

SENATE BILL NO. 447—COMMITTEE ON JUDICIARY

MARCH 23, 2015

Referred to Committee on Judiciary

SUMMARY—Makes various changes relating to marijuana.  
(BDR 15-85)

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

~

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

AN ACT relating to marijuana; revising the crime of counterfeiting or forging a registry identification card for the medical use of marijuana; defining certain terms, including “concentrated cannabis”; revising the definition of marijuana for certain purposes; making it unlawful to extract concentrated cannabis; providing for the issuance of a letter of approval to certain children that allows such children to engage in the medical use of marijuana; revising certain exemptions from state prosecution for marijuana related offenses; revising provisions governing the return of seized marijuana, paraphernalia or related property from certain persons; providing that certain records created by the Division of Public and Behavioral Health of the Department of Health and Human Services relating to the medical use of marijuana are not confidential; authorizing the Division to issue a registry identification card; authorizing law enforcement agencies to adopt policies and procedures governing the medical use of marijuana by employees; providing penalties; and providing other matters properly relating thereto.

**Legislative Counsel’s Digest:**

- 1 Existing law makes it a crime, punishable as a category E felony, for a person
- 2 to counterfeit or forge or attempt to counterfeit or forge a registry identification
- 3 card, which is the instrument that indicates a bearer is entitled to engage in the
- 4 medical use of marijuana. (NRS 207.335) **Section 1** of this bill makes it unlawful
- 5 to: (1) counterfeit or forge or attempt to counterfeit or forge a letter of approval; or
- 6 (2) possess with the intent to use any such counterfeit or forged registry



\* S B 4 4 7 R 1 \*

7 identification card or letter of approval. Existing law defines marijuana for the  
8 purposes of the regulation of controlled substances. (NRS 453.096) Existing law  
9 also provides criminal penalties for various acts involving a schedule I controlled  
10 substance, including, without limitation, possession, manufacture, compounding,  
11 importation, distribution, sale, transfer, trafficking or driving under the influence.  
12 (NRS 453.316-453.348, 484C.110, 484C.120, 488.410) In addition to criminal  
13 penalties, existing law provides for civil penalties against a person who engages in  
14 certain acts involving the unlawful manufacture, distribution or sale of a schedule I  
15 controlled substance. (NRS 453.553-453.5533)

16 **Sections 1.2-1.5 and 2** of this bill define certain terms, including “concentrated  
17 cannabis,” and revise the definition of marijuana for the purposes of regulating  
18 controlled substances. **Section 8** of this bill makes it unlawful to knowingly or  
19 intentionally extract concentrated cannabis. A person who violates such a provision  
20 is guilty of a category C felony.

21 Existing law exempts a person who holds a valid registry identification card  
22 from state prosecution for possession, delivery and production of marijuana. (NRS  
23 453A.200) The Division of Public and Behavioral Health of the Department of  
24 Health and Human Services may either issue a registry identification card that has  
25 been prepared by the Department of Motor Vehicles to a person who meets certain  
26 qualifications or designate the Department of Motor Vehicles to issue a registry  
27 identification card to such a person. (NRS 453A.210, 453A.220, 453A.740) A  
28 person under the age of 18 years can obtain a registry identification card if the  
29 custodial parent or legal guardian with responsibility for health care decisions for  
30 the person agrees to serve as the designated primary caregiver for the person and  
31 the person meets certain other requirements. (NRS 453A.210) **Sections 17 and 18**  
32 of this bill require the Division to issue a letter of approval to an applicant who is  
33 under 10 years of age stating that the Division has approved the person’s  
34 application to be exempted from state prosecution for engaging in the medical use  
35 of marijuana if the applicant meets these requirements instead of requiring the  
36 applicant to obtain a registry identification card that is prepared or issued by the  
37 Department. **Section 18** also prescribes the required contents of a letter of approval.

38 **Section 13** of this bill provides that a person who obtains a letter of approval is  
39 exempt from certain offenses relating to the possession of marijuana or  
40 paraphernalia, but not offenses relating to the delivery and production of marijuana.  
41 **Sections 17 and 22** of this bill require the custodial parent or legal guardian of a  
42 child under the age of 10 years who obtains a letter of approval to agree to serve as  
43 the designated primary caregiver for the child. **Section 18** requires the Division to  
44 issue a registry identification card to the designated primary caregiver of the holder  
45 of a letter of approval. **Sections 25-27** of this bill authorize a medical marijuana  
46 establishment to acquire marijuana from and dispense marijuana to the designated  
47 primary caregiver of a person who holds a letter of approval in the same manner as  
48 for a patient who holds a registry identification card.

49 **Sections 19-23** of this bill make certain provisions concerning the revocation  
50 and expiration of a registry identification card, the designation of a primary  
51 caregiver and acts for which the holder of a registry identification card is not  
52 exempt from state prosecution applicable to the holder of a letter of approval.  
53 **Sections 29 and 30** of this bill authorize a patient who holds a valid letter of  
54 approval and his or her designated primary caregiver to select one medical  
55 marijuana dispensary to serve as his or her designated medical marijuana  
56 dispensary. **Sections 31-34** of this bill make certain rights and protections for  
57 persons who hold a registry identification card and persons who assist such persons  
58 in the medical use of marijuana applicable to a person who holds a letter of  
59 approval and a person who assists a person who holds a letter of approval as well.

60 Existing law provides certain acts for which the holder of a registry  
61 identification card is not exempt from state prosecution for certain offenses relating



62 to marijuana. (NRS 453A.300) **Section 23** provides that such a person is not  
63 exempt from state prosecution for possessing marijuana or paraphernalia on school  
64 property.

65 The Nevada Constitution requires the Legislature to provide by law for  
66 protection of the plant of the genus *Cannabis* for medical purposes and property  
67 related to its use from forfeiture except upon conviction or plea of guilty or nolo  
68 contendere. (Nev. Const. Art. 4 § 38) Existing law requires a district attorney of the  
69 county in which marijuana, drug paraphernalia or other related property was seized,  
70 or the district attorney’s designee, to make a determination that a person is  
71 engaging in or assisting in the medical use of marijuana under certain  
72 circumstances. (NRS 453A.400) **Section 31** removes the requirement to make such  
73 a determination and instead requires law enforcement to return any usable  
74 marijuana, marijuana plants, drug paraphernalia and other related property that was  
75 seized upon: (1) a decision not to prosecute; (2) the dismissal of the charges; or (3)  
76 acquittal.

77 **Section 34** also provides that the Division shall not disclose the contents of any  
78 tool used by the Division to evaluate an applicant or affiliate or certain other  
79 information regarding an applicant or affiliate.

80 **Section 35** of this bill authorizes the Division to issue a registry identification  
81 card rather than requiring that the card be prepared by the Department of Motor  
82 Vehicles. **Section 35** further provides that the Division will issue a letter of  
83 approval to a qualified person and authorizes a fee for providing an application and  
84 processing a letter of approval in the same amount as for a registry identification  
85 card.

86 Existing law does not require an employer to modify the job or working  
87 conditions of an employee who engages in the medical use of marijuana, but does  
88 require that an employer must attempt to make reasonable accommodations for the  
89 employee under certain circumstances. (NRS 453A.800) **Section 36** of this bill  
90 provides that a law enforcement agency is not prohibited from adopting policies or  
91 procedures that preclude an employee from engaging in the medical use of  
92 marijuana.

---

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

1 **Section 1.** NRS 207.335 is hereby amended to read as follows:  
2 207.335 1. It is unlawful for any person to ~~counterfeit~~ :

3 *(a) Counterfeit* or forge or attempt to counterfeit or forge a  
4 registry identification card ~~+~~ *or letter of approval; or*

5 *(b) Have in his or her possession with the intent to use any*  
6 *counterfeit or forged registry identification card or letter of*  
7 *approval.*

8 2. Any person who violates the provisions of subsection 1 is  
9 guilty of a category E felony and shall be punished as provided in  
10 NRS 193.130.

11 3. As used in this section ~~+~~ *“registry”* :

12 *(a) “Letter of approval” has the meaning ascribed to it in*  
13 *section 12 of this act.*

14 *(b) “Registry identification card” has the meaning ascribed to it*  
15 *in NRS 453A.140.*



1     **Sec. 1.1.** Chapter 453 of NRS is hereby amended by adding  
2 thereto the provisions set forth as sections 1.2 to 1.5, inclusive, of  
3 this act.

