

# Nevada

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## Analysis

### **People living with HIV (PLHIV) are prohibited from engaging in conduct known to transmit HIV.**

In Nevada, it is a Class B felony, punishable by two to ten years in prison and a fine of up to \$10,000, for a PLHIV who knows their HIV status to intentionally engage in conduct that is intended or likely to transmit the disease to another person.<sup>1</sup> Neither the intent to expose another to HIV nor actual transmission is a required element of the crime; the statute only requires, “intentionally, knowingly, or willfully engag[ing] in conduct in a manner that is intended or likely to transmit the diseases to another person.”<sup>2</sup> Conduct “likely to transmit” HIV is not defined.

It is an affirmative defense if the person subject to possible HIV exposure 1) knew the defendant’s HIV status, 2) knew that the conduct in which they engaged could result in HIV exposure, and 3) voluntarily engaged in the conduct.<sup>3</sup> It may be difficult to prove whether one’s HIV status was disclosed in the course of private sexual activities. Condom use without disclosure is not a defense to prosecution.

### **PLHIV cannot engage in sex work.**

In Nevada, it is a misdemeanor, punishable by six months’ imprisonment and a \$1,000 fine, for anyone to engage in prostitution except in a licensed “house of prostitution.”<sup>4</sup> Upon arrest for violation, persons must be tested for HIV.<sup>5</sup> Sex workers must be tested monthly for HIV and sexually transmitted infections (STDs) and are required to wear latex condoms.<sup>6</sup> In Nevada, it is a Class B felony, punishable by two to ten years in prison and/or a fine of up to \$10,000, for a PLHIV to engage in licensed or unlicensed sex work after receiving notice of their HIV status.<sup>7</sup>

In *Glegola v. State*, the Nevada Supreme Court affirmed a sex worker’s conviction and 15-year sentence<sup>8</sup> for “solicitation for prostitution after notice of testing positive for HIV.”<sup>9</sup> At trial, the appellant testified she did not actually intend to perform any sexual acts, but rather intended to take the money

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<sup>1</sup> NEV. REV. STAT. § 201.205(1) (2016).

<sup>2</sup> *Id.*

<sup>3</sup> NEV. REV. STAT. § 201.205(2) (2016).

<sup>4</sup> NEV. REV. STAT. §§ 201.354, 193.150 (2016).

<sup>5</sup> NEV. REV. STAT. § 201.356 (2016).

<sup>6</sup> NEV. ADMIN. CODE §§ 441A.800-815 (2016).

<sup>7</sup> NEV. REV. STAT. § 201.358 (2016).

<sup>8</sup> At the time, a conviction of this offense was punishable from one to 20 years imprisonment. 871 P.2d 950, 953 (Nev. 1994).

<sup>9</sup> *Glegola v. State*, 871 P.2d 950 (Nev. 1994).

and leave, and that she did not engage in any activities that could transmit HIV.<sup>10</sup> Indeed, no sexual act was committed, and she was taken into custody after offering sexual services in exchange for money to an undercover officer.<sup>11</sup> The Court upheld the conviction and sentence because there is no specific intent element required for the crime of “solicitation for prostitution after notice of testing positive for HIV”; the State merely had to establish the appellant (1) was living with HIV, (2) was aware of her HIV status, and (3) offered, agreed, or arranged to provide sexual conduct for a fee.<sup>12</sup>

The appellant also argued that her 15-year sentence was disproportionate to the crime for which she was convicted.<sup>13</sup> The State argued both the conviction and sentence were appropriate because “the harm threatened by the act of solicitation of prostitution while HIV positive is great; because the legislature did not intend for the unsuspecting client to be fatally infected before criminals like appellant are treated as felons; [and] because her crime should be treated differently [as] it is much more serious and obviously much more deadly than an ordinary crime of mere solicitation defined as a misdemeanor.”<sup>14</sup> Noting the district court’s wide discretion in imposing a particular prison term, the court affirmed the defendant’s 15-year sentence.<sup>15</sup>

### **Health authorities have broad powers to prevent transmission of communicable and infectious diseases, including HIV and other STIs.**

A person who has a communicable disease in an infectious state shall not conduct themselves in any manner likely to expose others to the disease or engage in any occupation in which it is likely that the disease will be transmitted to others.<sup>16</sup> A violation results in a misdemeanor, punishable by six months’ imprisonment and a \$1,000 fine.<sup>17</sup> “Communicable disease” is defined as, “a disease which is caused by a specific infectious agent or its toxic products, and which can be transmitted, either directly or indirectly, from a reservoir of infectious agents to a susceptible host organism.”<sup>18</sup>

A health authority may require medical examination of a person they, “reasonably suspect [has] a communicable disease in an infectious state.”<sup>19</sup> Moreover, a health authority may require isolation, quarantine, or treatment of any person if they believe, “such action is necessary to protect the public

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<sup>10</sup> *Id.* at 952.

