

Amendment No. 1199

Senate Amendment to Senate Bill No. 203

(BDR 53-1078)

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

Adoption of this amendment will ADD an appropriation where one does not currently exist in S.B. 203.

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 sec. 3, page 5, lines 18 and 38, by deleting “617.485,” and inserting:

“617.485 ~~[,]~~ *and section 4 of this act,*”.

Amend the bill as a whole by renumbering sec. 4 as sec. 5 and adding a new section designated sec. 4, following sec. 3, to read as follows:

“**Sec. 4.** Chapter 617 of NRS is hereby amended by adding a new section to read as follows:

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 or a sheriff, deputy sheriff, officer of a metropolitan police

LKH/RRY

Date: 6/5/2005

S.B. No. 203—Revises various provisions relating to industrial injuries and occupational diseases of certain police officers and firefighters.



department or city policeman 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, or to the dependents of a police officer, 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 shall:

(a) Submit to a blood test to screen for hepatitis C upon employment and upon the commencement of coverage.

(b) If the employer of the police officer provides screening for hepatitis C for police officers on an annual basis, submit to a blood test to screen for hepatitis C thereafter on an annual basis during his employment.

(c) If the employer of the police officer provides screening for hepatitis A and hepatitis B for police officers, 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 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 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 who is diagnosed with hepatitis upon employment.

(b) Apply to a police officer 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 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 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, ➡ may elect to receive the benefits provided pursuant to NRS 616C.440 for a permanent total disability.

7. As used in this section:

(a) "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.

(b) “Police officer” means any police officer other than a sheriff, deputy sheriff, officer of a metropolitan police department or city policeman.”.

Amend the bill as a whole by deleting sections 5 and 6, renumbering sec. 7 as sec. 9 and adding new sections designated sections 6 through 8, following sec. 4, to read as follows:

“Sec. 6. 1. There is hereby appropriated from the State General Fund to the Risk Management Division of the Department of Administration for blood tests to screen for hepatitis C pursuant to section 4 of this act:

For the Fiscal Year 2005-2006.....\$61,845

For the Fiscal Year 2006-2007.....\$6,042

2. The sums appropriated by subsection 1 are available for either fiscal year. Any balance of those sums must not be committed for expenditure after June 30, 2007, and must be reverted to the State General Fund on or before September 21, 2007.

Sec. 7. 1. There is hereby appropriated from the Highway Fund to the Risk Management Division of the Department of Administration for blood tests to screen for hepatitis C pursuant to section 4 of this act:

For the Fiscal Year 2005-2006.....\$13,680

For the Fiscal Year 2006-2007.....\$1,026

2. The sums appropriated by subsection 1 are available for either fiscal year. Any balance of those sums must not be committed for expenditure after June 30, 2007, and must be reverted to the Highway Fund on or before September 21, 2007.

Sec. 8. 1. Notwithstanding any provision of section 4 of this act, a person who submits to a blood test to screen for hepatitis on or after October 1, 2005, but on or before September 30, 2006, and who, on October 1, 2005:

(a) Is employed as a police officer in this State; or

(b) Had at any time been continuously employed for 5 years or more as a police officer or a sheriff, deputy sheriff, officer of a metropolitan police department or city policeman in this State, ↪ shall be deemed to be in compliance with all blood testing that would otherwise be required by subsection 3 of section 4 of this act through the date of the blood test.

2. Notwithstanding the provisions of section 4 of this act, a person who, on October 1, 2005, is employed as a police officer in this State shall submit to a blood test to screen for hepatitis C on or before September 30, 2006. The blood test must be paid for by the employer of the person. If a person fails to submit to a blood test required by this subsection, the conclusive presumption relating to hepatitis otherwise created by section 4 of this act shall be deemed with regard to that person and for the purposes of section 4 of this act to be a rebuttable presumption that may only be rebutted by clear and convincing evidence that the hepatitis C was not contracted during the period in which the person was employed as a police officer.

3. If:

(a) A blood test taken pursuant to this section indicates that a person has hepatitis C; and

(b) Before taking the blood test, the person had at any time been continuously employed for 5 years or more as a police officer or a sheriff, deputy sheriff, officer of a metropolitan police department or city policeman in this State,

↪ the person is entitled to a rebuttable presumption that the hepatitis C arose out of and in the course of his employment and is compensable in accordance with section 4 of this act if he, before January 1, 2007, files a claim for compensation pursuant to chapter 617 of NRS. The presumption may only be rebutted by clear and convincing evidence that the hepatitis C was not contracted during the period in which the person was employed as a police officer or a sheriff, deputy sheriff, officer of a metropolitan police department or city policeman in this State.

4. As used in this section:

(a) “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.

(b) “Police officer” has the meaning ascribed to it in NRS 617.135, as amended by section 5 of this act, except that the term does not include a sheriff, deputy sheriff, officer of a metropolitan police department or city policeman.”.

Amend the title of the bill, fourteenth line, after “Government;” by inserting:
“making an appropriation;”.