

**ADOPTED REGULATION OF THE
STATE DEPARTMENT OF AGRICULTURE**

LCB File No. R089-15

Effective January 27, 2017

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

AUTHORITY: §1, NRS 561.153, 586.237 and subsections 6 and 7 of section 27 of Senate Bill No. 447, chapter 506, Statutes of Nevada 2015, at page 3104 (NRS 586.550).

A REGULATION relating to the medical use of marijuana; establishing procedures for the development of a list of pesticides allowed to be used on medical marijuana; and providing other matters properly relating thereto.

Legislative Counsel's Digest:

Existing law authorizes a medical marijuana establishment to use a pesticide in the cultivation and production of marijuana if the pesticide meets certain requirements and requires the State Department of Agriculture to establish and publish a list of pesticides allowed to be used on medical marijuana. (Subsections 6 and 7 of section 27 of Senate Bill No. 447, chapter 506, Statutes of Nevada 2015, at page 3104 (NRS 586.550)) This regulation establishes procedures for the development of such a list.

Section 1. Chapter 586 of NAC is hereby amended by adding thereto a new section to read as follows:

1. A pesticide manufacturer or medical marijuana establishment, or a representative thereof, may submit to the Department, on a form prescribed by the Department, a request for the Department to evaluate a pesticide for inclusion on the list of pesticides allowed to be used on medical marijuana described by subsection 7 of section 27 of Senate Bill No. 447, chapter 506, Statutes of Nevada 2015, at page 3104 (NRS 586.550) and, if the Department determines that the pesticide satisfies the requirements of this section and subsection 6 of section 27 of

Senate Bill No. 447, chapter 506, Statutes of Nevada 2015, at page 3104 (NRS 586.550), to include the pesticide on the list.

2. The Department will evaluate the active ingredients in a pesticide for inclusion on a list of pesticides allowed to be used on medical marijuana pursuant to subsections 6 and 7 of section 27 of Senate Bill No. 447, chapter 506, Statutes of Nevada 2015, at page 3104 (NRS 586.550), if the evaluation is recommended or requested, as appropriate, by:

(a) The staff of the Department;

(b) The Independent Laboratory Advisory Committee established pursuant to NAC 453A.666;

(c) A pesticide manufacturer; or

(d) A medical marijuana establishment or a representative thereof.

3. The Department will include a pesticide on a list of pesticides allowed to be used on medical marijuana pursuant to subsections 6 and 7 of section 27 of Senate Bill No. 447, chapter 506, Statutes of Nevada 2015, at page 3104 (NRS 586.550), if:

(a) The active ingredients in the pesticide satisfy the requirements of paragraph (a) of subsection 6 of section 27 of Senate Bill No. 447, chapter 506, Statutes of Nevada 2015, at page 3104 (NRS 586.550);

(b) The active ingredients in the pesticide are registered for use in this State;

(c) The pesticide is appropriately labeled for the intended use of the pesticide and satisfies the requirements of paragraphs (b) and (c) of subsection 6 of section 27 of Senate Bill No. 447, chapter 506, Statutes of Nevada 2015, at page 3104 (NRS 586.550);

(d) The pesticide satisfies the requirements of chapter 586 of NRS; and

(e) The label on the pesticide has been approved by the Environmental Protection Agency.

4. The Department will charge the following fees:

(a) For evaluating a pesticide requested to be added to the list of pesticides allowed to be used on medical marijuana pursuant to subsections 6 and 7 of section 27 of Senate Bill No. 447, chapter 506, Statutes of Nevada 2015, at page 3104 (NRS 586.550), \$75 per hour.

(b) For verifying that a pesticide is appropriately labeled for use in a medical marijuana establishment registered pursuant to chapter 453A of NRS, \$75 per hour.

(c) For participating in an application for registration of a pesticide to meet a special local need pursuant to 7 U.S.C. § 136v(c), \$300.

