

SENATE BILL NO. 464—COMMITTEE ON JUDICIARY

(ON BEHALF OF THE NEVADA YOUTH LEGISLATURE)

MARCH 23, 2015

Referred to Committee on Judiciary

SUMMARY—Revises provisions concerning criminal penalties for certain acts involving alcohol. (BDR 15-651)

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 crimes; prohibiting the sale, distribution, purchase, possession or use of powdered alcohol; exempting a person under 21 years of age from criminal liability for the consumption or possession of alcohol when the person requests emergency medical assistance for himself, herself or another person in certain circumstances; exempting a person for whom such assistance is requested from such criminal liability; providing a penalty; and providing other matters properly relating thereto.

Legislative Counsel's Digest:

Existing law prohibits a person from selling, offering for sale, purchasing, possessing or using an alcohol vaporizing device. (NRS 202.067) **Section 1** of this bill similarly prohibits a person from selling, offering for sale or otherwise distributing or purchasing, possessing or using powdered alcohol. A person who violates this provision is guilty of a misdemeanor.

Existing law makes it a misdemeanor for a person under 21 years of age to purchase, possess or consume alcohol in certain circumstances. (NRS 202.020) **Section 2** of this bill provides an exemption from criminal liability for consumption or possession of alcohol if a person under 21 years of age requests emergency medical assistance for himself, herself or another person in certain circumstances. Such an exemption only applies for a person who makes the request on behalf of another person if he or she: (1) reasonably believes that the person who may need such assistance is under 21 years of age; (2) reasonably believes the person needs such assistance; (3) is the first person to request emergency medical assistance for the person; (4) remains with the person requiring such assistance; and (5) cooperates with providers of emergency medical assistance, health care providers



and law enforcement. A person for whom such a request for assistance is made is also exempt from those criminal penalties. **Section 2** also exempts a person making a request on his or her own behalf so long as the person reasonably believes he or she is in need of medical assistance because of alcohol consumption and cooperates with providers of emergency medical assistance, health care providers and law enforcement officers.

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

Section 1. Chapter 202 of NRS is hereby amended by adding thereto a new section to read as follows:

1. A person shall not sell, offer for sale or otherwise distribute or purchase, possess or use powdered alcohol.

2. A person who violates the provisions of subsection 1 is guilty of a misdemeanor.

3. As used in this section, "powdered alcohol" means any powdered or crystalline substance containing any amount of alcohol that is used for direct consumption or for reconstitution.

Sec. 2. NRS 202.020 is hereby amended to read as follows:

202.020 1. ~~{Any}~~ *Except as otherwise provided in this section, a* person under 21 years of age who purchases any alcoholic beverage or any such person who consumes any alcoholic beverage in any saloon, resort or premises where spirituous, malt or fermented liquors or wines are sold is guilty of a misdemeanor.

2. ~~{Any}~~ *Except as otherwise provided in this section, a* person under 21 years of age who, for any reason, possesses any alcoholic beverage in public is guilty of a misdemeanor.

3. A person under 21 years of age is not subject to the criminal penalty set forth in subsection 1 for consuming an alcoholic beverage or subsection 2 if the person requests emergency medical assistance for another person whom he or she reasonably believes is under 21 years of age if the person making the request:

(a) Reasonably believes that the person who consumed the alcohol is in need of such assistance because of the alcohol consumption;

(b) Is the first person to request emergency medical assistance for the person;

(c) Remains with the person until informed that his or her presence is no longer necessary by the emergency medical personnel who respond to the request for assistance for the person; and

(d) Cooperates with any provider of emergency medical assistance, any other health care provider who assists the person



1 *who may be in need of emergency medical assistance because of*
2 *alcohol consumption and any law enforcement officer.*

3 4. *A person under 21 years of age for whom another person*
4 *requests emergency medical assistance pursuant to subsection 3 is*
5 *not subject to the criminal penalty set forth in subsection 1 for*
6 *consuming an alcoholic beverage or subsection 2.*

7 5. *A person under 21 years of age is not subject to the*
8 *criminal penalty set forth in subsection 1 for consuming an*
9 *alcoholic beverage or subsection 2 if the person:*

10 (a) *Requests emergency medical assistance because he or she*
11 *reasonably believes that he or she is in need of medical assistance*
12 *because of alcohol consumption; and*

13 (b) *Cooperates with any provider of emergency medical*
14 *assistance, any other health care provider who provides assistance*
15 *to him or her and any law enforcement officer.*

16 6. This section does not preclude a local governmental entity
17 from enacting by ordinance an additional or broader restriction ~~†~~
18 ~~—4.†~~ *, except that any such ordinance must not conflict with the*
19 *provisions of subsection 3, 4 or 5 or create criminal liability for a*
20 *person to whom an exemption set forth in subsection 3, 4 or 5*
21 *applies.*

22 7. For the purposes of this section, possession “in public”
23 includes possession:

- 24 (a) On any street or highway;
25 (b) In any place open to the public; and
26 (c) In any private business establishment which is in effect open
27 to the public.

28 ~~†5.†~~ 8. The term does not include:

- 29 (a) Possession for an established religious purpose;
30 (b) Possession in the presence of the person’s parent, spouse or
31 legal guardian who is 21 years of age or older;
32 (c) Possession in accordance with a prescription issued by a
33 person statutorily authorized to issue prescriptions;
34 (d) Possession in private clubs or private establishments; or
35 (e) The selling, handling, serving or transporting of alcoholic
36 beverages by a person in the course of his or her lawful employment
37 by a licensed manufacturer, wholesaler or retailer of alcoholic
38 beverages.

39 **Sec. 3.** The provisions of section 2 of this act apply to a person
40 who has been charged but not convicted before the effective date of
41 this act.

42 **Sec. 4.** This act becomes effective upon passage and approval.

