
ASSEMBLY BILL NO. 150—ASSEMBLYMEN ANDERSON, BUCKLEY, OCEGUERA, LESLIE, CONKLIN, ALLEN, ARBERRY, ATKINSON, BEERS, BOBZIEN, CARPENTER, CHRISTENSEN, CLABORN, COBB, DENIS, GANSERT, GERHARDT, GOEDHART, GOICOECHEA, GRADY, HARDY, HOGAN, HORNE, KIHUEN, KIRKPATRICK, KOIVISTO, MABEY, MANENDO, MARVEL, MCCLAIN, MORTENSON, MUNFORD, OHRENSCHALL, PARKS, PARNELL, PIERCE, SEGERBLOM, SETTELMEYER, SMITH, STEWART, WEBER AND WOMACK

FEBRUARY 22, 2007

JOINT SPONSORS: SENATORS RAGGIO, TITUS, AMODEI, CARE, WASHINGTON, LEE, MATHEWS, MCGINNESS, NOLAN, RHOADS, SCHNEIDER, TOWNSEND, WIENER AND WOODHOUSE

Referred to Committee on Health and Human Services

SUMMARY—Makes various changes pertaining to methamphetamine and other controlled substances. (BDR 40-667)

FISCAL NOTE: Effect on Local Government: May have Fiscal Impact.
Effect on the State: Yes.

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

AN ACT relating to controlled substances; making various changes pertaining to crimes related to the use or manufacturing of methamphetamine and other controlled substances; revising various provisions pertaining to nuisances; making various changes relating to lithium metal, sodium metal and anhydrous ammonia; enacting provisions relating to the sale or transfer of certain precursors to methamphetamine; providing penalties; and providing other matters properly relating thereto.



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Legislative Counsel's Digest:

1 This bill makes various changes pertaining to methamphetamine and other
2 controlled substances.

3 **Section 40** of this bill prohibits a person from: (1) selling or transferring in the
4 course of business a product that is a precursor to methamphetamine; or (2)
5 engaging in the business of selling at retail a product that is a precursor to
6 methamphetamine, unless the person is a pharmacy or the holder of a permit which
7 allows the person to sell or transfer products that are precursors to
8 methamphetamine. A person who violates these prohibitions is guilty of a category
9 C felony. To obtain a permit to sell or transfer products that are precursors to
10 methamphetamine, a person must submit an application to the State Board of
11 Pharmacy and pay a fee of \$200. The Board must issue a permit to a person if the
12 Board determines, after considering certain factors, that the person will safely and
13 lawfully sell products that are precursors to methamphetamine.

14 **Section 41** of this bill requires a pharmacy or the holder of a permit to: (1)
15 comply with state and federal law concerning the sale and transfer of products that
16 are precursors to methamphetamine; and (2) submit to the Department of Public
17 Safety a quarterly report of the quantity of each purchase and sale or transfer of a
18 product that is a precursor to methamphetamine. If a pharmacy or permit holder
19 does not comply with either of these requirements, **section 45** allows the State
20 Board of Pharmacy to take certain disciplinary action against the pharmacy or
21 permit holder.

22 **Section 2** of this bill prohibits the possession or disposition of chemical waste
23 or debris resulting from the manufacture of methamphetamine. **Section 3** of this bill
24 prohibits the possession of lithium metal or sodium metal under certain
25 circumstances.

26 Existing law prohibits a person from possessing certain chemicals with the
27 intent to manufacture or compound a controlled substance other than marijuana.
28 (NRS 453.322) **Section 7** of this bill adds lithium metal and sodium metal to the list
29 of prohibited chemicals. **Section 7** also prohibits a person from providing such a
30 chemical to another person with the intent that it be used in the manufacturing or
31 compounding of a controlled substance other than marijuana.

32 Existing law provides that a building or place used to unlawfully manufacture a
33 controlled substance is a nuisance, which creates civil liability, and a public
34 nuisance, which is punishable criminally. (NRS 40.140, 202.450, 202.470)
35 **Sections 10 and 11** of this bill provide that a building or place that was used to
36 unlawfully manufacture a controlled substance is both a nuisance and a public
37 nuisance if certain activities relating to the decontamination of the building or place
38 have not occurred within a certain period.

39 **Section 12** of this bill provides that a person commits first degree arson if, by
40 knowingly engaging in the manufacture of methamphetamine, the person sets fire
41 to or causes an explosion that damages a dwelling house or personal property that is
42 occupied by one or more persons. **Section 13** of this bill provides that a person
43 commits second degree arson if, by knowingly engaging in the manufacture of
44 methamphetamine, the person sets fire to or causes an explosion that damages any
45 abandoned building or structure. **Section 14** of this bill provides that a person is
46 guilty of a category B felony if the person commits the theft of certain chemicals
47 that are precursors to controlled substances, regardless of the value of those
48 chemicals.

49 **Sections 21-32** of this bill require the State Department of Agriculture, in
50 consultation with the Department of Public Safety, to certify substances that are
51 added to anhydrous ammonia for the purpose of rendering the anhydrous ammonia
52 unusable or undesirable for the manufacture of methamphetamine. To assist in
53 advising the State Department of Agriculture on the certification of such



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54 substances, **sections 32 and 33** of this bill create the Anhydrous Ammonia
55 Advisory Committee.

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

1 **Section 1.** Chapter 453 of NRS is hereby amended by adding
2 thereto the provisions set forth as section 2 and 3 of this act.

3 **Sec. 2. 1. Except as otherwise provided in subsection 2, a**
4 ***person who knowingly possesses or disposes of methamphetamine***
5 ***manufacturing waste is guilty of a category C felony and shall be***
6 ***punished as provided in NRS 193.130.***

7 **2. A person does not violate subsection 1 if the person:**

8 *(a) Possesses or disposes of the methamphetamine*
9 *manufacturing waste pursuant to state or federal laws regulating*
10 *the storage, cleanup or disposal of waste products from unlawful*
11 *methamphetamine manufacturing;*

12 *(b) Has notified a law enforcement agency of the existence of*
13 *the methamphetamine manufacturing waste; or*

14 *(c) Possesses or disposes of methamphetamine manufacturing*
15 *waste that had previously been disposed of by another person on*
16 *the person's property in violation of subsection 1.*

17 **3. As used in this section:**

18 *(a) "Disposes of" means to discharge, deposit, inject, spill, leak*
19 *or place methamphetamine manufacturing waste into or onto land*
20 *or water.*

21 *(b) "Methamphetamine manufacturing waste" means*
22 *chemical waste or debris, used in or resulting from:*

