

DETAIL LISTING
FROM FIRST TO LAST STEP

TODAY'S DATE: Feb. 22, 1995
TIME : 3:14 pm
LEG. DAY: 87 Regular
PAGE : 1 OF 1

N E L I S

1987AB 550 By DuBois AIDS

Makes various changes relating to detection and prevention of spread of virus which causes acquired immune deficiency syndrome. (BDR 15-1343)

Fiscal Note: Effect on Local Government: Yes. Effect on the State or on Industrial Insurance: Yes.

- 04/08 56 Read first time. Referred to Concurrent Committees on Judiciary and Ways and Means. To printer.
- 04/09 57 From printer. To committees.
- 04/09 57 Dates discussed in committee: 4/23, 5/18 (A&DP)
- 06/08 100 From Concurrent Committee on Judiciary: Amend, and do pass as amended.
- 06/08 100 Placed on Second Reading File.
- 06/08 100 Read second time. Taken from Second Reading File. Placed on Chief Clerk's desk.
- 06/10 102 (Amendment number 1403.)
- 06/11 103 Taken from Chief Clerk's desk. Placed on Second Reading File.
- 06/11 ✓ 103 Read second time. Amended. To printer.
- 06/12 104 From printer. To engrossment.
- 06/12 104 Engrossed. First reprint. - *Fiscal Note -*
- 06/12 104 To Concurrent Committee on Ways and Means. - *no minutes*
- 06/12 104 Dates discussed in committee:
- 06/18 110 From Concurrent Committee on Ways and Means: Do pass, as amended.
- 06/18 110 Placed on General File.
- 06/18 ✓ 110 Read third time. Passed, as amended. Title approved, as amended. (42 Yeas, 0 Nays, 0 Absent, 0 Excused, 0 Not Voting.) To Senate.
- 06/18 110 In Senate.
- 06/18 ✓ 110 Read first time. Declared an emergency measure under the Constitution. Read third time. Passed. Title approved. (20 Yeas, 0 Nays, 1 Absent, 0 Excused, 0 Not Voting.) To Assembly.
- 06/18 110 In Assembly.
- 06/18 110 To enrollment.
- 06/24 0 Enrolled and delivered to Governor.
- 06/26 0 Approved by the Governor. Chapter 762.
Effective July 1, 1987.

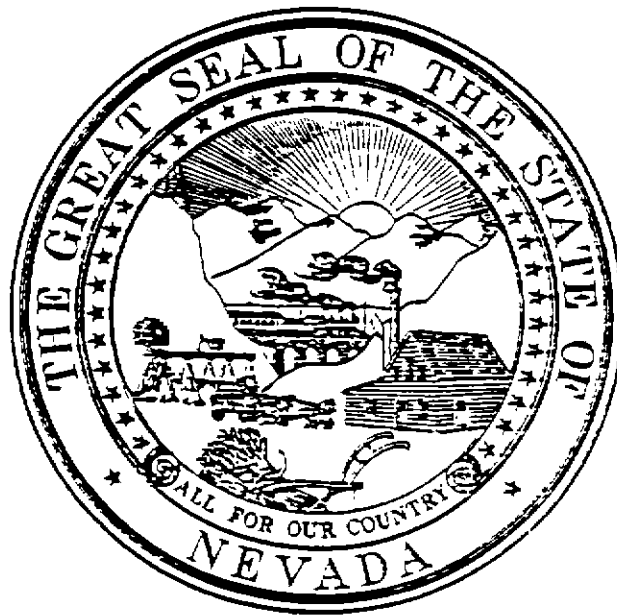
(* = instrument from prior session)

NEVADA LEGISLATURE

SIXTY-FOURTH SESSION

1987

SUMMARY OF LEGISLATION



PREPARED BY

RESEARCH DIVISION

LEGISLATIVE COUNSEL BUREAU

NEVADA
LEGISLATIVE COUNSEL BUREAU
RESEARCH LIBRARY

1987-08

A.B. 550 (chapter 762)

Assembly Bill 550 makes it a misdemeanor crime for a person to engage in or solicit for prostitution except in a licensed house of prostitution. The bill also requires that any person arrested for such a crime must submit to and pay \$100 for the cost of a test to detect exposure to the human immunodeficiency virus which is commonly known as acquired immune deficiency syndrome. This measure sets forth requirements and procedures for approving the test and reporting its results.

Pursuant to the provisions of the bill, any person who works legally or illegally as a prostitute after testing positive for AIDS and receiving written notification of the 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. In addition, 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 tested positive for exposure to AIDS is liable for any damages caused to a person exposed to the virus as a result of the prostitute's employment.

551

A.B. 550

ASSEMBLY BILL NO. 550--ASSEMBLYMEN DuBOIS, THOMAS, WISDOM, FAY,
LAMBERT, TEBBS, NICHOLAS, McGAUGHEY, TRIGGS AND KERNS

552

APRIL 8, 1987

Referred to Concurrent Committees on Judiciary and
Ways and Means

SUMMARY--Makes various changes relating to detection and prevention of spread of virus
which causes acquired immune deficiency syndrome. (BDR 15-1343)

FISCAL NOTE: Effect on Local Government: Yes.
Effect on the State or on Industrial Insurance: Yes.



EXPLANATION--Matter in italics is new; matter in brackets [] is material to be omitted.

AN ACT relating to acquired immune deficiency syndrome; making certain acts of prostitution
unlawful; requiring testing of certain persons for exposure to the virus which causes
the syndrome; making a person who tests positive for the virus and later engages in
prostitution guilty of attempted murder; making certain owners of houses of
prostitution liable for damages if they employ as a prostitute a person who has
tested positive; providing a penalty; and providing other matters properly relating
thereto.

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

1 Section 1. Chapter 201 of NRS is hereby amended by adding thereto the ll
2 provisions set forth as sections 2, 3 and 4 of this act.

3 Sec. 2. 1. *It is unlawful for any person to engage in prostitution, except ;*
4 *in a house of prostitution licensed pursuant to NRS 244.345.*

5 2. *Any person who violates subsection 1 is guilty of a misdemeanor. e*

6 Sec. 3. *Any person who violates section 2 of this act must submit to a*
7 *test, approved by regulation of the state board of health, to detect exposure 's*
8 *to the human immunodeficiency virus.*

9 Sec. 4. 1. *Except as otherwise provided in subsection 2, any person*
10 *who:*

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1 (a) *Violates section 2 of this act; or*
2 (b) *Works as a prostitute in a licensed house of prostitution,*
3 *after testing positive in a test approved by regulation of the state board of*
4 *health for exposure to the human immunodeficiency virus, is guilty of*
5 *attempted murder and shall be punished as provided in NRS 193.330.*

6 2. *For the purposes of this section, no person is considered to have*
7 *tested positive for exposure to the human immunodeficiency virus after a*
8 *subsequent test, approved by regulation of the state board of health,*
9 *demonstrates that:*

10 (a) *He has not been exposed to the virus; or*

11 (b) *He cannot transmit the virus.*

12 Sec. 5. NRS 201.295 is hereby amended to read as follows:

13 201.295 As used in NRS [201.300] 201.295 to 201.440, inclusive, and
14 sections 2, 3 and 4 of this act, unless the context otherwise requires:

15 1. "Prostitute" means a male or female person who for a fee engages in
16 sexual intercourse, oral-genital contact or any touching of the sexual organs
17 or other intimate parts of a person for the purpose of arousing or gratifying
18 the sexual desire of either person.

19 2. "Prostitution" means engaging in sexual conduct for a fee.

20 3. "Sexual conduct" means any of the acts enumerated in subsection 1.

