

MINUTES OF THE  
MEETING OF THE SENATE COMMITTEE  
ON HUMAN RESOURCES AND FACILITIES

SIXTY-FIRST SESSION  
NEVADA STATE LEGISLATURE  
April 30, 1981

The Senate Committee on Human Resources and Facilities was called to order by Chairman Joe Neal at 9:10 a.m., Thursday, April 30, 1981 in Room 323 of the Legislative Building, Carson City, Nevada. Exhibit A is the Meeting Agenda. Exhibit B is the Attendance Roster.

COMMITTEE MEMBERS PRESENT:

Senator Joe Neal, Chairman  
Senator James N. Kosinski, Vice Chairman  
Senator Richard E. Blakemore  
Senator Wilbur Faiss  
Senator Virgil M. Getto  
Senator James H. Bilbray

STAFF MEMBERS PRESENT:

Connie S. Richards, Committee Secretary

SENATE BILL NUMBER 412 (EXHIBIT C)

The Chairman reviewed suggested amendments made by the Division of Health Planning and Resources, Department of Human Resources. (See Exhibit D.)

Senator Blakemore moved to "Amend and Do Pass" Senate Bill No. 412.

Senator Getto seconded the motion.

Senator Kosinski said he felt problems will arise in the second year of the biennium if Senate Bill No. 412 passes in its present form. He said the possibility of a complete cut off of federal money is entirely possible. He said in that event, some alternative measure should be made. One alternative is for the state to provide all the money or a second alternative is to design a scaled down program that possibly more completely meets the needs of the state in the areas of planning, certificate of need, etc. He said he feels the bill should be given more consideration before sending it to the Finance Committee.

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Ms. Myrl Nygren, Administrator, Division of Health Planning and Resources spoke in support of the bill. She offered a list of allotments of money subject to reduction if no state agency is designated to receive same. (See Exhibit E.)

Senator Getto asked why the need for the bill is so immediate.

Ms. Nygren replied that the changes provided for within the bill must be made this legislative session or the division will not be eligible for full designation on July 1, 1981.

Senator Kosinski said there is a complex scheme in NRS to comply with federal statutes; if the federal government does not fund a program, the state must keep it going under the present statutory scheme or else facilities could not be built in the state of Nevada because the statutes state that they cannot be built without the certificate.

Mr. Frank Holzhauer, Chief, Planning Evaluation and Program Development said according to the statute, the certificate of need is issued by the director of the department and the statute states that the director may have an office of health planning and resources to assist in carrying out these functions of health planning. If he has no money, he has no office, but this does not preclude necessarily the carrying out of the certificate of need function which currently is being contracted to the bureau of health facilities.

The motion carried. (Senator Kosinski voted "No".)

ASSEMBLY BILL NUMBER 144

Mr. Bill Moell, Administrator, Vital Statistics spoke in support of Assembly Bill No. 144. He explained the bill briefly for the benefit of the committee.

The Chairman asked Mr. Moell whether he could provide the number of each type of service (birth and death certificates, record search, etc) performed by the division each year.

Mr. Moell said that he could provide that information to the committee.

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The Chairman asked to delay any committee recommendations until such a time that the statistical information is received.

ASSEMBLY BILL NUMBER 53 (EXHIBIT F)

Senator Getto moved to "Amend and Do Pass" Assembly Bill No. 53 by replacing lines 31-35, page 4, of the first reprint of the bill applying same to Schedule II drugs only.

Senator Faiss seconded the motion.

The motion carried. (Senator Blakemore voted "No".)

SENATE BILL NUMBER 423 (EXHIBIT G)

Senator Kosinski asked what is the definition of an "ultimate user".

Ms. Georganne Greene, Nevada State Board of Nursing replied that an ultimate user is the person for whom a prescription is written.

Senator Getto moved to "Amend and Do Pass" Senate Bill No. 423 with the amendments agreed upon by the State Board of Nursing and the State Board of Pharmacy. (See Exhibit H.)

Senator Blakemore seconded the motion.

The motion carried unanimously.

The Chairman asked the committee to reconsider Senate Bill No. 294 that was given an "indefinitely postpone" recommendation by the committee on March 24, 1981.

Senator Kosinski said the programs provided for within the bill are too expensive and will not attain the desired ends.

The Chairman asked the committee to consider for a committee introduction the following bill draft request:

BILL DRAFT REQUEST NUMBER 38-1809--Creates division of visual and aural services in department of human resources. (S.B. 631)

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Senator Bilbray moved to give Bill Draft Request  
No. 38-1809 a committee introduction.

Senator Getto seconded the motion.

The motion carried unanimously.

There being no further business, the meeting adjourned at  
10:00 a.m.

Respectfully submitted:

  
Connie S. Richards, Committee Secretary

APPROVED BY:

  
Senator Joe Neal, Chairman

DATE: May 4, 1981

SENATE AGENDA

COMMITTEE MEETINGS

EXHIBIT A

Committee on Human Resources and Facilities, Room 323 :

Day Thursday, Date April 30, Time 9:00 a.m.

A. B. No. 144--Makes various administrative changes in provisions regarding vital statistics.

S. B. No. 423--Amends laws relating to drugs and poisons.  
WORK SESSION.



(REPRINTED WITH ADOPTED AMENDMENTS)

FIRST REPRINT

S. B. 412

SENATE BILL NO. 412—COMMITTEE ON HUMAN  
RESOURCES AND FACILITIES

MARCH 16, 1981

Referred to Committee on Human Resources and Facilities

SUMMARY—Makes various changes to provisions on  
planning for health care. (BDR 40-789)

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

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

AN ACT relating to planning for health care; conforming certain statutes to federal law; revising certain provisions on appointments to and composition of the state health coordinating council; prohibiting members from voting if certain relationships exist; expanding the council's duties; authorizing the department of human resources to impose fees on applicants for approval of certain projects; 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 439A of NRS is hereby amended by adding  
2 thereto the provisions set forth as sections 2 to 13, inclusive, of this act.  
3 SEC. 2. "Council" means the state health coordinating council.  
4 SEC. 3. "Department" means the department of human resources.  
5 SEC. 4. "Director" means the director of the department.  
6 SEC. 5. "Direct provider of health services" means:  
7 1. Any person, including a physician, physician's assistant, dentist,  
8 nurse, podiatrist or optometrist, who holds a license issued by an agency  
9 of this state to provide health services and whose primary activity is pro-  
10 viding those services, and any other person who is employed by or works  
11 under the supervision of a physician.  
12 2. Any person whose primary occupation is the administration of a  
13 health facility or a health maintenance organization.  
14 SEC. 6. "Federal Act" means 42 U.S.C. §§ 300k to 300t, inclusive.  
15 SEC. 7. "Health facility" means a facility in which health services are  
16 provided. The term includes a:  
17 1. Facility for rehabilitation of inpatients;  
18 2. Facility for treatment of end-stage renal disease;  
19 3. Freestanding unit for hemodialysis;  
20 4. Home health agency;

- 1 5. *Hospital;*
- 2 6. *Institution for treatment of tuberculosis;*
- 3 7. *Intermediate care facility;*
- 4 8. *Psychiatric hospital;*
- 5 9. *Skilled nursing facility; or*
- 6 10. *Surgical center for ambulatory patients.*

7 SEC. 8. "Health maintenance organization" has the meaning ascribed  
8 to it in subsection 7 of NRS 695C.030.

9 SEC. 9. "Health services" means the care and observation of patients,  
10 the diagnosis of human diseases, the treatment and rehabilitation of  
11 patients, or related services. The term includes treatment of patients for  
12 alcohol or drug abuse, services related to mental health and diagnostic  
13 services performed with a computed tomographic scanner.

14 SEC. 10. "Health systems agency" means an organization in this state  
15 which has been designated as a health systems agency by the Federal  
16 Government.

17 SEC. 11. "Office of health planning and resources" means an office of  
18 health planning and resources established within the department.

19 SEC. 12. For the purposes of NRS 439A.030, a person shall be  
20 deemed to be a provider of health services if he:

21 1. *Is engaged in issuing policies or contracts of individual or group*  
22 *health insurance or hospital or medical service benefits;*

23 2. *Has a fiduciary interest, other than as a member of the governing*  
24 *body, in any entity which engages in:*

25 (a) *Research into, instruction in or provision of health services; or*

26 (b) *Production or supply of drugs or medical equipment;*

27 3. *Receives (directly or through his spouse) more than one-fifth of*  
28 *his gross annual income from any one or a combination of the following:*

29 (a) *Research into, instruction in or provision of health services;*

30 (b) *An entity engaged in research into, instruction in or provision of*  
31 *health services;*

32 (c) *Production or supply of drugs or other articles for use in research*  
33 *into, instruction in or provision of health services; or*

34 (d) *An entity engaged in the production or supply of drugs or medical*  
35 *equipment; or*

36 4. *Is a member of the immediate family of a person described in*  
37 *subsection 2 or 3, or section 5 of this act.*

38 SEC. 13. 1. *A member of the council shall not vote on any matter*  
39 *affecting an applicant if, within the previous 12 months, the member:*

40 (a) *Has been employed by or served as a fiduciary for the applicant;*

41 (b) *Has served on the applicant's medical staff;*

42 (c) *Has had a financial interest, as defined in subsection 4 of NRS*  
43 *281.431, in the applicant;*

44 (d) *Has been a creditor of the applicant; or*

45 (e) *Has been a contractor or consultant for the applicant.*

46 2. *The member shall make a written disclosure to the council of such*  
47 *a relationship or interest before the council takes any action on the mat-*  
48 *ter, and the council shall make a public disclosure of the relationship or*  
49 *interest at each meeting in which the matter is to be considered.*

50 SEC. 14. NRS 439A.010 is hereby amended to read as follows:



1 439A.010 As used in this chapter [:

2 1. "Council" means the state health coordinating council.

3 2. "Department" means the department of human resources.

4 3. "Federal Act" means 42 U.S.C. §§ 300k to 300t, inclusive.

5 4. "Health services" means services related to clinical treatment,  
6 such as diagnosis, rehabilitation, treatment of alcohol or drug abuse, serv-  
7 ices related to mental health, and the care of renal disease in its final  
8 stage.

9 5. "Health systems agency" means an organization in this state which  
10 has been designated as a health systems agency by the Federal Govern-  
11 ment.] , unless the context otherwise requires, the words and terms  
12 defined in sections 2 to 11, inclusive, of this act, have the meanings  
13 ascribed to them in those sections.

14 SEC. 15. NRS 439A.030 is hereby amended to read as follows:

15 439A.030 1. The council consists of at least 16 representatives  
16 appointed by the governor from the respective health systems agencies.

17 2. Each health systems agency is entitled to the same number of rep-  
18 resentatives, no fewer than two, on the council. Of the representatives of  
19 each health systems agency, not less than 50 nor more than 60 percent  
20 [shall] must be persons who are [consumers of health care] recipients  
21 of health services and not providers of health [care. In addition, the]  
22 services.

23 3. The governor may appoint such an additional number of persons  
24 to serve on the council as he deems appropriate, except [:] that:

25 (a) The number of additional persons appointed to the council may  
26 not exceed 40 percent of the total membership of the council; [and]

27 (b) If areas exist which have a shortage of health services, the addi-  
28 tional persons must include one or more representatives of the residents in  
29 those areas; and

30 (c) A majority of the additional persons appointed by the governor  
31 [shall be consumers of health care] must be recipients of health services  
32 who are not also providers of health [care. Not less than one-third] serv-  
33 ices.

34 4. At least one-half of the providers of health [care] services who  
35 are members of the council [shall] must be direct providers of health  
36 [care. If two] services.

37 5. If one or more hospitals or other health care facilities of the Vet-  
38 erans' Administration are located in the state, the council shall, in addi-  
39 tion to the appointed members, include as [an ex officio] a nonvoting  
40 member a person whom the Chief Medical Director of the Veterans'  
41 Administration designates as a representative of such a facility or facili-  
42 ties.

43 [2.] 6. The council shall select a chairman from among its mem-  
44 bers.

45 [3.] 7. The council shall [conduct all business meetings in public  
46 and shall] meet at least once in each calendar quarter of a year.

47 SEC. 16. NRS 439A.040 is hereby amended to read as follows:

48 439A.040 1. [After the initial terms, the term of office for each  
49 member of the council is 3 years.] A member of the council may not  
50 serve more than two consecutive terms.

1 2. Upon the expiration of the term of a representative of a health  
2 systems agency on the council or the occurrence of a vacancy in his office,  
3 the agency shall submit to the governor at least two nominees and the  
4 governor shall appoint one of those nominees as the representative's suc-  
5 cessor or replacement. No person may be appointed to alternate member-  
6 ship on the council.

7 3. Members of the council are not entitled to compensation but  
8 are entitled to reimbursement for any actual and necessary expenses  
9 incurred in connection with their duties as members of the council, at the  
10 rate prescribed by law for state officers and employees.

11 SEC. 17. NRS 439A.060 is hereby amended to read as follows:

12 439A.060 The council shall:

13 1. Prepare a state health plan, [and periodically] review it at least  
14 triennially and make any necessary revisions. The council shall conduct a  
15 public hearing on any proposed state health plan before approving it.

