

Assembly

MINUTES OF MEETING - TRANSPORTATION COMMITTEE - 35TH NEVADA
ASSEMBLY SESSION - MARCH 5, 1969

Present: B. Hafen, Wood, Kean, Ashworth and Howard and Tyson

Absent: Glaser

Also Present: James Bailey, Department of Motor Vehicles;
Robert Guinn and Daryl Capurro, Nevada Motor
Transport Association and the Nevada Franchise
Auto Dealers Association;
Thomas Cook, Deputy Attorney General's Office
assigned to the Motor Vehicle Department;
Grant Davis, Legislative Counsel Bureau;
V.A. Salvadorini, M.D.;
Bill Locke, Nevada State Board of Pharmacy;
Virgil Anderson, AAA

Chairman Hafen convened the meeting at 10:45 a.m. and requested Dr. Salvadorini to discuss A.B. 265, requiring prescriber or dispenser of drug to inform user if use is dangerous to operation of vehicle.

Dr. Salvadorini read paragraph 1 of Section 1 wherein the words "any drug" are used. He noted that this was significant because it would mean any prescriptions or drugs received over the counter. Doctors are now admonishing patients as to the affects of the drugs which they prescribe; whether they may be hazardous when driving or when drinking. However, from the sounds of the bill, the doctor is required to determine the ability of the patient to drive. He wondered if a doctor is really qualified to make this determination. This is actually up to the Department of Motor Vehicles to decide.

With regard to those drugs sold over the counter without prescription, it can be said that the hazardous to health statement would apply to many of them. Such drugs as aspirin, sominex, percussin, etc. These can all be considered hazardous to the health depending upon the manner in which they are used. He noted that certain items sold over the counter have actually killed individuals and he cited the case of the boy who was killed by Percussin when he filled a plastic bag with it and put it over his head, trying to get some "kicks". He cited also the example of the Sperry boy who took Azmadore powder in coke. This used to be available over the counter, however, after his death, it was immediately subject to prescription.

The kids today are using all of these drugs which are easy for them to get; Sleepeze, Drominex, Romilar, etc. because they think it gets them high. There are thousands of these items right now that can be purchased across the counter without prescription.

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Grant Davis noted that he believed this wording was patterned after California law.

Mr. Hafen cited the example wherein his neighbor had gone to the dentist. Upon her return, she rolled the car over. Locke said it was probably not a drug which caused this. He noted that these things can have different affects on people. For some people a sleeping pill will make them wide awake.

Dr. Salvadorini said in his opinion to ask the doctors to be sure to have this statement on the label of every type of drug that there is and then to decide whether or not a person is capable of driving, would not be wise. Mr. Lock stated that it was possible that putting this on the label would only have a more harmful affect. They may neglect taking a drug which is necessary to their well-being because of this statement.

Mr. Howard suggested taking out that portion after steering a vehicle in paragraph 1 which reads, "as defined in chapter 484 of NRS," and then the doctor would not be required to determine the capabilities of the driver. Dr. Salvadorini noted that most doctors already admonish their patients in this regard.

Mr. Guinn noted that the language contained in A.B. 263 was amended to the point that they believed any person who was liable to be in this category was entitled to be informed of the possible danger he may be in. He said this might not be practical but that is what motivated the decision.

Dr. Salvadorini asked whether or not the paragraph 1 wherein it states "Any person authorized by law to prescribe drugs" referred to pharmacists. Grant Davis said it was aimed at doctors only and did not refer to the pharmacist. Mr. Lock said they could probably use a sticker for the purpose of placing on each drug which was sold. Mr. Davis suggested removing paragraphs 2 and 3 from the bill also. Mrs. Tyson asked how big a part A.B. 265 played in the federal standards and Mr. Bailey stated that it is not required; it is connected, but not required. Tyson said if paragraphs 2 and 3 were deleted there would be conformance with the federal code anyway. Howard said he agreed with the doctor though with regard to their having to determine the patient's capability to drive. "I think the portion referring to chapter 484 should be deleted".

Dr. Salvadorini said that actually put them right back to the fact that the doctors now work very close with the department of motor vehicles in admonishing the patients as to the danger of certain drugs.

Mr. Wood said in his opinion they were really pinning this down and opening up a big door. How about the person who sells paint and thinner. He wondered if A.B. 265 was needed at all. This would not be hurting the highway safety code and if we do this, we may end up having to go to paint stores, chemical shops, etc.

