

Amendment No. 424

Senate Amendment to Senate Bill No. 35	(BDR 40-423)
<b>Proposed by:</b> Senate Committee on Judiciary	
<b>Amends:</b> Summary: Yes Title: Yes Preamble: No Joint Sponsorship: No Digest: Yes	

ASSEMBLY ACTION			Initial and Date	SENATE ACTION			Initial and Date		
Adopted	<input type="checkbox"/>	Lost	<input type="checkbox"/>	_____	Adopted	<input type="checkbox"/>	Lost	<input type="checkbox"/>	_____
Concurred In	<input type="checkbox"/>	Not	<input type="checkbox"/>	_____	Concurred In	<input type="checkbox"/>	Not	<input type="checkbox"/>	_____
Receded	<input type="checkbox"/>	Not	<input type="checkbox"/>	_____	Receded	<input type="checkbox"/>	Not	<input type="checkbox"/>	_____

EXPLANATION: Matter in (1) *blue bold italics* is new language in the original bill; (2) variations of green bold underlining is language proposed to be added in this amendment; (3) ~~red strikethrough~~ is deleted language in the original bill; (4) ~~purple double strikethrough~~ is language proposed to be deleted in this amendment; (5) orange double underlining is deleted language in the original bill proposed to be retained in this amendment.

SJQ/BAW



Date: 4/21/2023

S.B. No. 35—Establishes the crimes of low-level trafficking in fentanyl, mid-level trafficking in fentanyl and high-level trafficking in fentanyl.  
(BDR 40-423)





SENATE BILL NO. 35—COMMITTEE ON  
HEALTH AND HUMAN SERVICES

(ON BEHALF OF THE ATTORNEY GENERAL)

PREFILED NOVEMBER 16, 2022

Referred to Committee on Health and Human Services

SUMMARY—~~Establishes the crimes of low-level trafficking in fentanyl, mid-level trafficking in fentanyl and high-level trafficking in fentanyl.~~ Revises provisions relating to controlled substances. (BDR 40-423)

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

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EXPLANATION – Matter in *bolded italics* is new; matter between brackets ~~omitted material~~ is material to be omitted.

AN ACT relating to controlled substances; establishing the crimes of ~~low-level trafficking in fentanyl,~~ mid-level ~~trafficking in fentanyl~~ and high-level trafficking in illicitly manufactured fentanyl, any derivative of fentanyl and any mixture which contains fentanyl or any derivative of fentanyl; requiring, to the extent that money is available, the establishment of certain programs to provide certain offenders or prisoners who have a substance use disorder with medication-assisted treatment; providing penalties; and providing other matters properly relating thereto.

**Legislative Counsel’s Digest:**

Existing law provides that a person who knowingly or intentionally sells, manufactures, delivers or brings into this State or is knowingly or intentionally in actual or constructive possession of a schedule I controlled substance, other than marijuana, a schedule II controlled substance or certain other controlled substances is guilty of: (1) low-level trafficking if the quantity of the controlled substance is 100 grams or more but less than 400 grams; and (2) high-level trafficking if the quantity of the controlled substance is 400 grams or more. A person who commits the crime of: (1) low-level trafficking is guilty of a category B felony and subject to certain prescribed penalties; and (2) high-level trafficking is guilty of a category A felony and subject to certain prescribed penalties. (NRS 453.3385)

Existing regulations of the State Board of Pharmacy include fentanyl in the list of controlled substances in schedule II ~~and various derivatives of fentanyl in the list of controlled substances in schedule I.~~ (NAC 453.510, as amended by LCB File No. R023-21, NAC 453.520) Section 8 of this bill excludes illicitly manufactured fentanyl, any derivative of fentanyl and any mixture which contains fentanyl or any derivative of fentanyl from the controlled substances ~~in schedule II~~ for which the provisions governing the crimes of low-level trafficking and high-level trafficking apply. Section 1 of this bill instead establishes the crimes of ~~low-level trafficking in fentanyl,~~ mid-level trafficking ~~in~~

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~~fentanyl~~) and high-level trafficking in **illicitly manufactured fentanyl**, ~~any derivative of fentanyl and any mixture which contains fentanyl or any derivative of fentanyl~~. Under **section 1**, a person who knowingly or intentionally sells, manufactures, delivers or brings into this State or is knowingly or intentionally in actual or constructive possession of **illicitly manufactured fentanyl**, ~~any derivative of fentanyl or any mixture which contains fentanyl or any derivative of fentanyl~~ is guilty of: (1) ~~Low-level trafficking in fentanyl if the quantity of fentanyl involved is 4 grams or more but less than 14 grams;~~ (2) mid-level trafficking ~~in fentanyl~~ if the quantity ~~of fentanyl~~ involved is 14 grams or more but less than 28 grams; and ~~(3)~~ (2) high-level trafficking ~~in fentanyl~~ if the quantity ~~of fentanyl~~ involved is 28 grams or more. Under **section 1**, a person who commits the crime of: (1) ~~Low-level or~~ mid-level trafficking ~~in fentanyl~~ is guilty of a category B felony and subject to certain prescribed penalties; and (2) high-level trafficking ~~in fentanyl~~ is guilty of a category A felony and subject to certain prescribed penalties.

**Sections 2, 5 and 6** of this bill provide that a person found guilty of ~~Low-level~~ mid-level or high-level trafficking in **illicitly manufactured fentanyl**, ~~any derivative of fentanyl or any mixture which contains fentanyl or any derivative of fentanyl~~ is subject to the greater penalty for that crime if the acts constituting the crime could subject the person to a lesser punishment under another statute.

**Sections 3, 4, 7** ~~and 9-13~~, **9-12 and 13** of this bill add references to **section 1** so that the crimes of ~~Low-level~~ mid-level and high-level trafficking in **illicitly manufactured fentanyl**, ~~any derivative of fentanyl or any mixture which contains fentanyl or any derivative of fentanyl~~ are treated the same as the crimes of low-level and high-level trafficking involving schedule I controlled substances, other than marijuana, and ~~other~~ schedule II controlled substances for certain purposes.

