

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.

~

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 illicitly manufactured fentanyl, any derivative of fentanyl or any mixture which contains illicitly manufactured fentanyl or any derivative of 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 illicitly manufactured fentanyl, any  
16 derivative of fentanyl or any mixture which contains illicitly manufactured fentanyl  
17 or any derivative of fentanyl. Under **section 1.5**, a person who knowingly or  
18 intentionally sells, manufactures, delivers or brings into this State or is knowingly  
19 or intentionally in actual or constructive possession of illicitly manufactured  
20 fentanyl, any derivative of fentanyl or any mixture which contains illicitly  
21 manufactured fentanyl or any derivative of fentanyl is guilty of: (1) trafficking if  
22 the quantity involved is 28 grams or more but less than 42 grams; and (2) high-level  
23 trafficking if the quantity involved is 42 grams or more but less than 100 grams.  
24 Under **section 1.5**, a person who commits the crime of trafficking or high-level  
25 trafficking is guilty of a category B felony and subject to certain prescribed  
26 penalties.

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

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

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

49 Existing law prohibits, with certain exceptions, a court from suspending the  
50 sentence of a person convicted of trafficking in a controlled substance. (NRS  
51 453.3405) **Section 9** extends this prohibition to a person found guilty of trafficking  
52 or high-level trafficking in illicitly manufactured fentanyl, any derivative of  
53 fentanyl or any mixture which contains illicitly manufactured fentanyl or any  
54 derivative of fentanyl. **Section 9** provides an exemption from this prohibition if the  
55 person convicted establishes, by a preponderance of the evidence, that he or she did  
56 not know that the mixture at issue contained illicitly manufactured fentanyl.

57 Existing law provides that a person who, in good faith, seeks medical assistance  
58 for a person who is experiencing a drug or alcohol overdose or other medical  
59 emergency or who seeks such assistance for himself or herself, or who is the  
60 subject of a good faith request for such assistance may not be arrested, charged,  
61 prosecuted or convicted, or have his or her property subjected to forfeiture, or be



\* S B 3 5 R 3 \*

62 otherwise penalized for violating certain provisions of existing law governing  
63 controlled substances if the evidence to support the penalty was obtained as a result  
64 of the person seeking medical assistance. (NRS 453C.150) **Section 10** of this bill  
65 includes trafficking and high-level trafficking in illicitly manufactured fentanyl,  
66 any derivative of fentanyl or mixture that contains illicitly manufactured fentanyl or  
67 any derivative of fentanyl among the offenses for which a person may not be  
68 penalized under such circumstances.

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

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

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



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 illicitly manufactured fentanyl, any derivative of*  
9 *fentanyl or any mixture which contains illicitly manufactured*  
10 *fentanyl or any derivative of fentanyl, unless a greater penalty is*  
11 *provided pursuant to NRS 453.322, if the quantity involved:*

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

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

21       **Sec. 1.7.** *Unless a greater penalty is provided pursuant to*  
22 *NRS 453.333 or 453.334, a person who sells to another person a*  
23 *mixture containing fentanyl and another controlled substance and*  
24 *who:*

25       1. *Knows that the mixture contains fentanyl; and*

26       2. *Intentionally fails to inform the purchaser that the mixture*  
27 *contains fentanyl,*

28       *↪ is guilty of intentional misrepresentation of a fentanyl product*  
29 *and shall be punished for a category B felony by imprisonment in*  
30 *the state prison for a minimum term of not less than 2 years and a*  
31 *maximum term of not more than 20 years and by a fine of not*  
32 *more than \$50,000.*

33       **Sec. 1.8.** 1. *On or before March 1 and October 1 of each*  
34 *even-numbered year, each law enforcement agency and the*  
35 *Nevada Sentencing Commission, with the assistance of the*  
36 *Department of Sentencing Policy, shall submit to the Joint Interim*  
37 *Standing Committee on the Judiciary a report which must contain*  
38 *the following information, to the extent that such information is in*  
39 *the possession of the agency:*

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



1 (b) For each person who has ever been charged with a  
2 violation of section 1.5 or 1.7 of this act, the following  
3 information, if the information has not been included in a  
4 previous report:

5 (1) The race, gender, zip code, employment status and age  
6 of the person;

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

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

11 (4) The disposition of the case, including, without  
12 limitation, any sentence imposed on the person;

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

15 (I) Whether the person has successfully completed the  
16 suspended sentence or probation; and

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

20 (6) Whether the court ordered the person to complete  
21 treatment for a substance use disorder and, if so, the type of  
22 treatment so ordered;

23 (c) The number of deaths in the period since the last report  
24 caused by a drug overdose due to fentanyl or a controlled  
25 substance analog for fentanyl that occurred in the state prison or  
26 any county or city jail or detention facility or other correctional  
27 facility in this State or while the deceased person was under a  
28 suspended sentence or on probation, parole or pretrial release;  
29 and

30 (d) Any significant developments in the period since the last  
31 report concerning any program of treatment implemented for the  
32 treatment of persons incarcerated in the state prison or any  
33 county, city or town jail or detention facility or other correctional  
34 facility in this State who have a substance use disorder using  
35 medication-assisted treatment and other appropriate withdrawal  
36 management care.

