

**MINUTES OF THE
SENATE COMMITTEE ON JUDICIARY**

**Seventy-ninth Session
April 7, 2017**

The Senate Committee on Judiciary was called to order by Chair Tick Segerblom at 1:09 p.m. on Friday, April 7, 2017, in Room 2134 of the Legislative Building, Carson City, Nevada. The meeting was videoconferenced to Room 4412E of the Grant Sawyer State Office Building, 555 East Washington Avenue, Las Vegas, Nevada and to Great Basin College. [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 Tick Segerblom, Chair
Senator Nicole J. Cannizzaro, Vice Chair
Senator Moises Denis
Senator Aaron D. Ford
Senator Don Gustavson
Senator Michael Roberson
Senator Becky Harris

GUEST LEGISLATORS PRESENT:

Senator Mark A. Manendo, Senatorial District No. 21
Senator David R. Parks, Senatorial District No. 7

STAFF MEMBERS PRESENT:

Patrick Guinan, Policy Analyst
Nick Anthony, Counsel
Pat Devereux, Committee Secretary

OTHERS PRESENT:

Mona Lisa Samuelson, President, Marijuana Patient Lobbyists and Advocates of
Nevada
Vicki Higgins

Kevin Enright, Vice President, Students for Sensible Drug Policies, University of Nevada, Las Vegas; Treasurer, National Organization for the Reform of Marijuana Laws, Las Vegas Chapter

John J. Piro, Deputy Public Defender, Office of the Public Defender, Clark County

Wendy Stolyarov, Libertarian Party of Nevada

Kevin Burns, Chair, United Veterans Legislative Council

Julie Monteiro, R.N., American Cannabis Nurses Association

PJ Belanger

Lennora Valles

Erika Greisen-Leach, Nevada Voters for Animals

Cindy Brown

Dawn Martinez

Michael Cathcart, City of Henderson

Chuck Callaway, Las Vegas Metropolitan Police Department

Daniel S. Reid, State Liaison, National Rifle Association of America; Nevada Firearms Coalition

Andrew J. MacKay, Nevada Franchised Auto Dealers Association

Mary Pierczynski, Nevada Association of School Superintendents; Nevada Association of School Administrators; Nevada Association of School Boards; Clark County Association of School Administrators

Brad Keating, Clark County School District; Washoe County School District

Michael Harwell, Clark County

Robert Roshak, Executive Director, Nevada Sheriffs' and Chiefs' Association

Dagny Stapleton, Nevada Association of Counties

Jennifer Noble, Nevada District Attorneys Association

Corey Solferino, Washoe County Sheriff's Office

Dan McDonald, Criminalist II, Toxicology Section, Forensic Science Division, Washoe County Sheriff's Office

Daniel Hansen, Office of the City Manager, City of Reno

Laurel Stadler, Rural Coordinator, Northern Nevada DUI Task Force

Grace Crosley, Nevadans for Informed Marijuana Regulation

Julie Butler, Division Administrator, General Services Division, Department of Public Safety

Marla McDade Williams, CPCM Holdings; Integral Associates; NuLeaf, Inc.; TerraTech

Wes Henderson, Executive Director, Nevada League of Cities and Municipalities

Tyler Turnipseed, Chief Game Warden, Division of Law Enforcement, Department of Wildlife

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Neal Tomlinson, Nevada Dispensary Association
Gina Greisen, Nevada Voters for Animals
Brian Connett, Deputy Director, Industrial Programs, Department of Corrections
David Tristan, Deputy Director, Programs, Department of Corrections
Richard H. Bryan, Vinyl Products Manufacturing, Inc.
Jeffrey Haag, Administrator, Purchasing Division, Department of Administration
Margaret Flint, Canine Rehabilitation Center and Sanctuary
Warren B. Hardy II, The Humane Society of the United States
Kristen Corral, Operation Freethem
Claire Ramsey, Operation Freethem
Robert Smith, Animal Services Manager, Regional Animal Services, Washoe
County
Kiska Icard, CEO, Nevada Humane Society
Fred Volz
Michon Mills
Robin Reddle
Judith Whitmer, Operation Freethem
Edward Gillespie
Karen Jacobs, Director, Tactical Team For the Protection of Animals
Suzie Block, Chief, Enterprise Applications Services, Division of Enterprise
Information Technology Services, Department of Administration

VICE CHAIR CANNIZZARO:

We will open the hearing on Senate Bill (S.B.) 329.

SENATE BILL 329: Revises various provisions relating to marijuana concerning health and regulation. (BDR 40-361)

SENATOR TICK SEGERBLOM (Senatorial District No. 3):
Senate Bill 329 and S.B. 378 are omnibus bills.

SENATE BILL 378: Revises provisions relating to controlled substances.
(BDR 14-559)

They deal with what was intended to be a marijuana patient's bill of rights. I have a proposed conceptual amendment ([Exhibit C](#)) for S.B. 329 intended to provide diversity of ownership of medical and recreational marijuana establishments. The medical marijuana industry requires certain limitations on pesticide use, which Question No. 2 on the November 2016 ballot did not

provide for recreational marijuana. We want to amend *Nevada Revised Statutes* (NRS) 586.550 to allow the Department of Taxation to regulate pesticide use on recreational marijuana.

The first provision of S.B. 329 deals with scientific research on marijuana and hemp. Some licensed growers have not begun their grow facilities. The U.S. Drug Enforcement Administration will license growers, except those planting Mississippi grow, providing they are not yet actually growing. Section 3 will enable hemp producers to participate in the medical marijuana system by marketing cannabidiol (CBD) products.

Section 42 deals with independent contractors that currently must be licensed to each facility. The bill allows something like a trimming company to have employees licensed through the company who could be farmed out to a dispensary or grow facility without having to get a separate license. Worker backgrounds would be checked by the first company.

SENATOR HARRIS:

Are you contemplating something like a registry for workers licensed through several entities, so if another company hires them, it knows they have gone through the training process?

CHAIR SEGERBLOM:

We have agent cards now, but they are tied to specific facilities. The bill would enable cards to be tied to specific companies or unions so workers could be hired without separate licenses.

SENATOR HARRIS:

Does the State issue the agent cards?

SENATOR SEGERBLOM:

Correct. It is an expensive and lengthy process for each entity to hire through agent cards. Sections 50 and 114 of S.B. 329, requested by the Las Vegas Metropolitan Police Department (LVMPD), allow cameras in dispensaries to be accessible by LVMPD, such as in certain counting houses. Section 16 allows posttraumatic stress disorder (PTSD) to be, under NRS, an eligible condition for medical marijuana treatment. The Department of Health and Human Services (DHHS) made such a finding, but the bill would put it in NRS. Section 30 allows patients convicted of felonies to receive medical marijuana cards.

Initially, most counties and cities opted out of the medical marijuana program. Those dispensary licenses went to Las Vegas and Reno. The bill will allow any entity that does not have a license to get one. This provision was requested by the Cities of West Wendover and Fernley, but I have been contacted by other interested cities. The Nevada League of Cities and Municipalities and the Nevada Association of Counties are working with the industry on a compromise. Every city should be allowed to have a dispensary.

Other provisions of S.B. 329 deal with how the registry works. Section 43 allows someone with at least 25 percent ownership in a dispensary to be approved as an owner by the State when the ownership is transferred. Another provision deals with child custody. If one parent has a medical marijuana card, that cannot be used against him or her in custody cases. Most of the changes in the bill came from the industry and are technical.

MONA LISA SAMUELSON (President, Marijuana Patient Lobbyists and Advocates of Nevada):

Senate Bill 329 provides legal protections for patients and home growers. We need access to whole-plant medicines. The bill drops the 25-mile halo in which patients cannot grow their own plants, limiting them to what is offered by specific dispensaries. All patients need legal provisions to grow their own marijuana.

CHAIR SEGERBLOM:

Can you not currently do so?

Ms. SAMUELSON:

Yes, but if you are within the 25-mile halo of a dispensary, you cannot grow your own. The bill would change that.

CHAIR SEGERBLOM:

Is there not an exemption to that until spring 2018?

Ms. SAMUELSON:

Yes, but that is a long way off.

CHAIR SEGERBLOM:

Do you want us to extend that deadline?

MS. SAMUELSON:

Yes. We want to drop the halo and allow patients to purchase marijuana. The bill sets up a system to sell live plants and seeds. People incorrectly think their right to grow is protected legally when they are issued their cards.

