

Senate Bill No. 49–Committee on
Health and Human Services

CHAPTER.....

AN ACT relating to cannabis; prohibiting synthetic cannabinoids from being produced, sold or offered for sale in this State; authorizing the Cannabis Compliance Board to employ the services of persons the Board considers necessary for the purposes of hearing disciplinary proceedings; authorizing the Executive Director of the Board to serve a complaint on a respondent who is subject to a disciplinary proceeding; authorizing the Chair of the Board to grant one or more extensions to certain deadlines for holding a hearing; removing authorization for the Board to take testimony by deposition in hearings before the Board; revising provisions governing a regulatory waiver to the registration requirement for holders of an ownership interest of less than 5 percent in a cannabis establishment; changing the labeling requirement for cannabis products; revising provisions relating to cannabis; and providing other matters properly relating thereto.

Legislative Counsel’s Digest:

Section 1 of this bill defines “synthetic cannabinoid” as a cannabinoid that is produced artificially and is not derived from a plant of the genus *Cannabis*. **Sections 1.8, 3.1 and 3.6** of this bill prohibit the production, distribution, sale or offering for sale of a synthetic cannabinoid.

Existing law grants the Cannabis Compliance Board certain powers. (NRS 678A.440) **Section 1.2** of this bill authorizes the Board to employ the services of such persons it considers necessary for the purposes of hearing disciplinary proceedings. Existing law requires the Board to serve the complaint upon a respondent that is subject to a disciplinary proceeding. (NRS 678A.520) **Section 1.3** of this bill authorizes the Executive Director of the Board to serve the respondent with such a complaint. Existing law requires a disciplinary hearing to be held within 45 days after receiving the respondent’s answer to a complaint unless an expedited hearing is determined to be appropriate by the Board. (NRS 678A.520) **Section 1.3** authorizes the Chair of the Board to grant one or more extensions to the 45-day requirement pursuant to a request of a party or an agreement by both parties.

Existing law allows for testimony provided by witnesses appearing at a hearing before the Board to be taken by deposition in the manner provided by the Nevada Rules of Civil Procedure. (NRS 678A.530) **Section 1.7** of this bill removes the authorization for the Board to take the testimony of a witness by deposition in hearings before the Board.

Existing law requires a person who owns an ownership interest in a cannabis establishment of less than 5 percent to register with the Board. (NRS 678B.340) Existing law authorizes the Board to waive the registration requirement for such persons pursuant to policies and procedures adopted by regulation. (NRS 678A.450) Existing regulations of the Board establish the policies and procedures



for waiving this requirement. (Nevada Cannabis Compliance Regulation 5.125) **Section 2** of this bill clarifies existing law to reflect the authority of the Board to adopt policies and procedures that waive the registration requirement. (NRS 678A.450)

Existing law requires each cannabis establishment to ensure that all cannabis products offered for sale are labeled with the words "THIS IS A MEDICAL CANNABIS PRODUCT" or "THIS IS A CANNABIS PRODUCT." (NRS 678B.520) **Section 3** of this bill changes the labeling requirement to ensure that all cannabis products offered for sale are labeled with the words "THIS PRODUCT CONTAINS CANNABIS."

Existing law prohibits the THC concentration in hemp from exceeding the maximum THC concentration established by federal law for hemp. (NRS 557.160) **Sections 3.7 and 3.9** of this bill instead require the State Department of Agriculture to establish the maximum THC concentration for hemp.

Existing law defines marijuana as: (1) all parts of any plant of the genus *Cannabis*, whether growing or not; (2) the seeds thereof; (3) the resin extracted from any part of the plant, including concentrated cannabis; and (4) every compound, manufacture, salt, derivative, mixture or preparation of the plant, its seeds or resin. (NRS 453.096) **Section 3.3** of this bill adds to the definition of marijuana: (1) any commodity or product made using hemp which exceeds the maximum THC concentration established by the State Department of Agriculture; and (2) a product or commodity made from hemp and manufactured or sold by a cannabis establishment which exceeds the maximum THC concentration established by the Cannabis Compliance Board.