16 2. [Coordinate the plans of the health systems agencies and annually  
17 review and comment on these plans and the agencies' budgets.

18 3. Review applications for federal grants for which provision is made  
19 in the Federal Act and regulations adopted pursuant thereto.

20 4.] After consultation with the health systems agencies and the direc-  
21 tor or office of health planning and resources, establish a uniform format  
22 for health plans of the health systems agencies.

23 3. At least triennially, review the health plans of the health systems  
24 agencies and require such revisions to those plans as may be necessary to  
25 make them consistent with the state health plan.

26 4. Annually review the agencies' budgets and their annual plans for  
27 achieving the goals stated in their health plans.

28 5. Whenever review or recommendation is required as a condition of  
29 receiving benefits under the Federal Act, conformably review and rec-  
30 commend approval or disapproval of applications for federal grants and  
31 any plans which must be submitted with those applications.

32 6. Advise the department concerning state health planning functions.

33 SEC. 18. NRS 439A.081 is hereby amended to read as follows:

34 439A.081 1. The department shall act as the state health planning  
35 and development agency for the purposes of the Federal Act. As that  
36 state agency, the department: [shall:]

37 (a) [Carry] Shall carry out the state administrative program and per-  
38 form the state health planning and development functions prescribed in  
39 the Federal Act; [and]

40 (b) [Consult] Shall consult with and assist the council [,  
41 and may]; and

42 (c) May accept and disburse money granted by the Federal Govern-  
43 ment pursuant to the Federal Act.

44 2. The director [of the department] may establish within the depart-  
45 ment an office of health planning and resources, consisting of employees  
46 in the classified service, which shall:

47 (a) Perform health planning functions and develop health resources for  
48 the state.

49 (b) Carry out the functions of the department as the state agency under  
50 the Federal Act.

1 3. The department may:

2 (a) Adopt such regulations as are necessary to carry out the provisions  
3 of this chapter.

4 (b) *By regulation, fix fees to be collected from applicants seeking*  
5 *approval of proposed health facilities or services. The amounts of any*  
6 *such fees must be based upon the department's costs of examining and*  
7 *acting upon the applications.*

8 (c) Require providers of health [care] services doing business in the  
9 state to make statistical and other reports appropriate to the performance  
10 of its duties under this chapter. The information required to be included  
11 in the reports must be mutually agreed upon by the [office of health plan-  
12 ning and resources,] director, the health systems agencies and representa-  
13 tives of the providers of health care who are affected. *In determining*  
14 *whether there is mutual agreement the health systems agencies and rep-*  
15 *resentatives of the providers shall vote as groups, and each group and the*  
16 *director has one vote. Agreement consists of a majority among the three*  
17 *votes.*

18 SEC. 19. NRS 439A.100 is hereby amended to read as follows:

19 439A.100 1. *No person may undertake any project described in*  
20 *subsection 2 without first applying for and obtaining the written approval*  
21 *of the director. The health division of the department of human resources*  
22 *shall not issue a new license or alter an existing license for [changes in*  
23 *the number of beds or types of services offered by a hospital, ambulatory*  
24 *surgical care center, skilled nursing facility, intermediate care facility or*  
25 *home health agency without an approval in writing from] any project*  
26 *described in subsection 2 unless the director [of the department or its*  
27 *office of health planning and resources.] has issued such an approval.*

28 2. The [situations in] projects for which this approval is required  
29 [include:

30 (a) The construction, development or other establishment of a new  
31 health care facility or health maintenance organization;

32 (b) , unless exempted pursuant to regulations of the department,  
33 are as follows:

34 (a) Any proposed expenditure within a 12-month period by or on  
35 behalf of a health [care] facility or health maintenance organization in  
36 excess of \$150,000, or such an amount as the department may specify  
37 [in regulations adopted pursuant to this chapter,] by regulation, which  
38 under generally accepted accounting principles consistently applied is a  
39 capital expenditure;

40 [(c)] (b) A [change in] proposed capital expenditure which changes  
41 the number of existing beds in a [hospital, skilled nursing facility, inter-  
42 mediate care facility, end-stage renal disease treatment facility or health  
43 maintenance organization] health facility through the addition or  
44 removal of ten or more beds or a number of beds equal to 10 percent of  
45 the licensed capacity of that facility or organization, whichever is less, or  
46 the relocation from one physical facility to another or from one category  
47 of service (medical, surgical, obstetrical or psychiatric) to another of ten  
48 or more beds or a number of beds equal to 10 percent of the licensed  
49 capacity of that facility, whichever is less, over a period of 2 years; [and

1 (d) The offering of health services which are described in the stand-  
2 ard categories of medical or surgical, obstetrics, pediatrics, neonatal  
3 intensive care, critical care, psychiatric, tuberculosis, mentally retarded,  
4 children's orthopedics, rehabilitation, skilled nursing facility, skilled nurs-  
5 ing facility combined with an intermediate care facility, intermediate care  
6 facility for mental retardation, special treatment facility, outpatient and  
7 clinic services, emergency room services, prevention and detection, physi-  
8 cal medicine, vocational and disability services, outpatient surgery, diag-  
9 nostic radiology, nuclear medicine, ultra sound, laboratory services,  
10 pharmacy, social services, home health agency, drug rehabilitation, alco-  
11 hol rehabilitation, free-standing health screening centers, free-standing  
12 mental health centers, free-standing family planning clinics, dentistry,  
13 ambulance service, renal dialysis, cardiac catheterization, burn center,  
14 neurosurgery, open heart surgery, organ transplant, therapeutic radia-  
15 tion, organ bank, blood bank, hemophilia services, which were.]

16 (c) *The proposed addition of any health service to be offered in or*  
17 *through a health facility or health maintenance organization, if the addi-*  
18 *tion:*

19 (1) *Involves a capital expenditure for a service which was not offered*  
20 *on a regular basis in or through [a health care] the facility [, home*  
21 *health agency or health maintenance organization] during the previous 12*  
22 *months [before the time such services would be offered. If any health*  
23 *care facility, home health agency or health maintenance organization is*  
24 *currently providing one or more services within a standard category of*  
25 *services, the addition to that existing service within that standard category*  
26 *does not constitute a change of service requiring an approval, except that*  
27 *any]; or*

28 (2) *Would entail an annual operating expenditure in excess of*  
29 *[\$150,000, which under generally accepted accounting principles applied*  
30 *as a capital expenditure, must be reviewed. The services within each*  
31 *standard category of service may be further defined in regulations*  
32 *adopted pursuant to this chapter.] \$75,000, or such an amount as the*  
33 *department may specify by regulation;*

34 (d) *A proposed capital expenditure to be made by a health facility or*  
35 *health maintenance organization for the purpose of terminating a health*  
36 *service which was offered in or through the facility or organization;*

37 (e) *The proposed acquisition of any medical equipment which would*  
38 *cost more than \$150,000, or such an amount as the department may spec-*  
39 *ify by regulation, and which would be owned by or located at a health*  
40 *facility;*

41 (f) *The proposed acquisition of any item of medical equipment which*  
42 *would cost more than \$150,000, or such an amount as the department*  
43 *may specify by regulation, which would not be owned by or located at a*  
44 *health facility, if the owner does not, within a period specified by regula-*  
45 *tion of the department, notify it of his intention to purchase the equip-*  
46 *ment, or the department finds within 30 days after the date it receives*  
47 *such notice that the equipment will be used to provide services for inpa-*  
48 *tients of hospitals on more than an occasional basis; and*

49 (g) *The acquisition of an existing health facility if the purchaser does*

1 not, within a period specified by a regulation of the department, notify it  
2 of his intention to acquire the facility.

3 As used in this subsection, "medical equipment" includes an item of  
4 equipment to be purchased by a clinical laboratory if the laboratory is  
5 owned or controlled by a physician or hospital. If the medical equipment  
6 consists of a computed tomographic scanner, a head and a body scanner  
7 shall be deemed to provide different services and a fixed a mobile  
8 scanner shall be deemed to provide different services.

9 3. Upon [receipt of] receiving an application for [the] approval,  
10 the director or office shall consider any recommendation of a health sys-  
11 tems agency. A decision to approve or disapprove the application must  
12 generally be based on the need for services, utilizing criteria, established  
13 by the department by regulation, which are consistent with the purposes  
14 set forth in NRS 439A.020 and with the goals and priorities of the  
15 health plans developed pursuant to the Federal Act.

16 4. The department may, by regulation require additional approval for  
17 a proposed change to a project which has previously been approved if the  
18 proposal would result in a change in the number of existing beds or in  
19 their category of service as provided in paragraph (b) of subsection 2 or  
20 a change in the health services which are to be provided, a change in the  
21 location of the project or a substantial increase in the cost of the project.

22 SEC. 20. NRS 432A.190 is hereby amended to read as follows:

23 432A.190 The bureau may deny an application for a license or may  
24 suspend or revoke any license issued under the provisions of this chapter  
25 upon any of the following grounds:

26 1. Violation by the applicant or the licensee of any of the provisions  
27 of this chapter or of any other law of this state or of the standards and  
28 other regulations adopted thereunder.

29 2. Aiding, abetting or permitting the commission of any illegal act.

30 3. Conduct inimical to the public health, morals, welfare and safety  
31 of the people of the State of Nevada in the maintenance and operation of  
32 the premises for which a license is issued.

33 4. Conduct or practice detrimental to the health or safety of the  
34 occupants or employees of the facility.

35 [5. Failure of the applicant to obtain written approval from the  
36 director of the department or its office of health planning and resources,  
37 as required by NRS 439A.100, or as provided in any regulation adopted  
38 pursuant to this chapter.]

39 SEC. 21. NRS 353.335 is hereby amended to read as follows:

40 353.335 1. Except as provided in subsections 3 and 4, a state agency  
41 may accept any gift or grant of property or services from any source only  
42 if it is included in an act of the legislature authorizing expenditures of  
43 nonappropriated money or, when it is not so included, if it is approved  
44 as provided in subsection 2.

45 2. If:

46 (a) Any proposed gift or grant is necessary for the protection or  
47 preservation of life or property, the governor shall take reasonable and  
48 proper action to accept it and shall report the action, and his reasons for  
49 determining that immediate action was necessary, to the interim finance

1 committee at its first meeting after the action is taken. Action by the gov-  
2 ernor pursuant to this paragraph constitutes acceptance of the gift or  
3 grant, and other provisions of this chapter requiring approval before  
4 acceptance do not apply.

5 (b) The governor determines that any proposed gift or grant would  
6 be forfeited if the state failed to accept it before the expiration of the  
7 time period prescribed in paragraph (c), he may declare that the pro-  
8 posed acceptance requires expeditious action by the interim finance com-  
9 mittee. Whenever the governor so declares, the interim finance committee  
10 has 15 days after the proposal is submitted to its secretary within which  
11 to approve or deny the acceptance. Any proposed acceptance which is  
12 not denied within the 15-day period is approved.

13 (c) The proposed acceptance of any gift or grant which does not qual-  
14 ify under paragraph (a) or (b) must be submitted to the interim finance  
15 committee. The interim finance committee has 45 days after the proposal  
16 is submitted to its secretary within which to approve or deny the accept-  
17 ance. Any proposed acceptance which is not denied within the 45-day  
18 period is approved.

19 3. In acting upon a proposed gift or grant, the interim finance com-  
20 mittee shall consider, among other things:

21 (a) The need for the facility or service to be provided or improved;

22 (b) Any present or future commitment required of the state;

23 (c) The extent of the program proposed; and

24 (d) The condition of the national economy, and any related fiscal or  
25 monetary policies.

26 4. A state agency may accept:

27 (a) Gifts not exceeding \$10,000 each in value; and

28 (b) Government grants not exceeding \$50,000 each in value,

29 if the gifts or grants are used for purposes which do not involve the hir-  
30 ing of new employees and if the agency has the specific approval of the  
31 governor or, if the governor delegates this power of approval to the chief  
32 of the budget division of the department of administration, the specific  
33 approval of the chief.

34 5. This section does not apply to [the] :

35 (a) The Nevada industrial commission [or the] ;

36 (b) The University of Nevada System [.] ; or

37 (c) The department of human resources while acting as the state health  
38 planning and development agency pursuant to paragraph (c) of subsec-  
39 tion 1 of NRS 439A.081.

40 SEC. 22. NRS 449.160 is hereby amended to read as follows:

41 449.160 The health division may deny an application for a license or  
42 may suspend or revoke any license issued under the provisions of NRS  
43 449.001 to 449.240, inclusive, upon any of the following grounds:

44 1. Violation by the applicant or the licensee of any of the provisions  
45 of NRS 449.001 to 449.245, inclusive, or of any other law of this state  
46 or of the standards, rules and regulations promulgated thereunder.

47 2. Aiding, abetting or permitting the commission of any illegal act.

48 3. Conduct inimical to the public health, morals, welfare and safety  
49 of the people of the State of Nevada in the maintenance and operation  
50 of the premises for which a license is issued.