23 *(1) The manufacture of any material, compound, mixture*
24 *or preparation which contains any quantity of methamphetamine;*
25 *or*

26 *(2) The grinding, soaking or otherwise breaking down of a*
27 *substance that is a precursor for the manufacture of any material,*
28 *compound, mixture or preparation which contains any quantity of*
29 *methamphetamine.*

30 **Sec. 3. 1. Except as otherwise provided in this subsection, it**
31 *is unlawful for a person to knowingly or intentionally possess*
32 *lithium metal or sodium metal. A person does not violate this*
33 *subsection if the person:*

34 *(a) Is conducting a lawful manufacturing operation that*
35 *involves the use of lithium metal or sodium metal;*

36 *(b) Possesses lithium metal or sodium metal in conjunction*
37 *with experiments conducted in a chemistry or chemistry-related*
38 *laboratory maintained by a:*



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1 (1) *Regularly established public or private secondary*
2 *school; or*

3 (2) *Public or private institution of higher education that is*
4 *accredited by a national or regional accrediting agency recognized*
5 *by the United States Department of Education;*

6 (c) *Is a retail distributor, wholesaler, manufacturer,*
7 *warehouseman or common carrier, or an agent of any of those*
8 *persons, who possesses lithium metal or sodium metal in the*
9 *regular course of lawful business activities; or*

10 (d) *Possesses lithium metal or sodium metal as a component of*
11 *a commercially produced product, including, without limitation,*
12 *rechargeable batteries.*

13 2. *A person who violates this section is guilty of a gross*
14 *misdemeanor.*

15 Sec. 4. (Deleted by amendment.)

16 Sec. 5. (Deleted by amendment.)

17 Sec. 6. (Deleted by amendment.)

18 Sec. 7. NRS 453.322 is hereby amended to read as follows:

19 453.322 1. Except as authorized by the provisions of NRS
20 453.011 to 453.552, inclusive, it is unlawful for a person to
21 knowingly or intentionally:

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

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

29 (1) Any chemical identified in subsection 4; or

30 (2) Any other chemical which is proven by expert testimony
31 to be commonly used in manufacturing or compounding a controlled
32 substance other than marijuana. The district attorney may present
33 expert testimony to provide a *prima facie* case that any chemical,
34 whether or not it is a chemical identified in subsection 4, is
35 commonly used in manufacturing or compounding such a controlled
36 substance.

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

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

42 2. Unless a greater penalty is provided in NRS 453.3385 or
43 453.3395, a person who violates any provision of subsection 1 is
44 guilty of a category B felony and shall be punished by imprisonment
45 in the state prison for a minimum term of not less than 3 years and a



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1 maximum term of not more than 15 years, and may be further
2 punished by a fine of not more than \$100,000.

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

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

7 (a) Acetic anhydride.

8 (b) Acetone.

9 (c) N-Acetylanthranilic acid, its esters and its salts.

10 (d) Anthranilic acid, its esters and its salts.

11 (e) Benzaldehyde, its salts, isomers and salts of isomers.

12 (f) Benzyl chloride.

13 (g) Benzyl cyanide.

14 (h) 1,4-Butanediol.

15 (i) 2-Butanone (or methyl ethyl ketone or MEK).

16 (j) Ephedrine, its salts, isomers and salts of isomers.

17 (k) Ergonovine and its salts.

18 (l) Ergotamine and its salts.

19 (m) Ethylamine, its salts, isomers and salts of isomers.

20 (n) Ethyl ether.

21 (o) Gamma butyrolactone.

22 (p) Hydriodic acid, its salts, isomers and salts of isomers.

23 (q) Hydrochloric gas.

24 (r) Iodine.

25 (s) Isosafrole, its salts, isomers and salts of isomers.

26 (t) **Lithium metal.**

27 (u) Methylamine, its salts, isomers and salts of isomers.

28 (v) 3,4-Methylenedioxy-phenyl-2-propanone.

29 (w) N-Methylephedrine, its salts, isomers and salts of
30 isomers.

31 (x) Methyl isobutyl ketone (MIBK).

32 (y) N-Methylpseudoephedrine, its salts, isomers and salts
33 of isomers.

34 (z) Nitroethane, its salts, isomers and salts of isomers.

35 (aa) Norpseudoephedrine, its salts, isomers and salts of
36 isomers.

37 (bb) Phenylacetic acid, its esters and its salts.

38 (cc) Phenylpropanolamine, its salts, isomers and salts of
39 isomers.

40 (dd) Piperidine and its salts.

41 (ee) Piperonal, its salts, isomers and salts of isomers.

42 (ff) Potassium permanganate.

43 (gg) Propionic anhydride, its salts, isomers and salts of
44 isomers.



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(eg) (hh) Pseudoephedrine, its salts, isomers and salts of isomers.

~~[(hh)]~~ (ii) Red phosphorous.

(ii) (j) Safrole, its salts, isomers and salts of isomers.

~~[(jj)]~~ (kk) *Sodium metal.*

(ii) Sulfuric acid.

~~[(kk)]~~ (*mm*) Toluene.

Sec. 8. NRS 453.553 is hereby amended to read as follows:

453.553 1. In addition to any criminal penalty imposed for a violation of the provisions of NRS 453.011 to 453.552, inclusive, **and sections 2 and 3 of this act**, any person who unlawfully sells, manufactures, delivers or brings into this State, possesses for sale or participates in any way in a sale of a controlled substance listed in schedule I, II or III or who engages in any act or transaction in violation of the provisions of NRS 453.3611 to 453.3648, inclusive, is subject to a civil penalty for each violation. This penalty must be recovered in a civil action, brought in the name of the State of Nevada by the Attorney General or by any district attorney in a court of competent jurisdiction.

2. As used in ~~[this section and]~~ NRS ~~[453.5531, 453.5532 and]~~
~~453.553 to~~ 453.5533 ~~[, inclusive]~~:

(a) "Each violation" includes a continuous or repetitive violation arising out of the same act.

(b) "Sell" includes exchange, barter, solicitation or receipt of an order, transfer to another for sale or resale and any other transfer for any consideration or a promise obtained directly or indirectly.

(c) "Substitute" means a substance which:

(1) Was manufactured by a person who at the time was not currently registered with the Secretary of Health and Human Services; and

(2) Is an imitation of or intended for use as a substitute for a substance listed in schedule I, II or III.

Sec. 9. (Deleted by amendment.)

