

ASSEMBLY BILL NO. 150—ASSEMBLYMEN ANDERSON, BUCKLEY, OCEGUERA, LESLIE, CONKLIN, ALLEN, ARBERRY, ATKINSON, BEERS, BOBZIEN, CARPENTER, CHRISTENSEN, CLABORN, COBB, DENIS, GANSERT, GERHARDT, GOEDHART, GOICOECHA, GRADY, HARDY, HOGAN, HORNE, KIHUEN, KIRKPATRICK, KOIVISTO, MABEY, MANENDO, MARVEL, MCCLAIN, MORTENSON, MUNFORD, OHRENSCHALL, PARKS, PARNELL, PIERCE, SEGERBLOM, SETTELMAYER, SMITH, STEWART, WEBER AND WOMACK

FEBRUARY 22, 2007

JOINT SPONSORS: SENATORS RAGGIO, TITUS, AMODEI, CARE, WASHINGTON, LEE, MATHEWS, MCGINNESS, NOLAN, RHOADS, SCHNEIDER, TOWNSEND, WIENER AND WOODHOUSE

Referred to Committee on Health and Human Services

SUMMARY—Makes various changes pertaining to methamphetamine and other controlled substances. (BDR 40-667)

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

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



* A B 1 5 0 *

AN ACT relating to controlled substances; requiring the State Board of Pharmacy to classify certain precursors to methamphetamine as controlled substances which must not be dispensed by a pharmacy without a prescription; requiring the Office of Court Administrator to apply for federal grants for drug courts; making various other changes pertaining to crimes related to the use or manufacturing of methamphetamine and other controlled substances; revising various provisions pertaining to nuisances; making various changes relating to lithium metal, sodium metal and anhydrous ammonia; providing penalties; and providing other matters properly relating thereto.

Legislative Counsel's Digest:

1 This bill makes various changes pertaining to methamphetamine and other
2 controlled substances.

3 Existing law allows the State Board of Pharmacy to adopt regulations that add
4 or delete substances from the schedules of controlled substances. (NRS 453.146)
5 The Board has designated ephedrine, pseudoephedrine and phenylpropanolamine as
6 controlled substances included on schedule III, but has excluded such substances if
7 they are sold over the counter in packages containing not more than 3 grams of the
8 substances. (NAC 453.530) **Sections 4-6** of this bill require the Board to classify all
9 ephedrine, pseudoephedrine and phenylpropanolamine as controlled substances
10 included on schedule III and provide that these substances may not be dispensed
11 without a prescription. (NRS 453.256)

12 **Section 2** of this bill prohibits the possession or disposition of chemical waste
13 or debris resulting from the manufacture of methamphetamine. **Section 3** of this bill
14 prohibits the possession of lithium metal or sodium metal under certain
15 circumstances.

16 Existing law prohibits a person from possessing certain chemicals with the
17 intent to manufacture or compound a controlled substance other than marijuana.
18 (NRS 453.322) **Section 7** of this bill adds lithium metal and sodium metal to the list
19 of prohibited chemicals. **Section 7** also prohibits a person from providing such a
20 chemical to another person with the intent that it be used in the manufacturing or
21 compounding of a controlled substance other than marijuana.

22 Existing law creates the Office of Court Administrator and prescribes the duties
23 of the Court Administrator. (NRS 1.320, 1.360) **Section 9** of this bill requires the
24 Court Administrator to apply for any federal grants for the establishment, support
25 or expansion of drug courts and to allocate to the courts any money received.

26 Existing law provides that a building or place used to unlawfully manufacture a
27 controlled substance is a nuisance, which creates civil liability, and a public
28 nuisance, which is punishable criminally. (NRS 40.140, 202.450, 202.470)
29 **Sections 10 and 11** of this bill provide that a building or place that was used to
30 unlawfully manufacture a controlled substance is both a nuisance and a public
31 nuisance if certain activities relating to the decontamination of the building or place
32 have not occurred within a certain period.

33 **Section 12** of this bill provides that a person commits first degree arson if, by
34 knowingly engaging in the manufacture of methamphetamine, the person sets fire to
35 or causes an explosion that damages a dwelling house or personal property that is
36 occupied by one or more persons. **Section 13** of this bill provides that a person
37 commits second degree arson if, by knowingly engaging in the manufacture of



38 methamphetamine, the person sets fire to or causes an explosion that damages any
39 abandoned building or structure. **Section 14** of this bill provides that a person is
40 guilty of a category B felony if the person commits the theft of certain chemicals
41 that are precursors to controlled substances, regardless of the value of those
42 chemicals.

43 **Sections 21-32** of this bill require the State Department of Agriculture, in
44 consultation with the Department of Public Safety, to certify substances that are
45 added to anhydrous ammonia for the purpose of rendering the anhydrous ammonia
46 unusable or undesirable for the manufacture of methamphetamine. To assist in
47 advising the State Department of Agriculture on the certification of such
48 substances, **sections 32 and 33** of this bill create the Anhydrous Ammonia
49 Advisory Committee.

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

1 **Section 1.** Chapter 453 of NRS is hereby amended by adding
2 thereto the provisions set forth as section 2 and 3 of this act.

3 **Sec. 2. 1.** *Except as otherwise provided in subsection 2, a*
4 *person who knowingly possesses or disposes of methamphetamine*
5 *manufacturing waste is guilty of a category C felony and shall be*
6 *punished as provided in NRS 193.130.*

7 **2.** *A person does not violate subsection 1 if the person:*

8 *(a) Possesses or disposes of the methamphetamine*
9 *manufacturing waste pursuant to state or federal laws regulating*
10 *the storage, cleanup or disposal of waste products from unlawful*
11 *methamphetamine manufacturing;*

12 *(b) Has notified a law enforcement agency of the existence of*
13 *the methamphetamine manufacturing waste; or*

14 *(c) Possesses or disposes of methamphetamine manufacturing*
15 *waste that had previously been disposed of by another person on*
16 *the person's property in violation of subsection 1.*

17 **3.** *As used in this section:*

18 *(a) "Disposes of" means to discharge, deposit, inject, spill, leak*
19 *or place methamphetamine manufacturing waste into or onto land*
20 *or water.*

21 *(b) "Methamphetamine manufacturing waste" means*
22 *chemical waste or debris, used in or resulting from:*

23 *(1) The manufacture of any material, compound, mixture*
24 *or preparation which contains any quantity of methamphetamine;*
25 *or*

26 *(2) The grinding, soaking or otherwise breaking down of a*
27 *substance that is a precursor for the manufacture of any material,*
28 *compound, mixture or preparation which contains any quantity of*
29 *methamphetamine.*



1 **Sec. 3. 1.** *Except as otherwise provided in this subsection, it*
2 *is unlawful for a person to knowingly or intentionally possess*
3 *lithium metal or sodium metal. A person does not violate this*
4 *subsection if the person:*

