

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 any mixture which contains illicitly manufactured 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:**

1 Existing law provides that a person who knowingly or intentionally sells,  
2 manufactures, delivers or brings into this State or is knowingly or intentionally in  
3 actual or constructive possession of a schedule I controlled substance, other than  
4 marijuana, a schedule II controlled substance or certain other controlled substances  
5 is guilty of: (1) low-level trafficking if the quantity of the controlled substance is  
6 100 grams or more but less than 400 grams; and (2) high-level trafficking if the  
7 quantity of the controlled substance is 400 grams or more. A person who commits



8 the crime of: (1) low-level trafficking is guilty of a category B felony and subject to  
9 certain prescribed penalties; and (2) high-level trafficking is guilty of a category A  
10 felony and subject to certain prescribed penalties. (NRS 453.3385)

11 Existing regulations of the State Board of Pharmacy include fentanyl in the list  
12 of controlled substances in schedule II and various derivatives of fentanyl in the list  
13 of controlled substances in schedule I. (NAC 453.510, as amended by LCB File No.  
14 R023-21, NAC 453.520) **Section 1.5** of this bill establishes the crimes of  
15 trafficking and high-level trafficking in any mixture which contains illicitly  
16 manufactured fentanyl. Under **section 1.5**, a person who knowingly or intentionally  
17 sells, manufactures, delivers or brings into this State or is knowingly or  
18 intentionally in actual or constructive possession of any mixture which contains  
19 illicitly manufactured 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  
21 quantity involved is 42 grams or more but less than 100 grams. Under **section 1.5**, a  
22 person who commits the crime of trafficking or high-level trafficking is guilty of a  
23 category B felony and subject to certain prescribed penalties.

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

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

36 **Sections 3, 4, 7, 9-12 and 13** of this bill add references to **section 1.5** so that  
37 the crimes of trafficking and high-level trafficking in any mixture which contains  
38 illicitly manufactured fentanyl are treated the same as the crimes of low-level and  
39 high-level trafficking involving schedule I controlled substances, other than  
40 marijuana, and schedule II controlled substances for certain purposes. **Section 12**  
41 adds a reference to **section 1.7** so that the crime of intentional misrepresentation of  
42 a fentanyl product is treated the same as the crime of selling other controlled  
43 substances for certain purposes.

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

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



62 Existing law requires the Director of the Department of Corrections to establish  
63 one or more programs of treatment for offenders with substance use or co-occurring  
64 disorders who have been sentenced to imprisonment in the state prison. (NRS  
65 209.4236, 209.425) Existing law additionally provides that the treatment of a  
66 prisoner in a local jail or detention facility who has a substance use disorder may  
67 include medication-assisted treatment. (NRS 211.140) **Section 12.3** of this bill  
68 requires the Director, to the extent that money is available, to establish a program to  
69 provide for the treatment of offenders with a substance use disorder using  
70 medication-assisted treatment. **Section 12.3** requires: (1) the program to provide  
71 each eligible offender who participates in the program with appropriate medication-  
72 assisted treatment for the period in which the offender is incarcerated; and (2) each  
73 offender who the Director has determined has a substance use disorder for which a  
74 medication-assisted treatment exists and who meets any reasonable conditions  
75 imposed by the Director to be deemed eligible to participate in the program and  
76 offered the opportunity to participate. **Section 12.3** prohibits the Director from  
77 denying an offender the ability to participate in the program or terminating his or  
78 her participation in the program for certain reasons. Finally, **section 12.3** provides  
79 that an offender who participates in the program is not subject to discipline on the  
80 basis that the results of a screening test administered to the offender indicated the  
81 presence of a controlled substance. **Section 12.7** of this bill requires, to the extent  
82 that money is available, a sheriff, chief of police or town marshal who is  
83 responsible for a county, city or town jail or detention facility to establish a  
84 program similar to that set forth in **section 12.3** to provide for the treatment of  
85 prisoners with a substance use disorder using medication-assisted treatment.

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

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

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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 sections 1.5, 1.7 and 1.8 of this  
3 act.

