

Amendment No. 487

Senate Amendment to Senate Bill No. 153 (BDR 53-635)

Proposed by: Senate Committee on Commerce, Labor and Energy

Amendment Box: Replaces Amendment No. 199.

Amends: Summary: No 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"/> _____

EXPLANATION: Matter in (1) *blue bold italics* is new language in the original bill; (2) variations of green bold underlining is language proposed to be added 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 proposed to be retained in this amendment.

RAE/JRS



Date: 4/13/2015

S.B. No. 153—Revises provisions relating to occupational diseases. (BDR 53-635)



SENATE BILL NO. 153—COMMITTEE ON
COMMERCE, LABOR AND ENERGY

FEBRUARY 16, 2015

Referred to Committee on Commerce, Labor and Energy

SUMMARY—Revises provisions relating to occupational diseases. (BDR 53-635)

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 occupational diseases; revising the circumstances under which certain occupational diseases are conclusively ~~for rebuttably~~ presumed to arise out of and in the course of employment; ~~revising provisions governing the compensability of certain diseases of the heart;~~ and providing other matters properly relating thereto.

Legislative Counsel's Digest:

Existing law provides that certain diseases *of the lungs or heart* contracted by certain police officers, firefighters or other employees are, for purposes of industrial insurance claims, conclusively ~~for rebuttably~~ presumed to be occupationally related if the employee has served a certain number of years in the profession before contracting the disease. (NRS ~~617.452, 617.455, 617.457, 617.485, 617.487~~) *617.457* Sections ~~1-5~~ *2 and 3* of this bill limit *the period in which certain employees may claim* these presumptions. ~~The employees or volunteers who are actively employed or volunteering in the profession at the time of diagnosis. Section 3 also provides that certain diseases of the heart, when suffered by a volunteer firefighter, must be diagnosed and result in either temporary or permanent disability or death during the course of service of the volunteer firefighter in order to be compensable as an occupational disease.~~ Sections *2.5 and 3.5* of this bill *prevent certain persons who use tobacco products or fail to follow a physician's prescribed plan of care from claiming these presumptions.*

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

Section 1. ~~NRS 617.452 is hereby amended to read as follows:~~

~~617.452 1. Notwithstanding any other provision of this chapter, cancer, resulting in either temporary or permanent disability, or death, is an occupational disease and compensable as such under the provisions of this chapter if:~~

~~(a) The cancer develops or manifests itself out of and in the course of the employment of a person who, for 5 years or more, has been:~~

~~(1) Employed in this State in a full time salaried occupation of fire fighting for the benefit or safety of the public; or~~

~~(2) Acting as a volunteer firefighter in this State and is entitled to the benefits of chapters 616A to 616D, inclusive, of NRS pursuant to the provisions of NRS 616A.145; and~~

~~(b) It is demonstrated that:~~

~~(1) The person was exposed, while in the course of the employment, to a known carcinogen as defined by the International Agency for Research on Cancer or the National Toxicology Program; and~~

~~(2) The carcinogen is reasonably associated with the disabling cancer.~~

~~2. With respect to a person who, for 5 years or more, has been employed in this State in a full-time salaried occupation of fire-fighting for the benefit or safety of the public, the following substances shall be deemed, for the purposes of paragraph (b) of subsection 1, to be known carcinogens that are reasonably associated with the following disabling cancers:~~

~~(a) Diesel exhaust, formaldehyde and polycyclic aromatic hydrocarbon shall be deemed to be known carcinogens that are reasonably associated with bladder cancer.~~

~~(b) Acrylonitrile, formaldehyde and vinyl chloride shall be deemed to be known carcinogens that are reasonably associated with brain cancer.~~

~~(c) Diesel exhaust and formaldehyde shall be deemed to be known carcinogens that are reasonably associated with colon cancer.~~

~~(d) Formaldehyde shall be deemed to be a known carcinogen that is reasonably associated with Hodgkin's lymphoma.~~

~~(e) Formaldehyde and polycyclic aromatic hydrocarbon shall be deemed to be known carcinogens that are reasonably associated with kidney cancer.~~

