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SECOND REPRINT

A.B. 410

ASSEMBLY BILL NO. 410—ASSEMBLYMEN JAUREGUI, YEAGER,
O’NEILL AND MONROE-MORENO

MARCH 27, 2023

JOINT SPONSORS: SENATORS PAZINA, SPEARMAN AND STONE

Referred to Committee on Commerce and Labor

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

FISCAL NOTE: Effect on Local Government: May have Fiscal Impact.
Effect on the State: Yes.

CONTAINS UNFUNDED MANDATE (§ 1)
(NOT REQUESTED BY AFFECTED LOCAL GOVERNMENT)

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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; revising the circumstances in which certain employees are authorized to receive compensation under industrial insurance for certain stress-related claims; and providing other matters properly relating thereto.

Legislative Counsel’s Digest:

1 Under existing law, with certain exceptions, an injury or disease sustained by
2 an employee caused by stress is compensable under industrial insurance only if the
3 employee can prove by clear and convincing medical or psychiatric evidence that:
4 (1) the employee has a mental injury caused by extreme stress in time of danger; (2)
5 the primary cause of the injury was an event that arose out of and during the course
6 of his or her employment; and (3) the stress was not caused by a layoff, termination
7 or disciplinary action. Existing law provides that a first responder may prove by
8 clear and convincing medical or psychiatric evidence that the mental injury was
9 primarily caused by the first responder witnessing an event of a certain specified
10 type during the course of his or her employment. Under existing law, an ailment or
11 disorder caused by any gradual mental stimulus or any death or disability ensuing
12 therefrom is not compensable under industrial insurance. (NRS 616C.180)

13 **Section 1** of this bill expands the stress-related injuries that may be
14 compensable under industrial insurance under certain circumstances to include a
15 mental injury which afflicts a first responder and which is caused by extreme stress
16 for which the primary cause was witnessing an event or series of events that arose



17 out of and during the course of employment and involved: (1) the death, or
18 aftermath of the death, of a person as a result of a violent event; or (2) an injury, or
19 the aftermath of an injury, that involves grievous bodily harm of a nature that
20 shocks the conscience.

THE PEOPLE OF THE STATE OF NEVADA, REPRESENTED IN
SENATE AND ASSEMBLY, DO ENACT AS FOLLOWS:

1 **Section 1.** NRS 616C.180 is hereby amended to read as
2 follows:

3 616C.180 1. Except as otherwise provided in this section, an
4 injury or disease sustained by an employee that is caused by stress is
5 compensable pursuant to the provisions of chapters 616A to 616D,
6 inclusive, or chapter 617 of NRS if it arose out of and in the course
7 of his or her employment.

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

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

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

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

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

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

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

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

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

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



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

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

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

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

17 7. The provisions of this section do not apply to a person who
18 is claiming compensation pursuant to NRS 617.457.

19 8. As used in this section:

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

21 (b) "First responder" means:

22 (1) A salaried or volunteer firefighter;

23 (2) A police officer;

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

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

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

32 **Sec. 2.** (Deleted by amendment.)

33 **Sec. 3.** (Deleted by amendment.)

34 **Sec. 4.** The provisions of NRS 354.599 do not apply to any
35 additional expenses of a local government that are related to the
36 provisions of this act.

37 **Sec. 5.** 1. This section becomes effective upon passage and
38 approval.

39 2. Sections 1 to 4, inclusive, of this act become effective:

40 (a) Upon passage and approval for the purpose of adopting any
41 regulations and performing any other preparatory administrative
42 tasks that are necessary to carry out the provisions of this act; and

43 (b) On January 1, 2024, for all other purposes.



