

SENATE BILL NO. 341—SENATORS FARLEY AND SEGERBLOM

MARCH 20, 2017

Referred to Committee on Judiciary

SUMMARY—Revises provisions relating to marijuana establishments and medical marijuana establishments. (BDR 40-1110)

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; authorizing a local government to request the registration of additional medical marijuana dispensaries within the jurisdiction of the local government; revising the purposes for which the Division of Public and Behavioral Health of the Department of Health and Human Services may spend certain money relating to the medical use of marijuana collected by the Division; authorizing any institution of the Nevada System of Higher Education to seek the approval of the Federal Government to perform research relating to marijuana; limiting the authority of a board of county commissioners or the governing body of an incorporated city to regulate or impose license taxes upon marijuana establishments and medical marijuana establishments; and providing other matters properly relating thereto.

**Legislative Counsel’s Digest:**

- 1 Existing law establishes certain limits on the number of medical marijuana
- 2 dispensaries that may receive a medical marijuana establishment registration
- 3 certificate in each county. (NRS 453A.324) **Section 1** of this bill allows the
- 4 governing body of a city, town, township or unincorporated area within a county to
- 5 request the registration of additional medical marijuana dispensaries by the
- 6 Division of Public and Behavioral Health of the Department of Health and Human
- 7 Services in the city, town, township or unincorporated area.
- 8 Existing law requires that the money raised from applications for and the
- 9 issuance and renewal of medical marijuana establishment registration certificates be
- 10 expended first to pay the costs of the Division in carrying out the provisions of
- 11 existing law relating to medical marijuana establishments, with any excess money



\* S B 3 4 1 \*

12 deposited to the credit of the State Distributive School Account in the State General  
13 Fund. (NRS 453A.344) Existing law also requires that any money received by the  
14 Division as a gift, grant, donation or contribution or as an appropriation to carry out  
15 the provisions of existing law relating to the medical use of marijuana must be used  
16 to carry out those provisions or to carry out certain alcohol and drug abuse  
17 programs. (NRS 453A.730) **Sections 2 and 7** of this bill allow such money to also  
18 be spent to support programs to provide education and outreach relating to the safe  
19 usage of marijuana and to prevent the abuse of marijuana.

20 Existing law requires the University of Nevada School of Medicine to seek  
21 federal approval to establish a program of research relating to the medical use of  
22 marijuana and, upon receiving such approval, establish the program of research.  
23 (NRS 453A.600) **Sections 3-6** of this bill allow any institution of the Nevada  
24 System of Higher Education to also seek such approval and establish such a  
25 program of research.

26 Existing law generally authorizes counties and incorporated cities to: (1)  
27 regulate businesses located within their jurisdictions; and (2) fix, impose and  
28 collect a license tax on businesses located within their jurisdictions for revenue,  
29 regulation or both. (NRS 244.335, 268.095) **Sections 8-11** of this bill prohibit  
30 counties and incorporated cities from imposing requirements upon marijuana  
31 establishments or medical marijuana establishments other than: (1) ordinances  
32 relating to zoning and land use; (2) ordinances establishing building requirements  
33 of general applicability; or (3) other requirements of general applicability to all  
34 businesses within the jurisdiction of the county or incorporated city. **Sections 8-11**  
35 also limit the license tax that may be imposed by a county or an incorporated city  
36 upon a marijuana establishment or medical marijuana establishment to a total  
37 amount which does not exceed 3 percent of the gross revenue of the marijuana  
38 establishment or medical marijuana establishment.

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

1 **Section 1.** NRS 453A.324 is hereby amended to read as  
2 follows:

3 453A.324 1. Except as otherwise provided in this section and  
4 NRS 453A.326, the Division shall issue medical marijuana  
5 establishment registration certificates for medical marijuana  
6 dispensaries in the following quantities for applicants who qualify  
7 pursuant to NRS 453A.322:

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

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

12 (c) In a county whose population is 55,000 or more but less than  
13 100,000, two certificates; and

14 (d) In each other county, one certificate.