4 **Sec. 1.5.** *Except as otherwise authorized by the provisions of*  
5 *NRS 453.011 to 453.552, inclusive, a person who knowingly or*  
6 *intentionally sells, manufactures, delivers or brings into this State*  
7 *or who is knowingly or intentionally in actual or constructive*  
8 *possession of any mixture which contains illicitly manufactured*



1 *fantanyl, unless a greater penalty is provided pursuant to NRS*  
2 *453.322, if the quantity involved:*

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

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

12 **Sec. 1.7.** *Unless a greater penalty is provided pursuant to*  
13 *NRS 453.333 or 453.334, a person who sells to another person a*  
14 *mixture containing fantanyl and another controlled substance and*  
15 *who:*

16 1. *Knows that the mixture contains fantanyl; and*

17 2. *Intentionally fails to inform the purchaser that the mixture*  
18 *contains fantanyl,*

19 *↪ is guilty of intentional misrepresentation of a fantanyl product*  
20 *and shall be punished for a category B felony by imprisonment in*  
21 *the state prison for a minimum term of not less than 2 years and a*  
22 *maximum term of not more than 20 years and by a fine of not*  
23 *more than \$50,000.*

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

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

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

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

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

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

43 (4) *The disposition of the case, including, without*  
44 *limitation, any sentence imposed on the person;*



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

3           (I) *Whether the person has successfully completed the*  
4 *suspended sentence or probation; and*

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

8           (6) *Whether the court ordered the person to complete*  
9 *treatment for a substance use disorder and, if so, the type of*  
10 *treatment so ordered;*

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

18          (d) *Any significant developments in the period since the last*  
19 *report concerning any program of treatment implemented for the*  
20 *treatment of persons incarcerated in the state prison or any*  
21 *county, city or town jail or detention facility or other correctional*  
22 *facility in this State who have a substance use disorder using*  
23 *medication-assisted treatment and other appropriate withdrawal*  
24 *management care.*

25          2. *As used in this section, “law enforcement agency” means*  
26 *an agency, office or bureau of this State or a political subdivision*  
27 *of this State, the primary duty of which is to enforce the law.*

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

29          453.321 1. Except as authorized by the provisions of NRS  
30 453.011 to 453.552, inclusive, it is unlawful for a person to:

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

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

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

37          2. Unless a greater penalty is provided in NRS 453.333 or  
38 453.334, *or section 1.7 of this act*, if a person violates subsection 1  
39 and the controlled substance is classified in schedule I or II, the  
40 person shall be punished:

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

43          (b) For a second offense, or if, in the case of a first conviction  
44 under this subsection, the offender has previously been convicted of  
45 an offense under this section or of any offense under the laws of the



1 United States or any state, territory or district which, if committed in  
2 this State, would amount to an offense under this section, for a  
3 category B felony by imprisonment in the state prison for a  
4 minimum term of not less than 2 years and a maximum term of not  
5 more than 10 years, and may be further punished by a fine of not  
6 more than \$20,000.

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

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

19 4. Unless a greater penalty is provided in NRS 453.333 or  
20 453.334, if a person violates subsection 1, and the controlled  
21 substance is classified in schedule III, IV or V, the person shall be  
22 punished:

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

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

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

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



1       **Sec. 2.** NRS 453.322 is hereby amended to read as follows:  
2       453.322 1. Except as authorized by the provisions of NRS  
3       453.011 to 453.552, inclusive, it is unlawful for a person to  
4       knowingly or intentionally:

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

7       (b) Possess, with the intent to manufacture or compound a  
8       controlled substance other than marijuana, or sell, exchange, barter,  
9       supply, prescribe, dispense or give away, with the intent that the  
10      chemical be used to manufacture or compound a controlled  
11      substance other than marijuana:

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

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

20      ↪ The provisions of this paragraph do not apply to a person who,  
21      without the intent to commit an unlawful act, possesses any  
22      chemical at a laboratory that is licensed to store the chemical.

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

25      2. Unless a greater penalty is provided in subsection 3 or NRS  
26      453.3385, *or section 1.5 of this act*, a person who violates any  
27      provision of subsection 1 is guilty of a category B felony and shall  
28      be punished by imprisonment in the state prison for a minimum  
29      term of not less than 3 years and a maximum term of not more than  
30      15 years, and may be further punished by a fine of not more than  
31      \$100,000.

