

/* NEVADA statutes address testing for prostitutes and inmates; student education; and communicable disease control. */

41.1397. Liability of owner or operator of house of prostitution for employment of prostitute tested positive for exposure to human immunodeficiency virus.

An owner of a house of prostitution, the person who operates the house or his agent who employs or continues to employ a prostitute after he knows or should know that the prostitute has tested positive in a test approved by regulation of the state board of health for exposure to the human immunodeficiency virus, is liable for any damages caused to a person exposed to the virus as a result of the employment.

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

1. Any person who is arrested for a violation of NRS 201.354 must submit to a test, approved by regulation of the state board of health, to detect exposure to the human immunodeficiency virus. The state board of health shall not approve a test for use that does not provide the arresting law enforcement agency with the results of the test within 30 days after a person submits to the test. If the person is convicted of a violation of NRS 201.354, he shall pay the sum of \$100 for the cost of the test.

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

(a) Mail the results by certified mail, return receipt requested, to the person arrested at his last known address and place the return receipt in the agency's file; or

(b) If the person arrested is in the custody of the agency, personally deliver the results to him and place an affidavit of service in the agency's file.

If before receiving the results pursuant to this subsection, the

person arrested requests the agency to inform him of the results and the agency has received those results, the agency shall deliver the results to him, whether positive or negative, and place an affidavit of service in the agency's file.

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

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

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

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

1. Any person who:

(a) Violates NRS 201.354; or

(b) Works as a prostitute in a licensed house of prostitution, after testing positive in a test approved by the state board of

health for exposure to the human immunodeficiency virus and receiving notice of that fact is guilty of a felony and shall be punished by imprisonment in the state prison for not less than 1 year nor more than 20 years, or by fine of not more than \$10,000, or by both fine and imprisonment.

2. As used in this section, notice means:

(a) Actual notice; or

(b) Notice received pursuant to NRS 201.356.

(a) The legislature, by concurrent resolution, when the legislature is in regular or special session; or

(b) The interim finance committee, when the legislature is not in regular or special session.

2. A contract concerning the sale or donation by offenders of blood or blood plasma entered into or renegotiated by the director must:

(a) Have a definite term; and

(b) Be subject to an absolute right on the part of the director to suspend or terminate operations and obligations or renegotiate the terms of the contract.

The director must consider the expenses of administration and the profits to be derived by the state before entering into or renegotiating a contract pursuant to this subsection.

3. All revenue from a program for the sale by offenders of blood or blood plasma in excess of the cost of the program must be placed in the fund for destitute prisoners which is hereby created. The interest and income earned on money in the fund, after deducting any applicable charges, must be credited to the fund. Money in the fund may only be withdrawn by:

(a) The director to pay monthly stipends to destitute offenders;

(b) The legislature, by concurrent resolution, when the legislature is in regular or special session; and

(c) The interim finance committee, when the legislature is not in regular or special session.

209.385. Testing offenders for exposure to human immunodeficiency virus; disclosure of name of offender whose tests are positive; segregation of offender; duties of director.

1. Each offender committed to the custody of the department for evaluation or imprisonment shall submit to an initial test, approved by regulation of the state board of health, to detect exposure to the human immunodeficiency virus. At the time the offender is committed to custody and after any incident involving the offender:

- (a) The test must be administered; and
- (b) The offender must receive counseling regarding the virus.

2. If the results of any initial test are positive, the offender shall submit to a supplemental test approved for the purpose by regulation of the state board of health.

3. If the results of any supplemental test are positive, the name of the offender must be disclosed to:

- (a) The director;
- (b) The administrative officers of the department who are responsible for the classification and medical treatment of offenders;
- (c) The manager or warden of the facility or institution at which the offender is confined; and
- (d) Each other employee of the department whose normal duties involve him with the offender or require him to come into contact with the blood or bodily fluids of the offender.

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

- (a) The results of any supplemental test are positive; and
- (b) The offender engages in behavior that increases the risk of transmitting the virus, such as battery, the infamous crime against nature, sexual intercourse in its ordinary meaning or illegal intravenous injection of a controlled substance or a dangerous drug as defined in chapter 454 of NRS.