~~(f) Chloroform, soot and vinyl chloride shall be deemed to be known carcinogens that are reasonably associated with liver cancer.~~

~~(g) Acrylonitrile, benzene, formaldehyde, polycyclic aromatic hydrocarbon, soot and vinyl chloride shall be deemed to be known carcinogens that are reasonably associated with lymphatic or hematopoietic cancer.~~

~~(h) Diesel exhaust, soot, aldehydes and polycyclic aromatic hydrocarbon shall be deemed to be known carcinogens that are reasonably associated with basal cell carcinoma, squamous cell carcinoma and malignant melanoma.~~

~~(i) Acrylonitrile, benzene and formaldehyde shall be deemed to be known carcinogens that are reasonably associated with prostate cancer.~~

~~(j) Diesel exhaust, soot and polychlorinated biphenyls shall be deemed to be known carcinogens that are reasonably associated with testicular cancer.~~

~~(k) Diesel exhaust, benzene and X-ray radiation shall be deemed to be known carcinogens that are reasonably associated with thyroid cancer.~~

~~3. The provisions of subsection 2 do not create an exclusive list and do not preclude any person from demonstrating, on a case-by-case basis for the purposes of paragraph (b) of subsection 1, that a substance is a known carcinogen that is reasonably associated with a disabling cancer.~~

~~4. Compensation awarded to the employee or his or her dependents for disabling cancer pursuant to this section must include:~~

~~(a) Full reimbursement for related expenses incurred for medical treatments, surgery and hospitalization in accordance with the schedule of fees and charges established pursuant to NRS 616C.260 or, if the insurer has contracted with an organization for managed care or with providers of health care pursuant to NRS 616B.527, the amount that is allowed for the treatment or other services under that contract; and~~

~~(b) The compensation provided in chapters 616A to 616D, inclusive, of NRS for the disability or death.~~

~~5. Disabling cancer is presumed to have developed or manifested itself out of and in the course of the employment of any firefighter described in this section [.] who has been employed in a full-time continuous, uninterrupted and salaried occupation as a firefighter for 5 years or more before the date of disablement. This rebuttable presumption applies to disabling cancer diagnosed [after the termination of the person's employment if the diagnosis occurs within a period, not to exceed 60 months, which begins with the last date the employee actually worked in the qualifying capacity and extends for a period calculated by multiplying 3 months by the number of full years of his or her employment. This rebuttable presumption] during the course of that employment and must control the awarding of benefits pursuant to this section unless evidence to rebut the presumption is presented.~~

~~6. The provisions of this section do not create a conclusive presumption.]~~
(Deleted by amendment.)

Sec. 1.5. NRS 617.454 is hereby amended to read as follows:

617.454 1. Any physical examination administered pursuant to NRS 617.455 or 617.457 must include:

- (a) A thorough test of the functioning of the hearing of the employee; and
- (b) A purified protein derivative skin test to screen for exposure to tuberculosis.

2. Except as otherwise provided in subsection ~~7~~ 8 of NRS 617.457, the tests required by this section must be paid for by the employer.

Sec. 2. NRS 617.455 is hereby amended to read as follows:

617.455 1. Notwithstanding any other provision of this chapter, diseases of the lungs, resulting in either temporary or permanent disability or death, are occupational diseases and compensable as such under the provisions of this chapter if caused by exposure to heat, smoke, fumes, tear gas or any other noxious gases, arising out of and in the course of the employment of a person who, for 2 years or more, has been:

(a) Employed in this State in a full-time salaried occupation of fire fighting or the investigation of arson for the benefit or safety of the public;

(b) Acting as a volunteer firefighter in this State and is entitled to the benefits of chapters 616A to 616D, inclusive, of NRS pursuant to the provisions of NRS 616A.145; or

(c) Employed in a full-time salaried occupation as a police officer in this State.

