

Amendment No. CA1

Conference Committee Amendment to Senate Bill No. 35 Second Reprint	(BDR 40-423)
Proposed by: Conference Committee	
Amends: Summary: No Title: Yes Preamble: No Joint Sponsorship: No Digest: Yes	

EXPLANATION: Matter 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; (5) orange double underlining is deleted language in the original bill proposed to be retained in this amendment.



SENATE BILL NO. 35—COMMITTEE ON
HEALTH AND HUMAN SERVICES

(ON BEHALF OF THE ATTORNEY GENERAL)

PREFILED NOVEMBER 16, 2022

Referred to Committee on Health and Human Services

SUMMARY—Revises provisions relating to controlled substances. (BDR 40-423)

FISCAL NOTE: Effect on Local Government: No.
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.

AN ACT relating to controlled substances; establishing the crimes of trafficking and high-level trafficking in illicitly manufactured fentanyl, any derivative of fentanyl or any mixture which contains illicitly manufactured fentanyl ~~or~~ or any derivative of fentanyl; establishing the crime of intentional misrepresentation of a fentanyl product; requiring each state and local law enforcement agency and the Nevada Sentencing Commission to submit certain reports to the Joint Interim Standing Committee on the Judiciary; requiring, to the extent that money is available, the establishment of certain programs to provide certain offenders or prisoners who have a substance use disorder with medication-assisted treatment; requiring the Joint Interim Standing Committee on the Judiciary to conduct an interim study concerning certain matters relating to forensic laboratories; providing penalties; and providing other matters properly relating thereto.

Legislative Counsel’s Digest:

Existing law provides that a person who knowingly or intentionally sells, manufactures, delivers or brings into this State or is knowingly or intentionally in actual or constructive possession of a schedule I controlled substance, other than marijuana, a schedule II controlled substance or certain other controlled substances is guilty of: (1) low-level trafficking if the quantity of the controlled substance is 100 grams or more but less than 400 grams; and (2) high-level trafficking if the quantity of the controlled substance is 400 grams or more. A person who commits the crime of: (1) low-level trafficking is guilty of a category B felony and subject to certain prescribed penalties; and (2) high-level trafficking is guilty of a category A felony and subject to certain prescribed penalties. (NRS 453.3385)

Existing regulations of the State Board of Pharmacy include fentanyl in the list of controlled substances in schedule II and various derivatives of fentanyl in the list of controlled substances in schedule I. (NAC 453.510, as amended by LCB File No. R023-21, NAC 453.520) **Section 1.5** of this bill establishes the crimes of trafficking and high-level trafficking in illicitly manufactured fentanyl, any derivative of fentanyl or any mixture which

15 contains illicitly manufactured fentanyl ~~or any derivative of fentanyl~~. Under **section 1.5**,
16 a person who knowingly or intentionally sells, manufactures, delivers or brings into this State
17 or is knowingly or intentionally in actual or constructive possession of **illicitly manufactured**
18 **fentanyl, any derivative of fentanyl or** any mixture which contains illicitly manufactured
19 fentanyl **or any derivative of fentanyl** is guilty of: (1) trafficking if the quantity involved is
20 28 grams or more but less than 42 grams; and (2) high-level trafficking if the quantity
21 involved is 42 grams or more but less than 100 grams. Under **section 1.5**, a person who
22 commits the crime of trafficking or high-level trafficking is guilty of a category B felony and
23 subject to certain prescribed penalties.

24 **Section 1.7** of this bill establishes the crime of intentional misrepresentation of a fentanyl
25 product. Under **section 1.7**, a person who sells to another person a mixture containing fentanyl
26 and another controlled substance is guilty of intentional misrepresentation of a fentanyl
27 product if the person: (1) knows that the mixture contains fentanyl; and (2) intentionally fails
28 to inform the purchaser that the mixture contains fentanyl. **Section 1.7** provides that such a
29 person is guilty of a category B felony and subject to certain prescribed penalties.

30 **Sections ~~1.9~~ 2, 5 and 6** of this bill provide that a person found guilty of intentional
31 misrepresentation of a fentanyl product or trafficking or high-level trafficking in **illicitly**
32 **manufactured fentanyl, any derivative of fentanyl or** any mixture which contains illicitly
33 manufactured fentanyl **or any derivative of fentanyl** is subject to the greater penalty for that
34 crime if the acts constituting the crime could subject the person to a lesser punishment under
35 another statute.

36 **Sections 3-13** of this bill add references to **section 1.5** so that the crimes of trafficking
37 and high-level trafficking in **illicitly manufactured fentanyl, any derivative of fentanyl or**
38 **any mixture which contains illicitly manufactured fentanyl or any derivative of fentanyl**
39 are treated the same as the crimes of low-level and high-level trafficking involving schedule I
40 controlled substances, other than marijuana, and schedule II controlled substances for certain
41 purposes. **Section 12** adds a reference to **section 1.7** so that the crime of intentional
42 misrepresentation of a fentanyl product is treated the same as the crime of selling other
43 controlled substances for certain purposes.

44 Existing law prohibits, with certain exceptions, a court from suspending the sentence of a
45 person convicted of trafficking in a controlled substance. (NRS 453.3405) **Section 9** extends
46 this prohibition to a person found guilty of trafficking or high-level trafficking in **illicitly**
47 **manufactured fentanyl, any derivative of fentanyl or** any mixture which contains illicitly
48 manufactured fentanyl **or any derivative of fentanyl**. **Section 9** provides an exemption
49 from this prohibition if the person convicted establishes, by a preponderance of the evidence,
50 that he or she did not know that the mixture at issue contained illicitly manufactured fentanyl.

51 Existing law provides that a person who, in good faith, seeks medical assistance for a
52 person who is experiencing a drug or alcohol overdose or other medical emergency or who
53 seeks such assistance for himself or herself, or who is the subject of a good faith request for
54 such assistance may not be arrested, charged, prosecuted or convicted, or have his or her
55 property subjected to forfeiture, or be otherwise penalized for violating certain provisions of
56 existing law governing controlled substances if the evidence to support the penalty was
57 obtained as a result of the person seeking medical assistance. (NRS 453C.150) **Section 10** of
58 this bill includes trafficking and high-level trafficking in ~~or~~ **illicitly manufactured fentanyl,**
59 **any derivative of fentanyl or** mixture that contains illicitly manufactured fentanyl **or any**
60 **derivative of fentanyl** among the offenses for which a person may not be penalized under
61 such circumstances.

