

(1) By handing the notice or copy to the beneficiary personally or to his guardian, or attorney of record; or

(2) By sending it by registered or certified mail with return receipt requested to such beneficiary, or his guardian or attorney of record, at the last-known address of the addressee.

4. Upon the hearing the court shall make such order as it deems appropriate, which order shall be final and conclusive as to all matters thereby determined and binding in rem upon the trust estate and upon the interests of all beneficiaries, vested or contingent, except that appeal to the supreme court may be taken from the order within 30 days from the entry thereof by filing notice of appeal with the clerk of the district court, who shall mail a copy of the notice to each adverse party who has appeared of record.

5. A trustee whose appointment has been confirmed, as provided in NRS 164.010, shall furnish to each beneficiary of the trust periodic accounts in the manner provided by NRS 165.135.】

SEC. 2. This act shall become effective upon passage and approval.

Assembly Bill No. 107—Messrs. Kean, Lowman, Poggione, Lauri, Smith, Frank Young, Swallow, Wilson, Howard, Getto, Lingenfelter, Homer, Ronzone, Mrs. Frazzini, Messrs. McKissick, Jacobsen, Hafen, Torvinen and Fry

CHAPTER 667

AN ACT relating to narcotic, dangerous and hallucinogenic drugs; providing that all such drugs be denominated controlled substances; establishing categories of such substances; authorizing and requiring the board of pharmacy and the investigation and narcotics division of the department of law enforcement assistance to perform certain administrative and enforcement acts; providing for the revocation and denial of certain licenses to conduct a business, occupation or profession; providing penalties; and providing other matters properly relating thereto.

[Approved May 6, 1971]

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 the provisions set forth as sections 2 to 87, inclusive, of this act.

SEC. 2. 1. Sections 2 to 70, inclusive, of this act, may be cited as the *Uniform Controlled Substances Act*.

2. *The Uniform Controlled Substances Act* is designed to supplant the *Uniform Narcotic Act* as enacted by chapter 23, *Statutes of Nevada 1937*.

SEC. 3. *When used in sections 2 to 87, inclusive, of this act, the words and terms in sections 4 to 28, inclusive, of this act, shall, for the purposes of sections 2 to 87, inclusive, of this act, have the meanings ascribed to them in sections 4 to 28, inclusive, of this act, except in those instances where the context clearly indicates a different meaning.*

SEC. 4. “Administer” means the direct application of a controlled

substance, whether by injection, inhalation, ingestion or any other means, to the body of a patient or research subject by:

1. *A practitioner or, in his presence, by his authorized agent; or*
2. *The patient or research subject at the direction and in the presence of the practitioner.*

SEC. 5. "Agent" means an authorized person who acts on behalf of or at the direction of a manufacturer, distributor or dispenser. It does not include a common or contract carrier, public warehouseman or employee of the carrier or warehouseman.

SEC. 6. "Board" means:

1. *For the purposes of the regulation of any pharmacy, as defined in section 71 of this act, under the provisions of this act, the state board of pharmacy.*

2. *For all other purposes provided for in this act, the state board of pharmacy and one chemist. Such chemist shall be:*

- (a) *A person who has had experience in the field of controlled substances.*

- (b) *Appointed by the governor and serve at the pleasure of the governor.*

SEC. 7. "Bureau" means the Bureau of Narcotics and Dangerous Drugs, United States Department of Justice, or its successor agency.

SEC. 8. "Controlled substance" means a drug, substance or immediate precursor in sections 31 to 40, inclusive, of this act.

SEC. 9. "Counterfeit substance" means a controlled substance which, or the container or labeling of which, without authorization, bears the trade-mark, trade name or other identifying mark, imprint, number or device, or any likeness thereof, of a manufacturer, distributor or dispenser other than the person who in fact manufactured, distributed or dispensed the substance.

SEC. 10. "Deliver" or "delivery" means the actual, constructive or attempted transfer from one person to another of a controlled substance, whether or not there is an agency relationship.

SEC. 11. "Dispense" means to deliver a controlled substance to an ultimate user or research subject by or pursuant to the lawful order of a practitioner, including the prescribing, administering, packaging, labeling or compounding necessary to prepare the substance for that delivery.

SEC. 12. "Dispenser" means a practitioner who dispenses.

SEC. 13. "Distribute" means to deliver other than by administering or dispensing a controlled substance.

SEC. 14. "Distributor" means a person who distributes.

SEC. 15. "Division" means the investigation and narcotics division of the department of law enforcement assistance.

SEC. 16. 1. "Drug" means substances:

- (a) *Recognized as drugs in the official United States Pharmacopoeia, official Homeopathic Pharmacopoeia of the United States, or official National Formulary, or any supplement to any of them;*

- (b) *Intended for use in the diagnosis, cure, mitigation, treatment or prevention of disease in man or animals;*

- (c) *Other than food, intended to affect the structure or any function of the body of man or animals; and*

(d) Intended for use as a component of any article specified in paragraphs (a), (b) or (c).

2. "Drug" does not include devices or their components, parts or accessories.

SEC. 17. "Immediate precursor" means a substance which the board has found to be and by rule designates as being the principal compound commonly used or produced primarily for use, and which is an immediate chemical intermediary used or likely to be used in the manufacture of a controlled substance the control of which is necessary to prevent, curtail or limit manufacture.

SEC. 18. 1. "Manufacture" means the production, preparation, propagation, compounding, conversion or processing of a controlled substance, either directly or indirectly by extraction from substances of natural origin, or independently by means of chemical synthesis, or by a combination of extraction and chemical synthesis, and includes any packaging or repackaging of the substance or labeling or relabeling of its container.

2. "Manufacture" does not include the preparation or compounding of a controlled substance by an individual for his own use or the preparation, compounding, packaging or labeling of a controlled substance by a practitioner:

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

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

SEC. 19. 1. "Marihuana" means:

(a) All parts of the plant *Cannabis sativa* L., whether growing or not;

(b) The seeds thereof;

(c) The resin extracted from any part of the plant; and

(d) Every compound, manufacture, salt, derivative, mixture or preparation of the plant, its seeds or resin.

2. "Marihuana" does not include the mature stalks of the plant, fiber produced from the stalks, oil or cake made from the seeds of the plant, any other compound, manufacture, salt, derivative, mixture or preparation of the mature stalks (except the resin extracted therefrom), fiber, oil or cake, or the sterilized seed of the plant which is incapable of germination.

SEC. 20. "Narcotic drug" means any of the following, whether produced directly or indirectly by extraction from substances of vegetable origin, or independently by means of chemical synthesis, or by a combination of extraction and chemical synthesis:

1. Opium and opiate, and any salt, compound, derivative or preparation of opium or opiate.

2. Any salt, compound, isomer, derivative or preparation thereof which is chemically equivalent or identical with any of the substances referred to in subsection 1, but not including the isoquinoline alkaloids of opium.

3. Opium poppy and poppy straw.

4. Coca leaves and any salt, compound, derivative or preparation of coca leaves, and any salt, compound, isomer, derivative or preparation

thereof which is chemically equivalent or identical with any of these substances, but not including decocainized coca leaves or extractions of coca leaves which do not contain cocaine or ecgonine.

SEC. 21. 1. "Opiate" means any substance having an addiction-forming or addiction-sustaining liability similar to morphine or being capable of conversion into a drug having addiction-forming or addiction-sustaining liability, including racemic and levorotatory forms.

2. "Opiate" does not include, unless specifically designated as controlled under section 29 of this act, the dextrorotatory isomer of 3-methoxy-n-methylmorphinan and its salts (dextromethorphan).

SEC. 22. "Opium poppy" means the plant of the species *Papaver somniferum* L., except its seeds.

SEC. 23. "Person" means individual, corporation, partnership or association, or any other legal entity.

SEC. 24. "Poppy straw" means all parts, except the seeds, of the opium poppy, after mowing.

SEC. 25. "Practitioner" means:

1. A physician, dentist, veterinarian, scientific investigator, podiatrist or other person licensed, registered or otherwise permitted to distribute, dispense, conduct research with respect to or to administer a controlled substance in the course of professional practice or research in this state.

2. A pharmacy, hospital or other institution licensed, registered or otherwise permitted to distribute, dispense, conduct research with respect to or to administer a controlled substance in the course of professional practice or research in this state.

SEC. 26. "Production" includes the manufacture, planting, cultivation, growing or harvesting of a controlled substance.

SEC. 27. "State," when applied to a part of the United States, includes any state, district, commonwealth, territory, insular possession thereof, and any area subject to the legal authority of the United States of America.

SEC. 28. "Ultimate user" means a person who lawfully possesses a controlled substance for his own use or for the use of a member of his household or for administering to any animal owned by him or by a member of his household.

SEC. 29. 1. The board shall administer this chapter and may add substances to or delete or reschedule all substances enumerated in the schedules in sections 31, 33, 35, 37 and 39 of this act pursuant to the procedures of chapter 233B of NRS.

2. In making a determination regarding a substance, the board shall consider the following:

- (a) The actual or relative potential for abuse;
- (b) The scientific evidence of its pharmacological effect, if known;
- (c) The state of current scientific knowledge regarding the substance;
- (d) The history and current pattern of abuse;
- (e) The scope, duration and significance of abuse;
- (f) The risk to the public health;
- (g) The potential of the substance to produce psychic or physiological dependence liability; and
- (h) Whether the substance is an immediate precursor of a substance already controlled under this chapter.

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

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

5. If any substance is designated, rescheduled or deleted as a controlled substance under federal law and notice thereof is given to the board, the board shall similarly control the substance under this chapter after the expiration of 30 days from publication in the Federal Register of a final order designating a substance as a controlled substance or rescheduling or deleting a substance, unless within that 30-day period the board objects to inclusion, rescheduling or deletion. In that case, the board shall publish the reasons for objection and afford all interested parties an opportunity to be heard. At the conclusion of the hearing, the board shall publish its decision, which shall be final unless altered by statute. Upon publication of objection to inclusion, rescheduling, or deletion under this chapter by the board, control under this chapter is stayed until the board publishes its decision.

6. Authority to control under this section does not extend to distilled spirits, wine, malt beverages or tobacco.

7. The board shall not include any nonnarcotic substance on any such schedule if such substance has been approved by the Food and Drug Administration for sale over the counter without a prescription.

SEC. 30. 1. The board and the division shall cooperate with federal and other state agencies in discharging their responsibilities concerning traffic in controlled substances and in suppressing the abuse of controlled substances. To this end, the board and division may:

(a) Arrange for the exchange of information among governmental officials concerning the use and abuse of controlled substances;

(b) Coordinate and cooperate in training programs concerning controlled substance law enforcement at local and state levels;

(c) Cooperate with the bureau by establishing a centralized unit to accept, catalogue, file and collect statistics, including records of drug-dependent persons and other controlled substance law offenders within the state, and make the information available for federal, state and local law enforcement purposes. The board and the division shall not furnish the name or identity of a patient or research subject whose identity could not be obtained under section 58 of this act; and

(d) Conduct programs of eradication aimed at destroying wild or illicit growth of plant species from which controlled substances may be extracted.

2. Results, information and evidence received from the bureau relating to the regulatory functions of this chapter, including results of inspections conducted by it, may be relied and acted upon by the board and division in the exercise of its regulatory functions under this chapter.

SEC. 30.5. The board and division shall cooperate with each other in effectuating the purposes of sections 2 to 87, inclusive, of this act.

SEC. 31. 1. The controlled substances listed in this section are included in schedule I.

2. *Any of the following opiates, including their isomers, esters, ethers, salts and salts of isomers, esters and ethers, unless specifically excepted, whenever the existence of these isomers, esters, ethers and salts is possible within the specific chemical designation:*

- (a) *Acetylmethadol;*
- (b) *Allylprodine;*
- (c) *Alphacetylmethadol;*
- (d) *Alphameprodine;*
- (e) *Alphamethadol;*
- (f) *Benzethidine;*
- (g) *Betacetylmethadol;*
- (h) *Betameprodine;*
- (i) *Betamethadol;*
- (j) *Betaprodine;*
- (k) *Clonitazene;*
- (l) *Dextromoramide;*
- (m) *Dextrorphan;*
- (n) *Diampromide;*
- (o) *Diethylthiambutene;*
- (p) *Dimenoxadol;*
- (q) *Dimepheptanol;*
- (r) *Dimethylthiambutene;*
- (s) *Dioxaphetyl butyrate;*
- (t) *Dipipanone;*
- (u) *Ethylmethylthiambutene;*
- (v) *Etonitazene;*
- (w) *Etoxeridine;*
- (x) *Furethidine;*
- (y) *Hydroxypethidine;*
- (z) *Ketobemidone;*
- (aa) *Levomoramide;*
- (bb) *Levophenacylmorphane;*
- (cc) *Morpheridine;*
- (dd) *Noracetylmethadol;*
- (ee) *Norlevorphanol;*
- (ff) *Normethadone;*
- (gg) *Norpipanone;*
- (hh) *Phenadoxone;*
- (ii) *Phenampromide;*
- (jj) *Phenomorphane;*
- (kk) *Phenoperidine;*
- (ll) *Piritramide;*
- (mm) *Propheptazine;*
- (nn) *Propoperidine;*
- (oo) *Racemoramide; or*
- (pp) *Trimeperidine.*

3. *Any of the following opium derivatives, their salts, isomers and salts of isomers, unless specifically excepted, whenever the existence of these salts, isomers and salts of isomers is possible within the specific chemical designation:*

- (a) *Acetorphine;*

- (b) *Acetyldihydrocodeine*;
- (c) *Benzylmorphine*;
- (d) *Codeine methylbromide*;
- (e) *Codeine-N-Oxide*;
- (f) *Cyprenorphine*;
- (g) *Desomorphine*;
- (h) *Dihydromorphine*;
- (i) *Etorphine*;
- (j) *Heroin*;
- (k) *Hydromorphenol*;
- (l) *Methyldesorphine*;
- (m) *Methyldihydromorphine*;
- (n) *Morphine methylbromide*;
- (o) *Morphine methylsulfonate*;
- (p) *Morphine-N-Oxide*;
- (q) *Myrophine*;
- (r) *Nicocodeine*;
- (s) *Nicomorphine*;
- (t) *Normorphine*;
- (u) *Phoclodine*; or
- (v) *Thebacon*.