4     **Sec. 1.2.** *“CBD” means cannabidiol, which is a primary*  
5 *phytocannabinoid compound found in marijuana.*

6     **Sec. 1.3.** *“Concentrated cannabis” means the extracted or*  
7 *separated resin, whether crude or purified, containing THC or*  
8 *CBD from marijuana.*

9     **Sec. 1.4.** *“Extraction” means the process or act of extracting*  
10 *THC or CBD from marijuana, including, without limitation,*  
11 *pushing, pulling or drawing out THC or CBD from marijuana.*

12     **Sec. 1.5.** *“THC” means:*

- 13     1. *Delta-9-tetrahydrocannabinol;*
- 14     2. *Delta-8-tetrahydrocannabinol; and*
- 15     3. *The optical isomers of such substances.*

16     **Sec. 1.6.** NRS 453.016 is hereby amended to read as follows:  
17     453.016 As used in this chapter, the words and terms defined  
18 in NRS 453.021 to 453.141, inclusive, *and sections 1.2 to 1.5,*  
19 *inclusive, of this act* have the meanings ascribed to them in those  
20 sections except in instances where the context clearly indicates a  
21 different meaning.

22     **Sec. 2.** NRS 453.096 is hereby amended to read as follows:

23     453.096 1. “Marijuana” means:

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

26     (b) The seeds thereof;

27     (c) The resin extracted from any part of the plant **H**, *including*  
28 *concentrated cannabis;* and

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

31     2. “Marijuana” does not include the mature stems of the plant,  
32 fiber produced from the stems, oil or cake made from the seeds of  
33 the plant, any other compound, manufacture, salt, derivative,  
34 mixture or preparation of the mature stems (except the resin  
35 extracted therefrom), fiber, oil or cake, or the sterilized seed of the  
36 plant which is incapable of germination.

37     **Sec. 3.** (Deleted by amendment.)

38     **Sec. 4.** NRS 453.3353 is hereby amended to read as follows:

39     453.3353 1. Unless a greater penalty is provided by law, and  
40 except as otherwise provided in this section and NRS 193.169, if:

41     (a) A person violates NRS 453.322, 453.3385 or 453.3395, and  
42 the violation involves the manufacturing or compounding of any  
43 controlled substance other than marijuana; and

44     (b) During the discovery or cleanup of the premises at, on or in  
45 which the controlled substance was manufactured or compounded,



1 another person suffers substantial bodily harm other than death as  
2 the proximate result of the manufacturing or compounding of the  
3 controlled substance,

4 ➔ the person who committed the offense shall be punished by  
5 imprisonment in the state prison for a term equal to and in addition  
6 to the term of imprisonment prescribed by statute for the offense.  
7 The sentence prescribed by this subsection runs consecutively with  
8 the sentence prescribed by statute for the offense.

9 2. Unless a greater penalty is provided by law, and except as  
10 otherwise provided in NRS 193.169, if:

11 (a) A person violates NRS 453.322, 453.3385 or 453.3395, and  
12 the violation involves the manufacturing or compounding of any  
13 controlled substance other than marijuana; and

14 (b) During the discovery or cleanup of the premises at, on or in  
15 which the controlled substance was manufactured or compounded,  
16 another person suffers death as the proximate result of the  
17 manufacturing or compounding of the controlled substance,

18 ➔ the offense shall be deemed a category A felony and the person  
19 who committed the offense shall be punished by imprisonment in  
20 the state prison:

21 (1) For life without the possibility of parole;

22 (2) For life with the possibility of parole, with eligibility for  
23 parole beginning when a minimum of 20 years has been served; or

24 (3) For a definite term of 50 years, with eligibility for parole  
25 beginning when a minimum of 20 years has been served.

26 3. Subsection 1 does not create a separate offense but provides  
27 an additional penalty for the primary offense, the imposition of  
28 which is contingent upon the finding of the prescribed fact.  
29 Subsection 2 does not create a separate offense but provides an  
30 alternative penalty for the primary offense, the imposition of which  
31 is contingent upon the finding of the prescribed fact.

32 4. As used in this section : ~~†~~ ~~“premises” means:~~ †

33 (a) *“Marijuana” does not include concentrated cannabis.*

34 (b) *“Premises” means:*

35 (1) Any temporary or permanent structure, including, without  
36 limitation, any building, house, room, apartment, tenement, shed,  
37 carport, garage, shop, warehouse, store, mill, barn, stable, outhouse  
38 or tent; or

39 ~~†(b)†~~ (2) Any conveyance, including, without limitation, any  
40 vessel, boat, vehicle, airplane, glider, house trailer, travel trailer,  
41 motor home or railroad car,

42 ➔ whether located aboveground or underground and whether  
43 inhabited or not.



1     **Sec. 5.** NRS 453.336 is hereby amended to read as follows:

2     453.336 1. Except as otherwise provided in subsection 5, a  
3 person shall not knowingly or intentionally possess a controlled  
4 substance, unless the substance was obtained directly from, or  
5 pursuant to, a prescription or order of a physician, physician  
6 assistant licensed pursuant to chapter 630 or 633 of NRS, dentist,  
7 podiatric physician, optometrist, advanced practice registered nurse  
8 or veterinarian while acting in the course of his or her professional  
9 practice, or except as otherwise authorized by the provisions of NRS  
10 453.005 to 453.552, inclusive ~~H~~ **and sections 1.2 to 1.5, inclusive,**  
11 **of this act.**

12     2. Except as otherwise provided in subsections 3 and 4 and in  
13 NRS 453.3363, and unless a greater penalty is provided in NRS  
14 212.160, 453.3385, 453.339 or 453.3395, a person who violates this  
15 section shall be punished:

16     (a) For the first or second offense, if the controlled substance is  
17 listed in schedule I, II, III or IV, for a category E felony as provided  
18 in NRS 193.130.

19     (b) For a third or subsequent offense, if the controlled substance  
20 is listed in schedule I, II, III or IV, or if the offender has previously  
21 been convicted two or more times in the aggregate of any violation  
22 of the law of the United States or of any state, territory or district  
23 relating to a controlled substance, for a category D felony as  
24 provided in NRS 193.130, and may be further punished by a fine of  
25 not more than \$20,000.

26     (c) For the first offense, if the controlled substance is listed in  
27 schedule V, for a category E felony as provided in NRS 193.130.

28     (d) For a second or subsequent offense, if the controlled  
29 substance is listed in schedule V, for a category D felony as  
30 provided in NRS 193.130.

31     3. Unless a greater penalty is provided in NRS 212.160,  
32 453.337 or 453.3385, a person who is convicted of the possession of  
33 flunitrazepam or gamma-hydroxybutyrate, or any substance for  
34 which flunitrazepam or gamma-hydroxybutyrate is an immediate  
35 precursor, is guilty of a category B felony and shall be punished by  
36 imprisonment in the state prison for a minimum term of not less  
37 than 1 year and a maximum term of not more than 6 years.

38     4. Unless a greater penalty is provided pursuant to NRS  
39 212.160, a person who is convicted of the possession of 1 ounce or  
40 less of marijuana:

41     (a) For the first offense, is guilty of a misdemeanor and shall be:

42         (1) Punished by a fine of not more than \$600; or

43         (2) Examined by an approved facility for the treatment of  
44 abuse of drugs to determine whether the person is a drug addict and  
45 is likely to be rehabilitated through treatment and, if the examination



\* S B 4 4 7 R 1 \*

1 reveals that the person is a drug addict and is likely to be  
2 rehabilitated through treatment, assigned to a program of treatment  
3 and rehabilitation pursuant to NRS 453.580.

4 (b) For the second offense, is guilty of a misdemeanor and shall  
5 be:

6 (1) Punished by a fine of not more than \$1,000; or

7 (2) Assigned to a program of treatment and rehabilitation  
8 pursuant to NRS 453.580.

9 (c) For the third offense, is guilty of a gross misdemeanor and  
10 shall be punished as provided in NRS 193.140.

11 (d) For a fourth or subsequent offense, is guilty of a category E  
12 felony and shall be punished as provided in NRS 193.130.

13 5. It is not a violation of this section if a person possesses a  
14 trace amount of a controlled substance and that trace amount is in or  
15 on a hypodermic device obtained from a sterile hypodermic device  
16 program pursuant to NRS 439.985 to 439.994, inclusive.

17 6. As used in this section:

18 (a) "Controlled substance" includes flunitrazepam, gamma-  
19 hydroxybutyrate and each substance for which flunitrazepam or  
20 gamma-hydroxybutyrate is an immediate precursor.

21 (b) "*Marijuana*" **does not include concentrated cannabis.**

22 (c) "Sterile hypodermic device program" has the meaning  
23 ascribed to it in NRS 439.986.

