

---

---

SENATE BILL NO. 372—SENATOR SEGERBLOM

MARCH 17, 2015

---

Referred to Committee on Health and Human Services

SUMMARY—Makes various changes relating to medical marijuana. (BDR 40-657)

FISCAL NOTE: Effect on Local Government: May have Fiscal Impact.  
Effect on the State: Yes.

~

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

---

---

AN ACT relating to marijuana; requiring the Division of Public and Behavioral Health of the Department of Health and Human Services to select a provider of education and training by certified instructors for medical marijuana establishment agents; exempting the medical use of marijuana for animals from state prosecution in certain circumstances; requiring a cultivation facility to sell a certain amount of harvested marijuana within a certain time; prohibiting the governing body of a political subdivision from restricting the ability of a medical marijuana dispensary to obtain marijuana from any cultivation facility in this State; revising various provisions relating to registry identification cards; requiring the Division to issue medical marijuana establishment registration certificates based on population; revising various provisions relating to medical marijuana establishments and medical marijuana establishment agents; providing that certain records created by the Division relating to marijuana are not confidential; prohibiting retaliation or discrimination by an employer against certain employees for the use of certain marijuana products; revising provisions relating to driving a vehicle or operating watercraft under the influence of a prohibited substance to eliminate the use of the presence of a certain level of marijuana or marijuana metabolite; and providing other matters properly relating thereto.



**Legislative Counsel's Digest:**

1 Under existing law, the State of Nevada provides immunity from state  
2 and local prosecution for possessing, delivering and producing marijuana in certain  
3 limited amounts for patients with qualifying medical conditions, and their  
4 designated primary caregivers, who apply to and receive from the Division of  
5 Public and Behavioral Health of the Department of Health and Human Services  
6 a registry identification card. (NRS 453A.200-453A.310) Existing law also  
7 provides for the cultivation, production and dispensing of marijuana for holders  
8 of a registry identification card by medical marijuana establishments. (NRS  
9 453A.320-453A.370)

10 **Sections 3-12 and 34** of this bill require the completion of education and  
11 training by medical marijuana establishment agents as a condition for the renewal  
12 of a medical marijuana establishment agent registration card. **Section 7** of this bill  
13 provides for the selection of a provider of education and training by the Division.  
14 **Section 8** of this bill provides for the certification of instructors to provide such  
15 education and training. **Sections 9 and 10** of this bill provide the requirements for a  
16 course of instruction for such education and training. **Section 11** of this bill allows  
17 such education and training to be delivered online but requires the completion of a  
18 final examination at the provider's facility to obtain a certificate of completion.  
19 **Section 12** of this bill establishes the fee that a provider may charge for a course of  
20 instruction and requires the provider to pay a fee to the Division for each certificate  
21 of completion the provider issues.

22 **Sections 13-18, 25 and 30** of this bill provide for the medical use of marijuana  
23 for animals. **Sections 13-17** provide for the issuance, renewal and revocation of  
24 registry identification cards for animals. **Section 18** requires the Division to adopt  
25 certain regulations relating to the medical use of marijuana for animals. **Sections 25**  
26 **and 30** provide for immunity from state and local prosecution for holders of  
27 registry identification cards for animals on a similar basis as holders of registry  
28 identification cards.

29 **Sections 26 and 28** of this bill eliminate the prohibition against a person who  
30 has been convicted of knowingly or intentionally selling a controlled substance  
31 from obtaining a registry identification card or being the designated primary  
32 caregiver of such a person.

33 Under existing law, medical marijuana establishment registration certificates  
34 are allocated primarily upon the basis of the population of the county where such an  
35 establishment will be situated. (NRS 453A.324) **Section 32** of this bill requires the  
36 Division to: (1) for medical marijuana dispensaries, issue a quantity of at least one  
37 medical marijuana establishment registration certificate for each 20,000 people in  
38 this State and apportion the certificates between the counties on the basis of each  
39 county's population; and (2) issue medical marijuana registration certificates, in  
40 addition to the number determined necessary to serve and supply medical marijuana  
41 dispensaries, to medical marijuana establishments which are operated for the  
42 purpose of researching the medical use of marijuana and operated by a physician.

