

SENATE BILL NO. 128—SENATORS SEEVERS GANSERT,  
GOICOECHEA, TITUS, BUCK, HANSEN; HAMMOND,  
KRASNER AND STONE

FEBRUARY 9, 2023

JOINT SPONSOR: ASSEMBLYWOMAN HANSEN

Referred to Committee on Judiciary

SUMMARY—Revises provisions relating to fentanyl and certain related opioids. (BDR 40-544)

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

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

AN ACT relating to controlled substances; establishing the crimes of low-level, mid-level and high-level trafficking in fentanyl and certain related opioids; revising the penalty for possession for the purpose of sale of fentanyl and certain related opioids; providing penalties; and providing other matters properly relating thereto.

**Legislative Counsel’s Digest:**

1 Existing law provides that a person who knowingly or intentionally sells,  
2 manufactures, delivers or brings into this State or is knowingly or intentionally in  
3 actual or constructive possession of a schedule I controlled substance, other than  
4 marijuana, a schedule II controlled substance or certain other controlled substances  
5 is guilty of: (1) low-level trafficking if the quantity of the controlled substance is  
6 100 grams or more, but less than 400 grams; and (2) high-level trafficking if the  
7 quantity of the controlled substance is 400 grams or more. A person who commits  
8 the crime of: (1) low-level trafficking is guilty of a category B felony and subject to  
9 certain prescribed penalties; and (2) high-level trafficking is guilty of a category A  
10 felony and subject to certain prescribed penalties. (NRS 453.3385)

11 Existing regulations of the State Board of Pharmacy include fentanyl and  
12 certain related opioids in the list of controlled substances in schedules I and II.  
13 (NAC 453.510, 453.520) **Section 8** of this bill excludes fentanyl, carfentanil, any  
14 benzimidazole opiate and any mixture which contains any such controlled  
15 substance from the controlled substances to which the provisions governing the  
16 crimes of low-level trafficking and high-level trafficking apply. **Section 1** of this  
17 bill instead establishes the crimes of low-level trafficking, mid-level trafficking and



18 high-level trafficking in fentanyl, carfentanil, any benzimidazole opiate and any  
 19 mixture which contains any such controlled substance. Under **section 1**, a person  
 20 who knowingly or intentionally sells, manufactures, delivers or brings into this  
 21 State or is knowingly or intentionally in actual or constructive possession of  
 22 fentanyl, carfentanil, any benzimidazole opiate or any mixture which contains any  
 23 such controlled substance is guilty of: (1) low-level trafficking if the quantity  
 24 involved is 4 milligrams or more, but less than 6 milligrams; (2) mid-level  
 25 trafficking if the quantity involved is 6 milligrams or more, but less than 8  
 26 milligrams; and (3) high-level trafficking if the quantity involved is 8 milligrams or  
 27 more. Under **section 1**, a person who commits the crime of: (1) low-level or mid-  
 28 level trafficking is guilty of a category B felony and subject to certain prescribed  
 29 penalties; and (2) high-level trafficking is guilty of a category A felony and subject  
 30 to certain prescribed penalties.

31 **Sections 2, 5 and 6** of this bill provide that a person found guilty of trafficking  
 32 in fentanyl, carfentanil, any benzimidazole opiate or any mixture which contains  
 33 any such controlled substance is subject to the penalties prescribed by section 1 for  
 34 that crime, even where certain crimes with lesser penalties also apply.

35 **Sections 3, 4, 7 and 9-13** of this bill add references to **section 1** so that the  
 36 crimes of low-level, mid-level and high-level trafficking in fentanyl, carfentanil,  
 37 any benzimidazole opiate or any mixture which contains any such controlled  
 38 substance are treated the same as the crimes of low-level and high-level trafficking  
 39 of certain other controlled substances listed in schedule I or II.