21 Sec. 6. Chapter 41 of NRS is hereby amended by adding thereto a new
22 section to read as follows:

23 1. *Except as otherwise provided in subsection 2, an owner of a house of*
24 *prostitution who employs or continues to employ a prostitute after he knows*
25 *or should know that the prostitute has tested positive in a test approved by*
26 *regulation of the state board of health for exposure to the human*
27 *immunodeficiency virus, is liable for any damages caused to a person*
28 *exposed to the virus as a result of the employment.*

29 2. *For the purposes of this section, no person is considered to have*
30 *tested positive for exposure to the human immunodeficiency virus after a*
31 *subsequent test, approved by regulation of the state board of health,*
32 *demonstrates that:*

33 (a) *He has not been exposed to the virus; or*

34 (b) *He cannot transmit the virus.*

35 Sec. 7. Chapter 439 of NRS is hereby amended by adding thereto a new
36 section to read as follows:

37 *The state board of health shall evaluate and approve, by regulation, tests*
38 *to detect:*

39 1. *Exposure to the human immunodeficiency virus; and*

40 2. *Ability to transmit the virus.*

41 Sec. 8. Chapter 453 of NRS is hereby amended by adding thereto a new
42 section to read as follows:

1 A person who is convicted of unlawful possession of a controlled
2 substance which is commonly injected must submit to a test approved by
3 regulation of the state board of health to detect exposure to the human
4 immunodeficiency virus.

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MINUTES OF THE
ASSEMBLY COMMITTEE ON JUDICIARY

Sixty-fourth Session
April 23, 1987

The Assembly Committee on Judiciary was called to order by Chairman Robert M. Sader at 8:00 a.m. on Thursday, April 23, 1987, in room 240 of the legislative building, Carson City, Nevada. EXHIBIT A is the Meeting Agenda, EXHIBIT B is the Attendance Roster.

MEMBERS PRESENT:

Mr. Robert M. Sader, Chairman
Mrs. Myrna Williams, Vice Chairman
Mr. Matthew Q. Callister
Mr. Robert E. Gaston
Mr. Ken Haller
Mr. Bill Kissam
Mr. Gene T. Porter
Mr. Vincent L. Triggs
Mr. John C. Carpenter Late
Mr. John DuBois
Mr. David D. Nicholas
Mrs. Gaylyn J. Spriggs
Mr. Bob Thomas

OTHERS PRESENT:

See attached guest list.

There being no one to testify on A.B. 516 or A.B. 521 the hearing was opened on A.B. 550.

ASSEMBLY BILL NO. 550 - Makes various changes relating to detection and prevention of spread of virus which causes acquired immune deficiency syndrome.

The prime sponsor, Assemblyman John DuBois, District 2, Clark County, led off with an explanation of the bill. This legislation, primarily targeted at illegal prostitution, was, in fact, an AIDS bill, Mr. DuBois said. The requirement for periodic testing in a legal brothel was a current practice which had been conducted for nearly a year in the licensed houses of prostitution. A.B. 550 would merely place into legislation a State Board of Health regulation. Recapping, Mr. DuBois said his bill was not directed at the brothels, as there was basically no problem in the licensed, legal brothel. There was, however, a problem in Clark County where

prostitution was illegal. There, it was impossible to control by testing, the spread of the AIDS virus by the prostitutes operating independently. Nevertheless, it was clear from newspaper and yellow pages advertising that prostitution was a thriving business in the Las Vegas area.

Mr. DuBois cited several articles which warned of the transmittal of the AIDS virus through sexual intercourse, and the dangers involved in sexual contact with untested persons or prostitutes. California, Mr. DuBois said, had nine or ten bills to be introduced, which dealt with the spread of the AIDS virus, but in Nevada, the only statute dealing with the sexual spread of disease was a 1911 bill, NRS 202.150. This bill read, "Every person afflicted with any infectious or contagious disease who shall willfully expose himself to another, every person so affected who shall willfully expose any other person thereto without his knowledge shall be guilty of a misdemeanor."

In discussing current operations and costs, Mr. DuBois told the committee that Carolyn Fassi, AIDS coordinator for the State of Nevada, stated the cost of this disease from diagnosis to death ranged from \$33,000 to \$200,000 per case. The average case in Nevada cost approximately \$140,000.

A.B. 550 would not resolve the problem completely, Mr. DuBois acknowledged, but it would provide a tool to remove a carrier from circulation for five years. Supporters of the bill included Rex Bell, Clark County District Attorney, Mills Lane, Washoe County District Attorney, and Ray Jeffers, a respected attorney from the District Attorney's office in Clark County.

Mr. DuBois then provided a handout (Exhibit C) which contained language suggested by the District Attorneys' offices, and was supported by Mr. DuBois for inclusion in his bill. The fiscal impact was discussed. In the final analysis, it appeared to be that while the cost of incarceration was high, the costs involved in treating victims at an average of \$140,000 per case was also very high. A video of a male prostitute in Jackson, Mississippi, who was a known AIDS carrier, was shown. The concluding statement of the video was a quote that, "AIDS is something people volunteer for with risky choices, and you can't protect people from themselves."

The next person to testify in behalf of A.B. 550 was Ray Jeffers from the Clark County District Attorney's Office. Mr. Jeffers related his initial reaction to the video that had

just been shown to the committee and his subsequent search for whatever legal recourse there was available in Nevada. In his searches Mr. Jeffers had talked to not only the District Attorneys from Clark and Washoe Counties, but also Dr. Milton Green, Assistant Coroner and Forensic Pathologist in Clark County.

Mr. Sader asked if Mr. Jeffers had studied the proposed legislation and if so, whether he considered it would do what was needed. Mr. Jeffers said he had provided some of the more expansive language to what had initially been proposed. He did not think it would provide the complete answer, but it would, at least, provide a tool with which to work. In essence, however, this was an area of such total inexperience, Mr. Jeffers did not propose to even guess how the law would operate in practical application.

Mr. Jeffers and Mr. Sader discussed the defenses possibly presented to a prosecution under A.B. 550. Mr. Jeffers suggested that NRS 202.150 presented a valid defense in language stating that transmission of a communicable disease was a misdemeanor. This being a valid defense, he suggested that NRS 202.150 be amended to include AIDS and make it a felony.

There was continuing discussion of providing an appropriate charge, and whether this should be a misdemeanor, attempted manslaughter, attempted murder, or felony. Mr. Sader defined the word murder as, "the unlawful killing of a human being with malice aforethought, either expressed or implied...". Legal arguments were discussed.

Mr. Triggs asked:

1. Having identified an AIDS carrier, would it be feasible to place that person in quarantine? If that person continued to engage in sexual activity, he would be in violation of the quarantine and charged with a felony.

Mr. Jeffers replied that if the legislature gave them anything it was more than they had now.

2. What would be the feasibility of enabling an arresting officer to require AIDS testing for an individual suspected of being a carrier?

In reply Mr. Jeffers said, "...a whole new world. ...the only thing I can say is whatever you do, ...I'd rather be the defense attorney than the prosecutor on it... I'm saying if you give us something to work on we can arrest an offender and have a legal right to arrest them without facing a civil rights attack, a 1983 federal court, 'cause that's where we're going anyway, with or without..."

The difficulties that could be encountered in identifying the carrier, and the subsequent legal prosecution was discussed between Mr. Gaston, Mr. Jeffers and Mr. Sader. Mr. Sader asked if it would not be more satisfactory to simply increase the penalty for solicitation from a known carrier of the AIDS virus. Mr. Jeffers and Mr. Gaston agreed with this concept.

When asked what he thought about the constitutional issues raised, Mr. Jeffers replied that he did not know all the answers and said, "The law is like the weather -- you don't know what it's going to be tomorrow."

The rationale for the District Attorney's suggested language in Exhibit C speaking to "an infectious or contagious disease" and the broad definition this posed, was aimed primarily at the possible occurrence of new diseases and the desire to include this potentiality.

Larry Matheis, State Health Administrator, then testified in support of A.B. 550, although, he stated, his testimony was confined to the limited framework of his office. Questions of appropriate punishment for violation of laws was outside his purview and direct interest. In relating his involvement, Mr. Matheis said, "I have the principal responsibility today for dealing with this epidemic. ...Until this epidemic is put away I can't feel I've done enough. It's quite probable that in the future of Nevada, ...whatever my tenure may happen to be...very possibly whatever your tenure may be...will only be noted for how it is we handle the question of AIDS as an epidemic in this state. ...That's the proportion of this issue. It may not be this legislative session that we have to confront the issue full bore, but it's going to be an issue that's not going to go away, even if magic occurs and people actually start acting in a way to prevent the addition of infection. ...Tens of thousands of Nevadans will die before this thing passes and today we've only had 84 confirmed cases out of the 33,000 (plus) nationally. We haven't yet seen the crisis.