62 Existing law requires the Director of the Department of Corrections to establish one or
63 more programs of treatment for offenders with substance use or co-occurring disorders who
64 have been sentenced to imprisonment in the state prison. (NRS 209.4236, 209.425) Existing
65 law additionally provides that the treatment of a prisoner in a local jail or detention facility
66 who has a substance use disorder may include medication-assisted treatment. (NRS 211.140)
67 **Section 12.3** of this bill requires the Director, to the extent that money is available, to
68 establish a program to provide for the treatment of offenders with a substance use disorder
69 using medication-assisted treatment. **Section 12.3** requires: (1) the program to provide each
70 eligible offender who participates in the program with appropriate medication-assisted
71 treatment for the period in which the offender is incarcerated; and (2) each offender who the
72 Director has determined has a substance use disorder for which a medication-assisted

73 treatment exists and who meets any reasonable conditions imposed by the Director to be
74 deemed eligible to participate in the program and offered the opportunity to participate.
75 **Section 12.3** prohibits the Director from denying an offender the ability to participate in the
76 program or terminating his or her participation in the program for certain reasons. Finally,
77 **section 12.3** provides that an offender who participates in the program is not subject to
78 discipline on the basis that the results of a screening test administered to the offender
79 indicated the presence of a controlled substance. **Section 12.7** of this bill requires, to the
80 extent that money is available, a sheriff, chief of police or town marshal who is responsible for
81 a county, city or town jail or detention facility to establish a program similar to that set forth
82 in **section 12.3** to provide for the treatment of prisoners with a substance use disorder using
83 medication-assisted treatment.

84 **Section 1.8** of this bill requires each state and local law enforcement agency and the
85 Nevada Sentencing Commission to submit to the Joint Interim Standing Committee on the
86 Judiciary on or before March 1 and October 1 of each even-numbered year a report containing
87 certain information regarding: (1) persons who have been charged with trafficking or high-
88 level trafficking in illicitly manufactured fentanyl, any derivative of fentanyl or any
89 mixture that contains illicitly manufactured fentanyl or any derivative of fentanyl or
90 intentional misrepresentation of a fentanyl product; (2) programs for the treatment of persons
91 incarcerated in the state prison or a county, city or town jail or detention facility; and (3) drug
92 overdoses that resulted in the death of certain persons which were due to fentanyl or a
93 controlled substance analog for fentanyl.

94 **Section 14** of this bill requires the Joint Interim Standing Committee on the Judiciary to
95 conduct a study during the 2023-2024 interim concerning the possible upgrading of forensic
96 laboratories in this State to enable such laboratories to perform quantitative testing involving
97 controlled substances.

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 thereto the
2 provisions set forth as sections 1.5, 1.7 and 1.8 of this act.

3 **Sec. 1.5.** *Except as otherwise authorized by the provisions of NRS 453.011*
4 *to 453.552, inclusive, a person who knowingly or intentionally sells,*
5 *manufactures, delivers or brings into this State or who is knowingly or*
6 *intentionally in actual or constructive possession of illicitly manufactured*
7 *fentanyl, any derivative of fentanyl or any mixture which contains illicitly*
8 *manufactured fentanyl ~~or~~ or any derivative of fentanyl, unless a greater penalty*
9 *is provided pursuant to NRS 453.322, if the quantity involved:*

10 1. *Is 28 grams or more, but less than 42 grams, is guilty of trafficking and*
11 *shall be punished for a category B felony by imprisonment in the state prison for*
12 *a minimum term of not less than 1 year and a maximum term of not more than*
13 *10 years.*

14 2. *Is 42 grams or more, but less than 100 grams, is guilty of high-level*
15 *trafficking and shall be punished for a category B felony by imprisonment in the*
16 *state prison for a minimum term of not less than 2 years and a maximum term of*
17 *not more than 15 years.*

18 **Sec. 1.7.** *Unless a greater penalty is provided pursuant to NRS 453.333 or*
19 *453.334, a person who sells to another person a mixture containing fentanyl and*
20 *another controlled substance and who:*

21 1. *Knows that the mixture contains fentanyl; and*

22 2. *Intentionally fails to inform the purchaser that the mixture contains*
23 *fentanyl,*

1 ↪ is guilty of intentional misrepresentation of a fentanyl product and shall be
2 punished for a category B felony by imprisonment in the state prison for a
3 minimum term of not less than 2 years and a maximum term of not more than 20
4 years and by a fine of not more than \$50,000.

5 **Sec. 1.8.** 1. On or before March 1 and October 1 of each even-numbered
6 year, each law enforcement agency and the Nevada Sentencing Commission, with
7 the assistance of the Department of Sentencing Policy, shall submit to the Joint
8 Interim Standing Committee on the Judiciary a report which must contain the
9 following information, to the extent that such information is in the possession of
10 the agency:

11 (a) The number of persons that were charged with a violation of section 1.5
12 or 1.7 of this act in the period since the last report;

13 (b) For each person who has ever been charged with a violation of section
14 1.5 or 1.7 of this act, the following information, if the information has not been
15 included in a previous report:

16 (1) The race, gender, zip code, employment status and age of the person;

17 (2) Whether another criminal charge was filed in the person's case and,
18 if so, what charge;

19 (3) Whether the person was represented by court-appointed counsel or
20 otherwise determined to be indigent;

21 (4) The disposition of the case, including, without limitation, any
22 sentence imposed on the person;

23 (5) Whether any portion of the sentence of the person was suspended or
24 the person was granted probation and, if so:

25 (I) Whether the person has successfully completed the suspended
26 sentence or probation; and

27 (II) Whether the suspension of sentence or probation has been
28 revoked and, if so, whether the revocation was a result of a technical violation or
29 a new criminal case; and

30 (6) Whether the court ordered the person to complete treatment for a
31 substance use disorder and, if so, the type of treatment so ordered;

32 (c) The number of deaths in the period since the last report caused by a drug
33 overdose due to fentanyl or a controlled substance analog for fentanyl that
34 occurred in the state prison or any county or city jail or detention facility or other
35 correctional facility in this State or while the deceased person was under a
36 suspended sentence or on probation, parole or pretrial release; and

37 (d) Any significant developments in the period since the last report
38 concerning any program of treatment implemented for the treatment of persons
39 incarcerated in the state prison or any county, city or town jail or detention
40 facility or other correctional facility in this State who have a substance use
41 disorder using medication-assisted treatment and other appropriate withdrawal
42 management care.

43 2. As used in this section, "law enforcement agency" means an agency,
44 office or bureau of this State or a political subdivision of this State, the primary
45 duty of which is to enforce the law.

46 **Sec. 1.9.** NRS 453.321 is hereby amended to read as follows:

47 453.321 1. Except as authorized by the provisions of NRS 453.011 to
48 453.552, inclusive, it is unlawful for a person to:

49 (a) Import, transport, sell, exchange, barter, supply, prescribe, dispense, give
50 away or administer a controlled or counterfeit substance;

51 (b) Manufacture or compound a counterfeit substance; or

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

1 2. Unless a greater penalty is provided in NRS 453.333 or 453.334, *or section*
2 *1.7 of this act*, if a person violates subsection 1 and the controlled substance is
3 classified in schedule I or II, the person shall be punished:

4 (a) For the first offense, for a category C felony as provided in NRS 193.130.

5 (b) For a second offense, or if, in the case of a first conviction under this
6 subsection, the offender has previously been convicted of an offense under this
7 section or of any offense under the laws of the United States or any state, territory
8 or district which, if committed in this State, would amount to an offense under this
9 section, for a category B felony by imprisonment in the state prison for a minimum
10 term of not less than 2 years and a maximum term of not more than 10 years, and
11 may be further punished by a fine of not more than \$20,000.

