

Committee in Session at 8:44 am on Tuesday, March 27, 1979.

Senator Keith Ashworth in the Chair.

PRESENT: Chairman Keith Ashworth  
Vice-Chairman Joe Neal  
Senator Clifton Young  
Senator Rick Blakemore  
Senator Wilbur Faiss  
Senator Jim Kosinski  
Assemblyman Robert Craddock

ABSENT: Assemblyman Mike Malone

GUESTS: Assemblyman Nick Horn, Clark County Assembly  
District No. 15  
Assemblyman Bill Brady, Clark County Assembly  
District No. 5  
Dr. Ray Ryan, Deputy Superintendent of Public  
Instruction, Department of Education  
Ms. Jan Wilson, Senate Bill Drafting Adviser, Legis-  
lative Counsel Bureau  
Mr. John Gamble, Past Superintendent of Public  
Instruction, Department of Education  
Mr. Robert Petroni, Clark County School District  
Ms. Shirlee Wedow, Member, State Board of Education  
Mr. Merlin Anderson, Nevada Commission on Post-  
secondary Institutional Authorization  
Mr. R. Thomas Edwards, Chairman, Nevada Commission  
on Postsecondary Institutional Authorization  
Mr. John Hawkins, School Trustees' Association

Chairman Ashworth opened the meeting and stated it was a continu-  
ation of the hearing on the package of educational bills. As  
Assemblyman Nick Horn, Clark County Assembly District No. 15,  
and Assemblyman Bill Brady, Clark County Assembly District No. 5,  
had arrived to give testimony, Chairman Ashworth opened the  
hearing on A.C.R. 6 and A.B. 128.

Assemblyman Horn stated that A.C.R. 6 and A.B. 128 were two bills  
resulting from the Pupil Achievement Subcommittee, chaired by  
Senator Richard Bryan. He stated that it was the feeling by the  
Subcommittee and, particularly Senator Bryan, that the school  
districts be urged to instruct current events classes. He stated  
that several of the school districts are currently moving in that  
direction.

Assemblyman Brady stated that A.B. 128 is designed to help school  
districts obtain excellence in the basic subject areas of reading,  
writing, mathematics, social studies and science. He said that  
the State Board would direct the Superintendent to appoint advisory  
groups to participate in developing the recommended standards.

Senator Young questioned if A.C.R. 6 would make a significant impact on the school boards. Assemblyman Horn stated that part of the impact has already occurred due to the Subcommittee's recommendations. He stated that the Senate's passage of A.C.R. 6 would indicate support, as would be the case with A.B. 128.

Assemblyman Craddock questioned if the Subcommittee noted any emphasis on giving up local autonomy and having a stronger state Department of Education. Assemblyman Horn stated that the most discussion pertained to whether or not this legislation should be a bill, making action mandatory, or if it should be a resolution; the resolution resulted. Assemblyman Craddock stated his belief, based on his experience during past subcommittee hearings, that accomplishments could be made by virtue of statewide operations through the state Department of Education as a unifying factor.

Senator Neal questioned the underlying problem that A.B. 128 seeks to correct. Mr. Brady stated that, as an employer, he finds many young people unable to adequately write and read. He stated that A.B. 128 addresses this problem by helping to achieve excellence in those specific areas mentioned. Senator Neal expressed concern as to how this would be accomplished. Chairman Ashworth questioned why the bill addresses areas other than reading, writing, and mathematics. He expressed concern that the bill may be too broad; thereby, deemphasizing the basics. Mr. Brady said he would not be adverse to limiting the bill.

Dr. Ray Ryan, Deputy Superintendent of Public Instruction, Department of Education, stated that the Department has the authority to develop courses of study and to implement a program of securing minimum standards for schools.

Senator Young questioned the need for A.B. 128. Dr. Ryan stated that there are still a number of things to be done and A.B. 128 would provide the impetus.

Dr. Ryan read the prepared statement on A.B. 128 to the committee (Exhibit "A").

Chairman Ashworth questioned what the Department would do additionally should the bill be passed. Dr. Ryan responded that it would become a priority area, under the mandate. The Chairman questioned if the addition of social studies and science would diminish the emphasis on the basics. Dr. Ryan stated that he believed it would not because the Nevada Revised Statutes give the Department the proper amount of authority. He said that A.B. 128 would help the Department to review standards although they will be reviewed regardless.

