

Amendment No. 274

Assembly Amendment to Assembly Bill No. 422 (BDR 40-983)

Proposed by: Assembly Committee on Health and Human Services

Amends: Summary: Yes Title: Yes Preamble: No Joint Sponsorship: No Digest: Yes

ASSEMBLY ACTION				Initial and Date	SENATE ACTION				Initial and Date
Adopted	<input type="checkbox"/>	Lost	<input type="checkbox"/>	_____	Adopted	<input type="checkbox"/>	Lost	<input type="checkbox"/>	_____
Concurred In	<input type="checkbox"/>	Not	<input type="checkbox"/>	_____	Concurred In	<input type="checkbox"/>	Not	<input type="checkbox"/>	_____
Receded	<input type="checkbox"/>	Not	<input type="checkbox"/>	_____	Receded	<input type="checkbox"/>	Not	<input type="checkbox"/>	_____

EXPLANATION: Matter in (1) *blue bold italics* is new language in the original bill; (2) variations of green bold underlining is language proposed to be added in this amendment; (3) ~~red strikethrough~~ is deleted language in the original bill; (4) ~~purple double strikethrough~~ is language proposed to be deleted in this amendment; (5) orange double underlining is deleted language in the original bill proposed to be retained in this amendment.

AAK/BJE



Date: 4/23/2017

A.B. No. 422—Revises provisions relating to the medical use of marijuana.
(BDR 40-983)



ASSEMBLY BILL NO. 422—ASSEMBLYMAN ARAUJO

MARCH 27, 2017

Referred to Committee on Health and Human Services

SUMMARY—Revises provisions relating to the ~~medical~~ use of marijuana.
(BDR 40-983)

FISCAL NOTE: Effect on Local Government: No.
Effect on the State: Yes.

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

AN ACT relating to marijuana; revising various provisions relating to the medical use of marijuana; transferring the program for the medical use of marijuana from the Division of Public and Behavioral Health of the Department of Health and Human Services to the Department of Taxation; revising provisions relating to the registry of persons who are authorized to engage in or assist in the medical use of marijuana; revising provisions relating to the authorization of nonresidents to engage in the medical use of marijuana; prohibiting the Department of Taxation from requiring a medical marijuana dispensary to determine whether a person has exceeded the legal limits for possession of marijuana for medical use; revising provisions relating to medical marijuana establishment agents; prohibiting the use of a vending machine to dispense marijuana; providing a penalty; and providing other matters properly relating thereto.

Legislative Counsel's Digest:

Existing law exempts a person who holds a valid registry identification card or letter of approval from state prosecution for the use, possession, delivery and production of marijuana. (NRS 453A.200, 453A.205) Existing law also exempts a person who holds a valid medical marijuana establishment registration certificate or medical marijuana establishment agent registration card from state prosecution for possession, delivery and production of marijuana and provides for the registration and regulation of such persons and establishments. (NRS 453A.200, 453A.320-453A.370) **Sections 2, 3, 5, 7-9, 11-16, 18-23, 25-48, 51-55 and 66-68 of this bill transfer the responsibility for the regulation of the medical use of marijuana from the Division of Public and Behavioral Health of the Department of Health and Human Services to the Department of Taxation. Section 38 of this bill prohibits a medical marijuana establishment from dispensing or otherwise selling marijuana using a vending machine. Section 56.5 of this bill establishes a similar prohibition for recreational marijuana establishments after January 1, 2020.**

The Nevada Legislature is required to provide by law for a registry of patients and their attendants who are authorized to use marijuana for a medical purpose. (Nev. Const. Art. 4, § 38) Existing law carries this out by requiring such persons to apply to the Division of Public and Behavioral Health of the Department of Health and Human Services for a registry

identification card or letter of approval, as applicable, and granting a holder of such a card or letter an exemption from state prosecution for certain crimes relating to marijuana. (NRS 453A.200, 453A.205) **Sections 4, 5, 10, 13, 16-26, 35, 36, 38-40, 43, 44, 47-51 and 55-65** of this bill replace the requirement to obtain a registry identification card to qualify for the exemption from state prosecution with a requirement to be listed in the medical marijuana registry. **Section 5** of this bill requires the Department of Taxation to maintain the medical marijuana registry. **Section 5** requires a medical marijuana dispensary to list in the medical marijuana registry a person who submits certain documentation to the medical marijuana dispensary. **Section 18** of this bill applies the exemption from state prosecution for certain crimes relating to marijuana to a person who is listed in the medical marijuana registry. **Sections 19-23** of this bill authorize the Department to issue a letter of registration or letter of approval to a person who is listed in the medical marijuana registry which may be presented to show that the person is exempt from state prosecution for engaging in the medical use of marijuana. **Section 55** of this bill eliminates all existing fees relating to applications for and the issuance or renewal of registry identification cards and letters of approval. **Section 65.5 of this bill provides for certain information of persons who hold a registry identification card or letter of approval issued on or before June 30, 2017, to be entered into the medical marijuana registry maintained by the Department.**

Existing law requires a medical marijuana establishment that wishes to retain as a volunteer or employ or contract with a person to provide labor to the medical marijuana establishment to submit an application to register the person as a medical marijuana establishment agent. (NRS 453A.332) **Section 31** of this bill allows such a person to submit an application for registration as a medical marijuana establishment agent on his or her own behalf. **Section 31** also provides for the temporary registration of a person as a medical marijuana establishment agent upon submission of a complete application for registration or renewal of registration. **Finally, section 31 allows an independent contractor or employee of an independent contractor who is registered as a medical marijuana establishment agent to provide labor to any medical marijuana establishment and any other person who is registered as a medical marijuana establishment agent to work or volunteer at any medical marijuana establishment for which the category of the person's medical marijuana establishment agent card is valid.**

Existing law limits the exemption from state prosecution for the medical use of marijuana to the possession of not more than 2.5 ounces of usable marijuana in a 14-day period, 12 marijuana plants and a quantity of edible marijuana products and marijuana-infused products established by regulation. (NRS 453A.200) Existing law also prohibits a medical marijuana dispensary from selling marijuana in excess of these limits to a person. (NRS 453A.358) **Section 41** of this bill instead: (1) prohibits a medical marijuana dispensary from selling more than 1 ounce of marijuana in a transaction; and (2) prohibits the Department of Taxation from requiring a medical marijuana dispensary to track the purchases of a person or determine whether a person has exceeded the legal limits for possession of marijuana for medical use.

Existing law allows a medical marijuana dispensary to recognize a nonresident card for the purpose of dispensing marijuana for medical use if the nonresident card meets certain requirements that make it the functional equivalent of a registry identification card. Existing law also requires, as of April 1, 2018, a nonresident card to be verified by the use of certain databases. (NRS 453A.364) **Section 43** of this bill instead: (1) ~~allows a medical marijuana dispensary to recognize a nonresident authorization for the medical use of marijuana;~~ **deems a nonresident who is authorized to engage in the medical use of marijuana under the laws of his or her state or jurisdiction of residence to be listed in the medical marijuana registry for the purpose of exemption from state prosecution, if the person abides by the legal limits on the possession, delivery and production of marijuana in this State; and** (2) ~~eliminates the requirement that the nonresident authorization have an expiration date and be unexpired; and~~ (3) ~~allows written documentation from a physician to qualify as such authorization in certain circumstances;~~ **authorizes a medical marijuana dispensary to dispense marijuana to such a person if the person presents a document which is valid proof of exemption under the laws of the state or jurisdiction of which the person is a resident.** **Section 69** of this bill eliminates the prospective requirement to verify a nonresident authorization by the use of certain databases.

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

1 **Section 1.** Chapter 453A of NRS is hereby amended by adding thereto the
2 provisions set forth as sections 2 to 5, inclusive, of this act.

3 **Sec. 2.** *“Department” means the Department of Taxation.*

4 **Sec. 3.** *“Director” means the Executive Director of the Department of*
5 *Taxation.*

6 **Sec. 4.** *“Medical marijuana registry” means the registry established*
7 *pursuant to section 5 of this act.*

8 **Sec. 5.** 1. *The Department shall establish and maintain a registry of*
9 *patients and the designated primary caregivers who are authorized to engage in*
10 *or assist in the medical use of marijuana.*

11 2. *A person who is at least 18 years of age and wishes to be listed in the*
12 *medical marijuana registry as a patient must submit to a medical marijuana*
13 *dispensary:*

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

16 (1) *The person has been diagnosed with a chronic or debilitating medical*
17 *condition;*

18 (2) *The medical use of marijuana may mitigate the symptoms or effects*
19 *of that condition; and*

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

22 (b) *The name and date of birth of the person.*

23 3. *A medical marijuana dispensary may list a person who is less than 18*
24 *years of age in the medical marijuana registry only if the custodial parent or legal*
25 *guardian with responsibility for health care decisions for the person who is less*
26 *than 18 years of age submits:*

27 (a) *Valid, written documentation from the attending physician of the person*
28 *who is less than 18 years of age stating that:*

29 (1) *The person has been diagnosed with a chronic or debilitating medical*
30 *condition;*

31 (2) *The medical use of marijuana may mitigate the symptoms or effects*
32 *of that condition; and*

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

35 (b) *The name and date of birth of the person who is less than 18 years of*
36 *age;*

37 (c) *The name and date of birth of the custodial parent or legal guardian with*
38 *responsibility for health care decisions for the person who is less than 18 years of*
39 *age; and*

40 (d) *A written statement signed by the custodial parent or legal guardian with*
41 *responsibility for health care decisions for the person under 18 years of age*
42 *setting forth that:*

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

47 (2) *The custodial parent or legal guardian with responsibility for health*
48 *care decisions for the person under 18 years of age consents to the use of*
49 *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. Upon submission of the information described in subsection 2 or 3 or NRS 453A.250 to a medical marijuana dispensary, the medical marijuana dispensary shall enter the name and date of birth of the person into the medical marijuana registry.

5. An attending physician who provides the written documentation described in subsection 2 or 3 must indicate on the written documentation that it expires either 1 year or 2 years after the date of issuance. A listing in the medical marijuana registry expires ~~12 years after~~ on the date ~~of receipt of~~ that the written documentation which was submitted to the medical marijuana dispensary pursuant to subsection 2 or 3 or NRS 453A.250 expires or, for a listing for a designated primary caregiver, on the date of expiration for the listing of the patient for whom the person is a designated primary caregiver. A listing in the medical marijuana registry may be renewed by the submission of new written documentation to a medical marijuana dispensary.

Sec. 6. NRS 453A.010 is hereby amended to read as follows:
453A.010 As used in this chapter, unless the context otherwise requires, the words and terms defined in NRS 453A.020 to 453A.170, inclusive, and sections 2, 3 and 4 of this act have the meanings ascribed to them in those sections.

Sec. 7. NRS 453A.050 is hereby amended to read as follows:
453A.050 "Chronic or debilitating medical condition" means:
1. Acquired immune deficiency syndrome;
2. Cancer;
3. Glaucoma;
4. A medical condition or treatment for a medical condition that produces, for a specific patient, one or more of the following:

- (a) Cachexia;
- (b) Persistent muscle spasms, including, without limitation, spasms caused by multiple sclerosis;
- (c) Seizures, including, without limitation, seizures caused by epilepsy;
- (d) Severe nausea; or
- (e) Severe pain; or
- 5. Any other medical condition or treatment for a medical condition that is:
 - (a) Classified as a chronic or debilitating medical condition by regulation of the ~~Division;~~ Department; or
 - (b) Approved as a chronic or debilitating medical condition pursuant to a petition submitted in accordance with NRS 453A.710.

Sec. 8. NRS 453A.056 is hereby amended to read as follows:
453A.056 "Cultivation facility" means a business that:
1. Is registered with the ~~Division;~~ Department pursuant to NRS 453A.322; and
2. Acquires, possesses, cultivates, delivers, transfers, transports, supplies or sells marijuana and related supplies to:

- (a) Medical marijuana dispensaries;
- (b) Facilities for the production of edible marijuana products or marijuana-infused products; or
- (c) Other cultivation facilities.