CHAIR SEGERBLOM:

You are trying to have marijuana patients treated like other patients using prescription drugs. Senate Bill 378 allows for the expungement of convictions for use of controlled substances. Section 19 allows patients to use marijuana in schools, assisted living facilities and hospice centers. Currently, patients are not allowed to have permits to carry concealed weapons (CCW), which sections 12 and 13 of the bill will change.

VICKI HIGGINS:

I have been a medical cannabis advocate since 2010. Medical marijuana patients are seeking basic human rights. We feel as if we are beating our heads against the wall when we have tried repeatedly to give the Committee input from the patients' point of view to let you know what works for us. We want to live without fear.

KEVIN ENRIGHT (Vice President, Students for Sensible Drug Policies, University of Nevada, Las Vegas; Treasurer, National Organization for the Reform of Marijuana Laws, Las Vegas Chapter):

I support both S.B. 329 and S.B. 378. In S.B. 329, adding PTSD as a disorder eligible for marijuana treatment is desperately needed. That goes along with allowing permanent registry cards for veterans. Veterans are one of the most marginalized classes when it comes to medical marijuana rights. We need to end the 14-day possession limit and the 25-mile halo law. Patients need to be able to grow without exclusions.

Patients need to keep their grow rights through 2018. Enabling research on marijuana and hemp is important so more people understand the science of cannabis. I have been pulled over and threatened by officers who said that because I am a medical patient, they can charge me with DUI and jail me, even if I have not smoked in many days. People trying to get proper access to medicine should not be threatened as if they were criminals, addicts or habitual users.

The sealing of court records for marijuana patients in S.B. 378 is important. At the University of Nevada, Las Vegas, we are circulating a petition to get Governor Brian Sandoval to release nonviolent prisoners with multiple marijuana possession charges. Before legalization, anyone with three or more possession charges was jailed. Sealing their records would get people back to work and off of welfare, saving the State money. People who use alternative medicine should not be denied the right to a CCW.

JOHN J. PIRO (Deputy Public Defender, Office of the Public Defender, Clark County):

The Office of the Public Defender, Clark County, supports S.B. 378, specifically sections 23 and 24, which change how metabolites are measured. Assembly Bill (A.B.) 135 deals with how metabolites level is more indicative of actual DUI impairment.

ASSEMBLY BILL 135: Revises provisions relating to prohibited acts concerning the use of marijuana and the operation of a vehicle or vessel. (BDR 43-598)

WENDY STOLYAROV (Libertarian Party of Nevada):

The Libertarian Party of Nevada supports S.B. 329 provisions legalizing medical marijuana use and research and broadening the growth of industrial hemp. Medical marijuana patients deserve compassion, so we appreciate section 16 regarding PTSD and other chronic conditions. Liberalizing conditions under which patients can grow and use their own plants is kind and just. We endorse the patients' bill of rights concerning homegrow provisions about live plants and seeds.

Senate Bill 329 benefits Nevada's economy, especially provisions involving medical marijuana research. Extending the industrial hemp industry would be a victory for economic growth and personal freedom. Hemp requires little water and is a good fit for State agriculture. George Washington cultivated hemp at his Mount Vernon estate for industrial uses. Ergo, there is nothing more quintessentially American than growing industrial hemp.

The Libertarian Party of Nevada also appreciates the compassionate, commonsense liberalization of regulations in S.B. 378. Sections 12 and 13 are important defenses of the Second Amendment. Many veterans find relief with medical marijuana. It is cold-hearted to prevent them from possessing CCWs on

the grounds of using a controlled substance when the reason they need to is due to their service. The provision in section 22 regarding the odor of marijuana being insufficient probable cause for a search is an essential defense of the Fourth Amendment.

KEVIN BURNS (Chair, United Veterans Legislative Council):

The United Veterans Legislative Council supports S.B. 329, especially section 16, which adds PTSD as a "chronic or debilitating medical condition" for which marijuana cards may be issued. Opioid addiction is chronic, particularly in the veterans community. Marijuana has allowed patients to function, instead of walking through life as zombies on opioids. Opioid addiction has been linked to the high suicide rate rampant in the veterans community. It will help us bring that daily average of 22 veteran suicides down to a manageable level.

JULIE MONTEIRO (R.N., American Cannabis Nurses Association):

The American Cannabis Nurses Association supports S.B. 329 and S.B. 378. Bringing marijuana research to the State is commendable. Patients need continuation of care after being assigned a treatment provider, which is included in the bill. People should not be evicted from rental property simply because they are marijuana patients.

In section 19 of S.B. 378, we should allow patients to take treatment in schools, hospices and assisted-living facilities as a vital way to bridge the gap between cannabis and the health care system. Places to add are State or public facilities and skilled nursing facilities for when patients in assisted-living facilities are transferred to skilled nursing facilities as their conditions deteriorate. State facilities are ones like the Rawson Neal Psychiatric Hospital. Cannabis has been known to help psychiatric disorders in many ways. Not removing patients from their treatment of choice is vital for their healing success.

In section 22 regarding the odor of marijuana as probable cause, just because patients consume or have medicine on their person, it sometimes smells. If people use odorous sulfur medication, they are not deemed different than us. As for section 23 and the DUI provisions, use of the word "preponderance" is very interesting. With the two or five nanograms per milliliter blood level for marijuana, any or all coherent patients standing in front of an officer will be deemed DUI. You could consider exempting patients from that provision.

Section 14, subsection 2 states, "A professional licensing board is entitled ... to inspect and to copy from a record sealed" When records are sealed, no one should have the right to go into anyone's personal information, especially based on a misdemeanor offense. A North Carolina nurse with degenerative disc disease consumed less than two grams of cannabis in a brownie. Granted marijuana is illegal in that state, but the license of that advanced nurse is now jeopardized by her licensing board. Allowing access to sealed records is an unjust invasion of privacy, and livelihoods are being stripped based on people trying to heal themselves. The patients' bill of rights in S.B. 378 is vital.

PJ BELANGER:

I am a certified health and wellness educator in Clark County. In 2009, I was prescribed marijuana for PTSD, so I support that provision in S.B. 329. I am now battling Graves' disease and saving my thyroid gland with marijuana. I need whole-plant matter like leaves for juicing. I support regulating pesticide use on marijuana. Felonies should not prevent people from getting medical marijuana cards. We need to drop the 14-day limit and 25-mile halo. The City of Las Vegas is about 25 miles in diameter, so that rule is erroneous.

As far as S.B. 378, we need to stop calling patients "users." Expungement of convictions is vital because the lives of nonviolent people have been ruined by overregulation. As for the CCW prohibition, why should any American lose any right because they choose natural, more effective and less-dangerous medicine? As for DUI impairment, delta-9-tetrahydrocannabinol (THC) levels, not nanograms, need to be checked in blood. Bodies retain marijuana because we have receptors that need it, as communicated to the plant from almost every organ. It stays in our system, unlike poisons our bodies reject and flush out.

LENNORA VALLES:

I am a disabled U.S. Navy veteran. Regarding the grow rights in S.B. 329, in order to get the full medical benefits of cannabis, it must be ingested. We need whole-plant medicine using leaves, stalks and stems. The 25-mile rule is ridiculous. Patients have invested a lot of money and time in their grow rooms and need to continue growing.

Regarding the CCW prohibition in S.B. 378, as a disabled veteran I would like to protect myself in my home or in public. I have earned that right and should not have to fight for it. I have been off of opioids for three years and Xanax for two years because of marijuana. During my entire life as a federal employee and

veteran, I was told cannabis would worsen my severe depression and bipolar disorder. However, now that I ingest, smoke and topically use marijuana, my depression has lifted and I can see blue skies again. I bring *Cannabis Nurses Magazine* to my Veterans Affairs doctors and tell them, "This is what is going on in science, and we need to catch up." Including PTSD as a condition is critical. I am a military sexual assault survivor and was sexually molested as a child, so I need cannabis for my PTSD.

ERIKA GREISEN-LEACH:

I support S.B. 329 and S.B. 378. I became a medical marijuana patient after a back injury. Initially, I was given addictive medications like morphine, but the pain became so severe I could not walk. My doctors feared for me because many painkiller patients die or go to rehabilitation. Marijuana got me to get out of bed and helped with my depression and anxiety. Being denied CCWs because we have patient cards violates our rights. I need a CCW to protect my young daughter.

