

**MINUTES OF THE
SENATE COMMITTEE ON HEALTH AND HUMAN SERVICES**

**Seventy-sixth Session
March 15, 2011**

The Senate Committee on Health and Human Services was called to order by Chair Allison Copenig at 3:35 p.m. on Tuesday, March 15, 2011, in Room 2149 of the Legislative Building, Carson City, Nevada. The meeting was videoconferenced to the Grant Sawyer State Office Building, Room 4412, 555 East Washington Avenue, Las Vegas, Nevada. [Exhibit A](#) is the Agenda. [Exhibit B](#) is the Attendance Roster. All exhibits are available and on file in the Research Library of the Legislative Counsel Bureau.

COMMITTEE MEMBERS PRESENT:

Senator Allison Copenig, Chair
Senator Valerie Wiener, Vice Chair
Senator Sheila Leslie
Senator Ruben J. Kihuen
Senator Joseph (Joe) P. Hardy
Senator Ben Kieckhefer

COMMITTEE MEMBERS ABSENT:

Senator Greg Brower (Excused)

GUEST LEGISLATORS PRESENT:

Senator David R. Parks, Clark County Senatorial District No. 7
Senator James A. Settlemeyer, Capital Senatorial District

STAFF MEMBERS PRESENT:

Marsheilah Lyons, Policy Analyst
Risa Lang, Counsel
Stephanie Robbins, Committee Assistant
Annette Ramirez, Committee Secretary

OTHERS PRESENT:

Chuck Callaway, Las Vegas Metropolitan Police Department

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Diane M. Machen, Criminalist, Forensic Science Division, Washoe County Sheriff's Office

David F. Jones, CPA, Deputy Chief, Investigation Division, Department of Public Safety

Laurel Stadler, Northern Nevada DUI Task Force

Fred L. Hillerby, Nevada State Board of Pharmacy

Larry L. Pinson, Pharm.D., Executive Secretary, State Board of Pharmacy

Rebecca Gasca, American Civil Liberties Union of Nevada

Wes Henderson, Nevada Association of Counties

CHAIR COPENING:

We will open the meeting with Senate Bill (S.B.) 224.

SENATE BILL 224: Requires certain substances known as fake cocaine to be included on the list of schedule I controlled substances. (BDR 40-990)

SENATOR DAVID R. PARKS (Clark County Senatorial District No. 7):

I am here to present S.B. 224. I will talk about methylenedioxypyrovalerone (MDPV). I have provided written testimony ([Exhibit C](#)) that I will read.

SENATOR KIECKHEFER:

What is this drug and where did it come from?

SENATOR PARKS:

This drug has been a problem in Europe and has more recently been introduced into the United States. My research indicates MDPV was first developed as a research chemical. Other than that, I have no specifics on how it came to be.

SENATOR LESLIE:

In the last six months, we have been seeing this chemical in our drug courts. People are injecting it more than taking it by any other means. They are using it to escape drug testing. How do we stay a step ahead of these synthetic drug makers? I want to make sure we keep up with this issue. The Legislature only meets every two years, and I am afraid when we come back, there will be new synthetic chemicals that people are using.

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SENATOR PARKS:

I do not have an answer. In order to make these drugs illegal, we need to be specific; however, changing the chemical can alter the drug to become something else.

CHUCK CALLAWAY (Las Vegas Metropolitan Police Department):

I am also here to represent the Washoe County Sheriff's Office since Captain Timothy Kuzanek could not be here and asked me to speak on his behalf. The Las Vegas Metropolitan Police Department supports the intent of S.B. 224. We share the same concerns raised by Senator Leslie. We have concerns with some of the language where it specifies compounds that can be readily changed.

