

SENATE BILL NO. 300—COMMITTEE ON HUMAN
RESOURCES AND FACILITIES

(ON BEHALF OF DEPARTMENT OF HUMAN
RESOURCES—HEALTH DIVISION)

MARCH 8, 2001

Referred to Committee on Human Resources and Facilities

SUMMARY—Abolishes bureau of alcohol and drug abuse of department of human resources and transfers powers and duties of bureau to health division of department of human resources. (BDR 40-538)

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 public health; abolishing the bureau of alcohol and drug abuse of the department of human resources; transferring the powers and duties of the bureau to the health division of the department of human resources; requiring the state board of health to adopt regulations governing halfway houses for alcohol and drug abusers, facilities, programs and personnel; 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 439.150 is hereby amended to read as follows:
2 439.150 1. The state board of health is hereby declared to be
3 supreme in all nonadministrative health matters. It has general supervision
4 over all matters, except for administrative matters, relating to the
5 preservation of the health and lives of citizens of ~~the~~ *this* state and over
6 the work of the state health officer and all district, county and city health
7 departments, boards of health and health officers.
8 2. The department of human resources is hereby designated as the
9 agency of this state to cooperate with the ~~duly constituted~~ federal
10 authorities in the administration of those parts of the Social Security Act
11 which relate to the general promotion of public health. It may receive and
12 expend all money made available to the health division by the Federal
13 Government, the ~~state~~ *State of Nevada* or its political subdivisions, or
14 from any other source, for the purposes provided in this chapter. In
15 developing and revising any state plan in connection with federal



1 assistance for health programs, the department shall consider, ~~among other~~
2 ~~things,~~ *without limitation*, the amount of money available from the
3 Federal Government for those programs, the conditions attached to the
4 acceptance of ~~the~~ *that* money and the limitations of legislative
5 appropriations for those programs.

6 3. Except as otherwise provided in NRS *458.025 and* 576.128, the
7 state board of health may set reasonable fees for the:

8 (a) Licensing, registering, certifying, inspecting or granting of permits
9 for any facility, establishment or service regulated by the health division;

10 (b) Programs and services of the health division;

11 (c) Review of plans; and

12 (d) Certification and licensing of personnel.

13 Fees set pursuant to this subsection must be calculated to produce for that
14 period the revenue from the fees projected in the budget approved for the
15 health division by the legislature.

16 **Sec. 2.** NRS 442.003 is hereby amended to read as follows:

17 442.003 As used in this chapter, unless the context requires otherwise:

18 1. "Advisory board" means the advisory board on maternal and child
19 health.

20 2. "Department" means the department of human resources.

21 3. "Director" means the director of the department . ~~of human~~
22 ~~resources.~~

23 4. "Fetal alcohol syndrome" includes fetal alcohol effects.

24 5. "Health division" means the health division of the department . ~~of~~
25 ~~human resources.~~

26 6. "Obstetric center" has the meaning ascribed to it in NRS 449.0155.

27 7. "Provider of health care or other services" means:

28 (a) ~~A person who has been certified as a counselor or an administrator~~
29 ~~of an~~ *An* alcohol and drug abuse ~~program~~ *counselor who is licensed or*
30 *certified* pursuant to chapter ~~458~~ *641C* of NRS;

31 (b) A physician or a physician's assistant who is licensed pursuant to
32 chapter 630 of NRS and who practices in the area of obstetrics and
33 gynecology, family practice, internal medicine, pediatrics or psychiatry;

34 (c) A licensed nurse;

35 (d) A licensed psychologist;

36 (e) A licensed marriage and family therapist;

37 (f) A licensed social worker; or

38 (g) ~~A~~ *The* holder of a certificate of registration as a pharmacist.

39 **Sec. 3.** NRS 442.355 is hereby amended to read as follows:

40 442.355 1. The advisory subcommittee on fetal alcohol syndrome of
41 the advisory board on maternal and child health is hereby created. The
42 subcommittee consists of 12 members, as follows:

43 (a) The chairman of the advisory board shall appoint:

44 (1) One member who:

45 (I) Is a member of the advisory board and is a member of the state
46 board of health; or

47 (II) Is a member of the advisory board if no member of the
48 advisory board is a member of the state board of health;



1 (2) One member who is an employee of the division of child and
2 family services;
3 (3) One member who is a physician certified by the American Board
4 of Obstetrics and Gynecology, or an equivalent organization;
5 (4) One member who represents persons who operate community-
6 based programs for the prevention or treatment of substance abuse;
7 (5) One member who is a judge of a juvenile or family court in this
8 state;
9 (6) One member who represents a statewide organization in this state
10 for the prevention of perinatal substance abuse; and
11 (7) One member who represents a national organization that provides
12 advocacy and representation for mentally retarded persons. To the extent
13 possible, the member appointed must be nominated by a statewide
14 organization in this state that is affiliated with such a national organization
15 or, if no such statewide organization exists, by a majority of the local
16 affiliates in this state of such a national organization.
17 (b) The Nevada Hospital Association shall appoint one member who is
18 an administrator of a hospital.
19 (c) The Nevada Association of Health Plans shall appoint one member
20 as its representative.
21 (d) The dean of the University of Nevada School of Medicine shall
22 appoint one member who is a member of the faculty of the department of
23 pediatrics of the University of Nevada School of Medicine.
24 (e) The ~~chief~~ administrator of the ~~bureau of alcohol and drug abuse~~
25 ~~in the department of human resources,~~ health division shall appoint one
26 member who is an employee of the ~~bureau,~~ health division.
27 (f) The superintendent of public instruction is an ex officio member of
28 the subcommittee and may, if he wishes, designate a person to serve on the
29 subcommittee in his place or to attend a meeting of the subcommittee in his
30 place.
31 2. If any of the appointing entities listed in subsection 1 cease to exist,
32 the appointments required by subsection 1 must be made by the successor
33 in interest of the entity or, if there is no successor in interest, by the
34 chairman of the advisory board.
35 3. The subcommittee may appoint one or more persons who have
36 special expertise relating to fetal alcohol syndrome to assist the
37 subcommittee in the performance of its duties.
38 **Sec. 4.** NRS 449.00455 is hereby amended to read as follows:
39 449.00455 "Facility for the treatment of abuse of alcohol or drugs"
40 means any public or private establishment which provides residential
41 treatment, including mental and physical restoration, of abusers of alcohol
42 or drugs and which is certified by the ~~bureau of alcohol and drug abuse in~~
43 ~~the department of human resources,~~ health division pursuant to subsection
44 ~~3~~ 4 of NRS 458.025. It does not include a medical facility or services
45 offered by volunteers or voluntary organizations.
46 **Sec. 5.** NRS 453.1545 is hereby amended to read as follows:
47 453.1545 1. The board and the division shall cooperatively develop a
48 computerized program to track each prescription for a controlled substance



1 listed in schedule II, III or IV that is filled by a pharmacy that is registered
2 with the board. The program must:

3 (a) Be designed to provide information regarding:

4 (1) The inappropriate use by a patient of controlled substances listed
5 in schedules II, III and IV to pharmacies, practitioners and appropriate state
6 agencies ~~in order~~ to prevent the improper or illegal use of ~~such~~ those
7 controlled substances; and

8 (2) Statistical data relating to the use of ~~such~~ those controlled
9 substances that is not specific to a particular patient.

10 (b) Be administered by the board, the division, the ~~bureau of alcohol~~
11 ~~and drug abuse in~~ health division of the department of human resources
12 and various practitioners, representatives of professional associations for
13 practitioners, representatives of occupational licensing boards and
14 prosecuting attorneys selected by the board and the division.

15 (c) Not infringe on the legal use of a controlled substance for the
16 management of severe or intractable pain.

17 2. The board and division must have access to the program established
18 pursuant to subsection 1 ~~for the purpose of identifying~~ to identify any
19 suspected fraudulent or illegal activity related to the dispensing of
20 controlled substances.

21 3. The board or division shall report any activity it reasonably suspects
22 may be fraudulent or illegal to the appropriate law enforcement agency or
23 occupational licensing board and provide the law enforcement agency or
24 occupational licensing board with the relevant information obtained from
25 the program for further investigation.

26 4. Information obtained from the program relating to a practitioner or a
27 patient is confidential and, except as otherwise provided by this section,
28 must not be disclosed to any person. ~~Such~~ That information must be
29 disclosed:

30 (a) Upon the request of a person about whom the information requested
31 concerns or upon the request on his behalf by his attorney; or

32 (b) Upon the lawful order of a court of competent jurisdiction.

33 5. The board and the division may apply for any available grants and
34 accept any gifts, grants or donations to assist in developing and
35 maintaining the program required by this section.

36 **Sec. 6.** NRS 453.580 is hereby amended to read as follows:

37 453.580 1. A court may establish an appropriate treatment program
38 to which it may assign a person pursuant to NRS 453.3363 or 458.300 or it
39 may assign such a person to an appropriate facility for the treatment of
40 abuse of alcohol or drugs which is certified by the ~~bureau of alcohol and~~
41 ~~drug abuse in~~ health division of the department of human resources. The
42 assignment must include the terms and conditions for successful
43 completion of the program and provide for progress reports at intervals set
44 by the court to ensure that the person is making satisfactory progress
45 towards completion of the program.

46 2. A program to which a court assigns a person pursuant to subsection
47 1 must include:

48 (a) Information and encouragement for the participant to cease abusing
49 alcohol or using controlled substances through educational, counseling and



1 support sessions developed with the cooperation of various community,
2 health, substance abuse, religious, social service and youth organizations;

3 (b) The opportunity for the participant to understand the medical,
4 psychological and social implications of substance abuse; and

5 (c) Alternate courses within the program based on the different
6 substances abused and the addictions of participants.

7 3. If the offense with which the person was charged involved the use
8 or possession of a controlled substance, in addition to the program or as a
9 part of the program the court must also require frequent urinalysis to
10 determine that the person is not using a controlled substance. The court
11 shall specify how frequent such examinations must be and how many must
12 be successfully completed, independently of other requisites for successful
13 completion of the program.

14 4. Before the court assigns a person to a program pursuant to this
15 section, the person must agree to pay the cost of the program to which he is
16 assigned and the cost of any additional supervision required pursuant to
17 subsection 3, to the extent of his financial resources. If the person does not
18 have the financial resources to pay all of the related costs, the court shall,
19 to the extent practicable, arrange for the person to be assigned to a program
20 at a facility that receives a sufficient amount of federal or state funding to
21 offset the remainder of the costs.

