

(Reprinted with amendments adopted on April 23, 2007)

FIRST REPRINT

A.B. 150

ASSEMBLY BILL NO. 150—ASSEMBLYMEN ANDERSON, BUCKLEY, OCEGUERA, LESLIE, CONKLIN, ALLEN, ARBERRY, ATKINSON, BEERS, BOBZIEN, CARPENTER, CHRISTENSEN, CLABORN, COBB, DENIS, GANSERT, GERHARDT, GOEDHART, GOICOECHEA, GRADY, HARDY, HOGAN, HORNE, KIHUEN, KIRKPATRICK, KOIVISTO, MABEY, MANENDO, MARVEL, MCCLAIN, MORTENSON, MUNFORD, OHRENSCHALL, PARKS, PARNELL, PIERCE, SEGERBLOM, SETTELMAYER, SMITH, STEWART, WEBER AND WOMACK

FEBRUARY 22, 2007

JOINT SPONSORS: SENATORS RAGGIO, TITUS, AMODEI, CARE, WASHINGTON, LEE, MATHEWS, MCGINNESS, NOLAN, RHOADS, SCHNEIDER, TOWNSEND, WIENER AND WOODHOUSE

Referred to Committee on Health and Human Services

SUMMARY—Makes various changes pertaining to methamphetamine and other controlled substances. (BDR 40-667)

FISCAL NOTE: Effect on Local Government: May have Fiscal Impact.
Effect on the State: Yes.

~

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

AN ACT relating to controlled substances; requiring the Office of Court Administrator to apply for federal grants for drug courts; making various other changes pertaining to crimes related to the use or manufacturing of methamphetamine and other controlled substances; revising various provisions pertaining to nuisances; making various changes relating to lithium metal, sodium metal and anhydrous ammonia; enacting provisions relating to the sale or transfer of certain precursors to methamphetamine; providing penalties; and providing other matters properly relating thereto.



* A B 1 5 0 R 1 *

Legislative Counsel's Digest:

This bill makes various changes pertaining to methamphetamine and other controlled substances.

Section 40 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 or the holder of a permit which allows the person to sell or transfer products that are precursors to methamphetamine. A person who violates these prohibitions is guilty of a category C felony. To obtain a permit to sell or transfer products that are precursors to methamphetamine, a person must submit an application to the State Board of Pharmacy and pay a fee of \$200. The Board must issue a permit to a person if the Board determines, after considering certain factors, that the person will safely and lawfully sell products that are precursors to methamphetamine.

Section 41 of this bill requires a pharmacy or the holder of a permit to: (1) comply with state and federal law concerning the sale and transfer of products that are precursors to methamphetamine; and (2) submit to the Department of Public Safety a quarterly report of the quantity of each purchase and sale or transfer of a product that is a precursor to methamphetamine. If a pharmacy or permit holder does not comply with either of these requirements, **section 45** allows the State Board of Pharmacy to take certain disciplinary action against the pharmacy or permit holder.

Section 2 of this bill prohibits the possession or disposition of chemical waste or debris resulting from the manufacture of methamphetamine. **Section 3** of this bill prohibits the possession of lithium metal or sodium metal under certain circumstances.

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 7** of this bill adds lithium metal and sodium metal to the list of prohibited chemicals. **Section 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 creates the Office of Court Administrator and prescribes the duties of the Court Administrator. (NRS 1.320, 1.360) **Section 9** of this bill requires the Court Administrator to apply for any federal grants for the establishment, support or expansion of drug courts and to allocate to the courts any money received.

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 punishable criminally. (NRS 40.140, 202.450, 202.470) **Sections 10 and 11** 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 12 of this bill provides that a person commits first degree arson if, by knowingly engaging in the manufacture of methamphetamine, the person sets fire to or causes an explosion that damages a dwelling house or personal property that is occupied by one or more persons. **Section 13** of this bill provides that a person commits second degree arson if, by knowingly engaging in the manufacture of methamphetamine, the person sets fire to or causes an explosion that damages any abandoned building or structure. **Section 14** of this bill provides that a person is guilty of a category B felony if the person commits the theft of certain chemicals that are precursors to controlled substances, regardless of the value of those chemicals.

Sections 21-32 of this bill require the State Department of Agriculture, in consultation with the Department of Public Safety, to certify substances that are



added to anhydrous ammonia for the purpose of rendering the anhydrous ammonia unusable or undesirable for the manufacture of methamphetamine. To assist in advising the State Department of Agriculture on the certification of such substances, **sections 32 and 33** of this bill create the Anhydrous Ammonia Advisory Committee.

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 section 2 and 3 of this act.