4. Any material, compound, mixture or preparation which contains any quantity of the following hallucinogenic substances, their salts, isomers and salts of isomers, unless specifically excepted, whenever the existence of these salts, isomers and salts of isomers is possible within the specific chemical designation:

- (a) *3,4-methylenedioxy amphetamine*;
- (b) *5-methoxy-3,4-methylenedioxy amphetamine*;
- (c) *3,4,5-trimethoxy amphetamine*;
- (d) *Bufofenine*;
- (e) *Diethyltryptamine*;
- (f) *Dimethyltryptamine*;
- (g) *4-methyl-2,5-dimethoxylamphetamine*;
- (h) *Ibogaine*;
- (i) *Lysergic acid diethylamide*;
- (j) *Marihuana*;
- (k) *Mescaline*;
- (l) *Peyote*;
- (m) *N-ethyl-3-piperidyl benzilate*;
- (n) *N-methyl-3-piperidyl benzilate*;
- (o) *Psilocybin*;
- (p) *Psilocyn*;
- (q) *Tetrahydrocannabinols*.

SEC. 32. The board shall place a substance in schedule I if it finds that the substance:

1. Has high potential for abuse; and
2. Has no accepted medical use in treatment in the United States or lacks accepted safety for use in treatment under medical supervision.

SEC. 33. 1. The controlled substances listed in this section are included in schedule II.

2. Any of the following substances, except those narcotic drugs listed

in other schedules, whether produced directly or indirectly by extraction from substances of vegetable origin, or independently by means of chemical synthesis, or by combination of extraction and chemical synthesis:

(a) *Opium and opiate, and any salt, compound, derivative or preparation of opium or opiate.*

(b) *Any salt, compound, isomer, derivative or preparation thereof which is chemically equivalent or identical with any of the substances referred to in paragraph (a), but not including the isoquinoline alkaloids of opium.*

(c) *Opium poppy and poppy straw.*

(d) *Coca leaves and any salt, compound, derivative or preparation of coca leaves, and any salt, compound, derivative or preparation thereof which is chemically equivalent or identical with any of these substances, but not including decocainized coca leaves or extractions which do not contain cocaine or ecgonine.*

3. *Any of the following opiates, including their isomers, esters, ethers, salts and salts of isomers, whenever the existence of these isomers, esters, ethers and salts is possible within the specific chemical designation:*

(a) *Alphaprodine;*

(b) *Anileridine;*

(c) *Bezitramide;*

(d) *Dihydrocodeine;*

(e) *Diphenoxylate;*

(f) *Fentanyl;*

(g) *Isomethadone;*

(h) *Levomethorphan;*

(i) *Levorphanol;*

(j) *Metazocine;*

(k) *Methadone;*

(l) *Methadone-Intermediate, 4-cyano-2-dimethylamino-4, 4-diphenyl butane;*

(m) *Moramide-Intermediate, 2-methyl-3-morpholino-1, 1-diphenylpropane-carboxylic acid;*

(n) *Pethidine;*

(o) *Pethidine-Intermediate-A, 4-cyano-1-methyl-4-phenylpiperidine;*

(p) *Pethidine-Intermediate-B, ethyl-4-phenylpiperidine-4-carboxylate;*

(q) *Pethidine-Intermediate-C, 1-methyl-4-phenylpiperidine-4-carboxylic acid;*

(r) *Phenazocine;*

(s) *Piminodine;*

(t) *Racemethorphan; or*

(u) *Racemorphan.*

SEC. 34. *The board shall place a substance in schedule II if it finds that:*

1. *The substance has high potential for abuse;*

2. *The substance has currently accepted medical use in treatment in the United States, or currently accepted medical use with severe restrictions; and*

3. *The abuse of the substance may lead to severe psychic or physical dependence.*

SEC. 35. 1. *The controlled substances listed in this section are included in schedule III.*

2. *Any material, compound, mixture or preparation which contains any quantity of the following substances having a potential for abuse associated with a stimulant effect on the central nervous system:*

(a) *Amphetamine, its salts, optical isomers and salts of its optical isomers;*

(b) *Phenmetrazine and its salts;*

(c) *Any substance which contains any quantity of methamphetamine, including its salts, isomers and salts of isomers; or*

(d) *Methylphenidate.*

3. *Unless listed in another schedule, any material, compound, mixture or preparation which contains any quantity of the following substances having a potential for abuse associated with a depressant effect on the central nervous system:*

(a) *Any substance which contains any quantity of a derivative of barbituric acid, or any salt of a derivative of barbituric acid, except those substances which are specifically listed in other schedules;*

(b) *Chlorhexadol;*

(c) *Glutethimide;*

(d) *Lysergic acid;*

(e) *Lysergic acid amide;*

(f) *Methyprylon;*

(g) *Phencyclidine;*

(h) *Sulfondiethylmethane;*

(i) *Sulfonethylmethane; or*

(j) *Sulfonmethane.*

4. *Nalorphine.*

5. *Any material, compound, mixture or preparation containing limited quantities of any of the following narcotic drugs or any salts thereof:*

(a) *Not more than 1.8 grams of codeine, or any of its salts, per 100 milliliters or not more than 90 milligrams per dosage unit, with an equal or greater quantity of an isoquinoline alkaloid of opium;*

(b) *Not more than 1.8 grams of codeine, or any of its salts, per 100 milliliters or not more than 90 milligrams per dosage unit, with one or more active, nonnarcotic ingredients in recognized therapeutic amounts;*

(c) *Not more than 300 milligrams of dihydrocodeinone, or any of its salts, per 100 milliliters or not more than 15 milligrams per dosage unit, with a fourfold or greater quantity of an isoquinoline alkaloid of opium;*

(d) *Not more than 300 milligrams of dihydrocodeinone, or any of its salts, per 100 milliliters or not more than 15 milligrams per dosage unit, with one or more active, nonnarcotic ingredients in recognized therapeutic amounts;*

(e) *Not more than 1.8 grams of dihydrocodeine, or any of its salts, per 100 milliliters or not more than 90 milligrams per dosage unit, with one or more active, nonnarcotic ingredients in recognized therapeutic amounts;*

(f) *Not more than 300 milligrams of ethylmorphine, or any of its salts, per 100 milliliters or not more than 15 milligrams per dosage unit, with one or more ingredients in recognized therapeutic amounts;*

(g) Not more than 500 milligrams of opium per 100 milliliters or per 100 grams, or not more than 25 milligrams per dosage unit, with one or more active, nonnarcotic ingredients in recognized therapeutic amounts; or

(h) Not more than 50 milligrams of morphine, or any of its salts, per 100 milliliters or per 100 grams with one or more active, nonnarcotic ingredients in recognized therapeutic amounts.

6. *The board may except by rule any compound, mixture or preparation containing any stimulant or depressant substance listed in subsections 2 and 3 from the application of all or any part of this chapter if the compound, mixture or preparation contains one or more active medicinal ingredients not having a stimulant or depressant effect on the central nervous system, and if the admixtures are included therein in combinations, quantity, proportion or concentration that vitiate the potential for abuse of the substances which have a stimulant or depressant effect on the central nervous system.*

SEC. 36. *The board shall place a substance in schedule III if it finds that:*

1. *The substance has a potential for abuse less than the substances listed in schedules I and II;*

2. *The substance has currently accepted medical use in treatment in the United States; and*

3. *Abuse of the substance may lead to moderate or low physical dependence or high psychological dependence.*

SEC. 37. 1. *The controlled substances listed in this section are included in schedule IV.*

2. *Any material, compound, mixture or preparation which contains any quantity of the following substances having a potential for abuse associated with a depressant effect on the central nervous system:*

(a) Barbital;

(b) Chloral betaine;

(c) Chloral hydrate;

(d) Ethchlorvynol;

(e) Ethinamate;

(f) Methohexital;

(g) Meprobamate;

(h) Methylphenobarbital;

(i) Paraldehyde;

(j) Petrichloral; or

(k) Phenobarbital.

3. *The board may except by rule any compound, mixture or preparation containing any depressant substance listed in subsection 2 from the application of all or any part of this chapter if the compound, mixture or preparation contains one or more active medicinal ingredients not having a depressant effect on the central nervous system, and if the admixtures are included therein in combinations, quantity, proportion or concentration that vitiate the potential for abuse of the substances which have a depressant effect on the central nervous system.*

SEC. 38. *The board shall place a substance in schedule IV if it finds that:*

1. *The substance has a low potential for abuse relative to substances in schedule III;*
2. *The substance has currently accepted medical use in treatment in the United States; and*
3. *Abuse of the substance may lead to limited physical dependence or psychological dependence relative to the substances in schedule III.*

SEC. 39. 1. *The controlled substances listed in this section are included in schedule V.*

2. *Any compound, mixture or preparation containing limited quantities of any of the following narcotic drugs which also contains one or more nonnarcotic active medicinal ingredients in sufficient proportion to confer upon the compound, mixture or preparation valuable medicinal qualities other than those possessed by the narcotic drug alone:*

(a) *Not more than 200 milligrams of codeine, or any of its salts, per 100 milliliters or per 100 grams;*

(b) *Not more than 100 milligrams of dihydrocodeine, or any of its salts, per 100 milliliters or per 100 grams;*

(c) *Not more than 100 milligrams of ethylmorphine, or any of its salts, per 100 milliliters or per 100 grams;*

(d) *Not more than 2.5 milligrams of diphenoxylate and not less than 25 micrograms of atropine sulfate per dosage unit; or*

(e) *Not more than 100 milligrams of opium per 100 milliliters or per 100 grams.*

SEC. 40. *The board shall place a substance in schedule V if it finds that the substance has:*

1. *Low potential for abuse relative to the controlled substances listed in schedule IV;*

2. *Currently accepted medical use in treatment in the United States; and*

3. *Limited physical dependence or psychological dependence liability relative to the controlled substances listed in schedule IV.*

SEC. 41. *The board shall revise and republish the schedules semi-annually for 2 years from the effective date of this act, and thereafter annually.*

SEC. 42. *The controlled substances listed or to be listed in the schedules in sections 31, 33, 35, 37 and 39 of this act are included by whatever official, common, usual, chemical or trade name designated.*

SEC. 43. *The board may promulgate rules and charge reasonable fees relating to the registration and control of the manufacture, distribution and dispensing of controlled substances within this state.*

SEC. 44. 1. *Every person who manufactures, distributes or dispenses any controlled substance within this state or who proposes to engage in the manufacture, distribution or dispensing of any controlled substance within this state must obtain annually a registration issued by the board in accordance with its rules.*

2. *Persons registered by the board under this chapter to manufacture, distribute, dispense or conduct research with controlled substances may possess, manufacture, distribute, dispense or conduct research with those substances to the extent authorized by their registration and in conformity with the other provisions of this chapter.*

3. *The following persons need not register and may lawfully possess controlled substances under this chapter:*

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

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

(c) *An ultimate user or a person in possession of any controlled substance pursuant to a lawful order of a practitioner or in lawful possession of a schedule V substance.*

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

5. *A separate registration is required at each principal place of business or professional practice where the applicant manufactures, distributes or dispenses controlled substances.*

6. *The board may inspect the establishment of a registrant or applicant for registration in accordance with the board's rule.*

SEC. 45. 1. *The board shall register an applicant to manufacture or distribute controlled substances included in sections 31, 33, 35, 37 and 39 of this act unless it determines that the issuance of that registration would be inconsistent with the public interest.*

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

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

(b) *Compliance with applicable state and local law;*

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

(d) *Past experience in the manufacture or distribution of controlled substances, and the existence in the applicant's establishment of effective controls against diversion;*

(e) *Furnishing by the applicant of false or fraudulent material in any application filed under this chapter;*

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

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

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

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

5. *The board need not require separate registration under this chapter for practitioners engaging in research with nonnarcotic controlled*

substances in schedules II to V, inclusive, where the registrant is already registered under this chapter in another capacity.

6. *Practitioners registered under federal law to conduct research with schedule I substances may conduct research with schedule I substances within this state upon furnishing the board evidence of that federal registration.*

7. *Compliance by manufacturers and distributors with the provisions of the federal law respecting registration, excluding fees, entitles them to be registered under this chapter.*

SEC. 46. 1. *A registration under section 45 of this act to manufacture, distribute or dispense a controlled substance may be suspended or revoked by the board upon a finding that the registrant has:*

(a) *Furnished false or fraudulent material information in any application filed under this chapter;*

(b) *Been convicted of a felony under any state or federal law relating to any controlled substance; or*

(c) *Had his federal registration suspended or revoked to manufacture, distribute or dispense controlled substances.*

2. *The board may limit revocation or suspension of a registration to the particular controlled substance with respect to which grounds for revocation or suspension exist.*

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

4. *The board shall promptly notify the bureau and division of all orders suspending or revoking registration and the division shall promptly notify the bureau and the board of all forfeitures of controlled substances.*

SEC. 47. 1. *Before denying, suspending or revoking a registration, or refusing a renewal of registration, the board shall serve upon the applicant or registrant an order to show cause why registration should not be denied, revoked or suspended, or why the renewal should not be refused.*

2. *The order to show cause shall contain a statement of the basis therefor and shall call upon the applicant or registrant to appear before the board at a time and place not less than 30 days after the date of service of the order. In the case of a denial or renewal of registration the show cause order shall be served not later than 30 days before the expiration of the registration.*

3. *These proceedings shall be conducted in accordance with chapter 233B of NRS without regard to any criminal prosecution or other proceeding.*

4. *Proceedings to refuse renewal of registration shall not abate the existing registration, which shall remain in effect pending the outcome of the administrative hearing.*

5. The board may suspend, without an order to show cause, any registration simultaneously with the institution of proceedings under section 46 of this act, or where renewal of registration is refused, if it finds that there is an imminent danger to the public health or safety which warrants this action. The suspension shall continue in effect until the conclusion of the proceedings, including judicial review thereof, unless sooner withdrawn by the board or dissolved by a court of competent jurisdiction.

SEC. 48. Persons registered to manufacture, distribute or dispense controlled substances under this chapter shall keep records and maintain inventories in conformance with the record-keeping and inventory requirements of federal law and with any additional rules the board issues.

SEC. 49. Controlled substances in schedules I and II shall be distributed by a registrant to another registrant only pursuant to an order form. Compliance with the provisions of federal law respecting order forms shall be deemed compliance with this section.