12 (c) For a third or subsequent offense, or if the offender has previously been
13 convicted two or more times under this section or of any offense under the laws of
14 the United States or any state, territory or district which, if committed in this State,
15 would amount to an offense under this section, for a category B felony by
16 imprisonment in the state prison for a minimum term of not less than 3 years and a
17 maximum term of not more than 15 years, and may be further punished by a fine of
18 not more than \$20,000 for each offense.

19 3. Unless mitigating circumstances exist that warrant the granting of
20 probation, the court shall not grant probation to or suspend the sentence of a person
21 convicted under subsection 2 and punishable pursuant to paragraph (b) or (c) of
22 subsection 2.

23 4. Unless a greater penalty is provided in NRS 453.333 or 453.334, if a
24 person violates subsection 1, and the controlled substance is classified in schedule
25 III, IV or V, the person shall be punished:

26 (a) For the first offense, for a category D felony as provided in NRS 193.130.

27 (b) For a second offense, or if, in the case of a first conviction of violating this
28 subsection, the offender has previously been convicted of violating this section or
29 of any offense under the laws of the United States or any state, territory or district
30 which, if committed in this State, would amount to a violation of this section, for a
31 category C felony as provided in NRS 193.130.

32 (c) For a third or subsequent offense, or if the offender has previously been
33 convicted two or more times of violating this section or of any offense under the
34 laws of the United States or any state, territory or district which, if committed in
35 this State, would amount to a violation of this section, for a category B felony by
36 imprisonment in the state prison for a minimum term of not less than 2 years and a
37 maximum term of not more than 10 years, and may be further punished by a fine of
38 not more than \$15,000 for each offense.

39 5. Unless mitigating circumstances exist that warrant the granting of
40 probation, the court shall not grant probation to or suspend the sentence of a person
41 convicted under subsection 4 and punishable pursuant to paragraph (b) or (c) of
42 subsection 4.

43 **Sec. 2.** NRS 453.322 is hereby amended to read as follows:

44 453.322 1. Except as authorized by the provisions of NRS 453.011 to
45 453.552, inclusive, it is unlawful for a person to knowingly or intentionally:

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

47 (b) Possess, with the intent to manufacture or compound a controlled substance
48 other than marijuana, or sell, exchange, barter, supply, prescribe, dispense or give
49 away, with the intent that the chemical be used to manufacture or compound a
50 controlled substance other than marijuana:

51 (1) Any chemical identified in subsection 5; or

1 (2) Any other chemical which is proven by expert testimony to be
2 commonly used in manufacturing or compounding a controlled substance other
3 than marijuana. The district attorney may present expert testimony to provide a
4 prima facie case that any chemical, whether or not it is a chemical identified in
5 subsection 5, is commonly used in manufacturing or compounding such a
6 controlled substance.

7 ➤ The provisions of this paragraph do not apply to a person who, without the intent
8 to commit an unlawful act, possesses any chemical at a laboratory that is licensed to
9 store the chemical.

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

11 2. Unless a greater penalty is provided in subsection 3 or NRS 453.3385, *or*
12 *section 1.5 of this act*, a person who violates any provision of subsection 1 is guilty
13 of a category B felony and shall be punished by imprisonment in the state prison for
14 a minimum term of not less than 3 years and a maximum term of not more than 15
15 years, and may be further punished by a fine of not more than \$100,000.

16 3. If a person violates any provision of subsection 1 by engaging in the
17 manufacturing or compounding of a controlled substance other than marijuana, or
18 by attempting to do so, and the violation causes a fire or explosion, the person is
19 guilty of a category B felony and shall be punished by imprisonment in the state
20 prison for a minimum term of not less than 3 years and a maximum term of not
21 more than 20 years, and may be further punished by a fine of not more than
22 \$100,000.

23 4. The court shall not grant probation to a person convicted pursuant to this
24 section.

25 5. The following chemicals are identified for the purposes of subsection 1:

- 26 (a) Acetic anhydride.
- 27 (b) Acetone.
- 28 (c) N-Acetylanthranilic acid, its esters and its salts.
- 29 (d) Anthranilic acid, its esters and its salts.
- 30 (e) Benzaldehyde, its salts, isomers and salts of isomers.
- 31 (f) Benzyl chloride.
- 32 (g) Benzyl cyanide.
- 33 (h) 1,4-Butanediol.
- 34 (i) 2-Butanone (or methyl ethyl ketone or MEK).
- 35 (j) Ephedrine, its salts, isomers and salts of isomers.
- 36 (k) Ergonovine and its salts.
- 37 (l) Ergotamine and its salts.
- 38 (m) Ethylamine, its salts, isomers and salts of isomers.
- 39 (n) Ethyl ether.
- 40 (o) Gamma butyrolactone.
- 41 (p) Iodic acid, its salts, isomers and salts of isomers.
- 42 (q) Hydrochloric acid.
- 43 (r) Iodine.
- 44 (s) Isosafrole, its salts, isomers and salts of isomers.
- 45 (t) Lithium metal.
- 46 (u) Methylamine, its salts, isomers and salts of isomers.
- 47 (v) 3,4-Methylenedioxy-phenyl-2-propanone.
- 48 (w) N-Methylphenylephedrine, its salts, isomers and salts of isomers.
- 49 (x) Methyl isobutyl ketone (MIBK).
- 50 (y) N-Methylpseudoephedrine, its salts, isomers and salts of isomers.
- 51 (z) Nitroethane, its salts, isomers and salts of isomers.
- 52 (aa) Norpseudoephedrine, its salts, isomers and salts of isomers.

- 1 (bb) Phenylacetic acid, its esters and its salts.
- 2 (cc) Phenylpropanolamine, its salts, isomers and salts of isomers.
- 3 (dd) Piperidine and its salts.
- 4 (ee) Piperonal, its salts, isomers and salts of isomers.
- 5 (ff) Potassium permanganate.
- 6 (gg) Propionic anhydride, its salts, isomers and salts of isomers.
- 7 (hh) Pseudoephedrine, its salts, isomers and salts of isomers.
- 8 (ii) Red phosphorous.
- 9 (jj) Safrole, its salts, isomers and salts of isomers.
- 10 (kk) Sodium metal.
- 11 (ll) Sulfuric acid.
- 12 (mm) Toluene.

13 **Sec. 3.** NRS 453.333 is hereby amended to read as follows:

14 453.333 If the death of a person is proximately caused by a controlled
15 substance which was sold, given, traded or otherwise made available to him or her
16 by another person in violation of this chapter, the person who sold, gave or traded
17 or otherwise made the substance available to him or her is guilty of murder. If
18 convicted of murder in the second degree, the person is guilty of a category A
19 felony and shall be punished as provided in subsection 5 of NRS 200.030. If
20 convicted of murder in the first degree, the person is guilty of a category A felony
21 and shall be punished as provided in subsection 4 of NRS 200.030, except that the
22 punishment of death may be imposed only if the requirements of paragraph (a) of
23 subsection 4 of that section have been met and if the defendant is or has previously
24 been convicted of violating NRS 453.3385 or 453.339 *or section 1.5 of this act* or a
25 law of any other jurisdiction which prohibits the same conduct.