- 1     4. Conduct or practice detrimental to the health or safety of the  
2 occupants or employees of the facility.  
3     5. Failure of the applicant to obtain written approval from the  
4 director of the department of human resources [or its office of health  
5 planning and resources,] as required by NRS 439A.100 or as provided  
6 in any regulation adopted pursuant to this chapter.

Proposed Amendment to SB 412 (First Reprint)

Amend Section 19, page 5, line 34 by deleting:

EXHIBIT D

[within a 12-month period]

Amend Section 19, page 6, line 20 by inserting after the word "facility"  
or organization

Amend Section 19, page 7, line 2--delete the period [.]

and add:

or if the department finds within 30 days after the date it receives  
a notice that services or bed capacity of the facility will be changed  
in being acquired.

Amend Section 19, page 7, line 7 by inserting after the word "fixed"  
the word

and

4/14/81



Allotments Subject to Reduction  
if no  
State Agency Designated

EXHIBIT E

Churchill Council on Alcohol & Other Drugs		\$ 50,000
So. Nev. Health Services, Inc.		263,200
Clark County District Health Department		148,070
Economic Opportunity Board of Clark County		245,009
Operation Life Community Development Corp.		209,742
So. Nevada Planned Parenthood		45,260
University of Nevada, Las Vegas		88,768
Central Nevada Rural Health Consortium		301,911
University of Nevada, Reno		2,107,925
Department of Human Resources		4,887,214
Mental Hygiene/Mental Retardation	1,959,106	
Las Vegas Comm. Mental Health Center		
Rural Clinics		
Director's Office	29,684	
Rehabilitation Division	1,545,200	
Health Division	1,184,778	
Office of Health Planning and Resources	168,446	
Western Nevada Community College--South		5,194
Washoe County District Health Department		186,000
Greater Nevada Health Systems Agency		291,090
Inter-Tribal Council of Nevada		32,602
Northern Area Substance Abuse Council		293,800
		9,155,785
		\$ 9,155,785

(REPRINTED WITH ADOPTED AMENDMENTS)

SECOND REPRINT

**A. B. 53**

ASSEMBLY BILL NO. 53—COMMITTEE ON JUDICIARY

JANUARY 28, 1981

Referred to Committee on Judiciary

SUMMARY—Amends certain provisions relating to controlled substances and dangerous drugs. (BDR 40-245)

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; changing certain provisions relating to controlled substances, dangerous drugs and hypodermic devices; expanding the exceptions to the doctor-patient privilege; 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 453 of NRS is hereby amended by adding  
2 thereto a new section which shall read as follows:  
3 *All loss or theft of controlled substances must be reported on forms*  
4 *provided by the division to the board and division within 10 days after*  
5 *the date of discovery of the theft or loss.*  
6 SEC. 2. NRS 453.038 is hereby amended to read as follows:  
7 453.038 "Chart order" means an order entered on the chart of an  
8 inpatient in a hospital, convalescent center, skilled nursing facility, geri-  
9 atric home or other extended care facility which is licensed as such by the  
10 health division of the department or on the chart of a patient under emer-  
11 gency treatment in a hospital by a [practitioner] physician, dentist or  
12 podiatrist, or on the written or oral order of a [practitioner] physician,  
13 dentist or podiatrist authorizing the administration of a drug to the inpa-  
14 tient.  
15 SEC. 3. NRS 453.091 is hereby amended to read as follows:  
16 453.091 1. "Manufacture" means the production, preparation, prop-  
17 agation, compounding, conversion or processing of a controlled substance,  
18 either directly or indirectly by extraction from substances of natural  
19 origin, or independently by means of chemical synthesis, or by a combina-  
20 tion of extraction and chemical synthesis, and includes any packaging or  
21 repackaging of the substance or labeling or relabeling of its container.  
22 2. "Manufacture" does not include the preparation or compounding  
23 of a controlled substance by [an individual] a person for his own use or

1 the preparation, compounding, packaging or labeling of a controlled sub-  
2 stance by a [practitioner:] *physician, dentist, podiatrist or veterinarian:*

3 (a) As an incident to his administering or dispensing of a controlled  
4 substance in the course of his professional practice; or

5 (b) By his authorized agent under his supervision, for the purpose  
6 of, or as an incident to, research, teaching or chemical analysis and not  
7 for sale.

8 SEC. 4. NRS 453.128 is hereby amended to read as follows:

9 453.128 "Prescription" means:

10 1. An order given individually for the person for whom prescribed,  
11 directly from [the practitioner] *a physician, dentist, podiatrist or veteri-*  
12 *narian* to a pharmacist or indirectly by means of an order signed by the  
13 practitioner.

14 2. A chart order written for an inpatient specifying drugs which he is  
15 to take home upon his discharge.

16 SEC. 5. NRS 453.226 is hereby amended to read as follows:

17 453.226 1. Every practitioner or other person who manufactures,  
18 distributes, prescribes or dispenses any controlled substance within this  
19 state or who proposes to engage in the manufacture, distribution, pre-  
20 scribing or dispensing of any controlled substance within this state must  
21 obtain biennially a registration issued by the board in accordance with  
22 its regulations.

23 2. Persons registered by the board under the provisions of NRS  
24 453.011 to 453.551, inclusive, to manufacture, distribute, dispense, pre-  
25 scribe or conduct research with controlled substances may possess, manu-  
26 facture, distribute, dispense, prescribe or conduct research with those  
27 substances to the extent authorized by their registration and in con-  
28 formity with the other provisions of such sections.

29 3. The following persons need not register and may lawfully possess  
30 controlled substances under the provisions of NRS 453.011 to 453.551,  
31 inclusive:

32 (a) An agent or employee of any registered manufacturer, distributor  
33 or dispenser of any controlled substance if he is acting in the usual  
34 course of his business or employment;

35 (b) A common or contract carrier or warehouseman, or an employee  
36 thereof, whose possession of any controlled substance is in the usual  
37 course of business or employment;

38 (c) An ultimate user or a person in possession of any controlled sub-  
39 stance pursuant to a lawful order of a [practitioner] *physician, dentist,*  
40 *podiatrist or veterinarian* or in lawful possession of a schedule V sub-  
41 stance;

42 (d) Advanced emergency medical technicians-ambulance, physicians'  
43 assistants, public health nurses and registered nurses responsible for  
44 patients in air and ground ambulances;

45 (e) Registered nurses who hold certificates from the state board of  
46 nursing and certificates from the state board of pharmacy permitting  
47 them to possess, administer and dispense controlled substances; or

48 (f) Any other person or class of persons approved by the board pur-  
49 suant to regulation.

50 4. The board may waive the requirement for registration of certain

1 manufacturers, distributors or dispensers if it finds it consistent with the  
2 public health and safety.

3 5. A separate registration is required at each principal place of busi-  
4 ness or professional practice where the applicant manufactures, distrib-  
5 utes, prescribes or dispenses controlled substances.

6 6. The board may inspect the establishment of a registrant or appli-  
7 cant for registration in accordance with the board's regulation.

8 SEC. 6. NRS 453.231 is hereby amended to read as follows:

9 453.231 1. The board shall register an applicant to manufacture, dis-  
10 tribute, dispense or prescribe controlled substances included in NRS 453.-  
11 161, 453.171, 453.181, 453.191 and 453.201, unless it determines that  
12 the issuance of that registration would be inconsistent with the public  
13 interest.

14 2. In determining the public interest, the board shall consider the  
15 following factors:

16 (a) Maintenance of effective controls against diversion of controlled  
17 substances into other than legitimate medical, scientific or industrial  
18 channels;

19 (b) Compliance with applicable federal, state and local law;

20 (c) Any convictions of the applicant under any federal and state laws  
21 relating to any controlled substance;

22 (d) Past experience in the manufacture, distribution, dispensing and  
23 prescribing of controlled substances, and the existence in the appli-  
24 cant's establishment of effective controls against diversion;

25 (e) Furnishing by the applicant of false or fraudulent material in any  
26 application filed under the provisions of NRS 453.011 to 453.551,  
27 inclusive;

28 (f) Suspension or revocation of the applicant's federal registration to  
29 manufacture, distribute or dispense controlled substances as authorized  
30 by federal law; and

31 (g) Any other factors relevant to and consistent with the public health  
32 and safety.

33 3. Registration under subsections 1 and 2 does not entitle a registrant  
34 to manufacture, distribute, dispense or prescribe controlled substances in  
35 schedules I or II other than those specified in the registration.

36 4. [Practitioners shall] *Prescribing practitioners must* be registered  
37 to dispense any controlled substances or to conduct research with con-  
38 trolled substances in schedules II to V, inclusive, if they are authorized  
39 to dispense or conduct research under the laws of this state.

40 5. The board need not require separate registration under the provi-  
41 sions of NRS 453.011 to 453.551, inclusive, for *prescribing* practitioners  
42 engaging in research with nonnarcotic controlled substances in schedules  
43 II to V, inclusive, where the registrant is already registered under the  
44 provisions of NRS 453.011 to 453.551, inclusive, in another capacity.

45 6. [Practitioners] *Prescribing practitioners* registered under federal  
46 law to conduct research with schedule I substances may conduct research  
47 with schedule I substances within this state upon furnishing the board  
48 evidence of that federal registration.

1 7. Compliance by manufacturers, distributors, dispensers and pre-  
2 scribing practitioners with the provisions of the federal law respecting  
3 registration, excluding fees, entitles them to be registered under the pro-  
4 visions of NRS 453.011 to 453.551, inclusive.

5 SEC. 7. NRS 453.256 is hereby amended to read as follows:

6 453.256 1. Except when dispensed directly by a practitioner, other  
7 than a pharmacy, to an ultimate user, no controlled substance in schedule  
8 II may be dispensed without the written prescription of a practitioner.

9 2. In emergency situations, as defined by regulation of the board,  
10 schedule II drugs may be dispensed upon oral prescription of a practi-  
11 tioner. Within 72 hours after authorizing an emergency oral prescription,  
12 the prescribing practitioner shall cause a written prescription for the  
13 emergency quantity prescribed to be delivered to the dispensing phar-  
14 macy. Prescriptions [shall] *must* be retained in conformity with the  
15 requirements of NRS 453.246. No prescription for a schedule II sub-  
16 stance may be refilled.

17 3. Except when dispensed directly by a practitioner, other than a  
18 pharmacy, to an ultimate user, a controlled substance included in sched-  
19 ules III or IV [shall] *must* not be dispensed without a written or oral  
20 prescription of a practitioner. The prescription [shall] *must* not be filled  
21 or refilled more than 6 months after the date thereof or be refilled more  
22 than five times, unless renewed by the practitioner.

23 4. A controlled substance [included in schedule V shall] *must* not  
24 be distributed or dispensed other than for a medical purpose.

25 5. *A practitioner shall not knowingly issue a false or misleading*  
26 *prescription.*

27 6. *Any person who violates this section shall be punished by impris-*  
28 *onment in the state prison for not less than 1 year nor more than 6*  
29 *years, or by a fine of not more than \$5,000, or by both fine and imprison-*  
30 *ment.*

31 SEC. 8. NRS 453.261 is hereby amended to read as follows:

32 453.261 1. The division or the board may make administrative  
33 inspections of controlled premises in accordance with the following pro-  
34 visions:

35 (a) When authorized by an administrative inspection warrant issued  
36 pursuant to NRS 453.266 to an officer, employee or peace officer as  
37 defined in NRS 169.125, designated by the division or the board, upon  
38 presenting the warrant and appropriate credentials to the owner, oper-  
39 ator or agent in charge, may enter controlled premises for the purpose  
40 of conducting an administrative inspection.

41 (b) When authorized by an administrative inspection warrant, an offi-  
42 cer, employee or peace officer as defined in NRS 169.125, designated by  
43 the division or the board may:

44 (1) Inspect and copy records required to be kept by the provisions  
45 of NRS 453.011 to 453.551, inclusive;

46 (2) Inspect, within reasonable limits and in a reasonable manner,  
47 controlled premises and all pertinent equipment, finished and unfinished  
48 material, containers and labeling found therein, and, except as provided  
49 in subsection 3, all other things therein, including records, files, papers,

1 processes, controls and facilities bearing on violation of the provisions of  
2 NRS 453.011 to 453.551, inclusive; and

3 (3) Inventory any stock of any controlled substance therein and  
4 obtain samples thereof.

