

**MINUTES OF THE MEETING
OF THE
ASSEMBLY COMMITTEE ON JUDICIARY**

**Seventy-Ninth Session
May 10, 2017**

The Committee on Judiciary was called to order by Chairman Steve Yeager at 8:36 a.m. on Wednesday, May 10, 2017, in Room 3138 of the Legislative Building, 401 South Carson Street, Carson City, Nevada. The meeting was videoconferenced to Room 4401 of the Grant Sawyer State Office Building, 555 East Washington Avenue, Las Vegas, Nevada. Copies of the minutes, including the Agenda ([Exhibit A](#)), the Attendance Roster ([Exhibit B](#)), and other substantive exhibits, are available and on file in the Research Library of the Legislative Counsel Bureau and on the Nevada Legislature's website at www.leg.state.nv.us/App/NELIS/REL/79th2017.

COMMITTEE MEMBERS PRESENT:

Assemblyman Steve Yeager, Chairman
Assemblyman James Ohrenschall, Vice Chairman
Assemblyman Elliot T. Anderson
Assemblywoman Lesley E. Cohen
Assemblyman Ozzie Fumo
Assemblyman Ira Hansen
Assemblywoman Sandra Jauregui
Assemblywoman Lisa Krasner
Assemblywoman Brittney Miller
Assemblywoman Jill Tolles
Assemblyman Justin Watkins
Assemblyman Jim Wheeler

COMMITTEE MEMBERS ABSENT:

Assemblyman Keith Pickard (excused)
Assemblyman Tyrone Thompson (excused)

GUEST LEGISLATORS PRESENT:

Senator Patricia Farley, Senate District No. 8
Senator Tick Segerblom, Senate District No. 3



STAFF MEMBERS PRESENT:

Diane C. Thornton, Committee Policy Analyst
Brad Wilkinson, Committee Counsel
Linda Whimple, Committee Secretary
Melissa Loomis, Committee Assistant

OTHERS PRESENT:

Regan Comis, representing Nevada Judges of Limited Jurisdiction
Thomas Armstrong, Justice of the Peace, Carson City Justice Court, and Judge,
Carson City Municipal Court; and representing Nevada Judges of Limited
Jurisdiction
Sean B. Sullivan, Deputy Public Defender, Washoe County Public Defender's Office
Chuck Callaway, Police Director, Office of Intergovernmental Services, Las Vegas
Metropolitan Police Department; and representing the Advisory Commission
on the Administration of Justice
Ben Graham, Government Relations Advisor, Administrative Office of the Courts
Eric Spratley, Lieutenant, Intergovernmental Services, Washoe County Sheriff's
Office
Julie Butler, Chief, General Services Division, Department of Public Safety
Robert Roshak, Executive Director, Nevada Sheriffs' and Chiefs' Association
Kristin L. Erickson, Chief Deputy District Attorney, Washoe County District
Attorney's Office; and representing Nevada District Attorneys Association
Colin Mudd, Compliance Director, Incredibles, Medically Correct, Limited Liability
Company
Wendy Stolyarov, Legislative Director, Libertarian Party of Nevada
Riana Durrett, Executive Director, Nevada Dispensary Association
Brandi Planet, representing Dixie Brands, Incorporated, Denver, Colorado
Joseph L. Pollock, Deputy Administrator, Regulatory and Planning Services, Division
of Public and Behavioral Health, Department of Health and Human Services
William Adler, representing Sierra Cannabis Coalition
Wes Henderson, Executive Director, Nevada League of Cities and Municipalities
Dagny Stapleton, Deputy Director, Nevada Association of Counties
Grace Crosley, representing Nevadans for Informed Marijuana Regulation

Chairman Yeager:

[Roll was called and protocol was explained.] There are three bills on the agenda today, and I intend to take the three bills in order as listed on the agenda. I will open the hearing on Senate Bill 29 (1st Reprint).

Senate Bill 29 (1st Reprint): Provides for the transfer of a criminal case from one justice court or municipal court to another such court or a district court in certain circumstances. (BDR 1-396)

Regan Comis, representing Nevada Judges of Limited Jurisdiction:

I would like to introduce to the Committee Judge Thomas Armstrong. He will be presenting the bill to you today.

Thomas Armstrong, Justice of the Peace, Carson City Justice Court, and Judge, Carson City Municipal Court; and representing Nevada Judges of Limited Jurisdiction:

I am a justice of the peace and municipal court judge in Carson City, and chair and president-elect of the Nevada Judges of Limited Jurisdiction Committee.

Senate Bill 29 (1st Reprint) is a bill that I have a personal interest in. I started a misdemeanor drug treatment court in Carson City about a year and a half ago, which was a long time in the making. One of the things we came up against is, because we are limited jurisdiction judges and our jurisdictions are defined by statute, there are many instances where someone would get into trouble here in Carson City, qualify, and be appropriate for a treatment court program, but live in Douglas County. In one instance, we had a young man who lived in Las Vegas and was up here and was unable to participate because the resources were not local. The limited judges have tried transferring cases to try to supervise them in a drug court program somewhere else. I had discussions with Judge Holmes in Reno and Judge Pearson in Reno. There was not any clear statutory authority to do transfer supervision in these programs. What we had were people who qualified for services and who would be appropriate for services, but were unable to access them because of our limits as far as jurisdiction goes.

I offer S.B. 29 (R1) as a way to maximize the existence of the specialty court programs throughout the state, maximize their efficiency, and maximize the existing resources. With the consent of both parties, it will allow a case to be transferred and supervised. For example, the young man who was here in Carson City had some family up here, looked for a job, got into some trouble, clearly had some issues, and needed to be in my drug court program, but all those people left. He wanted to go back to Las Vegas, and there was no way for him to participate in both programs. Under this bill, with the consent of the appropriate court there—Judge Kern or maybe Judge Saragosa—we could transfer that case and that person could relocate to Las Vegas, be supervised, and participate in a drug court program that will help further the ends of what these specialty courts are designed to do.

The way this bill works at this point is that it has to—after a plea negotiation has been reached or there is a disposition in the case—meet certain thresholds in the home jurisdiction court before it can be transferred. If we hear a transfer case for the furtherance of justice, we have to state those reasons on the record to make sure that we understand it is efficient and a good reason for a transfer of jurisdiction. It would allow for transfer of a justice court-type of case to participate in a district court-level specialty court program. That is particularly important to my rural counterparts, where maybe the only specialty court program that is available is at the district court level. That is often the case. It was very challenging for me

to start a program here in Carson City, and we have a lot more resources available here than a lot of the rurals do at the justice and municipal court level. You could transfer someone to a reasonable drug court program in the rurals as well.