24 **Sec. 6.** NRS 453.3385 is hereby amended to read as follows:

25 453.3385 **1.** Except as otherwise authorized by the provisions  
26 of NRS 453.011 to 453.552, inclusive, **and sections 1.2 to 1.5,**  
27 **inclusive, of this act,** a person who knowingly or intentionally sells,  
28 manufactures, delivers or brings into this State or who is knowingly  
29 or intentionally in actual or constructive possession of  
30 flunitrazepam, gamma-hydroxybutyrate, any substance for which  
31 flunitrazepam or gamma-hydroxybutyrate is an immediate precursor  
32 or any controlled substance which is listed in schedule I, except  
33 marijuana, or any mixture which contains any such controlled  
34 substance, shall be punished, unless a greater penalty is provided  
35 pursuant to NRS 453.322, if the quantity involved:

36 ~~1-1~~ (a) Is 4 grams or more, but less than 14 grams, for a  
37 category B felony by imprisonment in the state prison for a  
38 minimum term of not less than 1 year and a maximum term of not  
39 more than 6 years and by a fine of not more than \$50,000.

40 ~~1-2~~ (b) Is 14 grams or more, but less than 28 grams, for a  
41 category B felony by imprisonment in the state prison for a  
42 minimum term of not less than 2 years and a maximum term of not  
43 more than 15 years and by a fine of not more than \$100,000.

44 ~~1-3~~ (c) Is 28 grams or more, for a category A felony by  
45 imprisonment in the state prison:



1 ~~(a)~~ (1) For life with the possibility of parole, with eligibility  
2 for parole beginning when a minimum of 10 years has been served;  
3 or

4 ~~(b)~~ (2) For a definite term of 25 years, with eligibility for  
5 parole beginning when a minimum of 10 years has been served,  
6 and by a fine of not more than \$500,000.

7 2. *As used in this section, "marijuana" does not include*  
8 *concentrated cannabis.*

9 **Sec. 7.** NRS 453.339 is hereby amended to read as follows:

10 453.339 1. Except as otherwise provided in NRS 453.011 to  
11 453.552, inclusive, *and sections 1.2 to 1.5, inclusive, of this act*, a  
12 person who knowingly or intentionally sells, manufactures, delivers  
13 or brings into this State or who is knowingly or intentionally in  
14 actual or constructive possession of marijuana shall be punished, if  
15 the quantity involved:

16 (a) Is 100 pounds or more, but less than 2,000 pounds, for a  
17 category C felony as provided in NRS 193.130 and by a fine of not  
18 more than \$25,000.

19 (b) Is 2,000 pounds or more, but less than 10,000 pounds, for a  
20 category B felony by imprisonment in the state prison for a  
21 minimum term of not less than 2 years and a maximum term of not  
22 more than 10 years and by a fine of not more than \$50,000.

23 (c) Is 10,000 pounds or more, for a category A felony by  
24 imprisonment in the state prison:

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

27 (2) For a definite term of 15 years, with eligibility for parole  
28 beginning when a minimum of 5 years has been served,  
29 and by a fine of not more than \$200,000.

30 2. For the purposes of this section:

31 (a) "Marijuana" means all parts of any plant of the genus  
32 Cannabis, whether growing or not. *The term does not include*  
33 *concentrated cannabis.*

34 (b) The weight of marijuana is its weight when seized or as soon  
35 as practicable thereafter.

36 **Sec. 8.** NRS 453.3393 is hereby amended to read as follows:

37 453.3393 1. A person shall not knowingly or intentionally  
38 manufacture, grow, plant, cultivate, harvest, dry, propagate or  
39 process marijuana, except as specifically authorized by the  
40 provisions of this chapter or chapter 453A of NRS.

41 2. Unless a greater penalty is provided in *subsection 3 or* NRS  
42 453.339, a person who violates subsection 1, if the quantity  
43 involved is more than 12 marijuana plants, irrespective of whether  
44 the marijuana plants are mature or immature, is guilty of a category  
45 E felony and shall be punished as provided in NRS 193.130.





1 3. *A person shall not knowingly or intentionally extract*  
2 *concentrated cannabis, except as specifically authorized by the*  
3 *provisions of chapter 453A of NRS. Unless a greater penalty is*  
4 *provided in NRS 453.339, a person who violates this subsection is*  
5 *guilty of a category C felony and shall be punished as provided in*  
6 *NRS 193.130.*

7 4. In addition to any punishment imposed pursuant to  
8 ~~subsection 2,~~ *this section*, the court shall order a person convicted  
9 of a violation of ~~subsection 1,~~ *this section* to pay all costs  
10 associated with any necessary cleanup and disposal related to the  
11 manufacturing, growing, planting, cultivation, harvesting, drying,  
12 propagation or processing of the marijuana ~~+~~ *or the extraction of*  
13 *concentrated cannabis.*

14 **Sec. 9.** NRS 453.401 is hereby amended to read as follows:

15 453.401 1. Except as otherwise provided in subsections 3 and  
16 4, if two or more persons conspire to commit an offense which is a  
17 felony under the Uniform Controlled Substances Act or conspire to  
18 defraud the State of Nevada or an agency of the State in connection  
19 with its enforcement of the Uniform Controlled Substances Act, and  
20 one of the conspirators does an act in furtherance of the conspiracy,  
21 each conspirator:

22 (a) For a first offense, is guilty of a category C felony and shall  
23 be punished as provided in NRS 193.130.

24 (b) For a second offense, or if, in the case of a first conviction of  
25 violating this subsection, the conspirator has previously been  
26 convicted of a felony under the Uniform Controlled Substances Act  
27 or of an offense under the laws of the United States or of any state,  
28 territory or district which if committed in this State, would amount  
29 to a felony under the Uniform Controlled Substances Act, is guilty  
30 of a category B felony and shall be punished by imprisonment in the  
31 state prison for a minimum term of not less than 2 years and a  
32 maximum term of not more than 10 years, and may be further  
33 punished by a fine of not more than \$10,000.

34 (c) For a third or subsequent offense, or if the conspirator has  
35 previously been convicted two or more times of a felony under the  
36 Uniform Controlled Substances Act or of an offense under the laws  
37 of the United States or any state, territory or district which, if  
38 committed in this State, would amount to a felony under the  
39 Uniform Controlled Substances Act, is guilty of a category B felony  
40 and shall be punished by imprisonment in the state prison for a  
41 minimum term of not less than 3 years and a maximum term of not  
42 more than 15 years, and may be further punished by a fine of not  
43 more than \$20,000 for each offense.

44 2. Except as otherwise provided in subsection 3, if two or more  
45 persons conspire to commit an offense in violation of the Uniform



1 Controlled Substances Act and the offense does not constitute a  
2 felony, and one of the conspirators does an act in furtherance of the  
3 conspiracy, each conspirator shall be punished by imprisonment, or  
4 by imprisonment and fine, for not more than the maximum  
5 punishment provided for the offense which they conspired to  
6 commit.

7 3. If two or more persons conspire to possess more than 1  
8 ounce of marijuana unlawfully, except for the purpose of sale, and  
9 one of the conspirators does an act in furtherance of the conspiracy,  
10 each conspirator is guilty of a gross misdemeanor.

11 4. If the conspiracy subjects the conspirators to criminal  
12 liability under NRS 207.400, the persons so conspiring shall be  
13 punished in the manner provided in NRS 207.400.

14 5. The court shall not grant probation to or suspend the  
15 sentence of a person convicted of violating this section and  
16 punishable pursuant to paragraph (b) or (c) of subsection 1.

17 **6. As used in this section, "marijuana" does not include**  
18 **concentrated cannabis.**

19 **Sec. 10.** NRS 453.5531 is hereby amended to read as follows:

20 453.5531 1. The State of Nevada is entitled, in a civil action  
21 brought pursuant to NRS 453.553 involving marijuana, to a civil  
22 penalty in an amount:

23 (a) Not to exceed \$350,000, if the quantity involved is 100  
24 pounds or more, but less than 2,000 pounds.

25 (b) Not to exceed \$700,000, if the quantity involved is 2,000  
26 pounds or more, but less than 10,000 pounds.

27 (c) Not to exceed \$1,000,000, if the quantity involved is 10,000  
28 pounds or more.

29 2. The State of Nevada is entitled, in a civil action brought  
30 pursuant to NRS 453.553 involving a controlled substance, except  
31 marijuana, which is listed in schedule I or a substitute therefor, to a  
32 civil penalty in an amount:

33 (a) Not to exceed \$350,000, if the quantity involved is 4 grams  
34 or more, but less than 14 grams.

35 (b) Not to exceed \$700,000, if the quantity involved is 14 grams  
36 or more, but less than 28 grams.

37 (c) Not to exceed \$1,000,000, if the quantity involved is 28  
38 grams or more.

39 3. The State of Nevada is entitled, in a civil action brought  
40 pursuant to NRS 453.553 involving a controlled substance which is  
41 listed in schedule II or III or a substitute therefor, to a civil penalty  
42 in an amount:

43 (a) Not to exceed \$350,000, if the quantity involved is 28 grams  
44 or more, but less than 200 grams.



1 (b) Not to exceed \$700,000, if the quantity involved is 200  
2 grams or more, but less than 400 grams.

