

6 ~~NRS 201.204~~ Intentional Transmission of Human Immunodeficiency Virus: Definitions.

- 7 1. ~~“Conduct that poses a substantial risk of transmitting HIV” means conduct that has a high probability~~
8 ~~of transmitting HIV as proven by current, competent medical or epidemiological evidence.~~
9 2. ~~“Practical means to prevent transmission” means the use of any method, device, behavior, or activity~~
10 ~~that is scientifically proven to measurably limit, reduce, or eliminate the risk of -transmission of~~
11 ~~HIV.~~

Commented [MS1]: This is a placeholder/proposed numeration.

12
13 ~~NRS 201.205~~ Intentional Transmission of Human Immunodeficiency Virus: Penalty; affirmative defense.

14 1. A person who, after testing positive in a test approved by the State Board of Health for exposure to the human
15 immunodeficiency virus (HIV) and receiving actual notice of that fact, intentionally, ~~knowingly or willfully~~ transmits
16 the disease to another person is guilty of a ~~category B felony misdemeanor~~ and shall be punished by imprisonment in
17 the ~~state prison county jail~~ for a ~~minimum maximum~~ term of ~~not less than 2 years and a maximum term of not more~~
18 ~~than 10 years 6 months~~, or by a fine of not more than \$10,000, or by both fine and imprisonment. ~~A person intentionally~~
19 ~~transmits HIV to another if:~~

- 20 (a) ~~The person acts with the specific intent to do harm;~~
21 (b) ~~The person engages in conduct that poses a substantial risk of transmitting HIV;~~
22 (c) ~~The person actually transmits HIV to another.~~
23 2. It is an affirmative defense to an offense charged pursuant to subsection 1:
24 (a) ~~That the person who was subject to exposure to the human immunodeficiency virus as a result of the~~
25 ~~prohibited conduct:~~
26 (1) ~~—(a)—Knew the defendant was infected with the human immunodeficiency virus;~~
27 (2) ~~—(b)—Knew the conduct could result in exposure to the human immunodeficiency virus; and~~
28 (3) ~~—(e)—Consented to engage in the conduct with that knowledge; or~~
29 (b) ~~That the person charged with an offense pursuant to subsection 1 used or attempted to use practical~~
30 ~~means to prevent transmission.~~
31 3. ~~This section does not affect a person’s right to bring any defense available under the common law of this~~
32 ~~state.~~
33 4. ~~In determining whether a person acted intentionally pursuant to subsection 1, the failure to use or attempt to~~
34 ~~use practical means to prevent transmission is not sufficient to prove that the person acted intentionally.~~
35 5. ~~This section does not apply to the following:~~
36 (a) ~~A person who has tested positive in a test for exposure to HIV and donates or attempts to donate organs,~~
37 ~~blood, sperm, or tissue;~~
38 (b) ~~A person who has tested positive in a test for exposure to HIV and becomes pregnant;~~
39 (c) ~~A person who tests positive in a test for exposure to HIV while pregnant; or~~
40 (d) ~~A person who declines treatment for HIV while pregnant or giving birth.~~
41 (Added to NRS by 1993, 1943; A 1995, 1199)

42 ~~NRS 201.356~~ Test for exposure to human immunodeficiency virus required; payment of costs;
43 notification of results of test.

44 — 1. ~~Any person who is arrested for a violation of NRS 201.354 must submit to a test, approved by regulation of~~
45 ~~the State Board of Health, to detect exposure to the human immunodeficiency virus. The State Board of Health shall~~
46 ~~not approve a test for use that does not provide the arresting law enforcement agency with the results of the test within~~
47 ~~30 days after a person submits to the test. If the person is convicted of a violation of NRS 201.354, the person shall~~
48 ~~pay the sum of \$100 for the cost of the test.~~

49 — 2. ~~The person performing the test shall immediately transmit the results of the test to the arresting law~~
50 ~~enforcement agency. If the results of the test are negative, the agency shall inform the court of that fact. If the results~~
51 ~~of the test are positive, the agency shall upon receipt:~~

- 52 — (a) ~~Mail the results by certified mail, return receipt requested, to the person arrested at his or her last known~~
53 ~~address and place the returned receipt in the agency’s file; or~~
54 — (b) ~~If the person arrested is in the custody of the agency, personally deliver the results to him or her and place an~~
55 ~~affidavit of service in the agency’s file.~~

Commented [MS2]: Suggest repeal

1 ~~↪~~ If before receiving the results pursuant to this subsection, the person arrested requests the agency to inform him or
2 her of the results and the agency has received those results, the agency shall deliver the results to the person arrested,
3 whether positive or negative, and place an affidavit of service in the agency's file.

