

SENATE BILL NO. 197—SENATORS STONE, HANSEN, TITUS,  
GOICOECHEA, SEEVERS GANSERT; BUCK, HAMMOND AND  
KRASNER

MARCH 2, 2023

Referred to Committee on Health and Human Services

SUMMARY—Establishes and revises the penalties for certain offenses involving fentanyl and carfentanil. (BDR 40-579)

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 and revising the penalties for certain offenses involving fentanyl or carfentanil; providing penalties; and providing other matters properly relating thereto.

**Legislative Counsel’s Digest:**

1 Existing law establishes the penalties to be imposed upon a person who  
2 unlawfully sells a controlled substance classified in schedule I or II or who  
3 unlawfully possesses such a controlled substance for the purpose of sale. (NRS  
4 453.321, 453.337, 453.3385)

5 Under existing law, a person who sells a controlled substance classified in  
6 schedule I or II is guilty of: (1) for a first offense, a category C felony; (2) for a  
7 second offense, a category B felony punishable by a minimum term of  
8 imprisonment of 2 years and a maximum term of 10 years and a fine of not more  
9 than \$20,000; and (3) for a third or subsequent offense, a category B felony  
10 punishable by a minimum term of imprisonment of 3 years and a maximum term of  
11 15 years and a fine of not more than \$20,000. (NRS 453.321)

12 Existing law provides that if a person sells a controlled substance classified in  
13 schedule I or II, other than marijuana, and the quantity involved is: (1) 100 grams  
14 or more, but less than 400 grams, the person is guilty of low-level trafficking; or (2)  
15 400 grams or more, the person is guilty of high-level trafficking. A person who  
16 commits the crime of low-level trafficking is guilty of a category B felony  
17 punishable by a minimum term of imprisonment of 2 years and a maximum term of  
18 20 years and a fine of not more than \$100,000. A person who commits the crime of  
19 high-level trafficking is guilty of a category A felony punishable by a fine of not  
20 more than \$500,000 and a term of imprisonment of: (1) life with the possibility of  
21 parole, with eligibility for parole beginning when a minimum of 10 years has been



22 served; or (2) a definite term of 25 years with eligibility for parole beginning when  
23 a minimum of 10 years has been served. (NRS 453.3385)

24 Existing law provides that a person who possesses for the purpose of sale any  
25 controlled substance classified in schedule I or II is guilty of: (1) for a first offense,  
26 a category D felony; (2) for a second offense, a category C felony; and (3) for a  
27 third or subsequent offense, a category B felony punishable by a minimum term of  
28 imprisonment of 3 years and a maximum term of 15 years and a fine of not more  
29 than \$20,000. (NRS 453.337)

30 Existing regulations of the State Board of Pharmacy include fentanyl and  
31 carfentanil in the list of controlled substances in schedule II. (NAC 453.520)

32 **Section 1** of this bill specifically prohibits the unauthorized sale of fentanyl or  
33 carfentanil or the possession of fentanyl or carfentanil for the purpose of sale and  
34 establishes penalties for violations of that prohibition which are greater than those  
35 set forth under existing law for the unlawful sale of a controlled substance  
36 classified in schedule I or II or the unlawful possession of such a controlled  
37 substance for the purpose of sale. The penalties set forth in **section 1** vary  
38 depending on: (1) the quantity of fentanyl or carfentanil involved; and (2) whether  
39 the offender sold fentanyl or carfentanil to a person while representing the fentanyl  
40 or carfentanil as another controlled substance and the use of the fentanyl or  
41 carfentanil resulted in substantial bodily harm to or the death of the person.

42 **Sections 3, 6, 7 and 9** of this bill provide that a person found guilty of a  
43 violation of **section 1** is subject to the greater penalty for that crime if the acts  
44 constituting the crime could subject the person to a lesser punishment under another  
45 statute.

46 **Sections 2, 4, 5, 8 and 10-14** of this bill add references to **section 1** so that  
47 violations of that section are, for certain purposes, treated the same as certain other  
48 crimes involving the unlawful sale of a controlled substance classified in schedule I  
49 or II or the unlawful possession of such a controlled substance for the purpose of  
50 sale.

