

SENATE BILL NO. 224—SENATORS PARKS, LESLIE, DENIS, WIENER,
BREEDEN; COPENING, HALSETH, KIHUEN, LEE, MANENDO,
MCGINNESS, SCHNEIDER AND SETTELMAYER

MARCH 7, 2011

JOINT SPONSORS: ASSEMBLYMEN HAMBRICK, OCEGUERA, SMITH,
FRIERSON, HORNE; AIZLEY, ANDERSON, CONKLIN, HOGAN
AND PIERCE

Referred to Committee on Health and Human Services

SUMMARY—Requires certain substances known as fake cocaine
to be included on the list of schedule I controlled
substances. (BDR 40-990)

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; requiring the State Board
of Pharmacy to include certain substances known as fake
cocaine on the list of schedule I controlled substances;
providing criminal and civil penalties; and providing
other matters properly relating thereto.

Legislative Counsel's Digest:

1 Existing law authorizes the State Board of Pharmacy to adopt regulations to
2 add substances to, or delete or reschedule substances included in, the schedules of
3 controlled substances. (NRS 453.146) Existing law also provides criminal penalties
4 for various acts involving a schedule I controlled substance, including, without
5 limitation, possession, manufacture, compounding, importation, distribution, sale,
6 transfer, trafficking or driving under the influence of a schedule I controlled
7 substance. (NRS 453.321, 453.322, 453.336, 453.337, 453.3385, 484C.110) In
8 addition to criminal penalties, existing law provides for civil penalties against a
9 person who engages in certain acts involving the unlawful manufacture, distribution
10 or sale of a schedule I controlled substance. (NRS 453.553-453.5533)

11 **Section 1** of this bill requires the Board to designate certain substances
12 commonly known as fake cocaine in the list of schedule I controlled substances.



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13 When these substances are added to schedule I, the substances will be subject to the
14 same criminal and civil penalties applicable to other schedule I controlled
15 substances. **Sections 2 and 3** of this bill make this bill effective upon passage and
16 approval and require the Board to adopt the regulations to add these substances to
17 schedule I on or before October 1, 2011.

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

1 **Section 1.** NRS 453.146 is hereby amended to read as follows:
2 453.146 1. The Board shall administer the provisions of NRS
3 453.011 to 453.552, inclusive, and may add substances to or delete
4 or reschedule all substances enumerated in schedules I, II, III, IV
5 and V by regulation.
6 2. In making a determination regarding a substance, the Board
7 shall consider the following:
8 (a) The actual or relative potential for abuse;
9 (b) The scientific evidence of its pharmacological effect, if
10 known;
11 (c) The state of current scientific knowledge regarding the
12 substance;
13 (d) The history and current pattern of abuse;
14 (e) The scope, duration and significance of abuse;
15 (f) The risk to the public health;
16 (g) The potential of the substance to produce psychic or
17 physiological dependence liability; and
18 (h) Whether the substance is an immediate precursor of a
19 controlled substance.
20 3. The Board may consider findings of the federal Food and
21 Drug Administration or the Drug Enforcement Administration as
22 prima facie evidence relating to one or more of the determinative
23 factors.
24 4. After considering the factors enumerated in subsection 2, the
25 Board shall make findings with respect thereto and adopt a
26 regulation controlling the substance if it finds the substance has a
27 potential for abuse.
28 5. The Board shall designate as a controlled substance a steroid
29 or other product which is used to enhance athletic performance,
30 muscle mass, strength or weight without medical necessity. The
31 Board may not designate as a controlled substance an anabolic
32 steroid which is:
33 (a) Expressly intended to be administered through an implant to
34 cattle, poultry or other animals; and
35 (b) Approved by the Food and Drug Administration for such
36 use.



1 **6. The Board shall designate as a controlled substance**
2 **included in schedule I:**

3 **(a) 3,4-Methylenedioxymethcathinone (Methylone);**

4 **(b) 3,4-Methylenedioxypyrovalerone (MDPV);**

5 **(c) 4-Methylmethcathinone (Mephedrone);**

6 **(d) 4-Methoxymethcathinone;**

7 **(e) 3-Fluoromethcathinone; and**

8 **(f) 4-Fluoromethcathinone.**

9 **Sec. 2.** The State Board of Pharmacy shall adopt regulations
10 to carry out the amendatory provisions of this act on or before
11 October 1, 2011.

12 **Sec. 3.** This act becomes effective upon passage and approval.

