

ASSEMBLY BILL NO. 148—COMMITTEE ON
HEALTH AND HUMAN SERVICES

(ON BEHALF OF THE ATTORNEY GENERAL)

FEBRUARY 22, 2007

Referred to Committee on Health and Human Services

SUMMARY—Makes various changes relating to methamphetamine
and other controlled substances. (BDR 40-512)

FISCAL NOTE: Effect on Local Government: Increases or Newly
Provides for Term of Imprisonment in County or City
Jail or Detention Facility.
Effect on the State: Yes.

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EXPLANATION – Matter in *bolded italics* is new; matter between brackets [omitted material] is material to be omitted.

AN ACT relating to controlled substances; making various changes
concerning the sale, transfer or acquisition of precursors
to methamphetamine; making various changes relating to
crimes relating to the use or manufacturing of
methamphetamine and other controlled substances;
revising various provisions relating to nuisances;
providing penalties; and providing other matters properly
relating thereto.

Legislative Counsel's Digest:

This bill establishes restrictions on the sale and purchase of products that
contain materials that can be used to manufacture methamphetamine and makes
other various changes pertaining to methamphetamine and other controlled
substances.

Section 6 of this bill requires sellers of a product that contains certain materials
that can be used to manufacture methamphetamine to keep the product in a locked
case or cabinet or behind a store counter so that the public does not have direct
access to the product. **Section 7** of this bill establishes limits on the quantity of
certain chemicals that can be sold to the same person during a calendar day.

Section 8 of this bill requires sellers of a product that contains materials that can be
used to manufacture methamphetamine to maintain a logbook of sales and transfers
of the product and to ensure that certain information is entered in the logbook.

If a seller of a product that contains materials that can be used to manufacture
methamphetamine violates **section 6, 7 or 8** of this bill, **section 9** of this bill



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provides that the seller is subject to a civil penalty of not more than \$250,000 for each violation.

Section 10 of this bill prohibits a person from knowingly or intentionally purchasing or otherwise acquiring a certain amount of certain chemicals that can be used to manufacture methamphetamine. A person who violates this provision is subject to criminal penalties.

Section 11 of this bill prohibits a person from knowingly or intentionally entering false information in the logbook. A person who violates this provision is guilty of a category D felony.

Section 11.5 of this bill prohibits the possession or disposition of chemical waste or debris resulting from the manufacture of methamphetamine.

Existing law prohibits a person from possessing certain chemicals with the intent to manufacture or compound a controlled substance other than marijuana. (NRS 453.322) **Section 11.7** of this bill adds lithium metal and sodium metal to the list of prohibited chemicals. **Section 11.7** also prohibits a person from providing such a chemical to another person with the intent that it be used in the manufacturing or compounding of a controlled substance other than marijuana.

Existing law provides that a building or place used to unlawfully manufacture a controlled substance is a nuisance, which creates civil liability, and a public nuisance, which is a crime. (NRS 40.140, 202.450, 202.470) **Sections 16 and 17** of this bill provide that a building or place that was used to unlawfully manufacture a controlled substance is both a nuisance and a public nuisance if certain activities relating to the decontamination of the building or place have not occurred within a certain period.

Section 25 of this bill prohibits a person from: (1) selling or transferring in the course of business a product that is a precursor to methamphetamine; or (2) engaging in the business of selling at retail a product that is a precursor to methamphetamine, unless the person is a pharmacy.

Section 26 of this bill requires a pharmacy that becomes aware of any unusual or excessive loss or disappearance of a product that is a precursor to methamphetamine to report the loss or disappearance to the Department of Public Safety.

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

Section 1. Chapter 453 of NRS is hereby amended by adding thereto the provisions set forth as sections 2 to 11.5, inclusive, of this act.

Sec. 2. *As used in sections 2 to 11, inclusive, of this act, unless the context otherwise requires, the words and terms defined in sections 3, 4 and 5 of this act have the meanings ascribed to them in those sections.*

Sec. 3. *“Logbook” means a written or electronic list of each sale or transfer of a product that is a precursor to methamphetamine.*

Sec. 4. *“Product that is a precursor to methamphetamine” means a product that contains ephedrine, pseudoephedrine or phenylpropanolamine or the salts, optical isomers or salts of optical isomers of such chemicals and may be marketed or*



distributed lawfully in the United States under the Federal Food, Drug and Cosmetic Act, 21 U.S.C. §§ 301 et seq., as a nonprescription drug.

