

State of Nevada Department of Corrections

Lesson Plan Title:

Drug-Free Workplace

Length of Course:

1 Hour

Target Group:

Category III Pre-Service Training Students

Instructor:

Instructors who present this workshop should be experienced trainers
(minimum BID, preferably BIDI)

Method of Instruction:

Lecture and group discussion

Lesson Plan Date:

September 4, 2007

Applicable Laws and Regulations:

NRS 284, NAC 284 & OP 339

N.D.O.C. Employee Development Manager: Karen Kendall

Approved Signature: _____

Date: _____

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Items and Materials:

- ✓ Power point presentation (saved on disc)
- ✓ Laptop computer with Power point program
- ✓ Power point projector
- ✓ Class hand outs (found in lesson plan book)
- ✓ Dry-erase board or chalk-board

INSTRUCTIONAL GOAL:

The Nevada Department of Corrections is actively pursuing a drug free workplace inside its institutions/ facilities. This segment of training provides the student the information on the State of Nevada and the Departments of Corrections policies pertaining to a drug free environment. Emphasis is placed on the knowledge that all employees are responsible for maintaining a drug free workplace according to the NRS's and NAC's.

PERFORMANCE OBJECTIVES:

Upon completion of this segment to instruction, the trainee will be able to:

1. Discuss the importance of a drug-free workplace
2. Describe the State of Nevada substance abuse policy
3. Define the testing and disciplinary procedures

DRUG-FREE WORKPLACE

INTENT – Provide a safe and drug free environment

PP 3



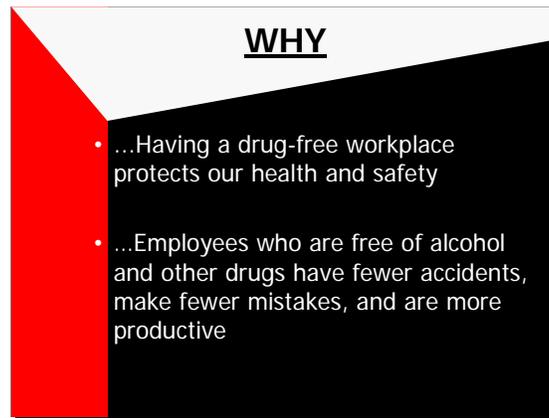
Principles – Education, enforcement, deterrence, treatment

PP 4



WHY – Having a drug-free workplace protects our health and safety. Employees who are free of alcohol and other drugs have fewer accidents, make fewer mistakes, and are more productive.

PP 5



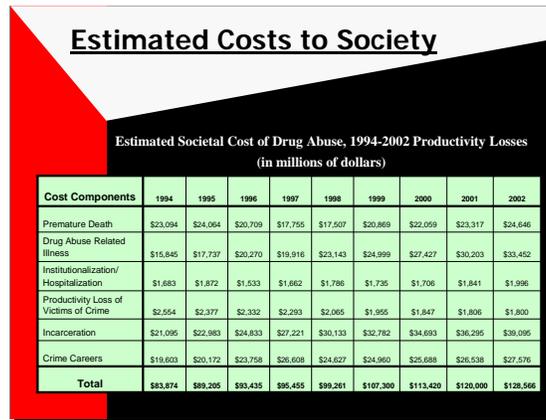
Drug Use in the General Population

According to the Substance Abuse and Mental Health Services Administration (SAMHSA) 2001 National Household Survey on Drug Abuse, 15.9 million Americans ages 12 and older (7.1%) reported using an illicit drug in the month before the survey was conducted. More than 12% reported illicit drug use during the past year and 41.7% reported some use of an illicit drug at least once during their lifetimes.

