
SENATE BILL NO. 161—SENATOR TITUS

FEBRUARY 10, 1999

Referred to Committee on Human Resources and Facilities

SUMMARY—Provides for regulation of all facilities for treatment of abuse of alcohol or drugs.
(BDR 40-131)

FISCAL NOTE: Effect on Local Government: No.
Effect on the State or on Industrial Insurance: 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 facilities for the treatment of abuse of alcohol or drugs; requiring all such facilities to be certified by the bureau of alcohol and drug abuse in the rehabilitation division of the department of employment, training and rehabilitation and to be licensed by the health division of the department of human resources; providing a penalty; and providing other matters properly relating thereto.

THE PEOPLE OF THE STATE OF NEVADA, REPRESENTED IN SENATE AND
ASSEMBLY, DO ENACT AS FOLLOWS:

- 1 **Section 1.** NRS 449.00455 is hereby amended to read as follows:
2 449.00455 “Facility for the treatment of abuse of alcohol or drugs”
3 means any public or private establishment which provides residential
4 treatment, including mental and physical restoration, of abusers of alcohol
5 or drugs . ~~[which is certified by the bureau of alcohol and drug abuse in the~~
6 ~~rehabilitation division of the department of employment, training and~~
7 ~~rehabilitation, pursuant to subsection 3 of NRS 458.025. It]~~ ***The term*** does
8 not include a medical facility or services offered by volunteers or voluntary
9 organizations.
10 **Sec. 2.** Chapter 458 of NRS is hereby amended by adding thereto the
11 provisions set forth as sections 3 to 9, inclusive, of this act.
12 **Sec. 3. 1.** ***No person, state or local government or agency thereof***
13 ***may operate or maintain in this state a facility for the treatment of abuse***
14 ***of alcohol or drugs without first obtaining a certificate for the facility***
15 ***from the bureau.***

1 2. A person that operates a facility for the treatment of abuse of
2 alcohol or drugs without a certificate issued by the bureau is guilty of a
3 misdemeanor.

4 Sec. 4. Each certificate issued by the bureau to a facility for the
5 treatment of abuse of alcohol or drugs expires on the first December 31
6 following its issuance and is renewable for 1 year upon reapplication and
7 payment of a renewal fee established pursuant to NRS 458.025.

8 Sec. 5. The bureau may:

9 1. Upon receipt of an application for certification as a facility for the
10 treatment of abuse of alcohol or drugs, conduct an investigation into the
11 premises, qualifications of personnel, methods of operation, policies and
12 purposes of any person proposing to engage in the operation of that
13 facility.

14 2. Upon receipt of a complaint against a facility for the treatment of
15 abuse of alcohol or drugs, conduct an investigation into the premises,
16 qualification of personnel, methods of operation, policies, procedures
17 and records of that facility.

18 3. Inspect a facility for the treatment of abuse of alcohol or drugs at
19 any time, with or without notice, as often as is necessary to ensure
20 compliance with all applicable regulations and standards adopted by the
21 bureau.

22 Sec. 6. 1. If a facility for the treatment of abuse of alcohol or
23 drugs violates any provisions related to its certification, including,
24 without limitation, any law of this state or any applicable condition,
25 standard or regulation adopted by the bureau, the bureau may:

26 (a) Suspend or revoke its certification; and

27 (b) Impose an administrative fine of not more than \$1,000 per day for
28 each violation, together with interest thereon at a rate not to exceed 10
29 percent per annum.

30 2. If a facility for the treatment of abuse of alcohol or drugs fails to
31 pay an administrative fine imposed pursuant to subsection 1, the bureau
32 may:

33 (a) Suspend the certificate of the facility until the administrative fine
34 is paid; and

35 (b) Collect court costs, reasonable attorney's fees and other costs
36 incurred to collect the administrative fine.

37 3. Any money collected as an administrative fine must be deposited
38 in the state general fund. If money is needed to pay the costs of an
39 investigation or inspection to carry out the provisions of NRS 458.010 to
40 458.360, inclusive, and sections 3 to 9, inclusive, of this act, the bureau
41 may present a claim to the state board of examiners for recommendation
42 to the interim finance committee.