43 **Section 35** of this bill: (1) prohibits the transfer of more than 49 percent of a  
44 person's ownership interest in a medical marijuana establishment who is issued a  
45 medical marijuana establishment registration certificate for 3 years after the date of  
46 issuance; and (2) allows the transfer of the entire ownership interest and the  
47 medical marijuana establishment registration certificate on or after 3 years  
48 following such issuance.

49 **Sections 1 and 36** of this bill exempt facilities for the production of edible  
50 marijuana products or marijuana-infused products from the laws of this State  
51 governing food establishments. **Sections 39-41** of this bill provide legal protections  
52 for veterinarians and other professional licensees who discuss or recommend the  
53 medical use of marijuana to relieve the chronic pain or suffering of an animal, or  
54 acquire marijuana for their own animal.



55       **Section 42** of this bill provides that the contents of applications, records or  
56 other written documentation created by the Division or its designee pursuant to  
57 chapter 453A of NRS are not confidential and may be disclosed.

58       **Section 44** of this bill creates a rebuttable presumption that the medical use of  
59 marijuana which does not contain THC does not pose a threat of harm or danger,  
60 impose an undue hardship on an employer or prohibit an employee from fulfilling  
61 his or her job responsibilities and is entitled to reasonable accommodation. **Section**  
62 **44** prohibits retaliation or discrimination against an employee who requests a  
63 reasonable accommodation on the basis of this rebuttable presumption.

64       **Sections 47, 48 and 51** of this bill eliminate the provisions that make it  
65 unlawful for a person to drive or be in actual physical control of a vehicle or vessel  
66 if certain amounts of marijuana or marijuana metabolite are present in the person's  
67 blood or urine. **Sections 49 and 50** of this bill revise the provisions requiring the  
68 revocation of a license, permit or privilege to drive for a person who has a  
69 detectable amount of a prohibited substance in his or her blood or urine to exclude  
70 the consideration of marijuana. **Sections 30 and 46** of this bill clarify that the  
71 presence of marijuana or marijuana metabolite in the body, blood, breath or urine of  
72 a person would be prohibited only if such substances actually impaired a person.

---

THE PEOPLE OF THE STATE OF NEVADA, REPRESENTED IN  
SENATE AND ASSEMBLY, DO ENACT AS FOLLOWS:

1       **Section 1.** NRS 446.020 is hereby amended to read as follows:  
2       446.020 1. Except as otherwise limited by subsection 2,  
3 “food establishment” means any place, structure, premises, vehicle  
4 or vessel, or any part thereof, in which any food intended for  
5 ultimate human consumption is manufactured or prepared by any  
6 manner or means whatever, or in which any food is sold, offered or  
7 displayed for sale or served.

8       2. The term does not include:

9       (a) Private homes, unless the food prepared or manufactured in  
10 the home is sold, or offered or displayed for sale or for  
11 compensation or contractual consideration of any kind;

12       (b) Fraternal or social clubhouses at which attendance is limited  
13 to members of the club;

14       (c) Vehicles operated by common carriers engaged in interstate  
15 commerce;

16       (d) Any establishment in which religious, charitable and other  
17 nonprofit organizations sell food occasionally to raise money or in  
18 which charitable organizations receive salvaged food in bulk  
19 quantities for free distribution, unless the establishment is open on a  
20 regular basis to sell food to members of the general public;

21       (e) Any establishment where animals are slaughtered which is  
22 regulated and inspected by the State Department of Agriculture;

23       (f) Dairy farms and plants which process milk and products of  
24 milk or frozen desserts which are regulated under chapter 584 of  
25 NRS;



1 (g) The premises of a wholesale dealer of alcoholic beverages  
2 licensed under chapter 369 of NRS who handles only alcoholic  
3 beverages which are in sealed containers;

4 (h) A cottage food operation that meets the requirements of NRS  
5 446.866 with respect to food items as defined in that section; ~~or~~

6 (i) *A facility for the production of edible marijuana products*  
7 *or marijuana-infused products which is regulated under chapter*  
8 *453A of NRS; or*

9 (j) A farm for purposes of holding a farm-to-fork event.

