1. Working group name:

*Law Enforcement Working Group*

1. Individual sponsor(s):

*Josh Chaney, Deputy, Carson City Sheriff’s Office*

*Pam Del Porto, Inspector General, Nevada Department of Corrections*

1. Describe the recommendation:

*The working Group submits the following language change be added to the existing Nevada Revised Statute (NRS) for Open Container/Personal Transportation:*

***NRS 484B.150  Drinking alcoholic beverage while driving motor vehicle unlawful; open container of alcoholic beverage; additional penalty for violation committed in work zone or pedestrian safety zone.***

*1.  It is unlawful for a person to drink an alcoholic beverage or ingest Marijuana, Concentrated Cannabis, edibles or THC infused drinks while the person is driving or in actual physical control of a motor vehicle upon a highway.*

*2.  Except as otherwise provided in this subsection, it is unlawful for a person to have an open container of an alcoholic beverage, drug paraphernalia, concentrated cannabis, edibles or THC infused drinks within the passenger area of a motor vehicle while the motor vehicle is upon a highway. This subsection does not apply to:*

*(a) The passenger area of a motor vehicle which is designed, maintained or used primarily for the transportation of persons for compensation; or*

*(b) The living quarters of a house coach or house trailer,*

*Ê but does apply to the driver of such a motor vehicle who is in possession or control of an open container of an alcoholic beverage.*

*3.  A person who violates any provision of this section may be subject to any additional penalty set forth in*[*NRS 484B.130*](https://www.leg.state.nv.us/NRS/NRS-484B.html#NRS484BSec130)*or*[*484B.135*](https://www.leg.state.nv.us/NRS/NRS-484B.html#NRS484BSec135)*.*

*4.  As used in this section:*

*(a) “Alcoholic beverage” has the meaning ascribed to it in*[*NRS 202.015*](https://www.leg.state.nv.us/NRS/NRS-202.html#NRS202Sec015)*.*

*(b) “Open container” means a container which has been opened or the seal of which has been broken.*

*(c) “Passenger area” means that area of a vehicle which is designed for the seating of the driver or a passenger.*

*(d.) “Drug Paraphernalia” has the meaning ascribed to it in NRS 453.554*

*(Added to NRS by*[*1971, 315*](https://www.leg.state.nv.us/Statutes/56th/Stats197102.html#Stats197102page315)*; A*[*1991, 838*](https://www.leg.state.nv.us/Statutes/66th/Stats199104.html#Stats199104page838)*;*[*2003, 3246*](https://www.leg.state.nv.us/Statutes/72nd/Stats200326.html#Stats200326page3246)*;*[*2013, 542*](https://www.leg.state.nv.us/Statutes/77th2013/Stats201304.html#Stats201304page542)*;*[*2015, 1561*](https://www.leg.state.nv.us/Statutes/78th2015/Stats201515.html#Stats201515page1561)*) — (Substituted in revision for NRS 484.448)*

1. Which guiding principle(s) does this recommendation support?

*Guiding Principle 1 - Promote the health, safety, and well-being of Nevada’s communities*

*Guiding Principle 3 - Ensure that youth are protected from the risks associated with marijuana, including preventing the diversion of marijuana to anyone under the age of 21*

*Guiding Principle 4 – Propose efficient and effective regulation that is clear and reasonable and not unduly burdensome.*

*Guiding Principle 6 - Establish regulations that are clear and practical, so that interactions between law enforcement (at the local, state, and federal levels), consumers, and licensees are predictable and understandable.*

1. What provision(s) of Question 2 does this recommendation apply to?

 *Section (4) Limitations: Section 1 to Section 18 do not permit any person to engage in and do not prevent the imposition of any civil, criminal, or other penalty for:*

1. *Driving, operating, or being in actual physical control of a vehicle, aircraft, or vessel under power or sail while under the influence of marijuana or while impaired by marijuana.*
2. *Undertaking any task under the influence of marijuana that constitutes negligence or professional malpractice.*
3. What issue(s) does the recommendation resolve?

*This recommendation will resolve the issue of personal transportation of paraphernalia; cannabis infused items, edibles, as well as marijuana.*

1. Was there dissent in the group regarding this recommendation? If yes, please provide a summary of the dissenting opinion regarding the recommendation.

*No Dissent*

1. What action(s) will be necessary to adopt the recommendation? Will statute, policy, regulations, etc. need to be addressed?

*An update of the existing NRS would be needed to reflect the changes in the statute for NRS 484B.150 regarding open container in a motor vehicle.*

1. Additional information (cost of implementation, priority according to the recommendations, etc.).

*Little to no cost*