

Legislative Commission
of the
Legislative Counsel Bureau
State of Nevada

Bulletin No. 80

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penalty for unlawful supplier
of dangerous drugs.

LEGISLATIVE COMMISSION

Senator B. Mahlon Brown	Assemblyman Melvin D. Close, Jr.
Senator Carl F. Dodge	Assemblyman Zelvin D. Lowman
Senator James I. Gibson	Assemblyman Marvin L. White
Senator Archie Pozzi, Jr.	Assemblyman James E. Wood

ASSEMBLY CONCURRENT RESOLUTION NO. 14

(1968 Special Session)

ASSEMBLY CONCURRENT RESOLUTION--Directing the legislative commission to study the narcotic and drug problem and suggest improvements in the state laws to the 55th session of the legislature.

WHEREAS, There has been an alarming increase in illegal narcotic and drug use across the Nation and in Nevada; and

WHEREAS, An examination of the laws and procedures relating to such use is necessary to cope more adequately with the problem; now, therefore, be it

RESOLVED BY THE ASSEMBLY OF THE STATE OF NEVADA, THE SENATE CONCURRING, That the legislative commission is hereby directed to make a study of laws relating to the illegal use of narcotics and drugs and the policies and procedures relating to the enforcement of such laws and treatment and rehabilitation of offenders, and to report the results of such study, including any recommendations for revision of the Nevada statutes, to the 55th session of the Nevada legislature.

REPORT OF THE LEGISLATIVE COMMISSION

To The Members of the 55th Session of the Nevada Legislature:

Assembly Concurrent Resolution No. 14 of the 1968 special legislative session, adopted February 24, 1968, directed the legislative commission to make a study of Nevada laws relating to the illegal use of narcotics and drugs and the policies and procedures relating to the enforcement of such laws and treatment and rehabilitation of offenders. The legislative commission was also ordered to report the results of the study, together with any recommended legislation, to this regular session of the legislature. Because of the broad public interest in the subject and its complicated scope a subcommittee was created to guide the study, the members thereof, both legislative and lay, being selected to provide geographical balance and specialized knowledge. The following individuals were selected as subcommittee members:

Zelvin D. Lowman, Chairman
Assemblyman from Clark County

Robert R. Humphrey
Sheriff of Ormsby County

Vernon E. Bunker
Senator from Clark County

Nick Janise
Chief of Police, City of
North Las Vegas

Roy L. Torvinen, Esq.
Assemblyman from Washoe County
Attorney at Law

Robert List, Esq.
President, Nevada District
Attorneys' Association
Carson City, Nevada

Hon. John W. Barrett
District Judge
Second Judicial District

William D. O'Gorman, M.D.
Las Vegas, Nevada

Willard J. Beitz
Clark County School District

The subcommittee met many times, held public hearings, heard a large number of expert and other witnesses, admitted users, inmates of the Nevada state prison, parents of problem children, educators and representatives of rehabilitative organizations. Grant Davis, deputy legislative counsel, was assigned to assist the subcommittee in its labors.

The report of the subcommittee has been accepted by the legislative commission and is recommended to you for suggested action. The legislative commission gratefully acknowledges the constructive assistance rendered by all members of the subcommittee and the witnesses who appeared before the subcommittee.

Respectfully submitted,

Legislative Commission
State of Nevada

Carson City, Nevada
January 1969

REPORT TO THE LEGISLATIVE COMMISSION FROM THE SUBCOMMITTEE
FOR STUDY OF ILLEGAL NARCOTIC AND DRUG USE

I. History and Purpose of Subcommittee

Recognizing the growing problem in Nevada resulting from the illegal use of drugs, the 1968 special session of the Nevada legislature adopted a concurrent resolution directing the legislative commission to:

1. Make a study of the laws relating to the illegal use of narcotic and other drugs and the policies and procedures concerning the enforcement of such laws and relating to the treatment and rehabilitation of offenders; and
2. Report the results of the study, including any recommendations for the revision of Nevada statutes, to the 55th session of the legislature.

In response to this directive, the legislative commission determined that the best method to carry on such a study was through the appointment of a subcommittee composed of legislative and lay persons. On March 29, 1968, such a subcommittee, chaired by Assemblyman Zelvin D. Lowman, was appointed.

The members of the subcommittee decided that the drug usage problem was centered in Clark and Washoe counties and that hearings should be held in both areas to which all persons with an interest, pro or con, in drug usage would be invited. Such hearings were held and the following report is the result of the hearings together with the independent study of your subcommittee members.

II. Introduction

Your subcommittee at its first meeting adopted as the scope of its inquiry the following outline:

- I. Drugs
 - A. Narcotics
 - B. Dangerous
 - C. Glue Sniffing, etc.
- II. Effect of Use
 - A. Psychological Dependence--Habituation
 - B. Physical Dependence
 - C. Tolerance
 - D. Addiction
- III. Types of Addicts
 - A. Street Addict
 1. Becomes Criminal to Support Habit
 2. Becomes Addict Because of Own Society
 - B. Accidental Addict--Medical Use
 - C. Professional Addict--Doctors and Nurses
 - D. Rebellion Against Society
- IV. Communicability of Addiction
 - A. Host (Susceptible Individual)
 - B. Vector (Agent)
 - C. Environment (Availability and Conditions)

- V. Nature of Use in Nevada
 - A. Narcotics
 - B. Dangerous Drugs
- VI. Extent of Use in Nevada
 - A. Age
 - B. Social Status
 - C. Race
 - D. Area
- VII. Economic Impact Resulting From Use in Nevada
 - A. Crimes
 - B. Social
 - 1. Divorce
 - 2. Runaway Children
 - C. Welfare
- VIII. Prevention of Spreading
 - A. English Method
 - B. Penalty
 - 1. Pusher
 - 2. Pusher-Addict
 - 3. Addict
 - C. Education
 - 1. Children
 - 2. Adults
- IX. Treatment
 - A. State Facilities
 - B. Private Groups--Synanon, Dial for Help, etc.
 - C. Incarceration
- X. Nevada Laws
 - A. Penalties
 - B. Pharmacy Code
- XI. Approach To Be Taken in Nevada
 - A. Change Penalties
 - B. Treatment
 - C. School Program--More Extra-curricular Activities
 - D. State Supported Recreation Programs
 - E. Detection--Required Report of Teachers and Doctors

This outline proved workable and those persons invited to speak at the hearings as well as those who volunteered to appear were able to fit their presentations to the outline.

III. Drug Laws

It appears that all but three states (California, New Hampshire and Pennsylvania) have adopted the Uniform Narcotic Drug Act. However, amendments to the penalty sections of the uniform act by the various states have left little in the way of uniformity when it comes to the matter of enforcing the prohibitions of the act. For example, sale of a narcotic drug to a minor in New Jersey might result in incarceration for 2 years, while the same sale calls for the death penalty in Louisiana unless the jury recommends leniency.

Nevada is no worse and little better than other states regarding existing legislation to curb the problem of unlawful drug usage.

Chapter 453 of NRS (Narcotics) is the Nevada counterpart of the Uniform Narcotic Drug Act. This chapter contains the majority of Nevada's laws relating to unlawful narcotic drug practices. Marihuana, as a derivative of cannabis, is included in the definition of a narcotic drug in this chapter. Your subcommittee has thoroughly examined the propriety of such inclusion and the results of such examination are contained in Part V of this report.

Chapter 454 of NRS (Dangerous and Hallucinogenic Drugs) contains the majority of Nevada law relating to dangerous and hallucinogenic drugs. Except as may be noted hereafter, these laws are considered by your subcommittee to be adequate generally. It is noted that NRS 454.460 is the only Nevada law referring to peyote, and the exclusion contained in such section permits the use or sale of peyote by anyone without fear of incrimination. In Part VIII of this report your subcommittee makes special reference to this problem and has included suggested legislation to solve it.

Chapter 433 of NRS (Hospitalization of the Mentally Ill) contains the Nevada law relating to the commitment of drug addicts to the Nevada state hospital. Specific recommendations concerning amendments and additions to this law appear in Part VII of this report.

Chapter 639 of NRS is the Nevada pharmacists and pharmacy law. With one exception, discussed in Part XII of this report, it appears that this law is adequate and that the state board of pharmacy and the pharmacists are satisfied with its contents.

There are several other areas of Nevada law having a direct or indirect bearing upon narcotic or dangerous drug usage. Such areas include the vagrancy statute, inhaler statutes, food and drug statutes, motor vehicle statutes, statutes providing grounds for revocation of various licenses and several others.

Thus, with the background of existing law relating to unlawful drug possession, usage and sale, your subcommittee determined that the first information needed was the extent of such unlawful possession, usage and sale in Nevada.

IV. Questionnaire

A questionnaire was sent to each sheriff's office and police department in the state in an effort to determine the extent of the problem. The questionnaire was worded as follows:

1. Is there a narcotics (opium, heroin, etc.) problem existing in your jurisdiction?

If so, please elaborate as to number of cases, drugs involved, age groups involved, ethnic groups involved, etc.

2. Is there a dangerous drugs (LSD, marihuana, peyote, etc.) problem existing in your jurisdiction?

If so, please elaborate as to number of cases, drugs involved, age group involved, ethnic group involved, etc.

3. Is there a glue-sniffing, etc. problem existing in your jurisdiction?

If so, please elaborate as to number of cases, drugs involved, age group involved, ethnic group involved, etc.

4. If your answer to 1, 2 or 3 was "Yes," please indicate, as possible, the manner in which the use originated and the present source.
5. Please indicate any methods which you believe should be employed to reduce the narcotic and dangerous drug problem.
6. Do you believe the addict should be treated as a criminal?
7. Do you believe the addict who supports his habit by selling drugs should be treated as a criminal?
8. Is your agency or any other in your jurisdiction using any means to educate adults or children on the dangers of drug use?
9. What changes would you propose in the present narcotic and dangerous drug laws of Nevada?
10. How much crime in your jurisdiction do you believe to be a result of drug use?

