



STATE OF NEVADA
COMMISSION ON PEACE OFFICER STANDARDS AND TRAINING
Performance Objective Reference Material

The Performance Objective Reference Material is designed to accompany the P.O.S.T. mandated Performance Objectives of each N.A.C. mandated course for Category I, II, III, and Reserve peace officers.

Thoroughly reviewing this document will help in your preparation to teach the related course.

An instructor will not be successful by reviewing the Performance Objective Material the night before or the day of instruction. Instructors are expected to spend time studying this reference material, researching supplemental material, and developing student activities which will in effect enhance the learning for students. DO NOT be an instructor who shows up unprepared and expects a "canned" presentation to be given based on this reference material.

The Performance Objective Reference Material is to be used for the purpose of understanding the Course Performance Objectives and to be used as a guide for lesson plan development.

P.O.S.T. would like to thank you for being a part of the training of new Peace Officers in the State of Nevada.

Significant changes or notable areas are highlighted in red

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Title: Laws Relating to Drugs
Category: I II Reserve
NAC: 289.140, 150, 200

Controlled Substances (PO A)

When a certain substance is classified as “controlled,” it generally means that the use and distribution of the substance is governed by law. Controlled substances are often classified at different levels or “schedules” under federal and state statutes. For example, under the federal Controlled Substances Act, marijuana is listed as a “Schedule I controlled substance,” cocaine is listed under Schedule II, anabolic steroids under Schedule III, and so on. The list includes a number of medications that are fairly common. You will find cough medicine containing low levels of codeine classified under Schedule V.

When trying to determine the identity of a legally manufactured controlled substance the easiest way is to reference the Physician’s Desk Reference (PDR). This reference book, which is published yearly, contains drug monographs and an illustrated section for drug identification. When researching information regarding illegally controlled substances refer to the Drug Enforcement Administration (DEA). This DEA continually updates and posts “drug fact sheets” on their website.

Stimulants (PO A1)

Stimulant drugs are used generally as a treatment for obesity, narcolepsy, (sleeping sickness), and attention deficit disorder. One of the most powerful of the stimulant drugs is meth-amphetamine which is produced in clandestine laboratories. Stimulant drugs cause an intense feeling of exhilaration or “rush” along with increased energy and psychological confidence. Abuse leads to addiction, paranoia, and hallucinations.

Stimulant drugs include:

Amphetamines is a Schedule II stimulant.

- Amphetamines: Dexadrine, Fastin, and Ionamin, Sanorex, Tenuate, are all prescription medicines
- Ritalin—(methylphenidate), often referred to as “R-Balling” the abuse of drugs used in treating attention deficit syndrome is a growing problem in America.

Recognition: How do you recognize someone under the influence of a stimulant drug?

- Grossly dilated pupils with just a rim of colored iris.



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- Tremors in the hands and a general hyper-activity or “wired” stimulated condition.
- Flushed skin tone, sweating, and dry mouth.
- High blood pressure, pulse rate, and body temperature.
- Long-term addicts will display malnutrition, paranoia, aggression, and depression.

Amphetamines: Schedule II Stimulant

Common street names

- bennies
- black beauties
- crank
- ice
- speed
- uppers

Ingestion

- can look like pills or powder
- are generally taken orally or injected
- “ice,” the slang name of crystallized methamphetamine hydrochloride, can be ingested by smoking (just as “crack” is smokeable cocaine, “ice” is smokeable methamphetamine)

The effects of amphetamines and methamphetamine are similar to cocaine, but their onset is slower and their duration is longer. In contrast to cocaine, which is quickly removed from the brain and is almost completely metabolized, methamphetamine remains in the central nervous system longer, and a larger percentage of the drug remains unchanged in the body, producing prolonged stimulant effects. Chronic abuse produces a psychosis that resembles schizophrenia and is characterized by: Paranoia, picking at the skin, preoccupation with one’s own thoughts, and auditory and visual hallucinations. Violent and erratic behavior is frequently seen among chronic abusers of amphetamines and methamphetamine.

Meth-amphetamine is a Schedule II stimulant.

- Meth-amphetamines: illegal world-wide but still illegally produced, it is 10 times more potent than amphetamines and can be manufactured in small home-made labs.

Common street names include:

- Batu
- Bikers Coffee
- Black Beauties
- Chalk
- Chicken Feed
- Crank



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- Crystal
- Glass
- Go-Fast
- Hiropon
- Ice
- Meth
- Methlies Quick
- Poor Man's Cocaine
- Shabu
- Shards
- Speed
- Stove Top
- Tina
- Trash
- Tweak
- Uppers
- Ventana
- Vidrio
- Yaba
- Yellow Bam

Ingestion

- Regular meth is a pill or powder
- Crystal meth resembles glass fragments or shiny blue-white "rocks" of various sizes
- Meth is swallowed, snorted, injected, or smoked
- To intensify the effects, users may take higher doses of the drug, take it more frequently, or change their method of intake.

Meth is a highly addictive drug with potent central nervous system (CNS) stimulant properties. Those who smoke or inject it report a brief, intense sensation, or rush. Oral ingestion or snorting produces a long-lasting high instead of a rush, which reportedly can continue for as long as half a day. Both the rush and the high are believed to result from the release of very high levels of the neurotransmitter dopamine into areas of the brain that regulate feelings of pleasure. Long-term meth use results in many damaging effects, including addiction. Chronic meth abusers can exhibit violent behavior, anxiety, confusion, insomnia, and psychotic features including paranoia, aggression, visual and auditory hallucinations, mood disturbances, and delusions — such as the sensation of insects creeping on or under the skin. Such paranoia can result in homicidal or suicidal thoughts.

Taking even small amounts of meth can result in: Increased wakefulness, increased physical activity, decreased appetite, rapid breathing and heart rate, irregular heartbeat, increased blood pressure, and hyperthermia (overheating). High doses can elevate body temperature to dangerous, sometimes lethal, levels, and cause convulsions and even cardiovascular collapse and death. Meth abuse may also cause extreme anorexia, memory loss, and severe dental problems.

Cocaine is a Schedule II Stimulant

- Cocaine—a powerful illegal stimulant drug produced from the coca leaf, one of the most abused illegal drugs in America.
- Cocaine is an intense, euphoria-producing stimulant drug with strong addictive potential



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Common street names include:

- Coca
- Coke
- Crack
- Flake
- Snow
- Soda Cot

Ingestion

- Cocaine is usually distributed as a white, crystalline powder
- Cocaine is often diluted ("cut") with a variety of substances, the most common of which are sugars and local anesthetics. It is "cut" to stretch the amount of the product and increase profits for dealers
- In contrast, cocaine base (crack) looks like small, irregularly shaped chunks (or "rocks") of a whitish solid
- Powdered cocaine can be snorted or injected into the veins after dissolving in water
- Cocaine base (crack) is smoked, either alone or on marijuana or tobacco
- Cocaine is also abused in combination with an opiate, like heroin, a practice known as "speedballing"
- Although injecting into veins or muscles, snorting, and smoking are the common ways of using cocaine, all mucous membranes readily absorb cocaine
- Cocaine users typically binge on the drug until they are exhausted or run out of cocaine.

