

SUMMARY—Makes various changes relating to medical marijuana. (BDR 40-657)

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

Effect on the State: Yes.

AN ACT relating to marijuana; requiring the Division of Public and Behavioral Health of the Department of Health and Human Services to select a provider of education and training by certified instructors for medical marijuana establishment agents; exempting the medical use of marijuana for animals from state prosecution in certain circumstances; requiring a cultivation facility to sell a certain amount of harvested marijuana within a certain time; prohibiting the governing body of a political subdivision from restricting the ability of a medical marijuana dispensary to obtain marijuana from any cultivation facility in this State; revising various provisions relating to registry identification cards; requiring the Division to issue medical marijuana establishment registration certificates based on population; revising various provisions relating to medical marijuana establishments and medical marijuana establishment agents; providing that certain records created by the Division relating to marijuana are not confidential; prohibiting retaliation or discrimination by an employer against certain employees for the use of certain marijuana products; revising provisions relating to driving a vehicle or operating watercraft under the influence of a prohibited substance



to eliminate the use of the presence of a certain level of marijuana or marijuana metabolite; and providing other matters properly relating thereto.

Legislative Counsel's Digest:

Under existing law, the State of Nevada provides immunity from state and local prosecution for possessing, delivering and producing marijuana in certain limited amounts for patients with qualifying medical conditions, and their designated primary caregivers, who apply to and receive from the Division of Public and Behavioral Health of the Department of Health and Human Services a registry identification card. (NRS 453A.200-453A.310) Existing law also provides for the cultivation, production and dispensing of marijuana for holders of a registry identification card by medical marijuana establishments. (NRS 453A.320-453A.370)

Sections 3-12 and 34 of this bill require the completion of education and training by medical marijuana establishment agents as a condition for the renewal of a medical marijuana establishment agent registration card. **Section 7** of this bill provides for the selection of a provider of education and training by the Division. **Section 8** of this bill provides for the certification of instructors to provide such education and training. **Sections 9 and 10** of this bill provide the requirements for a course of instruction for such education and training. **Section 11** of this bill allows such education and training to be delivered online but requires the completion of a final examination at the provider's facility to obtain a certificate of completion. **Section 12** of this bill establishes the fee that a provider may charge for a course of instruction and requires the provider to pay a fee to the Division for each certificate of completion the provider issues.



Sections 13-18, 25 and 30 of this bill provide for the medical use of marijuana for animals. **Sections 13-17** provide for the issuance, renewal and revocation of registry identification cards for animals. **Section 18** requires the Division to adopt certain regulations relating to the medical use of marijuana for animals. **Sections 25 and 30** provide for immunity from state and local prosecution for holders of registry identification cards for animals on a similar basis as holders of registry identification cards.

Sections 26 and 28 of this bill eliminate the prohibition against a person who has been convicted of knowingly or intentionally selling a controlled substance from obtaining a registry identification card or being the designated primary caregiver of such a person.

Under existing law, medical marijuana establishment registration certificates are allocated primarily upon the basis of the population of the county where such an establishment will be situated. (NRS 453A.324) **Section 32** of this bill requires the Division to: (1) for medical marijuana dispensaries, issue a quantity of at least one medical marijuana establishment registration certificate for each 20,000 people in this State and apportion the certificates between the counties on the basis of each county's population; and (2) issue medical marijuana registration certificates, in addition to the number determined necessary to serve and supply medical marijuana dispensaries, to medical marijuana establishments which are operated for the purpose of researching the medical use of marijuana and operated by a physician.

Section 35 of this bill: (1) prohibits the transfer of more than 49 percent of a person's ownership interest in a medical marijuana establishment who is issued a medical marijuana establishment registration certificate for 3 years after the date of issuance; and (2) allows the



transfer of the entire ownership interest and the medical marijuana establishment registration certificate on or after 3 years following such issuance.

Sections 1 and 36 of this bill exempt facilities for the production of edible marijuana products or marijuana-infused products from the laws of this State governing food establishments. **Sections 39-41** of this bill provide legal protections for veterinarians and other professional licensees who discuss or recommend the medical use of marijuana to relieve the chronic pain or suffering of an animal, or acquire marijuana for their own animal.

Section 42 of this bill provides that the contents of applications, records or other written documentation created by the Division or its designee pursuant to chapter 453A of NRS are not confidential and may be disclosed.

Section 44 of this bill creates a rebuttable presumption that the medical use of marijuana which does not contain THC does not pose a threat of harm or danger, impose an undue hardship on an employer or prohibit an employee from fulfilling his or her job responsibilities and is entitled to reasonable accommodation. **Section 44** prohibits retaliation or discrimination against an employee who requests a reasonable accommodation on the basis of this rebuttable presumption.

Sections 47, 48 and 51 of this bill eliminate the provisions that make it unlawful for a person to drive or be in actual physical control of a vehicle or vessel if certain amounts of marijuana or marijuana metabolite are present in the person's blood or urine. **Sections 49 and 50** of this bill revise the provisions requiring the revocation of a license, permit or privilege to drive for a person who has a detectable amount of a prohibited substance in his or her blood or urine to



exclude the consideration of marijuana. **Sections 30 and 46** of this bill clarify that the presence of marijuana or marijuana metabolite in the body, blood, breath or urine of a person would be prohibited only if such substances actually impaired a person.

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

Section 1. NRS 446.020 is hereby amended to read as follows:

446.020 1. Except as otherwise limited by subsection 2, “food establishment” means any place, structure, premises, vehicle or vessel, or any part thereof, in which any food intended for ultimate human consumption is manufactured or prepared by any manner or means whatever, or in which any food is sold, offered or displayed for sale or served.

2. The term does not include:

- (a) Private homes, unless the food prepared or manufactured in the home is sold, or offered or displayed for sale or for compensation or contractual consideration of any kind;
- (b) Fraternal or social clubhouses at which attendance is limited to members of the club;
- (c) Vehicles operated by common carriers engaged in interstate commerce;
- (d) Any establishment in which religious, charitable and other nonprofit organizations sell food occasionally to raise money or in which charitable organizations receive salvaged food in



bulk quantities for free distribution, unless the establishment is open on a regular basis to sell food to members of the general public;

(e) Any establishment where animals are slaughtered which is regulated and inspected by the State Department of Agriculture;

(f) Dairy farms and plants which process milk and products of milk or frozen desserts which are regulated under chapter 584 of NRS;

(g) The premises of a wholesale dealer of alcoholic beverages licensed under chapter 369 of NRS who handles only alcoholic beverages which are in sealed containers;

(h) A cottage food operation that meets the requirements of NRS 446.866 with respect to food items as defined in that section; ~~or~~

(i) *A facility for the production of edible marijuana products or marijuana-infused products which is regulated under chapter 453A of NRS; or*

(j) A farm for purposes of holding a farm-to-fork event.

Sec. 2. Chapter 453A of NRS is hereby amended by adding thereto the provisions set forth as sections 3 to 21, inclusive, of this act.

Sec. 3. 1. *The Legislature hereby finds that:*

(a) When properly administered and used, marijuana can benefit the health and well-being of medically vulnerable persons who suffer from certain medical conditions or from the effects of medical treatment for certain medical conditions.



(b) The medical use of marijuana is a right enshrined in the Nevada Constitution and supported by a substantial majority of the people of this State when provided for under conditions that ensure the proper administration and medical use of marijuana.

(c) This State has created by law and regulation a detailed system to establish and govern a network for the supply and distribution of marijuana in which marijuana can be verified, tested and made available to qualified patients and their designated primary caregivers in a safe and secure environment similar to a pharmacy or medical office.

(d) The medical marijuana establishment agents who handle, test and provide marijuana, edible marijuana products or marijuana-infused products pursuant to this system are required to undergo a background check before receiving a medical marijuana establishment agent registration card.

(e) Medical marijuana establishment agents are not currently required to receive education or training before registration and no standards currently exist for the evaluation of the qualifications of providers of education who claim to possess expertise in the instruction of medical marijuana establishment agents in the handling of marijuana.

(f) The improper administration and use of marijuana by patients and their designated primary caregivers that may result from untrained or unqualified medical marijuana establishment agents poses substantial risks to the public health and safety and threatens public confidence in the system to establish and govern a network for the medical use of marijuana in this State.



2. The Legislature hereby declares that the risks presented by untrained or unqualified medical marijuana establishment agents require the establishment of an education, training and certification program that applies consistent standards statewide and which is conducted by a single entity that is determined by the Division to have the capacity, resources and experience to perform such a program throughout this State.

Sec. 4. "Instructor" means a person certified by the Division pursuant to section 8 of this act to provide education and training for medical marijuana establishment agents.

Sec. 5. "Provider" means the applicant selected by the Division to provide education and training for all medical marijuana establishment agents in this State pursuant to section 7 of this act.

Sec. 6. "Registry identification card for animals" means a document issued by the Division or its designee that identifies a person who is exempt from state prosecution for acquiring, possessing or administering marijuana for his or her animal to engage in the medical use of marijuana.

Sec. 7. 1. The Division shall, by regulation, establish criteria for the selection of a provider of education and training for medical marijuana establishment agents and a process for evaluating applicants according to such criteria.

2. The Division shall solicit applications for the provision of education and training for medical marijuana establishment agents. After reviewing all applications received pursuant to the process and criteria adopted by regulation pursuant to subsection 1, the Division shall



select the most suitable applicant to provide education and training for all medical marijuana establishment agents in this State.

Sec. 8. 1. *The provider shall not allow a person to provide education and training for medical marijuana establishment agents unless the person has been certified by the Division as an instructor.*

2. The Division shall, by regulation, provide for the certification of instructors. The regulations adopted pursuant to this subsection must set forth:

(a) The qualifications necessary for the issuance of a certificate as an instructor, including, without limitation, the topic areas in which a person must establish proficiency and the education and experience required for such certification.

(b) Any continuing education necessary for the renewal of a certificate as an instructor issued pursuant to this section.

(c) The grounds for initiating disciplinary action against a person who holds a certificate, including, without limitation, the grounds for placing conditions, limitations or restrictions on a certificate and for the suspension or revocation of a certificate.

3. An instructor may not be required to obtain a medical marijuana establishment agent registration card as a condition for such certification.

4. An instructor shall not provide instruction which involves the actual handling or transportation of marijuana.

5. In addition to any other requirements set forth in this chapter and regulations adopted pursuant thereto, an applicant for issuance or renewal of a certificate as an instructor shall:



(a) Include the social security number of the applicant in the application submitted to the Division.

(b) Submit to the Division the statement prescribed by the Division of Welfare and Supportive Services of the Department of Health and Human Services pursuant to NRS 425.520. The statement must be completed and signed by the applicant.

6. The Division shall include the statement required pursuant to subsection 5 in:

(a) The application or any other forms that must be submitted for the issuance or renewal of the certificate of the instructor; or

(b) A separate form prescribed by the Division.

7. A certificate as an instructor may not be issued or renewed by the Division if the applicant:

(a) Fails to submit the statement required pursuant to subsection 5; or

(b) Indicates on the statement submitted pursuant to subsection 5 that the applicant is subject to a court order for the support of a child and is not in compliance with the order or a plan approved by the district attorney or other public agency enforcing the order for the repayment of the amount owed pursuant to the order.

8. If an applicant indicates on the statement submitted pursuant to subsection 5 that the applicant is subject to a court order for the support of a child and is not in compliance with the order or a plan approved by the district attorney or other public agency enforcing the order for the repayment of the amount owed pursuant to the order, the Division shall advise the



applicant to contact the district attorney or other public agency enforcing the order to determine the actions that the applicant may take to satisfy the arrearage.