Sec. 5. "Retail distributor" means a grocery store, general merchandise store, drugstore, pharmacy or other entity or person whose activities as a distributor of a product that is a precursor to methamphetamine are limited exclusively or almost exclusively to sales for personal use by an ultimate user, both in number of sales and volume of sales, either directly to walk-in customers or in face-to-face transactions by direct sales.

Sec. 6. A retail distributor shall keep, store or place a product that is a precursor to methamphetamine in a locked case or cabinet or behind a counter so that the public does not have direct access to the product before a sale or transfer is made.

Sec. 7. 1. Except as otherwise provided in subsection 2, a retail distributor shall not:

(a) Sell or transfer to the same person during any calendar day, without regard to the number of transactions, more than 3.6 grams of ephedrine base, pseudoephedrine base or phenylpropanolamine base or the salts, optical isomers or salts of optical isomers of such chemicals in a product that is a precursor to methamphetamine.

(b) Sell at retail and in nonliquid form a product that is a precursor to methamphetamine, including, without limitation, gel caps, unless:

(1) The product is packaged in blister packs, each blister containing not more than two dosage units; or

(2) If the use of blister packs is technically infeasible, the product is packaged in unit dosage packets or pouches.

2. The provisions of subsection 1 do not apply if, pursuant to 21 U.S.C. § 830(e)(3), the Attorney General of the United States has determined that a product that is a precursor to methamphetamine cannot be used to manufacture methamphetamine and provided by regulation that the product is exempt from the provisions of 21 U.S.C. § 830(d).

Sec. 8. 1. A retail distributor shall maintain a logbook.

2. At the time of a sale or transfer of a product that is a precursor to methamphetamine, a retail distributor shall ensure that the following information is entered in the logbook:

(a) The name of the product sold or transferred;

(b) The quantity of the product sold or transferred;

(c) The name and address of the purchaser or transferee; and

(d) The date and time of the sale or transfer.

3. A retail distributor shall not sell or transfer a product that is a precursor to methamphetamine unless:



(a) *The prospective purchaser or transferee:*

(1) *Presents an identification card that provides a photograph and is issued by the Government of the United States or the government of this State or any other state, or a document that, with respect to identification, is considered acceptable pursuant to 21 U.S.C. § 830(e)(1); and*

(2) *Signs his name in the logbook; and*

(b) *The retail distributor determines that the name entered in the logbook corresponds to the name provided on the identification presented by the prospective purchaser or transferee.*

4. *The retail distributor must include in the logbook or otherwise post or provide to a prospective purchaser or transferee a notice that entering a false statement or representation in the logbook may subject the prospective purchaser or transferee to criminal penalties under state law, as set forth in section 11 of this act, and under federal law, as set forth in 18 U.S.C. § 1001.*

5. *A retail distributor shall maintain each entry in the logbook for not less than 2 years after the date on which the entry is made.*

6. *A retail distributor shall not access, use or share the information in the logbook unless the accessing, using or sharing of the information is allowed by federal law or unless the purpose of accessing, using or sharing the information is to ensure compliance with this chapter or to facilitate a product recall to protect the health and safety of the public.*

7. *Upon a request, which is made for the purpose of enforcing the provisions of sections 2 to 11, inclusive, of this act, by a law enforcement agency of this State or a political subdivision thereof or a law enforcement agency of the Federal Government, a retail distributor shall disclose the information in the logbook to the law enforcement agency.*

Sec. 9. *If a retail distributor violates any provision of section 6, 7 or 8 of this act, the retail distributor is subject to a civil penalty pursuant to the provisions of NRS 453.553 to 453.5533, inclusive.*

Sec. 10. 1. *Except as otherwise provided in subsection 2, a person shall not knowingly or intentionally purchase, receive or otherwise acquire:*

(a) *During any calendar day more than 3.6 grams of ephedrine base, pseudoephedrine base or phenylpropanolamine base or the salts, optical isomers or salts of optical isomers of such chemicals in a product that is a precursor to methamphetamine; or*

(b) *During any 30-day period, more than 9 grams of ephedrine base, pseudoephedrine base or phenylpropanolamine base or the*



1 salts, optical isomers or salts of optical isomers of such chemicals
2 in a product that is a precursor to methamphetamine.

3 2. The provisions of this section do not apply if the person
4 purchasing, receiving or otherwise acquiring a product that is a
5 precursor to methamphetamine is a pharmacy, practitioner, retail
6 distributor, wholesale distributor or dispenser that is purchasing,
7 receiving or otherwise acquiring the product for the purpose of
8 administering, distributing or dispensing it in a lawful manner.