1 **Sec. 9.** NRS 453A.102 is hereby amended to read as follows:

2 453A.102 “Electronic verification system” means an electronic database that:

3 1. Keeps track of data in real time; and

4 2. Is accessible by the ~~{Division}~~ **Department** and by registered medical
5 marijuana establishments.

6 **Sec. 10.** NRS 453A.103 is hereby amended to read as follows:

7 453A.103 “Enclosed, locked facility” means a closet, display case, room,
8 greenhouse or other enclosed area that meets the requirements of NRS 453A.362
9 and is equipped with locks or other security devices which allow access only by a
10 medical marijuana establishment agent and ~~{the holder of a valid registry~~
11 ~~identification card}~~ **a person who is listed in the medical marijuana registry.**

12 **Sec. 11.** NRS 453A.105 is hereby amended to read as follows:

13 453A.105 “Facility for the production of edible marijuana products or
14 marijuana-infused products” means a business that:

15 1. Is registered with the ~~{Division}~~ **Department** pursuant to NRS 453A.322;
16 and

17 2. Acquires, possesses, manufactures, delivers, transfers, transports, supplies
18 or sells edible marijuana products or marijuana-infused products to medical
19 marijuana dispensaries.

20 **Sec. 12.** NRS 453A.109 is hereby amended to read as follows:

21 453A.109 “Letter of approval” means a document issued by the ~~{Division}~~
22 **Department or its designee** to an applicant who is under 10 years of age pursuant to
23 NRS 453A.220 which provides that the applicant is exempt from state prosecution
24 for engaging in the medical use of marijuana.

25 **Sec. 13.** NRS 453A.115 is hereby amended to read as follows:

26 453A.115 “Medical marijuana dispensary” means a business that:

27 1. Is registered with the ~~{Division}~~ **Department** pursuant to NRS 453A.322;
28 and

29 2. Acquires, possesses, delivers, transfers, transports, supplies, sells or
30 dispenses marijuana or related supplies and educational materials to ~~{the holder of a~~
31 ~~valid registry identification card}~~ **a person who is listed in the medical marijuana**
32 **registry or to another medical marijuana dispensary.**

33 **Sec. 14.** NRS 453A.118 is hereby amended to read as follows:

34 453A.118 “Medical marijuana establishment agent registration card” means a
35 registration card that is issued by the ~~{Division}~~ **Department** pursuant to NRS
36 453A.332 to authorize a person to volunteer or work at a medical marijuana
37 establishment.

38 **Sec. 15.** NRS 453A.119 is hereby amended to read as follows:

39 453A.119 “Medical marijuana establishment registration certificate” means a
40 registration certificate that is issued by the ~~{Division}~~ **Department** pursuant to NRS
41 453A.322 to authorize the operation of a medical marijuana establishment.

42 **Sec. 16.** NRS 453A.140 is hereby amended to read as follows:

43 453A.140 ~~{“Registry identification card”}~~ **“Letter of registration”** means a
44 document issued by the ~~{Division}~~ **Department** or its designee **pursuant to NRS**
45 **453A.220** that identifies:

46 1. A person who is exempt from state prosecution for engaging in the medical
47 use of marijuana; or

48 2. The designated primary caregiver, if any, of a person described in
49 subsection 1.

50 **Sec. 17.** NRS 453A.170 is hereby amended to read as follows:

51 453A.170 **1.** “Written documentation” means:

52 ~~{(a)}~~ **(a)** A statement signed by the attending physician of a person diagnosed
53 with a chronic or debilitating medical condition; or

~~12.1~~ (b) Copies of the relevant medical records of a person diagnosed with a chronic or debilitating medical condition.

2. The term includes such documentation which is submitted electronically to a medical marijuana dispensary.

Sec. 18. NRS 453A.200 is hereby amended to read as follows:

453A.200 1. Except as otherwise provided in this section, ~~and NRS 453A.300,~~ a person who ~~holds a valid registry identification card issued to the person pursuant to NRS 453A.220 or 453A.250~~ **is listed in the medical marijuana registry** is exempt from state prosecution for:

- (a) Possession, delivery or production of marijuana;
 - (b) Possession or delivery of paraphernalia;
 - (c) Aiding and abetting another in the possession, delivery or production of marijuana;
 - (d) Aiding and abetting another in the possession or delivery of paraphernalia;
 - (e) Any combination of the acts described in paragraphs (a) to (d), inclusive;
- and

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

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

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

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

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

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

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

(3) A maximum allowable quantity of edible marijuana products and marijuana-infused products as established by regulation of the ~~Division~~ **Department**.

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

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

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

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

5. A person who holds a valid medical marijuana establishment registration certificate issued to the person pursuant to NRS 453A.322 or a valid medical marijuana establishment agent registration card issued to the person pursuant to

1 NRS 453A.332, and who confines his or her activities to those authorized by NRS
2 453A.320 to 453A.370, inclusive, and the regulations adopted by the ~~{Division}~~
3 **Department** pursuant thereto, is exempt from state prosecution for:

- 4 (a) Possession, delivery or production of marijuana;
5 (b) Possession or delivery of paraphernalia;
6 (c) Aiding and abetting another in the possession, delivery or production of
7 marijuana;
8 (d) Aiding and abetting another in the possession or delivery of paraphernalia;
9 (e) Any combination of the acts described in paragraphs (a) to (d), inclusive;
10 and

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

13 6. Notwithstanding any other provision of law and except as otherwise
14 provided in this subsection, after a medical marijuana dispensary opens in the
15 county of residence of a person who ~~{holds a registry identification card, including,~~
16 ~~without limitation, a designated primary caregiver,}~~ **is listed in the medical**
17 **marijuana registry**, such a person is not authorized to cultivate, grow or produce
18 marijuana. The provisions of this subsection do not apply if:

19 (a) The person who ~~{holds the registry identification card}~~ **is listed in the**
20 **medical marijuana registry** was cultivating, growing or producing marijuana in
21 accordance with this chapter on or before July 1, 2013;

22 (b) All the medical marijuana dispensaries in the county of residence of the
23 person who ~~{holds the registry identification card}~~ **is listed in the medical**
24 **marijuana registry** close or are unable to supply the quantity or strain of marijuana
25 necessary for the medical use of the person to treat his or her specific medical
26 condition;

27 (c) Because of illness or lack of transportation, the person who ~~{holds the~~
28 ~~registry identification card}~~ **is listed in the medical marijuana registry** is unable
29 reasonably to travel to a medical marijuana dispensary; or

30 (d) No medical marijuana dispensary was operating within 25 miles of the
31 residence of the person who ~~{holds the registry identification card}~~ **is listed in the**
32 **medical marijuana registry** at the time the person first ~~{applied for his or her~~
33 ~~registry identification card,}~~ **was listed in the medical marijuana registry.**

34 7. As used in this section, "marijuana" includes, without limitation, edible
35 marijuana products and marijuana-infused products.

36 **Sec. 19.** NRS 453A.210 is hereby amended to read as follows:

37 453A.210 1. The ~~{Division}~~ **Department** shall establish and maintain a
38 program for the issuance of ~~{registry identification cards}~~ **letters of registration** and
39 letters of approval to persons who ~~{meet the requirements of this section,}~~ **are listed**
40 **in the medical marijuana registry.**

41 2. Except as otherwise provided in subsections 3 and ~~{5}~~ 4 and NRS
42 453A.225, the ~~{Division}~~ **Department** or its designee shall issue a ~~{registry~~
43 ~~identification card}~~ **letter of registration upon request** to a person who is ~~{a~~
44 ~~resident of this State}~~ **listed in the medical marijuana registry** and who submits an
45 application ~~{on}~~ **in** a form prescribed by the ~~{Division accompanied by the~~
46 ~~following:~~

47 ~~—(a) Valid, written documentation from the person's attending physician stating~~
48 ~~that:~~

49 ~~—(1) The person has been diagnosed with a chronic or debilitating medical~~
50 ~~condition;~~

51 ~~—(2) The medical use of marijuana may mitigate the symptoms or effects of~~
52 ~~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 Division that the person is a resident of this State;~~

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

~~(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 the person's attending physician in which the attending physician approves of the designation of the primary caregiver; and~~

~~(f) If the person elects to designate a medical marijuana dispensary at the time of application, the name of the medical marijuana dispensary.} **Department.**~~

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

(a) **The person is listed in the medical marijuana registry;**

(b) The person submits the ~~{materials}~~ **application** required pursuant to subsection 2; and

~~{(b)}~~ (c) 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 Division to be used by a person applying for a registry identification card or letter of approval 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 ~~{Division}~~ **Department** 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 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 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 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 Division shall verify the information contained in an application submitted pursuant to this section~~ **verify whether the applicant is listed in the medical marijuana registry** ~~and shall approve or deny the application within 30 days after receiving the application. The Division may contact an applicant, the applicant's attending physician and designated primary caregiver, if any, by telephone to determine that the information provided on or accompanying the application is accurate. The Division~~ **Department** ~~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 the applicant's chronic or debilitating medical condition; or~~

~~(2) Document the applicant's 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 Division, including, without limitation, the regulations adopted by the Administrator pursuant to NRS 453A.740;~~

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

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

~~(f) The Division~~ **Department** ~~has prohibited the applicant from obtaining or using a registry identification card or letter of approval~~ **being listed in the medical marijuana registry** ~~pursuant to subsection 2 of NRS 453A.300;~~

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

(b) The Department determines that the applicant is not listed in the medical marijuana registry; or

~~(h)~~ **(c)** ~~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. 5. The decision of the Division~~ **Department** ~~to deny an application for a registry identification card, letter of registration or letter of approval is a final decision for the purposes of judicial review. Only the person whose application has~~

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

8 ~~{7-}~~ 6. A person whose application has been denied may not reapply for 6
9 months after the date of the denial, unless the ~~{Division}~~ **Department** or a court of
10 competent jurisdiction authorizes reapplication in a shorter time.

11 ~~{8- Except as otherwise provided in this subsection, if a person has applied for
12 a registry identification card or letter of approval pursuant to this section and the
13 Division has not yet approved or denied the application, the person, and the
14 person's designated primary caregiver, if any, shall be deemed to hold a registry
15 identification card or letter of approval upon the presentation to a law enforcement
16 officer of the copy of the application provided to him or her pursuant to subsection
17 4-.~~

18 ~~—9- As used in this section, "resident" has the meaning ascribed to it in NRS
19 483.141-}~~

20 **Sec. 20.** NRS 453A.220 is hereby amended to read as follows:

21 453A.220 1. If the ~~{Division}~~ **Department** approves an application pursuant
22 to subsection ~~{5}~~ 4 of NRS 453A.210, the ~~{Division}~~ **Department** or its designee
23 shall, as soon as practicable after the ~~{Division}~~ **Department** approves the
24 application ~~{-~~

25 ~~—(a) Issue, , issue a letter of registration or letter of approval , for serially
26 numbered registry identification card-}~~ as applicable, to the applicant. ~~{- and~~

27 ~~—(b) If the applicant has designated a primary caregiver, issue a serially
28 numbered registry identification card to the designated primary caregiver-}~~

29 2. A ~~{registry identification card}~~ **letter of registration** issued pursuant to
30 ~~{paragraph (a) of}~~ subsection 1 must set forth:

31 (a) The name ~~{-address-}~~ and date of birth of the applicant;

32 (b) The date of issuance ~~{and date of expiration}~~ of the ~~{registry identification
33 card-}~~ **letter of registration and the date of expiration of the applicant's listing in
34 the medical marijuana registry;**

35 (c) The name and ~~{address}~~ **date of birth** of the applicant's designated primary
36 caregiver ~~{-if any-}~~ **or the name and date of birth of the person for whom the
37 applicant is a designated primary caregiver, as applicable;**