SEC. 50. 1. Except when dispensed directly by a practitioner, other than a pharmacy, to an ultimate user, no controlled substance in schedule II may be dispensed without the written prescription of a practitioner.

2. In emergency situations, as defined by rule of the board, schedule II drugs may be dispensed upon oral prescription of a practitioner, reduced promptly to writing and filed by the pharmacy. Prescriptions shall be retained in conformity with the requirements of section 48 of this act. No prescription for a schedule II substance may be refilled.

3. Except when dispensed directly by a practitioner, other than a pharmacy, to an ultimate user, a controlled substance included in schedules III or IV shall not be dispensed without a written or oral prescription of a practitioner. The prescription shall not be filled or refilled more than 6 months after the date thereof or be refilled more than five times, unless renewed by the practitioner.

4. A controlled substance included in schedule V shall not be distributed or dispensed other than for a medical purpose.

SEC. 51. 1. The division may make administrative inspections of controlled premises in accordance with the following provisions:

(a) When authorized by an administrative inspection warrant issued pursuant to section 52 of this act to an officer, employee or peace officer as defined in NRS 169.125, designated by the division, upon presenting the warrant and appropriate credentials to the owner, operator or agent in charge, may enter controlled premises for the purpose of conducting an administrative inspection.

(b) When authorized by an administrative inspection warrant, an officer, employee or peace officer as defined in NRS 169.125, designated by the division may:

(1) Inspect and copy records required by this chapter to be kept;

(2) Inspect, within reasonable limits and in a reasonable manner, controlled premises and all pertinent equipment, finished and unfinished material, containers and labeling found therein, and, except as provided in subsection 3, all other things therein, including records, files, papers, processes, controls and facilities bearing on violation of this chapter; and

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

2. *This section does not prevent the inspection without a warrant of books and records, nor does it prevent entries and administrative inspections, including seizures of property, without a warrant:*

(a) *If the owner, operator or agent in charge of the controlled premises consents;*

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

(c) *In situations involving inspection of conveyances if there is reasonable cause to believe that the mobility of the conveyance makes it impracticable to obtain a warrant;*

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

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

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

4. *For purposes of this section, "controlled premises" means:*

(a) *Places where persons registered or exempted from registration requirements under this chapter are required to keep records; and*

(b) *Places, including factories, warehouses, establishments and conveyances in which persons registered or exempted from registration requirements under this chapter are permitted to hold, manufacture, compound, process, sell, deliver or otherwise dispose of any controlled substance.*

SEC. 52. 1. *Issuance and execution of administrative inspection warrants shall be as follows:*

(a) *A magistrate, as defined in NRS 169.095, within his jurisdiction, and upon proper oath or affirmation showing probable cause, may issue warrants for the purpose of conducting administrative inspections authorized by this chapter or rules of the board or division, and seizures of property appropriate to the inspections. For purposes of the issuance of administrative inspection warrants, probable cause exists upon showing a valid public interest in the effective enforcement of this chapter or rules of the board or division, sufficient to justify administrative inspection of the area, premises, building or conveyance in the circumstances specified in the application for the warrant.*

(b) *A warrant shall issue only upon an affidavit of an officer or employee of the board or division having knowledge of the facts alleged, sworn to before the magistrate and establishing the grounds for issuing the warrant. If the magistrate is satisfied that grounds for the application exist or that there is probable cause to believe they exist, he shall issue a warrant identifying the area, premises, building or conveyance to be inspected, the purpose of the inspection, and, if appropriate, the type of property to be inspected, if any.*

2. *The warrant shall:*

(a) *State the grounds for its issuance and the name of each person whose affidavit has been taken in support thereof;*

(b) Be directed to a person authorized to execute it;

(c) Command the person to whom it is directed to permit the inspection of the area, premises, building or conveyance identified for the purpose specified and, if appropriate, direct the seizure of the property specified;

(d) Identify the item or types of property to be seized, if any; and

(e) Direct that it be served during normal business hours and designate the magistrate to whom it shall be returned.

3. A warrant issued pursuant to this section shall be executed and returned within 10 days of its date of issuance unless, upon a showing of a need for additional time, the magistrate orders otherwise.

4. If property is seized pursuant to a warrant, a copy shall be given to the person from whom or from whose premises the property is taken, together with a receipt for the property taken.

5. The return of the warrant shall be made promptly, accompanied by a written inventory of any property taken. The inventory shall be made in the presence of the person executing the warrant and of the person from whose possession or premises the property was taken, if present, or in the presence of at least one credible person other than the person executing the warrant. A copy of the inventory shall be delivered to the person from whom or from whose premises the property was taken and to the applicant for the warrant.

6. The magistrate who has issued a warrant shall attach thereto a copy of the return and all papers returnable in connection therewith and file them with the clerk of the district court in the county in which the inspection was made.

SEC. 53. Any officer or employee of the division designated by his appointing authority may:

1. Carry firearms in the performance of his official duties;

2. Execute and serve search warrants, arrest warrants, administrative inspection warrants, subpoenas and summonses issued under the authority of this state;

3. Make arrests without warrant for any offense under this chapter committed in his presence, or if he has probable cause to believe that the person to be arrested has committed or is committing a violation of this chapter which may constitute a felony;

4. Make seizures of property pursuant to this chapter; or

5. Perform other law enforcement duties as the division designates.

SEC. 54. 1. The district courts have jurisdiction to restrain or enjoin violations of this chapter.

2. The defendant may demand trial by jury for an alleged violation of an injunction or restraining order under this section.

SEC. 55. 1. It is not necessary for the state to negate any exemption or exception in this chapter in any complaint, information, indictment or other pleading or in any trial, hearing or other proceeding under this chapter. The burden of proof of any exemption or exception is upon the person claiming it.

2. In the absence of proof that a person is the duly authorized holder of an appropriate registration or order form issued under this chapter,

he is presumed not to be the holder of the registration or form. The burden of proof is upon him to rebut the presumption.

3. No liability is imposed by this chapter upon any authorized state, county or municipal officer engaged in the lawful performance of his duties.

SEC. 56. All final determinations, findings and conclusions of the board or division under this chapter are final and conclusive decisions of the matters involved. Any person aggrieved by the decision may obtain review of the decision in the district court in the county of his residence. Findings of fact by the board or division, if supported by substantial evidence, are conclusive.

SEC. 57. 1. The board and division shall carry out educational programs designed to prevent and deter misuse and abuse of controlled substances. In connection with these programs the board and division may:

(a) Promote better recognition of the problems of misuse and abuse of controlled substances within the regulated industry and among interested groups and organizations;

(b) Assist the regulated industry and interested groups and organizations in contributing to the reduction of misuse and abuse of controlled substances;

(c) Consult with interested groups and organizations to aid them in solving administrative and organizational problems;

(d) Evaluate procedures, projects, techniques and controls conducted or proposed as part of educational programs on misuse and abuse of controlled substances;

(e) Disseminate the results of research on misuse and abuse of controlled substances to promote a better public understanding of what problems exist and what can be done to combat them; and

(f) Assist in the education and training of state and local law enforcement officials in their efforts to control misuse and abuse of controlled substances.

2. The board and the division shall encourage research on misuse and abuse of controlled substances. In connection with the research, and in furtherance of the enforcement of this chapter, it may:

(a) Establish methods to assess accurately the effects of controlled substances and identify and characterize those with potential for abuse;

(b) Make studies and undertake programs of research to:

(1) Develop new or improved approaches, techniques, systems, equipment and devices to strengthen the enforcement of this chapter;

(2) Determine patterns of misuse and abuse of controlled substances and the social effects thereof; and

(3) Improve methods for preventing, predicting, understanding and dealing with the misuse and abuse of controlled substances; and

(c) Enter into contracts with public agencies, institutions of higher education, and private organizations or individuals for the purpose of conducting research, demonstrations or special projects which bear directly on misuse and abuse of controlled substances.

3. The board may authorize persons engaged in research on the use and effects of controlled substances to withhold the names and other

identifying characteristics of individuals who are the subject of the research. Persons who obtain this authorization are not compelled in any civil, criminal, administrative, legislative or other proceeding to identify the individuals who are the subjects of research for which the authorization was obtained.

4. The board may authorize the possession and distribution of controlled substances by persons engaged in research. Persons who obtain this authorization are exempt from state prosecution for possession and distribution of controlled substances to the extent of the authorization. The board shall promptly notify the division of any such authorization.

SEC. 58. A practitioner engaged in medical practice or research is not required or compelled to furnish the name or identity of a patient or research subject to the board, nor may he be compelled in any state or local civil, criminal, administrative, legislative or other proceeding to furnish the name or identity of an individual that the practitioner is obligated to keep confidential.

SEC. 59. The following are subject to forfeiture:

1. All controlled substances which have been manufactured, distributed, dispensed or acquired in violation of this chapter.

2. All raw materials, products and equipment of any kind which are used, or intended for use, in manufacturing, compounding, processing, delivering, importing or exporting any controlled substance in violation of this chapter.

3. All property which is used, or intended for use, as a container for property described in subsections 1 and 2.

4. All books, records and research products and materials, including formulas, microfilm, tapes and data, which are used, or intended for use, in violation of this chapter.

5. All conveyances, including aircraft, vehicles or vessels, which are used, or intended for use, to transport, or in any manner to facilitate the transportation, for the purpose of sale or receipt of property described in subsections 1 or 2, except that:

(a) No conveyance used by any person as a common carrier in the transaction of business as a common carrier is subject to forfeiture under this section unless it appears that the owner or other person in charge of the conveyance is a consenting party or privy to a violation of this chapter;

(b) No conveyance is subject to forfeiture under this section by reason of any act or omission established by the owner thereof to have been committed or omitted without his knowledge or consent;

(c) A conveyance is not subject to forfeiture for a violation of section 63 of this act; and

(d) A forfeiture of a conveyance encumbered by a bona fide security interest is subject to the interest of the secured party if he neither had knowledge of nor consented to the act or omission.

SEC. 60. 1. Property subject to forfeiture under this chapter may be seized by the division or other law enforcement agency upon process issued by any magistrate having jurisdiction over the property.

2. Seizure without process may be made if:

(a) *The seizure is incident to an arrest or a search under a search warrant or an inspection under an administrative inspection warrant;*

(b) *The property subject to seizure has been the subject of a prior judgment in favor of the state in a criminal injunction or forfeiture proceeding based upon this chapter;*

(c) *The division has probable cause to believe that the property is directly or indirectly dangerous to health or safety; or*

(d) *The division has probable cause to believe that the property was used or is intended to be used in violation of this chapter.*

3. *In the event of seizure pursuant to subsection 2, proceedings under subsection 4 shall be instituted promptly.*

4. *Property taken or detained under this section and section 59 of this act shall not be subject to replevin, but is deemed to be in the custody of the division or other agency, as the case may be, subject only to the orders and decrees of the court having jurisdiction over the forfeiture proceedings. When property is seized under this chapter, the division or other agency may:*

(a) *Place the property under seal;*

(b) *Remove the property to a place designated by the agency seizing the property; or*

(c) *Remove it to an appropriate location for disposition in accordance with law.*

5. *When property is forfeited under this chapter the division or other agency as the case may be, may:*

(a) *Retain it for official use;*

(b) *Sell that which is not required to be destroyed by law and which is not harmful to the public.*

(c) *Remove it for disposition in accordance with the law; or*

(d) *Forward it to the bureau for disposition.*

6. *The proceeds from the sale of any property under the provisions of subsection 5 shall be used for payment of all proper expenses of the proceedings for forfeiture and sale, including expenses of seizure, maintenance of custody, advertising and court costs. Any balance remaining shall be deposited in the state permanent school fund.*

SEC. 61. 1. *Controlled substances listed in schedule I:*

(a) *That are possessed, transferred, sold or offered for sale in violation of this chapter are contraband and shall be seized and summarily forfeited to the state.*

(b) *Which are seized or come into the possession of the state, the owners of which are unknown, are contraband and shall be summarily forfeited to the state.*

2. *Species of plants from which controlled substances in schedules I and II may be derived which have been planted or cultivated in violation of this chapter, or of which the owners or cultivators are unknown, or which are wild growths, may be seized and summarily forfeited to the state.*

3. *The failure, upon demand by the division or other law enforcement agency, or the authorized agent of either, of the person in occupancy or in control of land or premises upon which the species of plants are*

growing or being stored, to produce an appropriate registration, or proof that he is the holder thereof, constitutes authority for the seizure and forfeiture of the plants.

SEC. 61.5. 1. Any store, shop, office, warehouse, dwelling house, building, vehicle, boat, aircraft, or any place whatever, which is resorted to by narcotic drug addicts for the purpose of using narcotic drugs or which is used for the illegal keeping or selling of the same shall be deemed a common nuisance. No person shall keep or maintain such common nuisance.

2. Nothing contained in this section shall be construed to apply to any rehabilitation clinic established or licensed by the health division of the department of health, welfare and rehabilitation.

SEC. 62. 1. Except as authorized by this chapter, it is unlawful for any person to sell, exchange, barter, supply or give away a controlled or counterfeit substance.

2. Any person who sells, exchanges, barter, supplies or gives away a controlled or counterfeit substance in violation of subsection 1 classified in:

(a) Schedule I or II, to a person who is:

(1) Twenty-one years of age or older 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 \$5,000. For a second or subsequent offense, such offender shall be punished by imprisonment in the state prison for life, without possibility of parole, and may be further punished by a fine of not more than \$5,000.

(2) Under 21 years of age shall be punished by imprisonment in the state prison for life with possibility of parole and may be further punished by a fine of not more than \$5,000. Eligibility for parole begins when a minimum of 7 years has been served. For a second or subsequent offense, such offender shall be punished by imprisonment in the state prison for life without possibility of parole.

(b) Schedule III, IV or V 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. For a:

(1) Second offense, or if, in case of a first conviction, the offender previously has 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 \$2,000.

(2) Third or subsequent offense, or if the offender previously has 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 \$5,000.

3. Any person who is under 21 years of age and is convicted of an offense otherwise punishable under subsection 2 shall be punished by imprisonment in the state prison for not less than 1 year nor more than

20 years, with possibility of probation. For a second or subsequent conviction, any such person shall be punished as provided in subsection 2 for a second or subsequent offense and any term of imprisonment imposed shall be served without possibility of probation.