9 3. A person who violates any of the provisions of this section
10 is guilty of a misdemeanor, except that:

11 (a) If the person violates any of the provisions of this section
12 after a prior conviction under this chapter or the law of the United
13 States or of any state, territory or district relating to a controlled
14 substance has become final, the person is guilty of a gross
15 misdemeanor; and

16 (b) If the person violates any of the provisions of this section
17 after two or more prior convictions under this chapter or the law
18 of the United States or of any state, territory or district relating to
19 a controlled substance, or a combination of two or more such
20 prior convictions, have become final, the person is guilty of a
21 category D felony and shall be punished as provided in
22 NRS 193.130.

23 Sec. 11. Any person who knowingly or intentionally enters a
24 false statement or representation in a logbook is guilty of a
25 category D felony and shall be punished as provided in
26 NRS 193.130.

27 Sec. 11.5. 1. Except as otherwise provided in subsection 2,
28 a person who knowingly possesses or disposes of
29 methamphetamine manufacturing waste is guilty of a category C
30 felony and shall be punished as provided in NRS 193.130.

31 2. A person does not violate subsection 1 if the person:

32 (a) Possesses or disposes of the methamphetamine
33 manufacturing waste pursuant to state or federal laws regulating
34 the storage, cleanup or disposal of waste products from unlawful
35 methamphetamine manufacturing;

36 (b) Has notified a law enforcement agency of the existence of
37 the methamphetamine manufacturing waste; or

38 (c) Possesses or disposes of methamphetamine manufacturing
39 waste that had previously been disposed of by another person on
40 the person's property in violation of subsection 1.

41 3. As used in this section:

42 (a) "Disposes of" means to discharge, deposit, inject, spill, leak
43 or place methamphetamine manufacturing waste into or onto land
44 or water.



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(b) "Methamphetamine manufacturing waste" means chemical waste or debris, used in or resulting from:

(1) The manufacture of any material, compound, mixture or preparation which contains any quantity of methamphetamine; or

(2) The grinding, soaking or otherwise breaking down of a substance that is a precursor for the manufacture of any material, compound, mixture or preparation which contains any quantity of methamphetamine.

Sec. 11.7. NRS 453.322 is hereby amended to read as follows:

453.322 1. Except as authorized by the provisions of NRS 453.011 to 453.552, inclusive, **and sections 2 to 11.5, inclusive, of this act**, it is unlawful for a person to knowingly or intentionally:

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

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

(1) Any chemical identified in subsection 4; or

(2) Any other chemical which is proven by expert testimony to be commonly used in manufacturing or compounding a controlled substance other than marijuana. The district attorney may present expert testimony to provide a prima facie case that any chemical, whether or not it is a chemical identified in subsection 4, is commonly used in manufacturing or compounding such a controlled substance.

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

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

2. Unless a greater penalty is provided in NRS 453.3385 or 453.3395, a person who violates any provision of subsection 1 is guilty of a category B felony and shall be punished by imprisonment in the state prison for a minimum term of not less than 3 years and a maximum term of not more than 15 years, and may be further punished by a fine of not more than \$100,000.

3. The court shall not grant probation to a person convicted pursuant to this section.

4. The following chemicals are identified for the purposes of subsection 1:

(a) Acetic anhydride.

(b) Acetone.



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



Sec. 12. NRS 453.553 is hereby amended to read as follows:

453.553 1. In addition to any criminal penalty imposed for a violation of the provisions of NRS 453.011 to 453.552, inclusive, *and sections 2 to 11.5, inclusive, of this act*, any person who *violates section 6, 7, 8 or 11.5 of this act*, unlawfully sells, manufactures, delivers or brings into this State, possesses for sale or participates in any way in a sale of a controlled substance listed in schedule I, II or III or who engages in any act or transaction in violation of the provisions of NRS 453.3611 to 453.3648, inclusive, is subject to a civil penalty for each violation. This penalty must be recovered in a civil action, brought in the name of the State of Nevada by the Attorney General or by any district attorney in a court of competent jurisdiction.

2. As used in ~~this section and NRS 453.5531, 453.5532 and 453.5533;~~ *NRS 453.553 to 453.5533, inclusive:*

(a) "Each violation" includes a continuous or repetitive violation arising out of the same act.

(b) "Sell" includes exchange, barter, solicitation or receipt of an order, transfer to another for sale or resale and any other transfer for any consideration or a promise obtained directly or indirectly.

(c) "Substitute" means a substance which:

(1) Was manufactured by a person who at the time was not currently registered with the Secretary of Health and Human Services; and

(2) Is an imitation of or intended for use as a substitute for a substance listed in schedule I, II or III.