Existing law defines THC as: (1) delta-9-tetrahydrocannabinol; (2) delta-8-tetrahydrocannabinol; and (3) the optical isomers of such substances. (NRS 453.139) **Section 3.5** of this bill revises the definition of THC as: (1) delta-9-tetrahydrocannabinol and any structural, optical or geometric isomer thereof; (2) delta-8-tetrahydrocannabinol; (3) delta-7-tetrahydrocannabinol; and (4) delta-10-tetrahydrocannabinol.

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

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

Section 1. Chapter 678A of NRS is hereby amended by adding thereto a new section to read as follows:

"Synthetic cannabinoid" means a cannabinoid that is:

1. Produced artificially, whether from chemicals or from recombinant biological agents, including, without limitation, yeast and algae; and

2. Is not derived from a plant of the genus Cannabis, including, without limitation, biosynthetic cannabinoids.

Sec. 1.1. NRS 678A.010 is hereby amended to read as follows:

678A.010 As used in this title, unless the context otherwise requires, the words and terms defined in NRS 678A.020 to



678A.240, inclusive, *and section 1 of this act* have the meanings ascribed to them in those sections.

Sec. 1.2. NRS 678A.440 is hereby amended to read as follows:

678A.440 In addition to any other powers granted by this title, the Board has the power to:

1. Enter into interlocal agreements pursuant to NRS 277.080 to 277.180, inclusive.

2. Establish and amend a plan of organization for the Board, including, without limitation, organizations of divisions or sections with leaders for such divisions or sections.

3. Appear on its own behalf before governmental agencies of the State or any of its political subdivisions.

4. Apply for and accept any gift, donation, bequest, grant or other source of money to carry out the provisions of this title.

5. Execute all instruments necessary or convenient for carrying out the provisions of this title.

6. Prepare, publish and distribute such studies, reports, bulletins and other materials as the Board deems appropriate.

7. Refer cases to the Attorney General for criminal prosecution.

8. Maintain an official Internet website for the Board.

9. Monitor federal activity regarding cannabis and report its findings to the Legislature.

10. Employ the services of such persons the Board considers necessary for the purposes of hearing disciplinary proceedings.

Sec. 1.3. NRS 678A.520 is hereby amended to read as follows:

678A.520 1. If the Board proceeds with disciplinary action pursuant to NRS 678A.510, the Board *or the Executive Director* shall serve a complaint upon the respondent either personally, or by registered or certified mail at the address of the respondent that is on file with the Board. Such complaint must be a written statement of charges and must set forth in ordinary and concise language the acts or omissions with which the respondent is charged. The complaint must specify the statutes and regulations which the respondent is alleged to have violated, but must not consist merely of charges raised in the language of the statutes or regulations. The complaint must provide notice of the right of the respondent to request a hearing. The Chair of the Board may grant an extension to respond to the complaint for good cause.

2. Unless granted an extension, the respondent must answer within 20 days after the service of the complaint. In the answer the respondent:



(a) Must state in short and plain terms the defenses to each claim asserted.

(b) Must admit or deny the facts alleged in the complaint.

(c) Must state which allegations the respondent is without knowledge or information to form a belief as to their truth. Such allegations shall be deemed denied.

(d) Must affirmatively set forth any matter which constitutes an avoidance or affirmative defense.

(e) May demand a hearing. Failure to demand a hearing constitutes a waiver of the right to a hearing and to judicial review of any decision or order of the Board, but the Board may order a hearing even if the respondent so waives his or her right.

3. Failure to answer or to appear at the hearing constitutes an admission by the respondent of all facts alleged in the complaint. The Board may take action based on such an admission and on other evidence without further notice to the respondent. If the Board takes action based on such an admission, the Board shall include in the record which evidence was the basis for the action.