15 2. Notwithstanding the provisions of subsection 1, the  
16 Division:

17 (a) Shall not issue medical marijuana establishment registration  
18 certificates for medical marijuana dispensaries in such a quantity as



1 to cause the existence within the applicable county of more than one  
2 medical marijuana dispensary for every ten pharmacies that have  
3 been licensed in the county pursuant to chapter 639 of NRS. The  
4 Division may issue medical marijuana establishment registration  
5 certificates for medical marijuana dispensaries in excess of the ratio  
6 otherwise allowed pursuant to this paragraph if to do so is necessary  
7 to ensure that the Division issues at least one medical marijuana  
8 establishment registration certificate in each county of this State in  
9 which the Division has approved an application for such an  
10 establishment to operate.

11 (b) Shall, for any county for which no applicants qualify  
12 pursuant to NRS 453A.322, within 2 months after the end of the  
13 period during which the Division accepts applications pursuant to  
14 subsection ~~4.~~ 5, reallocate the certificates provided for that county  
15 pursuant to subsection 1 to the other counties specified in subsection  
16 1 in the same proportion as provided in subsection 1.

17 3. *The governing body of a local governmental jurisdiction*  
18 *may request the Division to issue a certain number of medical*  
19 *marijuana establishment registration certificates for medical*  
20 *marijuana dispensaries located within the local governmental*  
21 *jurisdiction in addition to the medical marijuana establishment*  
22 *registration certificates issued pursuant to subsection 1. Upon*  
23 *receipt of such a request, the Division shall:*

24 (a) *Determine whether the additional number of medical*  
25 *marijuana dispensaries are necessary to serve and supply the*  
26 *persons who hold valid registry identification cards in the local*  
27 *governmental jurisdiction; and*

28 (b) *If the Division determines the additional number of*  
29 *medical marijuana dispensaries are necessary pursuant to*  
30 *paragraph (a), make a corresponding number of medical*  
31 *marijuana establishment registration certificates available during*  
32 *the next period in which the Division accepts applications*  
33 *pursuant to subsection 5.*

34 4. With respect to medical marijuana establishments that are  
35 not medical marijuana dispensaries, the Division shall determine the  
36 appropriate number of such establishments as are necessary to serve  
37 and supply the medical marijuana dispensaries to which the Division  
38 has granted medical marijuana establishment registration  
39 certificates.

40 ~~4.~~ 5. The Division shall not, for more than a total of 10  
41 business days in any 1 calendar year, accept applications to operate  
42 medical marijuana establishments.

43 6. *As used in this section, "local governmental jurisdiction"*  
44 *means a city, town, township or unincorporated area within a*  
45 *county.*



1     **Sec. 2.** NRS 453A.344 is hereby amended to read as follows:  
2     453A.344 1. Except as otherwise provided in subsection 2,  
3 the Division shall collect not more than the following maximum  
4 fees:

5		
6	For the initial issuance of a medical marijuana	
7	establishment registration certificate for a	
8	medical marijuana dispensary .....	\$30,000
9	For the renewal of a medical marijuana	
10	establishment registration certificate for a	
11	medical marijuana dispensary .....	5,000
12	For the initial issuance of a medical marijuana	
13	establishment registration certificate for a	
14	cultivation facility .....	3,000
15	For the renewal of a medical marijuana	
16	establishment registration certificate for a	
17	cultivation facility .....	1,000
18	For the initial issuance of a medical marijuana	
19	establishment registration certificate for a	
20	facility for the production of edible marijuana	
21	products or marijuana-infused products .....	3,000
22	For the renewal of a medical marijuana	
23	establishment registration certificate for a	
24	facility for the production of edible marijuana	
25	products or marijuana-infused products .....	1,000
26	For each person identified in an application for	
27	the initial issuance of a medical marijuana	
28	establishment agent registration card .....	75
29	For each person identified in an application for	
30	the renewal of a medical marijuana	
31	establishment agent registration card .....	75
32	For the initial issuance of a medical marijuana	
33	establishment registration certificate for an	
34	independent testing laboratory .....	5,000
35	For the renewal of a medical marijuana	
36	establishment registration certificate for an	
37	independent testing laboratory .....	3,000
38		

39     2. In addition to the fees described in subsection 1, each  
40 applicant for a medical marijuana establishment registration  
41 certificate must pay to the Division:

- 42     (a) A one-time, nonrefundable application fee of \$5,000; and
- 43     (b) The actual costs incurred by the Division in processing the
- 44 application, including, without limitation, conducting background
- 45 checks.