37 2. As used in this section, "law enforcement agency" means  
38 an agency, office or bureau of this State or a political subdivision  
39 of this State, the primary duty of which is to enforce the law.

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

41 453.321 1. Except as authorized by the provisions of NRS  
42 453.011 to 453.552, inclusive, it is unlawful for a person to:

43 (a) Import, transport, sell, exchange, barter, supply, prescribe,  
44 dispense, give away or administer a controlled or counterfeit  
45 substance;



1 (b) Manufacture or compound a counterfeit substance; or  
2 (c) Offer or attempt to do any act set forth in paragraph (a)  
3 or (b).

4 2. Unless a greater penalty is provided in NRS 453.333 or  
5 453.334, *or section 1.7 of this act*, if a person violates subsection 1  
6 and the controlled substance is classified in schedule I or II, the  
7 person shall be punished:

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

10 (b) For a second offense, or if, in the case of a first conviction  
11 under this subsection, the offender has previously been convicted of  
12 an offense under this section or of any offense under the laws of the  
13 United States or any state, territory or district which, if committed in  
14 this State, would amount to an offense under this section, for a  
15 category B felony by imprisonment in the state prison for a  
16 minimum term of not less than 2 years and a maximum term of not  
17 more than 10 years, and may be further punished by a fine of not  
18 more than \$20,000.

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

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

31 4. Unless a greater penalty is provided in NRS 453.333 or  
32 453.334, if a person violates subsection 1, and the controlled  
33 substance is classified in schedule III, IV or V, the person shall be  
34 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 subsection, the offender has previously been convicted  
39 of violating this section or of any offense under the laws of the  
40 United States or any state, territory or district which, if committed in  
41 this State, would amount to a violation of this section, for a category  
42 C felony as provided in NRS 193.130.

43 (c) For a third or subsequent offense, or if the offender has  
44 previously been convicted two or more times of violating this  
45 section or of any offense under the laws of the United States or any



1 state, territory or district which, if committed in this State, would  
2 amount to a violation of this section, for a category B felony by  
3 imprisonment in the state prison for a minimum term of not less  
4 than 2 years and a maximum term of not more than 10 years, and  
5 may be further punished by a fine of not more than \$15,000 for each  
6 offense.

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

11 **Sec. 2.** NRS 453.322 is hereby amended to read as follows:

12 453.322 1. Except as authorized by the provisions of NRS  
13 453.011 to 453.552, inclusive, it is unlawful for a person to  
14 knowingly or intentionally:

15 (a) Manufacture or compound a controlled substance other than  
16 marijuana.

17 (b) Possess, with the intent to manufacture or compound a  
18 controlled substance other than marijuana, or sell, exchange, barter,  
19 supply, prescribe, dispense or give away, with the intent that the  
20 chemical be used to manufacture or compound a controlled  
21 substance other than marijuana:

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

23 (2) Any other chemical which is proven by expert testimony  
24 to be commonly used in manufacturing or compounding a controlled  
25 substance other than marijuana. The district attorney may present  
26 expert testimony to provide a prima facie case that any chemical,  
27 whether or not it is a chemical identified in subsection 5, is  
28 commonly used in manufacturing or compounding such a controlled  
29 substance.

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

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

35 2. Unless a greater penalty is provided in subsection 3 or NRS  
36 453.3385, *or section 1.5 of this act*, a person who violates any  
37 provision of subsection 1 is guilty of a category B felony and shall  
38 be punished by imprisonment in the state prison for a minimum  
39 term of not less than 3 years and a maximum term of not more than  
40 15 years, and may be further punished by a fine of not more than  
41 \$100,000.

42 3. If a person violates any provision of subsection 1 by  
43 engaging in the manufacturing or compounding of a controlled  
44 substance other than marijuana, or by attempting to do so, and the  
45 violation causes a fire or explosion, the person is guilty of a



1 category B felony and shall be punished by imprisonment in the  
2 state prison for a minimum term of not less than 3 years and a  
3 maximum term of not more than 20 years, and may be further  
4 punished by a fine of not more than \$100,000.