Sec. 10. NRS 40.140 is hereby amended to read as follows:

40.140 1. Except as otherwise provided in this section **if**, **anything**:

(a) **Anything** which is injurious to health, or indecent and offensive to the senses, or an obstruction to the free use of property, so as to interfere with the comfortable enjoyment of life or property [, including, without limitation, a];

(b) A building or place used for the purpose of unlawfully selling, serving, storing, keeping, manufacturing, using or giving away a controlled substance, immediate precursor ~~as defined in NRS 453.086~~ or controlled substance analog ~~as defined in NRS 453.043,1~~; or



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1 (c) A building or place which was used for the purpose of
2 unlawfully manufacturing a controlled substance, immediate
3 precursor or controlled substance analog and:

4 (1) Which has not been deemed safe for habitation by a
5 governmental entity; or

6 (2) From which all materials or substances involving the
7 controlled substance, immediate precursor or controlled substance
8 analog have not been removed or remediated by an entity certified
9 or licensed to do so within 180 days after the building or place is
10 no longer used for the purpose of unlawfully manufacturing a
11 controlled substance, immediate precursor or controlled substance
12 analog,

13 → is a nuisance, and the subject of an action. The action may be
14 brought by any person whose property is injuriously affected, or
15 whose personal enjoyment is lessened by the nuisance, and by the
16 judgment the nuisance may be enjoined or abated, as well as
17 damages recovered.

18 2. It is presumed:

19 (a) That an agricultural activity conducted on farmland,
20 consistent with good agricultural practice and established before
21 surrounding nonagricultural activities is reasonable. Such activity
22 does not constitute a nuisance unless the activity has a substantial
23 adverse effect on the public health or safety.

24 (b) That an agricultural activity which does not violate a federal,
25 state or local law, ordinance or regulation constitutes good
26 agricultural practice.

27 3. A shooting range does not constitute a nuisance with respect
28 to any noise attributable to the shooting range if the shooting range
29 is in compliance with the provisions of all applicable statutes,
30 ordinances and regulations concerning noise:

31 (a) As those provisions existed on October 1, 1997, for a
32 shooting range in operation on or before October 1, 1997; or

33 (b) As those provisions exist on the date that the shooting range
34 begins operation, for a shooting range that begins operation after
35 October 1, 1997.

36 → A shooting range is not subject to any state or local law related to
37 the control of noise that is adopted or amended after the date set
38 forth in paragraph (a) or (b), as applicable, and does not constitute a
39 nuisance for failure to comply with any such law.

40 4. As used in this section ~~shooting~~:

41 (a) **“Controlled substance analog” has the meaning ascribed
42 to it in NRS 453.043;**

43 (b) **“Immediate precursor” has the meaning ascribed to it in
44 NRS 453.086; and**



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1 (c) “*Shooting* range” means an area designed and used for
2 archery or sport shooting, including, but not limited to, sport
3 shooting that involves the use of rifles, shotguns, pistols, silhouettes,
4 skeet, trap, black powder or other similar items.

5 **Sec. 11.** NRS 202.450 is hereby amended to read as follows:
6 202.450 1. A public nuisance is a crime against the order and
7 economy of the State.

8 2. Every place:

9 (a) Wherein any gambling, bookmaking or pool selling is
10 conducted without a license as provided by law, or wherein any
11 swindling game or device, or bucket shop, or any agency therefor is
12 conducted, or any article, apparatus or device useful therefor is kept;

13 (b) Wherein any fighting between animals or birds is conducted;

14 (c) Wherein any dog races are conducted as a gaming activity;

15 (d) Wherein any intoxicating liquors are kept for unlawful use,
16 sale or distribution;

17 (e) Wherein a controlled substance, immediate precursor ~~was~~
18 ~~defined in NRS 453.086~~ or controlled substance analog ~~was defined~~
19 ~~in NRS 453.043~~ is unlawfully sold, served, stored, kept,
20 manufactured, used or given away; or

21 (f) Where vagrants resort,

22 ↳ is a public nuisance.

23 3. Every act unlawfully done and every omission to perform a
24 duty, which act or omission:

25 (a) Annoys, injures or endangers the safety, health, comfort or
26 repose of any considerable number of persons;

27 (b) Offends public decency;

28 (c) Unlawfully interferes with, befouls, obstructs or tends to
29 obstruct, or renders dangerous for passage, a lake, navigable river,
30 bay, stream, canal, ditch, millrace or basin, or a public park, square,
31 street, alley, bridge, causeway or highway; or

32 (d) In any way renders a considerable number of persons
33 insecure in life or the use of property,

34 ↳ is a public nuisance.

35 4. *A building or place which was used for the purpose of
36 unlawfully manufacturing a controlled substance, immediate
37 precursor or controlled substance analog is a public nuisance if
38 the building or place has not been deemed safe for habitation by a
39 governmental entity and:*

40 *(a) The owner of the building or place allows the building or
41 place to be used for any purpose before all materials or substances
42 involving the controlled substance, immediate precursor or
43 controlled substance analog have been removed from
44 or remediated on the building or place by an entity certified or
45 licensed to do so; or*



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1 (b) *The owner of the building or place fails to have all*
2 *materials or substances involving the controlled substance,*
3 *immediate precursor or controlled substance analog removed from*
4 *or remediated on the building or place by an entity certified or*
5 *licensed to do so within 180 days after the building or place is no*
6 *longer used for the purpose of unlawfully manufacturing a*
7 *controlled substance, immediate precursor or controlled substance*
8 *analog.*

9 5. Agricultural activity conducted on farmland consistent with
10 good agricultural practice and established before surrounding
11 nonagricultural activities is not a public nuisance unless it has a
12 substantial adverse effect on the public health or safety. It is
13 presumed that an agricultural activity which does not violate a
14 federal, state or local law, ordinance or regulation constitutes good
15 agricultural practice.

16 6. A shooting range is not a public nuisance with respect
17 to any noise attributable to the shooting range if the shooting range
18 is in compliance with the provisions of all applicable statutes,
19 ordinances and regulations concerning noise:

20 (a) As those provisions existed on October 1, 1997, for a
21 shooting range that begins operation on or before October 1, 1997;
22 or

23 (b) As those provisions exist on the date that the shooting range
24 begins operation, for a shooting range in operation after October 1,
25 1997.

26 → A shooting range is not subject to any state or local law related to
27 the control of noise that is adopted or amended after the date set
28 forth in paragraph (a) or (b), as applicable, and does not constitute a
29 nuisance for failure to comply with any such law.

30 7. As used in this section ~~, “shooting” :~~

31 (a) *“Controlled substance analog” has the meaning ascribed*
32 *to it in NRS 453.043;*

33 (b) *“Immediate precursor” has the meaning ascribed to it in*
34 *NRS 453.086; and*

35 (c) *“Shooting” range* has the meaning ascribed to it in
36 NRS 40.140.