38 (d) The name of the ~~{applicant's designated}~~ medical marijuana dispensary ~~{-if
39 any-}~~ **that listed the applicant in the medical marijuana registry;**

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

42 (f) Any other information prescribed by regulation of the ~~{Division-}~~
43 **Department.**

44 3. A letter of approval issued pursuant to ~~{paragraph (a) of}~~ subsection 1 must
45 set forth:

46 (a) The name ~~{-address}~~ and date of birth of the applicant;

47 (b) The date of issuance ~~{and date of expiration}~~ of the ~~{registry identification
48 card of the designated primary caregiver-}~~ **letter of approval and the date of
49 expiration of the applicant's listing in the medical marijuana registry;**

50 (c) The name and ~~{address}~~ **date of birth** of the applicant's designated primary
51 caregiver;

52 (d) The name of the ~~{applicant's designated}~~ medical marijuana dispensary ~~{-if
53 any-}~~ **that listed the applicant in the medical marijuana registry;** and

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

4. ~~{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;~~

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

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

~~—(f) Any other information prescribed by regulation of the Division.~~

~~—5.} 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}, a letter of registration~~ or letter of approval issued pursuant to this section ~~{is valid for a period of 1 year and may be renewed in accordance with regulations adopted by the Division.} expires on the date on which the applicant's listing in the medical marijuana registry expires.~~~~

Sec. 21. NRS 453A.225 is hereby amended to read as follows:

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

~~—(a) Provided falsified information on his or her application to the 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 (c) of subsection 5 of NRS 453A.210;~~

~~→} is not listed in the medical marijuana registry, the {Division} Department shall immediately revoke the {registry identification card} letter of registration or letter of approval 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 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 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 (c) of subsection 5 of NRS 453A.210, the Division shall immediately revoke the registry identification card issued to that person.~~

~~—3.} 2. Upon the revocation of a {registry identification card} letter of registration or letter of approval pursuant to this section:~~

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

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

~~{4.} 3. The decision of the {Division} Department to revoke a {registry identification card} letter of registration or letter of approval pursuant to this section is a final decision for the purposes of judicial review.~~

~~5-}~~ 4. A person whose ~~registry identification card~~ *letter of registration* or letter of approval has been revoked pursuant to this section may not reapply for a ~~registry identification card~~ *letter of registration* or letter of approval pursuant to NRS 453A.210 for 12 months after the date of the revocation, unless the ~~Division~~ *Department* or a court of competent jurisdiction authorizes reapplication in a shorter time.

Sec. 22. NRS 453A.230 is hereby amended to read as follows:

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

~~(a) Notify~~ *Department, notify* the ~~Division~~ *Department* of any change in the person's name, ~~address, telephone number, designated medical marijuana dispensary, attending physician~~ *registration with the medical marijuana registry* or designated primary caregiver, if any. ~~;~~ *and*

~~(b) Submit annually to the Division:~~

~~(1) Updated written documentation from the person's 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) The attending physician has explained to the person the possible risks and benefits of the medical use of marijuana; and~~

~~(2) If the person 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 the person's attending physician in which the attending physician approves of the designation of the primary caregiver.~~

~~2. A person to whom the 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 Division, notify the Division of any change in the person's name, address, telephone number, designated medical marijuana dispensary or the identity of the person for whom he or she acts as designated primary caregiver.~~

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

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

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

Sec. 23. NRS 453A.240 is hereby amended to read as follows:

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

Sec. 24. NRS 453A.250 is hereby amended to read as follows:

453A.250 1. If a person who ~~applies to the Division for a registry identification card or letter of approval or to whom the Division or its designee has issued a registry identification card or letter of approval pursuant to paragraph (a) of subsection 1 of NRS 453A.220~~ *is listed in the medical marijuana registry* desires or is required to designate a primary caregiver, the person must:

(a) To designate a primary caregiver at the time ~~of application,~~ *the person is listed in the medical marijuana registry*, submit to the ~~Division the information required pursuant to paragraph (c) of subsection 2 of NRS 453A.210;~~ *medical marijuana dispensary the name and date of birth of the designated primary caregiver;* or

(b) To designate a primary caregiver after ~~the Division or its designee has issued a registry identification card or letter of approval to~~ the person ~~who is listed in the medical marijuana registry,~~ submit to ~~the Division the information required pursuant to subparagraph (2) of paragraph (b) of subsection 1 of NRS 453A.230;~~ *a medical marijuana dispensary the name and date of birth of the designated primary caregiver.*

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 the person initially applies for a registry identification card or letter of approval, the 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.~~ *A person who is the parent or legal guardian of one or more children who are listed in the medical marijuana registry may be the designated primary caregiver for each such child regardless of whether the person is also listed in the medical marijuana registry as a patient.*

Sec. 25. NRS 453A.300 is hereby amended to read as follows:

453A.300 1. A person who ~~holds a registry identification card or letter of approval issued to him or her pursuant to NRS 453A.220 or 453A.250~~ *is listed in the medical marijuana registry* is not exempt from state prosecution for, nor may the person 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 484C.110, 484C.120, 484C.130, 484C.430, 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 paraphernalia in violation of NRS 453.560 or 453.566;

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

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

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

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

(e) Delivering marijuana to another person who he or she knows ~~lawfully holds a registry identification card or letter of approval issued by the Division or its designee pursuant to NRS 453A.220 or 453A.250.~~ *is not listed in the medical marijuana registry.*

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

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

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

Sec. 26. 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 or her arrest and has been advised by his or her 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

1 medically necessary as determined by the assisted person's attending physician to
2 mitigate the symptoms or effects of the assisted person's chronic or debilitating
3 medical condition.

4 2. A person need not hold a ~~registry identification card~~ **letter of registration**
5 or letter of approval issued to the person by the ~~Division~~ **Department** or its
6 designee pursuant to NRS 453A.220 ~~for 453A.250~~ to assert an affirmative defense
7 described in this section.

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

12 (a) Asserting a defense of medical necessity; or

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

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

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

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

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

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

29 **Sec. 27.** NRS 453A.322 is hereby amended to read as follows:

30 453A.322 1. Each medical marijuana establishment must register with the
31 ~~Division~~ **Department**.

32 2. A person who wishes to operate a medical marijuana establishment must
33 submit to the ~~Division~~ **Department** an application on a form prescribed by the
34 ~~Division~~ **Department**.

35 3. Except as otherwise provided in NRS 453A.324, 453A.326, 453A.328 and
36 453A.340, not later than 90 days after receiving an application to operate a medical
37 marijuana establishment, the ~~Division~~ **Department** shall register the medical
38 marijuana establishment and issue a medical marijuana establishment registration
39 certificate and a random 20-digit alphanumeric identification number if:

40 (a) The person who wishes to operate the proposed medical marijuana
41 establishment has submitted to the ~~Division~~ **Department** all of the following:

42 (1) The application fee, as set forth in NRS 453A.344;

43 (2) An application, which must include:

44 (I) The legal name of the proposed medical marijuana establishment;

45 (II) The physical address where the proposed medical marijuana
46 establishment will be located and the physical address of any co-owned additional
47 or otherwise associated medical marijuana establishments, the locations of which
48 may not be within 1,000 feet of a public or private school that provides formal
49 education traditionally associated with preschool or kindergarten through grade 12
50 and that existed on the date on which the application for the proposed medical
51 marijuana establishment was submitted to the ~~Division~~ **Department**, or within
52 300 feet of a community facility that existed on the date on which the application

for the proposed medical marijuana establishment was submitted to the ~~Division~~ *Department*;

(III) Evidence that the applicant controls not less than \$250,000 in liquid assets to cover the initial expenses of opening the proposed medical marijuana establishment and complying with the provisions of NRS 453A.320 to 453A.370, inclusive;

(IV) Evidence that the applicant owns the property on which the proposed medical marijuana establishment will be located or has the written permission of the property owner to operate the proposed medical marijuana establishment on that property;

(V) For the applicant and each person who is proposed to be an owner, officer or board member of the proposed medical marijuana establishment, a complete set of the person's fingerprints and written permission of the person authorizing the ~~Division~~ *Department* 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;

(VI) The name, address and date of birth of each person who is proposed to be an owner, officer or board member of the proposed medical marijuana establishment; and

(VII) The name, address and date of birth of each person who is proposed to be employed by or otherwise provide labor at the proposed medical marijuana establishment as a medical marijuana establishment agent;

(3) Operating procedures consistent with rules of the ~~Division~~ *Department* for oversight of the proposed medical marijuana establishment, including, without limitation:

(I) Procedures to ensure the use of adequate security measures; and

(II) The use of an electronic verification system and an inventory control system, pursuant to NRS 453A.354 and 453A.356;

(4) If the proposed medical marijuana establishment will sell or deliver edible marijuana products or marijuana-infused products, proposed operating procedures for handling such products which must be preapproved by the ~~Division~~ *Department*;

(5) If the city, town or county in which the proposed medical marijuana establishment will be located has enacted zoning restrictions, proof of licensure with the applicable local governmental authority or a letter from the applicable local governmental authority certifying that the proposed medical marijuana establishment is in compliance with those restrictions and satisfies all applicable building requirements; and

(6) Such other information as the ~~Division~~ *Department* may require by regulation;

(b) None of the persons who are proposed to be owners, officers or board members of the proposed medical marijuana establishment have been convicted of an excluded felony offense;

(c) None of the persons who are proposed to be owners, officers or board members of the proposed medical marijuana establishment have:

(1) Served as an owner, officer or board member for a medical marijuana establishment that has had its medical marijuana establishment registration certificate revoked; or

(2) Previously had a medical marijuana establishment agent registration card revoked; and

(d) None of the persons who are proposed to be owners, officers or board members of the proposed medical marijuana establishment are under 21 years of age.

4. For each person who submits an application pursuant to this section, and each person who is proposed to be an owner, officer or board member of a proposed medical marijuana establishment, the ~~Division~~ Department shall submit the fingerprints of the person to the Central Repository for Nevada Records of Criminal History for submission to the Federal Bureau of Investigation to determine the criminal history of that person.

5. Except as otherwise provided in subsection 6, if an application for registration as a medical marijuana establishment satisfies the requirements of this section and the establishment is not disqualified from being registered as a medical marijuana establishment pursuant to this section or other applicable law, the ~~Division~~ Department shall issue to the establishment a medical marijuana establishment registration certificate. A medical marijuana establishment registration certificate expires 1 year 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 453A.344.

6. In determining whether to issue a medical marijuana establishment registration certificate pursuant to this section, the ~~Division~~ Department shall consider the criteria of merit set forth in NRS 453A.328.

7. As used in this section, "community facility" means:

- (a) A facility that provides day care to children.
- (b) A public park.
- (c) A playground.
- (d) A public swimming pool.
- (e) A center or facility, the primary purpose of which is to provide recreational opportunities or services to children or adolescents.
- (f) A church, synagogue or other building, structure or place used for religious worship or other religious purpose.

Sec. 28. NRS 453A.324 is hereby amended to read as follows:

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

- (a) In a county whose population is 700,000 or more, 40 certificates;
- (b) In a county whose population is 100,000 or more but less than 700,000, ten certificates;
- (c) In a county whose population is 55,000 or more but less than 100,000, two certificates; and
- (d) In each other county, one certificate.

2. Notwithstanding the provisions of subsection 1, the ~~Division~~ Department:

(a) Shall not issue medical marijuana establishment registration certificates for medical marijuana dispensaries in such a quantity as to cause the existence within the applicable county of more than one medical marijuana dispensary for every ten pharmacies that have been licensed in the county pursuant to chapter 639 of NRS. The ~~Division~~ Department may issue medical marijuana establishment registration certificates for medical marijuana dispensaries in excess of the ratio otherwise allowed pursuant to this paragraph if to do so is necessary to ensure that the ~~Division~~ Department issues at least one medical marijuana establishment registration certificate in each county of this State in which the ~~Division~~ Department has approved an application for such an establishment to operate.