Dr. Salvadorini said when you stop to think about it if an overdose of Somnex can kill you you are really getting into a large area. Mr. Wood said a motor cycle in the wrong hands can kill just as easily. Mr. Bailey said he believed there was coordination here between the department and the doctors. He related the situation wherein the physician contacted the department and told them that his patient was not able to drive in his condition and the department made sure he does not drive.

A.B. 268, enacts implied consent to chemical test for alcohol content of blood law.

Chairman Hafen noted that this was part of the federal program and asked what problems were encountered with regard to the law enforcement.

Mr. Davis stated that previously there was no provision for the suspension of licenses. A court decision has held that you can take blood for purposes of determining the alcohol content in the body, but if a person refuses to take the test, there is no provision for suspension of his license. If the blood is taken by force, the courts will usually uphold the rights of the person.

Dr. Salvadorini stated that he has worked in this field in the past in Washoe County and that the implied consent as the bill states is very clear. They do not want to use force in taking the blood because this could cause injury to either of them. There are instances, however, when this evidence is necessary. A person who is unconscious from an accident, you don't know if he is out because of the injury or because he is intoxicated. He said he believed this to be a good bill.

Mr. Wood said this was taken almost verbatim from the safety code and Mr. Davis confirmed it. This bill is part of the safety program and is necessary to comply with the federal standards. It will also be of great benefit to the law enforcement agencies.

It was noted that there would be problems taking blood for alcohol test in small areas. It will be necessary possibly to get the assistance of the medical division in order to take the test. Dr. Salvadorini said however that they could always use the other tests, being the breath and the urine tests. The Screen Test is still used wherein the driver breaths into a tube and cause a change of color when intoxication is present.

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Chairman Hafen asked if a registered nurse would not be qualified to give the test also and Dr. Salvadorini said, registered nurse, doctor, or even a lab technician, could give the test. If the person is injured the test can be given at the hospital. He noted that this test is a protection for the driver too. There may be times when he really would like to know if he is capable of driving with the amount he has had to drink. Many persons have been protected through the use of this test.

Mr. Anderson, AAA, stated that his association was in favor of this bill too. They were especially in favor of that provision in section 6 wherein the driver could use the doctor of his choice in the performance of this test.

Chairman Hafen asked about the fee and who paid for these tests to be performed. Dr. Salvadorini said the person charged would be the agency who requested it; highway patrol, police department or whatever. He noted that the charge was usually \$10.

Mr. Bailey said the cost concerned would not be out of reach because it would only be used in extreme cases. He stated they would usually use the breath method.

Mr. Wood noted that the highway safety standards require an alcohol test to be taken within four hours on any individual dying from an automobile accident. Dr. Salvadorini said this was a general type requirement. Actually they have taken blood from accident victims sometimes two days later.

Dr. Salvadorini noted that portion regarding hemophilia or persons using anticoagulant drug. He said it was possible to take blood from a hemophiliac but that they have to be very careful when the needle is put into the veins. He said by stating anticoagulant in the bill, you are letting a lot of persons out of taking this test.

Mr. Bailey noted that the California law provides for the exemption of hemophiliacs and persons using anticoagulants also.

Discussion was held on the problems involved wherein the blood test might be given to an unconscious person. This person would be unable to say whether or not their hemophiliac or had a heart disease. Dr. Salvadorini stated that if the test were performed by a competent pathologist, or qualified individual there should be no danger.

Mr. Guinn noted that there was nothing in this bill that was not already in affect. When the driver's license is issued you must sign a statement that if you are stopped by an officer of the law who has reason to suspect that you are driving while intoxicated and you refuse to take the test when asked, you automatically have your license suspended for 6 months.

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Mr. Bailey related the story of an individual from California who had been stopped and refused to take the test. He had his driver's license revoked so he came over to Nevada and tried to get a Nevada license. Because Nevada belongs to the compact they were able to know the facts behind this and refuse to issue the license. The man took his case to the Supreme Court and it is understood that he lost his case.

Chairman Hafen noted that he had spoken with Senator Bunker to see if they could arrange for a joint hearing on the taxi-cab matter and thereby save some time. He said Senator Bunker seemed to feel that the problems could be solved this session. It was suggested that they hold an evening meeting and he said he would contact Senator Bunker again to ascertain a time.

Mr. Guinn noted that he had the language ready on the exemption for vehicles over 5000 pounds. Chairman Hafen said that Mrs. Tyson had requested to work on this with him. Hafen asked Mr. Howard if he would consent to work on the bill with Mr. Guinn and Mrs. Tyson and Mr. Howard agreed.

Chairman Hafen noted next meeting on Friday at 10:00 and adjourned the meeting.