3 (c) Not to exceed \$1,000,000, if the quantity involved is 400  
4 grams or more.

5 4. Unless a greater civil penalty is authorized by another  
6 provision of this section, the State of Nevada is entitled, in a civil  
7 action brought pursuant to NRS 453.553 involving any act or  
8 transaction in violation of the provisions of NRS 453.3611 to  
9 453.3648, inclusive, to a civil penalty in an amount not to exceed  
10 \$350,000.

11 5. The State of Nevada is entitled, in a civil action brought  
12 pursuant to NRS 453.553 involving any act or transaction in  
13 violation of the provisions of NRS 453.324, 453.354, 453.355 or  
14 453.357, to a civil penalty in an amount not to exceed \$250,000 for  
15 each violation.

16 6. *As used in this section, "marijuana" does not include*  
17 *concentrated cannabis.*

18 **Sec. 11.** Chapter 453A of NRS is hereby amended by adding  
19 thereto the provisions set forth as sections 12 and 13 of this act.

20 **Sec. 12.** *"Letter of approval" means a document issued by*  
21 *the Division to an applicant who is under 10 years of age pursuant*  
22 *to NRS 453A.220 which provides that the applicant is exempt from*  
23 *state prosecution for engaging in the medical use of marijuana.*

24 **Sec. 13. 1.** *Except as otherwise provided in this section and*  
25 *NRS 453A.300, a person who holds a valid letter of approval*  
26 *issued pursuant to NRS 453A.220 is exempt from state prosecution*  
27 *for:*

28 (a) *Possession of marijuana;*

29 (b) *Possession of paraphernalia;*

30 (c) *Any combination of the acts described in paragraphs (a)*  
31 *and (b); and*

32 (d) *Any other criminal offense in which the possession of*  
33 *marijuana or paraphernalia is an element.*

34 2. *The exemption from state prosecution set forth in*  
35 *subsection 1 applies only to the extent that the person who holds a*  
36 *letter of approval:*

37 (a) *Engages in the medical use of marijuana in accordance*  
38 *with the provisions of this chapter as justified to mitigate the*  
39 *symptoms or effects of the person's chronic or debilitating medical*  
40 *condition; and*

41 (b) *Does not, at any one time, collectively possess with his or*  
42 *her designated primary caregiver an amount of marijuana for*  
43 *medical purposes that exceeds the limits set forth in*  
44 *NRS 453A.200.*



1       **3. As used in this section, “marijuana” includes, without**  
2 **limitation, edible marijuana products and marijuana-infused**  
3 **products.**

4       **Sec. 14.** NRS 453A.010 is hereby amended to read as follows:  
5       453A.010 As used in this chapter, unless the context otherwise  
6 requires, the words and terms defined in NRS 453A.020 to  
7 453A.170, inclusive, **and section 12 of this act** have the meanings  
8 ascribed to them in those sections.

9       **Sec. 15.** NRS 453A.116 is hereby amended to read as follows:  
10       453A.116 “Medical marijuana establishment” means:

- 11       1. An independent testing laboratory;
- 12       2. A cultivation facility;
- 13       3. A facility for the production of edible marijuana products or  
14 marijuana-infused products; **or**
- 15       4. A medical marijuana dispensary. ~~† or~~

16 ~~—5. A business that has registered with the Division and paid the~~  
17 ~~requisite fees to act as more than one of the types of businesses~~  
18 ~~listed in subsections 2, 3 and 4.†~~

19       **Sec. 16.** NRS 453A.200 is hereby amended to read as follows:  
20       453A.200 1. Except as otherwise provided in this section and  
21 NRS 453A.300, a person who holds a valid registry identification  
22 card issued to the person pursuant to NRS 453A.220 or 453A.250 is  
23 exempt from state prosecution for:

- 24       (a) Possession, delivery or production of marijuana;
- 25       (b) Possession or delivery of paraphernalia;
- 26       (c) Aiding and abetting another in the possession, delivery or  
27 production of marijuana;
- 28       (d) Aiding and abetting another in the possession or delivery of  
29 paraphernalia;
- 30       (e) Any combination of the acts described in paragraphs (a) to  
31 (d), inclusive; and
- 32       (f) Any other criminal offense in which the possession, delivery  
33 or production of marijuana or the possession or delivery of  
34 paraphernalia is an element.

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

40       3. The exemption from state prosecution set forth in subsection  
41 1 applies only to the extent that a person who holds a registry  
42 identification card issued to the person pursuant to paragraph (a) of  
43 subsection 1 of NRS 453A.220 and the designated primary  
44 caregiver, if any, of such a person:



1 (a) Engage in or assist in, as applicable, the medical use of  
2 marijuana in accordance with the provisions of this chapter as  
3 justified to mitigate the symptoms or effects of ~~the~~ a person's  
4 chronic or debilitating medical condition; and

5 (b) Do not, at any one time, collectively possess ~~H~~ **with another**  
6 **who is authorized to possess**, deliver or produce more than:

7 (1) Two and one-half ounces of usable marijuana in any one  
8 14-day period;

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

11 (3) A maximum allowable quantity of edible marijuana  
12 products and marijuana-infused products as established by  
13 regulation of the Division.

14 ➤ The persons described in this subsection must ensure that the  
15 usable marijuana and marijuana plants described in this subsection  
16 are safeguarded in an enclosed, secure location.

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

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

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

25 5. A person who holds a valid medical marijuana establishment  
26 registration certificate issued to the person pursuant to NRS  
27 453A.322 or a valid medical marijuana establishment agent  
28 registration card issued to the person pursuant to NRS 453A.332,  
29 and who confines his or her activities to those authorized by NRS  
30 453A.320 to 453A.370, inclusive, and the regulations adopted by  
31 the Division pursuant thereto, is exempt from state prosecution for:

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

33 (b) Possession or delivery of paraphernalia;

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

36 (d) Aiding and abetting another in the possession or delivery of  
37 paraphernalia;

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

40 (f) Any other criminal offense in which the possession, delivery  
41 or production of marijuana or the possession or delivery of  
42 paraphernalia is an element.

43 6. Notwithstanding any other provision of law and except as  
44 otherwise provided in this subsection, after a medical marijuana  
45 dispensary opens in the county of residence of a person who holds a



1 registry identification card ~~{or his or her}~~ , *including, without*  
2 *limitation, a* designated primary caregiver, ~~{if any,}~~ such ~~{persons~~  
3 ~~are}~~ *a person is* not authorized to cultivate, grow or produce  
4 marijuana. The provisions of this subsection do not apply if:

5 (a) The person who holds the registry identification card ~~{or his~~  
6 ~~or her designated primary caregiver, if any,}~~ was cultivating,  
7 growing or producing marijuana in accordance with this chapter on  
8 or before July 1, 2013;

9 (b) All the medical marijuana dispensaries in the county of  
10 residence of the person who holds the registry identification card ~~{or~~  
11 ~~his or her designated primary caregiver, if any,}~~ close or are unable  
12 to supply the quantity or strain of marijuana necessary for the  
13 medical use of the person to treat his or her specific medical  
14 condition;

15 (c) Because of illness or lack of transportation, the person who  
16 holds the registry identification card ~~{and his or her designated~~  
17 ~~primary caregiver, if any, are}~~ *is* unable reasonably to travel to a  
18 medical marijuana dispensary; or

19 (d) No medical marijuana dispensary was operating within 25  
20 miles of the residence of the person who holds the registry  
21 identification card at the time the person first applied for his or her  
22 registry identification card.

23 7. As used in this section, “marijuana” includes, without  
24 limitation, edible marijuana products and marijuana-infused  
25 products.

26 **Sec. 17.** NRS 453A.210 is hereby amended to read as follows:

27 453A.210 1. The Division shall establish and maintain a  
28 program for the issuance of registry identification cards *and letters*  
29 *of approval* to persons who meet the requirements of this section.

30 2. Except as otherwise provided in subsections 3 and 5 and  
31 NRS 453A.225, the Division or its designee shall issue a registry  
32 identification card to a person who is a resident of this State and  
33 who submits an application on a form prescribed by the Division  
34 accompanied by the following:

35 (a) Valid, written documentation from the person’s attending  
36 physician stating that:

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

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

41 (3) The attending physician has explained the possible risks  
42 and benefits of the medical use of marijuana;

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



1 (c) Proof satisfactory to the Division that the person is a resident  
2 of this State;

3 (d) The name, address and telephone number of the person's  
4 attending physician;

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

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

9 (2) A written, signed statement from the person's attending  
10 physician in which the attending physician approves of the  
11 designation of the primary caregiver; and

12 (f) If the person elects to designate a medical marijuana  
13 dispensary at the time of application, the name of the medical  
14 marijuana dispensary.