22 **Sec. 7.** NRS 458.010 is hereby amended to read as follows:

23 458.010 As used in NRS 458.010 to 458.350, inclusive, unless the
24 context requires otherwise:

25 1. ***"Administrator" means the administrator of the health division.***

26 2. ***"Alcohol and drug abuse program" means a project concerned with***
27 ***education, prevention and treatment directed toward achieving the mental***
28 ***and physical restoration of alcohol and drug abusers.***

29 ~~12-1~~ 3. ***"Alcohol and drug abuser" means a person whose consumption***
30 ***of alcohol or other drugs, or any combination thereof, interferes with or***
31 ***adversely affects his ability to function socially or economically.***

32 ~~13-1~~ 4. ***"Alcoholic" means any person who habitually uses alcoholic***
33 ***beverages to the extent that he endangers the health, safety or welfare of***
34 ***himself or any other person or group of persons.***

35 ~~14.~~ ***"Bureau" means the bureau of alcohol and drug abuse in the***
36 ***department.***

37 ~~5.~~ ***"Chief" means the chief of the bureau.***

38 5. ***"Board" means the state board of health.***

39 6. ***"Civil protective custody" means a custodial placement of a person***
40 ***~~for the purpose of protecting~~ to protect his health or safety. Civil***
41 ***protective custody does not have any criminal implication.***

42 7. ~~1~~ ***"Department" means the department of human resources.***

43 ~~8.~~ ***"Director" means the director of the department.***

44 ~~9-1~~ ***"Facility" means a physical structure used for the education,***
45 ***prevention and treatment, including mental and physical restoration, of***
46 ***alcohol and drug abusers.***

47 ~~10-1~~ 8. ***"Halfway house for alcohol and drug abusers" means a***
48 ***residence that provides housing and a living environment for alcohol and***
49 ***drug abusers and is operated to facilitate their reintegration into the***



1 community, but does not provide treatment for alcohol or drug abuse. The
2 term does not include a facility for the treatment of abuse of alcohol or
3 drugs as defined in NRS 449.00455.

4 **9. "Health division" means the health division of the department of**
5 **human resources.**

6 **Sec. 8.** NRS 458.025 is hereby amended to read as follows:

7 458.025 The ~~bureau of alcohol and drug abuse is hereby created in the~~
8 ~~department. The bureau:~~ **health division:**

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

11 (a) A survey of the need for ~~education,~~ prevention and treatment of
12 alcohol and drug abuse, including a survey of the facilities needed to
13 provide services and a plan for the development and distribution of
14 services and programs throughout ~~the~~ **this** state.

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

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

22 In developing and revising the state plan, the ~~bureau~~ **health division** shall
23 consider, ~~among other things,~~ **without limitation**, the amount of money
24 available from the Federal Government for alcohol and drug abuse
25 programs and the conditions attached to the acceptance of ~~the~~ **that**
26 money, and the limitations of legislative appropriations for alcohol and
27 drug abuse programs.

28 2. Is responsible for coordinating efforts to carry out the state plan and
29 coordinating all state and federal financial support of alcohol and drug
30 abuse programs in ~~the state. The bureau must~~ **this state.**

31 **3. Must** be consulted in the planning of projects and advised of all
32 applications for grants from within ~~the~~ **this** state which are concerned
33 with alcohol and drug abuse programs, and shall review **the applications**
34 and advise **the applicants** concerning the applications.

35 ~~3. Shall develop and publish standards of certification and may~~

36 **4. Shall** certify or deny certification of any halfway houses for alcohol
37 and drug abusers, facilities, programs or personnel on the basis of the
38 standards ~~it~~ **established by the board pursuant to this section**, and publish
39 a list of certified halfway houses for alcohol and drug abusers, facilities,
40 programs and personnel. Any facilities, programs or personnel which are
41 not certified are ineligible to receive state and federal money for alcohol
42 and drug abuse programs. The ~~chief:~~

43 ~~—(a) Shall establish~~ **board shall adopt regulations. The regulations:**

44 **(a) Must prescribe the standards for certification of halfway houses**
45 **for alcohol and drug abusers, facilities, programs and personnel;**

46 **(b) Must prescribe the** requirements for continuing education for
47 persons certified as counselors and administrators of the programs; and

48 ~~it(b) May set~~



1 (c) *May prescribe the* fees for *the* certification of halfway houses for
2 alcohol and drug abusers, facilities, programs or personnel. ~~{The fees}~~ *A*
3 *fee prescribed pursuant to this paragraph* must be calculated to produce
4 the revenue estimated to cover the costs related to the certifications, but in
5 no case may ~~{the}~~ *a* fee for a certificate exceed the actual cost to the
6 ~~{bureau}~~ *health division* of issuing the certificate.

7 ~~{4.}~~ *5.* Upon request from a facility which is self-supported, may
8 certify the facility, its programs and personnel and add them to the list of
9 certified facilities, programs and personnel.

10 **Sec. 9.** NRS 458.026 is hereby amended to read as follows:

11 458.026 1. An applicant for the issuance or renewal of his
12 certification as personnel of an alcohol or drug abuse program or a facility,
13 or as the operator of a halfway house for alcohol and drug abusers, ~~{shall}~~
14 *must* submit to the ~~{bureau}~~ *health division* the statement prescribed by the
15 welfare division of the department of human resources pursuant to NRS
16 425.520. The statement must be completed and signed by the applicant.

17 2. The ~~{bureau}~~ *health division* shall include the statement required
18 pursuant to subsection 1 in:

19 (a) The application or any other forms that must be submitted for the
20 issuance or renewal of the certification; or

21 (b) A separate form prescribed by the ~~{bureau}~~ *health division*.

22 3. The certification of a person as personnel of an alcohol or drug
23 abuse program or a facility, or as the operator of a halfway house for
24 alcohol and drug abusers, may not be issued or renewed by the ~~{bureau}~~
25 *health division* if the applicant:

26 (a) Fails to complete or submit the statement required pursuant to
27 subsection 1; or

28 (b) Indicates on the statement submitted pursuant to subsection 1 that he
29 is subject to a court order for the support of a child and is not in
30 compliance with the order or a plan approved by the district attorney or
31 other public agency enforcing the order for the repayment of the amount
32 owed pursuant to the order.

33 4. If an applicant indicates on the statement submitted pursuant to
34 subsection 1 that he is subject to a court order for the support of a child and
35 is not in compliance with the order or a plan approved by the district
36 attorney or other public agency enforcing the order for the repayment of
37 the amount owed pursuant to the order, the ~~{director}~~ *administrator* shall
38 advise the applicant to contact the district attorney or other public agency
39 enforcing the order to determine the actions that the applicant may take to
40 satisfy the arrearage.

41 **Sec. 10.** NRS 458.027 is hereby amended to read as follows:

42 458.027 1. If the ~~{bureau}~~ *health division* receives a copy of a court
43 order issued pursuant to NRS 425.540 that provides for the suspension of
44 all professional, occupational and recreational licenses, certificates and
45 permits issued to a person who has been certified as personnel of an
46 alcohol and drug abuse program or a facility, or as the operator of a
47 halfway house for alcohol and drug abusers, the ~~{bureau}~~ *health division*
48 shall deem the certification to be suspended at the end of the 30th day after
49 the date on which the court order was issued unless the ~~{bureau}~~ *health*



* S B 3 0 0 *

1 *division* receives a letter issued by the district attorney or other public
2 agency pursuant to NRS 425.550 to the person who has been certified
3 stating that the person has complied with the subpoena or warrant or has
4 satisfied the arrearage pursuant to NRS 425.560.

5 2. The ~~{bureau}~~ *health division* shall reinstate the certification of a
6 person as personnel of an alcohol and drug abuse program or a facility, or
7 as the operator of a halfway house for alcohol and drug abusers, that has
8 been suspended by a district court pursuant to NRS 425.540 if the ~~{bureau}~~
9 *health division* receives a letter issued by the district attorney or other
10 public agency pursuant to NRS 425.550 to the person whose certification
11 was suspended stating that the person whose certification was suspended
12 has complied with the subpoena or warrant or has satisfied the arrearage
13 pursuant to NRS 425.560.

14 **Sec. 11.** NRS 458.031 is hereby amended to read as follows:
15 458.031 The ~~{department}~~ *health division* shall administer the
16 provisions of NRS 458.010 to 458.350, inclusive, as the sole agency of the
17 State of Nevada for that purpose.

18 **Sec. 12.** NRS 458.035 is hereby amended to read as follows:
19 458.035 The ~~{department}~~ *health division* may contract with any
20 appropriate public or private agency, organization or institution to carry out
21 the provisions of NRS 458.010 to 458.350, inclusive.

22 **Sec. 13.** NRS 458.055 is hereby amended to read as follows:
23 458.055 1. To preserve the confidentiality of any information
24 concerning persons applying for or receiving any services pursuant to NRS
25 458.010 to 458.350, inclusive, the ~~{bureau}~~ *health division* may establish
26 and enforce rules governing the confidential nature, custody, use and
27 preservation of the records, files and communications filed with the
28 ~~{bureau}~~ *health division*.

29 2. Wherever information concerning persons applying for and
30 receiving any services pursuant to NRS 458.010 to 458.350, inclusive, is
31 furnished to or held by any other government agency or a public or private
32 institution, the use of that information by the agency or institution is
33 subject to the rules established by the ~~{bureau}~~ *health division* pursuant to
34 subsection 1.

35 3. Except as otherwise provided in NRS 442.300 to 442.330, inclusive,
36 and 449.705 and chapter 629 of NRS and except for purposes directly
37 connected with the administration of NRS 458.010 to 458.350, inclusive, a
38 person shall not disclose, use or ~~{permit to be disclosed,}~~ *authorize the*
39 *disclosure of* any confidential information concerning a person receiving
40 services pursuant to NRS 458.010 to 458.350, inclusive.

41 **Sec. 14.** NRS 458.080 is hereby amended to read as follows:
42 458.080 The ~~{bureau}~~ *health division* may, by contracting with
43 organized groups, render partial financial assistance in the operation of
44 facilities established by these groups. Each such contract ~~{shall}~~ *must*
45 contain a provision allowing for an audit of all accounts, books and other
46 financial records of the organization with which the agency contracts.

47 **Sec. 15.** NRS 458.097 is hereby amended to read as follows:
48 458.097 Money received by the ~~{bureau}~~ *health division* pursuant to
49 NRS 369.174 must be used to increase services for the prevention of



1 alcohol abuse and alcoholism and for the detoxification and rehabilitation
2 of abusers. In allocating the money for the increase of services, the
3 ~~{bureau}~~ *health division* shall give priority to:

4 1. The areas where there exists a shortage of ~~{personnel to conduct~~
5 ~~treatment}~~ *services for the treatment of* alcoholism and alcohol abuse. The
6 ~~{bureau}~~ *health division* shall determine the areas of shortage on the basis
7 of data available from state and local agencies, data contained in the
8 comprehensive state plan for alcohol and drug abuse programs, and other
9 appropriate data.