The intensity of cocaine's euphoric effects depends on how quickly the drug reaches the brain, which depends on the dose and method of abuse. Following smoking or intravenous injection, cocaine reaches the brain in seconds, with a rapid buildup in levels. This results in a rapid-onset, intense euphoric effect known as a "rush." By contrast, the euphoria caused by snorting cocaine is less intense and does not happen as quickly due to the slower build-up of the drug in the brain. Other effects include increased alertness and excitation, as well as restlessness, irritability, and anxiety. Tolerance to cocaine's effects develops rapidly, causing users to take higher and higher doses. Taking high doses of cocaine or prolonged use, such as binging, usually causes paranoia. The crash that follows euphoria is characterized by mental and physical exhaustion, sleep, and depression lasting several days. Following the crash, users experience a craving to use cocaine again.

Physiological effects of cocaine include increased blood pressure and heart rate, dilated pupils, insomnia, and loss of appetite. The widespread abuse of highly pure street cocaine has led to many severe adverse health consequences such as: Cardiac arrhythmias, ischemic heart conditions, sudden cardiac arrest, convulsions, strokes, and



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death. In some users, the long-term use of inhaled cocaine has led to a unique respiratory syndrome, and chronic snorting of cocaine has led to the erosion of the upper nasal cavity.

Hallucinogens (PO A2)

Hallucinogens are found in plants and fungi or are synthetically produced and are among the oldest known group of drugs used for their ability to alter human perception and mood.

Common street names include:

- Acid
- Blotter
- Blotter Acid
- Cubes
- Doses
- Fry
- Mind Candy
- Mushrooms
- Shrooms
- Special K
- STP
- X
- XTC.

Hallucinogens come in a variety of forms

- MDMA or ecstasy tablets are sold in many colors with a variety of logos to attract young abusers
- LSD is sold in the form of impregnated paper (blotter acid), typically imprinted with colorful graphic designs

The most commonly abused hallucinogens among junior and senior high school students are hallucinogenic mushrooms, LSD, and MDMA or ecstasy. Hallucinogens are typically taken orally or can be smoked. Sensory effects include perceptual distortions that vary with dose, setting, and mood. Psychic effects include distortions of thought associated with time and space. Time may appear to stand still, and forms and colors seem to change and take on new significance. Weeks or even months after some hallucinogens have been taken, the user may experience flashbacks — fragmentary recurrences of certain aspects of the drug experience in the absence of actually taking the drug. The occurrence of a flashback is unpredictable, but is more likely to occur during times of stress and seems to occur more frequently in younger individuals. With time, these episodes diminish and become less intense. Physiological effects include elevated heart rate, increased blood pressure, and dilated pupils.

Cannabis is a Schedule I Hallucinogen Federal Crime/Now legal in Nevada-See NRS/NAC 453A and 453D



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Marijuana is a mind-altering (psychoactive) drug, produced by the Cannabis sativa plant. Marijuana contains over 480 constituents. THC (delta-9-tetrahydrocannabinol) is believed to be the main ingredient that produces the psychoactive effect.

Common street names include:

- Aunt Mary
- BC Bud
- Blunts
- Boom
- Chronic
- Dope
- Gangster
- Ganja
- Grass
- Hash
- Herb
- Hydro
- Indo
- Joint
- Kif
- Mary Jane
- Mota
- Pot
- Reefer
- Sinsemilla
- Skunk
- Smoke
- Weed
- Yerba

Ingestion

- Marijuana is a dry, shredded green/brown mix of flowers, stems, seeds, and leaves from the Cannabis sativa plant
- The mixture typically is green, brown, or gray in color and may resemble tobacco
- Marijuana is usually smoked as a cigarette (called a joint) or in a pipe or bong
- It is also smoked in blunts, which are cigars that have been emptied of tobacco and refilled with marijuana, sometimes in combination with another drug
- Marijuana is also mixed with foods or brewed as a tea.

Recognition: How do you recognize someone under the influence of marijuana?

- Marked red cast to the whites of the eyes caused by dilation of the tiny capillary blood vessels.
- Pupils will be dilated and both will not track a moving object in perfect unison.
- Slight muscular tremor in the eye lids, fingers, stomach muscles, and even the legs.
- Silver coated tongue.
- Mental disorientation with markedly slow internal body clock perception.
- Paranoia and anxiety psychosis at high doses or with some new users.



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Inhalants

Inhalants are invisible, volatile substances found in common household products that produce chemical vapors that are inhaled to induce psychoactive or mind altering effects. Common street names include: Gluey, Huff, Rush, and Whippets.

Common household products such as glue, lighter fluid, cleaning fluids, and paint all produce chemical vapors that can be inhaled. Although other abused substances can be inhaled, the term "inhalants" is used to describe a variety of substances whose main common characteristic is that they are rarely, if ever, taken by any route other than inhalation.

Inhalants are breathed in through the nose or the mouth in a variety of ways, such as: "Sniffing" or "snorting", "Bagging" — sniffing or inhaling fumes from substances sprayed or deposited inside a plastic or paper bag, "Huffing" from an inhalant-soaked rag stuffed in the mouth, or inhaling from balloons filled with nitrous oxide.

Within minutes of inhalation, the user experiences intoxication with other effects similar to those produced by alcohol. These effects may include slurred speech, an inability to coordinate movements, euphoria, and dizziness. After heavy use of inhalants, abusers may feel drowsy for several hours and experience a lingering headache.

Narcotic Analgesics (PO A3)

Originally produced from the opium poppy, *Papaver somniferum*, and now often fully synthesized from man-made chemicals, narcotics have been used and abused, for a thousand years. Known as "God's Own Medicine," opium, the original narcotic drug, was unparalleled in its ability to quell the suffering of the sickest person. In the 1800s, opium, morphine, codeine, and laudanum were all available without a prescription and were often included in many patent medicines. "Mrs. Winslow's Soothing Syrup for Children's Teething" for example was mostly morphine.

Recreational abuse of opium came to America during the great Chinese immigration of 1850. The invention of the hypodermic syringe produced a dramatic increase in the number of Americans who became addicted to narcotics as opposed to the prior practice of smoking opium. Today, heroin, the most powerful of all the narcotic drugs, is making a dramatic upswing in use primarily among the white affluent suburban high school student. Many news accounts have recently carried stories of dozens of 16 to 18 year old students dying from a heroin overdose.



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In addition to heroin, narcotic prescription drug abuse has increased among adolescent and adults. Often starting with Vicodin abuse, abusers move up to the more powerful OxyContin and end up addicted to the most powerful narcotic ever produced: Fentanyl.

Recognition: How do you recognize someone under the influence of a narcotic drug?

- Severely pin-pointed pupils that do not react to light changes
- Flaccid muscle tone
- Face and arm itching
- Sedated "on the nod" condition
- Dreamy walk and dreamy talk

Heroin is a Schedule I Narcotic

Heroin is a highly addictive drug and the most rapidly acting of the opiates.