26 **Sec. 4.** NRS 453.3353 is hereby amended to read as follows:

27 453.3353 1. Unless a greater penalty is provided by law, and except as
28 otherwise provided in this section and NRS 193.169, if:

29 (a) A person violates NRS 453.322 or 453.3385, *or section 1.5 of this act*, and
30 the violation involves the manufacturing or compounding of any controlled
31 substance other than marijuana; and

32 (b) During the discovery or cleanup of the premises at, on or in which the
33 controlled substance was manufactured or compounded, another person suffers
34 substantial bodily harm other than death as the proximate result of the
35 manufacturing or compounding of the controlled substance,

36 the person who committed the offense shall be punished by imprisonment in the
37 state prison for a term equal to and in addition to the term of imprisonment
38 prescribed by statute for the offense. The sentence prescribed by this subsection
39 runs consecutively with the sentence prescribed by statute for the offense.

40 2. Unless a greater penalty is provided by law, and except as otherwise
41 provided in NRS 193.169, if:

42 (a) A person violates NRS 453.322 or 453.3385, *or section 1.5 of this act*, and
43 the violation involves the manufacturing or compounding of any controlled
44 substance other than marijuana; and

45 (b) During the discovery or cleanup of the premises at, on or in which the
46 controlled substance was manufactured or compounded, another person suffers
47 death as the proximate result of the manufacturing or compounding of the
48 controlled substance,

49 the offense shall be deemed a category A felony and the person who committed
50 the offense shall be punished by imprisonment in the state prison:

- 51 (1) For life without the possibility of parole;

1 (2) For life with the possibility of parole, with eligibility for parole
2 beginning when a minimum of 20 years has been served; or

3 (3) For a definite term of 50 years, with eligibility for parole beginning
4 when a minimum of 20 years has been served.

5 3. Subsection 1 does not create a separate offense but provides an additional
6 penalty for the primary offense, the imposition of which is contingent upon the
7 finding of the prescribed fact. Subsection 2 does not create a separate offense but
8 provides an alternative penalty for the primary offense, the imposition of which is
9 contingent upon the finding of the prescribed fact.

10 4. As used in this section:

11 (a) "Marijuana" does not include concentrated cannabis.

12 (b) "Premises" means:

13 (1) Any temporary or permanent structure, including, without limitation,
14 any building, house, room, apartment, tenement, shed, carport, garage, shop,
15 warehouse, store, mill, barn, stable, outhouse or tent; or

16 (2) Any conveyance, including, without limitation, any vessel, boat,
17 vehicle, airplane, glider, house trailer, travel trailer, motor home or railroad car,
18 whether located aboveground or underground and whether inhabited or not.

19 **Sec. 5.** NRS 453.336 is hereby amended to read as follows:

20 453.336 1. Except as otherwise provided in subsection 6, a person shall not
21 knowingly or intentionally possess a controlled substance, unless the substance was
22 obtained directly from, or pursuant to, a prescription or order of a physician,
23 physician assistant licensed pursuant to chapter 630 or 633 of NRS, dentist,
24 podiatric physician, optometrist, advanced practice registered nurse or veterinarian
25 while acting in the course of his or her professional practice, or except as otherwise
26 authorized by the provisions of NRS 453.005 to 453.552, inclusive.

27 2. Except as otherwise provided in subsections 3, 4 and 5 and in NRS
28 453.3363, and unless a greater penalty is provided in NRS 212.160, 453.3385 or
29 453.339, *or section 1.5 of this act*, a person who violates this section:

30 (a) For a first or second offense, if the controlled substance is listed in schedule
31 I or II and the quantity possessed is less than 14 grams, or if the controlled
32 substance is listed in schedule III, IV or V and the quantity possessed is less than 28
33 grams, is guilty of possession of a controlled substance and shall be punished for a
34 category E felony as provided in NRS 193.130. In accordance with NRS 176.211,
35 the court shall defer judgment upon the consent of the person.

36 (b) For a third or subsequent offense, if the controlled substance is listed in
37 schedule I or II, and the quantity possessed is less than 14 grams, or if the
38 controlled substance is listed in schedule III, IV or V and the quantity possessed is
39 less than 28 grams, or if the offender has previously been convicted two or more
40 times in the aggregate of any violation of the law of the United States or of any
41 state, territory or district relating to a controlled substance, is guilty of possession of
42 a controlled substance and shall be punished for a category D felony as provided in
43 NRS 193.130, and may be further punished by a fine of not more than \$20,000.

44 (c) If the controlled substance is listed in schedule I or II and the quantity
45 possessed is 14 grams or more, but less than 28 grams, or if the controlled
46 substance is listed in schedule III, IV or V and the quantity possessed is 28 grams
47 or more, but less than 200 grams, is guilty of low-level possession of a controlled
48 substance and shall be punished for a category C felony as provided in NRS
49 193.130.

50 (d) If the controlled substance is listed in schedule I or II and the quantity
51 possessed is 28 grams or more, but less than 42 grams, or if the controlled
52 substance is listed in schedule III, IV or V and the quantity possessed is 200 grams

1 or more, is guilty of mid-level possession of a controlled substance and shall be
2 punished for a category B felony by imprisonment in the state prison for a
3 minimum term of not less than 1 year and a maximum term of not more than 10
4 years and by a fine of not more than \$50,000.

5 (e) If the controlled substance is listed in schedule I or II and the quantity
6 possessed is 42 grams or more, but less than 100 grams, is guilty of high-level
7 possession of a controlled substance and shall be punished for a category B felony
8 by imprisonment in the state prison for a minimum term of not less than 2 years and
9 a maximum term of not more than 15 years and by a fine of not more than \$50,000.

10 3. Unless a greater penalty is provided in NRS 212.160, 453.337 or 453.3385,
11 a person who is convicted of the possession of flunitrazepam or gamma-
12 hydroxybutyrate, or any substance for which flunitrazepam or gamma-
13 hydroxybutyrate is an immediate precursor, is guilty of a category B felony and
14 shall be punished by imprisonment in the state prison for a minimum term of not
15 less than 1 year and a maximum term of not more than 6 years.

16 4. Unless a greater penalty is provided pursuant to NRS 212.160, a person
17 who is convicted of the possession of 1 ounce or less of marijuana is guilty of a
18 misdemeanor and shall be punished by:

19 (a) Performing not more than 24 hours of community service;

20 (b) Attending the live meeting described in paragraph (a) of subsection 2 of
21 NRS 484C.530 and complying with any other requirements set forth in that section;
22 or

23 (c) Being required to undergo an evaluation in accordance with subsection 1 of
24 NRS 484C.350,

25 or any combination thereof.

26 5. Unless a greater penalty is provided pursuant to NRS 212.160, a person
27 who is convicted of the possession of more than 1 ounce, but less than 50 pounds,
28 of marijuana or more than one-eighth of an ounce, but less than one pound, of
29 concentrated cannabis is guilty of a category E felony and shall be punished as
30 provided in NRS 193.130.

31 6. It is not a violation of this section if a person possesses a trace amount of a
32 controlled substance and that trace amount is in or on a hypodermic device obtained
33 from a sterile hypodermic device program pursuant to NRS 439.985 to 439.994,
34 inclusive.

