PROPOSED REGULATION OF THE

STATE DEPARTMENT OF AGRICULTURE

LCB File No. R089-15

April 3, 2016

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

AUTHORITY: §1, NRS 561.153, 586.401 and subsections 6 and 7 of section 27 of Senate Bill No. 447, chapter 506, Statutes of Nevada 2015, at page 3104.

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) 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 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, 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, 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, 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;

    (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;

    (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, $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.