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

40      4. The court shall not grant probation to a person convicted  
41      pursuant to this section.

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

44      (a) Acetic anhydride.

45      (b) Acetone.



- 1 (c) N-Acetylanthranilic acid, its esters and its salts.
- 2 (d) Anthranilic acid, its esters and its salts.
- 3 (e) Benzaldehyde, its salts, isomers and salts of isomers.
- 4 (f) Benzyl chloride.
- 5 (g) Benzyl cyanide.
- 6 (h) 1,4-Butanediol.
- 7 (i) 2-Butanone (or methyl ethyl ketone or MEK).
- 8 (j) Ephedrine, its salts, isomers and salts of isomers.
- 9 (k) Ergonovine and its salts.
- 10 (l) Ergotamine and its salts.
- 11 (m) Ethylamine, its salts, isomers and salts of isomers.
- 12 (n) Ethyl ether.
- 13 (o) Gamma butyrolactone.
- 14 (p) Hydriodic acid, its salts, isomers and salts of isomers.
- 15 (q) Hydrochloric gas.
- 16 (r) Iodine.
- 17 (s) Isosafrole, its salts, isomers and salts of isomers.
- 18 (t) Lithium metal.
- 19 (u) Methylamine, its salts, isomers and salts of isomers.
- 20 (v) 3,4-Methylenedioxy-phenyl-2-propanone.
- 21 (w) N-Methylephedrine, its salts, isomers and salts of isomers.
- 22 (x) Methyl isobutyl ketone (MIBK).
- 23 (y) N-Methylpseudoephedrine, its salts, isomers and salts of
- 24 isomers.
- 25 (z) Nitroethane, its salts, isomers and salts of isomers.
- 26 (aa) Norpseudoephedrine, its salts, isomers and salts of isomers.
- 27 (bb) Phenylacetic acid, its esters and its salts.
- 28 (cc) Phenylpropanolamine, its salts, isomers and salts of
- 29 isomers.
- 30 (dd) Piperidine and its salts.
- 31 (ee) Piperonal, its salts, isomers and salts of isomers.
- 32 (ff) Potassium permanganate.
- 33 (gg) Propionic anhydride, its salts, isomers and salts of isomers.
- 34 (hh) Pseudoephedrine, its salts, isomers and salts of isomers.
- 35 (ii) Red phosphorous.
- 36 (jj) Safrole, its salts, isomers and salts of isomers.
- 37 (kk) Sodium metal.
- 38 (ll) Sulfuric acid.
- 39 (mm) Toluene.

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

41 453.333 If the death of a person is proximately caused by a  
42 controlled substance which was sold, given, traded or otherwise  
43 made available to him or her by another person in violation of this  
44 chapter, the person who sold, gave or traded or otherwise made the  
45 substance available to him or her is guilty of murder. If convicted of





1 murder in the second degree, the person is guilty of a category A  
2 felony and shall be punished as provided in subsection 5 of NRS  
3 200.030. If convicted of murder in the first degree, the person is  
4 guilty of a category A felony and shall be punished as provided in  
5 subsection 4 of NRS 200.030, except that the punishment of death  
6 may be imposed only if the requirements of paragraph (a) of  
7 subsection 4 of that section have been met and if the defendant is or  
8 has previously been convicted of violating NRS 453.3385 or  
9 453.339 *or section 1.5 of this act* or a law of any other jurisdiction  
10 which prohibits the same conduct.

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

12 453.3353 1. Unless a greater penalty is provided by law, and  
13 except as otherwise provided in this section and NRS 193.169, if:

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

17 (b) During the discovery or cleanup of the premises at, on or in  
18 which the controlled substance was manufactured or compounded,  
19 another person suffers substantial bodily harm other than death as  
20 the proximate result of the manufacturing or compounding of the  
21 controlled substance,

22 ➤ the person who committed the offense shall be punished by  
23 imprisonment in the state prison for a term equal to and in addition  
24 to the term of imprisonment prescribed by statute for the offense.  
25 The sentence prescribed by this subsection runs consecutively with  
26 the sentence prescribed by statute for the offense.