5 (a) *Is conducting a lawful manufacturing operation that*
6 *involves the use of lithium metal or sodium metal;*

7 (b) *Possesses lithium metal or sodium metal in conjunction*
8 *with experiments conducted in a chemistry or chemistry-related*
9 *laboratory maintained by a:*

10 (1) *Regularly established public or private secondary*
11 *school; or*

12 (2) *Public or private institution of higher education that is*
13 *accredited by a national or regional accrediting agency recognized*
14 *by the United States Department of Education;*

15 (c) *Is a retail distributor, wholesaler, manufacturer,*
16 *warehouseman or common carrier, or an agent of any of those*
17 *persons, who possesses lithium metal or sodium metal in the*
18 *regular course of lawful business activities; or*

19 (d) *Possesses lithium metal or sodium metal as a component of*
20 *a commercially produced product, including, without limitation,*
21 *rechargeable batteries.*

22 **2.** *A person who violates this section is guilty of a gross*
23 *misdemeanor.*

24 **Sec. 4.** NRS 453.146 is hereby amended to read as follows:

25 453.146 1. The Board shall administer the provisions of NRS
26 453.011 to 453.552, inclusive, and may add substances to or delete
27 or reschedule all substances enumerated in schedules I, II, III, IV
28 and V by regulation.

29 2. In making a determination regarding a substance, the Board
30 shall consider the following:

31 (a) The actual or relative potential for abuse;

32 (b) The scientific evidence of its pharmacological effect, if
33 known;

34 (c) The state of current scientific knowledge regarding the
35 substance;

36 (d) The history and current pattern of abuse;

37 (e) The scope, duration and significance of abuse;

38 (f) The risk to the public health;

39 (g) The potential of the substance to produce psychic or
40 physiological dependence liability; and

41 (h) Whether the substance is an immediate precursor of a
42 controlled substance.

43 3. The Board may consider findings of the federal Food and
44 Drug Administration or the Drug Enforcement Administration as



1 prima facie evidence relating to one or more of the determinative
2 factors.

3 4. After considering the factors enumerated in subsection 2, the
4 Board shall make findings with respect thereto and adopt a
5 regulation controlling the substance if it finds the substance has a
6 potential for abuse.

7 5. The Board shall designate as a controlled substance a steroid
8 or other product which is used to enhance athletic performance,
9 muscle mass, strength or weight without medical necessity. The
10 Board may not designate as a controlled substance an anabolic
11 steroid which is:

12 (a) Expressly intended to be administered through an implant to
13 cattle, poultry or other animals; and

14 (b) Approved by the Food and Drug Administration for such
15 use.

16 6. *Except as otherwise provided in subsection 7, the Board*
17 *shall designate as a controlled substance included in schedule III,*
18 *regardless of the amount thereof:*

19 (a) *Ephedrine, its optical isomers, salts and salts of optical*
20 *isomers;*

21 (b) *Pseudoephedrine, its optical isomers, salts and salts of*
22 *optical isomers; and*

23 (c) *Phenylpropanolamine, its optical isomers, salts and salts of*
24 *optical isomers.*

25 7. *The Board may exempt a product that contains a substance*
26 *described in subsection 6 from regulation as a controlled*
27 *substance if:*

28 (a) *The manufacturer of the product applies to the Board for*
29 *an exemption; and*

30 (b) *The Board finds that the product is formulated to*
31 *effectively prevent conversion of the active ingredient into*
32 *methamphetamine or its salts or precursors.*

33 *↳ Upon notification from the Department of Public Safety that*
34 *the Department has probable cause to believe that a product*
35 *described in this subsection does not effectively prevent conversion*
36 *of the active ingredient into methamphetamine or its salts or*
37 *precursors, the Board may issue an emergency rule revoking the*
38 *exemption for the product pending a full hearing.*

39 **Sec. 5.** NRS 453.2186 is hereby amended to read as follows:

40 453.2186 1. Authority to control pursuant to NRS 453.146,
41 453.218, 453.2182 and 453.2184 does not extend to distilled spirits,
42 wine, malt beverages or tobacco.

43 2. The Board shall not include any nonnarcotic substance on
44 any schedule if that substance is in a form suitable for final dosage
45 and has been approved by the Food and Drug Administration for



1 sale over the counter without a prescription, unless *subsection 6 of*
2 *NRS 453.146 requires the Board to include the substance on a*
3 *schedule or* the Board affirmatively finds that:

4 (a) The substance itself or one or more of its active ingredients
5 is an immediate precursor of a controlled substance; and

6 (b) The substance is materially misbranded or mislabeled, or the
7 public interest requires the scheduling of the substance as a
8 controlled substance in schedule I, II, III or IV.

9 3. In determining whether the public interest requires the
10 scheduling of the substance, the Board shall consider:

11 (a) Whether the customary methods of marketing and
12 distributing the substance are likely to lead to its unlawful
13 distribution or use, including any relevant information with regard
14 to a manufacturer or distributor of the substance concerning:

15 (1) His record of compliance with applicable federal, state
16 and local statutes, ordinances and regulations;

17 (2) His past experience in the manufacture and distribution of
18 controlled substances, and the existence in his establishment of
19 effective controls against the unlawful distribution or use of the
20 substance;

21 (3) Whether he has ever been convicted under any federal or
22 state law relating to a controlled substance; and

23 (4) Whether he has ever furnished materially falsified or
24 fraudulent material in any application filed pursuant to NRS
25 453.011 to 453.552, inclusive.

26 (b) Whether the substance is controlled under the federal
27 Controlled Substances Act;

28 (c) The status of any pending proceeding to determine whether
29 the substance should be controlled or exempted from control;

30 (d) Any history of abuse or misuse of the substance in this State;
31 and

32 (e) Any other factors which are relevant to the public health and
33 safety.

34 4. In determining whether a substance is misbranded or
35 mislabeled, the Board shall consider the requirements of the federal
36 Food, Drug, and Cosmetic Act and the Code of Federal Regulations
37 concerning indications for its use and any advertising for a use not
38 so indicated.

39 **Sec. 6.** NRS 453.256 is hereby amended to read as follows:

40 453.256 1. Except as otherwise provided in subsection 2, a
41 substance included in schedule II must not be dispensed without the
42 written prescription of a practitioner.

43 2. A controlled substance included in schedule II may be
44 dispensed without the written prescription of a practitioner only:



1 (a) In an emergency, as defined by regulation of the Board, upon
2 oral prescription of a practitioner, reduced to writing promptly and
3 in any case within 72 hours, signed by the practitioner and filed by
4 the pharmacy.

5 (b) Upon the use of a facsimile machine to transmit the
6 prescription for a substance included in schedule II by a practitioner
7 or a practitioner's agent to a pharmacy for:

8 (1) Direct administration to a patient by parenteral solution;
9 or

10 (2) A resident of a facility for intermediate care or a facility
11 for skilled nursing which is licensed as such by the Health Division
12 of the Department.