There was approximately a 50 percent return on the questionnaire, with all of those not returning being located in the smaller counties. Those not returning the questionnaire were Humboldt County, Pershing County, Eureka County, Churchill County, Nye County and Esmeralda County, and the Winnemucca, Lovelock, Fallon, Ely, Carlin, Elko, Wells, Caliente, Yerington and Gabbs police departments. The lack of return from the counties or cities listed is indicative of one of two things--either there is no drug problem whatsoever existing in the area or the law enforcement agency has not had sufficient training to know that an unlawful usage of drugs is occurring.

Your subcommittee, as a result of the testimony it has received, is inclined to believe the latter is the case. We feel that, not only has there been an unlawful usage of drugs in every county and incorporated city in this state, but also that such usage will increase unless the legislature takes every possible step to educate the people and give law enforcement and other agencies every tool possible to curb the usage.

The answers to the questionnaire received from the smaller counties stated that there was little or no problem with heroin and other hard narcotics, but that the use of marihuana, barbiturates and amphetamines is rapidly growing among the high-school-age residents.

Clark and Washoe counties and the cities located in such counties reported that the problem they have with unlawful drug usage has reached such a magnitude that it has become practically impossible to provide enough trained personnel to investigate the cases.

It appears that drugs are introduced into Clark County from Los Angeles and Mexico, while the Washoe County, Ormsby County and Douglas County problem stems from the Lake Tahoe, Sacramento and San Francisco areas.

At one time a vast majority of narcotic cases occurred in the ghettos and among low-income groups as a result of living conditions and seeming impossibility of self-betterment. However, the questionnaire answers show that there has been a marked increase in the middle class and upper middle class groups and among college and high school students. This appears to be a result of the introduction of dangerous drugs (LSD, STP, etc.) and the well-publicized myth that marihuana is not harmful.

The methods to combat the problem suggested by the answers to the questionnaire were education, tighter law enforcement and prosecution, and the imposition of stricter penalties by the courts.

All law enforcement agencies and prosecutors contacted believed that a central state bureau was needed, and this topic is discussed in Part XI of this report.

V. Marihuana vs. Narcotic Drug

At the Las Vegas hearings your subcommittee heard statements from apparent 14- to 18-year-old children to the effect that if their parents could get "stoned" on intoxicating liquor that they should be permitted to "turn on" with marihuana. These children and a few adult supporters stated that it was a proven fact that marihuana was less harmful than alcohol. From a myriad of articles and other material read and from hundreds of pages of testimony heard, we have been unable to unearth such proof.

At the Reno hearings university students also equated the problem of marihuana usage to the use of intoxicating liquor. These students insisted that the effects of using marihuana were no more severe than those experienced by social drinkers. They further challenged the right of society to legislate against an activity which can only lead to a change within the person so acting. They decried putting people in jail for using pot, but did admit that legalization of the use of marihuana at this time was unrealistic. It was their opinion, however, that marihuana should be removed from the list of narcotic drugs with the penalty for possession of such drug lessened.

This subcommittee is aware that extensive scientific research is now taking place relative to the effects of the use of marihuana. We unanimously believe, however, that the results of this research will lead to the conclusions that the use of marihuana is psychologically addictive; is dangerous to the user; is dangerous to society; is, if unchecked, more likely to pose more serious problems than the use of intoxicating liquor; is a narcotic; and is a drug which should remain the subject of prohibitory rather than regulatory laws. We also unanimously agree that the use of alcohol to excess is a major problem facing our nation, but that it is ludicrous to compound the problem by legitimizing the use of marihuana merely because the use of marihuana may have results similar to those associated with the abuse of alcohol.

Regulation of narcotic traffic is within the general scope of the police power, and generally such regulation has been held not to constitute a denial of constitutional guaranties of equal

protection of the laws or of due process. It has been said that statutes of this type should be read and construed with their principal object in mind, that is, to suppress and restrain the use and traffic in the prohibited drugs, thereby eradicating the evil consequences of these activities. Inclusion of cannabis in the same category as other addicting drugs is not so arbitrary or unreasonable as to deny equal protection of law or due process.

The supreme court of Colorado in People v. Stark, 400 P.2d 923 (1965), stated that a difference of opinion exists as to whether cannabis causes physical or psychological addiction, but that this fact is not material in determining what drugs may be included within the classification of "narcotic drugs" in an exercise of police powers by a state. The Colorado court further stated that pivotal consideration is whether the classification bears a reasonable relation to the public purpose sought to be achieved by the legislation involved, and that clearly, the use of marihuana presents a danger to the public safety and welfare of the community since they are clearly related to each other and to the commission of crime. The Colorado court concluded that inclusion of marihuana in the narcotic drug definition was not an unreasonable classification, did not deny equal protection of the law, and did not deny due process of law.

A recent Massachusetts superior court case, Commonwealth v. Leis and Waiss (December 1967), in which the issue was whether marihuana should be treated as a narcotic drug, attracted scientists from all over the world. Testimony from both the prosecution experts and the defense experts led the judge, in handing down his decision not to grant a defendant's motion to dismiss, to state:

The drug has a great attraction for young men and women of college age during the formative years when they should be gaining the education and experiences upon which to build their future lives. Furthermore, there is a widespread emotional instability among the users of marihuana. The use of the drug allows them to avoid the resolution of their underlying problems rather than to confront them realistically. In addition, users naturally associate with other users, who are also likely to have emotional problems, and compound one another's difficulties. In such persons, the use of marihuana may cause temporary psychotic episodes. They develop a drug-oriented culture which is marked by a peculiar proselytism, whereby users try to introduce non-users to the drug. Marihuana users customarily use the drug with the specific intent of becoming intoxicated. No evidence was introduced to show any significant number of persons who use marihuana to achieve a state of relaxation short of intoxication. Even the so-called regulatory process of "self-titration" is employed to attain a desired state of intoxication, not to stop short of intoxication.

The Massachusetts court further stated,

Given the effects of marihuana and the character of its users, the possible dangers of its use are clearly discernible. Its tendency to release inhibitions, both verbally and actively, and the dependence of its unpredictable effects on the disposition of the user, marihuana can be

especially volatile when used by a despondent, hostile or unstable person. Its impairment of motor coordination, coupled with the retention of muscular strength and the distortion of time and space relationships, makes its use extremely hazardous among those operating machinery, especially automobiles, and among those individuals responsible for the care and custody of other persons, such as the parents of young children.

Regarding the equation between alcohol and marihuana, the Massachusetts court stated:

The customary use of alcohol, by the glass or bottle, is conspicuous and, thereby, susceptible of regulation and limitations regarding time, space and age. The customary use of marihuana, by smoking, is not conspicuous and is not susceptible of regulation and limitations regarding time, place and age. It [marihuana] can be used in public places, at work, on the streets and in vehicles without detection until its effects are manifested, whereas comparable uses of alcohol can be detected much more readily * * *. The history and cultural acceptance of alcohol and marihuana in this country cannot be ignored. Alcohol has been in widespread use among the general population since colonial times. It is customarily consumed with meals and on social occasions which do not center on the avowed purpose of drinking to the point of intoxication. So ingrained is its use in our culture that all prior statutory and constitutional prohibitions of its use have failed. Marihuana also first appeared in our country during the colonial period, but its use was never widespread among the general population. As has been noted previously, its use is not associated with any purpose other than to become intoxicated. Nor has its use become so ingrained in our country as to make laws strictly prohibiting its use impractical.

We realize that we have discoursed and quoted at great length on the issue of whether marihuana should be considered a narcotic drug. However, we feel that this issue may be raised at this and subsequent legislative sessions and determined that it was necessary that the reasons for our position be made quite clear.

The testimony of three prisoners from the Nevada state prison further solidified this stand. Although we agree that not all potheads become hopheads, it is significant that the three prisoners who testified stated positively that marihuana usage led them to hard narcotics and that all the "H" users they knew took their first trip on grass.

Your subcommittee recommends that marihuana remain a narcotic drug as defined by chapter 453 of NRS.

VI. Narcotic Drug Use

While there are statutes which treat addiction to narcotic drugs as criminal, the United States Supreme Court has held a statute authorizing imprisonment of a person for narcotic drug addiction in and of itself to be invalid as imposing a cruel and unusual punishment, the theory being that drug addiction is an illness. In line with this latter reasoning statutes have been enacted in

some states designed to substitute, in place of penal sanctions, nonpunitive civil commitment for narcotic addicts who have been arrested. The United States Supreme Court also recognizes the power of the states in their interest of discouraging the violations of laws against drug traffic, or protecting the general health or welfare of their inhabitants, to establish a program of compulsory treatment for those addicted to narcotics, including involuntary confinement, with penal sanctions for failure to comply with the compulsory treatment.

The California law which was the subject of the United States Supreme Court case discussed above provided imprisonment for a person who uses or is under the influence of or addicted to the use of narcotics. Recent California cases hold that only the imprisonment for narcotic addiction is unconstitutional and that imprisonment for using or being under the influence of a narcotic is proper.

Since Nevada has enacted prohibitions against the use, under certain circumstances, of drugs affecting the central nervous system and nasal inhalers containing any such drug, it appears incongruous not to prohibit such conduct with drugs which may be more dangerous. Suggested legislation to that effect has been prepared and is attached as Exhibit II.

VII. Rehabilitation

Several states have initiated programs providing for a voluntary or mandatory hospital commitment of persons accused of certain nonviolent crimes or of crimes associated with the unlawful use or possession of drugs. These programs have great merit, but it appears to be impractical to implement such programs in Nevada at this time.