CINDY BROWN:

I support S.B. 329. I am glad the 25-mile halo provision has been removed. Are growing licenses for hemp and cannabis being lumped together? We need to be able to grow full-THC plants with plenty of CBD. I am simply a patient and do not own any shares of a dispensary. This bill is about my life and being able to stay alive, healthy and walk comfortably. This is not about me making money. My income is \$600 a month, so I cannot afford to buy all dispensary products. We appreciate keeping our grow rights.

As for S.B. 378, patients need to keep their CCWs. My son's home was burglarized. It would have been nice to take my gun with me when I investigated the incident, but I was too afraid because officers were arriving. A gun can come in handy because it is not like I can run very fast.

DAWN MARTINEZ:

In the 74th Legislative Session, Legislators told me they would help protect cannabis patients. I have multiple sclerosis and am here today solely because of cannabis. Now, I do not have to take 20 pills a day, do an injection every day or do a weekly infusion. I do not wish to lose my right to grow because not every grow is successful. I use my plant parts to make morning smoothies and medicine. I no longer rely on narcotics and opioids. My doctors say, "Thank you for being responsible with the medicines out there." As for the CCW permits, as

a parent in a transient city, you want to protect your children and home with a gun.

MICHAEL CATHCART (City of Henderson):

The City of Henderson opposes specific sections of both S.B. 329 and S.B. 378. In S.B. 329, we oppose section 58, subsection 3, paragraphs (a), (b) and (c). You have our letter of opposition ([Exhibit D](#)). The provisions would severely limit the ability of the City to regulate businesses within our jurisdiction.

In S.B. 378, the City opposes section 27, subsection 9, which mandates administration of roadside saliva tests for DUI. We do not have saliva testing technology, so mandating those tests before the bill's sunset poses a training problem and imposes an expensive unfunded mandate.

CHUCK CALLAWAY (Las Vegas Metropolitan Police Department):

The LVMPD opposes S.B. 329 and S.B. 378. In S.B. 329, section 11 will allow nonprofit dispensaries to sell discounted marijuana. The LVMPD does not have regulations for recreational marijuana use, so this is jumping the gun. Colorado has had problems with nonprofit dispensary black-and-gray market sales of marijuana.

Section 29, subsection 3, paragraph (b), subparagraph (1) of S.B. 329 allows someone to possess up to two and a half pounds of marijuana leaf. Section 29, subsection 6, paragraph (a) allows caretakers to grow for patients. When officers encounter homegrow operations, determining if they are legal can be difficult. Our understanding is that when dispensaries opened, homegrow would end, with exceptions through the DHHS for patients who needed specific strains of cannabis or lived more than 25 miles from dispensaries. The bill will eliminate that and put officers back in their original difficult position.

Section 29, subsection 7 adds a new definition of "purified" versus "crude concentrated" cannabis. How is a field officer to know the difference? Section 43 disallows background checks of those who own less than 25 percent of a dispensary businesses. That opens the door to activities like money laundering and cartel operations. Section 50, subsection 2, paragraph (a) requires "strict security measures to deter and prevent the theft of marijuana and unauthorized entrance" in dispensaries. Why would someone

remove security features already in place to prevent that? The LVMPD likes the security camera provision in section 50, subsection 9.

Section 58, subsection 3, paragraph (c) speaks to the concerns of Mr. Cathcart about restricting local governments from imposing special requirements on marijuana establishments. Different businesses require different restrictions, and to say dispensaries will be treated like gift or candy shops is unwise. Section 59, subsection 8 removes the requirement that DHHS maintain a log available to law enforcement 24/7 of who is allowed to cultivate. The bill states people like mental health facility employees under the influence of marijuana can work with patients.

Despite S.B. 378, section 13, subsection 5, it is federally prohibited to hold a CCW if you are a medical cannabis patient, as upheld by the U.S. Supreme Court. If the State allows this provision, law enforcement will be in a difficult position. We will probably err on the side of federal law and not issue the CCWs. Section 14 allows patients to have their gross misdemeanor conviction records sealed. If someone had a felony drug trafficking or possession with intent to sell charge reduced to a gross misdemeanor, avoiding the normal record-sealing process is problematic.

Section 19 allows marijuana use in schools. If I am a janitor with a marijuana card in your kid's school, I can smoke in the teachers' lounge or on the patio. Section 21 allows marijuana paraphernalia on school property. The LVMPD laboratories do not have the capability to perform saliva tests mandated in section 29.

DANIEL S. REID (State Liaison, National Rifle Association of America; Nevada Firearms Coalition):

You have a letter of opposition to S.B. 378 and an information packet ([Exhibit E](#)) from the National Rifle Association of America (NRA). The NRA and Nevada Firearms Coalition oppose S.B. 378 because of its section 13 provisions regarding CCWs. This would have a detrimental effect on the more than 118,000 CCW holders in Nevada. They are afforded the Brady alternative, whereby when CCW holders who purchase or have a firearm transferred to them through a dealer, they do not have to pay for another background check. This allows for people prohibited from holding CCWs under federal law to get them in the State. Under the bill, that exemption would end for valid CCW

holders. We lost it several years ago and had to work hard to get the exemption back into law.

The State would also lose the reciprocity agreements whereby Nevada CCW holders may carry in other states because marijuana and firearms are regulated under federal law. A letter from the Bureau of Alcohol, Tobacco, Explosives and Firearms (ATF), included in [Exhibit E](#), was sent to all firearms dealers relating to medical marijuana. Also included in [Exhibit E](#) is the new ATF E-Form 4473 Firearms Transaction Record, whose section is very clear about marijuana possession. This is quite confusing to people who think they are complying with firearms laws.

ANDREW J. MACKAY (Nevada Franchised Auto Dealers Association):

You have a proposed amendment ([Exhibit F](#)) to section 23, subsection 3 of S.B. 378 from the Nevada Franchised Auto Dealers Association. The amendment proposes to reinsert "(g) Marijuana" and "(h) Marijuana metabolite" to the table of prohibited substances. *Nevada Revised Statutes* 616C.230 references that table. The bill would eliminate the ability of employers to require urinalysis for workers' compensation claims. We propose to reinstate that provision with qualifying language that it is prohibited to use urinalysis relative to operation of vehicles on State roadways.

MARY PIERCZYNSKI (Nevada Association of School Superintendents; Nevada Association of School Administrators; Nevada Association of School Boards; Clark County Association of School Administrators):

In regard to section 19 of S.B. 378, the Nevada Association of School Superintendents, Nevada Association of School Administrators, Nevada Association of School Boards and the Clark County Association of School Administrators are opposed to students with medical marijuana cards using medical marijuana in schools. This puts us in jeopardy of losing federal programs, including Title I, Part A of the Elementary and Secondary Education Act, Race to the Top, school lunch funding, etc.

BRAD KEATING (Clark County School District; Washoe County School District):

The Clark County and Washoe County School Districts oppose S.B. 378 for the reasons given by Dr. Pierczynski.

MICHAEL HARWELL (Clark County):

Clark County is concerned with section 58, subsection 3, paragraphs (a), (b) and (c) of S.B. 329 for the reasons given by Mr. Cathcart. Subsection 2 states local governments are limited to adopting "ordinances establishing building requirements of general applicability" That may limit our ability to require certain things for marijuana establishments.

ROBERT ROSHAK (Executive Director, Nevada Sheriffs' and Chiefs' Association):

The Nevada Sheriffs' and Chiefs' Association opposes S.B. 329 and S.B. 378, the latter for the reasons given by Mr. Callaway regarding CCWs. The hands of sheriffs are bound by federal law, so they cannot issue CCWs to cardholders. If we stop someone with marijuana and a firearm, that could create an issue. Like LVMPD, most sheriffs lack the ability to test saliva.

DAGNY STAPLETON (Nevada Association of Counties):

The Nevada Association of Counties opposes section 58, subsection 3 of S.B. 329, which limits the authority of counties to license medical marijuana establishments. I echo the concerns expressed by Mr. Cathcart, Mr. Harwell and Mr. Callaway. The ability to license such establishments is critical.

JENNIFER NOBLE (Nevada District Attorneys Association):

The probable-cause search language in section 22, subsection 1, paragraph (a) of S.B. 378 concerns the Nevada District Attorneys Association. It not so much because the odor of marijuana constitutes probable cause as the connection of that provision with the prohibition in subsection 1, paragraph (b) against inspection of the person. In a trial context, it could be asserted that officers violate the subsection by inspecting "the person," i.e., administering field sobriety tests.

COREY SOLFERINO (Washoe County Sheriff's Office):

The Washoe County Sheriff's Office is concerned about section 23 of S.B. 378 regarding saliva testing.