9. If the Division receives a copy of a court order issued pursuant to NRS 425.540 that provides for the suspension of all professional, occupational and recreational licenses, certificates and permits issued to a person who is the holder of a certificate as an instructor, the Division shall deem the certificate issued to that person to be suspended at the end of the 30th day after the date on which the court order was issued unless the Division receives a letter issued to the holder of the certificate, by the district attorney or other public agency pursuant to NRS 425.550, stating that the holder of the certificate has complied with the subpoena or warrant or has satisfied the arrearage pursuant to NRS 425.560.

10. The Division shall reinstate the certificate of an instructor which has been suspended by a district court pursuant to NRS 425.540 if the Division receives a letter issued by the district attorney or other public agency pursuant to NRS 425.550 to the person whose certificate was suspended stating that the person whose certificate was suspended has complied with the subpoena or warrant or has satisfied the arrearage pursuant to NRS 425.560.

Sec. 9. The course of instruction for the education and training for a medical marijuana establishment agent, other than a medical marijuana establishment agent who is employed by or volunteers at an independent testing laboratory, must include, without limitation:



1. The information necessary to fully inform and counsel a patient or designated primary caregiver on the proper dosage of edible marijuana products and marijuana-infused products or the administration of any other form of usable marijuana.

2. The information necessary to fully inform and counsel a patient or designated primary caregiver about the potential side effects of marijuana and the adverse interactions marijuana may have with other medications used by the patient.

3. The information necessary to fully inform and counsel a patient or designated primary caregiver about the most appropriate strain of marijuana for the patient based on the information provided by the patient or designated primary caregiver and any other information known to the medical marijuana establishment agent.

4. The information necessary to fully and properly develop a history for a patient and to track the medical use of marijuana by the patient.

5. The information necessary to fully inform and counsel a patient or designated primary caregiver about the most appropriate method for consuming marijuana based on the information provided by the patient or designated primary caregiver and any other information known to the medical marijuana establishment agent, including, without limitation, that consuming marijuana in a public place is prohibited by law.

6. The information necessary to detect signs of the misuse of marijuana by the patient or designated primary caregiver or the diversion of marijuana.



7. *The proper handling and storage of marijuana, including, without limitation, information about the packing of marijuana and signs that marijuana has been mishandled or improperly stored.*

8. *The proper labeling of marijuana, including, without limitation, information necessary to determine errors in the labeling of marijuana.*

9. *The warnings and educational materials that a medical marijuana establishment is required to provide to a patient or designated primary caregiver when dispensing marijuana.*

10. *The information necessary to verify a registry identification card and to detect a falsified registry identification card.*

11. *The states that allow the medical use of marijuana which have reciprocity with this State and the requirements to lawfully dispense marijuana to a resident of such a state.*

12. *Basic sanitary standards, including, without limitation, handwashing, food handling and the use of toilet facilities.*

13. *The proper methods for segregating and storing marijuana for testing purposes and for withholding marijuana from being dispensed until the marijuana has passed all required testing.*

14. *The requirements relating to inventory and chain of custody for tracking the production and distribution of marijuana.*

15. *The requirements for the disposal of marijuana which failed the required testing and will not be converted into another usable form.*



16. *The minimum requirements for security for each type of medical marijuana establishment.*

17. *The types of advertising and marketing which are allowed or prohibited.*

18. *The requirements to obtain or renew a medical marijuana establishment agent registration card pursuant to this chapter and any regulations adopted pursuant thereto.*

19. *The definitions of the terms “usable marijuana,” “edible marijuana products” and “marijuana-infused products” and the distinctions between those definitions.*

20. *The types of marijuana, edible marijuana products and marijuana-infused products that cause impairment and the types of marijuana, edible marijuana products and marijuana-infused products that do not cause impairment.*

21. *The information necessary to detect that a person is impaired by marijuana.*

22. *The information necessary to handle a disturbance created by a patient or designated primary caregiver.*

23. *The information necessary to handle a breach of security.*

24. *The actions that a medical marijuana establishment agent should take if he or she suspects or determines that diversion of marijuana has occurred.*

25. *The information necessary to comply with all local ordinances and rules which apply to the medical marijuana establishment at which the medical marijuana establishment agent is employed or volunteers.*



Sec. 10. *The course of instruction for the education and training for a medical marijuana establishment agent who is employed by or volunteers at an independent testing laboratory must include, without limitation:*

1. The specific requirements for the testing of usable marijuana, edible marijuana products and marijuana-infused products.

2. The proper methods for withholding marijuana from being dispensed until the marijuana has passed all required testing and for identifying marijuana which has failed any aspect of required testing.

3. The minimum requirements for security for an independent testing laboratory.

4. The requirements to obtain or renew a medical marijuana establishment agent registration card pursuant to this chapter and any regulations adopted pursuant thereto.

5. The requirements relating to inventory and chain of custody for tracking marijuana which is being tested.

6. The information necessary to detect whether marijuana is being diverted and the actions that a medical marijuana establishment agent should take if he or she suspects or determines that diversion of marijuana has occurred.

7. The information necessary to handle a breach of security.

8. Information relating to good laboratory practices and standard operating procedures for independent testing laboratories.



9. *The information necessary to comply with all local ordinances and rules which apply to the independent testing laboratory at which the medical marijuana establishment agent is employed or volunteers.*

Sec. 11. 1. *The provider may provide education and training for medical marijuana establishment agents online or at the facility of the provider.*

2. *The provider shall not issue a certificate of completion to a medical marijuana establishment agent unless the medical marijuana establishment agent completes a proctored final examination on the contents of the course of instruction taken by the medical marijuana establishment agent at the facility of the provider. Upon successful completion of the final examination, the provider shall issue a certificate of completion to the medical marijuana establishment agent.*

Sec. 12. 1. *Except as otherwise provided in this subsection, the provider may charge a fee of not more than \$250 to offer a course of instruction for a medical marijuana establishment agent. The Division may, by regulation and upon the request of the provider, change the fee that may be charged by the provider.*

2. *The medical marijuana establishment that retains as a volunteer or employs a medical marijuana establishment agent shall:*

(a) *Pay the fee assessed pursuant to subsection 1 directly to the provider; or*

(b) *Reimburse the medical marijuana establishment agent for the payment of the fee assessed pursuant to subsection 1.*



3. *The Division shall collect from the provider a fee of \$25 for each certificate of completion issued by the provider.*

Sec. 13. *1. The Division shall establish and maintain a program for the issuance of registry identification cards for animals to persons who meet the requirements of this section.*

2. Except as otherwise provided in subsection 4 and NRS 453A.225, the Division or its designee shall issue a registry identification card for animals to a person who is a resident of this State and who submits an application on a form prescribed by the Division accompanied by the following:

(a) Valid, written documentation from the veterinarian who regularly provides care to the animal stating that:

(1) The animal has been diagnosed with a chronic or debilitating medical condition;

(2) The medical use of marijuana may mitigate the symptoms or effects of that condition; and

(3) The veterinarian has explained the possible risks and benefits of the medical use of marijuana for animals;

(b) The name, address, telephone number, social security number and date of birth of the person;

(c) An affidavit signed by the person attesting that he or she is the owner of the animal;

(d) Proof satisfactory to the Division that the person is a resident of this State; and

(e) The name, address and telephone number of the veterinarian who regularly provides care to the animal.



3. Upon receipt of an application that is completed and submitted pursuant to this section, the Division shall:

- (a) Record on the application the date on which it was received;*
- (b) Retain one copy of the application for the records of the Division; and*
- (c) Distribute a copy of the application to:*
 - (1) The person who submitted the application;*
 - (2) The Central Repository for Nevada Records of Criminal History; and*
 - (3) The Nevada State Board of Veterinary Medical Examiners.*

↪ The Central Repository for Nevada Records of Criminal History shall report to the Division its findings as to the criminal history, if any, of a person filing an application within 15 days after receiving a copy of an application pursuant to subparagraph (2) of paragraph (c). The Nevada State Board of Veterinary Medical Examiners shall report to the Division its findings as to the licensure and standing of the veterinarian who regularly provides care to the animal identified in the application within 15 days after receiving a copy of an application pursuant to subparagraph (3) of paragraph (c).

4. The Division shall verify the information contained in an application submitted pursuant to this section and shall approve or deny an application within 30 days after receiving the application. The Division may contact an applicant and the veterinarian who regularly provides care to the applicant's animal by telephone to determine that the information provided on or accompanying the application is accurate. The Division may deny an application only on the following grounds:



(a) The applicant failed to provide the information required pursuant to subsection 2 to:

(1) Establish the chronic or debilitating medical condition of the applicant's animal; or

(2) Document the applicant's consultation with the veterinarian who regularly provides care to the applicant's animal regarding the medical use of marijuana in connection with that condition;

(b) The applicant failed to comply with regulations adopted by the Division, including, without limitation, the regulations adopted pursuant to NRS 453A.740 or section 18 of this act;

(c) The Division determines that the information provided by the applicant was falsified;

(d) The Division determines that the veterinarian who regularly provides care to the applicant's animal is not licensed to practice veterinary medicine in this State or is not in good standing, as reported by the Nevada State Board of Veterinary Medical Examiners;

(e) The Division has prohibited the applicant from obtaining or using a registry identification card or a registry identification card for animals pursuant to subsection 2 of NRS 453A.300; or

(f) The Division determines that the applicant has had a registry identification card or registry identification card for animals revoked pursuant to NRS 453A.225 or section 15 of this act.

5. The decision of the Division to deny an application for a registry identification card for animals is a final decision for the purposes of judicial review. Only the person whose application has been denied has standing to contest the determination of the Division. A



judicial review authorized pursuant to this subsection must be limited to a determination of whether the denial was arbitrary, capricious or otherwise characterized by an abuse of discretion and must be conducted in accordance with the procedures set forth in chapter 233B of NRS for reviewing a final decision of an agency.

6. A person whose application has been denied may not reapply for 6 months after the date of the denial, unless the Division or a court of competent jurisdiction authorizes reapplication in a shorter time.

7. Except as otherwise provided in this subsection, if a person has applied for a registry identification card for animals pursuant to this section and the Division has not yet approved or denied the application, the person shall be deemed to hold a registry identification card for animals upon the presentation to a law enforcement officer of the copy of the application provided to him or her pursuant to subsection 3.

8. As used in this section, "resident" has the meaning ascribed to it in NRS 483.141.

Sec. 14. 1. *If the Division approves an application pursuant to subsection 4 of section 13 of this act, the Division or its designee shall, as soon as practicable after the Division approves the application, issue a serially numbered registry identification card for animals to the applicant.*

2. A registry identification card for animals issued pursuant to subsection 1 must set forth:

(a) The name, address, photograph and date of birth of the applicant;



(b) The date of issuance and date of expiration of the registry identification card for animals;

(c) The name and address of the applicant's animal; and

(d) Any other information prescribed by regulation of the Division.

3. Except as otherwise provided in subsection 2 of NRS 453A.300 and sections 15 and 16 of this act, a registry identification card for animals issued pursuant to this section is valid for a period of 1 year and may be renewed in accordance with regulations adopted by the Division.