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

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

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

36 ➤ the offense shall be deemed a category A felony and the person  
37 who committed the offense shall be punished by imprisonment in  
38 the state prison:

39 (1) For life without the possibility of parole;

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

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

44 3. Subsection 1 does not create a separate offense but provides  
45 an additional penalty for the primary offense, the imposition of



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

5 4. As used in this section:

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

7 (b) "Premises" means:

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

12 (2) Any conveyance, including, without limitation, any  
13 vessel, boat, vehicle, airplane, glider, house trailer, travel trailer,  
14 motor home or railroad car,

15 ➔ whether located aboveground or underground and whether  
16 inhabited or not.

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

18 453.336 1. Except as otherwise provided in subsection 6, a  
19 person shall not knowingly or intentionally possess a controlled  
20 substance, unless the substance was obtained directly from, or  
21 pursuant to, a prescription or order of a physician, physician  
22 assistant licensed pursuant to chapter 630 or 633 of NRS, dentist,  
23 podiatric physician, optometrist, advanced practice registered nurse  
24 or veterinarian while acting in the course of his or her professional  
25 practice, or except as otherwise authorized by the provisions of NRS  
26 453.005 to 453.552, inclusive.

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

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

39 (b) For a third or subsequent offense, if the controlled substance  
40 is listed in schedule I or II, and the quantity possessed is less than 14  
41 grams, or if the controlled substance is listed in schedule III, IV or V  
42 and the quantity possessed is less than 28 grams, or if the offender  
43 has previously been convicted two or more times in the aggregate of  
44 any violation of the law of the United States or of any state, territory  
45 or district relating to a controlled substance, is guilty of possession



1 of a controlled substance and shall be punished for a category D  
2 felony as provided in NRS 193.130, and may be further punished by  
3 a fine of not more than \$20,000.

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

10 (d) If the controlled substance is listed in schedule I or II and the  
11 quantity possessed is 28 grams or more, but less than 42 grams, or if  
12 the controlled substance is listed in schedule III, IV or V and the  
13 quantity possessed is 200 grams or more, is guilty of mid-level  
14 possession of a controlled substance and shall be punished for a  
15 category B felony by imprisonment in the state prison for a  
16 minimum term of not less than 1 year and a maximum term of not  
17 more than 10 years and by a fine of not more than \$50,000.

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

24 3. Unless a greater penalty is provided in NRS 212.160,  
25 453.337 or 453.3385, a person who is convicted of the possession of  
26 flunitrazepam or gamma-hydroxybutyrate, or any substance for  
27 which flunitrazepam or gamma-hydroxybutyrate is an immediate  
28 precursor, is guilty of a category B felony and shall be punished by  
29 imprisonment in the state prison for a minimum term of not less  
30 than 1 year and a maximum term of not more than 6 years.

31 4. Unless a greater penalty is provided pursuant to NRS  
32 212.160, a person who is convicted of the possession of 1 ounce or  
33 less of marijuana is guilty of a misdemeanor and shall be punished  
34 by:

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

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

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

41 ➤ or any combination thereof.

42 5. Unless a greater penalty is provided pursuant to NRS  
43 212.160, a person who is convicted of the possession of more than 1  
44 ounce, but less than 50 pounds, of marijuana or more than one-  
45 eighth of an ounce, but less than one pound, of concentrated



1 cannabis is guilty of a category E felony and shall be punished as  
2 provided in NRS 193.130.

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

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

9 8. If a person fulfills the terms and conditions imposed for a  
10 violation of subsection 4, the court shall, without a hearing, order  
11 sealed all documents, papers and exhibits in that person's record,  
12 minute book entries and entries on dockets, and other documents  
13 relating to the case in the custody of such other agencies and  
14 officers as are named in the court's order. The court shall cause a  
15 copy of the order to be sent to each agency or officer named in the  
16 order. Each such agency or officer shall notify the court in writing  
17 of its compliance with the order.

18 9. As used in this section:

19 (a) "Controlled substance" includes flunitrazepam, gamma-  
20 hydroxybutyrate and each substance for which flunitrazepam or  
21 gamma-hydroxybutyrate is an immediate precursor.

