



possession of which is regulated by chapter 453 of NRS or a chemical, poison, organic solvent or another prohibited substance, or the identity of a controlled substance alleged to have been in the possession of a person;

That on ..... (date) I obtained certain evidence from ..... (person, or evidence vault in sealed container), the evidence bearing Identification No. .... of ..... (agency) and consisting of ..... for the purpose of performing a chemical analysis on the contents thereof;

That on ..... (date) I analyzed the sample or substance and determined it to be or contain ..... (name of controlled substance, chemical, poison, organic solvent or other prohibited substance);

That on ..... (date) I replaced the sample or substance in its container and sealed the container with a seal bearing my initials .....

That the evidence was in my sole custody or control from the time I obtained it until I resealed its container, at which time it was in substantially the same condition as when I first obtained it; and

That on ..... (date) I returned the evidence to ..... (person or evidence vault) or that I still have the evidence in my possession.

.....

Affiant's Signature

.....

Affiant's Title

Subscribed and sworn to before me this  
..... day of the month of ..... of the year .....  
.....

Notary Public

2. If the sample contained alcohol:

State of Nevada                    }  
  }ss.  
County of .....}

I, ....., being first duly sworn, depose and say:

That I am ..... (occupation) employed by ..... (employer);

That on ..... (date) I first qualified in the ~~District~~ ..... Court of .....  
County, *Nevada, a court of record*, as an expert witness for the purpose of testifying regarding  
the presence and amount of alcohol in the blood or urine of a person;

That on ..... (date) I obtained evidence from ..... (person, or evidence vault  
in sealed container), the evidence bearing Identification No. .... of ..... (agency) and  
consisting of a sample of ..... (blood or urine);

That on ..... (date) I analyzed the sample and determined that the blood of the  
person from whom the sample was taken contained a concentration of alcohol of .... (grams per  
100 milliliters of blood);

That on ..... (date) I replaced the sample in its container and sealed the container with a seal bearing my initials .....

That the evidence was in my sole custody or control from the time I first obtained it until I resealed its container, at which time it was in substantially the same condition as when I first obtained it; and

That on ..... (date) I returned the evidence to ..... (person or evidence vault) or that I still have the evidence in my possession.

.....

Affiant's Signature

.....

Affiant's Title

Subscribed and sworn to before me this  
..... day of the month of ..... of the year .....  
.....

Notary Public

**Sec. 2.** NAC 50.015 is hereby amended to read as follows:

50.015 A declaration of an expert referred to in NRS 50.320 must be substantially in one of the following forms:

1. If the sample or substance contained a controlled substance as defined in chapter 453 of NRS or a chemical, poison, organic solvent or another prohibited substance:

I, ....., hereby declare:

That I am ..... (occupation) employed by ..... (employer);

That on ..... (date) I first qualified in the ~~{District}~~ ..... Court of ..... County, *Nevada, a court of record*, as an expert witness for the purpose of testifying regarding the presence and identity in the blood or urine of a person of a controlled substance the use or possession of which is regulated by chapter 453 of NRS or a chemical, poison, organic solvent or another prohibited substance, or the identity of a controlled substance alleged to have been in the possession of a person;

That on ..... (date) I obtained certain evidence from ..... (person, or evidence vault in sealed container), the evidence bearing Identification No. .... of ..... (agency) and consisting of ..... for the purpose of performing a chemical analysis on the contents thereof;

That on ..... (date) I analyzed the sample or substance and determined it to be or contain ..... (name of controlled substance, chemical, poison, organic solvent or another prohibited substance);

That on ..... (date) I replaced the sample or substance in its container and sealed the container with a seal bearing my initials .....

That the evidence was in my sole custody or control from the time I obtained it until I resealed its container, at which time it was in substantially the same condition as when I first obtained it; and

That on ..... (date) I returned the evidence to ..... (person or evidence vault) or that I still have the evidence in my possession.

I declare under penalty of perjury that the foregoing is true and correct.

Executed on .....

(Date)

(Declarant's Signature)

.....