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

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

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

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

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

3. *As used in this section:*

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

(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. 3. 1. *Except as otherwise provided in this subsection, it is unlawful for a person to knowingly or intentionally possess lithium metal or sodium metal. A person does not violate this subsection if the person:*

(a) Is conducting a lawful manufacturing operation that involves the use of lithium metal or sodium metal;



(b) Possesses lithium metal or sodium metal in conjunction with experiments conducted in a chemistry or chemistry-related laboratory maintained by a:

(1) Regularly established public or private secondary school; or

(2) Public or private institution of higher education that is accredited by a national or regional accrediting agency recognized by the United States Department of Education;

(c) Is a retail distributor, wholesaler, manufacturer, warehouseman or common carrier, or an agent of any of those persons, who possesses lithium metal or sodium metal in the regular course of lawful business activities; or

(d) Possesses lithium metal or sodium metal as a component of a commercially produced product, including, without limitation, rechargeable batteries.

2. A person who violates this section is guilty of a gross misdemeanor.

Sec. 4. (Deleted by amendment.)


Sec. 5. (Deleted by amendment.)

Sec. 6. (Deleted by amendment.)

Sec. 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, 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 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).



* A B 1 5 0 R 1 *

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.

(c) N-Acetylanthranilic acid, its esters and its salts.

(d) Anthranilic acid, its esters and its salts.

(e) Benzaldehyde, its salts, isomers and salts of isomers.

(f) Benzyl chloride.

(g) Benzyl cyanide.

(h) 1,4-Butanediol.

(i) 2-Butanone (or methyl ethyl ketone or MEK).

(j) Ephedrine, its salts, isomers and salts of isomers.

(k) Ergonovine and its salts.

(l) Ergotamine and its salts.

(m) Ethylamine, its salts, isomers and salts of isomers.

(n) Ethyl ether.

(o) Gamma butyrolactone.

(p) Hydriodic acid, its salts, isomers and salts of isomers.

(q) Hydrochloric gas.

(r) Iodine.

(s) Isosafrole, its salts, isomers and salts of isomers.

(t) *Lithium metal*.

(u) Methylamine, its salts, isomers and salts of isomers.

~~(v)~~ (v) 3,4-Methylenedioxy-phenyl-2-propanone.

~~(w)~~ (w) N-Methylephedrine, its salts, isomers and salts of isomers.

~~(x)~~ (x) Methyl isobutyl ketone (MIBK).

~~(y)~~ (y) N-Methylpseudoephedrine, its salts, isomers and salts of isomers.

~~(z)~~ (z) Nitroethane, its salts, isomers and salts of isomers.

~~(aa)~~ (aa) Norpseudoephedrine, its salts, isomers and salts of isomers.

~~(bb)~~ (bb) Phenylacetic acid, its esters and its salts.

~~(cc)~~ (cc) Phenylpropanolamine, its salts, isomers and salts of isomers.

~~(dd)~~ (dd) Piperidine and its salts.

~~(ee)~~ (ee) Piperonal, its salts, isomers and salts of isomers.



- 1 ~~[(ee)]~~ *(ff)* Potassium permanganate.
2 ~~[(ff)]~~ *(gg)* Propionic anhydride, its salts, isomers and salts of
3 isomers.
4 ~~[(gg)]~~ *(hh)* Pseudoephedrine, its salts, isomers and salts of
5 isomers.
6 ~~[(hh)]~~ *(ii)* Red phosphorous.
7 ~~[(ii)]~~ *(jj)* Safrole, its salts, isomers and salts of isomers.
8 ~~[(jj)]~~ *(kk)* ***Sodium metal.***
9 *(ll)* Sulfuric acid.
10 ~~[(kk)]~~ *(mm)* Toluene.

11 **Sec. 8.** NRS 453.553 is hereby amended to read as follows:

12 453.553 1. In addition to any criminal penalty imposed for a
13 violation of the provisions of NRS 453.011 to 453.552, inclusive,
14 ***and sections 2 and 3 of this act,*** any person who unlawfully sells,
15 manufactures, delivers or brings into this State, possesses for sale or
16 participates in any way in a sale of a controlled substance listed in
17 schedule I, II or III or who engages in any act or transaction in
18 violation of the provisions of NRS 453.3611 to 453.3648, inclusive,
19 is subject to a civil penalty for each violation. This penalty must be
20 recovered in a civil action, brought in the name of the State of
21 Nevada by the Attorney General or by any district attorney in a
22 court of competent jurisdiction.

23 2. As used in ~~[this section and]~~ NRS ~~[453.5531, 453.5532 and]~~
24 ***453.553 to 453.5533 [-], inclusive:***

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

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

30 (c) "Substitute" means a substance which:

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

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

36 **Sec. 9.** NRS 1.360 is hereby amended to read as follows:

37 1.360 Under the direction of the Supreme Court, the Court
38 Administrator shall:

39 1. Examine the administrative procedures employed in the
40 offices of the judges, clerks, court reporters and employees of all
41 courts of this State and make recommendations, through the Chief
42 Justice, for the improvement of those procedures;

43 2. Examine the condition of the dockets of the courts and
44 determine the need for assistance by any court;



