

SENATE BILL NO. 329—SENATOR SEGERBLOM

MARCH 20, 2017

Referred to Committee on Judiciary

SUMMARY—Revises various provisions relating to marijuana concerning health and regulation. (BDR 40-361)

FISCAL NOTE: Effect on Local Government: May have Fiscal Impact.
Effect on the State: Yes.

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EXPLANATION – Matter in *bolded italics* is new; matter between brackets ~~omitted material~~ is material to be omitted.

AN ACT relating to marijuana; revising various provisions relating to the medical use of marijuana; transferring the program for the medical use of marijuana from the Division of Public and Behavioral Health of the Department of Health and Human Services to the Department of Taxation; authorizing the registration of medical marijuana research facilities; authorizing the registration of nonprofit medical marijuana dispensaries; revising the maximum amount of marijuana that the holder of a registry identification card or letter of approval may possess; allowing the holder of a registry identification card to cultivate, grow or produce marijuana and give marijuana to another holder of a registry identification card or letter of approval in certain circumstances; revising provisions relating to registry identification cards; revising provisions relating to medical marijuana establishments; authorizing the growth and handling of industrial hemp and the production of agricultural hemp seed in certain circumstances; providing penalties; and providing other matters properly relating thereto.

Legislative Counsel’s Digest:

- 1 Existing law exempts a person who holds a valid registry identification card
- 2 from state prosecution for the use, possession, delivery and production of
- 3 marijuana. (NRS 453A.200) Existing law also exempts a person who holds a valid
- 4 medical marijuana establishment registration certificate or medical marijuana
- 5 establishment agent registration card from state prosecution for possession, delivery
- 6 and production of marijuana and provides for the registration and regulation of such



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7 persons and establishments. (NRS 453A.200, 453A.320-453A.370) **Sections 7, 11-**
8 **13, 16, 17, 19, 21-23, 25-67, 109 and 113-117** of this bill transfer the responsibility
9 for the governance of the medical use of marijuana from the Division of Public and
10 Behavioral Health of the Department of Health and Human Services to the
11 Department of Taxation.

12 **Sections 8, 12, 24, 38, 46 and 48** of this bill authorize the existence of medical
13 marijuana research facilities. **Section 12** of this bill establishes requirements for the
14 certification and operation of a medical marijuana research facility. **Section 38** of
15 this bill requires the submission of proof of the approval by the scientific review
16 panel established by the Department of the program of research in which a medical
17 marijuana research facility is engaged for renewal of the medical marijuana
18 establishment registration certificate of the facility. **Section 46** of this bill prohibits
19 research not approved by the scientific review panel. **Section 48** of this bill
20 establishes the fees for the issuance and renewal of a marijuana establishment
21 registration certificate for a medical marijuana research facility.

22 **Sections 9, 11, 23 and 38-40** of this bill authorize the existence of nonprofit
23 medical marijuana dispensaries. **Section 11** of this bill allows a nonprofit medical
24 marijuana dispensary to accept donations of marijuana. **Section 11** also requires a
25 nonprofit medical marijuana dispensary to provide education relating to the medical
26 use of marijuana and, subject to the regulations of the Department, to sell at a
27 reduced price or donate marijuana to holders of valid registry identification cards
28 on the basis of financial need. **Section 23** of this bill applies to nonprofit medical
29 marijuana dispensaries the provisions of law which apply to medical marijuana
30 dispensaries. **Section 38** of this bill imposes certain requirements on a proposed
31 nonprofit medical marijuana dispensary in addition to those which apply to
32 proposed medical marijuana dispensaries. **Section 39** of this bill excludes nonprofit
33 medical marijuana dispensaries from the limit on the number of medical marijuana
34 establishment registration certificates issued to medical marijuana dispensaries and
35 requires the Department to determine the appropriate number of nonprofit medical
36 marijuana dispensaries.

37 **Section 10** of this bill allows a medical marijuana establishment to be
38 organized as a corporation and issue shares of stock. **Section 13** of this bill allows
39 the Executive Director of the Department to impose an administrative fine for a
40 violation of the laws or regulations of this State relating to the medical use of
41 marijuana. **Section 20** of this bill prohibits a person who has been convicted of a
42 felony involving fraud from being an owner, officer or board member of a medical
43 marijuana establishment. **Sections 38, 57 and 113** of this bill require an
44 independent testing laboratory to become accredited pursuant to standard ISO/IEC
45 17025 of the International Organization for Standardization. **Section 42** of this bill
46 allows an independent contractor who obtains a medical marijuana establishment
47 agent registration card to work for any number of medical marijuana establishments
48 without obtaining a separate card for each establishment and to temporarily work
49 upon submission of an application for a card. **Section 43** of this bill provides that
50 the transfer of a medical marijuana establishment registration certificate by the
51 Department is not a transfer of, and does not resolve any conflict over, ownership
52 of a medical marijuana establishment. **Sections 50 and 114** of this bill require
53 medical marijuana establishments to install a video monitoring system which is
54 capable of remote access by a law enforcement agency in real-time. **Section 54** of
55 this bill prohibits certain medical marijuana establishments from offering for sale or
56 donation edible marijuana products or marijuana-infused products that are produced
57 in a form that is appealing to children. **Section 57** of this bill requires an
58 independent testing laboratory to demonstrate to the Department the validity and
59 accuracy of its testing methods. **Section 63** of this bill allows the Department to
60 release certain information relating to holders of a medical marijuana establishment



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61 registration certificate to authorized employees of the Department or of state and
62 local law enforcement agencies in certain circumstances.

63 **Section 16** of this bill adds post-traumatic stress disorder as a chronic or
64 debilitating medical condition for which a registry identification card may be
65 issued. **Section 16** also allows a registry identification card to be issued for an
66 unlisted medical condition if the attending provider of health care identifies the
67 condition as chronic or debilitating. **Section 29** of this bill revises the quantity of
68 marijuana that a holder of a registry identification card is allowed to possess.
69 **Section 29** also authorizes the holder of a valid registry identification card or his or
70 her designated primary caregiver to cultivate, grow or produce marijuana and give
71 marijuana to another holder of a registry identification card under certain
72 circumstances. **Sections 27, 30, 31 and 67** of this bill allow the issuance of a
73 permanent registry identification card, upon payment of a one-time fee, to a veteran
74 or a person who suffers from a chronic or debilitating medical condition which is
75 terminal, incurable or permanent. **Section 30** also allows a person who has
76 previously been convicted of knowingly or intentionally selling a controlled
77 substance to obtain a registry identification card. **Section 35** of this bill allows, with
78 certain exceptions, a person who holds a registry identification card to be a
79 designated primary caregiver for one person. **Section 50** of this bill allows the
80 holder of a valid registry identification card or the designated primary caregiver of
81 a holder of a registry identification card or letter of approval to sell usable
82 marijuana to a medical marijuana dispensary or marijuana plants to a cultivation
83 facility not more than once in any 3-year period.

84 **Sections 1, 2, 5, 6, 8-73, 75 and 78-86** of this bill revise various provisions of
85 law which prohibit the use of controlled substances or declare persons who
86 habitually use controlled substances to have a certain status to exclude the medical
87 use of marijuana in accordance with the laws of this State.

88 Existing law authorizes an institution of higher education or the State
89 Department of Agriculture to grow or cultivate industrial hemp for purposes of
90 research conducted under an agricultural pilot program or for other agricultural or
91 academic research. (NRS 557.070) **Sections 88-107** of this bill create a separate
92 program for the growth and cultivation of industrial hemp and produce agricultural
93 hemp seed in this State. **Section 98** of this bill requires a person who wishes to
94 grow or handle industrial hemp or produce agricultural hemp seed to register with
95 the State Department of Agriculture. **Sections 100-103** of this bill establish
96 requirements for such growers, handlers and producers. **Section 105** of this bill
97 requires the testing of commodities or products made using industrial hemp by an
98 independent testing laboratory.

THE PEOPLE OF THE STATE OF NEVADA, REPRESENTED IN
SENATE AND ASSEMBLY, DO ENACT AS FOLLOWS:

1 **Section 1.** NRS 449.174 is hereby amended to read as follows:

2 449.174 1. In addition to the grounds listed in NRS 449.160,
3 the Division may deny a license to operate a facility, hospital,
4 agency, program or home to an applicant or may suspend or revoke
5 the license of a licensee to operate such a facility, hospital, agency,
6 program or home if:

7 (a) The applicant or licensee has been convicted of:

8 (1) Murder, voluntary manslaughter or mayhem;



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- 1 (2) Assault or battery with intent to kill or to commit sexual
2 assault or mayhem;
- 3 (3) Sexual assault, statutory sexual seduction, incest,
4 lewdness or indecent exposure, or any other sexually related crime
5 that is punished as a felony;
- 6 (4) Prostitution, solicitation, lewdness or indecent exposure,
7 or any other sexually related crime that is punished as a
8 misdemeanor, within the immediately preceding 7 years;
- 9 (5) A crime involving domestic violence that is punished as a
10 felony;
- 11 (6) A crime involving domestic violence that is punished as a
12 misdemeanor, within the immediately preceding 7 years;
- 13 (7) Abuse or neglect of a child or contributory delinquency;
- 14 (8) A violation of any federal or state law regulating the
15 possession, distribution or use of any controlled substance or any
16 dangerous drug as defined in chapter 454 of NRS, *except the*
17 *possession or use of marijuana in accordance with the provisions*
18 *of chapter 453A of NRS*, within the immediately preceding 7 years;
- 19 (9) Abuse, neglect, exploitation, isolation or abandonment of
20 older persons or vulnerable persons, including, without limitation, a
21 violation of any provision of NRS 200.5091 to 200.50995,
22 inclusive, or a law of any other jurisdiction that prohibits the same
23 or similar conduct;
- 24 (10) A violation of any provision of law relating to the State
25 Plan for Medicaid or a law of any other jurisdiction that prohibits
26 the same or similar conduct, within the immediately preceding 7
27 years;
- 28 (11) A violation of any provision of NRS 422.450 to
29 422.590, inclusive;
- 30 (12) A criminal offense under the laws governing Medicaid
31 or Medicare, within the immediately preceding 7 years;
- 32 (13) Any offense involving fraud, theft, embezzlement,
33 burglary, robbery, fraudulent conversion or misappropriation of
34 property, within the immediately preceding 7 years;
- 35 (14) Any other felony involving the use or threatened use of
36 force or violence against the victim or the use of a firearm or other
37 deadly weapon; or
- 38 (15) An attempt or conspiracy to commit any of the offenses
39 listed in this paragraph, within the immediately preceding 7 years;
- 40 (b) The licensee has, in violation of NRS 449.125, continued to
41 employ a person who has been convicted of a crime listed in
42 paragraph (a); or
- 43 (c) The applicant or licensee has had a substantiated report of
44 child abuse or neglect made against him or her and if the facility,



1 hospital, agency, program or home provides residential services to
2 children.

3 2. In addition to the grounds listed in NRS 449.160, the
4 Division may suspend or revoke the license of a licensee to operate
5 an agency to provide personal care services in the home, an agency
6 to provide nursing in the home, a community health worker pool or
7 a peer support recovery organization if the licensee has, in violation
8 of NRS 449.125, continued to employ a person who has been
9 convicted of a crime listed in paragraph (a) of subsection 1.

10 3. As used in this section:

11 (a) "Domestic violence" means an act described in NRS 33.018.

12 (b) "Facility, hospital, agency, program or home" has the
13 meaning ascribed to it in NRS 449.119.

14 (c) "Medicaid" has the meaning ascribed to it in NRS 439B.120.

15 (d) "Medicare" has the meaning ascribed to it in NRS 439B.130.

16 **Sec. 2.** NRS 449.4332 is hereby amended to read as follows:

17 449.4332 In addition to the grounds listed in NRS 449.4321,
18 the Division may deny a certificate to operate an intermediary
19 service organization to an applicant or may suspend or revoke a
20 certificate of a holder of a certificate to operate an intermediary
21 service organization if:

22 1. The applicant for or holder of the certificate has been
23 convicted of:

24 (a) Murder, voluntary manslaughter or mayhem;

25 (b) Assault with intent to kill or to commit sexual assault or
26 mayhem;

27 (c) Sexual assault, statutory sexual seduction, incest, lewdness
28 or indecent exposure, or any other sexually related crime that is
29 punished as a felony;

30 (d) Prostitution, solicitation, lewdness or indecent exposure, or
31 any other sexually related crime that is punished as a misdemeanor,
32 if the conviction occurred within the immediately preceding 7 years;

33 (e) Abuse or neglect of a child or contributory delinquency;

34 (f) A violation of any federal or state law regulating the
35 possession, distribution or use of any controlled substance or any
36 dangerous drug as defined in chapter 454 of NRS, *except the*
37 *possession or use of marijuana in accordance with the provisions*
38 *of chapter 453A of NRS*, within the past 7 years;

39 (g) A violation of any provision of NRS 200.5099 or 200.50995;

40 (h) Any offense involving fraud, theft, embezzlement, burglary,
41 robbery, fraudulent conversion or misappropriation of property,
42 within the immediately preceding 7 years; or

43 (i) Any other felony involving the use of a firearm or other
44 deadly weapon, within the immediately preceding 7 years; or



1 2. The holder of a certificate has continued to employ a person
2 who has been convicted of a crime listed in subsection 1.

3 **Sec. 3.** NRS 453.096 is hereby amended to read as follows:

4 453.096 1. "Marijuana" means:

5 (a) All parts of any plant of the genus Cannabis, whether
6 growing or not;

7 (b) The seeds thereof;

8 (c) The resin extracted from any part of the plant, including
9 concentrated cannabis; and

10 (d) Every compound, manufacture, salt, derivative, mixture or
11 preparation of the plant, its seeds or resin.

12 2. "Marijuana" does not include:

13 (a) Industrial hemp, as defined in NRS 557.040, *and section 94*
14 *of this act*, which is grown, ~~for~~ cultivated *or handled* pursuant to
15 the provisions of chapter 557 of NRS; or

16 (b) The mature stems of the plant, fiber produced from the
17 stems, oil or cake made from the seeds of the plant, any other
18 compound, manufacture, salt, derivative, mixture or preparation of
19 the mature stems (except the resin extracted therefrom), fiber, oil or
20 cake, or the sterilized seed of the plant which is incapable of
21 germination.

22 **Sec. 4.** NRS 453.339 is hereby amended to read as follows:

23 453.339 1. Except as otherwise provided in NRS 453.011 to
24 453.552, inclusive, a person who knowingly or intentionally sells,
25 manufactures, delivers or brings into this State or who is knowingly
26 or intentionally in actual or constructive possession of marijuana or
27 concentrated cannabis shall be punished, if the quantity involved:

28 (a) Is 50 pounds or more, but less than 1,000 pounds, of
29 marijuana or 1 pound or more, but less than 20 pounds, of
30 concentrated cannabis, for a category C felony as provided in NRS
31 193.130 and by a fine of not more than \$25,000.

32 (b) Is 1,000 pounds or more, but less than 5,000 pounds, of
33 marijuana or 20 pounds or more, but less than 100 pounds, of
34 concentrated cannabis, for a category B felony by imprisonment in
35 the state prison for a minimum term of not less than 2 years and a
36 maximum term of not more than 10 years and by a fine of not more
37 than \$50,000.

38 (c) Is 5,000 pounds or more of marijuana or 100 pounds or more
39 of concentrated cannabis, for a category A felony by imprisonment
40 in the state prison:

41 (1) For life with the possibility of parole, with eligibility for
42 parole beginning when a minimum of 5 years has been served; or

43 (2) For a definite term of 15 years, with eligibility for parole
44 beginning when a minimum of 5 years has been served,

45 ↪ 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, **and section 94 of this act**, which is grown or cultivated pursuant to the provisions of chapter 557 of NRS. The term does not include concentrated cannabis.

(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.

Sec. 5. NRS 453.411 is hereby amended to read as follows:

453.411 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 **† or the provisions of chapter 453A of NRS.**

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 **† or when used in accordance with the provisions of chapter 453A of NRS.**

3. Unless a greater penalty is provided in NRS 212.160, a person who violates this section shall be punished:

(a) If the controlled substance is listed in schedule I, II, III or IV, for a category E felony as provided in NRS 193.130.

(b) If the controlled substance is listed in schedule V, for a gross misdemeanor by imprisonment in the county jail for not more than 364 days, and may be further punished by a fine of not more than \$1,000.

Sec. 6. Chapter 453A of NRS is hereby amended by adding thereto the provisions set forth as sections 7 to 13, inclusive, of this act.

Sec. 7. *"Department" means the Department of Taxation.*

Sec. 8. *"Medical marijuana research facility" means a facility described in section 12 of this act.*

Sec. 9. *"Nonprofit medical marijuana dispensary" means a medical marijuana dispensary which provides education on the medical use of marijuana and sells at a reduced price or donates marijuana or related supplies and educational materials to persons who hold valid registry identification cards on the basis of financial need.*

Sec. 10. 1. *A medical marijuana establishment may be organized as a corporation and issue shares of common or preferred stock as evidence of an ownership interest in the medical marijuana establishment.*



1 2. *A person may not acquire ownership of stock in a medical*
2 *marijuana establishment unless the person complies with the*
3 *requirements of paragraphs (a), (b) and (c) of subsection 2 of*
4 *NRS 453A.334.*

5 **Sec. 11. 1.** *A nonprofit medical marijuana dispensary may:*

6 *(a) Engage in any activity that a medical marijuana dispensary*
7 *is authorized to engage in; and*

8 *(b) Subject to any limitations prescribed by regulation of the*
9 *Department, accept donations of marijuana for sale at a reduced*
10 *price or as a donation to persons who hold valid registry*
11 *identification cards on the basis of financial need.*

12 2. *A nonprofit medical marijuana dispensary, in consultation*
13 *with the Department, shall:*

14 *(a) Provide education to persons who hold valid registry*
15 *identification cards relating to the medical use of marijuana; and*

16 *(b) Subject to any limitations prescribed by regulation of the*
17 *Department, sell at a reduced price or donate marijuana to*
18 *persons who hold valid registry identification cards on the basis of*
19 *financial need.*

20 3. *The Department shall adopt such regulations as it*
21 *determines to be necessary or advisable to carry out the provisions*
22 *of this section.*

23 **Sec. 12. 1.** *The Department shall establish standards for*
24 *and certify one or more medical marijuana research facilities to*
25 *perform research relating to the medical use of marijuana,*
26 *including, without limitation, the possession, cultivation and*
27 *processing of marijuana, the creation of products containing*
28 *marijuana and the administration of products containing*
29 *marijuana to persons who may legally consume such products for*
30 *scientific study.*

31 2. *To obtain certification by the Department as a medical*
32 *marijuana research facility, an applicant must:*

33 *(a) Be certified pursuant to this section.*

34 *(b) Apply successfully as required pursuant to NRS 453A.322.*

35 *(c) Pay the fees required pursuant to NRS 453A.344.*

36 3. *The Department, in collaboration with the Division of*
37 *Public and Behavioral Health of the Department of Health and*
38 *Human Services, shall establish a scientific review panel*
39 *composed of persons with the experience, knowledge and ability to*
40 *evaluate:*

41 *(a) A program of research proposed by a proposed medical*
42 *marijuana research facility;*

43 *(b) Revisions to a program of research proposed by a medical*
44 *marijuana research facility; and*



1 (c) Whether a proposed medical marijuana research facility or
2 medical marijuana research facility, as applicable, has the
3 appropriate personnel, expertise, infrastructure, funding and any
4 necessary approval from the Federal Government, this State or a
5 local government to successfully perform a proposed or revised
6 program of research, as applicable.

7 4. Before issuing a medical marijuana establishment
8 registration certificate to a medical marijuana research facility,
9 the Department shall:

10 (a) Require the proposed medical marijuana research facility
11 to submit to the Department a description of the program of
12 research that the proposed medical marijuana research facility
13 intends to conduct and the capacity of the proposed medical
14 marijuana research facility to conduct the proposed program of
15 research; and

16 (b) If the program of research has not received approval from
17 the Federal Government pursuant to 21 U.S.C. § 823 or other
18 applicable provisions of federal law, transmit the information
19 received pursuant to paragraph (a) to the scientific review panel
20 for evaluation.

21 5. Before a medical marijuana research facility makes any
22 change to its program of research which has not received approval
23 from the Federal Government pursuant to 21 U.S.C. § 823 or
24 other applicable provisions of federal law, the medical marijuana
25 research facility must submit to the Department for transmission
26 to the scientific review panel a description of the revised program
27 of research that the medical marijuana research facility intends to
28 conduct and the capacity of the medical marijuana research
29 facility to conduct the revised program of research.

30 6. The scientific review panel shall evaluate the information
31 received from the Department pursuant to subsection 4 or 5 as
32 soon as practicable and recommend to the Department whether
33 the program of research should be approved.

34 7. If the scientific review panel recommends approval of a
35 program of research or a program of research has received
36 approval from the Federal Government pursuant to 21 U.S.C. §
37 823 or other applicable provisions of federal law, the Department
38 may:

39 (a) Approve the issuance of a medical marijuana
40 establishment registration certificate to the proposed medical
41 marijuana research facility; or

42 (b) Authorize the medical marijuana research facility to
43 change its program of research.

44 **Sec. 13.** In addition to any other remedy or penalty, the
45 Executive Director of the Department may impose an



1 *administrative fine of not more than \$10,000 per violation upon a*
2 *person who violates any provision of NRS 453A.320 to 453A.370,*
3 *inclusive, and sections 10 to 13, inclusive, of this act or any*
4 *regulation adopted pursuant thereto.*

5 **Sec. 14.** NRS 453A.010 is hereby amended to read as follows:

6 453A.010 As used in this chapter, unless the context otherwise
7 requires, the words and terms defined in NRS 453A.020 to
8 453A.170, inclusive, *and sections 7, 8 and 9 of this act* have the
9 meanings ascribed to them in those sections.

10 **Sec. 15.** NRS 453A.030 is hereby amended to read as follows:

11 453A.030 “Attending ~~physician~~ *provider of health care*”
12 means a ~~physician~~ *provider of health care, as defined in NRS*
13 *629.031*, who:

14 1. Is licensed *or certified* to practice ~~;~~

15 ~~—(a) Medicine pursuant to the provisions of chapter 630 of NRS;~~
16 ~~or~~

17 ~~—(b) Osteopathic medicine pursuant to the provisions of chapter~~
18 ~~633 of NRS; and~~ *a profession which authorizes the person to*
19 *issue a recommendation for the medical use of marijuana to*
20 *mitigate the symptoms or effects of a chronic or debilitating*
21 *medical condition; and*

22 2. Has responsibility for the care and treatment of a person
23 diagnosed with a chronic or debilitating medical condition.

24 **Sec. 16.** NRS 453A.050 is hereby amended to read as follows:

25 453A.050 “Chronic or debilitating medical condition” means:

26 1. Acquired immune deficiency syndrome;

27 2. Cancer;

28 3. Glaucoma;

29 4. *Post-traumatic stress disorder;*

30 5. A medical condition or treatment for a medical condition
31 that produces, for a specific patient, one or more of the following:

32 (a) Cachexia;

33 (b) Persistent muscle spasms, including, without limitation,
34 spasms caused by multiple sclerosis;

35 (c) Seizures, including, without limitation, seizures caused by
36 epilepsy;

37 (d) Severe nausea; or

38 (e) Severe pain; or

39 ~~5-~~ 6. Any other medical condition or treatment for a medical
40 condition that is:

41 (a) Classified as a chronic or debilitating medical condition by
42 regulation of the ~~Division; or~~ *Department;*

43 (b) Approved as a chronic or debilitating medical condition
44 pursuant to a petition submitted in accordance with NRS 453A.710

45 ~~4~~ *;* *or*



1 *(c) Determined to be, in the opinion of the attending provider*
2 *of health care, chronic or debilitating and identified as such in*
3 *written documentation submitted with an application for a registry*
4 *identification card or letter of approval pursuant to*
5 *NRS 453A.210.*

6 **Sec. 17.** NRS 453A.056 is hereby amended to read as follows:
7 453A.056 “Cultivation facility” means a business that:

8 1. Is registered with the ~~{Division}~~ *Department* pursuant to
9 NRS 453A.322; and

10 2. Acquires, possesses, cultivates, delivers, transfers,
11 transports, supplies or sells marijuana and related supplies to:

12 (a) Medical marijuana dispensaries;

13 (b) Facilities for the production of edible marijuana products or
14 marijuana-infused products; or

15 (c) Other cultivation facilities.

16 **Sec. 18.** NRS 453A.080 is hereby amended to read as follows:

17 453A.080 1. “Designated primary caregiver” means a person
18 who:

19 (a) Is 18 years of age or older;

20 (b) Has significant responsibility for managing the well-being of
21 a person diagnosed with a chronic or debilitating medical condition;
22 and

23 (c) Is designated as such in the manner required pursuant to
24 NRS 453A.250.

25 2. The term does not include the attending ~~{physician}~~ *provider*
26 *of health care* of a person diagnosed with a chronic or debilitating
27 medical condition.

28 **Sec. 19.** NRS 453A.102 is hereby amended to read as follows:

29 453A.102 “Electronic verification system” means an electronic
30 database that:

31 1. Keeps track of data in real time; and

32 2. Is accessible by the ~~{Division}~~ *Department* and by registered
33 medical marijuana establishments.

34 **Sec. 20.** NRS 453A.104 is hereby amended to read as follows:

35 453A.104 1. “Excluded felony offense” means:

36 (a) A crime of violence; ~~{or}~~

37 (b) A violation of a state or federal law pertaining to controlled
38 substances, if the law was punishable as a felony in the jurisdiction
39 where the person was convicted ~~{H}~~ *; or*

40 *(c) A crime involving fraud.*

41 2. The term does not include:

42 (a) A criminal offense for which the sentence, including any
43 term of probation, incarceration or supervised release, was
44 completed more than 10 years before; or



1 (b) An offense involving conduct that would be immune from
2 arrest, prosecution or penalty pursuant to NRS 453A.320 to
3 453A.370, inclusive, *and sections 10 to 13, inclusive, of this act*
4 except that the conduct occurred before April 1, 2014, or was
5 prosecuted by an authority other than the State of Nevada.