Dr. Robert McAllister, superintendent of the Nevada state hospital, indicated that more than 15 drug patients in that facility at any one time would create an unbearable burden. As the programs adopted in other states contemplate long-range, in-patient treatment of up to 2 years, this would inevitably lead to the need of additional facilities.

The state planning board was requested to submit an estimate of the cost of constructing a narcotic treatment facility in Las Vegas and it appears that a 24-bed facility would call for an original expenditure of \$378,000. It is difficult to determine how long a 24-bed facility would be adequate.

It is the recommendation of this subcommittee that propriety of the construction of such facilities remain the subject of further study. We are of the opinion that there will eventually be a need for some type of facility to aid in the rehabilitation of illicit drug users, but that Nevada should wait until there has been an evaluation made of the recently adopted California program and of true needs of Nevada.

It is readily apparent that the increase in the drug problem will have an effect upon the present uses of such facilities as the Nevada state hospital. Therefore, it is recommended that state facilities which will bear the brunt of this increase be permitted to employ additional personnel for this purpose.

An area of concern that is associated with rehabilitation is the problem that exists regarding some of those persons who are arrested for the first time for marihuana or dangerous drug possession. Often the prosecutor is forced to make an election regarding prosecution or dismissal without having sufficient time to determine the merits of the case. We realize that the district attorneys of this state are burdened with a decision-making power which may have a lifelong effect upon a defendant. Circumstances may warrant that a first-time defendant may be a proper subject for a warning with restrictions, while in other cases such a warning may lead to further unlawful activity by the defendant.

Therefore, this subcommittee recommends the enactment of Exhibit III, which permits the commitment of a defendant in certain situations.

Further, in order effectively to determine whether rehabilitation of a released or probated defendant or a paroled prisoner is taking place, several states have adopted legislation permitting law enforcement agencies to make certain chemical tests to determine whether any such defendant or parolee has resorted to the use of narcotic drugs. Testimony received indicates that such tests act as an effective deterrent to continued drug usage. Therefore, it is recommended that Exhibit IV be enacted to accomplish this purpose.

VIII. Peyote

Until 1964, California prohibited the use of peyote under any circumstances. However, in that year the California supreme court ruled the law was unconstitutional when invoked to prohibit the use of peyote in the religious rites of the Native American Church. Against the prosecution's argument that such permitted use would place a severe infringement upon the enforcement of the narcotic laws because of the difficulty of detecting fraudulent claims of an asserted religious use of peyote, the court stated that there was no compelling public interest in the prohibition of the practice and that because the use of peyote was the sole means by which the members of the church could experience their religion, the deprivation of such use was an invasion of the right to worship guaranteed by the First Amendment to the Federal Constitution.

It should also be noted here that New Mexico in 1959 and Montana in 1957 amended their narcotic laws to provide that the prohibition against narcotics "shall not apply to the possession, sale or gift of peyote for religious sacramental purposes by any bona fide religious organization incorporated under the laws of the state." Arizona has reached a similar result by judicial decree.

At the present time Nevada has no law restricting peyote, as NRS 454.460 expressly excludes peyote from the list of those hallucinogenic drugs it is unlawful to possess or use.

That peyote is an hallucinogenic drug is unquestioned. However, although a recent South Carolina decision holds otherwise, it appears that the prohibition of the use by the Native American Church of the State of Nevada might prove unconstitutional, it is recommended that the use of peyote be prohibited except when used as a sacrament in the performance of religious rites. The suggested legislation contained in Exhibit V accomplishes this purpose.

IX. Out-Patient Treatment

California has adopted a pilot project permitting the director of corrections of that state to establish half-way houses to assist in the rehabilitation of addicts of habit-forming drugs and to determine the effectiveness of restrictions placed upon probationers and parolees. It seems that such a program would be necessary in a state providing for voluntary or involuntary commitment for drug users. However, until such time as Nevada may embark upon a hospitalization approach to the treatment of drug users, it is not practical to consider such legislation.

A great deal of testimony was heard regarding such private groups as Synanon, Entitas and Narcotics Anonymous. Several persons spoke in support of such programs, but little in the way of statistics concerning the percentage of cure or recidivism was offered. Prison personnel indicated that Synanon membership was high so long as such members received special treatment, but when the prison rules were changed prohibiting special treatment for any particular group the membership fell to the point that the group was discontinued. It may be that sometime in the future these groups can prove their value to such an extent that the legislature may see fit to render some assistance. However, until such proof is made your subcommittee will not be convinced that the therapy and living conditions imposed by such live-in groups is the best approach.

If private programs are determined at some future time to have some benefit, your subcommittee recommends that any assistance be accompanied by strict supervision.

X. Triple Prescriptions

The procedure requiring drug prescribers to complete triple prescription forms has been adopted in a few states. Under this procedure, the prescriber keeps one copy, one copy goes to the pharmacist and a third copy is forwarded to a law enforcement agency.

The finding of your subcommittee is that such a procedure has more drawbacks than proven values. The vast majority of those persons who are dependent upon drugs to the extent that they seek to obtain them unlawfully resort to many doctors and many aliases. The possibilities of discovering persons using different doctors to obtain habit-forming drugs are negligible, and this value to the public is certainly outweighed by the obvious expenses to be incurred in the necessary personnel needed to investigate and tabulate the prescriptions.

XI. Nevada Narcotics Division

Nothing in its study became more obvious to this subcommittee than the need for a state narcotics agency to combat the increasing problem of illicit drug use.

Local law enforcement agencies are inadequately funded to provide the educational program necessary to inculcate in our youth the dangers attendant with drug abuse. Reports from law enforcement officers show that unlawful drug use is not uncommon in our

junior high schools and other reports lead to the conclusion that possibly one-half of our high school and university population have experimented with drugs.

There is no evidence that the hippie Green Rebellion culture has made any great inroads in the State of Nevada. "Green" was adopted by the hippies as the symbolic color because of their ingenuous ideals, love of nature and use of marihuana (grass). Hallucinogenic drugs became their pharmacological sacrament for a pacifist mystique, with marihuana the method used to obtain the converts.

However, one cannot say that a Green Rebellion cannot take root in Nevada. As our society advances in technological skills so do the problems increase for those who do not readily absorb these skills. Thus, we have the "drop-out," and even a "drop-out" must have a purpose. This purpose can very likely become a Green Rebellion.

Of greater extent in Nevada is the war of youth against the "establishment." One cannot say that the present war is any different than the war their elders experienced against parents, teachers and other symbols of authority. But their elders resorted to a few beers to assert their defiance, while today's youngsters "turn on."

The only method present at this time to arm against such a rebellion or war is through education. The youth of today is probably more knowledgeable than were their parents at the same age, but they do not possess more wisdom. They must be bombarded with the evils of drug abuse, and this can be done only by presenting them with all the facts so that they can discover the truth through their own reasoning.

The education required must be continuing in nature and must be both direct and subtle. No local law enforcement agency has the trained personnel or time to perform this function.

Nor can the adults be omitted from this educational process. Too many parents have adopted a laissez-faire attitude regarding the conduct of their children. No one can expect a return to the "home" of the turn of the century, but, certainly, parents should be instructed in the methods of discovering their children's problems attendant upon drug abuse.

A state narcotics division could supply this education and relieve local law enforcement of a duty they have taken upon themselves without sufficient tools to perform properly.

Further, drug abuse being clandestine in nature, it is extremely difficult for local law enforcement officers to perform the investigation procedures necessary to effective prosecutions. The evidence needed for a conviction of the "pusher," by far the worst offender, is usually obtained through "buys" made by persons unknown to the seller. A state narcotics division could provide these unknown persons as well as agents trained in the field of drug abuse to assist in the apprehension of violators.

Everyone is aware that a modus operandi exists among the purveyors of unlawful drugs as well as other criminals. Through the use of

records the pattern of individual "pushers," "possessors," and "users" can be documented. A state narcotics division could become a storehouse of records of those criminals whose actions are associated with unlawful drug activities and such records could be made available to assist local law enforcement agencies.

Your subcommittee recommends the establishment of a narcotic and dangerous drug division in Nevada, with such division to be placed under the supervision of the chief parole and probation officer. Suggested legislation is attached as Exhibit I.

Regarding the personnel needed to staff such an agency, the Nevada Narcotic Officers Association has submitted the suggestion that there be a supervising field agent in both Las Vegas and Reno with six other field agents to be split as the demand warranted, one chief clerk to perform the records function, and such clerical staff as needed.

Mr. Karl Harris, director of the department of health, welfare and rehabilitation, states that to provide adequate laboratory assistance to this new agency and other law enforcement agencies it would require two additional chemists, one in Las Vegas and one in Reno, additional equipment in the value of \$60,000, and approximately 6,000 sq. ft. of space in both Reno and Las Vegas.

Before closing this portion of the report relating to a state drug agency and the educational benefits to be derived from it, we would like to commend the Washoe County School District for the educational program it has inaugurated. With school administrators working in concert with a state agency a rapid increase in drug knowledge and decrease in drug usage is foreseen.

XII. Other Matters

The subcommittee has been informed that chemists of state agencies are required to spend much time testifying at trials, thus diluting their effectiveness in the laboratory. Therefore, it is suggested that such testimony be received in the form of an affidavit at grand jury and preliminary hearings. Exhibit VI is suggested draft legislation permitting such testimony.

At present it is incumbent upon the state in the prosecution of narcotic and dangerous drug cases to prove that the drug was not obtained by the use of a prescription, a fact almost impossible to prove. It is suggested that this fact is more properly a matter of defense. Exhibit VII, recommended for enactment, makes it the burden of the defense to show that the possession or use in question comes within any exception.

