

SENATE BILL NO. 346—SENATOR D. HARRIS

MARCH 18, 2019

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Referred to Committee on Growth and Infrastructure

SUMMARY—Revises provisions related to marijuana.  
(BDR 40-1065)

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.

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AN ACT relating to marijuana; authorizing an independent contractor to enter into a contract with a marijuana establishment or medical marijuana establishment to provide certain training; and providing other matters properly relating thereto.

**Legislative Counsel's Digest:**

Existing law provides for the licensure or registration of marijuana establishments, medical marijuana establishments and medical marijuana establishment agents by the Department of Taxation. (Chapters 453A and 453D of NRS) **Sections 3 and 7** of this bill authorize an independent contractor to enter into a contract to provide training to medical marijuana establishment agents or agents of a marijuana establishment. **Sections 3 and 7** require such an independent contractor to submit a plan to the Department describing the manner in which such training will be conducted.

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

**Section 1.** (Deleted by amendment.)

**Sec. 2.** (Deleted by amendment.)

**Sec. 3.** Chapter 453A of NRS is hereby amended by adding thereto a new section to read as follows:

***1. An independent contractor, including, without limitation, an educational institution, nonprofit organization or labor organization, may enter into a contract with a medical marijuana establishment to provide training to the medical marijuana***



1 *establishment agents who volunteer or work at, contract to provide*  
2 *labor to or are employed by an independent contractor to provide*  
3 *labor to the medical marijuana establishment.*

4 2. *The Department shall issue to an independent contractor*  
5 *who wishes to provide training as described in subsection 1 a*  
6 *medical marijuana establishment agent registration card if:*

7 (a) *The independent contractor submits to the Department an*  
8 *organized, written plan describing the manner in which the*  
9 *independent contractor will conduct the training which has been*  
10 *agreed to by the independent contractor and the medical*  
11 *marijuana establishment; and*

12 (b) *The independent contractor satisfies the requirements of*  
13 *NRS 453A.332.*

14 **Sec. 4.** NRS 453A.370 is hereby amended to read as follows:

15 453A.370 The Department shall adopt such regulations as it  
16 determines to be necessary or advisable to carry out the provisions  
17 of NRS 453A.320 to 453A.370, inclusive ~~§~~, *and section 3 of this*  
18 *act.* Such regulations are in addition to any requirements set forth in  
19 statute and must, without limitation:

20 1. Prescribe the form and any additional required content of  
21 registration and renewal applications submitted pursuant to NRS  
22 453A.322 and 453A.332.

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

25 (a) The manner of protecting against diversion and theft without  
26 imposing an undue burden on medical marijuana establishments or  
27 compromising the confidentiality of the holders of registry  
28 identification cards and letters of approval.

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

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

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

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

43 (f) Procedures pursuant to which a medical marijuana  
44 dispensary will be notified by the Department if a patient who holds  
45 a valid registry identification card or letter of approval has chosen



1 the dispensary as his or her designated medical marijuana  
2 dispensary, as described in NRS 453A.366.

3 (g) Minimum requirements for industrial hemp, as defined in  
4 NRS 557.160, which is used by a facility for the production of  
5 edible marijuana products or marijuana-infused products to  
6 manufacture edible marijuana products or marijuana-infused  
7 products or dispensed by a medical marijuana dispensary.

8 3. Establish circumstances and procedures pursuant to which  
9 the maximum fees set forth in NRS 453A.344 may be reduced over  
10 time to ensure that the fees imposed pursuant to NRS 453A.344 are,  
11 insofar as may be practicable, revenue neutral.

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

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

21 6. In cooperation with the applicable professional licensing  
22 boards, establish a system to:

23 (a) Register and track attending providers of health care who  
24 advise their patients that the medical use of marijuana may mitigate  
25 the symptoms or effects of the patient's medical condition;

26 (b) Insofar as is possible, track and quantify the number of times  
27 an attending provider of health care described in paragraph (a)  
28 makes such an advisement; and

29 (c) Provide for the progressive discipline of attending providers  
30 of health care who advise the medical use of marijuana at a rate at  
31 which the Department, in consultation with the Division, and  
32 applicable board determine and agree to be unreasonably high.

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

39 8. Provide for the maintenance of a log by the Department, in  
40 consultation with the Division, of each person who is authorized to  
41 cultivate, grow or produce marijuana pursuant to subsection 6 of  
42 NRS 453A.200. The Department shall ensure that the contents of  
43 the log are available for verification by law enforcement personnel  
44 24 hours a day.



9. Determine whether any provision of NRS 453A.350 or 453A.352 would make the operation of a medical marijuana establishment or marijuana establishment, as defined in NRS 453D.030, by a dual licensee, as defined in NRS 453D.030, unreasonably impracticable, as defined in NRS 453D.030.

10. Address such other matters as may assist in implementing the program of dispensation contemplated by NRS 453A.320 to 453A.370, inclusive ~~H~~, and section 3 of this act.

Sec. 5. (Deleted by amendment.)

Sec. 6. (Deleted by amendment.)

Sec. 7. Chapter 453D of NRS is hereby amended by adding thereto a new section to read as follows:

*An independent contractor, including, without limitation, an educational institution, nonprofit organization or labor organization, may enter into a contract with a marijuana establishment to provide training to the agents of a marijuana establishment who volunteer or work at, contract to provide labor to or are employed by an independent contractor to provide labor to the marijuana establishment if:*

*1. The independent contractor submits to the Department an organized, written plan describing the manner in which the independent contractor will conduct the training which has been agreed to by the independent contractor and the marijuana establishment; and*

*2. The independent contractor satisfies any other requirements prescribed by the Department.*

Sec. 8. (Deleted by amendment.)

Sec. 9. (Deleted by amendment.)

Sec. 10. (Deleted by amendment.)

Sec. 11. (Deleted by amendment.)

Sec. 12. (Deleted by amendment.)

Sec. 13. (Deleted by amendment.)

Sec. 14. (Deleted by amendment.)

Sec. 15. (Deleted by amendment.)

Sec. 16. (Deleted by amendment.)

Sec. 17. (Deleted by amendment.)

Sec. 18. (Deleted by amendment.)

Sec. 19. (Deleted by amendment.)

Sec. 20. ~~{1-}~~ This ~~{section and sections 8 to 17, inclusive, and section 19 of this}~~ act ~~{become}~~ becomes effective ~~{:~~

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



- 1 ~~— (b) On October 1, 2019, for all other purposes.~~  
2 ~~— 2. Sections 1 to 7, inclusive, and section 18 of this act become~~  
3 ~~effective]~~ on January 2, 2020.