5 4. The court shall not grant probation to a person convicted  
6 pursuant to this section.

7 5. The following chemicals are identified for the purposes of  
8 subsection 1:

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





- 1 (jj) Safrole, its salts, isomers and salts of isomers.
- 2 (kk) Sodium metal.
- 3 (ll) Sulfuric acid.
- 4 (mm) Toluene.

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

6 453.333 If the death of a person is proximately caused by a  
7 controlled substance which was sold, given, traded or otherwise  
8 made available to him or her by another person in violation of this  
9 chapter, the person who sold, gave or traded or otherwise made the  
10 substance available to him or her is guilty of murder. If convicted of  
11 murder in the second degree, the person is guilty of a category A  
12 felony and shall be punished as provided in subsection 5 of NRS  
13 200.030. If convicted of murder in the first degree, the person is  
14 guilty of a category A felony and shall be punished as provided in  
15 subsection 4 of NRS 200.030, except that the punishment of death  
16 may be imposed only if the requirements of paragraph (a) of  
17 subsection 4 of that section have been met and if the defendant is or  
18 has previously been convicted of violating NRS 453.3385 or  
19 453.339 *or section 1.5 of this act* or a law of any other jurisdiction  
20 which prohibits the same conduct.

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

22 453.3353 1. Unless a greater penalty is provided by law, and  
23 except as otherwise provided in this section and NRS 193.169, if:

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

27 (b) During the discovery or cleanup of the premises at, on or in  
28 which the controlled substance was manufactured or compounded,  
29 another person suffers substantial bodily harm other than death as  
30 the proximate result of the manufacturing or compounding of the  
31 controlled substance,

32 ↪ the person who committed the offense shall be punished by  
33 imprisonment in the state prison for a term equal to and in addition  
34 to the term of imprisonment prescribed by statute for the offense.  
35 The sentence prescribed by this subsection runs consecutively with  
36 the sentence prescribed by statute for the offense.

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

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

42 (b) During the discovery or cleanup of the premises at, on or in  
43 which the controlled substance was manufactured or compounded,  
44 another person suffers death as the proximate result of the  
45 manufacturing or compounding of the controlled substance,



1 ➔ the offense shall be deemed a category A felony and the person  
2 who committed the offense shall be punished by imprisonment in  
3 the state prison:

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

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

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

9 3. Subsection 1 does not create a separate offense but provides  
10 an additional penalty for the primary offense, the imposition of  
11 which is contingent upon the finding of the prescribed fact.  
12 Subsection 2 does not create a separate offense but provides an  
13 alternative penalty for the primary offense, the imposition of which  
14 is contingent upon the finding of the prescribed fact.

15 4. As used in this section:

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

17 (b) "Premises" means:

18 (1) Any temporary or permanent structure, including, without  
19 limitation, any building, house, room, apartment, tenement, shed,  
20 carport, garage, shop, warehouse, store, mill, barn, stable, outhouse  
21 or tent; or

22 (2) Any conveyance, including, without limitation, any  
23 vessel, boat, vehicle, airplane, glider, house trailer, travel trailer,  
24 motor home or railroad car,

25 ➔ whether located aboveground or underground and whether  
26 inhabited or not.

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

28 453.336 1. Except as otherwise provided in subsection 6, a  
29 person shall not knowingly or intentionally possess a controlled  
30 substance, unless the substance was obtained directly from, or  
31 pursuant to, a prescription or order of a physician, physician  
32 assistant licensed pursuant to chapter 630 or 633 of NRS, dentist,  
33 podiatric physician, optometrist, advanced practice registered nurse  
34 or veterinarian while acting in the course of his or her professional  
35 practice, or except as otherwise authorized by the provisions of NRS  
36 453.005 to 453.552, inclusive.

37 2. Except as otherwise provided in subsections 3, 4 and 5 and  
38 in NRS 453.3363, and unless a greater penalty is provided in NRS  
39 212.160, 453.3385 or 453.339, *or section 1.5 of this act*, a person  
40 who violates this section:

41 (a) For a first or second offense, if the controlled substance is  
42 listed in schedule I or II and the quantity possessed is less than 14  
43 grams, or if the controlled substance is listed in schedule III, IV or V  
44 and the quantity possessed is less than 28 grams, is guilty of  
45 possession of a controlled substance and shall be punished for a



1 category E felony as provided in NRS 193.130. In accordance with  
2 NRS 176.211, the court shall defer judgment upon the consent of the  
3 person.