Assemblyman Craddock expressed his belief that the committee should be addressing the causal relationships rather than spelling out specific courses of instruction.

There being no further testimony, Chairman Ashworth closed the hearing on A.C.R. 6 and A.B. 128.

The hearing was reopened on A.B. 118 and S.B. 25.

Ms. Jan Wilson, Senate Bill Drafting Adviser, Legislative Counsel Bureau, and Dr. Ray Ryan, Deputy Superintendent of Public Instruction, Department of Education, continued the testimony on the two bills.

Ms. Wilson stated that Page 73 of the worksheet, NRS 392, begins the section on pupils. She said that mainly, the section deals with changing the references to the state Department over to references to the Superintendent.

On Page 74 of the worksheet, Section 152, S.B. 25, clarifies the language in the truancy law. She stated that Page 75 and Page 76 of the worksheet contain very few changes.

Under the truancy law, Senator Neal noted that the teacher has been removed from the category whereby the truancy officer can deliver a child. He questioned the reason (Page 74 of the worksheet, S.B. 25, Section 152). Mr. Gamble stated that this language was written when many schools had no school principal or officer, the teacher was the officer. He stated that all schools now have a principal or principal/teacher as the officer.

Mr. Robert Petroni, Clark County School District, expressed concern with the use of the word "arrest" for a six-year old child. He requested the verbage be, "take into custody" (Line 31) rather than "arrest." He also requested that "arresting" on Line 31 and "arrested" on Line 32 be stricken. Senator Young questioned why the word "arrest" should not be used. Mr. Petroni stated that he believed the juvenile authorities do not actually "arrest" children. Ms. Shirlee Wedow, Member, State Board of Education, said that children are not arrested for truancy, but rather the parent or guardian is guilty of the crime. Chairman Ashworth questioned if the committee had any objections to this amendment. The committee did not concur with Mr. Petroni's suggestions.

Ms. Wilson stated that there were no substantive changes, basically clarification language, through Page 82 of the worksheet and the end of the chapter on school property.

Ms. Wilson said that on Page 84 of the worksheet, S.B. 25, Section 177, is the portion of the law pertaining to immunization of children. Senator Neal questioned if S.B. 117 would conflict with this section. Ms. Wilson stated that it would but this can be adjusted. Chairman Ashworth stated that he had amendments to S.B. 117 to be reviewed after the hearing.

Ms. Wilson stated that there were some changes in A.B. 118 which do not appear in S.B. 25 on the subject of the responsibility of

the State Board versus the Superintendent in the licensing of private schools. Senator Neal stated that it appears the Superintendent has been given some additional powers. Ms. Wilson stated that the Assembly amendments to A.B. 118 moved those powers back (Page 88 of the worksheet) to the State Board. Chairman Ashworth asked the pleasure of the committee. The committee concurred with the recommendation by the Assembly.

Ms. Wilson stated that she had spoken with Mr. Frank Daykin, Legal Counsel, as to how best to proceed on these bills. Mr. Daykin suggested another bill rather than to attempt amendments to either A.B. 118 or S.B. 25.

Ms. Wilson stated that the portion of the bill that relates to postsecondary education is not found on the worksheets. She stated this section is addressed on Page 67 of S.B. 25 beginning with Section 192.

Mr. Merlin Anderson, Administrator, Nevada Commission on Postsecondary Institutional Authorization, and Mr. R. Thomas Edwards, Chairman, Nevada Commission on Postsecondary Institutional Authorization, expressed some concerns of the Commissioners. Mr. Edwards noted a shift of authority by the statutes from the Commission to the administrator. He stated that the Commissioners have no objection to that as that is practice; the problem is that there is nothing specifically that gives the Commission the control over the functions of the administrator. Mr. Edwards stated the Commission would like verbage included in the section on postsecondary education similar to that on Page 2 of S.B. 25, Section 6, beginning with Line 11. Ms. Wilson stated that the language could be inserted or the bracketed information on Page 67, Section 193, subsection 2, could remain. Senator Neal stated that he believed the power was intact under subsection 1 and 2 of Section 193. Mr. Edwards questioned if regulations supersede the statutes. Chairman Ashworth stated that he could see no problem with clarifying the language. Ms. Wilson stated that a reference to policy as well as regulations would help. Chairman Ashworth instructed Ms. Wilson to formulate language to alleviate the Commission's problem.