(b) Shall, for any county for which no applicants qualify pursuant to NRS 453A.322, within 2 months after the end of the period during which the ~~Division~~

1 *Department* accepts applications pursuant to subsection 4, reallocate the certificates
2 provided for that county pursuant to subsection 1 to the other counties specified in
3 subsection 1 in the same proportion as provided in subsection 1.

4 3. With respect to medical marijuana establishments that are not medical
5 marijuana dispensaries, the ~~{Division}~~ *Department* shall determine the appropriate
6 number of such establishments as are necessary to serve and supply the medical
7 marijuana dispensaries to which the ~~{Division}~~ *Department* has granted medical
8 marijuana establishment registration certificates.

9 4. The ~~{Division}~~ *Department* shall not, for more than a total of 10 business
10 days in any 1 calendar year, accept applications to operate medical marijuana
11 establishments.

12 **Sec. 29.** NRS 453A.326 is hereby amended to read as follows:

13 453A.326 1. Except as otherwise provided in this subsection, in a county
14 whose population is 100,000 or more, the ~~{Division}~~ *Department* shall ensure that
15 not more than 25 percent of the total number of medical marijuana dispensaries that
16 may be certified in the county, as set forth in NRS 453A.324, are located in any one
17 local governmental jurisdiction within the county. The board of county
18 commissioners of the county may increase the percentage described in this
19 subsection if it determines that to do so is necessary to ensure that the more
20 populous areas of the county have access to sufficient distribution of marijuana for
21 medical use.

22 2. To prevent monopolistic practices, the ~~{Division}~~ *Department* shall ensure,
23 in a county whose population is 100,000 or more, that it does not issue, to any one
24 person, group of persons or entity, the greater of:

25 (a) One medical marijuana establishment registration certificate; or

26 (b) More than 10 percent of the medical marijuana establishment registration
27 certificates otherwise allocable in the county.

28 3. In a local governmental jurisdiction that issues business licenses, the
29 issuance by the ~~{Division}~~ *Department* of a medical marijuana establishment
30 registration certificate shall be deemed to be provisional until such time as:

31 (a) The establishment is in compliance with all applicable local governmental
32 ordinances or rules; and

33 (b) The local government has issued a business license for the operation of the
34 establishment.

35 4. As used in this section, "local governmental jurisdiction" means a city,
36 town, township or unincorporated area within a county.

37 **Sec. 30.** NRS 453A.328 is hereby amended to read as follows:

38 453A.328 In determining whether to issue a medical marijuana establishment
39 registration certificate pursuant to NRS 453A.322, the ~~{Division}~~ *Department* shall,
40 in addition to the factors set forth in that section, consider the following criteria of
41 merit:

42 1. The total financial resources of the applicant, both liquid and illiquid;

43 2. The previous experience of the persons who are proposed to be owners,
44 officers or board members of the proposed medical marijuana establishment at
45 operating other businesses or nonprofit organizations;

46 3. The educational achievements of the persons who are proposed to be
47 owners, officers or board members of the proposed medical marijuana
48 establishment;

49 4. Any demonstrated knowledge or expertise on the part of the persons who
50 are proposed to be owners, officers or board members of the proposed medical
51 marijuana establishment with respect to the compassionate use of marijuana to treat
52 medical conditions;

5. Whether the proposed location of the proposed medical marijuana establishment would be convenient to serve the needs of persons who are authorized to engage in the medical use of marijuana;

6. The likely impact of the proposed medical marijuana establishment on the community in which it is proposed to be located;

7. The adequacy of the size of the proposed medical marijuana establishment to serve the needs of persons who are authorized to engage in the medical use of marijuana;

8. Whether the applicant has an integrated plan for the care, quality and safekeeping of medical marijuana from seed to sale;

9. The amount of taxes paid to, or other beneficial financial contributions made to, the State of Nevada or its political subdivisions by the applicant or the persons who are proposed to be owners, officers or board members of the proposed medical marijuana establishment; and

10. Any other criteria of merit that the ~~{Division}~~ *Department* determines to be relevant.

Sec. 31. NRS 453A.332 is hereby amended to read as follows:

453A.332 1. Except as otherwise provided in this section, a person shall not volunteer or work at, contract to provide labor to or be employed by an independent contractor to provide labor to a medical marijuana establishment as a medical marijuana establishment agent unless the person is registered with the ~~{Division}~~ *Department* pursuant to this section.

2. A *person who wishes to volunteer or work at a medical marijuana establishment, or a* medical marijuana establishment that wishes to retain as a volunteer or employ ~~{a medical marijuana establishment agent}~~ *such a person*, shall submit to the ~~{Division}~~ *Department* an application on a form prescribed by the ~~{Division}~~ *Department*. The application must be accompanied by:

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

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

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

(d) A complete set of the fingerprints and written permission of the prospective medical marijuana establishment agent authorizing the ~~{Division}~~ *Department* 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;

(e) The application fee, as set forth in NRS 453A.344; and

(f) Such other information as the ~~{Division}~~ *Department* 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 medical marijuana establishment, or a* medical marijuana establishment that wishes to contract with ~~{an independent contractor to provide labor as a medical marijuana establishment agent}~~ *such a person*, shall submit to the ~~{Division}~~ *Department* an application on a form prescribed by the ~~{Division}~~ *Department* for the registration of the independent contractor and each employee of the independent contractor who will provide labor as a medical marijuana establishment agent. The application must be accompanied by:

1 (a) The name, address and, if the prospective medical marijuana establishment
2 agent has a state business registration, the business identification number assigned
3 by the Secretary of State upon compliance with the provisions of chapter 76 of
4 NRS;

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

8 (c) A statement signed by the prospective medical marijuana establishment
9 agent pledging not to dispense or otherwise divert marijuana to, or allow any of its
10 employees to dispense or otherwise divert marijuana to, any person who is not
11 authorized to possess marijuana in accordance with the provisions of this chapter;

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

17 (e) A complete set of the fingerprints of each employee of the prospective
18 medical marijuana establishment agent who will provide labor as a medical
19 marijuana establishment agent and written permission of the prospective medical
20 marijuana establishment agent and each employee of the prospective medical
21 marijuana establishment agent authorizing the ~~{Division}~~ Department to forward
22 the fingerprints to the Central Repository for Nevada Records of Criminal History
23 for submission to the Federal Bureau of Investigation for its report;

24 (f) The application fee, as set forth in NRS 453A.344; and

25 (g) Such other information as the ~~{Division}~~ Department may require by
26 regulation.

27 4. A medical marijuana establishment shall notify the ~~{Division}~~ Department
28 within 10 days after a medical marijuana establishment agent ceases to be
29 employed by, volunteer at or provide labor as a medical marijuana establishment
30 agent to the medical marijuana establishment.

31 5. A person who:

32 (a) Has been convicted of an excluded felony offense; or

33 (b) Is less than 21 years of age,

34 ↪ shall not serve as a medical marijuana establishment agent.

35 6. The ~~{Division}~~ Department shall submit the fingerprints of an applicant for
36 registration as a medical marijuana establishment agent to the Central Repository
37 for Nevada Records of Criminal History for submission to the Federal Bureau of
38 Investigation to determine the criminal history of the applicant.

39 7. The provisions of this section do not require a person who is an owner,
40 officer or board member of a medical marijuana establishment to resubmit
41 information already furnished to the ~~{Division}~~ Department at the time the
42 establishment was registered with the ~~{Division}~~ Department.

43 8. If an applicant for registration as a medical marijuana establishment agent
44 satisfies the requirements of this section and is not disqualified from serving as
45 such an agent pursuant to this section or any other applicable law, the ~~{Division}~~
46 Department shall issue to the person and, for an independent contractor, to each
47 person identified in the independent contractor's application for registration as an
48 employee who will provide labor as a medical marijuana establishment agent, a
49 medical marijuana establishment agent registration card. If the ~~{Division}~~
50 Department does not act upon an application for a medical marijuana establishment
51 agent registration card within 30 days after the date on which the application is
52 received, the application shall be deemed conditionally approved until such time as
53 the ~~{Division}~~ Department acts upon the application. A medical marijuana

establishment agent registration card expires 1 year 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 453A.344.

9. A medical marijuana 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 medical marijuana establishment in this State.

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

11. Except as otherwise prescribed by regulation of the Department, an applicant for registration or renewal of registration as a medical marijuana establishment agent is deemed temporarily registered as a medical marijuana establishment agent on the date on which a complete application for registration or renewal of registration is submitted to the Department. A temporary registration as a medical marijuana establishment agent expires 30 days after the date upon which the application is received.

Sec. 32. NRS 453A.334 is hereby amended to read as follows:

453A.334 1. Except as otherwise provided in subsection 2, the following are nontransferable:

- (a) A medical marijuana establishment agent registration card.
- (b) A medical marijuana establishment registration certificate.

2. A medical marijuana establishment may transfer all or any portion of its ownership to another party, and the ~~{Division}~~ Department shall transfer the medical marijuana establishment registration certificate issued to the establishment to the party acquiring ownership, if the party who will acquire the ownership of the medical marijuana establishment submits:

(a) Evidence satisfactory to the ~~{Division}~~ Department that the party has complied with the provisions of sub-subparagraph (III) of subparagraph (2) of paragraph (a) of subsection 3 of NRS 453A.322 for the purpose of operating the medical marijuana establishment.

(b) For the party and each person who is proposed to be an owner, officer or board member of the proposed medical marijuana establishment, the name, address and date of birth of the person, a complete set of the person's fingerprints and written permission of the person authorizing the ~~{Division}~~ Department 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.

(c) Proof satisfactory to the ~~{Division}~~ Department that, as a result of the transfer of ownership, no person, group of persons or entity will, in a county whose population is 100,000 or more, hold more than one medical marijuana establishment registration certificate or more than 10 percent of the medical marijuana establishment registration certificates allocated to the county, whichever is greater.

Sec. 33. NRS 453A.336 is hereby amended to read as follows:

453A.336 1. In addition to any other requirements set forth in this chapter, an applicant for the issuance or renewal of a medical marijuana establishment agent registration card or medical marijuana establishment registration certificate shall:

- (a) Include the social security number of the applicant in the application submitted to the ~~{Division}~~ Department.

(b) Submit to the ~~Division~~ **Department** the statement prescribed by the Division of Welfare and Supportive Services of the Department of Health and Human Services pursuant to NRS 425.520. The statement must be completed and signed by the applicant.

2. The ~~Division~~ **Department** shall include the statement required pursuant to subsection 1 in:

(a) The application or any other forms that must be submitted for the issuance or renewal of the medical marijuana establishment agent registration card or medical marijuana establishment registration certificate; or

(b) A separate form prescribed by the ~~Division~~ **Department**.

3. A medical marijuana establishment agent registration card or medical marijuana establishment registration certificate may not be issued or renewed by the ~~Division~~ **Department** if the applicant:

(a) Fails to submit the statement required pursuant to subsection 1; or

(b) Indicates on the statement submitted pursuant to subsection 1 that the applicant is subject to a court order for the support of a child and is not in compliance with the order or a plan approved by the district attorney or other public agency enforcing the order for the repayment of the amount owed pursuant to the order.

4. If an applicant indicates on the statement submitted pursuant to subsection 1 that the applicant is subject to a court order for the support of a child and is not in compliance with the order or a plan approved by the district attorney or other public agency enforcing the order for the repayment of the amount owed pursuant to the order, the ~~Division~~ **Department** shall advise the applicant to contact the district attorney or other public agency enforcing the order to determine the actions that the applicant may take to satisfy the arrearage.