10 **Sec. 2.** Chapter 453A of NRS is hereby amended by adding  
11 thereto the provisions set forth as sections 3 to 21, inclusive, of this  
12 act.

13 **Sec. 3. 1. The Legislature hereby finds that:**

14 (a) *When properly administered and used, marijuana can*  
15 *benefit the health and well-being of medically vulnerable persons*  
16 *who suffer from certain medical conditions or from the effects of*  
17 *medical treatment for certain medical conditions.*

18 (b) *The medical use of marijuana is a right enshrined in the*  
19 *Nevada Constitution and supported by a substantial majority of*  
20 *the people of this State when provided for under conditions that*  
21 *ensure the proper administration and medical use of marijuana.*

22 (c) *This State has created by law and regulation a detailed*  
23 *system to establish and govern a network for the supply and*  
24 *distribution of marijuana in which marijuana can be verified,*  
25 *tested and made available to qualified patients and their*  
26 *designated primary caregivers in a safe and secure environment*  
27 *similar to a pharmacy or medical office.*

28 (d) *The medical marijuana establishment agents who handle,*  
29 *test and provide marijuana, edible marijuana products or*  
30 *marijuana-infused products pursuant to this system are required*  
31 *to undergo a background check before receiving a medical*  
32 *marijuana establishment agent registration card.*

33 (e) *Medical marijuana establishment agents are not currently*  
34 *required to receive education or training before registration and*  
35 *no standards currently exist for the evaluation of the*  
36 *qualifications of providers of education who claim to possess*  
37 *expertise in the instruction of medical marijuana establishment*  
38 *agents in the handling of marijuana.*

39 (f) *The improper administration and use of marijuana by*  
40 *patients and their designated primary caregivers that may result*  
41 *from untrained or unqualified medical marijuana establishment*  
42 *agents poses substantial risks to the public health and safety and*  
43 *threatens public confidence in the system to establish and govern a*  
44 *network for the medical use of marijuana in this State.*



1       2. *The Legislature hereby declares that the risks presented by*  
2 *untrained or unqualified medical marijuana establishment agents*  
3 *require the establishment of an education, training and*  
4 *certification program that applies consistent standards statewide*  
5 *and which is conducted by a single entity that is determined by the*  
6 *Division to have the capacity, resources and experience to perform*  
7 *such a program throughout this State.*

8       **Sec. 4.** *“Instructor” means a person certified by the Division*  
9 *pursuant to section 8 of this act to provide education and training*  
10 *for medical marijuana establishment agents.*

11       **Sec. 5.** *“Provider” means the applicant selected by the*  
12 *Division to provide education and training for all medical*  
13 *marijuana establishment agents in this State pursuant to section 7*  
14 *of this act.*

15       **Sec. 6.** *“Registry identification card for animals” means a*  
16 *document issued by the Division or its designee that identifies a*  
17 *person who is exempt from state prosecution for acquiring,*  
18 *possessing or administering marijuana for his or her animal to*  
19 *engage in the medical use of marijuana.*

20       **Sec. 7. 1.** *The Division shall, by regulation, establish*  
21 *criteria for the selection of a provider of education and training*  
22 *for medical marijuana establishment agents and a process for*  
23 *evaluating applicants according to such criteria.*

24       **2.** *The Division shall solicit applications for the provision of*  
25 *education and training for medical marijuana establishment*  
26 *agents. After reviewing all applications received pursuant to the*  
27 *process and criteria adopted by regulation pursuant to subsection*  
28 *1, the Division shall select the most suitable applicant to provide*  
29 *education and training for all medical marijuana establishment*  
30 *agents in this State.*

31       **Sec. 8. 1.** *The provider shall not allow a person to provide*  
32 *education and training for medical marijuana establishment*  
33 *agents unless the person has been certified by the Division as an*  
34 *instructor.*

35       **2.** *The Division shall, by regulation, provide for the*  
36 *certification of instructors. The regulations adopted pursuant to*  
37 *this subsection must set forth:*