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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 a new section to read as follows:

3 *1. Except as otherwise authorized by the provisions of NRS*  
4 *453.011 to 453.552, inclusive, it is unlawful for a person to sell or*  
5 *possess for the purpose of sale fentanyl or carfentanil.*

6 *2. Unless a greater penalty is provided in subsection 3 or 4, a*  
7 *person who violates subsection 1:*

8 *(a) For a first or second offense, if the quantity involved is less*  
9 *than 100 grams, is guilty of a category B felony and shall be*  
10 *punished by imprisonment in the state prison for a minimum term*  
11 *of not less than 5 years and a maximum term of not more than 10*  
12 *years, and may be further punished by a fine of not more than*  
13 *\$20,000.*

14 *(b) For a third or subsequent offense, or if the offender has*  
15 *previously been convicted two or more times under this section or*  
16 *of any offense under the laws of the United States or any state,*



1 *territory or district of the United States which, if committed in this*  
2 *State, would amount to an offense under this section and the*  
3 *quantity involved is less than 100 grams, is guilty of a category B*  
4 *felony and shall be punished by imprisonment in the state prison*  
5 *for a minimum term of not less than 5 years and a maximum term*  
6 *of not more than 15 years, and may be further punished by a fine*  
7 *of not more than \$20,000.*

8 (c) *If the quantity involved is 100 grams or more but less than*  
9 *400 grams, is guilty of a category B felony and shall be punished*  
10 *by imprisonment in the state prison for a minimum term of not*  
11 *less than 5 years and a maximum term of not more than 20 years*  
12 *and by a fine of not more than \$100,000.*

13 (d) *If the quantity involved is 400 grams or more but less than*  
14 *1 kilogram, is guilty of a category A felony and shall be punished*  
15 *by imprisonment in the state prison:*

16 (1) *For life with the possibility of parole, with eligibility for*  
17 *parole beginning when a minimum of 10 years has been served; or*

18 (2) *For a definite term of 25 years, with eligibility for*  
19 *parole beginning when a minimum of 10 years has been served,*  
20 *↪ and by a fine of not more than \$500,000.*

21 (e) *If the quantity involved is 1 kilogram or more, is guilty of a*  
22 *category A felony and shall be punished by imprisonment in the*  
23 *state prison:*

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

26 (2) *For a definite term of 35 years, with eligibility for*  
27 *parole beginning when a minimum of 20 years has been served,*  
28 *↪ and by a fine of not more than \$500,000.*

29 3. *If a person violates subsection 1 by selling fentanyl or*  
30 *carfentanil to another person while representing the fentanyl or*  
31 *carfentanil as another controlled substance and the use of the*  
32 *fentanyl or carfentanil results in substantial bodily harm to that*  
33 *person, the offender:*

34 (a) *If the quantity involved is less than 100 grams, is guilty of a*  
35 *category B felony and shall be punished by imprisonment in the*  
36 *state prison for a minimum term of not less than 10 years and a*  
37 *maximum term of not more than 15 years, and may be further*  
38 *punished by a fine of not more than \$20,000.*

39 (b) *If the quantity involved is 100 grams or more but less than*  
40 *400 grams, is guilty of a category B felony and shall be punished*  
41 *by imprisonment in the state prison for a minimum term of not*  
42 *less than 10 years and a maximum term of not more than 20 years*  
43 *and by a fine of not more than \$100,000.*



1 (c) *If the quantity involved is 400 grams or more but less than*  
2 *1 kilogram, is guilty of a category A felony and shall be punished*  
3 *by imprisonment in the state prison:*

4 (1) *For life with the possibility of parole, with eligibility for*  
5 *parole beginning when a minimum of 15 years has been served; or*

6 (2) *For a definite term of 30 years, with eligibility for*  
7 *parole beginning when a minimum of 15 years has been served,*  
8 *↪ and by a fine of not more than \$500,000.*

9 (d) *If the quantity involved is 1 kilogram or more, is guilty of a*  
10 *category A felony and shall be punished by imprisonment in the*  
11 *state prison:*

12 (1) *For life with the possibility of parole, with eligibility for*  
13 *parole beginning when a minimum of 25 years has been served; or*

14 (2) *For a definite term of 40 years, with eligibility for*  
15 *parole beginning when a minimum of 25 years has been served,*  
16 *↪ and by a fine of not more than \$500,000.*