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

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

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

26 453.337 1. Except as otherwise authorized by the provisions  
27 of NRS 453.011 to 453.552, inclusive, it is unlawful for a person to  
28 possess for the purpose of sale flunitrazepam, gamma-  
29 hydroxybutyrate, any substance for which flunitrazepam or gamma-  
30 hydroxybutyrate is an immediate precursor or any controlled  
31 substance classified in schedule I or II.

32 2. Unless a greater penalty is provided in NRS 453.3385 or  
33 453.339, *or section 1.5 of this act*, a person who violates this  
34 section shall be punished:

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

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

44 (c) For a third or subsequent offense, or if the offender has  
45 previously been convicted two or more times of a felony under the



1 Uniform Controlled Substances Act or of any offense under the laws  
2 of the United States or any state, territory or district which, if  
3 committed in this State, would amount to a felony under the  
4 Uniform Controlled Substances Act, for a category B felony by  
5 imprisonment in the state prison for a minimum term of not less  
6 than 3 years and a maximum term of not more than 15 years, and  
7 may be further punished by a fine of not more than \$20,000 for each  
8 offense.

9 3. Except as otherwise provided in this subsection, unless  
10 mitigating circumstances exist that warrant the granting of  
11 probation, the court shall not grant probation to or suspend the  
12 sentence of a person convicted of violating this section and  
13 punishable pursuant to paragraph (b) or (c) of subsection 2. The  
14 court shall not grant probation to or suspend the sentence of a  
15 person convicted of violating this section, even if mitigating  
16 circumstances exist that would otherwise warrant the granting of  
17 probation, if the person violated this section by possessing  
18 flunitrazepam, gamma-hydroxybutyrate or any substance for which  
19 flunitrazepam or gamma-hydroxybutyrate is an immediate  
20 precursor.

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

22 453.3383 For the purposes of NRS 453.3385 and 453.339, *and*  
23 *section 1.5 of this act*, the weight of the controlled substance as  
24 represented by the person selling or delivering it is determinative if  
25 the weight as represented is greater than the actual weight of the  
26 controlled substance.

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

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

29 453.3405 1. Except as otherwise provided in ~~[subsection]~~  
30 *subsections 2 [and] and 4*, the adjudication of guilt and imposition of  
31 sentence of a person found guilty of trafficking in a controlled  
32 substance in violation of NRS 453.3385 or 453.339 *or section 1.5 of*  
33 *this act* must not be suspended and the person is not eligible for  
34 parole until the person has actually served the mandatory minimum  
35 term of imprisonment prescribed by the section under which the  
36 person was convicted.

37 2. The court, upon an appropriate motion, may reduce or  
38 suspend the sentence of any person convicted of violating any of the  
39 provisions of NRS 453.3385 or 453.339 *or section 1.5 of this act* if  
40 the court finds that the convicted person rendered substantial  
41 assistance in the investigation or prosecution of any offense. The  
42 arresting agency must be given an opportunity to be heard before the  
43 motion is granted. Upon good cause shown, the motion may be  
44 heard in camera.



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

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

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

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

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

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

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

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

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

34 (a) Except as otherwise provided in subsection 4, ***fa} section 1.5***  
35 ***of this act or any other*** provision of chapter 453 of NRS relating to:

36 (1) Drug paraphernalia, including, without limitation, NRS  
37 453.554 to 453.566, inclusive;

38 (2) Possession, unless it is for the purpose of sale or violates  
39 the provisions of NRS 453.3385, subsection 2 of NRS 453.3393 or  
40 453.3405; or

41 (3) Use of a controlled substance, including, without  
42 limitation, NRS 453.336;

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



1 (c) A restraining order; or  
2 (d) A condition of the person's parole or probation,  
3 ↪ if the evidence to support the arrest, charge, prosecution,  
4 conviction, seizure or penalty was obtained as a result of the person  
5 seeking medical assistance.