2. Except as otherwise provided in subsection 3, each employee who is to be covered for diseases of the lungs pursuant to the provisions of this section shall submit to a physical examination, including a thorough test of the functioning of his or her lungs and the making of an X-ray film of the employee's lungs, upon employment, upon commencement of the coverage, once every 2 years until the employee is 40 years of age or older and thereafter on an annual basis during his or her employment.

3. Each volunteer firefighter who is to be covered for diseases of the lungs pursuant to the provisions of this section shall submit to:

(a) A physical examination upon employment and upon commencement of the coverage; and

(b) The making of an X-ray film of the volunteer firefighter's lungs once every 3 years after the physical examination that is required upon commencement of the coverage,

until the volunteer firefighter reaches the age of 50 years. Each volunteer firefighter who is 50 years of age or older shall submit to a physical examination once every 2 years during his or her employment. As used in this subsection, "physical examination" includes the making of an X-ray film of the volunteer

1 firefighter's lungs but excludes a thorough test of the functioning of his or her
2 lungs.

3 4. All physical examinations required pursuant to subsections 2 and 3 must be
4 paid for by the employer.

5 5. A disease of the lungs is conclusively presumed to have arisen out of and in
6 the course of the employment of a person who has been employed in a full-time
7 continuous, uninterrupted and salaried occupation as a police officer, firefighter or
8 arson investigator for ~~15~~ 2 years or more before the date of disablement ~~if~~ if the
9 disease is diagnosed and causes the disablement during :

10 (a) During the course of that employment ~~if~~ :

11 (b) If the person ceases employment before completing 20 years of service as
12 a police officer, firefighter or arson investigator, during the period after
13 separation from employment which is equal to the number of years worked; or

14 (c) If the person ceases employment after completing 20 years or more of
15 service as a police officer, firefighter or arson investigator, at any time during the
16 person's life.

17 ↪ Service credit which is purchased in a retirement system must not be
18 calculated towards the years of service of a person for the purposes of this
19 section.

20 6. Failure to correct predisposing conditions which lead to lung disease when
21 so ordered in writing by the examining physician after a physical examination
22 required pursuant to subsection 2 or 3 excludes the employee from the benefits of
23 this section if the correction is within the ability of the employee.

24 7. A person who is determined to be:

25 (a) Partially disabled from an occupational disease pursuant to the provisions
26 of this section; and

27 (b) Incapable of performing, with or without remuneration, work as a
28 firefighter, police officer or arson investigator,

29 ↪ may elect to receive the benefits provided under NRS 616C.440 for a permanent
30 total disability.

31 Sec. 2.5. NRS 617.455 is hereby amended to read as follows:

32 617.455 1. Notwithstanding any other provision of this chapter, diseases of
33 the lungs, resulting in either temporary or permanent disability or death, are
34 occupational diseases and compensable as such under the provisions of this chapter
35 if caused by exposure to heat, smoke, fumes, tear gas or any other noxious gases,
36 arising out of and in the course of the employment of a person who, for 2 years or
37 more, has been:

38 (a) Employed in this State in a full-time salaried occupation of fire fighting or
39 the investigation of arson for the benefit or safety of the public;

40 (b) Acting as a volunteer firefighter in this State and is entitled to the benefits
41 of chapters 616A to 616D, inclusive, of NRS pursuant to the provisions of NRS
42 616A.145; or

43 (c) Employed in a full-time salaried occupation as a police officer in this State.

44 2. Except as otherwise provided in subsection 3, each employee who is to be
45 covered for diseases of the lungs pursuant to the provisions of this section shall
46 submit to a physical examination, including a thorough test of the functioning of his
47 or her lungs and the making of an X-ray film of the employee's lungs, upon
48 employment, upon commencement of the coverage, once every 2 years until the
49 employee is 40 years of age or older and thereafter on an annual basis during his or
50 her employment.

