 or more in his blood or breath” means 0.08 gram or more of alcohol per 100 milliliters of the blood of a person or per 210 liters of his breath.”.

Amend sec. 10, page 7, line 11, by deleting “*subsection 2,*” and inserting “*this section,*”.

Amend sec. 10, page 7, between lines 34 and 35, by inserting:

“3. The provisions of this section do not prohibit a managed care organization from including in a health care plan a provision which excludes the managed care organization from liability for a claim that involves an injury sustained by an insured as a consequence of being intoxicated or under the influence of a prohibited substance if the provision is limited to injuries for which there is a notation in a medical record or law enforcement record indicating that, within a reasonable period before or after the injury, the insured was tested and had:

(a) A concentration of alcohol of 0.08 or more in his blood or breath; or

(b) An amount of a prohibited substance in his blood or urine that is equal to or greater than:

<i>Prohibited substance</i>	<i>Urine</i>	<i>Blood</i>
	<i>Nanograms</i>	<i>Nanograms</i>
	<i>per milliliter</i>	<i>per milliliter</i>
<i>(1) Amphetamine</i>	<i>500</i>	<i>100</i>
<i>(2) Cocaine</i>	<i>150</i>	<i>50</i>
<i>(3) Cocaine metabolite</i>	<i>150</i>	<i>50</i>
<i>(4) Heroin</i>	<i>2,000</i>	<i>50</i>
<i>(5) Heroin metabolite:</i>		
<i>(I) Morphine</i>	<i>2,000</i>	<i>50</i>
<i>(II) 6-monoacetyl morphine</i>	<i>10</i>	<i>10</i>
<i>(6) Lysergic acid diethylamide</i>	<i>25</i>	<i>10</i>
<i>(7) Marijuana</i>	<i>10</i>	<i>2</i>
<i>(8) Marijuana metabolite</i>	<i>15</i>	<i>5</i>
<i>(9) Methamphetamine</i>	<i>500</i>	<i>100</i>
<i>(10) Phencyclidine</i>	<i>25</i>	<i>10</i>

4. As used in this section, “concentration of alcohol of 0.08 or more in his blood or breath” means 0.08 gram or more of alcohol per 100 milliliters of the blood of a person or per 210 liters of his breath.”.

Amend the title of the bill, eighth line, after “circumstances;” by inserting:

“allowing certain health insurers to include a provision in a policy or contract of health insurance that excludes the insurer from liability when an injury occurs as a consequence of the insured being intoxicated or under the influence of a prohibited substance in certain circumstances;”.

Amend the summary of the bill to read as follows:

“SUMMARY—Makes various changes relating to practices by health insurers with regard to

injuries sustained by insured while under influence of alcohol or prohibited substance.

(BDR 57-207)”.

**If this amendment is adopted, the Legislative
Counsel's Digest will be changed to read as follows:**

Legislative Counsel's Digest:

Under existing law, certain health insurers may deny a claim because the insured person was injured while under the influence of alcohol or drugs. (NRS 689A.280)

This bill repeals that law. This bill further specifically prohibits certain health insurers from denying a claim solely because the insured person was injured while under the influence of alcohol or drugs. This bill also prohibits those health insurers from cancelling or refusing to issue a policy solely because an insured person or a person eligible to apply for the policy has made such a claim. The bill provides, however, that such health insurers may deny a claim or cancel or refuse to issue a policy if the claim involved an injury sustained in connection with the insured's commission of a felony or attempt to commit a felony regardless of whether the person was injured while under the influence of alcohol or drugs. This bill also allows health insurers to include in a health insurance policy a provision that excludes the insurer from liability when the insured sustains an injury as a consequence of being intoxicated or under the influence of a prohibited substance under certain circumstances.

A health insurer that violates the provisions of this bill is subject to the general penalty provisions that apply to all types of insurers and to any specific penalty provision that applies to particular types of health insurers. (NRS 679A.180, 695A.580, 695C.350, 695D.300, 695F.360)