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

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

15 (a) Reports a drug or alcohol overdose or other medical  
16 emergency to a member of a law enforcement agency, a 911  
17 emergency service, a poison control center, a medical facility or a  
18 provider of emergency medical services;

19 (b) Assists another person making such a report;

20 (c) Provides care to a person who is experiencing a drug or  
21 alcohol overdose or other medical emergency while awaiting the  
22 arrival of medical assistance; or

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

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

29 5. As used in this section, "drug or alcohol overdose" means a  
30 condition, including, without limitation, extreme physical illness, a  
31 decreased level of consciousness, respiratory depression, coma,  
32 mania or death which is caused by the consumption or use of a  
33 controlled substance or alcohol, or another substance with which a  
34 controlled substance or alcohol was combined, or that an ordinary  
35 layperson would reasonably believe to be a drug or alcohol overdose  
36 that requires medical assistance.

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

38 179A.075 1. The Central Repository for Nevada Records of  
39 Criminal History is hereby created within the Records,  
40 Communications and Compliance Division of the Department.

41 2. Each agency of criminal justice and any other agency  
42 dealing with crime shall:

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

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



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

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

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

12 (a) Through an electronic network;

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

14 (c) In the manner prescribed by the Director of the Department,  
15 ➔ within 60 days after the date of the disposition of the case. If an  
16 agency has submitted a record regarding the arrest of a person who  
17 is later determined by the agency not to be the person who  
18 committed the particular crime, the agency shall, immediately upon  
19 making that determination, so notify the Division. The Division  
20 shall delete all references in the Central Repository relating to that  
21 particular arrest.

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

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

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

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

30 5. The Division shall, in the manner prescribed by the Director  
31 of the Department:

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

34 (1) Records of criminal history; and

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

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

40 (c) Upon request, provide, in paper or electronic form, the  
41 information that is contained in the Central Repository to the  
42 Committee on Domestic Violence appointed pursuant to NRS  
43 228.470 when, pursuant to NRS 228.495, the Committee is  
44 reviewing the death of the victim of a crime that constitutes  
45 domestic violence pursuant to NRS 33.018.





1 6. The Division may:

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

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

7 (c) Request of and receive from the Federal Bureau of  
8 Investigation information on the background and personal history of  
9 any person whose record of fingerprints or other biometric identifier  
10 the Central Repository submits to the Federal Bureau of  
11 Investigation and:

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

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

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

22 (4) For whom such information is required or authorized to  
23 be obtained pursuant to NRS 62B.270, 62G.223, 62G.353, 424.031,  
24 432A.170, 432B.198, 433B.183, 449.123 and 449.4329; or

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

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

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

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

35 (2) Employment;

36 (3) Contractual services; or

37 (4) Services related to occupational licensing;

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

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

42 (1) Arrest; or

43 (2) Criminal investigation,



1 ↪ from the agency of criminal justice or agency of the State of  
2 Nevada or any political subdivision thereof and submit the received  
3 data to the Federal Bureau of Investigation for its report.

4 8. The Central Repository shall:

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

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

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

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

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

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

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

19 ↪ and immediately notify the superintendent of each county school  
20 district, the governing body of each charter school and the  
21 Superintendent of Public Instruction, or the administrator of each  
22 private school, as appropriate, if the investigation of the Central  
23 Repository indicates that the person has been convicted of a  
24 violation of NRS 200.508, 201.230, 453.3385 or 453.339, *or section*  
25 *1.5 of this act*, or convicted of a felony or any offense involving  
26 moral turpitude.

27 (e) Upon discovery, immediately notify the superintendent of  
28 each county school district, the governing body of each charter  
29 school or the administrator of each private school, as appropriate, by  
30 providing the superintendent, governing body or administrator with  
31 a list of all persons:

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

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

36 ↪ who the Central Repository's records indicate have been  
37 convicted of a violation of NRS 200.508, 201.230, 453.3385 or  
38 453.339, *or section 1.5 of this act*, or convicted of a felony or any  
39 offense involving moral turpitude since the Central Repository's  
40 initial investigation. The superintendent of each county school  
41 district, the governing body of a charter school or the administrator  
42 of each private school, as applicable, shall determine whether  
43 further investigation or action by the district, charter school or  
44 private school, as applicable, is appropriate.