"...I've just come back from Chicago, from the AMA's conference on AIDS...one thing those kinds of meetings helps to do is put into perspective how we're doing compared with how others are doing. My assessment is we're doing as well as the best, and we're not nearly doing as badly as the worst. One of the things that has made the situation difficult to deal with as a health epidemic is when there's been premature legislation or overly restrictive legislation prematurely enacted, and our friends...(in California) rue the day that they imposed certain legislative restrictions which now prohibit state public health officials from ordering an HIV test when there is clear and present reason to believe that somebody is infectious and may have infected an innocent party...we are not in that circumstance..."

He pointed out the State Board of Health was pursuing an aggressive policy of restrictive, mandatory screening, the use and control of that information, and how this would apply to legal brothels. Theoretically, he said, all analogies were imperfect, there was no history from which to draw conclusions, and no perfect answers. However, there was a great deal of authority vested in the Board of Health, and they would use whatever this authority allowed.

Mr. Matheis related the latest numbers of AIDS statistics. He said there were 84 confirmed cases to date, 82 were male, 2 female, the two female were intravenous drug abusers, 59 of the cases were male homosexuals, 5 were male homosexuals and drug abusers, 12 were male bisexuals, one was a bisexual and drug abuser, 5 were intravenous drug abusers, one was categorized as heterosexual (male), and one was a transfusion case. Of the 84 confirmations since 1983, 51 (61 percent) had died.

Mr. Matheis distributed a set of three charts illustrating statistics (Exhibit D), and continued with an explanation of the rules governing the State Board of Health. The legal issue of confidentiality was a concern Mr. Matheis had with A.B. 550. The State Board of Health was bound to a policy of strict confidentiality which was often contested by various agencies and individuals. Without the trust of those infected or those potentially infected, the Board of Health would lose all credibility. The extent of the Board of Health's protection of confidentiality was discussed, without complete agreement it should be so restrictive.

Mr. Matheis reviewed the regulation requiring a person employed as a prostitute in a licensed house of prostitution to submit a blood sample to the State Hygenic Laboratory once a month, to determine the presence or absence of the HIV virus. To date, he said, there had been approximately 3,300 tests done. Before being permitted to work and subsequent to employment, every woman was tested. Thus far, no woman who was employed had tested positive. Eight women who had applied for employment as a prostitute had tested positive with HIV antibodies and were not allowed employment.

In addition to testing, Mr. Matheis said the brothel industry had imposed upon itself mandatory prophylactic use. Naturally, this testing and mandatory use of prophylactics did not address the prostitute working outside the licensed house of prostitution.

Mr. Matheis continued with discussion of: 1) fiscal impact of more extensive testing; 2) effective follow-up; 3) the effectiveness of the role of the State Board of Health within their present commission.

Mrs. Williams asked what was done towards "contact tracing" and was told by Mr. Matheis that right now, this was not done as a general rule, but was a matter the Board of Health would soon be reviewing. Mrs. Williams also wanted to know what options the Board of Health had to offer for the person who had tested "positive." He replied there was routine counseling, follow-up and education, but they had no means to go any further.

To Mr. Sader's question whether a person testing "positive" to AIDS ever was rid of the virus, Mr. Matheis said the best information currently available was that once an individual had this virus, he was never rid of it. Additionally, estimates were that 30 to 50 percent of those tested positive would convert to full AIDS. Furthermore, public health authorities had stated there was no reason not to believe that everyone testing "positive" to AIDS would eventually succumb to the virus. Unlike many other communicable diseases, this virus showed signs of becoming more viral with time, not less.

Mr. Sader asked Mr. Matheis whether the language on page 2, lines 37-40 was redundant, if the Health Department already had this power. Mr. Matheis said they did have this authority and were currently exercising it under NRS 441. Chairman Sader asked that Mr. Matheis confer with his legal counsel

regarding the regulatory statute 439, and let the committee know within the week whether the language in section 7 was necessary.

To Mr. Carpenter's question to the safety of the blood supply, Mr. Matheis said national figures showed it was safe to .05 percent. Mr. Carpenter also asked what good it would do in the campaign against the disease, if the Health Department maintained a strict code of confidentiality. In reply, Mr. Matheis said those tested and found infected would have no confidence or willingness to submit to testing and follow-up if they thought the information was to be circulated.

Mr. Gaston asked that Mr. Matheis discuss with his counsel the constraints of confidentiality in federal law, and whether a public policy statement from the legislature would be helpful.

Russell Reade, Owner and Manager of the Chicken Ranch Brothel in Parumph, Nevada, and representing the Nevada Association of Brothels, next testified in behalf of A.B. 550. "The safest possible sex for our clients and working women is the highest priority of the Nevada legal brothel industry," he stated.

In 1985, when AIDS was considered only a disease of homosexuals and intravenous drug users, Mr. Reade said he had made it mandatory for his customers to use a condom. This had lost him a considerable amount of business, but in time, this had proven a wise decision and he had recently seen an increase in business. Nye County was preparing legislation which would also require all legal brothel customers to use a condom.

Continuing, Mr. Reade told the committee a working woman in a legal, licensed brothel in Nevada had to undergo a complete gynecological examination every 7 days, a monthly blood test for syphilis, an examination and blood test for AIDS before being allowed employment, and subsequent monthly blood tests for the AIDS virus.

Mr. Reade commended the legislature for their stand on legalized prostitution. He opined that the question was not whether to have prostitution, only in what way it would be dealt with by the law.

Mr. Sader questioned language on page 2, lines 23-28, relating to potential civil liability for the owners. This was not seen as a problem by Mr. Reade as the language on page 2, line

2 speaking to a "licensed" house would preclude the possibility as long as the regulations were followed by brothel owners. Chairman Sader asked that Mr. Reade confer with his attorney to determine whether the language was too broad.

Testifying in opposition to A.B. 550 was Jim Shields, Director of the American Civil Liberties Union of Nevada. In essence, Mr. Shields felt the direction of legislation should be towards strengthening the civil authority of the Public Health Department. He questioned the need for A.B. 550. It was his opinion the Health Department had, or should have, the power necessary to deal with the testing, quarantine, follow-up, counseling and other required matters. He asked the committee to ascertain this. If the Health Department already had the authority, certainly no further legislation was necessary. If their authority was not sufficient, this should be addressed legislatively.

His two major points were:

1. The existing public health authorities were quite adequate. If not, they should be made so.
2. Some liability should be shifted to the customer who knowingly engaged in a sexually promiscuous activity.
3. If the criminal justice system were pursued, he felt the "attempted murder" charge was too severe.

Mr. Triggs asked Mr. Shield's opinion of mandatory testing for illegal prostitution and/or drug users. Mr. Shields said he had an uneasy feeling about any kind of obligatory testing. Why could not the testing be done within the confines of the Public Health Department and their strict policy of confidentiality, Mr. Triggs continued? Mr. Shields felt this was quite reasonable.

Referring to the video presentation, Mrs. Spriggs asked what Mr. Shields would do to remove the homosexual AIDS carrier from circulation. His answer, he said, would be to assure that the Public Health Department had the authority to, 1) go to court to seek a restraining order against the person, and 2) the person would not be allowed to leave the state. Mr. Shields felt the criminal liability statute would prove

counterproductive because it would cause people "at risk" to be so fearful they would be driven away from services provided.

There was further discussion regarding ways to track an individual, be assured of that individual's ongoing abstinence from sexual activity, and whether civil or criminal procedures would produce the most desired results.

This completed the testimony and the hearing on A.B. 550 was closed. Chairman Sader asked for committee approval to introduce two bill draft requests from the District Attorney's Association.

BDR 14-766 - Clarifies and limits consequences of honorable discharge from probation.