<sup>11</sup> *Id.* at 951.

<sup>12</sup> *Id.* at 952-53.

<sup>13</sup> *Id.* at 953.

<sup>14</sup> *Id.*

<sup>15</sup> *Id.* At the time, the applicable statute provided for a punishment of one to 20 years. *Id.*

<sup>16</sup> NEV. REV. STAT. § 441A.180 (2016).

<sup>17</sup> *Id.* NEV. REV. STAT. § 193.150 (2016).

<sup>18</sup> NEV. REV. STAT. § 441A.040 (2016). See also NEV. REV. STAT. §§ 441A.063 (“‘Infectious disease’ means a disease which is caused by pathogenic microorganisms, including, without limitation, bacteria, viruses, parasites or fungi, which spread, either directly or indirectly, from one person to another. The term includes a communicable disease.”), 441A.775 (defining STDs as “bacterial, viral, fungal or parasitic disease which may be transmitted through sexual conduct,” including, but not limited to AIDS, acute pelvic inflammatory disease, chancroid, chlamydia, genital herpes, human papilloma virus, gonorrhea, granuloma inguinale, hepatitis B, HIV, lymphogranuloma venereum, nongonococcal urethritis, and syphilis) (2016), and *In re Reno*, 64 P.2d 1036 (Nev. 1937) (affirming revocation of medical license of physician who failed to report a sex worker who had contracted a venereal disease to the police authorities).

<sup>19</sup> NEV. REV. STAT. § 441A.160 (2016).

health.”<sup>20</sup> Persons subject to isolation or quarantine must undergo medical examination.<sup>21</sup> Restricted individuals have the right to notice and a hearing before the district court,<sup>22</sup> at which the health authorities must establish by clear and convincing evidence that the person has been infected with or exposed to a communicable disease or is likely to be an immediate threat to the health of the public.<sup>23</sup> Persons subject to these hearings have the rights to legal representation<sup>24</sup> and to be present and testify by telephonic or videoconference.<sup>25</sup>

Compliance with any of these public health measures may be enforced by injunction.<sup>26</sup> Moreover, any violation of public health measures is a misdemeanor, punishable by six months’ imprisonment and a \$1,000 fine.<sup>27</sup> Any otherwise confidential information, including medical records, may be used in legal actions.<sup>28</sup>

A person with an AIDS diagnosis who does not comply with orders from health authorities, or who engages in behavior known to transmit HIV, may be subject to confinement in addition to criminal penalties.<sup>29</sup> At the time of this publication, the authors are not aware of any person being subject to prosecution or penalties under this statute.

**Important note:** *While we have made an effort to ensure that this information is current, the law is always changing and we cannot guarantee the accuracy of the information provided. This information may or may not be applicable to your specific situation and, as such, it should not be used as a substitute for legal advice.*

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<sup>20</sup> *Id.* See also NEV. REV. STAT. §§ 441A.600 (2016) (requiring health authorities establish reasonable factual and medical basis to believe the person has been infected with or exposed to a communicable disease and, that because of the risks of that disease, the person is likely to be an immediate threat to the health of the public), 441A.610 (requiring sworn statement from health authority that there is a reasonable degree of certainty that the person is currently capable of transmitting the disease, or is likely to become capable of transmitting the disease in the near future) (2016).

<sup>21</sup> NEV. REV. STAT. § 441A.630 (2016).

<sup>22</sup> NEV. REV. STAT. § 441A.620 (2016).

<sup>23</sup> NEV. REV. STAT. § 441A.700 (2016).

<sup>24</sup> NEV. REV. STAT. § 441A.600 (2016).

<sup>25</sup> NEV. REV. STAT. § 441A.680 (2016).

<sup>26</sup> NEV. REV. STAT. § 441A.900 (2016).

<sup>27</sup> NEV. REV. STAT. §§ 441A.910, 193.150 (2016).