37 Sec. 12. NRS 205.010 is hereby amended to read as follows:

38 205.010 A person who ~~willfully~~ :

39 1. *Willfully* and maliciously sets fire to or burns or causes to be
40 burned ~~, or who aids,~~ ;

41 2. *Aids*, counsels or procures the burning of ~~any~~:

42 3. ~~1. Dwelling~~ ; or

43 3. *By knowingly engaging in the manufacture of any*
44 *material, compound, mixture or preparation which contains any*



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quantity of methamphetamine, sets fire to or causes an explosion that damages,

→ **any dwelling** house or other structure or mobile home, whether occupied or vacant [; or

2. Personal] and whether the property of himself or another, or personal property which is occupied by one or more persons, ¶
→ whether the property of himself or of another, is guilty of arson in the first degree which is a category B felony and shall be punished by imprisonment for a minimum term of not less than 2 years and a maximum term of not more than 15 years, and may be further punished by a fine of not more than \$15,000.

Sec. 13. NRS 205.015 is hereby amended to read as follows:

205.015 A person who ~~willfully~~:

1. **Willfully** and maliciously sets fire to or burns or causes to be burned [or who aids,];

2. *Aids*, counsels or procures the burning of; or

3. By knowingly engaging in the manufacture of any material, compound, mixture or preparation which contains any quantity of methamphetamine, sets fire to or causes an explosion that damages,

any abandoned building or structure, whether the property of himself or of another, is guilty of arson in the second degree which is a category B felony and shall be punished by imprisonment in the state prison for a minimum term of not less than 1 year and a maximum term of not more than 10 years, and may be further punished by a fine of not more than \$10,000.

Sec. 14. NRS 205.0835 is hereby amended to read as follows:

205.0835 1. Unless a greater penalty is imposed by a specific statute, a person who commits theft in violation of any provision of NRS 205.0821 to 205.0835, inclusive, shall be punished pursuant to the provisions of this section.

2. ~~14~~ **Except as otherwise provided in subsection 3, if** the value of the property or services involved in the theft ~~is~~ :

(a) Is less than \$250, the person who committed the theft is guilty of a misdemeanor.

[3. If the value of the property or services involved in the theft is]

(b) Is \$250 or more but less than \$2,500, the person who committed the theft is guilty of a category C felony and shall be

4.3. If the value of the property or services involved in the punishment as provided in NRS 193.130.

theft is \$2,500 or more *or if the property involved in the theft is a chemical identified in subsection 4 of NRS 453.322*, the person who committed the theft is guilty of a category B felony and shall be punished by imprisonment in the state prison for a minimum term of



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1 not less than 1 year and a maximum term of not more than 10 years,
2 and by a fine of not more than \$10,000.

3 **[5.] 4.** In addition to any other penalty, the court shall order
4 the person who committed the theft to pay restitution.

5 **Sec. 15.** NRS 244.3603 is hereby amended to read as follows:

6 244.3603 1. Each board of county commissioners may, by
7 ordinance, to protect the public health, safety and welfare of the
8 residents of the county, adopt procedures pursuant to which the
9 district attorney may file an action in a court of competent
10 jurisdiction to:

11 (a) Seek the abatement of a chronic nuisance that is located or
12 occurring within the unincorporated area of the county;

13 (b) If applicable, seek the closure of the property where the
14 chronic nuisance is located or occurring; and

15 (c) If applicable, seek penalties against the owner of the property
16 within the unincorporated area of the county and any other
17 appropriate relief.

18 2. An ordinance adopted pursuant to subsection 1 must:

19 (a) Contain procedures pursuant to which the owner of the
20 property is:

21 (1) Sent a notice, by certified mail, return receipt requested,
22 by the sheriff or other person authorized to issue a citation of the
23 existence on his property of nuisance activities and the date by
24 which he must abate the condition to prevent the matter from being
25 submitted to the district attorney for legal action; and

26 (2) Afforded an opportunity for a hearing before a court of
27 competent jurisdiction.

28 (b) Provide that the date specified in the notice by which the
29 owner must abate the condition is tolled for the period during which
30 the owner requests a hearing and receives a decision.

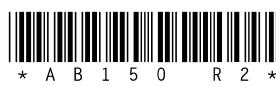
31 (c) Provide the manner in which the county will recover money
32 expended to abate the condition on the property if the owner fails to
33 abate the condition.

34 3. If the court finds that a chronic nuisance exists and action is
35 necessary to avoid serious threat to the public welfare or the safety
36 or health of the occupants of the property, the court may order the
37 county to secure and close the property until the nuisance is abated
38 and may:

39 (a) Impose a civil penalty of not more than \$500 per day for
40 each day that the condition was not abated after the date specified in
41 the notice by which the owner was required to abate the condition;

42 (b) Order the owner to pay the county for the cost incurred by
43 the county in abating the condition; and

44 (c) Order any other appropriate relief.



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1 4. In addition to any other reasonable means authorized by the
2 court for the recovery of money expended by the county to abate the
3 chronic nuisance, the board may make the expense a special
4 assessment against the property upon which the chronic nuisance is
5 located or occurring. The special assessment may be collected
6 pursuant to the provisions set forth in subsection 4 of NRS 244.360.

7 5. As used in this section:

8 (a) A "chronic nuisance" exists:

9 (1) When three or more nuisance activities exist or have
10 occurred during any 90-day period on the property . ~~H~~

11 (2) When a person associated with the property has engaged
12 in three or more nuisance activities during any 90-day period on the
13 property or within 100 feet of the property . ~~H~~

14 (3) When the property has been the subject of a search
15 warrant based on probable cause of continuous or repeated
16 violations of chapter 459 of NRS . ~~[+ or -]~~

17 (4) When a building or place is used for the purpose of
18 unlawfully selling, serving, storing, keeping, manufacturing, using
19 or giving away a controlled substance, immediate precursor ~~has~~
20 ~~defined in NRS 453.086~~ or controlled substance analog . ~~has~~
21 ~~defined in NRS 453.043.~~

22 (5) *When a building or place was used for the purpose of
23 unlawfully manufacturing a controlled substance, immediate
24 precursor or controlled substance analog and:*

25 (I) *The building or place has not been deemed safe for
26 habitation by a governmental entity; or*

27 (II) *All materials or substances involving the controlled
28 substance, immediate precursor or controlled substance analog
29 have not been removed from or remediated on the building or
30 place by an entity certified or licensed to do so within 180 days
31 after the building or place is no longer used for the purpose of
32 unlawfully manufacturing a controlled substance, immediate
33 precursor or controlled substance analog.*

34 (b) *"Controlled substance analog" has the meaning ascribed
35 to it in NRS 453.043.*

36 (c) *"Immediate precursor" has the meaning ascribed to it in
37 NRS 453.086.*

38 (d) *"Nuisance activity" means:*

39 (1) Criminal activity;

40 (2) The presence of debris, litter, garbage, rubble, abandoned
41 or junk vehicles or junk appliances;

42 (3) Violations of building codes, housing codes or any other
43 codes regulating the health or safety of occupants of real property;

44 (4) Excessive noise and violations of curfew; or



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(5) Any other activity, behavior or conduct defined by the board to constitute a public nuisance.

