

JUDICIARY COMMITTEE
57th NEVADA ASSEMBLY SESSION

MINUTES

APRIL 13, 1973

Mr. Hayes, Chairman, Called the meeting to order and declared a quorum present.

MEMBERS PRESENT: MESSRS: HAYES, BARENGO, GLOVER, TORVINEN, FRY,
LOWMAN, AND MISS FOOTE. Mr. HICKEY (LATE)

MEMBERS ABSENT: MR. HUFF

GUESTS PRESENT: SEE ATTACHED.

Mr. Hayes announced the Committee would consider S.B. 602 first and asked that remarks be kept brief and to the subject.

Appearing first to testify as to why Darvon should not be changed in the schedules was Dr. W. Bennett representing Eli Lilly & Co. Propoxyphene on Page 3, Section 2, Line 25, is sold by Eli Lilly & co under the trade name Darvon. Dr. Bennett requested that this be deleted from the bill. He testified that this product has been useful in the treatment of mild to moderate pain relief for a number of years. The formal procedure under which a drug is controlled is for the BNDD to issue a formal control proposal under federal law, then there must be an evaluation of that proposal by the medical people of the FDA and the department of Health, Education, and Welfare. They then reply to the Bureau having passed on the scientific criteria. He told the Committee that there has been no formal control proposal by the Bureau. In all of the thirty nine states that have adopted the Controlled Substances Act Propoxyphene is not under control in any of them. The drug was introduced in 1957 and since that time 11 billion dosage units have been produced and distributed. It's characteristics are well known and it has been evaluated many times. He provided each Committee member with a resume of the various considerations of Darvon. (see attached) In 1969 and 1970 three congressional committess had extensive hearings on the controlled substances act and propoxyphene was not even mentioned or considered for control. With regard to the economics of the problem Dr. Bennett said that placing a drug on controlled status does have economic repercussions. The concern in placing a drug on controlled status puts the physician in the position of writing smaller prescriptions and in the case of Darvon which is between aspirin and codeine there is left only the narcotics to shift a patient for Rx. If there were 100 controlled prescriptions in the state of Nevada a year, the addition of propoxyphene to the controlled regimen would add 20% to that 100. The Nevada Controlled Substances Act which is now on the books provides two opportunities for control. It is consistent with the Federal Act and consistent with the mandate issued by congress to the department of HEW. It provides an opportunity for consideration by the Board of Pharmacy, a proposed regulation, a hearing, an evaluation of medical, scientific, and pharmacy aspects of enforcement and statutory criteria. On the other hand, if the drug comes under Federal control, it automatically comes under control in Nevada. Therefore Nevada can have

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uniformity with the Federal Act under three processes, nobody would deny the legislature the right to put a drug under control, but the unfairness in this situation is the lack of opportunity to evaluate all of the data, and various viewpoints on a controlled substance. That, by Nevada law has been delegated to the Board of Pharmacy. They have full authority to do this. He concluded by respectfully requesting deletion of propoxyphene from this legislation. Mr. Hayes asked if this preparation had a "street name". Dr. Bennett said that Darvon is the trademark but to his knowledge there is no slang term applied to this drug.

Dr. Ravenholt told the Committee that in treatment of heroin addicts the familiar sequence includes marijuana, use of uppers and downers in terms of amphetamines and barbiturates, and finally the heroin intravenous narcotic use. He said that in his years of experience Darvon has not been mentioned as a pill of the nature that is used in a progressive sequence of addiction. He stated that viewing it from the physician's side Darvon is an alternative to aspirin that is psychologically a benefit to the patient, but as a drug of abuse it has not been conspicuous.

Dr. Richard Grundy told the Committee that he would like to express his feeling on the drug Darvon. He said that he found it to be a very useful and very safe drug. It is the type of drug which can be used and still allow a person to be mentally clear. "I would personally hate to see restrictions placed on this drug which would make use of it somewhat more difficult." He said that he had checked with members of the local police department and they have yet to have one single abuse situation with Darvon. "I feel sure that antibiotics and cortisone drugs kill more people through abuse than Darvon".

W. Edwards, M.D. spoke only in his capacity of physician in saying that he felt that Darvon belongs where the State Board of Pharmacy wants it. He read the description of the drug from the 1972 Manuel of the Physician's Desk Reference.