It is important to us here at the limited level because my philosophy is—and it has been since I took the bench—you do not want to wait to intervene in making a change when there is no reason to, except for a level of charge. If someone needs services, someone is an addict, someone is higher risk and has high needs and needs the intervention, it used to be that they had to wait until they got a felony case or they had to take a felony charge in order to access a drug court-type program. This would eliminate some of those concerns. I feel like it would maximize what is out there already and allow people to partake statewide in the different programs that we are offering. It would maximize our resources.

I am open to any questions.

Assemblyman Elliot T. Anderson:

I know you have talked about the phrase "promote access to justice," but I want to create a good record about what it means. Would you describe "promote access to justice," since that term is used quite a lot throughout this proposed measure.

Judge Armstrong:

There are two scenarios that come to mind immediately. One is promoting access to programs that would be unavailable because of the jurisdictional limits. For example, if someone from Reno is in trouble here, they will be denied access to Judge Pearson's compliance court unless we have an ability to transfer that case to Judge Pearson. They would be denied access to all of the tools that are available because their case is in Carson City only. I think of that term as one scenario.

The other is, occasionally it happens that I have a civil action in my court—small claims or civil action, if the transaction even occurred in Carson City—but they have to come litigate the case in Carson City; if it is amenable to the parties in the case, then I can promote access and convenience to transfer venue to another court for the proceedings, even though the jurisdiction properly lies—because of the statutory limitations—in my court. So I would be able to put upon the record—for the convenience of all the parties—to transfer the venue. You can transfer venue in district court because they have concurrent statewide jurisdiction. Here there is really no means to do that absent some sort of specifics. That would be an access to other litigants as well, not just in the criminal realm, but to have a convenient forum to litigate their matters.

Assemblyman Elliot T. Anderson:

I think it might be useful to practitioners to put in some conforming sections in the substantive statutes—mental health court, drug court, and veterans court—just to ensure that practitioners may note that the ability is available. Perhaps legal counsel could comment on whether that would be appropriate to ensure ease for practitioners.

Brad Wilkinson, Committee Counsel:

I am not sure exactly what you are suggesting we would do to the bill. Go into each individual specialty court and make some reference to this?

Assemblyman Elliot T. Anderson:

If someone is interested in veterans court—I do not know if they are going to be going and looking at these jurisdictional chapters in the *Nevada Revised Statutes* (NRS), so if they are interested in going to veterans court, they are going to look at NRS Chapter 176A, and the same thing with mental health court. For drug court, they may be looking at NRS Chapter 453. I just want to make sure that practitioners know this availability is out there. I understand the bill and that we do not have the chapters open. It is just a thought, because I think that practitioners are not going to be looking at NRS to see these provisions. It is just putting language in those sections to ensure that practitioners know this ability is out there.

Chairman Yeager:

It sounds like this is an education piece that we can work to get out either at the defense bar or the prosecutorial bar. I know that the Judges of Limited Jurisdiction have their—at least annual, if not more than that—conference around the state. I think the point is well taken that we want to make sure people know about it. I will continue to work with legal counsel to determine whether that is something that would go in the bill or not. Did you want to make any comment on that?

Judge Armstrong:

I will say that Nevada Judges of Limited Jurisdiction and the individual judges are committed to getting the word out and to making sure this is available. What is important to us is that they will be important to practitioners. For my time as a defense attorney and prosecutor, I think if there is a tool in the toolbox that is available, they will find it. I also agree that it seems to be in the enabling statutes for the municipal justice courts and that is the only place it is located. I understand the concern and how it is not easily found in those other enabling statutes for the courts. I think it is there, and I think the word will get out, so the access will be used appropriately. I will defer to the judgment of this body to decide whether it needs to be referenced further.

Assemblywoman Cohen:

Would you expound on more cases where you thought this may be relevant for a misdemeanor or drug case? Assemblyman Anderson mentioned veterans court as well as drug court. Can you give a little more information about the types of cases that you see this relevant for? There are different levels of cases that come through these courts. Not everyone meets the criteria for the specialty courts.

Judge Armstrong:

There are different levels of cases that come through these courts. Not everyone meets the criteria for a specialty court program. This is where it came out, because the people were in desperate need of finding resources. Drug courts, DUI courts, DUI second offense courts are

cropping up, and there is a lot of grant money for those. Mental health cases are very challenging to handle without the proper resources, so for a lot of those at the district court level—this will allow you to get some authority to transfer those. Veterans treatment courts—not everyone has those. In Carson City, I have been very frustrated because I do not have enough of a population to form a local veterans court. It may not be enough, but one veteran who needs access to a veterans court is one who should be able to get it. This would enable that.

There are other cases where the supervision maybe is not specialty court. Maybe someone is on probation and they need supervision and they have a good job in Reno. Maybe they need to be able to be supervised by that judge and check in with him accordingly, but absent a full-blown drug court or specialty court program, this would allow for that as well. A plea negotiation has been reached, a resolution of the case has been made, and we can allow someone to relocate and still maintain the supervision that is helping them to be successful that enabled them to feel comfortable taking that job and maybe moving and getting that job, but still keeping the supervision in place. The possibilities outside of that would be any case where it was warranted where the parties agreed and it was a good idea for the benefit of both the public safety and for the defendant being supervised. I guess the cases would be—generally, in criminal matters—I think of it only in terms of when someone needs to relocate. I would never transfer a case—and I do not think any judge rightfully would transfer a case—to Las Vegas just because. It needs to be for the benefit of the parties involved. There are many cases where people are on supervision—they are getting treatment, they are getting counseling, they are doing well, but they get a great job somewhere else. This would enable me to transfer that supervision to another judge and let the person take that case with them and manage it without having to worry about what is going on 400 miles away in Carson City. I am thinking that they can handle it, if that judge and the parties agree to it.

Assemblyman Hansen:

I just want to clarify one thing. Is this an informal form of probation and only applies to misdemeanor cases? This would not involve the Division of Parole and Probation, Department of Public Safety, would it?

Judge Armstrong:

In the event that someone at a misdemeanor level qualifies for drug court and they apply for a transfer to a felony or a district court-level drug court program, they would be obligated to participate in that program like everyone else to the extent that maybe a probation officer might be supervising or be on the team, and it would affect them that way. But it would not transfer supervision to Parole and Probation. It is intended for the court to take jurisdiction over the case and be able to manage that case as if they were the sitting judge. We only deal with misdemeanors. Nothing that we would transfer out of here could be anything other than misdemeanor because the statute requires that it be after plea negotiations are reached or the resolution in the case, and we only do those in misdemeanors.

Assemblyman Hansen:

Perfect. I just wanted to make sure.