Drug Use Costs to Society

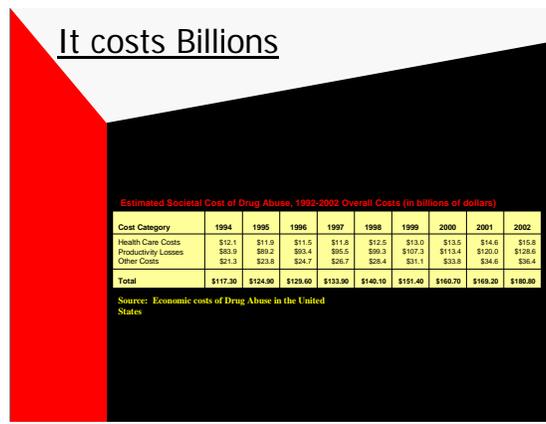
In 2000, Americans spent an estimated \$36 billion on cocaine, \$11 billion on marijuana, \$10 billion on heroin, \$5.4 billion on methamphetamine, and \$2.4 billion on other illegal substances. Projected estimates indicate that approximately 260 metric tons of cocaine and 13.3 metric tons of heroin were consumed by U.S. drug users during 2000. In 1992, the overall cost of drug abuse to society was approximately \$102 billion. The projected overall cost reached \$160.7 billion in 2000.

PP 6



These costs represent productivity loss in the following categories; premature death, drug related illnesses, institutionalization/ hospitalization, victim productivity loss, incarceration and crime careers.

PP 7



The health care costs, productivity loss and other costs have increased 63.5 million dollars from 1994 through 2002. The 2002 total cost was 180.8 billion dollars.

PP8

Statistics

- 1 out of every 10 adults is addicted to ALCOHOL
 - *Children of alcohol or drug addicts have a greater chance of becoming an addict*

Think About These Facts:

One out of every ten adults in the United States is already addicted to alcohol.

Because addiction runs in families, many children of addicts are likely to become addicted themselves.

Alcohol and other drug abuse can lead to unsafe sexual behaviors that result in getting the HIV virus or other sexually transmitted diseases (STDs).

Marijuana can cause people to lose interest in hobbies, work, friends, and family; it can cause loss of drive and motivation. Because people who use marijuana don't react as fast, on-the-job accidents are more likely to occur.

Think About It . . . Alcohol and Other Drugs Cost Money

The cost of alcohol and other drug abuse can be high. For example, cocaine is very expensive; you may know people who have sold their personal belongings to buy it. But the cost of the drug is only the beginning . . . soon to follow are:

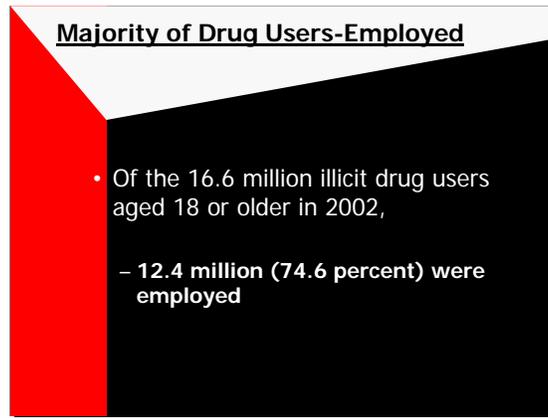
- Lots of doctor bills -- you get sick more often
- Legal bills and fines due to DWIs, accidents, marital problems
- Higher insurance bills
- Lost pay -- you could lose your job
- Debts -- you borrow money to support your habit
- You may even begin stealing to buy your drug of choice

What About Your Health?

Using alcohol and other drugs can hurt your health. Addiction to any drug, including nicotine, can make you lose control over when and where you use drugs and how often you use them.

2002 National Survey on Drug Use and Health (NSDUH) Reveals the Vast Majority of Drug Users Are Employed

PP 9



The study's findings indicate that the vast majority of drug users work. Of the 16.6 million illicit drug users aged 18 or older in 2002, 12.4 million (74.6 percent) were employed either full or part time. In addition, most individuals classified with substance dependence or abuse were employed either full or part time.

Rates of current alcohol use were 61.8 percent for full-time employed adults aged 18 or older in 2002. Furthermore, the majority of the nation's adult binge and heavy drinkers were employed. Of the 51.1 million adult binge drinkers in 2002, 40.8 million (80 percent) were employed either full or part time. Similarly, 12 million (79 percent) of the 15.2 million adult heavy drinkers were employed.

A Drug-Free Workplace Contributes To:

PP 10

A Drug-Free Workplace Contributes To:

- happier, safer employees
- decreased insurance costs
- better performance
- fewer accidents
- increased productivity
- and fewer worries overall.

