

SENATE JUDICIARY COMMITTEE

MINUTES

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March 22, 1971

Chairman Monroe called the meeting to order at 8:45 a.m.

Committee Members Present: Chairman Monroe  
Senator Close  
Senator Foley  
Senator Dodge  
Senator Swobe  
Senator Wilson  
Senator Young

Others Present: Mr. Robert Groves - Deputy Attorney General  
Lou Paley - Nevada State AFL-CIO  
Lon Truell - Member of State Board of Pharmacy  
Frank Titus - Pharmaceutical Association  
Mr. R. A. Hadley - District Attorney's Office  
Mrs. Gloria Handley - Welfare Division

S.B. #314 - Specifies regulations for the labeling  
of prescriptive drugs.  
Committee on Labor.

Mr. Robert Groves, Deputy Attorney General representing the State Board of Pharmacy testified that the Board is opposed to this bill. They feel the requirements are totally unworkable and would have practical and psychological disadvantages to the patient. He stated that the requirement that the generic or trade name appear on the prescription is not a difficult one as it is contained elsewhere in the law and is included as an amendment to A.B. #617. They do feel that it would serve no practical purpose.

The difficulty arises from the requirement that the prescription label contain the possible side effects of the drug. From a mechanical standpoint it is physically impossible to put this on the prescription label. He also stated that with the great drug problem we are having with young people, and the fact that young people know a great deal about drugs and their potential use, if we name the drugs on the label they will identify the drug and what kicks they can get out of it. Also there are a number of new compounds which could be put together with three or four other drugs, and if this bill passed, the label would have to state the side effects of all those drugs.

Mr. Lon Truell a member of State Board of Pharmacy added that it would be economically impossible to function under this bill since the time involved in typing these labels would be extraordinary. They would have to type the label several times in the case of a prescription which could be renewed, or if the container were lost.

Lou Paley, representing the Nevada State AFL-CIO testified as a proponent of this bill. He requested this bill because he felt the people should know what drugs they are taking.

Senator Dodge felt that what Mr. Paley was trying to get at should be the responsibility of the doctor, not the pharmacist.

Mr. Frank Titus of the Pharmaceutical Association testified that they are definitely against this legislation. One reason is that most drug companies will be using code numbers on the pills themselves to indicate what it is composed of.

Senator Dodge made a motion to "kill" this bill. Senator Young seconded the motion. The committee voted as follows:

Yeas: Chairman Monroe, Senators Dodge, Close, Young and Swobe. (5)

Nays: Senators Wilson and Foley (2)

Motion carried.

S.B. #238 - Makes infliction of traumatic injury on woman or child a felony.  
Senator Swobe.

Mr. R. A. Hadley of the District Attorney's Office and Mrs. Gloria Handley of the Welfare Division testified on this bill.

Mr. Hadley explained that the scope of this bill covers a broader class of individuals who might be subject to the sanctions with the words "any person" than S.B. #333.

S.B. #333 - Provides additional penalty for child abuse and neglect.  
Committee on Judiciary.

Mr. Hadley felt that this bill appears to be a little broader, and covers this situation far better than S.B. #238. He suggested combining the best provisions of both bills.

Senator Dodge pointed out that S.B. #238 is a felony, and this bill is a gross misdemeanor. Senator Wilson felt that we should go with a gross misdemeanor and the judge would have the option to raise it to a felony if the circumstances warrant it.

Grant Davis will draft an amendment to this bill, and incorporate the provisions of S.B. #238, and include the amendment requested by the Christian Scientists which was discussed on March 18.

S.B. #496 - Provides for reports of child abuse by member of public and grants immunity.  
Senator Wilson.

Senator Wilson explained to Mr. Haley that Dr. Pickering had been before the committee and suggested amending this bill to make reporting mandatory. Mr. Hadley replied that there is presently certain hesitancy, even among doctors, to report these cases. Senator Wilson said that Dr. Pickering also made a suggestion that in order to encourage reporting, the report be made to the county health and Welfare department who would in turn report to law enforcement agencies. Mr. Hadley felt this would encourage reporting, and

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Mrs. Handley from the Welfare Division felt this might make more people willing to report.

Senator Dodge felt that we should not include the provision suggested for mandating the public to report, and just go with the immunity provision. He said that the average person does not know what the law is, and it would be unfair to mandate them and impose a penalty for failure to report. Mr. Hadley agreed and added that most members of the public don't know what neglect is, they know something is wrong, but don't know how to define it.

Senator Close felt that to give the people reporting immunity is worthwhile, but to compel them to report is tantamount to a lot of problems from over-anxious, nosey and interfering neighbors who will harass and embarrass their neighbors by having the police investigate. Senator Wilson reminded the committee that Dr. Pickering urged that this bill be stronger to get a handle on those people who did not want to get involved.

The committee then discussed whether the report should go in the first instance to the welfare agency or the law enforcement agencies. It was decided that it would be left optional, with a provision that the agency first informed would inform the other agency.

Amendments will be drafted on this bill.

S.B. #569 - Provides for notice to Welfare Division before child can be removed from its custody on temporary guardianship order.  
Committee on Judiciary.

Mr. Hadley testified that this bill was requested by the Welfare Division because of a conflict between the district court judges and the Welfare Division about making orders for the benefit of children, and the attitude of the Welfare Division regarding their priorities over children placed for adoption. Mrs. Handley testified that they are asking for notification that there are guardianship proceedings pending and the court determines that they are not able to have custody. She said the Welfare Division is faced with the problem of providing the best homes for foster children. The foster parents are only given responsibility for the care of the child, but feel they have vested rights to the children.

Senator Dodge suggested amending this bill to give notice going to Welfare Department when there is a petition for guardianship, whether temporary or permanent, with a provision that pending the decision of the court on that petition, Welfare would maintain status quo pertaining to the physical custody of the child.

Grant Davis will draft the amendments to this bill.

Meeting adjourned at 10:55 a.m.

Respectfully submitted,

*Eileen Wynkoop*  
Eileen Wynkoop, Secretary

Approved: \_\_\_\_\_