

Amendment No. 500

Assembly Amendment to Assembly Bill No. 443 (BDR 40-1057)

Proposed by: Assembly Committee on Health and Human Services**Amends:** Summary: No Title: Yes Preamble: No Joint Sponsorship: No Digest: Yes

ASSEMBLY ACTION				Initial and Date	SENATE ACTION				Initial and Date
Adopted	☐	Lost	☐	_____	Adopted	☐	Lost	☐	_____
Concurred In	☐	Not	☐	_____	Concurred In	☐	Not	☐	_____
Receded	☐	Not	☐	_____	Receded	☐	Not	☐	_____

EXPLANATION: Matter in (1) ***blue bold italics*** is new language in the original bill; (2) ***green bold italic underlining*** is new language proposed in this amendment; (3) ~~red strikethrough~~ is deleted language in the original bill; (4) ~~purple double strikethrough~~ is language proposed to be deleted in this amendment; (5) orange double underlining is deleted language in the original bill that is proposed to be retained in this amendment; and (6) ***green bold*** is newly added transitory language.

SJA/MSM



Date: 4/21/2007

A.B. No. 443—Revises provisions relating to communicable diseases.
(BDR 40-1057)



ASSEMBLY BILL NO. 443—ASSEMBLYMEN PARKS, KOIVISTO, PIERCE, LESLIE, OHRENSCHALL, ANDERSON, BUCKLEY, CLABORN, DENIS, GERHARDT, HOGAN, KIHUEN, KIRKPATRICK, MANENDO, MCCLAIN, SEGERBLUM 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. (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 communicable diseases; making various changes to provisions concerning the human immunodeficiency virus; ~~providing a penalty;~~ and providing other matters properly relating thereto.

Legislative Counsel's Digest:

~~Section 8 of this bill requires each county designated by the Director of the Department of Health and Human Services to provide free testing for the human immunodeficiency virus to persons on an anonymous basis. Section 12 of this bill requires the Health Division of the Department of Health and Human Services to reimburse those counties for certain costs associated with providing such testing. Sections 10 and 11 of this bill require each county that the Director designates to provide such testing to: (1) provide certain information to persons who receive a test; and (2) submit to the Health Division a plan for how the county will carry out testing.~~

~~Section 9 of this bill requires the Health Division to establish and maintain for each county a list of providers of health care and medical facilities that treat patients with the human immunodeficiency virus and acquired immunodeficiency syndrome.~~

~~Section 13 of this bill sets forth penalties for the disclosure to third persons of results of a test for the human immunodeficiency virus.~~

~~Section 14 of this bill requires providers of health care, medical facilities and medical laboratories to provide to persons who test positive for the human immunodeficiency virus, or are diagnosed with acquired immunodeficiency syndrome, appropriate information and referrals to ensure that the persons receive sufficient medical treatment and counseling.~~

~~Section 16 of this bill provides that the Health Division may require any medical facility or medical laboratory that procures, processes, distributes or uses whole blood, plasma, blood product or blood derivative to submit to the Health Division monthly reports concerning the results of tests conducted to detect the presence of communicable diseases.~~

Section 3 of this bill expresses the sense 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 immunodeficiency virus. Section 4 also requires each test provider to offer referrals for certain health care services to those who test positive for the human immunodeficiency virus.

Section ~~18~~ 5 of this bill prohibits employment discrimination against a person who has tested positive for the human immunodeficiency virus if the fact that the person tested positive would not prevent the proper performance of the work for which he otherwise would have been hired.

~~Sections 21-23 of this bill provide that an insurer may decline an application for life insurance or disability insurance on the basis that the applicant tested positive for the human immunodeficiency virus. However, an insurer may not test for the presence of the human immunodeficiency virus unless the insurer obtains the written consent of the applicant and pays the cost of the test. Section 24 of this bill sets forth penalties for the disclosure to third persons by an insurer of results of a test for the human immunodeficiency virus.~~

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

Delete existing sections 1 through 24 of this bill and replace with the following new sections 1 through 6:

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 laboratories, 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, medical laboratories 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;

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

(d) Medical treatment available for the person;

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

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

3. Counties, providers of health care, medical laboratories and medical facilities that provide testing for the human immunodeficiency virus must offer to each person who tests positive for the human immunodeficiency virus:

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

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

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

Sec. 5. Chapter 613 of NRS is hereby amended by adding thereto a new section to read as follows:

It is an unlawful employment practice:

1. For an employer to fail or refuse to hire and employ employees;

2. For an employment agency to fail to classify or refer any person for employment;

3. For a labor organization to fail to classify its membership or to fail to classify or refer any person for employment; or

4. For an employer, labor organization or joint labor-management committee controlling apprenticeship or other training or retraining programs to fail to admit or employ any person in any such program.

↪ because the person has tested positive for the human immunodeficiency virus, if the fact that the person tested positive for the human immunodeficiency virus would not prevent proper performance of the work for which the person would otherwise have been hired, classified, referred or prepared under a training or retraining program.

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

613.310 As used in NRS 613.310 to 613.435, inclusive, and section 5 of this act, unless the context otherwise requires:

1. "Disability" means, with respect to a person:

(a) A physical or mental impairment that substantially limits one or more of the major life activities of the person;

(b) A record of such an impairment; or

(c) Being regarded as having such an impairment.

2. "Employer" means any person who has 15 or more employees for each working day in each of 20 or more calendar weeks in the current or preceding calendar year, but does not include:

(a) The United States or any corporation wholly owned by the United States.

(b) Any Indian tribe.

1 (c) Any private membership club exempt from taxation pursuant to 26 U.S.C. §
2 501(c).

3 3. "Employment agency" means any person regularly undertaking with or
4 without compensation to procure employees for an employer or to procure for
5 employees opportunities to work for an employer, but does not include any agency
6 of the United States.

7 4. "Labor organization" means any organization of any kind, or any agency or
8 employee representation committee or plan, in which employees participate and
9 which exists for the purpose, in whole or in part, of dealing with employers
10 concerning grievances, labor disputes, wages, rates of pay, hours of employment or
11 other conditions of employment.

12 5. "Person" includes the State of Nevada and any of its political subdivisions.

13 6. "Sexual orientation" means having or being perceived as having an
14 orientation for heterosexuality, homosexuality or bisexuality.