

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

**LCB File No. R095-01**

Effective October 1, 2001

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

AUTHORITY: §§1-7, NRS 453A.740; §8, NRS 453A.210 and 453A.740; §§9 and 10, NRS 453A.740; §11, NRS 453A.230 and 453A.740; §12, NRS 453A.220 and 453A.740; §13, NRS 453A.740.

**Section 1.** Chapter 453A of NAC is hereby amended by adding thereto the provisions set forth as sections 2 to 13, inclusive, of this regulation.

**Sec. 2.** *As used in sections 2 to 13, inclusive, of this regulation, unless the context otherwise requires, the words and terms defined in sections 3 to 7, inclusive, of this regulation have the meanings ascribed to them in those sections.*

**Sec. 3.** *“Attending physician” has the meaning ascribed to it in NRS 453A.030.*

**Sec. 4.** *“Chronic or debilitating medical condition” has the meaning ascribed to it in NRS 453A.050.*

**Sec. 5.** *“Department” means the state department of agriculture.*

**Sec. 6.** *“Designated primary caregiver” has the meaning ascribed to it in NRS 453A.080.*

**Sec. 7.** *“Registry identification card” has the meaning ascribed to it in NRS 453A.140.*

**Sec. 8.** *In addition to the materials required by NRS 453A.210, an application for a registry identification card must include:*

- 1. A written statement signed by the applicant's attending physician verifying that he was presented with a photographic identification of the applicant and the designated primary caregiver, if any, and that the applicant and the designated primary caregiver, if any, are the persons named in the application;*
- 2. On forms prescribed by the department, any information required by the central repository for Nevada records of criminal history;*
- 3. On forms prescribed by the department, any information required by the department of motor vehicles;*
- 4. A complete set of the fingerprints of the applicant and the designated primary caregiver, if any, taken by a state or local law enforcement agency;*
- 5. A notarized medical marijuana program waiver and liability release form that is prescribed by the department and signed by the applicant and designated primary caregiver, if any;*
- 6. A notarized acknowledgement form that is prescribed by the department and signed by the applicant and designated primary caregiver, if any; and*
- 7. If the applicant is under 18 years of age, a minor release form signed by the designated primary caregiver of the minor.*

**Sec. 9.** *1. A person with a chronic or debilitating disease to whom a registry identification card has been issued may not be a designated primary caregiver.*

*2. A designated primary caregiver may not be the designated primary caregiver to more than one person.*

**Sec. 10.** *1. If the state department of agriculture approves an application for a registry identification card:*

*(a) The department will provide the applicant and designated primary caregiver, if any, with written notice of its approval by registered mail.*

*(b) The applicant and designated primary caregiver, if any, must present the written notice and proof of identity to an appropriate office of the department of motor vehicles in order to receive a registry identification card. Upon the presentation of the written notice and proof of identity, the department of motor vehicles shall prepare and issue a registry identification card to the applicant and designated primary caregiver, if any, after it has confirmed by telephone or other reliable means that the state department of agriculture has approved the issuance of the card.*

*2. If the department denies an application for a registry identification card, the department will provide the applicant and designated primary caregiver, if any, with written notice of its denial by registered mail.*

**Sec. 11.** *A person who is required to comply with the provisions of NRS 453A.230 shall notify the department of any change in the information required by that section within 7 days after the change in that information.*

**Sec. 12. 1.** *Except as otherwise provided in subsection 2, a person to whom a registry identification card has been issued may renew that card by:*

*(a) Submitting to the state department of agriculture a form for renewal prescribed by the department and the materials required by NRS 453A.210 and section 8 of this regulation; and*

*(b) Returning his expired registry identification card to the department of motor vehicles.*

*2. A person who wishes to renew his registry identification card is not required to comply with the provisions of subsection 4 of section 8 of this regulation.*

**Sec. 13.** *For the purposes of chapter 453A of NRS:*

*1. “Immature marijuana plant” means a marijuana plant with no observable flowers or buds.*

*2. “Mature marijuana plant” means a marijuana plant which has flowers or buds that are readily observable by an unaided visual examination.*

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**INFORMATIONAL STATEMENT**

1. Public workshops were held on August 7, 2001 in Sparks, Nevada at the Sparks City Council Chambers, Legislative Building 745 Fourth Street and on August 9, 2001 at the Grant Sawyer State Office Building, 555 E. Washington Avenue, Room 4401, Las Vegas, Nevada.

Public hearings were held on August 22, 2001 at the Grant Sawyer State Office Building, 555 E. Washington Avenue, Room 4401, Las Vegas, Nevada and on August 24, 2001 at the Nevada Commission on Tourism, Paul Laxalt Building, 401 North Carson, 2<sup>nd</sup> Floor Carson City, Nevada.

