

Amendment No. 835

Senate Amendment to Assembly Bill No. 351

(BDR 40-733)

Proposed by: Senate Committee on Health and Human Services**Amendment Box:** Replaces Amendment No. 693.**Amends:** Summary: Yes Title: Yes Preamble: No Joint Sponsorship: No Digest: Yes

ASSEMBLY ACTION			Initial and Date	SENATE ACTION			Initial and Date
Adopted	☐	Lost	☐ _____	Adopted	☐	Lost	☐ _____
Concurred In	☐	Not	☐ _____	Concurred In	☐	Not	☐ _____
Receded	☐	Not	☐ _____	Receded	☐	Not	☐ _____

EXPLANATION: Matter in (1) *blue bold italics* is new language in the original bill; (2) *green bold italic underlining* is new language proposed in this amendment; (3) ~~red strikethrough~~ is deleted language in the original bill; (4) ~~purple double strikethrough~~ is language proposed to be deleted in this amendment; (5) orange double underlining is deleted language in the original bill that is proposed to be retained in this amendment; and (6) *green bold underlining* is newly added transitory language.

RBL



Date: 5/23/2013

A.B. No. 351—Revises provisions governing the medical use of marijuana.
(BDR 40-733)



ASSEMBLY BILL NO. 351—ASSEMBLYMEN HORNE,
FRIERSON; GRADY, MARTIN, PIERCE AND SWANK

MARCH 18, 2013

JOINT SPONSOR: SENATOR PARKS

Referred to Committee on Health and Human Services

SUMMARY—~~Revises provisions governing the medical use of marijuana.~~
Requires the Legislative Committee on Health Care to study the laws prohibiting a person from having a specified amount of certain prohibited substances in his or her blood or urine while driving or being in actual physical control of a vehicle. (BDR ~~140-722~~) S-733)

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 controlled substances; ~~providing that a person who engages in the lawful use of marijuana for medical purposes is exempt from state prosecution for driving, operating or being in actual physical control of a vehicle or vessel with a certain amount of marijuana or marijuana metabolite in his or her blood or urine;~~ requiring the Legislative Committee on Health Care to study laws prohibiting a person from having specified amounts of certain substances present in his or her blood or urine while driving or being in actual physical control of a vehicle, including such laws as applied to a person who engages in the lawful use of marijuana for medical purposes; and providing other matters properly relating thereto.

Legislative Counsel's Digest:

~~Existing law provides that the limited and regulated use of marijuana by a person who suffers from certain chronic or debilitating medical conditions and who obtains a registry identification card through a program governed by the Health Division of the Department of Health and Human Services is exempt from prosecution under the laws of this State. (Chapter 453A of NRS) Under existing law, the exemption from state prosecution does not apply to: (1) driving, operating or being in actual physical control of a vehicle or a vessel under power or sail while under the influence of marijuana; or (2) driving, operating or being in actual physical control of a vehicle or vessel under power or sail with a certain amount of marijuana or marijuana metabolite in his or her blood or urine. (NRS 453A.300) This bill provides that, to the extent that a person who holds a registry identification card engages in the medical use of marijuana, he or she is exempt from prosecution for a criminal offense involving driving,~~

~~operating or being in actual physical control of a vehicle or vessel under power or sail with a certain amount of marijuana or marijuana metabolite in his or her blood or urine. Under this bill, such a person would not be exempt from state prosecution if he or she drives, operates or is in actual physical control of a vehicle or a vessel under power or sail while under the influence of marijuana.~~

Existing law makes it a crime for a person to drive or be in actual physical control of a vehicle on a highway or on premises to which the public has access if the person has a specified amount of a prohibited substance in his or her blood or urine regardless of whether actual impairment is shown. The prohibited substances for which such specified amounts have been established include marijuana and marijuana metabolite. (NRS 484C.110, 484C.120) Existing law also allows a person who suffers from certain chronic or debilitating medical conditions to obtain a registry identification card through a program governed by the Health Division of the Department of Health and Human Services that authorizes the person to engage in the limited and regulated use of marijuana for medical purposes. (Chapter 453A of NRS)

This bill requires the Legislative Committee on Health Care, during the 2013-2015 legislative interim, to study the existing laws prohibiting a person from having specified amounts of a prohibited substance in his or her blood or urine while driving or being in actual physical control of a vehicle, including consideration of the laws as they apply to the presence of marijuana or marijuana metabolite in the blood or urine of a person who engages in the lawful use of marijuana for medical purposes.

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

Delete existing sections 1 and 2 of this bill and replace with the following new sections 1 and 2:

Section 1. As part of the review of health care during the 2013-2015 legislative interim, the Legislative Committee on Health Care shall study the laws of this State making it a crime for a person to have a specified amount of certain substances in his or her blood or urine while driving or being in actual physical control of a vehicle. Such study must include, without limitation, consideration of such laws as applied to the presence of marijuana or marijuana metabolite in the blood or urine of a person who engages in the lawful use of marijuana for medical purposes.

Sec. 2. This act becomes effective on July 1, 2013.