**Existing law requires the Director of the Department of Corrections to establish one or more programs of treatment for offenders with substance use or co-occurring disorders who have been sentenced to imprisonment in the state prison. (NRS 209.4236, 209.425) Existing law additionally provides that the treatment of a prisoner in a local jail or detention facility who has a substance use disorder may include medication-assisted treatment. (NRS 211.140) Section 12.3 of this bill requires the Director, to the extent that money is available, to establish a program to provide for the treatment of offenders with a substance use disorder using medication-assisted treatment. Section 12.3 requires: (1) the program to provide each eligible offender who participates in the program with appropriate medication-assisted treatment for the period in which the offender is incarcerated; and (2) each offender who the Director has determined has a substance use disorder for which a medication-assisted treatment exists and who meets any reasonable conditions imposed by the Director to be deemed eligible to participate in the program and offered the opportunity to participate. Section 12.3 prohibits the Director from denying an offender the ability to participate in the program or terminating his or her participation in the program for certain reasons. Finally, section 12.3 provides that an offender who participates in the program is not subject to discipline on the basis that the results of a screening test administered to the offender indicated the presence of a controlled substance. Section 12.7 of this bill requires, to the extent that money is available, a sheriff, chief of police or town marshal who is responsible for a county, city or town jail or detention facility to establish a program similar to that set forth in section 12.3 to provide for the treatment of prisoners with a substance use disorder using medication-assisted treatment.**

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THE PEOPLE OF THE STATE OF NEVADA, REPRESENTED IN  
SENATE AND ASSEMBLY, DO ENACT AS FOLLOWS:

**Section 1.** Chapter 453 of NRS is hereby amended by adding thereto a new section to read as follows:

*Except as otherwise authorized by the provisions of NRS 453.011 to 453.552, inclusive, a person who knowingly or intentionally sells, manufactures, delivers or brings into this State or who is knowingly or intentionally in actual or*

1 constructive possession of illicitly manufactured fentanyl, any derivative of  
 2 fentanyl or any mixture which contains fentanyl or any derivative of fentanyl,  
 3 unless a greater penalty is provided pursuant to NRS 453.322, if the quantity  
 4 involved:

5 ~~1. Is 4 grams or more, but less than 14 grams, is guilty of low-level~~  
 6 ~~trafficking in fentanyl and shall be punished for a category B felony by~~  
 7 ~~imprisonment in the state prison for a minimum term of not less than 1 year and~~  
 8 ~~a maximum term of not more than 6 years and by a fine of not more than~~  
 9 ~~\$50,000.~~

10 ~~2. Is 14 grams or more, but less than 28 grams, is guilty of mid-level~~  
 11 ~~trafficking ~~in fentanyl~~ and shall be punished for a category B felony by~~  
 12 ~~imprisonment in the state prison for a minimum term of not less than 2 years and~~  
 13 ~~a maximum term of not more than 15 years and by a fine of not more than~~  
 14 ~~\$100,000.~~

15 ~~3. 2. Is 28 grams or more, is guilty of high-level trafficking ~~in fentanyl~~~~  
 16 ~~and shall be punished for a category A felony by imprisonment in the state~~  
 17 ~~prison:~~

18 (a) For life with the possibility of parole, with eligibility for parole beginning  
 19 when a minimum of 10 years has been served; or

20 (b) For a definite term of 25 years, with eligibility for parole beginning when  
 21 a minimum of 10 years has been served,

22 **↪ and by a fine of not more than \$500,000.**

23 **Sec. 2.** NRS 453.322 is hereby amended to read as follows:

24 453.322 1. Except as authorized by the provisions of NRS 453.011 to  
 25 453.552, inclusive, it is unlawful for a person to knowingly or intentionally:

26 (a) Manufacture or compound a controlled substance other than marijuana.

27 (b) Possess, with the intent to manufacture or compound a controlled substance  
 28 other than marijuana, or sell, exchange, barter, supply, prescribe, dispense or give  
 29 away, with the intent that the chemical be used to manufacture or compound a  
 30 controlled substance other than marijuana:

31 (1) Any chemical identified in subsection 5; or

32 (2) Any other chemical which is proven by expert testimony to be  
 33 commonly used in manufacturing or compounding a controlled substance other  
 34 than marijuana. The district attorney may present expert testimony to provide a  
 35 prima facie case that any chemical, whether or not it is a chemical identified in  
 36 subsection 5, is commonly used in manufacturing or compounding such a  
 37 controlled substance.

38 **↪** The provisions of this paragraph do not apply to a person who, without the intent  
 39 to commit an unlawful act, possesses any chemical at a laboratory that is licensed to  
 40 store the chemical.

41 (c) Offer or attempt to do any act set forth in paragraph (a) or (b).

42 2. Unless a greater penalty is provided in subsection 3 or NRS 453.3385, **or**  
 43 **section 1 of this act**, a person who violates any provision of subsection 1 is guilty  
 44 of a category B felony and shall be punished by imprisonment in the state prison for  
 45 a minimum term of not less than 3 years and a maximum term of not more than 15  
 46 years, and may be further punished by a fine of not more than \$100,000.

47 3. If a person violates any provision of subsection 1 by engaging in the  
 48 manufacturing or compounding of a controlled substance other than marijuana, or  
 49 by attempting to do so, and the violation causes a fire or explosion, the person is  
 50 guilty of a category B felony and shall be punished by imprisonment in the state  
 51 prison for a minimum term of not less than 3 years and a maximum term of not  
 52 more than 20 years, and may be further punished by a fine of not more than  
 53 \$100,000.

1           4. The court shall not grant probation to a person convicted pursuant to this  
2 section.

3           5. The following chemicals are identified for the purposes of subsection 1:

- 4           (a) Acetic anhydride.  
5           (b) Acetone.  
6           (c) N-Acetylanthranilic acid, its esters and its salts.  
7           (d) Anthranilic acid, its esters and its salts.  
8           (e) Benzaldehyde, its salts, isomers and salts of isomers.  
9           (f) Benzyl chloride.  
10          (g) Benzyl cyanide.  
11          (h) 1,4-Butanediol.  
12          (i) 2-Butanone (or methyl ethyl ketone or MEK).  
13          (j) Ephedrine, its salts, isomers and salts of isomers.  
14          (k) Ergonovine and its salts.  
15          (l) Ergotamine and its salts.  
16          (m) Ethylamine, its salts, isomers and salts of isomers.  
17          (n) Ethyl ether.  
18          (o) Gamma butyrolactone.  
19          (p) Hydroiodic acid, its salts, isomers and salts of isomers.  
20          (q) Hydrochloric gas.  
21          (r) Iodine.  
22          (s) Isosafrole, its salts, isomers and salts of isomers.  
23          (t) Lithium metal.  
24          (u) Methylamine, its salts, isomers and salts of isomers.  
25          (v) 3,4-Methylenedioxy-phenyl-2-propanone.  
26          (w) N-Methylephedrine, its salts, isomers and salts of isomers.  
27          (x) Methyl isobutyl ketone (MIBK).  
28          (y) N-Methylpseudoephedrine, its salts, isomers and salts of isomers.  
29          (z) Nitroethane, its salts, isomers and salts of isomers.  
30          (aa) Norpseudoephedrine, its salts, isomers and salts of isomers.  
31          (bb) Phenylacetic acid, its esters and its salts.  
32          (cc) Phenylpropanolamine, its salts, isomers and salts of isomers.  
33          (dd) Piperidine and its salts.  
34          (ee) Piperonal, its salts, isomers and salts of isomers.  
35          (ff) Potassium permanganate.  
36          (gg) Propionic anhydride, its salts, isomers and salts of isomers.  
37          (hh) Pseudoephedrine, its salts, isomers and salts of isomers.  
38          (ii) Red phosphorous.  
39          (jj) Safrole, its salts, isomers and salts of isomers.  
40          (kk) Sodium metal.  
41          (ll) Sulfuric acid.  
42          (mm) Toluene.

43          **Sec. 3.** NRS 453.333 is hereby amended to read as follows:

44          453.333 If the death of a person is proximately caused by a controlled  
45 substance which was sold, given, traded or otherwise made available to him or her  
46 by another person in violation of this chapter, the person who sold, gave or traded  
47 or otherwise made the substance available to him or her is guilty of murder. If  
48 convicted of murder in the second degree, the person is guilty of a category A  
49 felony and shall be punished as provided in subsection 5 of NRS 200.030. If  
50 convicted of murder in the first degree, the person is guilty of a category A felony  
51 and shall be punished as provided in subsection 4 of NRS 200.030, except that the  
52 punishment of death may be imposed only if the requirements of paragraph (a) of  
53 subsection 4 of that section have been met and if the defendant is or has previously

1 been convicted of violating NRS 453.3385 or 453.339 *or section 1 of this act* or a  
2 law of any other jurisdiction which prohibits the same conduct.

3 **Sec. 4.** NRS 453.3353 is hereby amended to read as follows:

4 453.3353 1. Unless a greater penalty is provided by law, and except as  
5 otherwise provided in this section and NRS 193.169, if:

6 (a) A person violates NRS 453.322 or 453.3385, *or section 1 of this act*, and  
7 the violation involves the manufacturing or compounding of any controlled  
8 substance other than marijuana; and

9 (b) During the discovery or cleanup of the premises at, on or in which the  
10 controlled substance was manufactured or compounded, another person suffers  
11 substantial bodily harm other than death as the proximate result of the  
12 manufacturing or compounding of the controlled substance,

13 the person who committed the offense shall be punished by imprisonment in the  
14 state prison for a term equal to and in addition to the term of imprisonment  
15 prescribed by statute for the offense. The sentence prescribed by this subsection  
16 runs consecutively with the sentence prescribed by statute for the offense.

17 2. Unless a greater penalty is provided by law, and except as otherwise  
18 provided in NRS 193.169, if:

19 (a) A person violates NRS 453.322 or 453.3385, *or section 1 of this act*, and  
20 the violation involves the manufacturing or compounding of any controlled  
21 substance other than marijuana; and

22 (b) During the discovery or cleanup of the premises at, on or in which the  
23 controlled substance was manufactured or compounded, another person suffers  
24 death as the proximate result of the manufacturing or compounding of the  
25 controlled substance,

26 the offense shall be deemed a category A felony and the person who committed  
27 the offense shall be punished by imprisonment in the state prison:

28 (1) For life without the possibility of parole;

29 (2) For life with the possibility of parole, with eligibility for parole  
30 beginning when a minimum of 20 years has been served; or

31 (3) For a definite term of 50 years, with eligibility for parole beginning  
32 when a minimum of 20 years has been served.

33 3. Subsection 1 does not create a separate offense but provides an additional  
34 penalty for the primary offense, the imposition of which is contingent upon the  
35 finding of the prescribed fact. Subsection 2 does not create a separate offense but  
36 provides an alternative penalty for the primary offense, the imposition of which is  
37 contingent upon the finding of the prescribed fact.

38 4. As used in this section:

39 (a) "Marijuana" does not include concentrated cannabis.

40 (b) "Premises" means:

41 (1) Any temporary or permanent structure, including, without limitation,  
42 any building, house, room, apartment, tenement, shed, carport, garage, shop,  
43 warehouse, store, mill, barn, stable, outhouse or tent; or

44 (2) Any conveyance, including, without limitation, any vessel, boat,  
45 vehicle, airplane, glider, house trailer, travel trailer, motor home or railroad car,

46 whether located aboveground or underground and whether inhabited or not.

47 **Sec. 5.** NRS 453.336 is hereby amended to read as follows:

48 453.336 1. Except as otherwise provided in subsection 6, a person shall not  
49 knowingly or intentionally possess a controlled substance, unless the substance was  
50 obtained directly from, or pursuant to, a prescription or order of a physician,  
51 physician assistant licensed pursuant to chapter 630 or 633 of NRS, dentist,  
52 podiatric physician, optometrist, advanced practice registered nurse or veterinarian

1 while acting in the course of his or her professional practice, or except as otherwise  
2 authorized by the provisions of NRS 453.005 to 453.552, inclusive.

3 2. Except as otherwise provided in subsections 3, 4 and 5 and in NRS  
4 453.3363, and unless a greater penalty is provided in NRS 212.160, 453.3385 or  
5 453.339, *or section 1 of this act*, a person who violates this section:

6 (a) For a first or second offense, if the controlled substance is listed in schedule  
7 I or II and the quantity possessed is less than 14 grams, or if the controlled  
8 substance is listed in schedule III, IV or V and the quantity possessed is less than 28  
9 grams, is guilty of possession of a controlled substance and shall be punished for a  
10 category E felony as provided in NRS 193.130. In accordance with NRS 176.211,  
11 the court shall defer judgment upon the consent of the person.

12 (b) For a third or subsequent offense, if the controlled substance is listed in  
13 schedule I or II, and the quantity possessed is less than 14 grams, or if the  
14 controlled substance is listed in schedule III, IV or V and the quantity possessed is  
15 less than 28 grams, or if the offender has previously been convicted two or more  
16 times in the aggregate of any violation of the law of the United States or of any  
17 state, territory or district relating to a controlled substance, is guilty of possession of  
18 a controlled substance and shall be punished for a category D felony as provided in  
19 NRS 193.130, and may be further punished by a fine of not more than \$20,000.