Testimony indicated that more effective law enforcement could be had if Nevada had laws prohibiting the possession of opium pipes and other paraphernalia used in smoking or injecting unlawful drugs or being in or about a place with knowledge that unlawful drug usage is taking place. This subcommittee recommends the enactment of Exhibits VIII and IX, which it is believed will accomplish these purposes.

Many prosecutions have been thwarted because of court rulings dismissing a matter because of an insufficient amount of the drug as evidence. An example of this is a dismissal of a marihuana possession case because there was not a sufficient amount of the drug for one cigarette. It would seem that possession of a small amount of a drug is certainly a matter to be commented upon by the defense and jury determination, but not grounds for dismissal. Exhibit X is the recommended legislation in this matter.

NRS 202.247 now prohibits the use of drugs in a manner contrary to the directions contained on the container's label. A complete defense would be the possession of such a drug in an unlabeled container. Exhibit XI is suggested legislation to correct this situation.

It further appears that NRS 453.030, which provides that:

It shall be unlawful for any person to manufacture, possess, have under his control, sell, prescribe, administer, dispense, or compound any narcotic drug, except as authorized in NRS 453.010 to 453.240, inclusive,

may create a confusion when read with the first subsection of NRS 453.183, which provides that,

No person may:

1. Possess for sale a narcotic drug except in accordance with the provisions of NRS 453.010 to 453.240, inclusive,

because it may be construed that "possession" not for sale is not punishable, although it appears that such is the intent of NRS 453.030. Exhibit XII is offered as proposed legislation to clarify legislative intent.

Most states provide immunity for law enforcement officers from prosecution under narcotic drug laws when acting in the performance of their duties. Nevada has such a law relating to dangerous drugs. Conceivably a conviction of a defendant based upon a "buy" made by a police officer might be overturned because the officer was in unlawful possession and may be thus considered an accomplice. If there was little other evidence present the defendant would be released because no person can be convicted of a crime on the uncorroborated testimony of an accomplice. Exhibit XIII is suggested draft legislation granting law enforcement officers such immunity.

Quite often a patient attempts to obtain a drug from a doctor for unlawful use and then invokes the privileged communication evidentiary rule when the doctor is called upon to testify. It does not seem that this is the type of communication that the doctor-patient relationship is designed to protect. Exhibit XIV excepts this testimony from such evidentiary rule and is recommended by your subcommittee for enactment.

Although this report contains the conclusion that marihuana is a menace to an orderly society, it appears that the futures of some people may be completely ruined unnecessarily. A college student who gives a marihuana cigarette to a fellow student under the age of 21 years subjects himself to a 1- to 20-year sentence without probation. We do not wish to infer that such activity should be condoned, but we do suggest that the court be authorized to award probation to such a defendant for the first offense. Exhibit XV is recommended draft legislation designed for that purpose.

Possession of a dangerous drug is presently a gross misdemeanor while the furnishing of such a drug is a misdemeanor. Obviously the "pusher" should be subject to at least the same penalty as the possessor. We recommend the enactment of Exhibit XIX which makes the first such offense a gross misdemeanor and any subsequent violation a felony.

Nevada has no prohibition against the obtaining of a dangerous drug by false pretenses. Exhibit XVI is offered for enactment to correct this omission.

Dangerous drug users are discovering such drugs more rapidly than legislatures can prohibit them. The state board of pharmacy presently has the authority to determine what is a dangerous drug, but only after notice to certain persons followed by a hearing. It is the opinion of this committee that such board, if it determines that the public interest requires the action, may place a drug within the dangerous drug classification immediately, with a hearing on the action to follow. Exhibit XVII invests the state board of pharmacy with such authority, and its enactment is recommended.

Use or possession of an hallucinogenic drug is presently a gross misdemeanor, and it is recommended that the punishment be increased to a felony. Exhibit XVIII is therefore recommended for enactment.

SUMMARY--Creates narcotic and dangerous drug division.
(BDR 16-820)

AN ACT creating the narcotics and dangerous drug division under the administration of the state board of parole commissioners; defining terms; providing for the appointment of an advisory board and an administrator and prescribing their qualifications; defining the powers and duties of the division and of the board; creating funds for the administration of the division; providing the salary of the administrator of the division; and providing other matters properly relating thereto.

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

Section 1. Title 16 of NRS is hereby amended by adding thereto a new chapter to consist of the provisions set forth as sections 2 to 24, inclusive, of this act.

Sec. 2. When used in this chapter, the words and phrases defined in sections 3 and 4 of this act have the meanings respectively ascribed to them in such sections.

Sec. 3. "Administrator" means the chief of the narcotic and dangerous drug division.

Sec. 4. "Board" means the state narcotic and dangerous drug advisory board.

Sec. 5. 1. There is hereby created under the administration of the state board of parole commissioners a narcotic and dangerous drug division.

2. The chief parole and probation officer shall supervise all administrative activities of such division.

Sec. 6. 1. There is hereby created the state narcotic and dangerous drug advisory board consisting of nine members to be appointed by the governor.

2. The members of the board first appointed shall hold office,

three for 1 year, three for 2 years, and three for 3 years.
Thereafter each member shall be appointed for a term of 3
years.

Sec. 7. Members of the board shall have the qualifications
set forth in sections 8 to 11, inclusive, of this act.

Sec. 8. 1. One member shall be a district attorney.

2. One member shall be a registered pharmacist as defined
in NRS 639.015.

3. Three members shall be sheriffs, chiefs of police or
peace officers nominated by their respective sheriffs or
chiefs of police.

Sec. 9. One member shall be a doctor of medicine licensed
and engaged in the practice of medicine in Nevada, other than
as a pathologist, for not less than 2 years immediately pre-
ceding his appointment. He shall be a member of the staff of
a hospital in the state which is accredited by the Joint
Commission on Accreditation of Hospitals. He shall be chosen
from a list submitted to the governor by the Nevada State
Medical Association, containing the names of at least three
such qualified persons.

Sec. 10. One member shall be a doctor of medicine licensed
and engaged in the practice of medicine in Nevada, specializing
in pathology, for not less than 2 years immediately preceding
his appointment. He shall be a member of the staff of a
hospital in the state which is accredited by the Joint Commis-
sion on Accreditation of Hospitals. He shall be chosen from
a list submitted to the governor by the Nevada State Medical
Association, containing the names of at least three such
qualified persons.

Sec. 11. Two members shall be professional educators
engaged in educational administration or instruction in Nevada

for not less than 5 years immediately preceding their appointments. They each shall have a master's degree or the equivalent thereof and be a member of the staff of the University of Nevada or a county school system of the state.

Sec. 12. 1. The board shall elect one of its members as chairman.

2. The board shall meet at least quarterly each year on the call of the chairman.

3. At any meeting, five members shall constitute a quorum.

Sec. 13. Board members shall serve without compensation, but are entitled to the per diem expense allowances and travel expenses fixed by law.

Sec. 14. 1. The administrator shall be appointed by the chief parole and probation officer with the consent of the state board of parole commissioners, from a list of not less than three names selected by the board.

2. If no person is approved for appointment as administrator from the list of names selected, the chief parole and probation officer shall request additional selections.

3. The board is solely advisory in capacity and is not delegated any administrative authority or responsibility, but it may advise the state board of parole commissioners concerning the operation of the narcotic and dangerous drug division. It may advise the governor and the legislature on the problem of drug abuse.

Sec. 15. 1. The administrator shall have:

(a) At least 10 years' experience as a peace officer, at least four of which shall have been in a supervisory capacity.

(b) A background of experience in drug violation investigative procedures and a thorough knowledge of the nature and complications of drug abuse.

2. The administrator shall:

(a) Receive an annual salary in the amount specified in NRS 281.115.

(b) Be allowed the per diem expense allowances and travel expenses fixed by law.

Sec. 16. 1. The administrator shall employ such agents and technical and clerical staff as may be necessary to the operation of the narcotic and dangerous drug division in accordance with the provisions of chapter 284 of NRS.

2. For the purposes of the administration of this chapter, the administrator and agents assisting local law enforcement agencies in investigation of alleged violations of laws relating to the use, possession or sale of narcotic or dangerous drugs are invested with the powers of a peace officer of the State of Nevada.

Sec. 17. The narcotic and dangerous drug division shall:

1. Promote and operate programs to disseminate information to the people of this state concerning the dangers of narcotic and dangerous drug use.

2. Provide laboratory facilities for the assistance of law enforcement agencies in investigating and prosecuting violations of laws relating to the use, possession or sale of narcotic and dangerous drugs.

3. Provide personnel upon the request of a local law enforcement agency to assist in the investigation of alleged violations of laws relating to the use, possession or sale of narcotic or dangerous drugs.

4. Provide a system for recording all information received by it relating to persons who have allegedly violated any criminal law of this state when in the investigation of such violation it appeared that there was some connection with narcotic or dangerous drugs.

5. Furnish, upon application from a law enforcement agency, all information pertaining to any person of which there is a record.

Sec. 18. Every sheriff and chief of police shall furnish to the narcotic and dangerous drug division, on forms prepared by the division, all information obtained in the investigation or prosecution of any person who has allegedly violated any criminal law of this state when in the investigation of such violation it appeared there was some connection with narcotic or dangerous drugs.

Sec. 19. The narcotic and dangerous drug division may accept any gifts or bequests of personal property, tangible or intangible.

Sec. 20. The narcotic and dangerous drug division may accept:

1. Funds appropriated and made available by any Act of Congress for any program administered by the division as provided by law.

2. Funds and contributions made available by a county, a city, a public district or any political subdivision of this state for any program administered by the division as provided by law.

3. Funds, contributions, gifts, grants and devises made available by a public or private corporation, by a group of individuals, or by individuals, for any program administered by the division as provided by law.