51 3. Each volunteer firefighter who is to be covered for diseases of the lungs
52 pursuant to the provisions of this section shall submit to:

(a) A physical examination upon employment and upon commencement of the coverage; and

(b) The making of an X-ray film of the volunteer firefighter's lungs once every 3 years after the physical examination that is required upon commencement of the coverage,

until the volunteer firefighter reaches the age of 50 years. Each volunteer firefighter who is 50 years of age or older shall submit to a physical examination once every 2 years during his or her employment. As used in this subsection, "physical examination" includes the making of an X-ray film of the volunteer firefighter's lungs but excludes a thorough test of the functioning of his or her lungs.

4. All physical examinations required pursuant to subsections 2 and 3 must be paid for by the employer.

5. A disease of the lungs is conclusively presumed to have arisen out of and in the course of the employment of a person who has been employed in a full-time continuous, uninterrupted and salaried occupation as a police officer, firefighter or arson investigator for 2 years or more before the date of disablement if the disease is diagnosed and causes the disablement:

(a) During the course of that employment;

(b) If the person ceases employment before completing 20 years of service as a police officer, firefighter or arson investigator, during the period after separation from employment which is equal to the number of years worked; or

(c) If the person ceases employment after completing 20 years or more of service as a police officer, firefighter or arson investigator, at any time during the person's life.

Service credit which is purchased in a retirement system must not be calculated towards the years of service of a person for the purposes of this section.

6. Frequent or regular use of a tobacco product within 1 year, or a material departure from a physician's prescribed plan of care by a person within 3 months, immediately preceding the filing of a claim for compensation excludes a person who has separated from service from the benefit of the conclusive presumption provided in subsection 5.

7. Failure to correct predisposing conditions which lead to lung disease when so ordered in writing by the examining physician after a physical examination required pursuant to subsection 2 or 3 excludes the employee from the benefits of this section if the correction is within the ability of the employee.

~~7.7~~ 8. A person 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 firefighter, police officer or arson investigator,

may elect to receive the benefits provided under NRS 616C.440 for a permanent total disability.

Sec. 3. NRS 617.457 is hereby amended to read as follows:

617.457 1. Notwithstanding any other provision of this chapter, diseases of the heart ~~that are diagnosed and cause disablement during the course of the employment~~ of a person who, for ~~1.5~~ 2 years or more, has been employed in a full-time continuous, uninterrupted and salaried occupation as a firefighter, arson investigator or police officer in this State before the date of disablement are conclusively presumed to have arisen out of and in the course of the employment ~~if the disease is diagnosed and causes the disablement:~~

(a) During the course of that employment;

(b) If the person ceases employment before completing 20 years of service as a police officer, firefighter or arson investigator, during the period after separation from employment which is equal to the number of years worked; or

(c) If the person ceases employment after completing 20 years or more of service as a police officer, firefighter or arson investigator, at any time during the person's life.

Service credit which is purchased in a retirement system must not be calculated towards the years of service of a person for the purposes of this section.

2. Notwithstanding any other provision of this chapter, diseases of the heart resulting ~~that are diagnosed and result~~ in either temporary or permanent disability or death during the course of service of a volunteer firefighter are occupational diseases and compensable as such under the provisions of this chapter if caused by extreme overexertion in times of stress or danger and a causal relationship can be shown by competent evidence that the disability or death arose out of and was caused by the performance of duties as a volunteer firefighter by a person entitled to the benefits of chapters 616A to 616D, inclusive, of NRS pursuant to the provisions of NRS 616A.145 and who, for 5 years or more, has served continuously as a volunteer firefighter in this State by continuously maintaining an active status on the roster of a volunteer fire department.

3. Except as otherwise provided in subsection 4, each employee who is to be covered for diseases of the heart pursuant to the provisions of this section shall submit to a physical examination, including an examination of the heart, upon employment, upon commencement of coverage and thereafter on an annual basis during his or her employment.

4. During the period in which a volunteer firefighter is continuously on active status on the roster of a volunteer fire department, a physical examination for the volunteer firefighter is required:

- (a) Upon employment;
- (b) Upon commencement of coverage; and
- (c) Once every 3 years after the physical examination that is required pursuant to paragraph (b),
until the firefighter reaches the age of 50 years. Each volunteer firefighter who is 50 years of age or older shall submit to a physical examination once every 2 years during his or her employment.