5 2. *Members and investigators of the board, inspectors of the Food  
6 and Drug Administration, agents of the Bureau, and agents of the depart-  
7 ment of law enforcement assistance are authorized to remove the origi-  
8 nal prescription for a controlled substance from the files of a pharmacy  
9 if the prescription is to be used as evidence in a contemplated criminal or  
10 civil action or administrative proceeding. The person removing the pre-  
11 scription shall:*

12 (a) *Affix the name and address of the pharmacy to the back side of the  
13 prescription;*

14 (b) *Affix his initials, and cause the pharmacist on duty to affix his  
15 initials, and note the date of the removal on the back of the prescription;*

16 (c) *Affix the name of the agency for which he is removing the prescrip-  
17 tion;*

18 (d) *Provide a receipt for the prescription to the pharmacy; and*

19 (e) *Return a photostatic copy of both sides of the prescription to the  
20 pharmacy within 5 working days after removal.*

21 3. This section does not prevent the inspection without a warrant of  
22 books and records, nor does it prevent entries and administrative inspec-  
23 tions, including seizures of property, without a warrant:

24 (a) If the owner, operator or agent in charge of the controlled prem-  
25 ises consents;

26 (b) In situations presenting imminent danger to health or safety;

27 (c) In situations involving inspection of conveyances if there is rea-  
28 sonable cause to believe that the mobility of the conveyance makes it  
29 impracticable to obtain a warrant;

30 (d) In any other exceptional or emergency circumstance where time  
31 or opportunity to apply for a warrant is lacking; or

32 (e) In all other situations in which a warrant is not constitutionally  
33 required.

34 [3.] 4. An inspection authorized by this section [shall] *must* not  
35 extend to financial data, sales data, other than shipment data or pricing  
36 data unless the owner, operator or agent in charge of the controlled  
37 premises consents in writing.

38 [4.] 5. For purposes of this section, "controlled premises" means:

39 (a) Places where persons registered or exempted from registration  
40 requirements under the provisions of NRS 453.011 to 453.551, inclu-  
41 sive, are required to keep records; [and]

42 (b) Places, including factories, warehouses, establishments and con-  
43 veyances in which persons registered or exempted from registration  
44 requirements under the provisions of NRS 453.011 to 453.551, inclu-  
45 sive, are permitted to hold, manufacture, compound, process, sell, deliver  
46 or otherwise dispose of any controlled substance [.] ; and

47 (c) *Places where immediate precursors are sold, compounded, manu-  
48 factured, processed or delivered.*

49 SEC. 9. NRS 453.331 is hereby amended to read as follows:

1 453.331 1. It is unlawful for any person knowingly or intentionally  
2 to:

3 (a) Distribute as a registrant a controlled substance classified in sched-  
4 ule I or II, except pursuant to an order form as required by NRS 453.-  
5 251 or pursuant to the provisions of NRS 453.740 to 453.810, inclusive;

6 (b) Use in the course of the manufacture or distribution of a controlled  
7 substance a registration number which is fictitious, revoked, suspended  
8 or issued to another person;

9 (c) **[Falsely assume]** *Assume falsely* the title of or represent himself  
10 as a registrant or other person authorized to possess controlled sub-  
11 stances;

12 (d) Acquire or obtain or attempt to acquire or obtain possession of a  
13 controlled substance *or a prescription for a controlled substance* by mis-  
14 representation, fraud, forgery, deception, subterfuge, or alteration;

15 (e) Furnish false or fraudulent material information in, or omit any  
16 material information from, any application, report or other document  
17 required to be kept or filed under the provisions of NRS 453.011 to  
18 453.551, inclusive, or any record required to be kept by those sections;

19 (f) Sign the name of a fictitious person or of another person on any  
20 prescription for a controlled substance or falsely make, alter, forge, utter,  
21 publish or pass, as genuine, any prescription for a controlled substance;

22 **[or]**

23 (g) Make, distribute or possess any punch, die, plate, stone or other  
24 thing designed to print, imprint or reproduce the trade-mark, trade name  
25 or other identifying mark, imprint or device of another or any likeness  
26 of any of the foregoing upon any drug or container or labeling thereof  
27 so as to render the drug a counterfeit **[substance.] substance**;

28 (h) *Possess prescription blanks which have been signed before being*  
29 *filled out; or*

30 (i) *Make a false representation to a pharmacist for the purpose of*  
31 *obtaining a controlled substance.*

32 2. Any person who violates this section shall be punished by impris-  
33 onment in the state prison for not less than 1 year nor more than 6 years,  
34 and may be further punished by a fine of not more than **[\$2,000.]**  
35 **\$5,000.**

36 SEC. 10. NRS 453.336 is hereby amended to read as follows:

37 453.336 1. It is unlawful for any person knowingly or intentionally  
38 to possess a controlled substance unless the substance was obtained  
39 directly from, or pursuant to, a valid prescription or order of a **[prac-**  
40 **itioner]** *physician, dentist, podiatrist or veterinarian* while acting in the  
41 course of his professional practice, or except as otherwise authorized by  
42 the provisions of NRS 453.011 to 453.551, inclusive.

43 2. Except as provided in subsections 3 and 4, any person who vio-  
44 lates this section shall be punished:

45 (a) For the first offense, if the controlled substance is listed in NRS  
46 453.161, 453.171, 453.181 or 453.191, by imprisonment in the state  
47 prison for not less than 1 year nor more than 6 years, and may be fur-  
48 ther punished by a fine of not more than \$5,000.

49 (b) For a second offense, if the controlled substance is listed in NRS

1 453.161, 453.171, 453.181 or 453.191, or if, in case of a first conviction of violation of this section, the offender has previously been convicted of any violation of the laws of the United States or of any state, territory or district relating to a controlled substance, the offender shall be punished by imprisonment in the state prison for not less than 1 year nor more than 10 years and may be further punished by a fine of not more than \$10,000.

8 (c) For a third or subsequent offense, if the controlled substance is listed in NRS 453.161, 453.171, 453.181 or 453.191, or if the offender has previously been convicted two or more times in the aggregate of any violation of the law of the United States or of any state, territory or district relating to a controlled substance, the offender shall be punished by imprisonment in the state prison for not less than 1 year nor more than 20 years and may be further punished by a fine of not more than \$20,000.

15 (d) For the first offense, if the controlled substance is listed in NRS 453.201, by imprisonment in the county jail for not more than 1 year, and may be further punished by a fine of not more than \$1,000.

18 (e) For a second or subsequent offense, if the controlled substance is listed in NRS 453.201, by imprisonment in the state prison for not less than 1 year nor more than 6 years, and may be further punished by a fine of not more than \$5,000.

22 3. Any person who is under 21 years of age and is convicted of the possession of less than 1 ounce of marihuana:

24 (a) For the first offense:

25 (1) Shall be punished by imprisonment in the state prison for not less than 1 year nor more than 6 years, and may be further punished by a fine of not more than \$2,000; or

28 (2) Shall be punished by imprisonment in the county jail for not more than 1 year, and may be further punished by a fine of not more than \$1,000, and may have his driver's license suspended for not more than 6 months.

32 (b) For the second offense shall be punished in the manner prescribed by subsection 2 for a first offense.

34 (c) For a third or subsequent offense, shall be punished in the manner prescribed by subsection 2 for a second offense.

36 4. Before sentencing under the provisions of subsection 3, the court shall require the parole and probation officer to submit a presentencing report on the person convicted in accordance with the provisions of NRS 176.195. After the report is received but before sentence is pronounced the court shall do the following:

41 (a) Interview the person convicted and make a determination as to the possibility of his rehabilitation; and

43 (b) Conduct a hearing at which evidence may be presented as to the possibility of rehabilitation and any other relevant information received as to whether the person convicted of the offense shall be adjudged to have committed a felony or to have committed a gross misdemeanor.

47 5. Three years after the person has been convicted and sentenced under the provisions of subsection 3, the court may order sealed all records, papers and exhibits in such person's record, minute book entries and entries on dockets, and other records relating to the case in the



1 custody of such other agencies and officials as are named in the court's  
2 order, if:

3 (a) The person fulfilled all the terms and conditions imposed by the  
4 court and by the parole and probation officer; and

5 (b) The court, after hearing, is satisfied that the rehabilitation has  
6 been attained.

7 6. Whenever any person who has not previously been convicted of  
8 any offense under the provisions of NRS 453.011 to 453.551, inclusive,  
9 or under any statute of the United States or of any state relating to nar-  
10 cotic drugs, marihuana or stimulant, depressant or hallucinogenic drugs  
11 pleads guilty to or is found guilty under this section of possession of a  
12 controlled substance not for the purpose of sale, the court, without  
13 entering a judgment of guilt and with the consent of the accused, may  
14 defer further proceedings and place him on probation upon terms and  
15 conditions.

16 7. Upon violation of a term or condition, the court may enter an  
17 adjudication of guilt and proceed as otherwise provided. Upon fulfill-  
18 ment of the terms and conditions, the court shall discharge the person  
19 and dismiss the proceedings against him.

20 8. Discharge and dismissal under this section shall be without adju-  
21 dication of guilt and is not a conviction for purposes of this section or  
22 for purposes of disqualifications or disabilities imposed by law upon  
23 conviction of a crime, including the additional penalties imposed for a  
24 second or subsequent convictions under the provisions of NRS 453.011  
25 to 453.551, inclusive.

26 9. There may be only one discharge and dismissal under this section  
27 with respect to any person.

28 SEC. 11. NRS 453.381 is hereby amended to read as follows:

29 453.381 1. Except in cases of emergency, a physician, dentist or  
30 podiatrist is prohibited from prescribing, administering or dispensing con-  
31 trolled substances listed in schedule II for himself, his spouse or children.

32 2. Each prescription for a controlled substance listed in schedule II  
33 [shall] *must* be written on a separate prescription blank.

34 3. A veterinarian, in good faith and in the course of his professional  
35 practice only, and not for use by a human being, may prescribe, admin-  
36 ister, and dispense controlled substances, and he may cause them to be  
37 administered by an assistant or orderly under his direction and supervi-  
38 sion.

39 4. Any person who has obtained from a physician, dentist, podiatrist  
40 or veterinarian any controlled substance for administration to a patient  
41 during the absence of [such] *the* physician, dentist, podiatrist or veteri-  
42 narian shall return to [such physician, dentist, podiatrist or veterinarian]  
43 *him* any unused portion of such substance when it is no longer required  
44 by the patient.

45 5. *A pharmacist shall not knowingly fill a prescription if he has rea-*  
46 *son to believe that it was not issued in good faith.*

47 SEC. 12. NRS 453.385 is hereby amended to read as follows:

48 453.385 1. A prescription must contain:

49 (a) The name and address of the practitioner;

50 (b) The classification of his license;

1 (c) His registration number from the Drug Enforcement Administra-  
2 tion;

3 (d) The name and address of the patient;

4 (e) The name and quantity of the drug or drugs prescribed;

5 (f) Directions for use; and

6 (g) The date of issue.

7 2. *A prescription for a controlled substance included in schedule II*  
8 *must be written entirely by the practitioner who issues it.*

9 3. Directions for use must be specific in that they must indicate the  
10 portion of the body to which the medication is to be applied, or, if to be  
11 taken into the body by means other than orally, the orifice or canal of  
12 the body into which the medication is to be inserted or injected.

13 SEC. 13. NRS 453.391 is hereby amended to read as follows:

14 453.391 No person may:

15 1. Unlawfully take a controlled substance or a prescription for a  
16 controlled substance from a manufacturer, wholesaler, pharmacist, phy-  
17 sician, dentist, veterinarian or any other person authorized to administer,  
18 dispense or possess controlled substances.

19 2. While undergoing treatment and being supplied with any controlled  
20 substance or a prescription for any controlled substance from one  
21 [physician,] practitioner, knowingly obtain any controlled substance or a  
22 prescription for a controlled substance from another [physician] practi-  
23 tioner without disclosing this fact to the second [physician.] practitioner.

24 SEC. 14. NRS 453.431 is hereby amended to read as follows:

25 453.431 [No pharmacist shall] 1. A pharmacist shall not know-  
26 ingly fill or refill any prescription for a controlled substance for use by  
27 any person other than [the one] the person for whom the prescription  
28 was originally issued.

29 2. A person shall not furnish a false name or address while attempt-  
30 ing to obtain a controlled substance or a prescription for a controlled  
31 substance. Any person prescribing, administering or dispensing a con-  
32 trolled substance may request proper identification from a person  
33 requesting controlled substances.

34 3. A pharmacist shall not fill a prescription for a controlled sub-  
35 stance if the prescription shows evidence of alteration, erasure or addition,  
36 unless he obtains approval of the practitioner who issued the prescription.

37 4. A pharmacist shall not fill a prescription for a controlled sub-  
38 stance classified in schedule II unless it is tendered on or before the  
39 14th day after the date of issue.

40 5. Any person who violates this section shall be punished by impris-  
41 onment in the state prison for not less than 1 year nor more than 6 years,  
42 or by a fine of not more than \$5,000, or by both fine and imprisonment.

43 SEC. 15. NRS 453.451 is hereby amended to read as follows:

44 453.451 1. Any prescription for a controlled substance, regardless of  
45 the authorization to refill given by the prescribing practitioner, must not  
46 be refilled more than five times or for a period of more than 6 months,  
47 whichever occurs first.

48 2. If no authorization to refill is given by the prescribing practitioner,  
49 or if the prescription is refillable and has been refilled for the number of

1 times or for the period of time set forth in subsection 1, the original pre-  
2 scription must be voided and a new prescription obtained and placed on  
3 the prescription file.

4 3. This section does not apply to any person determined to be a  
5 narcotic addict who is receiving treatment at a rehabilitation clinic by  
6 the health division of the department or a hospital certified by the  
7 department.

