

Amendment No. 297

Assembly Amendment to Assembly Bill No. 410	(BDR 53-1030)
<b>Proposed by:</b> Assembly Committee on Commerce and Labor	
<b>Amends:</b> Summary: No Title: No Preamble: No Joint Sponsorship: No Digest: Yes	

Adoption of this amendment will MAINTAIN the unfunded mandate not requested by the affected local government to A.B. 410 (§ 1).
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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.





ASSEMBLY BILL NO. 410 ~~[ASSEMBLYWOMAN]~~ ASSEMBLYMEN JAUREGUI, YEAGER, O'NEILL AND MONROE-MORENO

MARCH 27, 2023

Referred to Committee on Commerce and Labor

SUMMARY—Revises provisions relating to industrial insurance. (BDR 53-1030)

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

CONTAINS UNFUNDED MANDATE (§ 1)  
(NOT REQUESTED BY AFFECTED LOCAL GOVERNMENT)

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

AN ACT relating to industrial insurance; revising the circumstances in which certain employees are authorized to receive compensation under industrial insurance for certain stress-related claims; and providing other matters properly relating thereto.

**Legislative Counsel’s Digest:**

Under existing law, with certain exceptions, an injury or disease sustained by an employee caused by stress is compensable under industrial insurance only if the employee can prove by clear and convincing medical or psychiatric evidence that: (1) the employee has a mental injury caused by extreme stress in time of danger; (2) the primary cause of the injury was an event that arose out of and during the course of his or her employment; and (3) the stress was not caused by a layoff, termination or disciplinary action. Existing law provides that a first responder may prove by clear and convincing medial or psychiatric evidence that the mental injury was primarily caused by the first responder witnessing an event of a certain specified type during the course of his or her employment. Under existing law, an ailment or disorder caused by any gradual mental stimulus or any death or disability ensuing therefrom is not compensable under industrial insurance. (NRS 616C.180)

**Section 1** of this bill ~~removes provisions prohibiting an ailment or disorder caused by any gradual mental stimulus or any death or disability ensuing therefrom from being compensable under industrial insurance. Section 1~~ expands the stress-related injuries that may be compensable under industrial insurance under certain circumstances to include a mental injury which afflicts a first responder and which is caused by extreme stress for which the primary cause was ~~is~~ witnessing an event or series of events ~~rather than a single event.~~ that arose out of and during the course of employment ~~rather than a single event.~~ Sections 2 and 3 of this bill make conforming changes to refer to provisions that have been renumbered by this bill. and involved: (1) the death, or aftermath of the death, of a person as a result of a violent event; or (2) an injury, or the aftermath of an injury, that involves grievous bodily harm of a nature that shocks the conscience.

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

1       **Section 1.** NRS 616C.180 is hereby amended to read as follows:

2       616C.180 1. Except as otherwise provided in this section, an injury or  
3 disease sustained by an employee that is caused by stress is compensable pursuant  
4 to the provisions of chapters 616A to 616D, inclusive, or chapter 617 of NRS if it  
5 arose out of and in the course of his or her employment.

6       2. ~~Any~~ Except as otherwise provided in subsection 4, any ailment or  
7 disorder caused by any gradual mental stimulus, and any death or disability ensuing  
8 therefrom, shall be deemed not to be an injury or disease arising out of and in the  
9 course of employment.

10       3. Except as otherwise provided by subsections ~~4~~ ~~(3)~~ and ~~5~~ ~~(4)~~ an injury or  
11 disease caused by stress shall be deemed to arise out of and in the course of  
12 employment only if the employee proves by clear and convincing medical or  
13 psychiatric evidence that:

14       (a) The employee has a mental injury caused by extreme stress in time of  
15 danger;

16       (b) The primary cause of the injury was an event ~~for series of events~~ that  
17 arose out of and during the course of his or her employment; and

18       (c) The stress was not caused by his or her layoff, the termination of his or her  
19 employment or any disciplinary action taken against him or her.

20       4. ~~(3)~~ An injury or disease caused by stress shall be deemed to arise out of  
21 and in the course of employment ~~[- and shall not be deemed the result of gradual~~  
22 ~~mental stimulus.]~~ if the employee is a first responder and proves by clear and  
23 convincing medical or psychiatric evidence that:

24       (a) The employee has a mental injury caused by extreme stress due to the  
25 employee directly witnessing:

26       (1) The death, or the aftermath of the death, of a person as a result of a  
27 violent event, including, without limitation, a homicide, suicide or mass casualty  
28 incident; or

29       (2) An injury, or the aftermath of an injury, that involves grievous bodily  
30 harm of a nature that shocks the conscience; and

31       (b) The primary cause of the mental injury was the employee witnessing an  
32 event or a series of events described in paragraph (a) during the course of his or her  
33 employment.