DAN McDONALD (Criminalist II, Toxicology Section, Forensic Science Division, Washoe County Sheriff's Office):

You have the proposed amendment ([Exhibit G](#)) from the Washoe County Sheriff's Office to section 27 of S.B. 378. Remove the word "saliva" from every provision dealing with evidentiary confirmatory forensic testing. The Assembly Committee on Judiciary agreed to do so from A.B. 135 because of the financial

burden and unfunded mandate it would impose on the three State forensic laboratories. The fiscal impact is too great because of testing suspects with certain heart conditions and hemophilia.

The three crime laboratories do not test saliva for drugs. The cost to add the test would be between approximately \$2 million and \$3 million and, after implementation, would cost approximately \$150,000 to \$600,000 annually to maintain. If agencies had to send samples to outside laboratories, the cost would be about \$100 to \$200 per sample. Courts would have to pay about \$3,000 to \$4,000 for expert testimony on the samples.

If blood cannot be collected, urine is a better sample than saliva to ascertain DUI. There is no added cost to laboratories, agencies or courts if urine is collected instead of saliva as an alternative to blood, except if suspects have certain heart conditions or hemophilia. There is no scientific benefit to using saliva instead of urine for drug testing, and neither substance indicates impairment. Senate Bill 378 has nine set, per se limits in urine for illicit drugs but no per se limits for any drug in saliva. If saliva is collected, it should be used for presumptive field testing only, not as an evidentiary forensic sample.

Section 28, subsection 1, paragraph (b) and section 39, subsection 1, paragraph (b) of S.B. 378 add saliva as a specimen that could be retested for controlled substances for DUI. The saliva of medical marijuana patients will only be used for presumptive tests at the time of the stops and not retained for forensic testing. Blood or urine samples collected after an arrest will be used for evidentiary controlled substances confirmatory forensic testing. If cardholders wanted their samples retested, they could have the blood or urine tested. There is no reason to include saliva in these provisions.

CHAIR SEGERBLOM:

Saliva testing will be taken out of S.B. 378.

DANIEL HANSEN (Office of the City Manager, City of Reno):

The City of Reno echoes the sentiments about S.B. 378 expressed by our fellow local governments. We oppose S.B. 329, sharing their concerns about section 58.

LAUREL STADLER (Rural Coordinator, Northern Nevada DUI Task Force):

The Northern Nevada DUI Task Force opposes S.B. 329, specifically section 11, subsection 1, paragraph (b), which allows nonprofit dispensaries to sell or donate medical marijuana to patients at reduced prices. Control of seed-to-sale quality verification is compromised, and the potency of cannabis could be unknown in discount sales and donations.

In section 16, subsection 6, paragraph (c), cards are issued "in the opinion of the attending provider of health care" I hope those are physicians or others currently prescribing real pharmacy medication, so they are aware of interactions between those drugs and marijuana. In section 29, subsection 6, if caregivers may cultivate cannabis for cardholders, how will the level of THC be determined in the plants? Dispensaries were designated for control over cultivation and sales, knowing the level of THC. If growers can just give it to each other, how will that be done if the transactions must be private, no money is exchanged and cards are not checked to see if recipients really are bona fide medical marijuana users? How will it be determined the amount given will not exceed NRS limits? People could get marijuana from several different sources.

Homegrow and private distribution will put more unsubstantiated and untracked marijuana into the community. That increases the chance of abuse, underage use and more impaired drivers on our roads. In section 31, subsection 1, paragraph (c), permanent cards will be issued to veterans. Testifiers have asked that marijuana be regulated like pharmaceuticals and prescription drugs. No other drug is available with a permanent prescription or without periodic review. What if the miraculous powers of cannabis cure a person? They would then not need the permanent card.

Section 50, subsection 2, paragraphs (a) and (b) address concerns about dispensary security. A single entry would provide more security for the establishment and patrons. These are all-cash businesses, so they and the surrounding businesses would be more secure with single entrances. In section 50, subsection 5, cardholders or caregivers may sell marijuana to dispensaries once in a three-year period. How does anyone know the potency of homegrown plants? The overstressed seed-to-sale verification process is compromised. Will there be grab bag areas in dispensaries with unverified products? There will be no quality and potency control over what individuals sell to dispensaries.

GRACE CROSLY (Nevadans for Informed Marijuana Regulation);
Senate Bill 378 requires hospitals and schools to permit medical marijuana use on their premises and prevents tenant evictions based on its use. It is unclear if schools and hospitals may decree the method of marijuana consumption. Secondhand smoke and vapor are a big concern, and there is no research on the effects of these methods. Hawaii passed a law similar to ours about evictions, specifying if a landlord has a blanket no-smoking policy, tenants may be evicted for smoking cannabis.

In S.B. 329, I echo the testimony of local government representatives about dispensary regulation. Different communities must be able to solve unique problems, especially if the Legislature only meets every two years. Governments will need faster and more localized action on problems that could arise. Section 12 provides for research facilities for cannabis. That is wonderful despite some concerns. Nothing requires facilities to be evaluated for scientific merit or objectivity. We might invite companies to do rubber-stamp research that finds nothing wrong with their products. Facilities need to demonstrate they will protect nonparticipants from inadvertent exposure to secondhand smoke or vapor.

There have been issues in other states with black markets and marijuana mills due to those with medical cards buying cheaper marijuana and reselling it or selling their homegrow. We need to ensure people who do not need cards do not profit off of them. This also undercuts State tax revenue. Section 16 allows doctors to provide written recommendations for patient cards. Every profession has Froot Loops and sleazebags, so we need second opinions on cannabis treatment eligibility.

JULIE BUTLER (Division Administrator, General Services Division, Department of Public Safety):

The General Services Division, Department of Public Safety, is neutral on S.B. 378. The Division houses the Nevada Criminal History Repository and the Point of Contact Firearms Program, which conducts name-based background checks before the transfer of firearms. The Program is governed by federal law. Because marijuana is still a schedule I controlled substance, my office will abide by federal laws regulating firearms possession or purchases. Mr. Reid references the ATF letter, [Exhibit E](#), concerning marijuana. It says,

Therefore, any person who uses or is addicted to marijuana, regardless of whether his or her State has passed legislation authorizing marijuana use for medicinal purposes, is an unlawful user of or addicted to a controlled substance, and is prohibited by Federal law from possessing firearms or ammunition.

Section 13, as confirmed by the ATF, would cause Nevada to lose its Brady alternative status through ATF under 18 USC Section 922 (t). With more than 118,000 active CCWs, this will effectively double the workload of my Division overnight. Without additional staff, we can expect increased wait times for people trying to purchase firearms, delayed transactions, background check cases needing additional research and unresolved transactions. This leaves firearms transfer decisions up to dealers rather than basing them on the criminal history of buyers.

MARLA MCDADE WILLIAMS (CPCM Holdings; Integral Associates; NuLeaf, Inc.; TerraTech):

My clients are neutral on S.B. 329. We support consolidating marijuana oversight under one State agency. The bill's proposed transfer of medical marijuana to the Department of Taxation keeps public health components in place. We support allowing health care providers, if allowed by their scopes of practice, to recommend cannabis for patients. We support caregivers being able to support multiple patients. We support provisions related to patient registries and authorization at dispensaries.

My clients support changes to the independent contractor and agent card system. We support ending monitoring of possession limits for medical patients and allowing them to possess up to two and a half ounces. We echo the concerns of Mr. Callaway about nonprofit dispensaries and homegrow operations.

WES HENDERSON (Executive Director, Nevada League of Cities and Municipalities):

The Nevada League of Cities and Municipalities is neutral on S.B. 329. We support section 39 because every city in the State, especially in smaller counties, should be able to apply for medical dispensary licenses. West Wendover residents with cards have to drive 350 miles to dispensaries. We oppose section 58 and anything that restricts the ability of local

governments to license and regulate businesses. Marijuana businesses are different than other establishments.

TYLER TURNIPSEED (Chief Game Warden, Division of Law Enforcement, Department of Wildlife):

The Division of Law Enforcement, Department of Wildlife, is neutral on S.B. 329. The bill will affect our enforcement of firearms possession because we deal with hunters and regulation of the operation of vessels on waterways. I echo the sentiments expressed today on the fiscal impact of testing of salvia and its necessary training.

NEAL TOMLINSON (Nevada Dispensary Association):

The Nevada Dispensary Association is neutral on S.B. 329. We echo the concerns of Ms. Williams and the law enforcers in respect to sections 9, 29, 39 and 58. The language is very broad and could jeopardize compliance with federal guidance in the 2013 Cole Memo issued by the U.S. Department of Justice.