17 4. *If a person violates subsection 1 by selling fentanyl or*  
18 *carfentanil to another person while representing the fentanyl or*  
19 *carfentanil as another controlled substance and the use of the*  
20 *fentanyl or carfentanil results in the death of that person, the*  
21 *offender:*

22 (a) *If the quantity involved is less than 100 grams, is guilty of a*  
23 *category A felony and shall be punished by imprisonment in the*  
24 *state prison for life with the possibility of parole, with eligibility for*  
25 *parole beginning when a minimum of 25 years has been served*  
26 *and by a fine of not more than \$20,000.*

27 (b) *If the quantity involved is 100 grams or more but less than*  
28 *400 grams, is guilty of a category A felony and shall be punished*  
29 *by imprisonment in the state prison for life with the possibility of*  
30 *parole, with eligibility for parole beginning when a minimum of*  
31 *30 years has been served and by a fine of not more than \$100,000.*

32 (c) *If the quantity involved is 400 grams or more but less than*  
33 *1 kilogram, is guilty of a category A felony and shall be punished*  
34 *by imprisonment in the state prison for life with the possibility of*  
35 *parole, with eligibility for parole beginning when a minimum of*  
36 *35 years has been served and by a fine of not more than \$500,000.*

37 (d) *If the quantity involved is 1 kilogram or more, is guilty of a*  
38 *category A felony and shall be punished by imprisonment in the*  
39 *state prison for life with the possibility of parole, with eligibility for*  
40 *parole beginning when a minimum of 40 years has been served*  
41 *and by a fine of not more than \$500,000.*

42 **Sec. 2.** NRS 453.301 is hereby amended to read as follows:  
43 453.301 The following are subject to forfeiture pursuant to  
44 NRS 179.1156 to 179.1205, inclusive:



1 1. All controlled substances which have been manufactured,  
2 distributed, dispensed or acquired in violation of the provisions of  
3 NRS 453.011 to 453.552, inclusive, or a law of any other  
4 jurisdiction which prohibits the same or similar conduct.

5 2. All raw materials, products and equipment of any kind  
6 which are used, or intended for use, in manufacturing,  
7 compounding, processing, delivering, importing or exporting any  
8 controlled substance in violation of the provisions of NRS 453.011  
9 to 453.552, inclusive, or a law of any other jurisdiction which  
10 prohibits the same or similar conduct.

11 3. All property which is used, or intended for use, as a  
12 container for property described in subsections 1 and 2.

13 4. All books, records and research products and materials,  
14 including formulas, microfilm, tapes and data, which are used, or  
15 intended for use, in violation of the provisions of NRS 453.011 to  
16 453.552, inclusive, or a law of any other jurisdiction which prohibits  
17 the same or similar conduct.

18 5. All conveyances, including aircraft, vehicles or vessels,  
19 which are used, or intended for use, to transport, or in any manner to  
20 facilitate the transportation, concealment, manufacture or protection,  
21 for the purpose of sale, possession for sale or receipt of property  
22 described in subsection 1 or 2.

23 6. All drug paraphernalia as defined by NRS 453.554 which  
24 are used in violation of NRS 453.560, 453.562 or 453.566 or a law  
25 of any other jurisdiction which prohibits the same or similar  
26 conduct, or of an injunction issued pursuant to NRS 453.558.

27 7. All imitation controlled substances which have been  
28 manufactured, distributed or dispensed in violation of the provisions  
29 of NRS 453.332 or 453.3611 to 453.3648, inclusive, or a law of any  
30 other jurisdiction which prohibits the same or similar conduct.

31 8. All real property and mobile homes used or intended to be  
32 used by any owner or tenant of the property or mobile home to  
33 facilitate a violation of the provisions of NRS 453.011 to 453.552,  
34 inclusive, except NRS 453.336, or used or intended to be used to  
35 facilitate a violation of a law of any other jurisdiction which  
36 prohibits the same or similar conduct as prohibited in NRS 453.011  
37 to 453.552, inclusive, except NRS 453.336. As used in this  
38 subsection, "tenant" means any person entitled, under a written or  
39 oral rental agreement, to occupy real property or a mobile home to  
40 the exclusion of others.