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Your Role in the Drug-Free Workplace Program

PP 11

YOUR ROLE

- Know your organization's policy and program.
- Find the answers to these questions:
 - What is my organization's written policy?
 - What happens if I violate the policy?
 - Does my organization's policy include drug testing?
 - Will my organization help me or my coworkers get help with an alcohol or drug problem?
 - How can I help promote a drug-free workplace?

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PP 12



What You Can Do

- Follow your organization's drug-free workplace policy.
- Report to work fit for duty. Come to work free of alcohol and other drugs.
- Don't use alcohol or other drugs on the job.
- Seek help if you think you have a problem.
- Talk to your supervisor if you think a coworker may need help or if you see a policy violation

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Alcohol and Drug-Free Workplace Policy:

PP 13



The State of Nevada has a zero tolerance to the consumption of alcohol or drugs while on duty, reporting to work in an impaired condition, or to unlawfully possessing drugs while on duty, at a work site, or on State property. Included in the policy are provisions for pre-employment drug testing of applicants for positions affecting public safety, and the testing of employees when there is objective evidence that they may be under the influence of alcohol or drugs.

Be aware that the State's allowable concentrations of alcohol (0.01) for employees on duty is more stringent than those used by law enforcement for the general population. This standard was established to ensure that employees have the ability to safely and efficiently perform their assigned duties. An employee who violates this policy is subject to disciplinary action. Employees who test positive for the first time in a screening test and have committed no other acts during the course of conduct giving rise to the screening test must be referred to the Employee Assistance Program for consultation. If the employee has been

convicted of driving under the influence while on State business, he will be subject to disciplinary action up to and including termination.

This policy is applicable to all classified and unclassified employees. The policy does not restrict agencies from augmenting the provisions of this policy with additional policies and procedures which are necessary to carry out the regulatory requirements of the Drug Free Workplace Act. A copy of the Department of Personnel's Alcohol and Drug Testing Program may be obtained by calling the Department of Personnel at (775) 684-0119. (Chapter 284.406-407 of the Nevada Revised Statutes and 284.880-894 of the Nevada Administrative Code)

Drug Free Workplace Policy

Alcohol and drug abuse and the use of alcohol and drugs in the workplace are issues of concern to the State of Nevada, Department of Corrections. It is the policy to this State to ensure that its employees do not:

- Report for work in an impaired condition resulting from the use of alcohol or drugs
- Consume alcohol while on duty
- Unlawfully possess or consume any drugs while on duty, at a work site or on State property

Any employee who violates this policy is subject to disciplinary action. The specifics of the policy are:

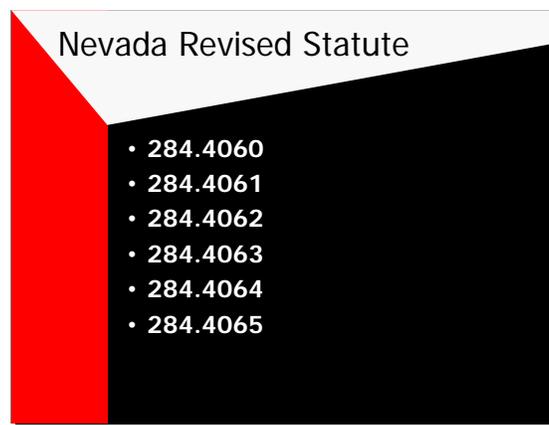
1. As provided by statute, any State employee who is under the influence of alcohol or drugs while on duty is subject to a screening test for alcohol, drugs, or both.
2. Emphasis will be on rehabilitation and referral to an employee assistance program when an employee is under the influence of alcohol or drugs while on duty. The appointing authority shall, however, take into consideration the circumstances and actions of the employee in determining appropriate disciplinary action.
3. Any State employee who is convicted of violating a federal or state law prohibiting the sale of a controlled substance must be terminated as required by NRS 193.105, regardless of where the incident occurred.
4. Any State employee who is convicted of driving under the influence in violation of NRS 484.379 or of any other offense for which driving under the influence is an element of the offense is subject to discipline up to and including termination if the offense occurred while he was driving a State vehicle or a privately owned vehicle on State business.