Mr. George Bennett representing the State Board of Pharmacy said that Darvon is a very useful drug and is safely used most of the time. He related a message from Vern Calhoun of the Narcotics Division who said that many times when a person is arrested for possession of marihuana or other hard drugs they also have Darvon, Librium, Valium and other tranquilizers. He read from an issue of the Federal Register dated December 27, 1972. "Propoxyphene hydrochloride is a mild analgesic structurally related to the narcotic analgesic methadone. Under warnings, there is a note on drug dependance: "propoxyphene can produce drug dependence characterized by psychic dependence, and less frequently PHYSICAL dependence and intolerance. Propoxyphene will only partially suppress the withdrawal syndrome in individuals physically dependent on morphine and other narcotics. Propoxyphene should be prescribed with the same degree of caution appropriate to the use of codeine. All of the codeine containing preparations are classified in schedule III. The Board of Pharmacy was told by a member of the chief counsel's office of the Justice Department in Washington that the BNDD was going to ask for control of Darvon and he advised the Board of Pharmacy in going before the legislature to request that it be placed in schedule III.

The feeling is that the amount of abuse is sufficient enough to be important. "The main concern of the Board of Pharmacy is the people of the state of Nevada."

Mr. Lowman commented that he felt today's situation is a beautiful example of why the Board of Pharmacy should handle this type of problem.

Mr. Barengo said that for the record he would have to echo Mr. Lowman's statements. He feels that the BOP has the power to do this and the expertise, he felt the Board should exercise it's power.

George Tucker representing the Governor's Council on Drug Abuse. He noted that his findings would indicate that Darvon is being abused. Mr. Hayes asked if there is any information to support the concept that Darvon is a stepping stone to other more serious drugs. Mr. Tucker said that the only reason for the different classes was the abuse potential. Mr. Hayes then questioned what the nation wide control on Darvon is. Mr. Delaney said that it has never been controlled in any other state.

Mr. Travis Stewart representing Hofman-LaRoche called Committee attention to Page 4, Lines 40 and 41. These substances are commonly called Librium and Valium. In 1970 the U.S. Congress adopted Public Law 91513 which is the controlling dangerous drug act in the United States. That bill very closely patterns the Nevada Act passed in 1971. The drugs on the Nevada schedule were extracted almost exclusively from the federal act. Librium and Valium do not appear in the federal act, nor do they appear in any of the acts thus far adopted by 39 states. "We are in a little different shape than any other company because about seven years the BNDD attempted to list Librium and Valium for control. They held hearings for five years to try and establish that these drugs were being abused. They did not accomplish this aim. In 1971 they issued a statement saying that these drugs may be abused in conjunction with abused substances. In 1971 they filed notice that henceforth these drugs would in fact be controlled, we immediately took them into the 3rd Circuit Court of Appeals and two days before this bill was introduced in this state the Court vacated and set aside the ruling of the BNDD. "What we are asking is that these two drugs be eliminated until the conclusion of this court case to actually establish whether or not under existing procedures these drugs are abused. The BNDD has thirty days in which to take action. We are asking equity, we feel that at this time it would probably place us in some jeopardy if one state listed these drugs for control. "I would respectfully request that based on that issue alone the Committee give consideration to eliminating these two compounds from the bill. It is abundantly clear that the enforcing state agency at each level as the authority to add to, take from, or change schedules. Pending the outcome of our case they would still be able to list Librium and Valium for state purposes of control.

Bill Shiffman a member of the State Board of Pharmacy and many other drug related organizations. He stated that he did not feel at this time that the products, Darvon, Valium, or Librium should be listed for control.

Mr. Daryl Capurro representing the Nevada Motor Transport Assn. appeared before the Committee to testify on S.B. 532. This legislation was introduced to conform with similar legislation on the federal level resulting from hearings etc. by Nevada State Senator Alan Bible. This is primarily concerned with hijacking and the fencing operation of stolen goods. It would exclude the innocent receiver of stolen goods. Mr. Hayes questioned how this would be determined. He said he is against the concept of the burden being placed on the defendant of proving innocence. Mr. Barengo added that this section was struck down in Clark County as being unconstitutionally vague. Mr. Capurro presented a letter from Senator Bible urging state legislation on this subject.