20 (c) If the controlled substance is listed in schedule I or II and the quantity  
21 possessed is 14 grams or more, but less than 28 grams, or if the controlled  
22 substance is listed in schedule III, IV or V and the quantity possessed is 28 grams  
23 or more, but less than 200 grams, is guilty of low-level possession of a controlled  
24 substance and shall be punished for a category C felony as provided in NRS  
25 193.130.

26 (d) If the controlled substance is listed in schedule I or II and the quantity  
27 possessed is 28 grams or more, but less than 42 grams, or if the controlled  
28 substance is listed in schedule III, IV or V and the quantity possessed is 200 grams  
29 or more, is guilty of mid-level possession of a controlled substance and shall be  
30 punished for a category B felony by imprisonment in the state prison for a  
31 minimum term of not less than 1 year and a maximum term of not more than 10  
32 years and by a fine of not more than \$50,000.

33 (e) If the controlled substance is listed in schedule I or II and the quantity  
34 possessed is 42 grams or more, but less than 100 grams, is guilty of high-level  
35 possession of a controlled substance and shall be punished for a category B felony  
36 by imprisonment in the state prison for a minimum term of not less than 2 years and  
37 a maximum term of not more than 15 years and by a fine of not more than \$50,000.

38 3. Unless a greater penalty is provided in NRS 212.160, 453.337 or 453.3385,  
39 a person who is convicted of the possession of flunitrazepam or gamma-  
40 hydroxybutyrate, or any substance for which flunitrazepam or gamma-  
41 hydroxybutyrate is an immediate precursor, is guilty of a category B felony and  
42 shall be punished by imprisonment in the state prison for a minimum term of not  
43 less than 1 year and a maximum term of not more than 6 years.

44 4. Unless a greater penalty is provided pursuant to NRS 212.160, a person  
45 who is convicted of the possession of 1 ounce or less of marijuana is guilty of a  
46 misdemeanor and shall be punished by:

47 (a) Performing not more than 24 hours of community service;

48 (b) Attending the live meeting described in paragraph (a) of subsection 2 of  
49 NRS 484C.530 and complying with any other requirements set forth in that section;  
50 or

51 (c) Being required to undergo an evaluation in accordance with subsection 1 of  
52 NRS 484C.350,

53 ↪ or any combination thereof.



1           5. Unless a greater penalty is provided pursuant to NRS 212.160, a person  
2 who is convicted of the possession of more than 1 ounce, but less than 50 pounds,  
3 of marijuana or more than one-eighth of an ounce, but less than one pound, of  
4 concentrated cannabis is guilty of a category E felony and shall be punished as  
5 provided in NRS 193.130.

6           6. It is not a violation of this section if a person possesses a trace amount of a  
7 controlled substance and that trace amount is in or on a hypodermic device obtained  
8 from a sterile hypodermic device program pursuant to NRS 439.985 to 439.994,  
9 inclusive.

10          7. The court may grant probation to or suspend the sentence of a person  
11 convicted of violating this section.

12          8. If a person fulfills the terms and conditions imposed for a violation of  
13 subsection 4, the court shall, without a hearing, order sealed all documents, papers  
14 and exhibits in that person's record, minute book entries and entries on dockets, and  
15 other documents relating to the case in the custody of such other agencies and  
16 officers as are named in the court's order. The court shall cause a copy of the order  
17 to be sent to each agency or officer named in the order. Each such agency or officer  
18 shall notify the court in writing of its compliance with the order.

19          9. As used in this section:

20          (a) "Controlled substance" includes flunitrazepam, gamma-hydroxybutyrate  
21 and each substance for which flunitrazepam or gamma-hydroxybutyrate is an  
22 immediate precursor.

23          (b) "Marijuana" does not include concentrated cannabis.

24          (c) "Sterile hypodermic device program" has the meaning ascribed to it in NRS  
25 439.986.

26          **Sec. 6.** NRS 453.337 is hereby amended to read as follows:

27          453.337 1. Except as otherwise authorized by the provisions of NRS  
28 453.011 to 453.552, inclusive, it is unlawful for a person to possess for the purpose  
29 of sale flunitrazepam, gamma-hydroxybutyrate, any substance for which  
30 flunitrazepam or gamma-hydroxybutyrate is an immediate precursor or any  
31 controlled substance classified in schedule I or II.

32          2. Unless a greater penalty is provided in NRS 453.3385 or 453.339, *or*  
33 *section 1 of this act*, a person who violates this section shall be punished:

34          (a) For the first offense, for a category D felony as provided in NRS 193.130.

35          (b) For a second offense, or if, in the case of a first conviction of violating this  
36 section, the offender has previously been convicted of a felony under the Uniform  
37 Controlled Substances Act or of an offense under the laws of the United States or  
38 any state, territory or district which, if committed in this State, would amount to a  
39 felony under the Uniform Controlled Substances Act, for a category C felony as  
40 provided in NRS 193.130.

41          (c) For a third or subsequent offense, or if the offender has previously been  
42 convicted two or more times of a felony under the Uniform Controlled Substances  
43 Act or of any offense under the laws of the United States or any state, territory or  
44 district which, if committed in this State, would amount to a felony under the  
45 Uniform Controlled Substances Act, for a category B felony by imprisonment in  
46 the state prison for a minimum term of not less than 3 years and a maximum term  
47 of not more than 15 years, and may be further punished by a fine of not more than  
48 \$20,000 for each offense.

49          3. Except as otherwise provided in this subsection, unless mitigating  
50 circumstances exist that warrant the granting of probation, the court shall not grant  
51 probation to or suspend the sentence of a person convicted of violating this section  
52 and punishable pursuant to paragraph (b) or (c) of subsection 2. The court shall not  
53 grant probation to or suspend the sentence of a person convicted of violating this

1 section, even if mitigating circumstances exist that would otherwise warrant the  
2 granting of probation, if the person violated this section by possessing  
3 flunitrazepam, gamma-hydroxybutyrate or any substance for which flunitrazepam  
4 or gamma-hydroxybutyrate is an immediate precursor.

5 **Sec. 7.** NRS 453.3383 is hereby amended to read as follows:

6 453.3383 For the purposes of NRS 453.3385 and 453.339, *and section 1 of*  
7 *this act*, the weight of the controlled substance as represented by the person selling  
8 or delivering it is determinative if the weight as represented is greater than the  
9 actual weight of the controlled substance.