Diane M. Machen (Criminalist, Forensic Science Division, Washoe County Sheriff's Office):

I am here to answer any chemistry questions you have about these particular substances. I brought a product for you to look at. It is labeled as "bath salts," and it contains the chemical MDPV that Senator Parks described. This sample was purchased at a convenience store in Reno across the street from a middle school. This small amount of product is very expensive, selling for \$26.99. This product is readily available in the community and on the Internet.

CHAIR COPENING:

How is this product used and what effect does it have?

MS. MACHEN:

It can be used in a number of ways. It is used as an amphetamine or a cocaine substitute and can be snorted, injected or ingested. It has been reported to cause delirium, delusions and hallucinations. Some reports have found that with increased doses, it reaches more of a lysergic acid diethylamide (LSD)-type high and causes a severe state of hallucinations. It will cause some people to injure themselves or to commit suicide.

SENATOR KIECKHEFER:

Is MDPV easily made, and where is it being manufactured? If we ban these substances, how easy would it be to create something similar by changing a molecule to have the same effect?

MS. MACHEN:

Many of these products are coming from the People's Republic of China (China). Most of these drugs come into the United States from other countries. A lot of these "designer drugs" were created for research purposes by various individuals, and there is no legitimate medical use for them.

The MDPV is made similar to pyrovalerone which is a schedule V controlled substance used as an appetite suppressant. It is made by modifying the pyrovalerone molecule with the 3,4-Methylenedioxy portion of the molecule. This has a similar front-end molecule portion as 3,4-Methylenedioxymethamphetamine (MDMA) colloquially known as "Ecstasy." It is always possible that people will modify molecules to make something else. The individuals who are creating these compounds and selling them are way ahead of the curve. It will be hard to keep up with them.

SENATOR LESLIE:

Do you have any suggestions for language in this bill?

MS. MACHEN:

I would make a couple of suggestions for language in S.B. 224. You should include language similar to what is used in S.B. 228, section 1, subsection 6. Regarding the compounds and how they are listed, with the 3-Fluoromethcathinone and the 4-Fluoromethcathinone, I would not list the specific isomers. The technology in most crime laboratories is not going to allow differentiation of the specific positional isomer.

The Advisory Council on the Misuse of Drugs (ACMD) of the United Kingdom has done studies on these compounds. A different approach to controlling these substances is not by listing them specifically name-by-name. It is called taking a generic-class approach. These compounds all fall into what we call a cathinone class, and I have the ACMD study on the cathinones. This is a way you could control these as a class of compounds. However, this does have some drawbacks to be considered. And, listing them specifically has drawbacks because you are always playing catch-up to whatever is becoming new on the market.

SENATE BILL 228: Requires certain substances known as synthetic marijuana to be included on the list of schedule I controlled substances. (BDR 40-698)

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SENATOR LESLIE:

Has the Food and Drug Administration (FDA) taken action on the "bath salts" issue?

MS. MACHEN:

One of the United States Senators has proposed legislation to control methylenedioxymethamphetamine (MDPV) which are two of the six we are looking at. I can show you the chemical structures of an isomer so that you understand. The fluorine of the fluoromethcathinone is the element used to "hang off" of the molecule in a particular position of the benzene ring. We would not be able to differentiate the positional isomers with the technology and equipment we have in most forensic laboratories.

SENATOR WIENER:

You mentioned the United Kingdom's studies in controlling these substances as a class of compounds and there were disadvantages with that. What would those be?

MS. MACHEN:

When controlling substances using the class-type approach, you have to ensure the class does not include any substances that have legitimate medical uses. You would need to identify those exceptions and list them. There may be some legal ramifications with how cases would be prosecuted under a generic class.

SENATOR HARDY:

I think the exemptions would be important to put into the bill because we have chemicals that have a legitimate purpose. Has anyone thought about the exemption part?

MS. MACHEN:

Not with the cathinones. I do not know of any state that has taken the generic approach with the cathinones. Most of them have listed the same six that are proposed in this bill. One concern with the generic-class approach is that for each compound, there have not been human studies to see if they have any type of pharmacological or psychoactive effect.