6 **Sec. 21.** NRS 453A.105 is hereby amended to read as follows:

7 453A.105 “Facility for the production of edible marijuana
8 products or marijuana-infused products” means a business that:

9 1. Is registered with the ~~{Division}~~ *Department* pursuant to
10 NRS 453A.322; and

11 2. Acquires, possesses, manufactures, delivers, transfers,
12 transports, supplies or sells edible marijuana products or marijuana-
13 infused products to medical marijuana dispensaries.

14 **Sec. 22.** NRS 453A.109 is hereby amended to read as follows:

15 453A.109 “Letter of approval” means a document issued by
16 the ~~{Division}~~ *Department* to an applicant who is under 10 years of
17 age pursuant to NRS 453A.220 which provides that the applicant is
18 exempt from state prosecution for engaging in the medical use of
19 marijuana.

20 **Sec. 23.** NRS 453A.115 is hereby amended to read as follows:

21 453A.115 *1.* “Medical marijuana dispensary” means a
22 business that:

23 ~~{1}~~ *(a)* Is registered with the ~~{Division}~~ *Department* pursuant
24 to NRS 453A.322; and

25 ~~{2}~~ *(b)* Acquires, possesses, delivers, transfers, transports,
26 supplies, sells or dispenses marijuana or related supplies and
27 educational materials to the holder of a valid registry identification
28 card.

29 *2. The term includes a nonprofit medical marijuana*
30 *dispensary.*

31 **Sec. 24.** NRS 453A.116 is hereby amended to read as follows:

32 453A.116 “Medical marijuana establishment” means:

33 1. An independent testing laboratory;

34 2. A cultivation facility;

35 3. A facility for the production of edible marijuana products or
36 marijuana-infused products; ~~{or}~~

37 4. A medical marijuana dispensary ~~{;}~~ *or*

38 *5. A medical marijuana research facility.*

39 **Sec. 25.** NRS 453A.118 is hereby amended to read as follows:

40 453A.118 “Medical marijuana establishment agent registration
41 card” means a registration card that is issued by the ~~{Division}~~
42 *Department* pursuant to NRS 453A.332 to authorize a person to
43 volunteer or work at a medical marijuana establishment.



1 **Sec. 26.** NRS 453A.119 is hereby amended to read as follows:
2 453A.119 “Medical marijuana establishment registration
3 certificate” means a registration certificate that is issued by the
4 ~~Division~~ **Department** pursuant to NRS 453A.322 to authorize the
5 operation of a medical marijuana establishment.

6 **Sec. 27.** NRS 453A.140 is hereby amended to read as follows:
7 453A.140 **1.** “Registry identification card” means a
8 document issued by the ~~Division~~ **Department** or its designee that
9 identifies:

10 ~~H~~ **(a)** A person who is exempt from state prosecution for
11 engaging in the medical use of marijuana; or

12 ~~F~~ **(b)** The designated primary caregiver, if any, of a person
13 described in subsection 1.

14 **2. The term includes a permanent registry identification card**
15 **issued to a veteran pursuant to paragraph (c) of subsection 1 of**
16 **NRS 453A.220.**

17 **Sec. 28.** NRS 453A.170 is hereby amended to read as follows:

18 453A.170 “Written documentation” means:

19 1. A statement signed by the attending ~~physician~~ **provider of**
20 **health care** of a person diagnosed with a chronic or debilitating
21 medical condition; or

22 2. Copies of the relevant medical records of a person diagnosed
23 with a chronic or debilitating medical condition.

24 **Sec. 29.** NRS 453A.200 is hereby amended to read as follows:

25 453A.200 1. Except as otherwise provided in this section and
26 NRS 453A.300, a person who holds a valid registry identification
27 card issued to the person pursuant to NRS 453A.220 or 453A.250 is
28 exempt from state prosecution for:

29 (a) Possession, delivery or production of marijuana;

30 (b) Possession or delivery of paraphernalia;

31 (c) Aiding and abetting another in the possession, delivery or
32 production of marijuana;

33 (d) Aiding and abetting another in the possession or delivery of
34 paraphernalia;

35 (e) Any combination of the acts described in paragraphs (a) to
36 (d), inclusive; and

37 (f) Any other criminal offense in which the possession, delivery
38 or production of marijuana or the possession or delivery of
39 paraphernalia is an element.

40 2. In addition to the provisions of subsections 1 and 5, no
41 person may be subject to state prosecution for constructive
42 possession, conspiracy or any other criminal offense solely for being
43 in the presence or vicinity of the medical use of marijuana in
44 accordance with the provisions of this chapter.



1 3. The exemption from state prosecution set forth in subsection
2 1 applies only to the extent that a person who holds a registry
3 identification card issued to the person pursuant to paragraph (a) *or*
4 *(c)* of subsection 1 of NRS 453A.220 and the designated primary
5 caregiver, if any, of such a person:

6 (a) Engage in or assist in, as applicable, the medical use of
7 marijuana in accordance with the provisions of this chapter as
8 justified to mitigate the symptoms or effects of a person's chronic or
9 debilitating medical condition; and

10 (b) Do not, at any one time, collectively possess with another
11 who is authorized to possess, deliver or produce more than:

12 (1) ~~Two and one-half ounces of usable marijuana in any one~~
13 ~~14-day period;~~ *marijuana flower, two and one-half pounds of*
14 *marijuana leaf and 90 grams of crude concentrated cannabis or*
15 *30 grams of purified concentrated cannabis;*

16 (2) Twelve marijuana plants, irrespective of whether the
17 marijuana plants are mature or immature; and

18 (3) A ~~maximum allowable~~ quantity of edible marijuana
19 products and marijuana-infused products as established by
20 regulation of the ~~Division~~ *Department*.

21 ➤ The persons described in this subsection must ensure that the
22 usable marijuana and marijuana plants described in this subsection
23 are safeguarded in an enclosed, secure location.

24 4. If the persons described in subsection 3 possess, deliver or
25 produce marijuana in an amount which exceeds the amount
26 described in paragraph (b) of that subsection, those persons:

27 (a) Are not exempt from state prosecution for possession,
28 delivery or production of marijuana.

29 (b) May establish an affirmative defense to charges of
30 possession, delivery or production of marijuana, or any combination
31 of those acts, in the manner set forth in NRS 453A.310.

32 5. A person who holds a valid medical marijuana establishment
33 registration certificate issued to the person pursuant to NRS
34 453A.322 or a valid medical marijuana establishment agent
35 registration card issued to the person pursuant to NRS 453A.332,
36 and who confines his or her activities to those authorized by NRS
37 453A.320 to 453A.370, inclusive, *and sections 10 to 13, inclusive,*
38 *of this act*, and the regulations adopted by the ~~Division~~
39 *Department* pursuant thereto, is exempt from state prosecution for:

40 (a) Possession, delivery or production of marijuana;

41 (b) Possession or delivery of paraphernalia;

42 (c) Aiding and abetting another in the possession, delivery or
43 production of marijuana;

44 (d) Aiding and abetting another in the possession or delivery of
45 paraphernalia;



1 (e) Any combination of the acts described in paragraphs (a) to
2 (d), inclusive; and

3 (f) Any other criminal offense in which the possession, delivery
4 or production of marijuana or the possession or delivery of
5 paraphernalia is an element.

6 6. ~~[Notwithstanding any other provision of law and except]~~
7 *Except* as otherwise provided in ~~[this subsection, after a medical~~
8 ~~marijuana dispensary opens in the county of residence of a person~~
9 ~~who holds a registry identification card, including, without~~
10 ~~limitation, a designated primary caregiver, such a person is not~~
11 ~~authorized to cultivate.]~~ *subsection 3, a person who holds a valid*
12 *registry identification card, and the designated primary caregiver*
13 *of such a person, or the designated primary caregiver of a person*
14 *who holds a letter of approval may:*

15 (a) *Cultivate*, grow or produce marijuana ~~[The provisions of~~
16 ~~this subsection do not apply if:~~

17 ~~—(a) The person who holds the registry identification card was~~
18 ~~cultivating, growing or producing marijuana in accordance with this~~
19 ~~chapter on or before July 1, 2013;~~

20 ~~—(b) All the medical marijuana dispensaries in the county of~~
21 ~~residence of the person who holds the registry identification card~~
22 ~~close or are unable to supply the quantity or strain of marijuana~~
23 ~~necessary for the medical use of the person to treat his or her~~
24 ~~specific medical condition;~~

25 ~~—(c) Because of illness or lack of transportation, the person who~~
26 ~~holds the registry identification card is unable reasonably to travel to~~
27 ~~a medical marijuana dispensary; or~~

28 ~~—(d) No medical marijuana dispensary was operating within 25~~
29 ~~miles of the residence of the person who holds the registry~~
30 ~~identification card at the time the person first applied for his or her~~
31 ~~registry identification card.]~~ *for use by the person who holds the*
32 *registry identification card or letter of approval, as applicable; and*

33 (b) *Give or otherwise deliver marijuana to another person who*
34 *holds a valid registry identification card, and the designated*
35 *primary caregiver of such a person, or the designated primary*
36 *caregiver of a person who holds a letter of approval if:*

37 (1) *No compensation in any form is received in exchange*
38 *for giving or otherwise delivering the marijuana;*

39 (2) *The transaction is not in any way advertised or*
40 *promoted to the public; and*

41 (3) *The amount of marijuana given or otherwise delivered*
42 *does not cause any person to possess marijuana in excess of the*
43 *amounts described in paragraph (b) of subsection 3.*

44 7. As used in this section ~~[“marijuana”]~~:



1 (a) *“Crude concentrated cannabis” means concentrated*
2 *cannabis, as defined in NRS 453.042, which has not been purified.*

3 (b) *“Marijuana” includes, without limitation, edible marijuana*
4 *products and marijuana-infused products.*

5 (c) *“Marijuana flower” means the flower or any part thereof*
6 *of a plant of the genus Cannabis.*

7 (d) *“Marijuana leaf” means the leaf or any part thereof of a*
8 *plant of the genus Cannabis.*

9 (e) *“Purified concentrated cannabis” means concentrated*
10 *cannabis, as defined in NRS 453.042, which has been purified.*

11 **Sec. 30.** NRS 453A.210 is hereby amended to read as follows:

12 453A.210 1. The ~~{Division}~~ *Department* shall establish and
13 maintain a program for the issuance of registry identification cards
14 and letters of approval to persons who meet the requirements of this
15 section.

16 2. Except as otherwise provided in subsections 3 and 5 and
17 NRS 453A.225, the ~~{Division}~~ *Department* or its designee shall
18 issue a registry identification card to a person who is a resident of
19 this State and who submits an application on a form prescribed by
20 the ~~{Division}~~ *Department to the Department or a medical*
21 *marijuana dispensary* accompanied by the following:

22 (a) Valid, written documentation from the person’s attending
23 ~~{physician}~~ *provider of health care* stating that:

24 (1) The person has been diagnosed with a chronic or
25 debilitating medical condition;

26 (2) The medical use of marijuana may mitigate the symptoms
27 or effects of that condition; and

28 (3) The attending ~~{physician}~~ *provider of health care* has
29 explained the possible risks and benefits of the medical use of
30 marijuana;

31 (b) The name, address, telephone number, social security
32 number and date of birth of the person;

33 (c) Proof satisfactory to the ~~{Division}~~ *Department* that the
34 person is a resident of this State;

35 (d) The name, address and telephone number of the person’s
36 attending ~~{physician}~~ *provider of health care*;

37 (e) If the person elects to designate a primary caregiver at the
38 time of application:

39 (1) The name, address, telephone number and social security
40 number of the designated primary caregiver; and

41 (2) A written, signed statement from the person’s attending
42 ~~{physician}~~ *provider of health care* in which the attending
43 ~~{physician}~~ *provider of health care* approves of the designation of
44 the primary caregiver; ~~{and}~~



1 (f) If the person elects to designate a medical marijuana
2 dispensary at the time of application, the name of the medical
3 marijuana dispensary ~~H~~; and

4 (g) *If the person is applying for a permanent registry*
5 *identification card issued pursuant to paragraph (c) of subsection*
6 *1 of NRS 453A.220:*

7 (1) *Evidence satisfactory to the Department that he or she*
8 *has been honorably discharged from the Armed Forces of the*
9 *United States; or*

10 (2) *Written documentation from the person's attending*
11 *provider of health care that the person suffers from a chronic or*
12 *debilitating medical condition which is terminal, incurable or*
13 *permanent.*

14 3. The ~~Division~~ *Department* or its designee shall issue a
15 registry identification card to a person who is at least 10 years of age
16 but less than 18 years of age or a letter of approval to a person who
17 is less than 10 years of age if:

18 (a) The person submits the materials required pursuant to
19 subsection 2; and

20 (b) The custodial parent or legal guardian with responsibility for
21 health care decisions for the person under 18 years of age signs a
22 written statement setting forth that:

23 (1) The attending ~~physician~~ *provider of health care* of the
24 person under 18 years of age *is a physician licensed pursuant to*
25 *chapter 630 or 633 of NRS and* has explained to that person and to
26 the custodial parent or legal guardian with responsibility for health
27 care decisions for the person under 18 years of age the possible risks
28 and benefits of the medical use of marijuana;

29 (2) The custodial parent or legal guardian with responsibility
30 for health care decisions for the person under 18 years of age
31 consents to the use of marijuana by the person under 18 years of age
32 for medical purposes;

33 (3) The custodial parent or legal guardian with responsibility
34 for health care decisions for the person under 18 years of age agrees
35 to serve as the designated primary caregiver for the person under 18
36 years of age; and

37 (4) The custodial parent or legal guardian with responsibility
38 for health care decisions for the person under 18 years of age agrees
39 to control the acquisition of marijuana and the dosage and frequency
40 of use by the person under 18 years of age.

41 4. ~~The form prescribed by the Division to be used by a person~~
42 ~~applying for a registry identification card or letter of approval~~
43 ~~pursuant to this section must be a form that is in quintuplicate.~~

44 Upon receipt of an application that is completed and submitted



1 pursuant to this section ~~{}~~ *from a person or a medical marijuana*
2 *dispensary on behalf of a person*, the ~~{Division}~~ *Department* shall:

3 (a) Record on the application the date on which it was received;

4 (b) Retain one copy of the application for the records of the
5 ~~{Division;}~~ *Department*; and

6 (c) Distribute ~~{the other four}~~ copies of the application in the
7 following manner:

8 (1) One copy to the person who submitted the application;

9 (2) One copy to the applicant's designated primary caregiver,

10 if any; *and*

11 (3) ~~{One copy to the Central Repository for Nevada Records~~
12 ~~of Criminal History; and~~

13 ~~— (4) One copy to {~~

14 ~~— (I) If the attending physician of the applicant is licensed~~
15 ~~to practice medicine pursuant to the provisions of chapter 630 of~~
16 ~~NRS, the Board of Medical Examiners; or~~

17 ~~— (II) If the attending physician of the applicant is licensed~~
18 ~~to practice osteopathic medicine pursuant to the provisions of~~
19 ~~chapter 633 of NRS, the State Board of Osteopathic Medicine.~~

20 ~~↪ The Central Repository for Nevada Records of Criminal History~~
21 ~~shall report to the Division its findings as to the criminal history, if~~
22 ~~any, of an applicant within 15 days after receiving a copy of an~~
23 ~~application pursuant to subparagraph (3) of paragraph (c). The~~
24 ~~Board of Medical Examiners or the State Board of Osteopathic~~
25 ~~Medicine, as applicable, the professional licensing board that has~~
26 ~~issued a license or certification to the attending provider of health~~
27 ~~care.~~

28 ~~↪ The applicable professional licensing board~~ shall report to the
29 ~~{Division}~~ *Department* its findings as to the licensure *or*
30 *certification, as applicable*, and standing of the applicant's
31 attending ~~{physician}~~ *provider of health care* within 15 days after
32 receiving a copy of an application pursuant to subparagraph ~~{(4)}~~ (3)
33 of paragraph (c).

34 5. The ~~{Division shall}~~ *Department may* verify the information
35 contained in an application submitted pursuant to this section and
36 shall approve or deny an application within 30 days after receiving
37 the application. The ~~{Division}~~ *Department* may contact an
38 applicant, the applicant's attending ~~{physician}~~ *provider of health*
39 *care* and designated primary caregiver, if any, by telephone to
40 determine that the information provided on or accompanying the
41 application is accurate. The ~~{Division}~~ *Department* may deny an
42 application only on the following grounds:

43 (a) The applicant failed to provide the information required
44 pursuant to subsections 2 and 3 to:



1 (1) Establish the applicant's chronic or debilitating medical
2 condition; or

3 (2) Document the applicant's consultation with an attending
4 ~~{physician}~~ *provider of health care* regarding the medical use of
5 marijuana in connection with that condition;

6 (b) The applicant failed to comply with regulations adopted by
7 the ~~{Division}~~ *Department*, including, without limitation, the
8 regulations adopted by the ~~{Administrator}~~ *Executive Director of*
9 *the Department* pursuant to NRS 453A.740;

10 (c) The ~~{Division}~~ *Department* determines that the information
11 provided by the applicant was falsified;

12 (d) The ~~{Division}~~ *Department* determines that the attending
13 ~~{physician}~~ *provider of health care* of the applicant is not licensed
14 ~~{to practice medicine or osteopathic medicine}~~ *or certified* in this
15 State or is not in good standing, as reported by the ~~{Board of~~
16 ~~Medical Examiners or the State Board of Osteopathic Medicine, as}~~
17 applicable ~~{}~~ *professional licensing board*;

18 ~~{The Division determines that the applicant, or the~~
19 ~~applicant's designated primary caregiver, if applicable, has been~~
20 ~~convicted of knowingly or intentionally selling a controlled~~
21 ~~substance;~~

22 ~~{f}~~ The ~~{Division}~~ *Department* has prohibited the applicant
23 from obtaining or using a registry identification card or letter of
24 approval pursuant to subsection 2 of NRS 453A.300;

25 ~~{g}~~ *f* The ~~{Division}~~ *Department* determines that the
26 applicant, or the applicant's designated primary caregiver, if
27 applicable, has had a registry identification card or letter of approval
28 revoked pursuant to NRS 453A.225; or

29 ~~{h}~~ *g* In the case of a person under 18 years of age, the
30 custodial parent or legal guardian with responsibility for health care
31 decisions for the person has not signed the written statement
32 required pursuant to paragraph (b) of subsection 3.

33 6. The decision of the ~~{Division}~~ *Department* to deny an
34 application for a registry identification card or letter of approval is a
35 final decision for the purposes of judicial review. Only the person
36 whose application has been denied or, in the case of a person under
37 18 years of age whose application has been denied, the person's
38 parent or legal guardian, has standing to contest the determination of
39 the ~~{Division}~~ *Department*. A judicial review authorized pursuant
40 to this subsection must be limited to a determination of whether the
41 denial was arbitrary, capricious or otherwise characterized by an
42 abuse of discretion and must be conducted in accordance with the
43 procedures set forth in chapter 233B of NRS for reviewing a final
44 decision of an agency.



1 7. A person whose application has been denied may not
2 reapply for 6 months after the date of the denial, unless the
3 ~~{Division}~~ *Department* or a court of competent jurisdiction
4 authorizes reapplication in a shorter time.

5 8. Except as otherwise provided in this subsection, if a person
6 has applied for a registry identification card or letter of approval
7 pursuant to this section and the ~~{Division}~~ *Department* has not yet
8 approved or denied the application, the person, and the person's
9 designated primary caregiver, if any, shall be deemed to hold a
10 registry identification card or letter of approval upon the
11 presentation to a law enforcement officer of the copy of the
12 application provided to him or her pursuant to subsection 4.

13 9. As used in this section, "resident" has the meaning ascribed
14 to it in NRS 483.141.

15 **Sec. 31.** NRS 453A.220 is hereby amended to read as follows:

16 453A.220 1. If the ~~{Division}~~ *Department* approves an
17 application pursuant to subsection 5 of NRS 453A.210, the
18 ~~{Division}~~ *Department* or its designee shall, as soon as practicable
19 after the ~~{Division}~~ *Department* approves the application:

20 (a) Issue a letter of approval or serially numbered registry
21 identification card, as applicable, to the applicant; ~~and~~

22 (b) If the applicant has designated a primary caregiver, issue a
23 serially numbered registry identification card to the designated
24 primary caregiver ~~}; and~~

25 *(c) If the applicant has submitted proof acceptable to the*
26 *Department that he or she is a veteran or suffers from a chronic*
27 *or debilitating medical condition which is terminal, incurable or*
28 *permanent pursuant to paragraph (g) of subsection 2 of NRS*
29 *453A.210, issue a serially numbered permanent registry*
30 *identification card to the applicant.*

31 2. A registry identification card issued pursuant to paragraph
32 (a) of subsection 1 must set forth:

33 (a) The name, address, photograph and date of birth of the
34 applicant;

35 (b) The date of issuance and date of expiration of the registry
36 identification card;

37 (c) The name and address of the applicant's designated primary
38 caregiver, if any;

39 (d) The name of the applicant's designated medical marijuana
40 dispensary, if any; *and*

41 ~~(e) Whether the applicant is authorized to cultivate, grow or~~
42 ~~produce marijuana pursuant to subsection 6 of NRS 453A.200; and~~

43 ~~(f)~~ Any other information prescribed by regulation of the
44 ~~{Division}~~ *Department*.



1 3. A letter of approval issued pursuant to paragraph (a) of
2 subsection 1 must set forth:

3 (a) The name, address and date of birth of the applicant;

4 (b) The date of issuance and date of expiration of the registry
5 identification card of the designated primary caregiver;

6 (c) The name and address of the applicant's designated primary
7 caregiver;

8 (d) The name of the applicant's designated medical marijuana
9 dispensary, if any; and

10 (e) Any other information prescribed by regulation of the
11 ~~Division.~~ *Department.*

12 4. A registry identification card issued pursuant to paragraph
13 (b) of subsection 1 must set forth:

14 (a) The name, address and photograph of the designated primary
15 caregiver;

16 (b) The date of issuance and date of expiration of the registry
17 identification card;

18 (c) The name and address of the applicant for whom the person
19 is the designated primary caregiver;

20 (d) The name of the designated primary caregiver's designated
21 medical marijuana dispensary, if any; *and*

22 (e) ~~Whether the designated primary caregiver is authorized to~~
23 ~~cultivate, grow or produce marijuana pursuant to subsection 6 of~~
24 ~~NRS 453A.200; and~~

25 ~~(f)~~ Any other information prescribed by regulation of the
26 ~~Division.~~ *Department.*

27 5. *A permanent registry identification card issued pursuant to*
28 *paragraph (c) of subsection 1:*

29 (a) *Must set forth:*

30 (1) *The name, address, photograph and date of birth of the*
31 *applicant;*

32 (2) *The date of issuance of the permanent registry*
33 *identification card;*

34 (3) *The name and address of the applicant's designated*
35 *primary caregiver, if any;*

36 (4) *The name of the applicant's designated medical*
37 *marijuana dispensary, if any;*

38 (5) *Whether the card was issued on the basis of the*
39 *applicant's status as a veteran or as a person who suffers from a*
40 *chronic or debilitating medical condition which is terminal,*
41 *incurable or permanent; and*

42 (6) *Any other information prescribed by regulation of the*
43 *Department; and*

44 (b) *Except as otherwise provided in subsection 3 of NRS*
45 *453A.230, does not expire.*



1 6. Except as otherwise provided in *subsection 5*, NRS
2 453A.225, subsection 3 of NRS 453A.230 and subsection 2 of NRS
3 453A.300, a registry identification card or letter of approval issued
4 pursuant to this section is valid for a period of 1 year and may be
5 renewed in accordance with regulations adopted by the ~~{Division}~~
6 *Department*.

7 **Sec. 32.** NRS 453A.225 is hereby amended to read as follows:

8 453A.225 1. If, at any time after the ~~{Division}~~ *Department*
9 or its designee has issued a registry identification card or letter of
10 approval to a person pursuant to paragraph (a) *or (c)* of subsection 1
11 of NRS 453A.220, the ~~{Division}~~ *Department* determines, on the
12 basis of official documents or records or other credible evidence,
13 that the person:

14 (a) Provided falsified information on his or her application to the
15 ~~{Division}~~ *Department* or its designee, as described in paragraph (c)
16 of subsection 5 of NRS 453A.210; or

17 (b) Has been convicted of knowingly or intentionally selling a
18 controlled substance, ~~as described in paragraph (e) of subsection 5~~
19 ~~of NRS 453A.210;~~

20 ~~↳~~ the ~~{Division}~~ *Department* shall immediately revoke the registry
21 identification card or letter of approval issued to that person and
22 shall immediately revoke the registry identification card issued to
23 that person's designated primary caregiver, if any.

24 2. If, at any time after the ~~{Division}~~ *Department* or its
25 designee has issued a registry identification card to a person
26 pursuant to paragraph (b) of subsection 1 of NRS 453A.220 or
27 pursuant to NRS 453A.250, the ~~{Division}~~ *Department* determines,
28 on the basis of official documents or records or other credible
29 evidence, that the person has been convicted of knowingly or
30 intentionally selling a controlled substance, ~~as described in~~
31 ~~paragraph (e) of subsection 5 of NRS 453A.210, the Division}~~ *the*
32 *Department* shall immediately revoke the registry identification
33 card issued to that person.

34 3. Upon the revocation of a registry identification card or letter
35 of approval pursuant to this section:

36 (a) The ~~{Division}~~ *Department* shall send, by certified mail,
37 return receipt requested, notice to the person whose registry
38 identification card or letter of approval has been revoked, advising
39 the person of the requirements of paragraph (b); and

40 (b) The person shall return his or her registry identification card
41 or letter of approval to the ~~{Division}~~ *Department* within 7 days
42 after receiving the notice sent pursuant to paragraph (a).

43 4. The decision of the ~~{Division}~~ *Department* to revoke a
44 registry identification card or letter of approval pursuant to this
45 section is a final decision for the purposes of judicial review.



