

Nevada

Analysis

People living with an infectious communicable disease are prohibited from engaging in conduct likely to transmit the disease to another person.

The updated Nevada law prohibits an individual infected with a communicable disease in an infectious state from engaging in behavior that has a high probability of transmitting the disease to another person.¹ In response to an initial violation, a Nevada health authority will issue a warning in writing identifying the behavior that violated the law and the precautions that the individual must take in order to avoid exposing another person to the disease.² An individual who, after receiving an appropriate warning from a health authority, commits another violation is guilty of a misdemeanor punishable by up to 6 months in county jail and/or a \$1000 fine.³

This provision does not require a finding of a culpable mental state or intentionality on the part of the accused, but it does require that the accused (a) was aware of their status and (b) has previously received a written warning from the health authority.

Any person who is aware that they have a communicable disease (including HIV) and engages in behavior that is specifically intended to transmit the disease and has a high probability of transmission is guilty of a misdemeanor punishable by up to 6 months in county jail and/or a \$1000 fine **if that behavior results in transmission.**⁴

This provision does not require the person charged to have previously received a warning from the health authority identifying the behavior considered to be in violation. However, it does require that a person diagnosed with a communicable disease engaged in behavior that has a high probability of resulting in transmission; did so with the specific intention to transmit the disease; and that transmission occurred as a result.⁵ The determination of whether a behavior represents a “high probability” of transmission is based on current medical or epidemiological evidence.⁶

Proof of a person’s intent to transmit a communicable disease cannot rest solely on a failure to take measures to prevent transmission, such as condom use or adherence to medical treatments that

¹ NEV. REV. STAT. § 441A.180 (1) (2021);

² NEV. REV. STAT. § 441A.180 (2) (2021).

³ NEV. REV. STAT. § 441A.180 (3) (2021); NEV. REV. STAT. ANN. § 193.150 (2016).

⁴ NEV. REV. STAT. § 441A.180 (4) (2021); NEV. REV. STAT. ANN. § 193.150 (2016)

⁵ *Id.*

⁶ NEV. REV. STAT. § 441A.180 (10) (2021).

reduce the risk of transmission.⁷ However, The person accused also can assert the use or attempted use of means to prevent the transmission of the communicable disease as a defense to prosecution.⁸

It also is an affirmative defense if the person subject to possible exposure to a communicable disease (1) knew the defendant had a serious communicable disease, (2) knew that the conduct in which they engaged could result in exposure to that disease, and (3) consented to the conduct with that knowledge in mind.⁹ Needless to say, it typically is challenging to establish the facts of this defense.

A person who has tested positive for a communicable disease is not in violation of the Nevada Statute if they donate or attempt blood, tissue, sperm, or organs which results in exposure to or transmission of the disease to another person.¹⁰

A person who is infected with a communicable disease is not in violation of the Nevada statute if they become pregnant and expose the unborn child to the disease or transmit the disease.¹¹

Prior provisions of Nevada law which prohibited PLHIV from engaging in licensed or unlicensed sex work, required individuals arrested for solicitation or prostitution to undergo mandatory HIV testing, and attached harsher penalties to PLHIV who engaged in licensed or unlicensed sex work after receiving notice of their disease status have been repealed.

A person with an infectious communicable disease is prohibited from engaging in any occupation in which there is a high probability of disease transmission, provided that such prohibition does not violate federal disability nondiscrimination law.

A Nevada health official can issue a written warning to any person with a communicable disease and job where they are likely to transmit that disease to others.¹² The written warning must identify the behavior at issue and any precautions that the individual must take to avoid exposing others to the disease.¹³ If an individual continues in the job while exposing others to the disease after a warning can be found guilty of a misdemeanor.¹⁴

Health authorities, however, are not permitted to take action to prohibit an individual from a particular place of employment or public accommodation if doing so would violate that persons rights under the Americans With Disabilities Act (ADA), 42 USC 12101, or NRS 613.330.¹⁵ The ADA protects people

⁷ NEV. REV. STAT. § 441A.180 (4) (2021); NEV. REV. STAT. § 441A.180 (11) (2021);

⁸ NEV. REV. STAT. § 441A.180 (6) (2021); NEV. REV. STAT. § 441A.180 (11) (2021) “means to prevent transmission” means any method, device, behavior or activity scientifically demonstrated to measurably limit, reduce or eliminate the risk of transmitting a communicable disease.

⁹ NEV. REV. STAT. § 441A.180 (5) (2021).

¹⁰ NEV. REV. STAT. § 441A.180 (7) (2021).

¹¹ *Id.*

¹² NEV. REV. STAT. § 441A.180 (1) (2021).

¹³ NEV. REV. STAT. § 441A.180 (2) (2021).