Chairman Yeager:

I have a follow-up question on it. For instance, in the veterans treatment court, there is the provision that the defendant has to enter a plea, but if they successfully complete, there is the mechanism where they can then get the case dismissed. If we had a transfer of a case—let us say from Carson City down to the City of Las Vegas or Las Vegas Justice Court—if the person completes the program there, do you anticipate that the case would essentially be transferred back for the dismissal and associated record sealing paperwork to be done in the originating court, or would that happen in the transfer court?

Judge Armstrong:

The preferred practice would be that it would go back to the original sentencing court. If it was a sentence and someone is transferred to supervision and they fail supervision, I think the sentence needs to be imposed in the original court. If it means revocation, unfortunately, then the revocation would have to happen in the original court. As far as dismissal of the charges, I think if the case originates here, I think the best practice for the final disposition to occur would be for it to occur here.

Reading the statute, I think it leaves that issue open as to whether it could be finished to conclusion in the transfer order or not. My preferred practice would be that if I impose sentence and that sentence needs to be imposed, I am the one who wants to do it, and if the charge originates here, I think it needs to be, pursuant to the record sealing statutes, done in the jurisdiction where the charge originated. I think it would have to occur here.

Chairman Yeager:

Are there any further questions from Committee members? [There were none.] I have been informed that there is a limited jurisdiction seminar at the end of June this year, so if this bill were to be passed, I have been told that that would be a topic of discussion in one of the seminars.

Judge Armstrong:

Thank you. I have already been asked by our education committee to present on what happens during this session. Since this bill is the one I have been working really hard on—and I cannot say it is my bill, because there are a lot of us who have proposed this idea, but it is the one I have taken upon shepherding myself—it will be at the top of my list if it makes it through here.

Chairman Yeager:

Is there anyone in Carson City or Las Vegas in support of S.B. 29 (R1)?

Sean B. Sullivan, Deputy Public Defender, Washoe County Public Defender's Office:

We want to register our support for this very important measure. We appreciate Judge Armstrong and Regan Comis for bringing it forth and walking us through the bill.

We always appreciate another tool in the toolbox to help our clients gain access to therapeutic model-type programs, so we certainly appreciate this measure. We think it will go a long way in getting the clients the treatment that they need.

Chairman Yeager:

Are there any questions for Mr. Sullivan? [There were none.] Is there anyone else in support of S.B. 29 (R1)? [There was no one.] Is there anyone in opposition to S.B. 29 (R1)? [There was no one.] Is there anyone in the neutral position? [There was no one.] Judge Armstrong, are there any concluding remarks on the bill?

Judge Armstrong:

No.

Chairman Yeager:

It looks like concluding remarks have been waived. I will close the hearing on S.B. 29 (R1) and open the hearing on Senate Bill 277 (1st Reprint).

Senate Bill 277 (1st Reprint): Revises provisions relating to criminal justice information. (BDR 14-1004)

Chuck Callaway, Police Director, Office of Intergovernmental Services, Las Vegas Metropolitan Police Department; and representing the Advisory Commission on the Administration of Justice:

I am also here on behalf of Justice Hardesty, representing the Advisory Commission on the Administration of Justice, of which I am a member.

Senate Bill 277 (1st Reprint) is fairly straightforward. I will very quickly take you through what it does. This was a topic that was discussed at length during the Advisory Commission on the topic of criminal justice information sharing. During those discussions, it was brought up that throughout the state there were a number of entities that collect criminal history of various types; often those systems do not necessarily communicate well, or systems may have information which some see as redundant or may not be accessible on a 24/7 basis. In the course of that discussion, it was recommended during the Advisory Commission that a subcommittee be created in the interim as part of the Advisory Commission to look at criminal justice information sharing in the state, bring the stakeholders together, look at how we can make those systems more efficient, and create more operability; which, in the long run, benefits all the agencies involved—in particular law enforcement, which I will explain shortly.

Section 1 of the bill basically establishes the Subcommittee on Criminal Justice Information Sharing under the Advisory Commission on the Administration of Justice. It outlines that the chair of the Subcommittee must be a member of the Advisory Commission. The tasks of the Subcommittee will be to review and evaluate various systems to look at integration and obstacles to integration and the potential of a statewide integrated system. They will look at technology, identify obstacles, and then submit a report to the Advisory Commission on their

findings. This is absolutely critical for law enforcement for the officer out in the field to be able to have real-time access to criminal justice information at three o'clock in the morning when they have someone stopped.

Currently in Las Vegas, we primarily use the SCOPE [background check] system. We also use the Nevada Criminal History Repository through the state. I know that in Washoe County they use a system called Tiburon [records management system]. The SCOPE system in Clark County has 85 agencies which participate. It was established in 1968, and it averages about 16 million inquiries a year on criminal justice information, which can run the gamut from warrants, missing persons, work card information, temporary protective orders, descriptors such as tattoos and scars. It runs the gamut of the type of information that is in there.

Section 2 adds a member to the Advisory Commission who is a representative of the Criminal History Repository. Section 2.4 of the bill adds some additional responsibilities to the Advisory Commission in this area of looking at criminal history and criminal justice information sharing in general.

Section 3 is a little different from the rest of the bill. It was brought forward as a request from the Division of Parole and Probation of the Department of Public Safety representative on the Advisory Commission. Basically, the issue there was that Parole and Probation said that sometimes they have people who are under their supervision who may have a stipulation from the court that they are not allowed to use alcohol or illegal drugs but at the same time have a medical marijuana card which they are legally allowed to have. There was a conflict, and Parole and Probation wanted to be able to have that information so they knew when the people who were under their supervision had a medical marijuana card through the state.

That is pretty much in a nutshell what the bill does. I am happy to answer any questions. As you can tell, Ben Graham is with me, and we can answer any questions you may have.

Chairman Yeager:

Mr. Graham, did you want to offer any testimony, or are you just here to answer questions?

Ben Graham, Government Relations Advisor, Administrative Office of the Courts:

I am here to basically offer support and be excited about possibly linking the state together over the next interim.

Chairman Yeager:

Are there any questions from Committee members? [There were none.] I have a question that relates to the last section of the bill, which allows the disclosure of a registry identification card to Parole and Probation. I was able to tune into some of the Advisory Commission meetings, but I do not know if I was there for this one. Was there any discussion relating to this provision, and was the intent of the provision just to make that

information available to Parole and Probation, or was the intent to say that if someone has a medical marijuana card, they should be able to use marijuana while on probation. Would you give us a little more background on what that section is about?

Chuck Callaway:

During those discussions, it was kind of two-fold. It was to protect the person who is under supervision so that if they, in fact, have a random urinalysis done or as part of their probation process, they came up with marijuana in their system, whoever is supervising them would know that they have a medical marijuana card that is allowed through the state and is legal. Of course, the other side of it was for Parole and Probation so they would know up front, when someone comes under their supervision, that that person has a medical marijuana card which may affect the stipulations that are put on them if they have medical reasons that require them to use marijuana. The judge may not put that stipulation on them that they cannot use marijuana. I do not know if Parole and Probation is here, but if they could speak further to it—I do not want to speak for them. Based on the conversations, that was the gist of it.

