

**PROPOSED REGULATION OF THE
STATE BOARD OF HEALTH**

LCB File No. R089-10

July 12, 2010

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

AUTHORITY: §§1-3, NRS 441A.120.

A REGULATION relating to communicable diseases; revising provisions governing the testing for communicable diseases of certain persons employed by or seeking employment with a licensed house of prostitution; revising provisions requiring the wearing and use of a prophylactic by certain employees and patrons of a licensed house of prostitution; and providing other matters properly relating thereto.

Section 1. Chapter 441A of NAC is hereby amended by adding thereto a new section to read as follows:

As used in this section and NAC 441A.800 to 441A.815, inclusive, “sex worker” means a prostitute who is employed by or has a contract to work in a licensed house of prostitution.

Sec. 2. NAC 441A.800 is hereby amended to read as follows:

441A.800 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) ~~[A]~~ *If the person is female and has a uterine cervix, 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 person 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.*

(d) *If the person 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 which does not have a written policy that explicitly prohibits engaging in any form of anal intercourse, a rectal specimen for a test to confirm the presence or absence of gonorrhea and Chlamydia trachomatis by culture or 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 as it appears on her local work permit card,]~~ 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.

(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 each week if the sex worker is employed in a licensed house of prostitution which does not have a written policy that explicitly prohibits engaging in any form of anal intercourse, a rectal specimen for a test to confirm the presence or absence of gonorrhea and by culture or 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. Each sample and specimen required pursuant to this section must be collected under the supervision of a licensed health care professional and must be identified by, as applicable:

(a) The name of the sex worker from whom the sample or specimen was collected, as that name appears on the local work permit card of the sex worker; or

(b) The name of the person from whom the sample or specimen was collected, as that name appears on the application of the person for a local work permit card.

6. Each laboratory test 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 laboratory certified by the Secretary of Health and Human Services pursuant to 42 U.S.C. § 263a.

Sec. 3. NAC 441A.805 is hereby amended to read as follows:

441A.805 *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 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 the sex worker is engaging in any form 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.