4 (b) For a third or subsequent offense, if the controlled substance  
5 is listed in schedule I or II, and the quantity possessed is less than 14  
6 grams, or if the controlled substance is listed in schedule III, IV or V  
7 and the quantity possessed is less than 28 grams, or if the offender  
8 has previously been convicted two or more times in the aggregate of  
9 any violation of the law of the United States or of any state, territory  
10 or district relating to a controlled substance, is guilty of possession  
11 of a controlled substance and shall be punished for a category D  
12 felony as provided in NRS 193.130, and may be further punished by  
13 a fine of not more than \$20,000.

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

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

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

34 3. Unless a greater penalty is provided in NRS 212.160,  
35 453.337 or 453.3385, a person who is convicted of the possession of  
36 flunitrazepam or gamma-hydroxybutyrate, or any substance for  
37 which flunitrazepam or gamma-hydroxybutyrate is an immediate  
38 precursor, is guilty of a category B felony and shall be punished by  
39 imprisonment in the state prison for a minimum term of not less  
40 than 1 year and a maximum term of not more than 6 years.

41 4. Unless a greater penalty is provided pursuant to NRS  
42 212.160, a person who is convicted of the possession of 1 ounce or  
43 less of marijuana is guilty of a misdemeanor and shall be punished  
44 by:

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



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

4 (c) Being required to undergo an evaluation in accordance with  
5 subsection 1 of NRS 484C.350,  
6 ↪ or any combination thereof.

7 5. Unless a greater penalty is provided pursuant to NRS  
8 212.160, a person who is convicted of the possession of more than 1  
9 ounce, but less than 50 pounds, of marijuana or more than one-  
10 eighth of an ounce, but less than one pound, of concentrated  
11 cannabis is guilty of a category E felony and shall be punished as  
12 provided in NRS 193.130.

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

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

19 8. If a person fulfills the terms and conditions imposed for a  
20 violation of subsection 4, the court shall, without a hearing, order  
21 sealed all documents, papers and exhibits in that person's record,  
22 minute book entries and entries on dockets, and other documents  
23 relating to the case in the custody of such other agencies and  
24 officers as are named in the court's order. The court shall cause a  
25 copy of the order to be sent to each agency or officer named in the  
26 order. Each such agency or officer shall notify the court in writing  
27 of its compliance with the order.

28 9. As used in this section:

29 (a) "Controlled substance" includes flunitrazepam, gamma-  
30 hydroxybutyrate and each substance for which flunitrazepam or  
31 gamma-hydroxybutyrate is an immediate precursor.

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

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

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

36 453.337 1. Except as otherwise authorized by the provisions  
37 of NRS 453.011 to 453.552, inclusive, it is unlawful for a person to  
38 possess for the purpose of sale flunitrazepam, gamma-  
39 hydroxybutyrate, any substance for which flunitrazepam or gamma-  
40 hydroxybutyrate is an immediate precursor or any controlled  
41 substance classified in schedule I or II.

42 2. Unless a greater penalty is provided in NRS 453.3385 or  
43 453.339, *or section 1.5 of this act*, a person who violates this  
44 section shall be punished:



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

3 (b) For a second offense, or if, in the case of a first conviction of  
4 violating this section, the offender has previously been convicted of  
5 a felony under the Uniform Controlled Substances Act or of an  
6 offense under the laws of the United States or any state, territory or  
7 district which, if committed in this State, would amount to a felony  
8 under the Uniform Controlled Substances Act, for a category C  
9 felony as provided in NRS 193.130.

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

20 3. Except as otherwise provided in this subsection, unless  
21 mitigating circumstances exist that warrant the granting of  
22 probation, the court shall not grant probation to or suspend the  
23 sentence of a person convicted of violating this section and  
24 punishable pursuant to paragraph (b) or (c) of subsection 2. The  
25 court shall not grant probation to or suspend the sentence of a  
26 person convicted of violating this section, even if mitigating  
27 circumstances exist that would otherwise warrant the granting of  
28 probation, if the person violated this section by possessing  
29 flunitrazepam, gamma-hydroxybutyrate or any substance for which  
30 flunitrazepam or gamma-hydroxybutyrate is an immediate  
31 precursor.

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

33 453.3383 For the purposes of NRS 453.3385 and 453.339, *and*  
34 *section 1.5 of this act*, the weight of the controlled substance as  
35 represented by the person selling or delivering it is determinative if  
36 the weight as represented is greater than the actual weight of the  
37 controlled substance.