41 9. Everything of value furnished or intended to be furnished in  
42 exchange for a controlled substance in violation of the provisions of  
43 NRS 453.011 to 453.552, inclusive, or a law of any other  
44 jurisdiction which prohibits the same or similar conduct, all  
45 proceeds traceable to such an exchange, and all other property used



1 or intended to be used to facilitate a violation of the provisions of  
2 NRS 453.011 to 453.552, inclusive, except NRS 453.336, or used or  
3 intended to be used to facilitate a violation of a law of any other  
4 jurisdiction which prohibits the same or similar conduct as  
5 prohibited in NRS 453.011 to 453.552, inclusive, except NRS  
6 453.336. If an amount of cash which exceeds \$300 is found in the  
7 possession of a person who is arrested for a violation of NRS  
8 453.337 or 453.338 **§ or section 1 of this act**, then there is a  
9 rebuttable presumption that the cash is traceable to an exchange for  
10 a controlled substance and is subject to forfeiture pursuant to this  
11 subsection.

12 10. All firearms, as defined by NRS 202.253, which are in the  
13 actual or constructive possession of a person who possesses or is  
14 consuming, manufacturing, transporting, selling or under the  
15 influence of any controlled substance in violation of the provisions  
16 of NRS 453.011 to 453.552, inclusive, or a law of any other  
17 jurisdiction which prohibits the same or similar conduct.

18 11. All computer hardware, equipment, accessories, software  
19 and programs that are in the actual or constructive possession of a  
20 person who owns, operates, controls, profits from or is employed or  
21 paid by an illegal Internet pharmacy and who violates the provisions  
22 of NRS 453.3611 to 453.3648, inclusive, or a law of any other  
23 jurisdiction which prohibits the same or similar conduct.

24 **Sec. 3.** NRS 453.321 is hereby amended to read as follows:

25 453.321 1. Except as authorized by the provisions of NRS  
26 453.011 to 453.552, inclusive, it is unlawful for a person to:

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

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

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

33 2. Unless a greater penalty is provided in NRS 453.333 or  
34 453.334 **§ or section 1 of this act**, if a person violates subsection 1  
35 and the controlled substance is classified in schedule I or II, the  
36 person shall be punished:

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

39 (b) For a second offense, or if, in the case of a first conviction  
40 under this subsection, the offender has previously been convicted of  
41 an offense under this section or of any offense under the laws of the  
42 United States or any state, territory or district which, if committed in  
43 this State, would amount to an offense under this section, for a  
44 category B felony by imprisonment in the state prison for a  
45 minimum term of not less than 2 years and a maximum term of not



1 more than 10 years, and may be further punished by a fine of not  
2 more than \$20,000.

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

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

15 4. Unless a greater penalty is provided in NRS 453.333 or  
16 453.334, if a person violates subsection 1, and the controlled  
17 substance is classified in schedule III, IV or V, the person shall be  
18 punished:

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

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

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

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

40 **Sec. 4.** 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~~ *a violation of* NRS  
9 453.3385 or 453.339, *a violation of section 1 of this act involving*  
10 *100 grams or more of fentanyl or carfentanil* or a law of any other  
11 jurisdiction which prohibits the same conduct.

12 **Sec. 5.** NRS 453.3345 is hereby amended to read as follows:

13 453.3345 1. Unless a greater penalty is provided in NRS  
14 453.333 or 453.334, and except as otherwise provided in NRS  
15 193.169, any person who violates NRS 453.321 or 453.322 ~~is~~ *or, if*  
16 *the violation involves less than 100 grams of fentanyl or*  
17 *carfentanil, section 1 of this act:*

18 (a) On the grounds of a public or private school, a playground,  
19 public park, public swimming pool, recreational center for youths or  
20 a video arcade;

21 (b) On a campus of the Nevada System of Higher Education;

22 (c) Within 1,000 feet of the perimeter of such a school ground or  
23 campus, playground, park, pool, recreational center or arcade; or

24 (d) Within 1,000 feet of a school bus stop from 1 hour before  
25 school begins until 1 hour after school ends during scheduled school  
26 days,

27 ↪ must be punished by imprisonment in the state prison for a term  
28 equal to and in addition to the term of imprisonment prescribed by  
29 statute for the crime. The sentence prescribed by this section runs  
30 consecutively with the sentence prescribed by statute for the crime.