Mr. Anderson stated that the Commission did wish to maintain control in the granting or revocation of licenses. He stated he believed that concern had been addressed.

Ms. Wilson stated that the remainder of the bill contains no substantive changes, simply clarification of the language.

Senator Neal moved to authorize the Senate Bill Draft Office to combine A.B. 118 and S.B. 25 into a new bill incorporating the changes discussed.

Seconded by Senator Blakemore.

Discussion: Mr. John Hawkins, School Trustees' Association, stated that, for the record, the concerns expressed before the committee in the March 26, 1979 hearing were withdrawn.

Motion carried.

Yeas -- 5  
Nays -- None  
Absent -- Senator Kosinski

As to A.B. 123, Ms. Wilson questioned her course of action in redrafting the legislation. Chairman Ashworth stated that Senator Kosinski wished to speak with representatives of the Indian Commission (Senator Kosinski had been excused and left the hearing earlier). Mr. Ryan stated that he had discussed the matter with Mr. Allen of the Indian Commission who had concurred with the bill.

A.B. 123 (Exhibit "B")

Senator Neal moved to "Do Pass" A.B. 123.

Seconded by Senator Young.

Motion carried.

Yeas -- 4  
Nays -- None  
Absent -- Senators Kosinski and Blakemore

Ms. Wilson stated that the new bill combining A.B. 118 and S.B. 25, with appropriate committee recommendations, should be available by the end of the first week in April, 1979.

A.C.R. 6 (Exhibit "C")

Senator Young moved to "Indefinitely Postpone" A.C.R. 6.

Seconded by Senator Neal.

Motion carried.

Yeas -- 4  
Nays -- None  
Absent -- Senators Kosinski and Blakemore

A.B. 128 (Exhibit "D")

Senator Young moved to "Indefinitely Postpone" A.B. 128.

Seconded by Senator Kosinski.

Discussion: Chairman Ashworth suggested a letter be sent to the State Board of Education indicating committee's support for the continuation of programs relating to basic subject areas. The committee concurred.

Yeas -- 5

Nays -- None

Absent -- Senator Blakemore

S.B. 272 (Exhibit "E")

Chairman Ashworth stated that Mr. Ernest Gregory, Environmental Protection whose agency had originated the bills, testified that he did not want them. He stated that the main problem was that the federal government had not as yet solidified their guidelines.

Senator Young moved to "Indefinitely Postpone" S.B. 272.

Seconded by Senator Faiss.

Motion carried.

Yeas -- 4

Nays -- Senator Neal

Absent -- Senator Blakemore

S.B. 273 (Exhibit "F")

Senator Young moved to "Indefinitely Postpone" S.B. 273.

Seconded by Senator Blakemore.

Motion carried.

Yeas -- 5

Nays -- Senator Neal

Chairman Ashworth questioned the pleasure of the committee regarding a resolution asking that a study be made to study the issues addressed in S.B. 272 and S.B. 273. Senator Kosinski stated that he supported the idea of a resolution and felt it should also include the use of the state in the establishment of a dumping ground for uranium waste. Chairman Ashworth stated his belief that, in addition to legislators, the utilities, the industry and organizations represented during the hearing March 21, 1979, should also be included on the committee.

Senator Faiss moved that a resolution be requested to study the issues represented in S.B. 272 and S.B. 273 also addressing the issue of the use of Nevada as a dumping ground for uranium waste; the committee being composed of legislators as well as interested non-legislative entities.

Seconded by Senator Blakemore.

Motion carried.

Yeas -- 6

Nays -- None

Senator Faiss requested that the committee consider Exhibit "G" be directed to the Legislative Counsel Bureau for the purpose of obtaining a BDR on the issue. He stated that doctors are charging extremely high prices and "ripping off" senior citizens when they attempt to obtain Gerovital. He said he would like to see Gerovital as an over-the-counter sale.

Senator Faiss moved that Exhibit "G" be directed to the Legislative Counsel Bureau for the purpose of obtaining a BDR on the issue.

Seconded by Senator Young.

Motion carried.

Yeas -- 6

Nays -- None

Senator Blakemore stated that the boys' training center in Elko has reached capacity. He said the girls' training center is not operating at capacity. Under NRS 210.580, the girls' training center is not allowed to take boys into the facility. He questioned the committee's feeling on changing the statute to allow them the ability, during overcrowding situations, to allow these facilities to utilize available space.