Chairman Yeager:

Are there any further questions from Committee members?

Assemblywoman Krasner:

In regard to that provision in the section that allows for persons to have the medical marijuana card, does that apply only to people who are out on probation, or would it also include persons who are incarcerated?

Chuck Callaway:

The way this came about when it was discussed was that Parole and Probation has had several instances where someone who is out on parole and probation, not someone who is currently in Department of Corrections (NDOC), was found to have marijuana in their system; and then ultimately after the fact, it was found out that this person had a valid medical marijuana card through the state that they were legally allowed to have. So Parole and Probation said, It would be nice to have that information up front so that we know the person is using marijuana for medicinal reasons. This is not for the people who are in NDOC; in fact, I believe there is another bill moving through the Legislature that deals with marijuana inside of corrections facilities.

Assemblyman Ohrenschall:

Thank you for your help with Assemblyman Watkins and me on the bill about Canadian domestic violence protection orders. This made me think about that bill. During the testimony, it was mentioned that sometimes for an officer trying to access the Central Repository and trying to find out if there is a protection order from Canada or even another state, it can be difficult after business hours. Do you think S.B. 277 (R1) might try to remedy that?

Chuck Callaway:

I absolutely do think this bill will help with it. One of the tasks of the Subcommittee under this bill is to identify obstacles. The analogy that I always use—and I know some people are sick of hearing it—is your iPad versus the library. The same book may be in the library that you have on your iPad and iBooks, but you cannot go into the library at three o'clock in the morning and check the book out because the library is closed, but you can access it on your iPad. Ultimately, for the officer in the field, we would like to see them have that real-time access to this criminal history information in the field. It also benefits the citizen too, because if you are stopped and an officer thinks you have a warrant out for your arrest and it is really someone who has a similar name, you would want the officer to be able to find out really quickly that that is not you with the warrant and that it is someone else. If no one is available and it is nonbusiness hours, that could be difficult if that information is not readily available to the officer.

Chairman Yeager:

Are there any further questions? [There were none.] Is there anyone in Carson City or Las Vegas who would like to testify in support of S.B. 277 (R1)?

Eric Spratley, Lieutenant, Intergovernmental Services, Washoe County Sheriff's Office:

We support S.B. 277 (R1).

Julie Butler, Chief, General Services Division, Department of Public Safety:

We are here in support.

Robert Roshak, Executive Director, Nevada Sheriffs' and Chiefs' Association:

We are also in support of the bill.

Kristin L. Erickson, Chief Deputy District Attorney, Washoe County District Attorney's Office; and representing Nevada District Attorneys Association:

We are here in support.

Chairman Yeager:

Is there anyone else in support of S.B. 277 (R1)? [There was no one.] Is there anyone opposed to S.B. 277 (R1)? [There was no one.] Is there anyone neutral on the bill? [There was no one.] Mr. Callaway, are there any concluding remarks?

Chuck Callaway:

No.

Chairman Yeager:

It looks like concluding remarks are waived. I will close the hearing on S.B. 277 (R1). At this time I will open the hearing on Senate Bill 344 (1st Reprint).

Senate Bill 344 (1st Reprint): Revises various provisions relating to the labeling, packaging and advertising of marijuana. (BDR 40-451)

Senator Patricia Farley, Senate District No. 8:

I am here to present Senate Bill 344 (1st Reprint), which revises provisions relating to labeling, packaging, and advertising edible marijuana or marijuana-infused products. I believe the revisions will make Nevada's marijuana program safer for both adults and children. Adults will be able to more easily monitor their intake by serving size and avoid eating too much. In addition, changes in the packaging and advertising of marijuana products will make them less appealing to children.

For the Committee's knowledge, we submitted a conceptual amendment ([Exhibit C](#)) that we are still working on to get agreement, but everything in the conceptual amendment is going to be supported by the comments here today and by the bill in its first reprint.

I would like to explain what this measure accomplishes. Existing law requires all edible medical marijuana products and marijuana-infused products to be clearly labeled as medical marijuana, packaged in such a way as to not appeal to children, regulated and sold on the basis of the concentration of tetrahydrocannabinol (THC) in the products and not by weight, and packaged and labeled in such a manner as to allow tracking for inventory control.

Section 1 expands the requirements for the label to include the number of servings of THC in the product. The product must also be sold in a single package. The measure clarifies that a product cannot be packaged in such a way as to appear to be candy, appeal to children, or contain an image of a cartoon character, mascot, action figure, balloon, fruit, or toy. The product also cannot be packaged or labeled in a manner that is modeled after a brand of products primarily consumed by or marketed to children.

The measure clarifies that marijuana cannot be infused in a commercially available candy or snack food item. The measure provides that the product cannot be sealed in a transparent bag or other container. With regard to advertising products, the measure provides that the advertisements shall not be made to appeal to children and shall not contain an image of a cartoon character, mascot, action figure, balloon, fruit, or toy.

The measure requires each dispensary to offer for sale containers for the storage of marijuana products that lock and are childproof. Each dispensary is also required to include a written notification with each sale that advises the purchaser to keep all marijuana products out of the reach of children.

Finally, 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 issues relating to marijuana. Section 2 of the measure establishes similar requirements for recreational establishments. The provisions related to medical marijuana products are effective on July 1, 2017. The provisions related to recreational marijuana products become effective on January 1, 2020.

Other states, such as Colorado and Washington, have made similar requirements to their marijuana programs. Based upon a study conducted by the University of Washington School of Law, it was discovered that certain elements of food appeal to children. For example, color is a key factor in children's food choices. In addition, food in novel shapes is more appealing. Cartoon and other promotional characters powerfully influence children's food preferences. In response, Washington introduced rules in 2014 prohibiting marijuana stores from selling gummy bears, lollipops, and cotton candy infused with cannabis. In addition, cannabis products that require cooking or baking are prohibited.

In Colorado, beginning October 1, a universal symbol will be included on the label for identification. Like Nevada, standardized servings are required. Finally, the words "candy" or "candies" cannot appear on marijuana packaging, unless it is part of the establishment's name.

This concludes my presentation. I urge your support of this legislation, which will improve the safety of our medical and recreational marijuana programs. I am happy to answer any questions.