1 5. A person whose registry identification card or letter of
2 approval has been revoked pursuant to this section may not reapply
3 for a registry identification card or letter of approval pursuant to
4 NRS 453A.210 for 12 months after the date of the revocation, unless
5 the ~~{Division}~~ *Department* or a court of competent jurisdiction
6 authorizes reapplication in a shorter time.

7 **Sec. 33.** NRS 453A.230 is hereby amended to read as follows:

8 453A.230 1. A person to whom the ~~{Division}~~ *Department* or
9 its designee has issued a registry identification card or letter of
10 approval pursuant to paragraph (a) *or (c)* of subsection 1 of NRS
11 453A.220 shall, in accordance with regulations adopted by the
12 ~~{Division}~~ *Department*:

13 (a) Notify the ~~{Division}~~ *Department* of any change in the
14 person's name, address, telephone number, designated medical
15 marijuana dispensary, attending ~~{physician}~~ *provider of health care*
16 or designated primary caregiver, if any; and

17 (b) Submit annually to the ~~{Division}~~ *Department*:

18 (1) ~~{Updated}~~ *If the registry identification card or letter of*
19 *approval was issued pursuant to paragraph (a) of subsection 1 of*
20 *NRS 453A.220, updated* written documentation from the person's
21 attending ~~{physician}~~ *provider of health care* in which the attending
22 ~~{physician}~~ *provider of health care* sets forth that:

23 (I) The person continues to suffer from a chronic or
24 debilitating medical condition;

25 (II) The medical use of marijuana may mitigate the
26 symptoms or effects of that condition; and

27 (III) The attending ~~{physician}~~ *provider of health care*
28 has explained to the person the possible risks and benefits of the
29 medical use of marijuana; and

30 (2) If the person elects to designate a primary caregiver for
31 the subsequent year and the primary caregiver so designated was not
32 the person's designated primary caregiver during the previous year:

33 (I) The name, address, telephone number and social
34 security number of the designated primary caregiver; and

35 (II) A written, signed statement from the person's
36 attending ~~{physician}~~ *provider of health care* in which the attending
37 ~~{physician}~~ *provider of health care* approves of the designation of
38 the primary caregiver.

39 2. A person to whom the ~~{Division}~~ *Department* or its designee
40 has issued a registry identification card pursuant to paragraph (b) of
41 subsection 1 of NRS 453A.220 or pursuant to NRS 453A.250 shall,
42 in accordance with regulations adopted by the ~~{Division}~~,
43 *Department*, notify the ~~{Division}~~ *Department* of any change in the
44 person's name, address, telephone number, designated medical



1 marijuana dispensary or the identity of the person for whom he or
2 she acts as designated primary caregiver.

3 3. If a person fails to comply with the provisions of subsection
4 1 or 2, the registry identification card or letter of approval issued to
5 the person shall be deemed expired. If the registry identification
6 card or letter of approval of a person to whom the ~~Division~~
7 **Department** or its designee issued the card or letter pursuant to
8 paragraph (a) *or (c)* of subsection 1 of NRS 453A.220 is deemed
9 expired pursuant to this subsection, a registry identification card
10 issued to the person's designated primary caregiver, if any, shall
11 also be deemed expired. Upon the deemed expiration of a registry
12 identification card or letter of approval pursuant to this subsection:

13 (a) The ~~Division~~ **Department** shall send, by certified mail,
14 return receipt requested, notice to the person whose registry
15 identification card or letter of approval has been deemed expired,
16 advising the person of the requirements of paragraph (b); and

17 (b) The person shall return his or her registry identification card
18 or letter of approval to the ~~Division~~ **Department** within 7 days
19 after receiving the notice sent pursuant to paragraph (a).

20 **Sec. 34.** NRS 453A.240 is hereby amended to read as follows:

21 453A.240 If a person to whom the ~~Division~~ **Department** or
22 its designee has issued a registry identification card or letter of
23 approval pursuant to paragraph (a) of subsection 1 of NRS
24 453A.220 is diagnosed by the person's attending ~~physician~~
25 **provider of health care** as no longer having a chronic or debilitating
26 medical condition, the person shall return his or her registry
27 identification card or letter of approval and his or her designated
28 primary caregiver, if any, shall return his or her registry
29 identification card to the ~~Division~~ **Department** within 7 days after
30 notification of the diagnosis.

31 **Sec. 35.** NRS 453A.250 is hereby amended to read as follows:

32 453A.250 1. If a person who applies to the ~~Division~~
33 **Department** for a registry identification card or letter of approval or
34 to whom the ~~Division~~ **Department** or its designee has issued a
35 registry identification card or letter of approval pursuant to
36 paragraph (a) *or (c)* of subsection 1 of NRS 453A.220 desires or is
37 required to designate a primary caregiver, the person must:

38 (a) To designate a primary caregiver at the time of application,
39 submit to the ~~Division~~ **Department** the information required
40 pursuant to paragraph (e) of subsection 2 of NRS 453A.210; or

41 (b) To designate a primary caregiver after the ~~Division~~
42 **Department** or its designee has issued a registry identification card
43 or letter of approval to the person, submit to the ~~Division~~
44 **Department** the information required pursuant to subparagraph (2)
45 of paragraph (b) of subsection 1 of NRS 453A.230.



1 2. A person may have only one designated primary caregiver at
2 any one time.

3 3. *Except as otherwise provided in this subsection, a person*
4 *who holds a valid registry identification card may not be the*
5 *designated primary caregiver for more than one person. A person*
6 *with a chronic or debilitating disease who holds a valid registry*
7 *identification card who is the parent or guardian of more than one*
8 *child who has been issued a registry identification card or letter of*
9 *approval may be the designated primary caregiver for one or more*
10 *of such children.*

11 4. If a person designates a primary caregiver after the time that
12 the person initially applies for a registry identification card or letter
13 of approval, the ~~Division~~ **Department** or its designee shall, except
14 as otherwise provided in subsection 5 of NRS 453A.210, issue a
15 registry identification card to the designated primary caregiver as
16 soon as practicable after receiving the information submitted
17 pursuant to paragraph (b) of subsection 1.

18 **Sec. 36.** NRS 453A.300 is hereby amended to read as follows:

19 453A.300 1. A person who holds a registry identification
20 card or letter of approval issued to him or her pursuant to NRS
21 453A.220 or 453A.250 is not exempt from state prosecution for, nor
22 may the person establish an affirmative defense to charges arising
23 from, any of the following acts:

24 (a) Driving, operating or being in actual physical control of a
25 vehicle or a vessel under power or sail while under the influence of
26 marijuana.

27 (b) Engaging in any other conduct prohibited by NRS 484C.110,
28 484C.120, 484C.130, 484C.430, subsection 2 of NRS 488.400, NRS
29 488.410, 488.420, 488.425 or 493.130.

30 (c) Possessing a firearm in violation of paragraph (b) of
31 subsection 1 of NRS 202.257.

32 (d) Possessing marijuana in violation of NRS 453.336 or
33 possessing paraphernalia in violation of NRS 453.560 or 453.566:

34 (1) If the possession of the marijuana or paraphernalia is
35 discovered because the person engaged or assisted in the medical
36 use of marijuana in:

37 (I) Any public place or in any place open to the public or
38 exposed to public view; or

39 (II) Any local detention facility, county jail, state prison,
40 reformatory or other correctional facility, including, without
41 limitation, any facility for the detention of juvenile offenders; or

42 (2) If the possession of the marijuana or paraphernalia occurs
43 on school property.

44 (e) Delivering marijuana to another person who he or she knows
45 does not lawfully hold a registry identification card or letter of



1 approval issued by the ~~{Division}~~ *Department* or its designee
2 pursuant to NRS 453A.220 or 453A.250.

3 (f) Delivering marijuana for consideration to any person,
4 regardless of whether the recipient lawfully holds a registry
5 identification card or letter of approval issued by the ~~{Division}~~
6 *Department* or its designee pursuant to NRS 453A.220 or
7 453A.250.

8 2. Except as otherwise provided in NRS 453A.225 and in
9 addition to any other penalty provided by law, if the ~~{Division}~~
10 *Department* determines that a person has willfully violated a
11 provision of this chapter or any regulation adopted by the ~~{Division}~~
12 *Department* to carry out the provisions of this chapter, the
13 ~~{Division}~~ *Department* may, at its own discretion, prohibit the
14 person from obtaining or using a registry identification card or letter
15 of approval for a period of up to 6 months.

16 3. As used in this section, "school property" means the grounds
17 of any public school described in NRS 388.020 and any private
18 school as defined in NRS 394.103.

19 **Sec. 37.** NRS 453A.310 is hereby amended to read as follows:

20 453A.310 1. Except as otherwise provided in this section and
21 NRS 453A.300, it is an affirmative defense to a criminal charge of
22 possession, delivery or production of marijuana, or any other
23 criminal offense in which possession, delivery or production of
24 marijuana is an element, that the person charged with the offense:

25 (a) Is a person who:

26 (1) Has been diagnosed with a chronic or debilitating
27 medical condition within the 12-month period preceding his or her
28 arrest and has been advised by his or her attending ~~{physician}~~
29 *provider of health care* that the medical use of marijuana may
30 mitigate the symptoms or effects of that chronic or debilitating
31 medical condition;

32 (2) Is engaged in the medical use of marijuana; and

33 (3) Possesses, delivers or produces marijuana only in the
34 amount described in paragraph (b) of subsection 3 of NRS
35 453A.200 or in excess of that amount if the person proves by a
36 preponderance of the evidence that the greater amount is medically
37 necessary as determined by the person's attending ~~{physician}~~
38 *provider of health care* to mitigate the symptoms or effects of the
39 person's chronic or debilitating medical condition; or

40 (b) Is a person who:

41 (1) Is assisting a person described in paragraph (a) in the
42 medical use of marijuana; and

43 (2) Possesses, delivers or produces marijuana only in the
44 amount described in paragraph (b) of subsection 3 of NRS
45 453A.200 or in excess of that amount if the person proves by a



1 preponderance of the evidence that the greater amount is medically
2 necessary as determined by the assisted person's attending
3 ~~physician~~ *provider of health care* to mitigate the symptoms or
4 effects of the assisted person's chronic or debilitating medical
5 condition.

6 2. A person need not hold a registry identification card or letter
7 of approval issued to the person by the ~~Division~~ *Department* or its
8 designee pursuant to NRS 453A.220 or 453A.250 to assert an
9 affirmative defense described in this section.

10 3. Except as otherwise provided in this section and in addition
11 to the affirmative defense described in subsection 1, a person
12 engaged or assisting in the medical use of marijuana who is charged
13 with a crime pertaining to the medical use of marijuana is not
14 precluded from:

15 (a) Asserting a defense of medical necessity; or

16 (b) Presenting evidence supporting the necessity of marijuana
17 for treatment of a specific disease or medical condition,
18 ➤ if the amount of marijuana at issue is not greater than the amount
19 described in paragraph (b) of subsection 3 of NRS 453A.200 and the
20 person has taken steps to comply substantially with the provisions of
21 this chapter.

22 4. A defendant who intends to offer an affirmative defense
23 described in this section shall, not less than 5 days before trial or at
24 such other time as the court directs, file and serve upon the
25 prosecuting attorney a written notice of the defendant's intent to
26 claim the affirmative defense. The written notice must:

27 (a) State specifically why the defendant believes he or she is
28 entitled to assert the affirmative defense; and

29 (b) Set forth the factual basis for the affirmative defense.

30 ➤ A defendant who fails to provide notice of his or her intent to
31 claim an affirmative defense as required pursuant to this subsection
32 may not assert the affirmative defense at trial unless the court, for
33 good cause shown, orders otherwise.

34 **Sec. 38.** NRS 453A.322 is hereby amended to read as follows:

35 453A.322 1. Each medical marijuana establishment must
36 register with the ~~Division~~ *Department*.

37 2. A person who wishes to operate a medical marijuana
38 establishment must submit to the ~~Division~~ *Department* an
39 application on a form prescribed by the ~~Division~~ *Department*.

40 3. Except as otherwise provided in NRS 453A.324, 453A.326,
41 453A.328 and 453A.340, not later than 90 days after receiving an
42 application to operate a medical marijuana establishment, the
43 ~~Division~~ *Department* shall register the medical marijuana
44 establishment and issue a medical marijuana establishment



1 registration certificate and a random 20-digit alphanumeric
2 identification number if:

3 (a) The person who wishes to operate the proposed medical
4 marijuana establishment has submitted to the ~~Division~~
5 *Department* all of the following:

6 (1) The application fee, as set forth in NRS 453A.344;

7 (2) An application, which must include:

8 (I) The legal name of the proposed medical marijuana
9 establishment;

10 (II) The physical address where the proposed medical
11 marijuana establishment will be located and the physical address of
12 any co-owned additional or otherwise associated medical marijuana
13 establishments, the locations of which may not be within 1,000 feet
14 of a public or private school that provides formal education
15 traditionally associated with preschool or kindergarten through
16 grade 12 and that existed on the date on which the application for
17 the proposed medical marijuana establishment was submitted to the
18 ~~Division,~~ *Department*, or within 300 feet of a community facility
19 that existed on the date on which the application for the proposed
20 medical marijuana establishment was submitted to the ~~Division;~~
21 *Department*;

22 (III) Evidence that the applicant controls not less than
23 \$250,000 in liquid assets to cover the initial expenses of opening the
24 proposed medical marijuana establishment and complying with the
25 provisions of NRS 453A.320 to 453A.370, inclusive ~~†~~ , and
26 *sections 10 to 13, inclusive, of this act*;

27 (IV) Evidence that the applicant owns the property on
28 which the proposed medical marijuana establishment will be located
29 or has the written permission of the property owner to operate the
30 proposed medical marijuana establishment on that property;

31 (V) For the applicant and each person who is proposed to
32 be an owner, officer or board member of the proposed medical
33 marijuana establishment, a complete set of the person's fingerprints
34 and written permission of the person authorizing the ~~Division~~
35 *Department* to forward the fingerprints to the Central Repository for
36 Nevada Records of Criminal History for submission to the Federal
37 Bureau of Investigation for its report;

38 (VI) The name, address and date of birth of each person
39 who is proposed to be an owner, officer or board member of the
40 proposed medical marijuana establishment; and

41 (VII) The name, address and date of birth of each person
42 who is proposed to be employed by or otherwise provide labor at the
43 proposed medical marijuana establishment as a medical marijuana
44 establishment agent;



1 (3) Operating procedures consistent with rules of the
2 ~~Division~~ **Department** for oversight of the proposed medical
3 marijuana establishment, including, without limitation:

4 (I) Procedures to ensure the use of adequate security
5 measures; and

6 (II) The use of an electronic verification system and an
7 inventory control system, pursuant to NRS 453A.354 and
8 453A.356;

9 (4) If the proposed medical marijuana establishment will sell
10 or deliver edible marijuana products or marijuana-infused products,
11 proposed operating procedures for handling such products which
12 must be preapproved by the ~~Division;~~ **Department;**

13 (5) If *the proposed medical marijuana establishment will be*
14 *located in a county whose population is 100,000 or more and* the
15 city, town or county in which the proposed medical marijuana
16 establishment will be located has enacted zoning restrictions, proof
17 of licensure with the applicable local governmental authority or a
18 letter from the applicable local governmental authority certifying
19 that the proposed medical marijuana establishment is in compliance
20 with those restrictions and satisfies all applicable building
21 requirements; ~~and~~

22 (6) *If the proposed medical marijuana establishment is a*
23 *nonprofit medical marijuana dispensary:*

24 (I) *Evidence that the proposed medical marijuana*
25 *establishment will be a corporation for public benefit, as defined*
26 *in NRS 82.021, or a nonprofit organization that is recognized as*
27 *exempt from taxation pursuant to section 501(c)(3) of the Internal*
28 *Revenue Code, 26 U.S.C. § 501(c)(3), as amended;*

29 (II) *Proposed plans for the delivery of education relating*
30 *to the medical use of marijuana; and*

31 (III) *Proposed operating procedures for the acceptance*
32 *of marijuana donated by other medical marijuana establishments*
33 *and the sale at a reduced price or as a donation of such marijuana*
34 *to persons who hold valid registry identification cards on the basis*
35 *of financial need; and*

36 (7) Such other information as the ~~Division~~ **Department**
37 may require by regulation;

38 (b) None of the persons who are proposed to be owners, officers
39 or board members of the proposed medical marijuana establishment
40 have been convicted of an excluded felony offense;

41 (c) None of the persons who are proposed to be owners, officers
42 or board members of the proposed medical marijuana establishment
43 have:



1 (1) Served as an owner, officer or board member for a
2 medical marijuana establishment that has had its medical marijuana
3 establishment registration certificate revoked; or

4 (2) Previously had a medical marijuana establishment agent
5 registration card revoked; and

6 (d) None of the persons who are proposed to be owners, officers
7 or board members of the proposed medical marijuana establishment
8 are under 21 years of age.

9 4. For each person who submits an application pursuant to this
10 section, and each person who is proposed to be an owner, officer or
11 board member of a proposed medical marijuana establishment, the
12 ~~Division~~ *Department* shall submit the fingerprints of the person to
13 the Central Repository for Nevada Records of Criminal History for
14 submission to the Federal Bureau of Investigation to determine the
15 criminal history of that person.

16 5. Except as otherwise provided in subsection 6, if an
17 application for registration as a medical marijuana establishment
18 satisfies the requirements of this section and the establishment is not
19 disqualified from being registered as a medical marijuana
20 establishment pursuant to this section or other applicable law, the
21 ~~Division~~ *Department* shall issue to the establishment a medical
22 marijuana establishment registration certificate. A medical
23 marijuana establishment registration certificate expires 1 year after
24 the date of issuance and may be renewed upon:

25 (a) Resubmission of the information set forth in this section;
26 ~~and~~

27 (b) Payment of the renewal fee set forth in NRS 453A.344 ~~H~~;

28 (c) *If the medical marijuana establishment is an independent*
29 *testing laboratory, submission of proof that the independent*
30 *testing laboratory is accredited pursuant to standard ISO/IEC*
31 *17025 of the International Organization for Standardization; and*

32 (d) *If the medical marijuana establishment is a medical*
33 *marijuana research facility, submission of proof that the program*
34 *of research, and any changes thereto, in which the medical*
35 *marijuana research facility is engaged has been approved by the*
36 *scientific review panel established by the Department pursuant to*
37 *section 12 of this act.*

38 6. In determining whether to issue a medical marijuana
39 establishment registration certificate pursuant to this section, the
40 ~~Division~~ *Department* shall consider the criteria of merit set forth
41 in NRS 453A.328.

42 7. As used in this section, “community facility” means:

43 (a) A facility that provides day care to children.

44 (b) A public park.

45 (c) A playground.



1 (d) A public swimming pool.

2 (e) A center or facility, the primary purpose of which is to
3 provide recreational opportunities or services to children or
4 adolescents.

5 (f) A church, synagogue or other building, structure or place
6 used for religious worship or other religious purpose.

7 **Sec. 39.** NRS 453A.324 is hereby amended to read as follows:

8 453A.324 1. Except as otherwise provided in this section and
9 NRS 453A.326, the ~~Division~~ *Department* shall issue medical
10 marijuana establishment registration certificates for medical
11 marijuana dispensaries , *other than nonprofit medical marijuana*
12 *dispensaries*, in the following quantities for applicants who qualify
13 pursuant to NRS 453A.322:

14 (a) In a county whose population is 700,000 or more, 40
15 certificates;

16 (b) In a county whose population is 100,000 or more but less
17 than 700,000, ten certificates;

18 (c) In a county whose population is 55,000 or more but less than
19 100,000, two certificates; ~~and~~

20 (d) In each other county, one certificate ~~H~~ ; *and*

21 *(e) In a county whose population is less than 100,000, one*
22 *certificate for each incorporated city in the county.*

23 2. Notwithstanding the provisions of subsection 1, the
24 ~~Division~~ *Department*:

25 (a) Shall not issue medical marijuana establishment registration
26 certificates for medical marijuana dispensaries , *other than*
27 *nonprofit medical marijuana dispensaries*, in such a quantity as to
28 cause the existence within the applicable county of more than one
29 medical marijuana dispensary , *other than a nonprofit medical*
30 *marijuana dispensary*, for every ten pharmacies that have been
31 licensed in the county pursuant to chapter 639 of NRS. The
32 ~~Division~~ *Department* may issue medical marijuana establishment
33 registration certificates for medical marijuana dispensaries , *other*
34 *than nonprofit medical marijuana dispensaries*, in excess of the
35 ratio otherwise allowed pursuant to this paragraph if to do so is
36 necessary to ensure that the ~~Division~~ *Department* issues at least
37 one medical marijuana establishment registration certificate in each
38 county *and incorporated city* of this State in which the ~~Division~~
39 *Department* has approved an application for such an establishment
40 to operate.

41 (b) Shall, for any county *or incorporated city* for which no
42 applicants qualify pursuant to NRS 453A.322, within 2 months after
43 the end of the period during which the ~~Division~~ *Department*
44 accepts applications pursuant to subsection ~~4~~ 6, reallocate the
45 certificates provided for that county *or city, as applicable*, pursuant



1 to subsection 1 to the other counties *or cities* specified in subsection
2 1 in the same proportion as provided in subsection 1.

3 3. *The governing body of a local governmental jurisdiction*
4 *may request the Department to issue a certain number of medical*
5 *marijuana establishment registration certificates for medical*
6 *marijuana dispensaries located within the local governmental*
7 *jurisdiction, other than nonprofit medical marijuana dispensaries,*
8 *in addition to the medical marijuana establishment registration*
9 *certificates issued pursuant to subsection 1. Upon receipt of such a*
10 *request, the Department shall:*

11 (a) *Determine whether the additional number of medical*
12 *marijuana dispensaries are necessary to serve and supply the*
13 *persons who hold valid registry identification cards in the local*
14 *governmental jurisdiction; and*

15 (b) *If the Department determines the additional number of*
16 *medical marijuana dispensaries are necessary pursuant to*
17 *paragraph (a), make a corresponding number of medical*
18 *marijuana establishment registration certificates available during*
19 *the next period in which the Department accepts applications*
20 *pursuant to subsection 6.*

21 4. With respect to medical marijuana establishments that are
22 not medical marijuana dispensaries, the ~~Division~~ *Department* shall
23 determine the appropriate number of such establishments as are
24 necessary to serve and supply the medical marijuana dispensaries to
25 which the ~~Division~~ *Department* has granted medical marijuana
26 establishment registration certificates.

27 ~~4.~~ 5. *The Department shall determine the appropriate*
28 *number of nonprofit medical marijuana dispensaries which are*
29 *necessary to serve the educational needs of persons who hold valid*
30 *registry identification cards and their designated primary*
31 *caregivers and to supply such persons of limited financial means*
32 *with an adequate amount of marijuana for medical use.*

33 6. The ~~Division~~ *Department* shall not, for more than a total
34 of 10 business days in any 1 calendar year, accept applications to
35 operate medical marijuana establishments.

36 7. *As used in this section, "local governmental jurisdiction"*
37 *means a city, town, township or unincorporated area within a*
38 *county.*

39 **Sec. 40.** NRS 453A.326 is hereby amended to read as follows:

40 453A.326 1. Except as otherwise provided in this subsection,
41 in a county whose population is 100,000 or more, the ~~Division~~
42 *Department* shall ensure that not more than 25 percent of the total
43 number of medical marijuana dispensaries , *other than nonprofit*
44 *medical marijuana dispensaries*, that may be certified in the
45 county, as set forth in NRS 453A.324, are located in any one local



1 governmental jurisdiction within the county. The board of county
2 commissioners of the county may increase the percentage described
3 in this subsection if it determines that to do so is necessary to ensure
4 that the more populous areas of the county have access to sufficient
5 distribution of marijuana for medical use.

6 2. To prevent monopolistic practices, the ~~Division~~
7 *Department* shall ensure, in a county whose population is 100,000
8 or more, that it does not issue, to any one person, group of persons
9 or entity, the greater of:

10 (a) One medical marijuana establishment registration certificate;
11 or

12 (b) More than 10 percent of the medical marijuana establishment
13 registration certificates otherwise allocable in the county.

14 3. In a local governmental jurisdiction that issues business
15 licenses ~~H~~ *in a county whose population is 100,000 or more*, the
16 issuance by the ~~Division~~ *Department* of a medical marijuana
17 establishment registration certificate shall be deemed to be
18 provisional until such time as:

19 (a) The establishment is in compliance with all applicable local
20 governmental ordinances or rules; and

21 (b) The local government has issued a business license for the
22 operation of the establishment.

23 4. *In a local governmental jurisdiction that issues business*
24 *licenses in a county whose population is less than 100,000, a*
25 *medical marijuana establishment shall comply with all applicable*
26 *local governmental ordinances or rules and obtain a business*
27 *license for the operation of the establishment.*

28 5. As used in this section, “local governmental jurisdiction”
29 means a city, town, township or unincorporated area within a
30 county.

31 **Sec. 41.** NRS 453A.328 is hereby amended to read as follows:

32 453A.328 In determining whether to issue a medical marijuana
33 establishment registration certificate pursuant to NRS 453A.322, the
34 ~~Division~~ *Department* shall, in addition to the factors set forth in
35 that section, consider the following criteria of merit:

36 1. The total financial resources of the applicant, both liquid and
37 illiquid;

38 2. The previous experience of the persons who are proposed to
39 be owners, officers or board members of the proposed medical
40 marijuana establishment at operating other businesses or nonprofit
41 organizations;

42 3. The educational achievements of the persons who are
43 proposed to be owners, officers or board members of the proposed
44 medical marijuana establishment;



1 4. Any demonstrated knowledge or expertise on the part of the
2 persons who are proposed to be owners, officers or board members
3 of the proposed medical marijuana establishment with respect to the
4 compassionate use of marijuana to treat medical conditions;

5 5. Whether the proposed location of the proposed medical
6 marijuana establishment would be convenient to serve the needs of
7 persons who are authorized to engage in the medical use of
8 marijuana;

9 6. The likely impact of the proposed medical marijuana
10 establishment on the community in which it is proposed to be
11 located;

12 7. The adequacy of the size of the proposed medical marijuana
13 establishment to serve the needs of persons who are authorized to
14 engage in the medical use of marijuana;

15 8. Whether the applicant has an integrated plan for the care,
16 quality and safekeeping of medical marijuana from seed to sale;

17 9. The amount of taxes paid to, or other beneficial financial
18 contributions made to, the State of Nevada or its political
19 subdivisions by the applicant or the persons who are proposed to be
20 owners, officers or board members of the proposed medical
21 marijuana establishment; and

22 10. Any other criteria of merit that the ~~{Division}~~ *Department*
23 determines to be relevant.