4 ~~—3.—~~ The court shall, when the person arrested is arraigned, order the person to reappear before the court 45 days
5 after the arraignment to determine whether the person has received the results of the test. The court shall inform the
6 person that the failure to appear at the appointed time will result in the issuance of a bench warrant, unless the order
7 is rescinded pursuant to this subsection. If the court is informed by the agency that the results of the person's test were
8 negative, the court clerk shall rescind the order for reappearance and so notify the person. If, upon receiving notice
9 from the agency that the results of the test were positive, the person notifies the court clerk in writing that he or she
10 has received the results, the clerk shall inform the court and rescind the order for reappearance for that determination.

11 ~~—4.—~~ The court shall, upon the person's reappearance ordered pursuant to subsection 3, ask the person whether he
12 or she has received the results of the test. If the person answers that he or she has received them, the court shall note
13 the person's answer in the court records. If the person answers that he or she has not received them, the court shall
14 have the results delivered to the person and direct that an affidavit of service be placed in the agency's file.

15 ~~—5.—~~ If the person does not reappear as ordered and has not notified the court clerk of his or her receipt of the results
16 of the test in the manner set forth in subsection 3, the court shall cause a bench warrant to be issued and that person
17 arrested and brought before the court as upon contempt. The court shall also proceed in the manner set forth in
18 subsection 4 to ensure that the person receives the results of the test.

19 ~~—(Added to NRS by 1987, 2027; A 1989, 924)~~

20 ~~**NRS 201.358 Engaging in prostitution or solicitation for prostitution after testing positive for exposure**~~
21 ~~**to human immunodeficiency virus: Penalty; definition.**~~

22 ~~—1.—~~ A person who:

23 ~~—(a) Violates NRS 201.354; or~~

24 ~~—(b) Works as a prostitute in a licensed house of prostitution;~~

25 ~~↪~~ after testing positive in a test approved by the State Board of Health for exposure to the human immunodeficiency
26 virus and receiving notice of that fact is guilty of a category B felony and shall be punished by imprisonment in the
27 state prison for a minimum term of not less than 2 years and a maximum term of not more than 10 years, or by a fine
28 of not more than \$10,000, or by both fine and imprisonment.

29 ~~—2.—~~ As used in this section, "notice" means:

30 ~~—(a) Actual notice; or~~

31 ~~—(b) Notice received pursuant to NRS 201.356.~~

32 ~~—(Added to NRS by 1987, 2027; A 1989, 589, 925; 1995, 1203)~~

33 ~~**NRS 209.385 Testing offenders for exposure to human immunodeficiency virus; disclosure of name of**~~
34 ~~**offender whose tests are positive; segregation of offender; duties of Director.**~~

35 ~~—1.—~~ Each offender committed to the custody of the Department for imprisonment shall submit to such initial tests
36 as the Director determines appropriate to detect exposure to the human immunodeficiency virus. Each such test must
37 be approved by regulation of the State Board of Health. At the time the offender is committed to custody and after an
38 incident involving the offender:

39 ~~—(a) The appropriate approved tests must be administered; and~~

40 ~~—(b) The offender must receive counseling regarding the virus.~~

41 ~~—2.—~~ If the results of an initial test are positive, the offender shall submit to such supplemental tests as the Medical
42 Director determines appropriate. Each such test must be approved for the purpose by regulation of the State Board of
43 Health.

44 ~~—3.—~~ If the results of a supplemental test are positive, the name of the offender may be disclosed to:

45 ~~—(a) The Director;~~

46 ~~—(b) The administrative officers of the Department who are responsible for the classification and medical treatment~~
47 ~~of offenders;~~

48 ~~—(c) The manager or warden of the facility or institution at which the offender is confined; and~~

49 ~~—(d) Any other employee of the Department whose normal duties involve the employee with the offender or require~~
50 ~~the employee to come into contact with the blood or bodily fluids of the offender.~~

51 ~~—4.—~~ The offender must be segregated from every other offender whose test results are negative if:

52 ~~—(a) The results of a supplemental test are positive; and~~

53 ~~—(b) The offender engages in behavior that increases the risk of transmitting the virus as determined by regulation~~
54 ~~of the Department.~~

