

LCB File No. R095-01

**PROPOSED REGULATION OF THE
STATE DEPARTMENT OF AGRICULTURE**

NOTICE OF WORKSHOP

A workshop will be held on a proposed amendment to NAC 40, pertaining to the Nevada Medical Marijuana Program, (Qualification, Registration, Provisions.)

DATE: AUGUST 7, 2001

TIME: 10:00 A.M.

PLACE: Sparks City Council Chambers
Legislative Building
745 Fourth Street
Sparks, Nevada

DATE: AUGUST 9, 2001

TIME: 1:30 P.M.

PLACE: Grant Sawyer State Office Building
555 E. Washington Avenue, Rm. 4401
Las Vegas, Nevada

For clarification on the proposed amendments contact Cecile Crofoot at (775) 684-5333.

Addresses at which the text of the proposed regulation may be inspected and copied:

The Nevada State Library in Carson City, and all county libraries, the Department of Agriculture offices in Reno, Sparks, Elko, or Winnemucca during the hours of 8:00 a.m. to 5:00 p.m., Monday to Friday.

NOTICE AND INTENT TO ADOPT REGULATIONS

STATE DEPARTMENT OF AGRICULTURE

Proposed amendments to NAC 40, pertaining to the Nevada Medical Marijuana Program, (Qualification, Registration, Provisions.)

Need and purpose of the proposed amendment:

The citizens of Nevada voted to approve of the use of Medical Marijuana for alleviating pain and other symptoms of associated with debilitating medical conditions. AB453 was adopted in the last legislative session. This law directs the Department of Agriculture to establish and maintain a program for the qualification, registration, and issuance of registry cards for the medical marijuana program.

Economic effects of the proposed amendment on the businesses which it intends to regulate:

1. Adverse effects:
None.
2. Beneficial effects:
Assisting in the medical marijuana program that the public voted to establish.
3. Immediate and long term effects:
The beneficial and adverse effects are the same for the immediate and long-term effects.

Economic effects of the proposed amendment:

1. Adverse effects:
None.
2. Beneficial effects:
The citizens of Nevada will be able to use marijuana, medically, for alleviating pain and other symptoms often associated with debilitating medical conditions.
3. Immediate and long term effects:
The beneficial and adverse effects are the same for the immediate and long-term effects.

Economic cost to the agency for enforcement of the proposed amendments:

There will be no additional cost to the agency for enforcement of the amendments.

Description of any regulations of any other state, local or federal regulation that the proposed amendments overlap or duplicate:

There are no other state, local or federal government regulations that these amendments overlap or duplicate.

Fees:

The proposed amendments do not contain any new fees or increase any existing fees.

The date time, place and manner in which interested parties may present their views on the proposed amendments:

DATE: August 22, 2001
TIME: 1:30 p.m.
PLACE: Grant Sawyer State Office
555 E. Washington Avenue, Rm. 4401
Las Vegas, Nevada

DATE: August 24, 2001
TIME: 10:00 a.m.
PLACE: Nevada Commission on Tourism
Paul Laxalt Building
401 North Carson, 2nd Floor
Carson City, Nevada

Manner: Written comments and testimony may be submitted prior to the hearing date and will be included with any testimony presented at the hearing. All variable and written testimony will be in the record of the hearing.

Addresses at which the text of the proposed regulations may be inspected and copied:

The Nevada State Library in Carson City, and all Nevada County Libraries, the Department of Agriculture offices in Reno, Sparks, Elko, Las Vegas and Winnemucca during the hours of 8:00 a.m. through 5:00 p.m., Monday through Friday.

Nevada Department of Agriculture
350 Capitol Hill Avenue
Reno, NV 89502

Nevada Department of Agriculture
2150 Frazer Street
Sparks, NV 89431

**Nevada Department of Agriculture
1550 S. Wells Avenue
Reno, NV 89502**

**Nevada Department of Agriculture
1200 E. Winnemucca Blvd.
Winnemucca, NV 89445**

**Nevada Department of Agriculture
Eyer H. Boies Building
850 Elm Street
Elko, NV 809801**

**Nevada Department of Agriculture
2300 McLeod
Las Vegas, NV 89104**

NOTE: We are pleased to make reasonable accommodations for members of the public who are disabled and wish to attend the meeting. If special arrangements for the meeting are necessary, call Cecile Crofoot at the Nevada Department of Agriculture, (775)-684-5333 as soon as possible.

NRS 233B.064 Permanent regulations not to be adopted or revised by the Legislative Counsel; agency's reasons for adoption.