Senator Neal moved that a bill be drafted to amend NRS 210.580 to allow the facilities the ability to utilize available space during overcrowding situations.

Seconded by Senator Blakemore.

Motion carried.

Yeas -- 6

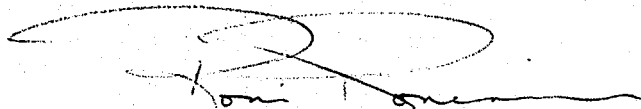
Nays -- None

As to S.B. 117, Chairman Ashworth presented amendments received from the Bill Drafter's Office. Senator Kosinski stated that it was his understanding that the provisions relating to religious beliefs would be merged with Section 17; the amendments do not accomplish this, rather they have been merged with Section 16. He said the child care facility would be mandated to take the child and it was the testimony and concurrence of the committee that they should not be mandated to take a child. Chairman Ashworth assigned Senator Kosinski to correction of the amendment. Senator Kosinski also questioned the medical personnel exemptions as being too broad, providing immunity for negligence. Chairman Ashworth stated his belief that this language had not been modified during the hearing but he would look into the matter.

Mr. Petroni stated that the amendments proposed by the school district, and agreed upon by the committee, had not been included in the amendments to S.B. 117. Chairman Ashworth directed Mr. Petroni to consult with Senator Kosinski as to the appropriate amendments.

There being no further business, Chairman Ashworth adjourned the meeting at 10:18 am.

Respectfully submitted,



Roni Ronemus  
Committee Secretary

Approved:

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Chairman  
Senator Keith Ashworth



Mr. Chairman and Committee members:

The Department of Education would like to state for the record the following in reference to A. B. 128 which is now before this Committee.

1. The Department of Education has designated members of the staff with the responsibility for developing and revising the courses of study which include the standards in the basics.

These designated individuals are staff in the Division of Curriculum and Instruction. The Division does have in its work plan the revision and update of the courses of study for this next year.

2. The Department of Education has produced as required by Nevada Revised Statutes, courses of study which include standards for the basic subject areas.
3. The existing courses of study were developed with the use of advisory groups appointed by the State Board and the Superintendent of Public Instruction.
4. The Department does make available the courses of study which include the standards to all schools, and the Department does workshops for the courses of study for all teachers and administrators when requested by the districts.

(REPRINTED WITH ADOPTED AMENDMENTS)

FIRST REPRINT

A. B. 123

## ASSEMBLY BILL NO. 123—COMMITTEE ON EDUCATION

JANUARY 18, 1979

## Referred to Committee on Education

SUMMARY—Deletes statutory references to certain special consultants in state department of education and assigns responsibilities to superintendent of public instruction. (BDR 34-84)

FISCAL NOTE: Effect on Local Government: No.  
Effect on the State or on Industrial Insurance: No.



EXPLANATION—Matter in *italics* is new; matter in brackets [ ] is material to be omitted.

AN ACT relating to public education; assigning to the superintendent of public instruction the responsibility for establishing programs and curricula to meet the special educational needs of American Indians and for coordinating efforts and developing materials and programs for environmental education; deleting statutory references to special consultants on Indian education and environmental education; and providing other matters properly relating thereto.

*The People of the State of Nevada, represented in Senate and Assembly, do enact as follows:*

- 1 SECTION 1. Chapter 389 of NRS is hereby amended by adding  
2 thereto the provisions set forth as sections 2 and 3 of this act.  
3 SEC. 2. *The superintendent of public instruction, working with the*  
4 *American Indian tribes, shall establish programs and curricula designed*  
5 *to meet the special educational needs of American Indians in this state.*  
6 SEC. 3. *The superintendent of public instruction shall:*  
7 1. *Coordinate the efforts of the various disciplines within the educa-*  
8 *tional system that are concerned with environmental education.*  
9 2. *Develop or adopt and distribute instructional materials for use in*  
10 *environmental education.*  
11 3. *Develop or adopt programs of in-service teacher training in envi-*  
12 *ronmental education.*  
13 4. *Coordinate the efforts of private organizations, local school dis-*  
14 *tricts and governmental agencies that are concerned with environmental*  
15 *education.*  
16 SEC. 4. NRS 385.465 and 388.595 are hereby repealed.