24 **Sec. 42.** NRS 453A.332 is hereby amended to read as follows:

25 453A.332 1. Except as otherwise provided in this section, a
26 person shall not volunteer or work at, contract to provide labor to or
27 be employed by an independent contractor to provide labor to a
28 medical marijuana establishment as a medical marijuana
29 establishment agent unless the person is registered with the
30 ~~{Division}~~ *Department* pursuant to this section.

31 2. A medical marijuana establishment that wishes to retain as a
32 volunteer or employ a medical marijuana establishment agent shall
33 submit to the ~~{Division}~~ *Department* an application on a form
34 prescribed by the ~~{Division}~~ *Department*. The application must be
35 accompanied by:

36 (a) The name, address and date of birth of the prospective
37 medical marijuana establishment agent;

38 (b) A statement signed by the prospective medical marijuana
39 establishment agent pledging not to dispense or otherwise divert
40 marijuana to any person who is not authorized to possess marijuana
41 in accordance with the provisions of this chapter;

42 (c) A statement signed by the prospective medical marijuana
43 establishment agent asserting that he or she has not previously had a
44 medical marijuana establishment agent registration card revoked;



1 (d) A complete set of the fingerprints and written permission of
2 the prospective medical marijuana establishment agent authorizing
3 the ~~{Division}~~ **Department** to forward the fingerprints to the Central
4 Repository for Nevada Records of Criminal History for submission
5 to the Federal Bureau of Investigation for its report;

6 (e) The application fee, as set forth in NRS 453A.344; and

7 (f) Such other information as the ~~{Division}~~ **Department** may
8 require by regulation.

9 3. A medical marijuana establishment that wishes to contract
10 with an independent contractor to provide labor as a medical
11 marijuana establishment agent shall *confirm that the independent*
12 *contractor holds a medical marijuana establishment agent*
13 *registration card. If the independent contractor does not hold a*
14 *medical marijuana establishment agent registration card, the*
15 *medical marijuana establishment shall* submit to the ~~{Division}~~
16 **Department** an application on a form prescribed by the ~~{Division}~~
17 **Department** for the registration of the independent contractor and
18 each employee of the independent contractor who will provide labor
19 as a medical marijuana establishment agent. The application must be
20 accompanied by:

21 (a) The name, address and, if the prospective medical marijuana
22 establishment agent has a state business registration, the business
23 identification number assigned by the Secretary of State upon
24 compliance with the provisions of chapter 76 of NRS;

25 (b) The name, address and date of birth of each employee of the
26 prospective medical marijuana establishment agent who will provide
27 labor as a medical marijuana establishment agent;

28 (c) A statement signed by the prospective medical marijuana
29 establishment agent pledging not to dispense or otherwise divert
30 marijuana to, or allow any of its employees to dispense or otherwise
31 divert marijuana to, any person who is not authorized to possess
32 marijuana in accordance with the provisions of this chapter;

33 (d) A statement signed by the prospective medical marijuana
34 establishment agent asserting that it has not previously had a
35 medical marijuana establishment agent registration card revoked and
36 that none of its employees who will provide labor as a medical
37 marijuana establishment agent have previously had a medical
38 marijuana establishment agent registration card revoked;

39 (e) A complete set of the fingerprints of each employee of the
40 prospective medical marijuana establishment agent who will provide
41 labor as a medical marijuana establishment agent and written
42 permission of the prospective medical marijuana establishment
43 agent and each employee of the prospective medical marijuana
44 establishment agent authorizing the ~~{Division}~~ **Department** to
45 forward the fingerprints to the Central Repository for Nevada



1 Records of Criminal History for submission to the Federal Bureau
2 of Investigation for its report;

3 (f) The application fee, as set forth in NRS 453A.344; and

4 (g) Such other information as the ~~{Division}~~ *Department* may
5 require by regulation.

6 4. A medical marijuana establishment shall notify the
7 ~~{Division}~~ *Department* within 10 days after a medical marijuana
8 establishment agent ceases to be employed by, volunteer at or
9 provide labor as a medical marijuana establishment agent to the
10 medical marijuana establishment.

11 5. A person who:

12 (a) Has been convicted of an excluded felony offense; or

13 (b) Is less than 21 years of age,

14 ↪ shall not serve as a medical marijuana establishment agent.

15 6. The ~~{Division}~~ *Department* shall submit the fingerprints of
16 an applicant for registration as a medical marijuana establishment
17 agent to the Central Repository for Nevada Records of Criminal
18 History for submission to the Federal Bureau of Investigation to
19 determine the criminal history of the applicant.

20 7. The provisions of this section do not require a person who is
21 an owner, officer or board member of a medical marijuana
22 establishment to resubmit information already furnished to the
23 ~~{Division}~~ *Department* at the time the establishment was registered
24 with the ~~{Division}~~ *Department*.

25 8. If an applicant for registration as a medical marijuana
26 establishment agent satisfies the requirements of this section and is
27 not disqualified from serving as such an agent pursuant to this
28 section or any other applicable law, the ~~{Division}~~ *Department* shall
29 issue to the person and, for an independent contractor, to each
30 person identified in the independent contractor's application for
31 registration as an employee who will provide labor as a medical
32 marijuana establishment agent, a medical marijuana establishment
33 agent registration card. If the ~~{Division}~~ *Department* does not act
34 upon an application for a medical marijuana establishment agent
35 registration card within 30 days after the date on which the
36 application is received, the application shall be deemed
37 conditionally approved until such time as the ~~{Division}~~ *Department*
38 acts upon the application. A medical marijuana establishment agent
39 registration card expires 1 year after the date of issuance and may be
40 renewed upon:

41 (a) Resubmission of the information set forth in this section; and

42 (b) Payment of the renewal fee set forth in NRS 453A.344.

43 ***9. A medical marijuana establishment agent registration card***
44 ***issued pursuant to this section to an independent contractor or an***
45 ***employee of an independent contractor authorizes the independent***



1 *contractor or employee to provide labor to any medical marijuana*
2 *establishment in this State.*

3 *10. Except as otherwise prescribed by regulation of the*
4 *Department, an applicant for registration or renewal of*
5 *registration as a medical marijuana establishment agent is deemed*
6 *temporarily registered as a medical marijuana establishment agent*
7 *on the date on which a complete application for registration or*
8 *renewal of registration is submitted to the Department. A*
9 *temporary registration as a medical marijuana establishment*
10 *agent expires 30 days after the date upon which an application is*
11 *received.*

12 **Sec. 43.** NRS 453A.334 is hereby amended to read as follows:
13 453A.334 1. Except as otherwise provided in subsection 2,
14 the following are nontransferable:

15 (a) A medical marijuana establishment agent registration card.

16 (b) A medical marijuana establishment registration certificate.

17 2. A medical marijuana establishment may transfer all or any
18 portion of its ownership to another party, and the ~~Division~~
19 *Department* shall transfer the medical marijuana establishment
20 registration certificate issued to the establishment to the party
21 acquiring ownership, if the party who will acquire ~~the~~ *an*
22 ownership *interest of 25 percent or more in* the medical marijuana
23 establishment submits:

24 (a) Evidence satisfactory to the ~~Division~~ *Department* that ~~the~~
25 *, as applicable:*

26 (1) *The* party has complied with the provisions of sub-
27 subparagraph (III) of subparagraph (2) of paragraph (a) of
28 subsection 3 of NRS 453A.322 for the purpose of operating the
29 medical marijuana establishment.

30 (2) *If the medical marijuana establishment is a nonprofit*
31 *medical marijuana dispensary, the party has complied with the*
32 *provisions of subparagraph (6) of paragraph (a) of subsection 3 of*
33 *NRS 453A.322 for the purpose of operating the nonprofit medical*
34 *marijuana dispensary.*

35 (b) For the party and each person who is proposed to be an
36 owner, officer or board member of the proposed medical marijuana
37 establishment, the name, address and date of birth of the person, a
38 complete set of the person's fingerprints and written permission of
39 the person authorizing the ~~Division~~ *Department* to forward the
40 fingerprints to the Central Repository for Nevada Records of
41 Criminal History for submission to the Federal Bureau of
42 Investigation for its report.

43 (c) Proof satisfactory to the ~~Division~~ *Department* that, as a
44 result of the transfer of ownership, no person, group of persons or
45 entity will, in a county whose population is 100,000 or more, hold



1 more than one medical marijuana establishment registration
2 certificate or more than 10 percent of the medical marijuana
3 establishment registration certificates allocated to the county,
4 whichever is greater.

5 **3. *The transfer of a medical marijuana establishment***
6 ***registration certificate pursuant to subsection 2 does not constitute***
7 ***a transfer of ownership of a medical marijuana establishment and***
8 ***shall not be construed to resolve any conflict which may exist over***
9 ***the ownership of a medical marijuana establishment.***

10 **Sec. 44.** NRS 453A.336 is hereby amended to read as follows:

11 453A.336 1. In addition to any other requirements set forth in
12 this chapter, an applicant for the issuance or renewal of a medical
13 marijuana establishment agent registration card or medical
14 marijuana establishment registration certificate shall:

15 (a) Include the social security number of the applicant in the
16 application submitted to the ~~Division~~ **Department**.

17 (b) Submit to the ~~Division~~ **Department** the statement
18 prescribed by the Division of Welfare and Supportive Services of
19 the Department of Health and Human Services pursuant to NRS
20 425.520. The statement must be completed and signed by the
21 applicant.

22 2. The ~~Division~~ **Department** shall include the statement
23 required pursuant to subsection 1 in:

24 (a) The application or any other forms that must be submitted
25 for the issuance or renewal of the medical marijuana establishment
26 agent registration card or medical marijuana establishment
27 registration certificate; or

28 (b) A separate form prescribed by the ~~Division~~ **Department**.

29 3. A medical marijuana establishment agent registration card or
30 medical marijuana establishment registration certificate may not be
31 issued or renewed by the ~~Division~~ **Department** if the applicant:

32 (a) Fails to submit the statement required pursuant to subsection
33 1; or

34 (b) Indicates on the statement submitted pursuant to subsection
35 1 that the applicant is subject to a court order for the support of a
36 child and is not in compliance with the order or a plan approved by
37 the district attorney or other public agency enforcing the order for
38 the repayment of the amount owed pursuant to the order.

39 4. If an applicant indicates on the statement submitted pursuant
40 to subsection 1 that the applicant is subject to a court order for the
41 support of a child and is not in compliance with the order or a plan
42 approved by the district attorney or other public agency enforcing
43 the order for the repayment of the amount owed pursuant to the
44 order, the ~~Division~~ **Department** shall advise the applicant to
45 contact the district attorney or other public agency enforcing the



1 order to determine the actions that the applicant may take to satisfy
2 the arrearage.

3 **Sec. 45.** NRS 453A.338 is hereby amended to read as follows:

4 453A.338 1. If the ~~{Division}~~ *Department* receives a copy of
5 a court order issued pursuant to NRS 425.540 that provides for the
6 suspension of all professional, occupational and recreational
7 licenses, certificates and permits issued to a person who is the
8 holder of a medical marijuana establishment agent registration card
9 or medical marijuana establishment registration certificate, the
10 ~~{Division}~~ *Department* shall deem the card or certificate issued to
11 that person to be suspended at the end of the 30th day after the date
12 on which the court order was issued unless the ~~{Division}~~
13 *Department* receives a letter issued to the holder of the card or
14 certificate by the district attorney or other public agency pursuant to
15 NRS 425.550 stating that the holder of the card or certificate has
16 complied with the subpoena or warrant or has satisfied the arrearage
17 pursuant to NRS 425.560.

18 2. The ~~{Division}~~ *Department* shall reinstate a medical
19 marijuana establishment agent registration card or medical
20 marijuana establishment registration certificate that has been
21 suspended by a district court pursuant to NRS 425.540 if the
22 ~~{Division}~~ *Department* receives a letter issued by the district
23 attorney or other public agency pursuant to NRS 425.550 to the
24 person whose card or certificate was suspended stating that the
25 person whose card or certificate was suspended has complied with
26 the subpoena or warrant or has satisfied the arrearage pursuant to
27 NRS 425.560.

28 **Sec. 46.** NRS 453A.340 is hereby amended to read as follows:

29 453A.340 The following acts constitute grounds for immediate
30 revocation of a medical marijuana establishment registration
31 certificate:

32 1. Dispensing, delivering or otherwise transferring marijuana
33 to a person other than a medical marijuana establishment agent,
34 another medical marijuana establishment or a person who holds a
35 valid registry identification card, including, without limitation, a
36 designated primary caregiver.

37 2. Acquiring usable marijuana or mature marijuana plants from
38 any person other than a medical marijuana establishment agent,
39 another medical marijuana establishment or a person who holds a
40 valid registry identification card, including, without limitation, a
41 designated primary caregiver.

42 3. Violating a regulation of the ~~{Division,}~~ *Department*, the
43 violation of which is stated to be grounds for immediate revocation
44 of a medical marijuana establishment registration certificate.

45 4. Failure to pay a fee imposed pursuant to NRS 453A.330.



1 **5. Engaging in research not approved by the scientific review**
2 **panel established by the Department pursuant to section 12 of this**
3 **act.**

4 **Sec. 47.** NRS 453A.342 is hereby amended to read as follows:

5 453A.342 The following acts constitute grounds for the
6 immediate revocation of the medical marijuana establishment agent
7 registration card of a medical marijuana establishment agent:

8 1. Having committed or committing any excluded felony
9 offense.

10 2. Dispensing, delivering or otherwise transferring marijuana
11 to a person other than a medical marijuana establishment agent,
12 another medical marijuana establishment or a person who holds a
13 valid registry identification card, including, without limitation, a
14 designated primary caregiver.

15 3. Violating a regulation of the ~~Division~~ **Department**, the
16 violation of which is stated to be grounds for immediate revocation
17 of a medical marijuana establishment agent registration card.

18 **Sec. 48.** NRS 453A.344 is hereby amended to read as follows:

19 453A.344 1. Except as otherwise provided in subsection 2,
20 the ~~Division~~ **Department** shall collect not more than the following
21 maximum fees:

23	For the initial issuance of a medical marijuana	
24	establishment registration certificate for a	
25	medical marijuana dispensary	\$30,000
26	For the renewal of a medical marijuana	
27	establishment registration certificate for a	
28	medical marijuana dispensary	5,000
29	For the initial issuance of a medical marijuana	
30	establishment registration certificate for a	
31	cultivation facility	3,000
32	For the renewal of a medical marijuana	
33	establishment registration certificate for a	
34	cultivation facility	1,000
35	For the initial issuance of a medical marijuana	
36	establishment registration certificate for a	
37	facility for the production of edible	
38	marijuana products or marijuana-infused	
39	products	3,000
40	For the renewal of a medical marijuana	
41	establishment registration certificate for a	
42	facility for the production of edible	
43	marijuana products or marijuana-infused	
44	products	1,000



1 For each person identified in an application
 2 for the initial issuance of a medical
 3 marijuana establishment agent registration
 4 card..... \$75
 5 For each person identified in an application
 6 for the renewal of a medical marijuana
 7 establishment agent registration card 75
 8 For the initial issuance of a medical marijuana
 9 establishment registration certificate for an
 10 independent testing laboratory 5,000
 11 For the renewal of a medical marijuana
 12 establishment registration certificate for an
 13 independent testing laboratory 3,000
 14 *For the initial issuance of a medical*
 15 *marijuana establishment registration*
 16 *certificate for a medical marijuana*
 17 *research facility..... 5,000*
 18 *For the renewal of a medical marijuana*
 19 *establishment registration certificate for a*
 20 *medical marijuana research facility..... 3,000*
 21

22 2. In addition to the fees described in subsection 1, each
 23 applicant for a medical marijuana establishment registration
 24 certificate must pay to the ~~Division~~ **Department**:

- 25 (a) A one-time, nonrefundable application fee of \$5,000; and
 26 (b) The actual costs incurred by the ~~Division~~ **Department** in
 27 processing the application, including, without limitation, conducting
 28 background checks.

29 3. Any revenue generated from the fees imposed pursuant to
 30 this section:

31 (a) Must be expended first to pay the costs of the ~~Division~~
 32 **Department** in carrying out the provisions of NRS 453A.320 to
 33 453A.370, inclusive ~~§~~, **and sections 10 to 13, inclusive, of this**
 34 **act**; and

35 (b) If any excess revenue remains after paying the costs
 36 described in paragraph (a), such excess revenue must be paid over to
 37 the State Treasurer to be deposited to the credit of the State
 38 Distributive School Account in the State General Fund.

39 **Sec. 49.** NRS 453A.350 is hereby amended to read as follows:
 40 453A.350 1. Each medical marijuana establishment must:

41 (a) Be located in a ~~separate building or facility that is located in~~
 42 **a** commercial or industrial zone or overlay;

43 (b) Comply with all local ordinances and rules pertaining to
 44 zoning, land use and signage;



1 (c) Have an appearance, both as to the interior and exterior, that
2 is professional, orderly ~~{}~~ and dignified ; ~~{and consistent with the~~
3 ~~traditional style of pharmacies and medical offices;}~~ and

4 (d) Have discreet and professional signage . ~~{that is consistent~~
5 ~~with the traditional style of signage for pharmacies and medical~~
6 ~~offices.}~~

7 2. A medical marijuana establishment may move to a new
8 location under the jurisdiction of the same local government as its
9 original location and regardless of the distance from its original
10 location if the operation of the medical marijuana establishment at
11 the new location has been approved by the local government. A
12 local government may approve a new location pursuant to this
13 subsection only in a public hearing for which written notice is given
14 at least 7 working days before the hearing.

15 **Sec. 50.** NRS 453A.352 is hereby amended to read as follows:

16 453A.352 1. The operating documents of a medical
17 marijuana establishment must include procedures:

18 (a) For the oversight of the medical marijuana establishment;
19 and

20 (b) To ensure accurate recordkeeping, including, without
21 limitation, the provisions of NRS 453A.354 and 453A.356.

22 2. Except as otherwise provided in this subsection, a medical
23 marijuana establishment ~~{~~

24 ~~—(a) That is a medical marijuana dispensary must have a single~~
25 ~~entrance for patrons, which must be secure, and}~~ shall implement
26 strict security measures to deter and prevent the theft of marijuana
27 and unauthorized entrance into areas containing marijuana.

28 ~~{(b) That is not a medical marijuana dispensary must have a~~
29 ~~single secure entrance and shall implement strict security measures~~
30 ~~to deter and prevent the theft of marijuana and unauthorized~~
31 ~~entrance into areas containing marijuana.~~

32 ~~→}~~ The provisions of this subsection do not supersede any state or
33 local requirements relating to minimum numbers of points of entry
34 or exit, or any state or local requirements relating to fire safety.

35 3. A medical marijuana establishment is prohibited from
36 acquiring, possessing, cultivating, manufacturing, delivering,
37 transferring, transporting, supplying or dispensing marijuana for any
38 purpose except to:

39 (a) Directly or indirectly assist patients who possess valid
40 registry identification cards; and

41 (b) Assist patients who possess valid registry identification cards
42 or letters of approval by way of those patients' designated primary
43 caregivers.

44 → For the purposes of this subsection, a person shall be deemed to
45 be a patient who possesses a valid registry identification card or



1 letter of approval if he or she qualifies for nonresident reciprocity
2 pursuant to NRS 453A.364.

3 4. All cultivation or production of marijuana that a cultivation
4 facility carries out or causes to be carried out must take place in an
5 enclosed, locked facility at the physical address provided to the
6 ~~{Division}~~ *Department* during the registration process for the
7 cultivation facility. Such an enclosed, locked facility must be
8 accessible only by medical marijuana establishment agents who are
9 lawfully associated with the cultivation facility, except that limited
10 access by persons necessary to perform construction or repairs or
11 provide other labor is permissible if such persons are supervised by
12 a medical marijuana establishment agent.

13 5. A medical marijuana dispensary and a cultivation facility
14 may acquire usable marijuana or marijuana plants from a person
15 who holds a valid registry identification card, including, without
16 limitation, a designated primary caregiver. Except as otherwise
17 provided in this subsection, the patient or caregiver, as applicable,
18 must receive no compensation for the marijuana. A patient who
19 holds a valid registry identification card, and the designated primary
20 caregiver of such a patient, or the designated primary caregiver of a
21 person who holds a letter of approval may sell usable marijuana to a
22 medical marijuana dispensary ~~{one-time}~~ *not more than once in any*
23 *3-year period* and may sell marijuana plants to a cultivation facility
24 ~~{one-time}~~ *not more than once in any 3-year period.*

25 6. A medical marijuana establishment shall not allow any
26 person to consume marijuana on the property or premises of the
27 establishment.

28 7. *Except as otherwise provided in NRS 453A.354 or*
29 *453A.356, a medical marijuana establishment shall, within 48*
30 *hours after gathering such information, destroy any personal*
31 *information of a person, including, without limitation, the name,*
32 *address or date of birth of the person, which was gathered for*
33 *marketing purposes.*

34 8. Medical marijuana establishments are subject to reasonable
35 inspection by the ~~{Division}~~ *Department* at any time, and a person
36 who holds a medical marijuana establishment registration certificate
37 must make himself or herself, or a designee thereof, available and
38 present for any inspection by the ~~{Division}~~ *Department* of the
39 establishment.

40 9. *Each medical marijuana establishment shall install a video*
41 *monitoring system which must, at a minimum:*

42 (a) *Allow for the transmission and storage, by digital or analog*
43 *means, of a video feed which displays the interior and exterior of*
44 *the medical marijuana establishment; and*



1 (b) *Be capable of being accessed remotely by a law*
2 *enforcement agency in real-time upon request.*

3 10. *A facility for the production of edible marijuana products*
4 *or marijuana-infused products and a medical marijuana*
5 *dispensary may acquire industrial hemp, as defined in section 94*
6 *of this act, from a grower or handler registered by the State*
7 *Department of Agriculture pursuant to sections 88 to 107,*
8 *inclusive, of this act. A facility for the production of edible*
9 *marijuana products or marijuana-infused products may use*
10 *industrial hemp to manufacture edible marijuana products and*
11 *marijuana-infused products. A medical marijuana dispensary may*
12 *dispense industrial hemp and edible marijuana products and*
13 *marijuana-infused products manufactured using industrial hemp.*

14 11. *A medical marijuana establishment or an association of*
15 *medical marijuana establishments may, in accordance with the*
16 *provisions of chapter 610 of NRS, propose and enter into an*
17 *agreement to carry out a program of apprenticeship for medical*
18 *marijuana establishment agents.*

19 12. *A dual licensee, as defined in NRS 453D.030, shall*
20 *comply with the regulations adopted by the Department pursuant*
21 *to paragraph (k) of subsection 1 of NRS 453D.200 with respect to*
22 *the medical marijuana establishment operated by the dual*
23 *licensee.*

24 **Sec. 51.** NRS 453A.354 is hereby amended to read as follows:
25 453A.354 1. Each medical marijuana establishment, in
26 consultation with the ~~Division,~~ **Department**, shall maintain an
27 electronic verification system.

28 2. The electronic verification system required pursuant to
29 subsection 1 must be able to monitor and report information,
30 including, without limitation:

31 (a) In the case of a medical marijuana dispensary, for each
32 person who holds a valid registry identification card and who
33 purchased *or received a donation of* marijuana from the dispensary
34 in the immediately preceding 60-day period:

- 35 (1) The number of the card;
36 (2) The date on which the card was issued; and
37 (3) The date on which the card will expire.

38 (b) For each medical marijuana establishment agent who is
39 employed by or volunteers at the medical marijuana establishment,
40 the number of the person's medical marijuana establishment agent
41 registration card.

42 (c) In the case of a medical marijuana dispensary, such
43 information as may be required by the ~~Division,~~ **Department** by
44 regulation regarding persons who are not residents of this State and



1 who have purchased *or received a donation of* marijuana from the
2 dispensary.

3 (d) Verification of the identity of a person to whom marijuana,
4 edible marijuana products or marijuana-infused products are sold ,
5 *donated* or otherwise distributed.

6 (e) Such other information as the ~~{Division}~~ *Department* may
7 require.

8 3. Nothing in this section prohibits more than one medical
9 marijuana establishment from co-owning an electronic verification
10 system in cooperation with other medical marijuana establishments,
11 or sharing the information obtained therefrom.

12 4. A medical marijuana establishment must exercise reasonable
13 care to ensure that the personal identifying information of persons
14 who hold registry identification cards *or letters of approval* which is
15 contained in an electronic verification system is encrypted, protected
16 and not divulged for any purpose not specifically authorized by law.

17 **Sec. 52.** NRS 453A.356 is hereby amended to read as follows:

18 453A.356 1. Each medical marijuana establishment, in
19 consultation with the ~~{Division}~~ *Department*, shall maintain an
20 inventory control system.

21 2. The inventory control system required pursuant to
22 subsection 1 must be able to monitor and report information,
23 including, without limitation:

24 (a) Insofar as is practicable, the chain of custody and current
25 whereabouts, in real time, of medical marijuana from the point that
26 it is ~~Harvested~~ *planted* at a cultivation facility until it is sold *or*
27 *donated* at a medical marijuana dispensary and, if applicable, if it is
28 processed at a facility for the production of edible marijuana
29 products or marijuana-infused products;

30 (b) The name of each person or other medical marijuana
31 establishment, or both, to which the establishment sold *or donated*
32 marijuana;

33 (c) In the case of a medical marijuana dispensary, the date on
34 which it sold *or donated* marijuana to a person who holds a registry
35 identification card and, if any, the quantity of edible marijuana
36 products or marijuana-infused products sold, measured both by
37 weight and potency; and

38 (d) Such other information as the ~~{Division}~~ *Department* may
39 require.