Sec. 13. NRS 453.5531 is hereby amended to read as follows:

453.5531 1. The State of Nevada is entitled, in a civil action brought pursuant to NRS 453.553 involving marijuana, to a civil penalty in an amount:

(a) Not to exceed \$350,000, if the quantity involved is 100 pounds or more, but less than 2,000 pounds.

(b) Not to exceed \$700,000, if the quantity involved is 2,000 pounds or more, but less than 10,000 pounds.

(c) Not to exceed \$1,000,000, if the quantity involved is 10,000 pounds or more.

2. The State of Nevada is entitled, in a civil action brought pursuant to NRS 453.553 involving a controlled substance, except marijuana, which is listed in schedule I or a substitute therefor, to a civil penalty in an amount:

(a) Not to exceed \$350,000, if the quantity involved is 4 grams or more, but less than 14 grams.

(b) Not to exceed \$700,000, if the quantity involved is 14 grams or more, but less than 28 grams.



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(c) Not to exceed \$1,000,000, if the quantity involved is 28 grams or more.

3. The State of Nevada is entitled, in a civil action brought pursuant to NRS 453.553 involving a controlled substance which is listed in schedule II or III or a substitute therefor, to a civil penalty in an amount:

(a) Not to exceed \$350,000, if the quantity involved is 28 grams or more, but less than 200 grams.

(b) Not to exceed \$700,000, if the quantity involved is 200 grams or more, but less than 400 grams.

(c) Not to exceed \$1,000,000, if the quantity involved is 400 grams or more.

4. Unless a greater civil penalty is authorized by another provision of this section, the State of Nevada is entitled, in a civil action brought pursuant to NRS 453.553 involving any act or transaction in violation of the provisions of NRS 453.3611 to 453.3648, inclusive, to a civil penalty in an amount not to exceed \$350,000.

5. The State of Nevada is entitled, in a civil action brought pursuant to NRS 453.553 involving any act or transaction in violation of the provisions of section 6, 7, 8 or 11.5 of this act, to a civil penalty in an amount not to exceed \$250,000 for each violation.

Sec. 14. NRS 453.5533 is hereby amended to read as follows:

453.5533 1. A civil action brought pursuant to NRS 453.553 must be brought within 3 years after the conduct in violation of the provisions of NRS 453.011 to 453.552, inclusive, *and sections 2 to 11.5, inclusive, of this act* occurs.

2. Such a civil action is not barred by a prior acquittal of the defendant in a criminal action arising out of the same act, transaction or occurrence. A final judgment or decree rendered in favor of the State in any criminal proceeding arising out of the same act, transaction or occurrence estops the defendant in a subsequent civil action from denying the essential allegations of the criminal offense.

Sec. 15. (Deleted by amendment.)

Sec. 16. NRS 40.140 is hereby amended to read as follows:

40.140 1. Except as otherwise provided in this section ~~anything~~:

(a) Anything which is injurious to health, or indecent and offensive to the senses, or an obstruction to the free use of property, so as to interfere with the comfortable enjoyment of life or property ~~including, without limitation, a~~;

(b) A building or place used for the purpose of unlawfully selling, serving, storing, keeping, manufacturing, using or giving



away a controlled substance, immediate precursor ~~as defined in NRS 453.086~~ or controlled substance analog ~~as defined in NRS 453.043~~; or

(c) *A building or place which was used for the purpose of unlawfully manufacturing a controlled substance, immediate precursor or controlled substance analog and:*

(1) *Which has not been deemed safe for habitation by a governmental entity; or*

(2) *From which all materials or substances involving the controlled substance, immediate precursor or controlled substance analog have not been removed or remediated by an entity certified or licensed to do so within 180 days after the building or place is no longer used for the purpose of unlawfully manufacturing a controlled substance, immediate precursor or controlled substance analog,*

➔ is a nuisance, and the subject of an action. The action may be brought by any person whose property is injuriously affected, or whose personal enjoyment is lessened by the nuisance, and by the judgment the nuisance may be enjoined or abated, as well as damages recovered.

2. It is presumed:

(a) That an agricultural activity conducted on farmland, consistent with good agricultural practice and established before surrounding nonagricultural activities is reasonable. Such activity does not constitute a nuisance unless the activity has a substantial adverse effect on the public health or safety.

(b) That an agricultural activity which does not violate a federal, state or local law, ordinance or regulation constitutes good agricultural practice.