1 3. Any revenue generated from the fees imposed pursuant to  
2 this section:

3 (a) Must be expended first to pay the costs of the Division in  
4 carrying out the provisions of NRS 453A.320 to 453A.370,  
5 inclusive; ~~and~~

6 (b) *May be expended to support programs to provide education  
7 and outreach relating to the safe usage of marijuana and to  
8 prevent the abuse of marijuana; and*

9 (c) If any excess revenue remains after paying the costs  
10 described in ~~paragraph~~ *paragraphs* (a) ~~and~~ (b), such excess  
11 revenue must be paid over to the State Treasurer to be deposited to  
12 the credit of the State Distributive School Account in the State  
13 General Fund.

14 **Sec. 3.** NRS 453A.600 is hereby amended to read as follows:

15 453A.600 1. The University of Nevada School of Medicine  
16 shall, *and any other institution of the Nevada System of Higher  
17 Education may*, establish a program for the evaluation and research  
18 of the medical use of marijuana in the care and treatment of persons  
19 who have been diagnosed with a chronic or debilitating medical  
20 condition.

21 2. Before ~~the School of Medicine~~ *an institution of the  
22 Nevada System of Higher Education* establishes a program  
23 pursuant to subsection 1, the ~~School of Medicine~~ *institution* shall  
24 aggressively seek and must receive approval of the program by the  
25 Federal Government pursuant to 21 U.S.C. § 823 or other applicable  
26 provisions of federal law, to allow the creation of a federally  
27 approved research program for the use and distribution of marijuana  
28 for medical purposes.

29 3. A research program established pursuant to this section *by  
30 the University of Nevada School of Medicine* must include  
31 residents of this state who volunteer to act as participants and  
32 subjects, as determined by the School of Medicine.

33 4. A resident of this state who wishes to serve as a participant  
34 and subject in a research program established pursuant to this  
35 section *by the University of Nevada School of Medicine* may notify  
36 the School of Medicine and may apply to participate by submitting  
37 an application on a form prescribed by the Department of  
38 Administration of the School of Medicine.

39 5. The *University of Nevada* School of Medicine shall, on a  
40 quarterly basis, report to the Interim Finance Committee with  
41 respect to:

42 (a) The progress made by the School of Medicine in obtaining  
43 federal approval for the research program; and

44 (b) If the research program receives federal approval, the status  
45 of, activities of and information received from the research program.



1       **Sec. 4.** NRS 453A.610 is hereby amended to read as follows:  
2       453A.610 1. Except as otherwise provided in this section and  
3 NRS 239.0115, ~~{the University of Nevada School of Medicine}~~ *an*  
4 *institution of the Nevada System of Higher Education* shall  
5 maintain the confidentiality of and shall not disclose:

6       (a) The contents of any applications, records or other written  
7 materials that the ~~{School of Medicine}~~ *institution* creates or  
8 receives pursuant to the research program described in NRS  
9 453A.600; or

10       (b) The name or any other identifying information of a person  
11 who has applied to or who participates in the research program  
12 described in NRS 453A.600.

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

17       2. Notwithstanding the provisions of subsection 1, ~~{the School~~  
18 ~~of Medicine}~~ *an institution of the Nevada System of Higher*  
19 *Education* may release the name and other identifying information  
20 of a person who has applied to or who participates in the research  
21 program described in NRS 453A.600 to:

22       (a) Authorized employees of the State of Nevada as necessary to  
23 perform official duties related to the research program; and

24       (b) Authorized employees of state and local law enforcement  
25 agencies, only as necessary to verify that a person is a lawful  
26 participant in the research program.

