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Crimes; Sale, Gift, or Use of Toluene

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caused by the sale of a controlled substance.¹⁰ Consequently, if a person sells a controlled substance to a minor and the substance is found to have proximately caused the minor's death, the seller can be found guilty of second degree murder.¹¹

10. NEV. REV. STAT. §200.010 (amended by 1983 Nev. Stat.c. 218, §6, at 512).

11. 1983 Nev. Stat. c.218, §2, at 510.

Crimes; sale, gift, or use of toluene

NEV. REV. STAT. §454.— (new); §§454.346, 454.534, 454.680 (amended).

SB 119 (Horn); 1983 STAT. Ch 81

Existing law provides penalties for the unlawful acquisition, possession, or dispensing of dangerous drugs.¹ Chapter 81 prohibits the sale or gift of aerosol paint, glue, or cement containing toluene² to a person under eighteen years of age.³ A person who violates these provisions will be guilty of a gross misdemeanor.⁴ In addition, the business license of a person who knowingly violates Chapter 81 will be suspended for one year if the individual has previously been convicted of the same offense and fails to demonstrate a good faith effort to comply with the law.⁵ The sale of substances containing toluene are exempted from the sanctions of Chapter 81, however, under specified circumstances.⁶

Existing law provides that persons are guilty of a misdemeanor if they use a drug, chemical, poison, organic solvent or any combination thereof in a manner contrary to the direction for use, and for the purpose of altering perceptions or creating a condition of intoxication, euphoria, or hallucination.⁷ Chapter 81 expands the scope of this prohibition by providing that a person who possesses these substances

1. See NEV. REV. STAT. §§454.311-321 (provisions applicable to dangerous drugs).

2. Toluene is defined as "a colorless liquid obtained by the dry distillation of tolu and other resinous bodies; and also derived from coal tar... Used in explosives and dyes and in the extraction of various principles from plants." STEDMAN'S MEDICAL DICTIONARY FIFTH UNABRIDGED LAWYER'S EDITION 1458 (1983).

3. 1983 Nev. Stat. c. 81, §1(1), at 242.

4. *Id.*

5. *Id.* c. 81, §1(2), at 242.

6. This section does not apply to the sale of (a) gasoline or other fuel for motor vehicles; (b) aerosol paint, glue, or cement containing less than the minimum amount of toluene which is subject to the requirements for special labeling established pursuant to the Federal Hazardous Substances Act, 15 U.S.C. §1261 as it exists on June 30, 1983; or (c) glue or cement, that is included in a kit used for the construction of model airplanes, automobiles, boats or trains or that is used in connection with another hobby. *Id.* c. 81, §-(3), at 242.

7. NEV. REV. STAT. §454.346 (amended by 1983 Nev. Stat. c. 81, §2(1), at 242).

with the intent to use them for unlawful purposes will also be guilty of a misdemeanor.⁸

8. Compare NEV. REV. STAT. §454.346 (amended by 1983 Nev. Stat. c. 81, §1, at 242) with 1973 Nev. Stat. c. 55, §1, at 75 (amending NEV. REV. STAT. §454.346). Chapter 81 does not apply if the substances are intended to be used for a medicinal purpose. NEV. REV. STAT. §454.346(2) (amended by 1983 Nev. Stat. c. 81., §2(2), at 242).

Crimes; child pornography

NEV. REV. STAT. §200.— (new); §§193.010, 200.509, 217.050, 217.070, 217.200, 217.220, 217.260 (amended).

AB 189 (Stewart); 1983 STAT. Ch 337

(Effective May 17, 1983)

Existing law provides that persons are guilty of a felony if they knowingly use, promote,¹ entice, or permit a minor to simulate, engage in, or assist others to simulate or engage in sexual conduct² in order to produce a performance.³ Under Chapter 337, the knowing and willful possession of child pornography is punishable as a misdemeanor.⁴

Chapter 337 provides that the court or jury may determine whether a person in the performance is a minor by (1) inspecting the person in question,⁵ (2) viewing the performance,⁶ (3) considering the opinion of a witness to the performance,⁷ (4) considering the opinion of a medical expert who viewed the performance,⁸ or (5) any other method authorized by the rules of evidence at common law.⁹

Prior law mandated that violations of child pornography provisions would be punished by imprisonment in the state prison for a term of one to six years, a fine not exceeding \$5,000, or both.¹⁰ Under Chapter 337, however, violations will be punished by imprisonment in the state

1. 1983 Nev. Stat. c. 337, §2(2), at 814 (defining "promote" as to produce, direct, procure, manufacture, sell, give, lend, publish, distribute, exhibit, advertise or possess for the purpose of distribution).

2. *Id.* c. 337, §2(3), at 814 (defining sexual conduct as sexual intercourse, lewd exhibition of the genitals, fellatio, cunnilingus, bestiality, anal intercourse, excretion, sado-masochistic abuse, masturbation, or the penetration of any part of a person's body or of any object manipulated or inserted by a person into the genital or anal opening of the body of another).

3. *Id.* c. 337, §2(1), at 814 (defining performance as any play, film, photograph, dance, or other visual presentation); NEV. REV. STAT. §200.509.

4. 1983 Nev. Stat. c. 337, §4, at 814.

5. *Id.* c. 337, §5(1), at 814.

6. *Id.* c. 337, §5(2), at 814.

7. *Id.* c. 337, §5(3), at 814.

8. *Id.* c. 337, §5(4), at 814.

9. *Id.* c. 337, §5(5), at 814.

10. 1979 Nev. Stat. c. 290, §2, at 437 (enacting NEV. REV. STAT. §200.509).