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

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

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

24 (1) The attending physician of the person under 18 years of  
25 age has explained to that person and to the custodial parent or legal  
26 guardian with responsibility for health care decisions for the person  
27 under 18 years of age the possible risks and benefits of the medical  
28 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. Upon  
44 receipt of an application that is completed and submitted pursuant to  
45 this section, the Division shall:



- 1 (a) Record on the application the date on which it was received;  
2 (b) Retain one copy of the application for the records of the  
3 Division; and  
4 (c) Distribute the other four copies of the application in the  
5 following manner:  
6 (1) One copy to the person who submitted the application;  
7 (2) One copy to the applicant's designated primary caregiver,  
8 if any;  
9 (3) One copy to the Central Repository for Nevada Records  
10 of Criminal History; and  
11 (4) One copy to:  
12 (I) If the attending physician of the applicant is licensed  
13 to practice medicine pursuant to the provisions of chapter 630 of  
14 NRS, the Board of Medical Examiners; or  
15 (II) If the attending physician of the applicant is licensed  
16 to practice osteopathic medicine pursuant to the provisions of  
17 chapter 633 of NRS, the State Board of Osteopathic Medicine.  
18 ➤ The Central Repository for Nevada Records of Criminal History  
19 shall report to the Division its findings as to the criminal history, if  
20 any, of an applicant within 15 days after receiving a copy of an  
21 application pursuant to subparagraph (3) of paragraph (c). The  
22 Board of Medical Examiners or the State Board of Osteopathic  
23 Medicine, as applicable, shall report to the Division its findings as to  
24 the licensure and standing of the applicant's attending physician  
25 within 15 days after receiving a copy of an application pursuant to  
26 subparagraph (4) of paragraph (c).  
27 5. The Division shall verify the information contained in an  
28 application submitted pursuant to this section and shall approve or  
29 deny an application within 30 days after receiving the application.  
30 The Division may contact an applicant, the applicant's attending  
31 physician and designated primary caregiver, if any, by telephone to  
32 determine that the information provided on or accompanying the  
33 application is accurate. The Division may deny an application only  
34 on the following grounds:  
35 (a) The applicant failed to provide the information required  
36 pursuant to subsections 2 and 3 to:  
37 (1) Establish the applicant's chronic or debilitating medical  
38 condition; or  
39 (2) Document the applicant's consultation with an attending  
40 physician regarding the medical use of marijuana in connection with  
41 that condition;  
42 (b) The applicant failed to comply with regulations adopted by  
43 the Division, including, without limitation, the regulations adopted  
44 by the Administrator pursuant to NRS 453A.740;





1 (c) The Division determines that the information provided by  
2 the applicant was falsified;

3 (d) The Division determines that the attending physician of the  
4 applicant is not licensed to practice medicine or osteopathic  
5 medicine in this State or is not in good standing, as reported by the  
6 Board of Medical Examiners or the State Board of Osteopathic  
7 Medicine, as applicable;

8 (e) The Division determines that the applicant, or the applicant's  
9 designated primary caregiver, if applicable, has been convicted of  
10 knowingly or intentionally selling a controlled substance;

11 (f) The Division has prohibited the applicant from obtaining or  
12 using a registry identification card *or letter of approval* pursuant to  
13 subsection 2 of NRS 453A.300;

14 (g) The Division determines that the applicant, or the applicant's  
15 designated primary caregiver, if applicable, has had a registry  
16 identification card *or letter of approval* revoked pursuant to NRS  
17 453A.225; or

18 (h) In the case of a person under 18 years of age, the custodial  
19 parent or legal guardian with responsibility for health care decisions  
20 for the person has not signed the written statement required pursuant  
21 to paragraph (b) of subsection 3.

22 6. The decision of the Division to deny an application for a  
23 registry identification card *or letter of approval* is a final decision  
24 for the purposes of judicial review. Only the person whose  
25 application has been denied or, in the case of a person under 18  
26 years of age whose application has been denied, the person's parent  
27 or legal guardian, has standing to contest the determination of the  
28 Division. A judicial review authorized pursuant to this subsection  
29 must be limited to a determination of whether the denial was  
30 arbitrary, capricious or otherwise characterized by an abuse of  
31 discretion and must be conducted in accordance with the procedures  
32 set forth in chapter 233B of NRS for reviewing a final decision of an  
33 agency.

34 7. A person whose application has been denied may not  
35 reapply for 6 months after the date of the denial, unless the Division  
36 or a court of competent jurisdiction authorizes reapplication in a  
37 shorter time.

38 8. Except as otherwise provided in this subsection, if a person  
39 has applied for a registry identification card *or letter of approval*  
40 pursuant to this section and the Division has not yet approved or  
41 denied the application, the person, and the person's designated  
42 primary caregiver, if any, shall be deemed to hold a registry  
43 identification card *or letter of approval* upon the presentation to a  
44 law enforcement officer of the copy of the application provided to  
45 him or her pursuant to subsection 4.



1 9. As used in this section, “resident” has the meaning ascribed  
2 to it in NRS 483.141.

3 **Sec. 18.** NRS 453A.220 is hereby amended to read as follows:

4 453A.220 1. If the Division approves an application pursuant  
5 to subsection 5 of NRS 453A.210, the Division or its designee shall,  
6 as soon as practicable after the Division approves the application:

7 (a) Issue a *letter of approval or* serially numbered registry  
8 identification card, *as applicable*, to the applicant; and

9 (b) If the applicant has designated a primary caregiver, issue a  
10 serially numbered registry identification card to the designated  
11 primary caregiver.

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

14 (a) The name, address, photograph and date of birth of the  
15 applicant;

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’s designated primary  
19 caregiver, if any;

20 (d) The name of the applicant’s designated medical marijuana  
21 dispensary, if any;

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

24 (f) Any other information prescribed by regulation of the  
25 Division.

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

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

29 (b) *The date of issuance and date of expiration of the registry*  
30 *identification card of the designated primary caregiver;*

31 (c) *The name and address of the applicant’s designated*  
32 *primary caregiver;*

33 (d) *The name of the applicant’s designated medical marijuana*  
34 *dispensary, if any; and*

35 (e) *Any other information prescribed by regulation of the*  
36 *Division.*

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

39 (a) The name, address and photograph of the designated primary  
40 caregiver;

41 (b) The date of issuance and date of expiration of the registry  
42 identification card;

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



1 (d) The name of the designated primary caregiver's designated  
2 medical marijuana dispensary, if any;

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

6 (f) Any other information prescribed by regulation of the  
7 Division.

8 ~~4.4~~ 5. Except as otherwise provided in NRS 453A.225,  
9 subsection 3 of NRS 453A.230 and subsection 2 of NRS 453A.300,  
10 a registry identification card *or letter of approval* issued pursuant to  
11 this section is valid for a period of 1 year and may be renewed in  
12 accordance with regulations adopted by the Division.

13 **Sec. 19.** NRS 453A.225 is hereby amended to read as follows:

14 453A.225 1. If, at any time after the Division or its designee  
15 has issued a registry identification card *or letter of approval* to a  
16 person pursuant to paragraph (a) of subsection 1 of NRS 453A.220,  
17 the Division determines, on the basis of official documents or  
18 records or other credible evidence, that the person:

19 (a) Provided falsified information on his or her application to the  
20 Division or its designee, as described in paragraph (c) of subsection  
21 5 of NRS 453A.210; or

22 (b) Has been convicted of knowingly or intentionally selling a  
23 controlled substance, as described in paragraph (e) of subsection 5  
24 of NRS 453A.210,

25 ➔ the Division shall immediately revoke the registry identification  
26 card *or letter of approval* issued to that person and shall  
27 immediately revoke the registry identification card issued to that  
28 person's designated primary caregiver, if any.

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

38 3. Upon the revocation of a registry identification card *or letter*  
39 *of approval* pursuant to this section:

40 (a) The Division shall send, by certified mail, return receipt  
41 requested, notice to the person whose registry identification card *or*  
42 *letter of approval* has been revoked, advising the person of the  
43 requirements of paragraph (b); and



1 (b) The person shall return his or her registry identification card  
2 *or letter of approval* to the Division within 7 days after receiving  
3 the notice sent pursuant to paragraph (a).

4 4. The decision of the Division to revoke a registry  
5 identification card *or letter of approval* pursuant to this section is a  
6 final decision for the purposes of judicial review.

7 5. A person whose registry identification card *or letter of*  
8 *approval* has been revoked pursuant to this section may not reapply  
9 for a registry identification card *or letter of approval* pursuant to  
10 NRS 453A.210 for 12 months after the date of the revocation, unless  
11 the Division or a court of competent jurisdiction authorizes  
12 reapplication in a shorter time.