40 3. Nothing in this section prohibits more than one medical
41 marijuana establishment from co-owning an inventory control
42 system in cooperation with other medical marijuana establishments,
43 or sharing the information obtained therefrom.

44 4. A medical marijuana establishment must exercise reasonable
45 care to ensure that the personal identifying information of persons



1 who hold registry identification cards *or letters of approval* which is
2 contained in an inventory control system is encrypted, protected and
3 not divulged for any purpose not specifically authorized by law.

4 **Sec. 53.** NRS 453A.358 is hereby amended to read as follows:

5 453A.358 Each medical marijuana dispensary shall ensure all
6 of the following:

7 1. The weight, concentration and content of THC in all
8 marijuana, edible marijuana products and marijuana-infused
9 products that the dispensary sells *or donates* is clearly and
10 accurately stated on the product sold ~~+~~ *or donated*.

11 2. That the dispensary does not sell *or donate* to a person, in
12 any one 14-day period, an amount of marijuana for medical
13 purposes that exceeds the limits set forth in NRS 453A.200.

14 3. That, posted clearly and conspicuously within the
15 dispensary, are the legal limits on the possession of marijuana for
16 medical purposes, as set forth in NRS 453A.200.

17 4. That, posted clearly and conspicuously within the
18 dispensary, is a sign stating unambiguously the legal limits on the
19 possession of marijuana for medical purposes, as set forth in
20 NRS 453A.200.

21 **Sec. 54.** NRS 453A.360 is hereby amended to read as follows:

22 453A.360 Each medical marijuana dispensary and facility for
23 the production of edible marijuana products or marijuana-infused
24 products shall, in consultation with the ~~+~~ *Division*, *Department*,
25 cooperate to ensure that all edible marijuana products and
26 marijuana-infused products offered for sale ~~+~~ *or donation*:

27 1. Are labeled clearly and unambiguously as medical
28 marijuana.

29 2. Are not *produced in a form or* presented in packaging that
30 is appealing to children.

31 3. Are regulated and sold *or donated* on the basis of the
32 concentration of THC in the products and not by weight.

33 4. Are packaged and labeled in such a manner as to allow
34 tracking by way of an inventory control system.

35 **Sec. 55.** NRS 453A.364 is hereby amended to read as follows:

36 453A.364 1. The State of Nevada and the medical marijuana
37 dispensaries in this State which hold valid medical marijuana
38 establishment registration certificates will recognize a nonresident
39 ~~+~~ *authorization for the medical use of marijuana* only under
40 the following circumstances:

41 (a) The state or jurisdiction from which the holder or bearer
42 obtained the nonresident ~~+~~ *authorization for the medical use of*
43 *marijuana* grants an exemption from criminal prosecution for the
44 medical use of marijuana;



1 (b) The state or jurisdiction from which the holder or bearer
2 obtained the nonresident ~~{card}~~ *authorization for the medical use of*
3 *marijuana* requires, as a prerequisite to the issuance of such ~~{a~~
4 ~~card,}~~ *an authorization*, that a ~~{physician}~~ *provider of health care*
5 advise the person that the medical use of marijuana may mitigate the
6 symptoms or effects of the person's medical condition;

7 (c) ~~{The nonresident card has an expiration date and has not yet~~
8 ~~expired;}~~

9 ~~—(d)}~~ The holder or bearer of the nonresident ~~{card}~~ *authorization*
10 *for the medical use of marijuana* signs an affidavit in a form
11 prescribed by the ~~{Division}~~ *Department* which sets forth that the
12 holder or bearer is entitled to engage in the medical use of marijuana
13 in his or her state or jurisdiction of residence; and

14 ~~{(e)}~~ (d) The holder or bearer of the nonresident ~~{card}~~
15 *authorization for the medical use of marijuana* agrees to abide by,
16 and does abide by, the legal limits on the possession of marijuana
17 for medical purposes in this State, as set forth in NRS 453A.200.

18 2. For the purposes of the reciprocity described in this section:

19 (a) The amount of medical marijuana that the holder or bearer of
20 a nonresident ~~{card}~~ *authorization for the medical use of*
21 *marijuana* is entitled to possess in his or her state or jurisdiction of
22 residence is not relevant; and

23 (b) Under no circumstances, while in this State, may the holder
24 or bearer of a nonresident ~~{card}~~ *authorization for the medical use*
25 *of marijuana* possess marijuana for medical purposes in excess of
26 the limits set forth in NRS 453A.200.

27 3. As used in this section, “nonresident ~~{card}~~” *authorization*
28 *for the medical use of marijuana*” means ~~{a card or other~~
29 ~~identification that:~~

30 ~~—(a) Is issued by}~~ *an authorization by* a state or jurisdiction other
31 than Nevada ~~}; and~~

32 ~~—(b) Is the functional equivalent of a registry identification card~~
33 ~~or letter of approval, as determined by the Division.}~~ *for a person to*
34 *engage in the medical use of marijuana.*

35 **Sec. 56.** NRS 453A.366 is hereby amended to read as follows:

36 453A.366 1. A patient who holds a valid registry
37 identification card or letter of approval and his or her designated
38 primary caregiver, if any, may select one medical marijuana
39 dispensary to serve as his or her designated medical marijuana
40 dispensary at any one time.

41 2. A patient who designates a medical marijuana dispensary as
42 described in subsection 1:

43 (a) Shall communicate the designation to the ~~{Division}~~
44 *Department* within the time specified by the ~~{Division.}~~
45 *Department.*



1 (b) May change his or her designation not more than once in a
2 30-day period.

3 **Sec. 57.** NRS 453A.368 is hereby amended to read as follows:

4 453A.368 1. The ~~Division~~ **Department** shall establish
5 standards for and certify one or more private and independent
6 testing laboratories to test marijuana, edible marijuana products and
7 marijuana-infused products that are to be sold in this State.

8 2. Such an independent testing laboratory must be able to
9 ~~determine~~ :

10 (a) **Determine** accurately, with respect to marijuana, edible
11 marijuana products and marijuana-infused products that are sold or
12 will be sold at medical marijuana dispensaries in this State:

13 ~~(a)~~ (1) The concentration therein of THC and cannabidiol.

14 ~~(b)~~ (2) The presence and identification of molds and fungus.

15 ~~(c)~~ (3) The composition of the tested material.

16 ~~(d)~~ (4) The presence of chemicals in the tested material,
17 including, without limitation, pesticides, herbicides or growth
18 regulators.

19 (b) **Demonstrate the validity and accuracy of the methods used**
20 **by the independent testing laboratory to test marijuana, edible**
21 **marijuana products and marijuana-infused products.**

22 3. To obtain certification by the ~~Division~~ **Department** on
23 behalf of an independent testing laboratory, an applicant must:

24 (a) Apply successfully as required pursuant to NRS 453A.322.

25 (b) Pay the fees required pursuant to NRS 453A.344.

26 (c) **Agree to become accredited pursuant to standard ISO/IEC**
27 **17025 of the International Organization for Standardization**
28 **within 1 year after certification.**

29 **Sec. 58.** NRS 453A.369 is hereby amended to read as follows:

30 453A.369 1. The ~~Division~~ **Department** may enter into an
31 interlocal agreement pursuant to NRS 277.080 to 277.180, inclusive,
32 to carry out the provisions of NRS 453A.320 to 453A.370, inclusive
33 ~~+~~, **and sections 10 to 13, inclusive, of this act.**

34 2. **A local government may enact ordinances relating to**
35 **zoning and land use and ordinances establishing building**
36 **requirements of general applicability and require a medical**
37 **marijuana establishment to comply with such ordinances.**

38 3. **Except as otherwise provided in this section, a local**
39 **government shall not:**

40 (a) **Impose any tax or fee on a medical marijuana**
41 **establishment operating within the scope of a medical marijuana**
42 **establishment registration certificate issued pursuant to NRS**
43 **453A.320 to 453A.370, inclusive, and sections 10 to 13, inclusive,**
44 **of this act.**



1 ***(b) Require a medical marijuana establishment operating***
2 ***within the scope of a medical marijuana establishment registration***
3 ***certificate issued pursuant to NRS 453A.320 to 453A.370,***
4 ***inclusive, and sections 10 to 13, inclusive, of this act to obtain***
5 ***from the local government any certificate, license or permit to***
6 ***operate within that scope.***

7 ***(c) Impose any other requirement upon a medical marijuana***
8 ***establishment which is not of general applicability to all***
9 ***businesses within the jurisdiction of the local government.***

10 **Sec. 59.** NRS 453A.370 is hereby amended to read as follows:
11 453A.370 The ~~Division~~ **Department** shall adopt such
12 regulations as it determines to be necessary or advisable to carry out
13 the provisions of NRS 453A.320 to 453A.370, inclusive ~~H~~, **and**
14 ***sections 10 to 13, inclusive, of this act.*** Such regulations are in
15 addition to any requirements set forth in statute and must, without
16 limitation:

17 1. Prescribe the form and any additional required content of
18 registration and renewal applications submitted pursuant to NRS
19 453A.322 and 453A.332.

20 2. Set forth rules pertaining to the safe and healthful operation
21 of medical marijuana establishments, including, without limitation:

22 (a) The manner of protecting against diversion and theft without
23 imposing an undue burden on medical marijuana establishments or
24 compromising the confidentiality of the holders of registry
25 identification cards and letters of approval.

26 (b) Minimum requirements for the oversight of medical
27 marijuana establishments.

28 (c) Minimum requirements for the keeping of records by
29 medical marijuana establishments.

30 (d) Provisions for the security of medical marijuana
31 establishments, including, without limitation, requirements for the
32 protection by a fully operational security alarm system of each
33 medical marijuana establishment.

34 (e) Procedures pursuant to which medical marijuana
35 dispensaries must use the services of an independent testing
36 laboratory to ensure that any marijuana, edible marijuana products
37 and marijuana-infused products sold by the dispensaries to end users
38 are tested for content, quality and potency in accordance with
39 standards established by the ~~Division~~ **Department**.

40 (f) Procedures pursuant to which a medical marijuana
41 dispensary will be notified by the ~~Division~~ **Department** if a patient
42 who holds a valid registry identification card or letter of approval
43 has chosen the dispensary as his or her designated medical
44 marijuana dispensary, as described in NRS 453A.366.



1 (g) *Minimum requirements for industrial hemp, as defined in*
2 *section 94 of this act, which is used by a facility for the production*
3 *of edible marijuana products or marijuana-infused products to*
4 *manufacture edible marijuana products or marijuana-infused*
5 *products or dispensed by a medical marijuana dispensary.*

6 3. Establish circumstances and procedures pursuant to which
7 the maximum fees set forth in NRS 453A.344 may be reduced over
8 time:

9 (a) To ensure that the fees imposed pursuant to NRS 453A.344
10 are, insofar as may be practicable, revenue neutral; and

11 (b) To reflect gifts and grants received by the ~~Division~~
12 *Department* pursuant to NRS 453A.720.

13 4. Set forth the amount of usable marijuana , *edible marijuana*
14 *products and marijuana-infused products* that a medical marijuana
15 dispensary may dispense to a person who holds a valid registry
16 identification card, including, without limitation, a designated
17 primary caregiver . ~~in any one 14 day period.~~ Such an amount
18 must not exceed the limits set forth in NRS 453A.200.

19 5. As far as possible while maintaining accountability, protect
20 the identity and personal identifying information of each person who
21 receives, facilitates or delivers services in accordance with this
22 chapter.

23 6. In cooperation with the ~~Board of Medical Examiners and~~
24 ~~the State Board of Osteopathic Medicine,~~ *applicable professional*
25 *licensing boards*, establish a system to:

26 (a) Register and track attending ~~physicians~~ *providers of health*
27 *care* who advise their patients that the medical use of marijuana may
28 mitigate the symptoms or effects of the patient's medical condition;

29 (b) Insofar as is possible, track and quantify the number of times
30 an attending ~~physician~~ *provider of health care* described in
31 paragraph (a) makes such an advisement; and

32 (c) Provide for the progressive discipline of attending
33 ~~physicians~~ *providers of health care* who advise the medical use of
34 marijuana at a rate at which the ~~Division~~ *Department* and ~~Board~~
35 *applicable board* determine and agree to be unreasonably high.

36 7. Establish different categories of medical marijuana
37 establishment agent registration cards, including, without limitation,
38 criteria for training and certification, for each of the different types
39 of medical marijuana establishments at which such an agent may be
40 employed or volunteer or provide labor as a medical marijuana
41 establishment agent.

42 8. ~~Provide for the maintenance of a log by the Division of~~
43 ~~each person who is authorized to cultivate, grow or produce~~
44 ~~marijuana pursuant to subsection 6 of NRS 453A.200. The Division~~



1 ~~shall ensure that the contents of the log are available for verification~~
2 ~~by law enforcement personnel 24 hours a day.~~

3 ~~—9.~~ Address such other matters as may assist in implementing
4 the program of dispensation contemplated by NRS 453A.320 to
5 453A.370, inclusive ~~†~~, *and sections 10 to 13, inclusive, of this*
6 *act.*

7 **Sec. 60.** NRS 453A.400 is hereby amended to read as follows:

8 453A.400 1. The fact that a person possesses a registry
9 identification card or letter of approval issued to the person by the
10 ~~{Division}~~ *Department* or its designee pursuant to NRS 453A.220 or
11 453A.250, a medical marijuana establishment registration certificate
12 issued to the person by the ~~{Division}~~ *Department* or its designee
13 pursuant to NRS 453A.322 or a medical marijuana establishment
14 agent registration card issued to the person by the ~~{Division}~~
15 *Department* or its designee pursuant to NRS 453A.332 does not,
16 alone:

17 (a) Constitute probable cause to search the person or the
18 person's property; or

19 (b) Subject the person or the person's property to inspection by
20 any governmental agency.

21 2. Except as otherwise provided in this subsection, if officers
22 of a state or local law enforcement agency seize marijuana,
23 paraphernalia or other related property from a person engaged in,
24 facilitating or assisting in the medical use of marijuana:

25 (a) The law enforcement agency shall ensure that the marijuana,
26 paraphernalia or other related property is not destroyed while in the
27 possession of the law enforcement agency.

28 (b) Any property interest of the person from whom the
29 marijuana, paraphernalia or other related property was seized must
30 not be forfeited pursuant to any provision of law providing for the
31 forfeiture of property, except as part of a sentence imposed after
32 conviction of a criminal offense.

33 (c) Upon:

34 (1) A decision not to prosecute;

35 (2) The dismissal of charges; or

36 (3) Acquittal,

37 ↪ the law enforcement agency shall, to the extent permitted by law,
38 return to that person any usable marijuana, marijuana plants,
39 paraphernalia or other related property that was seized. The
40 provisions of this subsection do not require a law enforcement
41 agency to care for live marijuana plants.

42 **Sec. 61.** NRS 453A.500 is hereby amended to read as follows:

43 453A.500 The ~~{Board of Medical Examiners or the State Board~~
44 ~~of Osteopathic Medicine, as}~~ applicable ~~†~~ *professional licensing*
45 *boards* shall not take any disciplinary action against an attending



1 ~~physician~~ *provider of health care* on the basis that the attending
2 ~~physician~~ *provider of health care:*

3 1. Advised a person whom the attending ~~physician~~ *provider*
4 *of health care* has diagnosed as having a chronic or debilitating
5 medical condition, or a person whom the attending ~~physician~~
6 *provider of health care* knows has been so diagnosed by another
7 ~~physician~~ *provider of health care* licensed ~~to practice medicine~~
8 pursuant to the ~~provisions of chapter 630 of NRS or licensed to~~
9 ~~practice osteopathic medicine pursuant to the provisions of chapter~~
10 ~~633 of NRS;~~ *laws of this State:*

11 (a) About the possible risks and benefits of the medical use of
12 marijuana; or

13 (b) That the medical use of marijuana may mitigate the
14 symptoms or effects of the person's chronic or debilitating medical
15 condition,

16 ➔ if the advice is based on the attending ~~physician's~~ *provider of*
17 *health care's* personal assessment of the person's medical history
18 and current medical condition.

19 2. Provided the written documentation required pursuant to
20 paragraph (a) *or (g)* of subsection 2 of NRS 453A.210 for the
21 issuance of a registry identification card or letter of approval or
22 pursuant to subparagraph (1) of paragraph (b) of subsection 1 of
23 NRS 453A.230 for the renewal of a registry identification card or
24 letter of approval if:

25 (a) Such documentation is based on the attending ~~physician's~~
26 *provider of health care's* personal assessment of the person's
27 medical history and current medical condition; and

28 (b) The ~~physician~~ *attending provider of health care* has
29 advised the person about the possible risks and benefits of the
30 medical use of marijuana.

31 **Sec. 62.** NRS 453A.510 is hereby amended to read as follows:

32 453A.510 A professional licensing board shall not take any
33 disciplinary action against a person licensed by the board on the
34 basis that:

35 1. The person engages in or has engaged in the medical use of
36 marijuana in accordance with the provisions of this chapter; or

37 2. The person acts as or has acted as the designated primary
38 caregiver of a person who holds a registry identification card or
39 letter of approval issued to him or her pursuant to paragraph (a) *or*
40 *(c)* of subsection 1 of NRS 453A.220.

41 **Sec. 63.** NRS 453A.700 is hereby amended to read as follows:

42 453A.700 1. Except as otherwise provided in this section,
43 NRS 239.0115 and subsection 4 of NRS 453A.210, the ~~Division~~
44 *Department* shall not disclose:



1 (a) The contents of any tool used by the ~~{Division}~~ *Department*
2 to evaluate an applicant or its affiliate.

3 (b) Any information, documents or communications provided to
4 the ~~{Division}~~ *Department* by an applicant or its affiliate pursuant
5 to the provisions of this chapter, without the prior written consent of
6 the applicant or affiliate or pursuant to a lawful court order after
7 timely notice of the proceedings has been given to the applicant or
8 affiliate.

9 (c) The name or any other identifying information of:

10 (1) An attending ~~{physician;}~~ *provider of health care;* or

11 (2) A person who has applied for or to whom the ~~{Division}~~
12 *Department* or its designee has issued a registry identification card
13 or letter of approval.

14 ➤ Except as otherwise provided in NRS 239.0115, the items of
15 information described in this subsection are confidential, not subject
16 to subpoena or discovery and not subject to inspection by the
17 general public.

18 2. Notwithstanding the provisions of subsection 1, the
19 ~~{Division}~~ *Department* or its designee may release the name and
20 other identifying information of a person to whom the ~~{Division}~~
21 *Department* or its designee has issued a registry identification card,
22 ~~{or}~~ letter of approval *or medical marijuana establishment*
23 *registration certificate* to:

24 (a) Authorized employees of the ~~{Division}~~ *Department* or its
25 designee as necessary to perform official duties of the ~~{Division;}~~
26 *Department;* and

27 (b) Authorized employees of state and local law enforcement
28 agencies, only as necessary to verify that a person is the lawful
29 holder of a registry identification card or letter of approval issued to
30 him or her pursuant to NRS 453A.220 or 453A.250 ~~{,}~~ *or a medical*
31 *marijuana establishment registration certificate issued pursuant to*
32 *NRS 453A.322.*

33 **Sec. 64.** NRS 453A.710 is hereby amended to read as follows:

34 453A.710 1. A person may submit to the ~~{Division}~~
35 *Department* a petition requesting that a particular disease or
36 condition be included among the diseases and conditions that
37 qualify as chronic or debilitating medical conditions pursuant to
38 NRS 453A.050.

39 2. The ~~{Division}~~ *Department* shall adopt regulations setting
40 forth the manner in which the ~~{Division}~~ *Department* will accept
41 and evaluate petitions submitted pursuant to this section. The
42 regulations must provide, without limitation, that:

43 (a) The ~~{Division}~~ *Department* will approve or deny a petition
44 within 180 days after the ~~{Division}~~ *Department* receives the
45 petition; and



1 (b) The decision of the ~~[Division]~~ *Department* to deny a petition
2 is a final decision for the purposes of judicial review.

3 **Sec. 65.** NRS 453A.720 is hereby amended to read as follows:

4 453A.720 1. The ~~[Administrator]~~ *Executive Director* of the
5 ~~[Division]~~ *Department or his or her designee* may apply for or
6 accept any gifts, grants, donations or contributions from any source
7 to carry out the provisions of this chapter.

8 2. Any money the ~~[Administrator]~~ *Executive Director of the*
9 *Department or his or her designee* receives pursuant to subsection
10 1 must be deposited in the State Treasury pursuant to
11 NRS 453A.730.

12 **Sec. 66.** NRS 453A.730 is hereby amended to read as follows:

13 453A.730 1. Any money the ~~[Administrator]~~ *Executive*
14 *Director* of the ~~[Division]~~ *Department or his or her designee*
15 receives pursuant to NRS 453A.720 or that is appropriated to carry
16 out the provisions of this chapter:

17 (a) Must be deposited in the State Treasury and accounted for
18 separately in the State General Fund;

19 (b) May only be used to carry out:

20 (1) The provisions of this chapter, including the
21 dissemination of information concerning the provisions of this
22 chapter and such other information as determined appropriate by the
23 ~~[Administrator;]~~ *Executive Director of the Department;* and

24 (2) Alcohol and drug abuse programs pursuant to NRS
25 458.094; and

26 (c) Does not revert to the State General Fund at the end of any
27 fiscal year.

28 2. *The Executive Director of the Department shall annually:*

29 (a) *Determine the amount of money necessary to carry out the*
30 *provisions of this chapter pursuant to subparagraph (1) of*
31 *paragraph (b) of subsection 1;*

32 (b) *Notify the Administrator of the Division of Public and*
33 *Behavioral Health of the Department of Health and Human*
34 *Services of any amount of money in the account in excess of the*
35 *amount determined pursuant to paragraph (a); and*

36 (c) *In consultation with the Administrator of the Division of*
37 *Public and Behavioral Health of the Department of Health and*
38 *Human Services, use the excess money in the account to carry out*
39 *alcohol and drug abuse programs pursuant to NRS 458.094.*

40 3. The ~~[Administrator]~~ *Executive Director* of the ~~[Division]~~
41 *Department* shall administer the account. Any interest or income
42 earned on the money in the account must be credited to the account.
43 Any claims against the account must be paid as other claims against
44 the State are paid.



1 **Sec. 67.** NRS 453A.740 is hereby amended to read as follows:
2 453A.740 The ~~{Administrator}~~ *Executive Director* of the
3 ~~{Division}~~ *Department of Taxation* shall adopt such regulations as
4 the ~~{Administrator}~~ *Executive Director* determines are necessary to
5 carry out the provisions of this chapter. The regulations must set
6 forth, without limitation:

7 1. Procedures pursuant to which the ~~{Division}~~ *Department of*
8 *Taxation* will issue a registry identification card or letter of
9 approval or, in cooperation with the Department of Motor Vehicles,
10 cause a registry identification card to be prepared and issued to a
11 qualified person as a type of identification card described in NRS
12 483.810 to 483.890, inclusive. The procedures described in this
13 subsection must provide that the ~~{Division}~~ *Department of Taxation*
14 will:

15 (a) Issue a registry identification card or letter of approval to a
16 qualified person; or

17 (b) Designate the Department of Motor Vehicles to issue a
18 registry identification card to a person if:

19 (1) The person presents to the Department of Motor Vehicles
20 valid documentation issued by the ~~{Division}~~ *Department of*
21 *Taxation* indicating that the ~~{Division}~~ *Department of Taxation* has
22 approved the issuance of a registry identification card to the person;
23 and

24 (2) The Department of Motor Vehicles, before issuing the
25 registry identification card, confirms by telephone or other reliable
26 means that the ~~{Division}~~ *Department of Taxation* has approved the
27 issuance of a registry identification card to the person.

28 2. That if the ~~{Division}~~ *Department of Taxation* issues a
29 registry identification card pursuant to subsection 1, the ~~{Division}~~
30 *Department of Taxation* may charge and collect any fee authorized
31 for the issuance of an identification card described in NRS 483.810
32 to 483.890, inclusive.

33 3. Fees for:

34 (a) Providing to an applicant an application for a registry
35 identification card or letter of approval, which fee must not exceed
36 \$25; ~~and~~

37 (b) Processing *an application for* and issuing a registry
38 identification card or letter of approval, which fee must not exceed
39 \$75 ~~H~~; and

40 (c) *Processing an application for and renewing a registry*
41 *identification card or letter of approval issued pursuant to*
42 *paragraph (a) or (b) of subsection 1 of NRS 453A.220 or NRS*
43 *453A.250, which fee must not exceed \$75.*

44 4. *Procedures for the collection and remission to the*
45 *Department of Taxation of the fees established pursuant to*



1 *subsection 3 by a medical marijuana dispensary from a person*
2 *who submits an application for a registry identification card to the*
3 *medical marijuana dispensary for transmission to the Department.*

4 **Sec. 68.** NRS 455A.170 is hereby amended to read as follows:

5 455A.170 1. A skier or snowboarder shall not engage in
6 skiing or snowboarding, or embark on a chair lift that is proceeding
7 predominantly uphill, while intoxicated or under the influence of a
8 controlled substance as defined in chapter 453 of NRS unless in
9 accordance with a lawfully issued prescription **††** *or the provisions*
10 *of chapter 453A of NRS.*

11 2. A skier or snowboarder who is involved in a collision in
12 which another person is injured shall provide his or her name and
13 current address to the injured person, the operator or a member of
14 the patrol:

15 (a) Before the skier or snowboarder leaves the vicinity of the
16 collision; or

17 (b) As soon as reasonably possible after leaving the vicinity of
18 the collision to secure aid for the injured person.

19 3. A person who violates a provision of this section is guilty of
20 a misdemeanor.