1 3. Make recommendations to and carry out the directions of the
2 Chief Justice relating to the assignment of district judges where
3 district courts are in need of assistance;

4 4. Develop a uniform system for collecting and compiling
5 statistics and other data regarding the operation of the State Court
6 System and transmit that information to the Supreme Court so that
7 proper action may be taken in respect thereto;

8 5. Prepare and submit a budget of state appropriations
9 necessary for the maintenance and operation of the State Court
10 System and make recommendations in respect thereto;

11 6. Develop procedures for accounting, internal auditing,
12 procurement and disbursement for the State Court System;

13 7. Collect statistical and other data and make reports relating to
14 the expenditure of all public money for the maintenance and
15 operation of the State Court System and the offices connected
16 therewith;

17 8. Compile statistics from the information required to be
18 maintained by the clerks of the district courts pursuant to NRS 3.275
19 and make reports as to the cases filed in the district courts;

20 9. Formulate and submit to the Supreme Court
21 recommendations of policies or proposed legislation for the
22 improvement of the State Court System;

23 10. On or before January 1 of each year, submit to the Director
24 of the Legislative Counsel Bureau a written report compiling the
25 information submitted to the Court Administrator pursuant to NRS
26 3.243, 4.175 and 5.045 during the immediately preceding fiscal
27 year;

28 11. On or before January 1 of each odd-numbered year, submit
29 to the Director of the Legislative Counsel Bureau a written report
30 concerning:

31 (a) The distribution of money deposited in the special account
32 created pursuant to NRS 176.0613 to assist with funding and
33 establishing specialty court programs;

34 (b) The current status of any specialty court programs to which
35 money from the account was allocated since the last report; and

36 (c) Such other related information as the Court Administrator
37 deems appropriate;

38 12. On or before February 15 of each odd-numbered year,
39 submit to the Governor and to the Director of the Legislative
40 Counsel Bureau for transmittal to the next regular session of the
41 Legislature a written report compiling the information submitted by
42 clerks of courts to the Court Administrator pursuant to NRS 630.307
43 and 633.533 which includes only aggregate information for
44 statistical purposes and excludes any identifying information related
45 to a particular person;



* A B 1 5 0 R 1 *

13. On or before February 15 of each odd-numbered year, submit to the Director of the Legislative Counsel Bureau for transmittal to the next regular session of the Legislature a written report concerning the effectiveness of participation in counseling sessions in a program for the treatment of persons who commit domestic violence ordered by a court pursuant to NRS 200.485 and the effect of such counseling sessions on recidivism of the offenders who commit battery which constitutes domestic violence pursuant to NRS 33.018; ~~and~~

14. *Apply for and accept any money appropriated and made available by any act of Congress for the establishment, support or expansion of specialty court programs that facilitate the testing, treatment and oversight of persons who abuse alcohol or drugs;*

15. *Allocate the money received pursuant to subsection 14 to courts to assist with the establishment, support or expansion of specialty court programs that facilitate the testing, treatment and oversight of persons who abuse alcohol or drugs; and*

16. Attend to such other matters as may be assigned by the Supreme Court or prescribed by law.

Sec. 10. 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



1 whose personal enjoyment is lessened by the nuisance, and by the
2 judgment the nuisance may be enjoined or abated, as well as
3 damages recovered.

4 2. It is presumed:

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

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

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

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

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

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

26 4. As used in this section ~~[, “shooting”]~~:

27 (a) *“Controlled substance analog” has the meaning ascribed*
28 *to it in NRS 453.043;*

29 (b) *“Immediate precursor” has the meaning ascribed to it in*
30 *NRS 453.086; and*

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

35 **Sec. 11.** NRS 202.450 is hereby amended to read as follows:

36 202.450 1. A public nuisance is a crime against the order and
37 economy of the State.

38 2. Every place:

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

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

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



* A B 1 5 0 R 1 *

(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 or remediated on the building or place by an entity certified or licensed to do so; or

(b) The owner of the building or place fails to have all materials or substances involving the controlled substance, immediate precursor or controlled substance analog 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.

5. Agricultural activity conducted on farmland consistent with good agricultural practice and established before surrounding nonagricultural activities is not a public nuisance unless it has a substantial adverse effect on the public health or safety. It is presumed that an agricultural activity which does not violate a



1 federal, state or local law, ordinance or regulation constitutes good
2 agricultural practice.

3 ~~[5.]~~ 6. A shooting range is not a public nuisance with respect
4 to any noise attributable to the shooting range if the shooting range
5 is in compliance with the provisions of all applicable statutes,
6 ordinances and regulations concerning noise:

7 (a) As those provisions existed on October 1, 1997, for a
8 shooting range that begins operation on or before October 1, 1997;
9 or

10 (b) As those provisions exist on the date that the shooting range
11 begins operation, for a shooting range in operation after October 1,
12 1997.