Sec. 21. The administrator may fix reasonable fees for the sale of miscellaneous printed materials pertaining to narcotic and dangerous drugs which are purchased or prepared by the narcotic and dangerous drug division.

Sec. 22. 1. The narcotic and dangerous drug receipts fund account is hereby created in the state treasury for the use of the narcotic and dangerous drug division.

2. All fees and moneys received by the narcotic and dangerous drug division under the provisions of sections 19 to 21, inclusive, of this act, shall be deposited in this fund account.

3. Expenditures from the fund account shall be made only for the purposes authorized in this chapter.

4. All moneys in the fund account shall be paid out on claims approved by the administrator as other claims against the state are paid.

Sec. 23. Moneys to carry out the provisions of this chapter shall be provided by direct legislative appropriation from the general fund, and except as provided in section 24, shall be paid out on claims as other claims against the state are paid. All claims shall be approved by the administrator before they are paid.

Sec. 24. 1. There is hereby created the narcotic dangerous drug investigative fund account in the state treasury.

2. The administrator may, from time to time, withdraw from such fund account such sums as he determines necessary to assist local law enforcement agencies or the narcotic and dangerous drug division in the purchase of narcotic or dangerous drugs for evidence and in the employment of persons other than peace officers to obtain evidence. The administrator may keep such sums in a bank account or in cash.

3. Upon the written request of the administrator for the withdrawal of any such sum, the state controller is directed to draw his warrant in favor of the administrator in an amount not to exceed the legislative appropriation or any limitations set on such appropriation by the legislature.

Sec. 25. NRS 281.115 is hereby amended to read as follows:

281.115 The following state officers and employees in the unclassified service of the State of Nevada shall receive annual salaries in the amounts set forth following their specified titles:

Adjutant general's office:

Adjutant general.....	\$15,000
Liaison officer.....	7,920
Deputy adjutant general.....	7,200
Security officer.....	3,660

Attorney general's office:

Chief deputy attorney general.....	16,000
Chief assistant.....	14,548
Chief counsel, department of highways.....	14,500
Deputy, Nevada gaming commission.....	14,000
Deputy, welfare division, department of health, welfare and rehabilitation.....	14,000
Deputy, department of commerce.....	12,800
Deputy, state department of conservation and natural resources.....	12,800
Deputy, department of motor vehicles.....	11,400
Deputies, four in number, the total annual salaries of whom shall not exceed.....	46,400
Legal analyst.....	11,500
Investigator.....	11,000

Colorado River commission of Nevada:

Secretary.....	14,400
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Department of administration:

Director.....	18,000
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Budget division:

Deputy budget administrator.....	13,860
Chief assistant budget administrator.....	11,500

Buildings and grounds division:

Superintendent of buildings and grounds.....	\$11,500
Deputy superintendent of buildings and grounds.....	8,700
Chief assistant.....	8,490
Marlette Lake water system supervisor.....	6,900
Central data processing division:	
Chief.....	14,700
Purchasing division:	
Chief.....	13,860
Department of civil defense and disaster assistance:	
Director of civil defense and disaster assistance.....	11,000
Department of commerce:	
Director.....	17,600
Banking division:	
Superintendent of banks.....	15,000
Assistant superintendent of banks.....	11,500
Insurance division:	
Commissioner of insurance.....	15,000
Chief deputy commissioner of insurance.....	11,500
Chief assistant.....	9,540
Real estate division:	
Real estate administrator.....	12,600
Chief investigator.....	9,660
Chief assistant.....	7,800
Special investigator.....	7,800
Savings and loan division:	
Commissioner of savings associations.....	15,000
Deputy commissioner of savings associations.....	11,500
Chief assistant.....	8,700

Department of economic development:

Director.....\$12,000

Deputy director..... 8,640

Department of health, welfare and rehabilitation:

Director..... 17,600

Alcoholism division:

Administrator..... 10,460

Children's home division:

Superintendent..... 10,500

Chief assistant..... 5,970

Mental hygiene division:

Superintendent and medical director of
the Nevada state hospital..... 26,000

Nevada girls training center division:

Superintendent..... 13,225

Nevada youth training center division:

Superintendent..... 13,225

Rehabilitation division:

OASI medical consultant (one-half time)..... 11,000

Department of highways:

State highway engineer..... 19,000

Deputy highway engineer..... 17,900

Department of motor vehicles:

Director..... 14,200

Deputy director..... 11,500

Employment security department:

Executive director..... 16,000

Governor's office:

Administrative assistant..... 18,400

Special assistant..... 14,000

Press officer..... 12,000

Secretary.....	\$8,400
Administrative secretary.....	7,082
Receptionist.....	6,300
Principal clerk-stenographers, three in number, the total annual salaries of whom shall not exceed.....	17,487
Senior clerk stenographer.....	4,813
Indian affairs commission:	
Executive director.....	7,500
Labor commissioner's office:	
Labor commissioner.....	11,500
Deputy labor commissioner.....	8,400
Lost City Museum:	
Curator.....	7,236
Attendant.....	3,000
Relief attendant.....	360
Nevada athletic commission:	
Executive secretary.....	8,400
Nevada commission on equal rights of citizens:	
Secretary.....	10,500
Assistant secretary.....	7,500
Nevada commissioner for veteran affairs:	
Commissioner.....	10,500
Deputy commissioner.....	9,500
Nevada gaming commission:	
Executive secretary.....	15,000
Research and planning: Certified or registered public accountants, each.....	14,000
Assistant executive secretary.....	10,909
Tax administrators I.....	10,381

Tax administrators II.....	\$9,404
Confidential secretaries.....	8,137
Tax and license examiners.....	7,583
Tax and license examiners.....	6,738
Research assistants.....	7,055
Program specialists.....	6,738
Administrative assistants.....	6,738
Nevada historical society:	
Executive secretary.....	8,700
Assistant executive secretary.....	6,600
Research librarian.....	3,000
Nevada industrial commission:	
Chairman.....	16,000
Commissioner representative of labor.....	13,860
Commissioner representative of employers.....	13,860
Nevada state prison:	
Warden.....	15,000
Deputy warden.....	12,600
Nevada state museum:	
Director.....	10,000
Curator of biology.....	8,400
Exhibit technician.....	5,700
Nevada tax commission:	
Secretary.....	16,000
Office of economic opportunity:	
Director.....	15,000
Deputy director.....	9,500
Public employees' retirement board:	
Executive secretary.....	16,000
Assistant executive secretary.....	10,940
Public service commission of Nevada:	
Chairman.....	16,000
Commissioners (other than chairman) each.....	14,400

Branch manager.....\$10,440

Secretary of state's office:

Deputy secretary of state..... 11,000

Deputy secretary of state (securities)..... 11,000

Chief assistant..... 6,900

State board of fish and game commissioners:

State director of fish and game..... 14,520

State board of parole commissioners:

Chief parole and probation officer..... 13,500

Administrator of narcotic and dangerous drug
division..... 13,225

State controller's office:

Deputy state controller..... 11,000

Accountant..... 9,000

State department of conservation and natural
resources:

Director..... 17,600

Assistant director..... 14,700

Assistant director(federal land laws)..... 14,700

Division of water resources:

State engineer..... 14,700

District supervisor, water commis-
sioners (one-half time)..... 6,600

Division of forestry:

State forester firewarden..... 12,500

Division of state parks:

Administrator of the Nevada state
park system..... 12,500

Deputy administrator..... 11,000

State department of education:

Superintendent of public instruction..... 20,000

First assistant superintendent of public
instruction..... 16,000

Assistant superintendent of public instruc-

tion for administration.....\$15,000

State gaming control board:

Members, each..... 15,840

Audit division:

Chief..... 14,400

Agents..... 11,464

Agents..... 10,909

Agents..... 8,533

Agents..... 7,900

Statistical analysts..... 5,814

Enforcement division:

Chief..... 13,945

Agents..... 10,909

Agents (electronics)..... 10,645

Agents..... 10,381

Agents..... 9,880

Agents..... 9,404

Agents..... 8,956

Agents..... 8,533

Statistical analysts..... 6,104

Investigative division:

Chief..... 14,400

Agents..... 12,652

Agents..... 11,474

Agents..... 11,464

Agents..... 10,909

Agents..... 8,137

Temporary investigators, the total

annual salaries of whom shall

not exceed..... 17,500

Office services:

Manager, Carson City.....	\$12,696
Manager, Las Vegas.....	10,968
Public information officer.....	12,696
Files supervisor.....	7,398
Administrative assistant.....	7,213
Confidential secretary.....	6,104
Administrative assistant.....	6,104
Legal researcher (one-half time).....	2,923

State planning board:

Manager and technical supervisor.....	16,000
Deputy manager.....	13,860

State printing office:

Chief assistant.....	6,324
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State treasurer's office:

Deputy state treasurer.....	11,000
Chief assistant.....	7,200

SUMMARY--Prohibits unlawful use of narcotic drug. (BDR 40-879)

AN ACT relating to narcotic drugs; prohibiting the use of such drugs except by prescription; providing penalties; and providing other matters properly relating thereto.

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

Section 1. Chapter 453 of NRS is hereby amended by adding thereto a new section which shall read as follows:

1. It is unlawful for any person to use or be under the influence of a narcotic drug except in accordance with a prescription issued to such person by a physician or dentist.

2. Any person violating the provisions of subsection 1 is guilty:

(a) For the first offense, of a gross misdemeanor.

(b) For the second and any subsequent offense, of a felony, and shall upon conviction be punished by imprisonment in the Nevada state prison for not less than 1 nor more than 10 years.

SUMMARY--Permits district attorneys to commit certain drug addicts. (BDR 39-908)

AN ACT relating to narcotic or habit-forming drugs; permitting a district attorney to commit drug addicts accused of certain drug offenses; extending certain time limits upon an application to commit or the commitment of a person so accused; providing for payment of expenses; and providing other matters properly relating thereto.