BDR 20-767 - Revises provisions governing payments to District Attorneys for longevity.

ASSEMBLYMAN THOMAS MOVED COMMITTEE INTRODUCTION OF THE REFERENCED BDR'S.

ASSEMBLYMAN GASTON SECONDED THE MOTION.

THE MOTION CARRIED UNANIMOUSLY.

The meeting adjourned at 10:55 a.m.

RESPECTFULLY SUBMITTED:



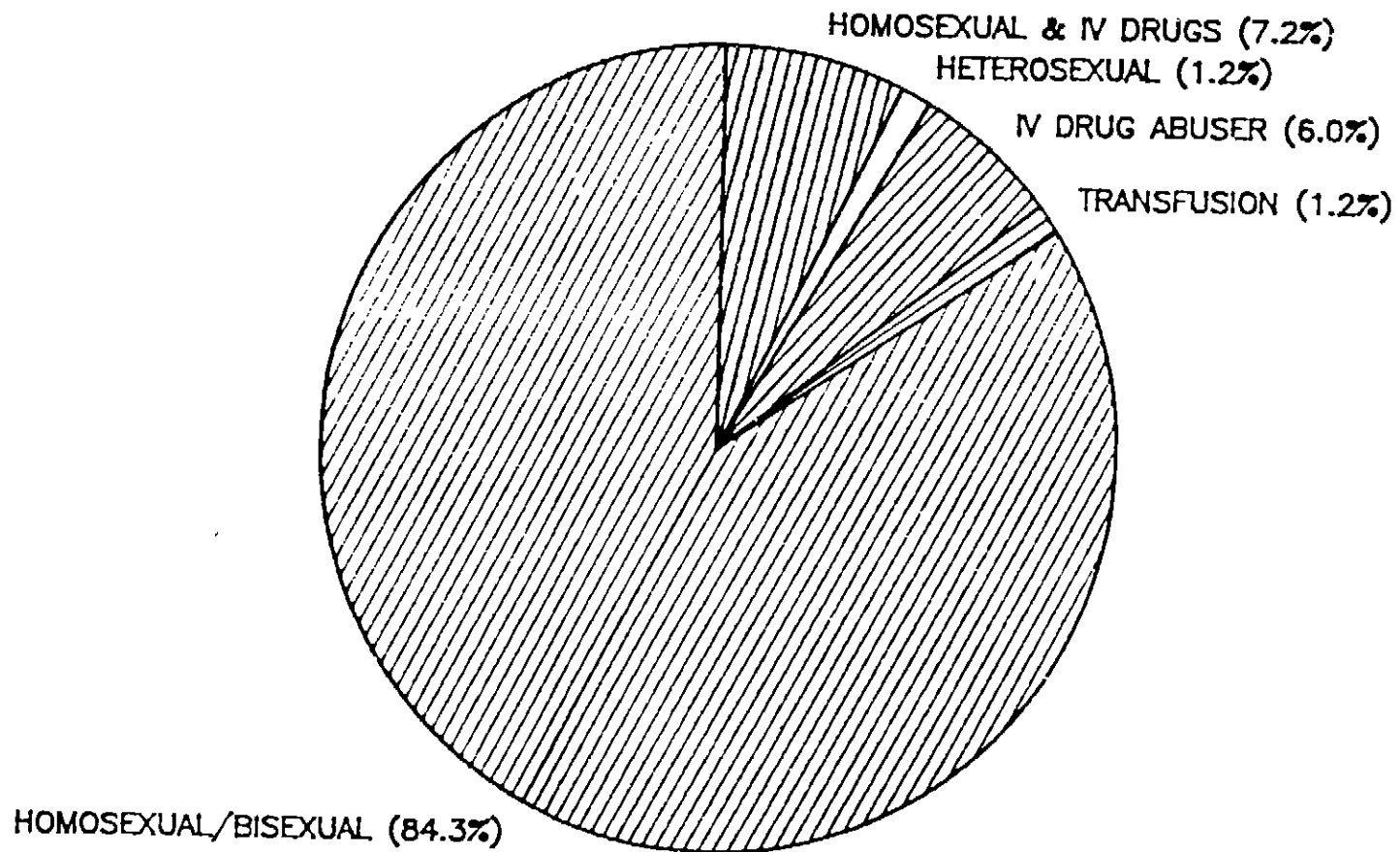
Iris Bellinger, Committee Secretary

Every person afflicted with an infectious or contagious disease or condition which is known to be lethal or potentially lethal and which may be and is transmitted to another by personal contact and who shall wilfully and knowingly expose any other person to such disease or condition shall be guilty of a felony and shall be punished by imprisonment in the state prison for a definite term of not less than five years nor more than twenty years. Under any such sentence, eligibility for parole does not begin until a minimum of five years has been served. Such a person may not be considered for probation.

It is the intention of the legislature to create a felony offense for anyone that transmits the disease of Acquired Immune Deficiency Syndrome to another, having knowledge that they are infected with or are a carrier of such disease, who does not inform another of the same prior to having personal contact with such person. There is no intent to limit the gender of either of the participants or the type of personal contact, provided the contact is sufficient to transmit the disease.