- Common street names for heroin include:
 - Big H
 - Black Tar
 - Chiva
 - Hell Dust
 - Horse
 - Negra
 - Smack
 - Thunder

Ingestion

- Heroin is typically sold as a white or brownish powder, or as the black sticky substance known on the streets as "black tar heroin"
- Although purer heroin is becoming more common, most street heroin is "cut" with other drugs or with substances such as sugar, starch, powdered milk, or quinine
- Heroin can be injected, smoked, or sniffed/snorted
- High purity heroin is usually snorted or smoked.

One of the most significant effects of heroin use is addiction. With regular heroin use, tolerance to the drug develops. Once this happens, the abuser must use more heroin to achieve the same intensity. As higher doses of the drug are used over time, physical dependence and addiction to the drug develop. Physical symptoms of heroin use include: Drowsiness, respiratory depression, constricted pupils, and nausea, a warm flushing of the skin, dry mouth, and heavy extremities.

Oxycodone is a Schedule II Narcotic

Oxycodone is a semi-synthetic narcotic analgesic and historically has been a popular drug of abuse among the narcotic abusing population.



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Common street names include:

- Hillbilly Heroin
- Kicker
- oC
- oX
- Roxy
- Perc
- oxy

Oxycodone is marketed alone as OxyContin® in 10, 20, 40 and 80 mg controlled-release tablets and other immediate-release capsules like 5 mg OxyIR®. It is also marketed in combination products with aspirin such as Percodan® or acetaminophen such as Roxicet®.

Oxycodone is abused orally or intravenously. The tablets are crushed and sniffed or dissolved in water and injected. Others heat a tablet that has been placed on a piece of foil then inhale the vapors.

Depressants (PO A4)

First discovered in 1864 by Adolf von Bayer, depressant drugs are generally used as a hypnotic sedative, tranquilizer, or anti-convulsive/anti-anxiety medicine. One of the first depressant drugs marketed in America was Barbitol in 1903. Today over 2,500 different named depressant drugs exist.

Recognition: How do you recognize someone under the influence of a depressant drug?

- A drunken alcohol-like impaired appearance with poor muscle control and impaired balance.
- Disorientation as to place and time, and impaired memory with periods of blackouts.
- Drooped eyelids, involuntary jerking of the eyes, and slowed pupil response to light,
- Higher doses lead to medical emergencies resulting from low pulse rate, low blood pressure, and depressed respiration, with stupor developing and leading to coma and death,

All but the minor tranquilizers produce both physical and psychological addiction.

Barbiturates can be classified as Schedule II, III, or IV Depressants



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Barbiturates are depressants that produce a wide spectrum of central nervous system depression from mild sedation to coma. They have also been used as sedatives, hypnotics, anesthetics, and anticonvulsants.

Common street names include:

- Barbs
- Block Busters
- Christmas Trees
- Goof Balls
- Pinks
- Red Devils
- Reds & Blues
- Yellow Jackets

Barbiturates come in a variety of multicolored pills and tablets. Abusers prefer the short-acting and intermediate barbiturates such as Amytal® and Seconal®. Barbiturates are abused by swallowing a pill or injecting a liquid form. Barbiturates are generally abused to reduce anxiety, decrease inhibitions, and treat unwanted effects of illicit drugs. Barbiturates can be extremely dangerous because overdoses can occur easily and lead to death.

Dissociative Anesthetics: Phencyclidine (PO A5)

Phencyclidine (PCP) was developed in the 1950s as an intravenous anesthetic but, due to the side effects of confusion and delirium, its development for human medical use was discontinued.

In its pure form, it is a white crystalline powder that readily dissolves in water or alcohol and has a distinctive bitter chemical taste. On the illicit drug market, Phencyclidine contains a number of contaminants as a result of makeshift manufacturing, causing the color to range from tan to brown, and the consistency to range from powder to a gummy mass.

It is available in a variety of tablets, capsules, and colored powders, which are either taken orally or snorted. The liquid form of phencyclidine is actually phencyclidine base dissolved most often in ether, a highly flammable solvent. For smoking, phencyclidine is typically sprayed onto leafy material such as mint, parsley, oregano, or marijuana.

Phencyclidine is illicitly marketed under a number of street names including:

- Angel Dust



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- Hog
- Lovely
- Wack
- Embalming Fluid
- Rocket Fuel (which reflect the range of bizarre and volatile effects)
- Supergrass and Killer Joints are names that refer to phencyclidine combined with marijuana.

A moderate amount of phencyclidine often causes users to feel detached, distant, and estranged from their surroundings. Numbness of the extremities, slurred speech, and loss of coordination may be accompanied by a sense of strength and invulnerability. A blank stare, rapid and involuntary eye movements, and an exaggerated gait are among the more observable effects. Auditory hallucinations, image distortion, severe mood disorders, and amnesia may also occur. In some users, phencyclidine may cause acute anxiety and a feeling of impending doom; in others, paranoia and violent hostility, and in some, it may produce a psychosis indistinguishable from schizophrenia. Many believe phencyclidine to be one of the most dangerous drugs of abuse.

Physiological effects of phencyclidine include a slight increase in breathing rate and a more pronounced rise in blood pressure and pulse rate. Respiration becomes shallow, and flushing and profuse sweating.

At high doses of phencyclidine, there is a drop in blood pressure, pulse rate, and respiration. This may be accompanied by nausea, vomiting, blurred vision, flicking up and down of the eyes, drooling, loss of balance, and dizziness. High doses of phencyclidine can also cause seizures, coma, and death (though death more often results from accidental injury or suicide during phencyclidine intoxication). Psychological effects at high doses include illusions and hallucinations.

Elements for Arrest: Possession of drug paraphernalia (PO B1)

Along with drug possession charges, possession of drug paraphernalia charges are one of the more commonly charged crimes in any jurisdiction. Almost anything can be considered drug paraphernalia, but items such as bongs and glass pipes, are commonly associated with the crime.

The State of Nevada has laws that criminalize the sale, use, and possession of drug paraphernalia.

- *NRS 453.564 Unlawful advertising. Any person who places in any printed publication any advertisement, knowing, or under circumstances where one reasonably should know, that the purpose of the advertisement, in whole or in*



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part, is to promote the sale of objects designed or intended for use as drug paraphernalia is guilty of a misdemeanor.

- *NRS 453.566 Unlawful use or possession. Any person who uses, or possesses with intent to use, drug paraphernalia. Violation of this chapter is guilty of a misdemeanor.*
- *NRS 453.560 Unlawful delivery, sale, possession or manufacture. Unless a greater penalty is provided in NRS 212.160, a person who delivers or sells, possesses with the intent to deliver or sell, or manufactures with the intent to deliver or sell any drug paraphernalia. Violation of this chapter is guilty of a category E felony and shall be punished as provided in NRS 193.130.*

Elements for Arrest: Under the Influence of a Controlled Substance (PO B2)

It is a serious crime to not only possess or sell drugs but also to use or be under the influence of drugs in Nevada. It is illegal to take drugs or to be "under the influence" of drugs without a legal prescription. It does not matter whether you are in public or not (marijuana exception). . . if you exhibit any behavior that is caused by drugs, you may be charged with the crime of "unlawful use of a controlled substance".