10 **Sec. 8.** NRS 453.3385 is hereby amended to read as follows:

11 453.3385 ~~[(1)]~~ Except as otherwise provided in NRS 453.339 and section 1  
12 of this act and except as otherwise authorized by the provisions of NRS 453.011 to  
13 453.552, inclusive, a person who knowingly or intentionally sells, manufactures,  
14 delivers or brings into this State or who is knowingly or intentionally in actual or  
15 constructive possession of flunitrazepam, gamma-hydroxybutyrate, any substance  
16 for which flunitrazepam or gamma-hydroxybutyrate is an immediate precursor or  
17 any controlled substance which is listed in schedule I ~~[(1)] or II, [except marijuana,~~  
18 ~~or [schedule II, except fentanyl, or]~~ any mixture which contains any such  
19 controlled substance, unless a greater penalty is provided pursuant to NRS 453.322,  
20 if the quantity involved:

21 ~~[(a)]~~ 1. Is 100 grams or more, but less than 400 grams, is guilty of low-level  
22 trafficking and shall be punished for a category B felony by imprisonment in the  
23 state prison for a minimum term of not less than 2 years and a maximum term of  
24 not more than 20 years and by a fine of not more than \$100,000.

25 ~~[(b)]~~ 2. Is 400 grams or more, is guilty of high-level trafficking and shall be  
26 punished for a category A felony by imprisonment in the state prison:

27 ~~[(1)]~~ (a) For life with the possibility of parole, with eligibility for parole  
28 beginning when a minimum of 10 years has been served; or

29 ~~[(2)]~~ (b) For a definite term of 25 years, with eligibility for parole  
30 beginning when a minimum of 10 years has been served,  
31 and by a fine of not more than \$500,000.

32 ~~[(2) As used in this section, "marijuana" does not include concentrated~~  
33 ~~cannabis.]~~

34 **Sec. 9.** NRS 453.3405 is hereby amended to read as follows:

35 453.3405 1. Except as otherwise provided in subsection 2, the adjudication  
36 of guilt and imposition of sentence of a person found guilty of trafficking in a  
37 controlled substance in violation of NRS 453.3385 or 453.339 *or section 1 of this*  
38 *act* must not be suspended and the person is not eligible for parole until the person  
39 has actually served the mandatory minimum term of imprisonment prescribed by  
40 the section under which the person was convicted.

41 2. The court, upon an appropriate motion, may reduce or suspend the sentence  
42 of any person convicted of violating any of the provisions of NRS 453.3385 or  
43 453.339 *or section 1 of this act* if the court finds that the convicted person rendered  
44 substantial assistance in the investigation or prosecution of any offense. The  
45 arresting agency must be given an opportunity to be heard before the motion is  
46 granted. Upon good cause shown, the motion may be heard in camera.

47 3. Any appropriate reduction or suspension of a sentence pursuant to  
48 subsection 2 must be determined by the court, for reasons stated by the court that  
49 may include, without limitation, consideration of the following:

50 (a) The court's evaluation of the significance and usefulness of the convicted  
51 person's assistance, taking into consideration the prosecuting attorney's evaluation  
52 of the assistance rendered;

1 (b) The truthfulness, completeness and reliability of any information or  
2 testimony provided by the convicted person;

3 (c) The nature and extent of the convicted person's assistance;

4 (d) Any injury suffered or any danger or risk of injury to the convicted person  
5 or his or her family resulting from his or her assistance; and

6 (e) The timeliness of the convicted person's assistance.

7 **Sec. 10.** NRS 453C.150 is hereby amended to read as follows:

8 453C.150 1. Notwithstanding any other provision of law, a person who, in  
9 good faith, seeks medical assistance for a person who is experiencing a drug or  
10 alcohol overdose or other medical emergency or who seeks such assistance for  
11 himself or herself, or who is the subject of a good faith request for such assistance  
12 may not be arrested, charged, prosecuted or convicted, or have his or her property  
13 subjected to forfeiture, or be otherwise penalized for violating:

14 (a) Except as otherwise provided in subsection 4, a provision of chapter 453 of  
15 NRS relating to:

16 (1) Drug paraphernalia, including, without limitation, NRS 453.554 to  
17 453.566, inclusive;

18 (2) Possession, unless it is for the purpose of sale or violates the provisions  
19 of NRS 453.3385, subsection 2 of NRS 453.3393 or 453.3405 ~~§~~ *or section 1 of*  
20 *this act*; or

21 (3) Use of a controlled substance, including, without limitation, NRS  
22 453.336;

23 (b) A local ordinance as described in NRS 453.3361 that establishes an offense  
24 that is similar to an offense set forth in NRS 453.336;

25 (c) A restraining order; or

26 (d) A condition of the person's parole or probation,

27 **↳** if the evidence to support the arrest, charge, prosecution, conviction, seizure or  
28 penalty was obtained as a result of the person seeking medical assistance.

29 2. A court, before sentencing a person who has been convicted of a violation  
30 of chapter 453 of NRS for which immunity is not provided by this section, shall  
31 consider in mitigation any evidence or information that the defendant, in good faith,  
32 sought medical assistance for a person who was experiencing a drug or alcohol  
33 overdose or other life-threatening emergency in connection with the events that  
34 constituted the violation.

35 3. For the purposes of this section, a person seeks medical assistance if the  
36 person:

37 (a) Reports a drug or alcohol overdose or other medical emergency to a  
38 member of a law enforcement agency, a 911 emergency service, a poison control  
39 center, a medical facility or a provider of emergency medical services;

40 (b) Assists another person making such a report;

41 (c) Provides care to a person who is experiencing a drug or alcohol overdose or  
42 other medical emergency while awaiting the arrival of medical assistance; or

43 (d) Delivers a person who is experiencing a drug or alcohol overdose or other  
44 medical emergency to a medical facility and notifies the appropriate authorities.

45 4. The provisions of this section do not prohibit any governmental entity from  
46 taking any actions required or authorized by chapter 432B of NRS relating to the  
47 abuse or neglect of a child.

48 5. As used in this section, "drug or alcohol overdose" means a condition,  
49 including, without limitation, extreme physical illness, a decreased level of  
50 consciousness, respiratory depression, coma, mania or death which is caused by the  
51 consumption or use of a controlled substance or alcohol, or another substance with  
52 which a controlled substance or alcohol was combined, or that an ordinary

1 layperson would reasonably believe to be a drug or alcohol overdose that requires  
2 medical assistance.