10 2. The needs of counties to provide civil protective custody, pursuant
11 to NRS 458.270, for persons who are found in public places while under
12 the influence of alcohol.

13 3. Alcohol and drug abuse programs that are primarily directed toward
14 the prevention of such abuse.

15 **Sec. 16.** NRS 458.098 is hereby amended to read as follows:

16 458.098 1. The tax on liquor program account is hereby created in
17 the state general fund.

18 2. Money in the account that is received pursuant to NRS 369.174
19 must be used for the purposes specified in NRS 458.097.

20 3. All claims must be approved by the ~~{chief}~~ *administrator* before
21 they are paid.

22 **Sec. 17.** NRS 458.100 is hereby amended to read as follows:

23 458.100 1. All gifts or grants of money *for an alcohol and drug*
24 *abuse program* which the ~~{bureau}~~ *health division* is authorized to accept
25 must be deposited in the state treasury for credit to the state grant and gift
26 account for alcohol and drug abuse which is hereby created in the
27 department of human resources' gift fund.

28 2. Money in the account must be used to carry out the provisions of
29 NRS 458.010 to 458.350, inclusive . ~~{, and other programs or laws~~
30 ~~administered by the bureau.}~~

31 3. All claims must be approved by the ~~{chief}~~ *administrator* before
32 they are paid.

33 **Sec. 18.** NRS 458.103 is hereby amended to read as follows:

34 458.103 The ~~{bureau}~~ *health division* may accept:

35 1. ~~{Funds}~~ *Money* appropriated and made available by any Act of
36 Congress for any *alcohol and drug abuse* program administered by the
37 ~~{bureau}~~ *health division* as provided by law.

38 2. ~~{Funds}~~ *Money* appropriated and made available by the State of
39 Nevada or by a county, a city, a public district or any political subdivision
40 of this state for any *alcohol and drug abuse* program administered by the
41 ~~{bureau}~~ *health division* as provided by law.

42 **Sec. 19.** NRS 458.104 is hereby amended to read as follows:

43 458.104 1. If the ~~{director}~~ *administrator* determines that current
44 claims exceed the amount of money available to the ~~{bureau}~~ *health*
45 *division* because of a delay in the receipt of money from federal grants, he
46 may request from the director of the department of administration a
47 temporary advance from the state general fund for the payment of
48 authorized expenses.



1 2. The director of the department of administration shall notify the
2 state controller and the fiscal analysis division of the legislative counsel
3 bureau of his approval of a request made pursuant to subsection 1. The
4 state controller shall draw his warrant upon receipt of the approval by the
5 director of the department of administration.

6 3. An advance from the state general fund:

7 (a) Must be approved by the director of the department of
8 administration for use pursuant to NRS 458.080; and

9 (b) Is limited to 25 percent of the ~~revenues~~ *revenue* expected to be
10 received in the current fiscal year from any source other than legislative
11 appropriation.

12 4. Any money which is temporarily advanced from the state general
13 fund to the ~~bureau~~ *health division* pursuant to this section must be repaid
14 by August 31 following the end of the fiscal year during which the money
15 was advanced.

16 **Sec. 20.** NRS 458.105 is hereby amended to read as follows:

17 458.105 The ~~chief~~ *health division* may fix and collect reasonable
18 fees for the sale of miscellaneous printed materials pertaining to alcohol
19 and drug abuse which are purchased or prepared by the ~~bureau~~. ~~Such fees~~
20 ~~shall~~ *health division. The fees must* be deposited in the state treasury to
21 the credit of the general fund.

22 **Sec. 21.** NRS 458.110 is hereby amended to read as follows:

23 458.110 In addition to the activities set forth in NRS 458.025 to
24 458.115, inclusive, the ~~bureau~~ *health division* may engage in any activity
25 necessary to effectuate the purposes of NRS 458.010 to 458.350, inclusive.

26 **Sec. 22.** NRS 458.115 is hereby amended to read as follows:

27 458.115 Money to carry out the provisions of NRS 458.010 to
28 458.350, inclusive, must be provided by direct legislative appropriation
29 from the state general fund and paid out on claims as other claims against
30 the state are paid. All claims must be approved by the ~~chief~~ *administrator*
31 before they are paid.

32 **Sec. 23.** NRS 458.125 is hereby amended to read as follows:

33 458.125 1. The ~~bureau~~ *health division* shall prepare requests for
34 proposals for the provision by facilities of:

35 (a) Residential treatment of adolescents who engage in substance abuse;

36 (b) Outpatient treatment of adolescents who engage in substance abuse;

37 (c) Comprehensive evaluations of adolescents with problems relating to
38 substance abuse or mental illness, or both; and

39 (d) Transitional housing for adolescents who engage in substance abuse.

40 2. Upon accepting a proposal submitted in accordance with this
41 section, the ~~bureau~~ *health division* may advance not more than 8 percent
42 of the amount of the proposal to the facility that submitted the proposal to
43 help defray the costs of starting the provision of the services, including,
44 without limitation, the cost of beds, equipment and rental space for
45 expansion.

46 3. The ~~bureau~~ *health division* shall establish such requirements for
47 the requests for proposals as it determines necessary.



1 4. The ~~bureau~~ *health division* shall hire, to the extent of legislative
2 authorization, such staff as it determines necessary to carry out the
3 provisions of this section and NRS 458.131.

4 **Sec. 24.** NRS 458.131 is hereby amended to read as follows:

5 458.131 The ~~bureau~~ *health division* shall, on or before September 1
6 of each odd-numbered year, submit to the director *of the department of*
7 *human resources* a report covering the biennium ending on June 30 of that
8 year. The report must include:

9 1. The name of each facility that received money pursuant to NRS
10 458.125 during the biennium, and the amount of money that each facility
11 received for each type of service provided;

12 2. If a facility received money pursuant to NRS 458.125 during the
13 biennium to help defray the costs of starting the provision of services, the
14 name of the facility, the amount of money received and an accounting of
15 how the money was used;

16 3. The number of adolescents who received any of the services
17 described in NRS 458.125 from ~~such~~ *those* facilities during the biennium,
18 and the number of adolescents who were receiving ~~such~~ *those* services as
19 of the end of the biennium; and

20 4. As of the end of the biennium:

21 (a) The number of adolescents on waiting lists to receive the services
22 described in NRS 458.125; and

23 (b) An estimate of the number of other adolescents in this state who are
24 in need of the services described in NRS 458.125.

25 **Sec. 25.** NRS 458.141 is hereby amended to read as follows:

26 458.141 1. No person, state or local government or agency thereof
27 may operate or maintain in this state a halfway house for alcohol and drug
28 abusers without first obtaining a certificate therefor from the ~~bureau~~
29 *health division*.

30 2. A person who operates a halfway house for alcohol and drug
31 abusers without a certificate issued by the ~~bureau~~ *health division* is guilty
32 of a misdemeanor.

33 **Sec. 26.** NRS 458.145 is hereby amended to read as follows:

34 458.145 Each certificate issued by the ~~bureau~~ *health division* to a
35 halfway house for alcohol and drug abusers expires on the ~~first~~ December
36 31 following its issuance and is renewable for 1 year upon reapplication
37 and payment of a renewal fee established pursuant to NRS 458.025.

38 **Sec. 27.** NRS 458.151 is hereby amended to read as follows:

39 458.151 The ~~bureau~~ *health division* may:

40 1. Upon receipt of an application for certification as a halfway house
41 for alcohol and drug abusers, conduct an investigation into the premises,
42 qualifications of personnel, methods of operation, policies and purposes of
43 any person proposing to engage in the operation of that halfway house.

44 2. Upon receipt of a complaint against a halfway house for alcohol and
45 drug abusers, conduct an investigation into the premises, qualification of
46 personnel, methods of operation, policies, procedures and records of that
47 halfway house.



1 3. Inspect a halfway house for alcohol and drug abusers at any time,
2 with or without notice, as often as is necessary to ensure compliance with
3 all applicable regulations and standards adopted by the ~~the bureau~~ **board**.

4 **Sec. 28.** NRS 458.155 is hereby amended to read as follows:

5 458.155 1. If a halfway house for alcohol and drug abusers violates
6 any provisions related to its certification, including, without limitation, any
7 law of this state or any applicable condition, standard or regulation adopted
8 by the ~~the bureau, the bureau~~ **board, the health division** may:

9 (a) Suspend or revoke its certification; and

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

13 2. If a halfway house for alcohol and drug abusers fails to pay an
14 administrative fine imposed pursuant to subsection 1, the ~~the bureau~~ **health**
15 **division** may:

16 (a) Suspend the certificate of the halfway house until the administrative
17 fine is paid; and

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

20 3. Any money collected as an administrative fine must be deposited in
21 the state general fund. If money is needed to pay the costs of an
22 investigation or inspection to carry out the provisions of NRS 458.141 to
23 458.171, inclusive, the ~~the bureau~~ **health division** may present a claim to the
24 state board of examiners for recommendation to the interim finance
25 committee.

26 **Sec. 29.** NRS 458.161 is hereby amended to read as follows:

27 458.161 The ~~the bureau~~ **board** shall adopt such regulations as are
28 necessary to carry out the provisions of NRS 458.141 to 458.171,
29 inclusive.

30 **Sec. 30.** NRS 458.165 is hereby amended to read as follows:

31 458.165 1. The ~~the bureau~~ **health division** may bring an action in the
32 name of the state to enjoin any person, state or local government or agency
33 thereof from operating or maintaining a halfway house for alcohol and
34 drug abusers:

35 (a) Without first obtaining a certificate therefor ~~the~~ **from the health**
36 **division**; or

37 (b) After such a certificate has been revoked or suspended by the
38 ~~the bureau~~ **health division**.

39 2. It is sufficient in such an action to allege that the defendant did, on a
40 certain date and in a certain place, operate and maintain such a halfway
41 house without a certificate.

42 **Sec. 31.** NRS 458.171 is hereby amended to read as follows:

43 458.171 The district attorney of the county in which a halfway house
44 for alcohol and drug abusers is located shall, upon application by the
45 ~~the bureau~~ **health division**, institute and conduct the prosecution of any
46 action for the violation of NRS 458.141.