Note that this crime is separate and different from the Nevada offense of driving under the influence of drugs. With DUIs, you can still be convicted even if you are not technically "under the influence" as long as your blood exceeds the minimal levels of certain types of drugs.

NRS 453.411 Unlawful use of controlled substance; penalties.

1. *It is unlawful for a person knowingly to use or be under the influence of a controlled substance except in accordance with a lawfully issued prescription.*
2. *It is unlawful for a person knowingly to use or be under the influence of a controlled substance except when administered to the person at a rehabilitation clinic established or licensed by the Division of Public and Behavioral Health of the Department, or a hospital certified by the Department.*
3. *Unless a greater penalty is provided in NRS 212.160, a person who violates this section shall be punished: **For a misdemeanor.***



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Elements for Arrest: Possession of a Controlled Substance (PO B3)

Possessing drugs, narcotics or controlled substances without a prescription is a felony in Nevada. Even if the narcotics are for personal use and you do not intend to sell them, a possession conviction could result in prison and hefty fines (marijuana exception).

NRS 453.336 Unlawful possession not for purpose of sale: Prohibition; penalties; exception.

1. *Except as otherwise provided in subsection 5, a person shall not knowingly or intentionally possess a controlled substance, unless the substance was obtained directly from, or pursuant to, a prescription or order of a physician, physician assistant licensed pursuant to chapter 630 or 633 of NRS, dentist, podiatric physician, optometrist, advanced practice registered nurse or veterinarian while acting in the course of his or her professional practice, or except as otherwise authorized by the provisions of NRS 453.005 to 453.552, inclusive.*

2. *except as otherwise provided in subsections 3 and 4 and in NRS 453.3363, and unless a greater penalty is provided in NRS 212.160, 453.3385, 453.339, a person who violates this section shall be punished:*

(a) *For the first or second offense, if the controlled substance is listed in schedule I, II, and the quantity possessed is less than 14 grams, or if the substance is listed in Schedule III, IV or V and the quantity is less than 28 grams, is guilty of the crime of possession of a controlled substance and shall be punished for a **category E felony** as provided in NRS 193.130.*

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

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

(d) *If the controlled substance is listed in schedule I or II and the quantity possessed is 28 grams or more, but less than 42 grams, or if the controlled substance is listed in schedule III, IV or V and the quantity possessed is 200 grams or more, is guilty of mid-level possession of a controlled substance and shall be punished for a*



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category B felony as provided in NRS 193.130. 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 a fine of not more than \$50,000.

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

- 3. Unless a greater penalty is provided in NRS 212.160, 453.337 or 453.3385, a person who is convicted of the possession of flunitrazepam or gamma hydroxybutyrate, or any substance for which flunitrazepam or gamma-hydroxybutyrate is an immediate precursor, is guilty of 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 6 years.*
- 4. Unless a greater penalty is provided pursuant to NRS 212.160, a person who is convicted of the possession of over 1 ounce of marijuana:*
 - (a) For the first offense, is **guilty of a misdemeanor** and shall be:*
 - (1) Punished by a fine of not more than \$600; or*
 - (2) assigned to a program of treatment and rehabilitation*
 - (b) For the second offense, is **guilty of a misdemeanor** and shall be:*
 - (1) Punished by a fine of not more than \$1,000; or*
 - (2) Assigned to a program of treatment and rehabilitation pursuant to NRS 453.580.*
 - (c) For the third offense, is guilty of a **gross misdemeanor** and shall be punished as provided in NRS 193.140.*
 - (d) For a fourth or subsequent offense, is guilty of a **category E felony** and shall be punished as provided in NRS 193.130.*
- 5. It is not a violation of this section if a person possesses a trace amount of a controlled substance and that trace amount is in or on a hypodermic device obtained from a sterile hypodermic device program pursuant to NRS 439.985 to 439.994, inclusive.*
- 6. as used in this section:*
 - (a) "Controlled substance" includes flunitrazepam, gamma-hydroxybutyrate and each substance for which flunitrazepam or gamma-hydroxybutyrate is an immediate precursor.*
 - (b) "Marijuana" does not include concentrated cannabis.*
 - (c) "Sterile hypodermic device program" has the meaning ascribed to it in NRS 439.986.*



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Elements of Arrest: Possession of a Controlled Substance for Sale (PO B4)

In Nevada, it is a serious felony not only to sell drugs but also to possess controlled substances with the intent to sell.

(Marijuana exception) For persons 21 and over it is lawful to possess 1 ounce (28.3 net g) or less of marijuana or 1/8 ounce (3.5 net g) concentrated marijuana NRS 453.336.2, such as oils, edibles and drinks. You may possess 6 plants per person. **See NRS 453 D**

NRS 453.337 Unlawful possession for sale of flunitrazepam, gamma-hydroxybutyrate and schedule I or II substances; penalties.

1. *Except as otherwise authorized by the provisions of NRS 453.011 to 453.552, inclusive, it is unlawful for a person to possess for the purpose of sale flunitrazepam, gamma-hydroxybutyrate, any substance for which flunitrazepam or gamma-hydroxybutyrate is an immediate precursor or any controlled substance classified in schedule I or II.*
2. *Unless a greater penalty is provided in NRS 453.3385, 453.339 or 453.3395, a person who violates this section shall be punished:*
 - (a) *For the first offense, for a **category D felony** as provided in NRS 193.130.*
 - (b) *For a second offense, or if, in the case of a first conviction of violating this section, the offender has previously been convicted of a felony under the Uniform Controlled Substances Act or of an offense under the laws of the United States or any state, territory or district which, if committed in this State, would amount to a felony under the Uniform Controlled Substances Act, for a **category C felony** as provided in NRS 193.130.*
 - (c) *For a third or subsequent offense, or if the offender has previously been convicted two or more times of a felony under the Uniform Controlled Substances Act or of any offense under the laws of the United States or any state, territory or district which, if committed in this State, would amount to a felony under the Uniform Controlled Substances Act, for a **category B felony** by imprisonment in the state prison for a minimum term of not less than 3 years and a maximum term of not more than 15 years, and may be further punished by a fine of not more than \$20,000 for each offense.*
3. *The court shall not grant probation to or suspend the sentence of a person convicted of violating this section and punishable pursuant to paragraph (b) or (c) of subsection 2.*



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NRS 453.338 Unlawful possession for sale of substances classified in schedule III, IV or V; penalties.

- 1. Except as authorized by the provisions of NRS 453.011 to 453.552, inclusive, it is unlawful for a person to possess for the purpose of sale any controlled substance classified in schedule III, IV or V.*
- 2. A person who violates this section shall be punished:*
 - (a) For the first and second offense, for a **category D felony** as provided in NRS 193.130, and may be further punished by a fine of not more than \$10,000.*
 - (b) For a third or subsequent offense, or if the offender has been previously convicted two or more times of a felony under the Uniform Controlled Substances Act or of any offense under the laws of the United States or any state, territory or district which, if committed in this State, would amount to a felony under the Uniform Controlled Substances Act, for a **category C felony** as provided in NRS 193.130.*
- 3. The court shall not grant probation to or suspend the sentence of a person convicted of violating this section and punishable under paragraph (b) of subsection 2.*

Elements of Arrest: Trafficking Controlled Substances (PO B5)

The legal definition of "trafficking in controlled substances" is when a person knowingly sells, manufactures, delivers or brings into this State or who is knowingly in actual or constructive possession of large quantities of schedule I drugs or schedule II drugs.