13 ➔ A prescription transmitted by a facsimile machine pursuant to
14 this paragraph must be printed on paper which is capable of being
15 retained for at least 2 years. For the purposes of this section, such a
16 prescription constitutes a written prescription. The pharmacy shall
17 keep prescriptions in conformity with the requirements of NRS
18 453.246. A prescription for a substance included in schedule II must
19 not be refilled.

20 3. Except when dispensed directly by a practitioner, other than
21 a pharmacy, to an ultimate user, a substance included in schedule III
22 or IV which is a dangerous drug as determined under NRS 454.201
23 **[] or which is set forth in subsection 6 of NRS 453.146** must not be
24 dispensed without a written or oral prescription of a practitioner.
25 The prescription must not be filled or refilled more than 6 months
26 after the date thereof or be refilled more than five times, unless
27 renewed by the practitioner.

28 4. A substance included in schedule V may be distributed or
29 dispensed only for a medical purpose, including medical treatment
30 or authorized research.

31 5. A practitioner may dispense or deliver a controlled
32 substance to or for a person or animal only for medical treatment or
33 authorized research in the ordinary course of his profession.

34 6. No civil or criminal liability or administrative sanction may
35 be imposed on a pharmacist for action taken in good faith in reliance
36 on a reasonable belief that an order purporting to be a prescription
37 was issued by a practitioner in the usual course of professional
38 treatment or in authorized research.

39 7. An individual practitioner may not dispense a substance
40 included in schedule II, III or IV for his own personal use except in
41 a medical emergency.

42 8. A person who violates this section is guilty of a category E
43 felony and shall be punished as provided in NRS 193.130.

44 9. As used in this section:



1 (a) "Facsimile machine" means a device which sends or receives
2 a reproduction or facsimile of a document or photograph which is
3 transmitted electronically or telephonically by telecommunications
4 lines.

5 (b) "Medical treatment" includes dispensing or administering a
6 narcotic drug for pain, whether or not intractable.

7 (c) "Parenteral solution" has the meaning ascribed to it in
8 NRS 639.0105.

9 **Sec. 7.** NRS 453.322 is hereby amended to read as follows:

10 453.322 1. Except as authorized by the provisions of NRS
11 453.011 to 453.552, inclusive, it is unlawful for a person to
12 knowingly or intentionally:

13 (a) Manufacture or compound a controlled substance other than
14 marijuana.

15 (b) Possess, with the intent to manufacture or compound a
16 controlled substance other than marijuana ~~§~~, *or sell, exchange,*
17 *barter, supply, prescribe, dispense or give away, with the intent*
18 *that the chemical be used to manufacture or compound a*
19 *controlled substance other than marijuana:*

20 (1) Any chemical identified in subsection 4; or

21 (2) Any other chemical which is proven by expert testimony
22 to be commonly used in manufacturing or compounding a controlled
23 substance other than marijuana. The district attorney may present
24 expert testimony to provide a prima facie case that any chemical,
25 whether or not it is a chemical identified in subsection 4, is
26 commonly used in manufacturing or compounding such a controlled
27 substance.

28 ➔ The provisions of this paragraph do not apply to a person who,
29 without the intent to commit an unlawful act, possesses any
30 chemical at a laboratory that is licensed to store the chemical.

31 (c) Offer or attempt to do any act set forth in paragraph (a)
32 or (b).

33 2. Unless a greater penalty is provided in NRS 453.3385 or
34 453.3395, a person who violates any provision of subsection 1 is
35 guilty of a category B felony and shall be punished by imprisonment
36 in the state prison for a minimum term of not less than 3 years and a
37 maximum term of not more than 15 years, and may be further
38 punished by a fine of not more than \$100,000.

39 3. The court shall not grant probation to a person convicted
40 pursuant to this section.

41 4. The following chemicals are identified for the purposes of
42 subsection 1:

43 (a) Acetic anhydride.

44 (b) Acetone.

45 (c) N-Acetylanthranilic acid, its esters and its salts.



- 1 (d) Anthranilic acid, its esters and its salts.
- 2 (e) Benzaldehyde, its salts, isomers and salts of isomers.
- 3 (f) Benzyl chloride.
- 4 (g) Benzyl cyanide.
- 5 (h) 1,4-Butanediol.
- 6 (i) 2-Butanone (or methyl ethyl ketone or MEK).
- 7 (j) Ephedrine, its salts, isomers and salts of isomers.
- 8 (k) Ergonovine and its salts.
- 9 (l) Ergotamine and its salts.
- 10 (m) Ethylamine, its salts, isomers and salts of isomers.
- 11 (n) Ethyl ether.
- 12 (o) Gamma butyrolactone.
- 13 (p) Hydriodic acid, its salts, isomers and salts of isomers.
- 14 (q) Hydrochloric gas.
- 15 (r) Iodine.
- 16 (s) Isosafrole, its salts, isomers and salts of isomers.
- 17 (t) *Lithium metal*.
- 18 (u) Methylamine, its salts, isomers and salts of isomers.
- 19 ~~{(v)}~~ (v) 3,4-Methylenedioxy-phenyl-2-propanone.
- 20 ~~{(w)}~~ (w) N-Methylephedrine, its salts, isomers and salts of
- 21 isomers.
- 22 ~~{(x)}~~ (x) Methyl isobutyl ketone (MIBK).
- 23 ~~{(y)}~~ (y) N-Methylpseudoephedrine, its salts, isomers and salts
- 24 of isomers.
- 25 ~~{(z)}~~ (z) Nitroethane, its salts, isomers and salts of isomers.
- 26 ~~{(aa)}~~ (aa) Norpseudoephedrine, its salts, isomers and salts of
- 27 isomers.
- 28 ~~{(bb)}~~ (bb) Phenylacetic acid, its esters and its salts.
- 29 ~~{(cc)}~~ (cc) Phenylpropanolamine, its salts, isomers and salts of
- 30 isomers.
- 31 ~~{(dd)}~~ (dd) Piperidine and its salts.
- 32 ~~{(ee)}~~ (ee) Piperonal, its salts, isomers and salts of isomers.
- 33 ~~{(ff)}~~ (ff) Potassium permanganate.
- 34 ~~{(gg)}~~ (gg) Propionic anhydride, its salts, isomers and salts of
- 35 isomers.
- 36 ~~{(hh)}~~ (hh) Pseudoephedrine, its salts, isomers and salts of
- 37 isomers.
- 38 ~~{(ii)}~~ (ii) Red phosphorous.
- 39 ~~{(jj)}~~ (jj) Safrole, its salts, isomers and salts of isomers.
- 40 ~~{(kk)}~~ (kk) *Sodium metal*.
- 41 (ll) Sulfuric acid.
- 42 ~~{(mm)}~~ (mm) Toluene.
- 43 **Sec. 8.** NRS 453.553 is hereby amended to read as follows:
- 44 453.553 1. In addition to any criminal penalty imposed for a
- 45 violation of the provisions of NRS 453.011 to 453.552, inclusive,



1 *and sections 2 and 3 of this act*, any person who unlawfully sells,
2 manufactures, delivers or brings into this State, possesses for sale or
3 participates in any way in a sale of a controlled substance listed in
4 schedule I, II or III or who engages in any act or transaction in
5 violation of the provisions of NRS 453.3611 to 453.3648, inclusive,
6 is subject to a civil penalty for each violation. This penalty must be
7 recovered in a civil action, brought in the name of the State of
8 Nevada by the Attorney General or by any district attorney in a
9 court of competent jurisdiction.