1 **Sec. 7. The bureau shall adopt such regulations as are necessary to**
2 **carry out the provisions of NRS 458.010 to 458.360, inclusive, and**
3 **sections 3 to 9, inclusive, of this act.**

4 **Sec. 8. 1. The bureau may bring an action in the name of the state**
5 **to enjoin any person, state or local government or agency thereof from**
6 **operating or maintaining a facility for the treatment of abuse of alcohol**
7 **or drugs:**

8 **(a) Without first obtaining a certificate therefor; or**

9 **(b) After such a certificate has been revoked or suspended by the**
10 **bureau.**

11 **2. It is sufficient in such an action to allege that the defendant did,**
12 **on a certain date and in a certain place, operate and maintain such a**
13 **facility without a certificate.**

14 **Sec. 9. The district attorney of the county in which a facility for the**
15 **treatment of abuse of alcohol or drugs is located shall, upon application**
16 **by the bureau, institute and conduct the prosecution of any action for the**
17 **violation of section 3 of this act.**

18 **Sec. 10.** NRS 458.010 is hereby amended to read as follows:

19 458.010 As used in NRS 458.010 to 458.360, inclusive, **and sections 3**
20 **to 9, inclusive, of this act,** unless the context requires otherwise:

21 1. "Alcohol and drug abuse program" means a project concerned with
22 education, prevention and treatment directed toward achieving the mental
23 and physical restoration of alcohol and drug abusers.

24 2. "Alcohol and drug abuser" means a person whose consumption of
25 alcohol or other drugs, or any combination thereof, interferes with or
26 adversely affects his ability to function socially or economically.

27 3. "Alcoholic" means any person who habitually uses alcoholic
28 beverages to the extent that he endangers the health, safety or welfare of
29 himself or any other person or group of persons.

30 4. "Bureau" means the bureau of alcohol and drug abuse in the
31 rehabilitation division of the department.

32 5. "Chief" means the chief of the bureau.

33 6. "Civil protective custody" means a custodial placement of a person
34 for the purpose of protecting his health or safety. Civil protective custody
35 does not have any criminal implication.

36 7. "Department" means the department of employment, training and
37 rehabilitation.

38 8. "Director" means the director of the department.

39 9. "Facility" means a physical structure used for the education,
40 prevention and treatment, including mental and physical restoration, of
41 alcohol and drug abusers. **The term includes a facility for the treatment of**
42 **abuse of alcohol or drugs.**

1 **10. “Facility for the treatment of abuse of alcohol or drugs” has the**
2 **meaning ascribed to it in NRS 449.00455.**

3 **Sec. 11.** NRS 458.025 is hereby amended to read as follows:

4 458.025 The bureau of alcohol and drug abuse is hereby created in the
5 rehabilitation division of the department. The bureau:

6 1. Shall formulate and operate a comprehensive state plan for alcohol
7 and drug abuse programs which must include:

8 (a) A survey of the need for education, prevention and treatment of
9 alcohol and drug abuse, including a survey of the facilities needed to
10 provide services and a plan for the development and distribution of services
11 and programs throughout the state.

12 (b) A plan for programs to educate the public in the problems of the
13 abuse of alcohol and other drugs.

14 (c) A survey of the need for trained teachers, persons who have
15 professional training in fields of health and others involved in the education
16 and prevention of alcohol and drug abuse and in the treatment and recovery
17 of alcohol and drug abusers, and a plan to provide the necessary
18 treatment.

19 In developing and revising the state plan, the bureau shall consider, among
20 other things, the amount of money available from the Federal Government
21 for alcohol and drug abuse programs and the conditions attached to the
22 acceptance of the money, and the limitations of legislative appropriations
23 for alcohol and drug abuse programs.

24 2. Is responsible for coordinating efforts to carry out the state plan and
25 coordinating all state and federal financial support of alcohol and drug
26 abuse programs in the state. The bureau must be consulted in the planning
27 of projects and advised of all applications for grants from within the state
28 which are concerned with alcohol and drug abuse programs, and shall
29 review and advise concerning the applications.

30 3. Shall develop and publish standards of certification and may certify
31 or deny certification of any facilities, programs or personnel on the basis of
32 the standards, and publish a list of certified facilities, programs and
33 personnel. Any facilities, programs or personnel which are not certified are
34 ineligible to receive state and federal money for alcohol and drug abuse
35 programs. The chief ~~{shall}~~ :

36 **(a) Shall** establish requirements for continuing education for persons
37 certified as counselors and administrators of the programs ; and ~~{may}~~

38 **(b) May** set fees for certification of facilities, programs or personnel.
39 The fees must be calculated to produce the revenue estimated to cover the
40 costs related to the certifications . ~~{, but in no case may}~~ **Except for the fee**
41 **for the issuance or renewal of a certificate for a facility for the treatment**
42 **of abuse of alcohol or drugs,** the fee for a certificate **must not** exceed
43 \$100.

1 4. Upon request from a facility which is ~~{self-supported,}~~ **not required**
2 **to be certified by the bureau**, may certify the facility, its programs and
3 personnel and add them to the list of certified facilities, programs and
4 personnel.

5 **Sec. 12.** The amendatory provisions of this act do not apply to
6 offenses that were committed before January 1, 2000.

7 **Sec. 13.** This act becomes effective:

8 1. Upon passage and approval for the purpose of adopting regulations
9 and performing any other preparatory administrative tasks that are
10 necessary to carry out the provisions of this act; and

11 2. On January 1, 2000, for all other purposes.

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