Assemblyman Ohrenschall:

I have a brief disclosure to make. Chairman Yeager and members of the Assembly Judiciary Committee, I would like to make disclosure of Senate Bill 344 (1st Reprint). I would like to advise you, Mr. Chairman, and your Committee members, that my wife is currently employed as the Executive Director of the Nevada Dispensary Association, a trade association consisting of medical marijuana dispensaries and medical marijuana cultivators, which actively lobbies the Legislature and other governmental entities on issues affecting its members. I have sought the advice of our legal counsel and, although the proposals contained in S.B. 344 (R1) do not affect the members of the trade association that my wife is currently employed with any differently than other medical marijuana dispensary owners and medical marijuana cultivators, I am making this disclosure out of an abundance of caution. I plan to abstain from any votes on this proposed legislation. However, based on the advice of our legal counsel, I am permitted to participate in this morning's hearing and the discussion related to this proposed legislation. Thank you, Mr. Chairman. I am sorry to interrupt the hearing.

Assemblyman Elliot T. Anderson:

I have seen this bill for a while. I really want to know what a human balloon is. I have not been able to figure it out. I have tried Googling it and I cannot find it. Please enlighten me.

Senator Farley:

I will have to ask someone from the industry what a human balloon is as well.

Assemblyman Hansen:

Why are we waiting until July 1, 2020 to implement section 2?

Senator Farley:

Under the provisions of Question 2, we cannot make any regulations or laws that are not contained in Question 2. The Governor and the Department of Taxation can make regulations, but we are trying to make sure they are just as strong on both sides and they match.

Assemblyman Hansen:

So we are limited by Question 2?

Senator Farley:

Yes.

Assemblyman Hansen:

This is very interesting because we had a big hearing in Sparks. We were trying to locate a medical marijuana facility, actually went down to one of the places that sells it, got one of their catalogs, and it was supposed to be medical, and it was embarrassingly bad. The names, the targeting of it, and everything else—I used that catalog extensively with the county commission to help shut that idea down. I just had my secretary go to that same place about a week ago, and could not find a thing in there. They are aware there are some real serious ramifications to this. I am glad to see this bill going forward. I am not a fan of the program, but the more regulation on it is better for me.

Senator Farley:

We are working with the industry to make sure we do not have a program that runs awry and/or encourages any more abuse and use by youth and/or misinformation getting into the hands of first-time users who are adults.

Assemblywoman Krasner:

I am glad you are putting some restrictions on the edible marijuana products. They are a great source of concern to people who have children. While I appreciate all the ones that you are including, you mention in your testimony that bright colors are shown in studies to be attractive to children. I do not see anywhere in the specific language of the bill—and I apologize if I missed it—where it says bright colors cannot be used. Please let me know where that is in the bill.

Senator Farley:

Specifically, we are limiting it to anything that is appealing to children, and that includes bright colors. We also have the conceptual amendment that is coming, and we are working on including the packaging and trying to limit the packaging from using colors or shapes that might be appealing to children. I can make sure we specifically identify certain colors that are not able to be used.

Assemblywoman Krasner:

That would be great if you can specifically identify that bright colors cannot be used. Is the package going to be clearly labeled with the word "marijuana" on the packaging so that parents can see it?

Senator Farley:

That is in our conceptual amendment as well where we have more restrictions on what they have to post on or affix to the outside label, including how much THC is on each individual piece and a clearly printed warning that this is dangerous for children.

Assemblywoman Krasner:

In that clearly printed warning, can it also say "this is a marijuana product?"

Senator Farley:

Yes. I think most people know, but I will add that in there as well and make sure that we cover it specifically.

Chairman Yeager:

Senator Segerblom, welcome to the Committee. Would you like to add any testimony in support of S.B. 344 (R1)?

Senator Tick Segerblom, Senate District No. 3:

Senator Farley has spent a lot of time on this. She has been to all of the states, looked at all the laws around the country, and this is model legislation. I just want to praise her for tackling this issue and coming forward, which I think is fantastic.

Assemblywoman Cohen:

I remember being a child and having the very weak, cherry-flavored cough drops. I understand for a patient who is using edibles that the easiest way to ingest the product would be a lozenge. Are we going to be taking care of that so kids are not looking at a red lozenge and thinking it is something that would be good to eat?

Senator Farley:

Those are Luden's cough drops, and my children love them. Each item has to be individually packaged in opaque, nondescript packaging so it does not look like candy or a throat lozenge, so you cannot get a bag that is open and that has candy in it and the kid looks at it and thinks it is candy. The intent is that they each be individually wrapped and marked. Hopefully, not only is the packaging child resistant, but the bag that they leave the store with will also be child resistant as well.

Assemblywoman Cohen:

How would the individual lozenge itself be packaged?

Senator Farley:

Do you mean, once they can get the individual package open? I have limited lollipops, because I do not know too many adults who walk around eating lollipops. To me, lollipops look like something a kid might be attracted to. The best I can do is get it into an individually wrapped package where you cannot see through it and there is a warning on it.

Assemblywoman Cohen:

But it can still be red or whatever color.

Senator Farley:

Yes.

Assemblywoman Cohen:

Can we ask the manufacturers to make it clear?

Senator Farley:

I am very good with that. I will bring it up to the industry. They can give us input, but with your support, I have no problem with removing the red, the grapes, and those types of things from it to make it look less attractive.

Chairman Yeager:

Are there any other questions from Committee members? [There were none.] I notice that one of the requirements is that an edible marijuana product or infused product be sold in a single package. Is it your intent to say that if it is one product it cannot be split up into multiple packages? It seems like a medical marijuana-infused product would always be sold in a package, so I am trying to figure out what that is getting at.

Senator Farley:

When it comes from Colorado, Oregon, or Washington, you get a container, and it may have 100 milligrams total, but they are packaged in 10-milligram bites. We visited an edibles maker and saw that every individual piece is measured to make sure it only has 10 milligrams and you have to open up each one, but it may be in a container that has the maximum they can purchase.

Chairman Yeager:

That makes a lot of sense. I was wondering if you could talk a little more about the requirement that the dispensary makes available for sale containers that lock. Do they do that in other places? What do these containers look like?

Senator Farley:

They normally look like bags. You buy your product that is already in there, hopefully in a childproof container and you cannot see through it. They put it in another bag that locks again. It is kind of like a Ziploc. I have a hard time opening it, so I am hoping that children have a hard time opening it. It is opaque, you cannot see what is in it, and it is really hard to open. We have seen that most dispensaries use those types of products as a standard today.

Chairman Yeager:

Are there any further questions for either of the Senators here this morning? [There were none.] Is there anyone who would like to testify in support of S.B. 344 (R1)?

Chuck Callaway, Police Director, Office of Intergovernmental Services, Las Vegas Metropolitan Police Department; and representing the Advisory Commission on the Administration of Justice:

We are here in support. This is a critical issue. We do not want to make the same mistakes that Colorado made. It is a lot easier to be more restrictive and then later, if there is a need, to scale back, versus being too lax and then trying to get something under control that has gotten out of control.