10 2. As used in ~~[this section and] NRS [453.5531, 453.5532 and]~~
11 ~~453.553 to 453.5533 [-], inclusive:~~

12 (a) "Each violation" includes a continuous or repetitive violation
13 arising out of the same act.

14 (b) "Sell" includes exchange, barter, solicitation or receipt of an
15 order, transfer to another for sale or resale and any other transfer for
16 any consideration or a promise obtained directly or indirectly.

17 (c) "Substitute" means a substance which:

18 (1) Was manufactured by a person who at the time was not
19 currently registered with the Secretary of Health and Human
20 Services; and

21 (2) Is an imitation of or intended for use as a substitute for a
22 substance listed in schedule I, II or III.

23 **Sec. 9.** NRS 1.360 is hereby amended to read as follows:

24 1.360 Under the direction of the Supreme Court, the Court
25 Administrator shall:

26 1. Examine the administrative procedures employed in the
27 offices of the judges, clerks, court reporters and employees of all
28 courts of this State and make recommendations, through the Chief
29 Justice, for the improvement of those procedures;

30 2. Examine the condition of the dockets of the courts and
31 determine the need for assistance by any court;

32 3. Make recommendations to and carry out the directions of the
33 Chief Justice relating to the assignment of district judges where
34 district courts are in need of assistance;

35 4. Develop a uniform system for collecting and compiling
36 statistics and other data regarding the operation of the State Court
37 System and transmit that information to the Supreme Court so that
38 proper action may be taken in respect thereto;

39 5. Prepare and submit a budget of state appropriations
40 necessary for the maintenance and operation of the State Court
41 System and make recommendations in respect thereto;

42 6. Develop procedures for accounting, internal auditing,
43 procurement and disbursement for the State Court System;

44 7. Collect statistical and other data and make reports relating to
45 the expenditure of all public money for the maintenance and



1 operation of the State Court System and the offices connected
2 therewith;

3 8. Compile statistics from the information required to be
4 maintained by the clerks of the district courts pursuant to NRS 3.275
5 and make reports as to the cases filed in the district courts;

6 9. Formulate and submit to the Supreme Court
7 recommendations of policies or proposed legislation for the
8 improvement of the State Court System;

9 10. On or before January 1 of each year, submit to the Director
10 of the Legislative Counsel Bureau a written report compiling the
11 information submitted to the Court Administrator pursuant to NRS
12 3.243, 4.175 and 5.045 during the immediately preceding fiscal
13 year;

14 11. On or before January 1 of each odd-numbered year, submit
15 to the Director of the Legislative Counsel Bureau a written report
16 concerning:

17 (a) The distribution of money deposited in the special account
18 created pursuant to NRS 176.0613 to assist with funding and
19 establishing specialty court programs;

20 (b) The current status of any specialty court programs to which
21 money from the account was allocated since the last report; and

22 (c) Such other related information as the Court Administrator
23 deems appropriate;

24 12. On or before February 15 of each odd-numbered year,
25 submit to the Governor and to the Director of the Legislative
26 Counsel Bureau for transmittal to the next regular session of the
27 Legislature a written report compiling the information submitted by
28 clerks of courts to the Court Administrator pursuant to NRS 630.307
29 and 633.533 which includes only aggregate information for
30 statistical purposes and excludes any identifying information related
31 to a particular person;

32 13. On or before February 15 of each odd-numbered year,
33 submit to the Director of the Legislative Counsel Bureau for
34 transmittal to the next regular session of the Legislature a written
35 report concerning the effectiveness of participation in counseling
36 sessions in a program for the treatment of persons who commit
37 domestic violence ordered by a court pursuant to NRS 200.485 and
38 the effect of such counseling sessions on recidivism of the offenders
39 who commit battery which constitutes domestic violence pursuant to
40 NRS 33.018; ~~and~~

41 14. *Apply for and accept any money appropriated and made*
42 *available by any act of Congress for the establishment, support or*
43 *expansion of specialty court programs that facilitate the testing,*
44 *treatment and oversight of persons who abuse alcohol or drugs;*



1 **15. Allocate the money received pursuant to subsection 14 to**
2 **courts to assist with the establishment, support or expansion of**
3 **specialty court programs that facilitate the testing, treatment and**
4 **oversight of persons who abuse alcohol or drugs; and**

5 **16. Attend to such other matters as may be assigned by the**
6 **Supreme Court or prescribed by law.**

7 **Sec. 10.** NRS 40.140 is hereby amended to read as follows:

8 40.140 1. Except as otherwise provided in this section ~~[-~~
9 ~~anything]~~:

10 (a) **Anything** which is injurious to health, or indecent and
11 offensive to the senses, or an obstruction to the free use of property,
12 so as to interfere with the comfortable enjoyment of life or property
13 ~~[-, including, without limitation, a]~~;

14 (b) A building or place used for the purpose of unlawfully
15 selling, serving, storing, keeping, manufacturing, using or giving
16 away a controlled substance, immediate precursor ~~[as defined in~~
17 ~~NRS 453.086]~~ or controlled substance analog ~~[as defined in NRS~~
18 ~~453.043.]~~; or

19 (c) **A building or place which was used for the purpose of**
20 **unlawfully manufacturing a controlled substance, immediate**
21 **precursor or controlled substance analog and:**

22 (1) **Which has not been deemed safe for habitation by a**
23 **governmental entity; or**

24 (2) **From which all materials or substances involving the**
25 **controlled substance, immediate precursor or controlled substance**
26 **analog have not been removed or remediated by an entity certified**
27 **or licensed to do so within 180 days after the building or place is**
28 **no longer used for the purpose of unlawfully manufacturing a**
29 **controlled substance, immediate precursor or controlled substance**
30 **analog,**

31 ➤ is a nuisance, and the subject of an action. The action may be
32 brought by any person whose property is injuriously affected, or
33 whose personal enjoyment is lessened by the nuisance, and by the
34 judgment the nuisance may be enjoined or abated, as well as
35 damages recovered.

36 2. It is presumed:

37 (a) That an agricultural activity conducted on farmland,
38 consistent with good agricultural practice and established before
39 surrounding nonagricultural activities is reasonable. Such activity
40 does not constitute a nuisance unless the activity has a substantial
41 adverse effect on the public health or safety.