47 **Sec. 32.** NRS 458.250 is hereby amended to read as follows:

48 458.250 The legislature finds and declares that the handling of alcohol
49 abusers within the criminal justice system is ineffective, whereas treating



1 alcohol abuse as a health problem allows its prevention and treatment and
2 relieves law enforcement agencies of a large and inappropriate burden. *The*
3 *provisions of* NRS 458.250 to 458.280, inclusive, are intended to provide
4 for the prevention of alcohol abuse and the treatment of alcohol abusers.
5 *The provisions of* NRS 458.250 to 458.280, inclusive, are further intended
6 to transfer the handling of public intoxication from statutes providing
7 criminal sanctions, ~~{such as}~~ *including, without limitation*, loitering and
8 vagrancy, to statutes providing for civil protective custody. To accomplish
9 these purposes, the department *of human resources* shall continue to direct
10 itself to the problem of alcohol abuse at large, attempting to combat the
11 problem ~~on~~ *at* the community level.

12 **Sec. 33.** NRS 458.270 is hereby amended to read as follows:

13 458.270 1. Except as otherwise provided in subsection 7, a person
14 who is found in any public place under the influence of alcohol, in such a
15 condition that he is unable to exercise care for his ~~own~~ health or safety or
16 the health or safety of ~~others~~ *other persons*, must be placed under civil
17 protective custody by a peace officer.

18 2. A peace officer may use upon such a person ~~that~~ *the* kind and
19 degree of force which would be lawful if he were effecting an arrest for a
20 misdemeanor with a warrant.

21 3. If a licensed facility for the treatment of persons who abuse alcohol
22 exists in the community where the person is found, he must be delivered to
23 the facility for observation and care. If no such facility exists in the
24 community, the person so found may be placed in a county or city jail or
25 detention facility for shelter or supervision for his ~~own~~ health and safety
26 until he is no longer under the influence of alcohol. He may not be required
27 against his will to remain in ~~either~~ a licensed facility, jail or detention
28 facility longer than 48 hours.

29 4. An intoxicated person taken into custody by a peace officer for a
30 public offense must immediately be taken to a secure detoxification unit or
31 other appropriate medical facility if his condition appears to require
32 emergency medical treatment. Upon release from the detoxification unit or
33 medical facility, the person must immediately be remanded to the custody
34 of the apprehending peace officer and the criminal proceedings proceed as
35 prescribed by law.

36 5. The placement of a person found under the influence of alcohol in
37 civil protective custody must be:

38 (a) Recorded at the facility, jail or detention facility to which he is
39 delivered; and

40 (b) Communicated at the earliest practical time to his family or next of
41 kin if they can be located. ~~{and to the department or to a local alcohol~~
42 ~~abuse authority designated by the department.}~~

43 6. Every peace officer and other public employee or agency acting
44 pursuant to this section is performing a discretionary function or duty.

45 7. The provisions of this section do not apply to a person who is
46 apprehended or arrested for:

47 (a) A civil or administrative violation for which intoxication is an
48 element of the violation pursuant to the provisions of a specific statute or
49 regulation;



(b) A criminal offense for which intoxication is an element of the offense pursuant to the provisions of a specific statute or regulation;

(c) A homicide resulting from driving, operating or being in actual physical control of a vehicle or a vessel under power or sail while under the influence of intoxicating liquor or a controlled substance or resulting from any other conduct prohibited by NRS 484.379, 484.3795, subsection 2 of NRS 488.400, NRS 488.410 or 488.420; and

(d) Any offense or violation which is similar to an offense or violation described in paragraph (a), (b) or (c) and which is set forth in an ordinance or resolution of a county, city or town.

Sec. 34. NRS 458.370 is hereby amended to read as follows:

458.370 As used in NRS 458.370 to 458.441, inclusive, unless the context otherwise requires ~~the~~, *“commission”*:

1. *“Alcohol and drug abuse program” means a project concerned with education, prevention and treatment directed toward achieving the mental and physical restoration of alcohol and drug abusers.*

2. *“Commission” means the commission on substance abuse education, prevention, enforcement and treatment.*

3. *“Health division” means the health division of the department of human resources.*

Sec. 35. NRS 458.380 is hereby amended to read as follows:

458.380 1. The commission on substance abuse education, prevention, enforcement and treatment is hereby created within the department of motor vehicles and public safety.

2. The governor shall appoint as voting members of the commission:

(a) Three members who represent the criminal justice system and are knowledgeable in the areas of the enforcement of laws relating to drugs, parole and probation and the judicial system, at least one of whom is a peace officer;

(b) Three members who represent education and are knowledgeable about programs for the prevention of abuse of drugs and alcohol, at least one of whom is a licensed employee of a local school district;

(c) Three members who represent programs and organizations for the rehabilitation of persons who abuse drugs and alcohol, at least one of whom is a manager of a program accredited by ~~the~~ *this* state to treat persons who abuse drugs and alcohol;

(d) One member who is employed by the ~~bureau~~ *health division* and has experience in matters concerning budgeting and experience in working with the *alcohol and drug abuse* programs of the ~~bureau~~ *health division*;

(e) One member who is employed by the division of mental health and developmental services of the department of human resources who has relevant experience, which may include, without limitation, experience in matters concerning budgeting and experience in working with programs of the division of mental health and developmental services of the department of human resources;

(f) One member who represents the interests of private businesses concerning substance abuse in the workplace; and



* S B 3 0 0 *

1 (g) Three members who represent the general public, one of whom is
2 the parent of a child who has a mental illness or who has or has had a
3 problem with substance abuse.

4 3. At least three of the voting members of the commission must be
5 representatives of northern Nevada, three must be representatives of
6 southern Nevada and three must be representatives of rural Nevada.

7 4. The legislative commission shall appoint one member of the senate
8 and one member of the assembly to serve as nonvoting members of the
9 commission. ~~Such~~ *Those* members must be appointed with appropriate
10 regard for their experience with and knowledge of matters relating to
11 substance abuse education, prevention, enforcement and treatment.

12 5. The director of the department of human resources, the
13 superintendent of public instruction, the director of the department of
14 employment, training and rehabilitation, the director of the department of
15 prisons, the attorney general and the director of the department of motor
16 vehicles and public safety are ex officio nonvoting members of the
17 commission. An ex officio member may designate a representative to serve
18 in his place on the commission or to attend a meeting of the commission in
19 his place. Each ex officio member or his representative shall attend each
20 meeting of the commission and provide any information which the
21 commission requests.

22 6. The term of office of each voting member of the commission is 2
23 years.

24 7. The governor shall appoint one member who is not an elected
25 ~~official~~ *officer* to serve as chairman of the commission.

26 8. Each member of the commission is entitled to receive the per diem
27 allowance and travel expenses provided for state officers and employees
28 generally.

29 9. Except during a regular or special session of the legislature, each
30 legislative member of the commission is entitled to receive the
31 compensation provided for a majority of the members of the legislature
32 during the first 60 days of the preceding regular session for each day or
33 portion of a day during which he attends a meeting of the commission or is
34 otherwise engaged in the business of the commission. The salaries and
35 expenses of the legislative members of the commission must be paid from
36 the legislative fund.

37 **Sec. 36.** NRS 458.420 is hereby amended to read as follows:
38 458.420 The commission shall:

39 1. Develop, coordinate and adopt a state master plan. The plan:

40 (a) May include, without limitation, any plans and reports developed by
41 state and local agencies, task forces, councils, committees and community
42 programs for substance abuse education, prevention, enforcement and
43 treatment.

44 (b) Must include:

45 (1) A summary of the current activities of the commission;

46 (2) The goals and objectives of the commission;

47 (3) The order of priority concerning the efforts required to achieve
48 the goals and objectives of the commission; and



* S B 3 0 0 *

- 1 (4) Suggestions and advice to the ~~{bureau}~~ *health division* concerning
2 the *alcohol and drug abuse* programs of the ~~{bureau}~~ *health division*.
3 2. Prepare and deliver to the governor on or before July 1 of each
4 even-numbered year a report that summarizes the status of the state master
5 plan and of the efforts of the commission to achieve its goals and
6 objectives.
7 3. Hold and coordinate public hearings throughout ~~{the}~~ *this* state as
8 are necessary to receive information from the public relating to education
9 concerning the abuse of drugs and alcohol, prevention and treatment of the
10 abuse of drugs and alcohol and the enforcement of laws relating to drugs
11 and alcohol.
12 4. Recommend to the governor annually any proposed legislation
13 relating to education concerning the abuse of drugs and alcohol, prevention
14 and treatment of the abuse of drugs and alcohol and enforcement of laws
15 relating to drugs and alcohol.
16 5. Make grants of available money to programs that provide substance
17 abuse education, prevention, enforcement and treatment and to
18 organizations that evaluate ~~{such}~~ *those* programs.
19 6. Collect, evaluate and disseminate information concerning:
20 (a) The performance of the programs for drug abuse education,
21 prevention, enforcement and treatment; and
22 (b) Proposed legislation relating to drug abuse education, prevention,
23 enforcement and treatment.
24 7. Establish a program to recognize publicly persons and programs that
25 have helped to prevent and treat the abuse of drugs and alcohol and enforce
26 laws relating to drugs and alcohol in this state.
27 **Sec. 37.** NRS 4.373 is hereby amended to read as follows:
28 4.373 1. Except as otherwise provided in subsection 2, NRS
29 211A.127 or another specific statute, or unless the suspension of a sentence
30 is expressly forbidden, a justice of the peace may suspend, for not more
31 than 1 year, the sentence of a person convicted of a misdemeanor. ~~{When}~~
32 *If* the circumstances warrant, the justice of the peace may order as a
33 condition of suspension that the offender:
34 (a) Make restitution to the owner of any property that is lost, damaged
35 or destroyed as a result of the commission of the offense;
36 (b) Engage in a program of work for the benefit of the community, for
37 not more than 200 hours;
38 (c) Actively participate in a program of professional counseling at the
39 expense of the offender;
40 (d) Abstain from the use of alcohol and controlled substances;
41 (e) Refrain from engaging in any criminal activity;
42 (f) Engage or refrain from engaging in any other conduct deemed
43 appropriate by the justice of the peace;
44 (g) Submit to a search and seizure by the chief of a department of
45 alternative sentencing, an assistant alternative sentencing officer or any
46 other law enforcement officer at any time of the day or night without a
47 search warrant; and
48 (h) Submit to periodic tests to determine whether the offender is using a
49 controlled substance or consuming alcohol.