27       **Sec. 5.** NRS 453A.620 is hereby amended to read as follows:

28       453A.620 1. ~~{The Department of Administration of the~~  
29 ~~University of Nevada School of Medicine}~~ *An institution of the*  
30 *Nevada System of Higher Education* may apply for or accept any  
31 gifts, grants, donations or contributions from any source to carry out  
32 the provisions of NRS 453A.600.

33       2. Any money ~~{the Department of Administration}~~ *an*  
34 *institution* receives pursuant to subsection 1 must be deposited in  
35 the State Treasury pursuant to NRS 453A.630.

36       **Sec. 6.** NRS 453A.630 is hereby amended to read as follows:

37       453A.630 1. Any money ~~{the Department of Administration~~  
38 ~~of the University of Nevada School of Medicine}~~ *an institution of*  
39 *the Nevada System of Higher Education* receives pursuant to  
40 NRS 453A.620 or that is appropriated to carry out the provisions of  
41 NRS 453A.600:

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

44       (b) May only be used to carry out the provisions of NRS  
45 453A.600, including the dissemination of information concerning



1 the provisions of that section and such other information as is  
2 determined appropriate by the ~~{Department of Administration;}~~  
3 *institution*; and

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

6 2. The ~~{Department of Administration of the School of}~~  
7 ~~*Medicine*~~ *institution* shall administer the account. Any interest or  
8 income earned on the money in the account must be credited to the  
9 account. Any claims against the account must be paid as other  
10 claims against the State are paid.

11 **Sec. 7.** NRS 453A.730 is hereby amended to read as follows:

12 453A.730 1. Any money the Administrator of the Division  
13 receives pursuant to NRS 453A.720 or that is appropriated to carry  
14 out the provisions of this chapter:

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

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

18 (1) The provisions of this chapter, including the  
19 dissemination of information concerning the provisions of this  
20 chapter and such other information as determined appropriate by the  
21 Administrator; ~~{and}~~

22 (2) *Programs to provide education and outreach relating to*  
23 *the safe usage of marijuana and to prevent the abuse of*  
24 *marijuana; and*

25 (3) Alcohol and drug abuse programs pursuant to NRS  
26 458.094; and

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

29 2. The Administrator of the Division shall administer the  
30 account. Any interest or income earned on the money in the account  
31 must be credited to the account. Any claims against the account  
32 must be paid as other claims against the State are paid.

33 **Sec. 8.** Chapter 244 of NRS is hereby amended by adding  
34 thereto a new section to read as follows:

35 1. *A board of county commissioners may enact ordinances*  
36 *relating to zoning and land use and ordinances establishing*  
37 *building requirements of general applicability and require a*  
38 *marijuana establishment or medical marijuana establishment*  
39 *located in its county outside of the limits of incorporated cities and*  
40 *towns to comply with such ordinances.*

41 2. *Except as otherwise provided in subsection 3, a board of*  
42 *county commissioners may fix, impose and collect a license tax for*  
43 *revenue or for regulation, or for both revenue and regulation, on*  
44 *marijuana establishments and medical marijuana establishments*



1 *located in its county outside of the limits of incorporated cities and*  
2 *towns as a:*

3 *(a) Flat fee;*

4 *(b) Percentage of the gross revenue of the marijuana*  
5 *establishment or medical marijuana establishment; or*

6 *(c) Combination of a flat fee and a percentage of the gross*  
7 *revenue of the marijuana establishment or medical marijuana*  
8 *establishment.*

9 *3. The total amount of a license tax imposed pursuant to*  
10 *subsection 2, regardless of whether the license tax is imposed in*  
11 *the form described in paragraph (a), (b) or (c) of subsection 2,*  
12 *shall not exceed 3 percent of the gross revenue of a marijuana*  
13 *establishment or medical marijuana establishment.*

14 *4. Except as otherwise provided in this section, a board of*  
15 *county commissioners shall not:*

16 *(a) Impose any tax or fee on a medical marijuana*  
17 *establishment operating within the scope of a medical marijuana*  
18 *establishment registration certificate issued pursuant to NRS*  
19 *453A.320 to 453A.370, inclusive, or a marijuana establishment*  
20 *operating within the scope of a license issued pursuant to chapter*  
21 *453D of NRS.*