5. The employer of the volunteer firefighter is responsible for scheduling the physical examination. The employer shall mail to the volunteer firefighter a written notice of the date, time and place of the physical examination at least 10 days before the date of the physical examination and shall obtain, at the time of mailing, a certificate of mailing issued by the United States Postal Service.

6. Failure to submit to a physical examination that is scheduled by his or her employer pursuant to subsection 5 excludes the volunteer firefighter from the benefits of this section.

7. The chief of a volunteer fire department may require an applicant to pay for any physical examination required pursuant to this section if the applicant:

- (a) Applies to the department for the first time as a volunteer firefighter; and
 - (b) Is 50 years of age or older on the date of his or her application.
8. The volunteer fire department shall reimburse an applicant for the cost of a physical examination required pursuant to this section if the applicant:
- (a) Paid for the physical examination in accordance with subsection 7;
 - (b) Is declared physically fit to perform the duties required of a firefighter; and
 - (c) Becomes a volunteer with the volunteer fire department.

9. Except as otherwise provided in subsection 7, all physical examinations required pursuant to subsections 3 and 4 must be paid for by the employer.

10. Failure to correct predisposing conditions which lead to heart disease when so ordered in writing by the examining physician subsequent to a physical examination required pursuant to subsection 3 or 4 excludes the employee from the benefits of this section if the correction is within the ability of the employee.

11. A person 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 firefighter, arson investigator or police officer,

➤ may elect to receive the benefits provided under NRS 616C.440 for a permanent total disability.

12. Claims filed under this section may be reopened at any time during the life of the claimant for further examination and treatment of the claimant upon certification by a physician of a change of circumstances related to the occupational disease which would warrant an increase or rearrangement of compensation.

Sec. 3.5. NRS 617.457 is hereby amended to read as follows:

617.457 1. Notwithstanding any other provision of this chapter, diseases of the heart of a person who, for 2 years or more, has been employed in a full-time continuous, uninterrupted and salaried occupation as a firefighter, arson investigator or police officer in this State before the date of disablement are conclusively presumed to have arisen out of and in the course of the employment if the disease is diagnosed and causes the disablement:

(a) During the course of that employment;

(b) If the person ceases employment before completing 20 years of service as a police officer, firefighter or arson investigator, during the period after separation from employment which is equal to the number of years worked; or

(c) If the person ceases employment after completing 20 years or more of service as a police officer, firefighter or arson investigator, at any time during the person's life.

➤ Service credit which is purchased in a retirement system must not be calculated towards the years of service of a person for the purposes of this section.

2. Frequent or regular use of a tobacco product within 1 year, or a material departure from a physician's prescribed plan of care by a person within 3 months, immediately preceding the filing of a claim for compensation excludes a person who has separated from service from the benefit of the conclusive presumption provided in subsection 1.

3. Notwithstanding any other provision of this chapter, diseases of the heart, resulting in either temporary or permanent disability or death, are occupational diseases and compensable as such under the provisions of this chapter if caused by extreme overexertion in times of stress or danger and a causal relationship can be shown by competent evidence that the disability or death arose out of and was caused by the performance of duties as a volunteer firefighter by a person entitled to the benefits of chapters 616A to 616D, inclusive, of NRS pursuant to the provisions of NRS 616A.145 and who, for 5 years or more, has served continuously as a volunteer firefighter in this State by continuously maintaining an active status on the roster of a volunteer fire department.

~~4.~~ 4. Except as otherwise provided in subsection ~~4.4~~ 5, each employee who is to be covered for diseases of the heart pursuant to the provisions of this section shall submit to a physical examination, including an examination of the heart, upon employment, upon commencement of coverage and thereafter on an annual basis during his or her employment.

1 ~~144~~ 5. During the period in which a volunteer firefighter is continuously on
2 active status on the roster of a volunteer fire department, a physical examination for
3 the volunteer firefighter is required:

4 (a) Upon employment;

5 (b) Upon commencement of coverage; and

6 (c) Once every 3 years after the physical examination that is required pursuant
7 to paragraph (b),

8 ➤ until the firefighter reaches the age of 50 years. Each volunteer firefighter who is
9 50 years of age or older shall submit to a physical examination once every 2 years
10 during his or her employment.