2. Upon adoption of any regulation, the agency, if requested to do so by an interested person before adoption, or within 30 days thereafter, shall issue a concise statement of the principal reasons for and against adoption, and incorporate therein its reasons for overruling the consideration urged against its adoption.

Paul Iverson, Director

Date

**STATE DEPARTMENT OF AGRICULTURE
SMALL BUSINESS IMPACT DISCLOSURE PROCESS PURSUANT TO 233B “Nevada
Administrative Procedures Act”**

The purpose of this Small Business Impact Form is to provide a framework pursuant to NRS 233B.0608 to determine where a small business impact statement is required for submittal of a proposed regulation before the Nevada Department of Agriculture. If questions one (1) and two (2) are answered No, then a small business impact statement is not required. If question one (1) or two (2) is answered with a YES, then a small business impact statement is required prior to conducting a public workshop by the Department. (This form must be submitted with the proposed regulation when submitted for drafting by LCB and adoption by the Nevada State Board of Agriculture.)

Proposed regulation: NAC 554, Nevada Medical Marijuana Program, Registry Identification Card.

Part 1

1. Does this proposed regulation impose a direct and significant economic burden upon a small business? No
2. Does this proposed regulation restrict the formation, operation or expansion of a small business? No

Note: Small Business is defined as a “business conducted for profit which employs fewer than 150 full-time or part-time employees” (NRS 233B.0382).

3. If **YES** to either of questions 1 & 2, the following action must be taken:
 1. Was a small business impact statement prepared and was it available at the public workshop?
 2. Attach the small business impact statement (part 2) as part of this form upon submission for drafting by LCB and adoption by the Nevada Board of Agriculture.

Small Business Impact Form- Part 1

SMALL BUSINESS IMPACT STATEMENT

Small Business Impact Form- Part 2

(NRS 233B.0609)

1. Describe the manner in which comments were solicited from affected small businesses, a summary of the response from small businesses and an explanation of the manner in which other interested persons may obtain a copy of the summary.
2. The estimated economic effect of the proposed regulation on small business:
 - a. Both adverse and beneficial effects
 - b. Both direct and indirect effects
3. The description of the methods that the agency considered to reduce the impact of the proposed regulation on small businesses.
 - a. Simplification of the proposed regulation.

- b. Establishment of different standards of compliance for a small business.
 - c. Modification of fees or other monetary interests that a small business is authorized to pay at a lower fee.
4. The estimated cost to the agency for enforcement of the proposed regulation.
 5. If this regulation provides for a new fee or increases an existing fee, the total annual amount the agency expects to collect and the manner in which the money will be used.
 6. If the proposed regulation includes provisions which duplicate or are more stringent than federal, state or local standards relating to the same activity, provide an explanation of why the proposed regulation is duplicative or more stringent, and why it is necessary.

Nevada Department of Agriculture
350 Capitol Hill Avenue
Reno, Nevada 89502
(775) 688-1180

LCB File No. R095-01

**PROPOSED REGULATION OF THE
STATE DEPARTMENT OF AGRICULTURE**

Nevada Department of Agriculture
350 Capitol Hill Avenue
Reno, Nevada 89502-2923
Telephone (775) 688-1180 . Fax (775) 688-1178

PROPOSED AMENDMENT TO NAC 453A PERTAINING TO THE NEVADA MEDICAL MARIJUANA PROGRAM.

AUTHORITY: § 32, A.B. 453

Section 1. Chapter 453 of NAC is hereby amended by adding thereto the provisions set forth as sections 2 to 21, inclusive, of this regulation.

Sec. 2. *As used in this chapter, unless the context otherwise requires, the words and terms defined in sections 3 to 16, inclusive, have the meanings ascribed to them in those sections.*

Sec. 3. *“Administer” has the meaning ascribed to it in NRS 453.021.*

Sec. 4. *“Attending physician” means a physician who:*

- 1. Is licensed to practice medicine pursuant to the provisions of chapter 630 of NRS; and*
- 2. Has primary responsibility for the care and treatment of a person diagnosed with a chronic or debilitating medical condition.*

Sec. 5. *“Cachexia” means general physical wasting and malnutrition associated with chronic disease.*

Sec. 6. *“Chronic or debilitating medical condition” means:*

- 1. Acquired immune deficiency syndrome;*
- 2. Cancer;*
- 3. Glaucoma;*
- 4. A medical condition or treatment for a medical condition that produces, for a specific*

patient, one or more of the following:

(a) Cachexia;

(b) Persistent muscle spasms, including, without limitation, spasms caused by multiple sclerosis;

(c) Seizures, including, without limitation, seizures caused by epilepsy;

(d) Severe nausea; or

(e) Severe pain; or

5. Any other medical condition or treatment for a medical condition that is:

(a) Classified as a chronic or debilitating medical condition by regulation of the division;

or

(b) Approved as a chronic or debilitating medical condition pursuant to a petition submitted in accordance with § 30, A.B.453.