[(e)] (e) “Person associated with the property” means:

(1) The owner of the property;
(2) The manager or assistant manager of the property;
(3) The tenant of the property; or
(4) A person who, on the occasion of a nuisance activity, has:
(I) Entered, patronized or visited;
(II) Attempted to enter, patronize or visit; or
(III) Waited to enter, patronize or visit.

→ the property or a person present on the property

Sec. 16. NRS 244.363 is hereby amended to read as follows:

244.363 Except as otherwise provided in subsection 3 of NRS 40.140 and subsection ~~5~~ 6 of NRS 202.450, the boards of county commissioners in their respective counties may, by ordinance regularly enacted, regulate, control and prohibit, as a public nuisance, excessive noise which is injurious to health or which interferes unreasonably with the comfortable enjoyment of life on property within the boundaries of the county.

Sec. 17. NRS 266.335 is hereby amended to read as follows:

266.335 The city council may:

1. Except as otherwise provided in subsection 3 of NRS 40.140 and subsection ~~5~~ 6 of NRS 202.450, determine by ordinance what shall be deemed nuisances.

2. Provide for the abatement, prevention and removal of the nuisances at the expense of the person creating, causing or committing the nuisances.

3. Provide that the expense of removal is a lien upon the property upon which the nuisance is located. The lien must:

(a) Be perfected by recording with the county recorder a statement by the city clerk of the amount of expenses due and unpaid and describing the property subject to the lien.

(b) Be coequal with the latest lien thereon to secure the payment of general taxes.

(c) Not be subject to extinguishment by the sale of any property because of the nonpayment of general taxes.

(d) Be prior and superior to all liens, claims, encumbrances and titles other than the liens of assessments and general taxes.

4. Provide any other penalty or punishment of persons responsible for the nuisances.

Sec. 18. NRS 268.412 is hereby amended to read as follows:

268.412 Except as otherwise provided in subsection 3 of NRS 40.140 and subsection ~~5~~ 6 of NRS 202.450, the city council or other governing body of a city may, by ordinance regularly enacted, regulate, control and prohibit, as a public nuisance, excessive noise



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1 which is injurious to health or which interferes unreasonably with
2 the comfortable enjoyment of life or property within the boundaries
3 of the city.

4 **Sec. 19.** NRS 268.4124 is hereby amended to read as follows:

5 268.4124 1. The governing body of a city may, by ordinance,
6 to protect the public health, safety and welfare of the residents of the
7 city, adopt procedures pursuant to which the city attorney may file
8 an action in a court of competent jurisdiction to:

9 (a) Seek the abatement of a chronic nuisance that is located or
10 occurring within the city;

11 (b) If applicable, seek the closure of the property where the
12 chronic nuisance is located or occurring; and

13 (c) If applicable, seek penalties against the owner of the property
14 within the city and any other appropriate relief.

15 2. An ordinance adopted pursuant to subsection 1 must:

16 (a) Contain procedures pursuant to which the owner of the
17 property is:

18 (1) Sent notice, by certified mail, return receipt requested, by
19 the city police or other person authorized to issue a citation, of the
20 existence on his property of two or more nuisance activities and the
21 date by which he must abate the condition to prevent the matter
22 from being submitted to the city attorney for legal action; and

23 (2) Afforded an opportunity for a hearing before a court of
24 competent jurisdiction.

25 (b) Provide that the date specified in the notice by which the
26 owner must abate the condition is tolled for the period during which
27 the owner requests a hearing and receives a decision.

28 (c) Provide the manner in which the city will recover money
29 expended for labor and materials used to abate the condition on the
30 property if the owner fails to abate the condition.

31 3. If the court finds that a chronic nuisance exists and
32 emergency action is necessary to avoid immediate threat to the
33 public health, welfare or safety, the court shall order the city to
34 secure and close the property for a period not to exceed 1 year or
35 until the nuisance is abated, whichever occurs first, and may:

36 (a) Impose a civil penalty of not more than \$500 per day for
37 each day that the condition was not abated after the date specified in
38 the notice by which the owner was required to abate the condition;

39 (b) Order the owner to pay the city for the cost incurred by the
40 city in abating the condition;

41 (c) If applicable, order the owner to pay reasonable expenses for
42 the relocation of any tenants who are affected by the chronic
43 nuisance; and

44 (d) Order any other appropriate relief.



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4. In addition to any other reasonable means authorized by the
court for the recovery of money expended by the city to abate the
chronic nuisance, the governing body may make the expense a
special assessment against the property upon which the chronic
nuisance is or was located or occurring. The special assessment may
be collected at the same time and in the same manner as ordinary
county taxes are collected, and is subject to the same penalties and
the same procedure and sale in case of delinquency as provided for
ordinary county taxes. All laws applicable to the levy, collection and
enforcement of county taxes are applicable to such a special
assessment.

12 5. As used in this section:

13 (a) A "chronic nuisance" exists:

(1) When three or more nuisance activities exist or have occurred during any 30-day period on the property. [.]

16 (2) When a person associated with the property has engaged
17 in three or more nuisance activities during any 30-day period on the
18 property or within 100 feet of the property. H

19 (3) When the property has been the subject of a search
20 warrant based on probable cause of continuous or repeated
21 violations of chapter 459 of NRS. ~~or~~

(4) When a building or place is used for the purpose of unlawfully selling, serving, storing, keeping, manufacturing, using or giving away a controlled substance, immediate precursor [as defined in NRS 453.086] or controlled substance analog . [as defined in NRS 453.043.]

(5) When a building or place was used for the purpose of unlawfully manufacturing a controlled substance, immediate precursor or controlled substance analog and;

39 (b) "Controlled substance analog" has the meaning ascribed
40 to it in NRS 453.043.

41 (c) "Immediate precursor" has the meaning ascribed to it in
42 NRS 453.086.

