

SENATE BILL NO. 276—SENATOR SEGERBLOM

MARCH 13, 2015

Referred to Committee on Health and Human Services

SUMMARY—Revises provisions governing the registration of certain medical marijuana establishments. (BDR S-996)

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

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

AN ACT relating to medical marijuana; revising provisions governing the registration of certain medical marijuana establishments; and providing other matters properly relating thereto.

**Legislative Counsel's Digest:**

1 Existing law limits, by the size of the population of each county, the number of  
2 certain medical marijuana establishments that may be certified in each county, and  
3 also limits the Division of Public and Behavioral Health of the Department of  
4 Health and Human Services to accepting applications for the certification of such  
5 establishments to not more than 10 days in any calendar year. (NRS 453A.324)  
6 This bill establishes a one-time increase in the number of registration certificates  
7 that may be issued by the Division to medical marijuana dispensaries.

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

1 **Section 1.** 1. Notwithstanding any other provision of law,  
2 the Division shall issue medical marijuana establishment registration  
3 certificates for medical marijuana dispensaries in the following  
4 quantities for applicants who qualify pursuant to NRS 453A.322:  
5 (a) In a county whose population is 700,000 or more, 20  
6 certificates;  
7 (b) In a county whose population is 100,000 or more but less  
8 than 700,000, 5 certificates; and  
9 (c) In each other county, one certificate.



2. Notwithstanding the provisions of NRS 453A.326, the Division shall ensure that any medical marijuana establishment registration certificate issued pursuant to subsection 1 is allocated in proportion to the population of the local governmental jurisdiction.

3. Notwithstanding any other provision of law, the Division:

(a) Shall issue a medical marijuana establishment registration certificate pursuant to subsection 1 if:

(1) The medical marijuana establishment is in compliance with paragraph (a) of subsection 4; and

(2) The issuance of such certificate does not exceed the total number of certificates allocated.

(b) May, at any time, after receiving an application to operate a medical marijuana establishment:

(1) Register the medical marijuana establishment; and

(2) Issue a medical marijuana establishment registration certificate to the applicant.

(c) Shall, on or after the effective date of this act, regardless of the Division's ranking of the applications to operate a medical marijuana establishment, issue a medical marijuana establishment registration certificate for the total number of certificates allocated unless the Division determines that the applicant is not qualified.

(d) Shall provide the rationale for determining that an applicant to operate a medical marijuana establishment is not qualified, within 30 days after such determination, to:

(1) An applicant who is denied a medical marijuana establishment registration certificate; and

(2) The local governmental jurisdiction where the proposed medical marijuana establishment is to be located.

4. A local governmental jurisdiction may:

(a) Issue a business license and deem a medical marijuana establishment in compliance with all local governmental ordinances or rules, regardless of any ranking of the establishment established by the Division.

(b) Consider diversity, location and community ties in determining whether the medical marijuana establishment is in compliance with all applicable local governmental ordinances or rules.

(c) Provide by ordinance a limitation on the total number of medical marijuana establishments which is less than the number allocated pursuant to subsection 1, if the local governmental jurisdiction determines that the community is adequately served by the number of current establishments.

5. Any application period established by the Division pursuant to this section:



1 (a) Is a one-time extension of the application period opened by  
2 the Division in calendar year 2014;

3 (b) Must not require a new application if an application has  
4 previously been submitted;

5 (c) Must not require the payment of any additional application  
6 fees if such fees have previously been paid; and

7 (d) Is separate and apart from and must not be included within  
8 the 10-day period for the acceptance of applications pursuant to  
9 subsection 4 of NRS 453A.324.

10 6. As used in this section:

11 (a) “Division” means the Division of Public and Behavioral  
12 Health of the Department of Health and Human Services.

13 (b) “Local governmental jurisdiction” means a city, town,  
14 township or unincorporated area within a county.

15 **Sec. 2.** This act becomes effective upon passage and approval  
16 and expires by limitation on December 31, 2015.