SEC. 63. 1. It is unlawful for any person:

(a) To refuse or fail to make, keep or furnish any record, notification, order form, statement, invoice or information required under this chapter;

(b) To refuse an entry into any premises for any inspection authorized by this chapter; or

(c) Knowingly to keep or maintain any store, shop, warehouse, dwelling, building, vehicle, boat, aircraft or other structure or place which is resorted to by persons using controlled substances in violation of this chapter for the purpose of using these substances, or which is used for keeping or selling them in violation of this chapter.

2. Any person who violates this section 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.

SEC. 64. 1. It is unlawful for any person knowingly or intentionally to:

(a) Distribute as a registrant a controlled substance classified in schedule I or II, except pursuant to an order form as required by section 49 of this act;

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

(c) Acquire or obtain possession of a controlled substance by misrepresentation, fraud, forgery, deception or subterfuge;

(d) Furnish false or fraudulent material information in, or omit any material information from, any application, report or other document required to be kept or filed under this chapter, or any record required to be kept by this chapter; or

(e) Make, distribute or possess any punch, die, plate, stone or other thing designed to print, imprint or reproduce the trade-mark, trade name or other identifying mark, imprint or device of another or any likeness of any of the foregoing upon any drug or container or labeling thereof so as to render the drug a counterfeit substance.

2. Any person who violates this section 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.

SEC. 65. 1. It is unlawful for any person knowingly or intentionally to possess a controlled substance unless the substance was obtained directly from, or pursuant to, a valid prescription or order of a practitioner while acting in the course of his professional practice, or except as otherwise authorized by this chapter.

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

(a) For the first offense, and the controlled substance is listed in section 31, 33, 35 or 37 of this act, 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.

(b) For a second offense, and the controlled substance is listed in section 31, 33, 35 or 37 of this act, 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 \$2,000.

(c) For a third or subsequent offense, and the controlled substance is listed in section 31, 33, 35 or 37 of this act, 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 \$5,000.

(d) For the first offense, and the controlled substance is listed in section 39 of this act, 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.

(e) For a second or subsequent offense, and the controlled substance is listed in section 39 of this act, 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.

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

(a) For the first offense:

(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

(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

(3) May have his driver's license suspended for not more than 6 months.

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

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

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:

(a) Interview the person convicted and make a determination as to the rehabilitation potential of the individual; and

(b) Conduct a hearing at which evidence may be presented as to the rehabilitation potential 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.

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

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

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

6. *Whenever any person who has not previously been convicted of any offense under this chapter or under any statute of the United States or of any state relating to narcotic drugs, marihuana or stimulant, depressant or hallucinogenic drugs pleads guilty to or is found guilty of possession of a controlled substance under this section, the court, without entering a judgment of guilt and with the consent of the accused, may defer further proceedings and place him on probation upon terms and conditions.*

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

8. *Discharge and dismissal under this section shall be without adjudication of guilt and is not a conviction for purposes of this section or for purposes of disqualifications or disabilities imposed by law upon conviction of a crime, including the additional penalties imposed for a second or subsequent convictions under this chapter.*

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

SEC. 66. 1. *Prosecution for any violation of law occurring prior to the effective date of this act is not affected or abated by this chapter. If the offense being prosecuted is similar to one set out in sections 62 to 87, inclusive, of this act, then the penalties under sections 62 to 87, inclusive, of this act, apply if they are less than those under prior law.*

2. *Civil seizures or forfeitures and injunctive proceedings commenced prior to the effective date of this act are not affected by this chapter.*

3. *All administrative proceedings pending under prior laws which are superseded by sections 2 to 87, inclusive, of this act shall be continued and brought to a final determination in accord with the laws and rules in effect prior to the effective date of the act. Any substance controlled under prior law which is not listed within schedules I to V, inclusive, is automatically controlled without further proceedings and shall be listed in the appropriate schedule.*

4. *The board shall initially permit persons to register who own or operate any establishment engaged in the manufacture, distribution or dispensing of any controlled substance prior to the effective date of this act and who are registered or licensed by the state.*

5. *Sections 2 to 87, inclusive, of this act apply to violations of law, seizures and forfeiture, injunctive proceedings, administrative proceedings and investigations which occur following the effective date of this act.*

SEC. 67. 1. *If a violation of sections 2 to 87, inclusive, of this act*

is a violation of a federal law or the law of another state, a conviction or acquittal under federal law or the law of another state for the same act is a bar to prosecution in this state.

2. The provisions of subsection 1 shall not apply to prohibit any licensing board within this state from proceeding administratively to suspend or revoke any certificate, license or permit held by any person who has been convicted of a violation of any federal or state controlled substance law.

SEC. 68. Any penalty imposed for violation of sections 2 to 87, inclusive, of this act is in addition to, and not in lieu of, any civil or administrative penalty or sanction otherwise authorized by law.

SEC. 69. Any orders and rules promulgated under any law affected by sections 2 to 87, inclusive, of this act and in effect on the effective date of this act and not in conflict with it continue in effect until modified, superseded or repealed.

SEC. 70. Sections 2 to 69, inclusive, of this act shall be so applied and construed as to effectuate its general purpose to make uniform the law with respect to the subject of such sections among those states which enact it.

SEC. 71. 1. As used in sections 71 to 86, inclusive, of this act: "Pharmacy" means every store or shop licensed under the provisions of chapter 639 of NRS where prescriptions are compounded and dispensed and dangerous drugs, narcotics, poisons, medicines or chemicals are stored or possessed, or dispensed, sold or displayed at retail.

2. "Physician," "dentist," "podiatrist," "veterinarian" and "pharmacist" mean persons authorized by a currently valid and unrevoked license to practice their respective professions in this state. The word "physician" includes osteopathic physicians and surgeons.

3. "Prescription" means an order given individually for the person for whom prescribed, directly from the prescriber to the pharmacist or indirectly by means of an order signed by the prescriber, and shall contain the name and address of the prescriber, his license classification, the name and address of the patient, the name and quantity of the controlled substance prescribed, directions for use and the date of issue. Directions for use shall be specific in that they shall indicate the portion of the body to which the medication is to be applied or, if it is taken into the body by means other than orally, the orifice or canal of the body into which the medication is to be inserted or injected.

SEC. 71.5. 1. A physician or a dentist, in good faith and in the course of his professional practice or as directed by the health division of the department of health, welfare and rehabilitation at a certified hospital or at a rehabilitation clinic, may prescribe, administer and dispense controlled substances, or he may cause the same to be administered by a nurse or interne under his direction and supervision.

2. A veterinarian, in good faith and in the course of his professional practice only, and not for use by a human being, may prescribe, administer, and dispense controlled substances, and he may cause them to be administered by an assistant or orderly under his direction and supervision.

3. Any person who has obtained from a physician, dentist, or veterinarian any controlled substance for administration to a patient during the

absence of such physician, dentist, or veterinarian shall return to such physician, dentist, or veterinarian any unused portion of such substance when it is no longer required by the patient.

SEC. 72. *No person may:*

1. *Unlawfully take a controlled substance from a manufacturer, wholesaler, apothecary, physician, dentist, veterinarian or other person authorized to administer, dispense or possess controlled substances.*

2. *While undergoing treatment and being supplied with any controlled substances or a prescription for any controlled substance from one physician, obtain any controlled substance from another physician without disclosing this fact to the second physician.*

SEC. 73. *No person may:*

1. *Induce or attempt to induce another person unlawfully to use or administer a controlled substance.*

2. *Employ, induce or use a minor unlawfully to transport, carry, dispense, produce or manufacture a controlled substance.*

3. *Induce or attempt to induce a minor to violate any of the provisions of this chapter.*

4. *Induce or attempt to induce a minor to use a controlled substance except in accordance with a prescription issued by a practitioner.*

5. *Conspire with another person or persons to violate any provision of this chapter.*

SEC. 74. 1. *It is unlawful for any person knowingly to use or be under the influence of a controlled substance except in accordance with a prescription issued to such person by a physician, podiatrist or dentist.*

2. *It is unlawful for any person knowingly to use or be under the influence of a controlled substance except when administered to such person at a rehabilitation clinic established or licensed by the health division of the department of health, welfare and rehabilitation, or a hospital certified by the department.*

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

(a) *If the controlled substance is listed in section 31, 33, 35 or 37 of this act, 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.*

(b) *If the controlled substance is listed in section 39 of this act, 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.*

SEC. 75. *Any person who violates any provision of sections 71 to 73, inclusive, of this act 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.*

SEC. 76. *No pharmacist shall knowingly fill or refill any prescription for a controlled substance for use by any person other than the one for whom the prescription was originally issued.*

SEC. 77. *No prescription for any controlled substance may be refilled except in compliance with the provisions of this chapter.*

SEC. 78. 1. *Any prescription for a controlled substance, regardless of the refill authorization given by the prescriber, shall not be refilled more than five times or for a period of more than 6 months, whichever occurs first.*

2. If no refill authorization is given by the prescriber, or if the prescription is refillable and has been refilled for the number of times or for the period of time set forth in subsection 1, the original prescription shall be voided and a new prescription shall be obtained and placed on the prescription file.

3. Nothing in this section shall be construed to apply to any person determined to be a narcotic addict who is receiving treatment at a rehabilitation clinic by the health division of the department of health, welfare and rehabilitation, or a hospital certified by the department.

SEC. 79. Except as provided in section 78 of this act, a prescription which bears specific refill authorization, given by the prescriber at the time he issued the original prescription, may be refilled in the pharmacy in which it was originally filled, for the number of times authorized or over the period of time authorized, but only in keeping with the number of doses ordered and the directions for use; but in no case shall the prescription be refilled after 1 year has elapsed from the date it was originally filled.

SEC. 80. Except as provided in section 78 of this act, a prescription which bears authorization, permitting the pharmacist to refill the prescription as needed by the patient, may be refilled in keeping with the number of doses ordered and the directions for use within 1 year from the date it was originally filled.

SEC. 81. Except as provided in section 78 of this act, an original prescription which does not bear refill authorization, or a prescription on which the original refill authorization has expired, may be refilled if additional authorization has been obtained from the prescriber or another doctor with the same license classification acting in the absence of the original prescriber. Such information may be relayed to the pharmacist by an authorized agent employed by the prescriber, if the prescriber, or another doctor acting in his absence, is available and can be contacted by the nurse.

SEC. 82. A physician may issue a blanket authorization individually to any pharmacist authorizing such pharmacist to refill prescriptions written by the physician, for controlled substances, other than those enumerated in section 78 of this act, which are considered necessary in the treatment of chronic or continuing illnesses of his patients. Such authorization shall be in writing, signed by the physician, and shall list the types of controlled substances to be covered and any limitations or conditions the physician may desire. Such authorization shall be retained by the pharmacist and available for inspection and shall be valid authorization for the pharmacist to refill such prescriptions for a period of 1 year from the date of issue.

SEC. 83. Except as provided in section 78 of this act, in the absence of specific refill authorization, when the refilling of a prescription calling for a controlled substance needed for the continuation of a treatment of a chronic or continuing illness is considered necessary and the pharmacist is unable to contact the prescriber, the pharmacist may, if in his professional judgment he feels that such controlled substance should be provided for the patient, furnish a sufficient supply of the medication to provide for the continuation of treatment until such time as the prescriber can be personally contacted.

SEC. 84. *No prescription for a controlled substance may be refilled after the demise of the prescriber.*

SEC. 85. *It is unlawful for any person within this state to possess, sell, offer to sell or hold for the purpose of sale or resale any nasal inhaler which contains any controlled substance capable of causing stimulation to the central nervous system unless:*

1. *The product contains a denaturant in sufficient quantity to render it unfit for internal use; and*

2. *The product is among such products listed as approved by the division in the regulations officially adopted by the division.*

SEC. 86. *Any person who violates any provisions of sections 76 to 85, inclusive, of this act is guilty of a misdemeanor.*

SEC. 86.3. *The criminal sanction provided in this chapter does not apply to that plant of the genus *Lophophora* commonly known as peyote when such drug is used as the sacrament in religious rites of any bona fide religious organization.*

SEC. 87. *All agents or inspectors of the board or division, peace officers, district attorneys and their deputies while investigating violations of this chapter in performance of their official duties, and any person working under their immediate direction, supervision or instruction are immune from prosecution under the provisions of this chapter for acts which would otherwise be unlawful under the provisions of this chapter but which are reasonably necessary in the performance of their official duties.*

SEC. 88. NRS 176.187 is hereby amended to read as follows:

176.187 1. Upon the granting of probation to a person convicted of any crime related to the sale, possession or use of a **[narcotic drug,]** *controlled substance*, as defined in chapter 453 of NRS, **[a dangerous drug, as defined in NRS 454.220, or any drug referred to in NRS 454.460 the possession or use of which is a crime,]** the court may, when the circumstances warrant, require as a condition of probation that the probationer submit to periodic tests by a physician approved by the state health officer to determine whether the probationer is using any such **[drug.] substance**. Any such use or any failure or refusal to submit is a ground for revocation of probation.

2. Any expense incurred as a result of any such test is a charge against the county in which probation was granted.

SEC. 89. NRS 207.030 is hereby amended to read as follows:

207.030 1. Every person is a vagrant who:

(a) Solicits anyone to engage in or who engages in lewd or dissolute conduct in any public place or in any place open to the public or exposed to public view;

(b) Solicits any act of prostitution;

(c) Is a pimp, panderer or procurer or lives in or about houses of prostitution;

(d) Accosts other persons in any public place or in any place open to the public for the purpose of begging or soliciting alms;

(e) Goes from house to house begging food, money or other articles, or seeks admission to such houses upon frivolous pretexts for no other apparent motive than to see who may be therein, or to gain an insight of the premises;

- (f) Keeps a place where lost or stolen property is concealed;
- (g) Loiters in or about any toilet open to the public for the purpose of engaging in or soliciting any lewd or lascivious or any unlawful act;
- (h) Loiters or wanders upon the streets or from place to place without apparent reason or business and who refuses to identify himself and to account for his presence when requested by any peace officer so to do, if the surrounding circumstances are such as to indicate to a reasonable man that the public safety demands such identification;
- (i) Is found in any public place under the influence of intoxicating liquor, or any **[drug,]** *controlled substance as defined in chapter 453 of NRS*, or the combined influence of intoxicating liquor and any **[drug,]** *such substance*, in such a condition that he is unable to exercise care for his own safety or the safety of others, or by reason of his being under the influence of intoxicating liquor, or any **[drug,]** *controlled substance as defined in chapter 453 of NRS*, or the combined influence of intoxicating liquor and any **[drug,]** *such substance*, interferes with or obstructs or prevents the free use of any street, sidewalk or other public way;
- (j) Loiters, prowls or wanders upon the private property of another, in the nighttime, without visible or lawful business with the owner or occupant thereof, or who, while loitering, prowling or wandering upon the private property of another, in the nighttime, peeks in the door or window of any inhabited building or structure located thereon, without visible or lawful business with the owner or occupant thereof; or
- (k) Lodges in any building, structure or place, whether public or private, without the permission of the owner or person entitled to the possession or in control thereof.