CHAIR SEGERBLOM:

We will close the hearings on S.B. 329 and S.B. 378 and open the hearing on S.B. 177.

SENATE BILL 177: Revises provisions governing the assignment of certain defendants to a program for treatment of mental illness. (BDR 14-754)

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

Senate Bill 177 addresses the need in our court system for treating mental illness, specifically hoarding disorder. Under NRS, specialty court programs may be established for offenders with mental illnesses. The American Psychiatric Association recently added hoarding disorder to the fifth edition of the *Diagnostic and Statistical Manual of Mental Disorders* (DSM-5). The disorder is officially recognized by mental health care providers, and Nevada's courts should be authorized to likewise recognize it. Defendants should be allowed treatment for this debilitating disorder. The bill adds hoarding disorder to the definition of mental illness in NRS 176A.045.

Senate Bill 177 was requested by animal rights advocates because of animal hoarders. The NRS allows for misdemeanor, gross misdemeanor and felony

charges for serial animal hoarders. Little can be gained by incarcerating animal hoarders, who should instead be able to get psychiatric treatment.

CHAIR SEGERBLOM:
Does the bill just cover animal hoarders?

SENATOR PARKS:
No, it involves any type of hoarding disorder.

SENATOR CANNIZZARO:
You mentioned the DSM-5. The definition of mental illness in NRS 433.164 references the DSM-IV. Would it not be easier to change that NRS instead of adding hoarding to NRS 176A.045?

NICK ANTHONY (Counsel):
That would open up a whole other area of interpretation. In NRS 433.164, mental health disorders are defined. The bill includes an internal reference to that NRS and adds a new disorder to its definitions, specifically for mental health treatment courts.

CHAIR SEGERBLOM:
Should we eventually update NRS 433.164 to reference DSM-5?

MR. ANTHONY:
That could be a policy choice for the Committee.

SENATOR GUSTAVSON:
The definition of "hoarding" is unclear. Some people just keep things too long. The bill does not refer to animals or any other hoarded things. Does it need to specify animal hoarding?

CHAIR SEGERBLOM:
If hoarding reaches the point the DSM-5 identifies it as an issue, it should not matter if it is cars, horses or cats.

GINA GREISEN (Nevada Voters For Animals):
The Nevada Voters For Animals asked Senator Parks to sponsor S.B. 177. We would like to draft an amendment defining animal hoarding.

MS. LEACH:

I support S.B. 177. There have been very serious cases of animal hoarding in Clark County.

CHAIR SEGERBLOM:

We will close the hearing on S.B. 177 and open the hearing on S.B. 393.

SENATE BILL 393: Revises provisions relating to the Department of Corrections.
(BDR 16-608)

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

Senate Bill 393 will streamline and clarify certain purchasing practices of the Department of Corrections (DOC), especially purchasing through Prison Industries, also known as Silver State Industries (SSI). The bill also makes a minor change to vocational training for certain offenders.

The DOC is one of the largest State agencies. The work performed through DOC vocational programs requires specialized purchasing practices. Many states conduct correctional department procurement through a centralized office. Senate Bill 393 will give DOC a greater say in its purchasing practices and decisions, which is important to the hundreds of inmates working for SSI. They manufacture furniture, clothing, mattresses, window coverings and metalwork, plus do printing. Senate Bill 393 will add training in customer service skills. Low-level offenders gain valuable work experience so they can eventually become productive members of society. The DOC must ensure standards and specifications of purchased equipment and supplies and meet a threshold of safety and reliability.

The State Purchasing Act set forth in NRS 333 provides general procedures and requirements for the purchase of supplies, materials, equipment and services by State agencies. The Administrator of the Purchasing Division, Department of Administration, is responsible for developing standard specifications for items. Senate Bill 393 requires the Director of DOC to develop and establish standard specifications for goods and services provided by SSI programs within DOC. Section 3 requires the Administrator of the Purchasing Division to exempt DOC from certain provisions of the State Purchasing Act. It also authorizes the Director to purchase from SSI supplies, materials, equipment and services, provided certain specifications are met. When calculating required profit-and-loss reports regarding the program's full employment of offenders,

DOC must not include what it is paid for the purchase of goods manufactured by them for DOC.

To a practical extent, the Director shall require offenders in the program to spend 40 hours weekly in vocational training or employment. Offenders may not engage in telemarketing or conduct telephone opinion polls. In the past, such telemarketing or polling may have exposed the private and personal information of respondents. Now, telemarketers and pollsters are completely isolated and separate from knowing or handling that information. Offenders shall not engage in vocational training or businesses requiring a permit for them to review, use, or have control over or access to the personal information of anyone not incarcerated.

BRIAN CONNETT (Deputy Director, Industrial Programs, Department of Corrections):

Senate Bill 393 places permissive language in NRS and codifies that DOC can purchase products and services from inmate work programs. These programs employ more than 450 inmates in all but one DOC institution. Inmates are learning skills to assist them in obtaining gainful employment after reentry into our communities. The programs are an integral part of the reentry efforts of DOC. They are self-funded at no cost to the General Fund or taxpayers. More than 80 percent of inmates will eventually be released, so we are training part of the workforce of tomorrow.

Inmates in SSI programs must have a high school or GED diploma, thus becoming incentivized to increase their education. Research shows recidivism drops when inmates have more education. Participants must be discipline-free for at least six months and remain so. This enables the safe operation of DOC facilities.

Regarding telemarketing, current NRS was enacted when inmates were given data on and dialed contacts. Today's technology auto-dials calls, or inmates receive calls with no access to personal data. Silver State Industries was vetted through the Committee on Industrial Programs. James Dzurenda, Director of DOC, strongly supports S.B. 393. Dollars are returned to the State through DOC work programs as room and board, compensation for crime victims and in-State purchasing.

DAVID TRISTAN (Deputy Director, Programs, Department of Corrections):

I worked for the California Department of Corrections and Rehabilitation for 32 years. Senate Bill 393 brings Nevada more in line with my experience with how California worked with and purchased from its prison industries.

Inmates learn good work skills and ethics, and the money they earn allows them to buy items in the canteen or commissary. The Inmate Welfare Fund benefits from this, and all inmates benefit from what we purchase and do with that Fund. Inmates may save their earnings so they are not indigent on release. The SSI work reduces inmate idleness and increases their self-esteem. When I walk through SSI, inmates just beam with pride with what they are producing.

RICHARD H. BRYAN (Vinyl Products Manufacturing, Inc.):

Vinyl Products Manufacturing, Inc., opposes the sections in S.B. 393 that literally exempt SSI from the provisions of the State Purchasing Act. As U.S. Supreme Court Justice Oliver Wendell Holmes, Jr., observed, "A page of history is worth a volume of logic." I am a strong supporter of SSI for all of the reasons we have heard today. As Governor and Attorney General, I served on the Board of State Prison Commissioners.

The underlying premise of SSI is it should not compete unfairly with the private sector. In 2013, SSI entered into a contract with a Las Vegas business to construct steel framing. No notice was given that the contract had been awarded. My then-client lost several bids as a result. When I called this to the attention of the Board and the 77th Legislative Session Legislative Committees, a provision was inserted in NRS that businesses involved in the industry of services provided have an opportunity to bid on projects. The State lost \$500,000 on the steel framing job.

Vinyl Products has been manufacturing mattresses in Carson City for more than 40 years. It has sold mattresses to DOC. Notwithstanding what we have heard today, nothing in NRS prevents SSI from selling and buying certain products. Private businesses involved in those enterprises must be given notice of bids.

You have a timetable ([Exhibit H](#)) of communications between Vinyl Products, DOC and SSI. In April 2016, Vinyl Products made inquiries to DOC about the purchase of its mattresses. The response was, "NDOC is within its rights to purchase mattresses from Silver State Industry/Prison Industry and will continue to do so." In July 2016, Vinyl Products contacted my law firm,

Fennemore Craig, and I raised the issue with Jeffrey Haag, Administrator, Purchasing Division, Department of Administration, and Deputy Attorney General Jeff Menicucci, Counsel for the Purchasing Division.

