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THIRD REPRINT

A.B. 443

ASSEMBLY BILL NO. 443—ASSEMBLYMEN PARKS, KOIVISTO,
PIERCE, LESLIE, OHRENSCHALL, ANDERSON, BUCKLEY,
CLABORN, DENIS, GERHARDT, HOGAN, KIHUEN,
KIRKPATRICK, MANENDO, MCCLAIN, SEGERBLOM AND
SMITH

MARCH 19, 2007

JOINT SPONSORS: SENATORS HORSFORD, TITUS,
WIENER AND WOODHOUSE

Referred to Committee on Health and Human Services

SUMMARY—Revises provisions relating to communicable
diseases and food establishments. (BDR 40-1057)

FISCAL NOTE: Effect on Local Government: May have Fiscal Impact.
Effect on the State: Yes.

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

AN ACT relating to health care; making various changes to
provisions concerning the human immunodeficiency
virus; amending the definition of a “food handler”
employed in or operating a food establishment; and
providing other matters properly relating thereto.

Legislative Counsel’s Digest:

Section 3 of this bill expresses the intent of the Legislature regarding the manner in which governmental entities and persons and entities providing services of health care should collaborate to ensure that testing for the human immunodeficiency virus and related counseling is carried out in a culturally and linguistically appropriate manner, and with due regard for the sensitivity and private nature of such information.

Section 4 of this bill requires certain providers of testing for the human immunodeficiency virus to ensure that each person who tests positive for the human immunodeficiency virus receives a counseling session. The counseling session must include information on: (1) the test result; (2) follow-up testing; (3) medical treatment; (4) methods for preventing transmission of the human immunodeficiency virus; (5) the confidentiality of the test result; and (6) appropriate testing for sexual partners of those who test positive for the human



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immunodeficiency virus. **Section 4** also requires certain providers of testing to offer referrals for certain health care services to those who test positive for the human immunodeficiency virus.

Existing law governs food handlers employed in or operating a food establishment. (Chapter 446 of NRS) Existing law defines "food handler." (NRS 446.030) **Section 5.5** of this bill amends the definition of "food handler."

Existing law makes discrimination against persons with certain disabilities an unlawful employment practice. (NRS 613.310-613.435) **Section 6** of this bill amends the definition of "disability" to specifically include the human immunodeficiency virus.

THE PEOPLE OF THE STATE OF NEVADA, REPRESENTED IN
SENATE AND ASSEMBLY, DO ENACT AS FOLLOWS:

Section 1. Chapter 441A of NRS is hereby amended by adding thereto the provisions set forth as sections 2, 3 and 4 of this act.

Sec. 2. *As used in sections 2, 3 and 4 of this act, "provider of health care" means a physician, nurse or physician assistant licensed in accordance with state law.*

Sec. 3. *It is the intent of the Legislature that:*

1. The State Board of Health, the Department of Health and Human Services, and all district, county and city health departments, boards of health and health officers, medical facilities and providers of health care work together in a collaborative manner to ensure that testing for the human immunodeficiency virus and related counseling services are offered in a culturally and linguistically appropriate manner.

2. Information pertaining to testing for the human immunodeficiency virus be reported and maintained in accordance with existing state and federal privacy laws.

3. Information pertaining to cases of the human immunodeficiency virus not be used for any purpose other than public health practices, including, without limitation, surveillance and epidemiology.