2. Every vagrant is guilty of a misdemeanor.

SEC. 90. NRS 212.160 is hereby amended to read as follows:

212.160 1. Any person, not authorized by law, who knowingly shall furnish, or attempt to furnish, or aid or assist in furnishing or attempting to furnish to any prisoner confined in the state prison farm, conservation honor camp, or any other place where prisoners are authorized to be or are assigned by the warden, any deadly weapon, explosives, any **[deleterious substance]** *controlled substance as defined in chapter 453 of NRS*, or intoxicating liquor, shall be punished:

(a) Where a deadly weapon, *controlled substance* or explosive is involved, by imprisonment in the state prison for not less than 1 year nor more than 6 years.

(b) Where an intoxicant **[or other deleterious substance]** is involved, for a gross misdemeanor.

2. Knowingly leaving or causing to be left any such article where it may be obtained by any such prisoner shall be held to be, within the meaning of this section, the furnishing such article to such prisoner.

SEC. 91. NRS 213.123 is hereby amended to read as follows:

213.123 1. Upon the granting of parole to a prisoner convicted of any crime related to the sale, possession or use of a **[narcotic drug,]** *controlled substance*, as defined in chapter 453 of NRS, **[a dangerous drug,** as defined in NRS 454.220, or any drug referred to in NRS 454.460 the possession or use of which is a crime,] the board may, when the circumstances warrant, require as a condition of parole that the parolee submit to periodic tests by a physician approved by the state health officer

to determine whether the parolee is using any such [drug.] substance. Any such use or any failure or refusal to submit is a ground for revocation of parole.

2. Any expense incurred as a result of any such test is a charge against the board.

SEC. 92. (Deleted by amendment.)

SEC. 93. NRS 283.450 is hereby amended to read as follows:

283.450 1. Any civil officer in this state who shall, during his term of office, become intoxicated or be under the influence of alcoholic, malt or vinous liquors, or become or be addicted to the use of [drugs or narcotics,] *controlled substances as defined in chapter 453 of NRS*, so that he shall not at all times be in proper condition for the discharge of the duties of his office, is guilty of a gross misdemeanor, and shall, if he is a state officer, be subject to removal from office by impeachment, or if he is a county, city or township officer he shall be removed from office by the judgment of the court in which the conviction is had, as a part of the penalty in such conviction.

2. Upon receiving information from any person that the provisions of this section have been violated, sheriffs and their deputies, constables and their deputies, district attorneys, and all other peace officers in this state shall immediately institute proceedings in the proper court against the person complained of, and shall prosecute the same with reasonable diligence to final judgment.

3. If any person shall make and file a complaint under oath charging the district attorney with a violation or violations of this section, the attorney general shall prosecute such district attorney pursuant to the terms of this section.

4. If any state officer is convicted under the provisions of this section, the prosecuting officer obtaining the conviction shall file a certified copy of the judgment roll with the secretary of state. The secretary of state shall lay the certified copy of the judgment roll before the legislature at its next session.

5. The provisions of this section shall be specially charged to the grand juries of the several counties by district judges.

SEC. 94. NRS 389.060 is hereby amended to read as follows:

389.060 Physiology and hygiene shall be taught in the public schools of this state, and special attention shall be given to the effects of [stimulants and narcotics] *controlled substances as defined in chapter 453 of NRS* upon the human system.

SEC. 95. NRS 433.248 is hereby amended to read as follows:

433.248 As used in NRS 433.250 to 433.290, inclusive, unless the context otherwise requires:

1. "Alcoholic" means a person who is so far addicted to the intemperate use of alcoholic beverages as to have lost the power of self-control.

2. "Drug addict" means a person who:

(a) Habitually takes or otherwise uses any [narcotic or habit-forming drug,] *controlled substance as defined in chapter 453 of NRS*, other than opium, heroin, morphine or any derivative or synthetic drug of that group, or other than any maintenance dosage of a narcotic or habit-forming drug administered pursuant to chapter 453 of NRS; or

(b) Is so far addicted to the use of any [stimulant or depressant

drug] *controlled substance as defined in chapter 453 of NRS* as to have lost the power of self-control.

SEC. 96. NRS 433.630 is hereby amended to read as follows:

433.630 1. Any person or employee of the hospital or mental health center is guilty of a misdemeanor who:

(a) Willfully abuses a patient of the hospital or mental health center; or

(b) Brings intoxicating beverages [, dangerous drugs, as that term is defined in NRS 454.220, or narcotics] *or a controlled substance as defined in chapter 453 of NRS* into buildings occupied by patients unless specifically authorized or ordered to do so by the superintendent, chief or a staff physician; or

(c) Is under the influence of liquor [, dangerous drugs, as that term is defined in NRS 454.220, or narcotics] *or a controlled substance as defined in chapter 453 of NRS, in accordance with a prescription issued to such person by a physician, podiatrist or dentist*, while employed in contact with patients; or

(d) Enters into any transaction with a committed patient involving the transfer of money or property for personal use or gain at the expense of such committed patient; or

(e) Contrives the escape, elopement, or absence of a patient.

2. Any person who is convicted of a misdemeanor under this section shall, for a period of 5 years, be ineligible for appointment to or employment in a position in the state service, and, if he is an officer or employee of the state, he shall forfeit his office or position.

SEC. 97. NRS 454.0092 is hereby amended to read as follows:

454.0092 "Manufacturer" means a person, other than a registered pharmacist practicing in a licensed pharmacy, who [derives, produces, prepares, compounds, mixes, cultivates, grows or processes any drug, repackages any drug for the purpose of resale or who] makes, produces or prepares any hypodermic or prophylactic device.

SEC. 98. NRS 454.0094 is hereby amended to read as follows:

454.0094 "Pharmacy" means every store or shop licensed under the provisions of chapter 639 of NRS where prescriptions are compounded and dispensed and [dangerous drugs, narcotics,] poisons, medicines or chemicals are stored or possessed, or dispensed, sold or displayed at retail.

SEC. 99. NRS 454.0098 is hereby amended to read as follows:

454.0098 "Wholesaler" means a person who supplies [dangerous drugs,] chemicals or hypodermic or prophylactic devices that he himself has not derived, produced, repackaged or prepared, on sales orders for resale but not on prescriptions, except a nonprofit cooperative agricultural organization which supplies or distributes drugs and medicines only to its own members.

SEC. 100. NRS 454.480 is hereby amended to read as follows:

454.480 1. Hypodermic devices may be sold by pharmacists on the prescription of a physician, dentist or veterinarian. Such prescriptions shall be filed as required by NRS 639.236, and may be refilled as authorized by the prescriber. Records of refilling shall be maintained as required by [NRS 454.330 to 454.339, inclusive.] *sections 77 to 85, inclusive, of this act.*

2. Pharmacists and others holding hypodermic permits, unless the permit limits otherwise, may sell hypodermic devices without prescription for the following purposes:

- (a) For use in the treatment of persons having asthma or diabetes.
- (b) For use in injecting medications prescribed by a physician for the treatment of human beings.
- (c) For the injection of drugs in animals or poultry.
- (d) For commercial or industrial use or use by jewelers or other merchants having need for such devices in the conduct of their business, or by hobbyists when the seller is satisfied that the device will be used for legitimate purposes.
- (e) For use by funeral directors and embalmers, licensed medical technicians or technologists, or research laboratories.

3. The sale without prescription of any hypodermic device intended for human use, as set forth in paragraphs (a) and (b) of subsection 2, shall be limited to pharmacists and all such sales must be recorded as provided in NRS 454.490.

SEC. 101. NRS 454.534 is hereby amended to read as follows:

454.534 In any complaint, information or indictment and in any action or proceeding brought for the enforcement of any provision of **[NRS 454.180]** *NRS 454.470 to 454.530*, inclusive, it shall not be necessary to negate any exception, excuse, proviso or exemption contained in **[NRS 454.180 to 454.450,]** *NRS 454.470 to 454.530*, inclusive, and the burden of proof of any such exception, excuse, proviso or exemption shall be upon the defendant.

SEC. 102. NRS 483.250 is hereby amended to read as follows:

483.250 The department shall not issue any license under the provisions of NRS 483.010 to 483.630, inclusive.

1. To any person who is under the age of 16 years, except that the department may issue:

(a) A restricted license to a person between the ages of 14 and 16 years pursuant to the provisions of NRS 483.270.

(b) An instruction permit to a person who is at least 15½ years of age pursuant to the provisions of subsection 1 of NRS 483.280.

(c) A restricted instruction permit to a person under the age of 16 years pursuant to the provisions of subsection 3 of NRS 483.280.

2. To any person whose license has been revoked until the expiration of the period for which such license was revoked.

3. To any person whose license has been suspended; but, upon good cause shown to the administrator, the department may issue a restricted license to such person or shorten any period of suspension.

4. To any person who is an habitual drunkard or is addicted to the use of **[narcotic drugs or dangerous drugs]** *any controlled substances as defined in chapter 453 of NRS.*

5. To any person who has previously been adjudged to be afflicted with or suffering from any mental disability or disease and who has not at the time of application been restored to competency by the methods provided by law.

6. To any person who is required by NRS 483.010 to 483.630, inclusive, to take an examination, unless such person has successfully passed such examination.

7. To any person when the administrator has good cause to believe that such person by reason of physical or mental disability would not be able to drive a motor vehicle with safety upon the highways.

8. To any person when the administrator has good reason to believe that the driving of a motor vehicle on the highways by such a person would be inimical to public safety or welfare. Two or more convictions of driving while under the influence of intoxicating liquors or of [stimulating or stupefying drugs] *a controlled substance as defined in chapter 453 of NRS* shall be sufficient evidence of conduct inimical to the public welfare, and the administrator shall refuse to issue or renew a license for a person so convicted until it is proven to the reasonable satisfaction of the administrator that such issuance or renewal is not opposed to the public interest.

9. To any person who is not a resident of this state.

SEC. 103. NRS 483.460 is hereby amended to read as follows:

483.460 Unless otherwise provided by law, the department shall forthwith revoke, for a period of 1 year, the license of any driver upon receiving a record of such driver's conviction of any of the following offenses, when such conviction has become final:

1. Manslaughter resulting from the driving of a motor vehicle.
2. A second conviction of driving a motor vehicle while under the influence of intoxicating liquor or the influence of any [narcotic drug as defined in NRS 453.020, dangerous drug as defined in NRS 454.220 or hallucinogenic drug as defined in NRS 454.460,] *controlled substance as defined in chapter 453 of NRS*, or of inhalation, ingestion, application or other use of any chemical, poison or organic solvent, or any compound or combination of any chemical, poison or organic solvent, to a degree which renders the driver incapable of safely driving; but the revocation provided for in this subsection shall in no event exceed the time fixed as provided in subsection 4 of NRS 484.379.
3. Any felony in the commission of which a motor vehicle is used, including the unlawful taking of a motor vehicle.
4. Failure to stop and render aid as required under the laws of this state in the event of a motor vehicle accident resulting in the death or personal injury of another.
5. Perjury or the making of a false affidavit or statement under oath to the department under NRS 483.010 to 483.630, inclusive, or under any other law relating to the ownership or driving of motor vehicles.
6. Conviction, or forfeiture of bail not vacated, upon three charges of reckless driving committed within a period of 12 months.

SEC. 104. NRS 484.379 is hereby amended to read as follows:

484.379 1. It is unlawful for any person who is under the influence of intoxicating liquor to drive or be in actual physical control of a vehicle within this state.

2. It is unlawful for any person who is an habitual user of or under the influence of any [narcotic drug as defined in NRS 453.020, dangerous drug as defined in NRS 454.220 or hallucinogenic drug as defined in NRS 454.460,] *controlled substance as defined in chapter 453 of NRS*, or any person who inhales, ingests, applies or otherwise uses any chemical, poison or organic solvent, or any compound or combination of any

chemical, poison or organic solvent, to a degree which renders him incapable of safely driving or steering a vehicle to drive or steer a vehicle within this state. The fact that any person charged with a violation of this subsection is or has been entitled to use such drug under the laws of this state shall not constitute a defense against any charge of violating this subsection.

3. Any person who violates the provisions of this section is guilty of a misdemeanor and such person's license to operate a vehicle in this state may, by the decision of the court, be suspended by the department of motor vehicles for a period of not less than 30 days nor more than 1 year.

4. Upon a subsequent conviction within 3 years for an offense under the provisions of this section, the person so convicted shall be punished by a fine of not less than \$100 nor more than \$500 or by imprisonment in the county jail for not less than 10 days nor more than 6 months or by both such fine and imprisonment. His license to operate a vehicle in this state shall be revoked for 2 years by the department of motor vehicles.

5. No judge or justice of the peace in imposing sentences provided for in this section shall suspend the same or any part thereof.

SEC. 105. NRS 488.205 is hereby amended to read as follows:

488.205 1. No person may operate any motorboat or vessel, or manipulate any water skis, surfboard or similar device in a reckless or negligent manner so as to endanger the life or property of any person.

2. No person may operate any motorboat or vessel, or manipulate any water skis, surfboard or similar device while intoxicated or under the influence of any [narcotic drug, barbiturate or marihuana.] *controlled substance as defined in chapter 453 of NRS, in accordance with a prescription issued to such person by a physician, podiatrist or dentist.*

SEC. 106. NRS 493.130 is hereby amended to read as follows:

493.130 Any person operating an aircraft in the air, or on the ground or water, while under the influence of intoxicating liquor, [narcotics or other habit-forming drug,] *a controlled substance as defined in chapter 453 of NRS, in accordance with a prescription issued to such person by a physician, podiatrist or dentist,* or operating an aircraft in the air or on the ground or water, in a careless or reckless manner so as to endanger the life or property of another shall be guilty of a gross misdemeanor.