Sec. 34. NRS 453A.338 is hereby amended to read as follows:

453A.338 1. If the ~~Division~~ **Department** receives a copy of a court order issued pursuant to NRS 425.540 that provides for the suspension of all professional, occupational and recreational licenses, certificates and permits issued to a person who is the holder of a medical marijuana establishment agent registration card or medical marijuana establishment registration certificate, the ~~Division~~ **Department** shall deem the card or certificate issued to that person to be suspended at the end of the 30th day after the date on which the court order was issued unless the ~~Division~~ **Department** receives a letter issued to the holder of the card or certificate by the district attorney or other public agency pursuant to NRS 425.550 stating that the holder of the card or certificate has complied with the subpoena or warrant or has satisfied the arrearage pursuant to NRS 425.560.

2. The ~~Division~~ **Department** shall reinstate a medical marijuana establishment agent registration card or medical marijuana establishment registration certificate that has been suspended by a district court pursuant to NRS 425.540 if the ~~Division~~ **Department** receives a letter issued by the district attorney or other public agency pursuant to NRS 425.550 to the person whose card or certificate was suspended stating that the person whose card or certificate was suspended has complied with the subpoena or warrant or has satisfied the arrearage pursuant to NRS 425.560.

Sec. 35. NRS 453A.340 is hereby amended to read as follows:

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

1. Dispensing, delivering or otherwise transferring marijuana to a person other than a medical marijuana establishment agent, another medical marijuana establishment or a person who ~~holds a valid registry identification card, including,~~

~~without limitation, a designated primary caregiver.~~ *is listed in the medical marijuana registry.*

2. Acquiring usable marijuana or mature marijuana plants from any person other than a medical marijuana establishment agent, another medical marijuana establishment or a person who ~~holds a valid registry identification card, including, without limitation, a designated primary caregiver.~~ *is listed in the medical marijuana registry.*

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

4. Failure to pay a fee imposed pursuant to NRS 453A.330.

Sec. 36. NRS 453A.342 is hereby amended to read as follows:

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

1. Having committed or committing any excluded felony offense.

2. Dispensing, delivering or otherwise transferring marijuana to a person other than a medical marijuana establishment agent, another medical marijuana establishment or a person who ~~holds a valid registry identification card, including, without limitation, a designated primary caregiver.~~ *is listed in the medical marijuana registry.*

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

Sec. 37. NRS 453A.344 is hereby amended to read as follows:

453A.344 1. Except as otherwise provided in subsection 2, the ~~Division~~ *Department* shall collect not more than the following maximum fees:

For the initial issuance of a medical marijuana establishment registration certificate for a medical marijuana dispensary	\$30,000
For the renewal of a medical marijuana establishment registration certificate for a medical marijuana dispensary	5,000
For the initial issuance of a medical marijuana establishment registration certificate for a cultivation facility	3,000
For the renewal of a medical marijuana establishment registration certificate for a cultivation facility	1,000
For the initial issuance of a medical marijuana establishment registration certificate for a facility for the production of edible marijuana products or marijuana-infused products	3,000
For the renewal of a medical marijuana establishment registration certificate for a facility for the production of edible marijuana products or marijuana-infused products	1,000
For each person identified in an application for the initial issuance of a medical marijuana establishment agent registration card	75
For each person identified in an application for the renewal of a medical marijuana establishment agent registration card	75

For the initial issuance of a medical marijuana establishment registration certificate for an independent testing laboratory.....	5,000
For the renewal of a medical marijuana establishment registration certificate for an independent testing laboratory.....	3,000

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

- (a) A one-time, nonrefundable application fee of \$5,000; and
 - (b) The actual costs incurred by the ~~Division~~ **Department** in processing the application, including, without limitation, conducting background checks.
3. Any revenue generated from the fees imposed pursuant to this section:
- (a) Must be expended first to pay the costs of the ~~Division~~ **Department** in carrying out the provisions of NRS 453A.320 to 453A.370, inclusive; and
 - (b) If any excess revenue remains after paying the costs described in paragraph (a), such excess revenue must be paid over to the State Treasurer to be deposited to the credit of the State Distributive School Account in the State General Fund.

Sec. 38. NRS 453A.352 is hereby amended to read as follows:

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

- (a) For the oversight of the medical marijuana establishment; and
- (b) To ensure accurate recordkeeping, including, without limitation, the provisions of NRS 453A.354 and 453A.356.

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

- (a) That is a medical marijuana dispensary must have a single entrance for patrons, which must be secure, and shall implement strict security measures to deter and prevent the theft of marijuana and unauthorized entrance into areas containing marijuana.
- (b) That is not a medical marijuana dispensary must have a single secure entrance and shall implement strict security measures to deter and prevent the theft of marijuana and unauthorized entrance into areas containing marijuana.

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

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

(a) Directly or indirectly assist patients who ~~possess valid registry identification cards; are listed in the medical marijuana registry; and~~

(b) Assist patients who ~~possess valid registry identification cards or letters of approval are listed in the medical marijuana registry~~ by way of those patients' designated primary caregivers. ~~†; or~~

(c) Return for a refund marijuana, edible marijuana products or marijuana-infused products to the medical marijuana establishment from which the marijuana, edible marijuana products or marijuana-infused products were acquired.

↪ For the purposes of this subsection, a person shall be deemed to be a patient who ~~possesses a valid registry identification card or letter of approval~~ **is listed in the medical marijuana registry** if he or she qualifies for nonresident reciprocity pursuant to NRS 453A.364.

4. All cultivation or production of marijuana that a cultivation facility carries out or causes to be carried out must take place in an enclosed, locked facility at the physical address provided to the ~~{Division}~~ *Department* during the registration process for the cultivation facility. Such an enclosed, locked facility must be accessible only by medical marijuana establishment agents who are lawfully associated with the cultivation facility, except that limited access by persons necessary to perform construction or repairs or provide other labor is permissible if such persons are supervised by a medical marijuana establishment agent.

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

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

7. Medical marijuana establishments are subject to reasonable inspection by the ~~{Division}~~ *Department* at any time, and a person who holds a medical marijuana establishment registration certificate must make himself or herself, or a designee thereof, available and present for any inspection by the ~~{Division}~~ *Department* of the establishment.

8. *A dual licensee, as defined in NRS 453D.030:*

(a) Shall comply with the regulations adopted by the Department pursuant to paragraph (k) of subsection 1 of NRS 453D.200 with respect to the medical marijuana establishment operated by the dual licensee; and

(b) May, to the extent authorized by such regulations, combine the location or operations of the medical marijuana establishment operated by the dual licensee with the marijuana establishment, as defined in NRS 453D.030, operated by the dual licensee.

9. A medical marijuana establishment shall not dispense or otherwise sell marijuana, edible marijuana products or marijuana-infused products from a vending machine or allow such a vending machine to be installed at the interior or exterior of the premises of the medical marijuana establishment.

Sec. 39. NRS 453A.354 is hereby amended to read as follows:

453A.354 1. Each medical marijuana establishment, in consultation with the ~~{Division}~~ *Department*, shall maintain an electronic verification system.

2. The electronic verification system required pursuant to subsection 1 must be able to monitor and report information, including, without limitation:

(a) In the case of a medical marijuana dispensary, for each person who ~~{holds a valid registry identification card}~~ *is listed in the medical marijuana registry* and who purchased marijuana from the dispensary in the immediately preceding 60-day period:

(1) The ~~{number}~~ *date of birth* of the ~~{card}~~ *person*;

(2) The date on which the ~~{card}~~ *person* was ~~{issued}~~ *listed in the medical marijuana registry*; and

(3) The date on which the ~~{card}~~ *listing of the person in the medical marijuana registry* will expire.

(b) For each medical marijuana establishment agent who is employed by or volunteers at the medical marijuana establishment, the number of the person's medical marijuana establishment agent registration card.

(c) In the case of a medical marijuana dispensary, such information as may be required by the ~~{Division}~~ **Department** by regulation regarding persons who are not residents of this State and who have purchased marijuana from the dispensary.

(d) Verification of the identity of a person to whom marijuana, edible marijuana products or marijuana-infused products are sold or otherwise distributed.

(e) Such other information as the ~~{Division}~~ **Department** may require.

3. Nothing in this section prohibits more than one medical marijuana establishment from co-owning an electronic verification system in cooperation with other medical marijuana establishments, or sharing the information obtained therefrom.

4. A medical marijuana establishment must exercise reasonable care to ensure that the personal identifying information of persons who ~~hold registry identification cards~~ **are listed in the medical marijuana registry** which is contained in an electronic verification system is encrypted, protected and not divulged for any purpose not specifically authorized by law.

Sec. 40. NRS 453A.356 is hereby amended to read as follows:

453A.356 1. Each medical marijuana establishment, in consultation with the ~~{Division}~~ **Department**, shall maintain an inventory control system.

2. The inventory control system required pursuant to subsection 1 must be able to monitor and report information, including, without limitation:

(a) Insofar as is practicable, the chain of custody and current whereabouts, in real time, of medical marijuana from the point that it is harvested at a cultivation facility until it is sold at a medical marijuana dispensary and, if applicable, if it is processed at a facility for the production of edible marijuana products or marijuana-infused products;

(b) The name of each person or other medical marijuana establishment, or both, to which the establishment sold marijuana;

(c) In the case of a medical marijuana dispensary, the date on which it sold marijuana to a person who ~~holds a registry identification card~~ **is listed in the medical marijuana registry** and, if any, the quantity of edible marijuana products or marijuana-infused products sold, measured both by weight and potency; and

(d) Such other information as the ~~{Division}~~ **Department** may require.

3. Nothing in this section prohibits more than one medical marijuana establishment from co-owning an inventory control system in cooperation with other medical marijuana establishments, or sharing the information obtained therefrom.

4. A medical marijuana establishment must exercise reasonable care to ensure that the personal identifying information of persons who ~~hold registry identification cards~~ **are listed in the medical marijuana registry** which is contained in an inventory control system is encrypted, protected and not divulged for any purpose not specifically authorized by law.

Sec. 41. NRS 453A.358 is hereby amended to read as follows:

453A.358 1. Each medical marijuana dispensary shall ensure all of the following:

~~{1-}~~ (a) The weight, concentration and content of THC in all marijuana, edible marijuana products and marijuana-infused products that the dispensary sells is clearly and accurately stated on the product sold.

~~{2-}~~ (b) That the dispensary does not sell to a person, in any one ~~{14-day period, an amount}~~ **transaction, more than 1 ounce** of marijuana. ~~{For medical purposes that exceeds the limits set forth in NRS 453A.200.~~

~~3-1~~ (c) That, posted clearly and conspicuously within the dispensary, are the legal limits on the possession of marijuana for medical purposes, as set forth in NRS 453A.200.

~~4-1~~ (d) That, posted clearly and conspicuously within the dispensary, is a sign stating unambiguously the legal limits on the possession of marijuana for medical purposes, as set forth in NRS 453A.200.

2. A medical marijuana dispensary may, but is not required to, track the purchases of marijuana for medical purposes by any person to ensure that the person does not exceed the legal limits on the possession of marijuana for medical purposes, as set forth in NRS 453A.200. The Department shall not adopt a regulation or in any other way require a medical marijuana dispensary to track the purchases of a person or determine whether the person has exceeded the legal limits on the possession of marijuana for medical purposes, as set forth in NRS 453A.200.

Sec. 42. NRS 453A.360 is hereby amended to read as follows:

453A.360 Each medical marijuana dispensary and facility for the production of edible marijuana products or marijuana-infused products shall, in consultation with the ~~Division~~ **Department**, cooperate to ensure that all edible marijuana products and marijuana-infused products offered for sale:

1. Are labeled clearly and unambiguously as medical marijuana.
2. Are not presented in packaging that is appealing to children.
3. Are regulated and sold on the basis of the concentration of THC in the products and not by weight.
4. Are packaged and labeled in such a manner as to allow tracking by way of an inventory control system.

