

PROPOSED REGULATION OF THE STATE BOARD OF HEALTH

LCB File No. R089-10

Section 1. Chapter 441 of NAC is hereby amended by adding thereto the provisions set forth as section 2, inclusive of this regulation.

Section 2. *“Sex worker” means a prostitute employed by a licensed house of prostitution or a prostitute who has a contract to work at a licensed house of prostitution.*

Section 3. NAC 441A.800 is hereby amended to read as follows:

1. A person seeking employment as a ~~[prostitute in a licensed house of prostitution]~~ *sex worker* shall submit to the State ~~[Hygienic]~~ *Public Health* Laboratory ~~[in the Division]~~ or a medical laboratory licensed pursuant to chapter 652 of NRS and certified by the ~~[Health Care Financing Administration]~~ *Centers for Medicare and Medicaid Services* of the United States Department of Health and Human Services:
 - (a) A sample of blood for a test to confirm the presence or absence of human immunodeficiency virus infection (HIV) and syphilis; ~~[and]~~
 - (b) *If the sex worker is female and has a uterine cervix, [A] a cervical specimen for a test to confirm the presence or absence of gonorrhea and Chlamydia trachomatis by culture or antigen detection or ~~[DNA probe]~~ nucleic acid testing.*
 - (c) *If the sex worker is female and does not have a uterine cervix, a high vaginal specimen for a test to confirm the presence or absence of gonorrhea and Chlamydia trachomatis by culture or antigen detection or nucleic acid testing; and*
 - (d) *If the sex worker is male or transgendered, a urethral specimen for a test to confirm the presence or absence of gonorrhea and Chlamydia trachomatis by culture or antigen detection or nucleic acid testing.*
 - (e). *If the person is seeking employment in a licensed house of prostitution that does not have a written policy that explicitly prohibits engaging in any form whatsoever of anal intercourse, a rectal specimen for a test to confirm the presence or absence of gonorrhea and Chlamydia trachomatis by culture, antigen detection or nucleic acid testing.*
2. A person must not be employed as a ~~[prostitute in a licensed house of prostitution]~~ *sex worker* until the State ~~[Hygienic]~~ *Public Health* Laboratory ~~[in the Division]~~ or a medical laboratory licensed pursuant to chapter 652 of NRS and certified by the ~~[Health Care Financing Administration]~~ *Centers for Medicare and Medicaid Services* of the United States Department of Health and Human Services has reported that the tests required pursuant to subsection 1 do not show the presence of infectious syphilis, gonorrhea, Chlamydia trachomatis or infection with the human immunodeficiency virus (HIV).
3. A person employed as a ~~[prostitute in a licensed house of prostitution]~~ *sex worker* shall submit to the State ~~[Hygienic]~~ *Public Health* Laboratory ~~[in the Division]~~ or a medical laboratory licensed pursuant to chapter 652 of NRS and certified by the ~~[Health Care Financing Administration]~~ *Centers for Medicare and Medicaid Services* of the United States Department of Health and Human Services:

(a) Once each month, a sample of blood, identified by the name of the ~~[prostitute]~~ *sex worker* as it appears on ~~[her]~~ *the* local work permit card *of the sex worker*, for a test to confirm the presence or absence of:

- (1) Infection with the human immunodeficiency virus (HIV); and
- (2) Syphilis.

(b) Once each week *if the sex worker is female and has a uterine cervix*, a cervical specimen, ~~[identified by the name of the prostitute as it appears on her local work permit card,]~~ for a test to confirm the presence or absence of gonorrhea and Chlamydia trachomatis by culture or antigen detection or ~~[DNA probe]~~ *nucleic acid testing*.

(c) *Once each week, if the sex worker is female and does not have a uterine cervix, a high vaginal specimen for a test to confirm the presence or absence of gonorrhea and Chlamydia trachomatis by culture or antigen detection or nucleic acid testing; and*

(d) *Once each week, if the sex worker is male or transgendered, a urethral specimen for a test to confirm the presence or absence of gonorrhea and Chlamydia trachomatis by culture or antigen detection or nucleic acid testing.*

(e). *Once a week, If the person is employed in a licensed house of prostitution that does not have a written policy that explicitly prohibits engaging in any form whatsoever of anal intercourse, a rectal specimen for a test to confirm the presence or absence of gonorrhea and Chlamydia trachomatis by culture, antigen detection or nucleic acid testing.*

4. If a test required pursuant to this section shows the presence of infectious syphilis, gonorrhea, Chlamydia trachomatis or infection with the human immunodeficiency virus (HIV), the person shall immediately cease and desist from employment as a ~~[prostitute in a licensed house of prostitution]~~ *sex worker*.
5. *All samples and specimens required by this regulation must be collected under the supervision of a licensed health care professional and must be identified by the name of the sex worker as it appears on the local work permit card or the application for the work permit card of the sex worker.*
6. *All laboratory tests required pursuant to this section must be approved by the Food and Drug Administration of the United States Department of Health and Human Services for the purpose for which it is administered or must have been validated by a licensed laboratory pursuant to the provisions of the Clinical Laboratory Improvement Amendments (CLIA) of 1988 or any subsequent revisions thereof.*

Section 4. NAC 441A.805 is hereby amended as follows:

1. A person employed as a ~~[prostitute in a licensed house of prostitution]~~ *sex worker* shall require each patron to wear and use a latex or polyurethane prophylactic while *the patron is* engaging in *any form whatsoever of* sexual intercourse, *involving the insertion of the penis into the vagina, anus, or mouth of the sex worker*, oral-genital contact or any touching of the sexual organs or other intimate parts of a person.
2. *A person employed as a sex worker shall wear and use a latex or polyurethane prophylactic while engaging in any form whatsoever of sexual intercourse involving the insertion of the penis into the vagina, anus, or mouth of the patron, oral-genital contact or any touching of the sexual organs or other intimate parts of a person.*