

CHAPTER.....

AN ACT relating to controlled substances; transferring the program for the medical use of marijuana from the State Department of Agriculture to the Health Division of the Department of Health and Human Services; and providing other matters properly relating thereto.

Legislative Counsel's Digest:

Existing law provides that the limited and regulated use of marijuana by persons who suffer from certain medical conditions and who obtain a registry identification card through a program governed by the State Department of Agriculture is exempt from prosecution under the laws of this State. (Chapter 453A of NRS) This bill transfers the responsibility for the governance of the registry identification card program from the State Department of Agriculture to the Health Division of the Department of Health and Human Services.

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

Section 1. NRS 453A.140 is hereby amended to read as follows:

453A.140 “Registry identification card” means a document issued by the ~~[Department]~~ **Division** or its designee that identifies:

1. A person who is exempt from state prosecution for engaging in the medical use of marijuana; or
2. The designated primary caregiver, if any, of a person described in subsection 1.

Sec. 2. NRS 453A.210 is hereby amended to read as follows:

453A.210 1. The ~~[Department]~~ **Division** shall establish and maintain a program for the issuance of registry identification cards to persons who meet the requirements of this section.

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

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

- (1) The person has been diagnosed with a chronic or debilitating medical condition;
- (2) The medical use of marijuana may mitigate the symptoms or effects of that condition; and



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

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

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

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

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

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

(2) A written, signed statement from his attending physician in which the attending physician approves of the designation of the primary caregiver.

3. The ~~{Department}~~ **Division** or its designee shall issue a registry identification card to a person who is under 18 years of age if:

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

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

(1) The attending physician of the person under 18 years of age has explained to that person and to the custodial parent or legal guardian with responsibility for health care decisions for the person under 18 years of age the possible risks and benefits of the medical use of marijuana;

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

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

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

4. The form prescribed by the ~~{Department}~~ **Division** to be used by a person applying for a registry identification card pursuant to this section must be a form that is in quintuplicate. Upon receipt



of an application that is completed and submitted pursuant to this section, the ~~{Department}~~ **Division** shall:

- (a) Record on the application the date on which it was received;
- (b) Retain one copy of the application for the records of the ~~{Department;}~~ **Division;** and
- (c) Distribute the other four copies of the application in the following manner:
 - (1) One copy to the person who submitted the application;
 - (2) One copy to the applicant's designated primary caregiver, if any;
 - (3) One copy to the Central Repository for Nevada Records of Criminal History; and
 - (4) One copy to:

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

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

➔ The Central Repository for Nevada Records of Criminal History shall report to the ~~{Department}~~ **Division** its findings as to the criminal history, if any, of an applicant within 15 days after receiving a copy of an application pursuant to subparagraph (3) of paragraph (c). The Board of Medical Examiners or the State Board of Osteopathic Medicine, as applicable, shall report to the ~~{Department}~~ **Division** its findings as to the licensure and standing of the applicant's attending physician within 15 days after receiving a copy of an application pursuant to subparagraph (4) of paragraph (c).

5. The ~~{Department}~~ **Division** shall verify the information contained in an application submitted pursuant to this section and shall approve or deny an application within 30 days after receiving the application. The ~~{Department}~~ **Division** may contact an applicant, his attending physician and designated primary caregiver, if any, by telephone to determine that the information provided on or accompanying the application is accurate. The ~~{Department}~~ **Division** may deny an application only on the following grounds:

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

- (1) Establish his chronic or debilitating medical condition; or
- (2) Document his consultation with an attending physician regarding the medical use of marijuana in connection with that condition;



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

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

(d) The ~~{Department}~~ **Division** determines that the attending physician of the applicant is not licensed to practice medicine or osteopathic medicine in this State or is not in good standing, as reported by the Board of Medical Examiners or the State Board of Osteopathic Medicine, as applicable;

(e) The ~~{Department}~~ **Division** determines that the applicant, or his designated primary caregiver, if applicable, has been convicted of knowingly or intentionally selling a controlled substance;

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

(g) The ~~{Department}~~ **Division** determines that the applicant, or his designated primary caregiver, if applicable, has had a registry identification card revoked pursuant to NRS 453A.225; or

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

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

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

8. Except as otherwise provided in this subsection, if a person has applied for a registry identification card pursuant to this section and the ~~{Department}~~ **Division** has not yet approved or denied the



application, the person, and his designated primary caregiver, if any, shall be deemed to hold a registry identification card upon the presentation to a law enforcement officer of the copy of the application provided to him pursuant to subsection 4. A person may not be deemed to hold a registry identification card for a period of more than 30 days after the date on which the ~~{Department}~~ *Division* received the application.