35 7. The court may grant probation to or suspend the sentence of a person
36 convicted of violating this section.

37 8. If a person fulfills the terms and conditions imposed for a violation of
38 subsection 4, the court shall, without a hearing, order sealed all documents, papers
39 and exhibits in that person's record, minute book entries and entries on dockets, and
40 other documents relating to the case in the custody of such other agencies and
41 officers as are named in the court's order. The court shall cause a copy of the order
42 to be sent to each agency or officer named in the order. Each such agency or officer
43 shall notify the court in writing of its compliance with the order.

44 9. As used in this section:

45 (a) "Controlled substance" includes flunitrazepam, gamma-hydroxybutyrate
46 and each substance for which flunitrazepam or gamma-hydroxybutyrate is an
47 immediate precursor.

48 (b) "Marijuana" does not include concentrated cannabis.

49 (c) "Sterile hypodermic device program" has the meaning ascribed to it in NRS
50 439.986.

1 **Sec. 6.** NRS 453.337 is hereby amended to read as follows:

2 453.337 1. Except as otherwise authorized by the provisions of NRS
3 453.011 to 453.552, inclusive, it is unlawful for a person to possess for the purpose
4 of sale flunitrazepam, gamma-hydroxybutyrate, any substance for which
5 flunitrazepam or gamma-hydroxybutyrate is an immediate precursor or any
6 controlled substance classified in schedule I or II.

7 2. Unless a greater penalty is provided in NRS 453.3385 or 453.339, *or*
8 *section 1.5 of this act*, a person who violates this section shall be punished:

9 (a) For the first offense, for a category D felony as provided in NRS 193.130.

10 (b) For a second offense, or if, in the case of a first conviction of violating this
11 section, the offender has previously been convicted of a felony under the Uniform
12 Controlled Substances Act or of an offense under the laws of the United States or
13 any state, territory or district which, if committed in this State, would amount to a
14 felony under the Uniform Controlled Substances Act, for a category C felony as
15 provided in NRS 193.130.

16 (c) For a third or subsequent offense, or if the offender has previously been
17 convicted two or more times of a felony under the Uniform Controlled Substances
18 Act or of any offense under the laws of the United States or any state, territory or
19 district which, if committed in this State, would amount to a felony under the
20 Uniform Controlled Substances Act, for a category B felony by imprisonment in
21 the state prison for a minimum term of not less than 3 years and a maximum term
22 of not more than 15 years, and may be further punished by a fine of not more than
23 \$20,000 for each offense.

24 3. Except as otherwise provided in this subsection, unless mitigating
25 circumstances exist that warrant the granting of probation, the court shall not grant
26 probation to or suspend the sentence of a person convicted of violating this section
27 and punishable pursuant to paragraph (b) or (c) of subsection 2. The court shall not
28 grant probation to or suspend the sentence of a person convicted of violating this
29 section, even if mitigating circumstances exist that would otherwise warrant the
30 granting of probation, if the person violated this section by possessing
31 flunitrazepam, gamma-hydroxybutyrate or any substance for which flunitrazepam
32 or gamma-hydroxybutyrate is an immediate precursor.

33 **Sec. 7.** NRS 453.3383 is hereby amended to read as follows:

34 453.3383 For the purposes of NRS 453.3385 and 453.339, *and section 1.5 of*
35 *this act*, the weight of the controlled substance as represented by the person selling
36 or delivering it is determinative if the weight as represented is greater than the
37 actual weight of the controlled substance.

38 **Sec. 8.** (Deleted by amendment.)

39 **Sec. 9.** NRS 453.3405 is hereby amended to read as follows:

40 453.3405 1. Except as otherwise provided in ~~[subsection]~~ *subsections 2 ~~2~~*
41 *and 4*, the adjudication of guilt and imposition of sentence of a person found guilty
42 of trafficking in a controlled substance in violation of NRS 453.3385 or 453.339 *or*
43 *section 1.5 of this act* must not be suspended and the person is not eligible for
44 parole until the person has actually served the mandatory minimum term of
45 imprisonment prescribed by the section under which the person was convicted.

46 2. The court, upon an appropriate motion, may reduce or suspend the sentence
47 of any person convicted of violating any of the provisions of NRS 453.3385 or
48 453.339 *or section 1.5 of this act* if the court finds that the convicted person
49 rendered substantial assistance in the investigation or prosecution of any offense.
50 The arresting agency must be given an opportunity to be heard before the motion is
51 granted. Upon good cause shown, the motion may be heard in camera.

1 3. Any appropriate reduction or suspension of a sentence pursuant to
2 subsection 2 must be determined by the court, for reasons stated by the court that
3 may include, without limitation, consideration of the following:

4 (a) The court's evaluation of the significance and usefulness of the convicted
5 person's assistance, taking into consideration the prosecuting attorney's evaluation
6 of the assistance rendered;

7 (b) The truthfulness, completeness and reliability of any information or
8 testimony provided by the convicted person;

9 (c) The nature and extent of the convicted person's assistance;

10 (d) Any injury suffered or any danger or risk of injury to the convicted person
11 or his or her family resulting from his or her assistance; and

12 (e) The timeliness of the convicted person's assistance.

13 **4. *The court may suspend the sentence of any person convicted of violating***
14 ***any provision of section 1.5 of this act if the person establishes, by a***
15 ***preponderance of the evidence, that the person did not know that the mixture at***
16 ***issue contained illicitly manufactured fentanyl. If a person convicted of violating***
17 ***any provision of section 1.5 of this act claims that he or she did not know that the***
18 ***mixture at issue contained illicitly manufactured fentanyl, the court shall, at***
19 ***sentencing, make findings of fact and state its reasoning on the record as to***
20 ***whether the person has met the burden of proof pursuant to this subsection.***

21 **Sec. 10.** NRS 453C.150 is hereby amended to read as follows:

22 453C.150 1. Notwithstanding any other provision of law, a person who, in
23 good faith, seeks medical assistance for a person who is experiencing a drug or
24 alcohol overdose or other medical emergency or who seeks such assistance for
25 himself or herself, or who is the subject of a good faith request for such assistance
26 may not be arrested, charged, prosecuted or convicted, or have his or her property
27 subjected to forfeiture, or be otherwise penalized for violating:

28 (a) Except as otherwise provided in subsection 4, ~~the~~ ***section 1.5 of this act or***
29 ***any other*** provision of chapter 453 of NRS relating to:

30 (1) Drug paraphernalia, including, without limitation, NRS 453.554 to
31 453.566, inclusive;

32 (2) Possession, unless it is for the purpose of sale or violates the provisions
33 of NRS 453.3385, subsection 2 of NRS 453.3393 or 453.3405; or

34 (3) Use of a controlled substance, including, without limitation, NRS
35 453.336;

36 (b) A local ordinance as described in NRS 453.3361 that establishes an offense
37 that is similar to an offense set forth in NRS 453.336;

38 (c) A restraining order; or

39 (d) A condition of the person's parole or probation,
40 ➤ if the evidence to support the arrest, charge, prosecution, conviction, seizure or
41 penalty was obtained as a result of the person seeking medical assistance.

