



Nevada Association of Counties
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MEMORANDUM

Date: July 2, 2014
To: Advisory Commission on the Administration of Justice's Subcommittee on the Medical Use of Marijuana, Senator Tick Segerblom, Chair
From: Nevada Association of Counties, Dagny Stapleton, Deputy Director
Subject: Update on Issues and Procedures Concerning Medical Marijuana in Nevada's Counties

We are pleased to provide this update on the status of the implementation of SB374 in Nevada's counties to the Advisory Commission on the Administration of Justice's Subcommittee on the Medical Use of Marijuana. As Clark and Washoe Counties will individually provide information on their processes regarding medical marijuana to this subcommittee, this memo will cover the remaining 15 counties in the State. NACO contacted each county and asked them about three things: the status of implementation of SB 374 including what type of ordinances have been adopted; any problems encountered with implementation; and the level of interest so far from applicants. For your reference, attached is a spreadsheet showing status of implementation by county, for the 15 counties outside of Clark and Washoe.

Carson City is currently processing an ordinance that will create locational and land use standards for medical marijuana establishments (MMEs). This ordinance will have a final hearing on July 3rd and, if passed then, will be enacted. Carson City is researching MME business licensing processes that have been enacted in other jurisdictions, but do not currently have a licensing process in place. Carson reported that there were a handful of interested applicants for MMEs, including for dispensaries, and were looking forward to monitoring the implementation of their ordinance to determine if any adjustments to code would be needed in the future.

Nye and Esmeralda Counties have both approved ordinances allowing and regulating MMEs. Esmeralda, Nevada's least populous county, has approved a business license process for MMEs. One of the hurdles that Esmeralda County is facing is determining how to regulate locations of MMEs as the County currently has no zoning regulations. Commissioners there are researching this issue and may propose an ordinance creating a county-wide land use code that could then contain locational standards for MMEs. Esmeralda County reported that they had had no interest from applicants.



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Nye County passed ordinances creating a business license process and land use regulations for MMEs. Nye County reported significant interest from applicants, especially for cultivation and processing of medical marijuana. Though larger than Esmeralda, Nye County similarly has found the process of researching and creating regulations for MMEs taxing with the limited staff and legal resources that are common in Nevada's rural counties. In addition to limited staff capacity to research and draft ordinances, District Attorneys in many rural counties have been hesitant to provide legal advice due to concerns about their commitment to uphold Federal Law.

A handful of Nevada's rural counties decided to opt out of implementation of SB 374. Lyon and Storey counties were the first to pass ordinances that do not allow MMEs as a land use. A handful of other rural counties have passed similar ordinances. Concerns cited included conflict with federal drug laws as well as the perception amongst local law enforcement that MMEs would be connected to an increase in crime and subsequent enforcement.

There are a few counties that have as of yet taken no action to regulate MMEs, though each of these counties reported that they are researching the issue and hope to have something in place within the next two months.

In general, Nevada's rural counties reported little to no interest from applicants wishing to establish MMEs. Specifically, Storey and Douglas Counties have received inquiries and indicated that they think there may be a few serious applicants, most other rural counties, however, excepting Nye, reported little interest from potential operators of MMEs.

Please do not hesitate to contact NACO if there are is any additional information that we can provide to the Subcommittee.

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Nevada Marijuana Ordinances - Counties Outside Clark and Washoe

07/02/14

Prepared by the Nevada Association of Counties

<i>County</i>	<i>Ordinance in Place</i>	<i>Comments</i>
		<i>MME: Medical Marijuana Establishment</i>
Carson City	Ordinance Allowing MMEs as a Conditional Use	Final hearing to approve proposed ordinance allowing MMEs as a conditional use in certain zoning districts, 7/03/14. Currently no licensing process for MMEs but staff is researching.
Churchill	None Currently	County Commission will consider an ordinance in July potentially prohibiting MMEs as an allowed use in Churchill County.
Douglas County	Moratorium Through 9/16/14	MME regulation options will be discussed at 07/3/14 Commission meeting. Staff has been researching and extensive community meetings have been held to solicit feedback.
Elko County	MMEs Not an Allowed Use	Ordinance passed prohibiting MMEs as an allowed use.
Esmeralda County	Ordinance Creating a Licensing Process for MMEs	An ordinance was passed creating a licensing process for MMEs in Esmeralda County. The County is currently researching and working on an ordinance creating locational and development standards for MMEs.
Eureka County	MMEs Not an Allowed Use	Ordinance passed prohibiting MMEs as an allowed use.
Humboldt County	None Currently	Staff is currently researching and hope to have something before the County Commission prior to August.
Lander County	None Currently	Staff is currently researching. They will have an informational item before the County Commission in July.
Lincoln County	None Currently	Lincoln County voted on an ordinance prohibiting MMEs as an allowed use but it did not pass. Another ordinance will be heard in July.
Lyon County	MMEs Not an Allowed Use	Ordinance passed prohibiting MMEs as an allowed use.
Mineral County	Moratorium	Moratorium in place - currently staff is researching a permanent ordinance.

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<i>County</i>	<i>Ordinance in Place</i>	<i>Comments</i>
Nye County	Ordinance Creating a Licensing Process for MMEs; Ordinance Allowing MMEs Pursuant to Approval of a Special Use Permit	Nye County passed an ordinance creating a licensing process for all four types of MMEs. Nye County also created a process for a granting special use permits and created development standards for MMEs.
Pershing County	Moratorium through 10/2014	A moratorium was passed halting acceptance of MME licenses in the County. The Moratorium will expire in October 2014; however, the Pershing County Commission is expected to discuss a permanent ordinance prior to August.
Storey County	MMEs not allowed	Story County passed an ordinance on Dec. 12, 2012 prohibiting MMEs as an allowed use.
White Pine County	None Currently	The White Pine County Commission voted to direct staff to draft an ordinance prohibiting MMEs as an allowed use in the county.