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

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

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

(a) Issue a serially numbered registry identification card to the applicant; and

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

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

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

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

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

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

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

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

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

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

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

4. Except as otherwise provided in NRS 453A.225, subsection 3 of NRS 453A.230 and subsection 2 of NRS 453A.300, a registry identification card issued pursuant to this section is valid for a



period of 1 year and may be renewed in accordance with regulations adopted by the ~~{Department}~~ **Division**.

Sec. 4. NRS 453A.225 is hereby amended to read as follows:

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

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

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

→ the ~~{Department}~~ **Division** shall immediately revoke the registry identification card issued to that person and shall immediately revoke the registry identification card issued to that person's designated primary caregiver, if any.

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

3. Upon the revocation of a registry identification card pursuant to this section:

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

(b) The person shall return his registry identification card to the ~~{Department}~~ **Division** within 7 days after receiving the notice sent pursuant to paragraph (a).

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

5. A person whose registry identification card has been revoked pursuant to this section may not reapply for a registry identification card pursuant to NRS 453A.210 for 12 months after



the date of the revocation, unless the ~~{Department}~~ Division or a court of competent jurisdiction authorizes reapplication in a shorter time.

Sec. 5. NRS 453A.230 is hereby amended to read as follows:

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

(a) Notify the ~~{Department}~~ Division of any change in his name, address, telephone number, attending physician or designated primary caregiver, if any; and

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

(1) Updated written documentation from his attending physician in which the attending physician sets forth that:

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

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

(III) He has explained to the person the possible risks and benefits of the medical use of marijuana; and

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

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

(II) A written, signed statement from his attending physician in which the attending physician approves of the designation of the primary caregiver.

2. A person to whom the ~~{Department}~~ Division or its designee has issued a registry identification card pursuant to paragraph (b) of subsection 1 of NRS 453A.220 or pursuant to NRS 453A.250 shall, in accordance with regulations adopted by the ~~{Department}~~ Division, notify the ~~{Department}~~ Division of any change in his name, address, telephone number or the identity of the person for whom he acts as designated primary caregiver.

3. If a person fails to comply with the provisions of subsection 1 or 2, the registry identification card issued to him shall be deemed expired. If the registry identification card of a person to whom the ~~{Department}~~ Division or its designee issued the card pursuant to paragraph (a) of subsection 1 of NRS 453A.220 is deemed expired pursuant to this subsection, a registry identification card issued to the person's designated primary caregiver, if any, shall also be



deemed expired. Upon the deemed expiration of a registry identification card pursuant to this subsection:

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

(b) The person shall return his registry identification card to the ~~{Department}~~ *Division* within 7 days after receiving the notice sent pursuant to paragraph (a).

Sec. 6. NRS 453A.240 is hereby amended to read as follows:

453A.240 If a person to whom the ~~{Department}~~ *Division* or its designee has issued a registry identification card pursuant to paragraph (a) of subsection 1 of NRS 453A.220 is diagnosed by his attending physician as no longer having a chronic or debilitating medical condition, the person and his designated primary caregiver, if any, shall return their registry identification cards to the ~~{Department}~~ *Division* within 7 days after notification of the diagnosis.

Sec. 7. NRS 453A.250 is hereby amended to read as follows:

453A.250 1. If a person who applies to the ~~{Department}~~ *Division* for a registry identification card or to whom the ~~{Department}~~ *Division* or its designee has issued a registry identification card pursuant to paragraph (a) of subsection 1 of NRS 453A.220 desires to designate a primary caregiver, the person must:

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

(b) To designate a primary caregiver after the ~~{Department}~~ *Division* or its designee has issued a registry identification card to him, submit to the ~~{Department}~~ *Division* the information required pursuant to subparagraph (2) of paragraph (b) of subsection 1 of NRS 453A.230.

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

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



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

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

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

(b) Engaging in any other conduct prohibited by NRS 484.379, 484.3795, 484.37955, 484.379778, subsection 2 of NRS 488.400, NRS 488.410, 488.420, 488.425 or 493.130.