1 2. If a person is convicted of a misdemeanor that constitutes domestic
2 violence pursuant to NRS 33.018, the justice of the peace may, after the
3 person has served any mandatory minimum period of confinement,
4 suspend the remainder of the sentence of the person for not more than 3
5 years upon the condition that the person actively participate in:

6 (a) A program of treatment for the abuse of alcohol or drugs which is
7 certified by the ~~bureau of alcohol and drug abuse in~~ *health division of* the
8 department of human resources;

9 (b) A program for the treatment of persons who commit domestic
10 violence that has been certified pursuant to NRS 228.470; or

11 (c) ~~Both~~ *The* programs set forth in paragraphs (a) and (b),
12 and that he comply with any other condition of suspension ordered by the
13 justice of the peace.

14 3. The justice of the peace may order reports from a person whose
15 sentence is suspended at such times as he deems appropriate concerning
16 the compliance of the offender with the conditions of suspension. If the
17 offender complies with the conditions of suspension to the satisfaction of
18 the justice of the peace, the sentence may be reduced to not less than the
19 minimum period of confinement established for the offense.

20 4. The justice of the peace may issue a warrant for the arrest of an
21 offender who violates or fails to fulfill a condition of suspension.

22 **Sec. 38.** NRS 5.055 is hereby amended to read as follows:

23 5.055 1. Except as otherwise provided in subsection 2, NRS
24 211A.127 or another specific statute, or unless the suspension of a sentence
25 is expressly forbidden, a municipal judge may suspend, for not more than 1
26 year, the sentence of a person convicted of a misdemeanor. ~~When~~ *If* the
27 circumstances warrant, the municipal judge may order as a condition of
28 suspension that the offender:

29 (a) Make restitution to the owner of any property that is lost, damaged
30 or destroyed as a result of the commission of the offense;

31 (b) Engage in a program of work for the benefit of the community, for
32 not more than 200 hours;

33 (c) Actively participate in a program of professional counseling at the
34 expense of the offender;

35 (d) Abstain from the use of alcohol and controlled substances;

36 (e) Refrain from engaging in any criminal activity;

37 (f) Engage or refrain from engaging in any other conduct deemed
38 appropriate by the municipal judge;

39 (g) Submit to a search and seizure by the chief of a department of
40 alternative sentencing, an assistant alternative sentencing officer or any
41 other law enforcement officer at any time of the day or night without a
42 search warrant; and

43 (h) Submit to periodic tests to determine whether the offender is using
44 any controlled substance or alcohol.

45 2. If a person is convicted of a misdemeanor that constitutes domestic
46 violence pursuant to NRS 33.018, the municipal judge may, after the
47 person has served any mandatory minimum period of confinement,
48 suspend the remainder of the sentence of the person for not more than 3
49 years upon the condition that the person actively participate in:



1 (a) A program of treatment for the abuse of alcohol or drugs which is
2 certified by the ~~bureau of alcohol and drug abuse in~~ *health division of* the
3 department of human resources;

4 (b) A program for the treatment of persons who commit domestic
5 violence that has been certified pursuant to NRS 228.470; or

6 (c) ~~Both~~ *The* programs set forth in paragraphs (a) and (b),
7 and that he comply with any other condition of suspension ordered by the
8 municipal judge.

9 3. The municipal judge may order reports from a person whose
10 sentence is suspended at such times as he deems appropriate concerning
11 the compliance of the offender with the conditions of suspension. If the
12 offender complies with the conditions of suspension to the satisfaction of
13 the municipal judge, the sentence may be reduced to not less than the
14 minimum period of confinement established for the offense.

15 4. The municipal judge may issue a warrant for the arrest of an
16 offender who violates or fails to fulfill a condition of suspension.

17 **Sec. 39.** NRS 62.2275 is hereby amended to read as follows:

18 62.2275 1. If a child within the jurisdiction of the juvenile court is
19 found by the juvenile court to have committed:

20 (a) An unlawful act in violation of NRS 484.379 or 484.3795;

21 (b) The unlawful act of using, possessing, selling or distributing a
22 controlled substance; or

23 (c) The unlawful act of purchasing, consuming or possessing an
24 alcoholic beverage in violation of NRS 202.020,
25 the judge, or his authorized representative, shall require the child to
26 undergo an evaluation to determine if the child is an abuser of alcohol or
27 other drugs.

28 2. The evaluation of a child pursuant to this section:

29 (a) Must be conducted by:

30 (1) An alcohol and drug abuse counselor who is licensed or certified
31 or an alcohol and drug abuse counselor intern who is certified pursuant to
32 chapter 641C of NRS to make that classification; or

33 (2) A physician who is certified to make that classification by the
34 board of medical examiners,
35 who shall report to the judge the results of the evaluation and make a
36 recommendation to the judge concerning the length and type of treatment
37 required by the child.

38 (b) May be conducted at an evaluation center.

39 3. The judge shall:

40 (a) Order the child to undergo a program of treatment as recommended
41 by the person who conducted the evaluation pursuant to subsection 2.

42 (b) Require the treatment facility to submit monthly reports on the
43 treatment of the child pursuant to this section.

44 (c) Order the child, if he is at least 18 years of age or an emancipated
45 minor, or the parent or legal guardian of the child, to the extent of the
46 financial resources of the child or his parent or legal guardian, to pay any
47 charges relating to the evaluation and treatment of the child pursuant to this
48 section. If the child, or his parent or legal guardian, does not have the
49 financial resources to pay all those charges:



1 (1) The judge shall, to the extent possible, arrange for the child to
2 receive treatment from a treatment facility which receives a sufficient
3 amount of federal or state money to offset the remainder of the costs; and

4 (2) The judge may order the child to perform supervised work for the
5 benefit of the community in lieu of paying the charges relating to his
6 evaluation and treatment. The work must be performed for and under the
7 supervising authority of a county, city, town or other political subdivision
8 or agency of the State of Nevada or a charitable organization that renders
9 service to the community or its residents. The court may require the child
10 or his parent or legal guardian to deposit with the court a reasonable sum of
11 money to pay for the cost of policies of insurance against liability for
12 personal injury and damage to property or for industrial insurance, or both,
13 during those periods in which the child performs the work, unless, in the
14 case of industrial insurance, it is provided by the authority for which he
15 performs the work.

16 4. A treatment facility is not liable for any damages to person or
17 property caused by a child who:

18 (a) Drives, operates or is in actual physical control of a vehicle or a
19 vessel under power or sail while under the influence of intoxicating liquor
20 or a controlled substance; or

21 (b) Engages in any other conduct prohibited by NRS 484.379,
22 484.3795, subsection 2 of NRS 488.400, NRS 488.410 or 488.420 or a law
23 of any other jurisdiction that prohibits the same or similar conduct,
24 after the treatment facility has certified to his successful completion of a
25 program of treatment ordered pursuant to this section.

26 5. The provisions of this section do not prohibit a judge from:

27 (a) Requiring an evaluation to be conducted by a person who is
28 employed by a private company if the company meets the standards of the
29 ~~{bureau of alcohol and drug abuse}~~ *health division of the department of*
30 *human resources*. The evaluation may be conducted at an evaluation
31 center pursuant to paragraph (b) of subsection 2.

32 (b) Ordering the child to attend a program of treatment which is
33 administered by a private company.

34 6. All information relating to the evaluation or treatment of a child
35 pursuant to this section is confidential and, except as otherwise authorized
36 by the provisions of this chapter or the juvenile court, must not be
37 disclosed to any person other than the juvenile court, the child and his
38 attorney, if any, his parents or guardian, the prosecuting attorney and any
39 other person for whom the communication of that information is necessary
40 to effectuate the evaluation or treatment of the child. A record of any
41 finding that a child has violated the provisions of NRS 484.379 or
42 484.3795 must be included in the driver's record of that child for 7 years
43 after the date of the offense.

44 7. As used in this section:

45 (a) ~~{“Bureau of alcohol and drug abuse” means the bureau of alcohol~~
46 ~~and drug abuse in the department of human resources.~~

47 ~~—(b)—~~ “Evaluation center” has the meaning ascribed to it in NRS
48 484.3793.



1 ~~(c)~~ (b) "Treatment facility" has the meaning ascribed to it in NRS
2 484.3793.

3 **Sec. 40.** NRS 200.485 is hereby amended to read as follows:

4 200.485 1. Unless a greater penalty is provided pursuant to NRS
5 200.481, a person convicted of a battery that constitutes domestic violence
6 pursuant to NRS 33.018:

7 (a) For the first offense within the immediately preceding 7 years, is
8 guilty of a misdemeanor and shall be sentenced to:

9 (1) Imprisonment in the city or county jail or detention facility for not
10 less than 2 days, but not more than 6 months; and

11 (2) Perform not less than 48 hours, but not more than 120 hours, of
12 community service.

13 The person shall be further punished by a fine of not less than \$200, but not
14 more than \$1,000. A term of imprisonment imposed pursuant to this
15 paragraph may be served intermittently at the discretion of the judge or
16 justice of the peace, except that each period of confinement must be not
17 less than 4 consecutive hours and must occur ~~either~~ at a time when the
18 person is not required to be at his place of employment or on a weekend.

19 (b) For the second offense within the immediately preceding 7 years, is
20 guilty of a misdemeanor and shall be sentenced to:

21 (1) Imprisonment in the city or county jail or detention facility for not
22 less than 10 days, but not more than 6 months; and

23 (2) Perform not less than 100 hours, but not more than 200 hours, of
24 community service.

25 The person shall be further punished by a fine of not less than \$500, but not
26 more than \$1,000.

27 (c) For the third and any subsequent offense within the immediately
28 preceding 7 years, is guilty of a category C felony and shall be punished as
29 provided in NRS 193.130.

30 2. In addition to any other penalty, if a person is convicted of a battery
31 which constitutes domestic violence pursuant to NRS 33.018, the court
32 shall:

33 (a) For the first offense within the immediately preceding 7 years,
34 require him to participate in weekly counseling sessions of not less than 1
35 1/2 hours per week for not less than 6 months, but not more than 12
36 months, at his ~~own~~ expense, in a program for the treatment of persons
37 who commit domestic violence that has been certified pursuant to NRS
38 228.470.

39 (b) For the second offense within the immediately preceding 7 years,
40 require him to participate in weekly counseling sessions of not less than 1
41 1/2 hours per week for 12 months, at his ~~own~~ expense, in a program for
42 the treatment of persons who commit domestic violence that has been
43 certified pursuant to NRS 228.470.

44 3. In addition to any other fine or penalty, the court shall order such a
45 person to pay an administrative assessment of \$35. Any money so collected
46 must be paid by the clerk of the court to the state treasurer on or before the
47 fifth day of each month for the preceding month for credit to the account
48 for programs related to domestic violence established pursuant to NRS
49 228.460.