11 ~~154~~ 6. The employer of the volunteer firefighter is responsible for scheduling
12 the physical examination. The employer shall mail to the volunteer firefighter a
13 written notice of the date, time and place of the physical examination at least 10
14 days before the date of the physical examination and shall obtain, at the time of
15 mailing, a certificate of mailing issued by the United States Postal Service.

16 ~~164~~ 7. Failure to submit to a physical examination that is scheduled by his or
17 her employer pursuant to subsection ~~144~~ 6 excludes the volunteer firefighter from
18 the benefits of this section.

19 ~~174~~ 8. The chief of a volunteer fire department may require an applicant to
20 pay for any physical examination required pursuant to this section if the applicant:

21 (a) Applies to the department for the first time as a volunteer firefighter; and

22 (b) Is 50 years of age or older on the date of his or her application.

23 ~~184~~ 9. The volunteer fire department shall reimburse an applicant for the cost
24 of a physical examination required pursuant to this section if the applicant:

25 (a) Paid for the physical examination in accordance with subsection ~~174~~ 8;

26 (b) Is declared physically fit to perform the duties required of a firefighter; and

27 (c) Becomes a volunteer with the volunteer fire department.

28 ~~194~~ 10. Except as otherwise provided in subsection ~~174~~ 8, all physical
29 examinations required pursuant to subsections ~~124~~ 4 and ~~144~~ 5 must be paid for by
30 the employer.

31 ~~1104~~ 11. Failure to correct predisposing conditions which lead to heart
32 disease when so ordered in writing by the examining physician subsequent to a
33 physical examination required pursuant to subsection ~~124~~ 4 or ~~144~~ 5 excludes the
34 employee from the benefits of this section if the correction is within the ability of
35 the employee.

36 ~~1114~~ 12. A person who is determined to be:

37 (a) Partially disabled from an occupational disease pursuant to the provisions
38 of this section; and

39 (b) Incapable of performing, with or without remuneration, work as a
40 firefighter, arson investigator or police officer,

41 ➤ may elect to receive the benefits provided under NRS 616C.440 for a permanent
42 total disability.

43 ~~1124~~ 13. Claims filed under this section may be reopened at any time during
44 the life of the claimant for further examination and treatment of the claimant upon
45 certification by a physician of a change of circumstances related to the occupational
46 disease which would warrant an increase or rearrangement of compensation.

47 **Sec. 4.** ~~NRS 617.485 is hereby amended to read as follows:~~

48 ~~617.485 1. Notwithstanding any other provision of this chapter and except~~
49 ~~as otherwise provided in this section, if an employee has hepatitis, the disease is~~
50 ~~conclusively presumed to have arisen out of and in the course of his or her~~
51 ~~employment if [the]:~~

52 ~~(a) The employee has been continuously employed for 5 years or more as a~~
53 ~~police officer, full time salaried firefighter or emergency medical attendant in this~~

1 State before the date of any temporary or permanent disability or death resulting
2 from the hepatitis [.] , and

3 ~~— (b) The hepatitis was diagnosed during the course of that employment.~~

4 ~~2. Compensation awarded to a police officer, firefighter or emergency~~
5 ~~medical attendant, or to the dependents of such a person, for hepatitis pursuant to~~
6 ~~this section must include:~~

7 ~~— (a) Full reimbursement for related expenses incurred for medical treatments,~~
8 ~~surgery and hospitalization; and~~

9 ~~— (b) The compensation provided in chapters 616A to 616D, inclusive, of NRS~~
10 ~~for the disability or death.~~

11 ~~3. A police officer, salaried firefighter or emergency medical attendant shall:~~

12 ~~— (a) Submit to a blood test to screen for hepatitis C upon employment, upon the~~
13 ~~commencement of coverage and thereafter on an annual basis during his or her~~
14 ~~employment.~~