4. The Board shall determine the time and place of the hearing as soon as is reasonably practical after receiving the respondent's answer. The Board shall deliver or send by registered or certified mail a notice of hearing to all parties at least 10 days before the hearing. The hearing must be held within 45 days after receiving the respondent's answer unless an expedited hearing is determined to be appropriate by the Board, in which event the hearing must be held as soon as practicable. *The Chair of the Board may grant one or more extensions to the 45-day requirement pursuant to a request of a party or an agreement by both parties.*

Sec. 1.7. NRS 678A.530 is hereby amended to read as follows:

678A.530 ~~FF~~ Before a hearing before the Board, and during a hearing upon reasonable cause shown, the Board shall issue subpoenas and subpoenas duces tecum at the request of a party. All witnesses appearing pursuant to subpoena, other than parties, officers or employees of the State of Nevada or any political subdivision thereof, are entitled to receive fees and mileage in the same amounts and under the same circumstances as provided by law for witnesses in civil actions in the district courts. Witnesses entitled to fees or mileage who attend hearings at points so far removed from their residences as to prohibit return thereto from day to day are entitled, in addition to witness fees and in lieu of mileage, to the per diem compensation for subsistence and transportation authorized for state officers and employees for each day of actual attendance



and for each day necessarily occupied in traveling to and from the hearings. Fees, subsistence and transportation expenses must be paid by the party at whose request the witness is subpoenaed. The Board may award as costs the amount of all such expenses to the prevailing party.

~~[2.— The testimony of any material witness residing within or without the State of Nevada may be taken by deposition in the manner provided by the Nevada Rules of Civil Procedure.]~~

Sec. 1.8. Chapter 678B of NRS is hereby amended by adding thereto a new section to read as follows:

The holder of a license or registration card issued pursuant to this chapter shall not produce, distribute, sell or offer to sell in this State any synthetic cannabinoid.

Sec. 2. NRS 678B.340 is hereby amended to read as follows:

678B.340 1. Except as otherwise provided in ~~[this section,]~~ *any policies and procedures adopted by the Board pursuant to paragraph (e) of subsection 1 of NRS 678A.450*, a person shall not hold an ownership interest in a cannabis establishment of less than 5 percent, volunteer or work at, contract to provide labor to or be employed by an independent contractor to provide labor to a cannabis establishment as a cannabis establishment agent unless the person is registered with the Board pursuant to this section.

2. A person who wishes to volunteer or work at a cannabis establishment shall submit to the Board an application on a form prescribed by the Board. The application must be accompanied by:

(a) The name, address and date of birth of the prospective cannabis establishment agent;

(b) A statement signed by the prospective cannabis establishment agent pledging not to dispense or otherwise divert cannabis to any person who is not authorized to possess cannabis in accordance with the provisions of this title;

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

(d) The application fee, as set forth in NRS 678B.390; and

(e) Such other information as the Board may require by regulation.

3. A person who wishes to contract to provide labor to or be employed by an independent contractor to provide labor to a cannabis establishment shall submit to the Board an application on a form prescribed by the Board for the registration of the independent contractor and each employee of the independent contractor who



will provide labor as a cannabis establishment agent. The application must be accompanied by:

(a) The name, address and, if the prospective cannabis establishment agent has a state business license, the business identification number assigned by the Secretary of State upon compliance with the provisions of chapter 76 of NRS;

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

(c) A statement signed by the prospective cannabis establishment agent pledging not to dispense or otherwise divert cannabis to, or allow any of its employees to dispense or otherwise divert cannabis to, any person who is not authorized to possess cannabis in accordance with the provisions of this title;

(d) A statement signed by the prospective cannabis establishment agent asserting that it has not previously had a cannabis establishment agent registration card revoked and that none of its employees who will provide labor as a cannabis establishment agent have previously had a cannabis establishment agent registration card revoked;

(e) The application fee, as set forth in NRS 678B.390; and

(f) Such other information as the Board may require by regulation.

4. ~~[A]~~ *Except as otherwise provided in any policies and procedures adopted by the Board pursuant to paragraph (e) of subsection 1 of NRS 678A.450, a person who wishes to hold an ownership interest in a cannabis establishment of less than 5 percent shall submit to the Board an application on a form prescribed by the Board. The application must be accompanied by:*

(a) The name, address and date of birth of the prospective cannabis establishment agent;

(b) A statement signed by the prospective cannabis establishment agent pledging not to dispense or otherwise divert cannabis to any person who is not authorized to possess cannabis in accordance with the provisions of this title;

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

(d) Any information required by the Board to complete an investigation into the background of the prospective cannabis establishment agent, including, without limitation, financial records and other information relating to the business affairs of the prospective cannabis establishment agent;



- (e) The application fee, as set forth in NRS 678B.390; and
- (f) Such other information as the Board may require by regulation.