3 **Sec. 11.** NRS 179A.075 is hereby amended to read as follows:

4 179A.075 1. The Central Repository for Nevada Records of Criminal  
5 History is hereby created within the Records, Communications and Compliance  
6 Division of the Department.

7 2. Each agency of criminal justice and any other agency dealing with crime  
8 shall:

9 (a) Collect and maintain records, reports and compilations of statistical data  
10 required by the Department; and

11 (b) Submit the information collected to the Central Repository:

12 (1) In the manner approved by the Director of the Department; and

13 (2) In accordance with the policies, procedures and definitions of the  
14 Uniform Crime Reporting Program of the Federal Bureau of Investigation.

15 3. Each agency of criminal justice shall submit the information relating to  
16 records of criminal history that it creates, issues or collects, and any information in  
17 its possession relating to the DNA profile of a person from whom a biological  
18 specimen is obtained pursuant to NRS 176.09123 or 176.0913, to the Division. The  
19 information must be submitted to the Division:

20 (a) Through an electronic network;

21 (b) On a medium of magnetic storage; or

22 (c) In the manner prescribed by the Director of the Department,

23 ↪ within 60 days after the date of the disposition of the case. If an agency has  
24 submitted a record regarding the arrest of a person who is later determined by the  
25 agency not to be the person who committed the particular crime, the agency shall,  
26 immediately upon making that determination, so notify the Division. The Division  
27 shall delete all references in the Central Repository relating to that particular arrest.

28 4. Each state and local law enforcement agency shall submit Uniform Crime  
29 Reports to the Central Repository:

30 (a) In the manner prescribed by the Director of the Department;

31 (b) In accordance with the policies, procedures and definitions of the Uniform  
32 Crime Reporting Program of the Federal Bureau of Investigation; and

33 (c) Within the time prescribed by the Director of the Department.

34 5. The Division shall, in the manner prescribed by the Director of the  
35 Department:

36 (a) Collect, maintain and arrange all information submitted to it relating to:

37 (1) Records of criminal history; and

38 (2) The DNA profile of a person from whom a biological specimen is  
39 obtained pursuant to NRS 176.09123 or 176.0913.

40 (b) When practicable, use a record of the personal identifying information of a  
41 subject as the basis for any records maintained regarding him or her.

42 (c) Upon request, provide, in paper or electronic form, the information that is  
43 contained in the Central Repository to the Committee on Domestic Violence  
44 appointed pursuant to NRS 228.470 when, pursuant to NRS 228.495, the  
45 Committee is reviewing the death of the victim of a crime that constitutes domestic  
46 violence pursuant to NRS 33.018.

47 6. The Division may:

48 (a) Disseminate any information which is contained in the Central Repository  
49 to any other agency of criminal justice;

50 (b) Enter into cooperative agreements with repositories of the United States  
51 and other states to facilitate exchanges of information that may be disseminated  
52 pursuant to paragraph (a); and

1 (c) Request of and receive from the Federal Bureau of Investigation  
2 information on the background and personal history of any person whose record of  
3 fingerprints or other biometric identifier the Central Repository submits to the  
4 Federal Bureau of Investigation and:

5 (1) Who has applied to any agency of the State of Nevada or any political  
6 subdivision thereof for a license which it has the power to grant or deny;

7 (2) With whom any agency of the State of Nevada or any political  
8 subdivision thereof intends to enter into a relationship of employment or a contract  
9 for personal services;

10 (3) Who has applied to any agency of the State of Nevada or any political  
11 subdivision thereof to attend an academy for training peace officers approved by  
12 the Peace Officers' Standards and Training Commission;

13 (4) For whom such information is required or authorized to be obtained  
14 pursuant to NRS 62B.270, 62G.223, 62G.353, 424.031, 432A.170, 432B.198,  
15 433B.183, 449.123 and 449.4329; or

16 (5) About whom any agency of the State of Nevada or any political  
17 subdivision thereof is authorized by law to have accurate personal information for  
18 the protection of the agency or the persons within its jurisdiction.

19 7. To request and receive information from the Federal Bureau of  
20 Investigation concerning a person pursuant to subsection 6, the Central Repository  
21 must receive:

22 (a) The person's complete set of fingerprints for the purposes of:

23 (1) Booking the person into a city or county jail or detention facility;

24 (2) Employment;

25 (3) Contractual services; or

26 (4) Services related to occupational licensing;

27 (b) One or more of the person's fingerprints for the purposes of mobile  
28 identification by an agency of criminal justice; or

29 (c) Any other biometric identifier of the person as it may require for the  
30 purposes of:

31 (1) Arrest; or

32 (2) Criminal investigation,

33 ↪ from the agency of criminal justice or agency of the State of Nevada or any  
34 political subdivision thereof and submit the received data to the Federal Bureau of  
35 Investigation for its report.

36 8. The Central Repository shall:

37 (a) Collect and maintain records, reports and compilations of statistical data  
38 submitted by any agency pursuant to subsection 2.

39 (b) Tabulate and analyze all records, reports and compilations of statistical data  
40 received pursuant to this section.

41 (c) Disseminate to federal agencies engaged in the collection of statistical data  
42 relating to crime information which is contained in the Central Repository.

43 (d) Investigate the criminal history of any person who:

44 (1) Has applied to the Superintendent of Public Instruction for the issuance  
45 or renewal of a license;

46 (2) Has applied to a county school district, charter school or private school  
47 for employment or to serve as a volunteer; or

48 (3) Is employed by or volunteers for a county school district, charter school  
49 or private school,

50 ↪ and immediately notify the superintendent of each county school district, the  
51 governing body of each charter school and the Superintendent of Public Instruction,  
52 or the administrator of each private school, as appropriate, if the investigation of the  
53 Central Repository indicates that the person has been convicted of a violation of

1 NRS 200.508, 201.230, 453.3385 or 453.339, *or section 1 of this act*, or convicted  
2 of a felony or any offense involving moral turpitude.