42 2. A court, before sentencing a person who has been convicted of a violation
43 of chapter 453 of NRS for which immunity is not provided by this section, shall
44 consider in mitigation any evidence or information that the defendant, in good faith,
45 sought medical assistance for a person who was experiencing a drug or alcohol
46 overdose or other life-threatening emergency in connection with the events that
47 constituted the violation.

48 3. For the purposes of this section, a person seeks medical assistance if the
49 person:

50 (a) Reports a drug or alcohol overdose or other medical emergency to a
51 member of a law enforcement agency, a 911 emergency service, a poison control
52 center, a medical facility or a provider of emergency medical services;

1 (b) Assists another person making such a report;
2 (c) Provides care to a person who is experiencing a drug or alcohol overdose or
3 other medical emergency while awaiting the arrival of medical assistance; or

4 (d) Delivers a person who is experiencing a drug or alcohol overdose or other
5 medical emergency to a medical facility and notifies the appropriate authorities.

6 4. The provisions of this section do not prohibit any governmental entity from
7 taking any actions required or authorized by chapter 432B of NRS relating to the
8 abuse or neglect of a child.

9 5. As used in this section, "drug or alcohol overdose" means a condition,
10 including, without limitation, extreme physical illness, a decreased level of
11 consciousness, respiratory depression, coma, mania or death which is caused by the
12 consumption or use of a controlled substance or alcohol, or another substance with
13 which a controlled substance or alcohol was combined, or that an ordinary
14 layperson would reasonably believe to be a drug or alcohol overdose that requires
15 medical assistance.

16 **Sec. 11.** NRS 179A.075 is hereby amended to read as follows:

17 179A.075 1. The Central Repository for Nevada Records of Criminal
18 History is hereby created within the Records, Communications and Compliance
19 Division of the Department.

20 2. Each agency of criminal justice and any other agency dealing with crime
21 shall:

22 (a) Collect and maintain records, reports and compilations of statistical data
23 required by the Department; and

24 (b) Submit the information collected to the Central Repository:

25 (1) In the manner approved by the Director of the Department; and

26 (2) In accordance with the policies, procedures and definitions of the
27 Uniform Crime Reporting Program of the Federal Bureau of Investigation.

28 3. Each agency of criminal justice shall submit the information relating to
29 records of criminal history that it creates, issues or collects, and any information in
30 its possession relating to the DNA profile of a person from whom a biological
31 specimen is obtained pursuant to NRS 176.09123 or 176.0913, to the Division. The
32 information must be submitted to the Division:

33 (a) Through an electronic network;

34 (b) On a medium of magnetic storage; or

35 (c) In the manner prescribed by the Director of the Department,

36 ↪ within 60 days after the date of the disposition of the case. If an agency has
37 submitted a record regarding the arrest of a person who is later determined by the
38 agency not to be the person who committed the particular crime, the agency shall,
39 immediately upon making that determination, so notify the Division. The Division
40 shall delete all references in the Central Repository relating to that particular arrest.

41 4. Each state and local law enforcement agency shall submit Uniform Crime
42 Reports to the Central Repository:

43 (a) In the manner prescribed by the Director of the Department;

44 (b) In accordance with the policies, procedures and definitions of the Uniform
45 Crime Reporting Program of the Federal Bureau of Investigation; and

46 (c) Within the time prescribed by the Director of the Department.

47 5. The Division shall, in the manner prescribed by the Director of the
48 Department:

49 (a) Collect, maintain and arrange all information submitted to it relating to:

50 (1) Records of criminal history; and

51 (2) The DNA profile of a person from whom a biological specimen is
52 obtained pursuant to NRS 176.09123 or 176.0913.

1 (b) When practicable, use a record of the personal identifying information of a
2 subject as the basis for any records maintained regarding him or her.

3 (c) Upon request, provide, in paper or electronic form, the information that is
4 contained in the Central Repository to the Committee on Domestic Violence
5 appointed pursuant to NRS 228.470 when, pursuant to NRS 228.495, the
6 Committee is reviewing the death of the victim of a crime that constitutes domestic
7 violence pursuant to NRS 33.018.

8 6. The Division may:

9 (a) Disseminate any information which is contained in the Central Repository
10 to any other agency of criminal justice;

11 (b) Enter into cooperative agreements with repositories of the United States
12 and other states to facilitate exchanges of information that may be disseminated
13 pursuant to paragraph (a); and

14 (c) Request of and receive from the Federal Bureau of Investigation
15 information on the background and personal history of any person whose record of
16 fingerprints or other biometric identifier the Central Repository submits to the
17 Federal Bureau of Investigation and:

18 (1) Who has applied to any agency of the State of Nevada or any political
19 subdivision thereof for a license which it has the power to grant or deny;

20 (2) With whom any agency of the State of Nevada or any political
21 subdivision thereof intends to enter into a relationship of employment or a contract
22 for personal services;

23 (3) Who has applied to any agency of the State of Nevada or any political
24 subdivision thereof to attend an academy for training peace officers approved by
25 the Peace Officers' Standards and Training Commission;

26 (4) For whom such information is required or authorized to be obtained
27 pursuant to NRS 62B.270, 62G.223, 62G.353, 424.031, 432A.170, 432B.198,
28 433B.183, 449.123 and 449.4329; or

29 (5) About whom any agency of the State of Nevada or any political
30 subdivision thereof is authorized by law to have accurate personal information for
31 the protection of the agency or the persons within its jurisdiction.

32 7. To request and receive information from the Federal Bureau of
33 Investigation concerning a person pursuant to subsection 6, the Central Repository
34 must receive:

35 (a) The person's complete set of fingerprints for the purposes of:

36 (1) Booking the person into a city or county jail or detention facility;

37 (2) Employment;

38 (3) Contractual services; or

39 (4) Services related to occupational licensing;

40 (b) One or more of the person's fingerprints for the purposes of mobile
41 identification by an agency of criminal justice; or

42 (c) Any other biometric identifier of the person as it may require for the
43 purposes of:

44 (1) Arrest; or

45 (2) Criminal investigation,

46 ➤ from the agency of criminal justice or agency of the State of Nevada or any
47 political subdivision thereof and submit the received data to the Federal Bureau of
48 Investigation for its report.

49 8. The Central Repository shall:

50 (a) Collect and maintain records, reports and compilations of statistical data
51 submitted by any agency pursuant to subsection 2.

1 (b) Tabulate and analyze all records, reports and compilations of statistical data
2 received pursuant to this section.

3 (c) Disseminate to federal agencies engaged in the collection of statistical data
4 relating to crime information which is contained in the Central Repository.

5 (d) Investigate the criminal history of any person who:

6 (1) Has applied to the Superintendent of Public Instruction for the issuance
7 or renewal of a license;

8 (2) Has applied to a county school district, charter school or private school
9 for employment or to serve as a volunteer; or

10 (3) Is employed by or volunteers for a county school district, charter school
11 or private school,

12 and immediately notify the superintendent of each county school district, the
13 governing body of each charter school and the Superintendent of Public Instruction,
14 or the administrator of each private school, as appropriate, if the investigation of the
15 Central Repository indicates that the person has been convicted of a violation of
16 NRS 200.508, 201.230, 453.3385 or 453.339, *or section 1.5 of this act*, or
17 convicted of a felony or any offense involving moral turpitude.