5. The Board may conduct any investigation of a prospective cannabis establishment agent and, for an independent contractor, each employee of the prospective cannabis establishment agent who will provide labor as a cannabis establishment agent, that the Board deems appropriate. In connection with such an investigation, the Board may:

- (a) Conduct or accept any background check the Board determines to be reliable and expedient to determine the criminal history of the prospective cannabis establishment agent or the employee;

- (b) Require a prospective cannabis establishment agent, if a natural person, and each employee of a prospective cannabis establishment agent who will provide labor as a cannabis establishment agent to submit to the Board a complete set of fingerprints and written permission authorizing the Board to forward the fingerprints to the Central Repository for Nevada Records of Criminal History for submission to the Federal Bureau of Investigation for its report; and

- (c) If the Board imposes the requirement described in paragraph (b), submit the fingerprints of the prospective cannabis establishment agent and each employee of the prospective cannabis establishment agent who will provide labor as a cannabis establishment agent to the Central Repository for Nevada Records of Criminal History for submission to the Federal Bureau of Investigation for its report.

6. A cannabis establishment shall notify the Board within 10 business days after a cannabis establishment agent ceases to hold an ownership interest in the cannabis establishment of less than 5 percent, be employed by, volunteer at or provide labor as a cannabis establishment agent to the cannabis establishment.

7. A person who:

- (a) Has been convicted of an excluded felony offense;
- (b) Is less than 21 years of age; or

- (c) Is not qualified, in the determination of the Board pursuant to NRS 678B.200,

↳ shall not serve as a cannabis establishment agent.

8. The provisions of this section do not require a person who is an owner, officer or board member of a cannabis establishment to resubmit information already furnished to the Board at the time the establishment was licensed with the Board.



9. If an applicant for registration as a cannabis establishment agent satisfies the requirements of this section, is found to be qualified by the Board pursuant to NRS 678B.200 and is not disqualified from serving as such an agent pursuant to this section or any other applicable law, the Board shall issue to the person and, for an independent contractor, to each person identified in the independent contractor's application for registration as an employee who will provide labor as a cannabis establishment agent, a cannabis establishment agent registration card. If the Board does not act upon an application for a cannabis establishment agent registration card within 45 days after the date on which the application is received, the application shall be deemed conditionally approved until such time as the Board acts upon the application. A cannabis establishment agent registration card expires 2 years after the date of issuance and may be renewed upon:

- (a) Resubmission of the information set forth in this section; and
- (b) Payment of the renewal fee set forth in NRS 678B.390.

10. A person to whom a cannabis establishment agent registration card is issued or for whom such a registration card is renewed shall submit to the Board on the date of the first anniversary of the issuance or renewal an affidavit attesting that in the preceding year there has been no change in the information previously provided to the Board which would subject the person to disciplinary action by the Board.

11. A cannabis establishment agent registration card issued pursuant to this section to an independent contractor or an employee of an independent contractor authorizes the independent contractor or employee to provide labor to any cannabis establishment in this State.

12. A cannabis establishment agent registration card issued pursuant to this section to a person who wishes to volunteer or work at a medical cannabis establishment authorizes the person to volunteer or work at any cannabis establishment in this State for which the category of the cannabis establishment agent registration card authorizes the person to volunteer or work.

13. Except as otherwise prescribed by regulation of the Board, an applicant for registration or renewal of registration as a cannabis establishment agent is deemed temporarily registered as a cannabis establishment agent on the date on which a complete application for registration or renewal of registration is submitted to the Board. A temporary registration as a cannabis establishment agent expires 45 days after the date upon which the application is received.



Sec. 3. NRS 678B.520 is hereby amended to read as follows:

678B.520 1. Each cannabis establishment shall, in consultation with the Board, cooperate to ensure that all cannabis products offered for sale:

(a) Are labeled clearly and unambiguously:

(1) As cannabis ~~[or medical cannabis]~~ with the words ~~["THIS IS A MEDICAL CANNABIS PRODUCT" or "THIS IS A CANNABIS PRODUCT," as applicable,]~~ **"THIS PRODUCT CONTAINS CANNABIS"** in bold type; and

(2) As required by the provisions of this chapter and chapters 678C and 678D of NRS.