SENATOR HARDY:

Has anyone tried putting exemptions in for substances that have a legitimate use?

MR. MACHEN:

Not that I am aware of. I would be willing to help with the chemistry side of writing a generic class-type approach.

SENATOR HARDY:

I will ask legal counsel about making regulations to be flexible enough to capture periodically things to be done in between sessions. Are you aware of anyone doing this?

MS. MACHEN:

The State Board of Pharmacy (BOP) has that ability. We have been working closely with them, and they have legal counsel to provide assistance in understanding the proper legal approach.

SENATOR HARDY:

We need some ongoing oversight.

DAVID F. JONES, CPA (Deputy Chief, Investigation Division, Department of Public Safety):

The Investigation Division of the Department of Public Safety (DPSID), supervises eight narcotics task forces statewide. We have encountered substances in the field during investigations and enforcement activities. A problem we have is that due to these substances being unregulated and legal in Nevada, officers could not seize or confiscate the substances. Right now, presumptive test kits used in the field to test substances that might be controlled are not available for some of the items we are looking at here. It is a difficult issue when we encounter a white powdery substance that does not prove to be a positive test for methamphetamine or cocaine.

The DPSID supports S.B. 224 given the adverse side effects being experienced by those ingesting these substances. The substance can be purchased without any age restrictions, and there is no limit to the quantity that can be purchased. The DPSID will most likely experience impacts that are difficult to quantify by actual cost. These costs are listed in the "Description of Fiscal Effect" ([Exhibit D](#)), page 2.

SENATOR KIECKHEFER:

What is the age of individuals using these substances?

MR. JONES:

I do not know the age. These substances are promoted on Websites. Part of the focus is on the younger generation.

SENATOR LESLIE:

The average age in our adult drug court is 37 years. With true addicts, when one drug is unavailable, they will use another drug. I have seen more women involved with "bath salts" than anything else, and I am not sure why that is.

MR. JONES:

I do not have a lot of personal experience with this. It is not a focus of our investigations because it is not illegal. I do not know if we encounter more women or men, or a specific age group.

CHAIR COPENING:

We have the DPSID's fiscal notes, and they seem relatively small. I just want to verify that the DPSID is in support of this bill despite the fact there are some challenges.

MR. JONES:

Yes, we are in support of this bill. Taking into account all of the adverse side effects: chest pain, nausea, delusions and insomnia, plus having this included in the schedule I controlled substance list, will afford us the ability to look at those substances we can test in the field.

LAUREL STADLER (Northern Nevada DUI Task Force):

I am here in support of S.B. 224 and particularly with the impairment issue these substances are shown to have. We do not need another substance impairing drivers on our roads.

FRED L. HILLERBY (Nevada State Board of Pharmacy):

In looking at section 1 of S.B. 224, my perspective is the BOP does not meet only every two years. It is much more nimble trying to keep track of these new and ever-changing "designer drugs." Two weeks ago, we adopted regulations moving synthetic marijuana to the schedule I controlled substance list and it is now an illegal drug in Nevada. The same thing is true of this synthetic cocaine. We can and will move that substance to the schedule I list. There are some issues for law enforcement and the court system. They need to be able to identify these chemicals before they can successfully prosecute individuals who

have an illegal substance. We work with them, when we go through our process, to ensure that they can. If the crime laboratory cannot identify the substance as being this new "designer drug," then we cannot schedule it until it can be identified through some testing procedure.

SENATOR WIENER:

What would the timeline be from when law enforcement comes to the BOP and the substance is designated a schedule I controlled substance?

LARRY L. PINSON, PHARM.D. (Executive Secretary, State Board of Pharmacy):

We moved on synthetic cannabinoids in about four months. After the request came in, we had discussion and held workshops and official public hearings. Now it is with the Legislative Commission for regulations, and then it will be done. So, we can move quicker than every two years.