<sup>28</sup> NEV. REV. STAT. § 441A.220 (2016).

<sup>29</sup> NEV. REV. STAT. § 441A.300 (2016).

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## Nevada Revised Statutes

*Note: Provisions imposing punitive restrictions or listing criminal sentences are denoted with \*\* and are generally listed first. Thereafter, provisions within a particular title are listed numerically.*

### TITLE 15. CRIMES AND PUNISHMENTS

#### **NEV. REV. STAT. § 201.205 (2016) \*\***

*Intentional transmission of HIV: penalty; affirmative defense*

1. A person who, after testing positive in a test approved by the State Board of Health for exposure to the human immunodeficiency virus and receiving actual notice of that fact, intentionally, knowingly or willfully engages in conduct in a manner that is intended or likely to transmit the disease to another person is guilty of a category B felony and shall be punished by imprisonment in the state prison for a minimum term of not less than 2 years and a maximum term of not more than 10 years, or by a fine of not more than \$10,000, or by both fine and imprisonment.

2. It is an affirmative defense to an offense charged pursuant to subsection 1 that the person who was subject to exposure to the human immunodeficiency virus as a result of the prohibited conduct:

- (a) Knew the defendant was infected with the human immunodeficiency virus;
- (b) Knew the conduct could result in exposure to the human immunodeficiency virus; and
- (c) Consented to engage in the conduct with that knowledge.

#### **NEV. REV. STAT. § 201.358 (2016) \*\***

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

1. A person who:

- (a) Violates NRS 201.354; or
- (b) Works as a prostitute in a licensed house of prostitution,

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

2. As used in this section, “notice” means:

- (a) Actual notice; or
- (b) Notice received pursuant to NRS 201.356.

**NEV. REV. STAT. § 201.356 (2016)**

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

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

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

**NEV. REV. STAT. ANN. § 193.150 (2016) \*\***

*Punishment of misdemeanors.*

1. Every person convicted of a misdemeanor shall be punished by imprisonment in the county jail for not more than 6 months, or by a fine of not more than \$1,000, or by both fine and imprisonment, unless the statute in force at the time of commission of such misdemeanor prescribed a different penalty.

2. In lieu of all or a part of the punishment which may be imposed pursuant to subsection 1, the convicted person may be sentenced to perform a fixed period of community service pursuant to the conditions prescribed in NRS 176.087.

**TITLE 40. PUBLIC HEALTH AND SAFETY**

**NEV. REV. STAT. ANN. § 441A.040 (2016)**

*"Communicable disease" defined.*

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

**NEV. REV. STAT. ANN. § 441A.063 (2016)**

*"Infectious disease" defined.*

"Infectious disease" means a disease which is caused by pathogenic microorganisms, including, without limitation, bacteria, viruses, parasites or fungi, which spread, either directly or indirectly, from one person to another. The term includes a communicable disease.

**NEV. REV. STAT. ANN. § 441A.160 (2016) \*\***

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

2. A health authority may:

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

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

**NEV. REV. STAT. § 441A.180 (2016)**

*Contagious person to prevent exposure to others; warning by health authority; penalty*

1. A person who has a communicable disease in an infectious state shall not conduct himself or herself in any manner likely to expose others to the disease or engage in any occupation in which it is likely that the disease will be transmitted to others.
3. A person who violates the provisions of subsection 1 after service upon him or her of a warning from a health authority is guilty of a misdemeanor.

**NEV. REV. STAT. ANN. § 441A.220 (2016)**

*Confidentiality of information; permissible disclosure.*

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

3. In a prosecution for a violation of this chapter.
4. In a proceeding for an injunction brought pursuant to this chapter.

**NEV. REV. STAT. § 441A.300 (2016)**

*Confinement of a person whose conduct may spread acquired immunodeficiency syndrome*

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

**NEV. REV. STAT. ANN. § 441A.600 (2016)**

*Petition: Filing; certificate or statement of alleged infection with or exposure to communicable disease.*

A proceeding for an involuntary court-ordered isolation or quarantine of any person in this State may be commenced by a health authority filing a petition with the clerk of the district court of the county where the person is to be isolated or quarantined. The petition may be pled in the alternative for both isolation and quarantine, if required by developing or changing facts, and must be accompanied:

1. By a certificate of a health authority or a physician, a physician assistant licensed pursuant to chapter 630 or 633 of NRS or a registered nurse stating that he or she has examined the person alleged to have been infected with or exposed to a communicable disease or has investigated the circumstances of potential infection or exposure regarding the person alleged to have been infected with or exposed to a communicable disease and has concluded that the person has been infected with or exposed to a communicable disease, and that because of the risks of that disease, the person is likely to be an immediate threat to the health of the public; or

2. By a sworn written statement by the health authority that:

(a) The health authority has, based upon its personal observation of the person alleged to have been infected with or exposed to a communicable disease, or its epidemiological investigation of the circumstances of potential infection or exposure regarding the person alleged to have been infected with or exposed to a communicable disease, a reasonable factual and medical basis to believe that the person has been infected with or exposed to a communicable disease and, that because of the risks of that disease, the person is likely to be an immediate threat to the health of the public; and

(b) The person alleged to have been infected with or exposed to a communicable disease has refused to submit to voluntary isolation or quarantine, examination, testing, or treatment known to control or resolve the transmission of the communicable disease. 2003, ch. 384, § 14, p. 2200; 2007, ch. 413, § 99, p. 1859.

**NEV. REV. STAT. ANN. § 441A.610 (2016)**

*Requirements of petition that is filed after emergency isolation or quarantine.*

In addition to the requirements of NRS 441A.600, a petition filed pursuant to that section with the clerk of the district court to commence proceedings for involuntary court-ordered isolation or quarantine of a person pursuant to NRS 441A.540 or 441A.550 must include a certified copy of:

1. If an application for an order of emergency isolation or quarantine of the person was made pursuant to NRS 441A.560, the application for the emergency isolation or quarantine of the person made to the petitioning health authority pursuant to NRS 441A.560; and

2. A petition executed by a health authority, including, without limitation, a sworn statement that:

(a) The health authority or a physician, physician assistant licensed pursuant to chapter 630 or 633 of NRS or registered nurse who submitted a certificate pursuant to NRS 441A.570, if such a certificate was submitted, has examined the person alleged to have been infected with or exposed to a communicable disease;

(b) In the opinion of the health authority, there is a reasonable degree of certainty that the person alleged to have been infected with or exposed to a communicable disease is currently capable of transmitting the disease, or is likely to become capable of transmitting the disease in the near future;

(c) Based on either the health authority's personal observation of the person alleged to have been infected with or exposed to the communicable disease or the health authority's epidemiological investigation of the circumstances of potential infection or exposure regarding the person alleged to have been infected with or exposed to the communicable disease, and on other facts set forth in the petition, the person likely poses an immediate threat to the health of the public; and

(d) In the opinion of the health authority, involuntary isolation or quarantine of the person alleged to have been infected with or exposed to a communicable disease to a public or private medical facility, residence or other safe location is necessary to prevent the person from immediately threatening the health of the public. 2003, ch. 384, § 15, p. 2201; 2007, ch. 413, § 100, p. 1859.

**NEV. REV. STAT. ANN. § 441A.620 (2016)**

*Hearing on petition; notice; release of person before hearing.*

1. Immediately after receiving any petition filed pursuant to NRS 441A.600 or 441A.610, the clerk of the district court shall transmit the petition to the appropriate district judge, who shall set a time, date and place for its hearing. The date must be within 5 judicial days after the date on which the petition is received by the clerk.
2. The court shall give notice of the petition and of the time, date and place of any proceedings thereon to the subject of the petition, his or her attorney, if known, the petitioner and the administrative office of any public or private medical facility in which the subject of the petition is detained.
3. The provisions of this section do not preclude a health authority from ordering the release from isolation or quarantine of a person before the time set pursuant to this section for the hearing concerning the person, if appropriate.
4. After the filing of a petition pursuant to NRS 441A.600 or 441A.610 and before any court-ordered involuntary isolation or quarantine, a health authority shall file notice with the court of any order of the health authority issued after the petition was filed to release the person from emergency isolation or quarantine, upon which the court may dismiss the petition without prejudice. 2003, ch. 384, § 16, p. 2202.

**NEV. REV. STAT. ANN. § 441A.630 (2016)**

*Examination or assessment of person alleged to be infected with or exposed to communicable disease; protective custody pending hearing; written summary of findings and evaluation concerning person alleged to be infected with or exposed to communicable disease.*

1. After the filing of a petition to commence proceedings for the involuntary court-ordered isolation or quarantine of a person pursuant to NRS 441A.600 or 441A.610, the court shall promptly cause two or more physicians or physician assistants licensed pursuant to chapter 630 or 633 of NRS, at least one of whom must always be a physician, to either examine the person alleged to have been infected with or

exposed to a communicable disease or assess the likelihood that the person alleged to have been infected with or exposed to a communicable disease has been so infected or exposed.