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

17 ~~[6.]~~ 7. As used in this section ~~[, "shooting"]~~ :

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

20 (b) *"Immediate precursor" has the meaning ascribed to it in*
21 *NRS 453.086; and*

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

24 **Sec. 12.** NRS 205.010 is hereby amended to read as follows:

25 205.010 A person who ~~[willfully]~~ :

26 1. *Willfully* and maliciously sets fire to or burns or causes to be
27 burned ~~[, or who aids,]~~ ;

28 2. *Aids*, counsels or procures the burning of ~~[any:]~~

29 ~~—1. Dwelling]~~ ; or

30 3. *By knowingly engaging in the manufacture of any*
31 *material, compound, mixture or preparation which contains any*
32 *quantity of methamphetamine, sets fire to or causes an explosion*
33 *that damages,*

34 ➤ *any dwelling* house or other structure or mobile home, whether
35 occupied or vacant ~~[; or~~

36 ~~—2. Personal]~~ *and whether the property of himself or another,*
37 *or personal* property which is occupied by one or more persons, ~~[~~

38 ~~➤]~~ whether the property of himself or of another, is guilty of arson
39 in the first degree which is a category B felony and shall be
40 punished by imprisonment for a minimum term of not less than 2
41 years and a maximum term of not more than 15 years, and may be
42 further punished by a fine of not more than \$15,000.

43 **Sec. 13.** NRS 205.015 is hereby amended to read as follows:

44 205.015 A person who ~~[willfully]~~ :



* A B 1 5 0 R 1 *

1 **1. Willfully** and maliciously sets fire to or burns or causes to be
2 burned ~~[, or who aids,]~~ ;

3 **2. Aids**, counsels or procures the burning of ; **or**

4 **3. By knowingly engaging in the manufacture of any**
5 **material, compound, mixture or preparation which contains any**
6 **quantity of methamphetamine, sets fire to or causes an explosion**
7 **that damages,**

8 ↪ any abandoned building or structure, whether the property of
9 himself or of another, is guilty of arson in the second degree which
10 is a category B felony and shall be punished by imprisonment in the
11 state prison for a minimum term of not less than 1 year and a
12 maximum term of not more than 10 years, and may be further
13 punished by a fine of not more than \$10,000.

14 **Sec. 14.** NRS 205.0835 is hereby amended to read as follows:

15 205.0835 1. Unless a greater penalty is imposed by a specific
16 statute, a person who commits theft in violation of any provision of
17 NRS 205.0821 to 205.0835, inclusive, shall be punished pursuant to
18 the provisions of this section.

19 2. ~~[[3]]~~ **Except as otherwise provided in subsection 3, if** the
20 value of the property or services involved in the theft ~~[[is]]~~ :

21 **(a) Is** less than \$250, the person who committed the theft is
22 guilty of a misdemeanor.

23 ~~[[3. — If the value of the property or services involved in the theft~~
24 ~~is]]~~

25 **(b) Is** \$250 or more but less than \$2,500, the person who
26 committed the theft is guilty of a category C felony and shall be
27 punished as provided in NRS 193.130.

28 ~~[[4.]]~~ **3.** If the value of the property or services involved in the
29 theft is \$2,500 or more ~~[[3]]~~ **or if the property involved in the theft is**
30 **a chemical identified in subsection 4 of NRS 453.322**, the person
31 who committed the theft is guilty of a category B felony and shall be
32 punished by imprisonment in the state prison for a minimum term of
33 not less than 1 year and a maximum term of not more than 10 years,
34 and by a fine of not more than \$10,000.

35 ~~[[5.]]~~ **4.** In addition to any other penalty, the court shall order
36 the person who committed the theft to pay restitution.

37 **Sec. 15.** NRS 244.3603 is hereby amended to read as follows:

38 244.3603 1. Each board of county commissioners may, by
39 ordinance, to protect the public health, safety and welfare of the
40 residents of the county, adopt procedures pursuant to which the
41 district attorney may file an action in a court of competent
42 jurisdiction to:

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



* A B 1 5 0 R 1 *

(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. 

(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. 



(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. ~~[-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.

Sec. 16. NRS 244.363 is hereby amended to read as follows:

244.363 Except as otherwise provided in subsection 3 of NRS 40.140 and subsection ~~[-5-]~~ 6 of NRS 202.450, the boards of county



* A B 1 5 0 R 1 *

1 commissioners in their respective counties may, by ordinance
2 regularly enacted, regulate, control and prohibit, as a public
3 nuisance, excessive noise which is injurious to health or which
4 interferes unreasonably with the comfortable enjoyment of life or
5 property within the boundaries of the county.

6 **Sec. 17.** NRS 266.335 is hereby amended to read as follows:

7 266.335 The city council may:

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

11 2. Provide for the abatement, prevention and removal of the
12 nuisances at the expense of the person creating, causing or
13 committing the nuisances.

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

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

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

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

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

25 4. Provide any other penalty or punishment of persons
26 responsible for the nuisances.