31 2. This section does not create a separate offense but provides  
32 an additional penalty for the primary offense, whose imposition is  
33 contingent upon the finding of the prescribed fact.

34 3. For the purposes of this section:

35 (a) "Playground" means any outdoor facility, intended for  
36 recreation, open to the public and in any portion thereof containing  
37 one or more apparatus intended for the recreation of children, such  
38 as a sliding board, teeterboard, sandbox or swingset.

39 (b) "Recreational center for youths" means a recreational facility  
40 or gymnasium which regularly provides athletic, civic or cultural  
41 activities for persons under 18 years of age.

42 (c) "School bus" has the meaning ascribed to it in NRS 483.160.

43 (d) "Video arcade" means a facility legally accessible to persons  
44 under 18 years of age, intended primarily for the use of pinball and





1 video machines for amusement and which contains a minimum of  
2 10 such machines.

3 **Sec. 6.** NRS 453.336 is hereby amended to read as follows:

4 453.336 1. Except as otherwise provided in subsection 6, a  
5 person shall not knowingly or intentionally possess a controlled  
6 substance, unless the substance was obtained directly from, or  
7 pursuant to, a prescription or order of a physician, physician  
8 assistant licensed pursuant to chapter 630 or 633 of NRS, dentist,  
9 podiatric physician, optometrist, advanced practice registered nurse  
10 or veterinarian while acting in the course of his or her professional  
11 practice, or except as otherwise authorized by the provisions of NRS  
12 453.005 to 453.552, inclusive.

13 2. Except as otherwise provided in subsections 3, 4 and 5 and  
14 in NRS 453.3363, and unless a greater penalty is provided in NRS  
15 212.160, 453.3385 or 453.339, *or section 1 of this act*, a person who  
16 violates this section:

17 (a) For a first or second offense, if the controlled substance is  
18 listed in schedule I or II and the quantity possessed is less than 14  
19 grams, or if the controlled substance is listed in schedule III, IV or V  
20 and the quantity possessed is less than 28 grams, is guilty of  
21 possession of a controlled substance and shall be punished for a  
22 category E felony as provided in NRS 193.130. In accordance with  
23 NRS 176.211, the court shall defer judgment upon the consent of the  
24 person.

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

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

41 (d) If the controlled substance is listed in schedule I or II and the  
42 quantity possessed is 28 grams or more, but less than 42 grams, or if  
43 the controlled substance is listed in schedule III, IV or V and the  
44 quantity possessed is 200 grams or more, is guilty of mid-level  
45 possession of a controlled substance and shall be punished for a



1 category B felony by imprisonment in the state prison for a  
2 minimum term of not less than 1 year and a maximum term of not  
3 more than 10 years and by a fine of not more than \$50,000.

4 (e) If the controlled substance is listed in schedule I or II and the  
5 quantity possessed is 42 grams or more, but less than 100 grams, is  
6 guilty of high-level possession of a controlled substance and shall be  
7 punished for a category B felony by imprisonment in the state prison  
8 for a minimum term of not less than 2 years and a maximum term of  
9 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,  
11 453.337 or 453.3385, a person who is convicted of the possession of  
12 flunitrazepam or gamma-hydroxybutyrate, or any substance for  
13 which flunitrazepam or gamma-hydroxybutyrate is an immediate  
14 precursor, is guilty of a category B felony and shall be punished by  
15 imprisonment in the state prison for a minimum term of not less  
16 than 1 year and a maximum term of not more than 6 years.

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

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

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

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

27 ↪ or any combination thereof.

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

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

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

40 8. If a person fulfills the terms and conditions imposed for a  
41 violation of subsection 4, the court shall, without a hearing, order  
42 sealed all documents, papers and exhibits in that person's record,  
43 minute book entries and entries on dockets, and other documents  
44 relating to the case in the custody of such other agencies and  
45 officers as are named in the court's order. The court shall cause a



1 copy of the order to be sent to each agency or officer named in the  
2 order. Each such agency or officer shall notify the court in writing  
3 of its compliance with the order.

4 9. As used in this section:

5 (a) "Controlled substance" includes flunitrazepam, gamma-  
6 hydroxybutyrate and each substance for which flunitrazepam or  
7 gamma-hydroxybutyrate is an immediate precursor.