40 Existing law provides that, unless a greater penalty applies, a person who  
 41 possesses for the purpose of sale any controlled substance classified in schedule I or  
 42 II is guilty of: (1) a category D felony for the first offense; (2) a category C felony  
 43 for the second offense; and (3) a category B felony for a third or subsequent  
 44 offense. (NRS 453.337) **Section 6** of this bill instead provides that, unless a greater  
 45 penalty applies, a person who possesses for the purpose of sale fentanyl,  
 46 carfentanil, any benzimidazole opiate or any mixture which contains any such  
 47 controlled substance is guilty of a category C felony. **Section 6** also prohibits a  
 48 court from granting probation to or suspending the sentence of a person convicted  
 49 of unlawful possession for the purpose of sale of fentanyl, carfentanil, any  
 50 benzimidazole opiate or any mixture which contains any such controlled substance.

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

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

3 *Except as otherwise authorized by the provisions of NRS*  
 4 *453.011 to 453.552, inclusive, a person who knowingly or*  
 5 *intentionally sells, manufactures, delivers or brings into this State*  
 6 *or who is knowingly or intentionally in actual or constructive*  
 7 *possession of fentanyl, carfentanil, any benzimidazole opiate or*  
 8 *any mixture which contains any such controlled substance, unless*  
 9 *a greater penalty is provided pursuant to NRS 453.322, if the*  
 10 *quantity involved:*

11 *1. Is 4 milligrams or more, but less than 6 milligrams, is*  
 12 *guilty of low-level trafficking and shall be punished for a category*  
 13 *B felony by imprisonment in the state prison for a minimum term*



1 *of not less than 2 years and a maximum term of not more than 20*  
2 *years and by a fine of not more than \$100,000.*

3 2. *Is 6 milligrams or more, but less than 8 milligrams, is*  
4 *guilty of mid-level trafficking and shall be punished for a category*  
5 *B felony by imprisonment in the state prison for a minimum term*  
6 *of not less than 4 years and a maximum term of not more than 20*  
7 *years and by a fine of not more than \$250,000.*

8 3. *Is 8 milligrams or more, is guilty of high-level trafficking*  
9 *and shall be punished for a category A felony by imprisonment in*  
10 *the state prison:*

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

13 (b) *For a definite term of 25 years, with eligibility for parole*  
14 *beginning when a minimum of 10 years has been served,*  
15 *↪ and by a fine of not more than \$500,000.*

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

17 453.322 1. Except as authorized by the provisions of NRS  
18 453.011 to 453.552, inclusive, it is unlawful for a person to  
19 knowingly or intentionally:

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

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

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

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

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

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

40 2. Unless a greater penalty is provided in subsection 3 or NRS  
41 453.3385, *or section 1 of this act*, a person who violates any  
42 provision of subsection 1 is guilty of a category B felony and shall  
43 be punished by imprisonment in the state prison for a minimum  
44 term of not less than 3 years and a maximum term of not more than



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

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

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

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

- 15 (a) Acetic anhydride.
- 16 (b) Acetone.
- 17 (c) N-Acetylanthranilic acid, its esters and its salts.
- 18 (d) Anthranilic acid, its esters and its salts.
- 19 (e) Benzaldehyde, its salts, isomers and salts of isomers.
- 20 (f) Benzyl chloride.
- 21 (g) Benzyl cyanide.
- 22 (h) 1,4-Butanediol.
- 23 (i) 2-Butanone (or methyl ethyl ketone or MEK).
- 24 (j) Ephedrine, its salts, isomers and salts of isomers.
- 25 (k) Ergonovine and its salts.
- 26 (l) Ergotamine and its salts.
- 27 (m) Ethylamine, its salts, isomers and salts of isomers.
- 28 (n) Ethyl ether.
- 29 (o) Gamma butyrolactone.
- 30 (p) Hydriodic acid, its salts, isomers and salts of isomers.
- 31 (q) Hydrochloric gas.
- 32 (r) Iodine.
- 33 (s) Isosafrole, its salts, isomers and salts of isomers.
- 34 (t) Lithium metal.
- 35 (u) Methylamine, its salts, isomers and salts of isomers.
- 36 (v) 3,4-Methylenedioxy-phenyl-2-propanone.
- 37 (w) N-Methylephedrine, its salts, isomers and salts of isomers.
- 38 (x) Methyl isobutyl ketone (MIBK).
- 39 (y) N-Methylpseudoephedrine, its salts, isomers and salts of  
40 isomers.
- 41 (z) Nitroethane, its salts, isomers and salts of isomers.
- 42 (aa) Norpseudoephedrine, its salts, isomers and salts of isomers.
- 43 (bb) Phenylacetic acid, its esters and its salts.
- 44 (cc) Phenylpropanolamine, its salts, isomers and salts of  
45 isomers.