8 SEC. 16. NRS 453.461 is hereby amended to read as follows:

9 453.461 Except as provided in NRS 453.451, a prescription which  
10 bears specific authorization to refill, given by the *prescribing* practitioner  
11 at the time he issued the original prescription, may be refilled in the  
12 pharmacy in which it was originally filled, for the number of times  
13 authorized or over the period of time authorized, but only in keeping with  
14 the number of doses ordered and the directions for use; but in no case  
15 may the prescription be refilled after 6 months have elapsed from the date  
16 it was originally filled.

17 SEC. 17. NRS 453.515 is hereby amended to read as follows:

18 453.515 1. No pharmacy may deliver a controlled substance requir-  
19 ing a prescription for a specific patient to a hospital, convalescent center,  
20 skilled nursing facility, geriatric home or other extended care facility  
21 which is licensed as such by the health division of the department which  
22 does not have a pharmacy on the premises except pursuant to a prescrip-  
23 tion given:

24 (a) Directly from the *prescribing* practitioner to a pharmacist;

25 (b) Indirectly by means of an order signed by the *prescribing* practi-  
26 tioner; or

27 (c) By an oral order transmitted by an agent of the *prescribing* practi-  
28 tioner.

29 2. If an oral order for entry on a chart is given by a *prescribing*  
30 practitioner the chart order must be signed by the practitioner who  
31 authorized the administration of the drug within 48 hours after receipt of  
32 the instructions by a licensed nurse.

33 SEC. 18. NRS 454.311 is hereby amended to read as follows:

34 454.311 1. Every person, [who signs the name of another, or of a  
35 fictitious person, or falsely makes, alters, forges, utters, publishes or  
36 passes, as genuine, any prescription for a dangerous drug is guilty of a  
37 felony.] *other than a peace officer or inspector of the board in the per-*  
38 *formance of official duty, who knowingly or intentionally acquires or*  
39 *attempts to acquire or obtains possession of a dangerous drug or a pre-*  
40 *scription for a dangerous drug by misrepresentation, fraud, forgery,*  
41 *deception, subterfuge or alteration shall be punished by imprisonment in*  
42 *the state prison for not less than 1 year nor more than 6 years, and may*  
43 *be further punished by a fine of not more than \$5,000.*

44 2. Any person who knowingly has in his possession any false, ficti-  
45 tious, forged or altered prescription for a dangerous drug is guilty of a  
46 gross misdemeanor.

47 3. Every person who knowingly obtains or has in his possession or  
48 under his control any dangerous drug secured as a result of any forged,  
49 false, fictitious *forged* or altered prescription is guilty of a gross mis-  
50 demeanor.

1 4. Any person who knowingly fills a prescription which is not genu-  
2 ine shall be punished by imprisonment in the state prison for not less than  
3 1 year nor more than 6 years, or by a fine of not more than \$5,000, or  
4 by both fine and imprisonment.

5 SEC. 19. NRS 454.530 is hereby amended to read as follows:

6 454.530 Any person who obtains possession of any hypodermic  
7 device by a [false or] fraudulent representation, a forged or fictitious  
8 name, or in violation of the provisions of NRS 454.470 to 454.530,  
9 inclusive, is guilty of a gross misdemeanor.

10 SEC. 20. NRS 49.245 is hereby amended to read as follows:

11 49.245 There is no privilege under NRS 49.225 or 49.235:

12 1. For communications relevant to an issue in proceedings to hos-  
13 pitalize the patient for mental illness, if the doctor in the course of  
14 diagnosis or treatment has determined that the patient is in need of  
15 hospitalization.

16 2. As to communications made in the course of a court-ordered  
17 examination of the condition of a patient with respect to the particular  
18 purpose of the examination unless the court orders otherwise.

19 3. As to communications relevant to an issue of the condition of  
20 the patient in any proceeding in which the condition is an element of a  
21 claim or defense.

22 4. In a prosecution or mandamus proceeding under chapter 441 of  
23 NRS.

24 5. As to any information communicated to a physician in an effort  
25 unlawfully to procure a dangerous drug or controlled substance, or  
26 unlawfully to procure the administration of any such drug or substance.

27 6. In a hearing before a screening panel under chapter 41A of NRS.

28 7. As to any communication placed in health care records which are  
29 furnished in accordance with the provisions of NRS 629.061.

30 8. *As to records that are required by chapter 453 of NRS to be*  
31 *maintained.*

32 SEC. 21. NRS 639.2813 is hereby amended to read as follows:

33 639.2813 1. [It] *Except as provided in NRS 453.331, it is unlaw-*  
34 *ful for any person falsely to represent himself as a practitioner entitled*  
35 *to write prescriptions in this state, or the agent of such a person, for the*  
36 *purpose of transmitting to a pharmacist an order for a prescription.*

37 2. *It is unlawful for the agent of a practitioner entitled to write*  
38 *prescriptions in this state willfully to transmit to a pharmacist an order*  
39 *for a prescription if the agent is not authorized by the practitioner to*  
40 *transmit such order.*

41 SEC. 22. NRS 453.531 is hereby repealed.

**S. B. 423**

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**SENATE BILL NO. 423—COMMITTEE ON  
COMMERCE AND LABOR**

**MARCH 17, 1981**

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**Referred to Committee on Human Resources and Facilities**

**SUMMARY—Amends laws relating to drugs and poisons. (BDR 40-856)**

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

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

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**AN ACT relating to drugs and poisons; defining words and terms; regulating the administration, dispensing and prescribing of controlled substances and dangerous drugs; revising schedules of controlled substances; pertaining to the issuance, contents and refilling of prescriptions for controlled substances and dangerous drugs; relating to poison control centers; exempting the possession, production, manufacture and sale of certain substances from criminal penalties; repealing certain NRS sections; 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 453.041 is hereby amended to read as follows:**  
2     453.041 "Controlled substance" means a drug, substance or imme-  
3     diate precursor [in NRS 453.161 to 453.206,] *listed in schedules I to V,*  
4     *inclusive.*  
5     **SEC. 2. NRS 453.146 is hereby amended to read as follows:**  
6     453.146 1. The board shall administer the provisions of NRS 453.-  
7     011 to 453.551, inclusive, and may add substances to or delete or  
8     reschedule all substances enumerated in [the schedules in NRS 453.161,  
9     453.171, 453.181, 453.191, and 453.201] *schedules I, II, III, IV and V*  
10    by regulation.  
11    2. In making a determination regarding a substance, the board shall  
12    consider the following:  
13    (a) The actual or relative potential for abuse;  
14    (b) The scientific evidence of its pharmacological effect, if known;  
15    (c) The state of current scientific knowledge regarding the substance;  
16    (d) The history and current pattern of abuse;  
17    (e) The scope, duration and significance of abuse;  
18    (f) The risk to the public health;  
19    (g) The potential of the substance to produce psychic or physiolog-  
20    ical dependence liability; and

1 (h) Whether the substance is an immediate precursor of a substance  
2 already controlled under the provisions of NRS 453.011 to 453.551,  
3 inclusive.

4 3. After considering the factors enumerated in subsection 2 the  
5 board shall make findings with respect thereto and issue a regulation  
6 controlling the substance if it finds the substance has a potential for  
7 abuse.

8 4. If the board designates a substance as an immediate precursor,  
9 substances which are precursors of the controlled precursor [shall not  
10 be] are not subject to control solely because they are precursors of the  
11 controlled precursor.

12 5. If any substance is designated, rescheduled or deleted as a con-  
13 trolled substance under federal law and notice thereof is given to the  
14 board, the board shall similarly control the substance under the pro-  
15 visions of NRS 453.011 to 453.551, inclusive, after the expiration of  
16 60 days from publication in the Federal Register of a final order designat-  
17 ing a substance as a controlled substance or rescheduling or deleting a  
18 substance, unless within that 60-day period the board objects to inclu-  
19 sion, rescheduling or deletion. In that case, the board shall publish the  
20 reasons for objection and afford all interested parties an opportunity to be  
21 heard. At the conclusion of the hearing, the board shall publish its  
22 decision, which is final unless altered by statute. Upon publication of  
23 objection to inclusion, rescheduling, or deletion under the provisions of  
24 NRS 453.011 to 453.551, inclusive, by the board, control under such  
25 sections is stayed until the board publishes its decision.

26 6. Authority to control under this section does not extend to dis-  
27 tilled spirits, wine, malt beverages or tobacco.

28 7. The board shall not include any nonnarcotic substance on any  
29 such schedule if [such] that substance has been approved by the Food  
30 and Drug Administration for sale over the counter without a prescrip-  
31 tion.

32 SEC. 3. NRS 453.216 is hereby amended to read as follows:

33 453.216 The controlled substances listed or to be listed in [the  
34 schedules in NRS 453.161, 453.171, 453.181, 453.191 and 453.201,]  
35 schedules I, II, III, IV or V are included by whatever official, common,  
36 usual, chemical or trade name designated.

37 SEC. 4. NRS 453.221 is hereby amended to read as follows:

38 453.221 The board may adopt regulations and charge reasonable  
39 fees relating to the registration and control of the manufacture, distribu-  
40 tion, possession, administering, prescribing and dispensing of controlled  
41 substances within this state.

42 SEC. 5. NRS 453.226 is hereby amended to read as follows:

43 453.226 1. Every practitioner or other person who manufactures,  
44 distributes, possesses, administers, prescribes or dispenses any controlled  
45 substance within this state or who proposes to engage in the manufacture,  
46 distribution, possession, administering, prescribing or dispensing of any  
47 controlled substance within this state must obtain biennially a registration  
48 issued by the board in accordance with its regulations.

49 2. Persons registered by the board under the provisions of NRS  
50 453.011 to 453.551, inclusive, to manufacture, distribute, possess,

1 *administer*, dispense, prescribe or conduct research with controlled sub-  
2 stances may possess, manufacture, distribute, *administer*, dispense, pre-  
3 scribe or conduct research with those substances to the extent authorized  
4 by their registration and in conformity with the other provisions of such  
5 sections.

6 3. The following persons need not register and may lawfully possess  
7 controlled substances under the provisions of NRS 453.011 to 453.551,  
8 inclusive:

9 (a) An agent or employee of any registered manufacturer, distributor  
10 or dispenser of any controlled substance if he is acting in the usual  
11 course of his business or employment;

12 (b) A common or contract carrier or warehouseman, or an employee  
13 thereof, whose possession of any controlled substance is in the usual  
14 course of business or employment;

15 (c) An ultimate user or a person in possession of any controlled sub-  
16 stance pursuant to a lawful order of a practitioner or in lawful possession  
17 of a schedule V substance;

18 (d) Advanced emergency medical technicians-ambulance, physicians'  
19 assistants, public health nurses and registered nurses responsible for  
20 patients in air and ground ambulances; or

21 (e) Registered nurses who hold certificates from the state board of  
22 nursing and certificates from the state board of pharmacy permitting  
23 them to possess, administer and dispense controlled substances. [; or

24 (f) Any other person or class of persons approved by the board pur-  
25 suant to regulation.]

26 4. The board may waive the requirement for registration of certain  
27 manufacturers, distributors or dispensers if it finds it consistent with  
28 the public health and safety.

29 5. A separate registration is required at each principal place of busi-  
30 ness or professional practice where the applicant manufactures, dis-  
31 tributes, *possesses*, *administers*, prescribes or dispenses controlled sub-  
32 stances.

33 6. The board may inspect the establishment of a registrant or appli-  
34 cant for registration in accordance with the board's regulation.

35 SEC. 6. NRS 453.231 is hereby amended to read as follows:

36 453.231 1. The board shall register an applicant to manufacture,  
37 distribute, *possess*, *administer*, dispense or prescribe controlled substances  
38 included in [NRS 453.161, 453.171, 453.181, 453.191 and 453.201,]  
39 *schedules I to V, inclusive*, unless it determines that the issuance of that  
40 registration would be inconsistent with the public interest.

41 2. In determining the public interest, the board shall consider the  
42 following factors:

43 (a) Maintenance of effective controls against diversion of controlled  
44 substances into other than legitimate medical, scientific or industrial  
45 channels;

46 (b) Compliance with applicable federal, state and local law;

47 (c) Any convictions of the applicant under any federal and state  
48 laws relating to any controlled substance;

49 (d) Past experience in the manufacture, distribution, *possession*,  
50 *administering*, dispensing and prescribing of controlled substances, and

1 the existence in the applicant's establishment of effective controls  
2 against diversion;

3 (e) Furnishing by the applicant of false or fraudulent material in any  
4 application filed under the provisions of NRS 453.011 to 453.551, inclu-  
5 sive.

6 (f) Suspension or revocation of the applicant's federal registration  
7 to manufacture, distribute, *possess*, *administer* or dispense controlled sub-  
8 stances as authorized by federal law; and

9 (g) Any other factors relevant to and consistent with the public health  
10 and safety.

11 3. Registration under subsections 1 and 2 does not entitle a registrant  
12 to manufacture, distribute, *possess*, *administer*, dispense or prescribe  
13 controlled substances in schedules I or II other than those specified in  
14 the registration.

