

# REGULATIONS - PROSTITUTION

## EXCERPTS FROM THE NEVADA ADMINISTRATIVE CODE CHAPTER 441A – COMMUNICABLE DISEASES

### **NAC 441A.777 “Sex worker” defined. (NRS441A.120)**

As used in NAC441A.777 to 441A.815, inclusive “sex worker” means a prostitute who is employed by or has a contract to work in a licensed home of prostitution.

### **NAC 441A.800 Testing of sex workers; prohibition of certain persons from employment as sex worker. (NRS 441A.120)**

1. A person seeking employment as a sex worker shall submit to the State Public Health Laboratory or a medical laboratory licensed pursuant to chapter 652 of NRS and certified by the Centers for Medicare and Medicaid Services of the United States Department of Health and Human Services:

(a) A sample of blood for a test to confirm the presence or absence of human immunodeficiency virus infection (HIV) and syphilis.

(b) If the person is female and has a uterine cervix, a cervical specimen for a test to confirm the presence or absence of gonorrhea and *Chlamydia trachomatis* by culture or antigen detection or nucleic acid testing.

(c) If the person is female and does not have a uterine cervix, a high vaginal specimen for a test to confirm the presence or absence of gonorrhea and *Chlamydia trachomatis* by culture or antigen detection or nucleic acid testing.

(d) If the person is male or transgendered, a urethral specimen for a test to confirm the presence or absence of gonorrhea and *Chlamydia trachomatis* by culture or antigen detection or nucleic acid testing.

(e) If the person is seeking employment in a licensed house of prostitution which does not have a written policy that explicitly prohibits engaging in any form of anal intercourse, a

rectal specimen for a test to confirm the presence or absence of gonorrhea and *Chlamydia trachomatis* by culture or antigen detection or nucleic acid testing.

2. A person must not be employed as a sex worker until the State Public Health Laboratory or a medical laboratory licensed pursuant to chapter 652 of NRS and certified by the Centers for Medicare and Medicaid Services of the United States Department of Health and Human Services has reported that the tests required pursuant to subsection 1 do not show the presence of infectious syphilis, gonorrhea, *Chlamydia trachomatis* or infection with the human immunodeficiency virus (HIV).

3. A person employed as a sex worker shall submit to the State Public Health Laboratory or a medical laboratory licensed pursuant to chapter 652 of NRS and certified by the Centers for Medicare and Medicaid Services of the United States Department of Health and Human Services:

(a) Once each month, a sample of blood for a test to confirm the presence or absence of:

- (1) Infection with the human immunodeficiency virus (HIV); and
- (2) Syphilis.

(b) Once each week if the sex worker is female and has a uterine cervix, a cervical specimen for a test to confirm the presence or absence of gonorrhea and *Chlamydia trachomatis* by culture or antigen detection or nucleic acid testing.

(c) Once each week if the sex worker is female and does not have a uterine cervix, a high vaginal specimen for a test to confirm the presence or absence of gonorrhea and *Chlamydia trachomatis* by culture or antigen detection or nucleic acid testing.

(d) Once each week if the sex worker is male or transgendered, a urethral specimen for a test to confirm the presence or absence of gonorrhea and *Chlamydia trachomatis* by culture or antigen detection or nucleic acid testing.

(e) Once each week if the sex worker is employed in a licensed house of prostitution

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which does not have a written policy that explicitly prohibits engaging in any form of anal intercourse, a rectal specimen for a test to confirm the presence or absence of gonorrhea and *Chlamydia trachomatis* by culture or antigen detection or nucleic acid testing.

4. If a test required pursuant to this section shows the presence of infectious syphilis, gonorrhea, *Chlamydia trachomatis* or infection with the human immunodeficiency virus (HIV), the person shall immediately cease and desist from employment as a sex worker.

5. Each sample and specimen required pursuant to this section must be collected under the supervision of a licensed health care professional and must be identified by, as applicable:

(a) The name of the sex worker from whom the sample or specimen was collected, as that name appears on the local work permit card of the sex worker; or

(b) The name of the person from whom the sample or specimen was collected, as that name appears on the application of the person for a local work permit card.

6. Each laboratory test required pursuant to this section must be approved by the Food and Drug Administration of the United States Department of Health and Human Services for the purpose for which it is administered or must have been validated by a laboratory certified by the Secretary of Health and Human Services pursuant to 42 U.S.C. § 263a.

*(Added to NAC by Bd. of Health, eff. 1-24-92; A by R089-10, 10-15-2010)*

## **NAC 441A.802 Screening and confirmatory test for human immunodeficiency virus by a medical laboratory: Requirements.** (NRS 441A.120)

Upon receiving a sample of blood pursuant to NRS 201.356, a medical laboratory licensed pursuant to chapter 652 of NRS shall perform a screening and confirmatory test for exposure to the human immunodeficiency virus. The

screening and confirmatory tests used by the medical laboratory must be approved by the Food and Drug Administration or the State Board of Health.

*(Added to NAC by Bd. of Health, eff. 10-22-93)*

## **NAC 441A.805 Use of latex or polyurethane prophylactic required.** (NRS 441A.120)

1. A person employed as a sex worker shall require each patron to wear and use a latex or polyurethane prophylactic while the patron is engaging in any form of sexual intercourse involving the insertion of the penis into the vagina, anus or mouth of the sex worker, oral-genital contact or any touching of the sexual organs or other intimate parts of a person.

2. A person employed as a sex worker shall wear and use a latex or polyurethane prophylactic while the sex worker is engaging in any form of sexual intercourse involving the insertion of the penis into the vagina, anus or mouth of the patron, oral-genital contact or any touching of the sexual organs or other intimate parts of a person.

*(Added to NAC by Bd. of Health, eff. 1-24-92; A R089-10, 10-15-2010)*

## **NAC 441A.810 House of prostitution required to post health notice.** (NRS 441A.120)

The person in charge of a licensed house of prostitution shall post a health notice provided by the Division. The cost and mounting of the notice is the responsibility of the house of prostitution. The notice must be posted in a prominent location which is readily noticeable by patrons of the establishment and is approved by the Division.

*(Added to NAC by Bd. of Health, eff. 1-24-92)*

## **NAC 441A.815 Person in charge of house of prostitution: Report of presence of**

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**communicable disease required; cooperation with health authority required. (NRS 441A.120)**

1. The person in charge of a licensed house of prostitution who knows of or suspects the presence of a communicable disease within the house of prostitution shall report the disease to the health authority having jurisdiction where the house of prostitution is located.

2. A report of a communicable disease must be made to the health authority in accordance with the provisions set forth in NAC 441A.225.

3. A report must include:

(a) The communicable disease or suspected communicable disease;

(b) The name and the address or telephone number of the case or suspected case;

(c) The name, address and telephone number of the person making the report;

(d) The age, sex, race, date of birth, occupation and employer of the case or suspected case, if available;

(e) The date of onset and the date of diagnosis of the disease; and

(f) Any other information requested by the health authority, if available.

4. The person in charge of a licensed house of prostitution shall promptly cooperate with the health authority during:

(a) The investigation of the circumstances or cause of a case or suspected case, or of an outbreak or suspected outbreak; and

(b) The carrying out of measures for the prevention, suppression or control of a communicable disease, including procedures of exclusion, isolation and quarantine.

*(Added to NAC by Bd. of Health, eff. 1-24-92)*