27 **Sec. 18.** NRS 268.412 is hereby amended to read as follows:

28 268.412 Except as otherwise provided in subsection 3 of NRS
29 40.140 and subsection ~~5~~ 6 of NRS 202.450, the city council or
30 other governing body of a city may, by ordinance regularly enacted,
31 regulate, control and prohibit, as a public nuisance, excessive noise
32 which is injurious to health or which interferes unreasonably with
33 the comfortable enjoyment of life or property within the boundaries
34 of the city.

35 **Sec. 19.** NRS 268.4124 is hereby amended to read as follows:

36 268.4124 1. The governing body of a city may, by ordinance,
37 to protect the public health, safety and welfare of the residents of the
38 city, adopt procedures pursuant to which the city attorney may file
39 an action in a court of competent jurisdiction to:

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

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

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



* A B 1 5 0 R 1 *

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 . 



(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. ~~{;}~~

(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. ~~{;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) 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.

Sec. 20. Title 51 of NRS is hereby amended by adding thereto a new chapter to consist of the provisions set forth as sections 21 to 33, inclusive, of this act.

Sec. 21. *As used in this chapter, unless the context otherwise requires, the words and terms defined in sections 22 to 30,*



1 *inclusive, of this act have the meanings ascribed to them in those*
2 *sections.*

3 **Sec. 22.** *“Advisory Committee” means the Anhydrous*
4 *Ammonia Additive Advisory Committee created by section 32 of*
5 *this act.*

6 **Sec. 23.** *“Anhydrous ammonia” means a liquid or gaseous*
7 *inorganic compound that is formed by the chemical combination*
8 *of nitrogen and hydrogen in the molar proportion of one part*
9 *nitrogen to three parts hydrogen. The term does not include*
10 *ammonium hydroxide.*

11 **Sec. 24.** *“Board” means the State Board of Agriculture.*

12 **Sec. 25.** *“Department” means the State Department of*
13 *Agriculture.*

14 **Sec. 26.** *“Director” means the Director of the Department.*

15 **Sec. 27.** *“Distributor” means a person that imports,*
16 *consigns, sells, offers for sale, barter, exchanges or otherwise*
17 *facilitates the supply of anhydrous ammonia to a user in this State.*

18 **Sec. 28.** *“Nontoxic dye” means a biodegradable, clear liquid*
19 *product that causes staining when exposed to air.*

20 **Sec. 29.** *“Other additive” means a product other than a*
21 *nontoxic dye that, when put in tanks containing anhydrous*
22 *ammonia, renders the anhydrous ammonia nonreactive, unusable*
23 *or undesirable for use in the manufacture of any material,*
24 *compound, mixture or preparation which contains any quantity of*
25 *methamphetamine.*

26 **Sec. 30.** *“User” means a person that uses anhydrous*
27 *ammonia in the course of engaging in agricultural activity in this*
28 *State to promote or stimulate the growth of plants, increase the*
29 *productiveness of plants, improve the quality of crops or produce*
30 *any chemical or physical change in the soil.*

31 **Sec. 31.** 1. *The Department, in consultation with the*
32 *Department of Public Safety, shall certify each brand of nontoxic*
33 *dye or other additive that a distributor of anhydrous ammonia or*
34 *user may add to anhydrous ammonia.*

35 2. *The Board, in consultation with the Advisory Committee,*
36 *shall adopt regulations establishing standards to be used in*
37 *making certifications pursuant to subsection 1 and for the*
38 *administration of this chapter.*

39 **Sec. 32.** 1. *The Anhydrous Ammonia Additive Advisory*
40 *Committee is hereby created within the Department.*

41 2. *The Advisory Committee consists of one representative of*
42 *each of the following:*

43 (a) *The Department.*

44 (b) *The Department of Public Safety.*

45 (c) *Manufacturers of anhydrous ammonia fertilizers.*



1 (d) *The Agricultural Extension Department of the Public*
2 *Service Division of the Nevada System of Higher Education.*

3 (e) *Retail distributors of anhydrous ammonia.*

4 (f) *Users who are growers of agricultural products.*

5 3. *The Director, in consultation with the Director of the*
6 *Department of Public Safety, shall appoint the members of the*
7 *Advisory Committee.*

8 4. *After the initial term, each member of the Advisory*
9 *Committee shall serve for a term of 4 years.*

10 5. *Each member of the Advisory Committee serves without*
11 *compensation. If sufficient money is available to the Department,*
12 *members are entitled to travel allowances provided for state*
13 *officers and employees generally while attending meetings of the*
14 *Advisory Committee.*

15 6. *Each member of the Advisory Committee who is an officer*
16 *or employee of the State must be relieved from his duties without*
17 *loss of his regular compensation so that he may prepare for and*
18 *attend meetings of the Advisory Committee.*

19 **Sec. 33. The Advisory Committee:**

20 1. *May review all relevant scientific and economic data on*
21 *nontoxic dyes or other additives for anhydrous ammonia that are*
22 *submitted to the Department for certification.*