Mr. and Mrs. Drackert came to inquire about the action on A.B. 757. They felt that the residence requirement for divorce should be reduced to thirty days for economic reasons.

Mr. Torvinen moved to reconsider this bill, Mr. Barengo seconded. Mr. Fry and Mr. Lowman voted against the motion. Mr. Huff and Mr. Ellover absent for the vote
MOTION FAILED

S.B. No. 602 SUMMARY-Reclassifies and adds specified substances in Uniformed Controlled Substances Act.

Mr. Lowman moved INDEFINITE POSTPONMENT S.B. 602, Mr. Fry seconded
MOTION CARRIED INDEFINITE POSTPONMENT S.B. 602

A.B. No. 871 SUMMARY-Adds methaqualone to list of controlled substances included in schedule IV of Uniform Controlled Substances Act.

Mr. Lowman moved to recommend DO PASS, Mr. Fry seconded. Miss Foote voted against the motion.
MOTION CARRIED DO PASS A.B. 871
A.B. N

A.B. 779 SUMMARY-Increases authority of Nevada gaming commission to revoke gaming employees' work permits.

Mr. Fry moved INDEFINITE POSTPONMENT A.B. 779, Mr. Lowman seconded.
MOTION CARRIED INDEFINITE POSTPONMENT A.B. 779

S.B. NO. 385 SUMMARY-Increases authority of Nevada gaming commission to revoke gaming employees' work permits.

Mr. Fry moved to recommend DO PASS, Mr. Lowman seconded.
MOTION CARRIED DO PASS S.B. 385

A.B. No. 929 SUMMARY-Establishes certified shorthand reporters board and provides for examination and licensing of shorthand reporters.

Mr. Fry moved to recommend DO PASS, Mr. Barengo seconded.
MOTION CARRIED DO PASS A.B. 929

S.B. 547 SUMMARY-Permits Nevada gaming commission to exempt banks from gaming licensing requirements under certain circumstances.

Mr. Lowman moved to recommend DO PASS, Mr. Glover seconded.
MOTION CARRIED DO PASS S.B. 547

A.B. No. 313 SUMMARY-Specifically prohibits conversion of rented or leased motor vehicles.

Mr. Barengo said that he had a small problem with this bill, he said that it would seem that before you could prosecute a letter should be sent requesting the party to return the vehicle.

Mr. Fry moved INDEFINITE POSTPONMENT, Mr. Lowman seconded.
MOTION CARRIED INDEFINITE POSTPONMENT A.B. 313

S.C.R. No. 21 SUMMARY-Suggests an amendment to an illustrative form in the Nevada rules of civil procedure.

Mr. Fry moved INDEFINITE POSTPONMENT, Mr. Barengo seconded.
Mr. Hayes pointed out that this does not meet rule 4. Mr. Fry said most people feel that calling their attorney is an answer.

MOTION CARRIED INDEFINITE POSTPONMENT S.C.R. 21

S.B. No. 450 SUMMARY-PERMITS court to allow jury to separate after it retires to deliberate.

Mr. Barengo moved to restore S.B. 450 to the original bill and DO PASS, Mr. Lowman seconded.

Mr. Barengo informed members that the intent of the original bill was to allow jurors while deliberating, if the court saw fit, to go home. The amended version of this bill states that after deliberation they can't go home.

Mr. Fry voted against the motion.

MOTION CARRIED AMEND TO ORIGINAL FORM AND DO PASS S.B. 450

S.B. No. 461 SUMMARY-Prohibits private practice of law by deputy attorneys general and certain district attorneys, public defenders and their deputies.

Mr. Barengo moved to recommend DO PASS, Mr. Fry seconded.

Miss Foote remarked that in testifying on this bill Mr. Woofter said that he presently had no private practice, so in effect we are paying him not to have private practice.

Mr. Barengo suggested leaving CC DA's salary as is and raising the Washoe D.

AMID laughter Mr. Fry said this is one of the few laws which won't hurt anybody for two years. Mr. Hayes inquired about the concept of dictating to the City of Las Vegas regarding their city attorney Mr. Glover said "I like it." Mr. Barengo felt that all of the public agencies should be in the same boat.