As you can see, trafficking is a very broad crime that applies to cases where a large amount of drugs is involved and the suspect allegedly engaged in any of the following behaviors:

- Possession of controlled substances
- Manufacture of controlled substances
- Transportation of controlled substances
- Sale of controlled substances

Trafficking charges are typically reserved for "big time drug dealers," as Moapa Valley criminal defense lawyer Neil Shouse explains: "If police witness Tom selling one gram of coke in Bunkerville, Tom probably wouldn't be prosecuted for the Bunkerville crime of trafficking drugs because one gram is too small to qualify as trafficking. He could instead be charged with 'selling drugs in Nevada.'" Trafficking drugs is illegal under federal law as well.



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NRS 453.3385 Trafficking in controlled substances: Flunitrazepam, gamma-hydroxybutyrate and schedule I substances, except marijuana.

1. *Except as otherwise authorized by the provisions of NRS 453.011 to 453.552, inclusive, a person who knowingly or intentionally sells, manufactures, delivers or brings into this State or who is knowingly or intentionally in actual or constructive possession of flunitrazepam, gamma-hydroxybutyrate, any substance for which flunitrazepam or gamma-hydroxybutyrate is an immediate precursor or any controlled substance which is listed in schedule I, except marijuana, or any mixture which contains any such controlled substance, shall be punished, unless a greater penalty is provided pursuant to NRS 453.322, if the quantity involved:*

- (a) Is 4 grams or more, but less than 14 grams, for a **category B felony** by imprisonment in the state prison for a minimum term of not less than 1 year and a maximum term of not more than 6 years and by a fine of not more than \$50,000.*
- (b) Is 14 grams or more, but less than 28 grams, for a **category B felony** by imprisonment in the state prison for a minimum term of not less than 2 years and a maximum term of not more than 15 years and by a fine of not more than \$100,000.*
- (c) Is 28 grams or more, for a **category A felony** by imprisonment in the state prison:
 - (1) For life with the possibility of parole, with eligibility for parole beginning when a minimum of 10 years has been served; or*
 - (2) For a definite term of 25 years, with eligibility for parole beginning when a minimum of 10 years has been served and by a fine of not more than \$500,000.**

2. *As used in this section, "marijuana" does not include concentrated cannabis.*

NRS 453.3395 Trafficking in controlled substances: Schedule II substances. Except as otherwise provided in NRS 453.011 to 453.552, inclusive, a person who knowingly or intentionally sells, manufactures, delivers or brings into this State or who is knowingly or intentionally in actual or constructive possession of any controlled substance which is listed in schedule II or any mixture which contains any such controlled substance shall be punished, unless a greater penalty is provided pursuant to NRS 453.322, if the quantity involved:

- 1. Is 28 grams or more, but less than 200 grams, for a **category C felony** as provided in NRS 193.130 and by a fine of not more than \$50,000.*
- 2. Is 200 grams or more, but less than 400 grams, for a **category B felony** by imprisonment in the state prison for a minimum term of not less than 2 years and a maximum term of not more than 10 years and by a fine of not more than \$100,000.*
- 3. Is 400 grams or more, for a **category A felony** by imprisonment in the state prison:*



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- (a) *For life with the possibility of parole, with eligibility for parole beginning when a minimum of 5 years has been served; or*
 - (b) *For a definite term of 15 years, with eligibility for parole beginning when a minimum of 5 years has been served and by a fine of not more than \$250,000.*
- NRS 453.339 Trafficking in controlled substances: Marijuana or concentrated cannabis.*
- 1. *Except as otherwise provided in NRS 453.011 to 453.552, inclusive, a person who knowingly or intentionally sells, manufactures, delivers or brings into this State or who is knowingly or intentionally in actual or constructive possession of marijuana or concentrated cannabis shall be punished, if the quantity involved:*
 - (a) *Is 50 pounds or more, but less than 1,000 pounds, of marijuana or 1 pound or more, but less than 20 pounds, of concentrated cannabis, for a category C felony as provided in NRS 193.130 and by a fine of not more than \$25,000.*
 - (b) *Is 1,000 pounds or more, but less than 5,000 pounds, of marijuana or 20 pounds or more, but less than 100 pounds, of concentrated cannabis, for a category B felony by imprisonment in the state prison for a minimum term of not less than 2 years and a maximum term of not more than 10 years and by a fine of not more than \$50,000.*
 - (c) *Is 5,000 pounds or more of marijuana or 100 pounds or more of concentrated cannabis, for a category A felony by imprisonment in the state prison:*
 - (1) *For life with the possibility of parole, with eligibility for parole beginning when a minimum of 5 years has been served; or*
 - (2) *For a definite term of 15 years, with eligibility for parole beginning when a minimum of 5 years has been served, and by a fine of not more than \$200,000.*
 - 2. *For the purposes of this section:*
 - (a) *"Marijuana" means all parts of any plant of the genus Cannabis, whether growing or not, except for industrial hemp, as defined in NRS 557.040, which is grown or cultivated pursuant to the provisions of chapter 557 of NRS. The term does not include concentrated cannabis. (Marijuana exception)*
 - (b) *The weight of marijuana or concentrated cannabis is its weight when seized or as soon as practicable thereafter. If marijuana and concentrated cannabis are seized together, each must be weighed separately and treated as separate substances.*



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Elements of Arrest: Cultivating/Harvesting Marijuana (PO B6)

Medical Marijuana NRS 453A/Recreational Marijuana-NRS 453 D

Patients

- Patients are also known as holders of "registry identification cards" NRS 453A.140
- Patients have some exemptions from state prosecution

Patient Exemptions

- Can possess up to 2 ½ ounces of usable marijuana "in any one 14-day period."
- NRS 453A.200
- Can use marijuana, but not in public per NAC 453A.408
- Can also possess edibles and/or marijuana-infused products
- Patients can home-grow up to 12 plants if:
 - The local dispensaries do not have the strain they need per NRS 453A.200
 - The patient lived >25 miles from a dispensary when they first applied
 - Due to illness or lack of transportation, the patient is unable to travel to a dispensary
 - No restrictions on the maturity of the plants

Care Givers

Designated Primary Caregivers

- Are 18 years of age or older
- Have significant responsibility for managing the well-being of the person diagnosed with a chronic or debilitating medical condition
- Applied for and have a caregiver card
- NRS 453A.080

Agents

Marijuana Establishment Agents

- Agents are owners, officers, board members, employees or volunteers of a marijuana establishment NRS 453A/453 D
- Must register with the Division per NRS 4543A/453D
- "Agents" include:



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- Independent contractors who provide laborers
- Seasonal workers
- Contracted delivery persons
- Being an agent does not provide exemptions (for unlawful quantities) unless they are delivering product while on the clock

What are the rules for delivery?