2. To conduct the examination or assessment of a person who is not being detained at a public or private medical facility, residence or other safe location under emergency isolation or quarantine pursuant to the emergency order of a health authority or court made pursuant to NRS 441A.550 or 441A.560, the court may order a peace officer to take the person into protective custody and transport the person to a public or private medical facility, residence or other safe location where the person may be detained until a hearing is held upon the petition.

3. If the person is being detained at his or her home or other place of residence under an emergency order of a health authority or court pursuant to NRS 441A.550 or 441A.560, the person may be allowed to remain in his or her home or other place of residence pending an ordered assessment, examination or examinations and to return to his or her home or other place of residence upon completion of the assessment, examination or examinations if such remaining or returning would not constitute an immediate threat to others residing in his or her home or place of residence.

4. Each physician and physician assistant licensed pursuant to chapter 630 or 633 of NRS who examines or assesses a person pursuant to subsection 1 shall, not later than 24 hours before the hearing set pursuant to NRS 441A.620, submit to the court in writing a summary of his or her findings and evaluation regarding the person alleged to have been infected with or exposed to a communicable disease. 2003, ch. 384, § 17, p. 2202; 2007, ch. 413, § 101, p. 1860.

**NEV. REV. STAT. ANN. § 441A.660 (2016)**

*Right to counsel; compensation of counsel; recess; duties of district attorney.*

1. The person alleged to have been infected with or exposed to a communicable disease, or any relative or friend on behalf of the person, is entitled to retain counsel to represent the person in any proceeding before the district court relating to involuntary court-ordered isolation or quarantine, and if the person fails or refuses to obtain counsel, the court shall advise the person and his or her guardian or next of kin, if known, of the right to counsel and shall appoint counsel, who may be the public defender or his or her deputy.

2. Any counsel appointed pursuant to subsection 1 must be awarded compensation by the court for his or her services in an amount determined by the court to be fair and reasonable. Except as otherwise provided in this subsection, the compensation must be charged against the estate of the person for whom the counsel was appointed or, if the person is indigent, against the county in which the application for involuntary court-ordered isolation or quarantine was filed. In any proceeding before the district court relating to involuntary court-ordered isolation or quarantine, if the person for whom counsel was appointed is challenging his or her isolation or quarantine or any condition of such isolation or quarantine and the person succeeds in his or her challenge, the compensation must be charged against the county in which the application for involuntary court-ordered isolation or quarantine was filed.

3. The court shall, at the request of counsel representing the person alleged to have been infected with or exposed to a communicable disease in proceedings before the court relating to involuntary court-ordered isolation or quarantine, grant a recess in the proceedings for the shortest time possible, but for not more than 5 days, to give the counsel an opportunity to prepare his or her case.

4. Each district attorney or his or her deputy shall appear and represent the State in all involuntary court-ordered isolation or quarantine proceedings in his or her county. The district attorney is responsible for the presentation of evidence, if any, in support of the involuntary court-ordered isolation or quarantine of a person to a medical facility, residence or other safe location in proceedings held pursuant to NRS 441A.600 or 441A.610.2003, ch. 384, § 20, p. 2203.

**NEV. REV. STAT. ANN. § 441A.680 (2016)**

*Right of person alleged to be infected with or exposed to communicable disease to be present by telephonic conferencing or videoconferencing and to testify.*

1. In proceedings for an involuntary court-ordered isolation or quarantine, the person with respect to whom the proceedings are held has the right:

(a) To be present by live telephonic conferencing or videoconferencing; and

(b) To testify in his or her own behalf, to the extent that the court determines that the person is able to do so without endangering the health of others.

2. A person who is alleged to have been infected with or exposed to a communicable disease does not have the right to be physically present during the proceedings if such person, if present in the courtroom, would likely pose an immediate threat to the health of the judge or the staff or officers of the court.2003, ch. 384, § 22, p. 2204.