SENATOR WIENER:

Our timeline is not just the two years, because if we do this, you still have to go through that process. Is that not correct?

MR. PINSON:

Yes, we would have to do that process; however, we can do it quickly.

MR. HILLERBY:

You have hit on something, Senator Wiener. We should look at the regulatory process with schedule I drugs. The public's health and safety is jeopardized every day we cannot act.

SENATOR HARDY:

I read section 1 of S.B. 224 a little differently. The way I read it is "if the substance is not enumerated in schedules, I, II, III, IV and V by regulation," then you cannot do it.

MR. HILLERBY:

I think the wording "reschedule all substances enumerated" is the key. We can add any substance, but we can also reschedule substances that have already been classified as schedule I, II, III, IV and V.

SENATOR HARDY:

I see what you are saying in reschedule, but the way I read it is "if a substance is enumerated" already, then by regulation you do not have access to it. I would like to see that clarified.

MR. HILLERBY:

I see how you are reading this.

SENATOR HARDY:

I do not want someone to not be prosecuted because they read it like I read it.

MR. HILLERBY:

Because clearly you cannot add something if it is already there. I think you are right. We may need to clarify the language in section 1 of S.B. 224.

SENATOR LESLIE:

I was very satisfied with the BOP's reaction when we brought the synthetic cannabinoids to their attention. I would have liked to have seen it done quicker than six months; however, we found you very responsive, and you did a good job. Do these bills help you in any way? Do they restrict you in any way?

MR. PINSON:

We have been moving compounds to the schedule I list for a long time. I agree with Senator Hardy that it would be a good idea to clean up the language. Then it will be clear. The poison control centers have received more calls about "bath salts" in one month than in the past year. Most of these "bath salts" are coming from China, from what we understand. It was the Drug Enforcement Administration (DEA) not the FDA that took emergency action to schedule synthetic cannabinoids quickly. "Bath salts" are snorted, smoked, injected or taken orally. The effects are basically similar to methamphetamine, so you will see paranoia, agitation, hallucinations and suicide.

MR. HILLERBY:

From my perspective, the less specific you are in the language of the bill, the better off the BOP will be in being able to be responsive.

SENATOR WIENER:

There is a suggestion to find a way to expedite the process. What is the time line we are looking at if you take into account the process—the need to air it appropriately and have public transparency?

MR. HILLERBY:

I have not been thinking about the process. We have an opportunity with your Committee and the two bill sponsors to figure out how we can address the process.

SENATOR LESLIE:

I like that idea. I think this approach might be the wrong approach. We need to remain open-minded and work with the bill sponsors to come up with something that works. What are we doing to educate the shops selling these synthetic chemicals? Do they understand they are selling products that are very damaging to our citizens?

MR. PINSON:

We need to educate the general public and primarily the parents. We need to get the word out about these products.

SENATOR HARDY:

What has the BOP done to look at "bath salts?" Has anyone used a business license approach not allowing businesses to sell "bath salts" near middle schools?

MR. PINSON:

The BOP has not moved on "bath salts" because we knew this bill was coming forth. Secondly, we need to be certain the crime laboratories can identify any of these products before we can make them schedule I controlled substances. Nobody does the business license background check; however, it sounds like a good idea.

MR. HILLERBY:

Once "bath salts" become a schedule I controlled substance and people are selling them, they become subject to arrest and prosecution. That would be more meaningful than the business license. But the business license approach should be looked at as well.

SENATOR HARDY:

I want to go on the record as asking our legal counsel what home rule I can give to individuals wanting to use the business license as a tool. This is a process that takes two or three months. I would just as soon have a local jurisdiction with permission to do something sooner than later.

CHAIR COPENING:

Counsel will come back with a response for you and the Committee.

MR. HILLERBY:

We are ready to work with the Committee and legal counsel. The BOP's testimony will be the same on the next bill, so we will not be testifying with Senator Settelmeyer.