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

Section 1. Chapter 433 of NRS is hereby amended by adding thereto the provisions set forth as sections 2 to 4, inclusive, of this act.

Sec. 2. Upon the application of the district attorney of a county under oath setting forth that a person is a drug addict and such person is in custody in such county pursuant to an arrest for an offense designated as a felony and prohibited by chapter 453 of NRS or NRS 454.180 to 454.460, inclusive, the judge of the district court of such county shall cause such person to be brought before him at such time and place as he may direct.

Sec. 3. 1. If an application provided for in section 2 of this act is made prior to the holding of a preliminary examination relating to the offense for which such person was arrested, the time within which a preliminary examination is required is extended by the number of days necessary for the judge of the district court to determine the validity of such application.

2. If such application is made after a preliminary examination relating to such offense and in which such person was held to answer in district court or after a waiver of such preliminary examination, but before trial or before the entry of

judgment upon a plea of guilty, the time within which a trial is required is extended by the number of days necessary for the judge of the district court to determine the validity of such application.

Sec. 4. 1. If, after a hearing and examination as provided in NRS 433.250 and 433.270, the judge of the district court believes that the person brought before him pursuant to section 2 of this act is a drug addict, he shall make an order committing such person to the hospital for an indeterminate period as provided in NRS 433.280.

2. When any such person is discharged by the superintendent, such person shall be released at the hospital into the custody of the sheriff of the county from which such person was committed.

3. The time within which a preliminary examination, trial or entry of judgment on a plea of guilty is required shall be extended by the number of days such person remained in the hospital.

Sec. 5. NRS 433.010 is hereby amended to read as follows:

433.010 As used in NRS 433.010 to 433.640, inclusive [:] , and sections 2 to 4, inclusive, of this act:

1. "Hospital" means the Nevada state hospital.

2. "Mental hygiene division" means the mental hygiene division of the department of health, welfare and rehabilitation.

3. "Superintendent" means the superintendent and medical director of the Nevada state hospital.

Sec. 6. NRS 433.248 is hereby amended to read as follows:

433.248 As used in NRS 433.250 to 433.290, inclusive, and sections 2 to 4, inclusive, of this act, unless the context otherwise requires:

1. "Alcoholic" means a person who is so far addicted to the intemperate use of alcoholic beverages as to have lost the power of self-control.

2. "Drug addict" means a person who:

(a) Habitually takes or otherwise uses any narcotic or habit-forming drug; or

(b) Is so far addicted to the use of any stimulant or depressant drug as to have lost the power of self-control.

SUMMARY--Permits imposition of tests to determine drug use as a condition of probation or parole of persons convicted of crimes associated with drugs. (BDR 16-880)

AN ACT relating to the conditional release of persons convicted of crimes associated with drugs; to permit the imposition of tests to determine drug use as a condition of such release; providing penalties; and providing other matters properly relating thereto.

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

Section 1. Chapter 176 of NRS is hereby amended by adding thereto a new section which shall read as follows:

1. Upon the granting of probation to a person convicted of any crime related to the sale, possession or use of a narcotic drug, as defined in chapter 453 of NRS, a dangerous drug, as defined in NRS 454.220, or any drug referred to in NRS 454.460 the possession or use of which is a crime, the court may, when the circumstances warrant, require as a condition of probation that the probationer submit to periodic tests by a physician approved by the state health officer to determine whether the probationer is using any such drug. Any such use or any failure or refusal to submit is a ground for revocation of probation.

2. Any expense incurred as a result of any such test is a charge against the county in which probation was granted.

Sec. 2. Chapter 213 of NRS is hereby amended by adding thereto a new section which shall read as follows:

1. Upon the granting of parole to a prisoner convicted of any crime related to the sale, possession or use of a narcotic drug, as defined in chapter 453 of NRS, a dangerous drug, as defined in NRS 454.220, or any drug referred to in NRS 454.460 the possession or use of which is a crime, the board may, when the circumstances warrant, require as a condition of parole

that the parolee submit to periodic tests by a physician approved by the state health officer to determine whether the parolee is using any such drug. Any such use or any failure or refusal to submit is a ground for revocation of parole.

2. Any expense incurred as a result of any such test is a charge against the board.

Sec. 3. NRS 176.175 is hereby amended to read as follows:

176.175 As used in NRS 176.175 to 176.255, inclusive [:]
, and section 1 of this act:

1. "Board" means the state board of parole commissioners.
2. "Court" means a district court of the State of Nevada.
3. "Parole and probation officer" means the chief parole and probation officer or an assistant parole and probation officer appointed in accordance with the provisions of chapter 213 of NRS.

Sec. 4. NRS 213.107 is hereby amended to read as follows:

213.107 As used in NRS 213.107 to 213.160, inclusive, and section 2 of this act, "board" means the state board of parole commissioners.

SUMMARY--Prohibits use of peyote except as religious sacrament.
(BDR 40-881)

AN ACT relating to hallucinogenic drugs; prohibiting the use of peyote except as a sacrament in certain religious rites; providing penalties; and providing other matters properly relating thereto.

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

Section 1. NRS 454.460 is hereby amended to read as follows:

454.460 1. [It] Except as provided in subsection 2, it
is unlawful for any person, except as provided in this section,
to use or possess:

- (a) Lysergic acid;
- (b) LSD (d-lysergic acid diethylamide);
- (c) DMT (N-N-dimethyltryptamine);
- (d) Any salt or derivative of any drug listed in paragraphs (a), (b) and (c); or
- (e) Any compound, mixture or preparation which is physiologically similar to any drug listed in paragraphs (a), (b) and (c) in its effect on the central nervous system . [, except that plant of the genus Lophophora commonly known as peyote and preparations thereof.]

2. The provisions of subsection 1 do not apply to that plant of the genus Lophophora commonly known as peyote when such drug is used as the sacrament in religious rites of any bona fide religious organization incorporated under the laws of this state.

3. The drugs enumerated in subsection 1 may lawfully be possessed by:

- (a) A manufacturer licensed by the Food and Drug Administration to produce and distribute such drugs, or his agent, to be sold only to a person authorized under this subsection

to possess such drugs or transported in interstate commerce. Each such shipment must bear the identifying number assigned by the Food and Drug Administration.

(b) A licensed pharmacy, to be dispensed only to a physician, osteopathic physician or research scientist qualified under paragraph (c) or (d). Every pharmacy which receives or dispenses any such drug shall keep a record showing the date, amount and source of drugs received, the date of dispensing, the name and address of the person to whom dispensed, and the kind and quantity of drugs. Every such record shall be kept for a period of 3 years from the date of the transaction recorded, and shall be open to inspection by any peace officer or health officer of this state or by any equivalent federal officer.

(c) A physician licensed pursuant to chapter 630 of NRS or an osteopathic physician licensed pursuant to chapter 633 of NRS, to be used only as provided in subsection [3.] 4. Every physician or osteopathic physician who receives or administers any such drug shall keep a record showing the date, amount and source of drugs received, the date of administration, the name and address of the person to whom administered, and the kind and quantity of drugs. Every such record shall be kept for a period of 3 years from the date of administration, and shall be open to inspection by any peace officer or health officer of this state or by any equivalent federal officer.

(d) A psychologist licensed pursuant to chapter 641 of NRS or a member of the faculty of a college or university in this state who is qualified by scientific training and experience to investigate the safety and effectiveness of such drugs, to be used only for research and not to be administered to any human being except under the supervision of a physician or osteopathic physician as provided in subsection [3.] 4. Any

psychologist or research scientist who uses any such drug shall keep a record showing the date, amount and source of drugs received and the disposition and use of all such drugs. Every such record shall be kept for a period of 3 years from date of use, and shall be open to inspection by any peace officer or health officer of this state or by any equivalent federal officer.

[3.] 4. Any physician or osteopathic physician who administers any drug listed in subsection 1 to any human being shall keep such patient under his personal supervision until the effect of such drug has entirely ceased.

[4.] 5. Whoever violates any provision of this section is guilty:

(a) For the first offense, of a gross misdemeanor.

(b) For any subsequent offense, of a felony, and shall upon conviction be punished by imprisonment in the Nevada state prison for not less than 1 nor more than 10 years.

SUMMARY--Permits drug identification expert to appear at preliminary examinations and grand jury hearings by affidavit.
(BDR 14-909)

AN ACT relating to unlawful drug sale, use or possession; permitting an expert in the identification of such drugs to appear at preliminary examinations and grand jury hearings by affidavit; and providing other matters properly relating thereto.

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

Section 1. Chapter 171 of NRS is hereby amended by adding thereto the provisions set forth as sections 2 to 4, inclusive, of this act.

Sec. 2. Whenever any person has qualified in the district court of a county as an expert witness for the purpose of identifying a substance as a narcotic drug, as defined in NRS 453.020, a dangerous drug, as defined in NRS 454.220, or a drug the use or possession of which is regulated by NRS 454.460, the affidavit of such person is admissible in evidence before a magistrate in such county at a preliminary examination for the purpose of identifying any such drug, in lieu of the personal appearance of such expert as a witness.

Sec. 3. 1. Whenever a person is charged with an offense punishable as a felony under chapter 453 of NRS or NRS 454.180 to 454.460, inclusive, and it is necessary to prove the existence of any drug, the district attorney may request that the affidavit of a person qualified as provided in section 2 of this act be admitted in evidence at the preliminary examination into the offense.

2. Such request shall be made at least 10 days prior to the date set for such examination and shall be sent to the defendant's counsel and to the defendant, by registered or certified mail.

3. If such defendant, or his counsel, notifies the district attorney within 72 hours after receipt of such request that the presence of such person is demanded, the affidavit shall not be admitted.