SEC. 107. NRS 630.030 is hereby amended to read as follows:

630.030 As used in this chapter, "unprofessional conduct" means:

1. Obtaining a certificate upon fraudulent credentials, or gross misrepresentation.

2. Procuring, or aiding or abetting in procuring, criminal abortion.

3. Obtaining a fee on assurance that a manifestly incurable disease can be permanently cured.

4. Advertising medical business in which grossly improbable statements are made.

5. Any advertising of any medicine or any means whereby the monthly periods of women can be regulated, or menses reestablished if suppressed.

6. Willful disobedience of the law, or of the rules and regulations of the state board of health.

7. Conviction of any offense involving moral turpitude or the conviction of a felony. The record of the conviction shall be conclusive evidence of unprofessional conduct.

8. Administering, dispensing or prescribing any [narcotic drug (opium, coca leaves, cannabis or any preparation or derivative of any of them or any other habit-forming drug)] *controlled substance as defined in chapter 453 of NRS*, otherwise than in the course of legitimate professional practice and for the prevention, alleviation or cure of disease or for the relief of suffering, and not primarily for the purpose of catering to the cravings of an addict.

9. Conviction or violation of any federal or state law regulating the possession, distribution or use of any [narcotic drug aforesaid.] *such controlled substance*. The record of conviction shall be conclusive evidence of such unprofessional conduct.

10. Habitual intemperance or excessive use of [cocaine, morphine, codeine, opium, heroin, alpha eucaine, beta eucaine, novacaine or chloral hydrate, or any of the salts, derivatives or compounds of the foregoing substances, or of] alcohol or alcoholic beverages [, or of any other habit-forming drug or substance.] *or any controlled substance as defined in chapter 453 of NRS*.

11. Conduct unbecoming a person licensed to practice medicine or detrimental to the best interests of the public.

12. Violating, or attempting to violate, directly or indirectly, or assisting in or abetting the violation of or conspiring to violate any provision or term of this chapter.

13. Employing, directly or indirectly, any suspended or unlicensed practitioner in the practice of any system or mode of treating the sick or afflicted, or the aiding or abetting of any unlicensed person to practice medicine as defined in this chapter.

14. Gross negligence in the practice of any phase of the profession.

15. The adjudication of insanity by a court of competent jurisdiction. The record of the adjudication, judgment or order of commitment is conclusive evidence of such unprofessional conduct.

Sec. 108. NRS 631.050 is hereby amended to read as follows:

631.050 1. As used in this chapter, "dishonorable or unprofessional conduct" is declared to include:

(a) Conviction of a felony or misdemeanor involving moral turpitude, or conviction of any criminal violation of this chapter; or

(b) Employing, directly or indirectly, any student or any suspended or unlicensed dentist to perform operations of any kind in treating or correction of the teeth or jaws, except as provided in this chapter; or

(c) The publication or circulation, directly or indirectly, of any fraudulent, false or misleading statement as to the skill or method of practice of any dentists; or

(d) The use of advertising in which reference is made to any anesthetic, drug, formula, material, medicine, method or system used or to be used; or the advertising of the performance of any dental operation without causing pain; or the advertising of any free dental service or

examination as an inducement to secure dental patronage; or the advertising of price, cost, charge, fee or terms of credit for the services performed or to be performed, or for material used or to be used, by any person engaged as principal or agent in the practice of dentistry; or the advertising of a guarantee for any dental services; or the advertising of artificial teeth or dentures with or without the use of any representation of a tooth, teeth, bridgework or denture, or of any portion of the human head, or the exhibition or use of specimens of dental work, large display signs, glaring light signs, electric or neon, or any signs, posters or other media calling attention of the public to any person engaged in the practice of dentistry. Any person taking up or retiring from the practice of dentistry, changing his place of business or business telephone, or who intends to absent himself from, or return to, his place of business may advertise such fact in a newspaper for not more than 3 successive publications, which advertisement shall not exceed 2 column inches; or

(e) The claiming or inferring of professional superiority over neighboring practitioners; or

(f) The giving of a public demonstration of skill or methods of practicing upon or along the streets or highways or any place other than the office where the licensee is known to be regularly engaged in his practice; or

(g) Fraud or misrepresentation in connection with the securing of a license; or

(h) Willful or repeated violations of the rules of the board of health; or

(i) Division of fees or agreeing to split or divide the fees received for services with any person for bringing or referring a patient, without the knowledge of the patient or his legal representative, but this shall not be construed to forbid licensed dentists from practicing in a partnership and sharing professional fees, to forbid a licensed dentist from employing another licensed dentist or dental hygienist, or to forbid a licensed dentist from rendering services as a member of a nonprofit professional service corporation; or

(j) Employing, procuring, inducing, aiding or abetting a person not licensed or registered as a dentist to engage in the practice of dentistry; but the patient practiced upon shall not be deemed an accomplice, employer, procurer, inducer, aider, or abettor within the meaning of this chapter; or

(k) Professional connection or association with, or lending his name to, anyone who is engaged in the illegal practice of dentistry; professional connection or association with any person, firm or corporation holding himself, themselves, or itself out in any manner contrary to this chapter; or

(l) Use of the name "clinic," "institute," or other title or designation that may suggest a public or semipublic activity; or

(m) Failure to pay license fees; or

(n) Chronic or persistent inebriety, or addiction to **[drugs,]** *a controlled substance as defined in chapter 453 of NRS*, to such an extent as to render him unsafe or unreliable as a practitioner, or such gross immorality as tends to bring reproach upon the dental profession; or

(o) Willful negligence in the practice of dentistry or dental hygiene; or

(p) Practice by a dental hygienist in any place not authorized by this chapter; or

(q) Practicing while his license is suspended or without a renewal certificate; or

(r) Practicing under a false or assumed name.

2. The enumeration of the acts in subsection 1 shall not be construed as a complete definition of dishonorable or unprofessional conduct, or as authorizing or permitting the performance of other and similar acts, or as limiting or restricting the board from holding that other or similar acts constitute unprofessional or dishonorable conduct.

SEC. 109. NRS 632.220 is hereby amended to read as follows:

632.220 The board shall have power to deny, revoke or suspend any license to practice nursing as a professional nurse applied for or issued under this chapter or otherwise to discipline a licensee upon proof that he:

1. Is guilty of fraud or deceit in procuring or attempting to procure a license to practice nursing as a professional nurse.

2. Is guilty of a felony or any offense involving moral turpitude, in which case the record of conviction shall be conclusive evidence thereof.

3. Is unfit or incompetent by reason of gross negligence in carrying out usual nursing functions.

4. Is habitually intemperate or is addicted to the use of **[habit-forming drugs.]** *any controlled substance as defined in chapter 453 of NRS.*

5. Is mentally incompetent.

6. Is guilty of unprofessional conduct, which includes but is not limited to the following:

(a) Conviction of practicing medicine without a license in violation of chapter 630 of NRS, in which case the record of conviction shall be conclusive evidence thereof.

(b) Procuring, or aiding, abetting, attempting, agreeing, or offering to procure or assist at, a criminal abortion.

(c) Impersonating any applicant or acting as proxy for an applicant in any examination required under this chapter for the issuance of a license.

(d) Impersonating another licensed practitioner.

(e) Permitting or allowing another person to use his certificate for the purpose of nursing the sick or afflicted.

7. Has willfully or repeatedly violated the provisions of this chapter.

SEC. 110. NRS 632.320 is hereby amended to read as follows:

632.320 The board shall have power to deny, revoke or suspend any license to practice nursing as a practical nurse applied for or issued under this chapter, or otherwise to discipline a licensee upon proof that he:

1. Is guilty of fraud or deceit in procuring or attempting to procure a license to practice nursing as a practical nurse.

2. Is guilty of a felony or any offense involving moral turpitude, in which case the record of conviction shall be conclusive evidence thereof.

3. Is unfit or incompetent by reason of gross negligence in carrying out usual nursing functions.

4. Is habitually intemperate or is addicted to the use of [habit-forming drugs.] *any controlled substance as defined in chapter 453 of NRS.*

5. Is mentally incompetent.

6. Is guilty of unprofessional conduct, which includes but is not limited to the following:

(a) Conviction of practicing medicine without a license in violation of chapter 630 of NRS, in which case the record of conviction shall be conclusive evidence thereof.

(b) Procuring, or aiding, abetting, attempting, agreeing, or offering to procure or assist at, a criminal abortion.

(c) Impersonating any applicant or acting as proxy for an applicant in any examination required under this chapter for the issuance of a license.

(d) Impersonating another licensed practitioner.

(e) Permitting or allowing another person to use his certificate for the purpose of nursing the sick or afflicted.

7. Has willfully or repeatedly violated the provisions of this chapter.

SEC. 111. NRS 633.120 is hereby amended to read as follows:

633.120 The board may either refuse to issue or may suspend or revoke any license for any one or any combination of the following causes:

1. Conviction of a felony, conviction of any offense involving moral turpitude, or conviction of a violation of any state or federal law regulating the possession, distribution or use of any [narcotic drug.] *controlled substance as defined in chapter 453 of NRS*, as shown by a certified copy of the record of the court.

2. The obtaining of or any attempt to obtain a license, or practice in the profession for money or any other thing of value, by fraudulent misrepresentations.

3. Gross malpractice.

4. Advertising by means of knowingly false or deceptive statements.

5. Advertising, practicing or attempting to practice under a name other than one's own.

6. Habitual drunkenness or habitual addiction to the use of [morphine, cocaine or other habit-forming drugs.] *a controlled substance as defined in chapter 453 of NRS.*

7. Using any false, fraudulent or forged statement or document, or engaging in any fraudulent, deceitful, dishonest or immoral practice in connection with the licensing requirements of this chapter.

8. Performing an unlawful abortion or assisting or advising the performance of an unlawful abortion.

9. Sustaining a physical or mental disability which renders further practice dangerous.

10. Engaging in any dishonorable, unethical or unprofessional conduct which may deceive, defraud or harm the public, or which is unbecoming a person licensed to practice osteopathy.

11. Using any false or fraudulent statement in connection with the practice of osteopathy.

12. Violating or attempting to violate, or assisting or abetting the violation of, or conspiring to violate any provision of this chapter.

13. Adjudication of incompetency or insanity.
14. Advertising in an unethical or unprofessional manner.
15. Obtaining a fee or financial benefit for any person by the use of fraudulent diagnosis, therapy or treatment.
16. Willful violation of a privileged communication.
17. Failure of a licensee to designate his school of practice in the professional use of his name by the term physician, surgeon, D.O., osteopathic physician and surgeon, osteopathic physician or doctor of osteopathy, or by a similar term.
18. Willful violation of the law or of the rules and regulations of the state board of health.
19. Administering, dispensing or prescribing any [narcotic drug, including opium, coca leaves, cannabis or any preparation or derivation of them, or any other habit-forming drug,] *controlled substance as defined in chapter 453 of NRS*, except for the prevention, alleviation or cure of disease or for relief from suffering.

SEC. 112. NRS 634.010 is hereby amended to read as follows:

634.010 As used in this chapter:

1. "Board" means the Nevada state board of chiropractic examiners.
2. "Chiropractic" is defined to be the science, art and practice of palpating and adjusting the articulations of the human body by hand, the use of physiotherapy, hygienic, nutritive and sanitary measures and all methods of diagnosis.
3. "Unprofessional conduct" means:
 - (a) Obtaining a certificate upon fraudulent credentials or gross misrepresentation.
 - (b) Procuring, or aiding or abetting in procuring, criminal abortion.
 - (c) Obtaining a fee on assurance that a manifestly incurable disease can be permanently cured.
 - (d) Advertising chiropractic business in which grossly improbable statements are made, advertising in any manner that will tend to deceive, defraud or mislead the public or preparing, causing to be prepared, using or participating in the use of any form of public communication that contains professionally self-laudatory statements calculated to attract lay patients. As used in this paragraph, public communication includes, but is not limited to, communications by means of television, radio, newspapers, books and periodicals, motion picture, handbills or other printed matter. Nothing contained in this paragraph shall be construed to prohibit the direct mailing of informational documents to former or current patients.
 - (e) Willful disobedience of the law, or of the rules and regulations of the state board of health, or of the rules and regulations of the Nevada state board of chiropractic examiners.
 - (f) Conviction of any offense involving moral turpitude, or the conviction of a felony. The record of the conviction shall be conclusive evidence of unprofessional conduct.
 - (g) Administering, dispensing or prescribing any [drug.] *controlled substance as defined in chapter 453 of NRS*.
 - (h) Conviction or violation of any federal or state law regulating the

possession, distribution or use of any **[narcotic drug.] controlled substance as defined in chapter 453 of NRS.** The record of conviction shall be conclusive evidence of unprofessional conduct.

(i) Habitual intemperance or excessive use of **[cocaine, morphine, codeine, opium, heroin, alpha eucaine, beta eucaine, novocaine or chloral hydrate, or any of the salts, derivatives or compounds of the foregoing substances, or of]** alcohol or alcoholic beverages **[, or of any other habit-forming drug or substance.]** or any controlled substance as defined in chapter 453 of NRS.

(j) Conduct unbecoming a person licensed to practice chiropractic or detrimental to the best interests of the public.

(k) Violating, or attempting to violate, directly or indirectly, or assisting in or abetting the violation of, or conspiring to violate, any provision of this chapter.

(l) Employing, directly or indirectly, any suspended or unlicensed practitioner in the practice of any system or mode of treating the sick or afflicted, or the aiding or abetting of any unlicensed person to practice chiropractic under this chapter.

4. Unless the context otherwise requires, the masculine gender shall include the feminine gender, and the singular number shall include the plural number.

SEC. 113. NRS 634.140 is hereby amended to read as follows:

634.140 1. Upon complaint of the board, after 20 days' notice of time and place of hearing has been given to any licensee, his license shall be revoked if it is found:

(a) That he practices anything other than chiropractic to cure or relieve disease or to remove the cause thereof without having a separate license therefor; or

(b) That he no longer possesses good moral character; or

(c) That he is addicted to the use of narcotic drugs **[: or]** as defined in chapter 453 of NRS; or

(d) That he is guilty in any way of deception or fraud in the practice of chiropractic.