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

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

40 453.3405 1. Except as otherwise provided in ~~[subsection]~~  
41 *subsections 2 [ ] and 4*, the adjudication of guilt and imposition of  
42 sentence of a person found guilty of trafficking in a controlled  
43 substance in violation of NRS 453.3385 or 453.339 *or section 1.5 of*  
44 *this act* must not be suspended and the person is not eligible for  
45 parole until the person has actually served the mandatory minimum



1 term of imprisonment prescribed by the section under which the  
2 person was convicted.

3 2. The court, upon an appropriate motion, may reduce or  
4 suspend the sentence of any person convicted of violating any of the  
5 provisions of NRS 453.3385 or 453.339 *or section 1.5 of this act* if  
6 the court finds that the convicted person rendered substantial  
7 assistance in the investigation or prosecution of any offense. The  
8 arresting agency must be given an opportunity to be heard before the  
9 motion is granted. Upon good cause shown, the motion may be  
10 heard in camera.

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

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

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

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

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

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

25 **4. *The court may suspend the sentence of any person***  
26 ***convicted of violating any provision of section 1.5 of this act if the***  
27 ***person establishes, by a preponderance of the evidence, that the***  
28 ***person did not know that the mixture at issue contained illicitly***  
29 ***manufactured fentanyl. If a person convicted of violating any***  
30 ***provision of section 1.5 of this act claims that he or she did not***  
31 ***know that the mixture at issue contained illicitly manufactured***  
32 ***fentanyl, the court shall, at sentencing, make findings of fact and***  
33 ***state its reasoning on the record as to whether the person has met***  
34 ***the burden of proof pursuant to this subsection.***

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

36 453C.150 1. Notwithstanding any other provision of law, a  
37 person who, in good faith, seeks medical assistance for a person  
38 who is experiencing a drug or alcohol overdose or other medical  
39 emergency or who seeks such assistance for himself or herself, or  
40 who is the subject of a good faith request for such assistance may  
41 not be arrested, charged, prosecuted or convicted, or have his or her  
42 property subjected to forfeiture, or be otherwise penalized for  
43 violating:

44 (a) Except as otherwise provided in subsection 4, **[a] section 1.5**  
45 ***of this act or any other*** provision of chapter 453 of NRS relating to:



1 (1) Drug paraphernalia, including, without limitation, NRS  
2 453.554 to 453.566, inclusive;

3 (2) Possession, unless it is for the purpose of sale or violates  
4 the provisions of NRS 453.3385, subsection 2 of NRS 453.3393 or  
5 453.3405; or

6 (3) Use of a controlled substance, including, without  
7 limitation, NRS 453.336;

8 (b) A local ordinance as described in NRS 453.3361 that  
9 establishes an offense that is similar to an offense set forth in  
10 NRS 453.336;

11 (c) A restraining order; or

12 (d) A condition of the person's parole or probation,  
13 ↪ if the evidence to support the arrest, charge, prosecution,  
14 conviction, seizure or penalty was obtained as a result of the person  
15 seeking medical assistance.

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

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

25 (a) Reports a drug or alcohol overdose or other medical  
26 emergency to a member of a law enforcement agency, a 911  
27 emergency service, a poison control center, a medical facility or a  
28 provider of emergency medical services;

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

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

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

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

39 5. As used in this section, "drug or alcohol overdose" means a  
40 condition, including, without limitation, extreme physical illness, a  
41 decreased level of consciousness, respiratory depression, coma,  
42 mania or death which is caused by the consumption or use of a  
43 controlled substance or alcohol, or another substance with which a  
44 controlled substance or alcohol was combined, or that an ordinary



1 layperson would reasonably believe to be a drug or alcohol overdose  
2 that requires medical assistance.

3 **Sec. 11.** NRS 179A.075 is hereby amended to read as follows:  
4 179A.075 1. The Central Repository for Nevada Records of  
5 Criminal History is hereby created within the Records,  
6 Communications and Compliance Division of the Department.

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

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

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

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

14 (2) In accordance with the policies, procedures and  
15 definitions of the Uniform Crime Reporting Program of the Federal  
16 Bureau of Investigation.

17 3. Each agency of criminal justice shall submit the information  
18 relating to records of criminal history that it creates, issues or  
19 collects, and any information in its possession relating to the DNA  
20 profile of a person from whom a biological specimen is obtained  
21 pursuant to NRS 176.09123 or 176.0913, to the Division. The  
22 information must be submitted to the Division:

23 (a) Through an electronic network;

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

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

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

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

36 (b) In accordance with the policies, procedures and definitions  
37 of the Uniform Crime Reporting Program of the Federal Bureau of  
38 Investigation; and

39 (c) Within the time prescribed by the Director of the  
40 Department.