REBECCA GASCA (American Civil Liberties Union of Nevada):

I want to put on the record that the American Civil Liberties Union of Nevada (ACLU) is not against the intent of this bill. We understand the severe implications raised with the ingestion of dangerous substances. The war on drugs has failed because we are in a constant position of trying to play catch-up. We believe the most adequate use of State resources is in the realm of education. These problems are largely borne out of substance abuse and addiction. There will always be new drug addictions tomorrow. The most responsible way of responding to these threats to the health and safety of individuals is by leaning more towards education. For far too long our country has neglected to have open conversations with our youth about drugs and about their effects on longevity. I suggest the Legislature take into consideration curriculum for the State and our youth.

In a broader context, it is important for the Committee to consider the criminal justice impacts of moving forward with the rescheduling of certain drugs. In the *Nevada Revised Statutes* (NRS) chapters listed in the Legislative Counsel's Digest section of S.B. 224 each carries a different level of felony ranging from Category E felonies to Category B felonies for first-time offenses. The criminal justice system will be further burdened without a reasonable measurement of illegal possession. It might be the best purview for the BOP to consider these regulations, but I also hope that they take into consideration those issues. I encourage the Committee to move forward with the educational aspect so the State stops treating mental-health issues as a criminal issue with punitive responses.

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MARSHEILAH LYONS (Policy Analyst):

I would like to acknowledge a letter sent to the Committee by Leigh M. Berdrow, Director of the Academy for Career Education ([Exhibit E](#)).

CHAIR COPENING:

Senator Parks will be anxious to work with the individuals who made good suggestions and possible amendments. We will continue the hearing on S.B. 228.

SENATOR JAMES A. SETTELMAYER (Capital Senatorial District):

In July 2010, the governor's methamphetamine task force held a hearing on the subject of synthetic cannabis. In October 2010, the National Conference of State Legislatures listed 16 states that have taken actions on synthetic cannabis. They named the 11 compounds that make up the synthetic cannabis class. In Nevada, we can only test for five of these compounds, and that is why we are only listing those five in the bill. I had a constituent come to me who had an experience with an individual at a high school who was high on marijuana; however, the individual did not test high on marijuana. They found out later that the individual had been high on synthetic cannabis which gave the illusion of being high on marijuana. During that process, I was working with my district attorney to determine the exact language for this bill. The issue is based on the structural analysis of the compounds and is not categorized as a tetrahydrocannabinol (THC) substance. Also, possession is a specific-intent crime.

There are some unusual names for synthetic cannabinoids such as: K-2, Strawberry, Spice, etc. You are better off smoking straight marijuana than dealing with these compounds. These compounds can actually kill you, whereas nobody has ever died from an overdose of marijuana. The BOP finished language in March 2011 to address this issue and because of that, I have a potential solution. On March 1, 2011, the DEA proposed emergency scheduling for one year for the synthetic cannabinoids. That gives the states enough time to react and change laws to comply with federal rules and to protect our people. A problem I see is the time frame and how to react. Synthetic cannabinoids are being sold as "herbal incense." They are plant materials that have been coated with a chemical from China. They are sold at head shops and on the Internet as K-2, Strawberry, Spice, Spice 99, Blaze and Red Dawn. This is bad stuff and again, all from China. Synthetic cannabinoids are five to eight times more potent

than the THC in marijuana and because they are synthesized, there are bad side effects.

I will read you a list of new compounds that have come about since the five I was concerned with. In addition to those, there is now: JWH-015, JWH-019, JWH-250, JWH-398, HU-210, HU-221, etc. So what do we do now? I am saying, let us scrap my whole bill and allow the BOP, on an emergency basis, to schedule drugs as schedule I controlled substances that could be reviewed by the Legislative Commission after the fact. The reason I say that is the BOP has a bill right now, and they have regulation ready to go. They have to wait until the Legislative Commission meets. I have never seen the Legislative Commission meet during Session, so that is 120 days during which they cannot act. What if we say, due to health and public safety issues, we feel that the BOP should be able to enact substances as schedule I controlled substances and then come for review to the Legislative Commission afterwards. That would shorten the process by at least three to four months in most cases.