1 4. In addition to any other penalty, the court may require such a person
2 to participate, at his ~~own~~ expense, in a program of treatment for the abuse
3 of alcohol or drugs that has been certified by the ~~bureau of alcohol and~~
4 ~~drug abuse in~~ *health division* of the department of human resources.

5 5. If a person is charged with committing a battery which constitutes
6 domestic violence pursuant to NRS 33.018, a prosecuting attorney shall not
7 dismiss such a charge in exchange for a plea of guilty, guilty but mentally
8 ill or nolo contendere to a lesser charge or for any other reason unless he
9 knows, or it is obvious, that the charge is not supported by probable cause
10 or cannot be proved at the time of trial. A court shall not grant probation to
11 and, except as otherwise provided in NRS 4.373 and 5.055, a court shall
12 not suspend the sentence of such a person.

13 6. ~~For the purposes of~~ *As used in* this section:

14 (a) "Battery" has the meaning ascribed to it in paragraph (a) of
15 subsection 1 of NRS 200.481; and

16 (b) "Offense" includes a battery which constitutes domestic violence
17 pursuant to NRS 33.018 or a violation of the law of any other jurisdiction
18 that prohibits the same or similar conduct.

19 **Sec. 41.** NRS 209.4232 is hereby amended to read as follows:

20 209.4232 ~~["Bureau" means the bureau of alcohol and drug abuse in]~~
21 *"Health division" means the health division* of the department of human
22 resources.

23 **Sec. 42.** NRS 209.4236 is hereby amended to read as follows:

24 209.4236 1. The director shall, in conjunction with the ~~bureau]~~
25 *health division* and with the approval of the board, establish one or more
26 therapeutic communities to provide treatment to certain offenders who are
27 substance abusers. A therapeutic community must include, but is not
28 limited to, the requirements set forth in this section.

29 2. A therapeutic community must provide an offender with:

- 30 (a) Intensive treatment for substance abuse;
31 (b) A clearly defined set of goals;
32 (c) A clearly defined structure of authority; and
33 (d) A highly structured schedule that includes, but is not limited to, the
34 treatment listed in paragraph (a) and, if practicable, programs of
35 employment, general education or vocational training.

36 3. Except as otherwise provided in NRS 209.4231 to 209.4244,
37 inclusive, offenders who are assigned to a therapeutic community, to the
38 extent practicable as determined by the director or a person designated by
39 the director:

40 (a) Must be housed in areas of a facility or institution that are
41 segregated from other areas of the facility or institution in which offenders
42 who are not assigned to the therapeutic community are housed; and

43 (b) Must participate in the therapeutic community for a period of 1 year
44 and a program of aftercare for a period of 1 year if a program of aftercare is
45 required pursuant to NRS 209.4238.

46 **Sec. 43.** NRS 209.4237 is hereby amended to read as follows:

47 209.4237 1. The director shall, in conjunction with the ~~bureau]~~
48 *health division* and with the approval of the board, establish a program to
49 evaluate an offender in the custody of the department to determine whether



1 the offender is a substance abuser and whether the offender may benefit
2 from participation in a therapeutic community.

3 2. An evaluation of an offender must be conducted pursuant to
4 subsection 1 if the offender is eligible to be assigned to a therapeutic
5 community.

6 3. After an evaluation is conducted pursuant to subsection 1, the
7 director or a person designated by the director shall determine whether the
8 offender is a substance abuser and whether the offender may benefit from
9 participation in a therapeutic community.

10 4. If a determination is made that the offender is a substance abuser
11 and that the offender may benefit from participation in a therapeutic
12 community, the director or a person designated by the director shall
13 determine whether to assign the offender to participate in a therapeutic
14 community. In determining whether to assign an offender to participate in a
15 therapeutic community, the director or a person designated by the director
16 shall:

17 (a) Consider the severity of the problem of substance abuse by the
18 offender and the availability of space in each therapeutic community; and

19 (b) Give preference, to the extent practicable, to those offenders who
20 appear to be most capable of successfully participating in and completing
21 treatment in a therapeutic community.

22 5. If an offender is assigned to participate in a therapeutic community,
23 the offender must be assigned to participate in the therapeutic community
24 for the year immediately preceding the date on which he is reasonably
25 expected to be released, as determined by the director.

26 **Sec. 44.** NRS 209.4238 is hereby amended to read as follows:

27 209.4238 1. The director shall, in conjunction with the ~~bureau~~
28 ~~health division~~ and with the approval of the board, establish one or more
29 programs of aftercare to provide continuing treatment to those offenders
30 who successfully complete treatment in a therapeutic community.

31 2. Except as otherwise provided in NRS 209.4231 to 209.4244,
32 inclusive:

33 (a) An offender who successfully completes treatment in a therapeutic
34 community must be assigned, to the extent practicable as determined by the
35 director or a person designated by the director, to a program of aftercare
36 upon completion of treatment in a therapeutic community.

37 (b) An offender shall participate, to the extent practicable as determined
38 by the director or a person designated by the director, in a program of
39 aftercare for a period of 1 year.

40 (c) If an offender is assigned to a program of aftercare and, before or
41 during his participation in such a program, the offender is released on
42 parole:

43 (1) The offender shall continue to participate in a program of
44 aftercare, to the extent practicable as determined by the director or a person
45 designated by the director and by the state board of parole commissioners;
46 and

47 (2) ~~Such~~ *That* participation, if any, must be made a condition of
48 parole pursuant to NRS 213.1235.



* S B 3 0 0 *

1 (d) If an offender is assigned to a program of aftercare and, before or
2 during his participation in such a program, the offender is assigned to serve
3 a term of residential confinement pursuant to NRS 209.392, the offender
4 shall continue to participate in a program of aftercare to the extent
5 practicable as determined by the director or a person designated by the
6 director.

7 **Sec. 45.** NRS 484.3793 is hereby amended to read as follows:

8 484.3793 As used in NRS 484.3793 to 484.37947, inclusive:

9 1. "Evaluation center" means a facility which is approved by the
10 ~~bureau of alcohol and drug abuse in~~ *health division of* the department of
11 human resources to provide an evaluation of an offender to a court ~~in~~
12 ~~order~~ to determine if the offender is an abuser of alcohol or another drug.
13 The term includes a facility operated by a court or other governmental
14 agency.

15 2. "Treatment facility" means a facility for the treatment of abuse of
16 alcohol or drugs, which is certified by the ~~bureau of alcohol and drug~~
17 ~~abuse in~~ *health division of* the department of human resources.

18 **Sec. 46.** NRS 484.37935 is hereby amended to read as follows:

19 484.37935 The ~~bureau of alcohol and drug abuse in the department of~~
20 ~~human resources~~ *state board of health* shall adopt by regulation the
21 standards to be used for approving the operation of a facility as an
22 evaluation center for the purposes of NRS 484.37937 to 484.37945,
23 inclusive.

24 **Sec. 47.** NRS 484.37937 is hereby amended to read as follows:

25 484.37937 1. Except as otherwise provided in subsection 2, a person
26 who is found guilty of a first violation of NRS 484.379 may, at that time or
27 any time before he is sentenced, apply to the court to undergo a program of
28 treatment for alcoholism or drug abuse which is certified by the ~~bureau of~~
29 ~~alcohol and drug abuse in~~ *health division of* the department of human
30 resources for at least 6 months. The court shall authorize ~~such~~ *that*
31 treatment if:

32 (a) The person is diagnosed as an alcoholic or abuser of drugs by:

33 (1) An alcohol and drug abuse counselor who is licensed or certified
34 pursuant to chapter 641C of NRS to make that diagnosis; or

35 (2) A physician who is certified to make that diagnosis by the board
36 of medical examiners;

37 (b) He agrees to pay the cost of the treatment to the extent of his
38 financial resources; and

39 (c) He has served or will serve a term of imprisonment in jail of 1 day,
40 or has performed or will perform 48 hours of work for the community.

41 2. A person may not apply to the court to undergo a program of
42 treatment pursuant to subsection 1 if, within the immediately preceding 7
43 years, he has been found guilty of:

44 (a) A violation of NRS 484.3795;

45 (b) A homicide resulting from driving or being in actual physical
46 control of a vehicle while under the influence of intoxicating liquor or a
47 controlled substance or resulting from any other conduct prohibited by
48 NRS 484.379 or 484.3795; or



* S B 3 0 0 *

1 (c) A violation of a law of any other jurisdiction that prohibits the same
2 or similar conduct as set forth in paragraph (a) or (b).

3 3. For the purposes of subsection 1, a violation of a law of any other
4 jurisdiction that prohibits the same or similar conduct as NRS 484.379
5 constitutes a violation of NRS 484.379.

6 4. A prosecuting attorney may, within 10 days after receiving notice of
7 an application for treatment pursuant to this section, request a hearing on
8 the question of whether the offender is eligible to undergo a program of
9 treatment for alcoholism or drug abuse. The court shall order a hearing on
10 the application upon the request of the prosecuting attorney or may order a
11 hearing on its own motion. The hearing must be limited to the question of
12 whether the offender is eligible to undergo such a program of treatment.

13 5. At the hearing on the application for treatment, the prosecuting
14 attorney may present the court with any relevant evidence on the matter. If
15 a hearing is not held, the court shall decide the matter upon affidavits and
16 other information before the court.

17 6. If the court grants an application for treatment, the court shall:

18 (a) Immediately sentence the offender and enter judgment accordingly.

19 (b) Suspend the sentence of the offender for not more than 3 years upon
20 the condition that the offender be accepted for treatment by a treatment
21 facility, that he complete the treatment satisfactorily and that he comply
22 with any other condition ordered by the court.

23 (c) Advise the offender that:

24 (1) If he is accepted for treatment by such a facility, he may be placed
25 under the supervision of the facility for a period not to exceed 3 years and
26 during treatment he may be confined in an institution or, at the discretion
27 of the facility, released for treatment or supervised aftercare in the
28 community.

29 (2) If he is not accepted for treatment by such a facility or he fails to
30 complete the treatment satisfactorily, he shall serve the sentence imposed
31 by the court. Any sentence of imprisonment must be reduced by a time
32 equal to that which he served before beginning treatment.

33 (3) If he completes the treatment satisfactorily, his sentence will be
34 reduced to a term of imprisonment which is no longer than that provided
35 for the offense in paragraph (c) of subsection 1 and a fine of not more than
36 the minimum fine provided for the offense in NRS 484.3792, but the
37 conviction must remain on his record of criminal history.

