

SENATE BILL NO. 344—SENATORS FARLEY AND SEGERBLOM

MARCH 20, 2017

Referred to Committee on Judiciary

SUMMARY—Revises various provisions relating to the labeling, packaging and advertising of marijuana. (BDR 40-451)

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

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

AN ACT relating to marijuana; revising standards for the labeling and packaging of marijuana for medical use; establishing limits on the quantity of marijuana for medical use that may be sold in a single package; prohibiting the production of edible marijuana products or marijuana-infused products that appear to be candy or may appeal to children; requiring a facility for the production of edible marijuana products or marijuana-infused products which produces cookies or brownies to seal such a product in a container which is not transparent; prohibiting advertising by a medical marijuana establishment that would be appealing to children; requiring a medical marijuana dispensary to offer certain containers for sale and provide notification with each sale of marijuana; prohibiting the regulation of certain matters relating to marijuana by a local government or a state agency other than the Division of Public and Behavioral Health of the Department of Health and Human Services or the Department of Taxation; establishing similar provisions for recreational marijuana establishments with a delayed effective date; providing penalties; and providing other matters properly relating thereto.

Legislative Counsel's Digest:

- 1 Existing law requires each medical marijuana dispensary and facility for the
- 2 production of edible marijuana products or marijuana-infused products in this State



to meet certain requirements for the packaging and labeling of such products. (NRS 453A.360) **Section 1** of this bill requires each edible marijuana product or marijuana-infused product offered for sale to be labeled with the amount of servings of THC in the product. **Section 1** requires each edible marijuana product or marijuana-infused product to be sold in a single package and establishes limits on the amount of THC such products may contain per package and, if applicable, per unit. **Section 1** prohibits a facility for the production of edible marijuana products or marijuana-infused products from producing such a product in any form that appears to be candy or may appeal to children. **Section 1** requires a facility for the production of edible marijuana products or marijuana-infused products which produces cookies or brownies to seal such a product in a bag or other container which is not transparent. **Section 1** prohibits a medical marijuana dispensary or facility for the production of edible marijuana products or marijuana-infused products from engaging in advertising that would make marijuana, edible marijuana products or marijuana-infused products appeal to children. **Section 1** requires a medical marijuana dispensary to offer for sale containers for the storage of marijuana, edible marijuana products and marijuana-infused products which lock and are designed to prohibit children from unlocking and opening the container. **Section 1** requires a medical marijuana dispensary to provide a written notification to keep marijuana, edible marijuana products and marijuana-infused products out of the reach of children with each sale of marijuana or such products. **Section 1** prohibits a local government or a state agency other than the Division of Public and Behavioral Health of the Department of Health and Human Services and the Department of Taxation from regulating certain issues relating to marijuana. **Section 2** of this bill establishes similar requirements for recreational marijuana establishments at a future date.

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

Section 1. NRS 453A.360 is hereby amended to read as follows:

453A.360 *1.* Each medical marijuana dispensary and facility for the production of edible marijuana products or marijuana-infused products shall, in consultation with the Division, cooperate to ensure that all edible marijuana products and marijuana-infused products offered for sale:

~~1.1~~ (a) Are labeled clearly and unambiguously as medical marijuana ~~1.~~
~~2.1~~ and as required by NRS 453A.320 to 453A.370, inclusive, and any regulations adopted pursuant thereto.

(b) Are not presented in packaging that is appealing to children ~~1.~~
~~3.1~~ , including, without limitation, packaging containing an image of a cartoon character, mascot, action figure, balloon, fruit or toy.

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



~~141~~ (d) Are packaged and labeled in such a manner as to allow tracking by way of an inventory control system.

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

(f) Are labeled in a manner which indicates the number of servings of THC in the product, measured in servings of a maximum of 10 milligrams per serving, and includes a statement that the product contains marijuana and its potency was tested with an allowable variance of the amount determined by the independent testing laboratory which performed the testing.

2. An edible marijuana product or marijuana-infused product must be sold in a single package. A single package must not contain:

(a) For an edible marijuana product sold as a capsule, more than 100 milligrams of THC per capsule or more than 400 milligrams of THC per package.

(b) For an edible marijuana product sold as a tincture, more than 400 milligrams of THC.

(c) For an edible marijuana product other than a capsule or tincture, more than 400 milligrams of THC.

(d) For a marijuana-infused product sold as a topical product, a concentration of more than 6 percent THC or more than 400 milligrams of THC per package.

(e) For a marijuana-infused product sold as a suppository or transdermal patch, more than 100 milligrams of THC per suppository or transdermal patch or more than 400 milligrams of THC per package.

(f) For a marijuana-infused product other than a topical product, suppository or transdermal patch, more than 400 milligrams of THC.

3. A facility for the production of edible marijuana products or marijuana-infused products shall not produce edible marijuana products in any form that:

(a) Appears to be candy.

(b) Is similar in appearance to a cartoon character, mascot, action figure, balloon, fruit or toy.

