

SENATE BILL NO. 275—SENATOR D. HARRIS

MARCH 18, 2021

Referred to Committee on Health and Human Services

SUMMARY—Revises provisions relating to the human immunodeficiency virus. (BDR 40-220)

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

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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 public health; authorizing a county or city board of health to require a person to undergo testing for a communicable disease; requiring a certain order for the control of communicable diseases to state the reasons that the order is necessary; creating an affirmative defense for persons infected with a communicable disease who engage in certain otherwise prohibited conduct; revising provisions concerning court-ordered testing for a communicable disease; requiring the alleged victim of a crime involving sexual penetration to be offered a test for commonly contracted sexually transmitted diseases; revising certain terminology used to refer to the human immunodeficiency virus and related matters; reestablishing the Advisory Task Force on HIV Exposure Modernization; setting forth the duties of the Task Force; abolishing certain crimes relating to the human immunodeficiency virus; repealing certain additional provisions relating to the human immunodeficiency virus; and providing other matters properly relating thereto.

Legislative Counsel’s Digest:

1 Existing law authorizes state and local health authorities to take certain actions
2 to investigate and control the spread of communicable diseases, including ordering:
3 (1) a person to undergo a medical examination to verify the presence of a disease;
4 and (2) the isolation, quarantine or treatment of a person or group of persons. (NRS
5 439.360, 439.470, 441A.160) **Sections 1, 2 and 5** of this bill require any such order
6 to state the reasons that the actions prescribed by the order are necessary to prevent,
7 suppress or control the contagious or infectious disease. **Section 4** of this bill



8 clarifies that the human immunodeficiency virus is a communicable disease and, as
9 a result, provisions governing the reporting, investigation and control of
10 communicable diseases apply to the human immunodeficiency virus.

11 Existing law makes it a misdemeanor for a person who has a communicable
12 disease in an infectious state to conduct himself or herself in any manner likely to
13 expose others to the disease or engage in any occupation in which it is likely that
14 the disease will be transmitted to others after receiving a written warning from a
15 health authority. (NRS 441A.180) **Section 3** of this bill sets forth legislative
16 findings that the spread of communicable diseases is a public health matter that
17 should not be addressed through criminalization. **Section 6** of this bill creates an
18 affirmative defense if the person exposed to a communicable disease through
19 prohibited conduct: (1) knew the defendant was infected with the communicable
20 disease; (2) knew the conduct could result in exposure to the communicable
21 disease; and (3) consented to engage in the conduct with that knowledge. **Section 6**
22 additionally provides an affirmative defense to any offense based on potential
23 exposure to a communicable disease if the conduct of the person who has the
24 communicable disease was not likely to expose another person to the
25 communicable disease. **Section 24** of this bill repeals a separate provision making it
26 a category B felony for a person who has tested positive for the human
27 immunodeficiency virus to intentionally, knowingly or willfully engage in conduct
28 in a manner that is intended or likely to transmit the disease. (NRS 201.205) Such a
29 person would still be guilty of a misdemeanor if he or she: (1) engaged in such
30 conduct after a warning from the health authority; and (2) exposed a person to the
31 human immunodeficiency virus who did not provide informed consent to the virus
32 as described in **section 6**.

33 Existing law authorizes a court to order a person to be tested for a
34 communicable disease upon the petition of a law enforcement officer, correctional
35 officer, emergency medical attendant, firefighter, county coroner or medical
36 examiner or employee or volunteer thereof if the court determines that there is
37 probable cause to believe that: (1) a transfer of bodily fluids occurred between the
38 person and the petitioner; and (2) a positive result from the test for the presence of a
39 communicable disease would require the petitioner to seek medical intervention.
40 (NRS 441A.195) **Section 7** of this bill revises these provisions to instead authorize
41 a court to order such a test only if the court determines that there is probable cause
42 to believe that the petitioner: (1) was likely exposed to a serious communicable
43 disease through the behavior of the other person and the petitioner has undergone or
44 agreed to undergo testing to determine whether he or she was infected with a
45 communicable disease before the exposure; or (2) has tested positive for a serious
46 communicable disease after coming into contact with the blood or bodily fluids and
47 had not previously tested positive for that disease. **Section 7** also requires the court
48 to determine that testing of the other person is necessary to determine the
49 appropriate medical treatment of the petitioner before ordering the test.

50 If the alleged victim or a witness to a crime alleges that the crime involved the
51 sexual penetration of the victim's body, existing law requires the testing of the
52 alleged perpetrator for the human immunodeficiency virus and other commonly
53 contracted sexually transmitted diseases. (NRS 441A.320) **Section 11** of this bill
54 removes this requirement and instead requires the health authority to offer to test
55 the alleged victim for any commonly contracted sexually transmitted disease.

56 **Section 17** of this bill requires the Legislative Counsel, to the extent
57 practicable, to ensure that: (1) persons living with the human immunodeficiency
58 virus are referred to in Nevada Revised Statutes using language that is commonly
59 viewed as respectful and sentence structure that refers to the person before referring
60 to his or her disorder; and (2) duplicative references to the human
61 immunodeficiency virus and acquired immunodeficiency syndrome are avoided in
62 Nevada Revised Statutes. **Section 18** of this bill provides that it is the policy of this



63 State that such persons are referred to in a similar manner in the Nevada
64 Administrative Code. **Sections 8, 9, 11-14, 16 and 19-21** of this bill make various
65 revisions to terminology referring to the human immunodeficiency virus, other
66 communicable diseases and related matters.

67 **Section 24** repeals provisions of existing law: (1) requiring a person arrested
68 for prostitution or solicitation for prostitution and each offender in the custody of
69 the Department of Corrections to be tested for the human immunodeficiency virus;
70 (2) making it a category B felony to engage in prostitution after testing positive for
71 the human immunodeficiency virus; (3) requiring the Director of the Department of
72 Corrections to establish for inmates and employees of the Department an
73 educational program regarding the human immunodeficiency virus; and (4)
74 authorizing a court to order the confinement of a person who is diagnosed as having
75 acquired immunodeficiency syndrome who fails to comply with a written order of a
76 health authority, or who engages in behavior through which the disease may be
77 spread to other persons. **Sections 10 and 15** of this bill make conforming changes
78 by removing references to the repealed sections.

79 Senate Bill No. 284 of the 2019 Legislative Session: (1) created the Advisory
80 Task Force on HIV Exposure Modernization; and (2) required the Task Force to
81 conduct a comprehensive examination during the 2019-2020 legislative interim of
82 the statutes and regulations in this State related to the criminalization of exposing a
83 person to the human immunodeficiency virus. (Section 1 of chapter 88, Statutes of
84 Nevada 2019, at page 466) **Section 22** of this bill reestablishes the Task Force for
85 the 2021-2022 legislative interim.