1 (f) Investigate the criminal history of each person who submits  
2 one or more fingerprints or other biometric identifier or has such  
3 data submitted pursuant to NRS 62B.270, 62G.223, 62G.353,  
4 424.031, 432A.170, 432B.198, 433B.183, 449.122, 449.123 or  
5 449.4329.

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

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

11 (i) Identify and review the collection and processing of  
12 statistical data relating to criminal justice by any agency identified  
13 in subsection 2 and make recommendations for any necessary  
14 changes in the manner of collecting and processing statistical data  
15 by any such agency.

16 (j) Adopt regulations governing biometric identifiers and the  
17 information and data derived from biometric identifiers, including,  
18 without limitation:

19 (1) Their collection, use, safeguarding, handling, retention,  
20 storage, dissemination and destruction; and

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

25 9. The Central Repository may:

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

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

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

40 10. As used in this section:

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

44 (b) "Personal identifying information" means any information  
45 designed, commonly used or capable of being used, alone or in



1 conjunction with any other information, to identify a person,  
2 including, without limitation:

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

6 (2) A biometric identifier of a person.

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

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

10 207.360 "Crime related to racketeering" means the commission  
11 of, attempt to commit or conspiracy to commit any of the following  
12 crimes:

13 1. Murder;

14 2. Manslaughter, except vehicular manslaughter as described in  
15 NRS 484B.657;

16 3. Mayhem;

17 4. Battery which is punished as a felony;

18 5. Kidnapping;

19 6. Sexual assault;

20 7. Arson;

21 8. Robbery;

22 9. Taking property from another under circumstances not  
23 amounting to robbery;

24 10. Extortion;

25 11. Statutory sexual seduction;

26 12. Extortionate collection of debt in violation of  
27 NRS 205.322;

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

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

32 15. Establishing or possessing a financial forgery laboratory in  
33 violation of NRS 205.46513;

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

36 17. Burglary;

37 18. Grand larceny;

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

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

42 21. Assault with a deadly weapon;

43 22. Any violation of NRS 453.232, 453.316 to 453.339,  
44 inclusive, *and sections 1.5 and 1.7 of this act*, or NRS 453.375 to  
45 453.401, inclusive;



- 1 23. Receiving or transferring a stolen vehicle;
- 2 24. Any violation of NRS 202.260, 202.275 or 202.350 which
- 3 is punished as a felony;
- 4 25. Any violation of subsection 2 or 3 of NRS 463.360 or
- 5 chapter 465 of NRS;
- 6 26. Receiving, possessing or withholding stolen goods valued
- 7 at \$650 or more;
- 8 27. Embezzlement of money or property valued at \$650 or
- 9 more;
- 10 28. Obtaining possession of money or property valued at \$650
- 11 or more, or obtaining a signature by means of false pretenses;
- 12 29. Perjury or subornation of perjury;
- 13 30. Offering false evidence;
- 14 31. Any violation of NRS 201.300, 201.320, 201.360 or
- 15 201.395;
- 16 32. Any violation of NRS 90.570, 91.230 or 686A.290, or
- 17 insurance fraud pursuant to NRS 686A.291;
- 18 33. Any violation of NRS 205.506, 205.920 or 205.930;
- 19 34. Any violation of NRS 202.445 or 202.446;
- 20 35. Any violation of NRS 205.377;
- 21 36. Involuntary servitude in violation of any provision of NRS
- 22 200.463 or 200.464 or a violation of any provision of NRS 200.465;
- 23 or
- 24 37. Trafficking in persons in violation of any provision of NRS
- 25 200.467 or 200.468.

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

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

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

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

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

40 *3. Except as otherwise provided in this section, any offender*  
41 *who the Director has determined has a substance use disorder for*  
42 *which a medication-assisted treatment exists and who meets any*  
43 *reasonable conditions imposed by the Director pursuant to*  
44 *subsection 4 is eligible to participate in the program established*  
45 *pursuant to subsection 1 and must be offered the opportunity to*



1 *participate. If an offender received medication-assisted treatment*  
2 *immediately preceding his or her incarceration, the offender is*  
3 *eligible to continue that medication-assisted treatment as a*  
4 *participant in the program. Participation in the program must be*  
5 *voluntary.*