2. If the accused is aggrieved by the action of the board, he may appeal to the district court on the merits.

SEC. 114. NRS 635.130 is hereby amended to read as follows:

635.130 The board may revoke any certificate it has issued, and cause the name of the holder to be stricken from the registration book by the county clerk in the county in which the name of the person whose certificate is revoked is registered for any of the following causes:

1. The willful betrayal of a professional secret.

2. The making of a false statement in any affidavit required of the applicant for application, examination and registration under this chapter.

3. Lending the use of one's name to an unregistered podiatrist.

4. Habitual indulgence in the use of **[narcotics, ardent spirits, stimulants or any other substance]** any controlled substance as defined in chapter 453 of NRS which impairs the intellect and judgment to such an extent as in the opinion of the board will incapacitate the person in the performance of his professional duties.

5. Conviction of a crime involving moral turpitude.
6. Conduct which in the opinion of the board disqualifies him to practice with safety to the public.

SEC. 115. NRS 636.295 is hereby amended to read as follows:

636.295 The following acts, conduct, omissions, or mental or physical conditions, or any of them, committed, engaged in, omitted, or being suffered by a licensee, shall constitute sufficient cause for revoking or suspending his license:

1. Affliction of the licensee with any communicable disease likely to be communicated to other persons.
2. Commission by the licensee of a felony or a gross misdemeanor involving moral turpitude of which he has been convicted and from which he has been sentenced by a final judgment of a federal or state court in this or any other state, such judgment not having been reversed or vacated by a competent appellate court and such offense not having been pardoned by executive authority.
3. Commission of fraud by or on behalf of the licensee in obtaining his license or a renewal thereof, or in practicing optometry thereunder.
4. Habitual drunkenness or **[drug]** addiction *to any controlled substance as defined in chapter 453 of NRS* on the part of the licensee.
5. Gross incompetency on the part of the licensee.
6. Affliction of the licensee with any mental or physical disorder or disturbance seriously impairing his competency as an optometrist.
7. Making false or misleading representations, by or on behalf of the licensee, with respect to optometric materials or services.
8. Practice by the licensee, or attempting or offering so to do, while he is in an intoxicated condition.
9. Perpetration by the licensee of unethical or unprofessional conduct in the practice of optometry, within the provisions of NRS 636.300.
10. Willfully and repeatedly violating provisions of this chapter or rules or regulations adopted and promulgated by the board.

SEC. 116. NRS 637.150 is hereby amended to read as follows:

637.150 The board may refuse to grant a license to practice as an ophthalmic dispenser or may suspend or revoke a license to practice as an ophthalmic dispenser upon proof to the satisfaction of the board that the applicant or holder of a license:

1. Has been adjudicated insane; or
2. Habitually uses **[drugs]** *any controlled substance as defined in chapter 453 of NRS* or intoxicants; or
3. Has been convicted of crime involving moral turpitude; or
4. Has advertised fraudulently; or
5. Shall have presented to the board any diploma, license or certificate that shall have been signed or issued unlawfully or under fraudulent representations, or obtains or shall have obtained a license to practice in the state through fraud of any kind; or
6. Has been convicted of a violation of any federal or state law relating to **[narcotic drugs;]** *a controlled substance as defined in chapter 453 of NRS;* or
7. Solicits in person or through an agent for the purpose of selling ophthalmic materials, or employs what are known as "chasers," "steerers" or "solicitors" to obtain business; or

8. Has violated any rules or regulations of the board; or
9. Has violated any provision of this chapter; or
10. Is incompetent.

Nothing contained in subsection 7 shall prohibit an ophthalmic dispenser from engaging in lawful pursuits or professional relations with an ophthalmologist or an optometrist.

SEC. 117. NRS 638.140 is hereby amended to read as follows:

638.140 After full and fair investigation of the charges preferred against the accused, any license issued by the board may be revoked by it upon satisfactory proof that the holder of the license:

1. Is guilty of unprofessional conduct; or
2. Is guilty of gross immorality; or
3. Is guilty of habitual drunkenness; or
4. Is addicted to the use of [habit-forming drugs;] *a controlled substance as defined in chapter 453 of NRS; or*
5. Is convicted of a felony; or
6. Is guilty of incompetence, gross negligence, or other malpractice pertaining to veterinary medicine.

SEC. 118. NRS 639.006 is hereby amended to read as follows:

639.006 "Conviction" means a plea or verdict of guilty or a conviction following a plea of nolo contendere to a charge of a felony, any offense involving moral turpitude or any violation of the provisions of this chapter or chapter 453 or 454 of NRS.

SEC. 119. NRS 639.007 is hereby amended to read as follows:

639.007 "Drug" and "medicine" mean:

1. Articles recognized in the official United States Pharmacopoeia, the official Homoeopathic Pharmacopoeia of the United States, or official National Formulary, or any supplement to any of them; and
2. Articles and devices intended for use in the diagnosis, cure, mitigation, treatment, or prevention of disease in man or other animals; and
3. Articles (other than food, aspirin and effervescent saline analgesics) intended to affect the structure of any function of the body of man or other animals; and
4. Articles intended for use as a component of any article specified in subsection 1, 2 or 3 of this section.
5. *Any controlled substance as defined in chapter 453 of NRS.*

SEC. 120. NRS 639.070 is hereby amended to read as follows:

639.070 The board shall have power:

1. To make such bylaws and regulations, not inconsistent with the laws of this state, as may be necessary for the protection of the public, appertaining to the practice of pharmacy and the lawful performance of its duties.
2. To regulate the practice of pharmacy.
3. To regulate the sales of poisons, drugs, [narcotics,] chemicals and medicines.
4. To regulate the means of storage and security of drugs, poisons, [narcotics,] medicines, chemicals and devices.
5. To examine and register as pharmacists applicants whom it shall deem qualified to be such.
6. To charge and collect necessary and reasonable fees for its services, other than those specifically set forth in this chapter.

7. To maintain offices in as many localities in the state as it finds necessary to carry out the provisions of this chapter.

8. To deposit its funds in banks or savings and loan associations in the State of Nevada.

SEC. 121. NRS 639.100 is hereby amended to read as follows:

639.100 1. Except as otherwise provided in this chapter, it is unlawful for any person to manufacture, compound, sell, dispense or permit to be manufactured, compounded, sold or dispensed any drug, poison, medicine or chemical, or to dispense or compound, or permit to be dispensed or compounded, any prescription of a medical, dental, podiatry or veterinarian practitioner, unless he is a registered pharmacist under the provisions of this chapter.

2. Sales representatives or manufacturers or wholesalers selling only in wholesale lots and not to the general public and compounders or sellers of medical gases need not be registered pharmacists under the provisions of this chapter, but no person shall act as a manufacturer or wholesaler unless he has obtained a permit from the board.

3. Any nonprofit cooperative organization or any manufacturer or wholesaler who furnishes, sells, offers to sell or delivers [dangerous drugs, as defined in NRS 454.220,] *controlled substances as defined in chapter 453 of NRS*, which are intended, designed and labeled "For Veterinary Use Only" is subject to the provisions of this chapter, and such person shall not furnish, sell or offer to sell such [dangerous drugs] *substances* until he has obtained a permit from the board.

4. Each application for such permit shall be made on a form furnished by the board and no application shall be considered by the board until all the information required thereon has been completed. Upon approval thereof by the board and the payment of the required fee, the board shall issue a permit to such applicant. Each permit shall be issued to a specific person for a specific location, and shall be renewed annually before July 1 of each year.

SEC. 122. NRS 639.210 is hereby amended to read as follows:

639.210 The board shall have the power to proceed administratively to suspend or revoke:

1. Any certificate or current renewal thereof, or any permit or current renewal thereof, to vend, sell, offer to sell, or furnish any hypodermic device issued to any person or to deny the application of any person who has applied for a certificate or permit who:

(a) Is not of good moral character; or

(b) Is guilty of habitual intemperance; or

(c) Becomes or is so intoxicated or under the influence of liquor [, narcotics or drugs,] *or a controlled substance as defined in chapter 453 of NRS*, while on duty in any establishment licensed by the board, that he is unable properly to perform his duties; or

(d) Is guilty of unprofessional conduct or conduct contrary to the public interest; or

(e) Is addicted to the use of [narcotic drugs or other habit forming drugs,] *any controlled substance as defined in chapter 453 of NRS*; or

(f) Has been convicted of a violation of [the Harrison Narcotic Act or a violation of the narcotic laws of] *any law related to controlled*

substances as defined in chapter 453 of NRS, of the Federal Government or of this or any other state; or

(g) Has been convicted of a felony or other crime involving moral turpitude, dishonesty or corruption; or

(h) Has willfully made to the board or its authorized representative any false written statement which is material to the administration or enforcement of any of the provisions of this chapter; or

(i) Has obtained any certificate, certification, license or permit by the filing of an application, or any record, affidavit or other information in support thereof, which is false or fraudulent; or

(j) Has violated any provision of the Federal Food, Drug, and Cosmetic Act or any other federal law or regulation relating to prescription drugs.

(k) Has violated, attempted to violate, assisted or abetted in the violation of or conspired to violate any of the provisions or terms of this chapter or any law or regulation relating to the practice of pharmacy, or has permitted, allowed, condoned or failed to report a violation of any of the provisions of this section committed by a registered pharmacist in his employ; or

(l) Has failed to renew his certificate, license or permit by failing to pay the annual renewal fee therefor.

2. Any permit or current renewal thereof for the issuance of a manufacturer's or wholesaler's permit, or for the issuance of a current renewal of a permit to supply or operate vending machines or devices for distribution of any prophylactic issued to any person, or to deny the application of any person who has applied for a permit who:

(a) Has willfully made to the board or its authorized representative any false written statement which is material to the administration or enforcement of any of the provisions of this chapter; or

(b) Has obtained any permit by the filing of an application, or any record, affidavit or other information in support thereof, which is false or fraudulent; or

(c) Has violated, attempted to violate, assisted or abetted in the violation of or conspired to violate any of the provisions or terms of this chapter applicable to such permit; or

(d) Has failed to renew his permit by failing to pay the annual renewal fee therefor.

SEC. 123. NRS 639.2121 is hereby amended to read as follows:

639.2121 The conviction of any certificate holder of a felony for a violation of any federal law or law of any state concerning drugs [narcotics] or chemicals shall operate as an immediate suspension of the certificate of such certificate holder. The person so convicted may apply to the board for reinstatement at any time.

SEC. 124. NRS 639.233 is hereby amended to read as follows:

639.233 1. Any person who engages in the business of furnishing [narcotics, dangerous drugs,] poisons, hypodermic devices or [other restricted] drugs, devices or appliances to any person located within this state shall obtain a license pursuant to the provisions of this chapter.

2. The provisions of subsection 1 do not apply to a wholesaler or manufacturer whose principal place of business is located in another

state and who ships [narcotics, dangerous] drugs, poisons, hypodermic devices or other restricted devices or appliances to a wholesaler or manufacturer located within this state and licensed by the board.

3. For the purpose of this section, a person is "engaged in the business of furnishing" if he:

(a) Solicits orders from within this state by means of direct mail or other advertising devices;

(b) Accepts orders for drugs or devices whose sale in this state is restricted by this chapter or chapters 453 and 454 of NRS; or

(c) Ships such drugs or devices to any person located within this state.

SEC. 125. NRS 639.234 is hereby amended to read as follows:

639.234 1. If a person licensed pursuant to NRS 639.233 does not maintain records within this state of his shipments of [narcotics, dangerous drugs,] poisons, hypodermic devices or [other restricted] drugs to persons in this state:

(a) Such licensee shall on receipt of a written demand from the secretary of the board furnish a true copy of such records to the board.

(b) The acceptance of a license constitutes a consent by the licensee to the inspection of his records outside this state by any authorized representative of the board.

2. The board may authorize as its representative any member or representative of the board of pharmacy or similar agency of the state in which the records are located.

3. Failure to furnish a true copy of the required records or refusal to permit their inspection is ground for the revocation or suspension of any license issued pursuant to NRS 639.233.

SEC. 126. NRS 639.235 is hereby amended to read as follows:

639.235 1. No person other than a physician, dentist, podiatrist or veterinarian holding a currently valid and unrevoked license to practice his profession in this state may prescribe or write a prescription, except that a prescription written by a physician not licensed to practice in this state but authorized by the laws of another state to prescribe shall be considered to be a legal prescription if ordering a drug which is considered necessary for the continuation of treatment of a chronic illness.

2. If a prescription, written by a physician not licensed to practice in this state, calls for a narcotic drug, *as defined in chapter 453 of NRS*, it shall be the responsibility of the registered pharmacist who is to fill the prescription to establish that the prescription is authentic and that a bona fide doctor-patient relationship did exist at the time the prescription was written.

SEC. 127. NRS 639.236 is hereby amended to read as follows:

639.236 1. All prescriptions filled in any pharmacy shall be serially numbered and filed by consecutive numbers for easy reference. Narcotic [prescriptions] *drug prescriptions referred to in NRS 639.235* shall be filed separately from other prescriptions. All prescriptions shall be retained on file for at least 5 years.

2. Each prescription on file shall bear the date on which it was originally filled, the name or initials of the registered pharmacist who filled it and contain all of the information required by NRS 639.013.

3. Prescription files shall be open to inspection by members, inspectors and investigators of the board and by inspectors of the Food and Drug Administration *and agents of the narcotic and dangerous drug division in the office of the commission on crimes, delinquency and corrections* acting in their official capacity.

SEC. 128. (Deleted by amendment.)

SEC. 129. NRS 639.238 is hereby amended to read as follows:

639.238 1. Prescriptions filled and on file in a pharmacy are not a public record. No pharmacist shall divulge the contents of any prescription or provide a copy of any prescription, except to:

- (a) The patient for whom the original prescription was issued; or
- (b) The doctor who originally issued the prescription; or
- (c) A doctor who is then treating the patient; or
- (d) A member, inspector or investigator of the board or an inspector of the Food and Drug Administration; or
- (e) An agency of state government charged with the responsibility of providing medical care for the patient; or
- (f) An insurance carrier, on receipt of written authorization signed by the patient or his legal guardian, authorizing the release of such information; or
- (g) Any person duly authorized by a district court order.

