

ASSEMBLY BILL NO. 398—ASSEMBLYMEN HARDY; GANSERT,
GOEDHART, HAMBRICK AND STEWART

MARCH 16, 2009

Referred to Committee on Judiciary

SUMMARY—Limits disclosure of certain records of a health authority. (BDR 40-1044)

FISCAL NOTE: Effect on Local Government: No.
Effect on the State: No.

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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 public health; limiting disclosure of certain records of a health authority; and providing other matters properly relating thereto.

Legislative Counsel's Digest:

1 This bill prohibits the admission into evidence of certain documents and
2 opinions of a health authority and its employees except in certain proceedings. This
3 bill also prohibits a court from issuing a subpoena or order directing the disclosure
4 of those documents and opinions except in certain proceedings.

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

1 **Section 1.** Chapter 439 of NRS is hereby amended by adding
2 thereto a new section to read as follows:

3 *1. Opinions formed, or statements, reports, records,*
4 *information, findings and communications generated, obtained or*
5 *received, by:*

6 *(a) A health authority; or*

7 *(b) An employee of:*

8 *(1) The Health Division; or*

9 *(2) A local board of health,*

10 *↪ in connection with an investigation under, or the*
11 *administration and enforcement of, the provisions of this chapter*
12 *must not be admitted as evidence in any civil action other than an*
13 *action for enforcement or a hearing involving public health.*



* A B 3 9 8 *

1 2. A court shall not issue a subpoena or order directing a
2 person described in subsection 1 to:

3 (a) Produce any statement, report, record, information, finding
4 or communication generated, obtained or received; or

5 (b) Disclose any opinion formed,
6 ↪ in connection with an investigation under, or the
7 administration and enforcement of, the provisions of this chapter
8 for any purpose other than a civil action for enforcement or a
9 hearing involving public health, brought or called by the health
10 authority.

11 Sec. 2. This act becomes effective on July 1, 2009.