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

1 **Section 1.** NRS 439.360 is hereby amended to read as follows:

2 439.360 The county board of health may:

3 1. Abate nuisances in accordance with law.

4 2. Establish and maintain an isolation hospital or quarantine
5 station when necessary for the isolation or quarantine of a person or
6 a group of persons.

7 3. Restrain, quarantine and disinfect any person or group of
8 persons sick with or exposed to any contagious or infectious disease
9 that is dangerous to the public health **[H] or require the testing of**
10 ***any person or group of persons for the presence of such a disease.***
11 ***Any order issued to restrain, quarantine, disinfect or test a person***
12 ***or group of persons issued pursuant to this subsection must state***
13 ***the reasons that the actions prescribed by the order are necessary***
14 ***to prevent, suppress or control the contagious or infectious***
15 ***disease.***

16 4. Appoint quarantine officers when necessary to enforce a
17 quarantine, shall provide whatever medicines, disinfectants and
18 provisions which may be required, and shall arrange for the payment
19 of all debts or charges so incurred from any funds available, but
20 each patient shall, if the patient is able, pay for his or her food,
21 medicine, clothes and medical attendance.



1 5. Subject to the prior review and approval of the board of
2 county commissioners and except as otherwise provided in NRS
3 576.128, adopt a schedule of reasonable fees to be collected for
4 issuing or renewing any health permit or license required to be
5 obtained from the board pursuant to a law of this state or an
6 ordinance adopted by any political subdivision of this state. Such
7 fees must be for the sole purpose of defraying the costs and
8 expenses of the procedures for issuing licenses and permits, and
9 investigations related thereto, and not for the purposes of general
10 revenue.

11 **Sec. 2.** NRS 439.470 is hereby amended to read as follows:

12 439.470 The city board of health may:

13 1. Abate nuisances in accordance with law.

14 2. Establish a temporary isolation hospital or quarantine station
15 when an emergency demands the isolation or quarantine of a person
16 or a group of persons.

17 3. Restrain, quarantine and disinfect any person or a group of
18 persons sick with or exposed to any contagious or infectious disease
19 which is dangerous to the public health ~~or~~ *or require the testing of*
20 *any person or a group of persons for the presence of such a*
21 *disease. Any order issued to restrain, quarantine, disinfect or test a*
22 *person or group of persons issued pursuant to this subsection must*
23 *state the reasons that the actions prescribed by the order are*
24 *necessary to prevent, suppress or control the contagious or*
25 *infectious disease.*

26 4. Appoint quarantine officers when necessary to enforce a
27 quarantine, and shall provide whatever medicines, disinfectants and
28 provisions which may be required. The city council shall pay all
29 debts or charges so incurred, but each patient shall, if able, pay for
30 his or her food, medicine, clothes and medical attendance.

31 5. Subject to the prior review and approval of the governing
32 body of the city and except as otherwise provided in NRS 576.128,
33 adopt a schedule of reasonable fees to be collected for issuing or
34 renewing any health permit or license required to be obtained from
35 such board pursuant to state law or an ordinance adopted by any
36 political subdivision. Such fees must be for the sole purpose of
37 defraying the costs and expenses of the procedures for issuing
38 licenses and permits, and investigations related thereto, and not for
39 the purposes of general revenue.

40 **Sec. 3.** Chapter 441A of NRS is hereby amended by adding
41 thereto a new section to read as follows:

42 *The Legislature hereby finds and declares that:*

43 *1. The spread of communicable diseases is best addressed*
44 *through public health measures, including, without limitation,*
45 *education and contact tracing; and*



1 **2. Criminalization of persons who are infected with**
2 **communicable diseases should be minimized.**

3 **Sec. 4.** NRS 441A.040 is hereby amended to read as follows:

4 441A.040 "Communicable disease" means a disease which is
5 caused by a specific infectious agent or its toxic products, and which
6 can be transmitted, either directly or indirectly, from a reservoir of
7 infectious agents to a susceptible host organism. ***The term includes,***
8 ***without limitation, the human immunodeficiency virus.***

9 **Sec. 5.** NRS 441A.160 is hereby amended to read as follows:

10 441A.160 1. A health authority who knows, suspects or is
11 informed of the existence within the jurisdiction of the health
12 authority of any communicable disease shall immediately
13 investigate the matter and all circumstances connected with it, and
14 shall take such measures for the prevention, suppression and control
15 of the disease as are required by the regulations of the Board or a
16 local board of health.

17 2. A health authority may:

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

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

28 (c) Except as otherwise provided in subsection 5 and NRS
29 441A.210, issue an order requiring the isolation, quarantine or
30 treatment of any person or group of persons if the health authority
31 believes that such action is necessary to protect the public health.
32 The order must be in writing and specify the person or group of
33 persons to be isolated or quarantined, the time during which the
34 order is effective, the place of isolation or quarantine and other
35 terms and conditions which the health authority believes are
36 necessary to protect the public health, except that no isolation or
37 quarantine may take place if the health authority determines that
38 such action may endanger the life of a person who is isolated or
39 quarantined.

40 3. Each order issued pursuant to this section must ~~be~~:

41 (a) ***Be*** served upon each person named in the order by delivering
42 a copy to him or her ~~to~~; ***and***

43 (b) ***State the reasons that the actions prescribed by the order***
44 ***are necessary to prevent, suppress or control the communicable***
45 ***disease.***



1 4. If a health authority issues an order to isolate or quarantine a
2 person with a communicable or infectious disease in a medical
3 facility, the health authority must isolate or quarantine the person in
4 the manner set forth in NRS 441A.510 to 441A.720, inclusive.

5 5. Except as otherwise provided in NRS 441A.310 and
6 441A.380, a health authority may not issue an order requiring the
7 involuntary treatment of a person without a court order requiring the
8 person to submit to treatment.

9 **Sec. 6.** NRS 441A.180 is hereby amended to read as follows:

10 441A.180 1. A person who has a communicable disease in an
11 infectious state shall not conduct himself or herself in any manner
12 likely to expose ~~to others~~ *another person* to the disease or engage in
13 any occupation in which it is likely that the disease will be
14 transmitted to ~~others~~ *other persons*.