(Declarant's Title)

2. If the sample contained alcohol:

I, ....., hereby declare:

That I am ..... (occupation) employed by ..... (employer);

That on ..... (date) I first qualified in the ~~[District]~~ ..... Court of ..... County, *Nevada, a court of record*, as an expert witness for the purpose of testifying regarding the presence and amount of alcohol in the blood or urine of a person;

That on ..... (date) I obtained evidence from ..... (person, or evidence vault in sealed container), the evidence bearing Identification No. .... of ..... (agency) and consisting of a sample of ..... (blood or urine);

That on ..... (date) I analyzed the sample and determined that the blood of the person from whom the sample was taken contained a concentration of alcohol of .... (grams per 100 milliliters of blood);

That on ..... (date) I replaced the sample in its container and sealed the container with a seal bearing my initials .....

That the evidence was in my sole custody or control from the time I first obtained it until I resealed its container, at which time it was in substantially the same condition as when I first obtained it; and

That on ..... (date) I returned the evidence to ..... (person or evidence vault) or that I still have the evidence in my possession.

I declare under penalty of perjury that the foregoing is true and correct.

Executed on .....

(Date)

.....

(Declarant's Signature)

.....

(Declarant's Title)

## NOTICE OF ADOPTION OF REGULATION

The Committee on Testing for Intoxication adopted regulations assigned LCB File Numbers, R140-10 and R141-10 which pertain to chapter 50.010 and 484.596 of the Nevada Administrative Code on February 1, 2011. A copy of the regulations as adopted is attached hereto.

The following statement is submitted for adopted amendments to Nevada Administrative Code (NAC) Chapter 50 and 484.

1. A description of how public comment was solicited, a summary of public response, and an explanation how other interested persons may obtain a copy of the summary.

Copies of the proposed regulations, notices of workshop and notices of intent to act upon the regulation were sent by U.S. mail and e-mail to persons who were known to have an interest in the subject on the format for an affidavit and a declaration of certain witnesses regarding the presence of certain prohibited substances in the blood or urine of a person and a revision of the educational requirements to receive certification as a forensic analyst of alcohol. These documents were also made available at the website of the State of Nevada Register of Administrative Regulations (prepared and published monthly by the Legislative Counsel Bureau), mailed to all county libraries in Nevada and posted at the Nevada State Library and Achieves.

The amendments were discussed and approved by the Committee on Testing for Intoxication during the open meeting held on May 10, 2010. The proposed changes were sent to LCB on June 24, 2010. A notice of a workshop was prepared and posted on June 27/ 2010 for a workshop to be held on July 28, 2010.

During the workshop no individuals appeared to offer any comments.

On December 7, 2010 a notice of Intent to Adopt Regulations was posted for a meeting to be held on January 11, 2011. The notice indicated the address and contact to submit any written comments. The deadline for these comments was given as January 10, 2011. The Public Hearing on the Intent to Adopt Regulations was held on January 11, 2011.

During this public hearing no individuals appeared to offer any comments. No written comments were received

2. Number of persons who:  
Attended each hearing: July 28, 2010 – 0; January 11, 2011 – 0  
Written comments received: None
3. Summary of response from public and affected businesses.

The affected businesses are, the two Forensic Crime Laboratories in Nevada. These two labs are represented on the Committee on Testing for Intoxication as voting members.



The proposed amendments were approved during the May 10, 2010 meeting. No public response was received during this meeting, the workshop, and the public hearing.

4. Explanation of how interested persons may obtain a copy of summary.

N/A (No summary, as no public comments nor Forensic Laboratory comments received at workshop or public meeting.)

5. If regulation was adopted without change, summary of reasons for adopting without change.

The proposed amendments, as approved by the Committee, were reviewed by LCB and with no comments (written or oral testimony) at both the workshop and public hearing the amended regulations were adopted without change.

6. Economic effect on public and businesses affected: adverse and beneficial, immediate and long-term.

Adverse and Beneficial,

No adverse affect on any public or business affected.

Beneficial effect will be to clarify the language between the NRS and NAC with respect to 50.010 and to potentially increase the number of individuals qualified to become Forensic Analysts of Alcohol, 484.596.

Immediate and Long-term

Same as Adverse and Beneficial (above).

7. Cost of enforcing regulation.

No cost to enforcing the regulations

8. Other regulations which this regulation duplicates or overlaps

N/A

9. Regulation includes provisions that are more stringent than a federal regulation which regulated the same activity

N/A

10. Regulation establishes a new fee or increases an existing fee.

N/A

Attachments:

Copy of adopted regulation for NAC 50.010  
( LCB file # R140-10 )

Copy of adopted regulation for NAC 484.596  
( LCB file # R141-10 )

Copy of Workshop Notification

Copy of Notice of Intent to Adopt, Amend or Repeal Regulation