41 5. The Division shall, in the manner prescribed by the Director  
42 of the Department:

43 (a) Collect, maintain and arrange all information submitted to it  
44 relating to:

45 (1) Records of criminal history; and





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

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

6 (c) Upon request, provide, in paper or electronic form, the  
7 information that is contained in the Central Repository to the  
8 Committee on Domestic Violence appointed pursuant to NRS  
9 228.470 when, pursuant to NRS 228.495, the Committee is  
10 reviewing the death of the victim of a crime that constitutes  
11 domestic violence pursuant to NRS 33.018.

12 6. The Division may:

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

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

18 (c) Request of and receive from the Federal Bureau of  
19 Investigation information on the background and personal history of  
20 any person whose record of fingerprints or other biometric identifier  
21 the Central Repository submits to the Federal Bureau of  
22 Investigation and:

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

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

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

33 (4) For whom such information is required or authorized to  
34 be obtained pursuant to NRS 62B.270, 62G.223, 62G.353, 424.031,  
35 432A.170, 432B.198, 433B.183, 449.123 and 449.4329; or

36 (5) About whom any agency of the State of Nevada or any  
37 political subdivision thereof is authorized by law to have accurate  
38 personal information for the protection of the agency or the persons  
39 within its jurisdiction.

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

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

44 (1) Booking the person into a city or county jail or detention  
45 facility;



- 1 (2) Employment;
- 2 (3) Contractual services; or
- 3 (4) Services related to occupational licensing;
- 4 (b) One or more of the person's fingerprints for the purposes of
- 5 mobile identification by an agency of criminal justice; or
- 6 (c) Any other biometric identifier of the person as it may require
- 7 for the purposes of:

- 8 (1) Arrest; or
- 9 (2) Criminal investigation,

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

13 8. The Central Repository shall:

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

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

18 (c) Disseminate to federal agencies engaged in the collection of  
19 statistical data relating to crime information which is contained in  
20 the Central Repository.

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

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

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

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

28 ↪ and immediately notify the superintendent of each county school  
29 district, the governing body of each charter school and the  
30 Superintendent of Public Instruction, or the administrator of each  
31 private school, as appropriate, if the investigation of the Central  
32 Repository indicates that the person has been convicted of a  
33 violation of NRS 200.508, 201.230, 453.3385 or 453.339, *or section*  
34 *1.5 of this act*, or convicted of a felony or any offense involving  
35 moral turpitude.

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

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

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



1 ↪ who the Central Repository's records indicate have been  
2 convicted of a violation of NRS 200.508, 201.230, 453.3385 or  
3 453.339, *or section 1.5 of this act*, or convicted of a felony or any  
4 offense involving moral turpitude since the Central Repository's  
5 initial investigation. The superintendent of each county school  
6 district, the governing body of a charter school or the administrator  
7 of each private school, as applicable, shall determine whether  
8 further investigation or action by the district, charter school or  
9 private school, as applicable, is appropriate.

10 (f) Investigate the criminal history of each person who submits  
11 one or more fingerprints or other biometric identifier or has such  
12 data submitted pursuant to NRS 62B.270, 62G.223, 62G.353,  
13 424.031, 432A.170, 432B.198, 433B.183, 449.122, 449.123 or  
14 449.4329.

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

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

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

25 (j) Adopt regulations governing biometric identifiers and the  
26 information and data derived from biometric identifiers, including,  
27 without limitation:

28 (1) Their collection, use, safeguarding, handling, retention,  
29 storage, dissemination and destruction; and

30 (2) The methods by which a person may request the removal  
31 of his or her biometric identifiers from the Central Repository and  
32 any other agency where his or her biometric identifiers have been  
33 stored.

34 9. The Central Repository may:

35 (a) In the manner prescribed by the Director of the Department,  
36 disseminate compilations of statistical data and publish statistical  
37 reports relating to crime.

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



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

5 10. As used in this section:

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

9 (b) "Personal identifying information" means any information  
10 designed, commonly used or capable of being used, alone or in  
11 conjunction with any other information, to identify a person,  
12 including, without limitation:

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

16 (2) A biometric identifier of a person.