23 2. *Shall require the manufacturer of any nontoxic dye or*
24 *other additive submitted to the Department for certification to*
25 *provide sufficient scientifically valid data for each submitted*
26 *nontoxic dye or other additive to allow the Department to*
27 *determine the:*

28 (a) *Impact of the nontoxic dye or other additive on crop yield;*

29 (b) *Specific food crop residue analysis of the nontoxic dye or*
30 *other additive; and*

31 (c) *Impact of the nontoxic dye or other additive on the*
32 *environment.*

33 3. *May issue recommendations to the Department regarding*
34 *whether the Department should certify a nontoxic dye or other*
35 *additive.*

36 **Sec. 34. (Deleted by amendment.)**

37 **Sec. 35.** Chapter 639 of NRS is hereby amended by adding
38 thereto the provisions set forth as sections 36 to 42, inclusive, of this
39 act.

40 **Sec. 36.** *As used in sections 36 to 42, inclusive, of this act,*
41 *unless the context otherwise requires, the words and terms defined*
42 *in sections 37, 38 and 39 of this act have the meanings ascribed to*
43 *them in those sections.*

44 **Sec. 37. "Department" means the Department of Public**
45 **Safety.**



* A B 1 5 0 R 1 *

1 **Sec. 38.** *“Permit” means a permit to sell or transfer a*
2 *product that is a precursor to methamphetamine issued by the*
3 *Board pursuant to sections 36 to 42, inclusive, of this act.*

4 **Sec. 39.** *“Product that is a precursor to methamphetamine”*
5 *means a 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. 40. 1.** *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:*

15 *(a) Is a pharmacy; or*

16 *(b) Holds a valid permit issued by the Board pursuant to this*
17 *section.*

18 **2.** *A person who violates subsection 1 is guilty of a category C*
19 *felony and shall be punished as provided in NRS 193.130.*

20 **3.** *To obtain or renew a permit, a person must:*

21 *(a) Submit an application to the Executive Secretary of the*
22 *Board on a form furnished by the Board;*

23 *(b) Pay the fee required by NRS 639.170; and*

24 *(c) Submit any other documentation that the Board may*
25 *require by regulation.*

26 **4.** *The Board shall issue or renew a permit if the person*
27 *applying for the permit has complied with subsection 2 and the*
28 *Board determines that the person will safely and lawfully sell or*
29 *transfer a product that is a precursor to methamphetamine. To*
30 *determine whether a person will safely and lawfully sell or*
31 *transfer a product that is a precursor to methamphetamine, the*
32 *Board shall consider the following factors:*

33 *(a) Whether the business operated by the person contains a*
34 *pharmacy which is not open to the public at all times.*

35 *(b) The proximity of the business operated by the person to a*
36 *pharmacy that is open to the public at all times.*

37 *(c) Whether an owner, partner, member, manager, stockholder*
38 *who owns more than 10 percent of the outstanding stock, director*
39 *or officer of the person, or an employee of the person who will sell*
40 *or transfer a product that is a precursor to methamphetamine, has*
41 *been arrested for, charged with or convicted of:*

42 *(1) A felony;*

43 *(2) Any crime involving moral turpitude; or*

44 *(3) Any crime related to the unlawful possession, sale or*
45 *use of a controlled substance or dangerous drug.*



* A B 1 5 0 R 1 *

1 (d) *Whether the business operated by the person is the type of*
2 *business at which a reasonable person purchases a product that is*
3 *a precursor to methamphetamine.*

4 (e) *The previous experience of the person with the sale of a*
5 *product that is a precursor to methamphetamine.*

6 **Sec. 41.** *A pharmacy or a person who holds a permit shall:*

7 1. *Comply with the law of this State and federal law*
8 *concerning the sale or transfer of a product that is a precursor to*
9 *methamphetamine.*

10 2. *Submit to the Department a report of the quantity of each*
11 *purchase and sale or transfer of a product that is a precursor to*
12 *methamphetamine not later than:*

13 (a) *April 30, for the period from January 1 through March 31;*

14 (b) *July 31, for the period from April 1 through June 30;*

15 (c) *October 31, for the period from July 1 through*
16 *September 30; and*

17 (d) *January 31, for the period from October 1 of the previous*
18 *year through December 31 of the previous year.*

19 ↪ *The Department shall adopt regulations governing the form of*
20 *the report and the manner in which the report is submitted to the*
21 *Department.*

22 **Sec. 42.** *At any time that a pharmacy or a business operated*
23 *by a holder of a permit is open to the public, an agent of the*
24 *Board, the Department or a local law enforcement agency may*
25 *examine, copy, seize or impound any records of the pharmacy or*
26 *the holder of a permit concerning the purchase, sale or transfer of*
27 *a product that is a precursor to methamphetamine.*

28 **Sec. 43.** NRS 639.129 is hereby amended to read as follows:

29 639.129 1. In addition to any other requirements set forth in
30 this chapter:

31 (a) A natural person who applies for the issuance of a certificate
32 of registration as a pharmacist, intern pharmacist, pharmaceutical
33 technician or pharmaceutical technician in training , ~~or~~ a license
34 issued pursuant to NRS 639.233 *or a permit issued pursuant to*
35 *sections 36 to 42, inclusive, of this act* shall include the social
36 security number of the applicant in the application submitted to the
37 Board.