13 **Sec. 20.** NRS 453A.230 is hereby amended to read as follows:

14 453A.230 1. A person to whom the Division or its designee  
15 has issued a registry identification card *or letter of approval*  
16 pursuant to paragraph (a) of subsection 1 of NRS 453A.220 shall, in  
17 accordance with regulations adopted by the Division:

18 (a) Notify the Division of any change in the person's name,  
19 address, telephone number, designated medical marijuana  
20 dispensary, attending physician or designated primary caregiver, if  
21 any; and

22 (b) Submit annually to the Division:

23 (1) Updated written documentation from the person's  
24 attending physician in which the attending physician sets forth that:

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

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

29 (III) The attending physician has explained to the person  
30 the possible risks and benefits of the medical use of marijuana; and

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

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

36 (II) A written, signed statement from the person's  
37 attending physician in which the attending physician approves of the  
38 designation of the primary caregiver.

39 2. A person to whom the Division or its designee has issued a  
40 registry identification card pursuant to paragraph (b) of subsection 1  
41 of NRS 453A.220 or pursuant to NRS 453A.250 shall, in  
42 accordance with regulations adopted by the Division, notify the  
43 Division of any change in the person's name, address, telephone  
44 number, designated medical marijuana dispensary or the identity of  
45 the person for whom he or she acts as designated primary caregiver.



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

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

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

18 **Sec. 21.** NRS 453A.240 is hereby amended to read as follows:

19 453A.240 If a person to whom the Division or its designee has  
20 issued a registry identification card *or letter of approval* pursuant to  
21 paragraph (a) of subsection 1 of NRS 453A.220 is diagnosed by the  
22 person's attending physician as no longer having a chronic or  
23 debilitating medical condition, the person *shall return his or her*  
24 *registry identification card or letter of approval* and his or her  
25 designated primary caregiver, if any, shall return ~~their~~ *his or her*  
26 registry identification ~~cards~~ *card* to the Division within 7 days  
27 after notification of the diagnosis.

28 **Sec. 22.** NRS 453A.250 is hereby amended to read as follows:

29 453A.250 1. If a person who applies to the Division for a  
30 registry identification card *or letter of approval* or to whom the  
31 Division or its designee has issued a registry identification card *or*  
32 *letter of approval* pursuant to paragraph (a) of subsection 1 of NRS  
33 453A.220 desires *or is required* to designate a primary caregiver,  
34 the person must:

35 (a) To designate a primary caregiver at the time of application,  
36 submit to the Division the information required pursuant to  
37 paragraph (e) of subsection 2 of NRS 453A.210; or

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

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



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

8 **Sec. 23.** NRS 453A.300 is hereby amended to read as follows:

9 453A.300 1. A person who holds a registry identification  
10 card *or letter of approval* issued to him or her pursuant to NRS  
11 453A.220 or 453A.250 is not exempt from state prosecution for, nor  
12 may the person establish an affirmative defense to charges arising  
13 from, any of the following acts:

14 (a) Driving, operating or being in actual physical control of a  
15 vehicle or a vessel under power or sail while under the influence of  
16 marijuana.

17 (b) Engaging in any other conduct prohibited by NRS 484C.110,  
18 484C.120, 484C.130, 484C.430, subsection 2 of NRS 488.400, NRS  
19 488.410, 488.420, 488.425 or 493.130.

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

22 (d) Possessing marijuana in violation of NRS 453.336 or  
23 possessing paraphernalia in violation of NRS 453.560 or 453.566 ~~†~~  
24 ~~†~~:

25 (1) *If* the possession of the marijuana or paraphernalia is  
26 discovered because the person engaged or assisted in the medical  
27 use of marijuana in:

28 ~~†(1)~~ (I) Any public place or in any place open to the public  
29 or exposed to public view; or

30 ~~†(2)~~ (II) Any local detention facility, county jail, state  
31 prison, reformatory or other correctional facility, including, without  
32 limitation, any facility for the detention of juvenile offenders ~~†~~; *or*

33 (2) *If the possession of the marijuana or paraphernalia*  
34 *occurs on school property.*

35 (e) Delivering marijuana to another person who he or she knows  
36 does not lawfully hold a registry identification card *or letter of*  
37 *approval* issued by the Division or its designee pursuant to NRS  
38 453A.220 or 453A.250.

39 (f) Delivering marijuana for consideration to any person,  
40 regardless of whether the recipient lawfully holds a registry  
41 identification card *or letter of approval* issued by the Division or its  
42 designee pursuant to NRS 453A.220 or 453A.250.

43 2. Except as otherwise provided in NRS 453A.225 and in  
44 addition to any other penalty provided by law, if the Division  
45 determines that a person has willfully violated a provision of this



1 chapter or any regulation adopted by the Division to carry out the  
2 provisions of this chapter, the Division may, at its own discretion,  
3 prohibit the person from obtaining or using a registry identification  
4 card *or letter of approval* for a period of up to 6 months.

5 **3.** *As used in this section, "school property" means the*  
6 *grounds of any public school described in NRS 388.020 and any*  
7 *private school as defined in NRS 394.103.*

8 **Sec. 24.** NRS 453A.310 is hereby amended to read as follows:

9 453A.310 1. Except as otherwise provided in this section and  
10 NRS 453A.300, it is an affirmative defense to a criminal charge of  
11 possession, delivery or production of marijuana, or any other  
12 criminal offense in which possession, delivery or production of  
13 marijuana is an element, that the person charged with the offense:

14 (a) Is a person who:

15 (1) Has been diagnosed with a chronic or debilitating  
16 medical condition within the 12-month period preceding his or her  
17 arrest and has been advised by his or her attending physician that the  
18 medical use of marijuana may mitigate the symptoms or effects of  
19 that chronic or debilitating medical condition;

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

21 (3) Possesses, delivers or produces marijuana only in the  
22 amount described in paragraph (b) of subsection 3 of NRS  
23 453A.200 or in excess of that amount if the person proves by a  
24 preponderance of the evidence that the greater amount is medically  
25 necessary as determined by the person's attending physician to  
26 mitigate the symptoms or effects of the person's chronic or  
27 debilitating medical condition; or

28 (b) Is a person who:

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

31 (2) Possesses, delivers or produces marijuana only in the  
32 amount described in paragraph (b) of subsection 3 of NRS  
33 453A.200 or in excess of that amount if the person proves by a  
34 preponderance of the evidence that the greater amount is medically  
35 necessary as determined by the assisted person's attending physician  
36 to mitigate the symptoms or effects of the assisted person's chronic  
37 or debilitating medical condition.

38 2. A person need not hold a registry identification card *or letter*  
39 *of approval* issued to the person by the Division or its designee  
40 pursuant to NRS 453A.220 or 453A.250 to assert an affirmative  
41 defense described in this section.

42 3. Except as otherwise provided in this section and in addition  
43 to the affirmative defense described in subsection 1, a person  
44 engaged or assisting in the medical use of marijuana who is charged



1 with a crime pertaining to the medical use of marijuana is not  
2 precluded from:

- 3 (a) Asserting a defense of medical necessity; or  
4 (b) Presenting evidence supporting the necessity of marijuana  
5 for treatment of a specific disease or medical condition,  
6 ➤ if the amount of marijuana at issue is not greater than the amount  
7 described in paragraph (b) of subsection 3 of NRS 453A.200 and the  
8 person has taken steps to comply substantially with the provisions of  
9 this chapter.

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

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

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

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

22 **Sec. 25.** NRS 453A.340 is hereby amended to read as follows:

23 453A.340 The following acts constitute grounds for immediate  
24 revocation of a medical marijuana establishment registration  
25 certificate:

26 1. Dispensing, delivering or otherwise transferring marijuana  
27 to a person other than a medical marijuana establishment agent,  
28 another medical marijuana establishment, a ~~{patient}~~ *person* who  
29 holds a valid registry identification card ~~{or the}~~, *including, without*  
30 *limitation, a designated primary caregiver. ~~{of such a patient.}~~*

31 2. Acquiring usable marijuana or mature marijuana plants from  
32 any person other than a medical marijuana establishment agent,  
33 another medical marijuana establishment, a ~~{patient}~~ *person* who  
34 holds a valid registry identification card ~~{or the}~~, *including, without*  
35 *limitation, a designated primary caregiver. ~~{of such a patient.}~~*

36 3. Violating a regulation of the Division, the violation of which  
37 is stated to be grounds for immediate revocation of a medical  
38 marijuana establishment registration certificate.

39 **Sec. 26.** NRS 453A.342 is hereby amended to read as follows:

40 453A.342 The following acts constitute grounds for the  
41 immediate revocation of the medical marijuana establishment agent  
42 registration card of a medical marijuana establishment agent:

43 1. Having committed or committing any excluded felony  
44 offense.





