

**PROPOSED REGULATION OF THE DIVISION OF PUBLIC
AND BEHAVIORAL HEALTH OF THE DEPARTMENT OF HEALTH
AND HUMAN SERVICES**

LCB File No. R004-14

Section 1. Chapter 453A of NAC is hereby amended by adding thereto the provisions set forth as sections 2 to 139, inclusive, of this regulation.

DEFINITIONS

- Sec. 2. *“Batch” means a specific lot of marijuana grown from one or more seeds or cuttings that are planted and harvested at the same time.*
- Sec. 3. *“Batch number” means a unique numeric or alphanumeric identifier assigned to a batch by a medical marijuana establishment when the batch is planted.*
- Sec. 4. *“Cultivation facility” has the meaning ascribed to it in NRS 453A.056.*
- Sec. 5. *“Edible marijuana products” has the meaning ascribed to it in NRS 453A.101.*
- Sec. 6. *“Electronic verification system” has the meaning ascribed to it in NRS 453A.102.*
- Sec. 7. *“Enclosed, locked facility” has the meaning ascribed to it in NRS 453A.103.*
- Sec. 8. *“Excluded felony offense” has the meaning ascribed to it in NRS 453A.104.*
- Sec. 9. *“Facility for the production of edible marijuana products or marijuana-infused products” has the meaning ascribed to it in NRS 453A.105.*
- Sec. 10. *“Independent testing laboratory” has the meaning ascribed to it in NRS 453A.107.*
- Sec. 11. *“Inventory control system” has the meaning ascribed to it in NRS 453A.108.*
- Sec. 12. *“Lot” means either:*
- 1. The flowers from one or more marijuana plants of the same strain, in a quantity that weighs five pounds or less; or*
 - 2. The leaves or other plant matter from one or more marijuana plants, other than full female flowers, in a quantity that weighs fifteen pounds or less.*
- Sec. 13. *“Marijuana-infused products” has the meaning ascribed to it in NRS 453A.112.*
- Sec. 14. *“Medical marijuana dispensary” has the meaning ascribed to it in NRS 453A.115.*
- Sec. 15. *“Medical marijuana establishment” has the meaning ascribed to it in NRS 453A.116.*

Sec. 16. *“Medical marijuana establishment agent” has the meaning ascribed to it in NRS 453A.117. The term does not include a consultant who performs professional services for a medical marijuana establishment.*

Sec. 17. *“Medical marijuana establishment agent registration card” has the meaning ascribed to it in NRS 453A.118.*

Sec. 18. *“Medical marijuana establishment registration certificate” has the meaning ascribed to it in NRS 453A.119.*

Sec. 19. *“Paraphernalia” has the meaning ascribed to it in NRS 453A.125.*

Sec. 20. *“Pesticide” has the meaning ascribed to it in NRS 586.195.*

Sec. 21. *“Physician” has the meaning ascribed to it in NRS 0.040.*

Sec. 22. *“Usable marijuana” has the meaning ascribed to it in NRS 453A.160.*

REGISTRATION OF MEDICAL MARIJUANA ESTABLISHMENTS AND MEDICAL MARIJUANA ESTABLISHMENT AGENTS

Sec. 23. *1. When a medical marijuana establishment is required pursuant to chapter 453A of NRS or this chapter to provide information, sign documents, or ensure actions are taken, a person identified in this subsection shall comply with the requirement on behalf of the establishment:*

(a) If an individual is applying for a medical marijuana establishment registration certificate, the individual;

(b) If a corporation is applying for a medical marijuana establishment registration certificate, an individual who is an officer of the corporation;

(c) If a partnership is applying for a medical marijuana establishment registration certificate, an individual who is a partner;

(d) If a limited liability company is applying for a medical marijuana establishment registration certificate, a manager or, if the limited liability company does not have a manager, an individual who is a member of the limited liability company;

(e) If an association or cooperative is applying for a medical marijuana establishment registration certificate, an individual who is a member of the governing board of the association or cooperative;

(f) If a joint venture is applying for a medical marijuana establishment registration certificate, an individual who signed the joint venture agreement; and

(g) If a business organization type other than those described paragraphs (b) to (f), inclusive, is applying for a medical marijuana establishment registration certificate, an individual who is a member of the business organization.

2. For the purposes of chapter 453A of NRS and this chapter, the following persons must comply with the provisions governing owners, officers and board members of a medical marijuana establishment:

(a) If a corporation is applying for a medical marijuana establishment registration certificate, the officers of the corporation;

(b) If a partnership is applying for a medical marijuana establishment registration certificate, the partners;

(c) If a limited liability company is applying for a medical marijuana establishment registration certificate, the members of the limited liability company;

(d) If an association or cooperative is applying for a medical marijuana establishment registration certificate, the members of the association or cooperative;

(e) If a joint venture is applying for a medical marijuana establishment registration certificate, the individuals who signed the joint venture agreement; and

(f) If a business organization type other than those described paragraphs (a) to (e), inclusive, is applying for a medical marijuana establishment registration certificate, the members of the business organization.

Sec. 24. 1. *Except as otherwise required in subsection 2, the requirements of this regulation concerning owners of medical marijuana establishments only apply to a person with an aggregate ownership interest equal to or exceeding 5 percent in a medical marijuana establishment.*

2. If, in the judgment of the Division, the public interest will be served by requiring any owner with a 5 percent or less ownership interest in a medical marijuana establishment to comply with any provisions of this regulation concerning owners of medical marijuana establishments, that owner must comply with those provisions.

Sec. 25. 1. *The Division shall issue a request for applications to operate a medical marijuana establishment. The Division shall provide notice of a request for applications to operate a medical marijuana establishment by:*

(a) Posting on the website of the Division that the Division is requesting applicants to submit their applications;

(b) Posting a copy of the request for applications at the principal office of the Division, the Legislative Building, and at not less than three other separate, prominent places within this State; and

(c) Making notification of the posting locations from the listserv maintained by the Division for medical marijuana establishment information.

2. When the Division issues a request for applications, the Division will include in the request the point values that will be allocated to the applicable portions of the application.

3. The Division will accept responses to a request for applications issued pursuant to this section for 10 business days beginning 45 business days after the date on which the Division issues the request for applications.

4. If the Division receives a response to a request for applications issued pursuant to this section at a time other than the time set forth in subsection 3, the Division must return the response to the entity that submitted the response.

Sec. 26. *An applicant that responds to a request for applications to operate a medical marijuana establishment issued pursuant to section 25 of this regulation must include with its response:*

1. The one-time, nonrefundable application fee of \$5,000.00.

2. An application on a form prescribed by the Division as set forth in subsection 2 of NRS 453A.322. The application must include, without limitation:

(a) Whether the applicant is applying for a medical marijuana establishment registration certificate for an independent testing laboratory, a cultivation facility, a facility for the production of edible marijuana products or marijuana-infused products, or a medical marijuana dispensary;

(b) The name of the proposed medical marijuana establishment, as reflected in the articles or other documents filed with the Secretary of State;

(c) The type of business organization of the applicant, such as individual, corporation, partnership, limited liability company, association or cooperative, or any other business organization;

(d) Confirmation that the applicant has registered with the Secretary of State as the appropriate type of business, and the articles of incorporation, articles of organization, or partnership or joint venture documents of the applicant;

(e) The physical address where the proposed medical marijuana establishment will be located and the physical address of any co-owned or otherwise affiliated medical marijuana establishments;

(f) The mailing address of the applicant;

(g) The telephone number of the applicant;

(h) The email address of the applicant;

(i) If the applicant is applying for a medical marijuana establishment registration certificate to operate a medical marijuana dispensary, the proposed hours of operation during which the dispensary plans to be available to dispense medical marijuana to patients who hold valid registry identification cards or to the designated primary caregivers of such patients;

(j) An attestation that the information provided to the Division to apply for the medical marijuana establishment registration certificate is true and correct according to the information known by the affiant at the time of signing; and

(k) The acceptable signature as defined by the Division of an individual for the establishment as set forth in subsection 1 of section 23 of this regulation, as applicable for that establishment, and the dates on which they signed.

3. Documentation from a financial institution in this state, or in any other state or the District of Columbia, which demonstrates:

(a) That the applicant has at least \$250,000 in liquid assets as required pursuant to sub-subparagraph (III) of subparagraph (2) of paragraph (a) of subsection 3 of NRS 453A.322, which are unencumbered and can be converted within 30 days after a request to liquidate such assets; and

(b) The source of those liquid assets.

4. Evidence of the amount of taxes paid to, or other beneficial financial contributions made to, the State of Nevada or its political subdivisions within the last five years by the applicant or the persons who are proposed to be owners, officers or board members of the proposed establishment to assist the Division in considering the criteria of merit set forth in subsection 9 of NRS 453A.328.

5. *A description of the proposed organizational structure of the proposed medical marijuana establishment including, without limitation, the following:*

(a) An organization chart showing all owners, officers and board members of the medical marijuana establishment;

(b) A list of all owners, officers and board members of the medical marijuana establishment that contains the following information for each individual:

(1) Title of the individual;

(2) A short description of the role the individual will serve in for the organization and the responsibilities of the position of the individual;

(3) Whether the individual has in the past served or is currently serving as an owner, officer or board member for another medical marijuana establishment;

(4) Whether the individual has served as an owner, officer or board member for a medical marijuana establishment that has had its medical marijuana establishment registration certificate revoked;

(5) Whether the individual has previously had a medical marijuana establishment agent registration card revoked;

(6) Whether the individual is a physician currently providing written documentation for the issuance of registry identification cards;

(7) Whether the individual is a law enforcement officer;

(8) Whether the individual is currently an employee or contractor of the Division;
and

(9) Whether the individual has an ownership or financial investment interest in any other medical marijuana establishment.

6. *For each owner, officer and board member of the proposed medical marijuana establishment:*

(a) An attestation signed and dated by the owner, officer or board member that the owner, officer or board member has not been convicted of an excluded felony offense, and that the information provided to support the application to operate a medical marijuana establishment is true and correct;

(b) A narrative description, not to exceed 750 words, demonstrating

(1) Past experience working with government agencies and highlighting past community involvement;

(2) Any previous experience at operating other businesses or non-profit organizations; and

(3) Any demonstrated knowledge or expertise with respect to the compassionate use of marijuana to treat medical conditions.

(c) A resume.

7. *To assist the Division in considering the criteria of merit set forth in subsection 7 of NRS 453A.328, documentation concerning 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, including, without limitation, building and construction plans with supporting details.*

8. *To assist the Division in considering the criteria of merit set forth in subsection 8 of NRS 453A.328, the integrated plan of the proposed medical marijuana establishment for the care, quality and safekeeping of medical marijuana from seed to sale, including, without limitation, a plan for testing and verifying medical marijuana, a transportation plan, and*

procedures to ensure adequate security measures, including, without limitation, building security and product security.

9. A business plan which includes, without limitation, a description of the electronic verification system and inventory control system of the proposed medical marijuana establishment to satisfy the requirements of sub-subparagraph (II) of subparagraph (3) of paragraph (a) of subsection 3 of NRS 453A.322.

10. To assist the Division in considering the criteria of merit set forth in subsection 1 of NRS 453A.328, a financial plan which includes, without limitation:

(a) Financial statements showing the resources of the applicant;

(b) If the applicant is relying on funds from an owner, operator or partner, evidence that such person has unconditionally committed such funds to the use of the applicant in the event the Division awards a medical marijuana establishment registration certificate to the applicant and the applicant obtains the necessary local government approvals to operate the establishment; and

(c) Proof that the applicant has adequate funds to cover all expenses and costs of the first year of operation.

11. Evidence that the applicant has a plan to staff, educate and manage the proposed medical marijuana establishment on a daily basis, which must include, without limitation:

(a) A detailed budget for the proposed establishment, including pre-opening, construction and first year operating expenses;

(b) An operations manual that demonstrates compliance with the regulations of the Division;

(c) An education plan which must include, without limitation, providing educational materials to the staff of the proposed establishment; and

(d) A plan to minimize the environmental impact of the proposed establishment.

12. To assist the Division in considering the criteria of merit set forth in subsections 6 and 7 of NRS 453A.328, a proposal demonstrating:

(a) The likely impact of the proposed medical marijuana establishment in the community in which it is proposed to be located; and

(b) The manner in which the proposed medical marijuana establishment will meet the needs of the persons who are authorized to engage in the medical use of marijuana.

13. If a local government in which a proposed medical marijuana establishment will be located has not enacted zoning restrictions, and the applicant is not required to secure approval that the applicant is in compliance with such restrictions, a professionally prepared survey demonstrating that the applicant has satisfied all the requirements of NRS sub-subparagraph (II) of subparagraph (2) of paragraph (a) of subsection 3 of NRS 453A.322.

14. A response to and information to support any other criteria of merit the Division determines to be relevant, which will be specified and requested by the Division at the time the Division issues a request for applications which includes the point values that will be allocated to the applicable portions of the application pursuant to subsection 2 of section 25 of this regulation.

Sec. 26.5. *For the purposes of sub-subparagraph (II) of subparagraph (2) of paragraph (a) of subsection 3 of NRS 453A.322, the distance must be measured from the front door of the proposed medical marijuana establishment to any closest point of the property line of a school or community facility.*

Sec. 27. 1. *If the Division receives, within 10 business days after the date on which the Division begins accepting responses to a request for applications to operate a medical marijuana establishment issued pursuant to section 25 of this regulation, more than one response from any applicants proposing to operate a medical marijuana establishment and the Division determines that more than one of the responses is complete and in compliance with chapter 453A of NRS and this chapter, the Division will rank the applications, within that local government jurisdiction if the jurisdiction limits the number of a type of establishments and statewide if the jurisdiction does not specify a limit, in order from first to last based on compliance with the provisions of chapter 453A of NRS and this chapter and on the content of the applications as it relates to:*

(a) The ownership or authorized use of property as required by sub-subparagraph (IV) of subparagraph (2) of paragraph (a) of subsection 3 of NRS 453A.322;

(b) Documentation of liquid assets as required by sub-subparagraph (III) of subparagraph (2) of paragraph (a) of subsection 3 of NRS 453A.322;

(c) Evidence of taxes paid and other beneficial financial contributions as set forth in subsection 9 of NRS 453A.328; and

(d) The description of the proposed organizational structure of the proposed medical marijuana establishment and information concerning each owner, officer and board member of the proposed medical marijuana establishment, including, without limitation, the information provided pursuant to subsections 5 and 6 of section 26 of this regulation.

2. Applications that have not demonstrated a sufficient response related to the criteria set forth in subsection 1 will not have additional criteria considered in determining whether to issue a registration certificate, and will not move forward in the application process.

3. Any findings from a report concerning the criminal history of an applicant or person who is proposed to be an owner, officer or board member of a proposed medical marijuana establishment that disqualify that individual from being qualified to serve in that capacity will also result in the disqualification of the application. The applicant will have the opportunity to resolve such an issue within the 90-day application period.

Sec. 28. 1. *Except as otherwise provided in this section, the Division shall issue provisional medical marijuana establishment registration certificates in accordance with subsection 3 of NRS 453A.326 and section 30 of this regulation to the highest ranked applicants up to the designated number of registration certificates the Division plans to issue.*

2. If two or more applicants have the same total number of points for the last application being awarded a provisional certificate, the Division shall select the applicant which has scored the highest number of points as it relates to the proposed organizational structure of the proposed medical marijuana establishment and the information concerning each owner, officer and board member of the proposed medical marijuana establishment, including, without limitation, the information provided pursuant to subsections 5 and 6 of section 26 of this regulation.

Sec. 29. *If the Division receives only one response, within a specific jurisdiction if the jurisdiction limits the number of a type of establishments to one and statewide if there is not a limit on the number of a type of establishments, to a request for applications for medical marijuana establishments issued pursuant to section 25 of this regulation within 10 business*

days after the Division begins accepting responses to the request for applications and the Division determines that the response is complete and in compliance with this chapter, the Division will issue a provisional registration certificate to that applicant to operate a medical marijuana establishment in accordance with subsection 3 of NRS 453A.326 and section 30 of this regulation.

Sec. 30. *1. Except as otherwise provided in subsection 2, the issuance by the Division of a medical marijuana establishment registration certificate is provisional, and not an approval to begin business operations, until such time as:*

(a) The medical marijuana establishment is in compliance with all applicable local government ordinances and rules; and

(b) The local government has issued a business license, or otherwise approved the applicant, for the operation of the establishment.