4. If at the preliminary examination the affidavit of an expert has been admitted in evidence, and it appears to be in the interest of justice that such expert be examined or cross-examined in person, the magistrate may adjourn the preliminary examination for a period of not to exceed 2 days for the purpose of receiving such testimony. The time within which a preliminary examination or trial is required is extended by the number of days of such adjournment.

Sec. 4. The affidavit referred to in sections 2 and 3 of this act shall be substantially in the following form:

STATE OF NEVADA)
) ss.
County of)

....., being first duly sworn, deposes and says:
That I am(occupation); that on
.....(date) I qualified before a district judge of the district
court of this county as a witness qualified to identify a nar-
cotic drug, as defined in NRS 453.020, a dangerous drug as
defined in NRS 454.220, or a drug the use or possession of which
is regulated by NRS 454.460; that on(date)
I received a substance from(name); that on
.....(date) I analyzed such substance and
determined it to be(substance); that on
.....(date) I returned such drug to(name)
or that I still have such substance in my possession.

.....
AFFIANT

Subscribed and sworn to
before me this.....day of....., 19...

.....
NOTARY PUBLIC

Sec. 5. Chapter 172 of NRS is hereby amended by adding thereto the provisions set forth as sections 6 and 7 of this act.

Sec. 6. In the investigation of an alleged violation of chapter 453 of NRS or NRS 454.180 to 454.460, inclusive, the grand jury may receive evidence as to the existence of a drug by means of an affidavit from a person who has qualified before the district judge of the district court of the county as a witness for the purpose of identifying a substance as a narcotic drug, as defined in NRS 453.020, a dangerous drug, as defined in NRS 454.220, or a drug the use or possession of which is regulated by NRS 454.460.

Sec. 7. The affidavit referred to in section 6 of this act shall be substantially in the following form:

STATE OF NEVADA }
 }ss.
County of }

....., being first duly sworn, deposes and says:
That I am(occupation); that on
.....(date) I qualified before a district judge of the district
court of this county as a witness qualified to identify a narcotic
drug, as defined in NRS 453.020, a dangerous drug as defined in
NRS 454.220, or a drug the use or possession of which is regulated
by NRS 454.460; that on(date) I received
a substance from(name); that on
.....(date) I analyzed such substance and determined it to be
.....(substance); that on(date)
I returned such drug to(name) or that I still
have such substance in my possession.

.....
ATTORNEY

Subscribed and sworn to
before me this.....day of....., 19...

.....
NOTARY PUBLIC

Sec. 8. NRS 172.135 is hereby amended to read as follows:

172.135 1. In the investigation of a charge, for the purpose of either presentment or indictment, the grand jury can receive no other evidence than such as is given by witnesses produced and sworn before them, or furnished by legal documentary evidence, or an affidavit as provided in section 6 of this act, or the deposition of witnesses taken as provided in this Title.

2. The grand jury can receive none but legal evidence, and the best evidence in degree, to the exclusion of hearsay or secondary evidence.

SUMMARY--Makes possession of narcotic or dangerous drug prima facie evidence that possession was unlawful. (BDR 40-882)

AN ACT relating to narcotic and dangerous drugs; providing that proof of possession raises a rebuttable presumption that such possession is unlawful.

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

Section 1. Chapter 453 of NRS is hereby amended by adding thereto a new section which shall read as follows:

In the prosecution of any offense prohibited by this chapter, proof that the defendant was in possession of a narcotic drug raises a rebuttable presumption that such possession was unlawful.

Sec. 2. Chapter 454 of NRS is hereby amended by adding thereto a new section which shall read as follows:

In the prosecution of any offense prohibited by NRS 454.180 to 454.450, inclusive, proof that the defendant was in possession of a dangerous drug raises a rebuttable presumption that such possession was unlawful.

SUMMARY--Prohibits possession of paraphernalia for unlawful
narcotic drug use. (BDR 40-883)

AN ACT to amend chapter 453 of NRS, relating to narcotic drugs,
by adding a new section prohibiting the possession of
paraphernalia used in unlawful smoking or ingestion of
narcotic drugs; providing a penalty; and providing other
matters properly relating thereto.

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

Section 1. Chapter 453 of NRS is hereby amended by adding
thereto a new section which shall read as follows:

Every person who is in possession of an opium pipe or any
device, contrivance, instrument or paraphernalia used in the
unlawful smoking, ingestion or other use of a narcotic drug
is guilty of a misdemeanor.

SUMMARY--Prohibits being in place where narcotic or dangerous drug is being used. (BDR 40-884)

AN ACT relating to narcotic and dangerous drugs; prohibiting presence in a place knowing that narcotic or dangerous drugs are being used; providing penalties; and providing other matters properly relating thereto.

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

Section 1. Chapter 453 of NRS is hereby amended by adding thereto a new section which shall read as follows:

Every person who is in any room or place where any narcotic drug is being unlawfully smoked or used, when such person has knowledge that such activity is occurring, is guilty of a misdemeanor.

Sec. 2. Chapter 454 of NRS is hereby amended by adding thereto a new section which shall read as follows:

It is unlawful for any person to be in any room or place where any dangerous drug is being unlawfully used when such person has knowledge that such activity is occurring.

Sec. 3. NRS 454.180 is hereby amended to read as follows:

454.180 Definitions of words and terms in NRS 454.190, 454.220 and 454.230 apply to NRS 454.180 to 454.450, inclusive, and section 2 of this act, only.

SUMMARY--Establishes amount of narcotic or drug needed to sustain conviction of offense related to unlawful drug usage. (BDR 40-885)

AN ACT relating to narcotic and other drugs; to establish the amount of such drug needed to sustain the conviction of a prohibited action related to such drugs; and providing other matters properly relating thereto.

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

Section 1. Chapter 453 of NRS is hereby amended by adding thereto a new section which shall read as follows:

The amount of a narcotic drug needed to sustain a conviction of a person for an offense prohibited by this chapter is that amount necessary for identification as a narcotic drug by a witness qualified to make such identification.

Sec. 2. Chapter 454 of NRS is hereby amended by adding thereto a new section which shall read as follows:

The amount of a drug needed to sustain a conviction of a person for an offense prohibited by NRS 454.180 to 454.460, inclusive, is that amount necessary for identification as such drug by a witness qualified to make such identification.

SUMMARY--Prohibits usage of drugs for psychedelic purposes.
(BDR 16-886)

AN ACT to amend NRS 202.247, relating to the use of drugs contrary to label instructions on the container, by prohibiting such use for the purpose of a psychedelic experience; providing a penalty; and providing other matters properly relating thereto.

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

Section 1. NRS 202.247 is hereby amended to read as follows:

202.247 1. [Any person who inhales, ingests, applies or otherwise uses] It is unlawful for any person to inhale, ingest, apply or otherwise use any drug, chemical, poison or organic solvent, or any compound or combination of any drug, chemical, poison or organic solvent, in any manner [contrary to the directions for use, cautions or warnings appearing on the label thereof, in order] intended to create or induce a condition of intoxication, euphoria, hallucination or elation, or to change, distort or disturb the eyesight, thinking processes, balance or coordination or to affect the central nervous system of such person . [is guilty of a misdemeanor.]

2. The provisions of this section do not apply to those persons who use any drug, chemical, poison or organic solvent for medicinal purposes under the supervision of a physician, when such drug, chemical, poison or organic solvent is used in keeping with the directions for use as given by the physician.

3. Any person violating the provisions of subsection 1 is guilty:

(a) For the first offense, of a gross misdemeanor.

(b) For the second and any subsequent offense, of a felony,
and shall upon conviction be punished by imprisonment in the
Nevada state prison for not less than 1 year nor more than 10
years.

SUMMARY--Resolves ambiguity relating to offense of narcotic drug possession. (BDR 40-910)

AN ACT relating to narcotic drugs; resolving a statutory ambiguity relating to the possession of a narcotic drug; and providing other matters properly relating thereto.

WHEREAS, NRS 453.030 provides:

453.030 It shall be unlawful for any person to manufacture, possess, have under his control, sell, prescribe, administer, dispense, or compound any narcotic drug, except as authorized in NRS 453.010 to 453.240, inclusive.

AND WHEREAS, NRS 453.183 provides:

453.183 No person may:

1. Possess for sale a narcotic drug except in accordance with the provisions of NRS 453.010 to 453.240, inclusive.

2. Conspire with another person or persons to violate NRS 453.120 or NRS 453.143 or NRS 453.185.

AND WHEREAS, Although such provisions have been permitted historically to speak for themselves, a possibility of ambiguity exists in construing the terms "possess" as appears in NRS 453.030 and "possess for sale" as appears in NRS 453.183;

AND WHEREAS, The intention of the legislature is that possession of a narcotic drug and possession of a narcotic drug for sale remain separate offenses; now, therefore,

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

Section 1. NRS 453.183 is hereby amended to read as follows:

453.183 No person may:

1. Possess for sale or otherwise, a narcotic drug except in accordance with the provisions of NRS 453.010 to 453.240, inclusive.

2. Conspire with another person or persons to violate NRS 453.120 or NRS 453.143 or NRS 453.185.

Sec. 2. This act shall become effective upon passage and approval.

SUMMARY--Provides immunity from prosecution of narcotic drug violation for certain peace officers and persons. (BDR 40-887)

AN ACT relating to narcotic drugs; providing immunity from prosecution for a narcotic drug violation for peace officers and their agents while investigating narcotic drug violations; and providing other matters properly relating thereto.

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

Section 1. Chapter 453 of NRS is hereby amended by adding thereto a new section which shall read as follows:

All peace officers while investigating violations of this chapter in performance of their official duties, and any person working under their immediate direction, supervision or instruction are immune from prosecution under the provisions of this chapter.