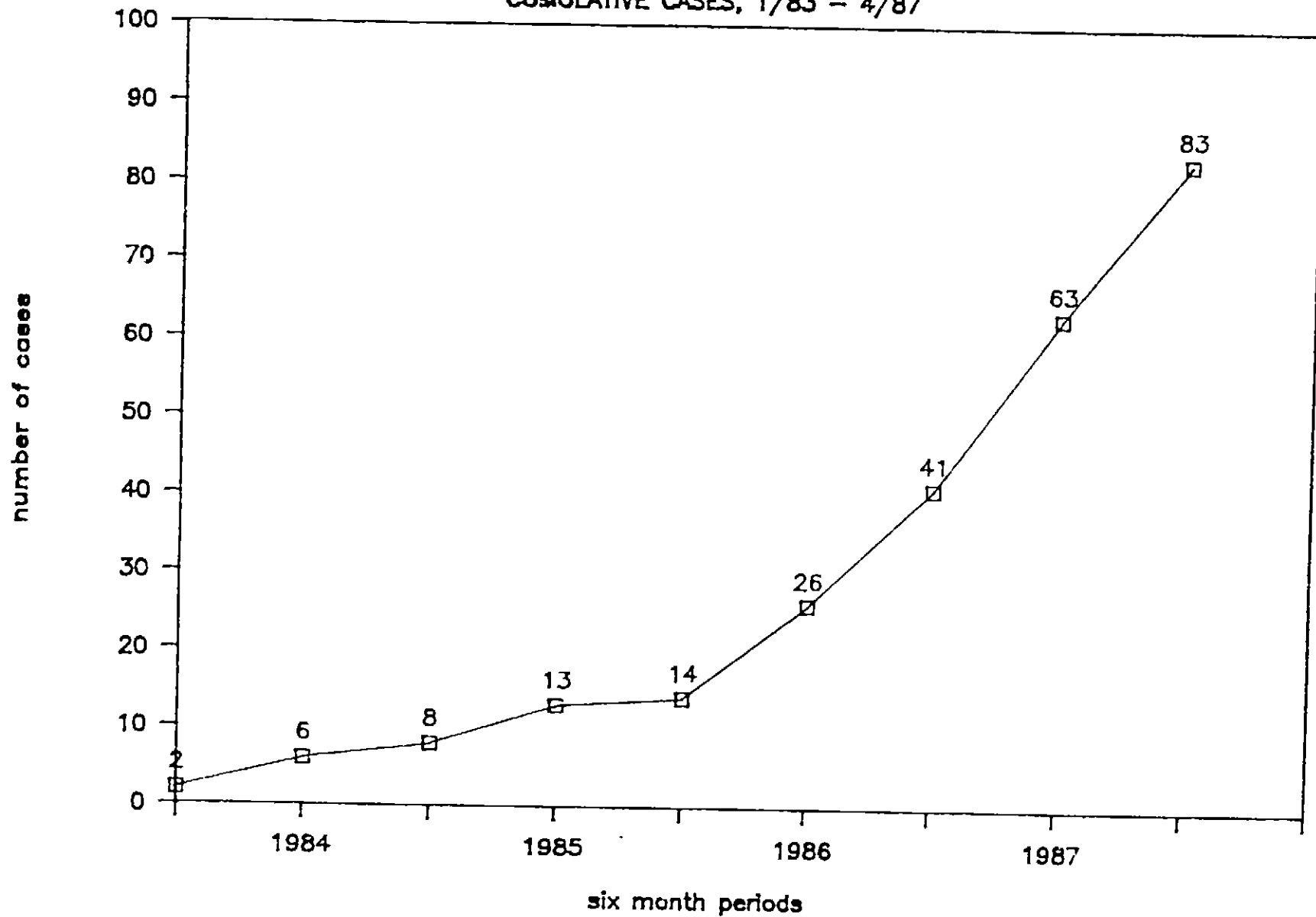
NEVADA STATE AIDS CASES

TRANSMISSION CATEGORIES, 1/83 - 4/87



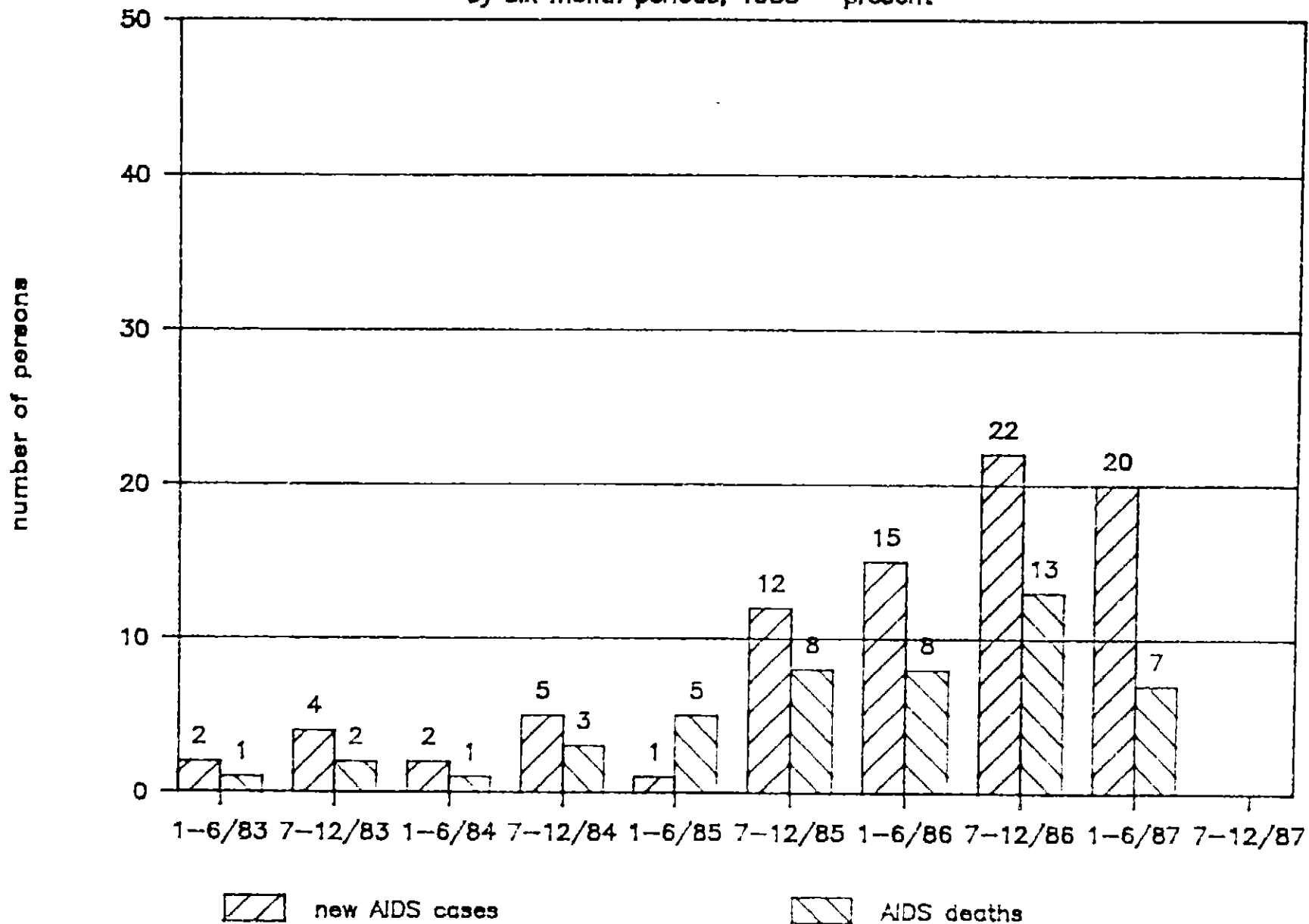
NEVADA STATE AIDS CASES

CUMULATIVE CASES, 1/83 - 4/87



NEVADA STATE AIDS CASES

by six month periods, 1983 - present





STATE OF NEVADA
DEPARTMENT OF HUMAN RESOURCES

HEALTH DIVISION

505 East King Street
Carson City, Nevada 89710

RICHARD M. BRYAN
Governor

JERRY GRIEPENTROG
Director

AUTHORITY: NRS 441.080, 441.230

Section 1 - Chapter 441 of NAC is hereby amended by adding thereto the provisions set forth as sections 2 and 3 of this regulation.

Section 2 -

1. Every person seeking employment as a prostitute in a licensed house of prostitution shall submit a sample of blood to the state hygienic laboratory for a test to confirm the presence or absence of the antibody to the Human T-cell Lymphotropic Virus III.
2. Every person employed as a prostitute in a licensed house of prostitution shall submit a sample of blood once each month to the state hygienic laboratory for a test to confirm the presence or absence of the antibody to the Human T-cell Lymphotropic Virus III.
3. Any person whose blood is tested and shows the confirmed presence of the antibody to the Human T-cell Lymphotropic Virus III shall not engage in the occupation of a prostitute in a licensed house of prostitution.

MINUTES OF THE
ASSEMBLY COMMITTEE ON JUDICIARY

Sixty-fourth Session
May 18, 1987

The Assembly Committee on Judiciary was called to order by Chairman Robert M. Sader at 8:00 a.m. on Monday, May 18, 1987, in room 240 of the legislative building, Carson City, Nevada. EXHIBIT A is the Meeting Agenda, EXHIBIT B is the Attendance Roster.

✓ MEMBERS PRESENT:

Mr. Robert M. Sader, Chairman
Mrs. Myrna Williams, Vice Chairman
Mr. Matthew Q. Callister Late/Excused
Mr. Robert E. Gaston
Mr. Ken Haller
Mr. Bill Kissam
Mr. Gene T. Porter
Mr. Vincent L. Triggs
Mr. John C. Carpenter Late
Mr. John DuBois
Mr. David D. Nicholas
Mrs. Gaylyn J. Spriggs
Mr. Bob Thomas

OTHERS PRESENT:

See attached guest list.

ASSEMBLY BILL NO. 744 - Authorizes certified shorthand reporter to report cases tried by jury in justice's court.

Testifying to the need for this legislation was Judge Fidel Salcedo, representing the Reno Justice Court and the Nevada Judges' Association. Judge Salcedo said the justice's courts simply could not get an "official" reporter because of the workload in the district courts, and the problem was compounded by an increase in the number of requested jury trials in the justice's court.

ASSEMBLY BILL NO. 766 - Provides for forfeiture of property of person convicted of certain offenses involving controlled substance.

ASSEMBLY BILL NO. 550 - Makes various changes relating to detection and prevention of spread of virus which causes acquired immune deficiency syndrome.

Amendments to A.B. 550 (Exhibit J) were reviewed by Chairman Sader, and discussed with committee members. He observed the fiscal impact and said he would let Mr. Sedway decide if he wanted the bill considered in Ways and Means Committee.

ASSEMBLYMAN THOMAS MOVED TO AMEND AND DO PASS A.B. 550.