15 ~~— (b) Submit to a blood test to screen for hepatitis A and hepatitis B upon~~
16 ~~employment, upon the commencement of coverage and thereafter on an annual~~
17 ~~basis during his or her employment, except that a police officer, salaried firefighter~~
18 ~~or emergency medical attendant is not required to submit to a blood test to screen~~
19 ~~for hepatitis A and hepatitis B on an annual basis during his or her employment if~~
20 ~~he or she has been vaccinated for hepatitis A and hepatitis B upon employment or~~
21 ~~at other medically appropriate times during his or her employment. Each employer~~
22 ~~shall provide a police officer, salaried firefighter or emergency medical attendant~~
23 ~~with the opportunity to be vaccinated for hepatitis A and hepatitis B upon~~
24 ~~employment and at other medically appropriate times during his or her~~
25 ~~employment.~~

26 ~~4. All blood tests required pursuant to this section and all vaccinations~~
27 ~~provided pursuant to this section must be paid for by the employer.~~

28 ~~5. The provisions of this section:~~

29 ~~— (a) Except as otherwise provided in paragraph (b), do not apply to a police~~
30 ~~officer, firefighter or emergency medical attendant who is diagnosed with hepatitis~~
31 ~~upon employment.~~

32 ~~— (b) Apply to a police officer, firefighter or emergency medical attendant who is~~
33 ~~diagnosed with hepatitis upon employment if, during the employment, [or within 1~~
34 ~~year after the last day of the employment,] he or she is diagnosed with a different~~
35 ~~strain of hepatitis.~~

36 ~~— [(c) Apply to a police officer, firefighter or emergency medical attendant who~~
37 ~~is diagnosed with hepatitis after the termination of the employment if the diagnosis~~
38 ~~is made within 1 year after the last day of the employment.]~~

39 ~~6. A police officer, firefighter or emergency medical attendant who is~~
40 ~~determined to be:~~

41 ~~— (a) Partially disabled from an occupational disease pursuant to the provisions~~
42 ~~of this section; and~~

43 ~~— (b) Incapable of performing, with or without remuneration, work as a police~~
44 ~~officer, firefighter or emergency medical attendant,~~

45 ~~** may elect to receive the benefits provided pursuant to NRS 616C.440 for a~~
46 ~~permanent total disability.~~

47 ~~7. As used in this section:~~

48 ~~— (a) “Emergency medical attendant” means a person licensed as an attendant or~~
49 ~~certified as an emergency medical technician, advanced emergency medical~~
50 ~~technician or paramedic pursuant to chapter 450B of NRS, whose primary duties of~~
51 ~~employment are the provision of emergency medical services.~~

~~(b) "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.~~

~~(c) "Police officer" means a sheriff, deputy sheriff, officer of a metropolitan police department or city police officer.~~ **(Deleted by amendment.)**

Sec. 5. [NRS 617.487 is hereby amended to read as follows:

~~617.487 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 or her employment if [the]:~~

~~(a) 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 department or city police officer in this State before the date of any temporary or permanent disability or death resulting from the hepatitis []; and~~

~~(b) The hepatitis was diagnosed during the course of that employment.~~

~~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 or her 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 or her 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 or her employment if he or she has been vaccinated for hepatitis A and hepatitis B upon employment or at other medically appropriate times during his or her 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 or her 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,] the police officer 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 police officer. (Deleted by amendment.)~~

Sec. 6. The amendatory provisions of this act ~~apply~~ :

1. Apply only to claims for compensation for occupational diseases filed pursuant to chapter 617 of NRS; disablement which occurs on or after the effective date of this act; section; and

2. Do not apply to any person who, on the effective date of this section, has completed at least 20 years of creditable service, not including any service credit purchased in a retirement system, as a police officer, firefighter, volunteer firefighter or arson investigator in this State.

Sec. 7. 1. This section and sections 2, 3 and 6 of this act become effective upon passage and approval.

2. Sections 1.5, 2.5 and 3.5 of this act become effective on January 1, 2017.