Sec. 15. *1. If, at any time after the Division or its designee has issued a registry identification card for animals to a person pursuant to subsection 1 of section 14 of this act, the Division determines, on the basis of official documents or records or other credible evidence, that the person provided falsified information on his or her application to the Division or its designee, as described in paragraph (c) of subsection 4 of section 13 of this act, the Division shall immediately revoke the registry identification card for animals issued to that person.*

2. Upon the revocation of a registry identification card for animals pursuant to this section:

(a) The Division shall send, by certified mail, return receipt requested, notice to the person whose registry identification card for animals has been revoked, advising the person of the requirements of paragraph (b); and



(b) The person shall return his or her registry identification card for animals to the Division within 7 days after receiving the notice sent pursuant to paragraph (a).

3. The decision of the Division to revoke a registry identification card for animals pursuant to this section is a final decision for the purposes of judicial review.

4. A person whose registry identification card for animals has been revoked pursuant to this section may not reapply for a registry identification card pursuant to section 13 of this act for 12 months after the date of the revocation, unless the Division or a court of competent jurisdiction authorizes reapplication in a shorter time.

Sec. 16. *1. A person to whom the Division or its designee has issued a registry identification card for animals pursuant to subsection 1 of section 14 of this act shall, in accordance with regulations adopted by the Division:*

(a) Notify the Division of any change in the person's name, address, telephone number or veterinarian who regularly provides care to the person's animal; and

(b) Submit annually to the Division updated written documentation from the veterinarian who regularly provides care to the person's animal in which the veterinarian sets forth that:

(1) The animal continues to suffer from a chronic or debilitating medical condition;

(2) The medical use of marijuana may mitigate the symptoms or effects of that condition; and

(3) The veterinarian has explained to the person the possible risks and benefits of the medical use of marijuana for animals.



2. If a person fails to comply with the provisions of subsection 1, the registry identification card for animals issued to the person shall be deemed expired. Upon the deemed expiration of a registry identification card for animals pursuant to this subsection:

(a) The Division shall send, by certified mail, return receipt requested, notice to the person whose registry identification card for animals has been deemed expired, advising the person of the requirements of paragraph (b); and

(b) The person shall return his or her registry identification card for animals to the Division within 7 days after receiving the notice sent pursuant to paragraph (a).

Sec. 17. *If the animal owned by a person to whom the Division or its designee has issued a registry identification card for animals pursuant to subsection 1 of section 14 of this act is diagnosed by the veterinarian who regularly provides care for the animal as no longer having a chronic or debilitating medical condition, the person shall return his or her registry identification card for animals to the Division within 7 days after notification of the diagnosis.*

Sec. 18. *The Division shall adopt regulations relating to the medical use of marijuana for animals which must include, without limitation:*

1. Requirements for the formulation, manufacturing and labeling of edible marijuana products and marijuana-infused products for animals.

2. Procedures for determining the appropriate dosage of marijuana for an animal considering the species and weight of the animal.

3. The types of edible marijuana products and marijuana-infused products that may be dispensed for animals.



4. Procedures for the procurement by a veterinarian of edible marijuana products and marijuana-infused products from a medical marijuana dispensary.

5. A standard for the concentration of THC in any edible marijuana product or marijuana-infused product intended to be dispensed for animals which ensures that the edible marijuana product or marijuana-infused product contains does not contain a sufficient amount of THC to cause an effect.

Sec. 19. Each cultivation facility shall sell at least 85 percent of the usable marijuana it harvests. If a cultivation facility fails to sell 85 percent or more of the usable marijuana it harvests:

1. Within 1 year after the harvest of the usable marijuana, the Division shall impose an administrative fine of not more than the fair market value of the unsold usable marijuana.

2. Within 2 years after the harvest of the usable marijuana, the Division shall impose an administrative fine of not more than twice the fair market value of the unsold usable marijuana.

3. Within 3 years after the harvest of the usable marijuana, the Division shall revoke the medical marijuana establishment registration certificate of the cultivation facility.

Sec. 20. 1. The Division shall, by regulation, prescribe a process for tracking individual marijuana plants from the time of planting until the time of final sale to the holder of a valid registry identification card or registry identification card for animals.

2. On or before January 1, 2016, each medical marijuana establishment shall adopt the process prescribed by the Division pursuant to subsection 1.



Sec. 21. 1. *The governing body of a political subdivision of this State may not adopt any ordinance or regulation which restricts the ability of a medical marijuana dispensary to obtain marijuana and related supplies from any cultivation facility in this State which is registered pursuant to NRS 453A.322.*

2. *The provisions of subsection 1 supersede and preempt any ordinance or regulation adopted by the governing body of a political subdivision of this State governing the supply of marijuana and related supplies by a cultivation facility to a medical marijuana dispensary.*

Sec. 22. NRS 453A.010 is hereby amended to read as follows:

453A.010 As used in this chapter, unless the context otherwise requires, the words and terms defined in NRS 453A.020 to 453A.170, inclusive, *and sections 4, 5 and 6 of this act* have the meanings ascribed to them in those sections.

Sec. 23. NRS 453A.120 is hereby amended to read as follows:

453A.120 **1.** “Medical use of marijuana” means:

~~1-1~~ **(a)** The possession, delivery, production or use of marijuana;

~~1-2~~ **(b)** The possession, delivery or use of paraphernalia used to administer marijuana; or

~~1-3~~ **(c)** Any combination of the acts described in ~~{subsections 1 and 2,}~~ *paragraphs (a) and (b),*

↪ as necessary for the exclusive benefit of a person to mitigate the symptoms or effects of his or her chronic or debilitating medical condition.



2. The term includes the use of marijuana by animals in accordance with the provisions of sections 13 to 18, inclusive, of this act and any regulations adopted by the Division pursuant to section 18 of this act.

Sec. 24. NRS 453A.155 is hereby amended to read as follows:

453A.155 “THC” means delta-9-tetrahydrocannabinol, which is ~~the primary~~ *an* active ingredient in marijuana.

Sec. 25. NRS 453A.200 is hereby amended to read as follows:

453A.200 1. Except as otherwise provided in this section and NRS 453A.300, a person who holds a valid registry identification card *or registry identification card for animals* issued to the person pursuant to NRS 453A.220 or 453A.250 *or section 14 of this act* is exempt from state prosecution for:

- (a) Possession, delivery or production of marijuana;
- (b) Possession or delivery of paraphernalia;
- (c) Aiding and abetting another in the possession, delivery or production of marijuana;
- (d) Aiding and abetting another in the possession or delivery of paraphernalia;
- (e) Any combination of the acts described in paragraphs (a) to (d), inclusive; and
- (f) Any other criminal offense in which the possession, delivery or production of marijuana or the possession or delivery of paraphernalia is an element.

2. In addition to the provisions of subsections 1 and 5, no person may be subject to state prosecution for constructive possession, conspiracy or any other criminal offense solely for being



in the presence or vicinity of the medical use of marijuana in accordance with the provisions of this chapter.

3. The exemption from state prosecution set forth in subsection 1 applies only to the extent that a person who holds a registry identification card issued to the person pursuant to paragraph (a) of subsection 1 of NRS 453A.220 and the designated primary caregiver, if any, of such a person ~~†~~ *or a person who holds a registry identification card for animals pursuant to subsection 1 of section 14 of this act:*

(a) Engage in or assist in, as applicable, the medical use of marijuana in accordance with the provisions of this chapter as justified to mitigate the symptoms or effects of the person's *or an animal's, as appropriate,* chronic or debilitating medical condition; and

(b) Do not, at any one time, collectively possess, deliver or produce more than:

(1) *For a person who holds a registry identification card pursuant to paragraph (a) of subsection 1 of NRS 453A.220 and the designated primary caregiver, if any, of such a person:*

(I) Two and one-half ounces of usable marijuana in any one 14-day period;

~~†(2)†~~ *(II)* Twelve marijuana plants, irrespective of whether the marijuana plants are mature or immature; and

~~†(3)†~~ *(III)* A maximum allowable quantity of edible marijuana products and marijuana-infused products as established by regulation of the Division ~~†~~; *and*

(2) For a person who holds a registry identification card for animals pursuant to subsection 1 of section 14 of this act, a maximum allowable quantity of edible marijuana products and marijuana-infused products as established by regulation of the Division.



↪ The persons described in this subsection must ensure that the usable marijuana and marijuana plants described in this subsection are safeguarded in an enclosed, secure location.

4. If the persons described in subsection 3 possess, deliver or produce marijuana in an amount which exceeds the amount described in paragraph (b) of that subsection, those persons:

(a) Are not exempt from state prosecution for possession, delivery or production of marijuana.

(b) May establish an affirmative defense to charges of possession, delivery or production of marijuana, or any combination of those acts, in the manner set forth in NRS 453A.310.

5. A person who holds a valid medical marijuana establishment registration certificate issued to the person pursuant to NRS 453A.322 or a valid medical marijuana establishment agent registration card issued to the person pursuant to NRS 453A.332, and who confines his or her activities to those authorized by NRS 453A.320 to 453A.370, inclusive, and the regulations adopted by the Division pursuant thereto, *and a veterinarian who dispenses edible marijuana products or marijuana-infused products obtained from such a person to a person who holds a registry identification card for animals* is exempt from state prosecution for:

- (a) Possession, delivery or production of marijuana;
- (b) Possession or delivery of paraphernalia;
- (c) Aiding and abetting another in the possession, delivery or production of marijuana;
- (d) Aiding and abetting another in the possession or delivery of paraphernalia;
- (e) Any combination of the acts described in paragraphs (a) to (d), inclusive; and



(f) Any other criminal offense in which the possession, delivery or production of marijuana or the possession or delivery of paraphernalia is an element.

6. Notwithstanding any other provision of law and except as otherwise provided in this subsection, after a medical marijuana dispensary opens in the county of residence of a person who holds a registry identification card or his or her designated primary caregiver, if any, such persons are not authorized to cultivate, grow or produce marijuana. The provisions of this subsection do not apply if:

(a) The person who holds the registry identification card or his or her designated primary caregiver, if any, was cultivating, growing or producing marijuana in accordance with this chapter on or before July 1, 2013;

(b) All the medical marijuana dispensaries in the county of residence of the person who holds the registry identification card or his or her designated primary caregiver, if any, close or are unable to supply the quantity or strain of marijuana necessary for the medical use of the person to treat his or her specific medical condition;

(c) Because of illness or lack of transportation, the person who holds the registry identification card and his or her designated primary caregiver, if any, are unable reasonably to travel to a medical marijuana dispensary; or

(d) No medical marijuana dispensary was operating within 25 miles of the residence of the person who holds the registry identification card at the time the person first applied for his or her registry identification card.



7. As used in this section, “marijuana” includes, without limitation, edible marijuana products and marijuana-infused products.

Sec. 26. NRS 453A.210 is hereby amended to read as follows:

453A.210 1. The Division shall establish and maintain a program for the issuance of registry identification cards to persons who meet the requirements of this section.