34       5. ~~(4)~~ An injury or disease caused by stress shall be deemed to arise out of  
35 and in the course of employment and shall not be deemed the result of gradual  
36 mental stimulus, if the employee is employed by the State or any of its agencies or  
37 political subdivisions and proves by clear and convincing medical or psychiatric  
38 evidence that:

39       (a) The employee has a mental injury caused by extreme stress due to the  
40 employee responding to a mass casualty incident; and

41       (b) The primary cause of the injury was the employee responding to the mass  
42 casualty incident during the course of his or her employment.

43       6. ~~(5)~~ An agency which employs a first responder, including, without  
44 limitation, a first responder who serves as a volunteer, shall provide educational  
45 training to the first responder related to the awareness, prevention, mitigation and  
46 treatment of mental health issues.

47       7. ~~(6)~~ The provisions of this section do not apply to a person who is claiming  
48 compensation pursuant to NRS 617.457.

49       8. ~~(7)~~ As used in this section:

1 (a) “Directly witness” means to see or hear for oneself.

2 (b) “First responder” means:

3 (1) A salaried or volunteer firefighter;

4 (2) A police officer;

5 (3) An emergency dispatcher or call taker who is employed by a law  
6 enforcement or public safety agency in this State; or

7 (4) An emergency medical technician or paramedic who is employed by a  
8 public safety agency in this State.

9 (c) “Mass casualty incident” means an event that, for the purposes of  
10 emergency response or operations, is designated as a mass casualty incident by one  
11 or more governmental agencies that are responsible for public safety or for  
12 emergency response.

13 **Sec. 2.** ~~[NRS 616C.400 is hereby amended to read as follows:~~

14 ~~— 616C.400 1. Temporary compensation benefits must not be paid under~~  
15 ~~chapters 616A to 616D, inclusive, of NRS for an injury which does not incapacitate~~  
16 ~~the employee for at least 5 consecutive days, or 5 cumulative days within a 20 day~~  
17 ~~period, from earning full wages, but if the incapacity extends for 5 or more~~  
18 ~~consecutive days, or 5 cumulative days within a 20 day period, compensation must~~  
19 ~~then be computed from the date of the injury.~~

20 ~~— 2. The period prescribed in this section does not apply to:~~

21 ~~(a) Accident benefits, whether they are furnished pursuant to NRS 616C.255 or~~  
22 ~~616C.265, if the injured employee is otherwise covered by the provisions of~~  
23 ~~chapters 616A to 616D, inclusive, of NRS and entitled to those benefits.~~

24 ~~(b) Compensation paid to the injured employee pursuant to subsection 1 of~~  
25 ~~NRS 616C.477.~~

26 ~~(c) A claim which is filed pursuant to NRS 617.453, 617.455 or 617.457.~~

27 ~~(d) A claim to which subsection [4] 3 or [5] 4 of NRS 616C.180 applies.]~~

28 **(Deleted by amendment.)**

29 **Sec. 3.** ~~[NRS 617.420 is hereby amended to read as follows:~~

30 ~~— 617.420 1. No compensation may be paid under this chapter for temporary~~  
31 ~~total disability which does not incapacitate the employee for at least 5 cumulative~~  
32 ~~days within a 20 day period from earning full wages, but if the incapacity extends~~  
33 ~~for 5 or more days within a 20 day period, the compensation must then be~~  
34 ~~computed from the date of disability.~~

35 ~~— 2. The limitations in this section do not apply to medical benefits, including,~~  
36 ~~without limitation, medical benefits pursuant to NRS 617.453, 617.455 or 617.457,~~  
37 ~~or a claim to which subsection [4] 3 or [5] 4 of NRS 616C.180 applies, which must~~  
38 ~~be paid from the date of application for payment of medical benefits.] **(Deleted by**~~  
39 **amendment.)**

40 **Sec. 4.** The provisions of NRS 354.599 do not apply to any additional  
41 expenses of a local government that are related to the provisions of this act.

42 **Sec. 5.** 1. This section becomes effective upon passage and approval.

43 2. Sections 1 to 4, inclusive, of this act become effective:

44 (a) Upon passage and approval for the purpose of adopting any regulations and  
45 performing any other preparatory administrative tasks that are necessary to carry  
46 out the provisions of this act; and

47 (b) On January 1, 2024, for all other purposes.