42 (b) That an agricultural activity which does not violate a federal,
43 state or local law, ordinance or regulation constitutes good
44 agricultural practice.



1 3. A shooting range does not constitute a nuisance with respect
2 to any noise attributable to the shooting range if the shooting range
3 is in compliance with the provisions of all applicable statutes,
4 ordinances and regulations concerning noise:

5 (a) As those provisions existed on October 1, 1997, for a
6 shooting range in operation on or before October 1, 1997; or

7 (b) As those provisions exist on the date that the shooting range
8 begins operation, for a shooting range that begins operation after
9 October 1, 1997.

10 ➔ A shooting range is not subject to any state or local law related to
11 the control of noise that is adopted or amended after the date set
12 forth in paragraph (a) or (b), as applicable, and does not constitute a
13 nuisance for failure to comply with any such law.

14 4. As used in this section ~~[, “shooting”]~~:

15 (a) *“Controlled substance analog” has the meaning ascribed*
16 *to it in NRS 453.043;*

17 (b) *“Immediate precursor” has the meaning ascribed to it in*
18 *NRS 453.086; and*

19 (c) *“Shooting range” means an area designed and used for*
20 *archery or sport shooting, including, but not limited to, sport*
21 *shooting that involves the use of rifles, shotguns, pistols, silhouettes,*
22 *skeet, trap, black powder or other similar items.*

23 **Sec. 11.** NRS 202.450 is hereby amended to read as follows:

24 202.450 1. A public nuisance is a crime against the order and
25 economy of the State.

26 2. Every place:

27 (a) Wherein any gambling, bookmaking or pool selling is
28 conducted without a license as provided by law, or wherein any
29 swindling game or device, or bucket shop, or any agency therefor is
30 conducted, or any article, apparatus or device useful therefor is kept;

31 (b) Wherein any fighting between animals or birds is conducted;

32 (c) Wherein any dog races are conducted as a gaming activity;

33 (d) Wherein any intoxicating liquors are kept for unlawful use,
34 sale or distribution;

35 (e) Wherein a controlled substance, immediate precursor ~~[as~~
36 ~~defined in NRS 453.086]~~ or controlled substance analog ~~[as defined~~
37 ~~in NRS 453.043]~~ is unlawfully sold, served, stored, kept,
38 manufactured, used or given away; or

39 (f) Where vagrants resort,

40 ➔ is a public nuisance.

41 3. Every act unlawfully done and every omission to perform a
42 duty, which act or omission:

43 (a) Annoys, injures or endangers the safety, health, comfort or
44 repose of any considerable number of persons;

45 (b) Offends public decency;



1 (c) Unlawfully interferes with, befouls, obstructs or tends to
2 obstruct, or renders dangerous for passage, a lake, navigable river,
3 bay, stream, canal, ditch, millrace or basin, or a public park, square,
4 street, alley, bridge, causeway or highway; or

5 (d) In any way renders a considerable number of persons
6 insecure in life or the use of property,

7 ↪ is a public nuisance.

8 4. *A building or place which was used for the purpose of*
9 *unlawfully manufacturing a controlled substance, immediate*
10 *precursor or controlled substance analog is a public nuisance if*
11 *the building or place has not been deemed safe for habitation by a*
12 *governmental entity and:*

13 (a) *The owner of the building or place allows the building or*
14 *place to be used for any purpose before all materials or substances*
15 *involving the controlled substance, immediate precursor or*
16 *controlled substance analog have been removed from*
17 *or remediated on the building or place by an entity certified or*
18 *licensed to do so; or*

19 (b) *The owner of the building or place fails to have all*
20 *materials or substances involving the controlled substance,*
21 *immediate precursor or controlled substance analog removed from*
22 *or remediated on the building or place by an entity certified or*
23 *licensed to do so within 180 days after the building or place is no*
24 *longer used for the purpose of unlawfully manufacturing a*
25 *controlled substance, immediate precursor or controlled substance*
26 *analog.*

27 5. Agricultural activity conducted on farmland consistent with
28 good agricultural practice and established before surrounding
29 nonagricultural activities is not a public nuisance unless it has a
30 substantial adverse effect on the public health or safety. It is
31 presumed that an agricultural activity which does not violate a
32 federal, state or local law, ordinance or regulation constitutes good
33 agricultural practice.

34 ~~5.1~~ 6. A shooting range is not a public nuisance with respect
35 to any noise attributable to the shooting range if the shooting range
36 is in compliance with the provisions of all applicable statutes,
37 ordinances and regulations concerning noise:

38 (a) As those provisions existed on October 1, 1997, for a
39 shooting range that begins operation on or before October 1, 1997;
40 or

41 (b) As those provisions exist on the date that the shooting range
42 begins operation, for a shooting range in operation after October 1,
43 1997.

44 ↪ A shooting range is not subject to any state or local law related to
45 the control of noise that is adopted or amended after the date set



1 forth in paragraph (a) or (b), as applicable, and does not constitute a
2 nuisance for failure to comply with any such law.

3 ~~[6.]~~ 7. As used in this section ~~[, “shooting”]~~ :

4 (a) *“Controlled substance analog”* has the meaning ascribed
5 to it in NRS 453.043;

6 (b) *“Immediate precursor”* has the meaning ascribed to it in
7 NRS 453.086; and

8 (c) *“Shooting range”* has the meaning ascribed to it in
9 NRS 40.140.

10 **Sec. 12.** NRS 205.010 is hereby amended to read as follows:

11 205.010 A person who ~~[willfully]~~ :

12 1. *Willfully* and maliciously sets fire to or burns or causes to be
13 burned ~~[, or who aids,]~~ ;

14 2. *Aids*, counsels or procures the burning of ~~[any:~~

15 ~~—1. Dwelling]~~ ; or

16 3. *By knowingly engaging in the manufacture of any*
17 *material, compound, mixture or preparation which contains any*
18 *quantity of methamphetamine, sets fire to or causes an explosion*
19 *that damages,*

20 *any dwelling* house or other structure or mobile home, whether
21 occupied or vacant ~~[, or~~

22 ~~—2. Personal]~~ *and whether the property of himself or another,*
23 *or personal* property which is occupied by one or more persons, ~~[~~

24 ~~→]~~ whether the property of himself or of another, is guilty of arson
25 in the first degree which is a category B felony and shall be
26 punished by imprisonment for a minimum term of not less than 2
27 years and a maximum term of not more than 15 years, and may be
28 further punished by a fine of not more than \$15,000.