2. Except as otherwise provided in subsections 3 and 5 and NRS 453A.225, the Division or its designee shall issue a registry identification card to a person who is a resident of this State and who submits an application on a form prescribed by the Division accompanied by the following:

(a) Valid, written documentation from the person’s attending physician stating that:

(1) The person has been diagnosed with a chronic or debilitating medical condition;

(2) The medical use of marijuana may mitigate the symptoms or effects of that condition;

and

(3) The attending physician has explained the possible risks and benefits of the medical use of marijuana;

(b) The name, address, telephone number, social security number and date of birth of the person;

(c) Proof satisfactory to the Division that the person is a resident of this State;

(d) The name, address and telephone number of the person’s attending physician; *and*

(e) If the person elects to designate a primary caregiver at the time of application:

(1) The name, address, telephone number and social security number of the designated primary caregiver; and



(2) A written, signed statement from the person's attending physician in which the attending physician approves of the designation of the primary caregiver. ~~f; and~~

~~(f) If the person elects to designate a medical marijuana dispensary at the time of application, the name of the medical marijuana dispensary.]~~

3. The Division or its designee shall issue a registry identification card to a person who is under 18 years of age if:

(a) The person submits the materials required pursuant to subsection 2; and

(b) The custodial parent or legal guardian with responsibility for health care decisions for the person under 18 years of age signs a written statement setting forth that:

(1) The attending physician of the person under 18 years of age has explained to that person and to the custodial parent or legal guardian with responsibility for health care decisions for the person under 18 years of age the possible risks and benefits of the medical use of marijuana;

(2) The custodial parent or legal guardian with responsibility for health care decisions for the person under 18 years of age consents to the use of marijuana by the person under 18 years of age for medical purposes;

(3) The custodial parent or legal guardian with responsibility for health care decisions for the person under 18 years of age agrees to serve as the designated primary caregiver for the person under 18 years of age; and



(4) The custodial parent or legal guardian with responsibility for health care decisions for the person under 18 years of age agrees to control the acquisition of marijuana and the dosage and frequency of use by the person under 18 years of age.

4. ~~{The form prescribed by the Division to be used by a person applying for a registry identification card pursuant to this section must be a form that is in quintuplicate.}~~ Upon receipt of an application that is completed and submitted pursuant to this section, the Division shall:

- (a) Record on the application the date on which it was received;
- (b) Retain one copy of the application for the records of the Division; and
- (c) Distribute ~~{the other four copies}~~ **a copy** of the application ~~{in the following manner:~~

~~— (1) One copy to the} to:~~

- (1) The** person who submitted the application;
- (2) ~~{One copy to the}~~ **The** applicant's designated primary caregiver, if any;
- (3) ~~{One copy to the}~~ **The** Central Repository for Nevada Records of Criminal History;

and

- (4) ~~{One copy to:~~

~~— (I)}~~ If the attending physician of the applicant is licensed to practice ~~{medicine}~~ :

(I) Medicine pursuant to the provisions of chapter 630 of NRS, the Board of Medical Examiners; or

(II) ~~{If the attending physician of the applicant is licensed to practice osteopathic}~~ *Osteopathic* medicine pursuant to the provisions of chapter 633 of NRS, the State Board of Osteopathic Medicine.



↪ The Central Repository for Nevada Records of Criminal History shall report to the Division its findings as to the criminal history, if any, of an applicant within 15 days after receiving a copy of an application pursuant to subparagraph (3) of paragraph (c). The Board of Medical Examiners or the State Board of Osteopathic Medicine, as applicable, shall report to the Division its findings as to the licensure and standing of the applicant's attending physician within 15 days after receiving a copy of an application pursuant to subparagraph (4) of paragraph (c).

5. The Division shall verify the information contained in an application submitted pursuant to this section and shall approve or deny an application within 30 days after receiving the application. The Division may contact an applicant, the applicant's attending physician and designated primary caregiver, if any, by telephone to determine that the information provided on or accompanying the application is accurate. The Division may deny an application only on the following grounds:

(a) The applicant failed to provide the information required pursuant to subsections 2 and 3 to:

(1) Establish the applicant's chronic or debilitating medical condition; or

(2) Document the applicant's consultation with an attending physician regarding the medical use of marijuana in connection with that condition;

(b) The applicant failed to comply with regulations adopted by the Division, including, without limitation, the regulations adopted by the Administrator pursuant to NRS 453A.740;

(c) The Division determines that the information provided by the applicant was falsified;



(d) The Division determines that the attending physician of the applicant is not licensed to practice medicine or osteopathic medicine in this State or is not in good standing, as reported by the Board of Medical Examiners or the State Board of Osteopathic Medicine, as applicable;

~~(e) The Division determines that the applicant, or the applicant's designated primary caregiver, if applicable, has been convicted of knowingly or intentionally selling a controlled substance;~~

~~(f)~~ The Division has prohibited the applicant from obtaining or using a registry identification card *or a registry identification card for animals* pursuant to subsection 2 of NRS 453A.300;

~~(g)~~ (f) The Division determines that the applicant, or the applicant's designated primary caregiver, if applicable, has had a registry identification card *or registry identification card for animals* revoked pursuant to NRS 453A.225 ~~(h)~~ or *section 15 of this act; or*

~~(h)~~ (g) In the case of a person under 18 years of age, the custodial parent or legal guardian with responsibility for health care decisions for the person has not signed the written statement required pursuant to paragraph (b) of subsection 3.

6. The decision of the Division to deny an application for a registry identification card is a final decision for the purposes of judicial review. Only the person whose application has been denied or, in the case of a person under 18 years of age whose application has been denied, the person's parent or legal guardian, has standing to contest the determination of the Division. A judicial review authorized pursuant to this subsection must be limited to a determination of whether the denial was arbitrary, capricious or otherwise characterized by an abuse of discretion



and must be conducted in accordance with the procedures set forth in chapter 233B of NRS for reviewing a final decision of an agency.

7. A person whose application has been denied may not reapply for 6 months after the date of the denial, unless the Division or a court of competent jurisdiction authorizes reapplication in a shorter time.

8. Except as otherwise provided in this subsection, if a person has applied for a registry identification card pursuant to this section and the Division has not yet approved or denied the application, the person, and the person's designated primary caregiver, if any, shall be deemed to hold a registry identification card upon the presentation to a law enforcement officer of the copy of the application provided to him or her pursuant to subsection 4.

9. As used in this section, "resident" has the meaning ascribed to it in NRS 483.141.

Sec. 27. NRS 453A.220 is hereby amended to read as follows:

453A.220 1. If the Division approves an application pursuant to subsection 5 of NRS 453A.210, the Division or its designee shall, as soon as practicable after the Division approves the application:

- (a) Issue a serially numbered registry identification card to the applicant; and
- (b) If the applicant has designated a primary caregiver, issue a serially numbered registry identification card to the designated primary caregiver.

2. A registry identification card issued pursuant to paragraph (a) of subsection 1 must set forth:

- (a) The name, address, photograph and date of birth of the applicant;



- (b) The date of issuance and date of expiration of the registry identification card;
- (c) The name and address of the applicant's designated primary caregiver, if any;
- (d) ~~{The name of the applicant's designated medical marijuana dispensary, if any;~~

~~—(e)}~~ Whether the applicant is authorized to cultivate, grow or produce marijuana pursuant to subsection 6 of NRS 453A.200; and

~~{(f)}~~ (e) Any other information prescribed by regulation of the Division.

3. A registry identification card issued pursuant to paragraph (b) of subsection 1 must set forth:

- (a) The name, address and photograph of the designated primary caregiver;
- (b) The date of issuance and date of expiration of the registry identification card;
- (c) The name and address of the applicant for whom the person is the designated primary caregiver;
- (d) ~~{The name of the designated primary caregiver's designated medical marijuana dispensary, if any;~~

~~—(e)}~~ Whether the designated primary caregiver is authorized to cultivate, grow or produce marijuana pursuant to subsection 6 of NRS 453A.200; and

~~{(f)}~~ (e) Any other information prescribed by regulation of the Division.

4. Except as otherwise provided in NRS 453A.225, subsection 3 of NRS 453A.230 and subsection 2 of NRS 453A.300, a registry identification card issued pursuant to this section is valid for a period of 1 year and may be renewed in accordance with regulations adopted by the Division.



Sec. 28. NRS 453A.225 is hereby amended to read as follows:

453A.225 1. If, at any time after the Division or its designee has issued a registry identification card to a person pursuant to paragraph (a) of subsection 1 of NRS 453A.220, the Division determines, on the basis of official documents or records or other credible evidence, that the person ~~†~~

~~—(a) Provided†~~ *provided* falsified information on his or her application to the Division or its designee, as described in paragraph (c) of subsection 5 of NRS 453A.210, ~~† or~~

~~—(b) Has been convicted of knowingly or intentionally selling a controlled substance, as described in paragraph (e) of subsection 5 of NRS 453A.210,~~

~~†~~ the Division shall immediately revoke the registry identification card issued to that person and shall immediately revoke the registry identification card issued to that person's designated primary caregiver, if any.

2. ~~† If, at any time after the Division or its designee has issued a registry identification card to a person pursuant to paragraph (b) of subsection 1 of NRS 453A.220 or pursuant to NRS 453A.250, the Division determines, on the basis of official documents or records or other credible evidence, that the person has been convicted of knowingly or intentionally selling a controlled substance, as described in paragraph (e) of subsection 5 of NRS 453A.210, the Division shall immediately revoke the registry identification card issued to that person.~~

~~—3.†~~ Upon the revocation of a registry identification card pursuant to this section:



(a) The Division shall send, by certified mail, return receipt requested, notice to the person whose registry identification card has been revoked, advising the person of the requirements of paragraph (b); and

(b) The person shall return his or her registry identification card to the Division within 7 days after receiving the notice sent pursuant to paragraph (a).

~~{4.}~~ 3. The decision of the Division to revoke a registry identification card pursuant to this section is a final decision for the purposes of judicial review.

~~{5.}~~ 4. A person whose registry identification card has been revoked pursuant to this section may not reapply for a registry identification card pursuant to NRS 453A.210 for 12 months after the date of the revocation, unless the Division or a court of competent jurisdiction authorizes reapplication in a shorter time.

Sec. 29. NRS 453A.230 is hereby amended to read as follows:

453A.230 1. A person to whom the Division or its designee has issued a registry identification card pursuant to paragraph (a) of subsection 1 of NRS 453A.220 shall, in accordance with regulations adopted by the Division:

(a) Notify the Division of any change in the person's name, address, telephone number, ~~{designated medical marijuana dispensary,}~~ attending physician or designated primary caregiver, if any; and

(b) Submit annually to the Division:

(1) Updated written documentation from the person's attending physician in which the attending physician sets forth that:



(I) The person continues to suffer from a chronic or debilitating medical condition;

(II) The medical use of marijuana may mitigate the symptoms or effects of that condition; and

(III) The attending physician has explained to the person the possible risks and benefits of the medical use of marijuana; and

(2) If the person elects to designate a primary caregiver for the subsequent year and the primary caregiver so designated was not the person's designated primary caregiver during the previous year:

(I) The name, address, telephone number and social security number of the designated primary caregiver; and

(II) A written, signed statement from the person's attending physician in which the attending physician approves of the designation of the primary caregiver.

2. A person to whom the Division or its designee has issued a registry identification card pursuant to paragraph (b) of subsection 1 of NRS 453A.220 or pursuant to NRS 453A.250 shall, in accordance with regulations adopted by the Division, notify the Division of any change in the person's name, address ~~+~~ or telephone number ~~+~~, ~~designated medical marijuana dispensary~~ or the identity of the person for whom he or she acts as designated primary caregiver.

3. If a person fails to comply with the provisions of subsection 1 or 2, the registry identification card issued to the person shall be deemed expired. If the registry identification card of a person to whom the Division or its designee issued the card pursuant to paragraph (a) of subsection 1 of NRS 453A.220 is deemed expired pursuant to this subsection, a registry



identification card issued to the person's designated primary caregiver, if any, shall also be deemed expired. Upon the deemed expiration of a registry identification card pursuant to this subsection:

(a) The Division shall send, by certified mail, return receipt requested, notice to the person whose registry identification card has been deemed expired, advising the person of the requirements of paragraph (b); and

(b) The person shall return his or her registry identification card to the Division within 7 days after receiving the notice sent pursuant to paragraph (a).