There is one thing I want to clarify, and I believe this deals strictly with local government regulating packaging and sales, but there is some ordinance language in there, so I want to make sure that it is not the intent of this bill, that local law enforcement would have the ability to do an emergency shutdown of a business where illegal or dangerous activity is occurring. For example, currently in Clark County, if we have a nightclub where there is a shooting or an incident that occurs of a dangerous nature, we can shut that facility down for 72 hours pending an appeal to the Clark County Commission. We would like to have that same ability with these marijuana facilities, and I want to make sure that that restriction on local government's regulation does not prevent it.

Chairman Yeager:

Are there any questions? [There were none.] Is there anyone else in support of S.B. 344 (R1)? [There was no one.] Is there anyone who would like to testify in opposition to S.B. 344 (R1)?

Colin Mudd, Compliance Director, Incredibles, Medically Correct, Limited Liability Company:

We manufacture products in Colorado, Oregon, California, and Nevada. One of the biggest concerns that we have as a manufacturer is looking at banning any type of product. When you are going into a regulated market, product that is banned immediately goes to the black market. If it is not available in the store, someone somewhere in the house is going to be able to produce it and have it available for people that are not able to buy it in the store. When you are buying a product inside of a store, it is regulated, safe, and labeled correctly. If you ban something, it does not mean that the need for it is going to go away.

One of the other issues we have is a label that says, "Can cause severe illness in children." We, as a manufacturer, want to make sure that we give a clean and consistent product to the consumer, but ultimately when you are making a health claim like that in a way that you are saying in this bill to do, we are worried about product liability later down the road. We are assuming that in a medical store this product is given to help illness rather than cause severe illness. If that is going to be left in there, please define severe illness and what exactly that entails so it is clear. We would hate for someone down the road to ingest our products, all of

a sudden become severely ill, and have it blamed on a product that was regulated and tested and essentially proven to be okay for human consumption if it should not cause any illness.

If you put medical or recreational edible products in a child-resistant package that is opaque, the color of the actual products should not matter. If it is hard for a child to open the package, they cannot see the product inside. The person who purchases the product should be educated enough at the store concerning proper storage procedure so that once they get home, they are able to keep it out of the reach of children. Our label will definitely say, "Keep out of the reach of children" and that this is a marijuana product, be it recreational or medical. Child-resistant packaging is not as expensive as it once was, and having that requirement in Colorado was a problem at the beginning because of the availability, but availability has changed and it is quite easy to get child-resistant packaging that is certified. If someone does open it, it is not the fault of the package because it has been certified by a program to say that it is not able to be opened by children five or under or eight or under, depending on the program that you choose.

Assemblywoman Tolles:

In regard to your statement how this may drive these products to the black market to be produced, would it not be easier for law enforcement to therefore identify what is coming from the black market if it is in one of these restricted forms?

Colin Mudd:

Yes, absolutely. One of the things we did in Colorado was to stamp the product inside the package to make it identifiable if there was no package available. If you take our chocolate bar out of the package, it is still identifiable as our product. It still says it has 10 milligrams per serving and that it has THC in it. The problem would be that if you were to ban candy or brownies, the need is still going to be there to have a marijuana brownie. That is the stereotypical edible that everyone thinks of. Senator Segerblom has made some brownies in the past, and it is not unheard of to say that someone coming in that has no idea about marijuana edibles still knows about a marijuana brownie. They will request those products, and the people who really want them will still be able to get them. If it is available in a store, you do not have the incentive to buy it from someone else outside of the regulated market because it is a whole lot simpler to just go to a store and buy it. There is also peace of mind for the consumer. I do not know if I would want to buy a brownie from someone's house compared to buying a brownie from a regulated store.

Chairman Yeager:

Are there any other questions from Committee members? [There were none.]

Wendy Stolyarov, Legislative Director, Libertarian Party of Nevada:

We are sensitive to the safety concerns presented in this bill. We would not like to see children consuming any marijuana; however, we feel the bill is still too broad and over-restrictive. We appreciate the revisions regarding granola and certain other categories. We love section 4 of the amendment prohibiting more restrictive ordinances by localities. We think it is an excellent step. We echo the comments by the representative from

Incredibles regarding the black market. There is also going to be demand for marijuana candy and marijuana edibles. Lollipops are big in the rave scene. If you have ever gone to Burning Man, there are going to be candies there. Banning all bright colors, candy, and ice cream specifically, seems oddly specific to us. I would like to hear the story behind that particular prohibition—it is just too broad.

Parental responsibility must still play a role here. For example, alcohol still frequently comes in attractive bottles with nice labels on the beer or wine. Parents know to keep it out of the hands of their children. We believe the same responsibility should be exercised for edibles as it is with alcohol. We appreciate the dosage provisions and several of the other provisions in the bill. We just wish it were a little less broad in terms of what edibles manufacturers are going to produce. For something like a brownie or candy, it is going to be produced in any case, and giving consumers the peace of mind knowing they can go to a store and purchase something that is safe and appropriately dosed is better than having them go to their friend who baked it in his kitchen down the street.

Chairman Yeager:

Are there any questions? [There were none.] Is there anyone else in opposition to Senate Bill 344 (R1)? [There was no one.] Is there anyone in Carson City or Las Vegas who would like to testify in the neutral position?

Riana Durrett, Executive Director, Nevada Dispensary Association:

The Nevada Dispensary Association represents over 80 percent of the dispensaries statewide and over 90 percent in southern Nevada. In addition, our members are mostly vertically integrated, so they own cultivation and production licenses in addition to their dispensary licenses. In total, our members own over 100 of the approximate 187 licenses currently in operation.

We are weighing in as neutral on this bill. We would like to see some clarifications and offer some ways to refine and flesh out some of this language. We appreciate that the sponsor has been open to all sides of these issues, and we will work with her. We have already spoken with her, and we believe she is open to some of that language.

Assemblyman Anderson, I believe it is supposed to be human comma balloon. No edible shape in human or balloons. With regard to the concern about the shapes and the way the edibles look, the edibles are going to be something that people want to eat. That is why they are edibles. They are going to look like something that someone wants to eat. That is over half the market in Colorado. When the voters passed Question 2, they did so with the understanding that edibles were going to be a part of this market. There is a specific provision in Question 2 saying that the department will regulate edibles. The voters have spoken and said, We are going to have edibles. How do we address public safety given that?

