

Committee in Session at 10:17 am on Friday, May 25, 1979.

Senator Keith Ashworth in the Chair.

PRESENT: Chairman Keith Ashworth
Senator Clifton Young
Senator Rick Blakemore
Senator Wilbur Faiss
Senator Jim Kosinski

ABSENT: Senator Joe Neal

Chairman Ashworth opened the meeting with a committee discussion of A.B. 844. He stated that the bill has a fiscal impact; however, no one from the Senate or the Assembly has spoken with a member of the Board of Regents. Senator Kosinski expressed dissatisfaction that a member of the Board of Regents had not appeared to testify on the bill. Senator Young stated that he was uncertain a viable case had been presented in support of the bill. He said he would like to hold the bill pending further information. The committee concurred.

As to A.B. 541, Chairman Ashworth stated that there appeared to be a division between the members of Washoe County. He stated that he had received a call from the Mayor of Reno and the mayor indicated that Reno is in the process of developing a sewer treatment facility and they would like the opportunity to see it work. Senator Kosinski stated that if the mayor is committing to the committee that the city and county are not going to approve any more "package" sewer treatment plants, he was in agreement that the bill would not be necessary. He said that if the mayor would be willing to make that commitment, he would agree to "kill" the bill; however, he expressed doubt that the mayor would make that representation. He said that the amendments to A.B. 541 are not ready but would be in the afternoon and requested a meeting be scheduled with an invitation to the mayor to attend. The committee concurred and a meeting was scheduled for pm adjournment. Senator Young suggested a representative from the county attend and the committee concurred.

As to A.B. 519, Chairman Ashworth stated that the Assembly is not going to concur with the Senate amendments. He stated that he would like to go to a conference on the bill. He said that Mr. Robert Petroni of the Clark County School District and Ms. Joyce Woodhouse of the Nevada State Education Association have reached a compromise. He questioned if the committee would be willing to agree with the compromise. Chairman Ashworth appointed Senators Blakemore, Young and Kosinski to comprise the conference committee.

Chairman Ashworth opened the hearing on A.B. 762.

As there was no one in the audience to testify on the bill, Chairman Ashworth opened the matter to committee discussion.

Senator Young questioned if the bill was a reaction to the alleged bribery attempt. Chairman Ashworth stated that it was his understanding that a hearing was set yesterday in Assembly Ways and Means on S.B. 574 and Assemblyman Mann informed the committee of the bribery attempt. He said it was his understanding that debate was terminated, S.B. 574 was "killed" and A.B. 762 was passed from committee as an emergency measure; it subsequently passed the Assembly and was referred to the Senate.

Senator Young stated that he was never for the product and spoke against it two years ago as well as this year. He stated his opposition was based on different reasons. He stated that he had reluctance to repeal it even in light of recent occurrences. He said he would still oppose the concept of an over-the-counter sale but stated his reluctance as the individuals involved have not been proven guilty.

Senator Blakemore stated that he could not approve A.B. 762 on the basis that the bill is after the product; he questioned eliminating the product on the basis of the alleged actions on the part of the company head. He said he had received a constituent response from a man who had been bedridden for years and due to gerovital, he has been able to return to his job on a full-time basis. He said that he personally believes the product works and does no harm. He said that because of the reaction to occurrences by one or two people involved in the company is no reason to "throw the baby out with the bath water."

Senator Faiss stated that he believes the product, over the years, has proven its case. He said that he felt many people would be harmed if the bill were to pass.

Senator Kosinski stated that he had opposed the legalization of the two products during the 1977 session because he did not believe a case was made for their effectiveness. He said that as to the discussion of the over-the-counter sale, the issue was the product's safety and not its effectiveness. He said he could see no justification for treating the substance any differently than vitamins and minerals are treated. He said that as to having recent events impact today's decision, Nevada's penal statutes contain adequate sanctions for violating the law if in fact there was a violation. He stated that he believed those provisions should be relied upon and not take action that could possibly have an adverse effect on many of the users rather than the producers of the substance. He stated that he could not support the repeal of the product.

Chairman Ashworth concurred with the statements of the committee. He said that he had voted against the legalization during the last session and had voted against over-the-counter sales in committee. He stated that he was instrumental in placing the amendment on the bill as to controls but would not support eliminating the product from the prescription list. He said that many people have had the opportunity to use the product, and he made no judgement as to its

effectiveness, but said he would not be the one to deprive the people from using it. He stated his belief that should the bill be passed, it would encourage those who use it to leave the country or smuggle the product into the country.