A. C. R. 6

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ASSEMBLY CONCURRENT RESOLUTION NO. 6—  
ASSEMBLYMEN HORN AND VERGIELS

FEBRUARY 5, 1979

Referred to Committee on Education

SUMMARY—Urges school districts to instruct in certain concepts as related to current events throughout world. (BDR 6)

EXPLANATION—Matter in *italics* is new; matter in brackets [ ] is material to be omitted.

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ASSEMBLY CONCURRENT RESOLUTION—Urging school districts to instruct in social, political and economic concepts as related to current events throughout the world.

- 1 WHEREAS, Events occurring throughout the world today affect, and  
2 are affected by, the policies and actions of the government of the United  
3 States of America and of its citizens; and  
4 WHEREAS, United States citizens need an awareness and understanding  
5 of current events around the world if they are to be complete and  
6 informed participants in the representative government and economic  
7 life of the country; and  
8 WHEREAS, In the State of Nevada, young people ordinarily attain the  
9 age of majority (and become eligible to vote) either during the 12th  
10 grade or shortly after graduation from high school; now, therefore, be it  
11 *Resolved by the Assembly of the State of Nevada, the Senate concur-*  
12 *ring,* That all boards of trustees of school districts in the State of Nevada  
13 are urged to instruct all pupils in social, political and economic concepts  
14 as they relate to current events throughout the world; and be it further  
15 *Resolved,* That such instruction be provided at some time during  
16 grades 9 through 12; and be it further  
17 *Resolved,* That a copy of this resolution be prepared and transmitted  
18 by the legislative counsel to the president of the board of trustees of each  
19 school district in the state and to the superintendent of public instruction.

(REPRINTED WITH ADOPTED AMENDMENTS)

FIRST REPRINT

A. B. 128

ASSEMBLY BILL NO. 128—ASSEMBLYMEN BRADY, HORN,  
TANNER AND HAYES

JANUARY 18, 1979

Referred to Committee on Education

SUMMARY—Requires development of state standards for public school curriculum in basic subject areas. (BDR 34-5)

FISCAL NOTE: Effect on Local Government: No.  
Effect on the State or on Industrial Insurance: No.

EXPLANATION—Matter in *italics* is new; matter in brackets [ ] is material to be omitted.

AN ACT relating to public schools; requiring the development of state standards for the curriculum in basic subject areas; and providing other matters properly relating thereto.

*The People of the State of Nevada, represented in Senate and Assembly, do enact as follows:*

- 1 SECTION 1. NRS 385.110 is hereby amended to read as follows:  
2 385.110. 1. The state board of education shall prescribe and cause  
3 to be enforced the courses of study for the public schools of this state,  
4 [; provided:] but:  
5 [1. That high] (a) High schools may have modified courses of  
6 study, subject to the approval of the state board of education; and  
7 [2. That any] (b) Any high school offering courses normally  
8 accredited as being beyond the level of the 12th grade shall, before  
9 offering such courses, have them approved by the state board of educa-  
10 tion.  
11 2. *The state board shall direct the superintendent of public instruc-*  
12 *tion to assign to designated members of his staff the responsibility for*  
13 *developing and revising recommended standards for the public school*  
14 *curriculum in the basic subject areas of reading, writing, mathematics,*  
15 *social studies and science. The standards shall be designed to assist*  
16 *schools districts in attaining levels of excellence for pupils in these sub-*  
17 *jects. The superintendent shall appoint advisory groups for the several*  
18 *subject areas, consisting of teachers, administrators, members of boards*  
19 *of trustees of school districts and other persons, to participate in develop-*  
20 *ing and revising the standards. He shall submit all proposed standards*  
21 *and revisions to the state board for approval.*  
22 3. *The superintendent of public instruction shall make available*  
23 *upon request to each school district copies of all recommended standards*  
24 *and revisions developed and approved pursuant to subsection 2, and shall*  
25 *periodically request each district to determine the extent of its compli-*  
26 *ance with them.*

**S. B. 272****SENATE BILL NO. 272—SENATOR JACOBSEN**

FEBRUARY 27, 1979

Referred to Committee on Natural Resources

SUMMARY—Revises laws relating to handling and disposal of solid waste. (BDR 40-473)

FISCAL NOTE: Effect on Local Government: No.  
Effect on the State or on Industrial Insurance: No.EXPLANATION—Matter in *italics* is new; matter in brackets [ ] is material to be omitted.

