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## PROPOSED AMENDMENT TO SB 35 & SB 343

### INTENT OF AMENDMENT

To amend the Bills and bring them in-line with current science and lived experience. If these amendments were made, along with the changes requested by the recovery community we would not oppose the bill.

**EXPLANATION:** Matters in (1) *blue bold italics* is new language in the original bill; (2) variations of **green bold underlining** is language proposed to be added in this amendment; (3) ~~red strikethrough~~ is deleted language in the original bill; (4) ~~purple double strikethrough~~ is language proposed to be deleted in this amendment; and (5) **orange underlining** is deleted language in the original bill proposed to be retained in this amendment.

### PROPOSE TO AMEND THE BILL AS FOLLOWS:

#### Amendment #1: Amend Section 1, Subsections 1-3 as follows:

**Intent of Amendment #1:** Recognizes personal use consumption and the reality that people are not intending to possess fentanyl. The reality is that it has infiltrated the drug supply. This amendment also recognizes the current crime lab's in the State's inability to do quantitative testing.

Chapter 453 of NRS is hereby amended by adding thereto a new **Fentanyl Trafficking** section to read as follows:

*Except as otherwise authorized by the provisions of NRS 453.011 to 453.552, inclusive, a person who knowingly or intentionally sells, manufactures, delivers or brings into this State or who is knowingly or intentionally in actual or constructive possession of **pure** fentanyl, unless a greater penalty is provided pursuant to NRS 453.322, if the quantity involved:*

~~1. Is 4 grams or more, but less than 14 grams, is guilty of low level trafficking in fentanyl and shall be punished for a category B felony by imprisonment in the state prison for a minimum term of not less than 1 year and a maximum term of not more than 6 years and by a fine of not more than \$50,000.~~

*2. Is 14 grams or more, but less than 28 grams, is guilty of ~~mid-level~~ trafficking in fentanyl and shall be punished for a category B felony by imprisonment in the state prison for a minimum term of not less than 2 years and a maximum term of not more than 15 years and by a fine of not more than \$100,000.*

*3. Is 28 grams or more, is guilty of high-level trafficking in*

*fentanyl and shall be punished for a category A felony by imprisonment in the state prison:*

- (a) For life with the possibility of parole, with eligibility for parole beginning when a minimum of 10 years has been served; or*
  - (b) For a definite term of 25 years, with eligibility for parole beginning when a minimum of 10 years has been served,*
- and by a fine of not more than \$500,000.*

**Amendment #2: Amend Section 10, Subsections 1(a)(2) (page 11, line 11) as follows:**

**Intent of Amendment #2:** Replace the Good Samaritan Provisions that were removed in the original bill to encourage our community to report overdoses and stop the needless loss of life.

(2) Possession, unless it is for the purpose or sale violates the provisions of NRS 453.3385, subsection 2 of NRS 453.3393 or 453.3405; or ~~section 1 of this act~~

**Amendment #3: Conceptual Amendment to add a Study to the Bill:**

**Intent of Amendment #3:** Add a study portion to the bill to study the cost of upgrading the crime labs to have the ability to do quantitative testing using a portion of the \$280 million dollars in the opioid settlement funds.

**Amendment #4: Conceptual Amendment to the Bill to add Mandatory Medication Assisted Treatment programs in jails and prisons:**

**Intent of Amendment #4:** To actually commit to harm reduction by providing Medication-Assisted Treatment (“MAT”) programs.

- Mandatory Medication-Assisted Treatment (MAT) programs in jails/prisons
  - Add a new section NRS 453.731 to require MAT programs in jails/prisons:

*Within the limits of available funds, including, but not limited to, legislative appropriation, require implementation of medication-assisted treatment programs in city, county and state correctional facilities for the treatment of persons with substance use disorders. Such programs shall include all forms of medication-assisted treatment approved by the federal food and drug administration for the treatment of substance use disorders for the duration of incarceration. Any individual determined to have a substance use disorder for which approved medications exists shall be eligible to participate and offered placement in the program. Placement shall not be mandatory. Decisions regarding type, dosage, or duration of any medication regimen shall be made by a qualified health professional in conjunction with the participant. Participation in the program shall not be unreasonably withheld from a qualified incarcerated individual. An incarcerated individual using medication-assisted treatment prior to such individual’s incarceration shall be eligible to continue such treatment in the medication-assisted treatment program for any period of time during the duration of such individual’s incarceration. No person shall be denied participation in the program on the basis of a positive drug screening upon entering custody or upon intake into the program, nor shall any person shall receive a disciplinary infraction for a positive drug screening. No person shall be removed from, or denied*

*participation in the program on the basis of having received any disciplinary infraction before entry into the program or during participation in the program.*