

**ADOPTED REGULATION OF THE
COMMITTEE ON TESTING FOR INTOXICATION**

LCB File No. R141-10

Effective May 5, 2011

EXPLANATION – Matter in *italics* is new; matter in brackets ~~[omitted material]~~ is material to be omitted.

AUTHORITY: §1, NRS 484C.620 and 484C.630.

A REGULATION relating to testing for intoxication; revising the educational requirements to receive certification as a forensic analyst of alcohol; and providing other matters properly relating thereto.

Section 1. NAC 484.596 is hereby amended to read as follows:

484.596 1. A person must apply to the Director or his designee on a form furnished by the Department of Public Safety for certification as a forensic analyst of alcohol.

2. The Director or his designee shall certify as a forensic analyst of alcohol each applicant who:

- (a) Possesses a baccalaureate degree in a natural, physical or forensic science;
- (b) Has completed a minimum of ~~[24]~~ :

(1) Twenty-four semester hours in the study of chemistry at an accredited college or university; *or*

(2) Eighteen semester hours in the study of chemistry at an accredited college or university and 1 year of full-time experience which has been approved by the Committee and is related to the forensic analysis of alcohol;

(c) Has successfully completed a course which has been approved by the Committee and consisted of at least 24 hours of instruction on the design, calibration and operation of the kind of breath-testing devices that he will be calibrating or teaching others to operate; and

(d) Demonstrates his competence in calibrating breath-testing devices and in evaluating others on their competence in operating those devices.

3. Certification as a forensic analyst of alcohol is valid for 2 years after the date of certification.

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