15 2. A health authority who has reason to believe that a person is
16 in violation of subsection 1 shall issue a warning to that person, in
17 writing, informing the person of the behavior which constitutes the
18 violation and of the precautions that the person must take to avoid
19 exposing ~~to others~~ *another person* to the disease. The warning must
20 be served upon the person by delivering a copy to him or her.

21 3. ~~It is an affirmative defense to an offense charged pursuant~~
22 *to subsection 1 that a person who was subject to exposure to a communicable disease as a result of conduct prohibited by a warning issued pursuant to subsection 2:*
23 or her of a warning from a health authority is guilty of a
24 misdemeanor.

25 4. *It is an affirmative defense to an offense charged pursuant*
26 *to subsection 3 or any other offense arising from conduct*
27 *described in subsection 1 that a person who was subject to*
28 *exposure to a communicable disease as a result of conduct*
29 *prohibited by a warning issued pursuant to subsection 2:*

30 (a) *Knew the defendant was infected with the communicable*
31 *disease;*

32 (b) *Knew the conduct could result in exposure to the*
33 *communicable disease; and*

34 (c) *Consented to engage in the conduct with that knowledge.*

35 5. *It is an affirmative defense to any offense based on an*
36 *allegation that a person was exposed to a communicable disease*
37 *by the defendant that the conduct of the defendant was not likely*
38 *to infect the person with the communicable disease.*

39 **Sec. 7.** NRS 441A.195 is hereby amended to read as follows:

40 441A.195 1. Except as otherwise provided in NRS 259.047, a
41 law enforcement officer, correctional officer, emergency medical
42 attendant, firefighter, county coroner or medical examiner or any of
43 their employees or volunteers, any other person who is employed by
44 or is a volunteer for an agency of criminal justice or any other public
45 employee or volunteer for a public agency who, in the course of his



1 or her official duties, comes into contact with human blood or
2 bodily fluids, or the employer of such a person or the public agency
3 for which the person volunteers, may petition a court for an order
4 requiring the testing of a person or decedent for exposure to a
5 communicable disease if ~~the person or decedent may have exposed~~
6 ~~the~~ :

7 (a) *The* officer, emergency medical attendant, firefighter, county
8 coroner or medical examiner or their employee or volunteer, other
9 person employed by or volunteering for an agency of criminal
10 justice or other public employee or volunteer for a public agency :

11 (1) *Was likely exposed* to a *serious* communicable disease ~~[-]~~
12 *through the behavior of the person or decedent and has*
13 *undergone or agreed to undergo testing to determine whether he*
14 *or she was infected with a communicable disease before the*
15 *exposure; or*

16 (2) *Has tested positive for a serious communicable disease*
17 *after coming into contact with the blood or other bodily fluids and*
18 *had not previously tested positive for that disease; and*

19 (b) *Testing of the person or decedent is necessary to determine*
20 *the appropriate treatment for the officer, emergency medical*
21 *attendant, firefighter, county coroner, medical examiner,*
22 *employee or volunteer.*

23 2. When possible, before filing a petition pursuant to
24 subsection 1, the person, employer or public agency for which the
25 person volunteers, and who is petitioning shall submit information
26 concerning the ~~possible~~ *likely* exposure to a communicable disease
27 to the designated health care officer for the employer or public
28 agency or, if there is no designated health care officer, the person
29 designated by the employer or public agency to document and verify
30 ~~possible~~ *likely* exposure to communicable diseases, for verification
31 that there was substantial exposure ~~[-]~~ *and confirmation of the*
32 *testing required by subparagraph (1) or (2), as applicable, of*
33 *paragraph (a) of subsection 1.* Each designated health care officer
34 or person designated by an employer or public agency to document
35 and verify ~~possible~~ *likely* exposure to communicable diseases shall
36 establish guidelines based on current scientific information to
37 determine substantial exposure.

38 3. A court shall promptly hear a petition filed pursuant to
39 subsection 1 and determine whether there is probable cause to
40 believe that a ~~possible~~ *likely* transfer of blood or other bodily
41 fluids occurred between the person who filed the petition or on
42 whose behalf the petition was filed and the ~~person or decedent who~~
43 ~~possibly exposed him or her to a communicable disease.~~
44 *allegations described in the petition pursuant to paragraphs (a)*
45 *and (b) of subsection 1 are true.* If the court determines that *such*



1 probable cause exists , ~~[to believe that a possible transfer of blood or~~
2 ~~other bodily fluids occurred and, that a positive result from the test~~
3 ~~for the presence of a communicable disease would require the~~
4 ~~petitioner to seek medical intervention,]~~ the court shall:

5 (a) Order the person who ~~[possibly]~~ *likely* exposed the
6 petitioner, or the person on whose behalf the petition was filed, to a
7 communicable disease to submit two appropriate specimens to
8 a local hospital or medical laboratory for testing for exposure to a
9 communicable disease; or

10 (b) Order that two appropriate specimens be taken from the
11 decedent who ~~[possibly]~~ *likely* exposed the petitioner, or the person
12 on whose behalf the petition was filed, to a communicable disease
13 and be submitted to a local hospital or medical laboratory for testing
14 for exposure to the communicable disease.

15 ➔ The local hospital or medical laboratory shall perform the test in
16 accordance with generally accepted medical practices and shall
17 disclose the results of the test in the manner set forth in
18 NRS 629.069.

19 4. If a judge or a justice of the peace enters an order pursuant to
20 this section, the judge or justice of the peace may authorize the
21 designated health care officer or the person designated by the
22 employer or public agency to document and verify ~~[possible]~~ *likely*
23 exposure to a communicable disease to sign the name of the judge
24 or justice of the peace on a duplicate order. Such a duplicate order
25 shall be deemed to be an order of the court. As soon as practicable
26 after the duplicate order is signed, the duplicate order must be
27 returned to the judge or justice of the peace who authorized the
28 signing of it and must indicate on its face the judge or justice of the
29 peace to whom it is to be returned. The judge or justice of the peace,
30 upon receiving the returned order, shall endorse the order with his or
31 her name and enter the date on which the order was returned. Any
32 failure of the judge or justice of the peace to make such an
33 endorsement and entry does not in and of itself invalidate the order.

34 5. Except as otherwise provided in NRS 629.069, all records
35 submitted to the court in connection with a petition filed pursuant to
36 this section and any proceedings concerning the petition are
37 confidential and the judge or justice of the peace shall order the
38 records and any record of the proceedings to be sealed and to be
39 opened for inspection only upon an order of the court for good cause
40 shown.