**NEV. REV. STAT. ANN. § 441A.700 (2016)**

*Findings and order; expiration and renewal of isolation or quarantine; alternative courses of treatment.*

1. If the district court finds, after proceedings for the involuntary court-ordered isolation or quarantine of a person to a public or private medical facility, residence or other safe location:

(a) That there is not clear and convincing evidence that the person with respect to whom the hearing was held has been infected with or exposed to a communicable disease or is likely to be an immediate threat to the health of the public, the court shall enter its finding to that effect and the person must not be involuntarily detained in such a facility, residence or other safe location.

(b) That there is clear and convincing evidence that the person with respect to whom the hearing was held has been infected with or exposed to a communicable disease and, because of that disease, is likely to be an immediate threat to the health of the public, the court may order the involuntary isolation or quarantine of the person and may order the most appropriate course of treatment after considering the rights of the person and the desires of the person concerning treatment and vaccination, including, without limitation, the tenets of the person's religion and the tenets of any group or organization of which the person is a member, the rights set forth in NRS 441A.210, the rights set forth in NRS 441A.520, the right to counsel set forth in NRS 441A.660, and the right of a person to challenge his or her isolation or quarantine or any condition of such isolation or quarantine. The order of the court must be interlocutory and must not become final if, within 14 days after the court orders the involuntary isolation or quarantine, the person is unconditionally released by a health authority from the medical facility, residence or other safe location.

2. An involuntary isolation or quarantine pursuant to paragraph (b) of subsection 1 automatically expires at the end of 30 days if not terminated previously by a health authority. At the end of the court-ordered period of isolation or quarantine, the health authority may petition to renew the detention of the person for additional periods which each must not exceed the shorter of 120 days or either, if the person is isolated, the period of time which the health authority expects the person will be infectious with the communicable disease or, if the person is quarantined, the period of time which the health authority determines is necessary to determine whether the person has been infected with the communicable disease. For each renewal, the petition must set forth to the court specific reasons why further isolation or quarantine is appropriate and that the person likely poses an ongoing immediate threat to the health of the public. If the court finds in considering a petition for renewal that the person is noncompliant with a court-ordered measure to control or resolve the risk of transmitting the communicable disease, it may order the continued isolation and treatment of the person for any period of time the court deems necessary to resolve the immediate and ongoing risk of the person transmitting the disease.

3. Before issuing an order for involuntary isolation or quarantine or a renewal thereof, the court shall explore other alternative courses of isolation, quarantine and treatment within the least restrictive appropriate environment as suggested by the evaluation team who evaluated the person, or other persons professionally qualified in the field of communicable diseases, which the court believes may be in the best interests of the person. 2003, ch. 384, § 24, p. 2204.

**NEV. REV. STAT. ANN. § 441A.900 (2016)**

*Injunction: Grounds; responsibility for prosecution; authority of court.*

1. A person who refuses to:

- (a) Comply with any regulation of the Board relating to the control of a communicable disease;
- (b) Comply with any provision of this chapter;
- (c) Submit to approved treatment or examination required or authorized by this chapter;
- (d) Provide any information required by this chapter; or
- (e) Perform any duty imposed by this chapter,

may be enjoined by a court of competent jurisdiction.

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

3. The court in which an injunction is sought may make any order reasonably necessary to carry out the purpose or intent of any provision of this chapter or to compel compliance with any regulation of the Board or order of the health authority relating to the control of a communicable disease. 1989, ch. 138, § 43, p. 299.

**NEV. REV. STAT. ANN. § 441A.910 (2016) \*\***

*Criminal penalty for violation of chapter.*

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

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## **Nevada Administrative Code**

### **CHAPTER 441A. INFECTIOUS DISEASES; TOXIC AGENTS**

**NEV. ADMIN. CODE § 441A.775 (2016)**

*“Sexually transmitted disease” defined for purpose of NRS. (NRS 441A.120, 441A.320)*

As used in NRS 441A.240 to 441A.330, inclusive, “sexually transmitted disease” means a bacterial, viral, fungal or parasitic disease which may be transmitted through sexual conduct, including, but not limited to:

1. Acquired immune deficiency syndrome (AIDS).
2. Acute pelvic inflammatory disease.
3. Chancroid.
4. *Chlamydia trachomatis* infection of the genital tract.
5. Genital herpes simplex.
6. Genital human papilloma virus infection.
7. Gonorrhea.
8. Granuloma inguinale.
9. Hepatitis B infection.
10. Human immunodeficiency virus infection (HIV).
11. Lymphogranuloma venereum.
12. Nongonococcal urethritis.
13. Syphilis.