3. A shooting range does not constitute a nuisance with respect to any noise attributable to the shooting range if the shooting range is in compliance with the provisions of all applicable statutes, ordinances and regulations concerning noise:

(a) As those provisions existed on October 1, 1997, for a shooting range in operation on or before October 1, 1997; or

(b) As those provisions exist on the date that the shooting range begins operation, for a shooting range that begins operation after October 1, 1997.

➔ A shooting range is not subject to any state or local law related to the control of noise that is adopted or amended after the date set forth in paragraph (a) or (b), as applicable, and does not constitute a nuisance for failure to comply with any such law.

4. As used in this section ~~["shooting"]~~:

(a) *"Controlled substance analog" has the meaning ascribed to it in NRS 453.043.*



(b) "Immediate precursor" has the meaning ascribed to it in NRS 453.086.

(c) "Shooting range" means an area designed and used for archery or sport shooting, including, but not limited to, sport shooting that involves the use of rifles, shotguns, pistols, silhouettes, skeet, trap, black powder or other similar items.

Sec. 17. NRS 202.450 is hereby amended to read as follows:

202.450 1. A public nuisance is a crime against the order and economy of the State.

2. Every place:

(a) Wherein any gambling, bookmaking or pool selling is conducted without a license as provided by law, or wherein any swindling game or device, or bucket shop, or any agency therefor is conducted, or any article, apparatus or device useful therefor is kept;

(b) Wherein any fighting between animals or birds is conducted;

(c) Wherein any dog races are conducted as a gaming activity;

(d) Wherein any intoxicating liquors are kept for unlawful use, sale or distribution;

(e) Wherein a controlled substance, immediate precursor ~~as defined in NRS 453.086~~ or controlled substance analog ~~as defined in NRS 453.043~~ is unlawfully sold, served, stored, kept, manufactured, used or given away; or

(f) Where vagrants resort,

↳ is a public nuisance.

3. Every act unlawfully done and every omission to perform a duty, which act or omission:

(a) Annoys, injures or endangers the safety, health, comfort or repose of any considerable number of persons;

(b) Offends public decency;

(c) Unlawfully interferes with, befouls, obstructs or tends to obstruct, or renders dangerous for passage, a lake, navigable river, bay, stream, canal, ditch, millrace or basin, or a public park, square, street, alley, bridge, causeway or highway; or

(d) In any way renders a considerable number of persons insecure in life or the use of property,

↳ is a public nuisance.

4. *A building or place which was used for the purpose of unlawfully manufacturing a controlled substance, immediate precursor or controlled substance analog is a public nuisance if the building or place has not been deemed safe for habitation by a governmental entity and:*

(a) The owner of the building or place allows the building or place to be used for any purpose before all materials or substances involving the controlled substance, immediate precursor or controlled substance analog have been removed from



1 *or remediated on the building or place by an entity certified or*
2 *licensed to do so; or*

3 *(b) The owner of the building or place fails to have all*
4 *materials or substances involving the controlled substance,*
5 *immediate precursor or controlled substance analog removed from*
6 *or remediated on the building or place by an entity certified or*
7 *licensed to do so within 180 days after the building or place is no*
8 *longer used for the purpose of unlawfully manufacturing a*
9 *controlled substance, immediate precursor or controlled substance*
10 *analog.*

11 5. Agricultural activity conducted on farmland consistent with
12 good agricultural practice and established before surrounding
13 nonagricultural activities is not a public nuisance unless it has a
14 substantial adverse effect on the public health or safety. It is
15 presumed that an agricultural activity which does not violate a
16 federal, state or local law, ordinance or regulation constitutes good
17 agricultural practice.

18 ~~5-1~~ 6. A shooting range is not a public nuisance with respect to
19 any noise attributable to the shooting range if the shooting range is
20 in compliance with the provisions of all applicable statutes,
21 ordinances and regulations concerning noise:

22 (a) As those provisions existed on October 1, 1997, for a
23 shooting range that begins operation on or before October 1, 1997;
24 or

25 (b) As those provisions exist on the date that the shooting range
26 begins operation, for a shooting range in operation after October 1,
27 1997.

28 ➔ A shooting range is not subject to any state or local law related to
29 the control of noise that is adopted or amended after the date set
30 forth in paragraph (a) or (b), as applicable, and does not constitute a
31 nuisance for failure to comply with any such law.