¹⁴ NEV. REV. STAT. § 441A.180 (3) (2021); NEV. REV. STAT. ANN. § 193.150 (2016).

¹⁵ NEV. REV. STAT. § 441A.180 (2) (2021).

with disabilities from discrimination in employment, government services, and public accommodations (e.g., hair salons, movie theaters, prisons and jails, doctor's offices),

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

A health authority may require medical examination of a person they, “reasonably suspect [has] a communicable disease in an infectious state.”¹⁶ “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.”¹⁷

As part of their powers under the public health code, a health authority may require isolation, quarantine, or treatment of any person if they have determined that it is necessary to prevent the spread of communicable disease.¹⁸ While persons placed in isolation or quarantine will undergo medical examination,¹⁹ they cannot be forced to undergo medical treatment without a court order authorizing it. A court order will not be granted unless the court finds that there is clear and convincing evidence that the restricted individual (1) has a communicable disease in an infectious state and (2) because of that disease, the individual is likely to pose a risk to the public health.²⁰ People threatened with these types of restrictions have the right to notice, the right to legal representation²¹ and to be present and testify by telephonic or videoconference.²² at a hearing before the district court.²³ Health authorities bear the burden of establishing by clear and convincing evidence that the person has been infected with or exposed to a communicable disease and is likely to be an immediate threat to the health of the public.²⁴

Compliance with any of these public health measures may be enforced by injunction.²⁵ Moreover, any violation of public health measures is a misdemeanor, punishable by six months' imprisonment and a

¹⁶ NEV. REV. STAT. § 441A.160 (2021).

¹⁷ 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).

¹⁸ *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).

¹⁹ NEV. REV. STAT. § 441A.630 (2016).

²⁰ NEV. REV. STAT. § 441A.160 (2021).

²¹ NEV. REV. STAT. § 441A.600 (2016).

²² NEV. REV. STAT. § 441A.680 (2016).

²³ NEV. REV. STAT. § 441A.620 (2016).

²⁴ NEV. REV. STAT. § 441A.700 (2016).

²⁵ NEV. REV. STAT. § 441A.900 (2016).

\$1,000 fine.²⁶ Any otherwise confidential information, including medical records, may be used in legal actions.²⁷

Exposure or attempted exposure of another person to a serious infectious disease cannot be prosecuted under other sections of Nevada statutes.

A person accused of exposure or attempted exposure of a communicable disease cannot be charged with any offense other than those identified in NRS 441A.180 (discussed above).²⁸ Additionally, the fact that a person is infected with a serious infectious disease cannot be used to satisfy any element of an offense outside of those associated with the offenses discussed above.²⁹

***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.*

²⁶ NEV. REV. STAT. §§ 441A.910, 193.150 (2016).

²⁷ NEV. REV. STAT. § 441A.220 (2016).

²⁸ NEV. REV. STAT. § 441A.180(9) (2021).

²⁹ *Id.*

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. 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:
 - (a) Enter private property at reasonable hours to investigate any suspected case of a communicable disease to determine the danger posed by the case or suspected case to the public, including, without limitation, whether the communicable disease is in an infectious state.
 - (b) Order any person whom the health authority has a reasonable factual and medical basis to suspect has a communicable disease that is in an infectious state and poses a risk to the health of the public to submit to any medical examination or test which the health authority determines 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 or tested and the time and place of the examination and testing, and may require the person to take other actions that the health authority has determined are necessary to prevent the spread of communicable disease.

(c) Except as otherwise provided in this paragraph, subsection 6 and NRS 441A.210, issue an order requiring the isolation, quarantine or treatment of any person or group of persons if the health authority has a reasonable factual and medical basis to believe 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 and the place of isolation or quarantine. The order may direct the person or group of persons to take other actions that the health authority has determined are necessary to prevent the spread of communicable disease. The health authority shall not order isolation or quarantine if the health authority determines that such action may compromise the health of a person who is isolated or quarantined.

3. Each order issued pursuant to this section must:

(a) Be served upon each person named in the order by delivering a copy to the person; and

(b) State the reason that each of the actions prescribed by the order are necessary and are the least restrictive means available to prevent, suppress or control the communicable disease.

4. The Board and each district board of health shall adopt regulations to establish a process by which a person may appeal to the health authority an order issued pursuant to paragraph (b) of subsection 2. The health authority shall provide a person who receives such an order a document stating the rights of the person, including, without limitation, the right to appeal the order, at the time and in the manner prescribed by regulation of the Board or the district board of health, as applicable.

6. Except as otherwise provided in NRS 441A.310 and 441A.380, a health authority may not issue an order requiring the involuntary treatment of a person without a court order requiring the person to submit to treatment. A court shall not order a person to submit to treatment unless the court finds that there is clear and convincing evidence that:

(a) The person has a communicable disease in an infectious state; and

(b) Because of that disease, the person is likely to pose a risk to the public health.