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

(d) Possessing marijuana in violation of NRS 453.336 or possessing drug paraphernalia in violation of NRS 453.560 or 453.566, if the possession of the marijuana or drug paraphernalia is discovered because the person engaged or assisted in the medical use of marijuana in:

(1) Any public place or in any place open to the public or exposed to public view; or

(2) Any local detention facility, county jail, state prison, reformatory or other correctional facility, including, without limitation, any facility for the detention of juvenile offenders.

(e) Delivering marijuana to another person who he knows does not lawfully hold a registry identification card issued by the ~~{Department}~~ **Division** or its designee pursuant to NRS 453A.220 or 453A.250.

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

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

Sec. 9. NRS 453A.310 is hereby amended to read as follows:

453A.310 1. Except as otherwise provided in this section and NRS 453A.300, it is an affirmative defense to a criminal charge of



possession, delivery or production of marijuana, or any other criminal offense in which possession, delivery or production of marijuana is an element, that the person charged with the offense:

(a) Is a person who:

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

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

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

(b) Is a person who:

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

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

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

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

(a) Asserting a defense of medical necessity; or

(b) Presenting evidence supporting the necessity of marijuana for treatment of a specific disease or medical condition,

→ if the amount of marijuana at issue is not greater than the amount described in paragraph (b) of subsection 3 of NRS 453A.200 and the person has taken steps to comply substantially with the provisions of this chapter.



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

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

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

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

Sec. 10. NRS 453A.400 is hereby amended to read as follows:

453A.400 1. The fact that a person possesses a registry identification card issued to him by the ~~Department~~ **Division** or its designee pursuant to NRS 453A.220 or 453A.250 does not, alone:

(a) Constitute probable cause to search the person or his property; or

(b) Subject the person or his property to inspection by any governmental agency.

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

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

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

(c) Upon a determination by the district attorney of the county in which the marijuana, drug paraphernalia or other related property was seized, or his designee, that the person from whom the marijuana, drug paraphernalia or other related property was seized is engaging in or assisting in the medical use of marijuana in accordance with the provisions of this chapter, the law enforcement agency shall immediately return to that person any usable marijuana, marijuana plants, drug paraphernalia or other related property that was seized.

➔ The provisions of this subsection do not require a law enforcement agency to care for live marijuana plants.



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

- (a) A decision not to prosecute;
- (b) The dismissal of charges; or
- (c) Acquittal.

Sec. 11. NRS 453A.700 is hereby amended to read as follows:
453A.700 1. Except as otherwise provided in this section, NRS 239.0115 and subsection 4 of NRS 453A.210, the ~~{Department}~~ *Division* and any designee of the ~~{Department}~~ *Division* shall maintain the confidentiality of and shall not disclose:

(a) The contents of any applications, records or other written documentation that the ~~{Department}~~ *Division* or its designee creates or receives pursuant to the provisions of this chapter; or

(b) The name or any other identifying information of:

- (1) An attending physician; or
- (2) A person who has applied for or to whom the ~~{Department}~~ *Division* or its designee has issued a registry identification card.

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

2. Notwithstanding the provisions of subsection 1, the ~~{Department}~~ *Division* or its designee may release the name and other identifying information of a person to whom the ~~{Department}~~ *Division* or its designee has issued a registry identification card to:

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

(b) Authorized employees of state and local law enforcement agencies, only as necessary to verify that a person is the lawful holder of a registry identification card issued to him pursuant to NRS 453A.220 or 453A.250.

Sec. 12. NRS 453A.710 is hereby amended to read as follows:
453A.710 1. A person may submit to the Division a petition requesting that a particular disease or condition be included among the diseases and conditions that qualify as chronic or debilitating medical conditions pursuant to NRS 453A.050.

2. The Division shall adopt regulations setting forth the manner in which the Division will accept and evaluate petitions submitted



pursuant to this section. The regulations must provide, without limitation, that:

(a) The Division will approve or deny a petition within 180 days after the Division receives the petition; *and*

(b) ~~If the Division approves a petition, the Division will, as soon as practicable thereafter, transmit to the Department information concerning the disease or condition that the Division has approved; and~~

~~—(c)~~ The decision of the Division to deny a petition is a final decision for the purposes of judicial review.

Sec. 13. NRS 453A.720 is hereby amended to read as follows:

453A.720 1. The ~~{Director}~~ *Administrator* of the ~~{Department}~~ *Division* may apply for or accept any gifts, grants, donations or contributions from any source to carry out the provisions of this chapter.