- Agents may transport from one MME to another MME. E.g., cultivation to dispensary
- Agents may transport from a dispensary to a patient or caregiver or person over 21 who may legally possess recreational marijuana

Rules for Delivering to Patients, Caregivers or Recreational Users

- Before transporting, agent calls the recipient and verify the order and the recipient
- Agent enters the details in a log for inspection by law enforcement
- Agent secures identification and a signature from the recipient when the items are delivered

Trip Plan Before the Delivery

Before transporting, agent must complete a trip plan that includes:

- Name of agent in charge of the delivery
- Date and start time of the delivery
- Description of products being delivered
- Anticipated route of the delivery
- Provide a copy of the trip plan to the dispensary

The only two exceptions are the following: 1. the grower has a valid registration card to grow marijuana from the Nevada Dept. of Taxation-Marijuana Division; or 2. the grower is a card-holding Nevada medical marijuana patient and cannot get marijuana through a dispensary because of either:

- The dispensary is unable to supply the marijuana to the cardholder, or
- The cardholder cannot travel to the dispensary, or
- There is no dispensary within 25 miles of the cardholder

Personal Cultivation- a person can grow 12 plants at a residence/premise. Plants must be grown in some type of secure or locked facility (closet, greenhouse, etc.) not readily accessible to persons in the home under 21 years of age.



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Nevada law enforcement often learn of illegal growers by satellite images showing greenhouses with marijuana, or unusual electricity usage indicative of a marijuana grower. When prosecuting marijuana cultivation cases, the D.A. often presents photographs of the plants and lab results confirming that the specimens are indeed marijuana.

NRS 453.3393 Unlawful to produce or process marijuana or extract concentrated cannabis; exceptions (**NRS/NAC 453 A & D**); penalties.

Elements of Arrest: Manufacturing a Controlled Substance (PO B7)

"Manufacture" is defined as "the production, preparation, propagation, compounding, conversion, or processing of a controlled substance, either directly or indirectly by extraction from substances of natural origin, or independently by means of chemical synthesis, or by a combination of extraction and chemical synthesis, and includes any packaging or repackaging of the substance or labeling or re-labeling of its container." Cudd v. Ozmint, 2009 U.S. Dist. LEXIS 88603 (D.S.C. Aug. 11, 2009)

NRS 453.322 Offer, attempt or commission of unauthorized act relating to manufacture or compounding of certain controlled substances unlawful; penalty; prohibition against probation of offenders.

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

- (a) Manufacture or compound a controlled substance other than marijuana.*
- (b) Possess, with the intent to manufacture or compound a controlled substance other than marijuana, or sell, exchange, barter, supply, prescribe, dispense or give away, with the intent that the chemical be used to manufacture or compound a controlled substance other than marijuana:*

- (1) Any chemical identified in subsection 4; or*
- (2) Any other chemical which is proven by expert testimony to be commonly used in manufacturing or compounding a controlled substance other than marijuana. The district attorney may present expert testimony to provide a prima facie case that any chemical, whether or not it is a chemical identified in subsection 4, is commonly used in manufacturing or compounding such a controlled substance. The provisions of this paragraph do not apply to a person who, without the intent to commit an unlawful act, possesses any chemical at a laboratory that is licensed to store the chemical.*

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



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2. *Unless a greater penalty is provided in NRS 453.3385 or 453.3395, a person who violates any provision of subsection 1 is guilty of a **category B felony***

Elements of Arrest: Possession of Precursor Chemicals for Manufacturing (PO B8)

NRS 453.086 "Immediate precursor" defined. "Immediate precursor" means a substance:

- 1. Which the Board has found to be and by regulation has designated to be the principal compound commonly used or produced primarily for use in the manufacture of a controlled substance; and*
- 2. Which is a chemical intermediary used or likely to be used in the manufacture of the controlled substance or the control of which is necessary to prevent, curtail or limit the manufacture of the controlled substance.*

NRS 453.353 "Product that is a precursor to methamphetamine" defined. "Product that is a precursor to methamphetamine" means a product that contains ephedrine, pseudoephedrine or phenylpropanolamine or the salts, optical isomers or salts of optical isomers of such chemicals and may be marketed or distributed lawfully in the United States under the Federal Food, Drug and Cosmetic Act, 21 U.S.C. §§ 301 et seq., as a nonprescription drug.

Seizure and Forfeiture of Property (PO C)

The involuntary relinquishment of money or property without compensation as a consequence of the commission of a crime. Forfeiture is a broad term that can be used to describe any loss of property without compensation. The forfeitures that inspire the most discussion in the U.S. are those that are exercised by the state or federal government. Congress and state legislatures maintain statutes that allow law enforcement to seize property on suspicion of certain criminal activity. The property can be forfeited to the government upon conviction.

NRS 453.301 Property subject to forfeiture. The following are subject to forfeiture pursuant to NRS 179.1156 to 179.1205, inclusive:

- 1. All controlled substances which have been manufactured, distributed, dispensed or acquired in violation of the provisions of NRS 453.011 to 453.552, inclusive, or a law of any other jurisdiction which prohibits the same or similar conduct.*
- 2. All raw materials, products and equipment of any kind which are used, or intended for use, in manufacturing, compounding, processing, delivering, importing or exporting any controlled substance in violation of the provisions of NRS 453.011 to 453.552, inclusive, or a law of any other jurisdiction which prohibits the same or similar conduct.*



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3. *All property which is used, or intended for use, as a container for property described in subsections 1 and 2.*
4. *All books, records and research products and materials, including formulas, microfilm, tapes and data, which are used, or intended for use, in violation of the provisions of NRS 453.011 to 453.552, inclusive, or a law of any other jurisdiction which prohibits the same or similar conduct.*
5. *All conveyances, including aircraft, vehicles or vessels, which are used, or intended for use, to transport, or in any manner to facilitate the transportation, concealment, manufacture or protection, for the purpose of sale, possession for sale or receipt of property described in subsection 1 or 2.*
6. *All drug paraphernalia as defined by NRS 453.554 which are used in violation of NRS 453.560, 453.562 or 453.566 or a law of any other jurisdiction which prohibits the same or similar conduct, or of an injunction issued pursuant to NRS 453.558.*
7. *All imitation controlled substances which have been manufactured, distributed or dispensed in violation of the provisions of NRS 453.332 or 453.3611 to 453.3648, inclusive, or a law of any other jurisdiction which prohibits the same or similar conduct.*
8. *All real property and mobile homes used or intended to be used by any owner or tenant of the property or mobile home to facilitate a violation of the provisions of NRS 453.011 to 453.552, inclusive, except NRS 453.336, or used or intended to be used to facilitate a violation of a law of any other jurisdiction which prohibits the same or similar conduct as prohibited in NRS 453.011 to 453.552, inclusive, except NRS 453.336. As used in this subsection, "tenant" means any person entitled, under a written or oral rental agreement, to occupy real property or a mobile home to the exclusion of others.*
9. *Everything of value furnished or intended to be furnished in exchange for a controlled substance in violation of the provisions of NRS 453.011 to 453.552, inclusive, or a law of any other jurisdiction which prohibits the same or similar conduct, all proceeds traceable to such an exchange, and all other property used or intended to be used to facilitate a violation of the provisions of NRS 453.011 to 453.552, inclusive, except NRS 453.336, or used or intended to be used to facilitate a violation of a law of any other jurisdiction which prohibits the same or similar conduct as prohibited in NRS 453.011 to 453.552, inclusive, except NRS 453.336. If an amount of cash which exceeds \$300 is found in the possession of a person who is arrested for a violation of NRS 453.337 or 453.338, then there is a rebuttable presumption that the cash is traceable to an exchange for a controlled substance and is subject to forfeiture pursuant to this subsection.*
10. *All firearms, as defined by NRS 202.253, which are in the actual or constructive possession of a person who possesses or is consuming, manufacturing, transporting, selling or under the influence of any controlled substance in violation of the provisions of NRS 453.011 to 453.552, inclusive, or a law of any other jurisdiction which prohibits the same or similar conduct.*
11. *All computer hardware, equipment, accessories, software and programs that are in the actual or constructive possession of a person who owns, operates, controls, profits from or is employed or paid by an illegal Internet pharmacy and who violates the*