21 **Sec. 69.** NRS 455B.290 is hereby amended to read as follows:

22 455B.290 1. A person shall not enter or use a skateboard park
23 to skateboard, roller skate, ride a bicycle or operate a scooter while
24 intoxicated or under the influence of a controlled substance, unless
25 in accordance with a lawfully issued prescription **††** *or the*
26 *provisions of chapter 453A of NRS.*

27 2. A person using a skateboard park who is involved in a
28 collision or an accident in which another person is injured shall
29 provide his or her name and current address to the injured person
30 and the skateboard park operator or an authorized agent or employee
31 of the operator:

32 (a) Before the person leaves the vicinity of the collision or
33 accident; or

34 (b) As soon as reasonably possible after leaving the vicinity of
35 the collision or accident to secure aid for the injured person.

36 3. A person who violates a provision of this section is guilty of
37 a misdemeanor.

38 **Sec. 70.** NRS 458.290 is hereby amended to read as follows:

39 458.290 As used in NRS 458.290 to 458.350, inclusive, unless
40 the context otherwise requires, "drug addict" means any person who
41 habitually takes or otherwise uses any controlled substance, other
42 than any maintenance dosage of a narcotic or habit-forming drug
43 administered pursuant to chapter 453 of NRS **††** *or marijuana used*
44 *in accordance with the provisions of chapter 453A of NRS,* to the



1 extent that the person endangers the health, safety or welfare of
2 himself or herself or any other person.

3 **Sec. 71.** NRS 62B.270 is hereby amended to read as follows:

4 62B.270 1. A public institution or agency to which a juvenile
5 court commits a child or the licensing authority of a private
6 institution to which a juvenile court commits a child, including,
7 without limitation, a facility for the detention of children, shall
8 secure from appropriate law enforcement agencies information on
9 the background and personal history of each employee of the
10 institution or agency to determine whether the employee has been
11 convicted of:

12 (a) Murder, voluntary manslaughter or mayhem;

13 (b) Any other felony involving the use of a firearm or other
14 deadly weapon;

15 (c) Assault with intent to kill or to commit sexual assault or
16 mayhem;

17 (d) Sexual assault, statutory sexual seduction, incest, lewdness,
18 indecent exposure or any other sexually related crime;

19 (e) Abuse or neglect of a child or contributory delinquency;

20 (f) A violation of any federal or state law regulating the
21 possession, distribution or use of any controlled substance or any
22 dangerous drug as defined in chapter 454 of NRS ~~§~~, *except the*
23 *possession or use of marijuana in accordance with the provisions*
24 *of chapter 453A of NRS.*

25 (g) Abuse, neglect, exploitation, isolation or abandonment of
26 older persons or vulnerable persons, including, without limitation, a
27 violation of any provision of NRS 200.5091 to 200.50995,
28 inclusive, or a law of any other jurisdiction that prohibits the same
29 or similar conduct; or

30 (h) Any offense involving fraud, theft, embezzlement, burglary,
31 robbery, fraudulent conversion or misappropriation of property
32 within the immediately preceding 7 years.

33 2. An employee of the public or private institution or agency
34 must submit to the public institution or agency or the licensing
35 authority, as applicable, two complete sets of fingerprints and
36 written authorization to forward those fingerprints to the Central
37 Repository for Nevada Records of Criminal History for submission
38 to the Federal Bureau of Investigation for its report.

39 3. The public institution or agency or the licensing authority, as
40 applicable, may exchange with the Central Repository or the Federal
41 Bureau of Investigation any information concerning the fingerprints
42 submitted.

43 4. The public institution or agency or the licensing authority, as
44 applicable, may charge an employee investigated pursuant to this
45 section for the reasonable cost of that investigation.



1 5. When a report from the Federal Bureau of Investigation is
2 received by the Central Repository, the Central Repository shall
3 immediately forward a copy of the report to the public institution or
4 agency or the licensing authority, as applicable, for a determination
5 of whether the employee has been convicted of a crime listed in
6 subsection 1.

7 6. A person who is required to submit to an investigation
8 required pursuant to this section shall not have contact with a child
9 without supervision in a public or private institution or agency to
10 which a juvenile court commits a child, including, without
11 limitation, a facility for the detention of children, before the
12 investigation of the background and personal history of the person
13 has been conducted.

14 7. The public institution or agency or the licensing authority, as
15 applicable, shall conduct an investigation of each employee of the
16 institution or agency pursuant to this section at least once every 5
17 years after the initial investigation.

18 **Sec. 72.** NRS 62G.223 is hereby amended to read as follows:

19 62G.223 1. A department of juvenile justice services shall
20 secure from appropriate law enforcement agencies information on
21 the background and personal history of each applicant for
22 employment with the department of juvenile justice services, and
23 each employee of the department of juvenile justice services, to
24 determine:

25 (a) Whether the applicant or employee has been convicted of:

26 (1) Murder, voluntary manslaughter, involuntary
27 manslaughter or mayhem;

28 (2) Any felony involving the use or threatened use of force or
29 violence or the use of a firearm or other deadly weapon;

30 (3) Assault with intent to kill or to commit sexual assault or
31 mayhem;

32 (4) Battery which results in substantial bodily harm to the
33 victim;

34 (5) Battery that constitutes domestic violence that is
35 punishable as a felony;

36 (6) Battery that constitutes domestic violence, other than a
37 battery described in subparagraph (5), within the immediately
38 preceding 3 years;

39 (7) Sexual assault, statutory sexual seduction, incest,
40 lewdness, indecent exposure or an offense involving pornography
41 and a minor;

42 (8) A crime involving pandering or prostitution, including,
43 without limitation, a violation of any provision of NRS 201.295 to
44 201.440, inclusive;



1 (9) Abuse or neglect of a child, including, without limitation,
2 a violation of any provision of NRS 200.508 or 200.5083 or
3 contributory delinquency;

4 (10) A violation of any federal or state law regulating the
5 possession, distribution or use of any controlled substance or any
6 dangerous drug as defined in chapter 454 of NRS ~~§~~, *except the*
7 *possession or use of marijuana in accordance with the provisions*
8 *of chapter 453A of NRS.*

9 (11) A violation of any federal or state law prohibiting
10 driving or being in actual physical control of a vehicle while under
11 the influence of intoxicating liquor or a controlled substance that is
12 punishable as a felony;

13 (12) A violation of any federal or state law prohibiting
14 driving or being in actual physical control of a vehicle while under
15 the influence of intoxicating liquor or a controlled substance, other
16 than a violation described in subparagraph (11), within the
17 immediately preceding 3 years;

18 (13) Abuse, neglect, exploitation, isolation or abandonment
19 of older persons or vulnerable persons, including, without
20 limitation, a violation of any provision of NRS 200.5091 to
21 200.50995, inclusive, or a law of any other jurisdiction that
22 prohibits the same or similar conduct; or

23 (14) Any offense involving arson, fraud, theft,
24 embezzlement, burglary, robbery, fraudulent conversion,
25 misappropriation of property or perjury within the immediately
26 preceding 7 years; or

27 (b) Whether there are criminal charges pending against the
28 applicant or employee for a violation of an offense listed in
29 paragraph (a).

30 2. A department of juvenile justice services shall request
31 information from:

32 (a) The Statewide Central Registry concerning an applicant for
33 employment with the department of juvenile justice services, or an
34 employee of the department of juvenile justice services, to
35 determine whether there has been a substantiated report of child
36 abuse or neglect made against the applicant or employee; and

37 (b) The central registry of information concerning the abuse or
38 neglect of a child established by any other state in which the
39 applicant or employee resided within the immediately preceding 5
40 years to ensure satisfactory clearance with that registry.

41 3. Each applicant for employment with the department of
42 juvenile justice services, and each employee of the department of
43 juvenile justice services, must submit to the department of juvenile
44 justice services:



1 (a) A complete set of his or her fingerprints and written
2 authorization to forward those fingerprints to the Central Repository
3 for Nevada Records of Criminal History for submission to the
4 Federal Bureau of Investigation for its report; and

5 (b) Written authorization for the department of juvenile justice
6 services to obtain any information that may be available from the
7 Statewide Central Registry or the central registry of information
8 concerning the abuse or neglect of a child established by any other
9 state in which the applicant or employee resided within the
10 immediately preceding 5 years.

11 4. The department of juvenile justice services may exchange
12 with the Central Repository or the Federal Bureau of Investigation
13 any information concerning the fingerprints submitted pursuant to
14 this section.

15 5. When a report from the Federal Bureau of Investigation is
16 received by the Central Repository, the Central Repository shall
17 immediately forward a copy of the report to the department of
18 juvenile justice services for a determination of whether the applicant
19 or employee has criminal charges pending against him or her for a
20 crime listed in paragraph (a) of subsection 1 or has been convicted
21 of a crime listed in paragraph (a) of subsection 1.

22 6. A department of juvenile justice services shall conduct an
23 investigation of each employee of the department pursuant to this
24 section at least once every 5 years after the initial investigation.

25 7. As used in this section, "Statewide Central Registry" means
26 the Statewide Central Registry for the Collection of Information
27 Concerning the Abuse or Neglect of a Child established by
28 NRS 432.100.

29 **Sec. 73.** NRS 62G.353 is hereby amended to read as follows:

30 62G.353 1. A department of juvenile justice services shall
31 secure from appropriate law enforcement agencies information on
32 the background and personal history of each applicant for
33 employment with the department of juvenile justice services, and
34 each employee of the department of juvenile justice services, to
35 determine:

36 (a) Whether the applicant or employee has been convicted of:

37 (1) Murder, voluntary manslaughter, involuntary
38 manslaughter or mayhem;

39 (2) Any felony involving the use or threatened use of force or
40 violence or the use of a firearm or other deadly weapon;

41 (3) Assault with intent to kill or to commit sexual assault or
42 mayhem;

43 (4) Battery which results in substantial bodily harm to the
44 victim;



1 (5) Battery that constitutes domestic violence that is
2 punishable as a felony;

3 (6) Battery that constitutes domestic violence, other than a
4 battery described in subparagraph (5), within the immediately
5 preceding 3 years;

6 (7) Sexual assault, statutory sexual seduction, incest,
7 lewdness, indecent exposure or an offense involving pornography
8 and a minor;

9 (8) A crime involving pandering or prostitution, including,
10 without limitation, a violation of any provision of NRS 201.295 to
11 201.440, inclusive;

12 (9) Abuse or neglect of a child, including, without limitation,
13 a violation of any provision of NRS 200.508 or 200.5083 or
14 contributory delinquency;

15 (10) A violation of any federal or state law regulating the
16 possession, distribution or use of any controlled substance or any
17 dangerous drug as defined in chapter 454 of NRS ~~§~~, *except the*
18 *possession or use of marijuana in accordance with the provisions*
19 *of chapter 453A of NRS.*

20 (11) A violation of any federal or state law prohibiting
21 driving or being in actual physical control of a vehicle while under
22 the influence of intoxicating liquor or a controlled substance that is
23 punishable as a felony;

24 (12) A violation of any federal or state law prohibiting
25 driving or being in actual physical control of a vehicle while under
26 the influence of intoxicating liquor or a controlled substance, other
27 than a violation described in subparagraph (11), within the
28 immediately preceding 3 years;

29 (13) Abuse, neglect, exploitation, isolation or abandonment
30 of older persons or vulnerable persons, including, without
31 limitation, a violation of any provision of NRS 200.5091 to
32 200.50995, inclusive, or a law of any other jurisdiction that
33 prohibits the same or similar conduct; or

34 (14) Any offense involving arson, fraud, theft,
35 embezzlement, burglary, robbery, fraudulent conversion,
36 misappropriation of property or perjury within the immediately
37 preceding 7 years; or

38 (b) Whether there are criminal charges pending against the
39 applicant or employee for a violation of an offense listed in
40 paragraph (a).

41 2. A department of juvenile justice services shall request
42 information from:

43 (a) The Statewide Central Registry concerning an applicant for
44 employment with the department of juvenile justice services, or an
45 employee of the department of juvenile justice services, to



1 determine whether there has been a substantiated report of child
2 abuse or neglect made against the applicant or employee; and

3 (b) The central registry of information concerning the abuse or
4 neglect of a child established by any other state in which the
5 applicant or employee resided within the immediately preceding 5
6 years to ensure satisfactory clearance with that registry.

7 3. Each applicant for employment with the department of
8 juvenile justice services, and each employee of the department of
9 juvenile justice services, must submit to the department of juvenile
10 justice services:

11 (a) A complete set of his or her fingerprints and written
12 authorization to forward those fingerprints to the Central Repository
13 for Nevada Records of Criminal History for submission to the
14 Federal Bureau of Investigation for its report; and

15 (b) Written authorization for the department of juvenile justice
16 services to obtain any information that may be available from the
17 Statewide Central Registry or the central registry of information
18 concerning the abuse or neglect of a child established by any other
19 state in which the applicant or employee resided within the
20 immediately preceding 5 years.

21 4. The department of juvenile justice services may exchange
22 with the Central Repository or the Federal Bureau of Investigation
23 any information concerning the fingerprints submitted pursuant to
24 this section.

25 5. When a report from the Federal Bureau of Investigation is
26 received by the Central Repository, the Central Repository shall
27 immediately forward a copy of the report to the department of
28 juvenile justice services for a determination of whether the applicant
29 or employee has criminal charges pending against him or her for a
30 crime listed in paragraph (a) of subsection 1 or has been convicted
31 of a crime listed in paragraph (a) of subsection 1.

32 6. A department of juvenile justice services shall conduct an
33 investigation of each employee of the department pursuant to this
34 section at least once every 5 years after the initial investigation.

35 7. As used in this section, "Statewide Central Registry" means
36 the Statewide Central Registry for the Collection of Information
37 Concerning the Abuse or Neglect of a Child established by
38 NRS 432.100.

39 **Sec. 74.** NRS 176.01247 is hereby amended to read as
40 follows:

41 176.01247 1. There is hereby created the Subcommittee on
42 the Medical Use of Marijuana of the Commission.

43 2. The Chair of the Commission shall appoint the members of
44 the Subcommittee. The Subcommittee must consist of legislative
45 and nonlegislative members, including, without limitation:



1 (a) At least four Legislators, who may or may not be members
2 of the Commission.

3 (b) A representative of the ~~{Division of Public and Behavioral~~
4 ~~Health of the}~~ Department of ~~{Health and Human Services.}~~
5 **Taxation.**

6 (c) A patient who holds a valid registry identification card to
7 engage in the medical use of marijuana pursuant to chapter 453A of
8 NRS.

9 (d) An owner or operator of a cultivation facility that is certified
10 to operate pursuant to chapter 453A of NRS.

11 (e) An owner or operator of a facility for the production of
12 edible marijuana products or marijuana-infused products that is
13 certified to operate pursuant to chapter 453A of NRS.

14 (f) An owner or operator of a medical marijuana dispensary that
15 is certified to operate pursuant to chapter 453A of NRS.

16 (g) A representative of the Attorney General.

17 (h) A representative of a civil liberties organization.

18 (i) A representative of an organization which advocates for
19 persons who use marijuana for medicinal purposes.

20 (j) A representative of a law enforcement agency located within
21 the jurisdiction of Clark County.

22 (k) A representative of a law enforcement agency located within
23 the jurisdiction of Washoe County.

24 (l) A representative of local government.

25 3. The Chair of the Commission shall designate one of the
26 legislative members of the Commission as Chair of the
27 Subcommittee.

28 4. The Subcommittee shall meet at the times and places
29 specified by a call of the Chair. A majority of the members of the
30 Subcommittee constitutes a quorum, and a quorum may exercise
31 any power or authority conferred on the Subcommittee.

32 5. The Subcommittee shall:

33 (a) Consider issues concerning the medical use of marijuana, the
34 dispensation of marijuana for medical use and the implementation of
35 provisions of law providing for the dispensation of marijuana for
36 medical use; and

37 (b) Evaluate, review and submit a report to the Commission
38 with recommendations concerning such issues.

39 6. Any Legislators who are members of the Subcommittee are
40 entitled to receive the salary provided for a majority of the members
41 of the Legislature during the first 60 days of the preceding session
42 for each day's attendance at a meeting of the Subcommittee.

43 7. While engaged in the business of the Subcommittee, to the
44 extent of legislative appropriation, each member of the



1 Subcommittee is entitled to receive the per diem allowance and
2 travel expenses provided for state officers and employees generally.

3 **Sec. 75.** NRS 201.090 is hereby amended to read as follows:

4 201.090 As used in NRS 201.100 and 201.110, unless the
5 context otherwise requires, a "neglected child," "delinquent child"
6 or "child in need of supervision" means any person less than 18
7 years of age:

8 1. Who is found begging, receiving or gathering alms, or who
9 is found in any street, road or public place for the purpose of so
10 doing, whether actually begging or doing so under the pretext of
11 selling or offering for sale any article, or of singing or playing on
12 any musical instrument, or of giving any public entertainment or
13 accompanying or being used in aid of any person so doing.

14 2. Who has no parent or guardian, who has no parent or
15 guardian willing to exercise or capable of exercising proper parental
16 control, or who has no parent or guardian actually exercising such
17 proper parental control, and who is in need of such control.

18 3. Who is destitute, or who is not provided with the necessities
19 of life by his or her parents, and who has no other means of
20 obtaining such necessities.

21 4. Whose home is an unfit place for the child, by reason of
22 neglect, cruelty or depravity of either of his or her parents, or of his
23 or her guardians or other person in whose custody or care the child
24 is.

25 5. Who is found living in any house of ill fame, or with any
26 disreputable person.

27 6. Who is found wandering and either has no home, no settled
28 place of abode, no visible means of subsistence or no proper
29 guardianship.

30 7. Who frequents the company of criminals, vagrants or
31 prostitutes, or persons so reputed, or who is in any house of
32 prostitution or assignation.

33 8. Who unlawfully visits a saloon where any spirituous, vinous
34 or malt liquors are sold, bartered, exchanged or given away.

35 9. Who habitually uses intoxicating liquors or who, *except for*
36 *the medical use of marijuana in accordance with the provisions of*
37 *chapter 453A of NRS*, uses opium, cocaine, morphine, or other
38 similar drug without the direction of a competent physician.

39 10. Who persistently or habitually refuses to obey the
40 reasonable and proper orders or directions of his or her parents,
41 guardian or custodian, or who is beyond the control of such person.

42 11. Who is a habitual truant from school.

43 12. Who is leading, or from any cause is in danger of leading,
44 an idle, dissolute, lewd or immoral life.



1 13. Who writes or uses vile, obscene, profane or indecent
2 language, or is guilty of indecent, immoral or lascivious conduct.

3 14. Who violates any law of this State or any ordinance of any
4 town, city or county of this State defining crime.

5 ➔ Any child who is a runaway, unmanageable or a habitual truant is
6 a child in need of supervision as that term is used in title 5 of NRS,
7 and is not a delinquent child.

8 **Sec. 76.** NRS 372A.290 is hereby amended to read as follows:

9 372A.290 1. An excise tax is hereby imposed on each
10 wholesale sale in this State of marijuana by a cultivation facility to
11 another medical marijuana establishment at the rate of 2 percent of
12 the sales price of the marijuana. The excise tax imposed pursuant to
13 this subsection is the obligation of the cultivation facility.

14 2. An excise tax is hereby imposed on each wholesale sale in
15 this State of edible marijuana products or marijuana-infused
16 products by a facility for the production of edible marijuana
17 products or marijuana-infused products to another medical
18 marijuana establishment at the rate of 2 percent of the sales price of
19 those products. The excise tax imposed pursuant to this subsection
20 is the obligation of the facility for the production of edible
21 marijuana products or marijuana-infused products which sells the
22 edible marijuana products or marijuana-infused products to the other
23 medical marijuana establishment.

24 3. An excise tax is hereby imposed on each retail sale in this
25 State of marijuana, edible marijuana products or marijuana-infused
26 products by a medical marijuana dispensary at the rate of 2 percent
27 of the sales price of the marijuana, edible marijuana products or
28 marijuana-infused products. The excise tax imposed pursuant to this
29 subsection:

30 (a) Is the obligation of the medical marijuana dispensary.

31 (b) Is separate from and in addition to any general state and
32 local sales and use taxes that apply to retail sales of tangible
33 personal property.

34 (c) Must be considered part of the total retail price to which
35 general state and local sales and use taxes apply.

36 4. The revenues collected from the excise taxes imposed
37 pursuant to subsections 1, 2 and 3 must be distributed as follows:

38 (a) Seventy-five percent must be paid over as collected to the
39 State Treasurer to be deposited to the credit of the State Distributive
40 School Account in the State General Fund.

41 (b) Twenty-five percent must be expended to pay the costs of
42 the ~~Division of Public and Behavioral Health of the~~ Department
43 ~~of Health and Human Services~~ in carrying out the provisions of
44 NRS 453A.320 to 453A.370, inclusive ~~+~~, and sections 10 to 13,
45 *inclusive, of this act.*



1 5. As used in this section:

2 (a) "Edible marijuana products" has the meaning ascribed to it
3 in NRS 453A.101.

4 (b) "Marijuana-infused products" has the meaning ascribed to it
5 in NRS 453A.112.

6 (c) "Medical marijuana establishment" has the meaning ascribed
7 to it in NRS 453A.116.

8 **Sec. 77.** NRS 424.031 is hereby amended to read as follows:

9 424.031 1. The licensing authority or a person or entity
10 designated by the licensing authority shall obtain from appropriate
11 law enforcement agencies information on the background and
12 personal history of each applicant for a license to conduct a foster
13 home, person who is licensed to conduct a foster home, employee of
14 that applicant or licensee, and resident of a foster home who is 18
15 years of age or older, other than a resident who remains under the
16 jurisdiction of a court pursuant to NRS 432B.594, to determine
17 whether the person investigated has been arrested for, has charges
18 pending for or has been convicted of:

19 (a) Murder, voluntary manslaughter or mayhem;

20 (b) Any other felony involving the use or threatened use of force
21 or violence against the victim or the use of a firearm or other deadly
22 weapon;

23 (c) Assault with intent to kill or to commit sexual assault or
24 mayhem;

25 (d) Sexual assault, statutory sexual seduction, incest, lewdness,
26 indecent exposure or any other sexually related crime or a felony
27 relating to prostitution;

28 (e) Abuse or neglect of a child or contributory delinquency;

29 (f) A violation of any federal or state law regulating the
30 possession, distribution or use of any controlled substance or any
31 dangerous drug as defined in chapter 454 of NRS ~~454~~, *except the*
32 *possession or use of marijuana in accordance with the provisions*
33 *of chapter 453A of NRS;*

34 (g) Abuse, neglect, exploitation, isolation or abandonment of
35 older persons or vulnerable persons, including, without limitation, a
36 violation of any provision of NRS 200.5091 to 200.50995,
37 inclusive, or a law of any other jurisdiction that prohibits the same
38 or similar conduct;

39 (h) Any offense involving fraud, theft, embezzlement, burglary,
40 robbery, fraudulent conversion or misappropriation of property
41 within the immediately preceding 7 years;

42 (i) Any offense relating to pornography involving minors,
43 including, without limitation, a violation of any provision of NRS
44 200.700 to 200.760, inclusive, or a law of any other jurisdiction that
45 prohibits the same or similar conduct;



1 (j) Prostitution, solicitation, lewdness or indecent exposure, or
2 any other sexually related crime that is punishable as a
3 misdemeanor, within the immediately preceding 7 years;

4 (k) A crime involving domestic violence that is punishable as a
5 felony;

6 (l) A crime involving domestic violence that is punishable as a
7 misdemeanor, within the immediately preceding 7 years;

8 (m) A criminal offense under the laws governing Medicaid or
9 Medicare, within the immediately preceding 7 years;

10 (n) Any offense involving the sale, furnishing, purchase,
11 consumption or possession of alcoholic beverages by a minor
12 including, without limitation, a violation of any provision of NRS
13 202.015 to 202.067, inclusive, or driving a vehicle under the
14 influence of alcohol or a controlled substance in violation of chapter
15 484C of NRS or a law of any other jurisdiction that prohibits the
16 same or similar conduct, within the immediately preceding 7 years;
17 or

18 (o) An attempt or conspiracy to commit any of the offenses
19 listed in this subsection within the immediately preceding 7 years.

20 2. A licensing authority or a person or entity designated by the
21 licensing authority may conduct an investigation of the background
22 and personal history of a person who is 18 years of age or older who
23 routinely supervises a child in a foster home in the same manner as
24 described in subsection 1.

25 3. The licensing authority or its approved designee may charge
26 each person investigated pursuant to this section for the reasonable
27 cost of that investigation.

28 4. Unless a preliminary Federal Bureau of Investigation
29 Interstate Identification Index name-based check of the records of
30 criminal history has been conducted pursuant to NRS 424.039, a
31 person who is required to submit to an investigation pursuant to
32 subsection 1 shall not have contact with a child in a foster home
33 without supervision before the investigation of the background and
34 personal history of the person has been conducted.

35 5. The licensing authority or its designee:

36 (a) Shall conduct an investigation of each licensee, employee
37 and resident pursuant to this section at least once every 5 years after
38 the initial investigation; and

39 (b) May conduct an investigation of any person who is 18 years
40 of age or older who routinely supervises a child in a foster home at
41 such times as it deems appropriate.