5. The director, with the approval of the board:

- (a) Shall establish for inmates and employees of the department

an educational program regarding the virus whose curriculum is provided by the health division of the department of human resources. Any person who provides instruction for this program must be certified to do so by the health division.

(b) May adopt such regulations as are necessary to carry out the provisions of this section.

6. As used in this section, "incident" means any occurrence, of a kind specified by regulation of the state board of health, that entails a significant risk of exposure to the human immunodeficiency virus.

389.065. Instruction on acquired immune deficiency syndrome, human reproductive system, related communicable diseases and sexual responsibility.

1. The board of trustees of a school district shall establish a course or unit of a course of:

(a) Factual instruction concerning acquired immune deficiency syndrome; and

(b) Instruction on the human reproductive system, related communicable diseases and sexual responsibility.

2. Each board of trustees shall appoint an advisory committee consisting of:

(a) Five parents of children who attend schools in the district; and

(b) Four representatives, one from each of four of the following professions or occupations:

(1) Medicine or nursing;

(2) Counseling;

(3) Religion;

(4) Pupils who attend school in the district; or

(5) Teaching.

This committee shall advise the district concerning the content of and materials to be used in a course of instruction

established pursuant to this section, and the recommended ages of the pupils to whom the course is offered. The final decision on these matters must be that of the board of trustees.

3. The subjects of the courses may be taught only by a teacher or school nurse whose qualifications have been previously approved by the board of trustees.

4. The parent or guardian of each pupil to whom a course is offered must first be furnished written notice that the course will be offered. The notice must be given in the usual manner used by the local district to transmit written material to parents, and must contain a form for the signature of the parent or guardian of the pupil consenting to his attendance. Upon receipt of the written consent of the parent or guardian, the pupil may attend the course. If the written consent of the parent or guardian is not received, he must be excused from such attendance without any penalty as to credits or academic standing. Any course offered pursuant to this section is not a requirement for graduation.

5. All instructional materials to be used in a course must be available for inspection by parents or guardians of pupils at reasonable times and locations before the course is taught, and appropriate written notice of the availability of the material must be furnished to all parents and guardians.

441A Communicable diseases

441A.010. Definitions.

As used in this chapter, unless the context otherwise requires the words and terms defined in NRS 441A.020 to 441A.110, inclusive, have the meanings ascribed to them in those sections.

441A.020. "Board" defined.

"Board" means the state board of health.

441A.030. "Child care facility" defined.

"Child care facility" has the meaning ascribed to it in NRS 432A.024.

441A.040. "Communicable disease" defined.

"Communicable disease" means a disease which is caused by a specific infectious agent or its toxic products, and which can be transmitted, either directly or indirectly, from a reservoir of infectious agents to - a susceptible host organism.

441A.050. "Health authority" defined.

"Health authority" means the district health officer in a district, or his designee, or, if none, the state health officer, or his designee.

441A.060. "Health division" defined.

"Health division" means the health division of the department of human resources.

441A.070. "Laboratory director" defined.

"Laboratory director" has the meaning ascribed to it in NRS 652.050.

44 1A.080. "Medical facility" defined.

"Medical facility" has the meaning ascribed to it in NRS 449.0151.

441A.090. "Medical laboratory" defined.

"Medical laboratory" has the meaning ascribed to it in NRS 652.060.

441A.100. "Physician" defined.

"Physician" is limited to a person licensed to practice medicine

pursuant to chapter 630 or 633 of NRS.

441A.110. "Provider of health care" defined.

"Provider of health care" means a physician, nurse, physician's assistant or veterinarian licensed in accordance with state law.

441A.120. Regulations of state board of health.

The board shall adopt regulations governing the control of communicable diseases in this state, including regulations specifically relating to the control of such diseases in educational, medical and correctional institutions. The regulations must specify:

1. The diseases which are known to be communicable.
2. The communicable diseases which are known to be sexually transmitted.
3. The procedures for investigating and reporting cases or suspected cases of communicable diseases, including the time within which these actions must be taken.
4. For each communicable disease, the procedures for testing, treating, isolating and quarantining a person who has or is suspected of having the disease.