29 **Sec. 13.** NRS 205.015 is hereby amended to read as follows:

30 205.015 A person who ~~[willfully]~~ :

31 1. *Willfully* and maliciously sets fire to or burns or causes to be
32 burned ~~[, or who aids,]~~ ;

33 2. *Aids*, counsels or procures the burning of ; or

34 3. *By knowingly engaging in the manufacture of any*
35 *material, compound, mixture or preparation which contains any*
36 *quantity of methamphetamine, sets fire to or causes an explosion*
37 *that damages,*

38 *any abandoned building or structure, whether the property of*
39 *himself or of another, is guilty of arson in the second degree which*
40 *is a category B felony and shall be punished by imprisonment in the*
41 *state prison for a minimum term of not less than 1 year and a*
42 *maximum term of not more than 10 years, and may be further*
43 *punished by a fine of not more than \$10,000.*



1 **Sec. 14.** NRS 205.0835 is hereby amended to read as follows:

2 205.0835 1. Unless a greater penalty is imposed by a specific
3 statute, a person who commits theft in violation of any provision of
4 NRS 205.0821 to 205.0835, inclusive, shall be punished pursuant to
5 the provisions of this section.

6 2. ~~[[3]]~~ *Except as otherwise provided in subsection 3, if* the
7 value of the property or services involved in the theft ~~[[is]]~~:

8 (a) *Is* less than \$250, the person who committed the theft is
9 guilty of a misdemeanor.

10 ~~[[3. — If the value of the property or services involved in the theft~~
11 ~~is]]~~

12 (b) *Is* \$250 or more but less than \$2,500, the person who
13 committed the theft is guilty of a category C felony and shall be
14 punished as provided in NRS 193.130.

15 ~~[[4]]~~ 3. If the value of the property or services involved in the
16 theft is \$2,500 or more ~~[[3]]~~ *or if the property involved in the theft is*
17 *a chemical identified in subsection 4 of NRS 453.322*, the person
18 who committed the theft is guilty of a category B felony and shall be
19 punished by imprisonment in the state prison for a minimum term of
20 not less than 1 year and a maximum term of not more than 10 years,
21 and by a fine of not more than \$10,000.

22 ~~[[5]]~~ 4. In addition to any other penalty, the court shall order
23 the person who committed the theft to pay restitution.

24 **Sec. 15.** NRS 244.3603 is hereby amended to read as follows:

25 244.3603 1. Each board of county commissioners may, by
26 ordinance, to protect the public health, safety and welfare of the
27 residents of the county, adopt procedures pursuant to which the
28 district attorney may file an action in a court of competent
29 jurisdiction to:

30 (a) Seek the abatement of a chronic nuisance that is located or
31 occurring within the unincorporated area of the county;

32 (b) If applicable, seek the closure of the property where the
33 chronic nuisance is located or occurring; and

34 (c) If applicable, seek penalties against the owner of the property
35 within the unincorporated area of the county and any other
36 appropriate relief.

37 2. An ordinance adopted pursuant to subsection 1 must:

38 (a) Contain procedures pursuant to which the owner of the
39 property is:

40 (1) Sent a notice, by certified mail, return receipt requested,
41 by the sheriff or other person authorized to issue a citation of the
42 existence on his property of nuisance activities and the date by
43 which he must abate the condition to prevent the matter from being
44 submitted to the district attorney for legal action; and



1 (2) Afforded an opportunity for a hearing before a court of
2 competent jurisdiction.

3 (b) Provide that the date specified in the notice by which the
4 owner must abate the condition is tolled for the period during which
5 the owner requests a hearing and receives a decision.

6 (c) Provide the manner in which the county will recover money
7 expended to abate the condition on the property if the owner fails to
8 abate the condition.

9 3. If the court finds that a chronic nuisance exists and action is
10 necessary to avoid serious threat to the public welfare or the safety
11 or health of the occupants of the property, the court may order the
12 county to secure and close the property until the nuisance is abated
13 and may:

14 (a) Impose a civil penalty of not more than \$500 per day for
15 each day that the condition was not abated after the date specified in
16 the notice by which the owner was required to abate the condition;

17 (b) Order the owner to pay the county for the cost incurred by
18 the county in abating the condition; and

19 (c) Order any other appropriate relief.

20 4. In addition to any other reasonable means authorized by the
21 court for the recovery of money expended by the county to abate the
22 chronic nuisance, the board may make the expense a special
23 assessment against the property upon which the chronic nuisance is
24 located or occurring. The special assessment may be collected
25 pursuant to the provisions set forth in subsection 4 of NRS 244.360.

26 5. As used in this section:

27 (a) A "chronic nuisance" exists:

28 (1) When three or more nuisance activities exist or have
29 occurred during any 90-day period on the property. ~~{ }~~

30 (2) When a person associated with the property has engaged
31 in three or more nuisance activities during any 90-day period on the
32 property or within 100 feet of the property. ~~{ }~~

33 (3) When the property has been the subject of a search
34 warrant based on probable cause of continuous or repeated
35 violations of chapter 459 of NRS. ~~{ ; or }~~

36 (4) When a building or place is used for the purpose of
37 unlawfully selling, serving, storing, keeping, manufacturing, using
38 or giving away a controlled substance, immediate precursor ~~{ as~~
39 ~~defined in NRS 453.086 }~~ or controlled substance analog. ~~{ as~~
40 ~~defined in NRS 453.043. }~~

41 (5) *When a building or place was used for the purpose of*
42 *unlawfully manufacturing a controlled substance, immediate*
43 *precursor or controlled substance analog and:*

44 (I) *The building or place has not been deemed safe for*
45 *habitation by a governmental entity; or*



1 *(II) All materials or substances involving the controlled*
2 *substance, immediate precursor or controlled substance analog*
3 *have not been removed from or remediated on the building or*
4 *place by an entity certified or licensed to do so within 180 days*
5 *after the building or place is no longer used for the purpose of*
6 *unlawfully manufacturing a controlled substance, immediate*
7 *precursor or controlled substance analog.*

8 (b) *“Controlled substance analog” has the meaning ascribed*
9 *to it in NRS 453.043.*

10 (c) *“Immediate precursor” has the meaning ascribed to it in*
11 *NRS 453.086.*

12 (d) *“Nuisance activity” means:*

- 13 (1) Criminal activity;
14 (2) The presence of debris, litter, garbage, rubble, abandoned
15 or junk vehicles or junk appliances;
16 (3) Violations of building codes, housing codes or any other
17 codes regulating the health or safety of occupants of real property;
18 (4) Excessive noise and violations of curfew; or
19 (5) Any other activity, behavior or conduct defined by the
20 board to constitute a public nuisance.

21 ~~(e)~~ (e) *“Person associated with the property” means:*

- 22 (1) The owner of the property;
23 (2) The manager or assistant manager of the property;
24 (3) The tenant of the property; or
25 (4) A person who, on the occasion of a nuisance activity, has:
26 (I) Entered, patronized or visited;
27 (II) Attempted to enter, patronize or visit; or
28 (III) Waited to enter, patronize or visit,

29 ↪ the property or a person present on the property.