3 (e) Upon discovery, immediately notify the superintendent of each county  
4 school district, the governing body of each charter school or the administrator of  
5 each private school, as appropriate, by providing the superintendent, governing  
6 body or administrator with a list of all persons:

7 (1) Investigated pursuant to paragraph (d); or

8 (2) Employed by or volunteering for a county school district, charter  
9 school or private school whose fingerprints were sent previously to the Central  
10 Repository for investigation,

11 who the Central Repository's records indicate have been convicted of a violation  
12 of NRS 200.508, 201.230, 453.3385 or 453.339, *or section 1 of this act*, or  
13 convicted of a felony or any offense involving moral turpitude since the Central  
14 Repository's initial investigation. The superintendent of each county school district,  
15 the governing body of a charter school or the administrator of each private school,  
16 as applicable, shall determine whether further investigation or action by the district,  
17 charter school or private school, as applicable, is appropriate.

18 (f) Investigate the criminal history of each person who submits one or more  
19 fingerprints or other biometric identifier or has such data submitted pursuant to  
20 NRS 62B.270, 62G.223, 62G.353, 424.031, 432A.170, 432B.198, 433B.183,  
21 449.122, 449.123 or 449.4329.

22 (g) Provide an electronic means to access on the Central Repository's Internet  
23 website statistical data relating to crime.

24 (h) Provide an electronic means to access on the Central Repository's Internet  
25 website statistical data about domestic violence in this State.

26 (i) Identify and review the collection and processing of statistical data relating  
27 to criminal justice by any agency identified in subsection 2 and make  
28 recommendations for any necessary changes in the manner of collecting and  
29 processing statistical data by any such agency.

30 (j) Adopt regulations governing biometric identifiers and the information and  
31 data derived from biometric identifiers, including, without limitation:

32 (1) Their collection, use, safeguarding, handling, retention, storage,  
33 dissemination and destruction; and

34 (2) The methods by which a person may request the removal of his or her  
35 biometric identifiers from the Central Repository and any other agency where his or  
36 her biometric identifiers have been stored.

37 9. The Central Repository may:

38 (a) In the manner prescribed by the Director of the Department, disseminate  
39 compilations of statistical data and publish statistical reports relating to crime.

40 (b) Charge a reasonable fee for any publication or special report it distributes  
41 relating to data collected pursuant to this section. The Central Repository may not  
42 collect such a fee from an agency of criminal justice or any other agency dealing  
43 with crime which is required to submit information pursuant to subsection 2. All  
44 money collected pursuant to this paragraph must be used to pay for the cost of  
45 operating the Central Repository.

46 (c) In the manner prescribed by the Director of the Department, use electronic  
47 means to receive and disseminate information contained in the Central Repository  
48 that it is authorized to disseminate pursuant to the provisions of this chapter.

49 10. As used in this section:

50 (a) "Mobile identification" means the collection, storage, transmission,  
51 reception, search, access or processing of a biometric identifier using a handheld  
52 device.

1 (b) "Personal identifying information" means any information designed,  
2 commonly used or capable of being used, alone or in conjunction with any other  
3 information, to identify a person, including, without limitation:

4 (1) The name, driver's license number, social security number, date of  
5 birth and photograph or computer-generated image of a person; and

6 (2) A biometric identifier of a person.

7 (c) "Private school" has the meaning ascribed to it in NRS 394.103.

8 **Sec. 12.** NRS 207.360 is hereby amended to read as follows:

9 207.360 "Crime related to racketeering" means the commission of, attempt to  
10 commit or conspiracy to commit any of the following crimes:

- 11 1. Murder;
- 12 2. Manslaughter, except vehicular manslaughter as described in NRS  
13 484B.657;
- 14 3. Mayhem;
- 15 4. Battery which is punished as a felony;
- 16 5. Kidnapping;
- 17 6. Sexual assault;
- 18 7. Arson;
- 19 8. Robbery;
- 20 9. Taking property from another under circumstances not amounting to  
21 robbery;
- 22 10. Extortion;
- 23 11. Statutory sexual seduction;
- 24 12. Extortionate collection of debt in violation of NRS 205.322;
- 25 13. Forgery, including, without limitation, forgery of a credit card or debit  
26 card in violation of NRS 205.740;
- 27 14. Obtaining and using personal identifying information of another person in  
28 violation of NRS 205.463;
- 29 15. Establishing or possessing a financial forgery laboratory in violation of  
30 NRS 205.46513;
- 31 16. Any violation of NRS 199.280 which is punished as a felony;
- 32 17. Burglary;
- 33 18. Grand larceny;
- 34 19. Bribery or asking for or receiving a bribe in violation of chapter 197 or  
35 199 of NRS which is punished as a felony;
- 36 20. Battery with intent to commit a crime in violation of NRS 200.400;
- 37 21. Assault with a deadly weapon;
- 38 22. Any violation of NRS 453.232, 453.316 to 453.339, inclusive, *and*  
39 *section 1 of this act*, or NRS 453.375 to 453.401, inclusive;
- 40 23. Receiving or transferring a stolen vehicle;
- 41 24. Any violation of NRS 202.260, 202.275 or 202.350 which is punished as  
42 a felony;
- 43 25. Any violation of subsection 2 or 3 of NRS 463.360 or chapter 465 of  
44 NRS;
- 45 26. Receiving, possessing or withholding stolen goods valued at \$650 or  
46 more;
- 47 27. Embezzlement of money or property valued at \$650 or more;
- 48 28. Obtaining possession of money or property valued at \$650 or more, or  
49 obtaining a signature by means of false pretenses;
- 50 29. Perjury or subornation of perjury;
- 51 30. Offering false evidence;
- 52 31. Any violation of NRS 201.300, 201.320, 201.360 or 201.395;

1 32. Any violation of NRS 90.570, 91.230 or 686A.290, or insurance fraud  
2 pursuant to NRS 686A.291;

3 33. Any violation of NRS 205.506, 205.920 or 205.930;

4 34. Any violation of NRS 202.445 or 202.446;

5 35. Any violation of NRS 205.377;

6 36. Involuntary servitude in violation of any provision of NRS 200.463 or  
7 200.464 or a violation of any provision of NRS 200.465; or

8 37. Trafficking in persons in violation of any provision of NRS 200.467 or  
9 200.468.

10 Sec. 12.3. Chapter 209 of NRS is hereby amended by adding thereto a  
11 new section to read as follows:

12 1. To the extent that money is available, the Director shall, with the  
13 approval of the Board, establish a program of treatment for offenders with a  
14 substance use disorder using medication-assisted treatment.