441A.130. State health officer to inform local health officers of regulations and procedures.

The state health officer shall inform each local health officer of the regulations adopted by the board and the procedures established for investigating and reporting cases or suspected cases of communicable diseases.

441A.140. Authority of health division to receive and use financial aid.

The health division may receive any financial aid made available by any grant or other source and shall use the aid, in

cooperation with the health authority, to carry out the provisions of this chapter.

441A.150. Reporting occurrences of communicable diseases to health authority.

1. A provider of health care who knows of, or provides services to, a person who has or is suspected of having a communicable disease shall report that fact to the health authority in the manner prescribed by the regulations of the board. If no provider of health care is providing services, each person having knowledge that another person has a communicable disease shall report that fact to the health authority in the manner prescribed by the regulations of the board.

2. A medical facility in which more than one provider of health care may know of, or provide services to, a person who has or is suspected of having a communicable disease shall establish administrative procedures to ensure that the health authority is notified.

3. A laboratory director shall, in the manner prescribed by the board, notify the health authority of the identification by his medical laboratory of the presence of any communicable disease in the jurisdiction of that health authority. The health authority shall not presume a diagnosis of a communicable disease on the basis of the notification received from the laboratory director.

4. If more than one medical laboratory is involved in testing a specimen, the laboratory that is responsible for reporting the results of the testing directly to the provider of health care for the patient shall also be responsible for reporting to the health authority.

441A.160. Powers and duties of health authority.

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

2. A health authority may:

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

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

(c) Except as otherwise provided in NRS 441A.210, issue an order requiring the isolation, quarantine or treatment of any person if he believes that such action is necessary to protect the public health. The order must be in writing and specify the person to be isolated, the time during which the order is effective, the place of isolation or quarantine and other terms and conditions which the health authority believes are necessary to protect the public health, except that no isolation or quarantine may take place if the health authority determines that such action may endanger the life of the person.

(d) Each order issued pursuant to this section must be served upon each person named in the order by delivering a copy to him.

441A.170. Weekly reports to state health officer.

Each health authority shall report each week to the state health officer the number and types of cases or suspected cases of communicable disease reported to him, and any other information required by the regulations of the board.

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

1. A person who has a communicable disease in an infectious state shall not conduct himself in any manner likely to expose others to the disease or engage in any occupation in which it is likely that the disease will be transmitted to others.

2. A health authority who has reason to believe that a person is

in violation of subsection 1 shall issue a warning to him, in writing, informing him of the behavior which constitutes the violation and of the precautions that he must take to avoid exposing others to the disease. The warning must be served upon the person by delivering a copy to him.

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

441A.190. Control of disease within schools, child care facilities, medical facilities and correctional facilities.

1. Except as otherwise provided in this subsection, a health authority who knows of the presence of a communicable disease within a school, child care facility, medical facility or correctional facility shall notify the principal, director or other person in charge of the school, child care facility, medical facility or correctional facility of that fact and direct what action, if any, must be taken to prevent the spread of the disease. A health authority who knows of the presence of the human immunodeficiency virus within a school shall notify the superintendent of the school district of that fact and direct what action, if any, must be taken to prevent the spread of the virus.

2. Except as otherwise provided in this subsection, the principal, director or other person in charge of a school, child care facility, medical facility or correctional facility who knows of or suspects the presence of a communicable disease within the school, child care facility, medical facility or correctional facility, shall notify the health authority pursuant to the regulations of the board. If a principal of a school knows of the presence of the human immunodeficiency virus within the school, he shall notify the superintendent of the school district of that fact. A superintendent of a school district who is notified of or knows of the presence of the human immunodeficiency virus within a school in the school district shall notify the health authority of that fact. The health authority shall investigate a report received pursuant to this subsection to determine whether a communicable disease or the human immunodeficiency virus is present and direct what action, if any, must be taken to prevent the spread of the disease or virus.