AN ACT relating to public health and safety; revising laws relating to the handling and disposal of solid waste; providing penalties; and providing other matters properly relating thereto.

*The People of the State of Nevada, represented in Senate and Assembly, do enact as follows:*

1 SECTION 1. Chapter 444 of NRS is hereby amended by adding  
2 thereto the provisions set forth as sections 2 to 11, inclusive, of this act.

3 SEC. 2. "*Disposal*" means the discharging, depositing, injecting,  
4 dumping, spilling, leaking or placing of any solid waste or hazardous  
5 waste into or on any land or water in such a way that the waste, or any  
6 part of it, may be emitted into the air, be discharged into any waters  
7 including ground waters, or otherwise may enter the environment.

8 SEC. 3. "*Facility for solid waste management*" includes:

9 1. Any system, or component thereof, which provides for the collec-  
10 tion, separation, processing, recycling and recovery of solid wastes and  
11 the disposal of unrecoverable waste residues.

12 2. Any facility or system for conserving resources by reduction of  
13 the amount of solid waste which is generated, by reduction of the overall  
14 consumption of resources, and by utilization of material or energy  
15 recovered from the solid waste.

16 3. Any facility for the treatment of solid waste, including hazardous  
17 waste, whether or not the facility is associated with other facilities gen-  
18 erating the waste.

19 4. Any facility for the disposal of solid waste.

20 SEC. 4. "*Hazardous waste*" means a solid waste or combination of  
21 solid wastes which because of its quantity, its concentration, or its  
22 physical, chemical or infectious characteristics may:

23 1. Cause or significantly contribute to an increase in mortality or  
24 an increase in serious irreversible illness or incapacitating illness; or

Original bill is 7 pages long.  
Contact the Research Library for  
a copy of the complete bill.

**S. B. 273****SENATE BILL NO. 273—SENATOR JACOBSEN**

FEBRUARY 27, 1979

Referred to Committee on Human Resources and Facilities

SUMMARY—Provides for control of hazardous waste. (BDR 40-472)

FISCAL NOTE: Effect on Local Government: No.  
Effect on the State or on Industrial Insurance: Contains Appropriation.EXPLANATION—Matter in *italics* is new; matter in brackets [ ] is material to be omitted.

AN ACT relating to hazardous waste; regulating facilities which generate, transport, treat, store or dispose of such waste; providing penalties; making an appropriation; and providing other matters properly relating thereto.

*The People of the State of Nevada, represented in Senate and Assembly, do enact as follows:*

1 SECTION 1. Chapter 444 of NRS is hereby amended by adding  
2 thereto the provisions set forth as sections 2 to 31, inclusive, of this act.

3 SEC. 2. *The legislature finds and declares that hazardous waste*  
4 *presents a danger to human health and the environment, which is greater*  
5 *than the danger associated with other solid waste. Therefore, it is the*  
6 *policy of this state to provide for special control of facilities which*  
7 *generate, transport, treat, store or dispose of hazardous waste.*

8 SEC. 3. *As used in sections 4 to 31, inclusive, of this act unless the*  
9 *context otherwise requires, the words and terms defined in sections 4 to*  
10 *10, inclusive, of this act have the meanings ascribed to them in those*  
11 *sections.*

12 SEC. 4. *“Commission” means the state environmental commission.*

13 SEC. 5. *“Department” means the state department of conservation*  
14 *and natural resources.*

15 SEC. 6. *“Disposal” means the discharging, depositing, injecting,*  
16 *dumping, spilling, leaking or placing of any hazardous waste into or on*  
17 *any land or water in such a way that the hazardous waste or any part*  
18 *of it may be emitted into the air or be discharged into any waters,*  
19 *including ground waters, or otherwise may enter the environment.*

20 SEC. 7. 1. *“Hazardous waste” means a solid waste or combination*  
21 *of solid wastes, which because of its quantity, its concentration, or its*  
22 *physical, chemical or infectious characteristics may:*

23 *(a) Cause or significantly contribute to an increase in mortality or an*  
24 *increase in serious irreversible illness or incapacitating reversible illness;*  
25 *or*