- 1 (dd) Piperidine and its salts.
- 2 (ee) Piperonal, its salts, isomers and salts of isomers.
- 3 (ff) Potassium permanganate.
- 4 (gg) Propionic anhydride, its salts, isomers and salts of isomers.
- 5 (hh) Pseudoephedrine, its salts, isomers and salts of isomers.
- 6 (ii) Red phosphorous.
- 7 (jj) Safrole, its salts, isomers and salts of isomers.
- 8 (kk) Sodium metal.
- 9 (ll) Sulfuric acid.
- 10 (mm) Toluene.

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

12 453.333 If the death of a person is proximately caused by a  
13 controlled substance which was sold, given, traded or otherwise  
14 made available to him or her by another person in violation of this  
15 chapter, the person who sold, gave or traded or otherwise made the  
16 substance available to him or her is guilty of murder. If convicted of  
17 murder in the second degree, the person is guilty of a category A  
18 felony and shall be punished as provided in subsection 5 of NRS  
19 200.030. If convicted of murder in the first degree, the person is  
20 guilty of a category A felony and shall be punished as provided in  
21 subsection 4 of NRS 200.030, except that the punishment of death  
22 may be imposed only if the requirements of paragraph (a) of  
23 subsection 4 of that section have been met and if the defendant is or  
24 has previously been convicted of violating NRS 453.3385 or  
25 453.339 *or section 1 of this act* or a law of any other jurisdiction  
26 which prohibits the same conduct.

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

28 453.3353 1. Unless a greater penalty is provided by law, and  
29 except as otherwise provided in this section and NRS 193.169, if:

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

33 (b) During the discovery or cleanup of the premises at, on or in  
34 which the controlled substance was manufactured or compounded,  
35 another person suffers substantial bodily harm other than death as  
36 the proximate result of the manufacturing or compounding of the  
37 controlled substance,

38 ↪ the person who committed the offense shall be punished by  
39 imprisonment in the state prison for a term equal to and in addition  
40 to the term of imprisonment prescribed by statute for the offense.  
41 The sentence prescribed by this subsection runs consecutively with  
42 the sentence prescribed by statute for the offense.

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



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

4 (b) During the discovery or cleanup of the premises at, on or in  
5 which the controlled substance was manufactured or compounded,  
6 another person suffers death as the proximate result of the  
7 manufacturing or compounding of the controlled substance,

8 ↪ the offense shall be deemed a category A felony and the person  
9 who committed the offense shall be punished by imprisonment in  
10 the state prison:

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

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

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

16 3. Subsection 1 does not create a separate offense but provides  
17 an additional penalty for the primary offense, the imposition of  
18 which is contingent upon the finding of the prescribed fact.  
19 Subsection 2 does not create a separate offense but provides an  
20 alternative penalty for the primary offense, the imposition of which  
21 is contingent upon the finding of the prescribed fact.

22 4. As used in this section:

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

24 (b) "Premises" means:

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

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

32 ↪ whether located aboveground or underground and whether  
33 inhabited or not.

