



OFFICE OF THE ATTORNEY GENERAL

Aaron D. Ford, *Attorney General*

100 North Carson Street
Carson City, NV 89701
Telephone - (775) 684-1100
Fax - (775) 684-1108
Web - <http://ag.nv.gov>

RESPONSE SUBCOMMITTEE

Substance Use Response Group (SURG)

February 3, 2026

11:00 am

1. CALL TO ORDER AND ROLL CALL TO ESTABLISH QUORUM

Chair Kerns

Call to Order and Roll Call to Establish Quorum Cont.

Member	SURG Role	Subcommittee Role
Rob Banghart	Member of General Public	Member
Peter Handy	Department of Indigent Defense Services	Member
Nicole Hicks	Nevada District Attorneys Association	Member
Dr. Shayla Holmes	Rural Human Services (Lyon County)	Vice Chair
Dr. Terry Kerns	Attorney General Appointee	Chair
Christine Payson	Sheriffs' & Chiefs' Assoc.	Member
Bud Schawl	Hospital Representative	Member
Senator Jeff Stone	Member of the Senate appointed by the Senate Minority Leader	Member

2. PUBLIC COMMENT

Public Comment

- Public comment will be received via Zoom by raising your hand or unmuting yourself when asked for public comment. Public comment shall be limited to three (3) minutes per person. No action may be taken upon a matter raised under this item of the agenda until the matter itself has been specifically included on an agenda as an item upon which action may be taken (per NRS 241.021).
- If you are dialing in from a telephone:
 - Dial (719) 359-4580
 - When prompted enter the Meeting ID: 884 0825 1817
 - Please press *6 so the host can prompt you to unmute.
- Members of the public are requested to refrain from commenting outside the designated public comment periods, unless specifically called upon by the Chair.

**3. REVIEW AND APPROVE MINUTES
FROM NOVEMBER 4, 2025 RESPONSE
SUBCOMMITTEE MEETING**

Chair Kerns

4. REVIEW RECOMMENDATIONS SUBMISSION PROCESS

Crystal Duarte, Social Entrepreneurs, Inc.

Recommendations Submission Process

- Recommendations can be submitted by members using a survey link provided by SEI
- Please complete each section of the survey to the best of your ability
- Be prepared to present the recommendation to members at the next regularly scheduled subcommittee meeting
- To support the development of your recommendation, SEI can assist members with gathering information or connecting with subject matter experts.
- Note that information provided in the survey is included in the final annual report

5. DISCUSS AND DRAFT PROPOSED 2025 RESPONSE SUBCOMMITTEE RECOMMENDATIONS

Chair Kerns

Recommendation #1

Submitted by: Dr. Shayla Holmes

Description: Prohibit the sale of all psychoactive substances, including hemp-derived cannabinoids and psychoactive mushrooms, to individuals under 21 years of age, aligning with existing cannabis regulations.

Implement Clear Labeling Standards: Mandate that all products containing psychoactive compounds have standardized labeling, including clear warnings about potential health risks and age restrictions.

Restrict Sales Locations: Limit the sale of these substances to licensed establishments that can verify the age of purchasers and prohibit sales near schools and other youth-centered facilities.

Enhance Enforcement Mechanisms: Provide regulatory agencies with authority and resources to monitor compliance, conduct inspections, and enforce penalties for violations.

Recommendation #1: Additions and Revisions for Discussion

Add to the Schedule 1 of NAC 453.510:

(a) Mitragynine and 7-hydroxymitragynine, including:

- any isomer, ester, ether, salt, or salt of an isomer;
- any synthetic, semi-synthetic, or chemically modified derivative; and
- any compound containing mitragynine or 7-hydroxymitragynine as an active pharmacological ingredient, regardless of whether the substance is naturally derived, synthetically produced, or manufactured through chemical modification.

(b) Tianeptine, including:

- any isomer, ester, ether, salt, or salt of an isomer of tianeptine;
- any synthetic, semi-synthetic, or structurally modified derivative of tianeptine; and
- any compound that produces substantially similar opioid-like, antidepressant, or psychoactive effects through similar pharmacological mechanisms.