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

44 7. The employer of a person or the public agency for which the
45 person volunteers, who files a petition or on whose behalf a petition



1 is filed pursuant to this section or the insurer of the employer or
2 public agency, shall pay the cost of performing the ~~test~~ tests
3 pursuant to ~~subsection~~ subsections 1 and 3.

4 8. As used in this section:

5 (a) "Agency of criminal justice" has the meaning ascribed to it
6 in NRS 179A.030.

7 (b) "Emergency medical attendant" means a person licensed as
8 an attendant or certified as an emergency medical technician,
9 advanced emergency medical technician or paramedic pursuant to
10 chapter 450B of NRS.

11 **Sec. 8.** NRS 441A.220 is hereby amended to read as follows:

12 441A.220 All information of a personal nature about any
13 person provided by any other person reporting a case or suspected
14 case of a communicable disease or drug overdose, or by any person
15 who has a communicable disease or has suffered a drug overdose, or
16 as determined by investigation of the health authority, is
17 confidential medical information and must not be disclosed to any
18 person under any circumstances, including pursuant to any
19 subpoena, search warrant or discovery proceeding, except:

20 1. As otherwise provided in NRS 439.538.

21 2. For statistical purposes, provided that the identity of the
22 person is not discernible from the information disclosed.

23 3. In a prosecution for a violation of this chapter.

24 4. In a proceeding for an injunction brought pursuant to this
25 chapter.

26 5. In reporting the actual or suspected abuse or neglect of a
27 child or elderly person.

28 6. To any person who has a medical need to know the
29 information for his or her own protection or for the well-being of a
30 patient or dependent person, as determined by the health authority in
31 accordance with regulations of the Board.

32 7. If the person who is the subject of the information consents
33 in writing to the disclosure.

34 8. Pursuant to ~~subsection 4 of NRS 441A.320 or~~
35 NRS 629.069.

36 9. If the disclosure is made to the Department of Health and
37 Human Services and the person about whom the disclosure is made
38 has been diagnosed ~~as having acquired immunodeficiency~~
39 ~~syndrome or an illness related to~~ with the human
40 immunodeficiency virus and is a recipient of or an applicant for
41 Medicaid.

42 10. To a firefighter, police officer or person providing
43 emergency medical services if the Board has determined that the
44 information relates to a communicable disease significantly related



1 to that occupation. The information must be disclosed in the manner
2 prescribed by the Board.

3 11. If the disclosure is authorized or required by NRS 239.0115
4 or another specific statute.

5 **Sec. 9.** NRS 441A.230 is hereby amended to read as follows:

6 441A.230 Except as otherwise provided in this chapter and
7 NRS 439.538, a person shall not make public the name of, or other
8 personal identifying information about, a person ~~[infected]~~
9 *diagnosed* with a communicable disease who has been investigated
10 by the health authority pursuant to this chapter without the consent
11 of the person.

12 **Sec. 10.** NRS 441A.240 is hereby amended to read as follows:

13 441A.240 ~~[H-]~~ The health authority shall control, prevent,
14 treat and, whenever possible, ensure the cure of sexually transmitted
15 diseases.

16 ~~[2.—The health authority shall provide the materials and~~
17 ~~curriculum necessary to conduct the educational program provided~~
18 ~~for in NRS 209.385 and establish a program for the certification of~~
19 ~~persons qualified to provide instruction for the program.]~~

20 **Sec. 11.** NRS 441A.320 is hereby amended to read as follows:

21 441A.320 1. If the alleged victim or a witness to a crime
22 alleges that the crime involved the sexual penetration of the victim's
23 body, the health authority ~~[shall]~~ *must offer to* perform the tests set
24 forth in subsection 2 as soon as practicable after the ~~[arrest of the~~
25 ~~person alleged to have committed the]~~ *acts that constituted the*
26 *alleged* crime, but not later than 72 hours after the ~~[person is~~
27 ~~charged with the crime by indictment or information, unless the~~
28 ~~person alleged to have committed the crime is a child who will be~~
29 ~~adjudicated in juvenile court and then not later than 72 hours after~~
30 ~~the petition is filed with the juvenile court alleging that the child is~~
31 ~~delinquent for committing such an act.]~~ *health authority becomes*
32 *aware of the alleged crime.*

33 2. If the health authority is required to *offer to* perform tests
34 pursuant to subsection 1, it must *offer to* test a specimen obtained
35 from the ~~[arrested person]~~ *alleged victim* for exposure to ~~[the human~~
36 ~~immunodeficiency virus and]~~ any commonly contracted sexually
37 transmitted disease . ~~[, regardless of whether the person or, if the~~
38 ~~person is a child, the parent or guardian of the child consents to~~
39 ~~providing the specimen. The agency that has custody of the arrested~~
40 ~~person shall obtain the specimen and submit it to the health~~
41 ~~authority for testing. The]~~ *If the alleged victim agrees to undergo*
42 *such a test, the* health authority ~~[shall]~~ *must* perform the test in
43 accordance with generally accepted medical practices.

44 3. In addition to the test performed pursuant to subsection 2,
45 the health authority shall , *with the permission of the alleged*



1 *victim*, perform such follow-up tests ~~{for the human~~
2 ~~immunodeficiency virus}~~ as may be deemed medically appropriate.

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

5 ~~—(a) The} *the* victim or to the victim’s parent or guardian if the~~
6 ~~victim is a child. †; and~~

7 ~~—(b) The arrested person and, if the person is a child, to the parent~~
8 ~~or guardian of the child.†~~

9 5. If the health authority determines, from the results of a test
10 performed pursuant to subsection 2 or 3, that a victim of sexual
11 assault ~~{may have} *has*~~ been exposed to ~~{the human~~
12 ~~immunodeficiency virus or}~~ any commonly contracted sexually
13 transmitted disease, it shall, at the request of the victim, provide him
14 or her with:

15 (a) ~~{An examination for exposure to the human~~
16 ~~immunodeficiency virus and any commonly contracted sexually~~
17 ~~transmitted disease to which the health authority determines the~~
18 ~~victim may have been exposed;~~

19 ~~—(b)} Counseling regarding the {human immunodeficiency virus~~
20 ~~and any commonly contracted}~~ sexually transmitted disease to
21 which the health authority determines the victim may have been
22 exposed; and

23 ~~{(e)} (b)~~ A referral for health care and other assistance,

24 ↪ as appropriate.

25 6. If the court in:

26 (a) A criminal proceeding determines that a person has
27 committed a crime; or

28 (b) A proceeding conducted pursuant to title 5 of NRS
29 determines that a child has committed an act which, if committed by
30 an adult, would have constituted a crime,

31 ↪ involving the sexual penetration of a victim’s body, the court
32 shall, upon application by the health authority, order that child or
33 other person to pay any expenses incurred in carrying out this
34 section with regard to that child or other person and that victim.