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

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

20 207.360 "Crime related to racketeering" means the commission  
21 of, attempt to commit or conspiracy to commit any of the following  
22 crimes:

23 1. Murder;

24 2. Manslaughter, except vehicular manslaughter as described in  
25 NRS 484B.657;

26 3. Mayhem;

27 4. Battery which is punished as a felony;

28 5. Kidnapping;

29 6. Sexual assault;

30 7. Arson;

31 8. Robbery;

32 9. Taking property from another under circumstances not  
33 amounting to robbery;

34 10. Extortion;

35 11. Statutory sexual seduction;

36 12. Extortionate collection of debt in violation of  
37 NRS 205.322;

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

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

42 15. Establishing or possessing a financial forgery laboratory in  
43 violation of NRS 205.46513;

44 16. Any violation of NRS 199.280 which is punished as a  
45 felony;



- 1 17. Burglary;
- 2 18. Grand larceny;
- 3 19. Bribery or asking for or receiving a bribe in violation of
- 4 chapter 197 or 199 of NRS which is punished as a felony;
- 5 20. Battery with intent to commit a crime in violation of
- 6 NRS 200.400;
- 7 21. Assault with a deadly weapon;
- 8 22. Any violation of NRS 453.232, 453.316 to 453.339,
- 9 inclusive, *and sections 1.5 and 1.7 of this act*, or NRS 453.375 to
- 10 453.401, inclusive;
- 11 23. Receiving or transferring a stolen vehicle;
- 12 24. Any violation of NRS 202.260, 202.275 or 202.350 which
- 13 is punished as a felony;
- 14 25. Any violation of subsection 2 or 3 of NRS 463.360 or
- 15 chapter 465 of NRS;
- 16 26. Receiving, possessing or withholding stolen goods valued
- 17 at \$650 or more;
- 18 27. Embezzlement of money or property valued at \$650 or
- 19 more;
- 20 28. Obtaining possession of money or property valued at \$650
- 21 or more, or obtaining a signature by means of false pretenses;
- 22 29. Perjury or subornation of perjury;
- 23 30. Offering false evidence;
- 24 31. Any violation of NRS 201.300, 201.320, 201.360 or
- 25 201.395;
- 26 32. Any violation of NRS 90.570, 91.230 or 686A.290, or
- 27 insurance fraud pursuant to NRS 686A.291;
- 28 33. Any violation of NRS 205.506, 205.920 or 205.930;
- 29 34. Any violation of NRS 202.445 or 202.446;
- 30 35. Any violation of NRS 205.377;
- 31 36. Involuntary servitude in violation of any provision of NRS
- 32 200.463 or 200.464 or a violation of any provision of NRS 200.465;
- 33 or
- 34 37. Trafficking in persons in violation of any provision of NRS
- 35 200.467 or 200.468.

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

38 *1. To the extent that money is available, the Director shall,*  
39 *with the approval of the Board, establish a program of treatment*  
40 *for offenders with a substance use disorder using medication-*  
41 *assisted treatment.*

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

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



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

5 3. Except as otherwise provided in this section, any offender  
6 who the Director has determined has a substance use disorder for  
7 which a medication-assisted treatment exists and who meets any  
8 reasonable conditions imposed by the Director pursuant to  
9 subsection 4 is eligible to participate in the program established  
10 pursuant to subsection 1 and must be offered the opportunity to  
11 participate. If an offender received medication-assisted treatment  
12 immediately preceding his or her incarceration, the offender is  
13 eligible to continue that medication-assisted treatment as a  
14 participant in the program. Participation in the program must be  
15 voluntary.

16 4. Except as otherwise provided in this subsection, the  
17 Director may impose reasonable conditions for an offender to be  
18 eligible to participate in the program established pursuant to  
19 subsection 1 and to continue his or her participation in the  
20 program. The Director shall not deny an offender the ability to  
21 participate in the program or terminate the participation of an  
22 offender in the program on the basis that:

23 (a) The results of a screening test administered to the offender  
24 upon the commencement of his or her incarceration or upon the  
25 commencement of his or her participation in the program  
26 indicated the presence of a controlled substance; or

27 (b) The offender committed an infraction of the rules of the  
28 institution or facility before or during the participation of the  
29 offender in the program.

30 5. An offender who participates in the program established  
31 pursuant to subsection 1 is not subject to discipline on the basis  
32 that the results of a screening test administered to the offender  
33 during his or her participation in the program indicated the  
34 presence of a controlled substance.

35 6. As used in this section, "medication-assisted treatment"  
36 means treatment for a substance use disorder using medication  
37 approved by the United States Food and Drug Administration for  
38 that purpose.