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

35 453.336 1. Except as otherwise provided in subsection 6, a  
36 person shall not knowingly or intentionally possess a controlled  
37 substance, unless the substance was obtained directly from, or  
38 pursuant to, a prescription or order of a physician, physician  
39 assistant licensed pursuant to chapter 630 or 633 of NRS, dentist,  
40 podiatric physician, optometrist, advanced practice registered nurse  
41 or veterinarian while acting in the course of his or her professional  
42 practice, or except as otherwise authorized by the provisions of NRS  
43 453.005 to 453.552, inclusive.

44 2. Except as otherwise provided in subsections 3, 4 and 5 and  
45 in NRS 453.3363, and unless a greater penalty is provided in



1 NRS 212.160, 453.3385 or 453.339, *or section 1 of this act*, a  
2 person who violates this section:

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

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

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

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

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

41 3. Unless a greater penalty is provided in NRS 212.160,  
42 453.337 or 453.3385, a person who is convicted of the possession of  
43 flunitrazepam or gamma-hydroxybutyrate, or any substance for  
44 which flunitrazepam or gamma-hydroxybutyrate is an immediate  
45 precursor, is guilty of a category B felony and shall be punished by



1 imprisonment in the state prison for a minimum term of not less  
2 than 1 year and a maximum term of not more than 6 years.

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

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

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

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

13 ↪ or any combination thereof.

14 5. Unless a greater penalty is provided pursuant to NRS  
15 212.160, a person who is convicted of the possession of more than 1  
16 ounce, but less than 50 pounds, of marijuana or more than one-  
17 eighth of an ounce, but less than one pound, of concentrated  
18 cannabis is guilty of a category E felony and shall be punished as  
19 provided in NRS 193.130.

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

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

26 8. If a person fulfills the terms and conditions imposed for a  
27 violation of subsection 4, the court shall, without a hearing, order  
28 sealed all documents, papers and exhibits in that person's record,  
29 minute book entries and entries on dockets, and other documents  
30 relating to the case in the custody of such other agencies and  
31 officers as are named in the court's order. The court shall cause a  
32 copy of the order to be sent to each agency or officer named in the  
33 order. Each such agency or officer shall notify the court in writing  
34 of its compliance with the order.

35 9. As used in this section:

36 (a) "Controlled substance" includes flunitrazepam, gamma-  
37 hydroxybutyrate and each substance for which flunitrazepam or  
38 gamma-hydroxybutyrate is an immediate precursor.

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

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

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

43 453.337 1. Except as otherwise authorized by the  
44 provisions of NRS 453.011 to 453.552, inclusive, it is unlawful for a  
45 person to possess for the purpose of sale flunitrazepam,





1 gamma-hydroxybutyrate, any substance for which flunitrazepam or  
2 gamma-hydroxybutyrate is an immediate precursor or any  
3 controlled substance classified in schedule I or II.

4 2. ~~Unless~~ *Except as otherwise provided in subsection 3,*  
5 *unless* a greater penalty is provided in NRS 453.3385 or 453.339, a  
6 person who violates this section shall be punished:

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

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

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

26 3. *Unless a greater penalty is provided in section 1 of this act,*  
27 *a person who violates this section by possessing for the purpose of*  
28 *sale fentanyl, carfentanil, any benzimidazole opiate or any mixture*  
29 *which contains any such controlled substance is guilty of a*  
30 *category C felony and shall be punished by imprisonment in the*  
31 *state prison for a minimum term of not less than 1 year and a*  
32 *maximum term of not more than 5 years and by a fine of not more*  
33 *than \$10,000.*

34 4. Except as otherwise provided in this subsection, unless  
35 mitigating circumstances exist that warrant the granting of  
36 probation, the court shall not grant probation to or suspend the  
37 sentence of a person convicted of violating this section and  
38 punishable pursuant to paragraph (b) or (c) of subsection 2. The  
39 court shall not grant probation to or suspend the sentence of a  
40 person convicted of violating this section, even if mitigating  
41 circumstances exist that would otherwise warrant the granting of  
42 probation, if the person violated this section by possessing  
43 ~~flunitrazepam.~~ :