1 2. Dispensing, delivering or otherwise transferring marijuana  
2 to a person other than a medical marijuana establishment agent,  
3 another medical marijuana establishment, a ~~patient~~ *person* who  
4 holds a valid registry identification card ~~for the~~, *including without*  
5 *limitation, a* designated primary caregiver. ~~[of such a patient.]~~

6 3. Violating a regulation of the Division, the violation of which  
7 is stated to be grounds for immediate revocation of a medical  
8 marijuana establishment agent registration card.

9 **Sec. 27.** NRS 453A.352 is hereby amended to read as follows:

10 453A.352 1. The operating documents of a medical  
11 marijuana establishment must include procedures:

12 (a) For the oversight of the medical marijuana establishment;  
13 and

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

16 2. Except as otherwise provided in this subsection, a medical  
17 marijuana establishment:

18 (a) That is a medical marijuana dispensary must have a single  
19 entrance for patrons, which must be secure, and shall implement  
20 strict security measures to deter and prevent the theft of marijuana  
21 and unauthorized entrance into areas containing marijuana.

22 (b) That is not a medical marijuana dispensary must have a  
23 single secure entrance and shall implement strict security measures  
24 to deter and prevent the theft of marijuana and unauthorized  
25 entrance into areas containing marijuana.

26 ↪ The provisions of this subsection do not supersede any state or  
27 local requirements relating to minimum numbers of points of entry  
28 or exit, or any state or local requirements relating to fire safety.

29 3. A medical marijuana establishment is prohibited from  
30 acquiring, possessing, cultivating, manufacturing, delivering,  
31 transferring, transporting, supplying or dispensing marijuana for any  
32 purpose except to:

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

35 (b) Assist patients who possess valid registry identification cards  
36 *or letters of approval* by way of those patients' designated primary  
37 caregivers.

38 ↪ For the purposes of this subsection, a person shall be deemed to  
39 be a patient who possesses a valid registry identification card *or*  
40 *letter of approval* if he or she qualifies for nonresident reciprocity  
41 pursuant to NRS 453A.364.

42 4. All cultivation or production of marijuana that a cultivation  
43 facility carries out or causes to be carried out must take place in an  
44 enclosed, locked facility at the physical address provided to the  
45 Division during the registration process for the cultivation facility.



1 Such an enclosed, locked facility must be accessible only by  
2 medical marijuana establishment agents who are lawfully associated  
3 with the cultivation facility, except that limited access by persons  
4 necessary to perform construction or repairs or provide other labor  
5 is permissible if such persons are supervised by a medical marijuana  
6 establishment agent.

7 5. A medical marijuana dispensary and a cultivation facility  
8 may acquire usable marijuana or marijuana plants from a ~~{patient}~~  
9 *person* who holds a valid registry identification card, ~~for the~~ ,  
10 *including, without limitation, a* designated primary caregiver . ~~for~~  
11 ~~such a patient.~~ Except as otherwise provided in this subsection, the  
12 patient or caregiver, as applicable, must receive no compensation for  
13 the marijuana. A patient who holds a valid registry identification  
14 card, and the designated primary caregiver of such a patient, *or the*  
15 *designated primary caregiver of a person who holds a letter of*  
16 *approval* may sell usable marijuana to a medical marijuana  
17 dispensary one time and may sell marijuana plants to a cultivation  
18 facility one time.

19 6. A medical marijuana establishment shall not allow any  
20 person to consume marijuana on the property or premises of the  
21 establishment.

22 7. Medical marijuana establishments are subject to reasonable  
23 inspection by the Division at any time, and a person who holds a  
24 medical marijuana establishment registration certificate must make  
25 himself or herself, or a designee thereof, available and present for  
26 any inspection by the Division of the establishment.

27 **Sec. 28.** NRS 453A.364 is hereby amended to read as follows:

28 453A.364 1. The State of Nevada and the medical marijuana  
29 dispensaries in this State which hold valid medical marijuana  
30 establishment registration certificates will recognize a nonresident  
31 card only under the following circumstances:

32 (a) The state or jurisdiction from which the holder or bearer  
33 obtained the nonresident card grants an exemption from criminal  
34 prosecution for the medical use of marijuana;

35 (b) The state or jurisdiction from which the holder or bearer  
36 obtained the nonresident card requires, as a prerequisite to the  
37 issuance of such a card, that a physician advise the person that the  
38 medical use of marijuana may mitigate the symptoms or effects of  
39 the person's medical condition;

40 (c) The nonresident card has an expiration date and has not yet  
41 expired;

42 (d) The holder or bearer of the nonresident card signs an  
43 affidavit in a form prescribed by the Division which sets forth that  
44 the holder or bearer is entitled to engage in the medical use of  
45 marijuana in his or her state or jurisdiction of residence; and



1 (e) The holder or bearer of the nonresident card agrees to abide  
2 by, and does abide by, the legal limits on the possession of  
3 marijuana for medical purposes in this State, as set forth in  
4 NRS 453A.200.

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

6 (a) The amount of medical marijuana that the holder or bearer of  
7 a nonresident card is entitled to possess in his or her state or  
8 jurisdiction of residence is not relevant; and

9 (b) Under no circumstances, while in this State, may the holder  
10 or bearer of a nonresident card possess marijuana for medical  
11 purposes in excess of the limits set forth in NRS 453A.200.

12 3. As used in this section, "nonresident card" means a card or  
13 other identification that:

14 (a) Is issued by a state or jurisdiction other than Nevada; and

15 (b) Is the functional equivalent of a registry identification card  
16 **H or letter of approval**, as determined by the Division.

17 **Sec. 29.** NRS 453A.366 is hereby amended to read as follows:

18 453A.366 1. A patient who holds a valid registry  
19 identification card **or letter of approval** and his or her designated  
20 primary caregiver, if any, may select one medical marijuana  
21 dispensary to serve as his or her designated medical marijuana  
22 dispensary at any one time.

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

25 (a) Shall communicate the designation to the Division within the  
26 time specified by the Division.

27 (b) May change his or her designation not more than once in a  
28 30-day period.

29 **Sec. 30.** NRS 453A.370 is hereby amended to read as follows:

30 453A.370 The Division shall adopt such regulations as it  
31 determines to be necessary or advisable to carry out the provisions  
32 of NRS 453A.320 to 453A.370, inclusive. Such regulations are in  
33 addition to any requirements set forth in statute and must, without  
34 limitation:

35 1. Prescribe the form and any additional required content of  
36 registration and renewal applications submitted pursuant to NRS  
37 453A.322 and 453A.332.

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

40 (a) The manner of protecting against diversion and theft without  
41 imposing an undue burden on medical marijuana establishments or  
42 compromising the confidentiality of the holders of registry  
43 identification cards **H and letters of approval**.

44 (b) Minimum requirements for the oversight of medical  
45 marijuana establishments.



1 (c) Minimum requirements for the keeping of records by  
2 medical marijuana establishments.

3 (d) Provisions for the security of medical marijuana  
4 establishments, including, without limitation, requirements for the  
5 protection by a fully operational security alarm system of each  
6 medical marijuana establishment.

7 (e) Procedures pursuant to which medical marijuana  
8 dispensaries must use the services of an independent testing  
9 laboratory to ensure that any marijuana, edible marijuana products  
10 and marijuana-infused products sold by the dispensaries to end users  
11 are tested for content, quality and potency in accordance with  
12 standards established by the Division.

13 (f) Procedures pursuant to which a medical marijuana  
14 dispensary will be notified by the Division if a patient who holds a  
15 valid registry identification card *or letter of approval* has chosen the  
16 dispensary as his or her designated medical marijuana dispensary, as  
17 described in NRS 453A.366.

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

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

23 (b) To reflect gifts and grants received by the Division pursuant  
24 to NRS 453A.720.

25 4. Set forth the amount of usable marijuana that a medical  
26 marijuana dispensary may dispense to a person who holds a valid  
27 registry identification card, ~~for the~~ *including, without limitation, a*  
28 designated primary caregiver, ~~for such a person,~~ in any one 14-day  
29 period. Such an amount must not exceed the limits set forth in  
30 NRS 453A.200.

31 5. As far as possible while maintaining accountability, protect  
32 the identity and personal identifying information of each person who  
33 receives, facilitates or delivers services in accordance with this  
34 chapter.

35 6. In cooperation with the Board of Medical Examiners and the  
36 State Board of Osteopathic Medicine, establish a system to:

37 (a) Register and track attending physicians who advise their  
38 patients that the medical use of marijuana may mitigate the  
39 symptoms or effects of the patient's medical condition;

40 (b) Insofar as is possible, track and quantify the number of times  
41 an attending physician described in paragraph (a) makes such an  
42 advisement; and

43 (c) Provide for the progressive discipline of attending physicians  
44 who advise the medical use of marijuana at a rate at which the  
45 Division and Board determine and agree to be unreasonably high.