There are many ways this bill addresses the public safety concerns. It limits what the shapes of the edibles can look like. It focuses on avoiding shapes that are appealing to children. It also says that they cannot look like name-brand products. We want to avoid someone

making something looking like a Kit Kat or something that a child knows to be a certain candy, and then just calling it something else. It also places limits on the amount of THC that can be in each package. Everything that leaves the store currently per this bill will be required to be in opaque, child-resistant packaging. No one can see what is in that bag. We really need to focus on and emphasize educating parents—who may not be familiar with or commonly use marijuana—and making sure we give them the tools to keep this product out of the hands of children. This bill does that in many ways. It requires opaque, child-resistant packaging and requires the dispensary to provide locking devices for sale. These locking devices are like mini safes. If you have a gun at the house, you lock it up. If you have marijuana at the house, you lock it up. It also requires materials to be handed out to the parents advising them to keep this out of the reach of children. There will also be a warning to keep it out of the hands of children, which will also be on the outer package and the inner package.

Someone earlier testified that these products are available on the black market. They are. They are rampant. If you go online, go on Craigslist, every product under the sun is available online in the black market. We are not saying, Because the black market does it, it is okay if the legal market does it. We are saying that these are going to be available in Nevada. It is the legal market that is going to keep them safe and address public safety and warn parents about keeping it out of the hands of children. It is the legal market that tests these products, and it is the legal market that is not connected to violent crime rings like the unregulated market is.

Assemblywoman Krasner:

Thank you for bringing up the issue regarding parents and the packaging of the marijuana products and trying to help parents keep it out of the hands of children. On that same subject, do you know what the current law is where if a parent allows their child to get ahold of marijuana or another drug, at what point do the children get removed from the home and taken away permanently from those parents?

Riana Durrett:

There are currently abuse and neglect statutes that could certainly extend to allowing your children to have access to marijuana that you have purchased. There are also criminal statutes, both in the termination of parental rights in the abuse and neglect chapter. So it could be addressed through family court proceedings or through criminal statutes.

Assemblywoman Krasner:

Could law enforcement address that for me? Obviously, if parents allow this to get into their child's hands, children should be removed from the home.

Chairman Yeager:

I have seen prosecutions where parents have been charged with abuse or neglect for having prescription medication such as opiates available in places that are accessible to the child. Typically, how that would work is the police would be called out and then they would call out Child Protective Services, who would then make a determination in terms of what to do

with the children; they would go through that process. I would anticipate that those kinds of prosecutions could and probably would be brought were children to have access to medical or recreational marijuana in the house. I do not know if anyone from law enforcement is still here, but if that does not satisfy you, perhaps you can follow up with them offline. I have seen those prosecutions when it comes to prescription and illegal drugs.

Assemblywoman Krasner:

Thank you; I appreciate that. Obviously, it is very important.

Chairman Yeager:

Looking at other states that have legalized recreational marijuana, are we able to draw any lessons in terms of how much of the use is edibles versus other kinds of marijuana products? I know I am just asking you this now, so if you do not know, it is okay, but I just wondered if, generally speaking, you had a sense of that.

Riana Durrett:

Yes, in Colorado it is 50 percent. I have heard between 40 and 50 percent, but have heard very credible testimony that it is up to 50 percent.

Assemblywoman Jauregui:

Do you know how many different types of edibles there are?

Riana Durrett:

Probably a hundred different types. There is quite a variety and that is because, of course, if you are eating something, you want it to be something you want to eat.

Chairman Yeager:

Are there any questions? [There were none.]

Brandi Planet, representing Dixie Brands, Incorporated, Denver, Colorado:

Dixie Elixirs is neutral on this bill. They are a Colorado-based company that specializes in the production of THC and cannabidiol or CBD-infused products. They are committed to being a leader in the industry in the creation and innovation of safe products. As such, they definitely support the intent behind this bill.

We met with Senator Farley yesterday to seek clarification and get some answers to questions on certain provisions which we believe have been mostly addressed by the amendment, and to the extent they are not, we will continue to work with her and Senator Segerblom on the language. We appreciate the opportunity to do so.

Chairman Yeager:

Are there any questions? [There were none.]

Joseph L. Pollock, Deputy Administrator, Regulatory and Planning Services, Division of Public and Behavioral Health, Department of Health and Human Services:

I would like to thank the sponsors for working with us on this bill. We have reached out to them on two sections in the amendment ([Exhibit C](#)): First, in section 1 (c), which requires at least one employee to maintain a food safety handling certification, we would like to clarify that to read a "certified food protection manager," which is language that is similar to our food code. Second, in section 1 (d), we believe that section is more appropriate in regulation rather than the *Nevada Revised Statutes*.

Chairman Yeager:

Are you referring to the conceptual amendment that was presented this morning?

Joseph Pollock:

Yes.

William Adler, representing Sierra Cannabis Coalition:

We are here in neutral as well, just because the conceptual amendment does a lot of new things, and we are still working out some of that language. Some of the concerns were with language concerning bright colors and things of that nature. It seems a little broad for what we are trying to accomplish. We are in full support of keeping edibles out of the hands of children or those who should not have them, including other adults in the house who sometimes ingest them wrongfully, or pets. It is good to have something like a lockbox and childproof packaging, but it also has to be practical. A lot of these parts can be sold in both the medical and recreational markets, so we will see something like a package that is child-safe and secure on the outside, and it has edibles on the inside that are able to be distributed and easily eaten. If you double-package it or have a triple-lined bag inside of that childproof container, it is actually almost untearable for someone who has arthritis and they have to get a tool to open it. It comes to the point where what level of packaging is enough?

One of our concerns is to keep it where if you have a go-box—which is a locking container—leaving the store, and edibles are packaged in a childproof packaging container, that should be sufficient to say, now it is the responsibility of the adult who purchased it to bring it home in a safe way and store it in a safe way. You do not need additional packaging on top of that because, at the end, where does it end?

If you have an opaque package that is not visible from the outside and you cannot see inside of it, where does the line get drawn with what the color has to look like and what the actual object looks like? Only the person who opens that packaging should be seeing inside of it anyway. Where is the level of security that we want? If the packaging is open and it is on the coffee table and someone leaves it there, it is already too late. It does not matter if it is bright red or green, because that should never be within reach of a child or left out for someone who does not know it is marijuana-based.

Assemblywoman Krasner:

Do you have children?

Will Adler:

Yes, I do. I have an 11-month-old girl who will be 12 months old May 18.

Assemblywoman Krasner:

Most parents dearly love their children, and they certainly would not want marijuana edibles to be brightly colored or attractive to their child.

Will Adler:

I understand that, and as to marijuana products that are in my house or alcohol or anything else, I have a top shelf in my kitchen and everything remains up there. Any firearm remains on the top shelf of a closet. At some point, it is a personal responsibility for someone who brings anything into their house. We put child-proof locks on all of our cabinets in our kitchen that have dishwasher pellets in them because they are bright orange. We put child-proof locks on everything in the bathroom, because hand soap is now bright purple and orange and she was trying to pump it into her mouth. As parents, you have to take your own level of responsibility as well and we are finding that out. When it comes to your house, it is now your responsibility to make sure it does not end up in your child's hands. It is the same with prescription drugs and everything else.

