## PROPOSED REGULATION OF THE COMMITTEE ON TESTING FOR INTOXICATION

## LCB File No. R090-14

Draft for NAC 50.030 and 50.035

## TOPIC OR PROPOSED REGULATION

**NAC REGULATION** 

AUTHORITY: §§1 and 2, NRS 484C.630 NAC 50.030 and 50.035

A REGULATION relating to testing for intoxication:

Providing for the format for Affidavits and Declarations by revising the language to clarify the process when using a dry gas solution; and providing other matters properly relating thereto.

Section 1. NAC 50.030 is hereby amended to read as follows:

Form of affidavit regarding preparation of solution or gas used in calibrating breathtesting device. (NRS 50.315) An affidavit which is referred to in subsection 2 of NRS 50.315 must be in substantially the following form:

State of Nevada	}
	}ss.
County of	}
I,, being fi	rst duly sworn, depose and say:
,	upation) employed by (employer);
	late) I prepared and/or verified a (chemical solution or gas
consisting of	(description and composition of solution or gas) as necessary fo (name of device).
, ,	enalty of perjury that the assertions of this affidavit are true.
Affiant's Signature	
Affiant's Signature	
Affiant's Title	
Subscribed and sworn to be	efore me this
day of the month of	of of the year
Notary Public	

<b>testing device.</b> (NRS 50.315) must be in substantially the following	A declaration which is referred to in subsection 2 of NRS 50.315 owing form:
That on	on) employed by (employer); I prepared <i>and/or verified</i> a (chemical solution or gas) ription and composition of solution or gas) as necessary for
Executed on	
(Date)	(Declarant's Signature)
(Declarant's Title)	

Form of declaration regarding preparation of solution or gas used in calibrating breath-

Sec. 2. NAC 50.035 is hereby amended to read as follows:

## Effect on Small Business Statement

NRS 233B.0608 (Section 3)

The proposed change to the regulation effects only the two forensic laboratories in the State that are responsible for verifying calibration of evidentiary breath test devices, developing lesson plans for the operation of the devices, and providing the training necessary to become an operator.

The Forensic Analysts of Alcohol, who are responsible for the verification of calibration can also be required to appear in court to testify that the verification of calibration of the evidential breath test devices complies with both the statutes and regulations relating to evidentiary breath test devices.

These two labs are operated by government entities: Las Metropolitan Police Department and Washoe County Sheriff's Office and are charged with ensuring the calibration of these devices will result in both accurate and legally admissible evidence.

Because the effect of the regulation is limited to these two government entities, there is no affect on any small business.

The undersigned to the best of his or her knowledge or belief certifies that a concerted effort was made to determine the impact of the proposed regulation on small business and that information contained in the statement is accurate.

Title:	 	 	
Name:			
Signature:			