2. Any copy of a prescription for a [dangerous drug, as defined in NRS 454.220,] *controlled substance as defined in chapter 453 of NRS*, issued to a person authorized by this section to receive such copy, shall contain all of the information appearing on the original prescription and shall be clearly marked on its face, "Copy, Not Refillable—For Reference Purposes Only"; and such copy shall bear the name or initials of the registered pharmacist who prepared the copy.

3. If a copy of a prescription for any [dangerous drug, as defined in NRS 454.220,] *controlled substance as defined in chapter 453 of NRS* is furnished to the customer, the original prescription shall be voided and notations made thereon showing the date and the name of the person to whom the copy was furnished.

SEC. 130. NRS 639.239 is hereby amended to read as follows:

639.239 Members, inspectors and investigators of the board, [and] inspectors of the Food and Drug Administration *and agents of the narcotic and dangerous drug division in the office of the commission on crimes, delinquency and corrections* are authorized to remove an original prescription from a prescription file, if the prescription in question is considered necessary as evidence in a criminal action or an administrative proceeding, or contemplated proceeding, and if a true copy containing all of the information appearing on the prescription is substituted therefor. Both the copy and the original prescription shall be dated and initialed by the member, inspector, [or] investigator *and agent* and by the registered pharmacist in charge, indicating that all of the information appearing on the original prescription, on that date, also appears on the copy thereof.

SEC. 131. NRS 639.283 is hereby amended to read as follows:

639.283 Any person who, while on duty in a pharmacy licensed by the board, sells, dispenses or compounds any prescription, or sells any

drug or poison while so under the influence of intoxicating liquor [, narcotics or any dangerous] or any drug that he is unable properly to perform his duties is guilty of a misdemeanor.

SEC. 132. NRS 640.160 is hereby amended to read as follows:

640.160 The board, after due notice and hearing, may refuse to register any applicant, and may refuse to renew the registration of any registered person, and may suspend or revoke the registration of any registered person:

1. Who is habitually drunk or who is addicted to the use of [narcotic drugs.] *a controlled substance as defined in chapter 453 of NRS.*
2. Who has been convicted of violating any state or federal [narcotic law.] *law relating to controlled substances as defined in chapter 453 of NRS.*
3. Who is, in the judgment of the board, guilty of immoral or unprofessional conduct.
4. Who has been convicted of any crime involving moral turpitude.
5. Who is guilty, in the judgment of the board, of gross negligence in his practice as a physical therapist.
6. Who has obtained or attempted to obtain registration by fraud or material misrepresentation.
7. Who has been declared insane by a court of competent jurisdiction and has not thereafter been lawfully declared sane.

8. Who has treated or undertaken to treat ailments of human beings otherwise than by physical therapy and as authorized in this chapter, or who has undertaken to practice independently of the prescription, direction or supervision of a person licensed to practice medicine and surgery without limitation, unless such person is licensed in the State of Nevada to practice such treatment otherwise than by virtue of this chapter and by virtue of chapter 629 of NRS.

SEC. 133. NRS 643.160 is hereby amended to read as follows:

643.160 The board may either refuse to issue or renew, or may suspend or revoke, any certificate of registration for any of the following causes:

1. Conviction of a felony.
2. Malpractice or incompetency.
3. Continued practice by a person knowingly having an infectious or contagious or communicable disease.
4. Advertising, practicing or attempting to practice under another's name or another's trade name.
5. Habitual drunkenness or habitual addiction to the use of [morphine, cocaine or other habit-forming drugs.] *a controlled substance as defined in chapter 453 of NRS.*
6. Violation of any of the provisions of NRS 643.200 or any of the sanitary regulations of this chapter or those promulgated by the board.

SEC. 134. NRS 644.430 is hereby amended to read as follows:

644.430 The board shall not issue, or having issued shall not renew, or may revoke or suspend at any time, any license as required by the provisions of NRS 644.190 in any one of the following cases:

1. Failure of a person, firm or corporation operating a cosmetological establishment to comply with the requirements of this chapter.
2. Failure to comply with the rules adopted by the board and

approved by the state board of health for the regulation of cosmetological establishments, schools of cosmetology or the practice of the occupations of a hairdresser and cosmetician.

3. Obtaining practice in cosmetology or any branch thereof, or money or any thing of value, by fraudulent misrepresentation.

4. Gross malpractice.

5. Continued practice by a person knowingly having an infectious or contagious disease.

6. Habitual drunkenness or habitual addiction to the use of [morphine or any habit-forming drug.] *a controlled substance as defined by chapter 453 of NRS.*

7. Advertisement by means of knowingly false or deceptive statements.

8. Permitting a certificate of registration or license to be used where the holder thereof is not personally, actively and continuously engaged in business.

9. Failure to display the license as provided in NRS 644.290, 644.360 and 644.410.

10. Entering, by a school of cosmetology, into an unconscionable contract with a student of cosmetology.

11. For any other unfair or unjust practice, method or dealing which, in the judgment of the board, may justify such action.

SEC. 135. NRS 646.060 is hereby amended to read as follows:

646.060 Every pawnbroker, and every clerk, agent or employee of a pawnbroker, shall be guilty of a misdemeanor, who shall:

1. Fail to make an entry of any material matter in his book or record kept as provided for in NRS 646.020.

2. Make any false entry in his book or record kept as provided for in NRS 646.020.

3. Falsify, obliterate, destroy or remove from his place of business the book or record kept as provided for in NRS 646.020.

4. Refuse to allow the district attorney or any peace officer to inspect the book or record kept as provided for in NRS 646.020, or any goods in his possession, during the ordinary hours of business.

5. Report any material matter falsely to the sheriff or to the chief of police.

6. Fail to report forthwith to the sheriff or to the chief of police the possession of any property which he may have good cause to believe has been lost or stolen, together with the name of the owner, if known, and the date when, and the name of the person from whom the same was received by him.

7. Remove, or allow to be removed from his place of business, except upon redemption by the owner thereof, any property received, within 4 days after the receipt thereof shall have been reported to the sheriff or to the chief of police.

8. Receive any property from any person under the age of 21 years, any common drunkard, any habitual user of narcotic drugs, *as defined in chapter 453 of NRS*, any habitual criminal, any person in an intoxicated condition, any known thief or receiver of stolen property, or any known associate of such thief or receiver of stolen property, whether such person be acting in his own behalf or as the agent of another.

9. Violate any of the provisions of NRS 646.050.

SEC. 136. NRS 647.140 is hereby amended to read as follows:

647.140 Every secondhand dealer and every clerk, agent or employee of a secondhand dealer shall be guilty of a misdemeanor, who shall:

1. Fail to make an entry of any material matter in his book or record kept as provided for in NRS 647.110.

2. Make any false entry in his book or record kept as provided for in NRS 647.110.

3. Falsify, obliterate, destroy or remove from his place of business the book or record kept as provided for in NRS 647.110.

4. Refuse to allow the district attorney or any peace officer to inspect the book or record kept as provided for in NRS 647.110, or any goods in his possession, during the ordinary hours of business.

5. Report any material matter falsely to the sheriff or to the chief of police.

6. Fail to report forthwith to the sheriff or to the chief of police the possession of any property which he may have good cause to believe has been lost or stolen, together with the name of the owner, if known, and the date when, and the name of the person from whom, the same was received by him.

7. Remove, or allow to be removed, from his place of business any property received, within 4 days after the receipt thereof shall have been reported to the sheriff or to the chief of police.

8. Receive any property from any person under the age of 21 years, any common drunkard, any habitual user of narcotic drugs, *as defined in chapter 453 of NRS*, any habitual criminal, any person in an intoxicated condition, any known thief or receiver of stolen property, or any known associate of such thief or receiver of stolen property, whether such person be acting in his own behalf or as the agent of another.

SEC. 137. NRS 692.390 is hereby amended to read as follows:

692.390 A policy may contain a provision as follows: "Intoxicants and narcotics: The insurer shall not be liable for any loss sustained or contracted in consequence of the insured's being intoxicated or under the influence of any narcotic drug *as defined in chapter 453 of NRS*, unless administered on the advice of a physician."

SEC. 138. Chapter 216 of NRS is hereby amended by adding thereto the provisions set forth as sections 139 to 151, inclusive, of this act.

SEC. 139. *As used in this chapter, "administrator" means the chief of the narcotics and dangerous drug division in the office of the commission on crimes, delinquency and corrections.*

SEC. 140. *There is hereby created under the administration of the commission on crimes, delinquency and corrections a narcotic and dangerous drug division.*

SEC. 141. *The administrator of the division shall be appointed by the commission.*

SEC. 142. 1. *The administrator shall have:*

(a) *At least 10 years' experience as a peace officer, at least four of which shall have been in a supervisory capacity.*

(b) *A background of experience in drug violation investigative procedures and a thorough knowledge of the nature and complications of drug abuse.*

2. *The administrator shall:*

(a) *Receive an annual salary in the amount specified in NRS 281.115.*

(b) *Be allowed the per diem expense allowances and travel expenses fixed by law.*

SEC. 143. *1. The administrator with the consent of the commission shall employ such agents and technical and clerical staff as may be necessary to the operation of the narcotic and dangerous drug division in accordance with the provisions of chapter 284 of NRS.*

2. For the purposes of the enforcement of chapter 453 of NRS, the administrator and agents are invested with the powers of a peace officer of the State of Nevada.

SEC. 144. *The narcotic and dangerous drug division shall:*

1. Enforce the provisions of chapter 453 of NRS.

2. Promote and operate programs to disseminate information to the people of this state concerning the dangers of controlled substances use.

3. Provide laboratory facilities for the assistance of law enforcement agencies in investigating and prosecuting violations of laws relating to the use, possession or sale of controlled substances.

4. Provide personnel upon the request of a local law enforcement agency to assist in the investigation of alleged violations of laws relating to the use, possession or sale of controlled substances.

5. Provide a system for recording all information received by it relating to persons who have allegedly violated any criminal law of this state when in the investigation of such violation it appeared that there was some connection with controlled substances.

6. Furnish, upon application from a law enforcement agency, all information pertaining to any person of which there is a record.

SEC. 145. *Every sheriff and chief of police shall furnish to the narcotic and dangerous drug division, on forms prepared by the division, all information obtained in the investigation or prosecution of any person who has allegedly violated any criminal law of this state when in the investigation of such violation it appeared there was some connection with controlled substances.*

SEC. 146. *The narcotic and dangerous drug division may accept any gifts or bequests of personal property, tangible or intangible.*

SEC. 147. *The narcotic and dangerous drug division may accept:*

1. Funds appropriated and made available by any Act of Congress for any program administered by the division as provided by law.

2. Funds and contributions made available by a county, a city, a public district or any political subdivision of this state for any program administered by the division as provided by law.

3. Funds, contributions, gifts, grants and devises made available by a public or private corporation, by a group of individuals, or by individuals, for any program administered by the division as provided by law.

SEC. 148. *The administrator may fix reasonable fees for the sale of miscellaneous printed materials pertaining to controlled substances which are purchased or prepared by the narcotic and dangerous drug division.*

SEC. 149. *1. The narcotic and dangerous drug receipts fund is hereby created in the state treasury for the use of the narcotic and dangerous drug division.*

2. All fees and moneys received by the narcotic and dangerous drug

division under the provisions of sections 146 to 148, inclusive, of this act shall be deposited in such fund.

3. Expenditures from the fund shall be made only for the purposes authorized in sections 139 to 151, inclusive, of this act.

4. All moneys in the fund shall be paid out on claims approved by the administrator as other claims against the state are paid.

SEC. 150. *1. There is hereby created the narcotic and dangerous drug investigative fund in the state treasury.*

2. The administrator may, from time to time, withdraw from such fund such sums as he determines necessary to assist local law enforcement agencies or the narcotic and dangerous drug division in the purchase of narcotic or dangerous drugs for evidence and in the employment of persons other than peace officers to obtain evidence. The administrator may keep such sums in a bank account or in cash.

3. Upon the written request of the administrator for the withdrawal of any such sum, the state controller is directed to draw his warrant in favor of the administrator in an amount not to exceed the legislative appropriation or any limitations set on such appropriation by the legislature.

SEC. 151. *Moneys to carry out the provisions of sections 139 to 150, inclusive, of this act shall be provided by direct legislative appropriation from the general fund, and except as provided in section 150 of this act shall be paid out on claims as other claims against the state are paid. All claims shall be approved by the administrator before they are paid.*

SEC. 152. The laws specified below are repealed except with respect to rights and duties which matured, penalties which were incurred and proceedings which were begun before the effective date of this act: NRS 202.247, 213.161, 213.162, 213.163, 213.164, 213.165, 213.1651, 213.1652, 213.1653, 213.1654, 213.1655, 213.1656, 213.1657, 213.-1658, 453.010, 453.020, 453.030, 453.040, 453.050, 453.060, 453.-070, 453.075, 453.080, 453.090, 453.100, 453.110, 453.120, 453.130, 453.140, 453.143, 453.145, 453.150, 453.160, 453.170, 453.-180, 453.183, 453.185, 453.187, 453.188, 453.189, 453.190, 453.200, 453.210, 453.220, 453.230, 453.240, 453.330, 453.335, 454.004, 454.008, 454.0091, 454.0096, 454.180, 454.190, 454.220, 454.230, 454.310, 454.320, 454.325, 454.330, 454.331, 454.332, 454.333, 454.-334, 454.335, 454.336, 454.337, 454.338, 454.339, 454.340, 454.345, 454.350, 454.370, 454.375, 454.380, 454.390, 454.395, 454.396, 454.-397, 454.398, 454.399, 454.400, 454.410, 454.420, 454.430, 454.440, 454.450, 454.460, 454.465 and 454.532.

SEC. 153. Any act or part of an act passed by the 56th session of the legislature of the State of Nevada which relates to a controlled substance or a narcotic, dangerous or hallucinogenic drug and which is appropriately a part of chapter 453 of NRS as amended by the 56th session of the legislature of the State of Nevada shall be placed by the legislative counsel in chapter 453 of NRS, as amended, in its proper position and with the proper terminology.

SEC. 154. This act shall become effective on January 1, 1972.