5. The unlawful manufacture, distribution, dispensing, possession or use of a controlled substance in the workplace is prohibited. Any State employee who is convicted of unlawfully giving or transferring a controlled substance to another person or who is convicted of unlawfully manufacturing or using a controlled substance while on duty or on the premises of a State agency will be subject to discipline up to and including termination.
6. The term, “controlled substance” means any drug defined as such under the regulations adopted pursuant to NRS 453.146. Many of these drugs have a high potential for abuse. Such drugs include, but are not limited to, heroin, marijuana, cocaine, PCP, and “crack”. They also include “legal drugs” which are not prescribed by a licensed physician.
7. Each State employee is required to inform his or her employer in writing within five days after he or she is convicted for violation of any federal or state criminal drug statute when such violation occurred while on duty or on the employer’s premises.
8. Any agency receiving a federal contract or grant must notify the federal agency which authorized the contract or grant within ten days

after receiving notice that an employee of the agency was convicted within the meaning used in paragraph 7, above.

This policy is applicable to all classified and unclassified employees of agencies in State government. Specific federal guidelines, statutory provisions and regulations applicable to this policy are set down in the Drug-Free Workplace Act and Chapter 284 of the Nevada Revised Statutes and Nevada Administrative Code.

PP 14



USE OF ALCOHOL OR DRUGS BY EMPLOYEES

NEVADA REVISED STATUTES (NRS)

NRS 284.406 Policy concerning use of alcohol or drugs by state employees.
It is the policy of this state to ensure that its employees do not:

1. Report for work in an impaired condition resulting from the use of alcohol or drugs;
2. Consume alcohol while on duty; or
3. Unlawfully possess or consume any drugs while on duty, at a work site or on state property.

(Added to NRS by 1991, 1348)

NRS 284.4061 Definitions. As used in [NRS 284.406](#) to [284.407](#), inclusive, unless the context otherwise requires:

1. “Employee” means a person in the classified or unclassified service of the State.

2. “Screening test” means a test of a person’s:

(a) Breath or blood to detect the general presence of alcohol; or

(b) Urine to detect the general presence of a controlled substance or any other drug,

↳ which could impair that person’s ability to perform the duties of employment safely and efficiently.

(Added to NRS by 1991, 1348; A 1993, 2252; [2001, 1441](#))

NRS 284.4062 Employee who consumes or is under the influence of alcohol or drugs or who possesses controlled substance on duty is subject to disciplinary action; state agency required to refer certain employees to employee assistance program.

1. Except as otherwise provided in subsection 3, an employee who:

(a) Consumes or is under the influence of alcohol while on duty, unless the alcohol is an integral part of a commonly recognized medication which the employee consumes pursuant to the manufacturer’s instructions or in accordance with a lawfully issued prescription;

(b) Possesses, consumes or is under the influence of a controlled substance while on duty, at a work site or on state property, except in accordance with a lawfully issued prescription; or

(c) Consumes or is under the influence of any other drug which could interfere with the safe and efficient performance of his duties, unless the drug is an integral part of a commonly recognized medication which the employee consumes pursuant to the manufacturer’s instructions or in accordance with a lawfully issued prescription,

↳ is subject to disciplinary action. An appointing authority may summarily discharge an employee who, within a period of 5 years, commits a second act which would subject him to disciplinary action pursuant to this subsection.

2. A state agency shall refer an employee who:

(a) Tests positive for the first time in a screening test; and

(b) Has committed no other acts for which he is subject to termination during the course of conduct giving rise to the screening test,

↳ to an employee assistance program. An employee who fails to accept such a referral or fails to complete such a program successfully is subject to further disciplinary action.

3. Subsection 1 does not apply to:

(a) An employee who consumes alcohol in the course of his employment while hosting or attending a special event.

(b) A peace officer who possesses a controlled substance or consumes alcohol within the scope of his duties.

(Added to NRS by 1991, 1348; A 1995, 1714)

NRS 284.4063 Grounds for disciplinary action: Failure to notify supervisor after consuming certain drugs; failure or refusal to submit to screening test; failure of screening test. Except as otherwise provided in subsection 5 of [NRS 284.4065](#), an employee who:

1. Fails to notify his supervisor as soon as possible after consuming any drug which could interfere with the safe and efficient performance of his duties;

2. Fails or refuses to submit to a screening test as requested by a state agency pursuant to subsection 1 or 2 of [NRS 284.4065](#); or

3. After taking a screening test which indicates the presence of a controlled substance, fails to provide proof, within 72 hours after being requested by his appointing authority, that he had taken the controlled substance as directed pursuant to a current and lawful prescription issued in his name,

↳ is subject to disciplinary action.