2. If the local government does not issue business licenses and does not approve or disapprove medical marijuana establishments in its jurisdiction, a medical marijuana establishment registration certificate becomes an approval to begin business operations when the medical marijuana establishment is in compliance with all applicable local government ordinances and rules.

Sec. 31. *If the Division does not issue a medical marijuana establishment registration certificate to an applicant to operate a medical marijuana establishment, the Division must provide a written notice to the applicant stating that the Division did not issue a medical marijuana establishment registration certificate to the applicant as a result of the provisions of sections 27 and 28 of this regulation.*

Sec. 32. This section was deleted.

Sec. 33. *1. The Division may at any time it determines an inspection is needed, conduct an investigation into the premises, facilities, qualifications of personnel, methods of operation, policies and purposes of any medical marijuana establishment and of any person proposing to engage in the operation of a medical marijuana establishment. The facility is subject to inspection and approval as to standards for safety from fire, on behalf of the Division, by the local fire protection agency. If a local fire protection agency is not available, the State Fire Marshal may conduct the inspection after the establishment pays the appropriate fee to the State Fire Marshal for such inspection,*

2. The Division shall not issue a medical marijuana establishment registration certificate until the Division completes an inspection of the establishment that may require more than one visit to the establishment.

3. In addition to complying with the provisions of chapter 372A of NRS and chapter 372A of NAC governing the imposition of an excise tax on medical marijuana establishments, a medical marijuana establishment may not operate until it has been issued a medical marijuana establishment registration certificate from the Division.

4. The Division will not issue a medical marijuana establishment registration certificate until it has received a satisfactory report of full compliance with, and completion of, all applicable public safety inspections required by state and local jurisdictions, including,

without limitation, fire, building, health and air quality inspections, except as otherwise provided in subsection 3 of section 63 of this regulation.

Sec. 34. 1. *If a medical marijuana establishment is not fully operational within 18 months after the date on which the Division issued the establishment a medical marijuana establishment registration certificate, the Division may revoke the registration certificate. The applicable annual renewal fee is still payable by the establishment during this period.*

2. If the Division revokes the medical marijuana establishment registration certificate of a medical marijuana establishment pursuant to subsection 1, the establishment may not reapply for a registration certificate until at least 12 months after the date on which the registration certificate was revoked.

Sec. 35. 1. *A medical marijuana establishment must surrender its medical marijuana registration certificate and reapply for a medical marijuana establishment registration certificate during the annual 10 business day application period during which the Division is accepting applications to operate medical marijuana establishment registration certificates:*

(a) Before all or substantially all of the assets of the medical marijuana establishment or ten percent or more of the stock of the medical marijuana establishment are transferred; and

(b) Except as otherwise provided in this section, any time there is a change in the location of the medical marijuana establishment if:

(1) It is a material change that requires the establishment to go through an approval process by a local governmental entity; or

(2) The new location is more than 5 miles from its original approved location.

2. A medical marijuana establishment may change the location of the establishment to a new location that is 5 miles or less from its original approved location if:

(a) It provides to the Division before it changes location:

(1) Written justification for the need to change the location.

(2) Land use approval for the new location from the local government, if applicable; and

(b) The Division determines that the written justification is sufficient to justify the change in location.

3. A medical marijuana establishment may change the location of the establishment to a new location if the local government in which the medical marijuana establishment is located enacts zoning restrictions which prohibit the location of the establishment after the Division has issued a medical marijuana establishment registration certificate to the establishment.

4. If a medical marijuana establishment is closing, the manager of the establishment must notify the Division of the closing of the establishment at least 15 days before the establishment is closed and the establishment must surrender its registration certificate to the Division immediately upon closing.

5. If, after investigation, the Division determines that there is cause to believe that a medical marijuana establishment has made changes in ownership or other changes to circumvent the provisions of NRS 453A.334 which prevent the transfer of a medical marijuana establishment registration certificate, the Division shall take action to revoke the medical marijuana establishment registration certificate of that establishment.

6. A medical marijuana establishment is responsible to the Division for all costs incurred by the Division to determine whether any changes in ownership or other changes were made to circumvent the provisions of NRS 453A.334 which prevent the transfer of a medical marijuana establishment registration certificate.

Sec. 36. *In addition to the information required to be submitted to the Division pursuant to subsection 5 of NRS 453A.322, an entity that wishes to renew a medical marijuana establishment registration certificate must submit to the Division:*

1. An application in a format provided by the Division that includes:

(a) The identification number of the establishment.

(b) The name of the entity applying to renew the certificate, as reflected in the articles or other documents filed with the Secretary of State;

(c) The name of the person designated to submit applications for medical marijuana establishment agent registration cards on behalf of the establishment pursuant to subsection 2 of NRS 453A.332.

(d) If the establishment is a medical marijuana dispensary, the proposed hours of operation during which the dispensary plans to be available to dispense medical marijuana to patients who hold valid registry identification cards or to the designated primary caregivers of such patients.

(e) The number of the medical marijuana establishment agent card issued to each owner, officer or board member of the establishment.

(f) For each owner, officer and board member of the establishment, whether the owner, officer or board member:

(1) Has served as an owner, officer or board member for a medical marijuana establishment that has had its medical marijuana establishment registration certificate revoked;

(2) Is a physician currently providing written documentation for the issuance of registry identification cards;

(3) Is a law enforcement officer;

(4) Is an employee or contractor of the Division; or

(5) Has an ownership or financial investment interest in any other medical marijuana establishment.

(g) An attestation that the information provided to the Division to renew the medical marijuana establishment registration certificate is true and correct according to the information known by the affiant at the time of signing.

(h) The signature of an individual for the establishment as set forth in subsection 1 of section 23 of this regulation, as applicable for that establishment, and the date on which he or she signed.

2. A copy of an annual financial statement of the establishment for the previous year, or for the portion of the previous year during which the establishment was operational, prepared according to generally accepted accounting principles.

3. A report of an audit by an independent certified public accountant of the annual financial statement submitted pursuant to subsection 2.

Sec. 37. *1. Submission of an application for a medical marijuana establishment registration certificate constitutes permission for entry to and reasonable inspection of the establishment*

by the Division, with or without notice. An inspector conducting an inspection pursuant to this section does not need to be accompanied during the inspection.

2. The Division may, upon receipt of a complaint against a medical marijuana establishment, except for a complaint concerning the cost of services, a complaint concerning the efficacy of medical marijuana or a complaint related to customer service issues, conduct an investigation during the operating hours of the establishment, with or without notice, into the premises, facilities, qualifications of personnel, methods of operation, policies, procedures and records of that establishment or any other establishment which may have information pertinent to the complaint.

3. The Division may enter and inspect any building or premises at any time, with or without notice, to:

(a) Secure compliance with any provision of chapter 453A of NRS or this chapter;
(b) Prevent a violation of any provision of chapter 453A of NRS or this chapter; or
(c) Conduct an unannounced inspection of an establishment in response to an allegation of noncompliance with chapter 453A of NRS or this chapter.

4. The Division shall enter and inspect at least annually, with or without notice, each building or the premises of a medical marijuana establishment to ensure compliance with standards for health and sanitation.

5. The Division shall enter and inspect, with or without notice, any building or premises operated by a medical marijuana establishment within 72 hours after the Division is notified that a medical marijuana establishment is operating without a medical marijuana establishment registration certificate.

Sec. 38. *1. If the Division determines that there are any deficiencies in the operation of a medical marijuana establishment or in the provision of services by a medical marijuana establishment, the Division may suspend the medical marijuana establishment registration certificate and request a written plan of correction from the establishment.*

2. A medical marijuana establishment whose registration certificate has been suspended pursuant to subsection 1 shall develop a plan of correction for each deficiency and submit the plan to the Division for approval within 10 business days after receipt of the statement of deficiencies. The plan of correction must include specific requirements for corrective action, which must include times within which the deficiencies are to be corrected.

3. If the plan submitted pursuant to subsection 2 is not acceptable to the Division, the Division may direct the establishment to resubmit a plan of correction or the Division may develop a directed plan of correction with which the establishment must comply.

Sec. 39. *1. The Division must deny an application for or an application to renew a medical marijuana establishment registration certificate if:*

(a) The application or the establishment is not in compliance with the provisions of chapter 453A of NRS or this chapter; or

(b) An owner, officer or board member of the establishment:

(1) Is an employee or contractor of the Division;

(2) Has an ownership or financial investment interest in a medical marijuana laboratory and also is an owner, officer or board member of a dispensary, cultivation facility or facility that produces edible marijuana products or marijuana-infused products; or

- (3) Provides false or misleading information to the Division.*
- 2. The Division must revoke a medical marijuana establishment registration certificate if:*
- (a) The establishment engages in an activity set forth in NRS 453A.340;*
 - (b) An owner, officer or board member of the establishment has been convicted of an excluded felony offense; or*
 - (c) The Division receives formal notice from the applicable local government that the establishment has had its authorization to operate terminated.*
- 3. The Division may deny an application for or an application to renew a medical marijuana establishment certificate or may suspend or revoke any certificate issued under the provisions of chapter 453A of NRS upon any of the following grounds:*
- (a) Violation by the applicant or the certified establishment of any of the provisions of chapter 453A of NRS.*
 - (b) The failure or refusal of an applicant or certified establishment to comply with any of the provisions of chapter 453A of NRS or this chapter.*
 - (c) The failure or refusal of a certified establishment to carry out the policies and procedures or comply with the statements provided to the Division with the application of the establishment.*
 - (d) Operating a medical marijuana establishment without a medical marijuana establishment certificate.*
 - (e) The failure or refusal to return an adequate plan of correction to the Division within 10 days after the receipt by the establishment of a statement of deficiencies pursuant to section 38 of this regulation.*
 - (f) The failure or refusal to correct any deficiency specified by the Division within the period specified in a plan developed pursuant to section 38 of this regulation.*
 - (g) The failure or refusal to cooperate fully with an investigation or inspection by the Division.*
 - (h) The failure to comply with the provisions of chapter 372A of NRS and chapter 372A of NAC governing the imposition of an excise tax on medical marijuana establishments.*
- 4. If the Division denies an application for or an application to renew a medical marijuana establishment registration certificate or revokes a medical marijuana establishment registration certificate, the Division must provide notice to the applicant or establishment that includes, without limitation, the specific reasons for the denial or revocation.*
- 5. Before denying an application for or an application to renew a medical marijuana establishment registration certificate or revoking a medical marijuana establishment registration certificate as a result of the actions of an owner, officer or board member of the establishment pursuant to paragraph (b) of subsection 1 or paragraph (b) of subsection 2, the Division may provide the establishment with an opportunity to rectify the situation.*
- 6. The Division will not deny an application to renew a medical marijuana establishment registration certificate or revoke a medical marijuana establishment registration certificate based on a change in ownership of the establishment if the establishment is in compliance with the provisions of chapter 453A of NRS and this chapter.*

Sec. 40. *To obtain and to renew a medical marijuana establishment agent registration card pursuant to NRS 453A.332, for a person employed by or contracted with a medical marijuana establishment or a person providing volunteer services to the establishment other than a*

consultant who performs professional services for an establishment, the medical marijuana establishment shall, in addition to the information required to be submitted to the Division pursuant to NRS 453A.332, submit to the Division:

- 1. A copy of any valid government-issued identification card of the person which includes a photograph of the person.*
- 2. The name and identification number of the medical marijuana establishment.*
- 3. The signature of the person designated to submit applications for medical marijuana establishment agent registration cards on behalf of the establishment pursuant to subsection 2 of NRS 453A.332, and the date on which that person signed.*
- 4. An attestation signed and dated by the person that the person has not been convicted of an excluded felony offense.*
- 5. Either:*
 - (a) A statement that the person does not currently hold a valid medical marijuana establishment agent registration card; or*
 - (b) The number of the person's current medical marijuana establishment agent registration card.*
- 6. A current photograph of the person.*
- 7. If the fingerprints submitted pursuant to subsection 5 of NRS 453A.332, were submitted to the Division as part of an application for a medical marijuana establishment agent registration card for another establishment within the previous 6 months, the number of the medical marijuana establishment agent card issued to the person as a result of the application.*

Sec. 41. *1. There are four categories of medical marijuana establishment agent registration cards:*

- (a) An independent testing laboratory;*
 - (b) A cultivation facility;*
 - (c) A facility for the production of edible marijuana products or marijuana-infused products; or*
 - (d) A medical marijuana dispensary.*
- 2. Each medical marijuana establishment agent registration card issued pursuant to NRS 453A.332 must indicate the category of the registration card. The person to whom the card is issued may only provide services at the type of medical marijuana establishment for which he or she is registered to perform services.*
- 3. A medical marijuana establishment agent who has been issued a medical marijuana establishment agent registration card shall, before commencing work at a medical marijuana establishment, receive, at a minimum, training in the following:*
- (a) The proper use of security measures and controls that have been adopted for the prevention of diversion, theft or loss of marijuana;*
 - (b) Procedures and instructions for responding to an emergency; and*
 - (c) State and federal statutes and regulations regarding confidentiality of information related to the medical use of marijuana.*
- 4. In addition to receiving the training set forth in subsection 3, a medical marijuana establishment agent who has been issued a medical marijuana establishment agent registration card to provide services at a medical marijuana dispensary shall, before*

commencing work at a medical marijuana dispensary, receive, at a minimum, instruction in the following:

- (a) The different strains of cannabis;*
- (b) The different methods of using cannabis and cannabis products; and*
- (c) Learning to recognize signs of medicine abuse or instability in patient use of medical marijuana.*

5. In addition to receiving the training set forth in subsection 3, a medical marijuana establishment agent who has been issued a medical marijuana establishment agent registration card to provide services at an independent testing laboratory shall, before commencing work at an independent testing laboratory, receive, at a minimum, instruction in the following:

- (a) Following the good laboratory practices adopted by the independent testing laboratory at which he or she is providing services; and*
- (b) The standard operating procedures and the quality control and quality assurance program of the independent testing laboratory at which he or she is providing services.*

6. In addition to receiving the training set forth in subsection 3, a medical marijuana establishment agent who has been issued a medical marijuana establishment agent registration card to provide services at a cultivation facility shall, before commencing work at a cultivation facility, receive, at a minimum, instruction that is related to his or her role in the establishment in the following:

- (a) The methods of cultivation of the cultivation facility at which he or she is providing services;*
- (b) The methods of fertilization of the cultivation facility at which he or she is providing services;*
- (c) Recognizing the signs of insect infestation, pathogens and disease in marijuana plants, and the procedures for eradication and the safe disposal of plants so affected;*
- (d) The nutritional requirements of marijuana plants at various growth stages, including, without limitation, proper mixing and dispersal of fertilizer, flushing procedures, and post-harvest trimming, drying and curing procedures; and*
- (e) The safe handling of equipment, including, without limitation, high intensity discharge lamps, electrical ballasts, pumps, fans, cutting implements and other cultivation equipment.*

7. In addition to receiving the training set forth in subsection 3, a medical marijuana establishment agent who has been issued a medical marijuana establishment agent registration card to provide services at a facility for the production of edible marijuana products or marijuana-infused products shall, before commencing work at a facility for the production of edible marijuana products or marijuana-infused products, receive, at a minimum, instruction that is related to his or her role in the establishment in the following:

- (a) Understanding the difference between topicals, edibles, tinctures, oils and other concentrates, as applicable to the operations of the facility at which he or she is providing services;*
- (b) Procedures used in creating topicals, edibles, tinctures, oils and other concentrates by the facility at which he or she is providing services; and*
- (c) Proper procedures for handling medical marijuana products, including, without limitation, procedures used in preparing, producing, packaging and storing medical marijuana products as required by the provisions of chapter 453A of NRS and this chapter.*

Sec. 42. *An applicant submitting an application for a medical marijuana establishment agent card pursuant to NRS 453A.332, or renewing, amending, changing or replacing a medical marijuana establishment agent card shall submit the application electronically in a format set forth by the Division.*

Sec. 43. *To make a change to the name or address included on a medical marijuana establishment agent card, the cardholder must submit to the Division a request for the change which includes:*

- 1. The name on and the number of the current medical marijuana establishment agent card of the cardholder;*
- 2. The new name or address of the cardholder;*
- 3. The effective date of the new name or address of the cardholder;*
- 4. For a change of the address of the cardholder, the county and state in which the new address is located; and*
- 5. For a change of the name of the cardholder, a copy of any valid government-issued identification card of the cardholder which includes a photograph of the person and the new name and address of the cardholder.*

Sec. 44. *To request a replacement medical marijuana establishment agent card that has been lost, stolen or destroyed, the cardholder shall submit to the Division, within 3 working days after the card was lost, stolen or destroyed, a request for a replacement card that includes:*

- 1. The name and date of birth of the cardholder;*
- 2. If known, the number of the lost, stolen or destroyed medical marijuana establishment agent card; and*
- 3. If the cardholder cannot provide the number of the lost, stolen or destroyed medical marijuana establishment agent card, a copy of one of the following documents:*
 - (a) Any valid government-issued identification card of the cardholder which includes a photograph of the person; or*
 - (b) Medical marijuana establishment agent card.*

Sec. 45. *If the Division issues a medical marijuana establishment agent card based on a request for a replacement card or an application to change or amend the card, the replacement, changed or amended medical marijuana establishment agent card must have the same expiration date as the medical marijuana establishment agent card being replaced, changed or amended.*

Sec. 46. *1. The Division shall provide written notice to a registered medical marijuana agent that his or her agent registration card is void and no longer valid when:*

- (a) The medical marijuana establishment registration certificate listed on the medical marijuana establishment agent registration card of the cardholder is no longer valid; or*
- (b) The Division receives the written notice required in subsection 3 of NRS 453A.332, or subsection 3 or 4 of section 47 of this regulation that the medical marijuana establishment agent:*

- (1) No longer serves as an owner, officer or board member;*
- (2) Is no longer employed by or contracted with the establishment; or*

(3) No longer provides volunteer services at the establishment.