Chairman Yeager:

Are there any questions? [There were none.]

Wes Henderson, Executive Director, Nevada League of Cities and Municipalities:

We are here in the neutral position because we support the bill with the conceptual amendment. Our concern was the ability of local governments to still have some measure of regulation over the businesses, and the new language in section 4 of the amendment satisfies our concerns. We also want to thank Senator Farley and Senator Segerblom for all the work they have done, not only on this bill, but on the whole marijuana issue this session.

Dagny Stapleton, Deputy Director, Nevada Association of Counties:

We are also neutral on the bill and support in general the policies proposed that would help protect the health and safety of our county residents, especially in regard to children. As Mr. Henderson said, we also had concerns regarding the language in the reprint of the bill and want to thank the sponsors for working with us. We are in support of the conceptual amendment and believe that it addresses our concerns.

Chairman Yeager:

Are there any questions? [There were none.] Is there anyone else in the neutral position on S.B. 344 (R1)?

Grace Crosley, representing Nevadans for Informed Marijuana Regulation:

What I am reading in section 4 of this conceptual amendment says, "Add language to . . . prohibit a local government from enacting or enforcing any ordinance which is more restrictive than or conflicts with a law or regulation of this State relating to . . ." and it lists all the different things like packaging, labeling, and advertising. I had asked Senator Farley to

make a change so that local governments could make rules that were more restrictive than the rules outlined here, and she said she would. To me, this reads as though it does the exact opposite.

My concerns are that this bill is a bit of a Trojan horse. It pretends to be about protecting children. Some of the provisions in here are already part of our law: for instance, the requirement for childproof packaging. It seems to me that what this bill is really intended to do is prevent local governments from enacting any stricter regulations that they think might be necessary. That seems weird. Why would we want to do that? The only reason I can think of is that we are interested in protecting the interest of the industry. They want to be able to make as much money as possible here, and they do not want to have to deal with pesky different regulations in different towns and counties. I have been showing up here and to the tax commission meetings, and I have to say that I am pretty disgusted by the level of influence the industry seems to have over state government.

The Governor's Task Force on the Regulation and Taxation of Marijuana, the group charged with coming up with regulations over recreational marijuana, formed a lot of working groups. One-third of the members of those working groups were representatives of the industry. I am not including supporters of the industry who were not members of it. When I listened in on Monday's tax commission meeting, they were deciding whether to adopt regulations for temporary marijuana licenses since they are not ready with the final regulations.

What I was steering towards was that the regulations that the state is coming up with and that we are going to be limited to, if we pass this, are weak and toothless, and they were designed to serve the industry, not the people of Nevada. This is a huge social change. I am not opposing the legalization of marijuana. I think it might be a good thing. However, it is only going to be a good thing if done correctly and if regulated strictly, because this is an addictive, mind-altering substance and you cannot just sell it in stores basically like candy. There are going to be a lot of really rapid changes and responses to things that people have not foreseen. This Legislature meets only once every two years. How can you be responsive to problems that come up? City councils and county commissions need to be able to do that, and this bill would prevent them from responding to any local concerns.

I have proposed an amendment ([Exhibit D](#)) that would change that. I hope that if you pass this bill, which I think you are kind of blackmailed into doing because if you do not pass it, you will be asked why you do not want to protect children from poisoning, that you would include my amendment in it, so local governments can have some influence over how this addictive drug is sold and marketed in their communities.

Chairman Yeager:

Is there anyone else in the neutral position on S.B. 344 (R1)? [There was no one.] Senators, I will welcome you back up to the table for concluding remarks.

Senator Farley:

I looked at this from the perspective of a parent. I want to remind people that even though we have a lot of gun safety laws, somehow guns sometimes end up in the hands of children. I really tried to look at it from how we can prevent and put roadblocks in the way of kids getting their hands on it. The other piece as a parent that freaks me out and why I want all the warnings and opaque packaging is because sometimes we visit other people's homes. If it is legally packaged pot, it is going to be less appealing, and hopefully it is put up, and there is a warning sign so it educates the person who may not have children that this is a product not to be left around kids. I really tried to think about it globally as far as protecting kids. As you well know, I have an 11-year-old and a 7-year-old who do go to other people's houses to spend the night, and we are in other people's homes visiting. I wanted to make sure that if they have these things in their home that we educate them as well on the dangers to children.

As far as the black market goes, I think most economists will tell you that black markets are driven by price, not product. In talking with Colorado, Oregon, and Washington, and looking at the black market—which is why I waited quite a bit on the tax discussions and some of the other things—I do not want to create a black market. I do not think it is product-driven. I think it will be price-driven, so we want to be very mindful of that.

Finally, I encourage law enforcement to come to me if there are any amendments or changes. With alcohol, tobacco, and any other substance, it is the enforcement that is going to be critical on the ground. I absolutely embrace their changes that they would like to make.

Other than that, I appreciate the industry and the cities and counties continuing to work to make sure we have the gold standard in the nation for medical and recreational marijuana.

Senator Segerblom:

I think that if alcohol and tobacco and different drugs were regulated like this, it would be a safer place. We are focused on marijuana, but in the future we need to look at other substances and try to treat them the same way.

Chairman Yeager:

Thank you for presenting the bill. It sounds like there is still some work happening on the amendment side, so I encourage you to do that as expeditiously as possible and make sure that we get whatever amendments you come up with. I will close the hearing on S.B. 344 (R1) and open the hearing for public comment. Is there anyone who would like to give public comment either here in Carson City or Las Vegas?

Grace Crosley:

Thank you for letting me speak once more. I just wanted to mention that when asked whether we could prohibit bright colors on edible products, Senator Farley said she would check with the industry. I think that says pretty much everything you need to know. It certainly describes everything I have observed throughout this legislative session. Who do you work for? I hope it is for the people of Nevada and not for a few greedy people looking to make money off us.

Chairman Yeager:

Is there any other public comment here in Carson City? [There was none.] Is there anything else from the members of the Committee this morning? [There was nothing.] The meeting is adjourned [at 9:58 a.m.].

RESPECTFULLY SUBMITTED:

Linda Whimple
Committee Secretary

APPROVED BY:

Assemblyman Steve Yeager, Chairman

DATE: _____

EXHIBITS

[Exhibit A](#) is the Agenda.

[Exhibit B](#) is the Attendance Roster.

[Exhibit C](#) is a proposed amendment to Senate Bill 344 (1st Reprint), presented by Senator Patricia Farley, Senate District No. 8.

[Exhibit D](#) is a proposed conceptual amendment to Senate Bill 344 (1st Reprint), presented by Grace Crosley, representing Nevadans for Informed Marijuana Regulation.