38 7. The court shall administer the program of treatment pursuant to the
39 procedures provided in NRS 458.320 and 458.330, except that the court:

40 (a) Shall not defer the sentence, set aside the conviction or impose
41 conditions upon the election of treatment except as otherwise provided in
42 this section.

43 (b) May immediately revoke the suspension of sentence for a violation
44 of any condition of the suspension.

45 8. The court shall notify the department, on a form approved by the
46 department, upon granting the application of the offender for treatment and
47 his failure to be accepted for or complete treatment.



1 **Sec. 48.** NRS 484.3794 is hereby amended to read as follows:
2 484.3794 1. Except as otherwise provided in subsection 2, a person
3 who is found guilty of a second violation of NRS 484.379 within 7 years
4 may, at that time or any time before he is sentenced, apply to the court to
5 undergo a program of treatment for alcoholism or drug abuse which is
6 certified by the ~~bureau of alcohol and drug abuse in~~ *health division of* the
7 department of human resources for at least 1 year if:
8 (a) He is diagnosed as an alcoholic or abuser of drugs by:
9 (1) An alcohol and drug abuse counselor who is licensed or certified
10 pursuant to chapter 641C of NRS to make that diagnosis; or
11 (2) A physician who is certified to make that diagnosis by the board
12 of medical examiners;
13 (b) He agrees to pay the costs of the treatment to the extent of his
14 financial resources; and
15 (c) He has served or will serve a term of imprisonment in jail of 5 days,
16 and if required pursuant to NRS 484.3792, has performed or will perform
17 not less than 50 hours, but not more than 100 hours, of work for the
18 community.
19 2. A person may not apply to the court to undergo a program of
20 treatment pursuant to subsection 1 if, within the immediately preceding 7
21 years, he has been found guilty of:
22 (a) A violation of NRS 484.3795;
23 (b) A homicide resulting from driving or being in actual physical
24 control of a vehicle while under the influence of intoxicating liquor or a
25 controlled substance or resulting from any other conduct prohibited by
26 NRS 484.379 or 484.3795; or
27 (c) A violation of a law of any other jurisdiction that prohibits the same
28 or similar conduct as set forth in paragraph (a) or (b).
29 3. For the purposes of subsection 1, a violation of a law of any other
30 jurisdiction that prohibits the same or similar conduct as NRS 484.379
31 constitutes a violation of NRS 484.379.
32 4. A prosecuting attorney may, within 10 days after receiving notice of
33 an application for treatment pursuant to this section, request a hearing on
34 the matter. The court shall order a hearing on the application upon the
35 request of the prosecuting attorney or may order a hearing on its own
36 motion.
37 5. At the hearing on the application for treatment, the prosecuting
38 attorney may present the court with any relevant evidence on the matter. If
39 a hearing is not held, the court shall decide the matter upon affidavits and
40 other information before the court.
41 6. If the court determines that an application for treatment should be
42 granted, the court shall:
43 (a) Immediately sentence the offender and enter judgment accordingly.
44 (b) Suspend the sentence of the offender for not more than 3 years upon
45 the condition that the offender be accepted for treatment by a treatment
46 facility, that he complete the treatment satisfactorily and that he comply
47 with any other condition ordered by the court.
48 (c) Advise the offender that:



1 (1) If he is accepted for treatment by such a facility, he may be placed
2 under the supervision of the facility for a period not to exceed 3 years and
3 during treatment he may be confined in an institution or, at the discretion
4 of the facility, released for treatment or supervised aftercare in the
5 community.

6 (2) If he is not accepted for treatment by such a facility or he fails to
7 complete the treatment satisfactorily, he shall serve the sentence imposed
8 by the court. Any sentence of imprisonment must be reduced by a time
9 equal to that which he served before beginning treatment.

10 (3) If he completes the treatment satisfactorily, his sentence will be
11 reduced to a term of imprisonment which is no longer than that provided
12 for the offense in paragraph (c) of subsection 1 and a fine of not more than
13 the minimum provided for the offense in NRS 484.3792, but the conviction
14 must remain on his record of criminal history.

15 7. The court shall administer the program of treatment pursuant to the
16 procedures provided in NRS 458.320 and 458.330, except that the court:

17 (a) Shall not defer the sentence, set aside the conviction or impose
18 conditions upon the election of treatment except as otherwise provided in
19 this section.

20 (b) May immediately revoke the suspension of sentence for a violation
21 of a condition of the suspension.

22 8. The court shall notify the department, on a form approved by the
23 department, upon granting the application of the offender for treatment and
24 his failure to be accepted for or complete treatment.

25 **Sec. 49.** NRS 484.37947 is hereby amended to read as follows:

26 484.37947 The provisions of NRS 484.37943 and 484.37945 do not
27 prohibit a court from:

28 1. Requiring an evaluation pursuant to NRS 484.37943 to be
29 conducted by an evaluation center that is administered by a private
30 company if the company meets the standards of the ~~bureau of alcohol and~~
31 ~~drug abuse in the department of human resources~~ *state board of health*
32 pursuant to NRS 484.37935; or

33 2. Ordering the offender to attend a program of treatment that is
34 administered by a private company.

35 **Sec. 50.** NRS 608.156 is hereby amended to read as follows:

36 608.156 1. If an employer provides health benefits for his
37 employees, he shall provide benefits for the expenses for the treatment of
38 abuse of alcohol and drugs. The annual benefits provided by the employer
39 must consist of:

40 (a) Treatment for withdrawal from the physiological effects of alcohol
41 or drugs, with a maximum benefit of \$1,500 per calendar year.

42 (b) Treatment for a patient admitted to a facility, with a maximum
43 benefit of \$9,000 per calendar year.

44 (c) Counseling for a person, group or family who is not admitted to a
45 facility, with a maximum benefit of \$2,500 per calendar year.

46 2. The maximum amount which may be paid in the lifetime of the
47 insured for any combination of the treatments listed in subsection 1 is
48 \$39,000.



1 3. These benefits must be paid in the same manner as benefits for any
2 other illness covered by the employer are paid.

3 4. The employee is entitled to these benefits if treatment is received in
4 any:

5 (a) Facility for the treatment of abuse of alcohol or drugs which is
6 certified by the ~~bureau of alcohol and drug abuse in~~ *health division of* the
7 department of human resources.

8 (b) Hospital or other medical facility or facility for the dependent which
9 is licensed by the health division of the department of human resources,
10 accredited by the Joint Commission on Accreditation of ~~Hospitals~~
11 *Healthcare Organizations* and provides a program for the treatment of
12 abuse of alcohol or drugs as part of its accredited activities.

13 **Sec. 51.** NRS 689A.046 is hereby amended to read as follows:

14 689A.046 1. The benefits provided by a policy for health insurance
15 for treatment of the abuse of alcohol or drugs must consist of:

16 (a) Treatment for withdrawal from the physiological effect of alcohol or
17 drugs, with a minimum benefit of \$1,500 per calendar year.

18 (b) Treatment for a patient admitted to a facility, with a minimum
19 benefit of \$9,000 per calendar year.

20 (c) Counseling for a person, group or family who is not admitted to a
21 facility, with a minimum benefit of \$2,500 per calendar year.

22 2. These benefits must be paid in the same manner as benefits for any
23 other illness covered by a similar policy are paid.

24 3. The insured person is entitled to these benefits if treatment is
25 received in any:

26 (a) Facility for the treatment of abuse of alcohol or drugs which is
27 certified by the ~~bureau of alcohol and drug abuse in~~ *health division of* the
28 department of human resources.

29 (b) Hospital or other medical facility or facility for the dependent which
30 is licensed by the health division of the department of human resources,
31 accredited by the Joint Commission on Accreditation of ~~Hospitals~~
32 *Healthcare Organizations* and provides a program for the treatment of
33 abuse of alcohol or drugs as part of its accredited activities.

34 **Sec. 52.** NRS 689B.036 is hereby amended to read as follows:

35 689B.036 1. The benefits provided by a group policy for health
36 insurance, as required in subsection 5 of NRS 689B.030, for treatment of
37 the abuse of alcohol or drugs must consist of:

38 (a) Treatment for withdrawal from the physiological effects of alcohol
39 or drugs, with a minimum benefit of \$1,500 per calendar year.

40 (b) Treatment for a patient admitted to a facility, with a minimum
41 benefit of \$9,000 per calendar year.

42 (c) Counseling for a person, group or family who is not admitted to a
43 facility, with a minimum benefit of \$2,500 per calendar year.

44 2. These benefits must be paid in the same manner as benefits for any
45 other illness covered by a similar policy are paid.

46 3. The insured person is entitled to these benefits if treatment is
47 received in any:



1 (a) Facility for the treatment of abuse of alcohol or drugs which is
2 certified by the ~~bureau of alcohol and drug abuse in~~ *health division of* the
3 department of human resources.

4 (b) Hospital or other medical facility or facility for the dependent which
5 is licensed by the health division of the department of human resources,
6 accredited by the Joint Commission on Accreditation of ~~Hospitals~~
7 *Healthcare Organizations* and provides a program for the treatment of
8 abuse of alcohol or drugs as part of its accredited activities.

9 **Sec. 53.** NRS 695B.194 is hereby amended to read as follows:

10 695B.194 1. The annual benefits provided by a policy for group
11 health insurance issued by a medical service corporation, as required by
12 subsection 8 of NRS 695B.180, for treatment of the abuse of alcohol or
13 drugs must consist of:

14 (a) Treatment for withdrawal from the physiological effects of alcohol
15 or drugs, with a minimum benefit of \$1,500 per calendar year.

16 (b) Treatment for a patient admitted to a facility, with a minimum
17 benefit of \$9,000 per calendar year.

18 (c) Counseling for a person, group or family who is not admitted to a
19 facility, with a minimum benefit of \$2,500 per calendar year.

20 2. These benefits must be paid in the same manner as benefits for any
21 other illness covered by a similar policy are paid.

22 3. The insured person is entitled to these benefits if treatment is
23 received in any:

24 (a) Facility for the treatment of abuse of alcohol or drugs which is
25 certified by the ~~bureau of alcohol and drug abuse in~~ *health division of* the
26 department of human resources.

27 (b) Hospital or other medical facility or facility for the dependent which
28 is licensed by the health division of the department of human resources,
29 accredited by the Joint Commission on Accreditation of ~~Hospitals~~
30 *Healthcare Organizations* and provides a program for the treatment of
31 abuse of alcohol or drugs as part of its accredited activities.