2. Written notice provided pursuant to this section is not a revocation and is not considered a final decision of the Division subject to administrative review.

Sec. 47. 1. The Division must deny an application for or an application to renew a medical marijuana establishment agent registration card if the applicant:

(a) Does not meet the requirements set forth in NRS 453A.332; or

(b) Previously had a medical marijuana establishment agent registration card revoked.

2. The Division may deny an application for or an application to renew a medical marijuana establishment agent registration card if the applicant provides false or misleading information to the Division.

3. The Division must revoke a medical marijuana establishment agent registration card if the agent:

(a) Dispenses or otherwise diverts marijuana to a person who is not authorized by law to possess marijuana in accordance with the provisions of chapter 453A of NRS;

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

(c) Engages in an activity set forth in NRS 453A.342.

4. The Division may revoke a medical marijuana establishment agent registration card if the agent knowingly violates any provision of chapter 453A of NRS or this chapter.

5. If the Division denies an application for or an application to renew a medical marijuana establishment agent registration card or revokes a medical marijuana establishment agent registration card, the Division must provide notice to the applicant or agent that includes, without limitation, the specific reasons for the denial or revocation.

Sec. 48. 1. A violation of any of the provisions of sections 2 to 139, inclusive, of this regulation is grounds for disciplinary action by the Division up to and including, without limitation, immediate revocation of a medical marijuana establishment registration certificate pursuant to subsection 3 of NRS 453A.340.

2. A violation of any of the provisions of sections 2 to 139, inclusive, of this regulation is grounds for disciplinary action by the Division up to and including, without limitation, immediate revocation of a medical marijuana establishment agent registration card pursuant to subsection 3 of NRS 453A.340.

Sec. 48.5. 1. Except as otherwise provided in subsection 2 of NRS 453A.344, the Division shall charge and collect the following fees:

For the initial issuance of a medical marijuana establishment registration certificate for a medical marijuana dispensary *\$30,000*

For the renewal of a medical marijuana establishment registration certificate for a medical marijuana dispensary *\$5,000*

For the initial issuance of a medical marijuana establishment registration certificate for a cultivation facility *\$3,000*

For the renewal of a medical marijuana establishment registration certificate for a cultivation facility **\$1,000**

For the initial issuance of a medical marijuana establishment registration certificate for a facility for the production of edible marijuana products or marijuana-infused products **\$3,000**

For the renewal of a medical marijuana establishment registration certificate for a facility for the production of edible marijuana products or marijuana-infused products **\$1,000**

For the initial issuance of a medical marijuana establishment agent registration card **\$75**

For the renewal of a medical marijuana establishment agent registration card **\$75**

For the initial issuance of a medical marijuana establishment registration certificate for an independent testing laboratory. **\$5,000**

For the renewal of a medical marijuana establishment registration certificate for an independent testing laboratory. **\$3,000**

2. For the on-going inspection-related activities of the Division, not related to processing an establishment's application, an assessment to each establishment for the time and effort attributed to the oversight of the establishment that is based upon the hourly rate established for each inspector or auditor of medical marijuana establishments as determined by the budget of the Division.

REQUIREMENTS CONCERNING OPERATION OF MEDICAL MARIJUANA ESTABLISHMENTS

Sec. 49. *A medical marijuana establishment shall post its medical marijuana establishment registration certificate, business license and any other authorization to conduct business in a conspicuous place within the establishment.*

Sec. 50. *A medical marijuana establishment shall not use:*

- 1. A name or logo unless the name or logo has been approved by the Administrator of the Division; or*
- 2. Any sign or advertisement unless the sign or advertisement has been approved by the Administrator of the Division.*

Sec. 51. *A medical marijuana establishment shall not sell a lot of usable marijuana, edible marijuana products or marijuana-infused products until all required quality assurance testing has been completed.*

Sec. 52. This section was deleted.

Sec. 53. 1. *Except as otherwise provided in this section, the only persons who may be on the premises of a medical marijuana establishment are:*

- (a) A medical marijuana establishment agent;*
- (b) A patient who holds a valid registry identification card;*
- (c) The designated primary caregiver of a patient who holds a valid registry identification card; or*
- (d) A person inspecting the establishment pursuant to section 33 or 37 of this regulation.*

2. Any person other than those authorized to be on the premises of a medical marijuana establishment pursuant to subsection 1 must obtain a visitor identification badge from a medical marijuana establishment agent prior to entering the premises of the medical marijuana establishment.

3. A person who obtains a visitor identification badge pursuant to subsection 2, including, without limitation, an outside vendor or contractor:

- (a) Must be escorted and monitored by a medical marijuana establishment agent at all times he or she is on the premises of the medical marijuana establishment;*
- (b) Must visibly display his or her visitor identification badge at all times he or she is on the premises of the medical marijuana establishment; and*
- (c) Must return the visitor identification badge to a medical marijuana establishment agent upon leaving the premises of the medical marijuana establishment.*

4. Each medical marijuana establishment shall maintain a visitor log which includes the name of the visitor and the date, time and purpose of each visit by a person other than those authorized to be on the premises of the establishment pursuant to subsection 1. The establishment must make its visitor log available to the Division upon request.

5. Each regular, seasonal or temporary employee of a medical marijuana establishment must obtain a medical marijuana establishment agent registration card pursuant to the provisions of chapter 453A of NRS and this regulation and may not be authorized to be on the premises of the establishment by obtaining a visitor identification badge pursuant to the provisions of this section.

Sec. 54. *A medical marijuana establishment shall:*

- 1. Develop, document, and implement policies and procedures regarding:*
 - (a) Job descriptions and employment contracts, including, without limitation:*
 - (1) Personnel duties, authority, responsibilities, and qualifications;*
 - (2) Personnel supervision;*
 - (3) Training in and adherence to confidentiality requirements;*
 - (4) Periodic performance evaluations; and*
 - (5) Disciplinary actions.*
 - (b) Business records, such as manual or computerized records of assets and liabilities, monetary transactions, journals, ledgers and supporting documents, including, without limitation, agreements, checks, invoices, and vouchers.*
 - (c) Inventory control, including, without limitation:*
 - (1) Tracking;*
 - (2) Packaging;*

(3) Accepting marijuana from patients who hold valid registry identification cards and from their designated primary caregivers;

(4) Acquiring marijuana from other establishments; and

(5) Disposing of unusable marijuana.

(d) Records of patients who hold valid registry identification cards, including, without limitation, purchases, denials of sale, any delivery options, confidentiality and retention.

(e) Patient education and support, including, without limitation:

(1) The availability of different strains of marijuana and the purported effects of the different strains;

(2) Information about the purported effectiveness of various methods, forms and routes of medical marijuana administration; and

(3) Prohibition on the smoking of medical marijuana in public places, places open to the public and places exposed to public view.

2. Maintain copies of the policies and procedures developed pursuant to subsection 1 at the establishment and provide copies to the Division for review upon request.

Sec. 55. *A medical marijuana establishment shall:*

1. Ensure that each medical marijuana establishment agent has his or her medical establishment agent registration card in his or her immediate possession when the medical marijuana establishment agent:

(a) Is working or providing volunteer services at the establishment; or

(b) Is transporting marijuana for the establishment.

2. Not allow an individual who does not possess a medical marijuana establishment agent registration card issued under the medical marijuana establishment registration certificate to:

(a) Serve as an officer or board member for the establishment;

(b) Be employed by or have a contract to provide services to the establishment; or

(c) Provide volunteer services at or on behalf of the establishment.

3. Provide written notice to the Division, including the date of the event, within 10 working days after the date, when a medical marijuana establishment agent no longer:

(a) Serves as an officer or board member for the establishment;

(b) Is employed by or has a contract to provide services to the establishment; or

(c) Provides volunteer services at or on behalf of the establishment.

4. Provide written notice to the Division, including the date of the event, within 10 days after the date, when an owner, officer or board member ceases to serve in that capacity at the establishment.

Sec. 56. *Before a medical marijuana establishment agent dispenses medical marijuana to the holder of a valid registry identification card or the designated primary caretaker of such a person, the medical marijuana establishment agent must:*

1. Verify the identity of the holder of the registry identification card or the designated primary caregiver;

2. Offer any appropriate patient education or support materials;

3. Enter the number of the registry identification card of the patient or the designated primary caregiver into the electronic verification system;

4. Verify the validity of the registry identification card of the patient or the designated primary caretaker;

5. Verify that the amount of medical marijuana the patient or the designated primary caregiver is requesting would not cause the patient to exceed the limit on obtaining no more than two and one-half ounces of medical marijuana during any one 14-day period as set forth in NRS 453A.200 or the limit on obtaining edible marijuana products and marijuana-infused products set forth in section 132 of this regulation; and

6. Enter the following information into the electronic verification system for the patient or the designated primary caregiver:

(a) The amount of medical marijuana dispensed;

(b) Whether the medical marijuana was dispensed to the patient or to the designated primary caregiver of the patient;

(c) The date on which and the time at which the medical marijuana was dispensed;

(d) The number of the medical marijuana establishment agent registration card of the agent; and

(e) The number of the medical marijuana establishment registration certificate of the establishment for which the agent is providing services.

Sec. 57. 1. *Each medical marijuana establishment shall designate in writing a medical marijuana establishment agent who has oversight of the inventory control system of the establishment.*

2. A medical marijuana establishment shall only acquire marijuana, edible marijuana products, or marijuana-infused products from:

(a) Another medical marijuana establishment, including, without limitation, a cultivation facility and a facility for the production of edible marijuana products or marijuana-infused products, but a medical marijuana dispensary may not purchase marijuana from another medical marijuana dispensary; or

(b) A person who holds a valid registry identification card or his or her designated primary caregiver in the manner set forth in subsection 5 of NRS 453A.352.

3. Each medical marijuana establishment shall establish and implement an inventory control system that documents:

(a) Each day's beginning inventory, acquisitions, harvests, sales, disbursements, disposal of unusable marijuana, and ending inventory.

(b) When acquiring medical marijuana from a person who holds a valid registry identification card or his or her designated primary caregiver:

(1) A description of the medical marijuana acquired including the amount and strain as specified by the cardholder or caregiver, if known;

(2) The name and number of the valid registry identification card of the person who provided the medical marijuana or his or her designated primary caregiver who provided the medical marijuana;

(3) The name and medical marijuana establishment agent registration card number of the medical marijuana establishment agent receiving the medical marijuana on behalf of the dispensary; and

(4) The date of acquisition.

(c) When acquiring medical marijuana from another medical marijuana establishment:

(1) A description of the medical marijuana acquired including the amount, strain and batch number;

- (2) *The name and identification number of the medical marijuana establishment registration certificate of the establishment providing the medical marijuana;*
- (3) *The name and medical marijuana establishment agent registration card number of the agent providing the medical marijuana;*
- (4) *The name and medical marijuana establishment agent registration card number of the medical marijuana establishment agent receiving the medical marijuana on behalf of the establishment; and*
- (5) *The date of acquisition.*
- (d) *For each batch of marijuana cultivated:*
 - (1) *The batch number.*
 - (2) *Whether the batch originated from marijuana seeds or marijuana cuttings.*
 - (3) *The strain of the marijuana seeds or marijuana cuttings planted.*
 - (4) *The number of marijuana seeds or marijuana cuttings planted.*
 - (5) *The date on which the marijuana seeds or cuttings were planted.*
 - (6) *A list of all chemical additives, including, without limitation, nonorganic pesticides, herbicides and fertilizers used in the cultivation.*
 - (7) *The number of plants grown to maturity.*
 - (8) *Harvest information including, without limitation:*
 - (I) *Date of harvest;*
 - (II) *Final processed usable marijuana yield weight; and*
 - (III) *The name and medical marijuana establishment agent registration card number of the medical marijuana establishment agent responsible for the harvest.*
 - (9) *The disposal of medical marijuana that is not usable marijuana including the:*
 - (I) *Description of and reason for the marijuana being disposed of including, if applicable, the number of failed or other unusable plants;*
 - (II) *Date of disposal;*
 - (III) *Confirmation that the marijuana was rendered unusable before disposal;*
 - (IV) *Method of disposal; and*
 - (V) *Name and medical marijuana establishment agent registration card number of the medical marijuana establishment agent responsible for the disposal.*
- (e) *When providing medical marijuana to another establishment:*
 - (1) *The amount, strain and batch number of medical marijuana provided;*
 - (2) *The name and marijuana establishment registration certificate number of the other establishment;*
 - (3) *The name and medical marijuana establishment agent registration card number of the medical marijuana establishment agent who received the medical marijuana on behalf of the other establishment; and*
 - (4) *The date on which the medical marijuana was provided.*
- (f) *When receiving edible marijuana products from another establishment:*
 - (1) *A description of the edible marijuana products received from the establishment including total weight of each edible food product and estimated amount and batch number of the medical marijuana infused in each edible marijuana product.*
 - (2) *The total estimated amount and batch number of medical marijuana infused in the edible marijuana products.*

(3) The name and:

(I) Medical marijuana establishment registration certification of the establishment providing the edible marijuana products to the receiving establishment;

(II) Medical marijuana establishment agent registration card number of the agent providing the edible marijuana products to the receiving establishment; and

(III) Medical marijuana establishment agent registration card number of the agent receiving the edible marijuana products on behalf of the receiving establishment.

(4) The date on which the edible marijuana products were provided to the establishment.

(g) When receiving marijuana-infused products from another establishment:

(1) A description of the marijuana-infused products received from the establishment including total weight of each marijuana-infused product and estimated amount and batch number of the medical marijuana infused in each marijuana-infused product.

(2) The total estimated amount and batch number of medical marijuana infused in the marijuana-infused products.

(3) The name and:

(I) Medical marijuana establishment registration certification of the establishment providing the marijuana-infused products to the receiving establishment;

(II) Medical marijuana establishment agent registration card number of the agent providing the marijuana-infused products to the receiving establishment; and

(III) Medical marijuana establishment agent registration card number of the agent receiving the marijuana-infused products on behalf of the receiving establishment.

(4) The date on which the marijuana-infused products were provided to the establishment.

4. Each medical marijuana establishment shall:

(a) Establish and maintain a perpetual inventory system which adequately documents the flow of materials through the manufacturing process;

(b) Establish procedures which reconcile the raw material used to the finished product on a job-by-job basis. Significant variances must be documented, investigated by management personnel, and immediately reported to the Division and to the establishment that ordered the medical marijuana product; and

(c) Provide for quarterly physical inventory counts to be performed by individuals independent of the manufacturing process which are reconciled to the perpetual inventory records. Significant variances are to be documented, investigated by management personnel, and immediately reported to the Division.

5. If a medical marijuana establishment identifies a reduction in the amount of medical marijuana in the inventory of the establishment not due to documented causes, the establishment shall determine where the loss has occurred and take and document corrective action. If the reduction in the amount of medical marijuana in the inventory of the establishment is due to suspected criminal activity by a medical marijuana establishment agent, the establishment shall report the agent to the Division and to the appropriate law enforcement agencies.

6. An establishment shall:

(a) Maintain the documentation required in subsections 3, 4 and 5 at the establishment for at least 5 years after the date on the document; and

(b) Provide the documentation required in subsections 3, 4 and 5 to the Division for review upon request.

Sec. 58. 1. *A medical marijuana establishment agent authorized by the establishment for which he or she is providing services may transport marijuana, paraphernalia, edible marijuana products and marijuana-infused products between the medical marijuana establishment and:*

(a) Another marijuana establishment; and

(b) A person who holds a valid registry identification card or his or her designated primary caregiver.

2. No more than 10 ounces of marijuana, edible marijuana or marijuana-infused products, or any combination thereof, may be transported at any one time from a medical marijuana establishment to persons who hold valid registry identification cards or their designated primary caregivers.

3. When transporting marijuana, paraphernalia, edible marijuana products or marijuana-infused products to a person who holds a valid registry identification card or to his or her designated caregiver pursuant to subsection 1, a medical marijuana agent must:

(a) Before transportation, confirm verbally with the patient or caregiver via phone that the patient or caregiver ordered the marijuana, paraphernalia, edible marijuana products or marijuana-infused products and verify the identity of the patient;

(b) Enter the details of the confirmation obtained pursuant to paragraph (a) in a log which must be available for inspection by appropriate law enforcement agencies; and

(c) Secure a signature from the patient or caregiver when the items are delivered and may only leave the items with the caregiver or cardholder.

4. Before transporting marijuana, paraphernalia, edible marijuana products or marijuana-infused products pursuant to subsection 1, a medical marijuana establishment agent must:

(a) Complete a trip plan that includes, without limitation:

(1) The name of the medical marijuana establishment agent in charge of the transportation;

(2) The date and start time of the trip;

(3) A description of the marijuana, paraphernalia, edible marijuana products and marijuana-infused products being transported; and

(4) The anticipated route of transportation.

(b) Provide a copy of the trip plan completed pursuant to paragraph (a) to the medical marijuana establishment for which he or she is providing the transportation.

5. During the transportation of marijuana, paraphernalia, edible marijuana products or marijuana-infused products pursuant to subsection 1, the medical marijuana establishment agent must:

(a) Carry a copy of the trip plan completed pursuant to paragraph (a) of subsection 4 with him or her for the duration of the trip;

(b) Have his or her medical marijuana establishment agent card in his or her immediate possession;

(c) Use a vehicle without any medical marijuana identification which is equipped with a secure lockbox or locking cargo area which must be used for the sanitary and secure

transportation of the marijuana, paraphernalia, edible marijuana products or marijuana-infused products;

(d) Have a means of communicating with the medical marijuana establishment for which he or she is providing the transportation; and

(e) Ensure that the marijuana, paraphernalia, edible marijuana products or marijuana-infused products are not visible.

6. After transporting marijuana, paraphernalia, edible marijuana products or marijuana-infused products pursuant to subsection 1, a medical marijuana establishment agent must enter the end time of the trip and any changes to the trip plan that was completed pursuant to paragraph (a) of subsection 4.

7. A medical marijuana establishment shall:

(a) Maintain the documents required in paragraph (a) of subsection 4, subsection 6, and subsection 8; and

(b) Provide a copy of the documents required in paragraph (a) of subsection 4, subsection 6, and subsection 8 to the Division for review upon request.

8. Each medical marijuana establishment agent transporting marijuana, paraphernalia, edible marijuana products or marijuana-infused products pursuant to subsection 1, must:

(a) Report any vehicle accident that occurs during the transportation to the person designated by the medical marijuana establishment to receive such reports within 2 hours after the accident occurs; and

(b) Report any loss or theft of marijuana, paraphernalia, edible marijuana products or marijuana-infused products that occurs during the transportation to the person designated by the medical marijuana establishment to receive such reports immediately after the agent becomes aware of the loss or theft. A medical marijuana establishment that receives a report of loss or theft pursuant to this paragraph must immediately report the loss or theft to the appropriate law enforcement agency and to the Division as required by section 59 of this regulation.

9. Each medical marijuana establishment shall maintain a log of all reports received pursuant to subsection 8.

Sec. 59. *A medical marijuana establishment shall:*

1. Document and report any loss or theft of marijuana from the establishment to the appropriate law enforcement agency and to the Division; and

2. Maintain copies of any documentation required pursuant to chapter 453A of NRS or this chapter for at least 5 years after the date on the documentation and provide copies of the documentation to the Division for review upon request.

Sec. 60. *To prevent unauthorized access to medical marijuana at a medical marijuana establishment, the establishment must have:*

1. Security equipment to deter and prevent unauthorized entrance into limited access areas that includes, without limitation:

(a) Devices or a series of devices to detect unauthorized intrusion, which may include a signal system interconnected with a radio frequency method, such as cellular, private radio signals, or other mechanical or electronic device.

(b) Exterior lighting to facilitate surveillance.

(c) Electronic monitoring including, without limitation:

- (1) At least one 19-inch or greater call-up monitor;*
 - (2) A video printer capable of immediately producing a clear still photo from any video camera image;*
 - (3) Video cameras with a recording resolution of at least 704 x 480 or the equivalent providing coverage of all entrances to and exits from limited access areas and all entrances to and exits from the building, capable of identifying any activity occurring in or adjacent to the building;*
 - (4) A video camera at each point of sale location allowing for the identification of any person who holds a valid registry identification card or his or her designated primary caregiver purchasing medical marijuana;*
 - (5) A video camera in each grow room capable of identifying any activity occurring within the grow room in low light conditions;*
 - (6) A method for storing video recordings from the video cameras for at least 30 calendar days;*
 - (7) A failure notification system that provides an audible and visual notification of any failure in the electronic monitoring system; and*
 - (8) Sufficient battery backup for video cameras and recording equipment to support at least five minutes of recording in the event of a power outage.*
- (d) Immediate automatic or electronic notification to alert local law enforcement agencies of an unauthorized breach of security at the medical marijuana establishment in the interior of each building of the establishment.*

2. Policies and procedures:

- (a) That restrict access to the areas of the establishment that contain marijuana to persons authorized to be in that area only;*
- (b) That provide for the identification of persons authorized to be in the areas of the establishment that contain marijuana;*
- (c) That prevent loitering;*
- (d) For conducting electronic monitoring; and*
- (e) For the use of the automatic or electronic notification to alert local law enforcement agencies of an unauthorized breach of security at the medical marijuana establishment.*

Sec. 61. 1. Each medical marijuana establishment must ensure that each medical marijuana establishment agent providing services at the establishment:

- (a) Cleans his or her hands and exposed portions of his or her arms in a hand washing sink:*
 - (1) Before preparing medical marijuana products including, without limitation, working with ingredients, equipment or utensils;*
 - (2) During preparation, as often as necessary to remove soil and contamination and to prevent cross-contamination when changing tasks;*
 - (3) After handling soiled equipment or utensils;*
 - (4) After touching bare human body parts other than his or her clean hands and exposed portions of arms; and*
 - (5) After using the toilet facilities.*

(b) If working directly with the preparation of marijuana products, including, without limitation, the infusion of marijuana into marijuana-infused products:

(1) Keeps his or her fingernails trimmed, filed and maintained so that the edges and surfaces are cleanable; and

(2) Unless wearing intact gloves in good repair, does not have fingernail polish or artificial fingernails on his or her fingernails.

(c) Wears clean clothing appropriate to assigned tasks.

3. If the person designated by a medical marijuana establishment to address health conditions at the establishment determines that a medical marijuana establishment agent providing services at the establishment has a health condition that may adversely affect the safety or quality of the medical marijuana products at the establishment, that establishment agent is prohibited from having direct contact with any medical marijuana or equipment or materials for processing medical marijuana products until the designated person determines that the health condition of the establishment agent will not adversely affect the medical marijuana products.

Sec. 62. 1. A building used as a medical marijuana establishment must have:

(a) At least one toilet facility which must contain:

(1) A flushable toilet;

(2) Mounted toilet tissue;

(3) A sink with running water;

(4) Soap contained in a dispenser; and

(5) Disposable, single-use paper towels in a mounted dispenser or a mechanical air hand dryer.

(b) At least one hand washing sink not located in a toilet facility.

(c) Designated storage areas for medical marijuana products or materials used in direct contact with medical marijuana products separate from storage areas for toxic or flammable materials.

(d) If preparation or packaging of medical marijuana products is done in the building, a designated area for the preparation or packaging that:

(1) Includes work space that can be sanitized, and

(2) Is only used for the preparation or packaging of medical marijuana products.

2. For each commercial weighing and measuring equipment device used at a medical marijuana establishment, the establishment must:

(a) Ensure that the commercial device is licensed pursuant to chapter 581 of NRS;

(b) Maintain documentation of the license of the commercial device; and

(c) Provide a copy of the license of the commercial device to the Division for review upon request.

Sec. 63. 1. A medical marijuana establishment that prepares, sells or dispenses edible marijuana products must:

(a) Before preparing, selling, or dispensing an edible marijuana product obtain written authorization from the Division to prepare, sell or dispense edible marijuana products;

(b) If the establishment prepares edible marijuana products, ensure that the edible marijuana products are prepared according to the applicable requirements set forth in NRS

453A.360, and the operating procedures included in its application pursuant to subparagraph (4) of paragraph (a) of subsection 3 of NRS 453A.322;

(c) *If the edible marijuana products are not prepared at the establishment, obtain and maintain at the establishment a copy of the current written authorization to prepare edible marijuana products from the establishment that prepares the edible marijuana products; and*

(d) *If the establishment sells or dispenses edible marijuana products, ensure that the edible marijuana products are sold or dispensed according to applicable requirements set forth in NRS 453A.360.*

2. *A medical marijuana establishment is responsible for the content and quality of any edible marijuana product sold or dispensed by the establishment.*

3. *A facility for the production of edible marijuana products is not subject to the provisions of chapter 446 of NRS or chapter 446 of NAC.*

Sec. 64. *A medical marijuana establishment is responsible to the State or local governmental entity for all costs incurred by the State or governmental entity in cleaning up, mitigating or remedying any environmental damage caused by the establishment.*

Sec. 65. *A medical marijuana establishment may not treat or otherwise adulterate usable marijuana with any organic or nonorganic chemical or other compound whatsoever to alter the color, appearance, weight or smell of the usable marijuana.*

REQUIREMENTS CONCERNING OPERATION OF MEDICAL MARIJUANA DISPENSARIES

Sec. 66. *Each medical marijuana dispensary shall:*

1. *Ensure that the dispensary is operating and available to dispense usable marijuana to patients who hold valid registry identification cards or to the designated primary caregivers of such patients during, and only during, the designated hours of operation of the dispensary as provided to the Division pursuant to paragraph (i) of subsection 2 of section 26 of this regulation and the hours authorized by the local government in which the dispensary is located; and*

2. *Post in a place that can be viewed by persons entering the dispensary, the hours of operation during which the dispensary will dispense usable marijuana to patients who hold valid registry identification cards or to the designated primary caregivers of such patients.*

Sec. 67. 1. *Each medical marijuana dispensary shall ensure that:*

(a) *A patient record is established and maintained for each holder of a valid registry identification card who obtains medical marijuana from the dispensary.*

(b) *An entry in a patient record:*

(1) *Is recorded only by a medical marijuana establishment agent who is authorized by dispensary policies and procedures to make an entry;*

(2) *Is dated and signed by the medical marijuana establishment agent who is recording the entry;*

(3) *Includes the number of the medical marijuana establishment agent registration card of the agent who is recording the entry; and*

(4) Is not changed to make the initial entry illegible.

(c) If an electronic signature is used to sign an entry, the medical marijuana establishment agent whose signature the electronic code represents is accountable for the use of the electronic signature.

(d) A patient record is only accessed by a medical marijuana establishment agent authorized by dispensary policies and procedures to access the patient record.

(e) A patient record is provided to the Division for review upon request.

(f) A patient record is protected from loss, damage or unauthorized use.

(g) A patient record is maintained for at least 5 years after the date on which the patient or his or her designated primary caregiver last requested medical marijuana from the dispensary.

2. If a medical marijuana dispensary maintains patient records electronically, the dispensary shall ensure that:

(a) There are safeguards to prevent unauthorized access; and

(b) The date and time of an entry in a patient record is recorded electronically by an internal clock.

3. A medical marijuana dispensary shall ensure that the patient record for a holder of a valid registry identification card who requests or whose designated primary caregiver on behalf of the holder of the valid registry identification card requests medical marijuana from the dispensary contains:

(a) Patient information that includes:

(1) The name of the patient;

(2) The date of birth of the patient; and

(3) The name of the designated primary caregiver of the patient, if applicable.

(b) Documentation of any patient education and support materials provided to the patient or the designated primary caregiver of the patient, including, without limitation, a description of the materials and the date on which the materials were provided.

(c) For each time the patient requests and does not obtain medical marijuana from the dispensary or, if applicable, the designated primary caregiver requests on behalf of the patient and does not obtain medical marijuana from the dispensary, the following:

(1) The date;

(2) The name and number of the registry identification card of the person who requested the medical marijuana, and

(3) The reason the medical marijuana was not provided.

Sec. 68. *Each medical marijuana dispensary which recognizes a nonresident card pursuant to NRS 453A.364 shall, in addition to the requirements of Section 67, enter the information it obtains concerning the nonresident card pursuant to NRS 453A.364 in the verification system of the Division.*

Sec. 69. 1. *A medical marijuana dispensary must store all usable marijuana and marijuana products behind a counter or other barrier to ensure a customer does not have direct access to the product.*

2. Upon the request of a retail customer, a medical marijuana dispensary must disclose the name of the independent testing laboratory which performed the required quality assurance tests.

**REQUIREMENTS CONCERNING OPERATION OF CULTIVATION FACILITY
OR FACILITY FOR THE PRODUCTION OF EDIBLE MARIJUANA PRODUCTS OR
MARIJUANA-INFUSED PRODUCTS**

Sec. 70. *A cultivation facility or facility for the production of edible marijuana products or marijuana-infused products shall not label usable marijuana or marijuana products as “organic” unless the marijuana plants used in the product are produced, processed and certified in a manner that is consistent with the national organic standards established by the United States Department of Agriculture in accordance with the Organic Foods Production Act.*

Sec. 71. 1. *A cultivation facility must disclose in writing with each lot of usable marijuana or marijuana products provided to a medical marijuana dispensary:*

(a) All soil amendments, fertilizers and other crop production aids applied to the growing medium or marijuana plant included in the lot; and

(b) The name of the independent testing laboratory which performed the required quality assurance tests and the results of the required quality assurance tests for the lot of usable marijuana or marijuana products.

2. *A cultivation facility may provide a medical marijuana dispensary free samples of usable marijuana packaged in a sample jar protected by a plastic or metal mesh screen to allow customers to smell the product before purchase. The sample jar may not contain more than three and one-half grams of usable marijuana. The sample jar and the usable marijuana within may not be sold to a customer and must be either returned to the cultivation facility which provide the usable marijuana and sample jar or destroyed by the dispensary after use and documented by the dispensary using its inventory control system established pursuant to section 57 of this regulation.*

Sec. 72. 1. *Except as otherwise provided in subsection 2, a cultivation facility must ensure that access to the enclosed, locked facility where marijuana is cultivated is limited to the officers, board members and authorized medical marijuana establishment agents of the facility.*

2. *Each cultivation facility shall ensure that an authorized medical marijuana establishment agent accompanies any person other than another medical marijuana establishment agent associated with the establishment when the person is present in the enclosed, locked facility where marijuana is cultivated or produced by the cultivation facility.*

3. *Each cultivation facility shall ensure that any marijuana growing inside a building of the facility:*

(a) Cannot be observed from outside the building; and

(b) Does not emit an odor that is detectable from outside the building.

PACKAGING AND LABELING OF MEDICAL MARIJUANA PRODUCTS

Sec. 73. 1. Any product containing marijuana must be packaged in child resistant packaging in accordance with Title 16 C.F.R. § 1700 of the Poison Prevention Packaging Act or use standards specified in subsection 2 or 3 of this section.

2. Marijuana-infused products in solid or liquid form must be packaged in plastic four millimeters or greater in thickness and be heat sealed with no easy-open tab, dimple, corner, or flap as to make it difficult for a child to open and as a tamperproof measure.

3. Marijuana-infused products in liquid form may also be sealed using a metal crown cork style bottle cap.

4. Any container or packaging containing usable marijuana or marijuana products must protect the product from contamination and must not impart any toxic or deleterious substance to the usable marijuana or marijuana product.

Sec. 74. Each cultivation facility, facility for the production of edible marijuana products or marijuana-infused products, and medical marijuana dispensary shall:

1. Use for labeling all marijuana products the standard label described in sections 77, 78, 79 and 80 of this regulation;

2. Exercise strict control over labeling issued for use in medical marijuana product labeling operations;

3. Carefully examine labeling materials issued for a batch for identity and conformity to the labeling specified in the master or batch production records; and

4. Have and follow written procedures describing in sufficient detail the control procedures employed for the issuance of labeling.

Sec. 75. Each cultivation facility, facility for the production of edible marijuana products or marijuana-infused products, and medical marijuana dispensary shall:

1. Examine packaged and labeled products during finishing operations to provide assurance that the containers and packages in the lot have the correct labels;

2. Collect a representative sample of units at the completion of finishing operations and ensure that the samples are visually examined for correct labeling; and

3. Record the results of the examinations performed pursuant to subsections 1 and 2 in the batch production or control records.

Sec. 76. 1. Any medical marijuana establishment that packages marijuana or marijuana products must individually package, label and seal marijuana or marijuana products in unit sizes such that no single unit contains more than a 2.5 ounce supply of marijuana.

2. For products that are intended to be sold to a cardholder or caregiver:

(a) The font used on all labeling must be no smaller than 10 point in size and may not use italics; and

(b) Each label must be at least 2.75 inches high by 4 inches wide.

Sec. 77. A cultivation facility or facility for the production of edible marijuana products or marijuana-infused products shall label each marijuana product before it sells the product to a dispensary and shall securely affix to the package a label that includes, without limitation, in legible English:

1. *The name of the medical marijuana establishment and the registration certificate number of the establishment;*
2. *The lot number;*
3. *The date of harvest;*
4. *The date of final testing;*
5. *The date on which the product was packaged;*
6. *The cannabinoid profile and potency levels and terpenoid profile as determined by the independent testing laboratory;*
7. *If the product is perishable, the expiration date;*
8. *The quantity of the marijuana being sold; and*
9. *Sample label mock up for a container or package containing usable marijuana sold by a cultivation facility or facility for the production of edible marijuana products or marijuana-infused products with required information:*

<p>JT's NURSERY Certificate Number: 123 456 789 001 0001</p> <p>Lot Number 1234</p> <p>Harvested on 01/01/2013</p> <p>Final Testing Date: 01/15/2013 Packaged on: 01/17/2013 Best if used by March 17, 2013</p> <p>16.7% THC · 1.5% CBD · 0.3% CBN Myrcene 5.6 mg/g · Limonene 5.1 mg/g · Valencene 3.5 mg/g</p> <p>Net Weight: 2 lbs.</p>
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- Sec. 78. 1.** *A medical marijuana dispensary must affix to each container or package containing usable marijuana sold at retail a label which must include, without limitation:*
- (a) *The business or trade name and the registration certificate number of the cultivation facility that produced, processed, and sold the usable marijuana;*
 - (b) *Lot number;*
 - (c) *Date dispensed and quantity dispensed, in net weight in ounces or grams, or volume, as appropriate;*
 - (d) *Name and registry identification card number of the qualified patient, and the name of the designated caregiver, if any;*
 - (e) *Name and address of the medical marijuana dispensary;*
 - (f) *Cannabinoid profile and potency levels and terpenoid profile as determined by the independent testing laboratory;*
 - (g) *Warnings that state: "This product may have intoxicating effects and may be habit forming";*
 - (h) *Statement that "This product may be unlawful outside of the State of Nevada"; and*

(i) Date of harvest.

2. Sample label mock up for a container or package containing usable marijuana sold at retail with required information:

Joe's Plant Emporium Lot#: 1234	Cert.#: 123 456 789 001 0001 Harvested: 01/01/2013
Dispensed to: John J. Smith #1234987 on 11/27/2013 by We Care Dispensary 123 Main Street, Carson City, NV 89701	
WARNING: This product may have intoxicating effects and may be habit forming.	
16.7% THC 1.5% CBD 0.3% CBN Myrcene 5.6 mg/g · Limonene 5.1 mg/g · Valencene 3.5 mg/g	
Net Weight: .25 ounces (7 grams)	
<u>This product may be unlawful outside the State of Nevada</u>	

3. A medical marijuana dispensary must provide with all usable marijuana sold at retail accompanying material that discloses all pesticides applied to the marijuana plants and growing medium during production and processing and contains the following warnings:

(a) "Warning: This product may have intoxicating effects and may be habit forming. Smoking is hazardous to your health";

(b) "There may be health risks associated with consumption of this product";

(c) "Should not be used by women who are pregnant or breast feeding";

(d) "For use only by the person named on the label of the dispensed product. Keep out of reach of children"; and

(e) "Marijuana can impair concentration, coordination, and judgment. Do not operate a vehicle or machinery under the influence of this drug".

4. The font used on all accompanying material must be no smaller than 12 point in size and may not use italics.

Sec. 79. 1. A medical marijuana dispensary must affix to each container or package containing edible marijuana or marijuana-infused products sold at retail a label which must include, without limitation:

(a) The business or trade name and the registration certificate number of the facility for the production of edible marijuana products or marijuana-infused products of the facility that produced, processed, and sold the marijuana-infused product;

(b) Lot numbers of all base marijuana used to create the product;

(c) Batch number of the edible or infused product;

(d) Date dispensed and quantity dispensed, in net weight in ounces and grams, or volume, as appropriate;

(e) Name and registry identification card number of the qualified patient, and the name of the designated caregiver, if any;

(f) Name and address of the medical marijuana dispensary;

(g) Date manufactured;

(h) If the product is perishable, a suggested use-by date;

(i) The total milligrams of active cannabinoids and terpenoids in the product, as provided by the independent testing laboratory that tested the product;

(j) List of all ingredients and all major food allergens as identified in the Food Allergen Labeling and Consumer Protection Act of 2004, 21 U.S.C. §§ 301 et seq.

(k) Warnings that state: "Caution: When eaten or swallowed, the intoxicating effects of this drug may be delayed by two or more hours.";

(l) If a marijuana extract was added to the product, disclosure of the type of extraction process and any solvent, gas, or other chemical used in the extraction process, or any other compound added to the extract;

(m) Warnings that state: "This product may have intoxicating effects and may be habit forming"; and

(n) Statement that: "This product may be unlawful outside of the State of Nevada".

2. Sample label mock up (front and back) for a container or package containing marijuana-infused products sold at retail with required information:

We Care Dispensary 123 Main Street, Carson City, NV 89701

Date Dispensed: 3/27/2014 **To:** John J. Smith #1234987

Cookie

Net Weight: 6oz (168 Grams)

Serving Size: 10mg of THC

Contains 10 servings and a total of 100 MG of THC

Use by: 6/3/2014

Myrcene 5.6 mg/g · Limonene 5.1 mg/g · Valencene 3.5 mg/g

CAUTION: When eaten or swallowed the intoxicating effects of this product can be delayed two or more hours.

This product may be unlawful outside the State of Nevada

Manufactured at: Joe's Kitchen Cert.#: 321654987101 0401
123 Main Street, Las Vegas, NV on 2/1/14

Lot#: 1234 Batch #5463

INGREDIENTS: Flour, Butter, Canola Oil, Sugar, Chocolate,
Marijuana, Strawberries

CONTAINS ALLERGENS: Milk, Wheat

Contains marijuana extract processed with butane.

WARNING: This product may have intoxicating effects and may be habit forming.

3. A medical marijuana dispensary must provide with all edible marijuana and marijuana-infused products sold at retail accompanying material that discloses all pesticides applied to the marijuana plants and growing medium during production of the base marijuana used to create the extract added to the infused product and the type of extraction method, including any solvents, gases, or other chemicals or compounds used to produce or that are added to the extract, and contains the following warnings:

- (a) "There may be health risks associated with consumption of this product";*
- (b) "This product is infused with marijuana or active compounds of marijuana";*
- (c) "Should not be used by women who are pregnant or breast feeding";*
- (d) "For use only by the person named on the label of the dispensed product. Keep out of reach of children";*
- (e) "Products containing marijuana can impair concentration, coordination, and judgment. Do not operate a vehicle or machinery under the influence of this drug"; and*
- (f) "Caution: When eaten or swallowed, the intoxicating effects of this drug may be delayed by two or more hours."*

4. The font used on all accompanying material must be no smaller than 12 point in size and may not use italics.

REQUIREMENTS RELATED TO THE PRODUCTION OF EDIBLE AND INFUSED MARIJUANA PRODUCTS

Sec. 80. *As used in sections 82 to 101, inclusive, of this regulation, unless the context otherwise requires:*

1. "Potentially hazardous marijuana product or ingredient" means an edible item that is natural or synthetic and that requires temperature control because it is in a form capable of supporting:

- (a) The rapid and progressive growth of infectious or toxigenic microorganisms;*
- (b) The growth and toxin production of Clostridium botulinum; or*
- (c) In raw shell eggs, the growth of Salmonella Enteritidis.*

2. The term "potentially hazardous marijuana product or ingredient" includes, without limitation:

- (a) An animal item that is raw or heat-treated;*
- (b) An item of plant origin that is heat-treated or consists of raw seed sprouts;*
- (c) Cut melons and tomatoes; and*
- (d) Garlic-in-oil mixtures that are not modified in a way that result in mixtures that do not support growth.*

3. The term "potentially hazardous marijuana product or ingredient" does not include:

- (a) An ingredient with an aw value of 0.85 or less;*

- (b) An ingredient with a pH level of 4.6 or below when measured at 24°C (75°F); or*
- (c) An ingredient, in an unopened hermetically sealed container, that is commercially processed to achieve and maintain commercial sterility under conditions of nonrefrigerated storage and distribution.*

Sec. 81. *Based on the risks inherent to the operation of a facility for the production of edible marijuana products or marijuana-infused products, the persons responsible for managing each such facility shall demonstrate to the Division knowledge of disease prevention, and the requirements of chapter 453A of NRS and this chapter by:*

- 1. Complying with the provisions of chapter 453A of NRS and this chapter and having no violations of a critical nature during inspections;*
- 2. Having attended appropriate courses and training, and implemented an appropriate training program for all medical marijuana establishment agents engaged in the production of edible marijuana products or marijuana-infused products at the facility;*
- 3. Responding correctly to the questions of a medical marijuana establishment inspector regarding the following:*
 - (a) The relationship between the prevention of disease and the personal hygiene of a medical marijuana establishment agent engaged in the production of edible marijuana products or marijuana-infused products.*
 - (b) Preventing the transmission of disease by a medical marijuana establishment agent engaged in the production of edible marijuana products or marijuana-infused products who has a disease or medical condition that may transmit disease.*
 - (c) Describing the symptoms associated with the diseases that are transmissible through marijuana products and ingredients.*
 - (d) Explaining the significance of the relationship between maintaining the temperature for a certain amount of time of potentially hazardous marijuana products and ingredients and the prevention of illness transmission.*
 - (e) Explaining the hazards involved in the consumption of raw or undercooked meat, poultry and eggs.*
 - (f) Stating the required temperatures and times for safe cooking of potentially hazardous marijuana products and ingredients including, without limitation, meat, poultry and eggs.*
 - (g) Stating the required temperatures and times for the safe refrigerated storage, hot holding, cooling and reheating of potentially hazardous marijuana products and ingredients.*
 - (h) Describing the relationship between the prevention of illness transmission and the management and control of the following:*
 - (1) Cross contamination;*
 - (2) Hand contact with finished marijuana products and ingredients;*
 - (3) Handwashing; and*
 - (4) Maintaining the establishment in a clean condition and in good repair.*
 - (i) Explaining the correct procedures for cleaning and sanitizing utensils and marijuana product-contact surfaces of equipment.*
 - (j) Identifying poisonous or toxic materials in the facility and the procedures necessary to ensure that those materials are safely stored, dispensed, used and disposed of according to applicable state and federal laws and regulations.*

Sec. 82. *Each medical marijuana establishment agent engaged in the production of edible marijuana products or marijuana-infused products shall keep his or her hands and the exposed portions of his or her arms clean.*

Sec. 83. 1. *Each medical marijuana establishment agent engaged in the production of edible marijuana products or marijuana-infused products shall, when required pursuant to section 84 of this regulation, clean his or her hands and the exposed portions of his or her arms for at least 20 seconds, using a cleaning compound in a handwashing sink that is appropriately equipped*

2. Each medical marijuana establishment agent engaged in the production of edible marijuana products or marijuana-infused products shall use the following cleaning procedure in the order stated to clean his or her hands and the exposed portions of his or her arms, including, without limitation, surrogate prosthetic devices for hands and arms:

(a) Rinse under clean, running warm water.

(b) Apply an amount of cleaning compound recommended by the cleaning compound manufacturer.

(c) Rub together vigorously for at least 15 seconds while:

(1) Paying particular attention to removing soil from underneath the fingernails during the cleaning procedure; and

(2) Creating friction on the surfaces of the hands and arms, finger tips, and areas between the fingers.

(d) Thoroughly rinse under clean, running warm water.

(e) Immediately follow the cleaning procedure with thorough drying.

Sec. 84. *Each medical marijuana establishment agent engaged in the production of edible marijuana products or marijuana-infused products shall clean his or her hands and exposed portions of his or her arms in the manner set forth in section 83 of this regulation:*

1. Immediately before engaging in marijuana product preparation including, without limitation, working with exposed marijuana product, clean equipment and utensils, and unwrapped single-service and single-use articles;

2. After touching bare human body parts other than clean hands and clean, exposed portions of arms;

3. After using the toilet room;

4. After coughing, sneezing, using a handkerchief or disposable tissue, using tobacco, eating or drinking;

5. After handling soiled equipment or utensils;

6. During marijuana product preparation, as often as necessary to remove soil and contamination and to prevent cross contamination when changing tasks;

7. When switching between working with raw marijuana products and working with finished marijuana products;

8. Before donning gloves for working with marijuana products; and

9. After engaging in other activities that contaminate the hands.

Sec. 85. 1. *Medical marijuana establishment agents engaged in the production of edible marijuana products or marijuana-infused products may not contact exposed, finished marijuana products with their bare hands and shall use suitable utensils such as a deli tissue,*

spatulas, tongs, single-use gloves or dispensing equipment when handling exposed, finished marijuana products.

2. Medical marijuana establishment agents engaged in the production of edible marijuana products or marijuana-infused products shall minimize bare hand and arm contact with exposed marijuana products that are not in a finished form.

Sec. 86. *1. Each facility for the production of edible marijuana products or marijuana-infused products shall ensure that it obtains non-marijuana ingredients for edible marijuana products or marijuana-infused products from sources that comply with the requirements of federal and state law and regulation and are approved by the Division, including, without limitation, commercial and retail businesses.*

2. A facility for the production of edible marijuana products or marijuana-infused products shall not use or prepare non-marijuana ingredients prepared or stored in a private home.

Sec. 87. *1. Except as otherwise provided in subsection 2, each facility for the production of edible marijuana products or marijuana-infused products shall ensure that marijuana products and ingredients are protected from cross contamination by:*

(a) Separating raw animal ingredients during storage, preparation, holding and display from raw marijuana products, or other raw finished items such as fruits and vegetables, and from cooked or baked and finished marijuana products.

(b) Except when combined as ingredients, separating types of raw animal items from each other such as meat, poultry and eggs during storage, preparation, holding and display by preparing each type of raw animal item at a different time or in a different area, and either:

(1) Using separate equipment for each type of raw animal item; or

(2) Arranging each type of raw animal item in equipment so that cross contamination of one type with another is prevented.

(c) Preparing each item type at different times or in separate areas.

2. The provisions of this section do not apply to items stored frozen in a freezer.

Sec. 88. *Each facility for the production of edible marijuana products or marijuana-infused products shall ensure that:*

1. Pasteurized eggs or egg products are substituted for raw eggs in the preparation of marijuana products.

2. Marijuana products and ingredients only contact surfaces of:

(a) Equipment and utensils that are cleaned and sanitized; or

(b) Single-service and single-use articles that have not previously been used.

3. Ingredients such as eggs, meat, poultry and marijuana containing these raw animal ingredients are cooked to heat all parts of the marijuana product to a temperature and for a time that complies with one of the following methods based on the product that is being cooked:

(a) 63oC (145oF) or above for 15 seconds for:

(1) Raw eggs; and

(2) Meat, including, without limitation, commercially raised game animals.

(b) 68oC (155oF) for 15 seconds for:

(1) Mechanically tenderized, and injected meats; and

(2) Meat and commercially raised game animals if it is comminuted.

(c) 74oC (165oF) or above for 15 seconds for poultry, stuffed meat, stuffed pasta, stuffed poultry, stuffing containing meat or poultry.

4. Except during preparation, cooking or cooling, potentially hazardous marijuana products and ingredients are maintained:

(a) At 57oC (135oF) or above; or

(b) At 5°C (41°F) or less.

Sec. 89. *Each facility for the production of edible marijuana products or marijuana-infused products shall ensure that:*

1. Finished, potentially hazardous marijuana products and ingredients prepared and held by the facility for more than 24 hours are clearly marked to indicate the date or day by which the item must be consumed on the premises, sold or discarded when held at a temperature of 5°C (41°F) or less for a maximum of 7 days; and

2. Finished, potentially hazardous marijuana products and ingredients prepared and packaged by a commercial processing plant are clearly marked, at the time that the original container is opened, if the item is held for more than 24 hours, to indicate the date or day by which the item must be consumed on the premises, sold or discarded. The day on which the original container is opened in the establishment must be counted as day one. The day or date marked by the facility may not exceed a use-by date of the manufacturer if the manufacturer determined the use-by date.

Sec. 90. *Each facility for the production of edible marijuana products or marijuana-infused products shall ensure that the materials that it uses in the construction of utensils and the contact surfaces of marijuana production equipment:*

1. Do not allow the migration of deleterious substances or impart colors, odors or tastes to marijuana products; and

2. Under normal use conditions are:

(a) Safe;

(b) Durable, corrosion-resistant and nonabsorbent;

(c) Sufficient in weight and thickness to withstand repeated warewashing;

(d) Finished to have a smooth, easily cleanable surface; and

(e) Resistant to pitting, chipping, crazing, scratching, scoring, distortion and decomposition.

Sec. 91. *1. Each facility for the production of edible marijuana products or marijuana-infused products shall ensure that it provides:*

(a) A sink with at least three compartments for manually washing, rinsing and sanitizing equipment and utensils; and

(b) Sink compartments that are large enough to accommodate immersion of its largest equipment and utensils.

2. If equipment or utensils are too large for the warewashing sink, a facility for the production of edible marijuana products or marijuana-infused products must use a warewashing machine or alternative equipment.

Sec. 92. *Each facility for the production of edible marijuana products or marijuana-infused products shall ensure that its ventilation hood systems and devices are sufficient in number and capacity to prevent grease or condensation from collecting on walls and ceilings.*

Sec. 93. *Each facility for the production of edible marijuana products or marijuana-infused products shall ensure that:*

1. In a mechanical operation, the temperature of the fresh hot water sanitizing rinse as it enters the manifold is not more than 90°C (194°F), or less than 82°C (180°F).

2. A chemical sanitizer used in a sanitizing solution for a manual or mechanical operation at contact times is used in accordance with the EPA-registered label use instructions, and as follows:

(a) A chlorine solution must have a minimum temperature based on the concentration and pH of the solution as listed in the following chart:

<i>Concentration Range</i>	<i>Minimum Temperature</i>	
<i>mg/L</i>	<i>pH 10 or less °C (°F)</i>	<i>pH 8 or less °C (°F)</i>
<i>25 – 49</i>	<i>49 (120)</i>	<i>49 (120)</i>
<i>50-99</i>	<i>38 (100)</i>	<i>24 (75)</i>
<i>100</i>	<i>13 (55)</i>	<i>13 (55)</i>

(b) An iodine solution must have:

(1) A minimum temperature of 20°C (68°F);

(2) A pH of 5.0 or less or a pH no higher than the level for which the manufacturer specifies the solution is effective, whichever limit is higher; and

(3) A concentration between 12.5 mg/L and 25 mg/L.

(c) A quaternary ammonium compound solution must:

(1) Have a minimum temperature of 24°C (75°F);

(2) Have a concentration of no less than 200 mg/L;

(3) Be used as indicated by the use directions of the manufacturer included in the labeling; and

(4) Be used only in water with 500 mg/L hardness or less or in water having a hardness no greater than specified by the EPA-registered label use instructions, whichever limit is higher.

3. If a chemical sanitizer other than chlorine, iodine or a quaternary ammonium compound is used, it is applied in accordance with the EPA-registered label use instructions.

Sec. 94. *Each facility for the production of edible marijuana products or marijuana-infused products shall ensure that:*

1. Equipment product-contact surfaces and utensils are clean to sight and touch;

2. The product-contact surfaces of cooking equipment and pans are kept free of encrusted grease deposits and other soil accumulations; and

3. Non product-contact surfaces of equipment are kept free of an accumulation of dust, dirt, residue and other debris.

Sec. 95. *Each facility for the production of edible marijuana products or marijuana-infused products shall ensure that:*

- 1. Marijuana product-contact surfaces of equipment and utensils are cleaned:*
 - (a) Before each use with a different type of raw animal ingredient such as beef, pork or poultry;*
 - (b) Each time there is a change from working with raw marijuana products to working with finished marijuana products;*
 - (c) Between uses with raw fruits and vegetables and with potentially hazardous marijuana products, using the appropriate time and temperature controls to ensure the safety of the marijuana products; and*
 - (d) At any time during the operation when contamination may have occurred.*
- 2. If they come into contact with potentially hazardous marijuana, marijuana product-contact surfaces and utensils are cleaned throughout the day at least once every 4 hours.*
- 3. Surfaces of utensils and equipment contacting marijuana product that is not potentially hazardous are cleaned:*
 - (a) At any time when contamination may have occurred; and*
 - (b) In equipment such as ice bins and beverage dispensing nozzles and enclosed components of equipment such as ice makers, cooking oil storage tanks and distribution lines, beverage and syrup dispensing lines or tubes, coffee bean grinders and water vending equipment:*
 - (1) At a frequency specified by the manufacturer; or*
 - (2) If the manufacturer does not specify a frequency, at a frequency necessary to preclude accumulation of soil or mold.*

Sec. 96. *Each facility for the production of edible marijuana products or marijuana-infused products shall ensure that:*

- 1. The product-contact surfaces of cooking and baking equipment are cleaned at least once every 24 hours; and*
- 2. The cavities and door seals of microwave ovens are cleaned at least once every 24 hours by using the recommended cleaning procedure of the manufacturer.*

Sec. 97. *Each facility for the production of edible marijuana products or marijuana-infused products shall ensure that:*

- 1. Marijuana product-contact surfaces and utensils are adequately sanitized.*
- 2. Utensils and product-contact surfaces of equipment are sanitized before use after cleaning.*
- 3. After being cleaned, product-contact surfaces of equipment and utensils are sanitized in:*
 - (a) Hot water manual operations by immersion for at least 30 seconds;*
 - (b) Hot water mechanical operations by being cycled through equipment that is set up and achieving a utensil surface temperature of 71°C (160°F) as measured by an irreversible registering temperature indicator; or*
 - (c) Chemical manual or mechanical operations, including, without limitation, the application of sanitizing chemicals by immersion, manual swabbing, brushing or pressure spraying methods. Contact times for sanitation using chemical, manual or mechanical*

operations must be consistent with those on EPA-registered label use instructions by providing:

- (1) A contact time of at least 10 seconds for a standard chlorine solution;*
- (2) A contact time of at least 7 seconds for a chlorine solution of 50 mg/L that has a pH of 10 or less and a temperature of at least 38°C (100°F) or a pH of 8 or less and a temperature of at least 24°C (75°F); or*
- (3) A contact time of at least 30 seconds for any other chemical sanitizing solutions.*

Sec. 98. *Each facility for the production of edible marijuana products or marijuana-infused products shall ensure that the light intensity in the facility is:*

- 1. At least 216 lux (20 foot candles):*
 - (a) At a distance of 75 cm (30 inches) above the floor, in walk-in refrigeration units and dry marijuana product storage areas and in other areas and rooms during periods of cleaning;*
 - (b) Inside equipment such as reach-in and under-counter refrigerators; and*
 - (c) At a distance of 75 cm (30 inches) above the floor in areas used for handwashing, warewashing, and equipment and utensil storage, and in toilet rooms.*
- 2. At least 540 lux (50 foot candles) at a surface where a medical marijuana establishment agent engaged in the production of edible marijuana products or marijuana-infused products is working with marijuana product or working with utensils or equipment such as knives, slicers, grinders or saws where employee safety is a factor.*

Sec. 99. *Each facility for the production of edible marijuana products or marijuana-infused products shall ensure that it provides mechanical ventilation of sufficient capacity as necessary to keep rooms free of excessive heat, steam, condensation, vapors, obnoxious odors, smoke and fumes.*

Sec. 100. *1. Except as otherwise provided in subsection 2, each facility for the production of edible marijuana products or marijuana-infused products shall ensure that filters for liquid filtration used in the manufacture, processing or packing of infusible medical marijuana products intended for human use do not release fibers into such products.*

2. Fiber-releasing filters may be used when it is not possible to manufacture such products without the use of these filters. If the use of a fiber-releasing filter is necessary, the facility shall use an additional nonfiber-releasing filter having a maximum nominal pore size rating of 0.2 micron, or 0.45 micron if the manufacturing conditions so dictate, to reduce the content of particles in the infusible medical marijuana product.

3. A facility for the production of edible marijuana products or marijuana-infused products shall not use an asbestos-containing filter.

Sec. 101. *1. A facility for the production of edible marijuana products or marijuana-infused products may only use the methods, equipment, solvents, gases and mediums set forth in this section when creating marijuana extracts.*

2. Facilities for the production of edible marijuana products or marijuana-infused products may use the hydrocarbons N-butane, isobutane, propane, or heptane or other solvents or gases exhibiting low to minimal potential human health-related toxicity approved

by the Division. These solvents must be of at least ninety-nine percent purity and a facility for the production of edible marijuana products or marijuana-infused products must use them in a professional grade closed loop extraction system designed to recover the solvents, work in a spark free environment with proper ventilation, and follow all applicable local fire, safety and building codes in the processing and the storage of the solvents.

3. Facilities for the production of edible marijuana products or marijuana-infused products may use a professional grade closed loop CO2 gas extraction system where every vessel is rated to a minimum of nine hundred pounds per square inch and it follows all applicable local fire, safety and building codes in the processing and the storage of the solvents. The CO2 must be of at least ninety-nine percent purity.

4. Facilities for the production of edible marijuana products or marijuana-infused products may use heat, screens, presses, steam distillation, ice water, and other methods without employing solvents or gases to create kief, hashish, bubble hash, or infused dairy butter, or oils or fats derived from natural sources, and other extracts.

5. Facilities for the production of edible marijuana products or marijuana-infused products may use food grade glycerin, ethanol, and propylene glycol solvents to create extracts.

6. Facilities for the production of edible marijuana products or marijuana-infused products which are creating marijuana extracts must develop standard operating procedures, good manufacturing practices, and a training plan prior to producing extracts for the marketplace. Any person using solvents or gases in a closed looped system to create marijuana extracts must be fully trained on how to use the system, have direct access to applicable material safety data sheets and handle and store the solvents and gases safely.

7. The acceptable parts per million for one gram of finished extract of residual solvent or gas will be determined by the Independent Laboratory Advisory Committee.

CULTIVATION AND PRODUCTION STANDARDS

Sec. 102. *Sections 102 to 116, inclusive, of this regulation set forth the minimum current good manufacturing practices for the cultivation and preparation of medical marijuana products for administration to humans.*

Sec. 103. 1. *Each cultivation facility, facility for the production of edible marijuana products or marijuana-infused products, and medical marijuana dispensary shall have a quality control unit that:*

(a) Has the responsibility and authority to approve or reject all components, medical marijuana product containers, closures, in-process materials, packaging material, labeling and medical marijuana products;

(b) Has the authority to review production records to assure that no errors have occurred or, if errors have occurred, that they have been fully investigated and resolved;

(c) Is responsible for approving or rejecting medical marijuana products manufactured, processed, packed or held under contract by another company; and

(d) Is responsible for approving or rejecting all procedures or specifications which may impact the identity, strength, quality and purity of the medical marijuana product.

2. Each cultivation facility, facility for the production of edible marijuana products or marijuana-infused products, and medical marijuana dispensary shall:

(a) Set forth the responsibilities and procedures applicable to the quality control unit in writing; and

(b) Follow the written responsibilities and procedures set forth pursuant to paragraph (a).

Sec. 104. *Each cultivation facility, facility for the production of edible marijuana products or marijuana-infused products, and medical marijuana dispensary shall ensure that:*

1. Each medical marijuana establishment agent who is providing services at the establishment and who is engaged in the manufacture, processing, packing or holding of a medical marijuana product wears clean clothing appropriate for the duties he or she performs;

2. Protective apparel, such as head, face, hand and arm coverings, are worn as necessary to protect medical marijuana products from contamination; and

3. Each medical marijuana establishment agent providing services at the establishment practices good sanitation and health habits.

Sec. 105. *1. Each medical marijuana establishment shall ensure that any building used in the manufacture, processing, packing or holding of a medical marijuana product:*

(a) Is of suitable size, construction and location to facilitate cleaning, maintenance and proper operations; and

(b) Has adequate space for the orderly placement of equipment and materials to prevent mixups between different components, medical marijuana product containers, closures, labeling, in-process materials, or medical marijuana products, and to prevent contamination.

2. Each medical marijuana establishment shall ensure that:

(a) The flow of components, medical marijuana product containers, closures, labeling, in-process materials, and medical marijuana products through any building used in the manufacture, processing, packing or holding of a medical marijuana product is designed to prevent contamination;

(b) The operations of the establishment are performed within specifically defined areas of adequate size; and

(c) There are separate or defined areas or such other control systems for the operations of the establishment as are necessary to prevent contamination or mixups during the course of the following procedures:

(1) Receipt, identification, storage, and withholding from use of components, medical marijuana product containers, closures and labeling, pending the appropriate sampling, testing or examination by the quality control unit before release for manufacturing or packaging;

(2) Holding rejected components, medical marijuana product containers, closures and labeling before disposition;

(3) Storage of released components, medical marijuana product containers, closures and labeling;

(4) Storage of in-process materials;

(5) Processing operations;

- (6) Packaging and labeling operations;*
- (7) Quarantine storage before release of medical marijuana products;*
- (8) Storage of medical marijuana products after release;*
- (9) Control and laboratory operations; and*
- (10) Sanitary processing, which includes as appropriate:*

cleanable;

- (i) Floors, walls, and ceilings of smooth, hard surfaces that are easily*

under positive pressure;

- (ii) Temperature and humidity controls;*
- (iii) An air supply filtered through high-efficiency particulate air filters*
- (iv) A system for monitoring environmental conditions;*
- (v) A system for cleaning and sanitizing the room and equipment; and*
- (vi) A system for maintaining any equipment used to control the sanitary*

conditions.

Sec. 106. *1. Each independent testing laboratory, cultivation facility and medical marijuana dispensary shall ensure that adequate lighting is provided in all areas of the establishment.*

2. If it is necessary for an independent testing laboratory, cultivation facility or medical marijuana dispensary to have dim lighting or no lighting in a certain area of the establishment for a specific reason, the establishment must have a written policy specifying:

- (a) The area needing dim or no lighting; and*
- (b) The reason the area needs dim or no lighting.*

Sec. 107. *1. Each cultivation facility, facility for the production of edible marijuana products or marijuana-infused products, and medical marijuana dispensary shall ensure that any building used in the manufacture, processing, packing or holding of a medical marijuana product:*

- (a) Provides adequate ventilation; and*
- (b) Contains equipment for adequate control over air pressure, micro-organisms, dust, humidity, and temperature when appropriate for the manufacture, processing, packing or holding of a medical marijuana product.*

2. Each cultivation facility, facility for the production of edible marijuana products or marijuana-infused products, and medical marijuana dispensary must use filtration systems, including, without limitation, prefilters and particulate matter air filters, when appropriate on air supplies to production areas. If air is recirculated to production areas, the establishment must take measures to control recirculation of dust from production. In areas where air contamination occurs during production, the establishment must ensure that there are adequate exhaust systems or other systems adequate to control contaminants.