Sec. 43. NRS 453A.364 is hereby amended to read as follows:

453A.364 ~~1- The State of Nevada and the medical marijuana dispensaries in this State which hold valid medical marijuana establishment registration certificates will recognize a nonresident card authorization for the medical use of marijuana only under the following circumstances:~~

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

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

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

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

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

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

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

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

~~3. As used in this section, "nonresident card" authorization for the medical use of marijuana" means a card or other identification that:~~

~~(a) Is issued by an authorization by a state or jurisdiction other than Nevada ; and~~

~~(b) Is the functional equivalent of a registry identification card or letter of approval, as determined by the Division, for a person to engage in the medical use of marijuana. The term includes, without limitation, written documentation from a physician if, under the laws of the state or jurisdiction of the person's residence, such documentation would be sufficient to exempt the person from criminal prosecution for the medical use of marijuana.}~~

1. A person who is not a resident of this State, but who is authorized to engage in the medical use of marijuana under the laws of his or her state or jurisdiction of residence, is deemed to be listed in the medical marijuana registry for the purpose of the exemption from state prosecution described in subsection 1 of NRS 453A.200 if the person abides by the legal limits on the possession, delivery and production of marijuana for medical purposes in this State, as set forth in NRS 453A.200.

2. A medical marijuana dispensary may dispense marijuana to a person described in subsection 1 if the person presents to the medical marijuana dispensary any document which is valid to prove the authorization of the person to engage in the medical use of marijuana under the laws of his or her state or jurisdiction of residence. Such documentation may include, without limitation, written documentation from a physician if, under the laws of the person's state or jurisdiction of residence, written documentation from a physician is sufficient to exempt the person from prosecution for engaging in the medical use of marijuana.

Sec. 44. NRS 453A.366 is hereby amended to read as follows:

453A.366 1. A ~~{patient who holds a valid registry identification card or letter of approval and his or her designated primary caregiver, if any.}~~ **person who is listed in the medical marijuana registry** may select one medical marijuana dispensary to serve as his or her designated medical marijuana dispensary at any one time.

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

(a) Shall communicate the designation to the ~~{Division}~~ **Department** within the time specified by the ~~{Division.}~~ **Department.**

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

Sec. 45. NRS 453A.368 is hereby amended to read as follows:

453A.368 1. The ~~{Division}~~ **Department** shall establish standards for and certify one or more private and independent testing laboratories to test marijuana, edible marijuana products and marijuana-infused products that are to be sold in this State.

2. Such an independent testing laboratory must be able to determine accurately, with respect to marijuana, edible marijuana products and marijuana-infused products that are sold or will be sold at medical marijuana dispensaries in this State:

(a) The concentration therein of THC and cannabidiol.

(b) The presence and identification of molds and fungus.

(c) The composition of the tested material.

(d) The presence of chemicals in the tested material, including, without limitation, pesticides, herbicides or growth regulators.

3. To obtain certification by the ~~{Division}~~ **Department** on behalf of an independent testing laboratory, an applicant must:

(a) Apply successfully as required pursuant to NRS 453A.322.

(b) Pay the fees required pursuant to NRS 453A.344.

Sec. 46. NRS 453A.369 is hereby amended to read as follows:

453A.369 The ~~{Division}~~ **Department** may enter into an interlocal agreement pursuant to NRS 277.080 to 277.180, inclusive, to carry out the provisions of NRS 453A.320 to 453A.370, inclusive.

Sec. 47. NRS 453A.370 is hereby amended to read as follows:

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

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

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

(a) The manner of protecting against diversion and theft without imposing an undue burden on medical marijuana establishments or compromising the confidentiality of ~~{the holders of registry identification cards and letters of approval}~~ **persons who are listed in the medical marijuana registry.**

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

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

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

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

(f) Procedures pursuant to which a medical marijuana dispensary will be notified by the ~~{Division if a patient who holds a valid registry identification card or letter of approval}~~ **Department if a person who is listed in the medical marijuana registry** has chosen the dispensary as his or her designated medical marijuana dispensary, as described in NRS 453A.366.

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

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

(b) To reflect gifts and grants received by the ~~{Division}~~ **Director** pursuant to NRS 453A.720.

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

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

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

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

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

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

7. Establish different categories of medical marijuana establishment agent registration cards, including, without limitation, criteria for training and certification, for each of the different types of medical marijuana establishments at which such an agent may be employed or volunteer or provide labor as a medical marijuana establishment agent.

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

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

Sec. 48. NRS 453A.400 is hereby amended to read as follows:

453A.400 1. The fact that a person *is listed in the medical marijuana registry or* possesses a ~~{registry identification card}~~ *letter of registration* or letter of approval issued to the person by the ~~{Division}~~ Department or its designee pursuant to NRS 453A.220, ~~{for 453A.250,}~~ a medical marijuana establishment registration certificate issued to the person by the ~~{Division}~~ Department or its designee pursuant to NRS 453A.322 or a medical marijuana establishment agent registration card issued to the person by the ~~{Division}~~ Department or its designee pursuant to NRS 453A.332 does not, alone:

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

(b) Subject the person or the person's 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, paraphernalia or other related property from a person engaged in, facilitating or assisting in the medical use of marijuana:

(a) The law enforcement agency shall ensure that the marijuana, 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, 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:

(1) A decision not to prosecute;

(2) The dismissal of charges; or

(3) Acquittal,

1 the law enforcement agency shall, to the extent permitted by law, return to that
2 person any usable marijuana, marijuana plants, paraphernalia or other related
3 property that was seized. The provisions of this subsection do not require a law
4 enforcement agency to care for live marijuana plants.

5 **Sec. 49.** NRS 453A.500 is hereby amended to read as follows:

6 453A.500 The Board of Medical Examiners or the State Board of Osteopathic
7 Medicine, as applicable, shall not take any disciplinary action against an attending
8 physician on the basis that the attending physician:

9 1. ~~Advised~~ *Regardless of whether the person is a resident of this State,*
10 *advised* a person whom the attending physician has diagnosed as having a chronic
11 or debilitating medical condition, or a person whom the attending physician knows
12 has been so diagnosed by another physician licensed to practice medicine pursuant
13 to the provisions of chapter 630 of NRS or licensed to practice osteopathic
14 medicine pursuant to the provisions of chapter 633 of NRS:

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

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

18 the advice is based on the attending physician's personal assessment of the
19 person's medical history and current medical condition.

20 2. Provided the written documentation required ~~pursuant to paragraph (a) of~~
21 ~~subsection 2 of NRS 453A.210 for the issuance of a registry identification card or~~
22 ~~letter of approval or pursuant to subparagraph (1) of paragraph (b) of subsection 1~~
23 ~~of NRS 453A.230 for the renewal of a registry identification card or letter of~~
24 ~~approval~~ *for a person to be listed in the medical marijuana registry or for the*
25 ~~renewal of a person's listing in the medical marijuana registry, or any similar~~
26 ~~documentation required for the person to be authorized to engage in the medical~~
27 ~~use of marijuana pursuant to the laws of another state or jurisdiction, if:~~

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

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

32 **Sec. 50.** NRS 453A.510 is hereby amended to read as follows:

33 453A.510 A professional licensing board shall not take any disciplinary
34 action against a person licensed by the board on the basis that:

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

37 2. The person acts as or has acted as the designated primary caregiver of a
38 person who ~~holds a registry identification card or letter of approval issued to him~~
39 ~~or her pursuant to paragraph (a) of subsection 1 of NRS 453A.220.~~ *is listed in the*
40 ~~medical marijuana registry.~~

41 **Sec. 51.** NRS 453A.700 is hereby amended to read as follows:

42 453A.700 1. Except as otherwise provided in this section ~~and~~ *and* NRS
43 239.0115, ~~and subsection 4 of NRS 453A.210, the Division~~ *the Department* shall
44 not disclose:

45 (a) The contents of any tool used by the ~~Division~~ *Department* to evaluate an
46 applicant or its affiliate.

47 (b) Any information, documents or communications provided to the ~~Division~~
48 ~~Department~~ *Department* by an applicant or its affiliate pursuant to the provisions of this
49 chapter, without the prior written consent of the applicant or affiliate or pursuant to
50 a lawful court order after timely notice of the proceedings has been given to the
51 applicant or affiliate.

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

53 (1) An attending physician; or

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

➤ 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 ~~{Division}~~ **Department** or its designee may release the name and other identifying information of a person to whom the ~~{Division}~~ **Department** or its designee has issued a ~~{registry identification card}~~ **letter of registration** or letter of approval to:

(a) Authorized employees of the ~~{Division}~~ **Department** or its designee as necessary to perform official duties of the ~~{Division}~~ **Department**; 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 or letter of approval issued to him or her pursuant to NRS 453A.220 or 453A.250}~~ **listed in the medical marijuana registry**.

Sec. 52. NRS 453A.710 is hereby amended to read as follows:

453A.710 1. A person may submit to the ~~{Division}~~ **Department** 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}~~ **Department** shall adopt regulations setting forth the manner in which the ~~{Division}~~ **Department** will accept and evaluate petitions submitted pursuant to this section. The regulations must provide, without limitation, that:

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

(b) The decision of the ~~{Division}~~ **Department** to deny a petition is a final decision for the purposes of judicial review.

Sec. 53. NRS 453A.720 is hereby amended to read as follows:

453A.720 1. The ~~{Administrator of the Division}~~ **Director** 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 ~~{Administrator}~~ **Director** receives pursuant to subsection 1 must be deposited in the State Treasury pursuant to NRS 453A.730.

Sec. 54. NRS 453A.730 is hereby amended to read as follows:

453A.730 1. Any money the ~~{Administrator of the Division}~~ **Director** 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:

(1) 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 ~~{Administrator}~~ **Director**; and

(2) Alcohol and drug abuse programs pursuant to NRS 458.094; and

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

2. ***The Director shall annually:***

(a) Determine the amount of money necessary to carry out the provisions of this chapter pursuant to subparagraph (1) of paragraph (b) of subsection 1;

(b) Notify the Administrator of the Division of Public and Behavioral Health of the Department of Health and Human Services of any amount of money in the account in excess of the amount determined pursuant to paragraph (a); and

1 (c) *In consultation with the Administrator of the Division of Public and*
2 *Behavioral Health of the Department of Health and Human Services, use the*
3 *excess money in the account to carry out alcohol and drug abuse programs*
4 *pursuant to NRS 458.094.*

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

9 **Sec. 55.** NRS 453A.740 is hereby amended to read as follows:

10 453A.740 The ~~{Administrator of the Division}~~ *Director* shall adopt such
11 regulations as the ~~{Administrator}~~ *Director* determines are necessary to carry out
12 the provisions of this chapter. The regulations must set forth, without limitation ~~+~~

13 ~~— 1. Procedures, , procedures~~ pursuant to which the ~~{Division}~~ *Department* will
14 issue a ~~{registry identification card}~~ *letter of registration* or letter of approval. ~~for,~~
15 ~~in cooperation with the Department of Motor Vehicles, cause a registry~~
16 ~~identification card to be prepared and issued to a qualified person as a type of~~
17 ~~identification card described in NRS 483.810 to 483.890, inclusive. The procedures~~
18 ~~described in this subsection must provide that the Division will:~~

19 ~~— (a) Issue a registry identification card or letter of approval to a qualified~~
20 ~~person; or~~

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

23 ~~— (1) The person presents to the Department of Motor Vehicles valid~~
24 ~~documentation issued by the Division indicating that the Division has approved the~~
25 ~~issuance of a registry identification card to the person; and~~

26 ~~— (2) The Department of Motor Vehicles, before issuing the registry~~
27 ~~identification card, confirms by telephone or other reliable means that the Division~~
28 ~~has approved the issuance of a registry identification card to the person.~~

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

32 ~~— 3. Fees for:~~

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

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

37 **Sec. 56.** NRS 453A.800 is hereby amended to read as follows:

38 453A.800 The provisions of this chapter do not:

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

42 2. Require any employer to allow the medical use of marijuana in the
43 workplace.