3. A parent, guardian or person having custody of a child who

has a communicable disease shall not knowingly permit the child to attend school or a child care facility if the board, by regulation, has determined that the disease requires exclusion from school or a child care facility.

441A.200. Right to receive treatment from physician or clinic of choice; board may prescribe method of treatment

This chapter does not empower or authorize the health authority or any other person to interfere in any manner with the right of a person to receive approved treatment for a communicable disease from any physician, clinic or other person of his choice, but the board has the power to prescribe the approved method of treatment to be used by the physician, clinic or other person.

441A.210. Rights and duties of person who depends exclusively on prayer for healing.

A person who has a communicable disease and depends exclusively on prayer for healing in accordance with the tenets and precepts of any recognized religious sect, denomination or organization is not required to submit to any medical treatment required by the provisions of this chapter, but may be isolated or quarantined in his home or other place of his choice acceptable to the health authority, and shall comply with all applicable rules, regulations and orders issued by the health authority.

441A.220. Confidentiality of information; permissible disclosure.

All information of a personal nature about any person provided by any other person reporting a case or suspected case of a communicable disease, or by any person who has a communicable disease, or as determined by investigation of the health authority, is confidential medical information and must not be disclosed to any person under any circumstances, including pursuant to any subpoena, search warrant or discovery proceeding, except as follows:

1. For statistical purposes, provided that the identity of the person is not discernible from the information disclosed.
2. In a prosecution for a violation of this chapter.

3. In a proceeding for an injunction brought pursuant to this chapter.

4. In reporting the actual or suspected abuse or neglect of a child or elderly person.

5. To any person who has a medical need to know the information for his own protection or for the well-being of a patient or dependent person, as determined by the health authority in accordance with regulations of the board.

6. If the person who is the subject of the information consents in writing to the disclosure.

7. Pursuant to subsection 2 of NRS 441A.320.

8. If the disclosure is made to the welfare division of the department of human resources and the person about whom the disclosure is made has been diagnosed as having acquired immunodeficiency syndrome or an illness related to the human immunodeficiency virus and is a recipient of or an applicant for assistance to the medically indigent.

9. To a fireman, police officer or person providing emergency medical services if the board has determined that the information relates to a communicable disease significantly related to that occupation. The information must be disclosed in the manner prescribed by the board.

10. If the disclosure is authorized or required by specific statute.

441A.230. Disclosure of personal information prohibited without consent.

Except as otherwise provided in this chapter, a person shall not make public the name of, or other personal identifying information about, a person infected with a communicable disease who has been investigated by the health authority pursuant to this chapter, without the consent of the person.

SEXUALLY TRANSMITTED DISEASES

441A.240. Duties of health division.

1. The health division shall control, prevent, treat and, whenever possible, ensure the cure of sexually transmitted diseases.

2. The health division shall provide the materials and curriculum necessary to conduct the educational program provided for in NRS 209.385 and establish a program for the certification of persons qualified to provide instruction for the program.

441A.250. Establishment and support of clinics and dispensaries.

The health division may establish and provide financial or other support to such clinics and dispensaries as it believes are reasonably necessary for the prevention, control, treatment or cure of sexually transmitted diseases.

441A.260. Provision of medical supplies and financial aid for treatment of indigent patients.

If a person in this state who has a sexually transmitted disease is, in the discretion of the health division, unable to afford approved treatment for the disease, the health division may provide medical supplies or direct financial aid to any physician, clinic or dispensary in this state, within the limits of the available appropriations and any other resources, to be used in his treatment. A physician, clinic or dispensary that accepts supplies or aid pursuant to this section shall comply with all conditions prescribed by the board relating to the use of the supplies or aid.

441A.270. Instruction of patients on prevention and treatment of disease.

A physician, clinic or dispensary providing treatment to a person who has a sexually transmitted disease shall instruct him in the methods of preventing the spread of the disease and in the necessity of systematic and prolonged treatment.

441A.280. Procedure to ensure that infected person receives adequate treatment.