In August 2016, Mr. Menicucci told Fennemore Craig he agreed notice is required to be given to businesses affected by the mattress purchases of DOC. The DOC was told it had to comply with the requirement to solicit bids, which did not happen. In my opinion, a Nevada business has been unfairly dealt with. On August 15 and 16, DOC bought mattresses from SSI for five of its facilities without soliciting competitive bids. On August 19, Fennemore Craig sent Mr. Menicucci a letter confirming its understanding of the bidding process. From August 26 to September 2, DOC bought mattresses from SSI for three more of its facilities without competitive bidding.

In response to another query from Vinyl Products, on October 14, 2016, DOC reiterated its April 27 statement in a letter ([Exhibit I](#)) from Mr. Haag that DOC had a statutory right to purchase mattresses from SSI. The letter states "neither of these statutes [NRS 333.290 or NRS 333.410] exempts the State from conducting a competitive solicitation for goods and services" and indicates SSI must compete. The NRS 333.410 giving SSI preference reads,

So far as practicable, quotations shall be secured from institutions of the State whenever commodities or services are to be secured of kinds that they are prepared to supply through the labor of inmates, and preference shall be given to the products of such institutions, price, quality and time of delivery being considered.

The only thing Vinyl Products asked for was an opportunity to compete by bidding. Senate Bill 393 completely emasculates the NRS requirement. In this climate of struggling businesses, a Carson City manufacturer may have missed an opportunity worth \$229,000 because of the preference for a State supplier. This is a manifest injustice. My client is registered with those that want to do business with DOC but is still up against the preferences, despite the advice of the Office of the Attorney General. The burden would be on anyone competing with State entities to prove either the quality of their products, even if more expensive, will be more durable and delivered more quickly or the supplies are more dependable.

JEFFREY HAAG (Administrator, Purchasing Division, Department of Administration):

While the Department of Administration agrees with its intent, we are neutral on S.B. 393. The bill provides clarity related to DOC purchasing preferences for SSI, according to NRS. There may be opportunities for SSI to provide services to State agencies beyond the prison system.

CHAIR SEGERBLOM:

Do you have any comments about the assertion of Mr. Bryan that his client did not receive bidding notices?

MR. HAAG:

I agree there was confusion about how preferences are enforced historically. For the record, I have been in my position for one and a half years. When the issue was brought to our attention, we immediately engaged with Mr. Menicucci. He provided a recommendation we were to solicit bids, which we were not doing. The solicitations in Mr. Bryan's documents were for materials used by SSI to make the mattresses, not for their purchase.

CHAIR SEGERBLOM:

We will close the hearing on S.B. 393 and open the hearing on S.B. 409.

SENATE BILL 409: Revises provisions which prohibit a person from allowing a cat or dog to remain unattended in a motor vehicle under certain circumstances. (BDR 15-100)

SENATOR MARK A. MANENDO (Senatorial District No. 21):

You have my Proposed Amendment 3547 ([Exhibit J](#)) to S.B. 409. Sadly, in Las Vegas, people leave animals in vehicles when the outside air temperature is 80 degrees and the inside temperature is extremely hot. Very soon, animals suffer and may perish from heat exhaustion. In northern Nevada, extremely cold temperatures may cause a similar fate. The intent of S.B. 409 is similar to NRS involving leaving children in vehicles.

Concerns were expressed that if people are showing dogs, they may leave vehicles running with dogs asleep in an air-conditioned or heated environment. That is fine. If snowbirds live in recreational vehicles (RV) and leave dogs in their vehicles, that is also fine. The concept of the bill is to ensure people are not leaving pets in circumstances that cause harm and death.

MARGARET FLINT (Canine Rehabilitation Center and Sanctuary):

Canine Rehabilitation Center and Sanctuary is a Washoe Valley nonprofit that benefits dogs taken from hoarding and abuse situations. A concern was raised about the effect of the bill on Las Vegas dog shows, which bring a lot of money to the local economy. The key word "conditions" is in Proposed Amendment 3547, section 3, subsection 1, paragraph (a), which addresses "extreme heat or cold, present a significant risk to the health and safety of the cat or dog." No one showing dogs will put them in significant risk. The language covers that area of concern.

The intent of S.B. 409 is to absolve members of the general public from civil liability if they liberate distressed animals from vehicles by breaking windows. It is unfeasible to authorize just anybody to do so. A maniac with a baseball bat could bust windows using the excuse a distressed animal was in a car. The amendment specifies peace officers, animal control officers or government employees whose primary duty is to ensure public safety may liberate animals.

However, what happens if an average citizen comes out of Walmart in 90 degrees and sees a distressed animal in a vehicle in which it is 130 degrees or 140 degrees? You have to call law enforcement without knowing how long it will take them to arrive. Responders have devices to determine the internal temperatures of vehicles from the outside.

Robert Smith, Manager, Washoe County Regional Animal Services, assured me that the responder definitions in the bill could include Humane Society-type officers. Paid or volunteer firefighters and search and rescue personnel may also respond. Mr. Smith told me that, once contacted, Animal Services will get an officer to the scene.

CHAIR SEGERBLOM:

You are not trying to criminalize the conduct of breaking windows. You are enabling people to rescue pets. Is that right?

SENATOR MANENDO:

Correct.

CHAIR SEGERBLOM:

Mr. Hardy, do agree with Proposed Amendment 3547?

WARREN B. HARDY II (The Humane Society of the United States):

You have my proposed amendment ([Exhibit K](#)), which offers very specific language for freeing pets. Nationally, The Humane Society of the United States (HSUS) has found the most successful legislation dealing with unattended pets in vehicles provides specific direction to the public. It can be problematic statutorily.

You have my second proposed amendment ([Exhibit L](#)) to S.B. 409. Nevada had one of the last U.S. gas chambers for animal euthanasia in Elko County. In summer 2016, HSUS contacted county officials to ascertain if the chamber was still being used and, if not, if they wanted to get rid of it. The County wanted to remove the chamber but lacked the funding, plus needed it for dangerous animals. The HSUS determined the cost to remove the chamber and gave the County a grant to do so. Someone wanted it for a museum display, so HSUS shipped it to California.

My amendment, [Exhibit L](#), to NRS 574 would eliminate the use of gas chambers and other antiquated euthanasia methods. It would remove "gunshot" from the list of prohibited methods because that is used to put down livestock.

SENATOR ROBERSON:

Have you talked to our rancher Legislators, such as Senators Pete Goicoechea or James A. Settelmeyer, about livestock?

MR. HARDY:

No, not about the issue of using gunshots on livestock. The intent of HSUS is not to impact that in any way. The bill was drafted with cats and dogs in mind, and we could make the bill just apply to their euthanasia.

KRISTEN CORRAL (Operation Freethem):

Nevada is one of the hottest states, with temperatures as high as 115-plus degrees in summer. This can be deadly to an animal in just a few short minutes, even if the vehicle is in the shade with cracked windows. We already have NRS 574.195, which makes leaving a pet in a hot car a misdemeanor. Senate Bill 409 creates a good-samaritan law; however, a rescue chain of command is important. The general public should be required to look for owners of the vehicle or call nearby animal control officers or police. However, if animals are in extreme danger, passersby should be able to save them without fear of civil

liability. Heart stick should be added to the list of prohibited euthanasia methods.

CHAIR SEGERBLOM:
What is a heart stick?

MS. CORRAL:
Pointed sticks are stabbed into the hearts of animals to kill them.

CLAIRE RAMSEY (Operation Freethem):
Clark County has drastic weather conditions in which animals die from heat stroke or hypothermia because they are left in unattended vehicles without proper safeguards. Senate Bill 409 will shift responsibility and liability from good samaritans to irresponsible pet owners. If well-intentioned individuals see animals in distress, they should be able help by calling animal control agencies or 911. They will not always be able to wait for law enforcers when every minute counts. I strongly oppose the addition of the proposed euthanasia clause to the bill.

ROBERT SMITH (Manager, Regional Animal Services, Washoe County):
Washoe County Regional Animal Services supports S.B. 409. We provide services to the Cities of Reno and Sparks and the unincorporated areas of the County. Each summer, we respond to an average of 400 to 500 calls for dogs and cats in hot vehicles, despite our education efforts.

CHAIR SEGERBLOM:
What is the nature of your responses? Do you assume the animals are in distress?

MR. SMITH:
Washoe County Regional Animal Services officers are trained, and we have strict policy guidelines as to rescue actions. If the vehicle temperature is not extreme, we attempt to contact vehicle owners in surrounding stores before entries are made. If that does not work, vehicle temperatures are high and the animal is clearly in distress, we make a forced entry through a window, remove the animal, put a sticker on the window and rush the animal to a veterinarian.

CHAIR SEGERBLOM:
How would this bill change that policy?