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

38 8. As used in this section:

39 (a) “Sexual assault” means a violation of NRS 200.366.

40 (b) “Sexual penetration” has the meaning ascribed to it in
41 NRS 200.364.

42 **Sec. 12.** NRS 441A.330 is hereby amended to read as follows:

43 441A.330 The health authority may establish such
44 dispensaries, pharmacies or clinics for outpatient care as it believes
45 are necessary for the care and treatment of persons who have



1 ~~[acquired immune deficiency syndrome or a]~~ *been diagnosed with*
2 *the* human immunodeficiency virus, ~~[related disease,]~~ and provide
3 those institutions with financial or other assistance. Dispensaries,
4 pharmacies or clinics which accept financial or other assistance
5 pursuant to this section shall comply with all conditions prescribed
6 by the Board relating to the use of that assistance.

7 **Sec. 13.** NRS 453A.050 is hereby amended to read as follows:
8 453A.050 “Chronic or debilitating medical condition” means:

- 9 1. ~~[Acquired immune deficiency syndrome;~~
10 ~~—2.]~~ An anxiety disorder;
11 ~~[3.]~~ 2. An autism spectrum disorder;
12 ~~[4.]~~ 3. An autoimmune disease;
13 ~~[5.]~~ 4. Cancer;
14 ~~[6.]~~ 5. Dependence upon or addiction to opioids;
15 ~~[7.]~~ 6. Glaucoma;
16 ~~[8.]~~ 7. A medical condition or treatment for a medical
17 condition that produces, for a specific patient, one or more of the
18 following:

- 19 (a) Anorexia or cachexia;
20 (b) Muscle spasms, including, without limitation, spasms caused
21 by multiple sclerosis;
22 (c) Seizures, including, without limitation, seizures caused by
23 epilepsy;
24 (d) Severe nausea; or
25 (e) Severe or chronic pain;

26 ~~[9.—A]~~
27 8. *The human immunodeficiency virus and any* medical
28 condition related to ~~[acquired immune deficiency syndrome or]~~ the
29 human immunodeficiency virus;

30 ~~[10.]~~ 9. A neuropathic condition, whether or not such
31 condition causes seizures; or

32 ~~[11.]~~ 10. Any other medical condition or treatment for a
33 medical condition that is:

- 34 (a) Classified as a chronic or debilitating medical condition by
35 regulation of the Division; or
36 (b) Approved as a chronic or debilitating medical condition
37 pursuant to a petition submitted in accordance with NRS 453A.710.

38 **Sec. 14.** NRS 40.770 is hereby amended to read as follows:

39 40.770 1. Except as otherwise provided in subsection 6, in
40 any sale, lease or rental of real property, the fact that the property is
41 or has been:

- 42 (a) The site of a homicide, suicide or death by any other cause,
43 except a death that results from a condition of the property;
44 (b) The site of any crime punishable as a felony other than a
45 crime that involves the manufacturing of any material, compound,



1 mixture or preparation which contains any quantity of
2 methamphetamine; or

3 (c) Occupied by a person exposed to ~~[the—human~~
4 ~~immunodeficiency—virus]~~ or suffering from ~~[acquired—immune~~
5 ~~deficiency syndrome or]~~ any ~~[other]~~ disease that is not known to be
6 transmitted through occupancy of the property,

7 ↪ is not material to the transaction.

8 2. In any sale, lease or rental of real property, the fact that a sex
9 offender, as defined in NRS 179D.095, resides or is expected to
10 reside in the community is not material to the transaction, and the
11 seller, lessor or landlord or any agent of the seller, lessor or landlord
12 does not have a duty to disclose such a fact to a buyer, lessee or
13 tenant or any agent of a buyer, lessee or tenant.

14 3. In any sale, lease or rental of real property, the fact that a
15 facility for transitional living for released offenders that is licensed
16 pursuant to chapter 449 of NRS is located near the property being
17 sold, leased or rented is not material to the transaction.

18 4. A seller, lessor or landlord or any agent of the seller, lessor
19 or landlord is not liable to the buyer, lessee or tenant in any action at
20 law or in equity because of the failure to disclose any fact described
21 in subsection 1, 2 or 3 that is not material to the transaction or of
22 which the seller, lessor or landlord or agent of the seller, lessor or
23 landlord had no actual knowledge.

24 5. Except as otherwise provided in an agreement between a
25 buyer, lessee or tenant and that person's agent, an agent of the
26 buyer, lessee or tenant is not liable to the buyer, lessee or tenant in
27 any action at law or in equity because of the failure to disclose any
28 fact described in subsection 1, 2 or 3 that is not material to the
29 transaction or of which the agent of the buyer, lessee or tenant had
30 no actual knowledge.

31 6. For purposes of this section, the fact that the property is or
32 has been the site of a crime that involves the manufacturing of any
33 material, compound, mixture or preparation which contains any
34 quantity of methamphetamine is not material to the transaction if:

35 (a) All materials and substances involving methamphetamine
36 have been removed from or remediated on the property by an entity
37 certified or licensed to do so; or

38 (b) The property has been deemed safe for habitation by the
39 board of health.

40 7. As used in this section:

41 (a) "Board of health" has the meaning ascribed to it in
42 NRS 439.4797.

43 (b) "Facility for transitional living for released offenders" has
44 the meaning ascribed to it in NRS 449.0055.



1 **Sec. 15.** NRS 202.876 is hereby amended to read as follows:
2 202.876 “Violent or sexual offense” means any act that, if
3 prosecuted in this State, would constitute any of the following
4 offenses:

5 1. Murder or voluntary manslaughter pursuant to NRS 200.010
6 to 200.260, inclusive.

7 2. Mayhem pursuant to NRS 200.280.

8 3. Kidnapping pursuant to NRS 200.310 to 200.340, inclusive.

9 4. Sexual assault pursuant to NRS 200.366.

10 5. Robbery pursuant to NRS 200.380.

11 6. Administering poison or another noxious or destructive
12 substance or liquid with intent to cause death pursuant to
13 NRS 200.390.

14 7. Battery with intent to commit a crime pursuant to
15 NRS 200.400.

16 8. Administering a drug or controlled substance to another
17 person with the intent to enable or assist the commission of a felony
18 or crime of violence pursuant to NRS 200.405 or 200.408.