A physician who, or clinic or dispensary which, determines that a person has a sexually transmitted disease shall encourage and, if necessary, attempt to persuade him to submit to medical treatment. Except as otherwise provided in NRS 441A.210, if the person does not submit to treatment, or does not complete the prescribed course of treatment, the physician, clinic or dispensary shall notify the health authority who shall take action to ensure that the person receives adequate treatment for the disease.

441A.290. Infected person to report source of infection.

A person who has a sexually transmitted disease shall, upon request, inform the health authority of the source or possible source of the infection.

441A.300. Confinement of person whose conduct may spread acquired immunodeficiency syndrome.

A person who is diagnosed as having acquired immunodeficiency syndrome who fails to comply with a written order of a health authority, or who engages in behavior through which the disease may be spread to others, is, in addition to any other penalty imposed pursuant to this chapter, subject to confinement by order of a court of competent jurisdiction.

441A.310. Examination and treatment of minor without consent.

Except as otherwise provided in NRS 441A.210, when any minor is suspected of having or is found to have a sexually transmitted disease, the health authority may require the minor to undergo examination and treatment, regardless of whether the minor or either of his parents consents to the examination and treatment.

441A.320. Testing, examination and treatment of person arrested for certain sexual offenses; disclosure of results of test to victim.

1. As soon as practicable after a person has been arrested for the commission of a crime which the victim or a witness alleges involved the sexual penetration of the victim's body, the health

authority shall test a specimen submitted from the arrested person for exposure to the human immunodeficiency virus and syphilis.

2. The health authority shall disclose the results of all tests performed pursuant to subsection 1 to the victim or to the victim's parent or guardian if the victim is a minor.

3. Except as otherwise provided in NRS 441A.210, if the health authority determines that an arrested person has been exposed to the human immunodeficiency virus or syphilis, it shall require the person to undergo examination and treatment, regardless of whether he consents to the examination and treatment.

4. As used in this section, the term "sexual penetration" has the meaning ascribed to it in NES 200.364.

441A.330. Provision of outpatient care to persons with acquired immune deficiency syndrome or human immunodeficiency virus related disease.

The health division may establish such dispensaries, pharmacies or clinics for outpatient care as it believes are necessary for the care and treatment of persons who have acquired immune deficiency syndrome or a human immunodeficiency virus related disease, and provide those institutions with financial or other assistance. Dispensaries, pharmacies or clinics which accept financial or other assistance pursuant to this section shall comply with all conditions prescribed by the board relating to the use of that assistance.

ENFORCEMENT

441A420. Injunction: Grounds; responsibility for prosecution; authority of court.

1. A person who refuses to:

(a) Comply with any regulation of the board relating to the control of a communicable disease;

(b) Comply with any provision of this chapter;

(c) Submit to approved treatment or examination required or authorized by this chapter;

(d) Provide any information required by this chapter; or

(e) Perform any duty imposed by this chapter, may be enjoined by a court of competent jurisdiction.

2. An action for an injunction pursuant to this section must be prosecuted by the attorney general, any district attorney or any private legal counsel retained by a local board of health in the name of and upon the complaint of the health authority.

3. The court in which an injunction is sought may make any order reasonably necessary to carry out the purpose or intent of any provision of this chapter or to compel compliance with any regulation of the board or order of the health authority relating to the control of a communicable disease.

441A.430. Criminal penalty for violation of chapter.

Except as otherwise provided, every person who violates any provision of this chapter is guilty of a misdemeanor.

441A.440. Criminal penalty and administrative fine for failure to comply with regulations or requirements of chapter.

Every provider of health care, medical facility or medical laboratory that willfully fails, neglects or refuses to comply with any regulation of the board relating to the reporting of a communicable disease or any requirement of this chapter is guilty of a misdemeanor and, in addition, may be subject to an administrative fine of \$1,000 for each violation, as determined by the board.

441A.450. District attorney to prosecute violators.

The district attorney of the county in which any violation of this chapter occurs shall prosecute the person responsible for the violation.