A.B. 762 (Exhibit "A")

Senator Young moved to "Indefinitely Postpone" A.B. 762.

Seconded by Senators Blakemore and Faiss.

Motion carried.


Yeas -- 5

Nays -- None

Absent -- Senator Neal

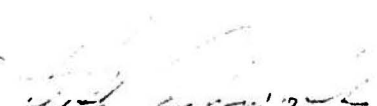
There being no further business, Chairman Ashworth adjourned the meeting at 10:05 am.

Respectfully submitted,



Roni Ronemus
Committee Secretary

Approved:



Chairman
Senator Keith Ashworth

A. B. 762

ASSEMBLY BILL NO. 762—ASSEMBLYMEN WEISE,
WAGNER, DINI AND MANN

APRIL 17, 1979

Referred to Committee on Commerce

SUMMARY—Removes provisions authorizing manufacturing, prescribing and taxing of Gerovital H3. (BDR 51-1854)

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 special drugs: removing provisions which require the licensing of Gerovital H3 for manufacture and provide for prescription and taxation of the substance; 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 585.495 is hereby amended to read as follows:
2 585.495 1. The state board of health shall license amygdalin (lae-
3 trile) [and procaine hydrochloride with preservatives and stabilizers
4 (Gerovital H3)] for manufacture in this state. [Such] *The amygdalin*
5 *(laetrile)* licensing does not constitute a representation that [either] *the*
6 *substance* has any therapeutic effect.
7 2. The commissioner shall:
8 (a) Adopt regulations which prescribe minimum standards for manu-
9 facturers in preparing, compounding, processing and packaging [each
10 substance.] *amygdalin (laetrile)*.
11 (b) Make periodic tests and inspections of both the facilities for manu-
12 facture and samples of the [substances] *substance* to ascertain the purity,
13 quality and identity of the substance and to determine that the substance
14 meets the standards prescribed pursuant to paragraph (a).
15 (c) Establish and collect fees from the licensee for the purpose of
16 paying the costs of the inspections, testing and other functions required
17 to carry out the provisions of this section.
18 (d) Before acting upon an application for a license, collect the fees
19 necessary to pay the cost of investigating the applicant. A license [shall]
20 *must* not be issued until the applicant has paid all actual costs for the
21 initial testing, inspection, investigation and hearings.
22 (e) Deposit all such fees with the state treasurer for credit to the state
23 general fund.

1 3. The commissioner may, after notice and hearing, revoke, suspend
2 or refuse to renew the license of any person who:

3 (a) Fails to maintain the standards required by paragraph (b) of
4 subsection 2.

5 (b) Violates any regulation adopted by the commissioner.

6 (c) Fails to pay any assessment prescribed in paragraph (c) or (d) of
7 subsection 2 within a reasonable time.

8 4. The attorney general shall, at the request of the commissioner seek
9 injunctive relief for any violation of the regulations adopted by the com-
10 missioner.

11 5. There is hereby imposed upon the gross receipts of a manufacturer
12 from the sale of ~~each substance~~ amygdalin (laetrile) licensed for manu-
13 facture pursuant to this section an assessment of 10 percent, payable
14 quarterly to the department of taxation. The Nevada tax commission
15 shall prescribe by regulation appropriate forms for reporting ~~such~~ the
16 gross receipts, and shall when appropriate recompute the assessment and
17 collect any deficiency in the manner provided for taxes required to be
18 paid pursuant to Title 32 of NRS. Each manufacturer shall report his
19 sales and pay the assessment during the months of January, April, July
20 and October for the respective preceding calendar quarters.

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

22 630.303 A physician is not subject to disciplinary action solely for
23 prescribing or administering amygdalin (laetrile) ~~or procaine hydro-~~
24 ~~chloride with preservatives and stabilizers (Gerovital H3)~~ to a patient
25 under his care who has consented in writing to the use of the substance.

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

27 633.521 An osteopathic physician or osteopathic physician and
28 surgeon is not subject to disciplinary action solely for prescribing or
29 administering amygdalin (laetrile) ~~or procaine hydrochloride with pre-~~
30 ~~servatives and stabilizers (Gerovital H3)~~ to a patient under his care
31 who has consented to the use of the substance.

32 SEC. 4. NRS 639.2804 is hereby amended to read as follows:

33 639.2804 ~~[1.]~~ A prescription for the substance having the trade
34 name "laetrile" shall be considered as an order for the substance by its
35 generic name, amygdalin. The prescription may be filled with "laetrile"
36 or its generic equivalent.

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