ASSEMBLYMAN DUBOIS SECONDED THE MOTION

THE MOTION CARRIED UNANIMOUSLY.

Mr. DuBois was asked to handle the bill on the floor.

ASSEMBLY BILL NO. 428 - Prohibits possession of open container of intoxicating liquor in motor vehicle under certain circumstances.

Chairman Sader verbally cited an amendment proposed by the sponsors, the Southern Nevada DUI Task Force. The amendment was as follows:

1. "Exempt any truck, passenger car or tractor which is designed, maintained or used primarily for transportation or purposes for compensation (i.e., a bus, taxicab, etc.).
2. Restrict the application of this law to the passenger compartment of a truck, passenger car or truck-tractor. This would not include the "hatch-back" area of a cab.
3. "For purposes of this section, the term passenger compartment shall include that area of the truck, passenger car or truck-trailer designed for the seating of the driver or passengers."

To Mr. Nicholas' question, Mr. Sader said RV's were excluded.

ASSEMBLYMAN DUBOIS MOVED TO AMEND AND DO PASS A.B. 428.

ASSEMBLYMAN TRIGGS SECONDED THE MOTION.

Amendment to AB 550

Chapter 201 of NRS is hereby amended as follows:

Section 1.-no change.

Section 2. 1. It is unlawful for any person to solicit or to engage in prostitution, except in a house of prostitution licensed pursuant to NRS 244.345.

2. Any person who violates subsection 1 is guilty of a misdemeanor.

Section 3. Any person who is arrested for a violation of section 2 of this act must submit to a test, approved by regulation of the state board of health, to detect exposure to the human immunodeficiency virus and if convicted pay the sum of \$100.00 to cover the expense of the test. If the results of the test are positive and at least 95% reliable, they shall immediately be transmitted to the arresting law enforcement agency, which shall mail them to the last known address of the person arrested or, if the person is in the custody of the agency, serve them personally. Delivery by certified mail is deemed to have occurred when mailed.

Section 4. [Except as otherwise provided in subsection 2] Any person who:

(1) Violates section 2 of this act; or

(2) Works as a prostitute in a licensed house of prostitution, after

(a) testing positive in a test approved by regulation of the state board of health for exposure to the human immunodeficiency virus, which is at least 95% reliable; and

(b) receiving written notice of the results of the positive test is guilty of a felony punishable by a term of 1 to 20 years in prison and a fine of not more than \$10,000.

Section 4 (2)- is deleted.

Section 5- no change.

Section 6. Chapter 41 of NRS is hereby amended by adding thereto a new section to read as follows:

1. Except as otherwise provided in subsection 2, an owner of or agent of an owner of a house of prostitution 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 which is at least 95% liable, is liable for any damages caused to a person exposed to the virus as a result of the employment.

Section 6, (2) is deleted.

Section 7 is deleted.

Section 8 is deleted.

EXHIBIT J

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regulations prescribing the procedures for the appeal by providers of services from its decisions; assigning to a hospital the rights of any patient against a third party; and providing other matters properly relating thereto."

Amend the summary of the bill to read as follows: "Makes various changes concerning payment for medical care. (BDR 38-820)".

Assemblyman Humke moved the adoption of the amendment.

Remarks by Assemblymen Humke and Sader.

Assemblyman Sader moved that Assembly Bill No. 500 be taken from the Second Reading File and placed on the Chief Clerk's desk.

Motion carried.

Assembly Bill No. 550.

Bill read second time.

The following amendment was proposed by the Committee on Judiciary:
Amendment No. 1023.

Amend sec. 2, page 1, line 3, by deleting "*prostitution,*" and inserting: "*prostitution or solicitation therefor,*".

Amend sec. 3, page 1, by deleting line 6 and inserting:

"Sec. 3. 1. *Any person who is arrested for a violation of section 2 of this act must submit to a*".

Amend sec. 3, page 1, line 8, after "*virus.*" by inserting: "*If the person is convicted of a violation of section 2 of this act, he shall pay the sum of \$100 for the cost of the test.*"

2. *If the results of the test are positive, the person performing the test shall immediately transmit the results of the test to the arresting law enforcement agency. That agency shall:*

(a) *Mail the results by certified mail to the person arrested, at his last known address; or*

(b) *If the person arrested is in the custody of the agency, personally deliver the results to him.*

3. *Receipt of the results mailed pursuant to paragraph (a) of subsection 2 shall be deemed to have occurred when the results are so mailed.*".

Amend sec. 4, pages 1 and 2, by deleting lines 9 and 10 on page 1 and lines 1 through 11 on page 2, and inserting:

"Sec. 4. *Any person who:*

1. *Violates section 2 of this act; or*

2. *Works as a prostitute in a licensed house of prostitution, after testing positive in a test approved by the state board of health and receiving written 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.*".

Amend sec. 6, page 2, line 23, by deleting "1."

Amend sec. 6, page 2, line 24, after "*prostitution*" by inserting "*, the person who operates the house or his agent*".

Amend sec. 6, page 2, by deleting lines 29 through 34.

Amend sec. 7, page 2, by deleting lines 38 through 40 and inserting: "*to detect exposure to the human immunodeficiency virus. The board shall not approve any series of tests, the results of which are not considered by the medical community to be reliable at least 95 percent of the time.*".

Amend the bill as a whole by deleting sec. 8.

Amend the title of the bill by deleting the fourth and fifth lines and inserting: "prostitution guilty of a felony; making certain owners of houses of prostitution and their agents liable for damages if they employ as a prostitute a person who has".

Assemblyman Sader moved the adoption of the amendment.

Remarks by Assemblymen Sader and Swain.

Assemblyman Sader moved that Assembly Bill No. 550 be taken from the Second Reading File and placed on the Chief Clerk's desk.

Motion carried.

Assembly Bill No. 802.

Bill read second time.

The following amendment was proposed by the Committee on Commerce:
Amendment No. 1369.

Amend sec. 2, page 2, by deleting lines 1, 2 and 3 and inserting: "*is guilty of a misdemeanor.*".

Amend the title of the bill, fourth line, by deleting "increasing" and inserting "revising".

Assemblyman Jeffrey moved the adoption of the amendment.

Remarks by Assemblyman Jeffrey.

Amendment adopted.

Bill ordered reprinted, engrossed and to third reading.

Assembly Bill No. 858.

Bill read second time.

The following amendment was proposed by the Committee on Government Affairs:

Amendment No. 1279.

Amend section 1, page 1, by deleting lines 11 through 16 and inserting:
"4. *The fund must only be used for the greatest good and highest benefit of the majority of the residents of this state. Any interest earned on money in the fund must be credited to the fund. The money which represents the principal of the fund must not be spent and only the interest earned on the principal may be used to carry out the provisions of this section.*".

Amend section 1, page 2, line 1, by deleting "6." and inserting "5.".

Assemblyman May moved the adoption of the amendment.

Remarks by Assemblyman May.

Amendment adopted.

Bill ordered reprinted, engrossed and to third reading.

Assembly Bill No. 871.

Bill read second time, ordered engrossed and to third reading.

Amendment No. 1331.

Amend section 1, page 2, line 15, by deleting "[391.3194,] 391.3193," and inserting "391.3194,".

Assemblyman Craddock moved that the Assembly concur in the Senate amendment to Assembly Bill No. 421.

Remarks by Assemblyman Craddock.

Motion carried.

Bill ordered enrolled.

Assembly Bill No. 626.

The following Senate amendment was read:

Amendment No. 1321.

Amend sec. 4, page 3, line 39, by deleting "\$5" and inserting "\$5] \$7".

Amend the title of the bill, third line, after "marriage;" by inserting: "increasing the fee imposed for the account for aid for victims of domestic violence;".

Assemblyman Adler moved that the Assembly concur in the Senate amendment to Assembly Bill No. 626.

Remarks by Assemblyman Adler.

Motion carried.

Bill ordered enrolled.

MOTIONS, RESOLUTIONS AND NOTICES

Assemblyman Jeffrey moved that Assembly Bills Nos. 549, 565, 571, 820, 873 and 878 be placed on the General File immediately following Assembly Joint Resolution No. 45.