19 9. False imprisonment pursuant to NRS 200.460 if the false
20 imprisonment involves the use or threatened use of force or violence
21 against the victim or the use or threatened use of a firearm or a
22 deadly weapon.

23 10. Assault with a deadly weapon pursuant to NRS 200.471.

24 11. Battery which is committed with the use of a deadly
25 weapon or which results in substantial bodily harm as described in
26 NRS 200.481 or battery which is committed by strangulation as
27 described in NRS 200.481 or 200.485.

28 12. An offense involving pornography and a minor pursuant to
29 NRS 200.710 or 200.720.

30 13. ~~Intentional transmission of the human immunodeficiency~~
31 ~~virus pursuant to NRS 201.205.~~

32 ~~—14.]~~ Open or gross lewdness pursuant to NRS 201.210.

33 ~~[15.]~~ 14. Lewdness with a child pursuant to NRS 201.230.

34 ~~[16.]~~ 15. An offense involving pandering or sex trafficking in
35 violation of NRS 201.300, prostitution in violation of NRS 201.320
36 or advancing prostitution in violation of NRS 201.395.

37 ~~[17.]~~ 16. Coercion pursuant to NRS 207.190, if the coercion
38 involves the use or threatened use of force or violence against the
39 victim or the use or threatened use of a firearm or a deadly weapon.

40 ~~[18.]~~ 17. An attempt, conspiracy or solicitation to commit an
41 offense listed in this section.

42 **Sec. 16.** NRS 213.1088 is hereby amended to read as follows:

43 213.1088 1. The Department of Public Safety in conjunction
44 with the Department of Corrections shall establish a program of
45 orientation that:



1 (a) Each member of the Board shall attend upon appointment to
2 a first term; and

3 (b) Each person named by the Board to the list of persons
4 eligible to serve as a case hearing representative pursuant to NRS
5 213.135 shall attend upon being named to the list. A person named
6 to the list may not serve as a case hearing representative until the
7 person completes the program of orientation.

8 2. The program of orientation must include a minimum of 40
9 hours of training. The information presented during the program of
10 orientation must include, but is not limited to:

11 (a) A historical perspective of parole, including the objectives of
12 and reasons for using parole within the criminal justice system;

13 (b) The role and function of the Board within the criminal
14 justice system;

15 (c) The responsibilities of members of the Board and case
16 hearing representatives;

17 (d) The goals and objectives of the Board;

18 (e) The programs administered by the Board;

19 (f) The policies and procedures of the Board; and

20 (g) The laws and regulations governing parole, including the
21 standards for granting, denying, revoking and continuing parole.

22 3. The Chair of the Board shall develop a written plan for the
23 continuing education of members of the Board and case hearing
24 representatives. The plan must require that:

25 (a) Each member of the Board shall attend not less than 16 hours
26 of courses for continuing education during each year of the
27 member's term.

28 (b) Each case hearing representative shall attend not less than 16
29 hours of courses for continuing education during each year that the
30 representative is on the list of persons eligible to serve as a case
31 hearing representative.

32 4. A member of the Board or a case hearing representative may
33 meet the requirement for continuing education by successfully
34 completing courses in any combination of the following subjects:

35 (a) The role and function of the Board within the criminal
36 justice system;

37 (b) Changes in the law, including judicial decisions affecting
38 parole;

39 (c) Developing skills in communicating, making decisions and
40 solving problems;

41 (d) The interpretation and use of research, data and reports;

42 (e) Correctional policies and programs, including programs for
43 the treatment of prisoners and parolees;

44 (f) Alternative punishments for disobedience;

45 (g) The selection of prisoners for parole;



- 1 (h) The supervision of parolees;
- 2 (i) The designation of and programs for repeating or
- 3 professional offenders;
- 4 (j) Problems related to gangs;
- 5 (k) Alcohol and other substance use disorders;
- 6 (l) The ~~["acquired immune deficiency syndrome;"]~~ *human*
- 7 *immunodeficiency virus;*
- 8 (m) Domestic violence; and
- 9 (n) Mental illness and intellectual disabilities.

10 5. The Board shall, within the limits of legislative

11 appropriations, pay the expenses of members of the Board and case

12 hearing representatives attending courses for continuing education.

13 **Sec. 17.** NRS 220.125 is hereby amended to read as follows:

14 220.125 1. The Legislative Counsel shall, to the extent

15 practicable, ensure that persons with physical, mental or cognitive

16 disabilities are referred to in Nevada Revised Statutes using

17 language that is commonly viewed as respectful and sentence

18 structure that refers to the person before referring to his or her

19 disability as follows:

20 (a) Words and terms that are preferred for use in Nevada

21 Revised Statutes include, without limitation, "persons with

22 disabilities," "persons with mental illness," "persons with

23 developmental disabilities," "persons with intellectual disabilities"

24 and other words and terms that are structured in a similar manner.

25 (b) Words and terms that are not preferred for use in Nevada

26 Revised Statutes include, without limitation, "disabled,"

27 "handicapped," "mentally disabled," "mentally ill," "mentally

28 retarded" and other words and terms that tend to equate the

29 disability with the person.

30 2. The Legislative Counsel shall, to the extent practicable,

31 ensure that terms related to persons affected by addictive disorders

32 are referred to in Nevada Revised Statutes using language that is

33 commonly viewed as respectful and sentence structure that refers to

34 the person before referring to his or her disorder as follows:

35 (a) Words and terms that are preferred for use in Nevada

36 Revised Statutes include, without limitation, "addictive disorder,"

37 "persons with addictive disorders," "person with an addictive

38 disorder," "person with an addictive disorder related to gambling"

39 and "substance use disorder."

40 (b) Words and terms that are not preferred for use in Nevada

41 Revised Statutes include, without limitation, "addict," "alcoholic,"

42 "alcohol abuse," "alcohol abuser," "alcohol and drug abuser," "drug

43 abuse," "drug addict," "problem gambler," "substance abuse" and

44 "substance abuser."