Sec. 30. NRS 453A.300 is hereby amended to read as follows:

453A.300 1. A person who holds a registry identification card *or registry identification card for animals* issued to him or her pursuant to NRS 453A.220 or 453A.250 *or section 14 of this act* is not exempt from state prosecution for, nor may the person establish an affirmative defense to charges arising from, any of the following acts:

(a) Driving, operating or being in actual physical control of a vehicle or a vessel under power or sail while under the influence of marijuana. *As used in this paragraph, "under the influence of marijuana" does not, in the absence of actual impairment, include the mere presence of marijuana or marijuana metabolite in the body, blood, breath or urine of a person.*

(b) Engaging in any other conduct prohibited by NRS 484C.110, 484C.120, 484C.130, 484C.430, subsection 2 of NRS 488.400, NRS 488.410, 488.420, 488.425 or 493.130.

(c) Possessing a firearm in violation of paragraph (b) of subsection 1 of NRS 202.257.



(d) Possessing marijuana in violation of NRS 453.336 or possessing paraphernalia in violation of NRS 453.560 or 453.566, if the possession of the marijuana or paraphernalia is discovered because the person engaged or assisted in the medical use of marijuana in:

- (1) Any public place or in any place open to the public or exposed to public view; or
- (2) Any local detention facility, county jail, state prison, reformatory or other correctional facility, including, without limitation, any facility for the detention of juvenile offenders.

(e) Delivering marijuana to another person who he or she knows does not lawfully hold a registry identification card *or registry identification card for animals* issued by the Division or its designee pursuant to NRS 453A.220 or 453A.250 ~~H~~ *or section 14 of this act.*

(f) Delivering marijuana for consideration to any person, regardless of whether the recipient lawfully holds a registry identification card *or registry identification card for animals* issued by the Division or its designee pursuant to NRS 453A.220 or 453A.250 ~~H~~ *or section 14 of this act.*

2. Except as otherwise provided in NRS 453A.225 *and section 15 of this act* and in addition to any other penalty provided by law, if the Division determines that a person has willfully violated a provision of this chapter or any regulation adopted by the Division to carry out the provisions of this chapter, the Division may, at its own discretion, prohibit the person from obtaining or using a registry identification card *or registry identification card for animals* for a period of up to 6 months.

Sec. 31. NRS 453A.310 is hereby amended to read as follows:

453A.310 1. Except as otherwise provided in this section and NRS 453A.300, it is an affirmative defense to a criminal charge of possession, delivery or production of marijuana, or



any other criminal offense in which possession, delivery or production of marijuana is an element, that the person charged with the offense:

(a) Is a person who:

(1) Has been diagnosed with a chronic or debilitating medical condition within the 12-month period preceding his or her arrest and has been advised by his or her attending physician that the medical use of marijuana may mitigate the symptoms or effects of that chronic or debilitating medical condition;

(2) Is engaged in the medical use of marijuana; and

(3) Possesses, delivers or produces marijuana only in the amount described in *subparagraph (1) of* paragraph (b) of subsection 3 of NRS 453A.200 or in excess of that amount if the person proves by a preponderance of the evidence that the greater amount is medically necessary as determined by the person's attending physician to mitigate the symptoms or effects of the person's chronic or debilitating medical condition; ~~or~~

(b) Is a person who:

(1) Is assisting a person described in paragraph (a) in the medical use of marijuana; and

(2) Possesses, delivers or produces marijuana only in the amount described in *subparagraph (1) of* paragraph (b) of subsection 3 of NRS 453A.200 or in excess of that amount if the person proves by a preponderance of the evidence that the greater amount is medically necessary as determined by the assisted person's attending physician to mitigate the symptoms or effects of the assisted person's chronic or debilitating medical condition.



(c) Is a person who possesses, delivers or produces marijuana only in the amount described in subparagraph (2) of paragraph (b) of subsection 3 of NRS 453A.200 or in excess of that amount if the person proves by a preponderance of the evidence that the greater amount is medically necessary as determined by the veterinarian who regularly provides care to the animal to mitigate the symptoms or effects of the animal's chronic or debilitating medical condition.

2. A person need not hold a registry identification card *or registry identification card for animals* issued to the person by the Division or its designee pursuant to NRS 453A.220 or 453A.250 *or section 14 of this act* to assert an affirmative defense described in this section.

3. Except as otherwise provided in this section and in addition to the affirmative defense described in subsection 1, a person engaged or assisting in the medical use of marijuana who is charged with a crime pertaining to the medical use of marijuana is not precluded from:

(a) Asserting a defense of medical necessity; or

(b) Presenting evidence supporting the necessity of marijuana for treatment of a specific disease or medical condition,

↪ if the amount of marijuana at issue is not greater than the amount described in paragraph (b) of subsection 3 of NRS 453A.200 and the person has taken steps to comply substantially with the provisions of this chapter.

4. A defendant who intends to offer an affirmative defense described in this section shall, not less than 5 days before trial or at such other time as the court directs, file and serve upon the



prosecuting attorney a written notice of the defendant's intent to claim the affirmative defense.

The written notice must:

(a) State specifically why the defendant believes he or she is entitled to assert the affirmative defense; and

(b) Set forth the factual basis for the affirmative defense.

↪ A defendant who fails to provide notice of his or her intent to claim an affirmative defense as required pursuant to this subsection may not assert the affirmative defense at trial unless the court, for good cause shown, orders otherwise.

Sec. 32. NRS 453A.324 is hereby amended to read as follows:

453A.324 1. Except as otherwise provided in ~~{this section and}~~ NRS 453A.326, the Division shall issue medical marijuana establishment registration certificates for medical marijuana dispensaries in ~~{the following quantities for applicants who qualify pursuant to NRS 453A.322:~~

~~—(a) In a county whose population is 700,000 or more, 40 certificates;~~

~~—(b) In a county whose population is 100,000 or more but less than 700,000, ten certificates;~~

~~—(c) In a county whose population is 55,000 or more but less than 100,000, two certificates;~~

~~and~~

~~—(d) In each other county,} a quantity of at least one certificate {+} for each 20,000 people in this State. The Division shall ensure that:~~



(a) Except as otherwise provided in paragraph (b), the number of certificates authorized for issuance pursuant to this subsection are apportioned to each county in this State on the basis of each county's population; and

(b) Each county in this State is apportioned at least one certificate.

~~2. Notwithstanding the provisions of subsection 1, the Division shall not issue medical marijuana establishment registration certificates for medical marijuana dispensaries in such a quantity as to cause the existence within the applicable county of more than one medical marijuana dispensary for every ten pharmacies that have been licensed in the county pursuant to chapter 639 of NRS. The Division may issue medical marijuana establishment registration certificates for medical marijuana dispensaries in excess of the ratio otherwise allowed pursuant to this subsection if to do so is necessary to ensure that the Division issues at least one medical marijuana establishment registration certificate in each county of this State in which the Division has approved an application for such an establishment to operate.~~

~~3. With~~ *Except as otherwise provided in subsection 3, with* respect to medical marijuana establishments that are not medical marijuana dispensaries, the Division shall determine the appropriate number of such establishments as are necessary to serve and supply the medical marijuana dispensaries to which the Division has granted medical marijuana establishment registration certificates.

3. Notwithstanding the number of medical marijuana establishments determined to be appropriate by the Division pursuant to subsection 2, the Division shall issue a medical



marijuana establishment registration certificate to a medical marijuana establishment which is operated:

(a) For the purpose of researching the medical use of marijuana; and

(b) By a physician licensed pursuant to chapter 630 or 633 of NRS.

4. The Division shall not, for more than a total of 10 business days in any 1 calendar year, accept applications to operate medical marijuana establishments.

Sec. 33. NRS 453A.328 is hereby amended to read as follows:

453A.328 In determining whether to issue a medical marijuana establishment registration certificate pursuant to NRS 453A.322, the Division shall ~~be~~:

1. If an applicant has obtained a medical marijuana establishment registration certificate for a cultivation facility or a facility for the production of edible marijuana products or marijuana-infused products and been denied a medical marijuana establishment registration certificate for a medical marijuana dispensary at the same location, issue the next medical marijuana establishment registration certificate available pursuant to NRS 453A.324 and 453A.326 to the applicant for the medical marijuana dispensary.

2. In all other circumstances, in addition to the factors set forth in ~~that section,~~ **NRS 453A.322**, consider the following criteria of merit:

~~11-~~ *(a)* The total financial resources of the applicant, both liquid and illiquid;

~~12-~~ *(b)* The previous experience of the persons who are proposed to be owners, officers or board members of the proposed medical marijuana establishment at operating other businesses or nonprofit organizations;



~~13.~~ (c) The educational achievements of the persons who are proposed to be owners, officers or board members of the proposed medical marijuana establishment;

~~14.~~ (d) Any demonstrated knowledge or expertise on the part of the persons who are proposed to be owners, officers or board members of the proposed medical marijuana establishment with respect to the compassionate use of marijuana to treat medical conditions;

~~15.~~ (e) Whether the proposed location of the proposed medical marijuana establishment would be convenient to serve the needs of persons who are authorized to engage in the medical use of marijuana;

~~16.~~ (f) The likely impact of the proposed medical marijuana establishment on the community in which it is proposed to be located;

~~17.~~ (g) The adequacy of the size of the proposed medical marijuana establishment to serve the needs of persons who are authorized to engage in the medical use of marijuana;

~~18.~~ (h) Whether the applicant has an integrated plan for the care, quality and safekeeping of medical marijuana from seed to sale;

~~19.~~ (i) The amount of taxes paid to, or other beneficial financial contributions made to, the State of Nevada or its political subdivisions by the applicant or the persons who are proposed to be owners, officers or board members of the proposed medical marijuana establishment; and

~~10.~~ (j) Any other criteria of merit that the Division determines to be relevant.

Sec. 34. NRS 453A.332 is hereby amended to read as follows:



453A.332 1. Except as otherwise provided in this section, a person shall not volunteer or work at a medical marijuana establishment as a medical marijuana establishment agent unless the person is registered with the Division pursuant to this section.

2. A medical marijuana establishment that wishes to retain as a volunteer or employ a medical marijuana establishment agent shall submit to the Division an application on a form prescribed by the Division. The application must be accompanied by:

(a) The name, address and date of birth of the prospective medical marijuana establishment agent;

(b) A statement signed by the prospective medical marijuana establishment agent pledging not to dispense or otherwise divert marijuana to any person who is not authorized to possess marijuana in accordance with the provisions of this chapter;

(c) A statement signed by the prospective medical marijuana establishment agent asserting that he or she has not previously had a medical marijuana establishment agent registration card revoked;

(d) A complete set of the fingerprints and written permission of the prospective medical marijuana establishment agent authorizing the Division to forward the fingerprints to the Central Repository for Nevada Records of Criminal History for submission to the Federal Bureau of Investigation for its report;

(e) The application fee, as set forth in NRS 453A.344; and

(f) Such other information as the Division may require by regulation.



3. A medical marijuana establishment shall notify the Division within 10 days after a medical marijuana establishment agent ceases to be employed by or volunteer at the medical marijuana establishment. *The Division may not deem a medical marijuana establishment agent card void and no longer valid as a result of the cessation of such employment or volunteer service if, within 30 days after such cessation, the medical marijuana establishment agent submits proof acceptable to the Division that he or she is newly employed by or volunteering at a different medical marijuana establishment.*

4. A person who:

(a) Has been convicted of an excluded felony offense; or

(b) Is less than 21 years of age,

↪ shall not serve as a medical marijuana establishment agent.