15 4. Practitioners [shall] *must* be registered to dispense any controlled  
16 substances or to conduct research with controlled substances in schedules  
17 II to V, inclusive, if they are authorized to dispense or conduct research  
18 under the laws of this state.

19 5. The board need not require separate registration under the pro-  
20 visions of NRS 453.011 to 453.551, inclusive, for practitioners engaging  
21 in research with nonnarcotic controlled substances in schedules II to V,  
22 inclusive, where the registrant is already registered under the provisions  
23 of NRS 453.011 to 453.551, inclusive, in another capacity.

24 6. Practitioners registered under federal law to conduct research  
25 with schedule I substances may conduct research with schedule I sub-  
26 stances within this state upon furnishing the board evidence of that fed-  
27 eral registration.

28 7. Compliance by manufacturers, distributors, dispensers and pre-  
29 scribing practitioners with the provisions of the federal law respecting  
30 registration, excluding fees, entitles them to be registered under the pro-  
31 visions of NRS 453.011 to 453.551, inclusive.

32 SEC. 7. NRS 453.232 is hereby amended to read as follows:

33 453.232 Any person who manufactures, distributes, *possesses*,  
34 *administers*, prescribes or dispenses a controlled substance without being  
35 registered by the board if required by NRS 453.231 shall be punished  
36 by imprisonment in the state prison for not less than 1 year nor more  
37 than 6 years, and may be further punished by a fine of not more than  
38 \$2,000.

39 SEC. 8. NRS 453.236 is hereby amended to read as follows:

40 453.236 1. A registration under NRS 453.231 to manufacture, dis-  
41 tribute, *possess*, *administer*, dispense or prescribe a controlled substance  
42 may be suspended or revoked by the board upon a finding that the  
43 registrant has:

44 (a) Furnished false or fraudulent material information in any applica-  
45 tion filed under the provisions of NRS 453.011 to 453.551, inclusive;

46 (b) Been convicted of a violation of any state or federal law relating  
47 to any controlled substance or of any felony, or had his registration or  
48 license to manufacture, distribute, *possess*, *administer*, dispense or pre-  
49 scribe controlled substances revoked in any state;



1 (c) Had his federal registration suspended or revoked to manufacture,  
2 distribute, *possess, administer*, dispense or prescribe controlled sub-  
3 stances;

4 (d) Surrendered or failed to renew his federal registration;

5 (e) Ceased to be entitled under state law to manufacture, distribute,  
6 *possess, administer*, dispense or prescribe a controlled substance;

7 (f) Failed to maintain effective controls against diversion of controlled  
8 substances into other than legitimate medical, scientific or individual  
9 channels;

10 (g) Failed to keep complete and accurate records of controlled sub-  
11 stances purchased, administered or dispensed independent of the indivi-  
12 dual patient's chart or medical record; or

13 (h) Failed to comply with any provision of this chapter or any of the  
14 statutes of the United States, federal regulations, other statutes of the  
15 State of Nevada or regulations of the board relating to controlled sub-  
16 stances or dangerous drugs.

17 2. A registrant, whose default has been entered or who has been  
18 heard by the board and found guilty of the violations alleged in the  
19 accusation, may be disciplined by the board by one or more of the  
20 following methods:

21 (a) Suspending judgment;

22 (b) Placing the registrant on probation, subject to such terms and  
23 conditions as the board deems appropriate;

24 (c) Suspending the right of a registrant to use a registration or any  
25 schedule thereof;

26 (d) Revoking the registration or any schedule thereof;

27 (e) Public or private reprimand; or

28 (f) Imposition of a fine not to exceed \$1,000 for each count of the  
29 accusation.

30 Such action by the board is final, except that the propriety of such  
31 action is subject to review upon questions of law by a court of competent  
32 jurisdiction.

33 3. If the board suspends or revokes a registration, all controlled sub-  
34 stances owned or possessed by the registrant at the time of suspension  
35 or the effective date of the revocation order may be placed under seal. No  
36 disposition may be made of substances under seal until the time for taking  
37 an appeal has elapsed or until all appeals have been concluded unless a  
38 court, upon application therefor, orders the sale of perishable substances  
39 and the deposit of the proceeds of the sale with the court. Upon a revoca-  
40 tion order's becoming final, all controlled substances may be forfeited  
41 to the state.

42 4. The board shall promptly notify the bureau and division of all  
43 orders suspending or revoking registration and the division shall promptly  
44 notify the bureau and the board of all forfeitures of controlled sub-  
45 stances.

46 5. A registrant shall not employ as his agent or employee in any  
47 premises where controlled substances are sold, dispensed, stored or  
48 held for sale any person whose pharmacist's certificate has been sus-  
49 pended or revoked.

50 SEC. 9. NRS 453.321 is hereby amended to read as follows:

1 453.321 1. Except as authorized by the provisions of NRS 453.011  
2 to 453.551, inclusive, it is unlawful for any person to import, transport,  
3 manufacture, compound, sell, exchange, barter, supply, prescribe, dis-  
4 pense, give away or administer a controlled or counterfeit substance or  
5 to offer or attempt to do any such act.

6 2. If any person violates subsection 1 and the controlled substance  
7 is classified in [NRS 453.161 or 453.171,] *schedule I or II*, he shall be  
8 punished:

9 (a) For the first offense, by imprisonment in the state prison for life  
10 or for a definite term of not less than 1 year nor more than 20 years  
11 and may be further punished by a fine of not more than \$20,000.

12 (b) For a second offense, or if, in the case of a first conviction under  
13 this subsection, the offender has previously been convicted of an offense  
14 under this section or of any offense under the laws of the United States  
15 or any state, territory or district which, if committed in this state, would  
16 amount to an offense under this section, by imprisonment in the state  
17 prison for life or for a definite term of not less than 5 years nor more than  
18 20 years and may be further punished by a fine of not more than  
19 \$20,000.

20 (c) For a third or subsequent offense, or if the offender has previously  
21 been convicted two or more times under this section or of any offense  
22 under the laws of the United States or any state, territory or district  
23 which, if committed in this state, would amount to an offense under this  
24 section, by imprisonment in the state prison for life or for a definite term  
25 of not less than 15 years and may be further punished by a fine of not  
26 more than \$20,000 for each offense.

27 3. The court shall not grant probation to or suspend the sentence of  
28 any person convicted under subsection 2 and punishable pursuant to  
29 paragraph (b) or (c) of subsection 2.

30 4. If any person violates subsection 1, and the controlled substance  
31 is classified in [NRS 453.181, 453.191 or 453.201,] *schedule III, IV or*  
32 *V*, he shall be punished:

33 (a) For the first offense, by imprisonment in the state prison for life  
34 or for a definite term of not less than 1 year nor more than 10 years and  
35 may be further punished by a fine or not more than \$10,000.

36 (b) For a second offense, or if, in the case of a first conviction of  
37 violating this subsection, the offender has previously been convicted of  
38 violating this section or of any offense under the laws of the United  
39 States or any state, territory or district which, if committed in this state,  
40 would amount to a violation of this section, by imprisonment in the state  
41 prison for life or for a definite term of not less than 2 years nor more  
42 than 15 years and may be further punished by a fine of not more than  
43 \$15,000.

44 (c) For a third or subsequent offense, or if the offender has previously  
45 been convicted two or more times of violating this section or of any  
46 offense under the laws of the United States or any state, territory or  
47 district which, if committed in this state, would amount to a violation of  
48 this section by imprisonment in the state prison for life or for a definite  
49 period of not less than 5 years nor more than 20 years and may be further  
50 punished by a fine of not more than \$20,000 for each offense.

1 5. The court shall not grant probation to or suspend the sentence of  
2 any person convicted under subsection 4 and punishable pursuant to  
3 paragraph (b) or (c) of subsection 4.

4 SEC. 10. NRS 453.323 is hereby amended to read as follows:

5 453.323 1. Any person who offers, agrees or arranges unlawfully  
6 to sell, supply, transport, deliver, give or administer any controlled sub-  
7 stance classified in [NRS 453.161 or 453.171] *schedule I or II* and then  
8 sells, supplies, transports, delivers, gives or administers any other sub-  
9 stance in place of such controlled substance shall be punished by impris-  
10 onment in the county jail for not more than 1 year or in the state prison  
11 for not less than 1 year nor more than 10 years and may be further  
12 punished by a fine of not more than \$10,000 for each offense.

13 2. The court shall not grant probation to or suspend the sentence of  
14 any person convicted of violating subsection 1 if he has previously been  
15 convicted of any felony offense under the Uniform Controlled Substances  
16 Act or of any offense under the laws of the United States or any state,  
17 territory or district which, if committed in this state, would amount to a  
18 felony under the Uniform Controlled Substances Act.

19 3. Any person who offers, agrees or arranges unlawfully to sell,  
20 supply, transport, deliver, give or administer any controlled substance  
21 classified in [NRS 453.181, 453.191 or 453.201] *schedule III, IV or V*  
22 and then sells, supplies, transports, delivers, gives or administers any  
23 other substance in place of such controlled substance shall be punished  
24 by imprisonment in the county jail for not more than 1 year or in the  
25 state prison for not less than 1 year nor more than 6 years and may be  
26 further punished by a fine of not more than \$5,000 for each offense.

27 SEC. 11. NRS 453.336 is hereby amended to read as follows:

28 453.336 1. It is unlawful for any person knowingly or intentionally  
29 to possess a controlled substance unless the substance was obtained  
30 directly from, or pursuant to, a valid prescription or order of a practi-  
31 tioner while acting in the course of his professional practice, or except  
32 as otherwise authorized by the provisions of NRS 453.011 to 453.551,  
33 inclusive.

34 2. Except as provided in subsections 3 and 4, any person who  
35 violates this section shall be punished:

36 (a) For the first offense, if the controlled substances is listed in [NRS  
37 453.161, 453.171, 453.181 or 453.191,] *schedule I, II, III or IV*, by  
38 imprisonment in the state prison for not less than 1 year nor more than  
39 6 years, and may be further punished by a fine of not more than \$5,000.

40 (b) For a second offense, if the controlled substance is listed in [NRS  
41 453.161, 453.171, 453.181 or 453.191,] *schedule I, II, III or IV*, or if,  
42 in the case of a first conviction of violation of this section, the offender  
43 has previously been convicted of any violation of the laws of the United  
44 States or of any state, territory or district relating to a controlled sub-  
45 stance, the offender shall be punished by imprisonment in the state prison  
46 for not less than 1 year nor more than 10 years and may be further  
47 punished by a fine of not more than \$10,000.

48 (c) For a third or subsequent offense, if the controlled substance is  
49 listed in [NRS 453.161, 453.171, 453.181 or 453.191,] *schedule I, II,*  
50 *III or IV*, or if the offender has previously been convicted two or more

1 times in the aggregate of any violation of the law of the United States or  
 2 of any state, territory or district relating to a controlled substance, the  
 3 offender shall be punished by imprisonment in the state prison for not  
 4 less than 1 year nor more than 20 years and may be further punished  
 5 by a fine of not more than \$20,000.

6 (d) For the first offense, if the controlled substance is listed in [NRS  
 7 453.201,] *schedule V*, by imprisonment in the county jail for not more  
 8 than 1 year, and may be further punished by a fine of not more than  
 9 \$1,000.

10 (e) For a second or subsequent offense, if the controlled substance is  
 11 listed in [NRS 453.201,] *schedule V*, by imprisonment in the state  
 12 prison for not less than 1 year nor more than 6 years, and may be  
 13 further punished by a fine of not more than \$5,000.

14 3. Any person who is under 21 years of age and is convicted of the  
 15 possession of less than 1 ounce of marihuana:

16 (a) For the first offense:

17 (1) Shall be punished by imprisonment in the state prison for not  
 18 less than 1 year nor more than 6 years, and may be further punished by  
 19 a fine of not more than \$2,000; or

20 (2) Shall be punished by imprisonment in the county jail for not  
 21 more than 1 year, and may be further punished by a fine of not more than  
 22 \$1,000, and may have his driver's license suspended for not more than  
 23 6 months.

24 (b) For the second offense shall be punished in the manner prescribed  
 25 by subsection 2 for a first offense.

26 (c) For a third or subsequent offense, shall be punished in the manner  
 27 prescribed by subsection 2 for a second offense.

28 4. Before sentencing under the provisions of subsection 3, the court  
 29 shall require the parole and probation officer to submit a presentencing  
 30 report on the person convicted in accordance with the provisions of  
 31 NRS 176.195. After the report is received but before sentence is  
 32 pronounced the court shall do the following:

33 (a) Interview the person convicted and make a determination as to the  
 34 possibility of his rehabilitation; and

35 (b) Conduct a hearing at which evidence may be presented as to the  
 36 possibility of rehabilitation and any other relevant information received  
 37 as to whether the person convicted of the offense shall be adjudged to  
 38 have committed a felony or to have committed a gross misdemeanor.