1 3. *The Legislative Counsel shall, to the extent practicable,*
2 *ensure that:*

3 (a) *Terms related to persons living with the human*
4 *immunodeficiency virus are referred to in Nevada Revised Statutes*
5 *using language that is commonly viewed as respectful and*
6 *sentence structure that refers to the person before referring to the*
7 *human immunodeficiency virus as follows:*

8 (1) *Words and terms that are preferred for use in Nevada*
9 *Revised Statutes include, without limitation, “person living with*
10 *the human immunodeficiency virus” and “person diagnosed with*
11 *the human immunodeficiency virus.”*

12 (2) *Words and terms that are not preferred for use in*
13 *Nevada Revised Statutes include, without limitation, “HIV*
14 *positive” and “human immunodeficiency virus positive.”*

15 (b) *The human immunodeficiency virus is referred to in*
16 *Nevada Revised Statutes using language that refers only to the*
17 *human immunodeficiency virus or HIV rather than using*
18 *duplicative references to both the human immunodeficiency virus*
19 *or HIV and acquired immunodeficiency syndrome, acquired*
20 *immune deficiency syndrome or AIDS.*

21 (c) *Duplicative references to both communicable diseases and*
22 *the human immunodeficiency virus or HIV are not used in*
23 *Nevada Revised Statutes.*

24 **Sec. 18.** NRS 233B.062 is hereby amended to read as follows:

25 233B.062 1. It is the policy of this State that every regulation
26 of an agency be made easily accessible to the public and expressed
27 in clear and concise language. To assist in carrying out this policy:

28 (a) The Attorney General must develop guidelines for drafting
29 regulations; and

30 (b) Every permanent regulation must be incorporated, excluding
31 any forms used by the agency, any publication adopted by reference,
32 the title, any signature and other formal parts, in the Nevada
33 Administrative Code, and every emergency or temporary regulation
34 must be distributed in the same manner as the Nevada
35 Administrative Code.

36 2. It is the policy of this State that:

37 (a) Persons with physical, mental or cognitive disabilities *and*
38 *persons living with the human immunodeficiency virus* are to be
39 referred to in the Nevada Administrative Code using language that
40 is commonly viewed as respectful and sentence structure that refers
41 to the person before referring to the person’s disability ~~[-and]~~ *or the*
42 *human immunodeficiency virus, as applicable;*

43 (b) Terms related to persons affected by addictive disorders are
44 referred to in the Nevada Administrative Code using language that



1 is commonly viewed as respectful and sentence structure that refers
2 to the person before referring to his or her disorder ~~H~~; and

3 (c) *References to only the human immunodeficiency virus or*
4 *HIV should be used in the Nevada Administrative Code instead of*
5 *duplicative references to both human immunodeficiency virus or*
6 *HIV and acquired immunodeficiency syndrome, acquired immune*
7 *deficiency syndrome or AIDS,*

8 ↪ in the same manner as provided in NRS 220.125 for Nevada
9 Revised Statutes.

10 3. The Legislative Counsel shall:

11 (a) Include each permanent regulation in the Nevada
12 Administrative Code; and

13 (b) Distribute in the same manner as the Nevada Administrative
14 Code each emergency or temporary regulation,

15 ↪ that is required to be adopted pursuant to the provisions of this
16 chapter and which is adopted by an entity other than an agency.

17 4. The Legislative Commission may authorize inclusion in the
18 Nevada Administrative Code of the regulations of an agency
19 otherwise exempted from the requirements of this chapter.

20 **Sec. 19.** NRS 389.036 is hereby amended to read as follows:

21 389.036 1. The board of trustees of a school district shall
22 establish a course or unit of a course of:

23 (a) Factual instruction concerning ~~{acquired immune deficiency~~
24 ~~syndrome;}~~ *the human immunodeficiency virus;* and

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

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

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

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

33 (1) Medicine or nursing;

34 (2) Counseling;

35 (3) Religion;

36 (4) Pupils who attend schools in the district; or

37 (5) Teaching.

38 ↪ This committee shall advise the district concerning the content of
39 and materials to be used in a course of instruction established
40 pursuant to this section, and the recommended ages of the pupils to
41 whom the course is offered. The final decision on these matters
42 must be that of the board of trustees.

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



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

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

17 **Sec. 20.** NRS 422.4025 is hereby amended to read as follows:

18 422.4025 1. The Department shall:

19 (a) By regulation, develop a list of preferred prescription drugs
20 to be used for the Medicaid program and the Children's Health
21 Insurance Program, and each public or nonprofit health benefit plan
22 that elects to use the list of preferred prescription drugs as its
23 formulary pursuant to NRS 287.012, 287.0433 or 687B.407; and

24 (b) Negotiate and enter into agreements to purchase the drugs
25 included on the list of preferred prescription drugs on behalf of the
26 health benefit plans described in paragraph (a) or enter into a
27 contract pursuant to NRS 422.4053 with a pharmacy benefit
28 manager or health maintenance organization, as appropriate, to
29 negotiate such agreements.

30 2. The Department shall, by regulation, establish a list of
31 prescription drugs which must be excluded from any restrictions that
32 are imposed by the Medicaid program on drugs that are on the list of
33 preferred prescription drugs established pursuant to subsection 1.
34 The list established pursuant to this subsection must include,
35 without limitation:

36 (a) Prescription drugs that are prescribed for the treatment of the
37 human immunodeficiency virus , ~~for-acquired-immunodeficiency~~
38 ~~syndrome,~~ including, without limitation, ~~protease-inhibitors-and~~
39 antiretroviral medications;

40 (b) Antirejection medications for organ transplants;

41 (c) Antihemophilic medications; and

42 (d) Any prescription drug which the Board identifies as
43 appropriate for exclusion from any restrictions that are imposed by
44 the Medicaid program on drugs that are on the list of preferred
45 prescription drugs.



1 3. The regulations must provide that the Board makes the final
2 determination of:

3 (a) Whether a class of therapeutic prescription drugs is included
4 on the list of preferred prescription drugs and is excluded from any
5 restrictions that are imposed by the Medicaid program on drugs that
6 are on the list of preferred prescription drugs;

7 (b) Which therapeutically equivalent prescription drugs will be
8 reviewed for inclusion on the list of preferred prescription drugs and
9 for exclusion from any restrictions that are imposed by the Medicaid
10 program on drugs that are on the list of preferred prescription drugs;
11 and

12 (c) Which prescription drugs should be excluded from any
13 restrictions that are imposed by the Medicaid program on drugs that
14 are on the list of preferred prescription drugs based on continuity of
15 care concerning a specific diagnosis, condition, class of therapeutic
16 prescription drugs or medical specialty.

17 4. The list of preferred prescription drugs established pursuant
18 to subsection 1 must include, without limitation, any prescription
19 drug determined by the Board to be essential for treating sickle cell
20 disease and its variants.

21 5. The regulations must provide that each new pharmaceutical
22 product and each existing pharmaceutical product for which there is
23 new clinical evidence supporting its inclusion on the list of preferred
24 prescription drugs must be made available pursuant to the Medicaid
25 program with prior authorization until the Board reviews the product
26 or the evidence.