(Added to NRS by 1991, 1349; A 1993, 2252)

NRS 284.4064 Appointing authority authorized to require employee who has consumed drug to obtain clearance from physician; inquiry regarding use of alcohol or drug by employee; preventing employee from continuing work.

1. If an employee informs his appointing authority that he has consumed any drug which could interfere with the safe and efficient performance of his duties, the appointing authority may require the employee to obtain clearance from his physician before he continues to work.

2. If an appointing authority reasonably believes, based upon objective facts, that an employee's ability to perform his duties safely and efficiently:

(a) May be impaired by the consumption of alcohol or other drugs, it may ask the employee whether he has consumed any alcohol or other drugs and, if so:

(1) The amount and types of alcohol or other drugs consumed and the time of consumption; and

(2) If a controlled substance was consumed, the name of the person who prescribed its use.

(b) Is impaired by the consumption of alcohol or other drugs, it shall prevent the employee from continuing work and transport him or cause him to be transported safely away from his place of employment in accordance with regulations adopted by the Commission.

(Added to NRS by 1991, 1349; A [2003, 1449](#))

NRS 284.4065 Screening tests: General provisions.

1. Except as otherwise provided in subsection 2, an appointing authority may request an employee to submit to a screening test only if the appointing authority:

(a) Reasonably believes, based upon objective facts, that the employee is under the influence of alcohol or drugs which are impairing his ability to perform his duties safely and efficiently;

(b) Informs the employee of the specific facts supporting its belief pursuant to paragraph (a), and prepares a written record of those facts; and

(c) Informs the employee in writing:

(1) Of whether the test will be for alcohol or drugs, or both;

(2) That the results of the test are not admissible in any criminal proceeding against him; and

(3) That he may refuse the test, but that his refusal may result in his dismissal or in other disciplinary action being taken against him.

2. An appointing authority may request an employee to submit to a screening test if the employee:

(a) Is a law enforcement officer and, during the performance of his duties, he discharges a firearm, other than by accident; or

(b) During the performance of his duties, drives a motor vehicle in such a manner as to cause bodily injury to himself or another person or substantial damage to property.

↪ For the purposes of this subsection, the Commission shall, by regulation, define the term “substantial damage to property.”

3. An appointing authority may place an employee who submits to a screening test on administrative leave with pay until the appointing authority receives the results of the test.

4. An appointing authority shall:

(a) Within a reasonable time after an employee submits to a screening test to detect the general presence of a controlled substance or any other drug, allow the employee to obtain at his expense an independent test of his urine or blood from a laboratory of his choice which is certified by the United States Department of Health and Human Services.

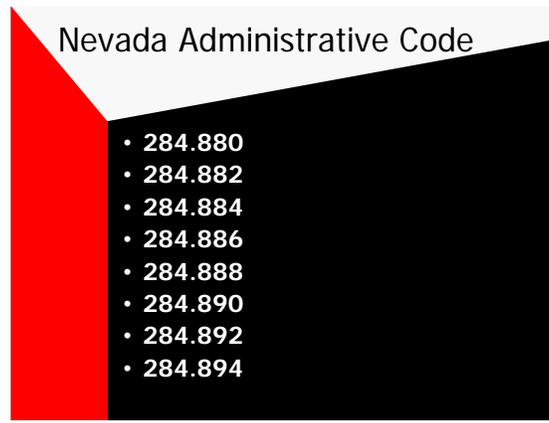
(b) Within a reasonable time after an employee submits to a screening test to detect the general presence of alcohol, allow the employee to obtain at his expense an independent test of his blood from a laboratory of his choice.

(c) Provide the employee with the written results of his screening test within 3 working days after it receives those results.

5. An employee is not subject to disciplinary action for testing positive in a screening test or refusing to submit to a screening test if the appointing authority fails to comply with the provisions of this section.