39 5. Three years after the person has been convicted and sentenced  
 40 under the provisions of subsection 3, the court may order sealed all  
 41 records, papers and exhibits in such person's record, minute book entries  
 42 and entries on dockets, and other records relating to the case in the  
 43 custody of such other agencies and officials as are named in the court's  
 44 order, if:

45 (a) The person fulfilled all the terms and conditions imposed by the  
 46 court and by the parole and probation officer; and

47 (b) The court, after hearing, is satisfied that the rehabilitation has  
 48 been attained.

49 6. Whenever any person who has not previously been convicted of  
 50 any offense under the provisions of NRS 453.011 to 453.551, inclusive,

1 or under any statute of the United States or of any state relating to  
2 narcotic drugs, marihuana or stimulant, depressant or hallucinogenic  
3 drugs pleads guilty to or is found guilty under this section of possession  
4 of a controlled substance not for the purpose of sale, the court, without  
5 entering a judgment of guilt and with the consent of the accused, may  
6 defer further proceedings and place him on probation upon terms and  
7 conditions.

8 7. Upon violation of a term or condition, the court may enter an  
9 adjudication of guilt and proceed as otherwise provided. Upon fulfillment  
10 of the terms and conditions, the court shall discharge the person and  
11 dismiss the proceedings against him.

12 8. Discharge and dismissal under this section shall be without adjudi-  
13 cation of guilt and is not a conviction for purposes of this section or  
14 for purposes of disqualifications or disabilities imposed by law upon  
15 conviction of a crime, including the additional penalties imposed for a  
16 second or subsequent convictions under the provisions of NRS 453.011  
17 to 453.551, inclusive.

18 9. There may be only one discharge and dismissal under this section  
19 with respect to any person.

20 SEC. 12. NRS 453.337 is hereby amended to read as follows:

21 453.337 1. Except as authorized by the provisions of NRS 453.011  
22 to 453.551, inclusive, it is unlawful for any person to possess for the  
23 purpose of sale any controlled substance classified in [NRS 453.161  
24 or 453.171.] *schedule I or II.*

25 2. Any person who violates this section shall be punished:

26 (a) For the first offense, by imprisonment in the state prison for not  
27 less than 1 year nor more than 15 years and may be further punished  
28 by a fine of not more than \$5,000.

29 (b) For a second offense, or if, in the case of a first conviction of  
30 violating this section, the offender has previously been convicted of a  
31 felony under the Uniform Controlled Substances Act or of an offense  
32 under the laws of the United States or any state, territory or district  
33 which, if committed in this state, would amount to a felony under the  
34 Uniform Controlled Substances Act, by imprisonment in the state prison  
35 for not less than 5 years nor more than 15 years and may be further pun-  
36 ished by a fine of not more than \$10,000.

37 (c) For a third or subsequent offense, or if the offender has previously  
38 been convicted two or more times of a felony under the Uniform Con-  
39 trolled Substances Act or of any offense under the laws of the United  
40 States or any state, territory or district which, if committed in this state,  
41 would amount to a felony under the Uniform Controlled Substances Act,  
42 by imprisonment in the state prison for not less than 15 years and may  
43 be further punished by a fine of not more than \$20,000 for each  
44 offense.

45 3. The court shall not grant probation to or suspend the sentence of  
46 any person convicted of violating this section and punishable pursuant  
47 to paragraph (b) or (c) of subsection 2.

48 SEC. 13. NRS 453.338 is hereby amended to read as follows:

49 453.338 1. Except as authorized by the provisions of NRS 453.011

1 to 453.551, inclusive, it is unlawful for any person to possess for the  
2 purpose of sale any controlled substance classified in [NRS 453.181,  
3 453.191 or 453.201.] *schedule III, IV or V.*

4 2. Any person who violates this section shall be punished:

5 (a) For the first offense, by imprisonment in the state prison for not  
6 less than 1 year nor more than 6 years and may be further punished by  
7 a fine of not more than \$5,000.

8 (b) For a second offense, or if, in the case of a first conviction of  
9 violating this section, the offender has previously been convicted of a  
10 felony under the Uniform Controlled Substances Act or of any offense  
11 under the laws of the United States or any state, territory or district  
12 which, if committed in this state, would amount to a felony under the  
13 Uniform Controlled Substances Act, by imprisonment in the state prison  
14 for not less than 1 year nor more than 10 years and may be further  
15 punished by a fine of not more than \$10,000.

16 (c) For a third or subsequent offense, or if the offender has been  
17 previously convicted two or more times of a felony under the Uniform  
18 Controlled Substances Act or of any offense under the laws of the United  
19 States or any state, territory or district which, if committed in this state,  
20 would amount to a felony under the Uniform Controlled Substances Act,  
21 by imprisonment in the state prison for life or for a definite term of not  
22 less than 2 years nor more than 10 years and may be further punished  
23 by a fine of not more than \$10,000 for each offense.

24 3. The court shall not grant probation to or suspend the sentence of  
25 any person convicted of violating this section and punishable under para-  
26 graph (b) or (c) of subsection 2.

27 SEC. 14. NRS 453.371 is hereby amended to read as follows:

28 453.371 As used in NRS 453.371 to 453.531, inclusive [, "physi-  
29 cian,"]:

30 1. *"Medical intern" means a medical graduate acting as an assistant*  
31 *in a hospital for the purpose of clinical training.*

32 2. *"Physician," "dentist," "podiatrist," "veterinarian" and "pharma-*  
33 *cist" mean persons authorized by a currently valid license to practice*  
34 *their respective professions in this state [.] who are registered pursuant*  
35 *to this chapter.*

36 SEC. 15. NRS 453.375 is hereby amended to read as follows:

37 453.375 A controlled substance may be administered by:

38 1. A practitioner.

39 2. A registered nurse licensed to practice professional nursing or  
40 licensed practical nurse, at the direction of a physician, or pursuant to a  
41 chart order of individual doses:

42 (a) From an original container which has been furnished as floor or  
43 ward stock;

44 (b) From a container dispensed by a registered pharmacist pursuant  
45 to a prescription; or

46 (c) Furnished by a practitioner.

47 3. A physician's assistant at the direction of a physician.

48 4. An advanced emergency medical technician-ambulance, at the  
49 direction of a physician or registered nurse as provided in NRS 450B.197.

50 5. A respiratory therapist, at the direction of a physician.

1 6. A medical student or student nurse in the course of his studies  
2 at an approved college of medicine or school of professional or practical  
3 nursing, at the direction of a physician and:

4 (a) In the presence of a physician or a registered nurse; or

5 (b) Under the supervision of a physician or a registered nurse if the  
6 student is authorized by the college or school to administer the substance  
7 outside the presence of a physician or nurse.

8 A medical student or student nurse may administer a controlled sub-  
9 stance in the presence or under the supervision of a registered nurse alone  
10 only if the circumstances are such that the registered nurse would be  
11 authorized to administer its personally.

12 7. [An] A medical intern in the course of his internship.

13 8. A registered nurse who holds a certificate from the state board of  
14 nursing and a certificate from the state board of pharmacy permitting him  
15 to administer controlled substances.

16 [9. Any other person or class of persons approved by the board pur-  
17 suant to regulation.]

18 SEC. 16. NRS 453.377 is hereby amended to read as follows:

19 453.377 A controlled substance may be dispensed by:

20 1. A registered pharmacist upon the legal prescription from a practi-  
21 tioner.

22 2. A practitioner, or a physician's assistant [,] if authorized by the  
23 board.

24 3. A registered nurse, when the nurse is engaged in the performance  
25 of any public health program approved by the board.

26 4. [An] A medical intern in the course of his internship.

27 5. [An] A registered nurse who holds a certificate from the state  
28 board of nursing and a certificate from the state board of pharmacy  
29 permitting him to dispense controlled substances.

30 SEC. 17. NRS 453.381 is hereby amended to read as follows:

31 453.381 1. [Except in cases of emergency, a physician, dentist or  
32 podiatrist is prohibited from prescribing, administering or dispensing con-  
33 trolled substances listed in schedule II for himself, his spouse or children.

34 2. Each prescription for a controlled substance listed in schedule II  
35 shall be written on a separate prescription blank.

36 3.] A prescription for a controlled substance to be effective must be  
37 issued in good faith for a legitimate medical purpose by an individual  
38 physician, dentist or podiatrist acting in the usual course of his profes-  
39 sional practice.

40 2. A veterinarian, in good faith and in the usual course of his pro-  
41 fessional practice only, and not for use by a human being, may prescribe,  
42 possess, administer [,] and dispense controlled substances, and he may  
43 cause them to be administered by an assistant or orderly under his  
44 direction and supervision.

45 [4.] 3. Any person who has obtained from a physician, dentist,  
46 podiatrist or veterinarian any controlled substance for administration to  
47 a patient during the absence of such physician, dentist, podiatrist or  
48 veterinarian shall return to such physician, dentist, podiatrist or veteri-  
49 narian any unused portion of such substance when it is no longer  
50 required by the patient.

1 4. *Except in cases of emergency, a physician, dentist or podiatrist is*  
2 *prohibited from prescribing, administering or dispensing controlled sub-*  
3 *stances listed in schedule II for himself, his spouse or children.*

4 SEC. 18. NRS 453.385 is hereby amended to read as follows:

5 453.385 1. *Each prescription for a controlled substance must be*  
6 *written on a separate prescription blank.*

7 2. A prescription must contain:

8 (a) The name [and address of the practitioner;] *of the practitioner,*  
9 *and his address if not immediately available to the pharmacist;*

10 (b) The classification of his license;

11 (c) His registration number from the Drug Enforcement Administra-  
12 tion;

13 (d) The name [and address of the patient;] *of the patient, and his*  
14 *address if not immediately available to the pharmacist;*

15 (e) The name, *strength* and quantity of the drug or drugs prescribed;

16 (f) Directions for use; and

17 (g) The date of issue.

18 [2.] 3. Directions for use must be specific in that they must indicate  
19 the portion of the body to which the medication is to be applied, or, if  
20 to be taken into the body by means other than orally, the orifice or canal  
21 of the body into which the medication is to be inserted or injected.

22 SEC. 19. NRS 453.411 is hereby amended to read as follows:

23 453.411 1. It is unlawful for any person knowingly to use or be  
24 under the influence of a controlled substance except in accordance with  
25 a prescription issued to such person by a physician, podiatrist or dentist.

26 2. It is unlawful for any person knowingly to use or be under the  
27 influence of a controlled substance except when administered to such  
28 person at a rehabilitation clinic established or licensed by the health divi-  
29 sion of the department of human resources, or a hospital certified by the  
30 department.

31 3. Any person who violates this section shall be punished:

32 (a) If the controlled substance is listed in [NRS 453.161, 453.171,  
33 453.181 or 453.191,] *schedule I, II, III, or IV,* by imprisonment in the  
34 state prison for not less than 1 year nor more than 6 years, and may be  
35 further punished by a fine of not more than \$5,000.

36 (b) If the controlled substance is listed in [NRS 453.201,] *schedule*  
37 *V,* by imprisonment in the county jail for not more than 1 year, and  
38 may be further punished by a fine of not more than \$1,000.

39 SEC. 20. NRS 453.461 is hereby amended to read as follows:

40 453.461 Except as provided in NRS 453.451, a prescription which  
41 bears specific authorization to refill, given by the practitioner at the time  
42 he issued the original prescription, may be refilled in the pharmacy in  
43 which it was originally filled, for the number of times authorized or over  
44 the period of time authorized, but only in keeping with the number of  
45 doses ordered and the directions for use; but in no case may the pre-  
46 scription be refilled after 6 months have elapsed from the date it was  
47 originally [filled.] *issued.*

48 SEC. 21. NRS 453.471 is hereby amended to read as follows:

49 453.471 Except as provided in NRS 453.451, a prescription which  
50 bears authorization, permitting the pharmacist to refill the prescription



1 as needed by the patient, may be refilled in keeping with the number of  
2 doses ordered and the directions for use within 6 months from the date  
3 it was originally [filled.] issued.

4 SEC. 22. Chapter 454 of NRS is hereby amended by adding thereto  
5 a new section which shall read as follows:

6 "Medical intern" means a medical graduate acting as an assistant in  
7 a hospital for the purpose of clinical training.

8 SEC. 23. NRS 454.130 is hereby amended to read as follows:

9 454.130 [Printed notice of all additions to the schedule of poisons  
10 set forth in NRS 454.010 to 454.170, inclusive, and the antidote adopted  
11 by the board for such poisons shall be given to all registered pharmacists  
12 with the next following renewal of their certificates.] Each pharmacy  
13 must have available for the information of the public the telephone num-  
14 ber of the closest poison control center.

15 SEC. 24. NRS 454.181 is hereby amended to read as follows:

16 454.181 Definitions of words and terms in NRS 454.191, 454.201,  
17 [and] 454.211 and section 22 of this act apply only to NRS 454.181 to  
18 454.371, inclusive.

19 SEC. 25. NRS 454.213 is hereby amended to read as follows:

20 454.213 A drug or medicine referred to in NRS 454.181 to 454.371,  
21 inclusive, may be administered by:

22 1. A practitioner.