5. The Division shall submit the fingerprints of an applicant for registration as a medical marijuana establishment agent to the Central Repository for Nevada Records of Criminal History for submission to the Federal Bureau of Investigation to determine the criminal history of the applicant.

6. The provisions of this section do not require a person who is an owner, officer or board member of a medical marijuana establishment to resubmit information already furnished to the Division at the time the establishment was registered with the Division.

7. If an applicant for registration as a medical marijuana establishment agent satisfies the requirements of this section and is not disqualified from serving as such an agent pursuant to this section or any other applicable law, the Division shall issue to the person a medical marijuana



establishment agent registration card. If the Division does not act upon an application for a medical marijuana establishment agent registration card within 30 days after the date on which the application is received, the application shall be deemed conditionally approved until such time as the Division acts upon the application. A medical marijuana establishment agent registration card expires 1 year after the date of issuance and may be renewed upon:

- (a) Resubmission of the information set forth in this section; ~~and~~
- (b) *Receipt of a certificate of completion pursuant to section 11 of this act; and*
- (c) Payment of the renewal fee set forth in NRS 453A.344.

Sec. 35. NRS 453A.334 is hereby amended to read as follows:

453A.334 ~~The~~

1. Except as otherwise provided in subsection 2, the following are nontransferable:

- ~~1.~~ (a) A medical marijuana establishment agent registration card.
- ~~2.~~ (b) A medical marijuana establishment registration certificate.

2. For 3 years after the date on which a person is issued a medical marijuana establishment registration certificate, not more than 49 percent of the person's ownership interest in the medical marijuana establishment may be sold or otherwise transferred. The entire ownership interest of the person may be sold or otherwise transferred and the medical marijuana establishment registration certificate may be transferred to the new holder of the ownership interest on or after 3 years following the issuance of the medical marijuana establishment registration certificate to the original holder of the certificate.

Sec. 36. NRS 453A.360 is hereby amended to read as follows:



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

~~11.~~ *(a)* Are labeled clearly and unambiguously as medical marijuana.

~~12.~~ *(b)* Are not presented in packaging that is appealing to children.

~~13.~~ *(c)* Are regulated and sold on the basis of the concentration of THC in the products and not by weight.

~~14.~~ *(d)* Are packaged and labeled in such a manner as to allow tracking by way of an inventory control system.

2. A facility for the production of edible marijuana products or marijuana-infused products is not subject to the provisions of chapter 446 of NRS.

Sec. 37. NRS 453A.364 is hereby amended to read as follows:

453A.364 1. The State of Nevada and the medical marijuana dispensaries in this State which hold valid medical marijuana establishment registration certificates will recognize a nonresident card only under the following circumstances:

(a) The state or jurisdiction from which the holder or bearer obtained the nonresident card grants an exemption from criminal prosecution for the medical use of marijuana;

(b) The state or jurisdiction from which the holder or bearer obtained the nonresident card requires, as a prerequisite to the issuance of such a card, that a physician advise the person that



the medical use of marijuana may mitigate the symptoms or effects of the person's medical condition;

(c) The nonresident card has an expiration date and has not yet expired;

(d) The state or jurisdiction from which the holder or bearer obtained the nonresident card maintains a database which preserves such information as may be necessary to verify the authenticity or validity of the nonresident card;

(e) The state or jurisdiction from which the holder or bearer obtained the nonresident card allows the Division and medical marijuana dispensaries in this State to access the database described in paragraph (d);

(f) The Division determines that the database described in paragraph (d) *or, if the Division is not able to access the database described in paragraph (d), the Division* is able to provide to medical marijuana dispensaries in this State information that is sufficiently accurate, current and specific as to allow those dispensaries to verify that a person who holds or bears a nonresident card is entitled lawfully to do so; and

(g) The holder or bearer of the nonresident card agrees to abide by, and does abide by, the legal limits on the possession of marijuana for medical purposes in this State, as set forth in NRS 453A.200.

2. For the purposes of the reciprocity described in this section:

(a) The amount of medical marijuana that the holder or bearer of a nonresident card is entitled to possess in his or her state or jurisdiction of residence is not relevant; and



(b) Under no circumstances, while in this State, may the holder or bearer of a nonresident card possess marijuana for medical purposes in excess of the limits set forth in NRS 453A.200.

3. As used in this section, “nonresident card” means a card or other identification that:

(a) Is issued by a state or jurisdiction other than Nevada; and

(b) Is the functional equivalent of a registry identification card, as determined by the Division.

Sec. 38. NRS 453A.370 is hereby amended to read as follows:

453A.370 The Division shall adopt such regulations as it determines to be necessary or advisable to carry out the provisions of NRS 453A.320 to 453A.370, inclusive. Such regulations are in addition to any requirements set forth in statute and must, without limitation:

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

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

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

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

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



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

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

~~[(f) Procedures pursuant to which a medical marijuana dispensary will be notified by the Division if a patient who holds a valid registry identification card has chosen the dispensary as his or her designated medical marijuana dispensary, as described in NRS 453A.366.]~~

3. Establish circumstances and procedures pursuant to which the maximum fees set forth in NRS 453A.344 may be reduced over time:

(a) To ensure that the fees imposed pursuant to NRS 453A.344 are, insofar as may be practicable, revenue neutral; and

(b) To reflect gifts and grants received by the Division pursuant to NRS 453A.720.

4. Set forth the amount of usable marijuana that a medical marijuana dispensary may dispense to a person who holds a valid registry identification card, or the designated primary caregiver of such a person, in any one 14-day period. Such an amount must not exceed the limits set forth in NRS 453A.200.



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

6. In cooperation with the Board of Medical Examiners and the State Board of Osteopathic Medicine, establish a system to:

(a) Register and track attending physicians who advise their patients that the medical use of marijuana may mitigate the symptoms or effects of the patient's medical condition;

(b) Insofar as is possible, track and quantify the number of times an attending physician described in paragraph (a) makes such an advisement; and

(c) Provide for the progressive discipline of attending physicians who advise the medical use of marijuana at a rate at which the Division and Board determine and agree to be unreasonably high.

7. Establish different categories of medical marijuana establishment agent registration cards, including, without limitation, criteria for training and certification, for each of the different types of medical marijuana establishments at which such an agent may be employed or volunteer.

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

9. Address such other matters as may assist in implementing the program of dispensation contemplated by NRS 453A.320 to 453A.370, inclusive.



Sec. 39. NRS 453A.400 is hereby amended to read as follows:

453A.400 1. The fact that a person possesses a registry identification card issued to the person by the Division or its designee pursuant to NRS 453A.220 or 453A.250, *a registry identification card for animals issued to the person by the Division or its designee pursuant to section 14 of this act*, a medical marijuana establishment registration certificate issued to the person by the Division or its designee pursuant to NRS 453A.322 or a medical marijuana establishment agent registration card issued to the person by the Division or its designee pursuant to NRS 453A.332 does not, alone:

- (a) Constitute probable cause to search the person or the person's property; or
- (b) Subject the person or the person's property to inspection by any governmental agency.

2. Except as otherwise provided in this subsection, if officers of a state or local law enforcement agency seize marijuana, paraphernalia or other related property from a person engaged in, facilitating or assisting in the medical use of marijuana:

(a) The law enforcement agency shall ensure that the marijuana, paraphernalia or other related property is not destroyed while in the possession of the law enforcement agency.

(b) Any property interest of the person from whom the marijuana, paraphernalia or other related property was seized must not be forfeited pursuant to any provision of law providing for the forfeiture of property, except as part of a sentence imposed after conviction of a criminal offense.

(c) Upon a determination by the district attorney of the county in which the marijuana, paraphernalia or other related property was seized, or the district attorney's designee, that the



person from whom the marijuana, paraphernalia or other related property was seized is engaging in or assisting in the medical use of marijuana in accordance with the provisions of this chapter, the law enforcement agency shall immediately return to that person any usable marijuana, marijuana plants, paraphernalia or other related property that was seized.

↪ The provisions of this subsection do not require a law enforcement agency to care for live marijuana plants.

3. For the purposes of paragraph (c) of subsection 2, the determination of a district attorney or the district attorney's designee that a person is engaging in or assisting in the medical use of marijuana in accordance with the provisions of this chapter shall be deemed to be evidenced by:

- (a) A decision not to prosecute;
- (b) The dismissal of charges; or
- (c) Acquittal.

Sec. 40. NRS 453A.500 is hereby amended to read as follows:

453A.500 **1.** The Board of Medical Examiners or the State Board of Osteopathic Medicine, as applicable, shall not take any disciplinary action against an attending physician on the basis that the attending physician:

~~H:~~ **(a)** Advised a person whom the attending physician has diagnosed as having a chronic or debilitating medical condition, or a person whom the attending physician knows has been so diagnosed by another physician licensed to practice medicine pursuant to the provisions of chapter 630 of NRS or licensed to practice osteopathic medicine pursuant to the provisions of chapter 633 of NRS:



~~†(a)†~~ (1) About the possible risks and benefits of the medical use of marijuana; or

~~†(b)†~~ (2) That the medical use of marijuana may mitigate the symptoms or effects of the person's chronic or debilitating medical condition,

↳ if the advice is based on the attending physician's personal assessment of the person's medical history and current medical condition.

~~†2.†~~ (b) Provided the written documentation required pursuant to paragraph (a) of subsection 2 of NRS 453A.210 for the issuance of a registry identification card or pursuant to subparagraph (1) of paragraph (b) of subsection 1 of NRS 453A.230 for the renewal of a registry identification card, if:

~~†(a)†~~ (1) Such documentation is based on the attending physician's personal assessment of the person's medical history and current medical condition; and

~~†(b)†~~ (2) The physician has advised the person about the possible risks and benefits of the medical use of marijuana.

2. The Nevada State Board of Veterinary Medical Examiners shall not take any disciplinary action against a veterinarian on the basis that the veterinarian:

(a) Advised a person for whose animal the veterinarian regularly provides care that, based on his or her personal assessment of the animal's medical history and current medical condition:

(1) The animal has a chronic or debilitating medical condition;

(2) There are possible risks and benefits of the medical use of marijuana; or



(3) The medical use of marijuana may mitigate the symptoms or effects of the animal's chronic or debilitating medical condition.

(b) Provided the written documentation required pursuant to paragraph (a) of subsection 2 of section 13 of this act for the issuance of a registry identification card for animals or pursuant to paragraph (b) of subsection 1 of section 16 of this act for the renewal of a registry identification card for animals, if:

(1) Such documentation is based on the veterinarian's personal assessment of the animal's medical history and current medical condition; and

(2) The veterinarian has advised the owner of the animal about the possible risks and benefits of the medical use of marijuana.

Sec. 41. NRS 453A.510 is hereby amended to read as follows:

453A.510 A professional licensing board shall not take any disciplinary action against a person licensed by the board on the basis that:

1. The person engages in or has engaged in the medical use of marijuana in accordance with the provisions of this chapter; ~~to~~

2. The person acts as or has acted as the designated primary caregiver of a person who holds a registry identification card issued to him or her pursuant to paragraph (a) of subsection 1 of NRS 453A.220 ~~to~~; or

3. The person acts or has acted as the veterinarian of an animal whose owner holds a registry identification card for animals issued to him or her pursuant to subsection 1 of section 14 of this act.