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

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

11 **Sec. 7.** NRS 453.337 is hereby amended to read as follows:

12 453.337 1. Except as otherwise authorized by the provisions  
13 of NRS 453.011 to 453.552, inclusive, it is unlawful for a person to  
14 possess for the purpose of sale flunitrazepam, gamma-  
15 hydroxybutyrate, any substance for which flunitrazepam or gamma-  
16 hydroxybutyrate is an immediate precursor or any controlled  
17 substance classified in schedule I or II.

18 2. Unless a greater penalty is provided in NRS 453.3385 or  
19 453.339 ~~§~~ *or section 1 of this act*, a person who violates this  
20 section shall be punished:

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

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

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

40 3. Except as otherwise provided in this subsection, unless  
41 mitigating circumstances exist that warrant the granting of  
42 probation, the court shall not grant probation to or suspend the  
43 sentence of a person convicted of violating this section and  
44 punishable pursuant to paragraph (b) or (c) of subsection 2. The  
45 court shall not grant probation to or suspend the sentence of a



1 person convicted of violating this section, even if mitigating  
2 circumstances exist that would otherwise warrant the granting of  
3 probation, if the person violated this section by possessing  
4 flunitrazepam, gamma-hydroxybutyrate or any substance for which  
5 flunitrazepam or gamma-hydroxybutyrate is an immediate  
6 precursor.

7 **Sec. 8.** NRS 453.3383 is hereby amended to read as follows:

8 453.3383 For the purposes of NRS 453.3385 and 453.339 **[.]**  
9 **and section 1 of this act**, the weight of the controlled substance as  
10 represented by the person selling or delivering it is determinative if  
11 the weight as represented is greater than the actual weight of the  
12 controlled substance.

13 **Sec. 9.** NRS 453.3385 is hereby amended to read as follows:

14 453.3385 1. Except as otherwise authorized by the provisions  
15 of NRS 453.011 to 453.552, inclusive, a person who knowingly or  
16 intentionally sells, manufactures, delivers or brings into this State or  
17 who is knowingly or intentionally in actual or constructive  
18 possession of flunitrazepam, gamma-hydroxybutyrate, any  
19 substance for which flunitrazepam or gamma-hydroxybutyrate is an  
20 immediate precursor or any controlled substance which is listed in  
21 schedule I or II, except marijuana, or any mixture which contains  
22 any such controlled substance, unless a greater penalty is provided  
23 pursuant to NRS 453.322 **[.] or section 1 of this act**, if the quantity  
24 involved:

25 (a) Is 100 grams or more, but less than 400 grams, is guilty of  
26 low-level trafficking and shall be punished for a category B felony  
27 by imprisonment in the state prison for a minimum term of not less  
28 than 2 years and a maximum term of not more than 20 years and by  
29 a fine of not more than \$100,000.

30 (b) Is 400 grams or more, is guilty of high-level trafficking and  
31 shall be punished for a category A felony by imprisonment in the  
32 state prison:

33 (1) For life with the possibility of parole, with eligibility for  
34 parole beginning when a minimum of 10 years has been served; or

35 (2) For a definite term of 25 years, with eligibility for parole  
36 beginning when a minimum of 10 years has been served,

37 **↪** and by a fine of not more than \$500,000.

38 2. As used in this section, "marijuana" does not include  
39 concentrated cannabis.

40 **Sec. 10.** NRS 453.3405 is hereby amended to read as follows:

41 453.3405 1. Except as otherwise provided in subsection 2,  
42 the adjudication of guilt and imposition of sentence of a person  
43 found guilty of trafficking in a controlled substance in violation of  
44 NRS 453.3385 or 453.339 **or of a violation of section 1 of this act**  
45 **involving 100 grams or more of fentanyl or carfentanil** must not be



1 suspended and the person is not eligible for parole until the person  
2 has actually served the mandatory minimum term of imprisonment  
3 prescribed by the section under which the person was convicted.

4 2. The court, upon an appropriate motion, may reduce or  
5 suspend the sentence of any person convicted of violating any of the  
6 provisions of NRS 453.3385 or 453.339 *or section 1 of this act, if*  
7 *the violation involved 100 grams or more of fentanyl or*  
8 *carfentanil*, if the court finds that the convicted person rendered  
9 substantial assistance in the investigation or prosecution of any  
10 offense. The arresting agency must be given an opportunity to be  
11 heard before the motion is granted. Upon good cause shown, the  
12 motion may be heard in camera.