Sec. 7. *“Deliver” or “delivery” has the meaning ascribed to it in NRS 453.051.*

Sec. 8. *“Department” means the state department of agriculture.*

Sec. 9. *1. “Designated primary caregiver” means a person who:*

a. Is 18 years of age or older;

b. Has significant responsibility for managing the well-being of a person diagnosed with a chronic or debilitating medical condition; and

c. Is designated as such in the manner required pursuant to § 23, A.B.453.

2. The term does not include the attending physician of a person diagnosed with a chronic or debilitating medical condition.

Sec. 10. *“Division” means the health division of the department of human resources.*

Sec. 11. *“Drug paraphernalia” has the meaning ascribed to it in NRS 453.554.*

Sec. 12. *“Marijuana” has the meaning ascribed to it in NRS 453.096.*

Sec. 13. *“Medical use of marijuana” means:*

1. *The possession, delivery, production or use of marijuana;*
2. *The possession, delivery or use of paraphernalia used to administer marijuana; or*
3. *Any combination of the acts described in subsections 1 and 2, as necessary for the exclusive benefit of a person to mitigate the symptoms or effects of his chronic or debilitating medical condition.*

Sec. 14. *“Production” has the meaning ascribed to it in NRS 453.131.*

Sec. 15. *“Registry identification card” means a document issued by the department or its designee that identifies:*

1. *A person who is exempt from state prosecution for engaging in the medical use of marijuana; or*
2. *The designated primary caregiver, if any, of a person described in subsection 1.*

Sec. 16. *“State prosecution” means prosecution initiated or maintained by the State of Nevada or an agency or political subdivision of the State of Nevada.*

Sec. 17. *Authority: § 1, section 19 of chapter 592, Statutes of Nevada 2001. The department will prescribe forms for the use of a program applicant, the applicant’s attending physician, and the applicant’s primary caregiver, if there is one, to be used to apply for a registry identification card. These forms will be submitted to the department of agriculture for approval or denial.*

1. *Authority: § 1, section 32, chapter 592, Statutes of Nevada 2001. Program application form.*

- (a) *In addition to information required in subsection 4 of § 19 of chapter 592, Statutes of*

Nevada 2001 the department shall require the applicant to have his photo identification copied onto the back of the first page of the program application; and

(b) (This photo identification will be notarized attesting that the photo identification is in fact the identification of the person who is applying for the registry identification card.

(c) The applicant shall supply the department, on the prescribed forms, the information required by the central repository for Nevada records of criminal history and department of motor vehicles; and

(d) The primary caregiver shall supply the department, on the prescribed forms, the information required by the central repository for Nevada records of criminal history and department of motor vehicles.

Sec. 18. *Authority § 4, section 19 chapter 592, Statutes of Nevada 2001. The department will verify the information supplied by the applicant and the caregiver, if there is one, and:*

1. Approve the issuance of a registry identification card to an applicant and the caregiver, if there is one, and;

(a) Provide the applicant and the caregiver, if there is one, with a notification letter, by registered mail of acceptance, or;

2. Deny the issuance of a registry identification card and

(a) Provide the applicant and the caregiver, if there is one, with a notification letter, by registered mail, denying the application.

3. The applicant and the caregiver, if there is one, who receives a notification letter approving the application, will take the notification letter, their copy of the original program application, and proof of identity to an appropriate office of the department of motor vehicles to have a registry identification card made.

Sec. 19. *If a person is required, pursuant to section 21 of chapter 592, Statutes of Nevada 2001, to notify the department of a change in information, the updated information must be provided to the department within 60 days after the date on which the information changed.*

Sec. 20. *Authority: §6, section 20 chapter 592, Statutes of Nevada 2001. A registry identification card may be renewed annually upon expiration by submitting the forms required in section 17 of this regulation.*

Sec. 21. *For the purposes of chapter 453A of NRS:*

1. “Mature marijuana plant” is a plant that has male and female flower buds that are readily observed by an unaided visual examination.

2. “Immature marijuana plant” is plant in which that sexual differentiation has not taken place.