Commented [MS3]: Suggest repeal

Commented [MS4]: Suggest repeal

Formatted: Strikethrough

Formatted: Strikethrough

Formatted: Strikethrough

Formatted: Strikethrough

Formatted: Strikethrough

Formatted: Strikethrough

Formatted: Strikethrough

1 — 5. The Director, with the approval of the Board:
2 — (a) ~~Shall establish for inmates and employees of the Department an educational program regarding the virus whose~~
3 ~~curriculum is provided by the Division of Public and Behavioral Health of the Department of Health and Human~~
4 ~~Services. A person who provides instruction for this program must be certified to do so by the Division.~~
5 — (b) ~~May adopt such regulations as are necessary to carry out the provisions of this section.~~
6 — 6. ~~As used in this section, "incident" means an occurrence, of a kind specified by regulation of the State Board~~
7 ~~of Health or the Department, that entails a significant risk of exposure to the human immunodeficiency virus.~~
8 (Added to NRS by [1989, 385](#); A [1993, 6, 516, 517](#); [1997, 906](#); [2013, 1168](#); [2017, 357](#))

Formatted: Strikethrough

Formatted: Strikethrough

Formatted: Strikethrough

Formatted: Strikethrough

9 **NRS 441A.160 Investigation: Powers of health authority to conduct investigation of communicable disease;**
10 **order to require person to submit to examination; order of isolation, quarantine or treatment.**

11 1. A health authority who knows, suspects or is informed of the existence within the jurisdiction of the health
12 authority of any communicable disease shall immediately investigate the matter and all circumstances connected with
13 it, and shall take such measures for the prevention, suppression and control of the disease as are required by the
14 regulations of the Board or a local board of health.

15 2. A health authority may:

16 (a) Enter private property at reasonable hours to investigate any case or suspected case of a communicable disease.

17 (b) Order any person whom the health authority reasonably suspects has a communicable disease in an infectious
18 state to submit to any medical examination or test which the health authority believes is necessary to verify the
19 presence of the disease. The order must be in writing and specify the name of the person to be examined and the time
20 and place of the examination and testing, and may include such terms and conditions as the health authority believes
21 are necessary to protect the public health.

22 (c) Except as otherwise provided in subsection 5 and [NRS 441A.210](#), issue an order requiring the isolation,
23 quarantine or treatment of any person or group of persons if the health authority believes that such action is necessary
24 to protect the public health. The order must be in writing and specify the person or group of persons to be isolated or
25 quarantined, the time during which the order is effective, the place of isolation or quarantine and other terms and
26 conditions which the health authority believes are necessary to protect the public health, except that no isolation or
27 quarantine may take place if the health authority determines that such action may endanger the life of a person who is
28 isolated or quarantined.

29 3. Each order issued pursuant to this section must be served upon each person named in the order by delivering
30 a copy to him or her.

31 4. If a health authority issues an order to isolate or quarantine a person with a communicable or infectious disease
32 in a medical facility, the health authority must isolate or quarantine the person in the manner set forth in [NRS](#)
33 [441A.510](#) to [441A.720](#), inclusive.

34 5. Except as otherwise provided in [NRS 441A.310](#) and [441A.380](#), a health authority may not issue an order
35 requiring the involuntary treatment of a person without a court order requiring the person to submit to treatment.

36 (Added to NRS by [1989, 295](#); A [2003, 2206](#); [2011, 2507](#))

37 **NRS 441A.180 Contagious person to prevent exposure to others; warning by health authority; penalty.**

38 1. A person who has a serious, airborne communicable disease in an infectious state shall not conduct himself
39 or herself in any manner, or engage in any occupation, that has a significant likelihood of transmitting the disease to
40 others, as proven by current, competent medical or epidemiological evidence.

41 2. A health authority who has reason to believe that a person is in violation of subsection 1 shall issue a warning
42 to that person, in writing, informing the person of the behavior which constitutes the violation and of the precautions
43 that the person must take to avoid exposing others to the disease. The warning must be served upon the person by
44 delivering a copy to him or her. This section shall not apply to infectious diseases that are not airborne or not otherwise
45 transmitted through casual contact.

46 3. A person who violates the provisions of subsection 1 after service upon him or her of a warning from a health
47 authority is guilty of a misdemeanor.

48 (Added to NRS by [1989, 296](#))

49 **NRS 441A.195 Testing of person or decedent who may have exposed law enforcement officer, correctional**
50 **officer, emergency medical attendant, firefighter, county coroner or medical examiner, person employed by or**
51 **volunteering for agency of criminal justice or certain other public employees or volunteers to communicable**
52 **disease.**

1 1. Except as otherwise provided in [NRS 259.047](#), a law enforcement officer, correctional officer, emergency
2 medical attendant, firefighter, county coroner or medical examiner or any of their employees or volunteers, any other
3 person who is employed by or is a volunteer for an agency of criminal justice or any other public employee or volunteer
4 for a public agency who, in the course of his or her official duties, comes into contact with human blood or bodily
5 fluids, or the employer of such a person or the public agency for which the person volunteers, may petition a court for
6 an order requiring the testing of a person or decedent for exposure to a communicable disease if the person or decedent
7 ~~may have~~ exposed the officer, emergency medical attendant, firefighter, county coroner or medical examiner or their
8 employee or volunteer, other person employed by or volunteering for an agency of criminal justice or other public
9 employee or volunteer for a public agency to a communicable disease, and testing of the source person is necessary
10 to determine appropriate treatment for the exposed employee or volunteer.