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

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

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

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

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

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

27 **Sec. 11.** NRS 453.348 is hereby amended to read as follows:

28 453.348 In any proceeding brought under NRS 453.316,  
29 453.321, 453.322, 453.333, 453.334, 453.337, 453.338 or 453.401,  
30 *or section 1 of this act*, any previous convictions of the offender for  
31 a felony relating to controlled substances must be alleged in the  
32 indictment or information charging the primary offense, but the  
33 conviction may not be alluded to on the trial of the primary offense  
34 nor may any evidence of the previous offense be produced in the  
35 presence of the jury except as otherwise prescribed by law. If the  
36 offender pleads guilty or guilty but mentally ill to, or is convicted  
37 of, the primary offense but denies any previous conviction charged,  
38 the court shall determine the issue after hearing all relevant  
39 evidence. A certified copy of a conviction of a felony is prima facie  
40 evidence of the conviction.

41 **Sec. 12.** NRS 179A.075 is hereby amended to read as follows:

42 179A.075 1. The Central Repository for Nevada Records of  
43 Criminal History is hereby created within the Records,  
44 Communications and Compliance Division of the Department.



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

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

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

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

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

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

17 (a) Through an electronic network;

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

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

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

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

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

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

35 5. The Division shall, in the manner prescribed by the Director  
36 of the Department:

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

39 (1) Records of criminal history; and

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

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



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

7 6. The Division may:

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

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

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

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

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

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

28 (4) For whom such information is required or authorized to  
29 be obtained pursuant to NRS 62B.270, 62G.223, 62G.353, 424.031,  
30 432A.170, 432B.198, 433B.183, 449.123 and 449.4329; or

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

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

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

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

41 (2) Employment;

42 (3) Contractual services; or

43 (4) Services related to occupational licensing;

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



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

3 (1) Arrest; or

4 (2) Criminal investigation,

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

8 8. The Central Repository shall:

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

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

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

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

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

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

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

23 ↪ and immediately notify the superintendent of each county school  
24 district, the governing body of each charter school and the  
25 Superintendent of Public Instruction, or the administrator of each  
26 private school, as appropriate, if the investigation of the Central  
27 Repository indicates that the person has been convicted of a  
28 violation of NRS 200.508, 201.230, 453.3385 or 453.339, *convicted*  
29 *of a violation of section 1 of this act involving 100 grams or more*  
30 *of fentanyl or carfentanil* or convicted of a felony or any offense  
31 involving moral turpitude.

32 (e) Upon discovery, immediately notify the superintendent of  
33 each county school district, the governing body of each charter  
34 school or the administrator of each private school, as appropriate, by  
35 providing the superintendent, governing body or administrator with  
36 a list of all persons:

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

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

41 ↪ who the Central Repository's records indicate have been  
42 convicted of a violation of NRS 200.508, 201.230, 453.3385 or  
43 453.339, *convicted of a violation of section 1 of this act involving*  
44 *100 grams or more of fentanyl or carfentanil* or convicted of a  
45 felony or any offense involving moral turpitude since the Central





1 Repository's initial investigation. The superintendent of each county  
2 school district, the governing body of a charter school or the  
3 administrator of each private school, as applicable, shall determine  
4 whether further investigation or action by the district, charter school  
5 or private school, as applicable, is appropriate.

6 (f) Investigate the criminal history of each person who submits  
7 one or more fingerprints or other biometric identifier or has such  
8 data submitted pursuant to NRS 62B.270, 62G.223, 62G.353,  
9 424.031, 432A.170, 432B.198, 433B.183, 449.122, 449.123 or  
10 449.4329.

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

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

16 (i) Identify and review the collection and processing of  
17 statistical data relating to criminal justice by any agency identified  
18 in subsection 2 and make recommendations for any necessary  
19 changes in the manner of collecting and processing statistical data  
20 by any such agency.

21 (j) Adopt regulations governing biometric identifiers and the  
22 information and data derived from biometric identifiers, including,  
23 without limitation:

24 (1) Their collection, use, safeguarding, handling, retention,  
25 storage, dissemination and destruction; and

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

30 9. The Central Repository may:

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

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

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

45 10. As used in this section:



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

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

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

11 (2) A biometric identifier of a person.