43 (d) "Nuisance activity" means:

44 (1) Criminal activity;



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(2) The presence of debris, litter, garbage, rubble, abandoned or junk vehicles or junk appliances;

(3) Excessive noise and violations of curfew; or

(4) Any other activity, behavior or conduct defined by the governing body to constitute a public nuisance.

(e) “Person associated with the property” means a person who, on the occasion of a nuisance activity, has:

- (1) Entered, patronized or visited;
- (2) Attempted to enter, patronize or visit; or

(3) Waited to enter, patronize or visit,

→ a property or a person present on the property.

Sec. 20. Title 51 of NRS is hereby amended

See. 26. The 51 of NRS is hereby amended:

a new chapter to consist of the provisions set forth in Article 17.

33, inclusive, of this act.

Sec. 21. *As used in this chapter, unless the context otherwise*

requires, the words and terms defined in sections 22 to 30,

equally, the words and terms defined in section 11 of this act, inclusive, of this act have the meanings ascribed to them in those sections.

Sec. 22. "Advisory Committee" means the Anhydrous Ammonia Additive Advisory Committee created by section 32 of this act.

Sec. 23. "Anhydrous ammonia" means a liquid or gaseous inorganic compound that is formed by the chemical combination of nitrogen and hydrogen in the molar proportion of one part nitrogen to three parts hydrogen. The term does not include ammonium hydroxide.

Sec. 24. "Board" means the State Board of Agriculture.

Sec. 25. "Department" means the State Department of Agriculture.

Sec. 26. "Director" means the Director of the Department.

Sec. 27. **"Distributor"** means a person that imports, consigns, sells, offers for sale, barters, exchanges or otherwise facilitates the supply of anhydrous ammonia to a user in this State.

Sec. 28. "Nontoxic dye" means a biodegradable, clear liquid product that causes staining when exposed to air.

Sec. 29. "Other additive" means a product other than a nontoxic dye that, when put in tanks containing anhydrous ammonia, renders the anhydrous ammonia nonreactive, unusable or undesirable for use in the manufacture of any material, compound, mixture or preparation which contains any quantity of methamphetamine.

Sec. 30. "User" means a person that uses anhydrous ammonia in the course of engaging in agricultural activity in this State to promote or stimulate the growth of plants, increase the



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1 *productiveness of plants, improve the quality of crops or produce*
2 *any chemical or physical change in the soil.*

3 **Sec. 31. 1. The Department, in consultation with the**
4 **Department of Public Safety, shall certify each brand of nontoxic**
5 **dye or other additive that a distributor of anhydrous ammonia or**
6 **user may add to anhydrous ammonia.**

7 **2. The Board, in consultation with the Advisory Committee,**
8 **shall adopt regulations establishing standards to be used in**
9 **making certifications pursuant to subsection 1 and for the**
10 **administration of this chapter.**

11 **Sec. 32. 1. The Anhydrous Ammonia Additive Advisory**
12 **Committee is hereby created within the Department.**

13 **2. The Advisory Committee consists of one representative of**
14 **each of the following:**

15 **(a) The Department.**

16 **(b) The Department of Public Safety.**

17 **(c) Manufacturers of anhydrous ammonia fertilizers.**

18 **(d) The Agricultural Extension Department of the Public**
19 **Service Division of the Nevada System of Higher Education.**

20 **(e) Retail distributors of anhydrous ammonia.**

21 **(f) Users who are growers of agricultural products.**

22 **3. The Director, in consultation with the Director of the**
23 **Department of Public Safety, shall appoint the members of the**
24 **Advisory Committee.**

25 **4. After the initial term, each member of the Advisory**
26 **Committee shall serve for a term of 4 years.**

27 **5. Each member of the Advisory Committee serves without**
28 **compensation. If sufficient money is available to the Department,**
29 **members are entitled to travel allowances provided for state**
30 **officers and employees generally while attending meetings of the**
31 **Advisory Committee.**

32 **6. Each member of the Advisory Committee who is an officer**
33 **or employee of the State must be relieved from his duties without**
34 **loss of his regular compensation so that he may prepare for and**
35 **attend meetings of the Advisory Committee.**

36 **Sec. 33. The Advisory Committee:**

37 **1. May review all relevant scientific and economic data on**
38 **nontoxic dyes or other additives for anhydrous ammonia that are**
39 **submitted to the Department for certification.**

40 **2. Shall require the manufacturer of any nontoxic dye or**
41 **other additive submitted to the Department for certification to**
42 **provide sufficient scientifically valid data for each submitted**
43 **nontoxic dye or other additive to allow the Department to**
44 **determine the:**

45 **(a) Impact of the nontoxic dye or other additive on crop yield;**



1 (b) *Specific food crop residue analysis of the nontoxic dye or*
2 *other additive; and*

3 (c) *Impact of the nontoxic dye or other additive on the*
4 *environment.*

5 3. *May issue recommendations to the Department regarding*
6 *whether the Department should certify a nontoxic dye or other*
7 *additive.*

8 Sec. 34. (Deleted by amendment.)

9 Sec. 35. Chapter 639 of NRS is hereby amended by adding
10 thereto the provisions set forth as sections 36 to 42, inclusive, of this
11 act.

12 Sec. 36. *As used in sections 36 to 42, inclusive, of this act,*
13 *unless the context otherwise requires, the words and terms defined*
14 *in sections 37, 38 and 39 of this act have the meanings ascribed to*
15 *them in those sections.*

16 Sec. 37. “*Department*” means the Department of Public
17 Safety.

18 Sec. 38. “*Permit*” means a permit to sell or transfer a
19 product that is a precursor to methamphetamine issued by the
20 Board pursuant to sections 36 to 42, inclusive, of this act.

21 Sec. 39. “*Product that is a precursor to methamphetamine*”
22 means a product which contains ephedrine, pseudoephedrine or
23 phenylpropanolamine or the salts, optical isomers or salts of
24 optical isomers of such chemicals and may be marketed or
25 distributed lawfully in the United States under the Federal Food,
26 Drug and Cosmetic Act, 21 U.S.C. §§ 301 et seq., as a
27 nonprescription drug.

28 Sec. 40. 1. A person shall not sell or transfer to an ultimate
29 user in the course of any business, or engage in the business of
30 selling to ultimate users, a product that is a precursor to
31 methamphetamine, unless the person:

32 (a) Is a pharmacy; or

33 (b) Holds a valid permit issued by the Board pursuant to this
34 section.

35 2. A person who violates subsection 1 is guilty of a category C
36 felony and shall be punished as provided in NRS 193.130.