11 2. When possible, before filing a petition pursuant to subsection 1, the person, employer or public agency for
12 which the person volunteers, and who is petitioning shall submit information concerning the ~~possible~~ confirmed
13 exposure to a communicable disease to the designated health care officer for the employer or public agency or, if there
14 is no designated health care officer, the person designated by the employer or public agency to document and verify
15 possible exposure to communicable diseases, for verification that there was substantial exposure. Each designated
16 health care officer or person designated by an employer or public agency to document and verify ~~possible~~ exposure to
17 communicable diseases shall establish guidelines based on current scientific information to determine substantial
18 exposure.

19 3. A court shall promptly hear a petition filed pursuant to subsection 1 and determine whether there is probable
20 cause to believe that a ~~possible~~ transfer of blood or other bodily fluids occurred between the person who filed the
21 petition or on whose behalf the petition was filed and the person or decedent who possibly exposed him or her to a
22 communicable disease. The court shall also determine whether there is probable cause to believe that there was
23 significant likelihood of any communicable disease being transmitted, based on current medical or epidemiological
24 evidence. If the court determines that probable cause exists to believe that a possible transfer of blood or other bodily
25 fluids occurred and, that a positive result from the test for the presence of a communicable disease would require the
26 petitioner to seek medical intervention, the court shall:

27 (a) Order the person who possibly exposed the petitioner, or the person on whose behalf the petition was filed, to
28 a communicable disease to submit two appropriate specimens to a local hospital or medical laboratory for testing for
29 exposure to a communicable disease; or

30 (b) Order that two appropriate specimens be taken from the decedent who possibly exposed the petitioner, or the
31 person on whose behalf the petition was filed, to a communicable disease and be submitted to a local hospital or
32 medical laboratory for testing for exposure to the communicable disease.

33 ~~↪~~ The local hospital or medical laboratory shall perform the test in accordance with generally accepted medical
34 practices and shall disclose the results of the test in the manner set forth in [NRS 629.069](#).

35 4. If a judge or a justice of the peace enters an order pursuant to this section, the judge or justice of the peace
36 may authorize the designated health care officer or the person designated by the employer or public agency to
37 document and verify possible exposure to a communicable disease to sign the name of the judge or justice of the peace
38 on a duplicate order. Such a duplicate order shall be deemed to be an order of the court. As soon as practicable after
39 the duplicate order is signed, the duplicate order must be returned to the judge or justice of the peace who authorized
40 the signing of it and must indicate on its face the judge or justice of the peace to whom it is to be returned. The judge
41 or justice of the peace, upon receiving the returned order, shall endorse the order with his or her name and enter the
42 date on which the order was returned. Any failure of the judge or justice of the peace to make such an endorsement
43 and entry does not in and of itself invalidate the order.

44 5. Except as otherwise provided in [NRS 629.069](#), all records submitted to the court in connection with a petition
45 filed pursuant to this section and any proceedings concerning the petition are confidential and the judge or justice of
46 the peace shall order the records and any record of the proceedings to be sealed and to be opened for inspection only
47 upon an order of the court for good cause shown.

48 6. A court may establish rules to allow a judge or justice of the peace to conduct a hearing or issue an order
49 pursuant to this section by electronic or telephonic means.

50 7. The employer of a person or the public agency for which the person volunteers, who files a petition or on
51 whose behalf a petition is filed pursuant to this section or the insurer of the employer or public agency, shall pay the
52 cost of performing the test pursuant to subsection 3.

53 8. As used in this section:

54 (a) "Agency of criminal justice" has the meaning ascribed to it in [NRS 179A.030](#).

55 (b) "Emergency medical attendant" means a person licensed as an attendant or certified as an emergency medical
56 technician, advanced emergency medical technician or paramedic pursuant to [chapter 450B](#) of NRS.