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

14 **Sec. 13.** NRS 207.360 is hereby amended to read as follows:

15 207.360 "Crime related to racketeering" means the commission  
16 of, attempt to commit or conspiracy to commit any of the following  
17 crimes:

- 18 1. Murder;
- 19 2. Manslaughter, except vehicular manslaughter as described in  
20 NRS 484B.657;
- 21 3. Mayhem;
- 22 4. Battery which is punished as a felony;
- 23 5. Kidnapping;
- 24 6. Sexual assault;
- 25 7. Arson;
- 26 8. Robbery;
- 27 9. Taking property from another under circumstances not  
28 amounting to robbery;
- 29 10. Extortion;
- 30 11. Statutory sexual seduction;
- 31 12. Extortionate collection of debt in violation of  
32 NRS 205.322;
- 33 13. Forgery, including, without limitation, forgery of a credit  
34 card or debit card in violation of NRS 205.740;
- 35 14. Obtaining and using personal identifying information of  
36 another person in violation of NRS 205.463;
- 37 15. Establishing or possessing a financial forgery laboratory in  
38 violation of NRS 205.46513;
- 39 16. Any violation of NRS 199.280 which is punished as a  
40 felony;
- 41 17. Burglary;
- 42 18. Grand larceny;
- 43 19. Bribery or asking for or receiving a bribe in violation of  
44 chapter 197 or 199 of NRS which is punished as a felony;



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

3 21. Assault with a deadly weapon;

4 22. Any violation of NRS 453.232, 453.316 to 453.339,  
5 inclusive, *and section 1 of this act*, or NRS 453.375 to 453.401,  
6 inclusive;

7 23. Receiving or transferring a stolen vehicle;

8 24. Any violation of NRS 202.260, 202.275 or 202.350 which  
9 is punished as a felony;

10 25. Any violation of subsection 2 or 3 of NRS 463.360 or  
11 chapter 465 of NRS;

12 26. Receiving, possessing or withholding stolen goods valued  
13 at \$650 or more;

14 27. Embezzlement of money or property valued at \$650 or  
15 more;

16 28. Obtaining possession of money or property valued at \$650  
17 or more, or obtaining a signature by means of false pretenses;

18 29. Perjury or subornation of perjury;

19 30. Offering false evidence;

20 31. Any violation of NRS 201.300, 201.320, 201.360 or  
21 201.395;

22 32. Any violation of NRS 90.570, 91.230 or 686A.290, or  
23 insurance fraud pursuant to NRS 686A.291;

24 33. Any violation of NRS 205.506, 205.920 or 205.930;

25 34. Any violation of NRS 202.445 or 202.446;

26 35. Any violation of NRS 205.377;

27 36. Involuntary servitude in violation of any provision of NRS  
28 200.463 or 200.464 or a violation of any provision of NRS 200.465;  
29 or

30 37. Trafficking in persons in violation of any provision of NRS  
31 200.467 or 200.468.

32 **Sec. 14.** NRS 391.650 is hereby amended to read as follows:

33 391.650 As used in NRS 391.650 to 391.826, inclusive, unless  
34 the context otherwise requires:

35 1. "Administrator" means any employee who holds a license as  
36 an administrator and who is employed in that capacity by a school  
37 district.

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

41 3. "Demotion" means demotion of an administrator to a  
42 position of lesser rank, responsibility or pay and does not include  
43 transfer or reassignment for purposes of an administrative  
44 reorganization.

45 4. "Immorality" means:



1 (a) An act forbidden by NRS 200.366, 200.368, 200.400,  
2 200.508, 201.180, 201.190, 201.210, 201.220, 201.230, 201.265,  
3 201.540, 201.560, 207.260, 453.316 to 453.336, inclusive, except an  
4 act forbidden by NRS 453.337, 453.338, 453.3385 to 453.3405,  
5 inclusive, *or section 1 of this act*, 453.560 or 453.562; or

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

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

15 6. "Probationary employee" means:

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

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

20 7. "Superintendent" means the superintendent of a school  
21 district or a person designated by the board or superintendent to act  
22 as superintendent during the absence of the superintendent.

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