32 **Sec. 54.** NRS 695C.174 is hereby amended to read as follows:

33 695C.174 1. The benefits provided by health maintenance plans for
34 treatment of the abuse of alcohol or drugs as required by subparagraph (5)
35 of paragraph (b) of subsection 3 of NRS 695C.170, must consist of:

36 (a) Treatment for withdrawal from the physiological effects of alcohol
37 or drugs, with a minimum benefit of \$1,500 per calendar year.

38 (b) Treatment for a patient admitted to a facility, with a minimum
39 benefit of \$9,000 per calendar year.

40 (c) Counseling for a person, group or family who is not admitted to a
41 facility, with a minimum benefit of \$2,500 per calendar year.

42 2. These benefits must be paid in the same manner as benefits for any
43 other illness covered by a similar policy are paid.

44 3. The insured person is entitled to these benefits if treatment is
45 received in any:

46 (a) Facility for the treatment of abuse of alcohol or drugs which is
47 certified by the ~~bureau of alcohol and drug abuse in~~ *health division of* the
48 department of human resources.



(b) Hospital or other medical facility or facility for the dependent which is licensed by the health division of the department of human resources, accredited by the Joint Commission on Accreditation of ~~Hospitals~~ *Healthcare Organizations* and provides a program for the treatment of abuse of alcohol or drugs as part of its accredited activities.

Sec. 55. Section 57.5 of chapter 574, Statutes of Nevada 1999, at page 3066, is hereby amended to read as follows:

Sec. 57.5. NRS 458.010 is hereby amended to read as follows:

458.010 As used in NRS 458.010 to 458.350, inclusive, and sections 2 to 8, inclusive, of ~~this act~~ *Senate Bill No. 161 of this session*, unless the context requires otherwise:

1. "Administrator" means the administrator of the health division.

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

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

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

5. "Board" means the state board of health.

6. "Civil protective custody" means a custodial placement of a person *to protect* his health or safety. Civil protective custody does not have any criminal implication.

7. *"Detoxification technician" means a person who is certified by the health division to provide screening for the safe withdrawal from alcohol and other drugs.*

8. "Facility" means a physical structure used for the education, prevention and treatment, including mental and physical restoration, of alcohol and drug abusers.

~~8.~~ 9. "Halfway house for alcohol and drug abusers" means a residence that provides housing and a living environment for alcohol and drug abusers and is operated to facilitate their reintegration into the community, but does not provide treatment for alcohol or drug abuse. The term does not include a facility for the treatment of abuse of alcohol or drugs as defined in NRS 449.00455.

~~9.~~ 10. "Health division" means the health division of the department of human resources.

Sec. 56. Section 58 of chapter 574, Statutes of Nevada 1999, at page 3066, is hereby amended to read as follows:

Sec. 58. NRS 458.025 is hereby amended to read as follows:

458.025 The health division:

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

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



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

3 (c) A survey of the need for persons who have professional
4 training in fields of health and *other persons* involved in the
5 prevention of alcohol and drug abuse and in the treatment and
6 recovery of alcohol and drug abusers, and a plan to provide the
7 necessary treatment.

8 In developing and revising the state plan, the health division shall
9 consider, without limitation, the amount of money available from the
10 Federal Government for alcohol and drug abuse programs and the
11 conditions attached to the acceptance of *that* money, and the
12 limitations of legislative appropriations for alcohol and drug abuse
13 programs.

14 2. ~~[Is responsible for coordinating]~~ *Shall coordinate the* efforts to
15 carry out the state plan and ~~[coordinating]~~ *coordinate* all state and
16 federal financial support of alcohol and drug abuse programs in *this*
17 *state*.

18 3. *Must* be consulted in the planning of projects and advised of all
19 applications for grants from within this state which are concerned
20 with alcohol and drug abuse programs, and shall review the
21 applications and advise the applicants concerning the applications.

22 4. Shall certify or deny certification of any halfway houses for
23 alcohol and drug abusers, *detoxification technicians or any* facilities
24 ~~[programs or personnel]~~ *or programs* on the basis of the standards
25 established by the board pursuant to this section, and publish a list of
26 certified halfway houses for alcohol and drug abusers, *detoxification*
27 *technicians*, facilities ~~[programs and personnel. Any facilities,~~
28 ~~programs or personnel]~~ *and programs. Any halfway houses for*
29 *alcohol and drug abusers, detoxification technicians, facilities or*
30 *programs* which are not certified are ineligible to receive state and
31 federal money for alcohol and drug abuse programs. The board shall
32 adopt regulations. The regulations:

33 (a) Must prescribe the standards for certification of halfway houses
34 for alcohol and drug abusers, facilities ~~[programs and personnel;]~~
35 *and programs;*

36 (b) Must prescribe the requirements for continuing education for
37 persons certified as ~~[counselors and administrators of the programs;]~~
38 *detoxification technicians;* and

39 (c) May prescribe the fees for *the* certification of halfway houses
40 for alcohol and drug abusers, *detoxification technicians*, facilities ~~[~~
41 ~~programs or personnel.]~~ *or programs*. A fee prescribed pursuant to
42 this paragraph must be calculated to produce the revenue estimated to
43 cover the costs related to the certifications, but in no case may a fee
44 for a certificate exceed the actual cost to the health division of issuing
45 the certificate.

46 5. Upon request from a facility which is self-supported, may
47 certify the facility, its programs and ~~[personnel]~~ *detoxification*
48 *technicians* and add them to the list ~~[of certified facilities, programs~~
49 ~~and personnel.]~~ *described in subsection 4.*



1 **Sec. 57.** Section 58.2 of chapter 574, Statutes of Nevada 1999, at page
2 3067, is hereby amended to read as follows:

3 Sec. 58.2. NRS 458.026 is hereby amended to read as follows:

4 458.026 1. An applicant for the issuance or renewal of his
5 certification as ~~personnel of an alcohol or drug abuse program or a~~
6 ~~facility.~~ *a detoxification technician* or as the operator of a halfway
7 house for alcohol and drug abusers ~~+~~ must submit to the health
8 division the statement prescribed by the welfare division of the
9 department of human resources pursuant to NRS 425.520. The
10 statement must be completed and signed by the applicant.

11 2. The health division shall include the statement required
12 pursuant to subsection 1 in:

13 (a) The application or any other forms that must be submitted for
14 the issuance or renewal of the certification; or

15 (b) A separate form prescribed by the health division.

16 3. The certification of a person as ~~personnel of an alcohol or~~
17 ~~drug abuse program or a facility.~~ *a detoxification technician* or as
18 the operator of a halfway house for alcohol and drug abusers ~~+~~ may
19 not be issued or renewed by the health division if the applicant:

20 (a) Fails to complete or submit the statement required pursuant to
21 subsection 1; or

22 (b) Indicates on the statement submitted pursuant to subsection 1
23 that he is subject to a court order for the support of a child and is not
24 in compliance with the order or a plan approved by the district
25 attorney or other public agency enforcing the order for the repayment
26 of the amount owed pursuant to the order.

27 4. If an applicant indicates on the statement submitted pursuant to
28 subsection 1 that he is subject to a court order for the support of a
29 child and is not in compliance with the order or a plan approved by
30 the district attorney or other public agency enforcing the order for the
31 repayment of the amount owed pursuant to the order, the
32 administrator shall advise the applicant to contact the district attorney
33 or other public agency enforcing the order to determine the actions
34 that the applicant may take to satisfy the arrearage.

35 **Sec. 58.** Section 58.4 of chapter 574, Statutes of Nevada 1999, at page
36 3068, is hereby amended to read as follows:

37 Sec. 58.4. NRS 458.027 is hereby amended to read as follows:

38 458.027 1. If the health division receives a copy of a court order
39 issued pursuant to NRS 425.540 that provides for the suspension of all
40 professional, occupational and recreational licenses, certificates and
41 permits issued to a person who has been certified as ~~personnel of an~~
42 ~~alcohol and drug abuse program or a facility.~~ *a detoxification*
43 *technician* or as the operator of a halfway house for alcohol and drug
44 abusers, the health division shall deem the certification to be
45 suspended at the end of the 30th day after the date on which the court
46 order was issued unless the health division receives a letter issued by
47 the district attorney or other public agency pursuant to NRS 425.550
48 to the person who has been certified stating that the person has



1 complied with the subpoena or warrant or has satisfied the arrearage
2 pursuant to NRS 425.560.

3 2. The health division shall reinstate the certification of a person
4 as ~~personnel of an alcohol and drug abuse program or a facility,~~ a
5 *detoxification technician* or as the operator of a halfway house for
6 alcohol and drug abusers ~~+~~ that has been suspended by a district
7 court pursuant to NRS 425.540 if the health division receives a letter
8 issued by the district attorney or other public agency pursuant to NRS
9 425.550 to the person whose certification was suspended stating that
10 the person whose certification was suspended has complied with the
11 subpoena or warrant or has satisfied the arrearage pursuant to NRS
12 425.560.

13 **Sec. 59.** NRS 458.040 and 458.043 are hereby repealed.

14 **Sec. 60.** A regulation adopted by the bureau of alcohol and drug abuse
15 of the department of human resources or the chief of the bureau pursuant to
16 NRS 458.025, 458.055, 458.161 or 484.37935 remains in effect as a
17 regulation of the state board of health until amended or repealed by the
18 state board of health.

19 **Sec. 61.** This act becomes effective upon passage and approval.

20 **Sec. 62.** The legislative counsel shall:

21 1. In preparing the reprint and supplements to the Nevada Revised
22 Statutes, appropriately change any references to an officer, agency or other
23 entity whose name is changed or whose responsibilities are transferred
24 pursuant to the provisions of this act to refer to the appropriate officer,
25 agency or other entity.

26 2. In preparing supplements to the Nevada Administrative Code,
27 appropriately change any references to an officer, agency or other entity
28 whose name is changed or whose responsibilities are transferred pursuant
29 to the provisions of this act to refer to the appropriate officer, agency or
30 other entity.

TEXT OF REPEALED SECTIONS

458.040 Appointment and qualifications of chief. The chief:

1. Must be appointed on the basis of his education, training and
experience as an administrator and his interest in the problems of alcohol
and drug abuse.

2. Is in the unclassified service of the state unless federal law or
regulation requires otherwise.

458.043 Duties of chief. As executive head of the bureau, the chief
shall:

1. Direct and supervise all administrative and technical activities as
provided by NRS 458.010 to 458.350, inclusive, subject to administrative
supervision by the director.



* S B 3 0 0 *

2. Subject to the approval of the director, appoint such technical, clerical and operational staff as the execution of his duties and the operation of the bureau may require.

⑩