38 (b) A natural person who applies for the issuance or renewal of a
39 certificate of registration as a pharmacist, intern pharmacist,
40 pharmaceutical technician or pharmaceutical technician in training ,
41 ~~or~~ a license issued pursuant to NRS 639.233 *or a permit issued*
42 *pursuant to sections 36 to 42, inclusive, of this act* shall submit to
43 the Board the statement prescribed by the Division of Welfare and
44 Supportive Services of the Department of Health and Human



* A B 1 5 0 R 1 *

Services pursuant to NRS 425.520. The statement must be completed and signed by the applicant.

2. The Board shall include the statement required pursuant to subsection 1 in:

(a) The application or any other forms that must be submitted for the issuance or renewal of the certificate, ~~for~~ license *or permit*; or

(b) A separate form prescribed by the Board.

3. A certificate of registration as a pharmacist, intern pharmacist, pharmaceutical technician or pharmaceutical technician in training, ~~for~~ a license issued pursuant to NRS 639.233 *or a permit issued pursuant to sections 36 to 42, inclusive, of this act* may not be issued or renewed by the Board if the applicant is a natural person who:

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

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

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

Sec. 44. NRS 639.170 is hereby amended to read as follows:

639.170 1. The Board shall charge and collect not more than the following fees for the following services:

	Actual cost
For the examination of an applicant registration of the for as a pharmacist	examination
For the investigation or registration of an applicant as a registered pharmacist	\$200
For the investigation, examination or registration of an applicant as a registered pharmacist by reciprocity	300
For the investigation or issuance of an original license to conduct a retail pharmacy	600
For the biennial renewal of a license to conduct a retail pharmacy	500



1	For the investigation or issuance of an original	
2	license to conduct an institutional pharmacy.....	\$600
3	For the biennial renewal of a license to conduct	
4	an institutional pharmacy.....	500
5	For the issuance of an original or duplicate	
6	certificate of registration as a registered	
7	pharmacist.....	50
8	For the biennial renewal of registration as a	
9	registered pharmacist.....	200
10	For the reinstatement of a lapsed registration (in	
11	addition to the fees for renewal for the	
12	period of lapse)	100
13	For the initial registration of a pharmaceutical	
14	technician or pharmaceutical technician in	
15	training.....	50
16	For the biennial renewal of registration of a	
17	pharmaceutical technician or pharmaceutical	
18	technician in training.....	50
19	For the investigation or registration of an intern	
20	pharmacist.....	50
21	For the biennial renewal of registration as an	
22	intern pharmacist.....	40
23	For investigation or issuance of an original	
24	license to a manufacturer or wholesaler.....	500
25	For the biennial renewal of a license for a	
26	manufacturer or wholesaler.....	500
27	For the reissuance of a license issued to a	
28	pharmacy, when no change of ownership is	
29	involved, but the license must be reissued	
30	because of a change in the information	
31	required thereon	100
32	For authorization of a practitioner to dispense	
33	controlled substances or dangerous drugs, or	
34	both	300
35	For the biennial renewal of authorization of a	
36	practitioner to dispense controlled	
37	substances or dangerous drugs, or both	300
38	<i>For the issuance or renewal of a permit to sell</i>	
39	<i>or transfer a product that is a precursor to</i>	
40	<i>methamphetamine issued by the Board</i>	
41	<i>pursuant to sections 36 to 42, inclusive, of</i>	
42	<i>this act.....</i>	<i>200</i>

2. If a person requests a special service from the Board or requests the Board to convene a special meeting, he must pay the



1 actual costs to the Board as a condition precedent to the rendition of
2 the special service or the convening of the special meeting.

3 3. All fees are payable in advance and are not refundable.

4 4. The Board may, by regulation, set the penalty for failure to
5 pay the fee for renewal for any license, permit, authorization or
6 certificate within the statutory period, at an amount not to exceed
7 100 percent of the fee for renewal for each year of delinquency in
8 addition to the fees for renewal for each year of delinquency.