1 (a) *Flunitrazepam*, gamma-hydroxybutyrate or any substance  
2 for which flunitrazepam or gamma-hydroxybutyrate is an immediate  
3 precursor ~~[(1)]~~; or

4 (b) *Fentanyl, carfentanil, any benzimidazole opiate or any*  
5 *mixture which contains any such controlled substance.*

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

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

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

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

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

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

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

35 ~~[(2)]~~ (b) For a definite term of 25 years, with eligibility for  
36 parole beginning when a minimum of 10 years has been served,

37 ~~and by a fine of not more than \$500,000.~~

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

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

41 453.3405 1. Except as otherwise provided in subsection 2,  
42 the adjudication of guilt and imposition of sentence of a person  
43 found guilty of trafficking in a controlled substance in violation of  
44 NRS 453.3385 or 453.339 *or section 1 of this act* must not be  
45 suspended and the person is not eligible for parole until the person



1 has actually served the mandatory minimum term of imprisonment  
2 prescribed by the section under which the person was convicted.

3 2. The court, upon an appropriate motion, may reduce or  
4 suspend the sentence of any person convicted of violating any of the  
5 provisions of NRS 453.3385 or 453.339 *or section 1 of this act*, if  
6 the court finds that the convicted person rendered substantial  
7 assistance in the investigation or prosecution of any offense. The  
8 arresting agency must be given an opportunity to be heard before the  
9 motion is granted. Upon good cause shown, the motion may be  
10 heard in camera.

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

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

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

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

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

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

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

26 453C.150 1. Notwithstanding any other provision of law, a  
27 person who, in good faith, seeks medical assistance for a person  
28 who is experiencing a drug or alcohol overdose or other medical  
29 emergency or who seeks such assistance for himself or herself, or  
30 who is the subject of a good faith request for such assistance may  
31 not be arrested, charged, prosecuted or convicted, or have his or her  
32 property subjected to forfeiture, or be otherwise penalized for  
33 violating:

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

36 (1) Drug paraphernalia, including, without limitation, NRS  
37 453.554 to 453.566, inclusive;

38 (2) Possession, unless it is for the purpose of sale or violates  
39 the provisions of NRS 453.3385, subsection 2 of NRS 453.3393 or  
40 453.3405 *or section 1 of this act*; or

41 (3) Use of a controlled substance, including, without  
42 limitation, NRS 453.336;

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



1 (c) A restraining order; or  
2 (d) A condition of the person's parole or probation,  
3 ↪ if the evidence to support the arrest, charge, prosecution,  
4 conviction, seizure or penalty was obtained as a result of the person  
5 seeking medical assistance.

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

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

15 (a) Reports a drug or alcohol overdose or other medical  
16 emergency to a member of a law enforcement agency, a 911  
17 emergency service, a poison control center, a medical facility or a  
18 provider of emergency medical services;

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

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

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

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

29 5. As used in this section, "drug or alcohol overdose" means a  
30 condition, including, without limitation, extreme physical illness, a  
31 decreased level of consciousness, respiratory depression, coma,  
32 mania or death which is caused by the consumption or use of a  
33 controlled substance or alcohol, or another substance with which a  
34 controlled substance or alcohol was combined, or that an ordinary  
35 layperson would reasonably believe to be a drug or alcohol overdose  
36 that requires medical assistance.

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

38 179A.075 1. The Central Repository for Nevada Records of  
39 Criminal History is hereby created within the Records,  
40 Communications and Compliance Division of the Department.