(b) Are not presented in packaging that contains an image of a cartoon character, mascot, action figure, balloon or toy, except that such an item may appear in the logo of the cannabis production facility which produced the product.

(c) Are regulated and sold on the basis of the concentration of THC in the products and not by weight.

(d) Are packaged and labeled in such a manner as to allow tracking by way of an inventory control system.

(e) Are not packaged and labeled in a manner which is modeled after a brand of products primarily consumed by or marketed to children.

(f) Are labeled in a manner which indicates the amount of THC in the product, measured in milligrams, and includes a statement that the product contains cannabis and its potency was tested with an allowable variance of the amount determined by the Board by regulation.

(g) Are not labeled or marketed as candy.

2. A cannabis production facility shall not produce cannabis products in any form that:

(a) Is or appears to be a lollipop.

(b) Bears the likeness or contains characteristics of a real or fictional person, animal or fruit, including, without limitation, a caricature, cartoon or artistic rendering.

(c) Is modeled after a brand of products primarily consumed by or marketed to children.

(d) Is made by applying concentrated cannabis, as defined in NRS 453.042, to a commercially available candy or snack food item other than dried fruit, nuts or granola.

3. A cannabis production facility shall:

(a) Seal any cannabis product that consists of cookies or brownies in a bag or other container which is not transparent.



(b) Affix a label to each cannabis product which includes without limitation, in a manner which must not mislead consumers, the following information:

- (1) The words "Keep out of reach of children";
- (2) A list of all ingredients used in the cannabis product;
- (3) A list of all allergens in the cannabis product; and
- (4) The total content of THC measured in milligrams.

(c) Maintain a hand washing area with hot water, soap and disposable towels which is located away from any area in which cannabis products are cooked or otherwise prepared.

(d) Require each person who handles cannabis products to restrain his or her hair, wear clean clothing and keep his or her fingernails neatly trimmed.

(e) Package all cannabis products produced by the cannabis production facility on the premises of the cannabis production facility.

4. A cannabis establishment shall not engage in advertising that in any way makes cannabis or cannabis products appeal to children, including, without limitation, advertising which uses an image of a cartoon character, mascot, action figure, balloon, fruit or toy.

5. Each cannabis sales facility shall offer for sale containers for the storage of cannabis and cannabis products which lock and are designed to prohibit children from unlocking and opening the container.

6. A cannabis sales facility shall:

(a) Include a written notification with each sale of cannabis or cannabis products which advises the purchaser:

(1) To keep cannabis and cannabis products out of the reach of children;

(2) That cannabis products can cause severe illness in children;

(3) That allowing children to ingest cannabis or cannabis products or storing cannabis or cannabis products in a location which is accessible to children may result in an investigation by an agency which provides child welfare services or criminal prosecution for child abuse or neglect;

(4) That the intoxicating effects of edible cannabis products may be delayed by 2 hours or more and users of edible cannabis products should initially ingest a small amount of the product, then wait at least 120 minutes before ingesting any additional amount of the product;

(5) That pregnant women should consult with a physician before ingesting cannabis or cannabis products;



(6) That ingesting cannabis or cannabis products with alcohol or other drugs, including prescription medication, may result in unpredictable levels of impairment and that a person should consult with a physician before doing so;

(7) That cannabis or cannabis products can impair concentration, coordination and judgment and a person should not operate a motor vehicle while under the influence of cannabis or cannabis products; and

(8) That ingestion of any amount of cannabis or cannabis products before driving may result in criminal prosecution for driving under the influence.

(b) Enclose all cannabis and cannabis products in opaque, child-resistant packaging upon sale.

7. A cannabis sales facility shall allow any person who is at least 21 years of age to enter the premises of the cannabis sales facility.

8. If the health authority, as defined in NRS 446.050, where a cannabis production facility or cannabis sales facility which sells edible cannabis products is located requires persons who handle food at a food establishment to obtain certification, the cannabis production facility or cannabis sales facility shall ensure that at least one employee maintains such certification.