9 **Sec. 45.** NRS 639.210 is hereby amended to read as follows:

10 639.210 The Board may suspend or revoke any certificate,
11 license, registration or permit issued pursuant to this chapter, and
12 deny the application of any person for a certificate, license,
13 registration or permit, if the holder or applicant:

14 1. Is not of good moral character;

15 2. Is guilty of habitual intemperance;

16 3. Becomes or is intoxicated or under the influence of liquor,
17 any depressant drug or a controlled substance, unless taken pursuant
18 to a lawfully issued prescription, while on duty in any establishment
19 licensed by the Board;

20 4. Is guilty of unprofessional conduct or conduct contrary to
21 the public interest;

22 5. Is addicted to the use of any controlled substance;

23 6. Has been convicted of a violation of any law or regulation of
24 the Federal Government or of this or any other state related to
25 controlled substances, dangerous drugs, drug samples, or the
26 wholesale or retail distribution of drugs;

27 7. Has been convicted of:

28 (a) A felony relating to holding a certificate, license, registration
29 or permit pursuant to this chapter;

30 (b) A felony pursuant to NRS 639.550 or 639.555; or

31 (c) Other crime involving moral turpitude, dishonesty or
32 corruption;

33 8. Has been convicted of violating any of the provisions of
34 NRS 616D.200, 616D.220, 616D.240 or 616D.300 to 616D.440,
35 inclusive;

36 9. Has willfully made to the Board or its authorized
37 representative any false statement which is material to the
38 administration or enforcement of any of the provisions of this
39 chapter;

40 10. Has obtained any certificate, certification, license or permit
41 by the filing of an application, or any record, affidavit or other
42 information in support thereof, which is false or fraudulent;

43 11. Has violated any provision of the Federal Food, Drug and
44 Cosmetic Act or any other federal law or regulation relating to
45 prescription drugs;



* A B 1 5 0 R 1 *

12. Has violated, attempted to violate, assisted or abetted in the violation of or conspired to violate any of the provisions of this chapter or any law or regulation relating to drugs, the manufacture or distribution of drugs or the practice of pharmacy, or has knowingly permitted, allowed, condoned or failed to report a violation of any of the provisions of this chapter or any law or regulation relating to drugs, the manufacture or distribution of drugs or the practice of pharmacy committed by the holder of a certificate, license, registration or permit;

13. Has failed to renew his certificate, license or permit by failing to submit the application for renewal or pay the renewal fee therefor;

14. Has had his certificate, license or permit suspended or revoked in another state on grounds which would cause suspension or revocation of a certificate, license or permit in this State;

15. Has, as a managing pharmacist, violated any provision of law or regulation concerning recordkeeping or inventory in a store over which he presides, or has knowingly allowed a violation of any provision of this chapter or other state or federal laws or regulations relating to the practice of pharmacy by personnel of the pharmacy under his supervision;

16. Has repeatedly been negligent, which may be evidenced by claims of malpractice settled against him;

17. Has failed to maintain and make available to a state or federal officer any records in accordance with the provisions of this chapter or chapter 453 or 454 of NRS; or

18. Has failed to file or maintain a bond or other security if required by NRS 639.515.

19. Has violated any provision of section 41 of this act or any regulations adopted pursuant thereto.

Sec. 46. 1. The State Board of Pharmacy shall, during the 2007-2009 interim, conduct a study to identify computer software that will create an electronic database which:

(a) Identifies each sale or transfer of a product that is a precursor to methamphetamine immediately after the sale or transfer has occurred; and

(b) A pharmacy or person who holds a permit issued by the Board pursuant to sections 36 to 42, inclusive, of this act may access for the purpose of determining whether a sale or transfer of a product that is a precursor to methamphetamine would violate state or federal law.

2. The State Board of Pharmacy shall submit a report of the results of the study and any recommendations for legislation to the Director of the Legislative Counsel Bureau for transmission to the 75th Session of the Nevada Legislature.



1 **Sec. 47.** As soon as practicable after October 1, 2007, the
2 Director of the State Department of Agriculture shall appoint to the
3 Anhydrous Ammonia Additive Advisory Committee created by
4 section 32 of this act:

5 1. Three members whose terms expire on September 30, 2009;
6 and

7 2. Three members whose terms expire on September 30, 2011.

8 **Sec. 48.** 1. This section and section 46 of this act become
9 effective upon passage and approval.

10 2. Sections 4, 5, 6 and 35 to 45, inclusive, of this act become
11 effective:

12 (a) Upon passage and approval for the purpose of adopting
13 regulations and performing any other preparatory administrative
14 tasks that are necessary to carry out the amendatory provisions of
15 sections 4, 5, 6 and 35 to 45, inclusive, of this act; and

16 (b) On October 1, 2007, for all other purposes.

17 3. Sections 1, 2, 3, 7 to 34, inclusive, and 47 of this act become
18 effective on October 1, 2007.

19 4. Section 43 of this act expires by limitation on the date on
20 which the provisions of 42 U.S.C. § 666 requiring each state to
21 establish procedures under which the state has authority to withhold
22 or suspend, or to restrict the use of professional, occupational and
23 recreational licenses of persons who:

24 (a) Have failed to comply with a subpoena or warrant relating to
25 a proceeding to determine the paternity of a child or to establish or
26 enforce an obligation for the support of a child; or

27 (b) Are in arrears in the payment for the support of one or more
28 children,

29 ↪ are repealed by the Congress of the United States.