23 2. A registered nurse licensed to practice professional nursing or  
24 licensed practical nurse, at the direction of a physician, or pursuant to  
25 a chart order of individual doses:

26 (a) From an original container which has been furnished as floor or  
27 ward stock;

28 (b) From a container dispensed by a registered pharmacist pursuant  
29 to a prescription; or

30 (c) Furnished by a practitioner.

31 3. A physician's assistant at the direction of a physician.

32 4. An advanced emergency medical technician-ambulance, at the  
33 direction of a physician or registered nurse as provided in NRS 450B.197.

34 5. A respiratory therapist, at the direction of a physician.

35 6. A medical student or student nurse in the course of his studies  
36 at an approved college of medicine or school of professional or practical  
37 nursing, at the direction of a physician and:

38 (a) In the presence of a physician or a registered nurse; or

39 (b) Under the supervision of a physician or a registered nurse if the  
40 student is authorized by the college or school to administer the drug or  
41 medicine outside the presence of a physician or nurse.

42 A medical student or student nurse may administer a dangerous drug in  
43 the presence or under the supervision of a registered nurse alone only  
44 if the circumstances are such that the registered nurse would be author-  
45 ized to administer it personally.

46 7. [An] A medical intern in the course of internship.

47 8. A registered nurse who holds a certificate from the state board  
48 of nursing and a certificate from the state board of pharmacy permitting  
49 him to administer dangerous drugs.

1 **[9. Any other person or class of persons approved by the board**  
2 **pursuant to regulation.]**

3 **SEC. 26. NRS 454.215 is hereby amended to read as follows:**

4 **454.215 A dangerous drug may be dispensed by:**

5 1. A registered pharmacist upon the legal prescription from a practi-  
6 tioner.

7 2. A practitioner, or a physician's assistant **[.]** if authorized by the  
8 board.

9 3. A registered nurse, when the nurse is engaged in the performance  
10 of any public health program approved by the board.

11 4. **[An]** A medical intern in the course of his internship.

12 5. A registered nurse who holds a certificate from the state board of  
13 nursing and a certificate from the state board of pharmacy permitting  
14 him to dispense dangerous drugs.

15 **SEC. 27. NRS 454.221 is hereby amended to read as follows:**

16 **454.221 1. Any person who furnishes any dangerous drug except**  
17 **upon the prescription of a practitioner is guilty of a gross misdemeanor,**  
18 **unless the dangerous drug was obtained originally by a legal prescription.**

19 2. The provisions of this section do not apply to the furnishing of  
20 any dangerous drug by:

21 (a) A practitioner **[or a physician's assistant if authorized by the**  
22 **board]** to his own patients as provided in NRS 454.301;

23 (b) *A physician's assistant if authorized by the board;*

24 (c) A registered nurse while participating in a public health program  
25 approved by the board, or a registered nurse who holds a certificate  
26 from the state board of nursing and a certificate from the state board of  
27 pharmacy permitting him to possess and administer or dispense dangerous  
28 drugs; or

29 **[(c)]** (d) A manufacturer or wholesaler or pharmacy to each other  
30 or to a practitioner or to a laboratory under sales and purchase records  
31 that correctly give the date, the names and addresses of the supplier and  
32 the buyer, the drug and its quantity.

33 **SEC. 28. NRS 454.223 is hereby amended to read as follows:**

34 **454.223 1. Each prescription for a dangerous drug must be written**  
35 **on a separate prescription blank.**

36 2. A prescription must contain:

37 (a) The name **[and address of the practitioner;]** *of the practitioner,*  
38 *and his address if not immediately available to the pharmacist;*

39 (b) The classification of his license;

40 (c) **[His registration number from the Drug Enforcement Administra-**  
41 **tion;**

42 (d) The name and address of the patient;

43 (e) **]** *The name of the patient, and his address if not immediately*  
44 *available to the pharmacist;*

45 (d) The name, strength and quantity of the drug or drugs prescribed;

46 **[(f)]** (e) Directions for use; and

47 **[(g)]** (f) The date of issue.

48 **[2.]** 3. Directions for use must be specific in that they must indicate  
49 the portion of the body to which the medication is to be applied, or, if to

1 be taken into the body by means other than orally, the orifice or canal of  
2 the body into which the medication is to be inserted or injected.

3 SEC. 29. NRS 454.286 is hereby amended to read as follows:

4 454.286 1. Every retail pharmacy, hospital, laboratory, wholesaler,  
5 manufacturer, or any practitioner who engages in the practice of dispens-  
6 ing or furnishing drugs to patients shall maintain a complete and accurate  
7 record of all dangerous drugs purchased and those sold on prescription,  
8 dispensed, furnished or disposed of otherwise.

9 2. Such records must be retained for a period of [2] 5 years and  
10 are open to inspection by members, inspectors or investigators of the  
11 board or inspectors of the Food and Drug Administration. No special  
12 form of record is required if an accurate accountability can be furnished  
13 within a reasonable time after a demand by a person authorized to  
14 inspect such records.

15 3. Invoices showing all purchases of dangerous drugs constitute a  
16 complete record of all dangerous drugs received.

17 4. For the purpose of this section, the prescription files of a pharm-  
18 acy constitute a record of the disposition of all dangerous drugs.

19 SEC. 30. NRS 454.291 is hereby amended to read as follows:

20 454.291 1. All stock and records of purchase and disposition of  
21 any dangerous drug of a manufacturer, wholesaler, pharmacy, practi-  
22 tioner, hospital, laboratory or a nonprofit cooperative agriculture orga-  
23 nization which supplies and distributes drugs and medicines only to its  
24 members are at all times, during business hours, open to inspection by  
25 agents, assistants, members and inspectors of the board, inspectors of  
26 the Food and Drug Administration, and agents and commissioners  
27 appointed under chapter 585 of NRS for the enforcement of the Nevada  
28 Food, Drug and Cosmetic Act. Such records must be preserved for at  
29 least [2] 5 years from the date of making.

30 2. Any person who fails, neglects or refuses to maintain such records  
31 or who, when called upon by an authorized officer to produce such  
32 records, fails, neglects or refuses to produce such records, or who will-  
33 fully produces or furnishes records which are false, is guilty of a mis-  
34 demeanor.

35 SEC. 31. NRS 454.301 is hereby amended to read as follows:

36 454.301 1. [The provisions of NRS 454.181 to 454.371, inclusive,  
37 do not apply to a] A practitioner who dispenses drugs and who personally  
38 furnishes his own patients with such drugs as are necessary in the treat-  
39 ment of the condition for which he attends such patient [, if:] *may do*  
40 *so without writing a prescription if:*

41 (a) He keeps accurate records, as required by NRS 454.286, of all  
42 drugs so furnished;

43 (b) The drugs so furnished are clearly labeled with the date, the name  
44 and address of the furnisher, the name of the patient, the directions for  
45 use, *the strength* and the expiration date of the effectiveness of the drug,  
46 if such information is required on the original label of the manufacturer  
47 of such drug; and

48 (c) Such drugs are not dispensed or furnished by a nurse or attendant.

49 2. A veterinarian may furnish multiple doses of drugs, necessary  
50 for the treatment of large animals, to ranchers or dealers in livestock

1 for use solely in the treatment of livestock on the premises of such  
2 rancher or dealer, and when furnishing such drugs the veterinarian is  
3 not required to comply with the provisions of subsection 1.

4 SEC. 32. NRS 454.351 is hereby amended to read as follows:

5 454.351 1. Any person within this state who possesses, procures,  
6 obtains, processes, produces, derives, manufactures, sells, offers for sale,  
7 gives away or otherwise furnishes any drug which may not be lawfully  
8 introduced into interstate commerce under the Federal Food, Drug and  
9 Cosmetic Act is guilty of a misdemeanor.

10 2. The provisions of this section do not apply [to] :

11 (a) To physicians licensed to practice in this state who have been  
12 authorized by the Food and Drug Administration to possess experimental  
13 drugs for the purpose of conducting research to evaluate the effectiveness  
14 of such drugs and who maintain complete and accurate records of the  
15 use of such drugs and submit clinical reports as required by the Food  
16 and Drug Administration.

17 (b) To any substance which has been licensed by the state board of  
18 health for manufacture in this state but has not been approved as a drug  
19 by the Food and Drug Administration.

20 SEC. 33. NRS 454.490 is hereby amended to read as follows:

21 454.490 1. All sales of hypodermic devices sold without prescrip-  
22 tion must at the time of sale be recorded by the person making the sale.  
23 The record must show the date, the name and address of the purchaser,  
24 the size, type and quantity of devices sold, the name or initials of the  
25 person making the sale and the purpose for which the device is to be  
26 used. It is the responsibility of the seller to ascertain, to his satisfaction,  
27 that the device is to be legitimately used for the purpose stated by the  
28 purchaser. The record must be retained for [3] 5 years from the date  
29 of the last entry thereon and must be open to inspection by authorized  
30 officers of the law acting in their official capacity.

31 2. The recording of sales required by this section does not apply to  
32 the sale of hypodermic devices by manufacturers, wholesalers, phar-  
33 macies or persons holding retail hypodermic permits, not otherwise  
34 limited, when such sales are made to other manufacturers, wholesalers  
35 or pharmacies, or to practitioners, hospitals, registered nurses or other  
36 holders of permits.

37 3. The provisions of subsections 1 and 2 do not apply to a physician,  
38 dentist or veterinarian when furnishing a hypodermic device to a patient  
39 for use in the treatment of the patient.

40 SEC. 34. NRS 453.161, 453.171, 453.181, 453.191, 453.201, 453.-  
41 491, 454.120, 454.140 and 454.256 are hereby repealed.

42 SEC. 35. NRS 639.0055 is hereby amended to read as follows:

43 639.0055 "Controlled [substances]" substance means a drug, sub-  
44 stance or immediate precursor [enumerated in NRS 453.161 to 453.206,  
45 inclusive.] controlled pursuant to chapter 453 of NRS.

46 SEC. 36. NRS 639.286 is hereby amended to read as follows:

47 639.286 Regulations officially adopted by the board under the  
48 powers granted by NRS 454.110 [, 454.120] and 639.073 as [such]  
49 those regulations apply to the restricted sale of drugs and the sale or  
50 labeling of poisons apply to all persons alike and [shall] have the force

1 and effect of law. Violation of [such] those regulations is [punishable  
2 as] a misdemeanor.

3     SEC. 37. Unless and until removed therefrom by regulation of the  
4 state board of pharmacy, every substance listed in schedules I to V,  
5 inclusive, which appear correspondingly in former NRS 453.161, 453.-  
6 171, 453.181, 453.191 or 453.201 shall be deemed to have been placed  
7 there by legislative rather than administrative action.

8     SEC. 38. This act shall become effective upon passage and approval  
9 for the purpose of authorizing the adoption of any appropriate regula-  
10 tions by the state board of pharmacy, and for all other purposes on July  
11 1, 1981.

Same ~~text~~

PROPOSED AMENDMENT TO S.B. 423 EXHIBIT H

Delete page 10, line 37 to page 11, line 17 and insert:

453.375 A controlled substance may be possessed and administered by:

1. A practitioner if he is registered by the board.
2. A physician's assistant at the direction of his supervising physician if the physician's assistant is registered by the board.
3. A registered nurse who holds a certificate from the state board of nursing and a certificate from the state board of pharmacy permitting him to administer controlled substances.

4. The following may possess and administer controlled substances without being registered with the board pursuant to NRS 453.226:

(a) A registered nurse licensed to practice professional nursing or licensed practical nurse, at the direction of a physician, or pursuant to a chart order of individual doses:

(i) From an original container which has been furnished as floor or ward stock;

(ii) From a container dispensed by a registered pharmacist pursuant to a prescription; or

(iii) Furnished by a practitioner.

(b) An advanced emergency medical technician-ambulance, at the direction of a physician or registered nurse as provided in NRS 450B.197.

(c) A respiratory therapist, at the direction of a physician.

(d) A medical student or student nurse in the course of his studies at an approved college of medicine or school of professional or practical nursing, at the direction of a physician and:

(i) In the presence of a physician or a registered nurse; or

(ii) Under the supervision of a physician or a registered nurse if the student is authorized by the college or school to administer the substance outside the presence of a physician or nurse.

A medical student or student nurse may administer a controlled substance in the presence or under the supervision of a registered nurse alone only if the circumstances are such that the registered nurse would be authorized to administer its personally.

(e) A medical intern in the course of his internship.

(f) An ultimate user as defined in NRS 453.141

EXHIBIT H

453.226 1. Unless exempted by Subsection 3 hereof, or 453.375, every practitioner or other person who manufactures, distributes, possesses, administers, prescribes or dispenses any controlled substance within this state or who proposes to engage in the manufacture, distribution, possession, administering, prescribing or dispensing of any controlled substance within this state must obtain biennially a registration issued by the board in accordance with its regulations.

*new*

EXHIBIT H

PROPOSED AMENDMENT TO S.B. 423

Page 16, Line 19

In addition to "by the Food and Drug Administration." please add:

This subsection shall not be construed to permit introduction of any such substance into interstate commerce.