32 ~~6-1~~ 7. As used in this section ~~[-,"shooting"]~~ :

33 (a) *"Controlled substance analog" has the meaning ascribed*
34 *to it in NRS 453.043.*

35 (b) *"Immediate precursor" has the meaning ascribed to it in*
36 *NRS 453.086.*

37 (c) *"Shooting" range" has the meaning ascribed to it in*
38 *NRS 40.140.*

39 **Sec. 18.** NRS 244.3603 is hereby amended to read as follows:

40 244.3603 1. Each board of county commissioners may, by
41 ordinance, to protect the public health, safety and welfare of the
42 residents of the county, adopt procedures pursuant to which the
43 district attorney may file an action in a court of competent
44 jurisdiction to:



(a) Seek the abatement of a chronic nuisance that is located or occurring within the unincorporated area of the county;

(b) If applicable, seek the closure of the property where the chronic nuisance is located or occurring; and

(c) If applicable, seek penalties against the owner of the property within the unincorporated area of the county and any other appropriate relief.

2. An ordinance adopted pursuant to subsection 1 must:

(a) Contain procedures pursuant to which the owner of the property is:

(1) Sent a notice, by certified mail, return receipt requested, by the sheriff or other person authorized to issue a citation of the existence on his property of nuisance activities and the date by which he must abate the condition to prevent the matter from being submitted to the district attorney for legal action; and

(2) Afforded an opportunity for a hearing before a court of competent jurisdiction.

(b) Provide that the date specified in the notice by which the owner must abate the condition is tolled for the period during which the owner requests a hearing and receives a decision.

(c) Provide the manner in which the county will recover money expended to abate the condition on the property if the owner fails to abate the condition.

3. If the court finds that a chronic nuisance exists and action is necessary to avoid serious threat to the public welfare or the safety or health of the occupants of the property, the court may order the county to secure and close the property until the nuisance is abated and may:

(a) Impose a civil penalty of not more than \$500 per day for each day that the condition was not abated after the date specified in the notice by which the owner was required to abate the condition;

(b) Order the owner to pay the county for the cost incurred by the county in abating the condition; and

(c) Order any other appropriate relief.

4. In addition to any other reasonable means authorized by the court for the recovery of money expended by the county to abate the chronic nuisance, the board may make the expense a special assessment against the property upon which the chronic nuisance is located or occurring. The special assessment may be collected pursuant to the provisions set forth in subsection 4 of NRS 244.360.

5. As used in this section:

(a) A "chronic nuisance" exists:

(1) When three or more nuisance activities exist or have occurred during any 90-day period on the property . H



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(2) When a person associated with the property has engaged in three or more nuisance activities during any 90-day period on the property or within 100 feet of the property. ~~(f)~~

(3) When the property has been the subject of a search warrant based on probable cause of continuous or repeated violations of chapter 459 of NRS. ~~(f-or)~~

(4) When a building or place is used for the purpose of unlawfully selling, serving, storing, keeping, manufacturing, using or giving away a controlled substance, immediate precursor ~~as defined in NRS 453.086~~ or controlled substance analog. ~~as defined in NRS 453.043.~~

(5) When a building or place was used for the purpose of unlawfully manufacturing a controlled substance, immediate precursor or controlled substance analog and:

(I) The building or place has not been deemed safe for habitation by a governmental entity; or

(II) All materials or substances involving the controlled substance, immediate precursor or controlled substance analog have not been removed from or remediated on the building or place by an entity certified or licensed to do so within 180 days after the building or place is no longer used for the purpose of unlawfully manufacturing a controlled substance, immediate precursor or controlled substance analog.

(b) "Controlled substance analog" has the meaning ascribed to it in NRS 453.043.

(c) "Immediate precursor" has the meaning ascribed to it in NRS 453.086.

(d) "Nuisance activity" means:

- (1) Criminal activity;*
- (2) The presence of debris, litter, garbage, rubble, abandoned or junk vehicles or junk appliances;*
- (3) Violations of building codes, housing codes or any other codes regulating the health or safety of occupants of real property;*
- (4) Excessive noise and violations of curfew; or*
- (5) Any other activity, behavior or conduct defined by the board to constitute a public nuisance.*

~~(e)~~ *(e) "Person associated with the property" means:*

- (1) The owner of the property;*
- (2) The manager or assistant manager of the property;*
- (3) The tenant of the property; or*
- (4) A person who, on the occasion of a nuisance activity, has:*
 - (I) Entered, patronized or visited;*
 - (II) Attempted to enter, patronize or visit; or*
 - (III) Waited to enter, patronize or visit,*

↳ the property or a person present on the property.