22 *(b) Require a medical marijuana establishment operating*  
23 *within the scope of a medical marijuana establishment registration*  
24 *certificate issued pursuant to NRS 453A.320 to 453A.370,*  
25 *inclusive, or a marijuana establishment operating within the scope*  
26 *of a license issued pursuant to chapter 453D of NRS to obtain*  
27 *from the county any certificate, license or permit to operate within*  
28 *that scope.*

29 *(c) Impose any other requirement upon a marijuana*  
30 *establishment or medical marijuana establishment which is not of*  
31 *general applicability to all businesses within the jurisdiction of the*  
32 *county.*

33 *5. As used in this section:*

34 *(a) "Marijuana establishment" has the meaning ascribed to it*  
35 *in NRS 453D.030.*

36 *(b) "Medical marijuana establishment" has the meaning*  
37 *ascribed to it in NRS 453A.116.*

38 **Sec. 9.** NRS 244.335 is hereby amended to read as follows:

39 244.335 1. Except as otherwise provided in subsections 2, 3  
40 and 4, and NRS 244.33501, *and section 8 of this act*, a board of  
41 county commissioners may:

42 (a) Except as otherwise provided in NRS 244.331 to 244.3345,  
43 inclusive, 598D.150 and 640C.100, regulate all character of lawful  
44 trades, callings, industries, occupations, professions and business





1 conducted in its county outside of the limits of incorporated cities  
2 and towns.

3 (b) Except as otherwise provided in NRS 244.3359 and 576.128,  
4 fix, impose and collect a license tax for revenue or for regulation, or  
5 for both revenue and regulation, on such trades, callings, industries,  
6 occupations, professions and business.

7 2. The county license boards have the exclusive power in their  
8 respective counties to regulate entertainers employed by an  
9 entertainment by referral service and the business of conducting a  
10 dancing hall, escort service, entertainment by referral service or  
11 gambling game or device permitted by law, outside of an  
12 incorporated city. The county license boards may fix, impose and  
13 collect license taxes for revenue or for regulation, or for both  
14 revenue and regulation, on such employment and businesses.

15 3. A board of county commissioners shall not require that a  
16 person who is licensed as a contractor pursuant to chapter 624 of  
17 NRS obtain more than one license to engage in the business of  
18 contracting or pay more than one license tax related to engaging in  
19 the business of contracting, regardless of the number of  
20 classifications or subclassifications of licensing for which the person  
21 is licensed pursuant to chapter 624 of NRS.

22 4. The board of county commissioners or county license board  
23 shall not require a person to obtain a license or pay a license tax on  
24 the sole basis that the person is a professional. As used in this  
25 subsection, "professional" means a person who:

26 (a) Holds a license, certificate, registration, permit or similar  
27 type of authorization issued by a regulatory body as defined in NRS  
28 622.060 or who is regulated pursuant to the Nevada Supreme Court  
29 Rules; and

30 (b) Practices his or her profession for any type of compensation  
31 as an employee.

32 5. The county license board shall provide upon request an  
33 application for a state business registration pursuant to chapter 76 of  
34 NRS. No license to engage in any type of business may be granted  
35 unless the applicant for the license:

36 (a) Signs an affidavit affirming that the business has complied  
37 with the provisions of chapter 76 of NRS; or

38 (b) Provides to the county license board the business  
39 identification number of the applicant assigned by the Secretary of  
40 State pursuant to NRS 225.082 which the county may use to  
41 validate that the applicant is currently in good standing with the  
42 State and has complied with the provisions of chapter 76 of NRS.

43 6. No license to engage in business as a seller of tangible  
44 personal property may be granted unless the applicant for the  
45 license:



1 (a) Presents written evidence that:

2 (1) The Department of Taxation has issued or will issue a  
3 permit for this activity, and this evidence clearly identifies the  
4 business by name; or

5 (2) Another regulatory agency of the State has issued or will  
6 issue a license required for this activity; or

7 (b) Provides to the county license board the business  
8 identification number of the applicant assigned by the Secretary of  
9 State pursuant to NRS 225.082 which the county may use to  
10 validate that the applicant is currently in good standing with the  
11 State and has complied with the provisions of paragraph (a).