41 2. Each agency of criminal justice and any other agency  
42 dealing with crime shall:

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

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



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

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

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

12 (a) Through an electronic network;

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

14 (c) In the manner prescribed by the Director of the Department,  
15 ➔ within 60 days after the date of the disposition of the case. If an  
16 agency has submitted a record regarding the arrest of a person who  
17 is later determined by the agency not to be the person who  
18 committed the particular crime, the agency shall, immediately upon  
19 making that determination, so notify the Division. The Division  
20 shall delete all references in the Central Repository relating to that  
21 particular arrest.

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

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

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

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

30 5. The Division shall, in the manner prescribed by the Director  
31 of the Department:

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

34 (1) Records of criminal history; and

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

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

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



1 6. The Division may:

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

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

7 (c) Request of and receive from the Federal Bureau of  
8 Investigation information on the background and personal history of  
9 any person whose record of fingerprints or other biometric identifier  
10 the Central Repository submits to the Federal Bureau of  
11 Investigation and:

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

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

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

22 (4) For whom such information is required or authorized to  
23 be obtained pursuant to NRS 62B.270, 62G.223, 62G.353, 424.031,  
24 432A.170, 432B.198, 433B.183, 449.123 and 449.4329; or

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

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

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

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

35 (2) Employment;

36 (3) Contractual services; or

37 (4) Services related to occupational licensing;

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

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

42 (1) Arrest; or



1 (2) Criminal investigation,  
2 ↪ from the agency of criminal justice or agency of the State of  
3 Nevada or any political subdivision thereof and submit the received  
4 data to the Federal Bureau of Investigation for its report.

5 8. The Central Repository shall:

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

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

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

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

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

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

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

20 ↪ and immediately notify the superintendent of each county school  
21 district, the governing body of each charter school and the  
22 Superintendent of Public Instruction, or the administrator of each  
23 private school, as appropriate, if the investigation of the Central  
24 Repository indicates that the person has been convicted of a  
25 violation of NRS 200.508, 201.230, 453.3385 or 453.339, *or section*  
26 *1 of this act*, or convicted of a felony or any offense involving moral  
27 turpitude.

28 (e) Upon discovery, immediately notify the superintendent of  
29 each county school district, the governing body of each charter  
30 school or the administrator of each private school, as appropriate, by  
31 providing the superintendent, governing body or administrator with  
32 a list of all persons:

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

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

37 ↪ who the Central Repository's records indicate have been  
38 convicted of a violation of NRS 200.508, 201.230, 453.3385 or  
39 453.339, *or section 1 of this act*, or convicted of a felony or any  
40 offense involving moral turpitude since the Central Repository's  
41 initial investigation. The superintendent of each county school  
42 district, the governing body of a charter school or the administrator  
43 of each private school, as applicable, shall determine whether  
44 further investigation or action by the district, charter school or  
45 private school, as applicable, is appropriate.



1 (f) Investigate the criminal history of each person who submits  
2 one or more fingerprints or other biometric identifier or has such  
3 data submitted pursuant to NRS 62B.270, 62G.223, 62G.353,  
4 424.031, 432A.170, 432B.198, 433B.183, 449.122, 449.123 or  
5 449.4329.

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

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

11 (i) Identify and review the collection and processing of  
12 statistical data relating to criminal justice by any agency identified  
13 in subsection 2 and make recommendations for any necessary  
14 changes in the manner of collecting and processing statistical data  
15 by any such agency.

16 (j) Adopt regulations governing biometric identifiers and the  
17 information and data derived from biometric identifiers, including,  
18 without limitation:

19 (1) Their collection, use, safeguarding, handling, retention,  
20 storage, dissemination and destruction; and

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

25 9. The Central Repository may:

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

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

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

40 10. As used in this section:

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

44 (b) "Personal identifying information" means any information  
45 designed, commonly used or capable of being used, alone or in





1 conjunction with any other information, to identify a person,  
2 including, without limitation:

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

6 (2) A biometric identifier of a person.