2. Any money the ~~{Director}~~ *Administrator* receives pursuant to subsection 1 must be deposited in the State Treasury pursuant to NRS 453A.730.

Sec. 14. NRS 453A.730 is hereby amended to read as follows:

453A.730 1. Any money the ~~{Director}~~ *Administrator* of the ~~{Department}~~ *Division* receives pursuant to NRS 453A.720 or that is appropriated to carry out the provisions of this chapter:

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

(b) May only be used to carry out the provisions of this chapter, including the dissemination of information concerning the provisions of this chapter and such other information as determined appropriate by the ~~{Director;}~~ *Administrator*; and

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

2. The ~~{Director}~~ *Administrator* of the ~~{Department}~~ *Division* shall administer the account. Any interest or income earned on the money in the account must be credited to the account. Any claims against the account must be paid as other claims against the State are paid.

Sec. 15. NRS 453A.740 is hereby amended to read as follows:

453A.740 The ~~{Director}~~ *Administrator* of the ~~{Department}~~ *Division* shall adopt such regulations as the ~~{Director}~~ *Administrator* determines are necessary to carry out the provisions of this chapter. The regulations must set forth, without limitation:

1. Procedures pursuant to which the ~~{State Department of Agriculture}~~ *Division* will, in cooperation with the Department of Motor Vehicles, cause a registry identification card to be prepared



and issued to a qualified person as a type of identification card described in NRS 483.810 to 483.890, inclusive. The procedures described in this subsection must provide that the ~~{State Department of Agriculture}~~ **Division** will:

(a) Issue a registry identification card to a qualified person after the card has been prepared by the Department of Motor Vehicles; or

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

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

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

2. Criteria for determining whether a marijuana plant is a mature marijuana plant or an immature marijuana plant.

3. Fees for:

(a) Providing to an applicant an application for a registry identification card, which fee must not exceed \$50; and

(b) Processing and issuing a registry identification card, which fee must not exceed \$150.

Sec. 16. NRS 453A.070 and 453A.640 are hereby repealed.

Sec. 17. 1. The amendatory provisions of this act do not affect the validity of an unexpired registry identification card that was issued by the State Department of Agriculture before July 1, 2009. However, upon the expiration of such a registry identification card, a person who wishes to retain the limited exemption from state prosecution which is set forth in NRS 453A.200 must:

(a) Reapply to the Division for a new registry identification card issued by that agency.

(b) Pay any necessary fees as set forth in NRS 453A.740 or any regulations adopted pursuant to chapter 453A of NRS.

2. As used in this section:

(a) "Division" has the meaning ascribed to it in NRS 453A.090.

(b) "Registry identification card" has the meaning ascribed to it in NRS 453A.140.

Sec. 18. 1. The administrative regulations adopted by the State Department of Agriculture pursuant to NRS 453A.740 remain in force and are hereby transferred to become the administrative regulations of the Health Division of the Department of Health and



Human Services on July 1, 2009. On and after July 1, 2009, these regulations must be interpreted in a manner so that all references to the State Department of Agriculture and its constituent parts are read and interpreted as being references to the Health Division and its constituent parts, regardless of whether those references have been conformed pursuant to section 19 of this act at the time of interpretation.

2. Any contracts or other agreements entered into by the State Department of Agriculture and its constituent parts pursuant to chapter 453A of NRS are binding upon the Health Division of the Department of Health and Human Services on and after July 1, 2009, rather than the State Department of Agriculture and its constituent parts. Such contracts and other agreements may be enforced by the Health Division of the Department of Health and Human Services on and after July 1, 2009.

3. Any action taken by the State Department of Agriculture or its constituent parts pursuant to chapter 453A of NRS before July 1, 2009, remains in effect as if taken by the Health Division of the Department of Health and Human Services or its constituent parts on and after that date.

Sec. 19. The Legislative Counsel shall:

1. In preparing the reprint and supplements to the Nevada Revised Statutes, appropriately change any references to an officer, agency or other entity whose name is changed or whose responsibilities are transferred pursuant to the provisions of this act to refer to the appropriate officer, agency or other entity.

2. In preparing supplements to the Nevada Administrative Code, appropriately change any references to an officer, agency or other entity whose name is changed or whose responsibilities are transferred pursuant to the provisions of this act to refer to the appropriate officer, agency or other entity.

Sec. 20. 1. This section and section 19 of this act become effective upon passage and approval.

2. Sections 1 to 18, inclusive, of this act become effective on July 1, 2009.