* A B 1 4 8 R 3 *

1 **Sec. 19.** NRS 244.363 is hereby amended to read as follows:
2 244.363 Except as otherwise provided in subsection 3 of NRS
3 40.140 and subsection ~~5~~ 6 of NRS 202.450, the boards of county
4 commissioners in their respective counties may, by ordinance
5 regularly enacted, regulate, control and prohibit, as a public
6 nuisance, excessive noise which is injurious to health or which
7 interferes unreasonably with the comfortable enjoyment of life or
8 property within the boundaries of the county.

9 **Sec. 20.** NRS 266.335 is hereby amended to read as follows:
10 266.335 The city council may:

11 1. Except as otherwise provided in subsection 3 of NRS 40.140
12 and subsection ~~5~~ 6 of NRS 202.450, determine by ordinance what
13 shall be deemed nuisances.

14 2. Provide for the abatement, prevention and removal of the
15 nuisances at the expense of the person creating, causing or
16 committing the nuisances.

17 3. Provide that the expense of removal is a lien upon the
18 property upon which the nuisance is located. The lien must:

19 (a) Be perfected by recording with the county recorder a
20 statement by the city clerk of the amount of expenses due and
21 unpaid and describing the property subject to the lien.

22 (b) Be coequal with the latest lien thereon to secure the payment
23 of general taxes.

24 (c) Not be subject to extinguishment by the sale of any property
25 because of the nonpayment of general taxes.

26 (d) Be prior and superior to all liens, claims, encumbrances and
27 titles other than the liens of assessments and general taxes.

28 4. Provide any other penalty or punishment of persons
29 responsible for the nuisances.

30 **Sec. 21.** NRS 268.412 is hereby amended to read as follows:

31 268.412 Except as otherwise provided in subsection 3 of NRS
32 40.140 and subsection ~~5~~ 6 of NRS 202.450, the city council or
33 other governing body of a city may, by ordinance regularly enacted,
34 regulate, control and prohibit, as a public nuisance, excessive noise
35 which is injurious to health or which interferes unreasonably with
36 the comfortable enjoyment of life or property within the boundaries
37 of the city.

38 **Sec. 22.** NRS 268.4124 is hereby amended to read as follows:

39 268.4124 1. The governing body of a city may, by ordinance,
40 to protect the public health, safety and welfare of the residents of the
41 city, adopt procedures pursuant to which the city attorney may file
42 an action in a court of competent jurisdiction to:

43 (a) Seek the abatement of a chronic nuisance that is located or
44 occurring within the city;



* A B 1 4 8 R 3 *

(b) If applicable, seek the closure of the property where the chronic nuisance is located or occurring; and

(c) If applicable, seek penalties against the owner of the property within the city and any other appropriate relief.

2. An ordinance adopted pursuant to subsection 1 must:

(a) Contain procedures pursuant to which the owner of the property is:

(1) Sent notice, by certified mail, return receipt requested, by the city police or other person authorized to issue a citation, of the existence on his property of two or more nuisance activities and the date by which he must abate the condition to prevent the matter from being submitted to the city attorney for legal action; and

(2) Afforded an opportunity for a hearing before a court of competent jurisdiction.

(b) Provide that the date specified in the notice by which the owner must abate the condition is tolled for the period during which the owner requests a hearing and receives a decision.

(c) Provide the manner in which the city will recover money expended for labor and materials used to abate the condition on the property if the owner fails to abate the condition.

3. If the court finds that a chronic nuisance exists and emergency action is necessary to avoid immediate threat to the public health, welfare or safety, the court shall order the city to secure and close the property for a period not to exceed 1 year or until the nuisance is abated, whichever occurs first, and may:

(a) Impose a civil penalty of not more than \$500 per day for each day that the condition was not abated after the date specified in the notice by which the owner was required to abate the condition;

(b) Order the owner to pay the city for the cost incurred by the city in abating the condition;

(c) If applicable, order the owner to pay reasonable expenses for the relocation of any tenants who are affected by the chronic nuisance; and

(d) Order any other appropriate relief.

4. In addition to any other reasonable means authorized by the court for the recovery of money expended by the city to abate the chronic nuisance, the governing body may make the expense a special assessment against the property upon which the chronic nuisance is or was located or occurring. The special assessment may be collected at the same time and in the same manner as ordinary county taxes are collected, and is subject to the same penalties and the same procedure and sale in case of delinquency as provided for ordinary county taxes. All laws applicable to the levy, collection and enforcement of county taxes are applicable to such a special assessment.