Notices of workshop and notices of hearing were posted at all six Department of Agriculture offices, the Nevada State Library in Carson City, Nevada, and all Nevada County Libraries. Press releases on the dates, times and places of the workshops and hearings were sent to major newspapers in Nevada. Copies could be requested from the Nevada Department of Agriculture by writing to 350 Capitol Hill Avenue, Reno, Nevada 89502, by calling (702) 688-1180, or by contacting all other Department of Agriculture offices, the Nevada State Library in Carson City, and all Nevada County Libraries. All persons who have requested to be notified of amendments were notified by mail.

2. Workshop held August 7, 2001-Sparks  
Number attended: 15  
Number Testified: 6  
Number of written statements submitted: 0

Summary of comments:

There were several questions on the provisions of the law. These included: What if an attending physician refuses to sign a statement? What if I don't know how to grow marijuana? Can more than one applicant choose the same caregiver? Can a registry cardholder be a caregiver to another applicant? Is the registry card valid out of state or are other states registry cards valid in Nevada?

AB 453 was the reference given to answer these questions.

There was no objection to the regulation and the attendees supported the regulation.

Workshop held August 9, 2001-Las Vegas  
Number attended: 37  
Number testifying: 15  
Number of written statements submitted: 0

Summary of comments:

There were several questions on the provisions of the law. These included: What if an attending physician refuses to sign a statement? What if I don't know how to grow marijuana? Can a registry cardholder maintain firearms in their home? If my physician won't sign the statement where can I get help? Can someone provide gardening service for a cardholder? There were several questions on the federal/state conflict on the medical marijuana program. Questions on the rule included:

1. Why is a fingerprint card required?  
Fingerprints are necessary to perform the background check required to issue a registry card.
2. What if an applicant is not able to travel to the Department of Motor Vehicles to get their picture taken? Can the Department take the picture?  
The Department will consult with the Department of Motor Vehicles and try to accommodate applicants who are unable to travel.
3. If an officer discovers a cardholder with inaccurate information on the card is it invalid at that point?  
The Department will review the rules and consider reasons to invalidate cards.

AB 453 was the reference given to answer these questions.

There was no objection to the regulation and the attendees supported the regulation.

Hearing held August 22, 2001- Las Vegas  
Number attending: 17  
Number testifying 2  
Number of written statements submitted: 1

Summary of the written comment submitted by the Medical Marijuana Caregivers of America:

A caregiver should be allowed to serve more the one patient.

Summary of verbal testimony:

A caregiver should be allowed to serve more the one patient. Marijuana plants are male or female, sometime flowers of both sexes are produced. The definition of mature and immature should be amended to: mature plants are designated by the presence of observable buds or flowers and immature plants to no observable buds and flowers.

Hearing held August 24, 2001

Number Attending:	14
Number testifying:	7
Number of written statements submitted:	0

Summary of verbal testimony:

Supported the regulation, but stated that patients should be allowed to also be caregivers. Also supported that Caregivers should be allowed to serve more than one patient. Seven days is too short of time to report changes in information on registry card. More time should be allowed, or calling in the information change should be allowed. One person opposed the regulation. Other statements concerning provisions of the law were made. These statements will be considered when the department provides its report on the program at the next legislative session.

Comments were solicited from business and the public by posting in public locations, press releases and through direct mail notices as outlined in #1 above. A copy of the comments and oral and written testimony may be obtained by calling the Nevada Department of Agriculture office, (702) 688-1180.

The Nevada Board of Agriculture adopted the regulations as written.

1. The economic effects of the adopted regulations on the businesses it is to regulate include:
  - a. Adverse effects:  
None. Participation in the program by physicians and caregivers is not mandatory.
  - b. Beneficial effects:  
Participation by physicians and caregivers will provide for a patients' participation.
  - c. Immediate and long-term economic effects:  
The adverse and beneficial effects are the same for immediate and long-term.
2. Economic effects of the proposed amendments on the public include:
  - a. Adverse effects:  
None
  - b. Beneficial effects:  
Citizens of Nevada who qualify for the Medical Marijuana Program will be able to receive a registry card and the statutory privileges provided in the law.
  - c. Immediate and long-term effects:  
The adverse and beneficial effects are the same for the immediate and long-term.
3. Economic cost to the agency for the enforcement of the amendment:  
There will not be any additional cost to the agency to enforce the amendments adopted.
4. There are no other state or federal agency amendments that the adopted amendments overlap or duplicate.

5. The amendments adopted do not include any provisions more stringent than any federal regulation which the same activity.
6. This amendment does not establish or increase any fees.