MR. SMITH:

It gives clarity to our policy and identifies exactly who the liberating authorities are.

KISKA ICARD (CEO, Nevada Humane Society):

The Nevada Humane Society supports S.B. 409. We provide services in partnership with Washoe County Regional Animal Services and hold the animal sheltering contract in Carson City. On average, the Nevada Humane Society responds to more than 350 calls per year, or 6 calls per day in summer, about animals in hot vehicles in Carson City. We support strengthening NRS 202 and NRS 574 to help keep pets safe.

MR. SOLFERINO:

The Washoe County Sheriff's Office supports S.B. 409. I was a K-9 handler and unit trainer for most of my career. We approve of the amended version.

FRED VOLZ:

I strongly support S.B. 409, but I would suggest a change to Proposed Amendment 3547 ([Exhibit J](#)). In section 3, subsection 2, I would add a paragraph (f), "Security guards at commercial facilities," such as banks and stores, as another person or entity able to rescue animals. Response time is unknown as to when a person will show up, from 2 minutes to 20 minutes, which may be the difference between whether the animal survives.

MICHON MILLS:

I am the secretary of a national dog sport organization and run programs to train narcotics dogs. Responsible people leave pets in vehicles with appropriate climate-control and notification measures. Many dog organizations come to Nevada. I travel all over the Country to competitions operated by about 30 organizations annually. We appreciate the modification to the bill that people are allowed to leave their engines running to control vehicle temperatures and removal of the requirement that people must be in vehicles with their pets. That would be unnecessary if people were more responsible.

ROBIN REDDLE:

In Clark County, we were not given a copy of Proposed Amendment 3547 to review.

JUDITH WHITMER (Operation Freethem):

In a State where temperatures frequently exceed 100 degrees, it makes sense to prevent needless suffering and sometime deaths of pets left in hot vehicles. Cracking a window or parking in the shade is insufficient. Please pass this good-samaritan bill to allow people to rescue distressed and endangered animals.

Ms. VALLES:

Senator Manendo is not a native Nevadan and is a transplant from Pennsylvania. Therefore, he does not understand how hot it gets in southern Nevada in June, July, August and September. People move here because of its year-round temperate climate. The bill would allow private citizens and convenience store security guards to break windows. The LVMPD has an average seven-minute response time, plenty of time to respond to a distressed pet in a hot vehicle. I do not condone giving policing rights to private citizens and nonlaw enforcers. Animal control officers should be able to break windows. The bill should specify only "animals in distress" should be rescued.

EDWARD GILLESPIE:

I have shown dogs for more than 25 years. My understanding is Proposed Amendment 3547, [Exhibit J](#), will allow people at dog events to keep vehicles running with unattended pets inside. Dog show participants travel all across the Nation to shows. If venues do not have air-conditioned buildings to keep dogs, they must be kept in running vehicles. The bill needs to allow pets to be kept in RVs, which are essentially the homes of their owners. Pets are well taken care of, in a secure environment and not subject to any kind of stress.

SENATOR MANENDO:

Our intent was never to criminalize the behavior of dog show pet owners. I am one of the 75 percent of Nevada residents who are nonnative. I have loved my four decades here and have served in the Legislature since 1995.

CHAIR SEGERBLOM:

We will close the hearing on [S.B. 409](#) and open the hearing on [S.B. 405](#).

[SENATE BILL 405](#): Requires the establishment and use of a statewide animal abuser registry. (BDR 14-10)

SENATOR MARK A. MANENDO (Senatorial District No. 21):

When I was a child in Pennsylvania, our cat, Snookie, always found ways to escape the house. One night, he did not come back, and the next morning, we could not find him. About two weeks later, Snookie jumped on my bed with a rope cutting into his neck. He had gnawed his way free from captivity and was severely dehydrated and had lost a lot of weight.

This taught me there are some extremely horrible people in this world who do grotesque things to animals. The Snookie experience made me lose part of my childhood. Up until then, I thought people were good and loved their pets. I remembered asking my parents how in the world abuse could happen and who would do it. Knowing my cat, my baby, had been tied up and starved for two weeks was an eye-opening experience, and I decided to become an animal-rights advocate.

Legislators are here for those without a voice, including innocent animals that rely on humans to protect them. Keeping defenseless animals out of the hands of convicted abusers is an important way to prevent cruelty at its source. Senate Bill 405 creates much-needed safeguards to keep animals out of the hands of abusers. It is reckless to place animals in the care of convicted abusers.

Animals do show up battered and bruised in the houses of friends and at work, school or church. The bill provides a registry of convicted abusers for shelters to screen potential animal adopters. This is a service for shelters working hard to adopt animals out to forever-loving homes. Workers would have peace of mind with a database to screen potential owners. We will have to push back the July 1 effective date of the bill.

Mass murderer Jeffrey Dahmer captured and tortured animals as a boy. Abusers start on animals that cannot speak up for themselves. They usually graduate to harming other children and then vulnerable people, seniors and women. In Clark County, there was a case of people seeing how long they could strangle a dog without killing it. Neighbors heard a screaming dog that was being dragged by its head and ears and then thrown. A dog was thrown out of a three-story building and received serious injuries. A parent snapped the neck of his children's kitten and then alleged a police officer had done it. A couple who thought a cat was possessed by the devil fed it hot sauce and strangled it to

death. People like this should not be able to have pets and potentially subject them to the same abuse.

MS. FLINT:

You have my descriptions of three Nevada animal abusers ([Exhibit M](#)). In the 76th Legislative Session, a bill named "Cooney's Law" passed. Raymond Rios decided a rodent had crawled inside Cooney the dog and cut open her abdomen with a box cutter. Animal control first responders were sickened by her condition. The bill mandated that animal cruelty repeat offenders be charged with felonies. Jason Brown was arrested in a south Reno hotel surrounded by tortured, beheaded and dismembered dogs he had bought on Craigslist. Former Boulder City Animal Control supervisor Mary Jo Frazier was charged with performing unnecessary pet euthanasia, including using a heart stick without anesthesia. She did not honor the required five-day waiting period and veterinarian examination of animals before euthanasia. Ultimately, she was only convicted of euthanizing her own dog in a divorce dispute.

Some abusers should never again be around animals, or at least as little as possible or for a specified time period. I do not know why the fiscal note of the bill is so large. We could save money by amending the State's existing sex offender registry to include animal abusers.

CHAIR SEGERBLOM:

Who would be included in the registry?

MS. FLINT:

It would list anyone convicted of animal cruelty, even misdemeanor offenders. However, our focus is on felony offenders.

CHAIR SEGERBLOM:

Do you know how many Nevadans have been convicted of that?

SENATOR MANENDO:

It is not thousands of people.

CHAIR SEGERBLOM:

What can and cannot registry members do with animals? It is just for public notice purposes?

Ms. FLINT:

They cannot own or adopt animals. Animal shelters and nonprofits can access the database, which will have privacy controls like sex offender registries.

SENATOR MANENDO:

Section 30 of S.B. 405 lists what the registry felony offenders are forbidden to do. They cannot own or care for animals for ten years after conviction.

Ms. FLINT:

Misdemeanor offenders are not included. How many such convictions can people rack up before being on the registry or suffering repercussions?

Ms. CORRAL:

When a similar bill was introduced in the 78th Legislative Session, it failed because there was no clear idea of which agency should manage the registry. We have studied how other states handle registries. The Department of Public Safety (DPS) manages the sex offender registry and could handle the animal abuse registry in the same way.

The DPS recently issued a memo listing its concerns about S.B. 405. While the DPS says there have only been 79 people convicted of animal abuse since 1987, the Clark County District Attorney's Office says such cases are increasing exponentially. Just because the Central Repository for Nevada Records of Criminal History began in 1986, that does not mean no one was convicted of animal abuse then. The crime became a third-offense felony early this century and was upgraded to a first-offense felony in 2011. We are talking about 79 cases in the last 10 years to 15 years, not 30 years. This does not include dozens of cases currently moving through the court system.

There have been several high-profile animal abuse cases in Clark County since 2015. There are now two LVMPD animal abuse detectives and a deputy district attorney who tries those cases in Las Vegas. The need for the registry is real. While DPS questions adding 79 abusers to the sex offender registry, it says it will need 5 full-time programmers working for a full year to add animal abusers to the sex offender database. The projected fiscal year 2017-2018 cost will be \$986,849. I have designed Websites for small businesses, and I cannot imagine that much time or money being necessary to create a basic registry with a login and search function.