12 7. Any license tax levied for the purposes of NRS 244.3358 or  
13 244A.597 to 244A.655, inclusive, constitutes a lien upon the real  
14 and personal property of the business upon which the tax was levied  
15 until the tax is paid. The lien has the same priority as a lien for  
16 general taxes. The lien must be enforced:

17 (a) By recording in the office of the county recorder, within 6  
18 months after the date on which the tax became delinquent or was  
19 otherwise determined to be due and owing, a notice of the tax lien  
20 containing the following:

21 (1) The amount of tax due and the appropriate year;

22 (2) The name of the record owner of the property;

23 (3) A description of the property sufficient for identification;

24 and

25 (4) A verification by the oath of any member of the board of  
26 county commissioners or the county fair and recreation board; and

27 (b) By an action for foreclosure against the property in the same  
28 manner as an action for foreclosure of any other lien, commenced  
29 within 2 years after the date of recording of the notice of the tax  
30 lien, and accompanied by appropriate notice to other lienholders.

31 8. The board of county commissioners may delegate the  
32 authority to enforce liens from taxes levied for the purposes of NRS  
33 244A.597 to 244A.655, inclusive, to the county fair and recreation  
34 board. If the authority is so delegated, the board of county  
35 commissioners shall revoke or suspend the license of a business  
36 upon certification by the county fair and recreation board that the  
37 license tax has become delinquent, and shall not reinstate the license  
38 until the tax is paid. Except as otherwise provided in NRS 239.0115  
39 and 244.3357, all information concerning license taxes levied by an  
40 ordinance authorized by this section or other information concerning  
41 the business affairs or operation of any licensee obtained as a result  
42 of the payment of such license taxes or as the result of any audit or  
43 examination of the books by any authorized employee of a county  
44 fair and recreation board of the county for any license tax levied for  
45 the purpose of NRS 244A.597 to 244A.655, inclusive, is



1 confidential and must not be disclosed by any member, officer or  
2 employee of the county fair and recreation board or the county  
3 imposing the license tax unless the disclosure is authorized by the  
4 affirmative action of a majority of the members of the appropriate  
5 county fair and recreation board. Continuing disclosure may be so  
6 authorized under an agreement with the Department of Taxation or  
7 Secretary of State for the exchange of information concerning  
8 taxpayers.

9 **Sec. 10.** Chapter 268 of NRS is hereby amended by adding  
10 thereto a new section to read as follows:

11 *1. The city council or other governing body of an*  
12 *incorporated city, whether organized under general law or special*  
13 *charter, may enact ordinances relating to zoning and land use and*  
14 *ordinances establishing building requirements of general*  
15 *applicability and require a marijuana establishment or medical*  
16 *marijuana establishment located within its corporate limits to*  
17 *comply with such ordinances.*

18 *2. Except as otherwise provided in subsection 3, the city*  
19 *council or other governing body of an incorporated city, whether*  
20 *organized under general law or special charter, may fix, impose*  
21 *and collect for revenues or for regulation, or both, a license tax on*  
22 *a marijuana establishment or medical marijuana establishment*  
23 *located within its corporate limits as a:*

24 *(a) Flat fee;*

25 *(b) Percentage of the gross revenue of the marijuana*  
26 *establishment or medical marijuana establishment; or*

27 *(c) Combination of a flat fee and a percentage of the gross*  
28 *revenue of the marijuana establishment or medical marijuana*  
29 *establishment.*

30 *3. The total amount of a license tax imposed pursuant to*  
31 *subsection 2, regardless of whether the license tax is imposed in*  
32 *the form described in paragraph (a), (b) or (c) of subsection 2,*  
33 *shall not exceed 3 percent of the gross revenue of a marijuana*  
34 *establishment or medical marijuana establishment.*

35 *4. Except as otherwise provided in this section, the governing*  
36 *body of an incorporated city, whether organized under general law*  
37 *or special charter, shall not:*