Sec. 42. NRS 453A.700 is hereby amended to read as follows:

453A.700 1. Except as otherwise provided in this section, NRS 239.0115 and subsection 4 of NRS 453A.210, *and subsection 3 of section 13 of this act*, the Division and any designee of the Division shall maintain the confidentiality of and shall not disclose:

(a) The contents of any applications, records or other written documentation that the Division or its designee ~~creates or~~ receives pursuant to the provisions of this chapter; or

(b) The name or any other identifying information of:

(1) An attending physician; or

(2) A person who has applied for or to whom the Division or its designee has issued a registry identification card ~~H~~ *or registry identification card for animals*.

↪ Except as otherwise provided in NRS 239.0115, the items of information described in this subsection are confidential, not subject to subpoena or discovery and not subject to inspection by the general public.

2. Notwithstanding the provisions of subsection 1, the Division or its designee may release the name and other identifying information of a person to whom the Division or its designee has issued a registry identification card *or registry identification card for animals* to:

(a) Authorized employees of the Division or its designee as necessary to perform official duties of the Division; and

(b) Authorized employees of state and local law enforcement agencies, only as necessary to verify that a person is the lawful holder of a registry identification card *or registry identification*



card for animals issued to him or her pursuant to NRS 453A.220 or 453A.250 ~~†~~ *or section 14 of this act.*

Sec. 43. NRS 453A.740 is hereby amended to read as follows:

453A.740 The Administrator of the Division shall adopt such regulations as the Administrator determines are necessary to carry out the provisions of this chapter. The regulations must set forth, without limitation:

1. Procedures pursuant to which the Division will, in cooperation with the Department of Motor Vehicles, cause a registry identification card *or registry identification card for animals* to be prepared and issued to a qualified person as a type of identification card described in NRS 483.810 to 483.890, inclusive. The procedures described in this subsection must provide that the Division will:

(a) Issue a registry identification card *or registry identification card for animals* to a qualified person after the card has been prepared by the Department of Motor Vehicles; or

(b) Designate the Department of Motor Vehicles to issue a registry identification card *or registry identification card for animals* to a person if:

(1) The person presents to the Department of Motor Vehicles valid documentation issued by the Division indicating that the Division has approved the issuance *to the person* of a registry identification card ~~†to the person;†~~ *or registry identification card for animals, as applicable;* and

(2) The Department of Motor Vehicles, before issuing the registry identification card ~~†~~ *or registry identification card for animals, as applicable,* confirms by telephone or other reliable means that the Division has approved the issuance of a registry identification card to the person.



2. Fees for:

(a) Providing to an applicant an application for a registry identification card ~~§~~ *or registry identification card for animals*, which fee must not exceed \$25; and

(b) Processing and issuing a registry identification card ~~§~~ *or registry identification card for animals*, which fee must not exceed \$75.

Sec. 44. NRS 453A.800 is hereby amended to read as follows:

453A.800 *1.* The provisions of this chapter do not:

~~§~~ *(a)* Require an insurer, organization for managed care or any person or entity who provides coverage for a medical or health care service to pay for or reimburse a person for costs associated with the medical use of marijuana.

~~§~~ *(b)* Require any employer to allow the medical use of marijuana in the workplace.

~~§~~ *(c)* Require an employer to modify the job or working conditions of a person who engages in the medical use of marijuana that are based upon the reasonable business purposes of the employer but the employer must attempt to make reasonable accommodations for the medical needs of an employee who engages in the medical use of marijuana if the employee holds a valid registry identification card, provided that such reasonable accommodation would not:

~~§~~ *(1)* Pose a threat of harm or danger to persons or property or impose an undue hardship on the employer; or

~~§~~ *(2)* Prohibit the employee from fulfilling any and all of his or her job responsibilities.



2. For the purposes of paragraph (c) of subsection 1, there is a rebuttable presumption that an employee who holds a valid registry identification card and engages in the medical use of marijuana which contains no THC has satisfied the requirements of subparagraphs (1) and (2) of paragraph (c) of subsection 1 and is entitled to reasonable accommodation. An employer shall not retaliate or discriminate against an employee who requests a reasonable accommodation on the basis of the rebuttable presumption provided in this subsection.

Sec. 45. NRS 207.335 is hereby amended to read as follows:

207.335 1. It is unlawful for any person to counterfeit or forge or attempt to counterfeit or forge a registry identification card ~~+~~ *or registry identification card for animals.*

2. Any person who violates the provisions of subsection 1 is guilty of a category E felony and shall be punished as provided in NRS 193.130.

3. As used in this section ~~+, “registry”~~ :

(a) “Registry identification card” has the meaning ascribed to it in NRS 453A.140.

(b) “Registry identification card for animals” has the meaning ascribed to it in section 6 of this act.

Sec. 46. NRS 484C.080 is hereby amended to read as follows:

484C.080 “Prohibited substance” means any of the following substances if the person who uses the substance has not been issued a valid prescription to use the substance and the substance is classified in schedule I or II pursuant to NRS 453.166 or 453.176 when it is used:

1. Amphetamine.
2. Cocaine or cocaine metabolite.



3. Heroin or heroin metabolite (morphine or 6-monoacetyl morphine).
4. Lysergic acid diethylamide.
5. Marijuana or marijuana metabolite H , *but only if the person with marijuana or marijuana metabolite in his or her body, blood, breath or urine is actually impaired by the marijuana or marijuana metabolite.*
6. Methamphetamine.
7. Phencyclidine.

Sec. 47. NRS 484C.110 is hereby amended to read as follows:

484C.110 1. It is unlawful for any person who:

- (a) Is under the influence of intoxicating liquor;
- (b) Has a concentration of alcohol of 0.08 or more in his or her blood or breath; or
- (c) Is found by measurement within 2 hours after driving or being in actual physical control of a vehicle to have a concentration of alcohol of 0.08 or more in his or her blood or breath,
↳ to drive or be in actual physical control of a vehicle on a highway or on premises to which the public has access.

2. It is unlawful for any person who:

- (a) Is under the influence of a controlled substance;
- (b) Is under the combined influence of intoxicating liquor and a controlled substance; or
- (c) Inhales, ingests, applies or otherwise uses any chemical, poison or organic solvent, or any compound or combination of any of these, to a degree which renders the person incapable of safely driving or exercising actual physical control of a vehicle,



↳ to drive or be in actual physical control of a vehicle on a highway or on premises to which the public has access. The fact that any person charged with a violation of this subsection is or has been entitled to use that drug under the laws of this State is not a defense against any charge of violating this subsection.

3. It is unlawful for any person to drive or be in actual physical control of a vehicle on a highway or on premises to which the public has access with an amount of a prohibited substance in his or her blood or urine that is equal to or greater than:

Prohibited substance	Urine	Blood
	Nanograms per milliliter	Nanograms per milliliter
(a) Amphetamine	500	100
(b) Cocaine	150	50
(c) Cocaine metabolite	150	50
(d) Heroin	2,000	50
(e) Heroin metabolite:		
(1) Morphine	2,000	50
(2) 6-monoacetyl morphine	10	10
(f) Lysergic acid diethylamide	25	10
(g) Marijuana	10	2



(h) Marijuana metabolite	15	5
(i) Methamphetamine	500	100
(j) (h) Phencyclidine	25	10

4. If consumption is proven by a preponderance of the evidence, it is an affirmative defense under paragraph (c) of subsection 1 that the defendant consumed a sufficient quantity of alcohol after driving or being in actual physical control of the vehicle, and before his or her blood or breath was tested, to cause the defendant to have a concentration of alcohol of 0.08 or more in his or her blood or breath. A defendant who intends to offer this defense at a trial or preliminary hearing must, not less than 14 days before the trial or hearing or at such other time as the court may direct, file and serve on the prosecuting attorney a written notice of that intent.

5. A person who violates any provision of this section may be subject to the additional penalty set forth in NRS 484B.130.

Sec. 48. NRS 484C.120 is hereby amended to read as follows:

484C.120 1. It is unlawful for any person who:

(a) Is under the influence of intoxicating liquor;

(b) Has a concentration of alcohol of 0.04 or more but less than 0.08 in his or her blood or breath; or

(c) Is found by measurement within 2 hours after driving or being in actual physical control of a commercial motor vehicle to have a concentration of alcohol of 0.04 or more but less than 0.08 in his or her blood or breath,



↳ to drive or be in actual physical control of a commercial motor vehicle on a highway or on premises to which the public has access.

2. It is unlawful for any person who:

(a) Is under the influence of a controlled substance;

(b) Is under the combined influence of intoxicating liquor and a controlled substance; or

(c) Inhales, ingests, applies or otherwise uses any chemical, poison or organic solvent, or any compound or combination of any of these, to a degree which renders the person incapable of safely driving or exercising actual physical control of a commercial motor vehicle,

↳ to drive or be in actual physical control of a commercial motor vehicle on a highway or on premises to which the public has access. The fact that any person charged with a violation of this subsection is or has been entitled to use that drug under the laws of this State is not a defense against any charge of violating this subsection.

3. It is unlawful for any person to drive or be in actual physical control of a commercial motor vehicle on a highway or on premises to which the public has access with an amount of a prohibited substance in his or her blood or urine that is equal to or greater than:

	Urine	Blood
	Nanograms	Nanograms
Prohibited substance	per milliliter	per milliliter
(a) Amphetamine	500	100



(b) Cocaine	150	50
(c) Cocaine metabolite	150	50
(d) Heroin	2,000	50
(e) Heroin metabolite:		
(1) Morphine	2,000	50
(2) 6-monoacetyl morphine	10	10
(f) Lysergic acid diethylamide	25	10
(g) † Marijuana	10	2
(h) Marijuana metabolite	15	5
(i)† Methamphetamine	500	100
†(h) (h) Phencyclidine	25	10

4. If consumption is proven by a preponderance of the evidence, it is an affirmative defense under paragraph (c) of subsection 1 that the defendant consumed a sufficient quantity of alcohol after driving or being in actual physical control of the commercial motor vehicle, and before his or her blood or breath was tested, to cause the defendant to have a concentration of alcohol of 0.04 or more in his or her blood or breath. A defendant who intends to offer this defense at a trial or preliminary hearing must, not less than 14 days before the trial or hearing or at such other time as the court may direct, file and serve on the prosecuting attorney a written notice of that intent.

5. A person who violates any provision of this section may be subject to the additional penalty set forth in NRS 484B.130.



6. As used in this section:

(a) “Commercial motor vehicle” means a motor vehicle or combination of motor vehicles used in commerce to transport passengers or property if the motor vehicle:

(1) Has a gross combination weight rating of 26,001 or more pounds which includes a towed unit with a gross vehicle weight rating of more than 10,000 pounds;

(2) Has a gross vehicle weight rating of 26,001 or more pounds;

(3) Is designed to transport 16 or more passengers, including the driver; or

(4) Regardless of size, is used in the transportation of materials which are considered to be hazardous for the purposes of the federal Hazardous Materials Transportation Act, 49 U.S.C. §§ 5101 et. seq., and for which the display of identifying placards is required pursuant to 49 C.F.R. Part 172, Subpart F.

(b) The phrase “concentration of alcohol of 0.04 or more but less than 0.08 in his or her blood or breath” means 0.04 gram or more but less than 0.08 gram of alcohol per 100 milliliters of the blood of a person or per 210 liters of his or her breath.