37 3. To obtain or renew a permit, a person must:

38 (a) Submit an application to the Executive Secretary of the
39 Board on a form furnished by the Board;

40 (b) Pay the fee required by NRS 639.170; and

41 (c) Submit any other documentation that the Board may
42 require by regulation.

43 4. The Board shall issue or renew a permit if the person
44 applying for the permit has complied with subsection 2 and the
45 Board determines that the person will safely and lawfully sell or



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1 transfer a product that is a precursor to methamphetamine. To
2 determine whether a person will safely and lawfully sell or
3 transfer a product that is a precursor to methamphetamine, the
4 Board shall consider the following factors:

5 (a) Whether the business operated by the person contains a
6 pharmacy which is not open to the public at all times.

7 (b) The proximity of the business operated by the person to a
8 pharmacy that is open to the public at all times.

9 (c) Whether an owner, partner, member, manager, stockholder
10 who owns more than 10 percent of the outstanding stock, director
11 or officer of the person, or an employee of the person who will sell
12 or transfer a product that is a precursor to methamphetamine, has
13 been arrested for, charged with or convicted of:

14 (1) A felony;

15 (2) Any crime involving moral turpitude; or

16 (3) Any crime related to the unlawful possession, sale or
17 use of a controlled substance or dangerous drug.

18 (d) Whether the business operated by the person is the type of
19 business at which a reasonable person purchases a product that is
20 a precursor to methamphetamine.

21 (e) The previous experience of the person with the sale of a
22 product that is a precursor to methamphetamine.

23 Sec. 41. A pharmacy or a person who holds a permit shall:

24 1. Comply with the law of this State and federal law
25 concerning the sale or transfer of a product that is a precursor to
26 methamphetamine.

27 2. Submit to the Department a report of the quantity of each
28 purchase and sale or transfer of a product that is a precursor to
29 methamphetamine not later than:

30 (a) April 30, for the period from January 1 through March 31;

31 (b) July 31, for the period from April 1 through June 30;

32 (c) October 31, for the period from July 1 through
33 September 30; and

34 (d) January 31, for the period from October 1 of the previous
35 year through December 31 of the previous year.

36 ➔ The Department shall adopt regulations governing the form of
37 the report and the manner in which the report is submitted to the
38 Department.

39 Sec. 42. At any time that a pharmacy or a business operated
40 by a holder of a permit is open to the public, an agent of the
41 Board, the Department or a local law enforcement agency may
42 examine, copy, seize or impound any records of the pharmacy or
43 the holder of a permit concerning the purchase, sale or transfer of
44 a product that is a precursor to methamphetamine.



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1 **Sec. 43.** NRS 639.129 is hereby amended to read as follows:
2 639.129 1. In addition to any other requirements set forth in
3 this chapter:

4 (a) A natural person who applies for the issuance of a certificate
5 of registration as a pharmacist, intern pharmacist, pharmaceutical
6 technician or pharmaceutical technician in training, ~~for~~ a license
7 issued pursuant to NRS 639.233 ***or a permit issued pursuant to***
8 ***sections 36 to 42, inclusive, of this act*** shall include the social
9 security number of the applicant in the application submitted to the
10 Board

(b) A natural person who applies for the issuance or renewal of a certificate of registration as a pharmacist, intern pharmacist, pharmaceutical technician or pharmaceutical technician in training, ~~for~~ a license issued pursuant to NRS 639.233 *or a permit issued pursuant to sections 36 to 42, inclusive, of this act* shall submit to the Board the statement prescribed by the Division of Welfare and Supportive Services of the Department of Health and Human Services pursuant to NRS 425.520. The statement must be completed and signed by the applicant.

20 2. The Board shall include the statement required pursuant to
21 subsection 1 in:

22 (a) The application or any other forms that must be submitted
23 for the issuance or renewal of the certificate, ~~or~~ license **or permit**;
24 or

25 (b) A separate form prescribed by the Board.

26 3. A certificate of registration as a pharmacist, intern
27 pharmacist, pharmaceutical technician or pharmaceutical technician
28 in training, ~~or~~ a license issued pursuant to NRS 639.233 **or a**
29 **permit issued pursuant to sections 36 to 42, inclusive, of this act**
30 may not be issued or renewed by the Board if the applicant is a
31 natural person who:

32 (a) Fails to submit the statement required pursuant to subsection
33 1; or

(b) Indicates on the statement submitted pursuant to subsection 1 that he is subject to a court order for the support of a child and is not in compliance with the order or a plan approved by the district attorney or other public agency enforcing the order for the repayment of the amount owed pursuant to the order.

39 4. If an applicant indicates on the statement submitted pursuant
40 to subsection 1 that he is subject to a court order for the support of a
41 child and is not in compliance with the order or a plan approved by
42 the district attorney or other public agency enforcing the order for
43 the repayment of the amount owed pursuant to the order, the Board
44 shall advise the applicant to contact the district attorney or other



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1 public agency enforcing the order to determine the actions that the
2 applicant may take to satisfy the arrearage.

3 **Sec. 44.** NRS 639.170 is hereby amended to read as follows:
4 639.170 1. The Board shall charge and collect not more than
5 the following fees for the following services:

	Actual cost
For the examination of an applicant registration for as a pharmacist	of the examination
For the investigation or registration of an applicant as a registered pharmacist	\$200
For the investigation, examination or registration of an applicant as a registered pharmacist by reciprocity.....	300
For the investigation or issuance of an original license to conduct a retail pharmacy	600
For the biennial renewal of a license to conduct a retail pharmacy.....	500
For the investigation or issuance of an original license to conduct an institutional pharmacy	600
For the biennial renewal of a license to conduct an institutional pharmacy.....	500
For the issuance of an original or duplicate certificate of registration as a registered pharmacist.....	50
For the biennial renewal of registration as a registered pharmacist	200
For the reinstatement of a lapsed registration (in addition to the fees for renewal for the period of lapse)	100
For the initial registration of a pharmaceutical technician or pharmaceutical technician in training	50
For the biennial renewal of registration of a pharmaceutical technician or pharmaceutical technician in training.....	50
For the investigation or registration of an intern pharmacist	50
For the biennial renewal of registration as an intern pharmacist.....	40
For investigation or issuance of an original license to a manufacturer or wholesaler.....	500
For the biennial renewal of a license for a manufacturer or wholesaler.....	500



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1	For the reissuance of a license issued to a	
2	pharmacy, when no change of ownership is	
3	involved, but the license must be reissued	
4	because of a change in the information	
5	required thereon \$100	
6	For authorization of a practitioner to dispense	
7	controlled substances or dangerous drugs, or	
8	both 300	
9	For the biennial renewal of authorization of a	
10	practitioner to dispense controlled	
11	substances or dangerous drugs, or both 300	
12	<i>For the issuance or renewal of a permit to sell</i>	
13	<i>or transfer a product that is a precursor to</i>	
14	<i>methamphetamine issued by the Board</i>	
15	<i>pursuant to sections 36 to 42, inclusive, of</i>	
16	<i>this act..... 200</i>	

18 2. If a person requests a special service from the Board or
19 requests the Board to convene a special meeting, he must pay the
20 actual costs to the Board as a condition precedent to the rendition of
21 the special service or the convening of the special meeting.