44 3. Except as otherwise provided in subsection 4, require an employer to
45 modify the job or working conditions of a person who engages in the medical use
46 of marijuana that are based upon the reasonable business purposes of the employer
47 but the employer must attempt to make reasonable accommodations for the medical
48 needs of an employee who engages in the medical use of marijuana if the employee
49 ~~{holds a valid registry identification card,}~~ *is listed in the medical marijuana*
50 *registry*, provided that such reasonable accommodation would not:

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

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

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

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

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

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

Sec. 56.5. Chapter 453D of NRS is hereby amended by adding thereto a new section to read as follows:

A marijuana establishment shall not dispense or otherwise sell marijuana or marijuana products from a vending machine or allow such a vending machine to be installed at the interior or exterior of the premises of the marijuana establishment.

Sec. 57. NRS 176.01247 is hereby amended to read as follows:

176.01247 1. There is hereby created the Subcommittee on the Medical Use of Marijuana of the Commission.

2. The Chair of the Commission shall appoint the members of the Subcommittee. The Subcommittee must consist of legislative and nonlegislative members, including, without limitation:

(a) At least four Legislators, who may or may not be members of the Commission.

(b) A representative of the Division of Public and Behavioral Health of the Department of Health and Human Services.

(c) A patient who ~~holds a valid registry identification card to engage in the medical use of marijuana pursuant to chapter 453A of NRS.~~ ***is listed in the medical marijuana registry, as defined in section 4 of this act.***

(d) An owner or operator of a cultivation facility that is certified to operate pursuant to chapter 453A of NRS.

(e) An owner or operator of a facility for the production of edible marijuana products or marijuana-infused products that is certified to operate pursuant to chapter 453A of NRS.

(f) An owner or operator of a medical marijuana dispensary that is certified to operate pursuant to chapter 453A of NRS.

(g) A representative of the Attorney General.

(h) A representative of a civil liberties organization.

(i) A representative of an organization which advocates for persons who use marijuana for medicinal purposes.

(j) A representative of a law enforcement agency located within the jurisdiction of Clark County.

(k) A representative of a law enforcement agency located within the jurisdiction of Washoe County.

(l) A representative of local government.

3. The Chair of the Commission shall designate one of the legislative members of the Commission as Chair of the Subcommittee.

4. The Subcommittee shall meet at the times and places specified by a call of the Chair. A majority of the members of the Subcommittee constitutes a quorum, and a quorum may exercise any power or authority conferred on the Subcommittee.

5. The Subcommittee shall:

(a) Consider issues concerning the medical use of marijuana, the dispensation of marijuana for medical use and the implementation of provisions of law providing for the dispensation of marijuana for medical use; and

(b) Evaluate, review and submit a report to the Commission with recommendations concerning such issues.

6. Any Legislators who are members of the Subcommittee are entitled to receive the salary provided for a majority of the members of the Legislature during the first 60 days of the preceding session for each day's attendance at a meeting of the Subcommittee.

7. While engaged in the business of the Subcommittee, to the extent of legislative appropriation, each member of the Subcommittee is entitled to receive the per diem allowance and travel expenses provided for state officers and employees generally.

Sec. 58. NRS 207.335 is hereby amended to read as follows:

207.335 1. It is unlawful for any person to:

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

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

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

3. As used in this section:

(a) "Letter of approval" has the meaning ascribed to it in NRS 453A.109.

(b) ~~"Registry identification card"~~ *"Letter of registration"* has the meaning ascribed to it in NRS 453A.140.

Sec. 58.5. NRS 212.160 is hereby amended to read as follows:

212.160 1. A person, who is not authorized by law, who knowingly furnishes, attempts to furnish, or aids or assists in furnishing or attempting to furnish to a prisoner confined in an institution of the Department of Corrections, or any other place where prisoners are authorized to be or are assigned by the Director of the Department, any deadly weapon, explosive, a facsimile of a firearm or an explosive, any controlled substance or intoxicating liquor, shall be punished:

(a) Where a deadly weapon, controlled substance, explosive or a facsimile of a firearm or explosive is involved, for a category B felony by imprisonment in the state prison for a minimum term of not less than 1 year and a maximum term of not more than 6 years, and may be further punished by a fine of not more than \$5,000.

(b) Where an intoxicant is involved, for a gross misdemeanor.

2. Knowingly leaving or causing to be left any deadly weapon, explosive, facsimile of a firearm or explosive, controlled substance or intoxicating liquor where it may be obtained by any prisoner constitutes, within the meaning of this section, the furnishing of the article to the prisoner.

3. A prisoner confined in an institution of the Department of Corrections, or any other place where prisoners are authorized to be or are assigned by the Director of the Department, who possesses a controlled substance without lawful authorization or marijuana or marijuana paraphernalia, regardless of whether the person is listed in the medical marijuana registry, as defined in section 4 of this act, is guilty of a category D felony and shall be punished as provided in NRS 193.130.

Sec. 59. NRS 284.4062 is hereby amended to read as follows:

284.4062 1. Except as otherwise provided in subsections 3 and 4, an employee who:

(a) Consumes or is under the influence of alcohol while on duty, unless the alcohol is an integral part of a commonly recognized medication which the

1 employee consumes pursuant to the manufacturer's instructions or in accordance
2 with a lawfully issued prescription;

3 (b) Possesses, consumes or is under the influence of a controlled substance
4 while on duty, at a work site or on state property, except in accordance with a
5 lawfully issued prescription; or

6 (c) Consumes or is under the influence of any other drug which could interfere
7 with the safe and efficient performance of the employee's duties, unless the drug is
8 an integral part of a commonly recognized medication which the employee
9 consumes pursuant to the manufacturer's instructions or in accordance with a
10 lawfully issued prescription,

11 ➤ is subject to disciplinary action. An appointing authority may summarily
12 discharge an employee who, within a period of 5 years, commits a second act which
13 would subject the employee to disciplinary action pursuant to this subsection.

14 2. Except as otherwise provided in subsection 3, a state agency shall refer an
15 employee who:

16 (a) Tests positive for the first time in a screening test; and

17 (b) Has committed no other acts for which the employee is subject to
18 termination during the course of conduct giving rise to the screening test,

19 ➤ to an employee assistance program. An employee who fails to accept such a
20 referral or fails to complete such a program successfully is subject to further
21 disciplinary action.

22 3. The Commission may adopt regulations setting forth the circumstances
23 under which a person who ~~holds a valid registry identification card to engage in~~
24 ~~the medical use of marijuana pursuant to chapter 453A of NRS~~ *is listed in the*
25 *medical marijuana registry, as defined in section 4 of this act*, is subject to
26 disciplinary action pursuant to subsection 1 or must be referred to an employee
27 assistance program pursuant to subsection 2.

28 4. Subsection 1 does not apply to:

29 (a) An employee who consumes alcohol in the course of the employment of the
30 employee while hosting or attending a special event.

31 (b) A peace officer who possesses a controlled substance or consumes alcohol
32 within the scope of the peace officer's duties.

33 **Sec. 60.** NRS 284.4063 is hereby amended to read as follows:

34 284.4063 1. Except as otherwise provided in subsection 2 and subsection 5
35 of NRS 284.4065, an employee who:

36 (a) Fails to notify the employee's supervisor as soon as possible after
37 consuming any drug which could interfere with the safe and efficient performance
38 of the employee's duties;

39 (b) Fails or refuses to submit to a screening test as requested by a state agency
40 pursuant to subsection 1 or 2 of NRS 284.4065; or

41 (c) After taking a screening test which indicates the presence of a controlled
42 substance, fails to provide proof, within 72 hours after being requested by the
43 employee's appointing authority, that the employee had taken the controlled
44 substance as directed pursuant to a current and lawful prescription issued in the
45 employee's name,

46 ➤ is subject to disciplinary action.

47 2. The Commission may adopt regulations setting forth the circumstances
48 under which a person who ~~holds a valid registry identification card to engage in~~
49 ~~the medical use of marijuana pursuant to chapter 453A of NRS~~ *is listed in the*
50 *medical marijuana registry, as defined in section 4 of this act*, is subject to
51 disciplinary action pursuant to this section.

1 **Sec. 61.** NRS 284.4064 is hereby amended to read as follows:

2 284.4064 1. If an employee informs the employee's appointing authority
3 that the employee has consumed any drug which could interfere with the safe and
4 efficient performance of the employee's duties, the appointing authority may
5 require the employee to obtain clearance from the employee's physician before the
6 employee continues to work.

7 2. If an appointing authority reasonably believes, based upon objective facts,
8 that an employee's ability to perform the employee's duties safely and efficiently:

9 (a) May be impaired by the consumption of alcohol or other drugs, it may ask
10 the employee whether the employee has consumed any alcohol or other drugs and,
11 if so:

12 (1) The amount and types of alcohol or other drugs consumed and the time
13 of consumption;

14 (2) If a controlled substance other than marijuana was consumed, the name
15 of the person who prescribed its use; and

16 (3) If marijuana was consumed, to provide proof that the employee ~~holds~~
17 ~~a valid registry identification card to engage in the medical use of marijuana~~
18 ~~pursuant to chapter 453A of NRS.~~ *is listed in the medical marijuana registry, as*
19 *defined in section 4 of this act.*

20 (b) Is impaired by the consumption of alcohol or other drugs, it shall prevent
21 the employee from continuing work and transport the employee or cause the
22 employee to be transported safely away from the employee's place of employment
23 in accordance with regulations adopted by the Commission.

24 **Sec. 62.** NRS 284.4066 is hereby amended to read as follows:

25 284.4066 1. Each appointing authority shall, subject to the approval of the
26 Commission, determine whether each of its positions of employment affects the
27 public safety. The appointing authority shall not hire an applicant for such a
28 position unless the applicant submits to a screening test to detect the general
29 presence of a controlled substance. Notice of the provisions of this section must be
30 given to each applicant for such a position at or before the time of application.

31 2. An appointing authority shall consider the results of a screening test in
32 determining whether to employ an applicant. If those results indicate the presence
33 of a controlled substance other than marijuana, the appointing authority shall not
34 hire the applicant unless the applicant provides, within 72 hours after being
35 requested, proof that the applicant had taken the controlled substance as directed
36 pursuant to a current and lawful prescription issued in the applicant's name.

37 3. An appointing authority shall, at the request of an applicant, provide the
38 applicant with the results of the applicant's screening test.

39 4. If the results of a screening test indicate the presence of a controlled
40 substance, the appointing authority shall:

41 (a) Provide the Administrator with the results of the applicant's screening test.

42 (b) If applicable, inform the Administrator whether the applicant ~~holds a valid~~
43 ~~registry identification card to engage in the medical use of marijuana pursuant to~~
44 ~~chapter 453A of NRS.~~ *is listed in the medical marijuana registry, as defined in*
45 *section 4 of this act.*

46 5. The Commission may adopt regulations relating to an applicant for a
47 position which affects the public safety who tests positive for marijuana and ~~holds~~
48 ~~a valid registry identification card to engage in the medical use of marijuana~~
49 ~~pursuant to chapter 453A of NRS.~~ *is listed in the medical marijuana registry, as*
50 *defined in section 4 of this act.*

51 **Sec. 63.** NRS 484C.210 is hereby amended to read as follows:

52 484C.210 1. If a person fails to submit to an evidentiary test as requested by
53 a police officer pursuant to NRS 484C.160, the license, permit or privilege to drive

of the person must be revoked as provided in NRS 484C.220, and the person is not eligible for a license, permit or privilege to drive for a period of:

(a) One year; or

(b) Three years, if the license, permit or privilege to drive of the person has been revoked during the immediately preceding 7 years for failure to submit to an evidentiary test.

2. If the result of a test given under NRS 484C.150 or 484C.160 shows that a person had a concentration of alcohol of 0.08 or more in his or her blood or breath or a detectable amount of a controlled substance or prohibited substance in his or her blood or urine for which he or she did not have a valid prescription, as defined in NRS 453.128, or ~~hold a valid registry identification card, as defined in NRS 453A.140, for which he or she was not listed in the medical marijuana registry, as defined in section 4 of this act,~~ at the time of the test, the license, permit or privilege of the person to drive must be revoked as provided in NRS 484C.220 and the person is not eligible for a license, permit or privilege for a period of 90 days.