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provisions of NRS 453.3611 to 453.3648, inclusive, or a law of any other jurisdiction which prohibits the same or similar conduct.

NRS 453.305 Forfeiture of real property or mobile home: Notices to owner.

1. Whenever a person is arrested for violating any of the provisions of NRS 453.011 to 453.552, inclusive, except NRS 453.336, and real property or a mobile home occupied by the person as a tenant has been used to facilitate the violation, the prosecuting attorney responsible for the case shall cause to be delivered to the owner of the property or mobile home a written notice of the arrest.

2. Whenever a person is convicted of violating any of the provisions of NRS 453.011 to 453.552, inclusive, except NRS 453.336, and real property or a mobile home occupied by the person as a tenant has been used to facilitate the violation, the prosecuting attorney responsible for the case shall cause to be delivered to the owner of the property or mobile home a written notice of the conviction.

3. The notices required by this section must:

(a) Be written in language which is easily understood;

(b) Be sent by certified or registered mail, return receipt requested, to the owner at the owner's last known address;

(c) Be sent within 15 days after the arrest occurs or judgment of conviction is entered against the tenant, as the case may be;

(d) Identify the tenant involved and the offense for which the tenant has been arrested or convicted; and

(e) Advise the owner that:

(1) The property or mobile home is subject to forfeiture pursuant to NRS 179.1156 to 179.1205, inclusive, and 453.301 unless the tenant, if convicted, is evicted;

(2) Any similar violation by the same tenant in the future may also result in the forfeiture of the property unless the tenant has been evicted;

(3) In any proceeding for forfeiture based upon such a violation the owner will, by reason of the notice, be deemed to have known of and consented to the unlawful use of the property or mobile home; and

(4) The provisions of NRS 40.2514 and 40.254 authorize the supplemental remedy of summary eviction to facilitate the owner's recovery of the property or mobile home upon such a violation and provide for the recovery of any reasonable attorney's fees the owner incurs in doing so.

4. Nothing in this section shall be deemed to preclude the commencement of a proceeding for forfeiture or the forfeiture of the property or mobile home, whether or not the notices required by this section are given as required, if the proceeding and forfeiture are otherwise authorized pursuant to NRS 179.1156 to 179.1205, inclusive, and 453.301.

5. As used in this section, "tenant" means any person entitled under a written or oral rental agreement to occupy real property or a mobile home to the exclusion of others.

NRS 453.311 Controlled substances; plants; seizure and forfeiture.

1. Controlled substances listed in schedule I:



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(a) That are possessed, transferred, sold or offered for sale in violation of the provisions of NRS 453.011 to 453.552, inclusive, are contraband and must be seized and summarily forfeited to the State.

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

2. Species of plants from which controlled substances in schedules I and II may be derived which have been planted or cultivated in violation of the provisions of NRS 453.011 to 453.552, inclusive, or of which the owners or cultivators are unknown, or which are wild growths, may be seized and summarily forfeited to the State.

3. The failure, upon demand by the Division or other law enforcement agency, or the authorized agent of either, of the person in occupancy or in control of land or premises upon which the species of plants are growing or being stored, to produce an appropriate registration, or proof that the person is the holder thereof, constitutes authority for the seizure and forfeiture of the plants.

Clandestine Laboratory/Illegal Cannabis Cultivation (PO D)

Although offenders manufacture a variety of illicit drugs in clandestine labs [e.g., amphetamines, MDMA (ecstasy), methcathinone, PCP, LSD, and fentanyl], methamphetamine accounts for 80 to 90 percent of the clandestine labs' total drug production. Many of the responses to methamphetamine labs also may be appropriate to other types of drug labs.

Clandestine methamphetamine labs cause three main types of harm: (1) physical injury from explosions, fires, chemical burns, and toxic fumes; (2) environmental hazards; and (3) child endangerment.

Mixing chemicals in clandestine methamphetamine labs creates substantial risks of explosions, fires, chemical burns, and toxic fume inhalation. Those who mix the chemicals (known as "cooks" or "cookers") and their assistants, emergency responders, hazardous material cleanup crews, neighbors, and future property occupants are all at risk from chemical exposure. The long-term health risks such as exposure are not yet fully known, but one must assume they are significant.

Many lab cooks do not take basic lab safety precautions. Using heat to process chemicals poses a higher risk of explosion, although indirect heat in the processing area—such as from smoking, electrical switches or even equipment-generated friction—can also trigger explosions. In addition, police forced entry into labs can cause explosions—some accidental, and some triggered by booby traps set by lab operators. (The published literature commonly reports that lab operators are often well-armed, but how many shootings occur during lab seizures is unknown.) Despite a decrease in the number of reported fires and explosions over the past few years, the number of law enforcement injured when responding to methamphetamine labs increased during that time. Poor lab



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ventilation increases the risks both of explosions and of toxic fume inhalation. On the other hand, good ventilation spreads toxic fumes outside, where they put other people at risk. Heating the chemical red phosphorous can create phosphine, a deadly gas.

About three to six people working in clandestine U.S. methamphetamine labs die each year from explosions, fires or toxic fumes. One out of every five or six labs discovered is found because of an explosion or fire. A survey of those who cook methamphetamine revealed one-quarter had experienced a fire while cooking and, in one-fifth of these, no emergency services were called. Those present tended to leave the premises without warning others, which is particularly dangerous in multiunit buildings.

Each pound of manufactured methamphetamine produces about 5 to 6 pounds of hazardous waste. Clandestine drug lab operators commonly bury or burn the waste on or near the site, or dump the waste along the road or into streams or rivers. Others pour waste down the drain, place it in household or commercial trash, or store it on the property. Dumping toxic waste into trashcans and commercial dumpsters puts sanitation workers at risk. The water used to put out lab fires can also wash toxic chemicals into sewers. In addition, toxic waste can be transferred from surfaces and equipment onto the body and clothing of those in contact with the lab, and can subsequently contaminate other locations. More research is needed to understand this toxic dumping's long-term environmental effects. Residual contamination of the ground, water supplies, buildings, and furniture may last for years.