Sec. 4. *1. Counties, providers of health care and medical facilities that provide testing for the human immunodeficiency virus shall provide, or ensure the provision of, to each person who tests positive for the human immunodeficiency virus, a counseling session that is appropriate and acceptable under current medical and public health practices, as recommended by the Board.*

2. Counseling required pursuant to this section must address, without limitation:

(a) The meaning of the positive result of the test;

(b) Any follow-up testing for the person;



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1 (c) *Methods for preventing the transmission of the human*
2 *immunodeficiency virus;*

3 (d) *Medical treatment available for the person;*

4 (e) *The confidentiality of the result of the test; and*

5 (f) *Recommended testing for the human immunodeficiency*
6 *virus for sexual partners of the person.*

7 3. *Counties, providers of health care and medical facilities*
8 *that provide testing for the human immunodeficiency virus shall*
9 *offer to each person who tests positive for the human*
10 *immunodeficiency virus:*

11 (a) *Appropriate referrals for future services, including,*
12 *without limitation, medical care, mental health care and addiction*
13 *services; or*

14 (b) *If unable to provide referrals pursuant to paragraph (a),*
15 *referral to the local health authority for a subsequent referral to*
16 *providers within the community for future services, including,*
17 *without limitation, medical care, mental health care and addiction*
18 *services.*

19 4. *The Director of the Department of Health and Human*
20 *Services may adopt regulations to carry out the provisions of this*
21 *section.*

22 Sec. 5. (Deleted by amendment.)

23 Sec. 5.5. NRS 446.030 is hereby amended to read as follows:

24 446.030 1. "Food handler" means any person employed in or
25 operating a food establishment, whether that person is an employer,
26 employee or other natural person, who handles, stores, transports,
27 prepares, manufactures, serves or sells food, or who comes in
28 contact with eating or cooking utensils or other equipment used in
29 the handling, preparation, manufacture, service or sale of food.

30 2. The term does not include a person who ~~only~~ :

31 (a) *Only* handles, stores, transports, sells or otherwise comes in
32 contact with food that is ~~permanently sealed or~~ *sealed and*
33 *packaged for sale directly to the consumer* ~~and who, if~~ ;

34 (b) *If* the food is potentially hazardous food, handles the food
35 only occasionally ~~or~~ *and* incidentally ~~outside the normal and~~
36 ~~usual course and scope of~~ *to* his responsibilities or employment ~~;~~ ,
37 *and such handling is not part of his regularly scheduled*
38 *responsibilities or employment; or*

39 (c) *Is providing services as a cashier, salesperson, stock clerk,*
40 *warehouse or dockworker, delivery person or maintenance staff or*
41 *providing services in a similar position with limited food-handling*
42 *responsibility.*

43 Sec. 6. NRS 613.310 is hereby amended to read as follows:

44 613.310 As used in NRS 613.310 to 613.435, inclusive, unless
45 the context otherwise requires:



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- 1 1. "Disability" means, with respect to a person:
 - 2 (a) A physical or mental impairment that substantially limits one
 - 3 or more of the major life activities of the person ~~H~~ , *including,*
 - 4 *without limitation, the human immunodeficiency virus;*
 - 5 (b) A record of such an impairment; or
 - 6 (c) Being regarded as having such an impairment.
- 7 2. "Employer" means any person who has 15 or more
- 8 employees for each working day in each of 20 or more calendar
- 9 weeks in the current or preceding calendar year, but does not
- 10 include:
 - 11 (a) The United States or any corporation wholly owned by the
 - 12 United States.
 - 13 (b) Any Indian tribe.
 - 14 (c) Any private membership club exempt from taxation pursuant
 - 15 to 26 U.S.C. § 501(c).
- 16 3. "Employment agency" means any person regularly
- 17 undertaking with or without compensation to procure employees for
- 18 an employer or to procure for employees opportunities to work for
- 19 an employer, but does not include any agency of the United States.
- 20 4. "Labor organization" means any organization of any kind, or
- 21 any agency or employee representation committee or plan, in which
- 22 employees participate and which exists for the purpose, in whole or
- 23 in part, of dealing with employers concerning grievances, labor
- 24 disputes, wages, rates of pay, hours of employment or other
- 25 conditions of employment.
- 26 5. "Person" includes the State of Nevada and any of its
- 27 political subdivisions.
- 28 6. "Sexual orientation" means having or being perceived as
- 29 having an orientation for heterosexuality, homosexuality or
- 30 bisexuality.