MOTION CARRIED DO PASS S.B. 461

A.B. No. 943 SUMMARY-Provides changes in traffic laws.

Mr. Fry said that the amendments would take care of the problem of presumption of guilt.
Mr. Glover moved to AMEND AND RECOMMEND DO PASS, Mr. Barengo seconded.
MOTION CARRIED AMEND AND DO PASS A.B. 943

Mr. Barengo told the Committee that a meeting had been held and he was in the process of obtaining amendments to the death penalty bill S.B. 545.

Mr. Hayes announced that we would meet at 8:00 AM on Saturday.

MEETING ADJOURNED.

DATE: 4-13-73

Judiciary

NAME *Bill # Speaking* REPRESENTING

John M. Holt ^{SB} 602	Eli Lilly and Company
Wm F. Belmont (MD)	
* Drake Ly Conroy	Att. Rep. Eli Lilly + Co.
Richard Grundy MD	CARSON CITY NEV
OTTO RAVENHOLT MD	CLARK CO HEALTH DEPT
WM EDWARDS MD	STATE HEALTH DIVISION
Erwin B. Stewart	Hoffmann-La Roche Inc.
GEORGE T. BENNETT	STATE BD OF PHARMACY
GEO. R. TUCKER	NEV. STATE PHARM. ASSOC. CHURCHILL CO. DRUG ABUSE COUNCIL NEV. STATE DRUG ABUSE COUNCIL
DARYL E. CAPURRO SB 532	NEVADA MOTOR TRANSPORT ASSN. NEVADA FRANCHISED AUTO DEALERS ASS.
Bill Shiffman	Nevada State Board of Pharmacy
Walter D. Aspert	30 day req for divisors

484.317 - Proposed Amendments - Sec. 6

484.319 - Proposed Amendments - Sec. 7

Sec. 6. NRS 484.317 is hereby amended to read as follows:

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484.317 The driver of a vehicle within an intersection intending to turn to the left shall yield the right of way to any vehicle [which has approached or is] approaching from the opposite direction which is within the intersection or so close thereto as to constitute an immediate hazard. [, but such driver, having so yielded and having given a signal when and as required, may make such left turn and the drivers of all other vehicles approaching the intersection from the opposite direction shall yield the right of way to the vehicle making the left turn.]

Sec. 7. NRS 484.319 is hereby amended to read as follows:

484.319 [1. Where proper signs have been erected, the driver of a vehicle shall stop or yield at the entrance to a through highway and shall yield the right of way to other vehicles which have entered the intersection from such through highway or which are approaching so closely on such through highway as to constitute an immediate hazard, but such driver having so yielded may proceed and the drivers of all other vehicles approaching the intersection on such through highway shall yield the right of way to the vehicles so proceeding into or across the through highway.] Except when traffic is being controlled by a police officer or a traffic-control signal:

1. When proper signs have been erected, the driver of a vehicle shall stop or yield at a clearly marked stop line or, if there is none, before entering the crosswalk on the near side of the intersection or, if there is none, then at the point nearest the intersection where the driver has a view of approaching traffic on the through highway. After having stopped or, in the event of a yield sign, slowed or stopped, the driver shall yield the right of way to other vehicles which have entered the intersection from such through highway or which are approaching so closely on such through highway as to constitute an immediate hazard during the time such driver is moving across or within the intersection.

2. The driver of a vehicle shall stop in obedience to a stop sign or yield in compliance with a yield sign [at], in compliance with the manner prescribed in subsection 1, prior to entering an intersection if a stop sign or a yield sign is erected at one or more entrances thereto although not a part of a through highway and shall proceed cautiously, yielding to vehicles not so obligated to stop or yield and which are within the intersection or approaching so closely as to constitute an immediate hazard during the time such driver is moving across or within the intersection.

AGENDA FOR COMMITTEE ON JUDICIARY

Date FRIDAY, APRIL 13 Time ??? Room 240

Bills or Resolutions
to be considered

Subject

Counsel
requested*

S.B. 602

SUMMARY-Reclassifies and adds specified substances in
Uniform Controlled Substances Act.

S.B. 532

SUMMARY-Creates a civil action for treble damages against
receiver of stolen goods, and in criminal action, provides
a presumption, under certain circumstances, that defendant
knew goods were stolen.