There are two main types of clandestine methamphetamine labs. One is the "super" lab—a large, highly organized lab that can manufacture 10 or more pounds of methamphetamine per production cycle. To date, super labs are concentrated in southern California and Mexico. The other type is small-scale labs, often referred to as "mom and pop" or "Beavis and Butthead" labs. These labs can manufacture only 1 to 4 ounces of methamphetamine per production cycle. Their operators typically produce enough drugs for their own and close associates' use, and just enough extra to sell to others to finance the purchase of production chemicals. A third, though far less common, type of lab called a "dirt lab" has emerged in recent years. Small-scale lab cooks seek out areas where super labs dump their toxic waste, dig up the soil, and try to extract the residual methamphetamine.

Generally speaking, the two lab types present different challenges for law enforcement. Although perhaps 90 percent of all labs are of the small-scale type, the super labs account for up to 80 percent of all methamphetamine produced. So, from a supply-control perspective, they are of far greater concern. However, the small labs account for far more explosions, fires, uncontrolled hazardous waste dumping, and child endangerment. This is largely because less-skilled cooks operate the small labs, using more-primitive equipment and facilities. Many small-lab cooks are parents and methamphetamine abusers themselves, and their drug dependency leads them to neglect their children's welfare. So, if the challenge is to reduce explosions, fires,



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environmental damage, and child endangerment, then the small labs are of greater concern.

ILLEGAL CANNABIS CULTIVATION other than prescribed by Nevada law-[See NRS 453D](#)

If you or your agency is dispatched to a possible marijuana grow operation do you know how to recognize one? What happens if you find a "grow" during routine patrol or on a service call? Who can you call for assistance?

A marijuana grow operation is an illegal operation where marijuana plants are grown or engineered to maturity and sold, or the concentrated resin (hashish oil) is extracted from the plants. To maintain the best grow environment for these plants, growing operations are typically established in urban residences and rental properties. Law enforcement operations in indoor marijuana grows have the potential to escalate into a hazmat, fire or EMS response.

Marijuana grow houses are houses or other locations in rural, urban and residential areas that are converted for the purposes of growing marijuana. Indoor marijuana grow operations are regularly found by law enforcement agencies and appear to be increasing in numbers. Indoor grows affect everyone from the residents of the community to first responders. The number of grows in the U.S. and Canada is on the rise increasing the risk to everyone. Local criminal elements and organized crime can be involved in the operation and distribution. These operations can range from very simple to extremely complex.

Warning Signs

- Security - Unusual amounts of "Keep Out" or "Beware of Dogs" signs may be present. High fences, locked gates, heavy chains and locks visible.
- Smell - Indoor marijuana grows will produce a heavy smell of marijuana that can be recognized outside the location. Growers may attempt to camouflage the smell with other products.
- Condensation - Humidity in growing rooms can reach as much as 100 percent producing large amounts of precipitation on specific windows.
- Lights - High intensity lamps are used in the indoor growing operation. High intensity light can be seen around doors or windows. Houses may appear much brighter than surrounding houses.
- Covered windows - Windows may be covered in black plastic, heavy curtains or drapes that will be closed tight and pressed against the windows. This is to



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prevent any telltale amounts of light to escape and to prevent natural light from disrupting the artificial light cycles.

- Open Windows - Windows might be cracked open during winter months in various rooms of the house to cool the house and grow room due to excess heat from high intensity lighting.
- Excess Air Conditioning Units - Small houses with two or three air conditioning units that would not be needed to cool that size home and these units running during winter months or during periods of cooler temperatures.

All the above indicators and others are not proof that you have found an indoor marijuana growing operation; they should raise a "red flag" for the responder to be more aware of their surroundings.

Responders should be very cautious of any items or locations that arouse curiosity.

- Violence - Criminals and criminal elements that want to steal the large amounts of cash available or the profitable plants themselves have targeted indoor growing operations. This has prompted growers to arm themselves or place "booby traps" to protect their investments. The factors can be a risk factor for first responders.
- Fire - Fire hazards have included exposed live wires, wire bundles, wires exposed to water or in contact with water and a large number of high-intensity light bulbs. Also some grows will utilize several extra exhaust fans which can aggravate the spread of a fire in a residence.
- Atmospheric - One of the greatest hazards can be an oxygen deficient atmosphere. Any atmosphere that has an oxygen concentration below 19.5 percent or above 23.5 percent is dangerous. Carbon Dioxide is often artificially introduced to the indoor grow area to assist with plant growth. Flammable gas, vapor or mist in excess of 10 percent of its lower flammable limit (LFL). Ozone generators are commonly used to reduce or eliminate the odor of an indoor grow, ozone is a known chemical carcinogen.
- Electrical - A residence in which indoor grows are operating can use three to ten times the power of an average residence. The growers will attempt to "bypass" the normal distribution of power and steal additional power for their operations. Those with little or no understanding of electricity typically attempt this bypass that leads to very unsafe conditions and fire hazards. Ballasts used to run high intensity grow lights can maintain a charge for up to 15 minutes after being unplugged. Hydroponic grows combine two incompatibles: water and electricity.
- Environmental - Molds present a very unique health hazard in an indoor marijuana grow. Without respiratory protection, mold exposure to an officer conducting



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operations in an indoor grow can cause allergic reactions, sinus and respiratory distress, even death in some cases. Large amounts of fungicides, pesticides, acids, and bases are stored and disposed of improperly including being poured down drains and sewers.

- Structural Factors - Homes used for indoor marijuana growing operations can be altered. These alterations are implemented to product the maximum growing environment for the plants and to disguise the growing location. Walls will be moved to make room. The high levels of humidity will lead to growth of dangerous fungus and molds causing damage to insulation, walls and ceilings. Some grows have been discovered in underground rooms and tunnels. These underground rooms and tunnels are considered confined spaces and must be dealt with as confined spaces. OSHA guidelines must be followed and only those properly trained may act as an entrant, attendant, or confined space supervisor. No other persons can make entry into this environment.
- Hazmat - Many extraction techniques utilize flammable and volatile solvents. These can include acetones, camp fuel and isopropyl alcohol.

These grows can also produce up to 50 30-pound garbage bags that may be illegally dumped off site. In addition to the chemical and process hazards at an indoor marijuana grow, responders need to also be aware of anti-personnel devices (APD) or "booby traps." These devices are sometimes designed to protect the grow owners investment while they are away and also to serve as warning devices to aid in the owner's or operator's escape. Unfortunately, they can also incapacitate responders. First responders should not attempt to move, handle or disarm a confirmed or suspected IED or "booby trap."

Preparation is the key and that includes a clear idea of your actions before the incident or operation occurs.

- Do not touch anything in the grow.
- Do not turn on any electrical power switches or light switches.
- Do not turn off any electrical power switches or light switches.
- Do not eat or drink in or around a grow.
- Do not open or move containers with chemicals or suspected chemicals.
- Do not smoke anywhere in or near a grow.
- Do not sniff any containers.



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- Do decontaminate yourself and your clothing.
- Do wash your hands and face thoroughly.
- Do call your local law enforcement as soon as possible.

**Crime Classification: Misdemeanor, Gross Misdemeanor, or Felony
(PO E)**

All crime classifications are listed within the NRS statutes for easy reference.