Motion carried.

SECOND READING AND AMENDMENT

Assembly Bill No. 550.

Bill read second time.

The following amendment was proposed by the Committee on Judiciary:

Amendment No. 1403.

Amend sec. 2, page 1, line 3, by deleting "*prostitution,*" and inserting: "*prostitution or solicitation therefor,*".

Amend sec. 3, page 1, by deleting line 6 and inserting:

"Sec. 3. 1. *Any person who is arrested for a violation of section 2 of this act must submit to a*".

Amend sec. 3, page 1, line 8, after "*virus.*" by inserting: "*If the person is convicted of a violation of section 2 of this act, he shall pay the sum of \$100 for the cost of the test.*"

2. *If the results of the test are positive, the person performing the test shall immediately transmit the results of the test to the arresting law enforcement agency. That agency shall:*

(a) *Mail the results by certified mail to the person arrested, at his last known address; or*

(b) If the person arrested is in the custody of the agency, personally deliver the results to him."

Amend sec. 4, pages 1 and 2, by deleting lines 9 and 10 on page 1 and lines 1 through 11 on page 2, and inserting:

"Sec. 4. Any person who:

1. Violates section 2 of this act; or
2. Works as a prostitute in a licensed house of prostitution, after testing positive in a test approved by the state board of health and receiving written 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."

Amend sec. 6, page 2, line 23, by deleting "1."

Amend sec. 6, page 2, line 24, after "prostitution" by inserting: ", the person who operates the house or his agent".

Amend sec. 6, page 2, by deleting lines 29 through 34.

Amend sec. 7, page 2, by deleting lines 38 through 40 and inserting: "to detect exposure to the human immunodeficiency virus. The board shall not approve any series of tests, the results of which are not considered by the medical community to be reliable at least 95 percent of the time."

Amend the bill as a whole by deleting sec. 8.

Amend the title of the bill by deleting the fourth and fifth lines and inserting: "prostitution guilty of a felony; making certain owners of houses of prostitution and their agents liable for damages if they employ as a prostitute a person who has".

Assemblyman Sader moved the adoption of the amendment.

Remarks by Assemblyman Sader.

Amendment adopted.

Bill ordered reprinted, engrossed and to the Concurrent Committee on Ways and Means.

UNFINISHED BUSINESS

CONSIDERATION OF SENATE AMENDMENTS

Assembly Bill No. 775.

The following Senate amendment was read:

Amendment No. 1255.

Amend sec. 2, page 1, line 4, after "institution" by inserting: "which is not licensed by the state or Federal Government".

Assemblyman Jeffrey moved that the Assembly do not concur in the Senate amendment to Assembly Bill No. 775.

Remarks by Assemblyman Jeffrey.

Motion carried.

Bill ordered transmitted to the Senate.

(REPRINTED WITH ADOPTED AMENDMENTS)

FIRST REPRINT

A.B. 550

ASSEMBLY BILL NO. 550--ASSEMBLYMEN DuBOIS, THOMAS, WISDOM, FAY,
LAMBERT, TEBBS, NICHOLAS, McGAUGHEY, TRIGGS AND KERNS

APRIL 8, 1987

Referred to Concurrent Committees on Judiciary and
Ways and Means

SUMMARY--Makes various changes relating to detection and prevention of spread of virus
which causes acquired immune deficiency syndrome. (BDR 15-1343)

FISCAL NOTE: Effect on Local Government: Yes.

Effect on the State or on Industrial Insurance: Yes.



EXPLANATION--Matter in italics is new; matter in brackets [] is material to be omitted.

AN ACT relating to acquired immune deficiency syndrome; making certain acts of prostitution
unlawful; requiring testing of certain persons for exposure to the virus which causes
the syndrome; making a person who tests positive for the virus and later engages in
prostitution guilty of a felony; making certain owners of houses of prostitution and
their agents liable for damages if they employ as a prostitute a person who has
tested positive; providing a penalty; and providing other matters properly relating
thereto.

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

1 **Section 1.** Chapter 201 of NRS is hereby amended by adding thereto the
2 provisions set forth as sections 2, 3 and 4 of this act.

3 **Sec. 2. 1.** *It is unlawful for any person to engage in prostitution or*
4 *solicitation therefor, except in a house of prostitution licensed pursuant to*
5 *NRS 244.345.*

6 *2. Any person who violates subsection 1 is guilty of a misdemeanor.*

7 **Sec. 3. 1.** *Any person who is arrested for a violation of section 2 of this*
8 *act must submit to a test, approved by regulation of the state board of*
9 *health, to detect exposure to the human immunodeficiency virus. If the*

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1 person is convicted of a violation of section 2 of this act, he shall pay the
2 sum of \$100 for the cost of the test.

3 2. If the results of the test are positive, the person performing the test
4 shall immediately transmit the results of the test to the arresting law
5 enforcement agency. That agency shall:

6 (a) Mail the results by certified mail to the person arrested, at his last
7 known address; or

8 (b) If the person arrested is in the custody of the agency, personally
9 deliver the results to him.

10 Sec. 4. Any person who:

11 1. Violates section 2 of this act; or

12 2. Works as a prostitute in a licensed house of prostitution,
13 after testing positive in a test approved by the state board of health and
14 receiving written notice of that fact is guilty of a felony and shall be
15 punished by imprisonment in the state prison for not less than 1 year nor
16 more than 20 years, or by fine of not more than \$10,000, or by both fine
17 and imprisonment.

18 Sec. 5. NRS 201.295 is hereby amended to read as follows:

19 201.295 As used in NRS [201.300] 201.295 to 201.440, inclusive, and
20 sections 2, 3 and 4 of this act, unless the context otherwise requires:

21 1. "Prostitute" means a male or female person who for a fee engages in
22 sexual intercourse, oral-genital contact or any touching of the sexual organs
23 or other intimate parts of a person for the purpose of arousing or gratifying
24 the sexual desire of either person.

25 2. "Prostitution" means engaging in sexual conduct for a fee.

26 3. "Sexual conduct" means any of the acts enumerated in subsection 1.

27 Sec. 6. Chapter 41 of NRS is hereby amended by adding thereto a new
28 section to read as follows:

29 Except as otherwise provided in subsection 2, an owner of a house of
30 prostitution, the person who operates the house or his agent who employs or
31 continues to employ a prostitute after he knows or should know that the
32 prostitute has tested positive in a test approved by regulation of the state
33 board of health for exposure to the human immunodeficiency virus, is liable
34 for any damages caused to a person exposed to the virus as a result of the
35 employment.

36 Sec. 7. Chapter 439 of NRS is hereby amended by adding thereto a new
37 section to read as follows:

38 The state board of health shall evaluate and approve, by regulation, tests
39 to detect exposure to the human immunodeficiency virus. The board shall not
40 approve any series of tests, the results of which are not considered by the
41 medical community to be reliable at least 95 percent of the time.

FISCAL NOTE

BDR 15-1343
A.B. 550
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• STATE AGENCY'S ESTIMATES Date Prepared _____

Agency Submitting _____

Items of Revenue or Expense or both	Fiscal Year 1986-87	Fiscal Year 1987-88	Fiscal Year 1988-89	Continuing

Total

Explanation (Use Continuation Sheets, if required)

NO FISCAL IMPACT

Effect on Local Government YES NO

Signature *Louise Lange*
Title ADMINISTRATOR, HEALTH DIVISION

• DEPARTMENT OF ADMINISTRATION'S COMMENTS Date April 21, 1987

There is no fiscal impact from this bill to the Health Division because the State Board of Health already requires A.I.D.S. testing of persons engaged in prostitution at houses of prostitution. The fiscal impact of this bill would be felt by the Department of Prisons should persons be convicted of attempted murder pursuant to Section 4 (1)b and the state be required to provide not only ongoing care but extensive medical care should A.I.D.S. develop after exposure to the virus.