NEV. REV. STAT. § 441A.180 (2021)

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

1. Except as otherwise provided in this section, a person who has a communicable disease in an infectious state shall not:

(a) conduct himself or herself in any manner that has a high probability of transmitting the disease to another person; or

(b) engage in any occupation in which there is a high probability that the disease will be transmitted to other persons.

2. Except as otherwise provided in this section, a health authority who has reason to believe that a person is in violation of subsection 1 shall issue a warning to that person, in writing, informing the

person of the behavior which constitutes the violation and of the precautions that the person must take to avoid exposing another person to the disease. The warning must be served upon the person by delivering a copy to the person. The health authority shall not warn a person against:

(a) Engaging in an occupation if the employer of the person would be prohibited from preventing the person from engaging in that occupation by the Americans with Disabilities Act of 1990, 42 U.S.C. §§ 12101 et seq., or NRS 613.330.

(b) Accessing a place of public accommodation if the place of public accommodation would be prohibited from denying the person access to the place of public accommodation by the Americans with Disabilities Act of 1990, 42 U.S.C. §§ 12101 et seq., or NRS 651.050 to 621.120, inclusive.

3. Except as otherwise provided in this section, a person who violates the provisions of subsection 1 after service upon the person of a warning from a health authority in the manner prescribed by subsection 2 is guilty of a misdemeanor.

4. Except as otherwise provided in this section, any person who, after receiving notice that he or she has tested positive for a communicable disease, intentionally conducts himself or herself in a manner that is specifically intended to transmit the disease to another person and has a high probability of transmitting the disease to another person and, as a consequence, transmits the disease to another person is guilty of a misdemeanor. A person shall not be deemed to have acted intentionally solely because the person failed to use or attempt to use means to prevent transmission.

5. It is an affirmative defense to an offense charged pursuant to this section that a person who was subject to exposure to a communicable disease as a result of conduct prohibited by a warning issued pursuant to subsection 2 or conduct described in subsection 4:

(a) Knew the defendant had the communicable disease;

(b) Knew the conduct could result in the transmission of the communicable disease; and

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

6. It is an affirmative defense to an offense charged pursuant to this section that the defendant used or attempted to use means to prevent the transmission of the communicable disease.

7. A person who has tested positive for a communicable disease is not in violation of subsection 1 or 4 because the person:

(a) Donates or attempts to donate an organ, blood, sperm or tissue and thereby exposes another person to the communicable disease or transmits the communicable disease; or

(b) Becomes pregnant and exposes the unborn child to the communicable disease or transmits the communicable disease to the unborn child.

8. Before imposing a fine or a sentence of imprisonment upon a person who violates subsection 3 or 4, a court must consider all alternative means to advance the public health.

9. A person must not be charged for any offense other than the offenses set forth in this section if the person is alleged to have exposed another person to a communicable disease or attempted to expose

another person to a communicable disease. The fact that a person has a communicable disease must not be used to satisfy any element of an offense other than the offenses set forth in this section.

10. For the purposes of subsections 1 and 4, the likelihood of transmitting a communicable disease to another person must be determined using current medical or epidemiological evidence. The Board shall adopt regulations prescribing requirements for determining the sufficiency and legitimacy of medical or epidemiological evidence pursuant to this subsection.

11. As used in this section, “means to prevent transmission” means any method, device, behavior or activity scientifically demonstrated to measurably limit, reduce or eliminate the risk of transmitting a communicable disease.

NEV. REV. STAT. § 441A.195 (2021)

1. Except as otherwise provided in NRS 259.047, a law enforcement officer, correctional officer, emergency medical attendant, firefighter, county coroner or medical examiner or any of their employees or volunteers, any other person who is employed by or is a volunteer for an agency of criminal justice or any other public employee or volunteer for a public agency who, in the course of his or her official duties, comes into contact with human blood or bodily fluids, or the employer of such a person or the public agency for which the person volunteers, may petition a court for an order requiring the testing of a person or decedent for exposure to a communicable disease if :

- a) The officer, emergency medical attendant, firefighter, county coroner or medical examiner or their employee or volunteer, other person employed by or volunteering for an agency of criminal justice or other public employee or volunteer for a public agency was likely exposed to a communicable disease; and
- (b) Testing of the person or decedent is necessary to determine the appropriate treatment for the officer, emergency medical attendant, firefighter, county coroner, medical examiner, employee or volunteer.

NEV. REV. STAT. ANN. § 441A.220 (2021)

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. ANN. § 441A. 230 (2021)

Except as otherwise provided in this chapter and NRS 439.538, a person shall not make public the name of, or other personal identifying information about, a person who has been diagnosed with or exposed to a communicable disease and investigated by the health authority pursuant to this chapter without the consent of the person.

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.

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.