

ASSEMBLY BILL NO. 345—ASSEMBLYMAN ORENTLICHER

MARCH 22, 2021

Referred to Committee on Health and Human Services

SUMMARY—Revises provisions relating to drug paraphernalia. (BDR 40-978)

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 drug paraphernalia; excluding fentanyl test strips from the list of drug paraphernalia that is prohibited for delivery, sale, possession, manufacture, advertising or use in this State; and providing other matters properly relating thereto.

Legislative Counsel’s Digest:

1 Existing law makes it a felony to deliver, sell, possess with intent to sell or
2 manufacture with intent to deliver or sell drug paraphernalia when the person
3 engaging in the delivery, sale, possession or manufacture knows or reasonably
4 should know that the drug paraphernalia will be used as such. (NRS 453.560)
5 Existing law further makes it a felony for a person to deliver drug paraphernalia to
6 a minor who is at least 3 years younger than the person. (NRS 453.562) Existing
7 law additionally makes it a misdemeanor to: (1) advertise drug paraphernalia in
8 print where one knows or should know that the advertisement is for the purpose of
9 promoting objects designed or intended for use as drug paraphernalia; (2) use drug
10 paraphernalia as such; or (3) possess drug paraphernalia with the intent to use it as
11 such. (NRS 453.564, 453.566) This bill excludes fentanyl test strips from the
12 definition of the term “drug paraphernalia” for the purposes of those offenses.

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

1 **Section 1.** NRS 453.554 is hereby amended to read as follows:
2 453.554 1. Except as otherwise provided in subsection 2, as
3 used in NRS 453.554 to 453.566, inclusive, unless the context
4 otherwise requires, “drug paraphernalia” means all equipment,
5 products and materials of any kind which are used, intended for use,



1 or designed for use in planting, propagating, cultivating, growing,
2 harvesting, manufacturing, compounding, converting, producing,
3 preparing, testing, analyzing, packaging, repackaging, storing,
4 containing, concealing, ingesting, inhaling or otherwise introducing
5 into the human body a controlled substance in violation of this
6 chapter. The term includes, but is not limited to:

7 (a) Kits used, intended for use, or designed for use in planting,
8 propagating, cultivating, growing or harvesting of any species of
9 plant which is a controlled substance or from which a controlled
10 substance can be derived;

11 (b) Kits used, intended for use, or designed for use in
12 manufacturing, compounding, converting, producing or preparing
13 controlled substances;

14 (c) Isomerization devices used, intended for use, or designed for
15 use in increasing the potency of any species of plant which is a
16 controlled substance;

17 (d) Testing equipment , *other than fentanyl test strips*, used,
18 intended for use, or designed for use in identifying, or in analyzing
19 the strength, effectiveness or purity of controlled substances;

20 (e) Scales and balances used, intended for use, or designed for
21 use in weighing or measuring controlled substances;

22 (f) Diluents and adulterants, such as quinine hydrochloride,
23 mannitol, mannite, dextrose and lactose, used, intended for use, or
24 designed for use in cutting controlled substances;

25 (g) Separation gins and sifters used, intended for use, or
26 designed for use in removing twigs and seeds from, or in otherwise
27 cleaning or refining marijuana;

28 (h) Blenders, bowls, containers, spoons and mixing devices
29 used, intended for use, or designed for use in compounding
30 controlled substances;

31 (i) Capsules, balloons, envelopes and other containers used,
32 intended for use, or designed for use in packaging small quantities
33 of controlled substances;

34 (j) Containers and other objects used, intended for use, or
35 designed for use in storing or concealing controlled substances; and

36 (k) Objects used, intended for use, or designed for use in
37 ingesting, inhaling or otherwise introducing marijuana, cocaine,
38 hashish or hashish oil into the human body, such as:

39 (1) Metal, wooden, acrylic, glass, stone, plastic or ceramic
40 pipes with or without screens, permanent screens, hashish heads or
41 punctured metal bowls;

42 (2) Water pipes;

43 (3) Smoking masks;



1 (4) Roach clips, which are objects used to hold burning
2 material, such as a marijuana cigarette, that has become too small or
3 too short to be held in the hand;

4 (5) Cocaine spoons and cocaine vials;

5 (6) Carburetor pipes and carburetion tubes and devices;

6 (7) Chamber pipes;

7 (8) Electric pipes;

8 (9) Air-driven pipes;

9 (10) Chillums;

10 (11) Bonges; and

11 (12) Ice pipes or chillers.

12 2. The term does not include **{any}**:

13 (a) **Any** type of hypodermic syringe, needle, instrument, device
14 or implement intended or capable of being adapted for the purpose
15 of administering drugs by subcutaneous, intramuscular or
16 intravenous injection **{I}**; or

17 (b) **Fentanyl test strips.**

18 3. **As used in this section, "fentanyl test strip" means a strip**
19 **used to rapidly test for the presence of fentanyl or other synthetic**
20 **opiates.**