Signature *[Signature]*
Title Director, Department of Administration

• Fiscal Effect on Local Government (Legislative Counsel Bureau Use Only) Date April 23 1987

The bill newly imposes a sentence and/or reduces the possibility of probation or parole. Therefore, the local governments will incur the costs of enforcement and prosecution and, upon conviction, the costs of incarceration, probation or parole.

Signature *[Signature]*
Title Deputy Fiscal Analyst

FN 55054

UNFINISHED BUSINESS

REPORTS OF CONFERENCE COMMITTEES

Mr. Speaker:

The second Committee on Conference concerning Assembly Bill No. 856, consisting of the undersigned members, has met, and reports that:

No decision was reached.

JOSEPH E. DINI, JR.

MARVIN M. SEDWAY

MORSE ARBERRY, JR.

Assembly Committee on Conference

JAMES I. GIBSON

WILLIAM J. RAGGIO

DEAN A. RHOADS

Senate Committee on Conference

Assemblyman Sedway moved that the Assembly adopt the report of the second Committee on Conference concerning Assembly Bill No. 856.

Remarks by Assemblyman Sedway.

Motion carried.

REPORTS OF COMMITTEES

Mr. Speaker:

Your Concurrent Committee on Ways and Means, to which was referred Assembly Bill No. 550, has had the same under consideration, and begs leave to report the same back with the recommendation: Do pass, as amended.

MARVIN M. SEDWAY, *Chairman*

MOTIONS, RESOLUTIONS AND NOTICES

Assemblyman Sedway moved that Assembly Bill No. 550 be placed on the General File.

Motion carried.

GENERAL FILE AND THIRD READING

Assembly Bill No. 550.

Bill read third time.

Remarks by Assemblyman DuBois.

Roll call on Assembly Bill No. 550:

YEAS—42.

NAYS—None.

Assembly Bill No. 550 having received a constitutional majority, Mr. Speaker declared it passed, as amended.

Bill ordered transmitted to the Senate.

UNFINISHED BUSINESS

REPORTS OF CONFERENCE COMMITTEES

Mr. Speaker:

The second Committee on Conference concerning Assembly Bill No. 399, consisting of the undersigned members, has met, and reports that:

It has agreed to recommend that the amendment of the Senate be concurred in.

MARVIN M. SEDWAY

JOSEPH E. DINI, JR.

TERRY TEBBS

Assembly Committee on Conference

LAWRENCE E. JACOBSEN

JAMES I. GIBSON

NICHOLAS J. HORN

Senate Committee on Conference

GENERAL FILE AND THIRD READING

Assembly Bill No. 550.

Bill read third time.

Roll call on Assembly Bill No. 550:

YEAS—20.

NAYS—None.

Absent—Mello.

Assembly Bill No. 550 having received a constitutional majority, Mr. President declared it passed.

Senator Raggio moved that all rules be suspended and that Assembly Bill No. 550 be immediately transmitted to the Assembly.

Motion carried unanimously.

UNFINISHED BUSINESS

REPORTS OF CONFERENCE COMMITTEES

Mr. President:

The second Committee on Conference concerning Assembly Bill No. 399, consisting of the undersigned members, has met, and reports that:

It has agreed to recommend that the amendment of the Senate be concurred in.

LAWRENCE E. JACOBSEN

JAMES I. GIBSON

NICHOLAS J. HORN

Senate Committee on Conference

MARVIN M. SEDWAY

JOSEPH E. DINI, JR.

TERRY TEBBS

Assembly Committee on Conference

Senator Jacobsen moved that the Senate adopt the report of the second Committee on Conference concerning Assembly Bill No. 399.

Remarks by Senator Jacobsen.

Motion carried.

CONSIDERATION OF ASSEMBLY AMENDMENTS

Senate Bill No. 73.

The following Assembly amendment was read:

Amendment No. 1679.

Amend the bill as a whole by adding a new section designated sec. 3.5, following sec. 3, to read as follows:

“Sec. 3.5. NRS 484.743 is hereby amended to read as follows:

484.743 1. The [board of directors] *director* of the department of transportation may [by resolution] authorize the movement of vehicles upon the public highways, including without limitation motor vehicles, tractors, trailers, semitrailers and combinations thereof, of a size and weight in excess of the limits prescribed by this chapter, to such extent as may be authorized by any legislation enacted by the Congress of the United States permitting such increases without forfeiture of this state's eligibility for federal aid in highway construction and maintenance.

2. The [board of directors] *director* of the department of transportation may by [resolution] *regulation* establish a reasonable fee or fees to be charged by the department for the issuance of permits authorizing the operation of oversize or overweight vehicles as provided in this chapter. The

4. The balance of the amounts appropriated by subsection 1 or 2 must be used to provide grants to undergraduate and graduate students who have been determined as having financial need and who are enrolled at least half time in approved public institutions of postsecondary education.

5. Any balance of the sums appropriated by subsection 1 remaining at the end of the respective fiscal years must not be committed for expenditure after June 30 and reverts to the estate tax account in the state general fund as soon as all payments of money committed have been made.

Assembly Bill No. 550--Assemblymen DuBois, Thomas, Wisdom, Fay, Lambert, Tebbs, Nicholas, McGaughey, Triggs and Kerns

CHAPTER 762

AN ACT relating to acquired immune deficiency syndrome; making certain acts of prostitution unlawful; requiring testing of certain persons for exposure to the virus which causes the syndrome; making a person who tests positive for the virus and later engages in prostitution guilty of a felony; making certain owners of houses of prostitution and their agents liable for damages if they employ as a prostitute a person who has tested positive; providing a penalty; and providing other matters properly relating thereto.

[Approved June 26, 1987]

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

Section 1. Chapter 201 of NRS is hereby amended by adding thereto the provisions set forth as sections 2, 3 and 4 of this act.

Sec. 2. 1. *It is unlawful for any person to engage in prostitution or solicitation therefor, except in a house of prostitution licensed pursuant to NRS 244.345.*

2. Any person who violates subsection 1 is guilty of a misdemeanor.

Sec. 3. 1. *Any person who is arrested for a violation of section 2 of this act must submit to a test, approved by regulation of the state board of health, to detect exposure to the human immunodeficiency virus. If the person is convicted of a violation of section 2 of this act, he shall pay the sum of \$100 for the cost of the test.*

2. If the results of the test are positive, the person performing the test shall immediately transmit the results of the test to the arresting law enforcement agency. That agency shall:

(a) Mail the results by certified mail to the person arrested, at his last known address; or

(b) If the person arrested is in the custody of the agency, personally deliver the results to him.

Sec. 4. *Any person who:*

1. Violates section 2 of this act; or

2. Works as a prostitute in a licensed house of prostitution,

after testing positive in a test approved by the state board of health and receiving written 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.

Sec. 5. NRS 201.295 is hereby amended to read as follows:

201.295 As used in NRS [201.300] 201.295 to 201.440, inclusive, and sections 2, 3 and 4 of this act, unless the context otherwise requires:

1. "Prostitute" means a male or female person who for a fee engages in sexual intercourse, oral-genital contact or any touching of the sexual organs or other intimate parts of a person for the purpose of arousing or gratifying the sexual desire of either person.

2. "Prostitution" means engaging in sexual conduct for a fee.

3. "Sexual conduct" means any of the acts enumerated in subsection 1.

Sec. 6. Chapter 41 of NRS is hereby amended by adding thereto a new section to read as follows:

Except as otherwise provided in subsection 2, 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.

Sec. 7. Chapter 439 of NRS is hereby amended by adding thereto a new section to read as follows:

The state board of health shall evaluate and approve, by regulation, tests to detect exposure to the human immunodeficiency virus. The board shall not approve any series of tests, the results of which are not considered by the medical community to be reliable at least 95 percent of the time.

Senate Bill No. 235--Committee on Commerce and Labor

CHAPTER 763

AN ACT relating to insurance: increasing certain fees; and providing other matters properly relating thereto.

[Approved June 26, 1987]

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

Section 1. NRS 680B.010 is hereby amended to read as follows:

680B.010 The commissioner shall collect in advance and receipt for, and persons so served must pay to the commissioner, fees and miscellaneous charges as follows: