

LCB File No. R189-03

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

NOTICE OF INTENT TO ADOPT REGULATIONS

Proposed amendments to NAC 453.A pertaining to the Nevada Medical Marijuana Program.

Need and purpose of the proposed amendments:

The amendments are being made to implement changes to the medical marijuana law made in the 1993 legislative session.

Economic effect of these proposed amendments on the businesses which it is to regulate:

1. Adverse effects:

None

2. Beneficial effects:

None

3. Immediate and long term effects:

The beneficial and adverse effects are the same for the immediate and long- term economic effects.

Economic effects of the proposed amendments on the public:

1. Adverse effects:

Fees needed to pay the cost of the program will have to be paid by the participants interested and accepted to the program.

2. Beneficial effects:

Implements the changes to the medical marijuana.

3. Immediate and long-term effects:

None

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:

This regulation does not overlap or duplicate any other state or federal regulation.

Fees:

The proposed amendments do contain new fees that will cover the cost of the program.

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

DATE: December 2, 2003

TIME: 10:00 a.m.

PLACE: Nevada Department of Agriculture Office, Reno
350 Capitol Hill Avenue
Reno, Nevada 89502

DATE: December 3, 2003

TIME: 2:00 p.m.

PLACE: UNR Cooperative Extension
Lindell Learning Center, Room D
2590 Lindell Street
Las Vegas, 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 at:

The Nevada State Library in Carson City, and all Nevada county libraries, and the Department of Agriculture offices in Reno, Sparks, Elko, Las Vegas or Winnemucca during the hours of 8:00 a.m. until 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
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 Jennifer Bartlett 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.

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.

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NOTICE OF WORKSHOP

A workshop will be held on proposed amendments to NAC 453.A pertaining to the Nevada Medical Marijuana Program.

DATE: December 2, 2003

TIME: 9:00 a.m.

Place: Nevada Department of Agriculture, Reno Office
350 Capitol Hill Avenue
Reno, NV 89502-2923

DATE: December 3, 2003

TIME: 1:00 p.m.

PLACE: UNR Cooperative Extension
Lindell Learning Center, Room D
2590 Lindell Street
Las Vegas, Nevada

For clarification on the proposed amendments contact Jennifer Bartlett at (775) 684-5333.

Addresses at which the text of the proposed regulations 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

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**PROPOSED REGULATION OF THE STATE
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**SMALL BUSINESS IMPACT DISCLOSURE PROCESS
PURSUANT TO 233B “Nevada Administrative Procedures Act”**

The purpose of this Small Business Impact Form is to provide a frame work 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.)

Amendments to: NAC 453.A pertaining to the Nevada Medical Marijuana Program.

Small Business Impact Form - 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:
 - a. Was a small business impact statement prepared and was it available at the public workshop?
 - b. 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 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.

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

NAC 453A.070 "Resident" defined. "Resident" has the meaning ascribed to it in NRS 453A.210.

NAC 453A.100 Application: Required accompanying information.

8. Proof of state residency including a photocopy of a valid state driver's license or state identification card.

NAC 453A.200 Fees for an application packet and approval for issuing a registry identification card.

- 1. The fee for each first-time requested application package is of \$50.00*
- 2. The fee for issuing a approval for issuing a Registry Identification card upon approval of an application is \$150.00.*