9. A cannabis production facility may sell a commodity or product made using hemp, as defined in NRS 557.160, or containing cannabidiol to a cannabis sales facility.

10. In addition to any other product authorized by the provisions of this title, a cannabis sales facility may sell:

(a) Any commodity or product made using hemp, as defined in NRS 557.160;

(b) Any commodity or product containing cannabidiol with a THC concentration of not more than 0.3 percent; and

(c) Any other product specified by regulation of the Board.

11. A cannabis establishment:

(a) Shall not engage in advertising which contains any statement or illustration that:

(1) Is false or misleading;

(2) Promotes overconsumption of cannabis or cannabis products;

(3) Depicts the actual consumption of cannabis or cannabis products; or

(4) Depicts a child or other person who is less than 21 years of age consuming cannabis or cannabis products or objects suggesting the presence of a child, including, without limitation,



toys, characters or cartoons, or contains any other depiction which is designed in any manner to be appealing to or encourage consumption of cannabis or cannabis products by a person who is less than 21 years of age.

(b) Shall not advertise in any publication or on radio, television or any other medium if 30 percent or more of the audience of that medium is reasonably expected to be persons who are less than 21 years of age.

(c) Shall not place an advertisement:

(1) Within 1,000 feet of a public or private school, playground, public park or library, but may maintain such an advertisement if it was initially placed before the school, playground, public park or library was located within 1,000 feet of the location of the advertisement;

(2) On or inside of a motor vehicle used for public transportation or any shelter for public transportation;

(3) At a sports event to which persons who are less than 21 years of age are allowed entry; or

(4) At an entertainment event if it is reasonably estimated that 30 percent or more of the persons who will attend that event are less than 21 years of age.

(d) Shall not advertise or offer any cannabis or cannabis product as “free” or “donated” without a purchase.

(e) Shall ensure that all advertising by the cannabis establishment contains such warnings as may be prescribed by the Board, which must include, without limitation, the following words:

(1) “Keep out of reach of children”; and

(2) “For use only by adults 21 years of age and older.”

12. Nothing in subsection 11 shall be construed to prohibit a local government, pursuant to chapter 244, 268 or 278 of NRS, from adopting an ordinance for the regulation of advertising relating to cannabis which is more restrictive than the provisions of subsection 11 relating to:

(a) The number, location and size of signs, including, without limitation, any signs carried or displayed by a natural person;

(b) Handbills, pamphlets, cards or other types of advertisements that are distributed, excluding an advertisement placed in a newspaper of general circulation, trade publication or other form of print media;

(c) Any stationary or moving display that is located on or near the premises of a cannabis establishment; and



(d) The content of any advertisement used by a cannabis establishment if the ordinance sets forth specific prohibited content for such an advertisement.

13. If a cannabis establishment engages in advertising for which it is required to determine the percentage of persons who are less than 21 years of age and who may reasonably be expected to view or hear the advertisement, the cannabis establishment shall maintain documentation for not less than 5 years after the date on which the advertisement is first broadcasted, published or otherwise displayed that demonstrates the manner in which the cannabis establishment determined the reasonably expected age of the audience for that advertisement.

14. In addition to any other penalties provided for by law, the Board may impose a civil penalty upon a cannabis establishment that violates the provisions of subsection 11 or 13 as follows:

(a) For the first violation in the immediately preceding 2 years, a civil penalty not to exceed \$1,250.

(b) For the second violation in the immediately preceding 2 years, a civil penalty not to exceed \$2,500.

(c) For the third violation in the immediately preceding 2 years, a civil penalty not to exceed \$5,000.

(d) For the fourth violation in the immediately preceding 2 years, a civil penalty not to exceed \$10,000.

15. As used in this section, “motor vehicle used for public transportation” does not include a taxicab, as defined in NRS 706.124.