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

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

4. A facility for the production of edible marijuana products or marijuana-infused products shall seal any edible marijuana



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1 *product that consists of cookies or brownies in a bag or other*
2 *container which is not transparent.*

3 5. *A medical marijuana dispensary or facility for the*
4 *production of edible marijuana products or marijuana-infused*
5 *products shall not engage in advertising that in any way makes*
6 *marijuana, edible marijuana products or marijuana-infused*
7 *products appeal to children, including, without limitation,*
8 *advertising which uses an image of a cartoon character, mascot,*
9 *action figure, balloon, fruit or toy.*

10 6. *Each medical marijuana dispensary shall offer for sale*
11 *containers for the storage of marijuana, edible marijuana*
12 *products and marijuana-infused products which lock and are*
13 *designed to prohibit children from unlocking and opening the*
14 *container.*

15 7. *A medical marijuana dispensary shall include a written*
16 *notification with each sale of marijuana, edible marijuana*
17 *products or marijuana-infused products which advises the*
18 *purchaser to keep marijuana, edible marijuana products and*
19 *marijuana-infused products out of the reach of children.*

20 8. *Notwithstanding any other provision of law and except as*
21 *otherwise provided in chapter 453D of NRS, only the Division and*
22 *the Department of Taxation may adopt a regulation or impose any*
23 *requirement relating to the production, potency, appearance,*
24 *packaging, labeling or advertising of marijuana, edible marijuana*
25 *products, marijuana-infused products or marijuana products, as*
26 *applicable, and any such regulation adopted, ordinance enacted or*
27 *requirement imposed by another governmental entity or local*
28 *government is void.*

29 9. *As used in this section, "candy" means a product which*
30 *contains sugar and is produced in the shape of a cartoon*
31 *character, mascot, action figure, human balloon, fruit or toy or*
32 *any other shape determined by the Division to be likely to appeal*
33 *primarily to children.*

34 **Sec. 2.** *Chapter 453D of NRS is hereby amended by adding*
35 *thereto a new section to read as follows:*

36 1. *Each retail marijuana store and marijuana product*
37 *manufacturing facility shall, in consultation with the Department,*
38 *cooperate to ensure that all marijuana products offered for sale:*

39 (a) *Are labeled clearly and unambiguously as marijuana and*
40 *as required by this chapter and any regulations adopted pursuant*
41 *thereto.*

42 (b) *Are not presented in packaging that is appealing to*
43 *children, including, without limitation, packaging containing an*
44 *image of a cartoon character, mascot, action figure, balloon, fruit*
45 *or toy.*



* S B 3 4 4 R 1 *

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

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

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

(f) Are labeled in a manner which indicates the number of servings of THC in the product, measured in servings of a maximum of 10 milligrams per serving, and includes a statement that the product contains marijuana and its potency was tested with an allowable variance of the amount determined by the marijuana testing facility which performed the testing.

2. A marijuana product must be sold in a single package. A single package must not contain:

(a) For a marijuana product sold as a capsule, more than 100 milligrams of THC per capsule or more than 400 milligrams of THC per package.

(b) For a marijuana product sold as a tincture, more than 400 milligrams of THC.

(c) For a marijuana product sold as a food product, more than 400 milligrams of THC.

(d) For a marijuana product sold as a topical product, a concentration of more than 6 percent THC or more than 400 milligrams of THC per package.

(e) For a marijuana product sold as a suppository or transdermal patch, more than 100 milligrams of THC per suppository or transdermal patch or more than 400 milligrams of THC per package.

(f) For any other marijuana product, more than 400 milligrams of THC.

3. A marijuana product manufacturing facility shall not produce marijuana products in any form that:

(a) Appears to be candy.

(b) Is similar in appearance to a cartoon character, mascot, action figure, balloon, fruit or toy.

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

(d) Is made by applying concentrated marijuana to a commercially available candy or snack food item.

4. A marijuana product manufacturing facility shall seal any marijuana product that consists of cookies or brownies in a bag or other container which is not transparent.

5. A retail marijuana store or marijuana product manufacturing facility shall not engage in advertising that in any



* S B 3 4 4 R 1 *

1 way makes marijuana or marijuana products appeal to children,
2 including, without limitation, advertising which uses an image of
3 a cartoon character, mascot, action figure, balloon, fruit or toy.

4 6. Each retail marijuana store shall offer for sale containers
5 for the storage of marijuana and marijuana products which lock
6 and are designed to prohibit children from unlocking and opening
7 the container.

8 7. A retail marijuana store shall include a written notification
9 with each sale of marijuana or marijuana products which advises
10 the purchaser to keep marijuana and marijuana products out of
11 the reach of children.

12 8. Notwithstanding any other provision of law and except as
13 otherwise provided in chapter 453A of NRS, only the Department
14 and the Division of Public and Behavioral Health of the
15 Department of Health and Human Services may adopt a
16 regulation or impose any requirement relating to the production,
17 potency, appearance, packaging, labeling or advertising of
18 marijuana, edible marijuana products, marijuana-infused
19 products or marijuana products, as applicable, and any such
20 regulation adopted, ordinance enacted or requirement imposed by
21 another governmental entity or local government is void.

22 9. As used in this section, “candy” has the meaning ascribed
23 to it in section 1 of this act.

24 **Sec. 3.** 1. This section and section 1 of this act become
25 effective on July 1, 2017.

26 2. Section 2 of this act becomes effective on January 1, 2020.