SENATOR WIENER:

I just want to state that the Legislative Commission has met during Session. I used to serve on it, and if there is a need, they will meet.

MR. HILLERBY:

We did speak with Senator Settelmeyer about his bill and about what the BOP had done. He has obviously done very good research. We had not given a lot of thought to what could be done to fine-tune the regulatory process, specifically for moving drugs to the schedule I list to protect the public's health and safety. The Legislature needs to decide if they want to wait until after the fact as long as you realize we will go through the public hearing and workshop processes. We might not have as many because we have video conferencing available.

CHAIR COPENING:

Has the BOP had any other situations where they have been given emergency provisions for any type of drug?

MR. PINSON:

Not to my knowledge, though we have had similar situations, I think, with the drug "Ecstasy." I can generally handle something like this with one workshop and one public hearing, so we can move this pretty quickly.

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CHAIR COPENING:

How do feel about the proposal? Would this be helpful to you?

MR. PINSON:

I think it is a great idea, and we support it.

SENATOR KIECKHEFER:

I have a question about section 1 of S.B. 228. You now have the authority to add a substance to the schedules by regulation. Is that correct?

MR. PINSON:

Yes.

SENATOR KIECKHEFER:

Is it usual that drugs are added to schedule I by statute or by regulation?

MR. PINSON:

Primarily by regulation. We have also moved drugs within the schedule. Soma (Carisoprodol) is an example of this. It was not a controlled substance in Nevada, and we scheduled it to get some control.

SENATOR KIECKHEFER:

I have a problem for legal counsel. If this is adopted by regulation and then it goes to the Legislative Commission for ratification, I want to ensure that we are not empowering the Legislative Commission to act with the full authority of the Legislature for something that would otherwise be done by statute.

MR. CALLAWAY:

We agree with the revisions that were suggested and are willing to give law enforcement input.

MS. MACHEN:

I want to speak about a couple of items mentioned. There is a difference between federal regulations and what has been proposed through the BOP for the five synthetic cannabinoids. The federal regulations by way of the Federal Analog Act will enable them to encompass many more of the synthetic cannabinoid compounds. That is a significant difference between the language the BOP has voted to accept compared to the federal regulation. Nevada does not have an analog statute. Senator Settelmeyer mentioned HU-210, and it is

already a controlled substance under schedule I in the federal law and in State law in that it is a THC. That is one of those things to look at from a chemistry standpoint in the current statutes to see if something is already covered or not.

In regard to the time frame it takes to move and take action on a substance, there is a process that has to take place in the laboratory. We need to get a primary reference material from a reputable, traceable vendor so we know we are analyzing a particular substance to confirm it contains an illicit substance. With some of the new drugs, it is hard to obtain that reference material. Then we need to validate our testing process in the laboratory. So, that is why there has been a delay.

In regard to synthetic cannabinoids, it is a misnomer in that many of them are not cannabinoid-type materials as Senator Settelmeyer was saying. They react in the body in the same receptors that the cannabinoids or the THC molecules react with, and they give a similar effect. There are thousands of synthetic cannabinoids, and I have samples of the five originally addressed by DEA and the BOP. Give particular attention to this one product, that came out of White Pine County, which has verbiage written on the back of the packet saying "This product does not contain JWH-018, JWH-073, JWH-081, JWH-200, JWH-250, HU-210, CP-U7,497." So, again, you can see we will always be playing catch-up.