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

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

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

13 1. Murder;

14 2. Manslaughter, except vehicular manslaughter as described in  
15 NRS 484B.657;

16 3. Mayhem;

17 4. Battery which is punished as a felony;

18 5. Kidnapping;

19 6. Sexual assault;

20 7. Arson;

21 8. Robbery;

22 9. Taking property from another under circumstances not  
23 amounting to robbery;

24 10. Extortion;

25 11. Statutory sexual seduction;

26 12. Extortionate collection of debt in violation of  
27 NRS 205.322;

28 13. Forgery, including, without limitation, forgery of a credit  
29 card or debit card in violation of NRS 205.740;

30 14. Obtaining and using personal identifying information of  
31 another person in violation of NRS 205.463;

32 15. Establishing or possessing a financial forgery laboratory in  
33 violation of NRS 205.46513;

34 16. Any violation of NRS 199.280 which is punished as a  
35 felony;

36 17. Burglary;

37 18. Grand larceny;

38 19. Bribery or asking for or receiving a bribe in violation of  
39 chapter 197 or 199 of NRS which is punished as a felony;

40 20. Battery with intent to commit a crime in violation of  
41 NRS 200.400;

42 21. Assault with a deadly weapon;

43 22. Any violation of NRS 453.232, 453.316 to 453.339,  
44 inclusive, *and section 1 of this act*, or NRS 453.375 to 453.401,  
45 inclusive;



- 1 23. Receiving or transferring a stolen vehicle;
- 2 24. Any violation of NRS 202.260, 202.275 or 202.350 which
- 3 is punished as a felony;
- 4 25. Any violation of subsection 2 or 3 of NRS 463.360 or
- 5 chapter 465 of NRS;
- 6 26. Receiving, possessing or withholding stolen goods valued
- 7 at \$650 or more;
- 8 27. Embezzlement of money or property valued at \$650 or
- 9 more;
- 10 28. Obtaining possession of money or property valued at \$650
- 11 or more, or obtaining a signature by means of false pretenses;
- 12 29. Perjury or subornation of perjury;
- 13 30. Offering false evidence;
- 14 31. Any violation of NRS 201.300, 201.320, 201.360 or
- 15 201.395;
- 16 32. Any violation of NRS 90.570, 91.230 or 686A.290, or
- 17 insurance fraud pursuant to NRS 686A.291;
- 18 33. Any violation of NRS 205.506, 205.920 or 205.930;
- 19 34. Any violation of NRS 202.445 or 202.446;
- 20 35. Any violation of NRS 205.377;
- 21 36. Involuntary servitude in violation of any provision of NRS
- 22 200.463 or 200.464 or a violation of any provision of NRS 200.465;
- 23 or
- 24 37. Trafficking in persons in violation of any provision of NRS
- 25 200.467 or 200.468.

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

27 391.650 As used in NRS 391.650 to 391.826, inclusive, unless

28 the context otherwise requires:

29 1. "Administrator" means any employee who holds a license as

30 an administrator and who is employed in that capacity by a school

31 district.

32 2. "Board" means the board of trustees of the school district in

33 which a licensed employee affected by NRS 391.650 to 391.826,

34 inclusive, is employed.

35 3. "Demotion" means demotion of an administrator to a

36 position of lesser rank, responsibility or pay and does not include

37 transfer or reassignment for purposes of an administrative

38 reorganization.

39 4. "Immorality" means:

40 (a) An act forbidden by NRS 200.366, 200.368, 200.400,

41 200.508, 201.180, 201.190, 201.210, 201.220, 201.230, 201.265,

42 201.540, 201.560, 207.260, 453.316 to 453.336, inclusive, except an

43 act forbidden by NRS 453.337, 453.338, 453.3385 to 453.3405,

44 inclusive, *and section 1 of this act*, 453.560 or 453.562; or



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

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

10 6. "Probationary employee" means:

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

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

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

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

21 **Sec. 14.** This act becomes effective on July 1, 2023.