Per Board of Pharmacy, this is already included in Schedule 1

(c) Phenibut (β -phenyl- γ -aminobutyric acid), including:

- any isomer, ester, ether, salt, or salt of an isomer of phenibut;
- any synthetic, semi-synthetic, or structurally modified derivative; and
- any compound that acts as a GABA-B receptor agonist or functional equivalent with similar depressant or psychoactive effects.

(d) Amanita muscaria and its psychoactive constituents, including:

- muscimol, ibotenic acid, and any isomer, ester, ether, salt, or salt of an isomer thereof;
- any synthetic, semi-synthetic, or chemically modified derivative of muscimol or ibotenic acid; and
- any compound that produces hallucinogenic, dissociative, or neuroactive effects substantially similar to those substances.

This scheduling applies regardless of the source of the substance and regardless of whether the substance is labeled, marketed, or represented as a dietary supplement, research chemical, botanical product, or not intended for human consumption.

If this is successful then we would also need to concurrently recommend the appeal of NRS 597.998.

Recommendation #1 (cont.)

Justification: In Nevada, it is illegal for individuals under 21 to purchase or possess cannabis products, including Delta-9 THC, unless they are medical marijuana cardholders. Additionally, over-the-counter (OTC) medications containing dextromethorphan (DXM) cannot be sold to minors under 18 without a prescription.

However, certain substances, such as hemp-derived Delta-9 THC products (containing less than 0.3% THC by dry weight) and psychoactive mushrooms, may be legally accessible due to their specific chemical compositions and lack of comprehensive regulation. This creates potential loopholes that could allow minors to obtain and misuse these substances.

Action Step: Bill Draft Request (BDR), Regulatory or Licensing Board

Recommendation #2

Submitted by: Dr. Terry Kerns

Description: Recommend state agencies under the legislative, judicial, and executive branches involved with deflection and diversion programs have a comprehensive definition of recidivism and **desistance**, and **standardized** policies related to measuring and reporting recidivism. **Additionally, require that all publicly funded or publicly administered reentry programs define success using clear, behavior-based outcomes and that programs articulate what meaningful behavior change looks like for participants using tools for measuring engagement, goal attainment, and behavioral milestones.**

Justification: Desistance is potentially a more accurate way to measure program impact.

Action Step: State agencies that support diversion and deflection programs have a definition of recidivism. Also have a working group to address this.

Placeholder for Draft Recommendation(s)

Submitted by: Dr. Terry Kerns

Description: Work with the Board of Pharmacy to include Safe Rx Kits with opioid prescriptions; look into how a prescription can be written for opioid antagonists when opioids are prescribed to reduce costs. **Provide information on disposal, overdose risk, and tips for keeping prescriptions safe in multiple languages.**

Justification:

Action Step:

6. REVIEW 2026 RESPONSE SUBCOMMITTEE MEETING TOPICS AND TIMELINE

Chair Kerns

Subcommittee Meeting Topics and Timeline

February 2026

- Discuss preliminary recommendations

March 2026

- Discuss preliminary recommendations
- Subject matter expert presentations as requested

May 2026

- Finalize proposed recommendations for presentation at June SURG Meeting
- Subject matter expert presentations as requested

June 2026

- Revise and finalize recommendations based on feedback from SURG

September 2026

- Subject matter expert presentations as requested

Full SURG Meeting and Revised Reporting Timeline and Topics

January 2026 (FFY26 Quarter Two)

- Approve Final Progress Report

April 2026 (FFY26 Quarter Three)

- Presentations on Peer Certification and State Budget Process
- Review Preliminary Recommendations from Subcommittees

June 2026 (Additional Meeting)

- Approve 2025 Annual Report Template
- Finalize Recommendations to be included in 2025 Annual Report

July 2026 (FFY26 Quarter Four)

- Approve 2025 Annual Report

October 2026 (FFY27 Quarter One)

- Presentations from Subject Matter Experts

Planning for 2026 Response Subcommittee Meetings

Please email Subcommittee staff with any speaker recommendations.

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8. ADJOURNMENT

**ADDITIONAL INFORMATION, RESOURCES &
UPDATES AVAILABLE AT:**

[https://ag.nv.gov/About/Administration/Substance
Use_Response_Working_Group_\(SURG\)/](https://ag.nv.gov/About/Administration/Substance_Use_Response_Working_Group_(SURG)/)



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