Sec. 108. *Each medical marijuana establishment shall ensure that:*

1. Any building used in the manufacture, processing, packing or holding of a medical marijuana product supplies potable water under continuous positive pressure in a plumbing system free of defects that could contribute to the contamination of any medical marijuana product. Potable water must meet the standards prescribed in the Primary Drinking Water Regulations of the Environmental Protection Agency set forth in 40 CFR Part 141. Water not meeting such standards is not permitted in the potable water system.

2. Drains are of adequate size and, where connected directly to a sewer, are provided with an air break or other mechanical device to prevent back-siphonage.

Sec. 109. *1. Each medical marijuana establishment shall ensure that it has written procedures:*

(a) Assigning responsibility for sanitation and describing in sufficient detail the cleaning schedules, methods, equipment and materials to be used in cleaning the buildings and facilities of the establishment; and

(b) For the use of appropriate rodenticides, insecticides, fungicides, fumigating agents, and cleaning and sanitizing agents by the establishment.

2. Each medical marijuana establishment shall ensure that the written procedures described in subsection 1 are followed.

3. All sanitation procedures of a medical marijuana establishment apply to work performed by contractors or temporary employees for the establishment as well as to work performed by full-time employees during the ordinary course of operations.

Sec. 110. *Each cultivation facility, facility for the production of edible marijuana products or marijuana-infused products, and medical marijuana dispensary shall ensure that any building used in the manufacture, processing, packing or holding of a medical marijuana product is maintained in a good state of repair.*

Sec. 111. *1. Each cultivation facility, facility for the production of edible marijuana products or marijuana-infused products, and medical marijuana dispensary shall ensure that any equipment used in the manufacture, processing, packing or holding of a medical marijuana product:*

(a) Is of appropriate design and adequate size, and is suitably located to facilitate operations for its intended use and for its cleaning and maintenance; and

(b) Is constructed so that surfaces which contact components, in-process materials, or medical marijuana products are not reactive, additive, or absorptive so as to alter the safety, identity, strength, quality or purity of the medical marijuana product beyond the official or other established requirements.

2. Each cultivation facility, facility for the production of edible marijuana products or marijuana-infused products, and medical marijuana dispensary shall ensure that:

(a) Any substances required for its operation, such as lubricants or coolants, do not come into contact with components, medical marijuana product containers, in-process materials, or medical marijuana products so as to alter the safety, identity, strength, quality or purity of the medical marijuana product beyond the official or other established requirements;

(b) Equipment and utensils are cleaned, maintained, and, as appropriate for the nature of the medical marijuana, sanitized and sterilized at appropriate intervals to prevent malfunctions or contamination that would alter the safety, identity, strength, quality or purity of the medical marijuana product beyond the official or other established requirements; and

(c) Written procedures are established and followed for the cleaning and maintenance of equipment, including, without limitation, utensils, used in the manufacture, processing, packing or holding of a medical marijuana product. These procedures must include, without limitation, the following:

(1) Assignment of responsibility for cleaning and maintaining equipment;

(2) Maintenance and cleaning schedules, including, where appropriate, sanitizing schedules;

(3) A description in sufficient detail of the methods, equipment and materials used in cleaning and maintenance operations, and the methods of disassembling and reassembling equipment as necessary to assure proper cleaning and maintenance;

(4) Protection of clean equipment from contamination before use; and

(5) Inspection of equipment for cleanliness immediately before use.

3. Each cultivation facility, facility for the production of edible marijuana products or marijuana-infused products, and medical marijuana dispensary must maintain records of any maintenance, cleaning, sanitizing and inspection carried out pursuant to this section.

Sec. 112. *Each cultivation facility, facility for the production of edible marijuana products or marijuana-infused products, and medical marijuana dispensary shall ensure that:*

1. It has written procedures describing in sufficient detail the receipt, identification, storage, handling, sampling, testing and approval or rejection of components and medical marijuana product containers and closures, and that it follows those procedures;

2. Components and medical marijuana product containers and closures are at all times handled and stored in a manner so as to prevent contamination;

3. Bagged or boxed components of medical marijuana product containers or closures are stored off the floor and are suitably spaced to permit cleaning and inspection; and

4. Each container or grouping of containers for components or medical marijuana product containers or closures is identified with a distinctive code for each lot in each shipment received. This code must be used in recording the disposition of each lot. Each lot must be appropriately identified as to its status such as quarantined, approved or rejected.

Sec. 113. *1. Each cultivation facility, facility for the production of edible marijuana products or marijuana-infused products, and medical marijuana dispensary shall have written procedures for production and process control that are designed to assure that the medical marijuana products have the identity, strength, quality and purity they purport or are represented to possess.*

2. The written procedures required pursuant to subsection 1 and any changes to those procedures must be drafted, reviewed and approved by the appropriate organizational units of the medical marijuana establishment and reviewed and approved by the quality control unit of the medical marijuana establishment.

3. Each cultivation facility, facility for the production of edible marijuana products or marijuana-infused products, and medical marijuana dispensary shall follow written production and process control procedures in executing various production and process control functions and shall document these procedures at the time of performance. Any deviation from the written procedures must be recorded and justified by the medical marijuana establishment.

Sec. 114. *1. Each cultivation facility, facility for the production of edible marijuana products or marijuana-infused products, and medical marijuana dispensary shall establish and follow written procedures describing in sufficient detail the receipt, identification, storage, handling, sampling, examination and testing of labeling and packaging materials.*

2. Any labeling or packaging materials that meet the appropriate written specifications established pursuant to subsection 1 may be approved and released for use. Any labeling or packaging materials that do not meet the specifications established pursuant to subsection 1 must be rejected to prevent their use in operations for which they are unsuitable.

3. Each cultivation facility, facility for the production of edible marijuana products or marijuana-infused products, and medical marijuana dispensary shall:

(a) Store separately with suitable identification the labels and other labeling materials for each different medical marijuana product, strength, dosage form or quantity of contents;

(b) Limit access to the storage area described in paragraph (a) to authorized personnel of the medical marijuana establishment; and

(c) Destroy obsolete and outdated labels, labeling and other packaging materials.

Sec. 115. This section is deleted.

Sec. 116. 1. *Each cultivation facility, facility for the production of edible marijuana products or marijuana-infused products, and medical marijuana dispensary shall ensure that medical marijuana products that have been subjected to improper storage conditions including, without limitation, extremes in temperature, humidity, smoke, fumes, pressure, age, or radiation due to natural disasters, fires, accidents or equipment failures are not salvaged and returned to the marketplace.*

2. Whenever it is unclear whether medical marijuana products have been subjected to the conditions described in subsection 1, a cultivation facility, facility for the production of edible marijuana products or marijuana-infused products, or medical marijuana dispensary may conduct salvaging operations only if there is:

(a) Evidence from laboratory tests and assays that the medical marijuana products meet all applicable standards of identity, strength, quality and purity; and

(b) Evidence from inspection of the premises that the medical marijuana products and their associated packaging were not subjected to improper storage conditions as a result of the disaster or accident, if any.

3. A cultivation facility, facility for the production of edible marijuana products or marijuana-infused products, and medical marijuana dispensary must maintain records including, without limitation, the name, lot number and disposition for medical marijuana products salvaged pursuant to subsection 2.

REQUIREMENTS CONCERNING INDEPENDENT TESTING LABORATORIES

Sec. 117. 1. *Each independent testing laboratory must employ a scientific director to be responsible for:*

(a) Ensuring that the laboratory achieves and maintains quality standards of practice;
and

(b) Supervising all staff of the laboratory.

2. The scientific director of an independent testing laboratory must have earned:

(a) A doctorate degree in chemical or biological sciences from an accredited college or university and have at least 2 years of post-degree laboratory experience;

(b) A master's degree in chemical or biological sciences from an accredited college or university and have at least 4 years of post-degree laboratory experience; or

(c) A bachelor's degree in chemical or biological sciences from an accredited college or university and have at least 6 years of post-degree laboratory experience.

Sec. 118. 1. Each independent testing laboratory must either:

(a) Follow the most current version of the Cannabis Inflorescence and Leaf QC monograph published by the American Herbal Pharmacopoeia; or

(b) Notify the Division what alternative scientifically valid testing methodology the laboratory is following for each quality assurance test it conducts. The Division may require a laboratory to have the testing methodology followed by the laboratory pursuant to this paragraph validated by an independent third-party to ensure that the methodology followed by the laboratory produces scientifically accurate results before the laboratory may use the methodology when conducting testing services.

2. The Division may require an independent testing laboratory to have its basic proficiency to execute correctly the analytical testing methodologies used by the laboratory to be validated and monitored on an ongoing basis by an independent third-party.

3. Each independent testing laboratory must:

(a) Either:

(1) Adopt and follow minimum good lab practices, which must at a minimum satisfy the Principles of Good Laboratory Practice of the Organisation for Economic Co-operation and Development; or

(2) Become certified by the International Organization for Standardization and agree to have the inspections and reports of the International Organization for Standardization made available to the Division.

(b) Maintain internal standard operating procedures.

(c) Maintain a quality control and quality assurance program.

4. The Division or an independent third-party authorized by the Division may conduct an inspection of the practices, procedures and programs adopted, followed and maintained pursuant to subsection 3, and inspect all records of the independent testing laboratory that are related to the inspection.

5. The Division hereby adopts by reference:

(a) The Cannabis Inflorescence and Leaf QC monograph, as published by the American Herbal Pharmacopoeia. A copy of that publication may be obtained from the American Herbal Pharmacopoeia, P.O. Box 66809, Scotts Valley, California 95067, or at the Internet address http://www.herbal-ahp.org/order_online.htm, for the price of \$39.95.

(b) The Principles of Good Laboratory Practice of the Organisation for Economic Co-operation and Development. A copy of that publication may be found online at the Internet address <http://www.oecd.org/env/ehs/testing/oecdseriesonprinciplesofgoodlaboratorypracticeglpandcompliancemonitoring.htm>.

Sec. 119. Each independent testing laboratory must use the general body of required quality assurance tests for usable marijuana, marijuana-infused products, extracts of marijuana, and edible marijuana products set forth in this section. Such tests may include moisture content, potency analysis, foreign matter inspection, microbial screening, pesticide and other chemical

residue and metals screening, and residual solvents levels. An independent testing laboratory may request additional sample material in excess of the amounts listed in the table set forth in this section for the purposes of completing required quality assurance tests. An independent testing laboratory may retrieve samples from the premises of another registered medical marijuana establishment and transport the samples directly to the laboratory.

<i>Product</i>	<i>Tests Required</i>	<i>Sample Size Needed to Complete all Tests</i>
<i>Usable marijuana</i>	<ol style="list-style-type: none"> 1. <i>Moisture content</i> 2. <i>Potency analysis</i> 3. <i>Terpene analysis</i> 4. <i>Foreign matter inspection</i> 5. <i>Microbial screening</i> 6. <i>Mycotoxin screening</i> 7. <i>Heavy metal screening</i> 8. <i>Pesticide residue analysis</i> 	<i>Up to 12 grams</i>
<i>Extract of marijuana (nonsolvent) like kief, hashish, bubble hash, or infused dairy butter, or oils or fats derived from natural sources</i>	<ol style="list-style-type: none"> 1. <i>Potency analysis</i> 2. <i>Foreign matter inspection</i> 3. <i>Microbial screening</i> 4. <i>Terpene analysis</i> 	<i>Up to 7 grams</i>
<i>Extract of of marijuana (solvent-based) made with a CO2 extractor</i>	<ol style="list-style-type: none"> 1. <i>Potency analysis</i> 2. <i>Terpene analysis</i> 3. <i>Microbial screening</i> 	<i>Up to 2 grams</i>
<i>Extract of marijuana (solvent based) made using n-butane, isobutane, propane, heptane, or other solvents or gases approved by the Division of at least 99 % purity</i>	<ol style="list-style-type: none"> 1. <i>Potency analysis</i> 2. <i>Terpene analysis</i> 3. <i>Residual solvent test</i> 4. <i>Microbial screening (only if using marijuana that failed initial test)</i> 	<i>Up to 2 grams</i>
<i>Extract of marijuana made with food grade ethanol</i>	<ol style="list-style-type: none"> 1. <i>Potency analysis</i> 2. <i>Terpene analysis</i> 3. <i>Microbial screening (only if using marijuana that failed initial test)</i> 	<i>Up to 2 grams</i>
<i>Extract of marijuana made with food grade glycerin or propylene glycol</i>	<ol style="list-style-type: none"> 1. <i>Potency analysis</i> 2. <i>Terpene analysis</i> 3. <i>Microbial screening (only if using marijuana that failed the initial test)</i> 	<i>Up to 20 grams</i>
<i>Edible marijuana-infused product</i>	<ol style="list-style-type: none"> 1. <i>Potency analysis</i> 2. <i>Terpene analysis</i> 	<i>1 unit</i>

<i>Product</i>	<i>Tests Required</i>	<i>Sample Size Needed to Complete all Tests</i>
	<i>3. Microbial screening</i>	
<i>Liquid marijuana-infused product like a soda or tonic</i>	<i>1. Potency analysis 2. Terpene analysis 3. Microbial screening</i>	<i>1 unit</i>
<i>Topical marijuana-infused product</i>	<i>Potency analysis</i>	<i>1 unit</i>

Sec. 120. *An independent testing laboratory shall not handle, test or analyze marijuana unless:*

- 1. The laboratory has been issued a medical marijuana establishment registration certificate;*
- 2. The laboratory is independent from all other persons involved in the medical marijuana industry in Nevada; and*
- 3. No person with a direct or indirect interest in the laboratory has a direct or indirect financial interest in:*
 - (a) A medical marijuana dispensary;*
 - (b) A facility for the production of edible marijuana products or marijuana-infused products;*
 - (c) A cultivation facility;*
 - (d) A physician who provides or has provided written documentation for the issuance of registry identification cards; or*
 - (e) Any other entity that may benefit from the production, manufacture, dispensing, sale, purchase or use of marijuana.*

Sec. 121. *1. Immediately before manufacturing any marijuana product or packaging raw marijuana for sale to a medical marijuana dispensary, a cultivation facility shall segregate all harvested marijuana into homogenized batches and select a random sample from each batch for testing by an independent testing laboratory. The laboratory must collect the samples or the cultivation facility must designate a person responsible for segregating all harvested marijuana into homogenized batches pursuant to this subsection in accordance with the standards set forth by the laboratory and the cultivation facility to ensure a random, homogenized sample. If the cultivation facility designates a person to segregate designated batches, the cultivation facility must file an attestation with the Division as to the manner in which each random, homogenized sample is selected for testing.*

2. An independent testing laboratory that receives a sample from a cultivation facility pursuant to this section must test the sample for cannabinoids, terpenoids, microbial contaminants, mycotoxins, heavy metals and pesticide chemical residue, residual solvents levels, and for purposes of conducting an active ingredient analysis, as specified in the policy manual for independent testing laboratories created by the Division.

3. From the time that a batch of marijuana has been homogenized for sample testing and eventual packaging and sale to a medical marijuana dispensary, until the independent testing laboratory provides the results from its tests and analysis, the cultivation facility shall segregate and withhold from use the entire batch of marijuana, except the samples that have

been removed by the laboratory for testing. During this period of segregation, the cultivation facility shall maintain the marijuana batch in a secure, cool and dry location so as to prevent the marijuana from becoming contaminated or losing its efficacy. Under no circumstances shall a cultivation facility include marijuana in a marijuana product or sell it to a medical marijuana dispensary before the time that the laboratory has completed its testing and analysis and provided those results, in writing, to the cultivation facility.

4. An independent testing laboratory shall immediately return or dispose of any marijuana upon the completion of any testing, use, or research. If a laboratory disposes of marijuana, the laboratory shall document the disposal of the marijuana using its inventory control system established pursuant to section 57 of this regulation.