5. As used in this section, “medical marijuana establishment” has the meaning ascribed to it in NRS 453A.116.

LEGISLATIVE REVIEW OF ADOPTED REGULATIONS--NRS 233B.066
Informational Statement
LCB File No. R089-15

1. A clear and concise explanation of the need for the adopted regulation.

The regulation establishes a fee to cover the cost of pesticide evaluation for inclusion on list of pesticides that are not legally prohibited for use on medical marijuana pursuant to the requirements of Senate Bill 447 of 2015.

2. Description of how public comment was solicited, a summary of public response, and an explanation of how other interested persons may obtain a copy of the summary.

Copies of the proposed regulations, notices of workshop and notices of intent to act upon the regulation were sent by U.S. mail and email to persons who were known to have an interest in the subject of pesticide use on medical marijuana, as well as any persons who had specifically requested such notice. These documents were also made available at the website of the Nevada Department of Agriculture (NDA) www.agri.nv.gov, mailed to all county libraries in Nevada and posted at the following locations:

Nevada Department of Agriculture
405 South 21st Street
Sparks, NV 89431-5566

Nevada Department of Agriculture
2150 Frazer Avenue
Sparks, NV 89431

Nevada Department of Agriculture
2300 E. St Louis Avenue
Las Vegas, NV 89104-4314

Nevada Department of Agriculture
4780 E. Idaho Street
Elko, NV 89801-4672

Interested persons may obtain a copy of the summary by contacting:

Nevada Department of Agriculture
Attn: Ruth Tietjen
(775) 353-3670
405 South 21st Street
Sparks, NV 89431

3. The number of persons who:

- (a) Attended each hearing:**
- (b) Testified at each hearing:**
- (c) Submitted written comments:**

Workshop date: September 9, 2016
Number in attendance: 32
Number testifying: 0
Written statements submitted: 0

Hearing date: October 17, 2016
Number in attendance: 0
Number testifying: 0
Written statements submitted: 0

4. **For each person identified in paragraphs (b) and (c) of number 3 above, the following information if provided to the agency conducting the hearing:**
- (a) **Name; None**
 - (b) **Telephone number;**
 - (c) **Business address;**
 - (d) **Business telephone number;**
 - (e) **Electronic mail address; and**
 - (f) **Name of entity or organization represented.**

5. **A description of how comment was solicited from affected businesses, a summary of their response and an explanation of how other interested persons may obtain a copy of the summary.**

All interested parties that we were aware of were notified of the regulation and invited to submit comments or suggestions regarding the proposed regulation. No comments were submitted.

6. **If the regulation was adopted without changing any part of the proposed regulation, a summary of the reasons for adopting the regulation without change.**

No changes were requested.

7. **The estimated economic effect of the regulation on the business which it is to regulate and on the public.**

- (a) **Estimated economic effect on the businesses which they are to regulate.**

It is a positive impact, use of the procedure could add to the list of the pesticides not prohibited from use on medical marijuana.

- (b) **Estimated economic effect on the public which they are to regulate.**

None.

8. **The estimated cost to the agency for enforcement of the proposed regulation:**

No cost.

- 9. A description of any regulations of other State or governmental agencies which the regulation overlaps or duplicates and a statement explaining why the duplication or overlap is necessary. If the regulation overlaps or duplicates a federal regulation, the name of the regulating federal agency.**

This is no duplication of any regulations.

- 10. If the regulation includes provisions that are more stringent than a federal regulation that regulates the same activity, a summary of such provisions.**

This regulation is establish a fee to evaluate pesticides that are not addressed at the federal level.

- 11. If the regulation provides a new fee or increases an existing fee, the total annual amount the agency expects to collect and the manner in which the money will be used.**

We anticipate that we will receive no more than twenty products to be evaluated at \$75/hr. We estimate evaluation time to be two hours per product and the income would be \$3,000. We also anticipate that we could participate in four special local needs applications at \$300 each, for a total of \$1,200. The total revenue anticipated is \$4,200 which will be used to offset the cost for providing the service.