SUMMARY--Excludes from privileged communications information
given to physician to obtain dangerous drug unlawfully.
(BDR 40-888)

AN ACT relating to dangerous drugs; excluding information given
to a physician to obtain a dangerous drug unlawfully from
the status of privileged communication.

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

Section 1. Chapter 454 of NRS is hereby amended by adding
thereto a new section which shall read as follows:

Information communicated to a physician in an effort unlawfully
to obtain or unlawfully to procure the administration of a danger-
ous drug is not a privileged communication.

SUMMARY--Permits probation for minor narcotic supplier on first offense. (BDR 40-889)

AN ACT relating to the unlawful exchange of narcotic drugs; permitting probation for a minor convicted of the first offense of supplying a narcotic drug.

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

Section 1. NRS 453.210 is hereby amended to read as follows:

453.210 1. (a) Except as otherwise provided in subsections 2 [and 3] , 3 and 4 of this section, any person who violates any provision of NRS 453.010 to 453.240, inclusive, shall be punished by imprisonment in the state prison for not less than 1 year nor more than 6 years, and may be further punished by a fine of not more than \$2,000.

(b) For a second offense, or if, in case of a first conviction of violation of any provision of NRS 453.010 to 453.-240, inclusive, the offender shall previously have been convicted of any violation of the laws of the United States or of any state, territory or district relating to narcotic drugs or marihuana, the offender shall be punished by imprisonment in the state prison for not less than 1 year nor more than 10 years and may be further punished by a fine of not more than \$2,000.

(c) For a third or subsequent offense, or if the offender shall previously have been convicted two or more times in the aggregate of any violation of the law of the United States or of any state, territory or district relating to narcotic drugs or marihuana, the offender shall be punished by imprisonment in the state prison for not less than 1 year nor more than 20 years and may be further punished by a fine of not more than \$5,000.

2. [Any] Except as provided in subsection 3, any person who is convicted of the illegal sale, exchange, barter, supplying or giving away of narcotic drugs or marihuana to a person who is:

(a) Twenty-one years of age or older shall be punished by imprisonment in the state prison for not less than 1 year nor more than 20 years and may be further punished by a fine of not more than \$5,000. For a second or subsequent offense, such offender shall be punished by imprisonment in the state prison for life, without possibility of parole, and may be further punished by a fine of not more than \$5,000.

(b) Under 21 years of age shall be punished by imprisonment in the state prison for life with possibility of parole and may be further punished by a fine of not more than \$5,000. Eligibility for parole begins when a minimum of 7 years has been served. For a second or subsequent offense, such offender shall be punished by imprisonment in the state prison for life without possibility of parole.

3. Any person who is under 21 years of age and is convicted of an offense otherwise punishable under subsection 2 shall be punished by imprisonment in the state prison for not less than 1 year nor more than 20 years, with possibility of probation. For a second or subsequent conviction, any such person shall be punished as provided in subsection 2 for a second or subsequent offense and any term of imprisonment imposed shall be served without possibility of probation.

4. Any person who supplies narcotic drugs or marihuana to another person knowing that such other person intends illegally to sell, exchange, barter, supply or give away such drugs or marihuana, and such other person illegally sells, exchanges, barter, supplies or gives away such drugs or marihuana shall be punished by imprisonment in the state prison for life with

possibility of parole and may be further punished by a fine of not more than \$5,000. Eligibility for parole begins when a minimum of 7 years has been served. For a second or subsequent offense, such offender shall be punished by imprisonment in the state prison for life without possibility of parole.

[4.] 5. Any term of imprisonment imposed under the provisions of subsections 2 and [3] 4 shall be served without possibility of probation.

SUMMARY--Prohibits fraudulently obtaining or procuring dangerous drug. (BDR 40-890)

AN ACT relating to dangerous drugs; prohibiting the fraudulent obtaining or procuring or attempts so to obtain or procure a dangerous drug; providing penalties; and providing other matters properly relating thereto.

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

Section 1. Chapter 454 of NRS is hereby amended by adding thereto a new section which shall read as follows:

Any person who obtains or attempts to obtain a dangerous drug, or procures or attempts to procure the administration of a dangerous drug by fraud, deceit, misrepresentation or subterfuge, or by the concealment of a material fact, is guilty of a felony, and shall upon conviction be punished by imprisonment in the Nevada state prison for not less than 1 nor more than 10 years.

SUMMARY--Permits board of pharmacy to make immediately effective regulations concerning dangerous drugs. (BDR 40-891)

AN ACT relating to dangerous drugs; deleting the requirement of notice when the state board of pharmacy finds certain drugs to be dangerous to public health or safety.

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

Section 1. NRS 454.430 is hereby amended to read as follows:

454.430 1. If the board [, after a hearing following notice to persons who have filed written requests therefor with the board,] finds any drug to be dangerous to the public health or safety, it may make other rules, not inconsistent with NRS 454.180 to 454.450, inclusive, limiting or restricting the furnishing of such drug.

2. A violation of any such rule shall be punished in the same manner as is provided in NRS 454.380 and 454.400.

Sec. 2. This act shall become effective upon passage and approval.

SUMMARY--Raises first offense penalty for possession or use of hallucinogenic drugs. (BDR 40-892)

AN ACT relating to certain drugs having an effect on the central nervous system; increasing the penalty for the use or possession of any such drug as a first offense.

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

Section 1. NRS 454.460 is hereby amended to read as follows:

454.460 1. It is unlawful for any person, except as provided in this section, to use or possess:

- (a) Lysergic acid;
- (b) LSD (d-lysergic acid diethylamide);
- (c) DMT (N-N-dimethyltryptamine);
- (d) Any salt or derivative of any drug listed in paragraphs (a), (b) and (c); or
- (e) Any compound, mixture or preparation which is physiologically similar to any drug listed in paragraphs (a), (b) and (c) in its effect on the central nervous system, except that plant of the genus *Lophophora* commonly known as peyote and preparations thereof.

2. The drugs enumerated in subsection 1 may lawfully be possessed by:

- (a) A manufacturer licensed by the Food and Drug Administration to produce and distribute such drugs, or his agent, to be sold only to a person authorized under this subsection to possess such drugs or transported in interstate commerce. Each such shipment must bear the identifying number assigned by the Food and Drug Administration.
- (b) A licensed pharmacy, to be dispensed only to a physician, osteopathic physician or research scientist qualified under

paragraph (c) or (d). Every pharmacy which receives or dispenses any such drug shall keep a record showing the date, amount and source of drugs received, the date of dispensing, the name and address of the person to whom dispensed, and the kind and quantity of drugs. Every such record shall be kept for a period of 3 years from the date of the transaction recorded, and shall be open to inspection by any peace officer or health officer of this state or by any equivalent federal officer.

(c) A physician licensed pursuant to chapter 630 of NRS or an osteopathic physician licensed pursuant to chapter 633 of NRS, to be used only as provided in subsection 3. Every physician or osteopathic physician who receives or administers any such drug shall keep a record showing the date, amount and source of drugs received, the date of administration, the name and address of the person to whom administered, and the kind and quantity of drugs. Every such record shall be kept for a period of 3 years from the date of administration, and shall be open to inspection by any peace officer or health officer of this state or by any equivalent federal officer.

(d) A psychologist licensed pursuant to chapter 641 of NRS or a member of the faculty of a college or university in this state who is qualified by scientific training and experience to investigate the safety and effectiveness of such drugs, to be used only for research and not to be administered to any human being except under the supervision of a physician or osteopathic physician as provided in subsection 3. Any psychologist or research scientist who uses any such drug shall keep a record showing the date, amount and source of drugs received and the disposition and use of all such drugs. Every such record shall be kept for a period of 3 years from date of use, and shall be open to inspection by any peace officer or health officer of this state or by any equivalent federal officer.

3. Any physician or osteopathic physician who administers any drug listed in subsection 1 to any human being shall keep such patient under his personal supervision until the effect of such drug has entirely ceased.

4. Whoever violates any provision of this section is guilty [:

(a) For the first offense, of a gross misdemeanor.

(b) For any subsequent offense,] of a felony, and shall upon conviction be punished by imprisonment in the Nevada state prison for not less than 1 nor more than 10 years.

SUMMARY--Provides punishment for unlawful supplying of, and raises second offense penalty for possession of, dangerous drug. (BDR 40-893)

AN ACT relating to dangerous drugs; increasing the penalty for an unlawful supplier of any such drug; and increasing the penalty for the second offense of unlawful possession of any such drug.

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

Section 1. Chapter 454 of NRS is hereby amended by adding thereto a new section which shall read as follows:

Any person who unlawfully sells, exchanges, barter, supplies or gives away any dangerous drug is guilty of a felony, and shall upon conviction be punished by imprisonment in the state prison for not less than 1 year nor more than 10 years.

Sec. 2. NRS 454.395 is hereby amended to read as follows:

454.395 1. Except as otherwise provided in this section, every person who possesses any drug defined in NRS 454.220, except that furnished to such person by a pharmacist pursuant to a legal prescription or a physician, dentist, chiropodist or veterinarian, is guilty of a gross misdemeanor. If such person has been [twice] previously convicted of any offense:

(a) Described in this section; or

(b) Under any other law of the United States or this or any other state or district which if committed in this state would have been punishable as an offense under this section,

Then he shall be punished by imprisonment in the state prison for not less than 1 year nor more than 10 years.

2. No prescription is required for possession of such drugs by pharmacists, physicians, dentists, chiropodists, veterinarians, jobbers, wholesalers, manufacturers or laboratories authorized by laws of this state to handle, possess and deal

in such drugs when such drugs are in stock containers properly labeled and have been procured from a manufacturer, wholesaler or pharmacy, or by a rancher who possesses such dangerous drugs in a reasonable amount for use solely in the treatment of livestock on his own premises.