

ASSEMBLY BILL NO. 528—COMMITTEE ON WAYS AND MEANS

(ON BEHALF OF THE DIVISION OF BUDGET AND PLANNING)

MARCH 28, 2011

Referred to Committee on Ways and Means

SUMMARY—Authorizes the transfer of money received to carry out provisions relating to the medical use of marijuana for certain purposes. (BDR 40-1182)

FISCAL NOTE: Effect on Local Government: No.
Effect on the State: No.

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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 public health; authorizing the transfer of money received to carry out provisions relating to the medical use of marijuana; requiring the Division of Mental Health and Developmental Services of the Department of Health and Human Services to use certain money for alcohol and drug abuse programs for certain persons; and providing other matters properly relating thereto.

Legislative Counsel's Digest:

- 1 **Section 1** of this bill authorizes the Administrator of the Health Division of the
- 2 Department of Health and Human Services to transfer to the Division of Mental
- 3 Health and Developmental Services of the Department money received to carry out
- 4 the program for the issuance of registry identification cards to persons who engage
- 5 in the medical use of marijuana. **Section 2** of this bill requires the Division of
- 6 Mental Health and Developmental Services to use the money transferred pursuant
- 7 to **section 1** to provide alcohol and drug abuse programs to persons referred by an
- 8 agency which provides child welfare services.



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

Section 1. NRS 453A.730 is hereby amended to read as follows:

453A.730 1. Any money the Administrator of the Division receives pursuant to NRS 453A.720 or that is appropriated to carry out the provisions of this chapter:

(a) Must be deposited in the State Treasury and accounted for separately in the State General Fund;

(b) May only be used to carry out ~~the~~ :

(1) The provisions of this chapter, including the dissemination of information concerning the provisions of this chapter and such other information as determined appropriate by the Administrator; and

(2) Alcohol and drug abuse programs pursuant to section 2 of this act; and

(c) Does not revert to the State General Fund at the end of any fiscal year.

2. *The Administrator of the Division may transfer money in the account created pursuant to subsection 1 that is not needed to carry out this chapter to the Division of Mental Health and Developmental Services of the Department of Health and Human Services for use by an agency of that Division which provides services for the treatment and prevention of substance abuse. The money transferred pursuant to this subsection must be used for the provision of alcohol and drug abuse programs in accordance with section 2 of this act.*

3. The Administrator of the Division shall administer the account. Any interest or income earned on the money in the account must be credited to the account. Any claims against the account must be paid as other claims against the State are paid.

Sec. 2. Chapter 458 of NRS is hereby amended by adding thereto a new section to read as follows:

1. The Division shall use any money transferred pursuant to NRS 453A.730 to provide alcohol and drug abuse programs to persons referred to the Division by agencies which provide child welfare services.

2. Money received pursuant to NRS 453A.730 must be accounted for separately by the Division.

Sec. 3. NRS 458.010 is hereby amended to read as follows:

458.010 As used in NRS 458.010 to 458.350, inclusive, *and section 2 of this act*, unless the context requires otherwise:

1. "Administrator" means the Administrator of the Division.



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

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

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

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

6. "Detoxification technician" means a person who is certified by the Division to provide screening for the safe withdrawal from alcohol and other drugs.

7. "Division" means the Division of Mental Health and Developmental Services of the Department of Health and Human Services.

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

Sec. 4. NRS 458.100 is hereby amended to read as follows:

458.100 1. All gifts or grants of money for an alcohol and drug abuse program which the Division is authorized to accept must be deposited in the State Treasury for credit to the State Grant and Gift Account for Alcohol and Drug Abuse which is hereby created in the Department of Health and Human Services' Gift Fund.

2. ~~Money~~ *Subject to the limitations set forth in section 2 of this act, money* in the Account must be used to carry out the provisions of NRS 458.010 to 458.350, inclusive ~~H~~, *and section 2 of this act.*

3. All claims must be approved by the Administrator before they are paid.

Sec. 5. NRS 458.103 is hereby amended to read as follows:

458.103 The Division may accept:

1. Money appropriated and made available by any act of Congress for any alcohol and drug abuse program administered by the Division as provided by law.

2. Money appropriated and made available by the State of Nevada or by a county, a city, a public district or any political subdivision of this State for any alcohol and drug abuse program administered by the Division as provided by law.



- 1 **3. Money transferred pursuant to NRS 453A.730 for the**
- 2 **provision of alcohol and drug abuse programs in accordance with**
- 3 **section 2 of this act.**
- 4 **Sec. 6.** This act becomes effective on July 1, 2011.

