

SENATE BILL NO. 193—SENATOR SCHNEIDER

FEBRUARY 21, 2003

Referred to Committee on Commerce and Labor

SUMMARY—Revises provisions regarding coverage of industrial insurance for certain employees. (BDR 53-782)

FISCAL NOTE: Effect on Local Government: No.  
Effect on the State: No.

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EXPLANATION – Matter in *bolded italics* is new; matter between brackets ~~omitted material~~ is material to be omitted.

AN ACT relating to industrial insurance; extending the coverage of industrial insurance for employees of school districts who engage in an athletic or social event under certain circumstances; 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.** NRS 616A.265 is hereby amended to read as  
2 follows:  
3     616A.265 1. “Injury” or “personal injury” means a sudden  
4 and tangible happening of a traumatic nature, producing an  
5 immediate or prompt result which is established by medical  
6 evidence, including injuries to prosthetic devices. ~~Any~~ *Except as*  
7 *otherwise provided in subsection 3, any* injury sustained by an  
8 employee while engaging in an athletic or social event sponsored by  
9 his employer shall be deemed not to have arisen out of or in the  
10 course of employment unless the employee received remuneration  
11 for participation in the event.  
12     2. For the purposes of chapters 616A to 616D, inclusive, of  
13 NRS:  
14     (a) Coronary thrombosis, coronary occlusion, or any other  
15 ailment or disorder of the heart, and any death or disability ensuing  
16 therefrom, shall be deemed not to be an injury by accident sustained  
17 by an employee arising out of and in the course of his employment.



\* S B 1 9 3 R 2 \*

1 (b) The exposure of an employee to a contagious disease while  
2 providing medical services, including emergency medical care, in  
3 the course and scope of his employment shall be deemed to be an  
4 injury by accident sustained by the employee arising out of and in  
5 the course of his employment.

6 (c) Except as otherwise provided in paragraph (d), the exposure  
7 to a contagious disease of a police officer or a salaried or volunteer  
8 fireman who was exposed to the contagious disease:

9 (1) Upon battery by an offender; or  
10 (2) While performing the duties of a police officer or  
11 fireman,

12 shall be deemed to be an injury by accident sustained by the police  
13 officer or fireman arising out of and in the course of his employment  
14 if the exposure is documented by the creation and maintenance of a  
15 report concerning the exposure pursuant to paragraph (a) of  
16 subsection 1 of NRS 616C.052. As used in this paragraph, the term  
17 "battery" includes, without limitation, the intentional propelling or  
18 placing, or the causing to be propelled or placed, of any human  
19 excrement or bodily fluid upon the person of an employee.

20 (d) If a police officer or a salaried or volunteer fireman tests  
21 positive for exposure to tuberculosis under the circumstances  
22 described in subsection 2 or 3 of NRS 616C.052, he shall be deemed  
23 to have sustained an injury by accident arising out of and in the  
24 course of his employment, unless the insurer can prove by a  
25 preponderance of the evidence that the exposure was not related to  
26 the employment of the police officer or fireman.

27 *3. Any injury sustained by an employee of a school district*  
28 *while engaging in an athletic or social event shall be deemed to*  
29 *have arisen out of and in the course of his employment, whether*  
30 *or not the employee received remuneration for participation in the*  
31 *event, if:*

32 (a) *The event was sponsored by the school district, or the event*  
33 *was an extracurricular activity which was sponsored or organized*  
34 *by a student class, student group or student organization for an*  
35 *educational, recreational or charitable purpose and which was*  
36 *reasonably related to the employee's job with the school district;*

37 (b) *The employee participated in the event at the request of or*  
38 *with the concurrence of supervisory personnel, whether the*  
39 *request or concurrence was oral or written; and*

40 (c) *The employee participated in the event to enable the event*  
41 *to take place or to ensure the safety and well-being of any students*  
42 *of the school district.*

43 **Sec. 2.** This act becomes effective upon passage and approval.