18 (e) Upon discovery, immediately notify the superintendent of each county
19 school district, the governing body of each charter school or the administrator of
20 each private school, as appropriate, by providing the superintendent, governing
21 body or administrator with a list of all persons:

22 (1) Investigated pursuant to paragraph (d); or

23 (2) Employed by or volunteering for a county school district, charter
24 school or private school whose fingerprints were sent previously to the Central
25 Repository for investigation,

26 and who the Central Repository's records indicate have been convicted of a violation
27 of NRS 200.508, 201.230, 453.3385 or 453.339, *or section 1.5 of this act*, or
28 convicted of a felony or any offense involving moral turpitude since the Central
29 Repository's initial investigation. The superintendent of each county school district,
30 the governing body of a charter school or the administrator of each private school,
31 as applicable, shall determine whether further investigation or action by the district,
32 charter school or private school, as applicable, is appropriate.

33 (f) Investigate the criminal history of each person who submits one or more
34 fingerprints or other biometric identifier or has such data submitted pursuant to
35 NRS 62B.270, 62G.223, 62G.353, 424.031, 432A.170, 432B.198, 433B.183,
36 449.122, 449.123 or 449.4329.

37 (g) Provide an electronic means to access on the Central Repository's Internet
38 website statistical data relating to crime.

39 (h) Provide an electronic means to access on the Central Repository's Internet
40 website statistical data about domestic violence in this State.

41 (i) Identify and review the collection and processing of statistical data relating
42 to criminal justice by any agency identified in subsection 2 and make
43 recommendations for any necessary changes in the manner of collecting and
44 processing statistical data by any such agency.

45 (j) Adopt regulations governing biometric identifiers and the information and
46 data derived from biometric identifiers, including, without limitation:

47 (1) Their collection, use, safeguarding, handling, retention, storage,
48 dissemination and destruction; and

49 (2) The methods by which a person may request the removal of his or her
50 biometric identifiers from the Central Repository and any other agency where his or
51 her biometric identifiers have been stored.

52 9. The Central Repository may:

1 (a) In the manner prescribed by the Director of the Department, disseminate
2 compilations of statistical data and publish statistical reports relating to crime.

3 (b) Charge a reasonable fee for any publication or special report it distributes
4 relating to data collected pursuant to this section. The Central Repository may not
5 collect such a fee from an agency of criminal justice or any other agency dealing
6 with crime which is required to submit information pursuant to subsection 2. All
7 money collected pursuant to this paragraph must be used to pay for the cost of
8 operating the Central Repository.

9 (c) In the manner prescribed by the Director of the Department, use electronic
10 means to receive and disseminate information contained in the Central Repository
11 that it is authorized to disseminate pursuant to the provisions of this chapter.

12 10. As used in this section:

13 (a) "Mobile identification" means the collection, storage, transmission,
14 reception, search, access or processing of a biometric identifier using a handheld
15 device.

16 (b) "Personal identifying information" means any information designed,
17 commonly used or capable of being used, alone or in conjunction with any other
18 information, to identify a person, including, without limitation:

19 (1) The name, driver's license number, social security number, date of
20 birth and photograph or computer-generated image of a person; and

21 (2) A biometric identifier of a person.

22 (c) "Private school" has the meaning ascribed to it in NRS 394.103.

23 **Sec. 12.** NRS 207.360 is hereby amended to read as follows:

24 207.360 "Crime related to racketeering" means the commission of, attempt to
25 commit or conspiracy to commit any of the following crimes:

26 1. Murder;

27 2. Manslaughter, except vehicular manslaughter as described in NRS
28 484B.657;

29 3. Mayhem;

30 4. Battery which is punished as a felony;

31 5. Kidnapping;

32 6. Sexual assault;

33 7. Arson;

34 8. Robbery;

35 9. Taking property from another under circumstances not amounting to
36 robbery;

37 10. Extortion;

38 11. Statutory sexual seduction;

39 12. Extortionate collection of debt in violation of NRS 205.322;

40 13. Forgery, including, without limitation, forgery of a credit card or debit
41 card in violation of NRS 205.740;

42 14. Obtaining and using personal identifying information of another person in
43 violation of NRS 205.463;

44 15. Establishing or possessing a financial forgery laboratory in violation of
45 NRS 205.46513;

46 16. Any violation of NRS 199.280 which is punished as a felony;

47 17. Burglary;

48 18. Grand larceny;

49 19. Bribery or asking for or receiving a bribe in violation of chapter 197 or
50 199 of NRS which is punished as a felony;

51 20. Battery with intent to commit a crime in violation of NRS 200.400;

52 21. Assault with a deadly weapon;

22. Any violation of NRS 453.232, 453.316 to 453.339, inclusive, *and sections 1.5 and 1.7 of this act*, or NRS 453.375 to 453.401, inclusive;
23. Receiving or transferring a stolen vehicle;
24. Any violation of NRS 202.260, 202.275 or 202.350 which is punished as a felony;
25. Any violation of subsection 2 or 3 of NRS 463.360 or chapter 465 of NRS;
26. Receiving, possessing or withholding stolen goods valued at \$650 or more;
27. Embezzlement of money or property valued at \$650 or more;
28. Obtaining possession of money or property valued at \$650 or more, or obtaining a signature by means of false pretenses;
29. Perjury or subornation of perjury;
30. Offering false evidence;
31. Any violation of NRS 201.300, 201.320, 201.360 or 201.395;
32. Any violation of NRS 90.570, 91.230 or 686A.290, or insurance fraud pursuant to NRS 686A.291;
33. Any violation of NRS 205.506, 205.920 or 205.930;
34. Any violation of NRS 202.445 or 202.446;
35. Any violation of NRS 205.377;
36. Involuntary servitude in violation of any provision of NRS 200.463 or 200.464 or a violation of any provision of NRS 200.465; or
37. Trafficking in persons in violation of any provision of NRS 200.467 or 200.468.

Sec. 12.3. Chapter 209 of NRS is hereby amended by adding thereto a new section to read as follows:

1. To the extent that money is available, the Director shall, with the approval of the Board, establish a program of treatment for offenders with a substance use disorder using medication-assisted treatment.

2. The program established pursuant to subsection 1 must:

(a) Provide each eligible offender who participates in the program with appropriate medication-assisted treatment for the period in which the offender is incarcerated; and

(b) Require that all decisions regarding the type, dosage or duration of any medication administered to an eligible offender as part of his or her medication-assisted treatment be made by a treating physician and the eligible offender.

3. Except as otherwise provided in this section, any offender who the Director has determined has a substance use disorder for which a medication-assisted treatment exists and who meets any reasonable conditions imposed by the Director pursuant to subsection 4 is eligible to participate in the program established pursuant to subsection 1 and must be offered the opportunity to participate. If an offender received medication-assisted treatment immediately preceding his or her incarceration, the offender is eligible to continue that medication-assisted treatment as a participant in the program. Participation in the program must be voluntary.