38 *(a) Impose any tax or fee on a medical marijuana*  
39 *establishment operating within the scope of a medical marijuana*  
40 *establishment registration certificate issued pursuant to NRS*  
41 *453A.320 to 453A.370, inclusive, or a marijuana establishment*  
42 *operating within the scope of a license issued pursuant to chapter*  
43 *453D of NRS.*

44 *(b) Require a medical marijuana establishment operating*  
45 *within the scope of a medical marijuana establishment registration*



1 *certificate issued pursuant to NRS 453A.320 to 453A.370,*  
2 *inclusive, or a marijuana establishment operating within the scope*  
3 *of a license issued pursuant to chapter 453D of NRS to obtain*  
4 *from the incorporated city any certificate, license or permit to*  
5 *operate within that scope.*

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

10 *5. As used in this section:*

11 *(a) "Marijuana establishment" has the meaning ascribed to it*  
12 *in NRS 453D.030.*

13 *(b) "Medical marijuana establishment" has the meaning*  
14 *ascribed to it in NRS 453A.116.*

15 **Sec. 11.** NRS 268.095 is hereby amended to read as follows:

16 268.095 1. Except as otherwise provided in subsection 4 and  
17 NRS 268.0951, *and section 10 of this act*, the city council or other  
18 governing body of each incorporated city in this State, whether  
19 organized under general law or special charter, may:

20 (a) Except as otherwise provided in subsection 2 and NRS  
21 268.0968 and 576.128, fix, impose and collect for revenues or for  
22 regulation, or both, a license tax on all character of lawful trades,  
23 callings, industries, occupations, professions and businesses  
24 conducted within its corporate limits.

25 (b) Assign the proceeds of any one or more of such license taxes  
26 to the county within which the city is situated for the purpose or  
27 purposes of making the proceeds available to the county:

28 (1) As a pledge as additional security for the payment of any  
29 general obligation bonds issued pursuant to NRS 244A.597 to  
30 244A.655, inclusive;

31 (2) For redeeming any general obligation bonds issued  
32 pursuant to NRS 244A.597 to 244A.655, inclusive;

33 (3) For defraying the costs of collecting or otherwise  
34 administering any such license tax so assigned, of the county fair  
35 and recreation board and of officers, agents and employees hired  
36 thereby, and of incidentals incurred thereby;

37 (4) For operating and maintaining recreational facilities  
38 under the jurisdiction of the county fair and recreation board;

39 (5) For improving, extending and bettering recreational  
40 facilities authorized by NRS 244A.597 to 244A.655, inclusive; and

41 (6) For constructing, purchasing or otherwise acquiring such  
42 recreational facilities.

43 (c) Pledge the proceeds of any tax imposed on the revenues from  
44 the rental of transient lodging pursuant to this section for the



1 payment of any general or special obligations issued by the city for  
2 a purpose authorized by the laws of this State.

3 (d) Use the proceeds of any tax imposed pursuant to this section  
4 on the revenues from the rental of transient lodging:

5 (1) To pay the principal, interest or any other indebtedness  
6 on any general or special obligations issued by the city pursuant to  
7 the laws of this State;

8 (2) For the expense of operating or maintaining, or both, any  
9 facilities of the city; and

10 (3) For any other purpose for which other money of the city  
11 may be used.

12 2. The city council or other governing body of an incorporated  
13 city shall not require that a person who is licensed as a contractor  
14 pursuant to chapter 624 of NRS obtain more than one license to  
15 engage in the business of contracting or pay more than one license  
16 tax related to engaging in the business of contracting, regardless of  
17 the number of classifications or subclassifications of licensing for  
18 which the person is licensed pursuant to chapter 624 of NRS.

19 3. The proceeds of any tax imposed pursuant to this section  
20 that are pledged for the repayment of general obligations may be  
21 treated as "pledged revenues" for the purposes of NRS 350.020.