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

13 (a) *The results of a screening test administered to the offender*  
14 *upon the commencement of his or her incarceration or upon the*  
15 *commencement of his or her participation in the program*  
16 *indicated the presence of a controlled substance; or*

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

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

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

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

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

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

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

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

44 3. *Except as otherwise provided in this section, any prisoner*  
45 *who the sheriff, chief of police or town marshal has determined*



1 *has a substance use disorder for which a medication-assisted*  
2 *treatment exists and who meets any reasonable conditions imposed*  
3 *by the sheriff, chief of police or town marshal pursuant to*  
4 *subsection 4 is eligible to participate in the program established*  
5 *pursuant to subsection 1 and must be offered the opportunity to*  
6 *participate. If a prisoner received medication-assisted treatment*  
7 *immediately preceding his or her incarceration, the prisoner is*  
8 *eligible to continue that medication-assisted treatment as a*  
9 *participant in the program. Participation in the program must be*  
10 *voluntary.*

11 *4. Except as otherwise provided in this subsection, the sheriff,*  
12 *chief of police or town marshal may impose reasonable conditions*  
13 *for a prisoner to be eligible to participate in the program*  
14 *established pursuant to subsection 1 and to continue his or her*  
15 *participation in the program. The sheriff, chief of police or town*  
16 *marshal shall not deny a prisoner the ability to participate in the*  
17 *program or terminate the participation of a prisoner in the*  
18 *program on the basis that:*

19 *(a) The results of a screening test administered to the prisoner*  
20 *upon the commencement of his or her incarceration or upon the*  
21 *commencement of his or her participation in the program*  
22 *indicated the presence of a controlled substance; or*

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

26 *5. A prisoner who participates in the program established*  
27 *pursuant to subsection 1 is not subject to discipline on the basis*  
28 *that the results of a screening test administered to the prisoner*  
29 *during his or her participation in the program indicated the*  
30 *presence of a controlled substance.*

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

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

36 391.650 As used in NRS 391.650 to 391.826, inclusive, unless  
37 the context otherwise requires:

38 1. "Administrator" means any employee who holds a license as  
39 an administrator and who is employed in that capacity by a school  
40 district.

41 2. "Board" means the board of trustees of the school district in  
42 which a licensed employee affected by NRS 391.650 to 391.826,  
43 inclusive, is employed.

44 3. "Demotion" means demotion of an administrator to a  
45 position of lesser rank, responsibility or pay and does not include



1 transfer or reassignment for purposes of an administrative  
2 reorganization.

3 4. "Immorality" means:

4 (a) An act forbidden by NRS 200.366, 200.368, 200.400,  
5 200.508, 201.180, 201.190, 201.210, 201.220, 201.230, 201.265,  
6 201.540, 201.560, 207.260, 453.316 to 453.336, inclusive, except an  
7 act forbidden by NRS 453.337, 453.338, 453.3385 to 453.3405,  
8 inclusive, *and section 1.5 of this act*, 453.560 or 453.562; or

9 (b) An act forbidden by NRS 201.540 or any other sexual  
10 conduct or attempted sexual conduct with a pupil enrolled in an  
11 elementary or secondary school. As used in this paragraph, "sexual  
12 conduct" has the meaning ascribed to it in NRS 201.520.

13 5. "Postprobationary employee" means an administrator or a  
14 teacher who has completed the probationary period as provided in  
15 NRS 391.820 and has been given notice of reemployment. The term  
16 does not include a person who is deemed to be a probationary  
17 employee pursuant to NRS 391.730.

18 6. "Probationary employee" means:

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

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

23 7. "Superintendent" means the superintendent of a school  
24 district or a person designated by the board or superintendent to act  
25 as superintendent during the absence of the superintendent.

26 8. "Teacher" means a licensed employee the majority of whose  
27 working time is devoted to the rendering of direct educational  
28 service to pupils of a school district.

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

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

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

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

42 **Sec. 15.** Notwithstanding the provisions of section 1.8 of this  
43 act, each law enforcement agency and the Nevada Sentencing  
44 Commission shall submit to the Joint Interim Standing Committee  
45 on the Judiciary the first report required by that section on or before





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

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