42 **Sec. 78.** NRS 424.145 is hereby amended to read as follows:

43 424.145 1. The licensing authority or a person designated by
44 the licensing authority shall obtain from appropriate law
45 enforcement agencies information on the background and personal



1 history of each applicant for or holder of a license to conduct a
2 foster care agency and each owner, member of the governing body,
3 employee, paid consultant, contractor, volunteer or vendor of that
4 applicant or licensee who may come into direct contact with a child
5 placed by the foster care agency, to determine whether the person
6 investigated has been arrested for, has charges pending for or has
7 been convicted of:

8 (a) Murder, voluntary manslaughter or mayhem;

9 (b) Any other felony involving the use or threatened use of force
10 or violence against the victim or the use of a firearm or other deadly
11 weapon;

12 (c) Assault with intent to kill or to commit sexual assault or
13 mayhem;

14 (d) Sexual assault, statutory sexual seduction, incest, lewdness,
15 indecent exposure or any other sexually related crime or a felony
16 relating to prostitution;

17 (e) Abuse or neglect of a child or contributory delinquency;

18 (f) A violation of any federal or state law regulating the
19 possession, distribution or use of any controlled substance or any
20 dangerous drug as defined in chapter 454 of NRS ~~H~~, *except the*
21 *possession or use of marijuana in accordance with the provisions*
22 *of chapter 453A of NRS;*

23 (g) Abuse, neglect, exploitation, isolation or abandonment of
24 older persons or vulnerable persons, including, without limitation, a
25 violation of any provision of NRS 200.5091 to 200.50995,
26 inclusive, or a law of any other jurisdiction that prohibits the same
27 or similar conduct;

28 (h) Any offense involving fraud, theft, embezzlement, burglary,
29 robbery, fraudulent conversion or misappropriation of property
30 within the immediately preceding 7 years;

31 (i) Any offense relating to pornography involving minors,
32 including, without limitation, a violation of any provision of NRS
33 200.700 to 200.760, inclusive, or a law of any other jurisdiction that
34 prohibits the same or similar conduct;

35 (j) Prostitution, solicitation, lewdness or indecent exposure, or
36 any other sexually related crime that is punishable as a
37 misdemeanor, within the immediately preceding 7 years;

38 (k) A crime involving domestic violence that is punishable as a
39 felony;

40 (l) A crime involving domestic violence that is punishable as a
41 misdemeanor, within the immediately preceding 7 years;

42 (m) A criminal offense under the laws governing Medicaid or
43 Medicare, within the immediately preceding 7 years;

44 (n) Any offense involving the sale, furnishing, purchase,
45 consumption or possession of alcoholic beverages by a minor,



1 including, without limitation, a violation of any provision of NRS
2 202.015 to 202.067, inclusive, or driving a vehicle under the
3 influence of alcohol or a controlled substance in violation of chapter
4 484C of NRS or a law of any other jurisdiction that prohibits the
5 same or similar conduct, within the immediately preceding 7 years;
6 or

7 (o) An attempt or conspiracy to commit any of the offenses
8 listed in this subsection within the immediately preceding 7 years.

9 2. Unless a preliminary Federal Bureau of Investigation
10 Interstate Identification Index name-based check of the records of
11 criminal history has been conducted pursuant to NRS 424.039, a
12 person who is required to submit to an investigation pursuant to this
13 section shall not have contact with a child in a foster home without
14 supervision before the investigation of the background and personal
15 history of the person is completed.

16 3. The licensing authority or its designee shall conduct an
17 investigation of each holder of a license to conduct a foster care
18 agency and each owner, member of a governing body, employee,
19 paid consultant, contractor, volunteer or vendor who may come into
20 direct contact with a child placed by the foster care agency pursuant
21 to this section at least once every 5 years after the initial
22 investigation.

23 **Sec. 79.** NRS 432A.170 is hereby amended to read as follows:

24 432A.170 1. The Division may, upon receipt of an
25 application for a license to operate a child care facility, conduct an
26 investigation into the:

27 (a) Buildings or premises of the facility and, if the application is
28 for an outdoor youth program, the area of operation of the program;

29 (b) Qualifications and background of the applicant or the
30 employees of the applicant;

31 (c) Method of operation for the facility; and

32 (d) Policies and purposes of the applicant.

33 2. The Division shall secure from appropriate law enforcement
34 agencies information on the background and personal history of
35 every applicant, licensee or employee of an applicant or licensee, or
36 every resident of a child care facility who is 18 years of age or older,
37 other than a resident who remains under the jurisdiction of a court
38 pursuant to NRS 432B.594, or participant in an outdoor youth
39 program who is 18 years of age or older, to determine whether the
40 person has been convicted of:

41 (a) Murder, voluntary manslaughter or mayhem;

42 (b) Any other felony involving the use of a firearm or other
43 deadly weapon;

44 (c) Assault with intent to kill or to commit sexual assault or
45 mayhem;



1 (d) Sexual assault, statutory sexual seduction, incest, lewdness,
2 indecent exposure or any other sexually related crime;

3 (e) Abuse or neglect of a child or contributory delinquency;

4 (f) A violation of any federal or state law regulating the
5 possession, distribution or use of any controlled substance or any
6 dangerous drug as defined in chapter 454 of NRS ~~454~~, *except the*
7 *possession or use of marijuana in accordance with the provisions*
8 *of chapter 453A of NRS;*

9 (g) Abuse, neglect, exploitation, isolation or abandonment of
10 older persons or vulnerable persons, including, without limitation, a
11 violation of any provision of NRS 200.5091 to 200.50995,
12 inclusive, or a law of any other jurisdiction that prohibits the same
13 or similar conduct; or

14 (h) Any offense involving fraud, theft, embezzlement, burglary,
15 robbery, fraudulent conversion or misappropriation of property
16 within the immediately preceding 7 years.

17 3. The Division shall request information concerning every
18 applicant, licensee or employee of an applicant or licensee, or every
19 resident of a child care facility who is 18 years of age or older, other
20 than a resident who remains under the jurisdiction of a court
21 pursuant to NRS 432B.594, or participant in an outdoor youth
22 program who is 18 years of age or older, from:

23 (a) The Central Repository for Nevada Records of Criminal
24 History for submission to the Federal Bureau of Investigation for its
25 report pursuant to NRS 432A.175; and

26 (b) The Statewide Central Registry for the Collection of
27 Information Concerning the Abuse or Neglect of a Child established
28 pursuant to NRS 432.100 to determine whether there has been a
29 substantiated report of child abuse or neglect made against any of
30 them.

31 4. The Division may charge each person investigated pursuant
32 to this section for the reasonable cost of that investigation.

33 5. The information required to be obtained pursuant to
34 subsections 2 and 3 must be requested concerning an:

35 (a) Employee of an applicant or licensee, resident of a child care
36 facility who is 18 years of age or older, other than a resident who
37 remains under the jurisdiction of a court pursuant to NRS 432B.594,
38 or participant in an outdoor youth program who is 18 years of age or
39 older not later than 3 days after the employee is hired, the residency
40 begins or the participant begins participating in the program, and
41 then at least once every 5 years thereafter.

42 (b) Applicant at the time that an application is submitted for
43 licensure, and then at least once every 5 years after the license is
44 issued.



1 6. A person who is required to submit to an investigation
2 required pursuant to this section shall not have contact with a child
3 in a child care facility without supervision before the investigation
4 of the background and personal history of the person has been
5 conducted.

6 **Sec. 80.** NRS 432A.440 is hereby amended to read as follows:

7 432A.440 1. A provider shall provide to potential clients a
8 form for a written record of a physical examination. The form must:

9 (a) Describe with particularity the physical demands of the
10 outdoor youth program and the environment where the program will
11 be conducted; and

12 (b) Contain spaces for the results of:

13 (1) A test of urine for the presence of a controlled substance
14 ***†, except for the presence of marijuana if used in accordance***
15 ***with the provisions of chapter 453A of NRS;***

16 (2) An examination of blood count;

17 (3) A test of urine for infections;

18 (4) An examination of electrolytes;

19 (5) A test for pregnancy;

20 (6) An assessment of ability to cope with physical stress; and

21 (7) A determination by the physician as to whether
22 detoxification is necessary before enrollment in the outdoor youth
23 program.

24 2. A field administrator shall not allow a client to participate in
25 an outdoor youth program unless the field administrator maintains in
26 the base camp and a member of the field staff, who is responsible
27 for the supervision of the client, carries in a waterproof container:

28 (a) A written record of the physical examination of the client,
29 conducted not more than 30 days before the client commences
30 participation in the program, consisting of the form furnished by the
31 provider pursuant to subsection 1, completed and executed by a
32 physician who is licensed to practice in this state; and

33 (b) A written history of the health of the client that covers a
34 period ending on a date within 30 days before the client commences
35 participation in the program. The history must be verified by a
36 parent or guardian and contain any limitations on the activities of
37 the client and any prescriptions to be taken by or administered to the
38 client.

39 **Sec. 81.** NRS 432A.530 is hereby amended to read as follows:

40 432A.530 A field administrator shall ensure that:

41 1. A client receives any necessary:

42 (a) Medication;

43 (b) First aid, including treatment for injury, disease and
44 venomous bites; and

45 (c) Medical treatment from qualified medical personnel,



1 ↳ as promptly as the circumstances and location of the client
2 allows.

3 2. A first-aid kit is immediately accessible at all activities
4 conducted pursuant to the program, and that the kit contains supplies
5 appropriate to the location, environment and type of activity.

6 3. Equipment is readily available for the emergency medical
7 evacuation of persons participating in the program.

8 4. Controlled substances are given to clients only as authorized
9 pursuant to a lawfully issued prescription **H or in accordance with**
10 ***the provisions of chapter 453A of NRS.***

11 5. All medications, whether sold by prescription or over the
12 counter, are kept in the possession of a member of the staff and
13 provided to clients as needed.

14 6. A member of the staff:

15 (a) Supervises the ingestion or other use of any medication by a
16 client; and

17 (b) Maintains a record, including the time, dosage and effect, of
18 any medication ingested or otherwise used by a client.

19 **Sec. 82.** NRS 432B.198 is hereby amended to read as follows:

20 432B.198 1. An agency which provides child welfare
21 services shall secure from appropriate law enforcement agencies
22 information on the background and personal history of each
23 applicant for employment with the agency, and each employee of
24 the agency, to determine:

25 (a) Whether the applicant or employee has been convicted of:

26 (1) Murder, voluntary manslaughter, involuntary
27 manslaughter or mayhem;

28 (2) Any felony involving the use or threatened use of force or
29 violence or the use of a firearm or other deadly weapon;

30 (3) Assault with intent to kill or to commit sexual assault or
31 mayhem;

32 (4) Battery which results in substantial bodily harm to the
33 victim;

34 (5) Battery that constitutes domestic violence that is
35 punishable as a felony;

36 (6) Battery that constitutes domestic violence, other than a
37 battery described in subparagraph (5), within the immediately
38 preceding 3 years;

39 (7) Sexual assault, statutory sexual seduction, incest,
40 lewdness, indecent exposure or an offense involving pornography
41 and a minor;

42 (8) A crime involving pandering or prostitution, including,
43 without limitation, a violation of any provision of NRS 201.295 to
44 201.440, inclusive;



1 (9) Abuse or neglect of a child, including, without limitation,
2 a violation of any provision of NRS 200.508 or 200.5083 or
3 contributory delinquency;

4 (10) A violation of any federal or state law regulating the
5 possession, distribution or use of any controlled substance or any
6 dangerous drug as defined in chapter 454 of NRS ~~454~~, *except the*
7 *possession or use of marijuana in accordance with the provisions*
8 *of chapter 453A of NRS;*

9 (11) A violation of any federal or state law prohibiting
10 driving or being in actual physical control of a vehicle while under
11 the influence of intoxicating liquor or a controlled substance that is
12 punishable as a felony;

13 (12) A violation of any federal or state law prohibiting
14 driving or being in actual physical control of a vehicle while under
15 the influence of intoxicating liquor or a controlled substance, other
16 than a violation described in subparagraph (11), within the
17 immediately preceding 3 years;

18 (13) Abuse, neglect, exploitation, isolation or abandonment
19 of older persons or vulnerable persons, including, without
20 limitation, a violation of any provision of NRS 200.5091 to
21 200.50995, inclusive, or a law of any other jurisdiction that
22 prohibits the same or similar conduct; or

23 (14) Any offense involving arson, fraud, theft,
24 embezzlement, burglary, robbery, fraudulent conversion,
25 misappropriation of property or perjury within the immediately
26 preceding 7 years; or

27 (b) Whether there are criminal charges pending against the
28 applicant or employee for a violation of an offense listed in
29 paragraph (a).

30 2. An agency which provides child welfare services shall
31 request information from:

32 (a) The Statewide Central Registry concerning an applicant for
33 employment with the agency, or an employee of the agency, to
34 determine whether there has been a substantiated report of child
35 abuse or neglect made against the applicant or employee; and

36 (b) The central registry of information concerning the abuse or
37 neglect of a child established by any other state in which the
38 applicant or employee resided within the immediately preceding 5
39 years to ensure satisfactory clearance with that registry.

40 3. Each applicant for employment with an agency which
41 provides child welfare services, and each employee of an agency
42 which provides child welfare services, must submit to the agency:

43 (a) A complete set of his or her fingerprints and written
44 authorization to forward those fingerprints to the Central Repository



1 for Nevada Records of Criminal History for submission to the
2 Federal Bureau of Investigation for its report; and

3 (b) Written authorization for the agency to obtain any
4 information that may be available from the Statewide Central
5 Registry or the central registry of information concerning the abuse
6 or neglect of a child established by any other state in which the
7 applicant or employee resided within the immediately preceding 5
8 years.

9 4. An agency which provides child welfare services may
10 exchange with the Central Repository or the Federal Bureau of
11 Investigation any information concerning the fingerprints submitted
12 pursuant to this section.

13 5. When a report from the Federal Bureau of Investigation is
14 received by the Central Repository, the Central Repository shall
15 immediately forward a copy of the report to the agency which
16 provides child welfare services for a determination of whether the
17 applicant or employee has criminal charges pending against him or
18 her for a crime listed in paragraph (a) of subsection 1 or has been
19 convicted of a crime listed in paragraph (a) of subsection 1.

20 6. An agency which provides child welfare services shall
21 conduct an investigation of each employee of the agency pursuant to
22 this section at least once every 5 years after the initial investigation.

23 7. As used in this section, "Statewide Central Registry" means
24 the Statewide Central Registry for the Collection of Information
25 Concerning the Abuse or Neglect of a Child established by
26 NRS 432.100.

27 **Sec. 83.** NRS 433.554 is hereby amended to read as follows:

28 433.554 1. An employee of a public or private mental health
29 facility or any other person, except a consumer, who:

30 (a) Has reason to believe that a consumer of the Division or of a
31 private facility offering mental health services has been or is being
32 abused or neglected and fails to report it;

33 (b) Brings intoxicating beverages or a controlled substance into
34 any division facility occupied by consumers unless specifically
35 authorized to do so by the administrative officer or a staff physician
36 of the facility;

37 (c) Is under the influence of liquor or a controlled substance
38 while employed in contact with consumers, unless in accordance
39 with a lawfully issued prescription ~~H~~ *or the provisions of chapter*
40 *453A of NRS;*

41 (d) Enters into any transaction with a consumer involving the
42 transfer of money or property for personal use or gain at the expense
43 of the consumer; or

44 (e) Contrives the escape, elopement or absence of a consumer,



1 ↳ is guilty of a misdemeanor, in addition to any other penalties
2 provided by law.

3 2. In addition to any other penalties provided by law, an
4 employee of a public or private mental health facility or any other
5 person, except a consumer, who willfully abuses or neglects a
6 consumer:

7 (a) For a first violation that does not result in substantial bodily
8 harm to the consumer, is guilty of a gross misdemeanor.

9 (b) For a first violation that results in substantial bodily harm to
10 the consumer, is guilty of a category B felony.

11 (c) For a second or subsequent violation, is guilty of a category
12 B felony.

13 ↳ A person convicted of a category B felony pursuant to this
14 section shall be punished by imprisonment in the state prison for a
15 minimum term of not less than 1 year and a maximum term of not
16 more than 6 years, or by a fine of not more than \$5,000, or by both
17 fine and imprisonment.

18 3. A person who is convicted pursuant to this section is
19 ineligible for 5 years for appointment to or employment in a position
20 in the state service and, if the person is an officer or employee of the
21 State, the person forfeits his or her office or position.

22 4. A conviction pursuant to this section is, when applicable,
23 grounds for disciplinary action against the person so convicted and
24 the facility where the violation occurred. The Division may
25 recommend to the appropriate agency or board the suspension or
26 revocation of the professional license, registration, certificate or
27 permit of a person convicted pursuant to this section.

28 5. For the purposes of this section:

29 (a) "Abuse" means any willful and unjustified infliction of pain,
30 injury or mental anguish upon a consumer, including, but not
31 limited to:

32 (1) The rape, sexual assault or sexual exploitation of the
33 consumer;

34 (2) The use of any type of aversive intervention;

35 (3) Except as otherwise provided in NRS 433.5486, a
36 violation of NRS 433.549; and

37 (4) The use of physical, chemical or mechanical restraints or
38 the use of seclusion in violation of federal law.

39 ↳ Any act which meets the standard of practice for care and
40 treatment does not constitute abuse.

41 (b) "Consumer" includes any person who seeks, on the person's
42 own or others' initiative, and can benefit from, care, treatment and
43 training in a public or private institution or facility offering mental
44 health services, or from treatment to competency in a public or
45 private institution or facility offering mental health services. The



1 term includes a consumer of the Division of Child and Family
2 Services of the Department.

3 (c) "Neglect" means any omission to act which causes injury to
4 a consumer or which places the consumer at risk of injury,
5 including, but not limited to, the failure to follow:

6 (1) An appropriate plan of treatment to which the consumer
7 has consented; and

8 (2) The policies of the facility for the care and treatment of
9 consumers.

10 ➤ Any omission to act which meets the standard of practice for care
11 and treatment does not constitute neglect.

12 (d) "Standard of practice" means the skill and care ordinarily
13 exercised by prudent professional personnel engaged in health care.

14 **Sec. 84.** NRS 433B.183 is hereby amended to read as follows:

15 433B.183 1. A division facility which provides residential
16 treatment to children shall secure from appropriate law enforcement
17 agencies information on the background and personal history of an
18 employee of the facility to determine whether the employee has
19 been convicted of:

20 (a) Murder, voluntary manslaughter or mayhem;

21 (b) Any other felony involving the use of a firearm or other
22 deadly weapon;

23 (c) Assault with intent to kill or to commit sexual assault or
24 mayhem;

25 (d) Sexual assault, statutory sexual seduction, incest, lewdness,
26 indecent exposure or any other sexually related crime;

27 (e) Abuse or neglect of a child or contributory delinquency;

28 (f) A violation of any federal or state law regulating the
29 possession, distribution or use of any controlled substance or any
30 dangerous drug as defined in chapter 454 of NRS ~~§~~, *except the*
31 *possession or use of marijuana in accordance with the provisions*
32 *of chapter 453A of NRS;*

33 (g) Abuse, neglect, exploitation, isolation or abandonment of
34 older persons or vulnerable persons, including, without limitation, a
35 violation of any provision of NRS 200.5091 to 200.50995,
36 inclusive, or a law of any other jurisdiction that prohibits the same
37 or similar conduct; or

38 (h) Any offense involving fraud, theft, embezzlement, burglary,
39 robbery, fraudulent conversion or misappropriation of property
40 within the immediately preceding 7 years.

41 2. An employee must submit to the Division two complete sets
42 of fingerprints and written authorization to forward those
43 fingerprints to the Central Repository for Nevada Records of
44 Criminal History for submission to the Federal Bureau of
45 Investigation for its report.



1 3. The Division may exchange with the Central Repository or
2 the Federal Bureau of Investigation any information concerning the
3 fingerprints submitted.

4 4. The Division may charge an employee investigated pursuant
5 to this section for the reasonable cost of that investigation.

6 5. An employee who is required to submit to an investigation
7 required pursuant to this section shall not have contact with a child
8 in a division facility without supervision before the investigation of
9 the background and personal history of the employee has been
10 conducted.

11 6. The division facility shall conduct an investigation of each
12 employee pursuant to this section at least once every 5 years after
13 the initial investigation.

14 **Sec. 85.** NRS 433B.340 is hereby amended to read as follows:

15 433B.340 1. An employee of the Division or other person
16 who:

17 (a) Has reason to believe that a consumer has been or is being
18 abused or neglected and fails to report it;

19 (b) Brings intoxicating beverages or a controlled substance into
20 any building occupied by consumers unless specifically authorized
21 to do so by the administrative officer or a staff physician of the
22 facility;

23 (c) Is under the influence of liquor or a controlled substance
24 while employed in contact with consumers, unless in accordance
25 with a lawfully issued prescription ~~§~~ *or the provisions of chapter*
26 *453A of NRS;*

27 (d) Enters into any transaction with a consumer involving the
28 transfer of money or property for personal use or gain at the expense
29 of the consumer; or

30 (e) Contrives the escape, elopement or absence of a consumer,
31 **↪** is guilty of a misdemeanor.

32 2. An employee of the Division or other person who willfully
33 abuses or neglects any consumer:

34 (a) If no substantial bodily harm to the consumer results, is
35 guilty of a gross misdemeanor.

36 (b) If substantial bodily harm to the consumer results, is guilty
37 of a category B felony and shall be punished by imprisonment in the
38 state prison for a minimum term of not less than 1 year and a
39 maximum term of not more than 6 years, or by a fine of not more
40 than \$5,000, or by both fine and imprisonment.

41 3. A person who is convicted pursuant to this section is
42 ineligible for 5 years for appointment to or employment in a position
43 in the state service and, if he or she is an officer or employee of the
44 State, the person forfeits his or her office or position.

45 4. For the purposes of this section:



1 (a) "Abuse" means any willful or reckless act or omission to act
2 which causes physical or mental injury to a consumer, including, but
3 not limited to:

4 (1) The rape, sexual assault or sexual exploitation of the
5 consumer;

6 (2) Striking the consumer;

7 (3) The use of excessive force when placing the consumer in
8 physical restraints; and

9 (4) The use of physical or chemical restraints in violation of
10 state or federal law.

11 ➔ Any act or omission to act which meets the standard practice for
12 care and treatment does not constitute abuse.

13 (b) "Neglect" means any act or omission to act which causes
14 injury to a consumer or which places the consumer at risk of injury,
15 including, but not limited to, the failure to:

16 (1) Establish or carry out an appropriate plan of treatment for
17 the consumer;

18 (2) Provide the consumer with adequate nutrition, clothing or
19 health care; and

20 (3) Provide a safe environment for the consumer.

21 ➔ Any act or omission to act which meets the standard practice for
22 care and treatment does not constitute neglect.


23 (c) "Standard practice" is the skill and care ordinarily exercised
24 by prudent medical personnel.

25 **Sec. 86.** NRS 435.645 is hereby amended to read as follows:

26 435.645 1. An employee of a public or private facility
27 offering services for persons with intellectual disabilities and
28 persons with related conditions or any other person, except a
29 consumer, who:

30 (a) Has reason to believe that a consumer of the Division or of a
31 private facility offering services for consumers with intellectual
32 disabilities and consumers with related conditions has been or is
33 being abused or neglected and fails to report it;

34 (b) Brings intoxicating beverages or a controlled substance into
35 any division facility occupied by consumers unless specifically
36 authorized to do so by the administrative officer or a staff physician
37 of the facility;

38 (c) Is under the influence of liquor or a controlled substance
39 while employed in contact with consumers, unless in accordance
40 with a lawfully issued prescription  or the provisions of chapter
41 *453A of NRS*;

42 (d) Enters into any transaction with a consumer involving the
43 transfer of money or property for personal use or gain at the expense
44 of the consumer; or

45 (e) Contrives the escape, elopement or absence of a consumer,



1 ↳ is guilty of a misdemeanor, in addition to any other penalties
2 provided by law.

3 2. In addition to any other penalties provided by law, an
4 employee of a public or private facility offering services for persons
5 with intellectual disabilities and persons with related conditions or
6 any other person, except a consumer, who willfully abuses or
7 neglects a consumer:

8 (a) For a first violation that does not result in substantial bodily
9 harm to the consumer, is guilty of a gross misdemeanor.

10 (b) For a first violation that results in substantial bodily harm to
11 the consumer, is guilty of a category B felony.

12 (c) For a second or subsequent violation, is guilty of a category
13 B felony.

14 ↳ A person convicted of a category B felony pursuant to this
15 section shall be punished by imprisonment in the state prison for a
16 minimum term of not less than 1 year and a maximum term of not
17 more than 6 years, or by a fine of not more than \$5,000, or by both
18 fine and imprisonment.

19 3. A person who is convicted pursuant to this section is
20 ineligible for 5 years for appointment to or employment in a position
21 in the state service and, if the person is an officer or employee of the
22 State, the person forfeits his or her office or position.

23 4. A conviction pursuant to this section is, when applicable,
24 grounds for disciplinary action against the person so convicted and
25 the facility where the violation occurred. The Division may
26 recommend to the appropriate agency or board the suspension or
27 revocation of the professional license, registration, certificate or
28 permit of a person convicted pursuant to this section.

29 5. For the purposes of this section:

30 (a) "Abuse" means any willful and unjustified infliction of pain,
31 injury or mental anguish upon a consumer, including, but not
32 limited to:

33 (1) The rape, sexual assault or sexual exploitation of the
34 consumer;

35 (2) The use of any type of aversive intervention;

36 (3) Except as otherwise provided in NRS 433.5486, a
37 violation of NRS 433.549; and

38 (4) The use of physical, chemical or mechanical restraints or
39 the use of seclusion in violation of federal law.

40 ↳ Any act which meets the standard of practice for care and
41 treatment does not constitute abuse.

42 (b) "Consumer" includes any person who seeks, on the person's
43 own or others' initiative, and can benefit from, care, treatment and
44 training in a public or private institution or facility offering services



1 for persons with intellectual disabilities and persons with related
2 conditions.

3 (c) "Neglect" means any omission to act which causes injury to
4 a consumer or which places the consumer at risk of injury,
5 including, but not limited to, the failure to follow:

6 (1) An appropriate plan of treatment to which the consumer
7 has consented; and

8 (2) The policies of the facility for the care and treatment of
9 consumers.

10 ➔ Any omission to act which meets the standard of practice for care
11 and treatment does not constitute neglect.

12 (d) "Standard of practice" means the skill and care ordinarily
13 exercised by prudent professional personnel engaged in health care.

14 **Sec. 87.** Chapter 557 of NRS is hereby amended by adding
15 thereto the provisions set forth as sections 88 to 107, inclusive, of
16 this act.