30 **Sec. 16.** NRS 244.363 is hereby amended to read as follows:

31 244.363 Except as otherwise provided in subsection 3 of NRS
32 40.140 and subsection ~~5~~ 6 of NRS 202.450, the boards of county
33 commissioners in their respective counties may, by ordinance
34 regularly enacted, regulate, control and prohibit, as a public
35 nuisance, excessive noise which is injurious to health or which
36 interferes unreasonably with the comfortable enjoyment of life or
37 property within the boundaries of the county.

38 **Sec. 17.** NRS 266.335 is hereby amended to read as follows:

39 266.335 The city council may:

40 1. Except as otherwise provided in subsection 3 of NRS 40.140
41 and subsection ~~5~~ 6 of NRS 202.450, determine by ordinance what
42 shall be deemed nuisances.

43 2. Provide for the abatement, prevention and removal of the
44 nuisances at the expense of the person creating, causing or
45 committing the nuisances.



1 3. Provide that the expense of removal is a lien upon the
2 property upon which the nuisance is located. The lien must:

3 (a) Be perfected by recording with the county recorder a
4 statement by the city clerk of the amount of expenses due and
5 unpaid and describing the property subject to the lien.

6 (b) Be coequal with the latest lien thereon to secure the payment
7 of general taxes.

8 (c) Not be subject to extinguishment by the sale of any property
9 because of the nonpayment of general taxes.

10 (d) Be prior and superior to all liens, claims, encumbrances and
11 titles other than the liens of assessments and general taxes.

12 4. Provide any other penalty or punishment of persons
13 responsible for the nuisances.

14 **Sec. 18.** NRS 268.412 is hereby amended to read as follows:

15 268.412 Except as otherwise provided in subsection 3 of NRS
16 40.140 and subsection ~~5~~ 6 of NRS 202.450, the city council or
17 other governing body of a city may, by ordinance regularly enacted,
18 regulate, control and prohibit, as a public nuisance, excessive noise
19 which is injurious to health or which interferes unreasonably with
20 the comfortable enjoyment of life or property within the boundaries
21 of the city.

22 **Sec. 19.** NRS 268.4124 is hereby amended to read as follows:

23 268.4124 1. The governing body of a city may, by ordinance,
24 to protect the public health, safety and welfare of the residents of the
25 city, adopt procedures pursuant to which the city attorney may file
26 an action in a court of competent jurisdiction to:

27 (a) Seek the abatement of a chronic nuisance that is located or
28 occurring within the city;

29 (b) If applicable, seek the closure of the property where the
30 chronic nuisance is located or occurring; and

31 (c) If applicable, seek penalties against the owner of the property
32 within the city and any other appropriate relief.

33 2. An ordinance adopted pursuant to subsection 1 must:

34 (a) Contain procedures pursuant to which the owner of the
35 property is:

36 (1) Sent notice, by certified mail, return receipt requested, by
37 the city police or other person authorized to issue a citation, of the
38 existence on his property of two or more nuisance activities and the
39 date by which he must abate the condition to prevent the matter
40 from being submitted to the city attorney for legal action; and

41 (2) Afforded an opportunity for a hearing before a court of
42 competent jurisdiction.

43 (b) Provide that the date specified in the notice by which the
44 owner must abate the condition is tolled for the period during which
45 the owner requests a hearing and receives a decision.



1 (c) Provide the manner in which the city will recover money
2 expended for labor and materials used to abate the condition on the
3 property if the owner fails to abate the condition.

4 3. If the court finds that a chronic nuisance exists and
5 emergency action is necessary to avoid immediate threat to the
6 public health, welfare or safety, the court shall order the city to
7 secure and close the property for a period not to exceed 1 year or
8 until the nuisance is abated, whichever occurs first, and may:

9 (a) Impose a civil penalty of not more than \$500 per day for
10 each day that the condition was not abated after the date specified in
11 the notice by which the owner was required to abate the condition;

12 (b) Order the owner to pay the city for the cost incurred by the
13 city in abating the condition;

14 (c) If applicable, order the owner to pay reasonable expenses for
15 the relocation of any tenants who are affected by the chronic
16 nuisance; and

17 (d) Order any other appropriate relief.

18 4. In addition to any other reasonable means authorized by the
19 court for the recovery of money expended by the city to abate the
20 chronic nuisance, the governing body may make the expense a
21 special assessment against the property upon which the chronic
22 nuisance is or was located or occurring. The special assessment may
23 be collected at the same time and in the same manner as ordinary
24 county taxes are collected, and is subject to the same penalties and
25 the same procedure and sale in case of delinquency as provided for
26 ordinary county taxes. All laws applicable to the levy, collection and
27 enforcement of county taxes are applicable to such a special
28 assessment.

29 5. As used in this section:

30 (a) A "chronic nuisance" exists:

31 (1) When three or more nuisance activities exist or have
32 occurred during any 30-day period on the property. ~~§~~

33 (2) When a person associated with the property has engaged
34 in three or more nuisance activities during any 30-day period on the
35 property or within 100 feet of the property. ~~§~~

36 (3) When the property has been the subject of a search
37 warrant based on probable cause of continuous or repeated
38 violations of chapter 459 of NRS. ~~§-or§~~

39 (4) When a building or place is used for the purpose of
40 unlawfully selling, serving, storing, keeping, manufacturing, using
41 or giving away a controlled substance, immediate precursor ~~as~~
42 ~~defined in NRS 453.086~~ or controlled substance analog. ~~as~~
43 ~~defined in NRS 453.043.~~



1 (5) *When a building or place was used for the purpose of*
2 *unlawfully manufacturing a controlled substance, immediate*
3 *precursor or controlled substance analog and:*

4 (I) *The building or place has not been deemed safe for*
5 *habitation by a governmental entity; or*

6 (II) *All materials or substances involving the controlled*
7 *substance, immediate precursor or controlled substance analog*
8 *have not been removed from or remediated on the building or*
9 *place by an entity certified or licensed to do so within 180 days*
10 *after the building or place is no longer used for the purpose of*
11 *unlawfully manufacturing a controlled substance, immediate*
12 *precursor or controlled substance analog.*

13 (b) *“Controlled substance analog” has the meaning ascribed*
14 *to it in NRS 453.043.*

15 (c) *“Immediate precursor” has the meaning ascribed to it in*
16 *NRS 453.086.*

17 (d) *“Nuisance activity” means:*

18 (1) *Criminal activity;*

19 (2) *The presence of debris, litter, garbage, rubble, abandoned*
20 *or junk vehicles or junk appliances;*

21 (3) *Excessive noise and violations of curfew; or*

22 (4) *Any other activity, behavior or conduct defined by the*
23 *governing body to constitute a public nuisance.*

24 ~~(e)~~ (e) *“Person associated with the property” means a person*
25 *who, on the occasion of a nuisance activity, has:*