Sec. 3.1. Chapter 453 of NRS is hereby amended by adding thereto a new section to read as follows:

1. A person shall not produce, distribute, sell or offer to sell in this State any synthetic cannabinoid.

2. As used in this section, “synthetic cannabinoid” has the meaning ascribed to it in section 1 of this act.

Sec. 3.3. NRS 453.096 is hereby amended to read as follows:
453.096 1. “Marijuana” means:

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

(b) The seeds thereof;

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

(d) Every compound, manufacture, salt, derivative, mixture or preparation of the plant, its seeds or resin ~~and~~;



(e) Any commodity or product made using hemp which exceeds the maximum THC concentration established by the State Department of Agriculture for hemp; and

(f) Any product or commodity made from hemp which is manufactured or sold by a cannabis establishment which violates any regulation adopted by the Cannabis Compliance Board pursuant to paragraph (g) of subsection 1 of NRS 678A.450 relating to THC concentration.

2. “Marijuana” does not include:

(a) Hemp, as defined in NRS 557.160, which is grown or cultivated pursuant to the provisions of chapter 557 of NRS ; ~~for any commodity or product made using such hemp; or~~

(b) The mature ~~[stems]~~ stalks of the plant, fiber produced from the ~~[stems]~~ stalks, oil or cake made from the seeds of the plant, any other compound, manufacture, salt, derivative, mixture or preparation of the mature ~~[stems]~~ stalks (except the resin extracted therefrom), fiber, oil or cake, or the sterilized seed of the plant which is incapable of germination ~~[]~~ ; or

(c) Any commodity or product made using hemp, as defined in NRS 557.160, which does not exceed the maximum THC concentration established by the State Department of Agriculture for hemp.

Sec. 3.5. NRS 453.139 is hereby amended to read as follows:

453.139 “THC” means ~~[]~~

~~—1. Delta-9 tetrahydrocannabinol;] delta-9-tetrahydrocannabinol and any structural, optical or geometric isomer thereof, including, without limitation:~~

~~[2.] 1. Delta-8-tetrahydrocannabinol; and~~

~~—3. The optical isomers of such substances.]~~

2. *Delta-7-tetrahydrocannabinol; and*

3. *Delta-10-tetrahydrocannabinol.*

Sec. 3.6. Chapter 557 of NRS is hereby amended by adding thereto a new section to read as follows:

1. A grower or producer shall not produce, distribute, sell in or offer to sell in this State any synthetic cannabinoid.

2. As used in this section, “synthetic cannabinoid” has the meaning ascribed to it in section 1 of this act.

Sec. 3.7. NRS 557.160 is hereby amended to read as follows:

557.160 1. “Hemp” means any plant of the genus *Cannabis sativa* L. and any part of such a plant, including, without limitation, the seeds thereof and all derivatives, extracts, cannabinoids, isomers, acids, salts and salts of isomers, whether growing or not, with a THC concentration that does not exceed the maximum THC



concentration established by ~~federal law~~ *the State Department of Agriculture* for hemp.

2. "Hemp" does not include any commodity or product made using hemp.

Sec. 3.9. NRS 557.260 is hereby amended to read as follows:

557.260 1. The Department may adopt regulations necessary to:

(a) Establish quality standards and requirements for the packaging and labeling of agricultural hemp seed;

(b) Provide for the certification and registration of sites used for growing, producing or handling hemp; and

(c) Comply with any requirement imposed by the United States Department of Agriculture, including, without limitation, any requirement related to reporting information regarding growers, handlers and producers.

2. *The Department shall adopt regulations establishing the maximum THC concentration for hemp.*

3. A producer shall comply with:

(a) Any regulation adopted by the Department pursuant to subsection 1 ~~1~~ *or 2*; and

(b) The provisions of NRS 587.015 to 587.123, inclusive, and any regulations adopted pursuant thereto.

~~3~~ 4. Any agricultural hemp seed which is obtained by a grower and was produced:

(a) In this State must be produced by a producer; and

(b) In another state must be produced by a person who is registered and approved to produce and sell agricultural hemp seed pursuant to the laws of that state.

~~4~~ 5. The Department shall provide adequate information to growers to identify producers from which a grower may purchase agricultural hemp seed.

~~5~~ 6. A handler may only obtain hemp from a grower and agricultural hemp seed for cleaning and future propagation from a producer.

Sec. 4. This act becomes effective upon passage and approval.