6. An appointing authority shall not use a screening test to harass an employee.
(Added to NRS by 1991, 1350; A 1993, 2253; 1997, 1606; [2003, 1450](#))

PP 15



USE OF ALCOHOL OR DRUGS

NEVADA ADMINISTRATIVE CODE

NAC 284.880 Definitions. ([NRS 284.065](#), [284.155](#), [284.407](#)) As used in [NAC 284.880](#) to [284.894](#), inclusive, unless the context otherwise requires:

1. “Employee” has the meaning ascribed to it in subsection 1 of [NRS 284.4061](#).
2. “Screening test” has the meaning ascribed to it in subsection 2 of [NRS 284.4061](#).

(Added to NAC by Dep’t of Personnel, eff. 12-26-91)

NAC 284.882 Administration of screening tests. ([NRS 284.065](#), [284.155](#), [284.407](#)) A screening test to detect the general presence of:

1. A controlled substance must comply with the standards and procedures established by the United States Department of Health and Human Services which are hereby adopted by reference. A copy of the standards and procedures is available, without charge, from the United States Department of Health and Human Services, Substance Abuse and Mental Health Services Administration, Center for Substance Abuse Prevention, Division of Workplace, 5600 Fishers Lane, Parklawn Building, 13A-54, Rockville, Maryland 20857.

2. Alcohol by testing a person’s breath must be conducted by an operator certified in accordance with [NAC 484.640](#) using a breath-testing device certified in accordance with [NRS 484.3882](#) and [NAC 484.660](#).

(Added to NAC by Dep’t of Personnel, eff. 12-26-91; A 10-27-97; R082-00, 8-2-2000)

NAC 284.884 Maximum allowable concentrations of alcohol in blood or breath of employee; confirmation of positive result on screening test of breath. ([NRS 284.065](#), [284.155](#), [284.407](#))

1. An employee must not have a concentration of alcohol in his blood or breath greater than .01 gram by weight of alcohol per 100 milliliters of his blood or per 210 liters of his breath while on duty. Disciplinary action may be taken by the appointing authority in accordance with the provisions of [NAC 284.638](#) to [284.656](#), inclusive, if a screening test indicates that the concentration of alcohol in the blood or breath of the employee is greater than .01 gram by weight of alcohol per 100 milliliters of his blood or per 210 liters of his breath while on duty.

2. A positive result on a screening test of a person's breath must be confirmed by a second screening test. The second screening test must be conducted immediately after receipt of the positive result of the first screening test.

(Added to NAC by Dep't of Personnel, eff. 12-26-91; A by R058-01, 9-6-2001)

NAC 284.886 Screening test for controlled substance required of applicant for position affecting public safety; exception. ([NRS 284.065](#), [284.155](#), [284.407](#))

1. Except as otherwise provided in this section, an applicant for a position that is designated by the Personnel Commission as affecting public safety must submit to a screening test to detect the general presence of a controlled substance unless he is employed by the State in a position that is also designated as affecting public safety at the time he applies.

2. A person who has been laid off from a position affecting public safety and who is reemployed in a class affecting public safety within 1 year after the date he was laid off is not required to submit to a screening test pursuant to this section.

(Added to NAC by Dep't of Personnel, eff. 12-26-91; A 3-23-94)

NAC 284.888 Request for employee to submit to screening test: Interpretation of grounds; completion of required form. ([NRS 284.065](#), [284.155](#), [284.407](#))

1. Objective facts upon which an appointing authority may base a reasonable belief that an employee is under the influence of alcohol or drugs which impair the ability of the employee to perform his duties safely and efficiently include, but are not limited to:

(a) The operation of a motor vehicle by the employee in any manner that causes bodily harm;

(b) Abnormal conduct or erratic behavior by the employee that is not otherwise normally explainable;

(c) The odor of the breath of the employee and a decline in job performance that is not otherwise normally explainable;

(d) Observation of the employee consuming alcohol and a resulting decline in job performance that is not otherwise normally explainable; or

(e) Observation of the employee possessing a controlled substance or using a controlled substance that is reported by a credible source.

2. Pursuant to subsection 2 of [NRS 284.4065](#), “substantial damage to property” includes, but is not limited to:

(a) The operation of a motor vehicle in such a manner as to cause more than \$2,500 worth of property damage; or

(b) The operation of a motor vehicle in such a manner as to cause two property accidents within a 1-year period.