MR. JONES:

I would like to reiterate that many of the comments I would have said here were offered during my previous testimony. I have a couple of additional areas I would like to cover. The synthetic marijuana is by far the most prevalent problem that we have seen. We are aware it is being sold in stores in Reno, Carson City, Virginia City and Douglas County. It is sold in convenience stores and businesses known as "head shops." It can be purchased by anyone at any age, and the perception is that it is safe because it is legal. One of the products advertised excessively on the Internet is "legal bud in a can." One of the Websites has ten different varieties and sells for \$45 an ounce. Marijuana, in today's market, sells for around \$150-\$200 an ounce.

WES HENDERSON (Nevada Association of Counties):

We are in support of the original and revised versions of S.B. 228. The Board of Directors of the Nevada Association of Counties adopted a "Resolution" on this subject on November 18, 2010 ([Exhibit F](#)). I would like to talk about part of the

Resolution listed on page 2, paragraph 2. The reason this is written like this is that several counties adopted resolutions on this same subject. Several counties wanted to enact ordinances banning these substances, but were told by their district attorneys they did not have the authority to do so.

Ms. GASCA:

We are signed in as being opposed to S.B. 228 as drafted. I would like to highlight one thing before moving on to speak about the proposed amendment. The criminal sanctions associated with this bill are particularly acute, with levels ranging from Category E felonies to Category B felonies for a first-time offense. In particular, NRS 453.3385 relates to trafficking in controlled substances. I hope the BOP takes this into consideration. Under that statute, four grams or more of a substance, except marijuana, would be a Category B felony punishable by imprisonment in the state prison for a minimum term of not less than one year and a maximum of not more than six years. The Category B felonies are recognized as affecting the over-incarceration rates in the State. It is the highest level of incarcerated felons the State has. These are nonviolent felonies, and these are individuals we are incarcerating for long periods of time. For the corresponding 4 grams, it would be inappropriate. In comparison with NRS 453.339 that relates to marijuana trafficking, the comparable criminal sanction for 4 grams of the synthetic cannabinoid would be pretty much on par with the same criminal sanction for trafficking approximately 2,000 pounds of marijuana. I hope the Committee and the BOP takes this into consideration when bringing forward appropriate levels of criminal sanctions for amount and weight.

In regard to the proposed amendment, I want to state that the Governor currently has the power to impose an emergency regulation subject to approval by the Legislative Commission. This happened when then-Governor Gibbons proposed an emergency regulation implementing the Real ID Act, and it was the Legislative Commission's responsibility to adopt either that as a permanent regulation or not. I am not sure if the current proposal would seek to replicate something like that for the BOP, and if it does, it could pose some acute criminal issues. If the State moves forward as quickly with rescheduling a drug, it would come up in criminal prosecutions with relationship to the "Driving Under the Influence of Drugs" laws. It is a complicated process to go through laboratory testing. I would wonder whether the State would be able to be so responsive, not only insofar as the criminal prosecutions, but also with regard to businesses selling these types of substances. I question whether the State will

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be able to publicize the fact that this emergency regulation has been put into place. I have not been able to speak to our legal department about this. I hope to get back to you with a more thorough legal opinion of such a proposal.

CHAIR COPENING:

I would like to ask all involved with these two bills to work with the sponsors. I will close the hearing for S.B. 228 and open the hearing to public comment. With no further business to come before the Senate Committee on Health and Human Services, the meeting is adjourned at 4:56 p.m.

RESPECTFULLY SUBMITTED:

Annette Ramirez,
Committee Secretary

APPROVED BY:

Senator Allison Copenig, Chair

DATE: _____

<u>EXHIBITS</u>			
Bill	Exhibit	Witness / Agency	Description
	A		Agenda
	B		Attendance Roster
S.B. 224	C	Senator David R. Parks	Written testimony
S.B. 224	D	David F. Jones	Description of Fiscal Effect
S.B. 224	E	Academy for Career Education	Letter to Committee on Health and Human Services
S.B. 228	F	Wes Henderson	Resolution, Nevada Association of Counties