22 3. All fees are payable in advance and are not refundable.

23 4. The Board may, by regulation, set the penalty for failure to
24 pay the fee for renewal for any license, permit, authorization or
25 certificate within the statutory period, at an amount not to exceed
26 100 percent of the fee for renewal for each year of delinquency in
27 addition to the fees for renewal for each year of delinquency.

28 **Sec. 45.** NRS 639.210 is hereby amended to read as follows:

29 639.210 The Board may suspend or revoke any certificate,
30 license, registration or permit issued pursuant to this chapter, and
31 deny the application of any person for a certificate, license,
32 registration or permit, if the holder or applicant:

33 1. Is not of good moral character;

34 2. Is guilty of habitual intemperance;

35 3. Becomes or is intoxicated or under the influence of liquor,
36 any depressant drug or a controlled substance, unless taken pursuant
37 to a lawfully issued prescription, while on duty in any establishment
38 licensed by the Board;

39 4. Is guilty of unprofessional conduct or conduct contrary to
40 the public interest;

41 5. Is addicted to the use of any controlled substance;

42 6. Has been convicted of a violation of any law or regulation of
43 the Federal Government or of this or any other state related to
44 controlled substances, dangerous drugs, drug samples, or the
45 wholesale or retail distribution of drugs;



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1 7. Has been convicted of:
2 (a) A felony relating to holding a certificate, license, registration
3 or permit pursuant to this chapter;
4 (b) A felony pursuant to NRS 639.550 or 639.555; or
5 (c) Other crime involving moral turpitude, dishonesty or
6 corruption;

7 8. Has been convicted of violating any of the provisions of
8 NRS 616D.200, 616D.220, 616D.240 or 616D.300 to 616D.440,
9 inclusive;

10 9. Has willfully made to the Board or its authorized
11 representative any false statement which is material to the
12 administration or enforcement of any of the provisions of this
13 chapter;

14 10. Has obtained any certificate, certification, license or permit
15 by the filing of an application, or any record, affidavit or other
16 information in support thereof, which is false or fraudulent;

17 11. Has violated any provision of the Federal Food, Drug and
18 Cosmetic Act or any other federal law or regulation relating to
19 prescription drugs;

20 12. Has violated, attempted to violate, assisted or abetted in the
21 violation of or conspired to violate any of the provisions of this
22 chapter or any law or regulation relating to drugs, the manufacture
23 or distribution of drugs or the practice of pharmacy, or has
24 knowingly permitted, allowed, condoned or failed to report a
25 violation of any of the provisions of this chapter or any law or
26 regulation relating to drugs, the manufacture or distribution of drugs
27 or the practice of pharmacy committed by the holder of a certificate,
28 license, registration or permit;

29 13. Has failed to renew his certificate, license or permit by
30 failing to submit the application for renewal or pay the renewal fee
31 therefor;

32 14. Has had his certificate, license or permit suspended or
33 revoked in another state on grounds which would cause suspension
34 or revocation of a certificate, license or permit in this State;

35 15. Has, as a managing pharmacist, violated any provision of
36 law or regulation concerning recordkeeping or inventory in a store
37 over which he presides, or has knowingly allowed a violation of any
38 provision of this chapter or other state or federal laws or regulations
39 relating to the practice of pharmacy by personnel of the pharmacy
40 under his supervision;

41 16. Has repeatedly been negligent, which may be evidenced by
42 claims of malpractice settled against him;

43 17. Has failed to maintain and make available to a state or
44 federal officer any records in accordance with the provisions of this
45 chapter or chapter 453 or 454 of NRS; or



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1 18. Has failed to file or maintain a bond or other security if
2 required by NRS 639.515.

3 ***19. Has violated any provision of section 41 of this act or any***
4 ***regulations adopted pursuant thereto.***

5 **Sec. 46.** 1. The State Board of Pharmacy shall, during the
6 2007-2009 interim, conduct a study to identify computer software
7 that will create an electronic database which:

8 (a) Identifies each sale or transfer of a product that is a precursor
9 to methamphetamine immediately after the sale or transfer has
10 occurred; and

11 (b) A pharmacy or person who holds a permit issued by the
12 Board pursuant to sections 36 to 42, inclusive, of this act may access
13 for the purpose of determining whether a sale or transfer of a
14 product that is a precursor to methamphetamine would violate state
15 or federal law.

16 2. The State Board of Pharmacy shall submit a report of the
17 results of the study and any recommendations for legislation to
18 the Director of the Legislative Counsel Bureau for transmission to
19 the 75th Session of the Nevada Legislature.

20 **Sec. 47.** As soon as practicable after October 1, 2007, the
21 Director of the State Department of Agriculture shall appoint to the
22 Anhydrous Ammonia Additive Advisory Committee created by
23 section 32 of this act:

24 1. Three members whose terms expire on September 30, 2009;
25 and

26 2. Three members whose terms expire on September 30, 2011.

27 **Sec. 48.** 1. This section and section 46 of this act become
28 effective upon passage and approval.

29 2. Sections 4, 5, 6 and 35 to 45, inclusive, of this act become
30 effective:

31 (a) Upon passage and approval for the purpose of adopting
32 regulations and performing any other preparatory administrative
33 tasks that are necessary to carry out the amendatory provisions of
34 sections 4, 5, 6 and 35 to 45, inclusive, of this act; and

35 (b) On October 1, 2007, for all other purposes.

36 3. Sections 1, 2, 3, 7 to 34, inclusive, and 47 of this act become
37 effective on October 1, 2007.

38 4. Section 43 of this act expires by limitation on the date on
39 which the provisions of 42 U.S.C. § 666 requiring each state to
40 establish procedures under which the state has authority to withhold
41 or suspend, or to restrict the use of professional, occupational and
42 recreational licenses of persons who:

43 (a) Have failed to comply with a subpoena or warrant relating to
44 a proceeding to determine the paternity of a child or to establish or
45 enforce an obligation for the support of a child; or



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1 (b) Are in arrears in the payment for the support of one or more
2 children,
3 ➔ are repealed by the Congress of the United States.

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