4. Except as otherwise provided in this subsection, the Director may impose reasonable conditions for an offender to be eligible to participate in the program established pursuant to subsection 1 and to continue his or her participation in the program. The Director shall not deny an offender the ability to participate in the program or terminate the participation of an offender in the program on the basis that:

1 (a) *The results of a screening test administered to the offender upon the*
2 *commencement of his or her incarceration or upon the commencement of his or*
3 *her participation in the program indicated the presence of a controlled substance;*
4 *or*

5 (b) *The offender committed an infraction of the rules of the institution or*
6 *facility before or during the participation of the offender in the program.*

7 5. *An offender who participates in the program established pursuant to*
8 *subsection 1 is not subject to discipline on the basis that the results of a screening*
9 *test administered to the offender during his or her participation in the program*
10 *indicated the presence of a controlled substance.*

11 6. *As used in this section, "medication-assisted treatment" means treatment*
12 *for a substance use disorder using medication approved by the United States*
13 *Food and Drug Administration for that purpose.*

14 **Sec. 12.7.** Chapter 211 of NRS is hereby amended by adding thereto a new
15 section to read as follows:

16 1. *To the extent that money is available, a sheriff, chief of police or town*
17 *marshal who is responsible for a county, city or town jail or detention facility*
18 *shall establish a program to provide for the treatment of prisoners with a*
19 *substance use disorder using medication-assisted treatment.*

20 2. *The program established pursuant to subsection 1 must:*

21 (a) *Provide each eligible prisoner who participates in the program with*
22 *appropriate medication-assisted treatment for the period in which the prisoner is*
23 *incarcerated; and*

24 (b) *Require that all decisions regarding the type, dosage or duration of any*
25 *medication administered to an eligible prisoner as part of his or her medication-*
26 *assisted treatment be made by a treating physician and the eligible prisoner.*

27 3. *Except as otherwise provided in this section, any prisoner who the*
28 *sheriff, chief of police or town marshal has determined has a substance use*
29 *disorder for which a medication-assisted treatment exists and who meets any*
30 *reasonable conditions imposed by the sheriff, chief of police or town marshal*
31 *pursuant to subsection 4 is eligible to participate in the program established*
32 *pursuant to subsection 1 and must be offered the opportunity to participate. If a*
33 *prisoner received medication-assisted treatment immediately preceding his or her*
34 *incarceration, the prisoner is eligible to continue that medication-assisted*
35 *treatment as a participant in the program. Participation in the program must be*
36 *voluntary.*

37 4. *Except as otherwise provided in this subsection, the sheriff, chief of*
38 *police or town marshal may impose reasonable conditions for a prisoner to be*
39 *eligible to participate in the program established pursuant to subsection 1 and to*
40 *continue his or her participation in the program. The sheriff, chief of police or*
41 *town marshal shall not deny a prisoner the ability to participate in the program or*
42 *terminate the participation of a prisoner in the program on the basis that:*

43 (a) *The results of a screening test administered to the prisoner upon the*
44 *commencement of his or her incarceration or upon the commencement of his or*
45 *her participation in the program indicated the presence of a controlled substance;*
46 *or*

47 (b) *The prisoner committed an infraction of the rules of the county, city or*
48 *town jail or detention facility before or during the participation of the prisoner in*
49 *the program.*

50 5. *A prisoner who participates in the program established pursuant to*
51 *subsection 1 is not subject to discipline on the basis that the results of a screening*

1 *test administered to the prisoner during his or her participation in the program*
2 *indicated the presence of a controlled substance.*

3 *6. As used in this section, “medication-assisted treatment” means treatment*
4 *for a substance use disorder using medication approved by the United States*
5 *Food and Drug Administration for that purpose.*

6 **Sec. 13.** NRS 391.650 is hereby amended to read as follows:

7 391.650 As used in NRS 391.650 to 391.826, inclusive, unless the context
8 otherwise requires:

9 1. “Administrator” means any employee who holds a license as an
10 administrator and who is employed in that capacity by a school district.

11 2. “Board” means the board of trustees of the school district in which a
12 licensed employee affected by NRS 391.650 to 391.826, inclusive, is employed.

13 3. “Demotion” means demotion of an administrator to a position of lesser
14 rank, responsibility or pay and does not include transfer or reassignment for
15 purposes of an administrative reorganization.

16 4. “Immorality” means:

17 (a) An act forbidden by NRS 200.366, 200.368, 200.400, 200.508, 201.180,
18 201.190, 201.210, 201.220, 201.230, 201.265, 201.540, 201.560, 207.260, 453.316
19 to 453.336, inclusive, except an act forbidden by NRS 453.337, 453.338, 453.3385
20 to 453.3405, inclusive, *and section 1.5 of this act*, 453.560 or 453.562; or

21 (b) An act forbidden by NRS 201.540 or any other sexual conduct or attempted
22 sexual conduct with a pupil enrolled in an elementary or secondary school. As used
23 in this paragraph, “sexual conduct” has the meaning ascribed to it in NRS 201.520.

24 5. “Postprobationary employee” means an administrator or a teacher who has
25 completed the probationary period as provided in NRS 391.820 and has been given
26 notice of reemployment. The term does not include a person who is deemed to be a
27 probationary employee pursuant to NRS 391.730.

28 6. “Probationary employee” means:

29 (a) An administrator or a teacher who is employed for the period set forth in
30 NRS 391.820; and

31 (b) A person who is deemed to be a probationary employee pursuant to NRS
32 391.730.

33 7. “Superintendent” means the superintendent of a school district or a person
34 designated by the board or superintendent to act as superintendent during the
35 absence of the superintendent.

36 8. “Teacher” means a licensed employee the majority of whose working time
37 is devoted to the rendering of direct educational service to pupils of a school
38 district.

39 **Sec. 14.** 1. The Joint Interim Standing Committee on the Judiciary shall
40 conduct a study during the 2023-2024 interim concerning the possible upgrading of
41 forensic laboratories in this State to enable such laboratories to perform quantitative
42 testing involving controlled substances. The study must include, without limitation,
43 an analysis of:

44 (a) The costs and benefits of performing such upgrades; and

45 (b) The impact of such upgrades on this State.

46 2. The Committee shall include its finding and recommendations for
47 legislation relating to the study in the report required by subsection 4 of NRS
48 218E.330 to be prepared and submitted to the Director of the Legislative Counsel
49 Bureau for transmittal to the 83rd Session of the Legislature.

50 **Sec. 15.** Notwithstanding the provisions of section 1.8 of this act, each law
51 enforcement agency and the Nevada Sentencing Commission shall submit to the
52 Joint Interim Standing Committee on the Judiciary the first report required by that

1 section on or before March 1, 2024. For the purposes of the first report submitted
2 by an agency pursuant to this section, any reference in section 1.8 of this act to the
3 period since the last report shall be deemed to refer to the period beginning on
4 October 1, 2023, and ending on the date on which the first report is submitted by
5 the agency.

6 **Sec. 16.** The provisions of subsection 1 of NRS 218D.380 do not apply to
7 any provision of this act which adds or revises a requirement to submit a report to
8 the Legislature.