17 **Sec. 88.** *As used in sections 88 to 107, inclusive, of this act,
18 unless the context otherwise requires, the words and terms defined
19 in sections 89 to 96, inclusive, of this act have the meanings
20 ascribed to them in those sections.*

21 **Sec. 89.** *"Agricultural hemp seed" means the seed of any
22 plant of the genus Cannabis that:*

- 23 1. *Is sold to or intended to be sold to a grower for planting; or*
- 24 2. *Remains in an unprocessed or partially processed
25 condition that is capable of germination.*

26 **Sec. 90.** *"Crop" means all industrial hemp grown by a
27 grower.*

28 **Sec. 91.** *"Department" means the State Department of
29 Agriculture.*

30 **Sec. 92.** *"Grower" means a person who is registered by the
31 Department and produces industrial hemp.*

32 **Sec. 93.** *"Handler" means a person who is registered by the
33 Department and receives industrial hemp for processing into
34 commodities, products or agricultural hemp seed.*

35 **Sec. 94.** 1. *"Industrial hemp" means:*

36 (a) *Any plant of the genus Cannabis and any part of such
37 plant other than a seed, whether growing or not, with a THC
38 concentration of not more than 0.3 percent on a dry weight basis;
39 and*

40 (b) *A seed of any plant of the genus Cannabis that:*

- 41 (1) *Is part of a crop;*
- 42 (2) *Is retained by a grower for future planting;*
- 43 (3) *Is agricultural hemp seed;*
- 44 (4) *Is intended for processing into or for use as agricultural
45 hemp seed; or*



1 (5) *Has been processed in a manner that renders it*
2 *incapable of germination.*

3 2. *“Industrial hemp” does not include any commodity or*
4 *product made using industrial hemp.*

5 Sec. 95. *“Producer” means a person who is registered by the*
6 *Department and produces agricultural hemp seed.*

7 Sec. 96. *“THC” has the meaning ascribed to it in*
8 *NRS 453A.155.*

9 Sec. 97. *The provisions of sections 88 to 107, inclusive, of*
10 *this act do not apply to the Department or an institution of higher*
11 *education which grows or cultivates industrial hemp pursuant to*
12 *NRS 557.010 to 557.080, inclusive.*

13 Sec. 98. 1. *A person shall not grow or handle industrial*
14 *hemp or produce agricultural hemp seed unless the person is*
15 *registered with the Department as a grower, handler or producer,*
16 *as applicable.*

17 2. *A person who grows or handles industrial hemp must*
18 *register with the Department as a grower or handler, as*
19 *applicable.*

20 3. *A person who produces agricultural hemp seed must*
21 *register with the Department as a producer unless the person is:*

22 (a) *A grower registered pursuant to subsection 2 who retains*
23 *agricultural hemp seed solely pursuant to subsection 3 of section*
24 *103 of this act; or*

25 (b) *A grower or handler registered pursuant to subsection 2*
26 *who processes seeds of any plant of the genus Cannabis which are*
27 *incapable of germination into commodities or products.*

28 ↪ *A person may not register as a producer unless the person is*
29 *also registered as a grower or handler.*

30 4. *A person who wishes to register with the Department as a*
31 *grower, handler or producer must submit to the Department the*
32 *fee established pursuant to subsection 7 and an application, on a*
33 *form prescribed by the Department, which includes:*

34 (a) *The name and address of the applicant;*

35 (b) *The name and address of the applicant’s business in which*
36 *industrial hemp or agricultural hemp seed will be grown, handled*
37 *or produced, if different than that of the applicant; and*

38 (c) *Such other information as the Department may require by*
39 *regulation.*

40 5. *Registration as a grower, handler or producer expires on*
41 *December 31 of each year and may be renewed upon submission*
42 *of an application for renewal containing such information as the*
43 *Department may require by regulation.*

44 6. *Registration as a grower, handler or producer is not*
45 *transferable. If a grower, handler or producer changes its*



1 *business name or the ownership of the grower, handler or*
2 *producer changes, the grower, handler or producer must obtain a*
3 *new registration pursuant to sections 88 to 107, inclusive, of this*
4 *act.*

5 *7. The Department shall establish by regulation fees for the*
6 *issuance and renewal of registration as a grower, handler or*
7 *producer in an amount necessary to cover the cost of carrying out*
8 *sections 88 to 107, inclusive, of this act.*

9 **Sec. 99.** *1. In addition to any other requirements set forth*
10 *in sections 88 to 107, inclusive, of this act, an applicant for*
11 *registration or the renewal of a registration as a grower, handler*
12 *or producer shall:*

13 *(a) Include the social security number of the applicant in the*
14 *application submitted to the Department.*

15 *(b) Submit to the Department the statement prescribed by the*
16 *Division of Welfare and Supportive Services of the Department of*
17 *Health and Human Services pursuant to NRS 425.520. The*
18 *statement must be completed and signed by the applicant.*

19 *2. The Department shall include the statement required*
20 *pursuant to subsection 1 in:*

21 *(a) The application or any other forms that must be submitted*
22 *for the issuance or renewal of the registration; or*

23 *(b) A separate form prescribed by the Department.*

24 *3. Registration as a grower, handler or producer may not be*
25 *issued or renewed by the Department if the applicant:*

26 *(a) Fails to submit the statement required pursuant to*
27 *subsection 1; or*

28 *(b) Indicates on the statement submitted pursuant to*
29 *subsection 1 that the applicant is subject to a court order for the*
30 *support of a child and is not in compliance with the order or a*
31 *plan approved by the district attorney or other public agency*
32 *enforcing the order for the repayment of the amount owed*
33 *pursuant to the order.*

34 *4. If an applicant indicates on the statement submitted*
35 *pursuant to subsection 1 that the applicant is subject to a court*
36 *order for the support of a child and is not in compliance with the*
37 *order or a plan approved by the district attorney or other public*
38 *agency enforcing the order for the repayment of the amount owed*
39 *pursuant to the order, the Department shall advise the applicant to*
40 *contact the district attorney or other public agency enforcing the*
41 *order to determine the actions that the applicant may take to*
42 *satisfy the arrearage.*

43 **Sec. 100.** *1. If the Department receives a copy of a court*
44 *order issued pursuant to NRS 425.540 that provides for the*
45 *suspension of all professional, occupational and recreational*



1 *licenses, certificates and permits issued to a person who is*
2 *registered as a grower, handler or producer, the Department shall*
3 *deem the registration issued to that person to be suspended at the*
4 *end of the 30th day after the date on which the court order was*
5 *issued unless the Department receives a letter issued to the*
6 *registrant by the district attorney or other public agency pursuant*
7 *to NRS 425.550 stating that the registrant has complied with the*
8 *subpoena or warrant or has satisfied the arrearage pursuant to*
9 *NRS 425.560.*

10 2. *The Department shall reinstate the registration of a*
11 *grower, handler or producer that has been suspended by a district*
12 *court pursuant to NRS 425.540 if the Department receives a letter*
13 *issued by the district attorney or other public agency pursuant to*
14 *NRS 425.550 to the person whose registration was suspended*
15 *stating that the person whose registration was suspended has*
16 *complied with the subpoena or warrant or has satisfied the*
17 *arreage pursuant to NRS 425.560.*

18 **Sec. 101.** 1. *In addition to any other requirements set forth*
19 *in sections 88 to 107, inclusive, of this act, an applicant for the*
20 *renewal of a registration as a grower, handler or producer must*
21 *indicate in the application submitted to the Department whether*
22 *the applicant has a state business registration. If the applicant has*
23 *a state business registration, the applicant must include in the*
24 *application the business identification number assigned by the*
25 *Secretary of State upon compliance with the provisions of chapter*
26 *76 of NRS.*

27 2. *Registration as a grower, handler or producer may not be*
28 *renewed by the Department if:*

29 (a) *The applicant fails to submit the information required by*
30 *subsection 1; or*

31 (b) *The State Controller has informed the Department*
32 *pursuant to subsection 5 of NRS 353C.1965 that the applicant*
33 *owes a debt to an agency that has been assigned to the State*
34 *Controller for collection and the applicant has not:*

35 (1) *Satisfied the debt;*

36 (2) *Entered into an agreement for the payment of the debt*
37 *pursuant to NRS 353C.130; or*

38 (3) *Demonstrated that the debt is not valid.*

39 3. *As used in this section:*

40 (a) *“Agency” has the meaning ascribed to it in NRS 353C.020.*

41 (b) *“Debt” has the meaning ascribed to it in NRS 353C.040.*

42 **Sec. 102.** 1. *A grower or handler shall keep such records as*
43 *the Department may prescribe by regulation and, upon 3 days’*
44 *notice, make such records available to the Department for*
45 *inspection during normal business hours. The Department may*



1 *inspect records pursuant to this subsection to determine whether a*
2 *person has complied with the provisions of sections 88 to 107,*
3 *inclusive, of this act, the regulations adopted pursuant thereto and*
4 *any lawful order of the Department.*

5 *2. The Department may inspect any growing crop and take a*
6 *representative sample for analysis in the field. If testing of such a*
7 *sample in the field determines that the crop contains a THC*
8 *concentration of more than 0.3 percent on a dry weight basis, the*
9 *Department may detain, seize or embargo the crop.*

10 **Sec. 103.** *1. Each grower shall provide the Department*
11 *with a description of the property on which the crop of the grower*
12 *is or will be located. Such a description must be in a manner*
13 *prescribed by the Department and include, without limitation,*
14 *global positioning system coordinates.*

15 *2. A grower may use any method for the propagation of*
16 *industrial hemp to produce industrial hemp, including, without*
17 *limitation, planting seeds or starts, using clones or cuttings or*
18 *cultivating industrial hemp in a greenhouse.*

19 *3. A grower may retain agricultural hemp seed for the*
20 *purpose of propagating industrial hemp in future years.*

21 **Sec. 104.** *1. The Department may adopt regulations*
22 *establishing quality standards and requirements for the packaging*
23 *and labeling of agricultural hemp seed.*

24 *2. A producer shall comply with:*

25 *(a) Any regulation adopted by the Department pursuant to*
26 *subsection 1; and*

27 *(b) The provisions of NRS 587.015 to 587.123, inclusive, and*
28 *any regulations adopted pursuant thereto.*

29 *3. The Department shall provide adequate information to*
30 *growers to identify producers from which a grower may purchase*
31 *agricultural hemp seed.*

32 **Sec. 105.** *1. A grower, handler or producer may submit*
33 *industrial hemp or a commodity or product made using industrial*
34 *hemp to an independent testing laboratory for testing pursuant to*
35 *this section and an independent testing laboratory may perform*
36 *such testing.*

37 *2. A handler may not sell a commodity or product made using*
38 *industrial hemp which is intended for human consumption unless*
39 *the commodity or product has been submitted to an independent*
40 *testing laboratory for testing and the independent testing*
41 *laboratory has confirmed that the commodity or product satisfies*
42 *the standards established by the Department of Taxation pursuant*
43 *to NRS 453A.370 for the content, quality and potency of*
44 *marijuana, edible marijuana products and marijuana-infused*
45 *products.*



1 3. *The Department shall adopt regulations establishing*
2 *protocols and procedures for the testing of commodities and*
3 *products made using industrial hemp, including, without*
4 *limitation, determining appropriate standards for sampling and*
5 *for the size of batches for testing.*

6 4. *The Department may adopt regulations requiring the*
7 *submission of a sample of a crop of industrial hemp by a grower to*
8 *an independent testing laboratory to determine whether the crop*
9 *has a THC concentration of not more than 0.3 percent on a dry*
10 *weight basis. The regulations may include, without limitation:*

11 (a) *Protocols and procedures for the testing of a crop,*
12 *including, without limitation, determining appropriate standards*
13 *for sampling and for the size of batches for testing; and*

14 (b) *A requirement that an independent testing laboratory*
15 *provide the results of the testing directly to the Department in a*
16 *manner prescribed by the Department.*

17 5. *As used in this section:*

18 (a) *“Independent testing laboratory” means a facility certified*
19 *as an independent testing laboratory pursuant to NRS 453A.368.*

20 (b) *“Intended for human consumption” means intended for*
21 *ingestion or inhalation by a human or for topical application to*
22 *the skin or hair of a human.*

23 **Sec. 106.** *1. The Department may refuse to issue or renew,*
24 *suspend or revoke the registration of a grower, handler or*
25 *producer for a violation of any provision of sections 88 to 107,*
26 *inclusive, of this act, the regulations adopted pursuant thereto or*
27 *any lawful order of the Department.*

28 2. *In addition to any other penalty provided by law, the*
29 *Department may impose an administrative fine on any person who*
30 *violates the provisions of sections 88 to 107, inclusive, of this act,*
31 *the regulations adopted pursuant thereto or any lawful order of*
32 *the Department in an amount not to exceed \$2,500.*

33 3. *All fines collected by the Department pursuant to*
34 *subsection 2 must be deposited with the State Treasurer for credit*
35 *to the State General Fund.*

36 **Sec. 107.** *Any person who grows or handles industrial hemp*
37 *or produces agricultural hemp seed without being registered with*
38 *the Department pursuant to section 98 of this act is guilty of a*
39 *misdemeanor and shall be punished by imprisonment in the*
40 *county jail for not more than 6 months, or by a fine of not more*
41 *than \$1,000, or by both fine and imprisonment. The prosecuting*
42 *attorney and the Department may recover the costs of the*
43 *proceeding, including investigative costs and attorney’s fees,*
44 *against a person convicted of a misdemeanor pursuant to this*
45 *section.*



1 **Sec. 108.** NRS 557.010 is hereby amended to read as follows:
2 557.010 As used in ~~{this chapter,}~~ *NRS 557.010 to 557.080,*
3 *inclusive,* unless the context otherwise requires, the words and terms
4 defined in NRS 557.020 to 557.060, inclusive, have the meanings
5 ascribed to them in those sections.

6 **Sec. 109.** NRS 557.080 is hereby amended to read as follows:
7 557.080 The State Board of Agriculture may adopt regulations
8 to carry out the provisions of ~~{this chapter,}~~ *NRS 557.010 to*
9 *557.080, inclusive,* including, without limitation, regulations
10 necessary to:

- 11 1. Establish and carry out an agricultural pilot program;
- 12 2. Provide for the certification and registration of sites used for
13 growing or cultivating industrial hemp; and
- 14 3. Restrict or prohibit the use or processing of industrial hemp
15 for the creation, manufacture, sale or use of cannabidiol or any
16 compound, salt, derivative, mixture or preparation of cannabidiol.

17 **Sec. 110.** NRS 630.369 is hereby amended to read as follows:
18 630.369 1. A person, other than a physician, shall not inject a
19 patient with any chemotherapeutic agent classified as a prescription
20 drug unless:

- 21 (a) The person is licensed or certified to perform medical
22 services pursuant to this title;
- 23 (b) The administration of the injection is within the scope of the
24 person's license or certificate; and
- 25 (c) The person administers the injection under the supervision of
26 a physician. The Board shall prescribe the requirements for
27 supervision pursuant to this subsection.

28 2. As used in this section:
29 (a) "Dangerous drug" has the meaning ascribed to it in
30 NRS 454.201.

- 31 (b) "Prescription drug" means:
 - 32 (1) A controlled substance or dangerous drug that may be
33 dispensed to an ultimate user only pursuant to a lawful prescription
34 ~~{}~~ *or in accordance with the provisions of chapter 453A of NRS;*
35 and
 - 36 (2) Any other substance or drug substituted for such a
37 controlled substance or dangerous drug.

38 **Sec. 111.** NRS 641C.065 is hereby amended to read as
39 follows:

40 641C.065 1. "Clinical practice of counseling alcohol and
41 drug abusers" means:

- 42 (a) The application of counseling to reduce or eliminate the
43 habitual use of alcohol or other drugs, other than any maintenance
44 dosage of a narcotic or habit-forming drug administered pursuant to



1 chapter 453 of NRS ~~H~~ *or marijuana administered pursuant to*
2 *chapter 453A of NRS*; and

3 (b) The identification, evaluation and diagnosis of and treatment
4 for a mental illness when a person with mental illness is also an
5 alcoholic or abuser of drugs.

6 2. The term does not include:

7 (a) The diagnosis or treatment of a psychotic disorder; or

8 (b) The use of a psychological or psychometric assessment test
9 to determine intelligence, personality, aptitude and interests.

10 **Sec. 112.** NRS 641C.100 is hereby amended to read as
11 follows:

12 641C.100 "Practice of counseling alcohol and drug abusers"
13 means the application of counseling to reduce or eliminate the
14 habitual use of alcohol or other drugs, other than any maintenance
15 dosage of a narcotic or habit-forming drug administered pursuant to
16 chapter 453 of NRS ~~H~~ *or marijuana administered pursuant to*
17 *chapter 453A of NRS*.

18 **Sec. 113.** 1. Notwithstanding the provisions of NRS
19 453A.322, as amended by section 38 of this act, a person who
20 obtains a medical marijuana establishment registration certificate for
21 the operation of an independent testing laboratory before July 1,
22 2017:

23 (a) May renew his or her medical marijuana establishment
24 registration certificate upon:

25 (1) Resubmission of the information set forth in NRS
26 453A.322; and

27 (2) Payment of the renewal fee set forth in NRS 453A.344;
28 and

29 (b) Shall obtain accreditation pursuant to standard ISO/IEC
30 17025 of the International Organization for Standardization on or
31 before January 1, 2019.

32 2. The Department of Taxation shall revoke the medical
33 marijuana establishment registration certificate of an independent
34 testing laboratory described in subsection 1 which fails to obtain the
35 accreditation described in paragraph (b) of subsection 1 on or before
36 January 1, 2019.

37 **Sec. 114.** Notwithstanding the provisions of NRS 453A.352,
38 as amended by section 50 of this act, a person who obtains a
39 medical marijuana establishment registration certificate before
40 July 1, 2017, shall install a video monitoring system as required by
41 subsection 8 of NRS 453A.352, as amended by section 50 of this
42 act, on or before January 1, 2019.

43 **Sec. 115.** 1. The amendatory provisions of this act do not
44 affect the validity of an unexpired registry identification card, letter
45 of approval, medical marijuana establishment registration certificate



1 or medical marijuana establishment agent registration card that was
2 issued by the Division of Public and Behavioral Health of the
3 Department of Health and Human Services before July 1, 2017.
4 However, upon the expiration of such a registry identification card,
5 letter of approval, medical marijuana establishment registration
6 certificate or medical marijuana establishment agent registration
7 card, a person who wishes to retain the limited exemption from state
8 prosecution which is set forth in NRS 453A.200 must:

9 (a) Reapply to the Department of Taxation for a new registry
10 identification card, letter of approval, medical marijuana
11 establishment registration certificate or medical marijuana
12 establishment agent registration card issued by that agency.

13 (b) Pay any necessary fees as set forth in NRS 453A.344 or
14 453A.740 or any regulations adopted pursuant to chapter 453A of
15 NRS.

16 2. As used in this section:

17 (a) "Letter of approval" has the meaning ascribed to it in
18 NRS 453A.109.

19 (b) "Medical marijuana establishment agent registration card"
20 has the meaning ascribed to it in NRS 453A.118.

21 (c) "Medical marijuana establishment registration certificate"
22 has the meaning ascribed to it in NRS 453A.119.

23 (d) "Registry identification card" has the meaning ascribed to it
24 in NRS 453A.140.

25 **Sec. 116.** 1. The administrative regulations adopted by the
26 Division of Public and Behavioral Health of the Department of
27 Health and Human Services pursuant to chapter 453A of NRS
28 remain in force and are hereby transferred to become the
29 administrative regulations of the Department of Taxation on July 1,
30 2017. On and after July 1, 2017, these regulations must be
31 interpreted in a manner so that all references to the Division of
32 Public and Behavioral Health of the Department of Health and
33 Human Services and its constituent parts are read and interpreted as
34 being references to the Department of Taxation and its constituent
35 parts, regardless of whether those references have been conformed
36 pursuant to section 117 of this act at the time of interpretation.

37 2. Any contracts or other agreements entered into by the
38 Division of Public and Behavioral Health of the Department of
39 Health and Human Services and its constituent parts pursuant to
40 chapter 453A of NRS are binding upon the Department of Taxation
41 on and after July 1, 2017, rather than the Division of Public and
42 Behavioral Health of the Department of Health and Human Services
43 and its constituent parts. Such contracts and other agreements may
44 be enforced by the Department of Taxation on and after July 1,
45 2017.



1 3. Any action taken by the Division of Public and Behavioral
2 Health of the Department of Health and Human Services or its
3 constituent parts pursuant to chapter 453A of NRS before July 1,
4 2017, remains in effect as if taken by the Department of Taxation or
5 its constituent parts on and after July 1, 2017.

6 **Sec. 117.** The Legislative Counsel shall:

7 1. In preparing the reprint and supplements to the Nevada
8 Revised Statutes, appropriately change any references to an officer,
9 agency or other entity whose name is changed or whose
10 responsibilities are transferred pursuant to the provisions of this act
11 to refer to the appropriate officer, agency or other entity.

12 2. In preparing supplements to the Nevada Administrative
13 Code, appropriately change any references to an officer, agency or
14 other entity whose name is changed or whose responsibilities are
15 transferred pursuant to the provisions of this act to refer to the
16 appropriate officer, agency or other entity.

17 **Sec. 118.** 1. NRS 453A.090 is hereby repealed.

18 2. Section 22.3 of chapter 547, Statutes of Nevada 2013, at
19 page 3718 is hereby repealed.

20 **Sec. 119.** 1. This act becomes effective on July 1, 2017.

21 2. Sections 99 and 100 of this act expire by limitation on the
22 date on which the provisions of 42 U.S.C. § 666 requiring each state
23 to establish procedures under which the state has authority to
24 withhold or suspend, or to restrict the use of professional,
25 occupational and recreational licenses of persons who:

26 (a) Have failed to comply with a subpoena or warrant relating to
27 a proceeding to determine the paternity of a child or to establish or
28 enforce an obligation for the support of a child; or

29 (b) Are in arrears in the payment for the support of one or more
30 children,

31 ➔ are repealed by the Congress of the United States.

**TEXT OF REPEALED SECTION OF NRS AND
TEXT OF REPEALED SECTION OF STATUTES OF NEVADA**

453A.090 “Division” defined. “Division” means the
Division of Public and Behavioral Health of the Department of
Health and Human Services.



Section 22.3 of chapter 547, Statutes of Nevada 2013, at page 3718:

Sec. 22.3. NRS 453A.200 is hereby amended to read as follows:

453A.200 1. Except as otherwise provided in this section and NRS 453A.300, a person who holds a valid registry identification card issued to the person pursuant to NRS 453A.220 or 453A.250 is exempt from state prosecution for:

- (a) Possession, delivery or production of marijuana;
- (b) Possession or delivery of paraphernalia;
- (c) Aiding and abetting another in the possession, delivery or production of marijuana;
- (d) Aiding and abetting another in the possession or delivery of paraphernalia;
- (e) Any combination of the acts described in paragraphs (a) to (d), inclusive; and
- (f) Any other criminal offense in which the possession, delivery or production of marijuana or the possession or delivery of paraphernalia is an element.

2. In addition to the provisions of subsections 1 and 5, no person may be subject to state prosecution for constructive possession, conspiracy or any other criminal offense solely for being in the presence or vicinity of the medical use of marijuana in accordance with the provisions of this chapter.

3. The exemption from state prosecution set forth in subsection 1 applies only to the extent that a person who holds a registry identification card issued to the person pursuant to paragraph (a) of subsection 1 of NRS 453A.220 and the designated primary caregiver, if any, of such a person:

(a) Engage in or assist in, as applicable, the medical use of marijuana in accordance with the provisions of this chapter as justified to mitigate the symptoms or effects of the person's chronic or debilitating medical condition; and

(b) Do not, at any one time, collectively possess, deliver or produce more than:

(1) Two and one-half ounces of usable marijuana in any one 14-day period;

(2) Twelve marijuana plants, irrespective of whether the marijuana plants are mature or immature; and

(3) A maximum allowable quantity of edible marijuana products and marijuana-infused products as established by regulation of the Division.



↳ The persons described in this subsection must ensure that the usable marijuana and marijuana plants described in this subsection are safeguarded in an enclosed, secure location.

4. If the persons described in subsection 3 possess, deliver or produce marijuana in an amount which exceeds the amount described in paragraph (b) of that subsection, those persons:

(a) Are not exempt from state prosecution for possession, delivery or production of marijuana.

(b) May establish an affirmative defense to charges of possession, delivery or production of marijuana, or any combination of those acts, in the manner set forth in NRS 453A.310.

5. A person who holds a valid medical marijuana establishment registration certificate issued to the person pursuant to section 10 of this act or a valid medical marijuana establishment agent registration card issued to the person pursuant to section 13 of this act, and who confines his or her activities to those authorized by sections 10 to 20, inclusive, of this act and the regulations adopted by the Division pursuant thereto, is exempt from state prosecution for:

(a) Possession, delivery or production of marijuana;

(b) Possession or delivery of paraphernalia;

(c) Aiding and abetting another in the possession, delivery or production of marijuana;

(d) Aiding and abetting another in the possession or delivery of paraphernalia;

(e) Any combination of the acts described in paragraphs (a) to (d), inclusive; and

(f) Any other criminal offense in which the possession, delivery or production of marijuana or the possession or delivery of paraphernalia is an element.

6. Notwithstanding any other provision of law and except as otherwise provided in this subsection, after a medical marijuana dispensary opens in the county of residence of a person who holds a registry identification card or his or her designated primary caregiver, if any, such persons are not authorized to cultivate, grow or produce marijuana. The provisions of this subsection do not apply if:

~~(a) [The person who holds the registry identification card or his or her designated primary caregiver, if any, was cultivating, growing or producing marijuana in accordance with this chapter on or before July 1, 2013;~~

~~—(b) All the medical marijuana dispensaries in the county of residence of the person who holds the registry~~



identification card or his or her designated primary caregiver, if any, close or are unable to supply the quantity or strain of marijuana necessary for the medical use of the person to treat his or her specific medical condition;

~~(e)~~ (b) Because of illness or lack of transportation, the person who holds the registry identification card and his or her designated primary caregiver, if any, are unable reasonably to travel to a medical marijuana dispensary; or

~~(e)~~ (c) No medical marijuana dispensary was operating within 25 miles of the residence of the person who holds the registry identification card at the time the person first applied for his or her registry identification card.

7. As used in this section, "marijuana" includes, without limitation, edible marijuana products and marijuana-infused products.