Sec. 49. NRS 484C.220 is hereby amended to read as follows:

484C.220 1. As agent for the Department, the officer who obtained the result of a test given pursuant to NRS 484C.150 or 484C.160 shall immediately serve an order of revocation of the license, permit or privilege to drive on a person who has a concentration of alcohol of 0.08 or more in his or her blood or breath or has a detectable amount of a prohibited substance *other than marijuana* in his or her blood or urine, if that person is present, and shall seize the license or permit to drive of the person. The officer shall then advise the person of his or her right to



administrative and judicial review of the revocation pursuant to NRS 484C.230 and, except as otherwise provided in this subsection, that the person has a right to request a temporary license. If the person currently is driving with a temporary license that was issued pursuant to this section or NRS 484C.230, the person is not entitled to request an additional temporary license pursuant to this section or NRS 484C.230, and the order of revocation issued by the officer must revoke the temporary license that was previously issued. If the person is entitled to request a temporary license, the officer shall issue the person a temporary license on a form approved by the Department if the person requests one, which is effective for only 7 days including the date of issuance. The officer shall immediately transmit the person's license or permit to the Department along with the written certificate required by subsection 2.

2. When a police officer has served an order of revocation of a driver's license, permit or privilege on a person pursuant to subsection 1, or later receives the result of an evidentiary test which indicates that a person, not then present, had a concentration of alcohol of 0.08 or more in his or her blood or breath or had a detectable amount of a prohibited substance *other than marijuana* in his or her blood or urine, the officer shall immediately prepare and transmit to the Department, together with the seized license or permit and a copy of the result of the test, a written certificate that the officer had reasonable grounds to believe that the person had been driving or in actual physical control of a vehicle with a concentration of alcohol of 0.08 or more in his or her blood or breath or with a detectable amount of a prohibited substance *other than marijuana* in his or her blood or urine, as determined by a chemical test. The certificate must



also indicate whether the officer served an order of revocation on the person and whether the officer issued the person a temporary license.

3. The Department, upon receipt of such a certificate for which an order of revocation has not been served, after examining the certificate and copy of the result of the chemical test, if any, and finding that revocation is proper, shall issue an order revoking the person's license, permit or privilege to drive by mailing the order to the person at the person's last known address. The order must indicate the grounds for the revocation and the period during which the person is not eligible for a license, permit or privilege to drive and state that the person has a right to administrative and judicial review of the revocation and to have a temporary license. The order of revocation becomes effective 5 days after mailing.

4. Notice of an order of revocation and notice of the affirmation of a prior order of revocation or the cancellation of a temporary license provided in NRS 484C.230 is sufficient if it is mailed to the person's last known address as shown by any application for a license. The date of mailing may be proved by the certificate of any officer or employee of the Department, specifying the time of mailing the notice. The notice is presumed to have been received upon the expiration of 5 days after it is deposited, postage prepaid, in the United States mail.

Sec. 50. NRS 484C.230 is hereby amended to read as follows:

484C.230 1. At any time while a person is not eligible for a license, permit or privilege to drive following an order of revocation issued pursuant to NRS 484C.220, the person may request in writing a hearing by the Department to review the order of revocation, but the person is only entitled to one hearing. The hearing must be conducted within 15 days after receipt of the



request, or as soon thereafter as is practicable, in the county where the requester resides unless the parties agree otherwise. The Director or agent of the Director may issue subpoenas for the attendance of witnesses and the production of relevant books and papers and may require a reexamination of the requester. Unless the person is ineligible for a temporary license pursuant to NRS 484C.220, the Department shall issue an additional temporary license for a period which is sufficient to complete the administrative review.

2. The scope of the hearing must be limited to the issue of whether the person, at the time of the test, had a concentration of alcohol of 0.08 or more in his or her blood or breath or a detectable amount of a prohibited substance *other than marijuana* in his or her blood or urine. Upon an affirmative finding on this issue, the Department shall affirm the order of revocation. Otherwise, the order of revocation must be rescinded.

3. If, after the hearing, the order of revocation is affirmed, the person whose license, privilege or permit has been revoked is entitled to a review of the same issues in district court in the same manner as provided by chapter 233B of NRS. The court shall notify the Department upon the issuance of a stay, and the Department shall issue an additional temporary license for a period which is sufficient to complete the review.

4. If a hearing officer grants a continuance of a hearing at the request of the person whose license was revoked, or a court does so after issuing a stay of the revocation, the officer or court shall notify the Department, and the Department shall cancel the temporary license and notify the holder by mailing the order of cancellation to the person's last known address.

Sec. 51. NRS 488.410 is hereby amended to read as follows:



488.410 1. It is unlawful for any person who:

(a) Is under the influence of intoxicating liquor;

(b) Has a concentration of alcohol of 0.08 or more in his or her blood or breath; or

(c) Is found by measurement within 2 hours after operating or being in actual physical control of a vessel to have a concentration of alcohol of 0.08 or more in his or her blood or breath,
↳ to operate or be in actual physical control of a vessel under power or sail on the waters of this State.

2. It is unlawful for any person who:

(a) Is under the influence of a controlled substance;

(b) Is under the combined influence of intoxicating liquor and a controlled substance; or

(c) Inhales, ingests, applies or otherwise uses any chemical, poison or organic solvent, or any compound or combination of any of these, to a degree which renders the person incapable of safely operating or exercising actual physical control of a vessel under power or sail,
↳ to operate or be in actual physical control of a vessel under power or sail on the waters of this State.

3. It is unlawful for any person to operate or be in actual physical control of a vessel under power or sail on the waters of this State with an amount of a prohibited substance in his or her blood or urine that is equal to or greater than:

Urine

Blood

Nanograms per

Nanograms per



Prohibited substance	milliliter	milliliter
(a) Amphetamine	500	100
(b) Cocaine	150	50
(c) Cocaine metabolite	150	50
(d) Heroin	2,000	50
(e) Heroin metabolite:		
(1) Morphine	2,000	50
(2) 6-monoacetyl morphine	10	10
(f) Lysergic acid diethylamide	25	10
(g) Marijuana	10	2
(h) Marijuana metabolite	15	5
(i) Methamphetamine	500	100
(j) (h) Phencyclidine	25	10

4. If consumption is proven by a preponderance of the evidence, it is an affirmative defense under paragraph (c) of subsection 1 that the defendant consumed a sufficient quantity of alcohol after operating or being in actual physical control of the vessel, and before his or her blood was tested, to cause the defendant to have a concentration of 0.08 or more of alcohol in his or her blood or breath. A defendant who intends to offer this defense at a trial or preliminary hearing



must, not less than 14 days before the trial or hearing or at such other time as the court may direct, file and serve on the prosecuting attorney a written notice of that intent.

5. Except as otherwise provided in NRS 488.427, a person who violates the provisions of this section is guilty of a misdemeanor.

Sec. 52. Section 8 of this act is hereby amended to read as follows:

Sec. 8. 1. The provider shall not allow a person to provide education and training for medical marijuana establishment agents unless the person has been certified by the Division as an instructor.

2. The Division shall, by regulation, provide for the certification of instructors. The regulations adopted pursuant to this subsection must set forth:

(a) The qualifications necessary for the issuance of a certificate as an instructor, including, without limitation, the topic areas in which a person must establish proficiency and the education and experience required for such certification.

(b) Any continuing education necessary for the renewal of a certificate as an instructor issued pursuant to this section.

(c) The grounds for initiating disciplinary action against a person who holds a certificate, including, without limitation, the grounds for placing conditions, limitations or restrictions on a certificate and for the suspension or revocation of a certificate.

3. An instructor may not be required to obtain a medical marijuana establishment agent registration card as a condition for such certification.



4. An instructor shall not provide instruction which involves the actual handling or transportation of marijuana.

~~5. In addition to any other requirements set forth in this chapter and regulations adopted pursuant thereto, an applicant for issuance or renewal of a certificate as an instructor shall:~~

~~(a) Include the social security number of the applicant in the application submitted to the Division.~~

~~(b) Submit to the Division the statement prescribed by the Division of Welfare and Supportive Services of the Department of Health and Human Services pursuant to NRS 425.520. The statement must be completed and signed by the applicant.~~

~~6. The Division shall include the statement required pursuant to subsection 5 in:~~

~~(a) The application or any other forms that must be submitted for the issuance or renewal of the certificate of the instructor; or~~

~~(b) A separate form prescribed by the Division.~~

~~7. A certificate as an instructor may not be issued or renewed by the Division if the applicant:~~

~~(a) Fails to submit the statement required pursuant to subsection 5; or~~

~~(b) Indicates on the statement submitted pursuant to subsection 5 that the applicant is subject to a court order for the support of a child and is not in compliance with the order or a plan approved by the district attorney or other public agency enforcing the order for the repayment of the amount owed pursuant to the order.~~



~~—8.— If an applicant indicates on the statement submitted pursuant to subsection 5 that the applicant is subject to a court order for the support of a child and is not in compliance with the order or a plan approved by the district attorney or other public agency enforcing the order for the repayment of the amount owed pursuant to the order, the Division shall advise the applicant to contact the district attorney or other public agency enforcing the order to determine the actions that the applicant may take to satisfy the arrearage.~~

~~—9.— If the Division receives a copy of a court order issued pursuant to NRS 425.540 that provides for the suspension of all professional, occupational and recreational licenses, certificates and permits issued to a person who is the holder of a certificate as an instructor, the Division shall deem the certificate issued to that person to be suspended at the end of the 30th day after the date on which the court order was issued unless the Division receives a letter issued to the holder of the certificate, by the district attorney or other public agency pursuant to NRS 425.550, stating that the holder of the certificate has complied with the subpoena or warrant or has satisfied the arrearage pursuant to NRS 425.560.~~

~~—10.— The Division shall reinstate the certificate of an instructor which has been suspended by a district court pursuant to NRS 425.540 if the Division receives a letter issued by the district attorney or other public agency pursuant to NRS 425.550 to the person whose certificate was suspended stating that the person whose certificate was suspended has complied with the subpoena or warrant or has satisfied the arrearage pursuant to NRS 425.560.]~~



Sec. 53. The Division of Public and Behavioral Health of the Department of Health and Human Services shall adopt the regulations:

1. Required by sections 18 and 20 of this act on or before December 1, 2015.
2. Required by sections 7 and 8 of this act on or before January 1, 2016.

Sec. 54. NRS 453A.366 is hereby repealed.

Sec. 55. 1. This section and sections 2 to 36, inclusive, 38 to 51, inclusive, 53 and 54 of this act become effective on October 1, 2015.

2. Section 37 of this act becomes effective on April 1, 2016.

3. Section 52 of this act becomes effective on the date on which the provisions of 42 U.S.C. § 666 requiring each state to establish procedures under which the state has authority to withhold or suspend, or to restrict the use of professional, occupational and recreational licenses of persons who:

(a) Have failed to comply with a subpoena or warrant relating to a proceeding to determine the paternity of a child or to establish or enforce an obligation for the support of a child; or

(b) Are in arrears in the payment for the support of one or more children,

↪ are repealed by the Congress of the United States.



TEXT OF REPEALED SECTION

453A.366 Designation of medical marijuana dispensary.

1. A patient who holds a valid registry identification card and his or her designated primary caregiver, if any, may select one medical marijuana dispensary to serve as his or her designated medical marijuana dispensary at any one time.

2. A patient who designates a medical marijuana dispensary as described in subsection 1:

(a) Shall communicate the designation to the Division within the time specified by the Division.

(b) May change his or her designation not more than once in a 30-day period.