Formatted: Strikethrough

1 (Added to NRS by [1999, 1122](#); A [2005, 328](#); [2007, 88](#); [2013, 595, 936](#); [2019, 4167](#))

2 **NRS 441A.230 Disclosure of personal information prohibited without consent.** Except as otherwise provided
3 in this chapter and [NRS 439.538](#), a person shall not make public the name of, or other personal identifying information
4 about, a person infected with a communicable disease who has been investigated by the health authority pursuant to
5 this chapter without the consent of the person.

6 (Added to NRS by [1989, 300](#); A [2007, 1978](#))

7 ~~**NRS 441A.300 Confinement of person whose conduct may spread acquired immunodeficiency syndrome.**~~
8 ~~A person who is diagnosed as having acquired immunodeficiency syndrome who fails to comply with a written order~~
9 ~~of a health authority, or who engages in behavior through which the disease may be spread to others, is, in addition to~~
10 ~~any other penalty imposed pursuant to this chapter, subject to confinement by order of a court of competent~~
11 ~~jurisdiction.~~

12 ~~(Added to NRS by [1989, 297](#))~~

Commented [MS5]: Suggest repeal

Formatted: Strikethrough

Formatted: Strikethrough

Formatted: Strikethrough

Formatted: Strikethrough

13 **NRS 441A.320 Testing of person alleged to have committed sexual offense; disclosure of results of test;**
14 **assistance to victim; payment of expenses; regulations.**

15 1. If the alleged victim or a witness to a crime alleges that the crime involved the sexual penetration of the
16 victim's body, the health authority shall perform the tests set forth in subsection 2 as soon as practicable after the
17 arrest of the person alleged to have committed the crime, but not later than 72 hours after the person is charged with
18 the crime by indictment or information, unless the person alleged to have committed the crime is a child who will be
19 adjudicated in juvenile court and then not later than 72 hours after the petition is filed with the juvenile court alleging
20 that the child is delinquent for committing such an act.

21 2. If the health authority is required to perform tests pursuant to subsection 1, it must test a specimen obtained
22 from the arrested person for exposure to the ~~human immunodeficiency virus~~ and any commonly contracted sexually
23 transmitted disease, regardless of whether the person or, if the person is a child, the parent or guardian of the child
24 consents to providing the specimen. The agency that has custody of the arrested person shall obtain the specimen and
25 submit it to the health authority for testing. The health authority shall perform the test in accordance with generally
26 accepted medical practices.

27 3. In addition to the test performed pursuant to subsection 2, the health authority shall perform such follow-up
28 tests for the human immunodeficiency virus as may be deemed medically appropriate.

29 4. As soon as practicable, the health authority shall disclose the results of all tests performed pursuant to
30 subsection 2 or 3 to:

- 31 (a) The victim or to the victim's parent or guardian if the victim is a child; and
32 (b) The arrested person and, if the person is a child, to the parent or guardian of the child.

33 5. If the health authority determines, from the results of a test performed pursuant to subsection 2 or 3, that a
34 victim of sexual assault may have been exposed to the human immunodeficiency virus or any commonly contracted
35 sexually transmitted disease, it shall, at the request of the victim, provide him or her with:

- 36 (a) An examination for exposure to the human immunodeficiency virus and any commonly contracted sexually
37 transmitted disease to which the health authority determines the victim may have been exposed;
38 (b) Counseling regarding the human immunodeficiency virus and any commonly contracted sexually transmitted
39 disease to which the health authority determines the victim may have been exposed; and
40 (c) A referral for health care and other assistance,

41 as appropriate.

42 6. If the court in:

- 43 (a) A criminal proceeding determines that a person has committed a crime; or
44 (b) A proceeding conducted pursuant to title 5 of NRS determines that a child has committed an act which, if
45 committed by an adult, would have constituted a crime,

46 involving the sexual penetration of a victim's body, the court shall, upon application by the health authority, order
47 that child or other person to pay any expenses incurred in carrying out this section with regard to that child or other
48 person and that victim.

49 7. The Board shall adopt regulations identifying, for the purposes of this section, sexually transmitted diseases
50 which are commonly contracted.

51 8. As used in this section:

- 52 (a) "Sexual assault" means a violation of [NRS 200.366](#).
53 (b) "Sexual penetration" has the meaning ascribed to it in [NRS 200.364](#).

Formatted: Strikethrough

Formatted: Strikethrough

1 (Added to NRS by [1989, 297](#); A [1993, 1208](#); [2003, 1150](#); [2007, 1278](#); [2019, 1915](#))

2 **NRS 441A.910 Criminal penalty for violation of chapter.** Except as otherwise provided, every person who
3 violates any provision of this chapter is guilty of a misdemeanor.

4 (Added to NRS by [1989, 300](#))

DRAFT