1 7. Establish different categories of medical marijuana  
2 establishment agent registration cards, including, without limitation,  
3 criteria for training and certification, for each of the different types  
4 of medical marijuana establishments at which such an agent may be  
5 employed or volunteer.

6 8. Provide for the maintenance of a log by the Division of each  
7 person who is authorized to cultivate, grow or produce marijuana  
8 pursuant to subsection 6 of NRS 453A.200. The Division shall  
9 ensure that the contents of the log are available for verification by  
10 law enforcement personnel 24 hours a day.

11 9. Address such other matters as may assist in implementing  
12 the program of dispensation contemplated by NRS 453A.320 to  
13 453A.370, inclusive.

14 **Sec. 31.** NRS 453A.400 is hereby amended to read as follows:

15 453A.400 1. The fact that a person possesses a registry  
16 identification card *or letter of approval* issued to the person by the  
17 Division or its designee pursuant to NRS 453A.220 or 453A.250, a  
18 medical marijuana establishment registration certificate issued to the  
19 person by the Division or its designee pursuant to NRS 453A.322 or  
20 a medical marijuana establishment agent registration card issued to  
21 the person by the Division or its designee pursuant to NRS  
22 453A.332 does not, alone:

23 (a) Constitute probable cause to search the person or the  
24 person's property; or

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

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

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

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

39 (c) Upon ~~fa determination by the district attorney of the county~~  
40 ~~in which the marijuana, paraphernalia or other related property was~~  
41 ~~seized, or the district attorney's designee, that the person from~~  
42 ~~whom the marijuana, paraphernalia or other related property was~~  
43 ~~seized is engaging in or assisting in the medical use of marijuana in~~  
44 ~~accordance with the provisions of this chapter, the~~ :

45 *(1) A decision not to prosecute;*



1 (2) *The dismissal of charges; or*

2 (3) *Acquittal,*

3 ↪ *the* law enforcement agency shall ~~immediately~~, *to the extent*  
4 *permitted by law*, return to that person any usable marijuana,  
5 marijuana plants, paraphernalia or other related property that was  
6 seized.

7 ~~↪~~ The provisions of this subsection do not require a law  
8 enforcement agency to care for live marijuana plants.

9 ~~{3. For the purposes of paragraph (c) of subsection 2, the~~  
10 ~~determination of a district attorney or the district attorney's designee~~  
11 ~~that a person is engaging in or assisting in the medical use of~~  
12 ~~marijuana in accordance with the provisions of this chapter shall be~~  
13 ~~deemed to be evidenced by:~~

14 ~~—(a) A decision not to prosecute;~~

15 ~~—(b) The dismissal of charges; or~~

16 ~~—(c) Acquittal.~~

17 **Sec. 32.** NRS 453A.500 is hereby amended to read as follows:

18 453A.500 The Board of Medical Examiners or the State Board  
19 of Osteopathic Medicine, as applicable, shall not take any  
20 disciplinary action against an attending physician on the basis that  
21 the attending physician:

22 1. Advised a person whom the attending physician has  
23 diagnosed as having a chronic or debilitating medical condition, or a  
24 person whom the attending physician knows has been so diagnosed  
25 by another physician licensed to practice medicine pursuant to the  
26 provisions of chapter 630 of NRS or licensed to practice osteopathic  
27 medicine pursuant to the provisions of chapter 633 of NRS:

28 (a) About the possible risks and benefits of the medical use of  
29 marijuana; or

30 (b) That the medical use of marijuana may mitigate the  
31 symptoms or effects of the person's chronic or debilitating medical  
32 condition,

33 ↪ if the advice is based on the attending physician's personal  
34 assessment of the person's medical history and current medical  
35 condition.

36 2. Provided the written documentation required pursuant to  
37 paragraph (a) of subsection 2 of NRS 453A.210 for the issuance of a  
38 registry identification card *or letter of approval* or pursuant to  
39 subparagraph (1) of paragraph (b) of subsection 1 of NRS 453A.230  
40 for the renewal of a registry identification card ~~↪~~ *or letter of*  
41 *approval* if:

42 (a) Such documentation is based on the attending physician's  
43 personal assessment of the person's medical history and current  
44 medical condition; and



1 (b) The physician has advised the person about the possible risks  
2 and benefits of the medical use of marijuana.

3 **Sec. 33.** NRS 453A.510 is hereby amended to read as follows:

4 453A.510 A professional licensing board shall not take any  
5 disciplinary action against a person licensed by the board on the  
6 basis that:

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

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

13 **Sec. 34.** NRS 453A.700 is hereby amended to read as follows:

14 453A.700 1. Except as otherwise provided in this section,  
15 NRS 239.0115 and subsection 4 of NRS 453A.210, the Division  
16 ~~{and any designee of the Division shall maintain the confidentiality~~  
17 ~~of and}~~ shall not disclose:

18 (a) The contents of any ~~{applications, records or other written~~  
19 ~~documentation that}~~ *tool used by* the Division ~~{or its designee~~  
20 ~~creates or receives pursuant to the provisions of this chapter; or}~~ *to*  
21 *evaluate an applicant or its affiliate.*

22 (b) *Any information, documents or communications provided*  
23 *to the Division by an applicant or its affiliate pursuant to the*  
24 *provisions of this chapter, without the prior written consent of the*  
25 *applicant or affiliate or pursuant to a lawful court order after*  
26 *timely notice of the proceedings has been given to the applicant or*  
27 *affiliate.*

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

29 (1) An attending physician; or

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

33 ➤ Except as otherwise provided in NRS 239.0115, the items of  
34 information described in this subsection are confidential, not subject  
35 to subpoena or discovery and not subject to inspection by the  
36 general public.

37 2. Notwithstanding the provisions of subsection 1, the Division  
38 or its designee may release the name and other identifying  
39 information of a person to whom the Division or its designee has  
40 issued a registry identification card *or letter of approval* to:

41 (a) Authorized employees of the Division or its designee as  
42 necessary to perform official duties of the Division; and

43 (b) Authorized employees of state and local law enforcement  
44 agencies, only as necessary to verify that a person is the lawful



1 holder of a registry identification card *or letter of approval* issued to  
2 him or her pursuant to NRS 453A.220 or 453A.250.

3 **Sec. 35.** NRS 453A.740 is hereby amended to read as follows:

4 453A.740 The Administrator of the Division shall adopt such  
5 regulations as the Administrator determines are necessary to carry  
6 out the provisions of this chapter. The regulations must set forth,  
7 without limitation:

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

15 (a) Issue a registry identification card *or letter of approval* to a  
16 qualified person ; ~~{after the card has been prepared by the~~  
17 ~~Department of Motor Vehicles;}~~ or

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

20 (1) The person presents to the Department of Motor Vehicles  
21 valid documentation issued by the Division indicating that the  
22 Division has approved the issuance of a registry identification card  
23 to the person; 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 has approved the issuance of a registry  
27 identification card to the person.

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

32 3. Fees for:

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

36 (b) Processing and issuing a registry identification card ~~H~~ *or*  
37 *letter of approval*, which fee must not exceed \$75.

38 **Sec. 36.** NRS 453A.800 is hereby amended to read as follows:

39 453A.800 The provisions of this chapter do not:

40 1. Require an insurer, organization for managed care or any  
41 person or entity who provides coverage for a medical or health care  
42 service to pay for or reimburse a person for costs associated with the  
43 medical use of marijuana.

44 2. Require any employer to allow the medical use of marijuana  
45 in the workplace.





1       3. ~~Require~~ *Except as otherwise provided in subsection 4,*  
2 *require* an employer to modify the job or working conditions of a  
3 person who engages in the medical use of marijuana that are based  
4 upon the reasonable business purposes of the employer but the  
5 employer must attempt to make reasonable accommodations for the  
6 medical needs of an employee who engages in the medical use of  
7 marijuana if the employee holds a valid registry identification card,  
8 provided that such reasonable accommodation would not:

9       (a) Pose a threat of harm or danger to persons or property or  
10 impose an undue hardship on the employer; or

11       (b) Prohibit the employee from fulfilling any and all of his or  
12 her job responsibilities.

13       4. *Prohibit a law enforcement agency from adopting policies*  
14 *and procedures that preclude an employee from engaging in the*  
15 *medical use of marijuana.*

16       5. *As used in this section, "law enforcement agency" means:*

17       (a) *The Office of the Attorney General, the office of a district*  
18 *attorney within this State or the State Gaming Control Board and*  
19 *any attorney, investigator, special investigator or employee who is*  
20 *acting in his or her professional or occupational capacity for such*  
21 *an office or the State Gaming Control Board; or*

22       (b) *Any other law enforcement agency within this State and*  
23 *any peace officer or employee who is acting in his or her*  
24 *professional or occupational capacity for such an agency.*

25       **Sec. 37.** This act becomes effective on July 1, 2015.