3. If a revocation of a person's license, permit or privilege to drive under NRS 62E.640 or 483.460 follows a revocation under subsection 2 which was based on the person having a concentration of alcohol of 0.08 or more in his or her blood or breath, the Department shall cancel the revocation under that subsection and give the person credit for any period during which the person was not eligible for a license, permit or privilege.

4. Periods of ineligibility for a license, permit or privilege to drive which are imposed pursuant to this section must run consecutively.

Sec. 64. NRS 484C.220 is hereby amended to read as follows:

484C.220 1. As agent for the Department, the officer who requested that a test be given pursuant to NRS 484C.150 or 484C.160 or who obtained the result of a test given pursuant to NRS 484C.150 or 484C.160 shall immediately serve an order of revocation of the license, permit or privilege to drive on a person who failed to submit to a test requested by the police officer pursuant to NRS 484C.150 or 484C.160 or who has a concentration of alcohol of 0.08 or more in his or her blood or breath or has a detectable amount of a controlled substance or prohibited substance in his or her blood or urine for which he or she did not have a valid prescription, as defined in NRS 453.128, or ~~hold a valid registry identification card, as defined in NRS 453A.140, for which he or she was not listed in the medical marijuana registry, as defined in section 4 of this act,~~ if that person is present, and shall seize the license or permit to drive of the person. The officer shall then, unless the information is expressly set forth in the order of revocation, advise the person of his or her right to administrative and judicial review of the revocation pursuant to NRS 484C.230 and, except as otherwise provided in this subsection, that the person has a right to request a temporary license. If the person currently is driving with a temporary license that was issued pursuant to this section or NRS 484C.230, the person is not entitled to request an additional temporary license pursuant to this section or NRS 484C.230, and the order of revocation issued by the officer must revoke the temporary license that was previously issued. If the person is entitled to request a temporary license, the officer shall issue the person a temporary license on a form approved by the Department if the person requests one, which is effective for only 7 days including the date of issuance. The officer shall immediately transmit the person's license or permit to the Department along with the written certificate required by subsection 2.

2. When a police officer has served an order of revocation of a driver's license, permit or privilege on a person pursuant to subsection 1, or later receives the result of an evidentiary test which indicates that a person, not then present, had a concentration of alcohol of 0.08 or more in his or her blood or breath or had a

1 detectable amount of a controlled substance or prohibited substance in his or her
2 blood or urine for which he or she did not have a valid prescription, as defined in
3 NRS 453.128, or ~~hold a valid registry identification card, as defined in NRS~~
4 ~~453A.140, for which he or she was not listed in the medical marijuana registry,~~
5 ~~as defined in section 4 of this act,~~ the officer shall immediately prepare and
6 transmit to the Department, together with the seized license or permit and a copy of
7 the result of the test, if any, a written certificate that the officer had reasonable
8 grounds to believe that the person had been driving or in actual physical control of
9 a vehicle:

10 (a) With a concentration of alcohol of 0.08 or more in his or her blood or
11 breath or with a detectable amount of a controlled substance or prohibited substance
12 in his or her blood or urine for which he or she did not have a valid prescription, as
13 defined in NRS 453.128, or ~~hold a valid registry identification card, as defined in~~
14 ~~NRS 453A.140, for which he or she was not listed in the medical marijuana~~
15 ~~registry, as defined in section 4 of this act,~~ as determined by a chemical test; or

16 (b) While under the influence of intoxicating liquor or a controlled substance
17 or with a prohibited substance in his or her blood or urine and the person refused to
18 submit to a required evidentiary test.

19 ➤ The certificate must also indicate whether the officer served an order of
20 revocation on the person and whether the officer issued the person a temporary
21 license.

22 3. The Department, upon receipt of such a certificate for which an order of
23 revocation has not been served, after examining the certificate and copy of the
24 result of the chemical test, if any, and finding that revocation is proper, shall issue
25 an order revoking the person's license, permit or privilege to drive by mailing the
26 order to the person at the person's last known address. The order must indicate the
27 grounds for the revocation and the period during which the person is not eligible for
28 a license, permit or privilege to drive and state that the person has a right to
29 administrative and judicial review of the revocation and to have a temporary
30 license. The order of revocation becomes effective 5 days after mailing.

31 4. Notice of an order of revocation and notice of the affirmation of a prior
32 order of revocation or the cancellation of a temporary license provided in NRS
33 484C.230 is sufficient if it is mailed to the person's last known address as shown by
34 any application for a license. The date of mailing may be proved by the certificate
35 of any officer or employee of the Department, specifying the time of mailing the
36 notice. The notice is presumed to have been received upon the expiration of 5 days
37 after it is deposited, postage prepaid, in the United States mail.

38 **Sec. 65.** NRS 484C.230 is hereby amended to read as follows:

39 484C.230 1. At any time while a person is not eligible for a license, permit
40 or privilege to drive following an order of revocation issued pursuant to NRS
41 484C.220, the person may request in writing a hearing by the Department to review
42 the order of revocation, but the person is only entitled to one hearing. The hearing
43 must be conducted as soon as is practicable at any location, if the hearing officer
44 permits each party and witness to attend the hearing by telephone, videoconference
45 or other electronic means. The Director or agent of the Director may issue
46 subpoenas for the attendance of witnesses and the production of relevant books and
47 papers and may require a reexamination of the requester. Unless the person is
48 ineligible for a temporary license pursuant to NRS 484C.220, the Department shall
49 issue an additional temporary license for a period which is sufficient to complete
50 the administrative review.

51 2. The scope of the hearing must be limited to the issue of whether the person:

52 (a) Failed to submit to a required test provided for in NRS 484C.150 or
53 484C.160; or

(b) At the time of the test, had a concentration of alcohol of 0.08 or more in his or her blood or breath or a detectable amount of a controlled substance or prohibited substance in his or her blood or urine for which he or she did not have a valid prescription, as defined in NRS 453.128, or ~~hold a valid registry identification card, as defined in NRS 453A.140,~~ *for which he or she was not listed in the medical marijuana registry, as defined in section 4 of this act.*

↳ Upon an affirmative finding on either issue, the Department shall affirm the order of revocation. Otherwise, the order of revocation must be rescinded.

3. If, after the hearing, the order of revocation is affirmed, the person whose license, privilege or permit has been revoked is entitled to a review of the same issues in district court in the same manner as provided by chapter 233B of NRS. The court shall notify the Department upon the issuance of a stay, and the Department shall issue an additional temporary license for a period which is sufficient to complete the review.

4. If a hearing officer grants a continuance of a hearing at the request of the person whose license was revoked, or a court does so after issuing a stay of the revocation, the officer or court shall notify the Department, and the Department shall cancel the temporary license and notify the holder by mailing the order of cancellation to the person's last known address.

Sec. 65.5. On or before June 30, 2017, the Division of Public and Behavioral Health of the Department of Health and Human Services shall ensure that the name, date of birth and unique identification number of each person who, on June 30, 2017, holds a valid registry identification card or valid letter of approval issued by the Division is entered into the medical marijuana registry of the Department of Taxation established pursuant to section 5 of this act.

Sec. 66. 1. A person who holds a valid, unexpired registry identification card on July 1, 2017, shall be deemed to be listed in the medical marijuana registry until the registry identification card expires.

2. The amendatory provisions of this act do not affect the validity of an unexpired registry identification card, letter of approval, medical marijuana establishment registration certificate or medical marijuana establishment agent registration card that was issued by the Division of Public and Behavioral Health of the Department of Health and Human Services before July 1, 2017. However, upon the expiration of such a registry identification card, letter of approval, medical marijuana establishment registration certificate or medical marijuana establishment agent registration 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 Department of Taxation for a new letter of approval, medical marijuana establishment registration certificate or medical marijuana establishment agent registration card issued by that agency or comply with the provisions of section 5 of this act to be listed in the medical marijuana registry, as applicable.

(b) Pay any necessary fees as determined by the Department of Taxation or any regulations adopted pursuant to chapter 453A of NRS.

3. As used in this section:

(a) "Letter of approval" has the meaning ascribed to it in NRS 453A.109.

(b) "Medical marijuana establishment agent registration card" has the meaning ascribed to it in NRS 453A.118.

(c) "Medical marijuana establishment registration certificate" has the meaning ascribed to it in NRS 453A.119.

(d) "Medical marijuana registry" has the meaning ascribed to it in section 4 of this act.

(e) “Registry identification card” means a document issued by the Division of Public and Behavioral Health of the Department of Health and Human Services 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 subparagraph (1).

Sec. 67. 1. The administrative regulations adopted by the Division of Public and Behavioral Health of the Department of Health and Human Services pursuant to chapter 453A of NRS remain in force and are hereby transferred to become the administrative regulations of the Department of Taxation on July 1, 2017. On and after July 1, 2017, these regulations must be interpreted in a manner so that all references to the Division of Public and Behavioral Health of the Department of Health and Human Services and its constituent parts are read and interpreted as being references to the Department of Taxation and its constituent parts, regardless of whether those references have been conformed pursuant to section 68 of this act at the time of interpretation.

2. Any contracts or other agreements entered into by the Division of Public and Behavioral Health of the Department of Health and Human Services and its constituent parts pursuant to chapter 453A of NRS are binding upon the Department of Taxation on and after July 1, 2017, rather than the Division of Public and Behavioral Health of the Department of Health and Human Services and its constituent parts. Such contracts and other agreements may be enforced by the Department of Taxation on and after July 1, 2017.

3. Any action taken by the Division of Public and Behavioral Health of the Department of Health and Human Services or its constituent parts pursuant to chapter 453A of NRS before July 1, 2017, remains in effect as if taken by the Department of Taxation or its constituent parts on and after July 1, 2017.

Sec. 68. 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. 69. 1. NRS 453A.090 is hereby repealed.

2. Section 24.9 of chapter 547, Statutes of Nevada 2013, at page 3728, is hereby repealed.

Sec. 70. 1. This section and sections 1 to 56, inclusive, and 57 to 69, inclusive, of this act ~~becomes~~ become effective ~~on~~;

(a) Upon passage and approval for the purposes of adopting any regulations and performing any preparatory administrative tasks necessary to carry out the provisions of this act; and

- 1 (b) On July 1, 2017, ~~H~~, for all other purposes.
2 2. Section 56.5 of this act becomes effective on January 1, 2020.

**TEXT OF REPEALED SECTION OF NRS AND
TEXT OF REPEALED SECTION OF STATUTES OF NEVADA**

453A.090 “Division” defined. “Division” means the Division of Public and Behavioral Health of the Department of Health and Human Services.

Section 24.9 of chapter 547, Statutes of Nevada 2013, at page 3728:

Sec. 24.9. Section 19.5 of this act is hereby amended to read as follows:

Sec. 19.5 1. The State of Nevada and the medical marijuana dispensaries in this State which hold valid medical marijuana establishment registration certificates will recognize a nonresident card only under the following circumstances:

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

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

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

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

~~—(e) *state or jurisdiction from which the holder or bearer obtained the nonresident card maintains a database which preserves such information as may be necessary to verify the authenticity or validity of the nonresident card;*~~

~~(e) *The state or jurisdiction from which the holder or bearer obtained the nonresident card allows the Division and medical marijuana dispensaries in this State to access the database described in paragraph (d);*~~

~~(f) *The Division determines that the database described in paragraph (d) is able to provide to medical marijuana dispensaries in this State information that is sufficiently accurate, current and specific as to allow those dispensaries to verify that a person who holds or bears a nonresident card is entitled lawfully to do so; and*~~

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

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

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

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

3. As used in this section, “nonresident card” means a card or other identification that:

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

(b) Is the functional equivalent of a registry identification card, as determined by the Division.