15 2. The program established pursuant to subsection 1 must:

16 (a) Provide each eligible offender who participates in the program with  
17 appropriate medication-assisted treatment for the period in which the offender is  
18 incarcerated; and

19 (b) Require that all decisions regarding the type, dosage or duration of any  
20 medication administered to an eligible offender as part of his or her medication-  
21 assisted treatment be made by a treating physician and the eligible offender.

22 3. Except as otherwise provided in this section, any offender who the  
23 Director has determined has a substance use disorder for which a medication-  
24 assisted treatment exists and who meets any reasonable conditions imposed by the  
25 Director pursuant to subsection 4 is eligible to participate in the program  
26 established pursuant to subsection 1 and must be offered the opportunity to  
27 participate. If an offender received medication-assisted treatment immediately  
28 preceding his or her incarceration, the offender is eligible to continue that  
29 medication-assisted treatment as a participant in the program. Participation in  
30 the program must be voluntary.

31 4. Except as otherwise provided in this subsection, the Director may impose  
32 reasonable conditions for an offender to be eligible to participate in the program  
33 established pursuant to subsection 1 and to continue his or her participation in  
34 the program. The Director shall not deny an offender the ability to participate in  
35 the program or terminate the participation of an offender in the program on the  
36 basis that:

37 (a) The results of a screening test administered to the offender upon the  
38 commencement of his or her incarceration or upon the commencement of his or  
39 her participation in the program indicated the presence of a controlled substance;  
40 or

41 (b) The offender committed an infraction of the rules of the institution or  
42 facility before or during the participation of the offender in the program.

43 5. An offender who participates in the program established pursuant to  
44 subsection 1 is not subject to discipline on the basis that the results of a screening  
45 test administered to the offender during his or her participation in the program  
46 indicated the presence of a controlled substance.

47 6. As used in this section, "medication-assisted treatment" means treatment  
48 for a substance use disorder using medication approved by the United States  
49 Food and Drug Administration for that purpose.

50 Sec. 12.7. Chapter 211 of NRS is hereby amended by adding thereto a  
51 new section to read as follows:

52 1. To the extent that money is available, a sheriff, chief of police or town  
53 marshal who is responsible for a county, city or town jail or detention facility



1 shall establish a program to provide for the treatment of prisoners with a  
2 substance use disorder using medication-assisted treatment.

3 2. The program established pursuant to subsection 1 must:

4 (a) Provide each eligible prisoner who participates in the program with  
5 appropriate medication-assisted treatment for the period in which the prisoner is  
6 incarcerated; and

7 (b) Require that all decisions regarding the type, dosage or duration of any  
8 medication administered to an eligible prisoner as part of his or her medication-  
9 assisted treatment be made by a treating physician and the eligible prisoner.

10 3. Except as otherwise provided in this section, any prisoner who the  
11 sheriff, chief of police or town marshal has determined has a substance use  
12 disorder for which a medication-assisted treatment exists and who meets any  
13 reasonable conditions imposed by the sheriff, chief of police or town marshal  
14 pursuant to subsection 4 is eligible to participate in the program established  
15 pursuant to subsection 1 and must be offered the opportunity to participate. If a  
16 prisoner received medication-assisted treatment immediately preceding his or her  
17 incarceration, the prisoner is eligible to continue that medication-assisted  
18 treatment as a participant in the program. Participation in the program must be  
19 voluntary.

20 4. Except as otherwise provided in this subsection, the sheriff, chief of  
21 police or town marshal may impose reasonable conditions for a prisoner to be  
22 eligible to participate in the program established pursuant to subsection 1 and to  
23 continue his or her participation in the program. The sheriff, chief of police or  
24 town marshal shall not deny a prisoner the ability to participate in the program or  
25 terminate the participation of a prisoner in the program on the basis that:

26 (a) The results of a screening test administered to the prisoner upon the  
27 commencement of his or her incarceration or upon the commencement of his or  
28 her participation in the program indicated the presence of a controlled substance;  
29 or

30 (b) The prisoner committed an infraction of the rules of the county, city or  
31 town jail or detention facility before or during the participation of the prisoner in  
32 the program.

33 5. A prisoner who participates in the program established pursuant to  
34 subsection 1 is not subject to discipline on the basis that the results of a screening  
35 test administered to the prisoner during his or her participation in the program  
36 indicated the presence of a controlled substance.

37 6. As used in this section, "medication-assisted treatment" means treatment  
38 for a substance use disorder using medication approved by the United States  
39 Food and Drug Administration for that purpose.

40 **Sec. 13.** NRS 391.650 is hereby amended to read as follows:

41 391.650 As used in NRS 391.650 to 391.826, inclusive, unless the context  
42 otherwise requires:

43 1. "Administrator" means any employee who holds a license as an  
44 administrator and who is employed in that capacity by a school district.

45 2. "Board" means the board of trustees of the school district in which a  
46 licensed employee affected by NRS 391.650 to 391.826, inclusive, is employed.

47 3. "Demotion" means demotion of an administrator to a position of lesser  
48 rank, responsibility or pay and does not include transfer or reassignment for  
49 purposes of an administrative reorganization.

50 4. "Immorality" means:

51 (a) An act forbidden by NRS 200.366, 200.368, 200.400, 200.508, 201.180,  
52 201.190, 201.210, 201.220, 201.230, 201.265, 201.540, 201.560, 207.260, 453.316

1 to 453.336, inclusive, except an act forbidden by NRS 453.337, 453.338, 453.3385  
2 to 453.3405, inclusive, *and section 1 of this act*, 453.560 or 453.562; or

3 (b) An act forbidden by NRS 201.540 or any other sexual conduct or attempted  
4 sexual conduct with a pupil enrolled in an elementary or secondary school. As used  
5 in this paragraph, "sexual conduct" has the meaning ascribed to it in NRS 201.520.

6 5. "Postprobationary employee" means an administrator or a teacher who has  
7 completed the probationary period as provided in NRS 391.820 and has been given  
8 notice of reemployment. The term does not include a person who is deemed to be a  
9 probationary employee pursuant to NRS 391.730.

10 6. "Probationary employee" means:

11 (a) An administrator or a teacher who is employed for the period set forth in  
12 NRS 391.820; and

13 (b) A person who is deemed to be a probationary employee pursuant to NRS  
14 391.730.

15 7. "Superintendent" means the superintendent of a school district or a person  
16 designated by the board or superintendent to act as superintendent during the  
17 absence of the superintendent.

18 8. "Teacher" means a licensed employee the majority of whose working time  
19 is devoted to the rendering of direct educational service to pupils of a school  
20 district.