5. Except as otherwise provided in section 128 of this regulation, if a sample of marijuana does not pass the microbial, mycotoxin, heavy metal, pesticide chemical residue or residual solvents levels test, based on the standards of the Division, the producer shall dispose of the entire batch from which the sample was taken and document the disposal of the marijuana using its inventory control system established pursuant to section 57 of this regulation.

6. For the purposes of the microbial test, a marijuana sample shall be deemed to have passed if it satisfies the standards set forth in Table 9 of the Cannabis Inflorescence and Leaf QC monograph published by the American Herbal Pharmacopoeia and adopted by reference pursuant to section 118 of this regulation.

7. For the purposes of the mycotoxin test, a marijuana sample shall be deemed to have passed if it meets the following standards:

<i>Test</i>	<i>Specification</i>
<i>Aflatoxin B1</i>	<i><20 uG/KG of Substance</i>
<i>Aflatoxin B2</i>	<i><20 uG/KG of Substance</i>
<i>Aflatoxin G1</i>	<i><20 uG/KG of Substance</i>
<i>Aflatoxin G2</i>	<i><20 uG/KG of Substance</i>
<i>Ochratoxin A</i>	<i><20 uG/KG of Substance</i>

8. For the purposes of the heavy metal test, a marijuana sample shall be deemed to have passed if it meets the following standards:

<i>Metal</i>	<i>Natural Health Products Acceptable limits uG/KG</i>
<i>Arsenic</i>	<i><0.14</i>
<i>Cadmium</i>	<i><0.09</i>
<i>Lead</i>	<i><0.29</i>
<i>Mercury</i>	<i><0.29</i>

9. The Independent Laboratory Advisory Committee established pursuant to section 125 of this regulation shall establish the list of pesticides approved for use in the cultivation and production of medical marijuana and medical marijuana products to be sold or used in Nevada. For the purposes of the pesticide chemical residue test, a marijuana sample shall be deemed to have passed if it satisfies the most stringent acceptable standard for an approved pesticide chemical residue in any food item as set forth in Subpart C of the federal

Environmental Protection Agency's regulations for Tolerances and Exemptions for Pesticide Chemical Residues in Food, 40 CFR Part 180.

10. If a sample of marijuana passes the microbial, mycotoxin, heavy metal, pesticide chemical residue and residual solvents levels tests, the independent testing laboratory shall release the entire batch for immediate manufacturing, packaging and labeling for sale to a medical marijuana establishment, in accordance with the provisions of paragraph (a) of subsection 2 of section 57 of this regulation.

11. The independent testing laboratory shall file with the Division an electronic copy of each laboratory test result for any batch that does not pass the microbial, mycotoxin, heavy metal, pesticide chemical residue or residual solvents levels test, at the same time that it transmits those results to the cultivation facility. In addition, the laboratory shall maintain the laboratory test results and make them available to the Division upon request.

12. The Division will take immediate disciplinary action against any medical marijuana establishment which fails to comply with the provisions of this section or falsifies records related to this section, including, without limitation, revoking the medical marijuana establishment registration certificate of the establishment.

Sec. 122. 1. *The Division shall establish a proficiency testing program for independent testing laboratories.*

2. Each independent testing laboratory must participate in the proficiency testing program established pursuant to this section.

3. If required by the Division as part of being issued or renewing a medical marijuana establishment registration certificate, the independent testing laboratory must have successfully participated in the proficiency test within the preceding 12 months.

4. To maintain continued registration as an independent testing laboratory, a laboratory must participate in the designated proficiency testing program with continued satisfactory performance as determined by the Division.

5. An independent testing laboratory must analyze proficiency test samples using the same procedures with the same number of replicate analyses, standards, testing analysts and equipment as used for product testing.

6. The scientific director of the independent testing laboratory and all testing analysts that participated in a proficiency test must sign corresponding attestation statements.

7. The scientific director of the independent testing laboratory must review and evaluate all proficiency test results.

8. An independent testing laboratory must take and document remedial action when a score of less than 100% is achieved during a proficiency test. Remedial action documentation must include, without limitation, a review of samples tested and results reported since the last successful proficiency testing challenge.

9. Successful participation is the positive identification of 80% of the target analytes that the independent testing laboratory reports to include quantitative results when applicable. Any false positive results reported will be considered an unsatisfactory score for the proficiency testing event.

10. Unsuccessful participation in a proficiency test may result in limitation, suspension or revocation of the medical marijuana establishment registration certificate of the independent testing laboratory.

Sec. 123. *Each independent testing laboratory must establish policies for an adequate chain of custody and requirements for samples of products provided to the laboratory for testing or research purposes, including, without limitation, policies and requirements for:*

- 1. Issuing instructions for the minimum sample requirements and storage requirements;*
- 2. Documenting the condition of the external package and integrity seals utilized to prevent contamination of, or tampering with, the sample;*
- 3. Documenting the condition and amount of the sample provided at the time of receipt;*
- 4. Documenting all persons handling the original samples, aliquots, and extracts;*
- 5. Documenting all transfers of samples, aliquots, and extracts referred to another independent testing laboratory for additional testing or whenever requested by a client;*
- 6. Maintaining a current list of authorized medical marijuana establishment agents and restricting entry to the laboratory to only those authorized;*
- 7. Securing the laboratory during non-working hours;*
- 8. Securing short and long-term storage areas when not in use;*
- 9. Utilizing a secured area to log-in and aliquot samples;*
- 10. Ensuring samples are stored appropriately; and*
- 11. Documenting the disposal of samples, aliquots and extracts.*

Sec. 124. *1. Each independent testing laboratory that claims to be accredited must provide the Division with copies of each annual inspection report from the accrediting organization, including, without limitation, any deficiencies identified in and any corrections made in response to the report.*

2. An independent testing laboratory may not claim to be accredited unless it is accredited by an accrediting organization that is nationally recognized and approved by the Division.

3. Inspection by an accrediting organization is not a substitute for inspection by the Division.

Sec. 125. *1. The Division shall establish an Independent Laboratory Advisory Committee comprised of members to ensure that the membership is representative of independent testing laboratories and other medical marijuana establishments in this state.*

2. The Advisory Committee shall:

(a) Provide recommendations to the Division regarding the testing of medical marijuana;

(b) Make recommendations to the Division for any changes to the regulations related to the testing of medical marijuana; and

(c) Assist the Division in creating and updating a policy manual to be used by the Division to guide the testing of marijuana products by independent testing laboratories.

Sec. 126. *1. Upon the request of the Division, a cultivation facility and a facility for the production of edible marijuana products or marijuana-infused products must provide an independent testing laboratory designated by the Division with a sample of product in the amount listed in section 119 of this regulation for random quality assurance compliance*

checks in a secure manner such that the laboratory can confirm that it has received and is testing the correct sample.

2. The independent testing laboratory that receives a sample pursuant to subsection 1 shall, as directed by the Division:

- (a) Screen the sample for pesticides, chemical residues and unsafe levels of metals;*
- (b) Perform any other quality assurance test deemed necessary by the Division; and*
- (c) Report its results to the Division.*

3. The cultivation facility or facility for the production of edible marijuana products or marijuana-infused products is responsible for all costs involved in screening or testing performed pursuant to this section.

Sec. 127. *An independent testing laboratory is not limited in the amount of usable marijuana and marijuana products it may have on the premises of the laboratory at any given time, but the laboratory must have records to prove that all usable marijuana and marijuana products on the premises are there for testing purposes only.*

Sec. 128. 1. *If a lot of usable marijuana fails a quality assurance test, any marijuana plant trim, leaf and other usable material from the same plants automatically fails the quality assurance test. Upon approval of the Division, a lot of marijuana that fails a quality assurance test may be used to make a CO₂ or solvent based extract. After processing, the CO₂ or solvent based extract must still pass all required quality assurance tests.*

2. At the request of a cultivation facility or a facility for the production of edible marijuana products or marijuana-infused products, the Division may, on a case-by-case basis, authorize a retest to validate the results of a failed test. The cultivation facility or facility for the production of edible marijuana products or marijuana-infused products is responsible for all costs involved in a retest performed pursuant to this section.

MISCELLANEOUS PROVISIONS

Sec. 129. *No State employee responsible for implementing or enforcing the provisions of chapter 453A of NRS or this chapter of NAC may have a direct or indirect financial interest in a medical marijuana establishment or be employed by or volunteer at a medical marijuana establishment.*

Sec. 130. 1. *The Division shall, at least annually, consider:*

- (a) The maximum fees set forth in NRS 453A.344;*
- (b) The revenue received from such fees; and*
- (c) The gifts and grants received by the Division pursuant to NRS 453A.720.*

2. Based on its evaluation conducted pursuant to subsection 1, the Division may reduce the maximum fees set forth in NRS 453A.344, at such times as, in its judgment, the Division considers a reduction equitable in relation to ensuring that the fees are revenue neutral and reflecting the gifts and grants received by the Division pursuant to NRS 453A.720.

Sec. 131. *For the purposes of subparagraph (3) of paragraph (b) of subsection 3 of NRS 453A.200, the maximum allowable quantity of edible marijuana products and marijuana-*

infused products is such products in an amount that is the equivalent of two and one-half ounces of usable marijuana.

Sec. 132. *The Division may, upon findings made following a public hearing that the public interest will be supported by limiting the cultivation of medical marijuana in this State, limit the amount of marijuana in production within the State of Nevada.*

Sec. 133. *1. A medical marijuana establishment:*

(a) May only promote through marketing the laboratory results as identified on the label of a marijuana product; and

(b) Must not use an independent testing laboratory or other laboratory to promote any other attributes of a marijuana product.

2. The provisions of this regulation governing labeling and testing of marijuana products apply to all marijuana products, including, without limitation, pre-rolls.

Sec. 134. *1. The Division may charge and collect a fee from any medical marijuana establishment that is involved in a complaint submitted to the Division by a consumer to recover the costs of investigating the complaint after the investigation is completed and the complaint is substantiated. The fee will be based upon the hourly rate established for each investigator of medical marijuana establishments as determined by the budget of the Division.*

2. As used in this section, “substantiated” means supported or established by evidence or proof.

Sec. 135. *Except as otherwise provided in NRS 239.0115, any information received by the Division related to the security of a medical marijuana establishment is confidential and must not be disclosed by the Division.*

Sec. 136. *1. Except as otherwise provided in this section and NRS 239.0115, the Division and any designee of the Division shall maintain the confidentiality of and shall not disclose the name or any other identifying information of any person who facilitates or delivers services pursuant to chapter 453A of NRS or this chapter. Except as otherwise provided in NRS 239.0115, the name and any other identifying information of any person who facilitates or delivers services pursuant to chapter 453A of NRS or this chapter 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 who facilitates or delivers services pursuant to chapter 453A of NRS or this chapter 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 lawfully facilitating or delivering services pursuant to chapter 453A of NRS or this chapter.

3. Nothing in this section prohibits the Division from providing a local government with a copy of all information and documentation provided as part of an application to operate a medical marijuana establishment, upon request of the local government.

Sec. 137. 1. *The Division shall register and track the attending physicians licensed in this State who advise a patient that the medical use of marijuana may mitigate the symptoms or effects of the patient's medical condition. To the extent possible, the Division shall maintain a confidential record of:*

- (a) The number of patients to whom a physician advises that the medical use of marijuana may mitigate the symptoms or effects of the patients' medical conditions;*
- (b) The chronic or debilitating medical conditions of such patients;*
- (c) The number of times a physician advises each patient that the medical use of marijuana may mitigate the symptoms or effects of the patient's medical condition;*
- (d) The number of different chronic or debilitating medical conditions for which a physician advises each patient that the use of medical marijuana may mitigate the symptoms or effects of the patient's medical conditions; and*
- (e) How frequently a physician advises each patient that the medical use of marijuana may mitigate the symptoms or effects of the patient's medical condition.*

2. Based on its evaluation of the records maintained pursuant to subsection 1, if the Division determines that an attending physician is advising patients that the medical use of marijuana may mitigate the symptoms or effects of the patients' medical conditions at a rate that is unreasonably high, the Division shall notify the Board of Medical Examiners or the State Board of Osteopathic Medicine, so that the appropriate Board may subject the physician to the progressive discipline process of that Board.

3. The Division shall, for each calendar year, submit to the Board of Medical Examiners and the State Board of Osteopathic Medicine for each physician licensed by that Board the information the Division maintains pursuant to paragraphs (a) to (e), inclusive, of subsection 1.

4. If the Division has reason to believe that the public health, safety or welfare imperatively requires action, the Division may refer a case involving an alleged violation by a physician of any provision of Nevada law or regulation related to the medical use of marijuana to the Board of Medical Examiners or the State Board of Osteopathic Medicine.

Sec. 138. 1. *The Division shall maintain a log of each person who is authorized to cultivate, grow or produce marijuana pursuant to subsection 6 of NRS 453A.200.*

2. The log must indicate, for each person:

(a) Whether the person is authorized to cultivate marijuana, grow marijuana or produce marijuana, and whether the person is authorized to engage in two or more of those activities; and

(b) Whether the person is authorized to do so because:

(1) 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 chapter 453A of NRS on or before July 1, 2013;

(2) 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, closed or were 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;

(3) As a result 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

(4) 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.

3. The Division shall ensure that the contents of the log are available for verification by law enforcement personnel 24 hours a day.

Sec. 139. *If a patient who holds a valid registry identification card or his or her designated primary caregiver selects one medical marijuana dispensary to serve as the designated medical marijuana dispensary of the patient pursuant to NRS 453A.366, the Division shall communicate the designation to the designated dispensary.*

Sec. 140. NAC 453A.010 is hereby amended to read as follows:

As used in ~~NAC 453A.010 to 453A.240, inclusive,~~ *this chapter*, unless the context otherwise requires, the words and terms defined in NAC 453A.020 to 453A.070, inclusive, *and sections 2 to 22, inclusive, of this regulation*, have the meanings ascribed to them in those sections.

Sec. 141. NAC 453A.052 is hereby amended to read as follows:

“Division” means the ~~Health~~ *Division of Public and Behavioral Health* of the Department of Health and Human Services.

Sec. 142. NAC 453A.100 is hereby amended to read as follows:

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

(a) A written statement signed by the applicant's attending physician verifying that he or she 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;

(b) On forms prescribed by the ~~Department,~~ *Division*, any information required by the Central Repository for Nevada Records of Criminal History;

(c) On forms prescribed by the ~~Department,~~ *Division*, any information required by the Department of Motor Vehicles;

(d) ~~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;~~

~~(e) A notarized~~ *A* medical marijuana program waiver and liability release form that is prescribed by the ~~Department~~ *Division* and signed by the applicant and designated primary caregiver, if any;

~~(f) A notarized~~ *(e) An* acknowledgment form that is prescribed by the ~~Department~~ *Division* and signed by the applicant and designated primary caregiver, if any;

~~(g)~~ *(f)* If the applicant is under 18 years of age, a minor release form signed by the designated primary caregiver of the minor; and

~~(h)~~ *(g)* Proof that the applicant is a resident, including, without limitation, a photocopy of a driver's license issued by the Department of Motor Vehicles or a photocopy of an identification card issued by the Department of Motor Vehicles.

2. The Division shall request a name-based check of an applicant, a caregiver or the parent of a child from the Criminal Repository for Nevada Records of Criminal History, and if such check is inadequate to determine the criminal history of an applicant, caregiver, or

parent of a child, the Division may request a complete set of the fingerprints of the applicant and the designated primary caregiver, if any.

3. As used in this section, “resident” has the meaning ascribed to it in NRS 453A.210.

Sec. 143. NAC 453A.110 is hereby amended to read as follows:

1. If the ~~{State Department of Agriculture}~~ **Division** approves an application for a registry identification card:

(a) The ~~{Department}~~ **Division** 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}~~ **Division** has approved the issuance of the card.

2. If the ~~{Department}~~ **Division** denies an application for a registry identification card, the ~~{Department}~~ **Division** will provide the applicant and designated primary caregiver, if any, with written notice of its denial by *certified* mail.

Sec. 144. NAC 453A.140 is hereby amended to read as follows (*Effective April 1, 2014*):

The ~~{Department}~~ **Division** will charge and collect the following fees:

1. For the issuance to a person, for the first time, of a packet of application materials to be used in applying for a registry identification card \$~~{50}~~ 25

2. For the issuance to a person of a registry identification card after the ~~{Department}~~ **Division** has approved the person's application to receive such a card \$~~{150}~~ 75