Amendments should be made to S.B. 405 regarding misdemeanants and offenders with mental illness. There should be a three-strikes-and-you're-out approach to misdemeanors, perhaps. The registry needs to be accessible to all registered nonprofits. Similar bills have been passed in other states.

MS. RAMSEY:

I am a seven-year graduate researcher in animal welfare at the University of Nevada, Las Vegas. The registry will protect and save the lives of animals and people. Seventy percent of serious-crime perpetrators have a history of animal abuse. Sixty percent of abused children abuse animals. Over the last 15 years, every U.S. mass shooter has a known history of animal abuse.

The registry will help law enforcement track abusers, not just be an aid for shelters and rescue organizations. The convicted abusers statistic from the DPS is lacking, with no citation and numbers. No one I have talked to in southern Nevada knows of evidence to back up the DPS figure.

MS. ICARD:

Nevada Humane Society supports S.B. 405. On average, we adopt out about 10,000 animals per year from our 2 shelters. We support shelters having access to the registry to help ensure the animals we care for are going to good homes. High-volume, no-kill shelters are easily accessible for people to adopt pets for nefarious reasons, so the registry will give our staff peace of mind.

KAREN JACOBS (Director, Tactical Team for the Protection of Animals):

You have my written testimony ([Exhibit N](#)). Criminals go to shelters and puppy and kitten mills to obtain animals to abuse. The registry covers all animals and all abusers, no matter where offenders get animals to abuse.

I am a retired law enforcer. Studies show a correlation between animal abuse and violence toward humans. The registry will help identify criminals who turn from abuse of animals to humans. We have NRS to protect people from abuse and violence, and this bill will likewise protect animals.

This bill could have helped the victims of Jason Brown. His crime was more heinous than animal abuse; it was the pure murder of seven dogs, all sentient beings. Let us provide justice for these dogs.

MR. VOLZ:

I strongly support S.B. 405 with misdemeanors included. They are a potential gateway to felony convictions that need to be immediately nipped in the bud. It is undeniable that animal abuse leads to human abuse, and it is as equally unacceptable for animals than for humans.

The DPS fiscal note is incorrect and does not exhibit creative thinking about how to combine the registries. It seems like it would be easy to clone the sex offender Website and create a separate animal abuser registry. When crime statistics are reported to federal entities in order to get block grants for programs, there has to be some kind of easy way to correlate that information from county court systems at the DPS Criminal History Repository. It would not take rocket science to come up with a similar registry for animal abusers.

MS. REDDLE:

I support S.B. 405 and establishing an animal abuse registry. The sex offender registry was established because it was critical to inform the public of potential threats. An animal abuse registry is equally important to the well-being of our beloved pets. I will donate my time to DPS to help make that happen. Tennessee found this type of registry important enough to include it in statute. Nevada has been at the forefront of establishing animal protection laws. Please hold abusers accountable for their actions and allow reasonable individuals to see who they are handing over innocent animals to. In a recent, unimaginable abuse case, two people who were planning to have children tortured a cat to death.

MS. WHITMER:

I support S.B. 405 because animal abuse is a violent act. There is a direct link between it and other violent crimes such as domestic abuse and sexual assault. The FBI tracks animal abuse, recognizing people who abuse animals commit other violent crimes. A registry will prevent criminals from adopting animals to abuse, torture and murder. It will require minimal effort by the DPS to initiate and maintain the registry.

MS. VALLES:

I oppose S.B. 405 because it does not consider developing teenage brains. The frontal cortex of teens is not relaying information throughout the brain, causing them to not see the ramifications of their actions. I do not want to see teens added to a sex offender registry-type animal abuse database. There are more

U.S. teens incarcerated than in any other country. The registry should only include felony, not misdemeanor, offenders. As we have heard, 60 percent of abused children abuse animals, which is more evidence of their immature brains. Senate Bill 405 is unfunded. I would rather see that money going to programs for homeless families than to animal issues. We need to ensure whoever has access to the registry should have access to it.

MS. BUTLER:

No one condones the horrific behavior we are discussing. Every pet I have owned has been a rescue, so I get it. However, the biggest concern for DPS with S.B. 405 is its lack of funding mechanism. Looking at the two NRS referenced in the bill, there have only been 79 animal abuse convictions since the Criminal Repository was established in 1986.

CHAIR SEGERBLOM:

Are those the names of convicted abusers?

MS. BUTLER:

They are convicted of the crimes in the bill.

CHAIR SEGERBLOM:

Do you know who they are?

MS. BUTLER:

Yes, that is public information. The fiscal note of close to \$1 million is a registry for those 79 people and then \$250,000 per year to maintain it. Insinuations have been made that DPS inflated the fiscal note and is being disingenuous. The DPS takes its fiscal notes seriously and put a lot of time and thought into this one, given we had just the five days to produce it. The DPS began developing the sex offender registry in 2009, and we are still making fixes to it. We spent hundreds of thousands of dollars trying to develop that registry. Registries cannot be developed in two hours in someone's basement or garage.

SUZIE BLOCK (Chief, Enterprise Applications Services, Division of Enterprise Information Technology Services, Department of Administration):

Enterprise Applications Services, Department of Administration, provides technical support for DPS. Its General Services Division is one of our largest consumers. Most of the resources in my unit are billable, and we try to provide responsible estimates. When we looked at the text of S.B. 405, we tried to

determine if we had a common application, and the sex offender registry was the model used to create the estimate.

A lot of complex business logic goes into our systems. We spent a lot of time working with the General Services Division, using its subject matter expertise to create the sex offender registry. If we were to clone it for an animal abuser registry, our cost estimate is accurate. The rules of the two registries may be very different. Our environment is licensed and sized as to how it currently runs. Introducing the animal abuser element brings unknowns and complexity.

MS. BUTLER:

If the bill goes forward, DPS needs a funding source, and that makes the July 1 effective date unrealistic. We requested October 1, 2018, as an effective date to give us time to work with information technology on the registry design and gather input from industry leaders and stakeholders to determine the database fields.

SENATOR MANENDO:

The estimate of 7,680 hours to create a Website is interesting. We are hearing from the general public that they are frustrated with certain aspects of government. In the private sector, if a business spent that long on a Website, it would go out of business. An animal abuse registry is not just about emotions; it is about public safety. There is no justification for someone with three misdemeanor convictions or a felony conviction for animal abuse to be allowed to continue it.

CHAIR SEGERBLOM:

The criminal aspects of the bill are easily dealt with, but if there are less than 100 names and they are public information, a nonprofit could make up a Website registry for shelters to access.

SENATOR MANENDO:

We are talking to people about doing that, considering the inflated fiscal note. A bonded programmer working with law enforcement could create the registry.

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CHAIR SEGERBLOM:

We will close the hearing on S.B. 405. Seeing no more business before the Senate Committee on Judiciary, this meeting is adjourned at 4:30 p.m.

RESPECTFULLY SUBMITTED:

Pat Devereux,
Committee Secretary

APPROVED BY:

Senator Tick Segerblom, Chair

DATE: _____

EXHIBIT SUMMARY				
Bill	Exhibit / # of pages		Witness / Entity	Description
	A	2		Agenda
	B	10		Attendance Roster
S.B. 329	C	1	Senator Tick Segerblom	Proposed Amendment
S.B. 329	D	2	Michael Cathcart / City of Henderson	Letter of Opposition
S.B. 378	E	9	Daniel S. Reid / National Rifle Association of America; National Firearms Coalition	Letter of Opposition and Information Packet
S.B. 378	F	1	Andrew MacKay / Nevada Franchised Auto Dealers Association	Proposed Amendment
S.B. 378	G	2	Dan McDonald / Washoe County Sheriff's Office	Proposed Amendments
S.B. 393	H	2	Richard H. Bryan / Vinyl Products Manufacturing, Inc.	Timeline of Communications
S.B. 393	I	2	Richard H. Bryan / Vinyl Products Manufacturing	Memorandum from Jeffrey Haag
S.B. 409	J	6	Senator Mark A. Manendo	Proposed Amendment 3547
S.B. 409	K	1	Warren B. Hardy II / The Humane Society of the United States	Proposed Amendment
S.B. 409	L	1	Warren B. Hardy II / The Humane Society of the United States	Proposed Amendment
S.B. 405	M	3	Margaret Flint / Canine Rehabilitation Center and Sanctuary	Descriptions of Animal Abusers
S.B. 405	N	2	Karen Jacobs / Tactical Team For the Protection of Animals	Written Testimony