22 4. The city council or other governing body of an incorporated  
23 city shall not require a person to obtain a license or pay a license tax  
24 on the sole basis that the person is a professional. As used in this  
25 subsection, "professional" means a person who:

26 (a) Holds a license, certificate, registration, permit or similar  
27 type of authorization issued by a regulatory body as defined in NRS  
28 622.060 or who is regulated pursuant to the Nevada Supreme Court  
29 Rules; and

30 (b) Practices his or her profession for any type of compensation  
31 as an employee.

32 5. The city licensing agency shall provide upon request an  
33 application for a state business registration pursuant to chapter 76 of  
34 NRS. No license to engage in any type of business may be granted  
35 unless the applicant for the license:

36 (a) Signs an affidavit affirming that the business has complied  
37 with the provisions of chapter 76 of NRS; or

38 (b) Provides to the city licensing agency the business  
39 identification number of the applicant assigned by the Secretary of  
40 State pursuant to NRS 225.082 which the city may use to validate  
41 that the applicant is currently in good standing with the State and  
42 has complied with the provisions of chapter 76 of NRS.

43 6. No license to engage in business as a seller of tangible  
44 personal property may be granted unless the applicant for the  
45 license:



1 (a) Presents written evidence that:

2 (1) The Department of Taxation has issued or will issue a  
3 permit for this activity, and this evidence clearly identifies the  
4 business by name; or

5 (2) Another regulatory agency of the State has issued or will  
6 issue a license required for this activity; or

7 (b) Provides to the city licensing agency the business  
8 identification number of the applicant assigned by the Secretary of  
9 State pursuant to NRS 225.082 which the city may use to validate  
10 that the applicant is currently in good standing with the State and  
11 has complied with the provisions of paragraph (a).

12 7. Any license tax levied under the provisions of this section  
13 constitutes a lien upon the real and personal property of the business  
14 upon which the tax was levied until the tax is paid. The lien has the  
15 same priority as a lien for general taxes. The lien must be enforced:

16 (a) By recording in the office of the county recorder, within 6  
17 months following the date on which the tax became delinquent or  
18 was otherwise determined to be due and owing, a notice of the tax  
19 lien containing the following:

20 (1) The amount of tax due and the appropriate year;

21 (2) The name of the record owner of the property;

22 (3) A description of the property sufficient for identification;

23 and

24 (4) A verification by the oath of any member of the board of  
25 county commissioners or the county fair and recreation board; and

26 (b) By an action for foreclosure against such property in the  
27 same manner as an action for foreclosure of any other lien,  
28 commenced within 2 years after the date of recording of the notice  
29 of the tax lien, and accompanied by appropriate notice to other  
30 lienholders.

31 8. The city council or other governing body of each  
32 incorporated city may delegate the power and authority to enforce  
33 such liens to the county fair and recreation board. If the authority is  
34 so delegated, the governing body shall revoke or suspend the license  
35 of a business upon certification by the board that the license tax has  
36 become delinquent, and shall not reinstate the license until the tax is  
37 paid. Except as otherwise provided in NRS 239.0115 and 268.0966,  
38 all information concerning license taxes levied by an ordinance  
39 authorized by this section or other information concerning the  
40 business affairs or operation of any licensee obtained as a result of  
41 the payment of those license taxes or as the result of any audit or  
42 examination of the books of the city by any authorized employee of  
43 a county fair and recreation board for any license tax levied for the  
44 purpose of NRS 244A.597 to 244A.655, inclusive, is confidential  
45 and must not be disclosed by any member, official or employee of



1 the county fair and recreation board or the city imposing the license  
2 tax unless the disclosure is authorized by the affirmative action of a  
3 majority of the members of the appropriate county fair and  
4 recreation board. Continuing disclosure may be so authorized under  
5 an agreement with the Department of Taxation or the Secretary of  
6 State for the exchange of information concerning taxpayers.

7 9. The powers conferred by this section are in addition and  
8 supplemental to, and not in substitution for, and the limitations  
9 imposed by this section do not affect the powers conferred by, any  
10 other law. No part of this section repeals or affects any other law or  
11 any part thereof, it being intended that this section provide a  
12 separate method of accomplishing its objectives, and not an  
13 exclusive one.

14 **Sec. 12.** This act becomes effective on July 1, 2017.