The People of the State of Nevada, represented in Senate and Assembly do enact as follows:

SECTION 1. NRS 454.201 is hereby amended to read as follows:

454.201 "Dangerous drug" means any drug, other than a controlled substance as defined in chapter 453 of NRS, unsafe for self-medication or unsupervised use, and includes the following:

1. Any drug which has been approved by the Food and Drug Administration for general distribution and bears the legend: "Caution: Federal law prohibits dispensing without prescription";

2. [Any substance] Amygdalin (laetrile) and procaine hydrochloride with preservatives and stabilizers (Gerovital), in injectable dosages, which has been licensed by the state board of health for manufacture in this state. [but has not been approved as a drug by the Food and Drug Administration]; or

3. Any drug which may be sold only by prescription because of regulations adopted by the board because the board has found such drugs to be dangerous to public health or safety.

SECTION 2. NRS 630.303 is hereby amended to read as follows:

630.303 A physician is not subject to disciplinary action solely for prescribing or administering to a patient under his care:

1. Amygdalin (laetrile) [or procaine hydrochloride with preservatives and stabilizers (Gerovital H3) to a patient under his care who] if such patient has consented in writing to the use of the substance.

2. Procaine hydrochloride with preservatives and stabilizers (Gerovital).

SECTION 3. NRS 633.521 is hereby amended to read as follows:

633.521 An osteopathic physician or osteopathic physician and surgeon is not subject to disciplinary action solely for prescribing or administering to a patient under his care:

1. Amygdalin (laetrile) [or procaine hydrochloride with preservatives and stabilizers (Gerovital H3) to a patient under his care who] if such patient has consented to the use of the substance.

2. Procaine hydrochloride with preservatives and stabilizers (Gerovital).

SECTION 4. Chapter 639 of NRS is hereby amended by adding thereto a new section which shall read as follows:

A pharmacist is not subject to any penalty for dispensing or selling, without a prescription, procaine hydrochloride with preservatives and stabilizers (Gerovital), in oral dosages, licensed for manufacture in this state.

SECTION 5. NRS 639.2804 shall be amended to read as follows:

639.2804

1. A prescription for the substance having the trade name "laetrile" shall be considered as an order for the substance by its generic name, amygdalin. The prescription may be filled with "laetrile" or its generic equivalent.

2. A prescription for the substance having the trade name "Gerovital [H3]" shall be considered as an order for procaine hydrochloride with preservatives and stabilizers, and the order may be filled using similar products manufactured under other trade names.

SECTION 6. NRS 585.495 shall be amended to read as follows:

585.495

1. The state board of health shall license amygdalin (laetrile) and procaine hydrochloride with preservatives and stabilizers (Gerovital [H3]) for manufacture in this state. Such licensing does not constitute a representation that either substance has any therapeutic effect.

SECTION 7. NRS 454.351 shall be amended to read as follows:

454.351

1. Any person within this state who possesses, procures or obtains, [processes, produces, derives, manufactures, sells, offers for sale, gives away or otherwise furnishes] any drug which may not be lawfully introduced into interstate commerce under the Federal Food, Drug and Cosmetic Act is guilty of a misdemeanor.

2. Any person who processes, produces, derives, manufactures, sells, offers for sale, gives away, or otherwise furnishes any drug which may not be lawfully introduced into interstate commerce under the Federal Food, Drug and Cosmetic Act is guilty of a felony.

[2]3. The provisions of this section do not apply to physicians licensed to practice in this state who have been authorized by the Food and Drug Administration to possess experimental drugs for the purpose of conducting research to evaluate the effectiveness of such drugs and who maintain complete and accurate records of the use of such drugs and submit clinical reports as required by the Food and Drug Administration.

4. The provisions of this section do not apply to any substance lawfully manufactured in this state which has been licensed by the state board of health for manufacture in this state but has not been approved as a drug by the Food and Drug Administration.



## NOTE:

This proposed bill is designed to:

1) Remove procaine hydrochloride with preservatives and stabilizers (Gerovital), in oral dosage form, from the definition as a dangerous drug and thus allow the oral dosage to be sold without a prescription. Injectable dosages would still be required to be prescribed or administered by a physician or osteopathic physician or physician and surgeon.

2) Provide increased panalties for the manufacture, sale, or furnishing of Gerovital and Laetrile which has not been licensed by the State of Nevada.