26 (1) *Entered, patronized or visited;*

27 (2) *Attempted to enter, patronize or visit; or*

28 (3) *Waited to enter, patronize or visit,*

29 ↪ *a property or a person present on the property.*

30 **Sec. 20.** *Title 51 of NRS is hereby amended by adding thereto*
31 *a new chapter to consist of the provisions set forth as sections 21 to*
32 *33, inclusive, of this act.*

33 **Sec. 21.** *As used in this chapter, unless the context otherwise*
34 *requires, the words and terms defined in sections 22 to 30,*
35 *inclusive, of this act have the meanings ascribed to them in those*
36 *sections.*

37 **Sec. 22.** *“Advisory Committee” means the Anhydrous*
38 *Ammonia Additive Advisory Committee created by section 32 of*
39 *this act.*

40 **Sec. 23.** *“Anhydrous ammonia” means a liquid or gaseous*
41 *inorganic compound that is formed by the chemical combination*
42 *of nitrogen and hydrogen in the molar proportion of one part*
43 *nitrogen to three parts hydrogen. The term does not include*
44 *ammonium hydroxide.*



- 1 **Sec. 24.** *“Board” means the State Board of Agriculture.*
2 **Sec. 25.** *“Department” means the State Department of*
3 *Agriculture.*
4 **Sec. 26.** *“Director” means the Director of the Department.*
5 **Sec. 27.** *“Distributor” means a person that imports,*
6 *consigns, sells, offers for sale, barter, exchanges or otherwise*
7 *facilitates the supply of anhydrous ammonia to a user in this State.*
8 **Sec. 28.** *“Nontoxic dye” means a biodegradable, clear liquid*
9 *product that causes staining when exposed to air.*
10 **Sec. 29.** *“Other additive” means a product other than a*
11 *nontoxic dye that, when put in tanks containing anhydrous*
12 *ammonia, renders the anhydrous ammonia nonreactive, unusable*
13 *or undesirable for use in the manufacture of any material,*
14 *compound, mixture or preparation which contains any quantity of*
15 *methamphetamine.*
16 **Sec. 30.** *“User” means a person that uses anhydrous*
17 *ammonia in the course of engaging in agricultural activity in this*
18 *State to promote or stimulate the growth of plants, increase the*
19 *productiveness of plants, improve the quality of crops or produce*
20 *any chemical or physical change in the soil.*
21 **Sec. 31.** *1. The Department, in consultation with the*
22 *Department of Public Safety, shall certify each brand of nontoxic*
23 *dye or other additive that a distributor of anhydrous ammonia or*
24 *user may add to anhydrous ammonia.*
25 *2. The Board, in consultation with the Advisory Committee,*
26 *shall adopt regulations establishing standards to be used in*
27 *making certifications pursuant to subsection 1 and for the*
28 *administration of this chapter.*
29 **Sec. 32.** *1. The Anhydrous Ammonia Additive Advisory*
30 *Committee is hereby created within the Department.*
31 *2. The Advisory Committee consists of one representative of*
32 *each of the following:*
33 *(a) The Department.*
34 *(b) The Department of Public Safety.*
35 *(c) Manufacturers of anhydrous ammonia fertilizers.*
36 *(d) The Agricultural Extension Department of the Public*
37 *Service Division of the Nevada System of Higher Education.*
38 *(e) Retail distributors of anhydrous ammonia.*
39 *(f) Users who are growers of agricultural products.*
40 *3. The Director, in consultation with the Director of the*
41 *Department of Public Safety, shall appoint the members of the*
42 *Advisory Committee.*
43 *4. After the initial term, each member of the Advisory*
44 *Committee shall serve for a term of 4 years.*



1 5. *Each member of the Advisory Committee serves without*
2 *compensation. If sufficient money is available to the Department,*
3 *members are entitled to travel allowances provided for state*
4 *officers and employees generally while attending meetings of the*
5 *Advisory Committee.*

6 6. *Each member of the Advisory Committee who is an officer*
7 *or employee of the State must be relieved from his duties without*
8 *loss of his regular compensation so that he may prepare for and*
9 *attend meetings of the Advisory Committee.*

10 **Sec. 33. *The Advisory Committee:***

11 1. *May review all relevant scientific and economic data on*
12 *nontoxic dyes or other additives for anhydrous ammonia that are*
13 *submitted to the Department for certification.*

14 2. *Shall require the manufacturer of any nontoxic dye or*
15 *other additive submitted to the Department for certification to*
16 *provide sufficient scientifically valid data for each submitted*
17 *nontoxic dye or other additive to allow the Department to*
18 *determine the:*

19 (a) *Impact of the nontoxic dye or other additive on crop yield;*

20 (b) *Specific food crop residue analysis of the nontoxic dye or*
21 *other additive; and*

22 (c) *Impact of the nontoxic dye or other additive on the*
23 *environment.*

24 3. *May issue recommendations to the Department regarding*
25 *whether the Department should certify a nontoxic dye or other*
26 *additive.*

27 **Sec. 34.** It is an affirmative defense to a charge of violating
28 NRS 453.336 or 453.411 by possessing or using ephedrine,
29 pseudoephedrine, phenylpropanolamine, the optical isomers, salts
30 and salts of optical isomers of those substances or any combination
31 of these substances that the person:

32 1. Lawfully obtained possession of the ephedrine,
33 pseudoephedrine, phenylpropanolamine, optical isomers, salts and
34 salts of optical isomers of those substances or any combination of
35 these substances before October 1, 2007;

36 2. Possesses not more than 6 grams of ephedrine,
37 pseudoephedrine, phenylpropanolamine, the optical isomers, salts
38 and salts of optical isomers of those substances or any combination
39 of these substances; and

40 3. Possesses ephedrine, pseudoephedrine,
41 phenylpropanolamine, the optical isomers, salts and salts of optical
42 isomers of those substances or any combination of these substances
43 under circumstances that are consistent with typical medicinal or
44 household use, as indicated by factors that include, without
45 limitation, storage location, purchase date, possession of the



1 products in a variety of strengths, brands, types or purposes and
2 expiration date.

3 **Sec. 35.** As soon as practicable after October 1, 2007, the
4 Director of the State Department of Agriculture shall appoint to the
5 Anhydrous Ammonia Additive Advisory Committee created by
6 section 32 of this act:

7 1. Three members whose terms expire on September 30, 2009;
8 and

9 2. Three members whose terms expire on September 30, 2011.

10 **Sec. 36.** 1. This section becomes effective upon passage and
11 approval.

12 2. Sections 4, 5 and 6 of this act become effective:

13 (a) Upon passage and approval for the purpose of adopting
14 regulations and performing any other preparatory administrative
15 tasks that are necessary to carry out the amendatory provisions of
16 sections 4, 5 and 6 of this act; and

17 (b) On October 1, 2007, for all other purposes.

18 3. Sections 1, 2, 3 and 7 to 35, inclusive, of this act become
19 effective on October 1, 2007.

