

Committee Action:
Do Pass _____
Amend & Do Pass _____
Other _____

Assembly Committee on Commerce and Labor

This measure may be considered for action during today's work session.

ASSEMBLY BILL 410

Revises provisions relating to industrial insurance. (BDR 53-1030)

Sponsored By: Assemblywoman Jauregui
Date Heard: April 10, 2023
Fiscal Notes: Effect on Local Government: May have Fiscal Impact.
Effect on the State: Yes.
CONTAINS UNFUNDED MANDATE

Assembly Bill 410 removes provisions prohibiting an ailment or disorder caused by any gradual mental stimulus, death, or disability ensuing therefrom from being compensable under industrial insurance. The measure expands the stress-related injuries that may be compensable under industrial insurance, in certain circumstances, to include mental injury caused by extreme stress for which the primary cause was a series of events, rather than a single event, that arose out of and during the course of employment.

Amendments: Assemblywoman Jauregui proposes the following amendments (attached):

1. Eliminate the amendments to Section 1 of the bill as drafted and instead:
 - a. Amend subsection 2 of Section 1 to provide an exception from the provisions of subsection 2 which prohibits an ailment or disorder caused by gradual mental stimulus or any death or disability ensuing therefrom from being compensable under industrial insurance for certain injuries or diseases suffered by a first responder which are caused by stress, as described in subsection 4.
 - b. Amend subsection 4(b) to add "or a series of events" thereby providing that an injury or disease suffered by a first responder caused by stress, for which the primary cause was witnessing an event or series of events described in subsection 4(a), may be compensable under industrial insurance under certain circumstances.
2. Amend the bill to add Assemblyman Yeager, Assemblyman O'Neill, and Assemblywoman Monroe-Moreno as cosponsors.

Amendment proposed by Assemblywoman Sandra Jaruegui

Add: Assemblyman Steve Yeager, P.K. Oneil and Assemblywoman Daniele Monroe Moreno on as co-sponsors

NRS 616C.180 Injury or disease caused by stress; agency which employs first responder required to provide training related to mental health issues.

1. Except as otherwise provided in this section, an injury or disease sustained by an employee that is caused by stress is compensable pursuant to the provisions of [chapters 616A to 616D](#), inclusive, or chapter [617](#) of NRS if it arose out of and in the course of his or her employment.

2. *Except as provided in subsection 4.* Any ailment or disorder caused by any gradual mental stimulus, and any death or disability ensuing therefrom, shall be deemed not to be an injury or disease arising out of and in the course of employment.

3. Except as otherwise provided by subsections 4 and 5, an injury or disease caused by stress shall be deemed to arise out of and in the course of employment only if the employee proves by clear and convincing medical or psychiatric evidence that:

(a) The employee has a mental injury caused by extreme stress in time of danger;

(b) The primary cause of the injury was an event that arose out of and during the course of his or her employment; and

(c) The stress was not caused by his or her layoff, the termination of his or her employment or any disciplinary action taken against him or her.

4. An injury or disease caused by stress shall be deemed to arise out of and in the course of employment, ~~and shall not be deemed the result of gradual mental stimulus~~, if the employee is a first responder and proves by clear and convincing medical or psychiatric evidence that:

(a) The employee has a mental injury caused by extreme stress due to the employee directly witnessing:

(1) The death, or the aftermath of the death, of a person as a result of a violent event, including, without limitation, a homicide, suicide or mass casualty incident; or

(2) An injury, or the aftermath of an injury, that involves grievous bodily harm of a nature that shocks the conscience; and

(b) The primary cause of the mental injury was the employee witnessing an event *or series of events* described in paragraph (a) during the course of his or her employment.

5. An injury or disease caused by stress shall be deemed to arise out of and in the course of employment, and shall not be deemed the result of gradual mental stimulus, if the employee is employed by the State or any of its agencies or political subdivisions and proves by clear and convincing medical or psychiatric evidence that:

(a) The employee has a mental injury caused by extreme stress due to the employee responding to a mass casualty incident; and

(b) The primary cause of the injury was the employee responding to the mass casualty incident during the course of his or her employment.

6. An agency which employs a first responder, including, without limitation, a first responder who serves as a volunteer, shall provide educational training to the first responder related to the awareness, prevention, mitigation and treatment of mental health issues.

7. The provisions of this section do not apply to a person who is claiming compensation pursuant to [NRS 617.457](#).

8. As used in this section:

(a) "Directly witness" means to see or hear for oneself.

(b) "First responder" means:

(1) A salaried or volunteer firefighter;

(2) A police officer;

(3) An emergency dispatcher or call taker who is employed by a law enforcement or public safety agency in this State; or

(4) An emergency medical technician or paramedic who is employed by a public safety agency in this State.

(c) "Mass casualty incident" means an event that, for the purposes of emergency response or operations, is designated as a mass casualty incident by one or more governmental agencies that are responsible for public safety or for emergency response.