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

41 1. To the extent that money is available, a sheriff, chief of  
42 police or town marshal who is responsible for a county, city or  
43 town jail or detention facility shall establish a program to provide  
44 for the treatment of prisoners with a substance use disorder using  
45 medication-assisted treatment.



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

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

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

9       3. *Except as otherwise provided in this section, any prisoner*  
10 *who the sheriff, chief of police or town marshal has determined*  
11 *has a substance use disorder for which a medication-assisted*  
12 *treatment exists and who meets any reasonable conditions imposed*  
13 *by the sheriff, chief of police or town marshal pursuant to*  
14 *subsection 4 is eligible to participate in the program established*  
15 *pursuant to subsection 1 and must be offered the opportunity to*  
16 *participate. If a prisoner received medication-assisted treatment*  
17 *immediately preceding his or her incarceration, the prisoner is*  
18 *eligible to continue that medication-assisted treatment as a*  
19 *participant in the program. Participation in the program must be*  
20 *voluntary.*

21       4. *Except as otherwise provided in this subsection, the sheriff,*  
22 *chief of police or town marshal may impose reasonable conditions*  
23 *for a prisoner to be eligible to participate in the program*  
24 *established pursuant to subsection 1 and to continue his or her*  
25 *participation in the program. The sheriff, chief of police or town*  
26 *marshal shall not deny a prisoner the ability to participate in the*  
27 *program or terminate the participation of a prisoner in the*  
28 *program on the basis that:*

29       (a) *The results of a screening test administered to the prisoner*  
30 *upon the commencement of his or her incarceration or upon the*  
31 *commencement of his or her participation in the program*  
32 *indicated the presence of a controlled substance; or*

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

36       5. *A prisoner who participates in the program established*  
37 *pursuant to subsection 1 is not subject to discipline on the basis*  
38 *that the results of a screening test administered to the prisoner*  
39 *during his or her participation in the program indicated the*  
40 *presence of a controlled substance.*

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



1       **Sec. 13.** NRS 391.650 is hereby amended to read as follows:  
2       391.650 As used in NRS 391.650 to 391.826, inclusive, unless  
3 the context otherwise requires:

4       1. “Administrator” means any employee who holds a license as  
5 an administrator and who is employed in that capacity by a school  
6 district.

7       2. “Board” means the board of trustees of the school district in  
8 which a licensed employee affected by NRS 391.650 to 391.826,  
9 inclusive, is employed.

10       3. “Demotion” means demotion of an administrator to a  
11 position of lesser rank, responsibility or pay and does not include  
12 transfer or reassignment for purposes of an administrative  
13 reorganization.

14       4. “Immorality” means:

15       (a) An act forbidden by NRS 200.366, 200.368, 200.400,  
16 200.508, 201.180, 201.190, 201.210, 201.220, 201.230, 201.265,  
17 201.540, 201.560, 207.260, 453.316 to 453.336, inclusive, except an  
18 act forbidden by NRS 453.337, 453.338, 453.3385 to 453.3405,  
19 inclusive, *and section 1.5 of this act*, 453.560 or 453.562; or

20       (b) An act forbidden by NRS 201.540 or any other sexual  
21 conduct or attempted sexual conduct with a pupil enrolled in an  
22 elementary or secondary school. As used in this paragraph, “sexual  
23 conduct” has the meaning ascribed to it in NRS 201.520.

24       5. “Postprobationary employee” means an administrator or a  
25 teacher who has completed the probationary period as provided in  
26 NRS 391.820 and has been given notice of reemployment. The term  
27 does not include a person who is deemed to be a probationary  
28 employee pursuant to NRS 391.730.

29       6. “Probationary employee” means:

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

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

34       7. “Superintendent” means the superintendent of a school  
35 district or a person designated by the board or superintendent to act  
36 as superintendent during the absence of the superintendent.

37       8. “Teacher” means a licensed employee the majority of whose  
38 working time is devoted to the rendering of direct educational  
39 service to pupils of a school district.

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





- 1 (a) The costs and benefits of performing such upgrades; and
- 2 (b) The impact of such upgrades on this State.

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

8 **Sec. 15.** Notwithstanding the provisions of section 1.8 of this  
9 act, each law enforcement agency and the Nevada Sentencing  
10 Commission shall submit to the Joint Interim Standing Committee  
11 on the Judiciary the first report required by that section on or before  
12 March 1, 2024. For the purposes of the first report submitted by an  
13 agency pursuant to this section, any reference in section 1.8 of this  
14 act to the period since the last report shall be deemed to refer to the  
15 period beginning on October 1, 2023, and ending on the date on  
16 which the first report is submitted by the agency.

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