27 6. On or before February 1 of each year, the Department shall:

28 (a) Compile a report concerning the agreements negotiated
29 pursuant to paragraph (b) of subsection 1 and contracts entered into
30 pursuant to NRS 422.4053 which must include, without limitation,
31 the financial effects of obtaining prescription drugs through those
32 agreements and contracts, in total and aggregated separately for
33 agreements negotiated by the Department, contracts with a
34 pharmacy benefit manager and contracts with a health maintenance
35 organization; and

36 (b) Post the report on an Internet website maintained by the
37 Department and submit the report to the Director of the Legislative
38 Counsel Bureau for transmittal to:

39 (1) In odd-numbered years, the Legislature; or

40 (2) In even-numbered years, the Legislative Commission.

41 **Sec. 21.** NRS 678C.030 is hereby amended to read as follows:
42 678C.030 "Chronic or debilitating medical condition" means:

43 1. ~~Acquired immune deficiency syndrome;~~

44 ~~2.]~~ An anxiety disorder;

45 ~~3.]~~ 2. An autism spectrum disorder;



1 ~~[4.]~~ 3. An autoimmune disease;
2 ~~[5.]~~ 4. Anorexia nervosa;
3 ~~[6.]~~ 5. Cancer;
4 ~~[7.]~~ 6. Dependence upon or addiction to opioids;
5 ~~[8.]~~ 7. Glaucoma;
6 ~~[9.]~~ 8. A medical condition or treatment for a medical
7 condition that produces, for a specific patient, one or more of the
8 following:

- 9 (a) Cachexia;
10 (b) Muscle spasms, including, without limitation, spasms caused
11 by multiple sclerosis;
12 (c) Seizures, including, without limitation, seizures caused by
13 epilepsy;
14 (d) Nausea; or
15 (e) Severe or chronic pain;

16 ~~[10.—A]~~
17 **9. *The human immunodeficiency virus and any*** medical
18 condition related to the human immunodeficiency virus;

19 ~~[11.]~~ 10. A neuropathic condition, whether or not such
20 condition causes seizures; or

21 ~~[12.]~~ 11. Any other medical condition or treatment for a
22 medical condition that is:

23 (a) Classified as a chronic or debilitating medical condition by
24 regulation of the Division; or

25 (b) Approved as a chronic or debilitating medical condition
26 pursuant to a petition submitted in accordance with NRS 678C.810.

27 **Sec. 22.** 1. The Advisory Task Force on HIV Exposure
28 Modernization created by section 1 of chapter 88, Statutes of
29 Nevada 2019, at page 466, is hereby reestablished. The Task Force
30 consists of not more than fifteen members appointed pursuant to
31 subsection 2.

32 2. The Governor shall:

33 (a) To the extent practicable, reappoint to the Task Force the
34 members appointed pursuant to section 1 of chapter 88, Statutes of
35 Nevada 2019, at page 466;

36 (b) Solicit applications for additional appointments to the Task
37 Force; and

38 (c) After considering each application received pursuant to this
39 subsection, appoint additional members to the Task Force who are
40 members of the lesbian, gay, bisexual, transgender, questioning and
41 queer community, women, persons living with the human
42 immunodeficiency virus (HIV) and sex workers.

43 3. At the first meeting of the Task Force after the effective date
44 of this act, the members of the Task Force shall elect a Chair and a
45 Vice Chair by majority vote.



1 4. A vacancy occurring in the appointed membership of the
2 Task Force must be filled in the same manner as the original
3 appointment.

4 5. The Task Force shall solicit input from persons and
5 nongovernmental agencies with expertise in matters relevant to the
6 Task Force in carrying out its duties pursuant to this section,
7 including, without limitation, persons, organizations and
8 communities that are directly affected by the current statutes and
9 regulations of this State that criminalize exposure to HIV or
10 mandate HIV testing or disclosure as part of any civil or criminal
11 law, or are likely to be affected by any law or policy recommended
12 by the Task Force.

13 6. The Department of Health and Human Services shall
14 provide the Task Force with such staff as is necessary for the Task
15 Force to carry out its duties pursuant to this section.

16 7. The members of the Task Force serve without compensation
17 or per diem allowance. A member may receive reimbursement for
18 travel expenses if sufficient money collected pursuant to subsection
19 8 for the Task Force to carry out its duties is available.

20 8. The Task Force may apply for any available grants and
21 accept any gifts, grants or donations to assist the Task Force in
22 carrying out its duties pursuant to this section.

23 9. The Task Force shall:

24 (a) Research the implementation and impact of such statutes and
25 regulations of this State that criminalize exposure to HIV, including,
26 without limitation, quantifying their impact through the analysis of
27 records, information and data relevant to this State to the extent
28 possible;

29 (b) Identify any disparities in arrests, prosecutions or
30 convictions under such statutes or regulations related to race, color,
31 sex, sexual orientation, gender identity or expression, age or
32 national origin;

33 (c) Evaluate current medical and scientific research with respect
34 to the modes of HIV transmission implicated by such statutes and
35 regulations; and

36 (d) Identify any court decisions enforcing or challenging such
37 statutes and regulations.

38 10. The Task Force may make recommendations concerning
39 any matter relating to the duties performed pursuant to subsection 9,
40 including, without limitation, recommendations concerning
41 proposed legislation, proposed regulations and policies.

42 11. The Task Force shall, on or before September 1, 2022,
43 prepare and submit a report of the activities, findings and
44 recommendations of the Task Force to:

45 (a) The Governor; and



1 (b) The Director of the Legislative Counsel Bureau for
2 transmittal to the 82nd Session of the Nevada Legislature.

3 **Sec. 23.** The Legislative Counsel shall:

4 1. In preparing the reprint and supplements to the Nevada
5 Revised Statutes in 2021, appropriately change any words and terms
6 in the Nevada Revised Statutes in the manner that the Legislative
7 Counsel determines necessary to conform those words and terms to
8 the provisions of NRS 220.125, as amended by section 17 of this
9 act.

10 2. In preparing supplements to the Nevada Administrative
11 Code, appropriately change any words and terms in the Nevada
12 Administrative Code in the manner that the Legislative Counsel
13 determines necessary to conform those words and terms to the
14 provisions of subsection 2 of NRS 233B.062, as amended by section
15 18 of this act.

16 **Sec. 24.** NRS 201.205, 201.356, 201.358, 209.385 and
17 441A.300 are hereby repealed.

18 **Sec. 25.** This act becomes effective upon passage and
19 approval.

LEADLINES OF REPEALED SECTIONS

201.205 Penalty; affirmative defense.

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

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

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.

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