5. As used in this section:

(a) A “chronic nuisance” exists:

(1) When three or more nuisance activities exist or have occurred during any 30-day period on the property. ~~(f)~~

(2) When a person associated with the property has engaged in three or more nuisance activities during any 30-day period on the property or within 100 feet of the property. ~~(f)~~

(3) When the property has been the subject of a search warrant based on probable cause of continuous or repeated violations of chapter 459 of NRS. ~~(f)(e)~~

(4) When a building or place is used for the purpose of unlawfully selling, serving, storing, keeping, manufacturing, using or giving away a controlled substance, immediate precursor ~~as defined in NRS 453.086~~ or controlled substance analog. ~~as defined in NRS 453.043.~~

(5) When a building or place was used for the purpose of unlawfully manufacturing a controlled substance, immediate precursor or controlled substance analog and:

(I) The building or place has not been deemed safe for habitation by a governmental entity; or

(II) All materials or substances involving the controlled substance, immediate precursor or controlled substance analog have not been removed from or remediated on the building or place by an entity certified or licensed to do so within 180 days after the building or place is no longer used for the purpose of unlawfully manufacturing a controlled substance, immediate precursor or controlled substance analog.

(b) “Controlled substance analog” has the meaning ascribed to it in NRS 453.043.

(c) “Immediate precursor” has the meaning ascribed to it in NRS 453.086.

(d) “Nuisance activity” means:

(1) Criminal activity;

(2) The presence of debris, litter, garbage, rubble, abandoned or junk vehicles or junk appliances;

(3) Excessive noise and violations of curfew; or

(4) Any other activity, behavior or conduct defined by the governing body to constitute a public nuisance.

~~(e)~~ *(e) “Person associated with the property” means a person who, on the occasion of a nuisance activity, has:*

(1) Entered, patronized or visited;

(2) Attempted to enter, patronize or visit; or

(3) Waited to enter, patronize or visit,

→ *a property or a person present on the property.*



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1 **Sec. 23.** Chapter 639 of NRS is hereby amended by adding
2 thereto the provisions set forth as sections 24, 25 and 26 of this act.

3 **Sec. 24.** *As used in this section and sections 25 and 26 of this*
4 *act, "product that is a precursor to methamphetamine" means a*
5 *product which contains ephedrine, pseudoephedrine or*
6 *phenylpropanolamine or the salts, optical isomers or salts of*
7 *optical isomers of such chemicals and may be marketed or*
8 *distributed lawfully in the United States under the Federal Food,*
9 *Drug and Cosmetic Act, 21 U.S.C. §§ 301 et seq., as a*
10 *nonprescription drug.*

11 **Sec. 25.** *A person shall not sell or transfer to an ultimate*
12 *user in the course of any business, or engage in the business of*
13 *selling to ultimate users, a product that is a precursor to*
14 *methamphetamine, unless the person is a pharmacy.*

15 **Sec. 26.** 1. *Except as otherwise provided in subsection 2, if*
16 *a pharmacy becomes aware of any unusual or excessive loss or*
17 *disappearance of a product that is a precursor to*
18 *methamphetamine while the product is under the control of the*
19 *pharmacy, the pharmacy must:*

20 (a) *Make an oral report to the Department of Public Safety at*
21 *the earliest practicable opportunity after the pharmacy becomes*
22 *aware of the unusual or excessive loss or disappearance of the*
23 *product that is a precursor to methamphetamine; and*

24 (b) *Submit a written report to the Department of Public Safety*
25 *within 15 days after the pharmacy becomes aware of the unusual*
26 *or excessive loss or disappearance of the product that is a*
27 *precursor to methamphetamine.*

28 2. *If an unusual or excessive loss or disappearance of a*
29 *product that is a precursor to methamphetamine occurs while the*
30 *product is being transported to a pharmacy, the pharmacy is not*
31 *required to comply with the provisions of subsection 1.*

32 3. *A report required by subsection 1 must include, without*
33 *limitation, a description of the circumstances surrounding the loss*
34 *or disappearance and may be in substantially the following form:*

35
36 **LOSS REPORT**

37
38 *License number:*

39 *Name:*

40 *Business address:*

41 *City:*

42 *State:*

43 *Zip:*

44 *Business phone:*



1 *Date of loss:*
2 *Type of loss:*
3 *Description of circumstances:*
4

5 4. As used in this section, “unusual or excessive loss or
6 disappearance” means a loss or disappearance for which a report
7 would be required under 21 U.S.C. § 830(b)(1), and any
8 regulations adopted pursuant thereto, if the pharmacy were
9 subject to the requirements of 21 U.S.C. § 830(b)(1) and any
10 regulations adopted pursuant thereto.

11 **Sec. 27.** This act becomes effective on August 1, 2007.

③⑩