3. Before requiring an employee to submit to a screening test, a supervisor must complete a form provided by the Department of Personnel.

(Added to NAC by Dep’t of Personnel, eff. 12-26-91)

NAC 284.890 Transportation of employee to and from location of screening test. ([NRS 284.065](#), [284.155](#), [284.407](#)) If an employee is required to submit to a screening test, the appointing authority shall provide transportation for the employee to the location of the test. After the employee submits to the screening test, the appointing authority shall provide transportation for the employee to his home.

(Added to NAC by Dep’t of Personnel, eff. 12-26-91)

NAC 284.892 Duties of employee who is referred to employee assistance program. ([NRS 284.065](#), [284.155](#), [284.407](#))

1. If an employee is referred to an employee assistance program as a result of a positive result on a screening test or pursuant to [NAC 284.653](#), he shall provide to the appointing authority:

(a) Evidence of his consultation with a counselor employed by an employee assistance program; and

(b) Any recommendation of the counselor with respect to his rehabilitation, ↪ within 5 working days after the date of the initial consultation.

2. The employee shall provide to the appointing authority on a monthly basis all recommendations of the counselor with respect to his rehabilitation.

3. The employee shall provide to the appointing authority evidence of his completion of any rehabilitation program recommended by the counselor within 5 working days after his completion of the program.

4. An employee who fails to provide evidence of his consultation with a counselor or successful completion of a rehabilitation program is subject to disciplinary action.

(Added to NAC by Dep’t of Personnel, eff. 12-26-91; A 11-12-93)

NAC 284.894 Treatment of applicant who tests positive; treatment of employee who tests positive twice within 5-year period. ([NRS 284.065](#), [284.155](#), [284.407](#))

1. An applicant who tests positive for the use of a controlled substance must not be considered by an appointing authority for employment in any position which requires such testing until:

(a) One year has passed from the time of the positive test; or

(b) The applicant provides evidence that he has successfully completed a rehabilitation program for substance abuse.

2. An employee who tests positive for the use of a controlled substance or alcohol for the second time within a 5-year period is subject to disciplinary action by the appointing authority and may be terminated at the discretion of the appointing authority.

(Added to NAC by Dep't of Personnel, eff. 12-26-91; A 7-1-94)

You Can Contribute to a Drug-Free Workplace

PP 16

You Can Contribute to a Drug-Free Workplace

- A Drug-Free Workplace means:
 - No alcohol
 - No marijuana
 - No cocaine
 - No speed
 - No PCP
 - No heroin
 - No other drugs

A drug-free workplace means no drugs: no alcohol, marijuana, cocaine, speed, PCP, heroin, or other drugs at work. Even cigarettes and some prescription drugs can be a danger. Is alcohol a drug? Yes -- it alters your mood and can cause addiction. How about nicotine? Yes, that too. Why have a drug-free workplace?

Because drugs keep you from doing your best on the job, and the effects can be dangerous to others as well.

Where to Find Help

PP 17



Where to Find Help

- STATE OF NEVADA EMPLOYEE ASSISTANCE PROGRAM (EAP)
 - 675 Fairview Drive, #221, Carson City, Nevada 89431 (775) 687-3869
- Center for Substance Abuse Treatment's (CSAT) Drug Information, Treatment, and Referral Hotline:
 - 1-800-662-HELP

STATE OF NEVADA EMPLOYEE ASSISTANCE PROGRAM (EAP)

675 Fairview Drive, #221, Carson City, Nevada 89431 (775) 687-3869

National Hotlines

If you or someone you know has a problem with alcohol or other drugs, call these hotlines for free, confidential help.

The Center for Substance Abuse Treatment's (CSAT) Drug Information, Treatment, and Referral Hotline:

1-800-662-HELP

Local Resources

Alcoholics Anonymous	355-1151
Al-Anon (for family members and friends)	348-7103
Narcotics Anonymous	322-4811

REFERENCES

2002 National Survey on Drug Use and Health

National Institute on Drug Abuse

Nevada Administrative Code

Nevada Revised Statutes

Office of National Drug Control Policy

United States Department of Labor