38       **(a)** *The qualifications necessary for the issuance of a*  
39 *certificate as an instructor, including, without limitation, the topic*  
40 *areas in which a person must establish proficiency and the*  
41 *education and experience required for such certification.*

42       **(b)** *Any continuing education necessary for the renewal of a*  
43 *certificate as an instructor issued pursuant to this section.*

44       **(c)** *The grounds for initiating disciplinary action against a*  
45 *person who holds a certificate, including, without limitation, the*



1 *grounds for placing conditions, limitations or restrictions on a*  
2 *certificate and for the suspension or revocation of a certificate.*

3 *3. An instructor may not be required to obtain a medical*  
4 *marijuana establishment agent registration card as a condition for*  
5 *such certification.*

6 *4. An instructor shall not provide instruction which involves*  
7 *the actual handling or transportation of marijuana.*

8 *5. In addition to any other requirements set forth in this*  
9 *chapter and regulations adopted pursuant thereto, an applicant*  
10 *for issuance or renewal of a certificate as an instructor shall:*

11 *(a) Include the social security number of the applicant in the*  
12 *application submitted to the Division.*

13 *(b) Submit to the Division the statement prescribed by the*  
14 *Division of Welfare and Supportive Services of the Department of*  
15 *Health and Human Services pursuant to NRS 425.520. The*  
16 *statement must be completed and signed by the applicant.*

17 *6. The Division shall include the statement required pursuant*  
18 *to subsection 5 in:*

19 *(a) The application or any other forms that must be submitted*  
20 *for the issuance or renewal of the certificate of the instructor; or*

21 *(b) A separate form prescribed by the Division.*

22 *7. A certificate as an instructor may not be issued or renewed*  
23 *by the Division if the applicant:*

24 *(a) Fails to submit the statement required pursuant to*  
25 *subsection 5; or*

26 *(b) Indicates on the statement submitted pursuant to*  
27 *subsection 5 that the applicant is subject to a court order for the*  
28 *support of a child and is not in compliance with the order or a*  
29 *plan approved by the district attorney or other public agency*  
30 *enforcing the order for the repayment of the amount owed*  
31 *pursuant to the order.*

32 *8. If an applicant indicates on the statement submitted*  
33 *pursuant to subsection 5 that the applicant is subject to a court*  
34 *order for the support of a child and is not in compliance with the*  
35 *order or a plan approved by the district attorney or other public*  
36 *agency enforcing the order for the repayment of the amount owed*  
37 *pursuant to the order, the Division shall advise the applicant to*  
38 *contact the district attorney or other public agency enforcing the*  
39 *order to determine the actions that the applicant may take to*  
40 *satisfy the arrearage.*

41 *9. If the Division receives a copy of a court order issued*  
42 *pursuant to NRS 425.540 that provides for the suspension of all*  
43 *professional, occupational and recreational licenses, certificates*  
44 *and permits issued to a person who is the holder of a certificate as*  
45 *an instructor, the Division shall deem the certificate issued to that*



1 *person to be suspended at the end of the 30th day after the date on*  
2 *which the court order was issued unless the Division receives a*  
3 *letter issued to the holder of the certificate, by the district attorney*  
4 *or other public agency pursuant to NRS 425.550, stating that the*  
5 *holder of the certificate has complied with the subpoena or*  
6 *warrant or has satisfied the arrearage pursuant to NRS 425.560.*

7 *10. The Division shall reinstate the certificate of an instructor*  
8 *which has been suspended by a district court pursuant to NRS*  
9 *425.540 if the Division receives a letter issued by the district*  
10 *attorney or other public agency pursuant to NRS 425.550 to the*  
11 *person whose certificate was suspended stating that the person*  
12 *whose certificate was suspended has complied with the subpoena*  
13 *or warrant or has satisfied the arrearage pursuant to*  
14 *NRS 425.560.*

15 **Sec. 9.** *The course of instruction for the education and*  
16 *training for a medical marijuana establishment agent, other than*  
17 *a medical marijuana establishment agent who is employed by or*  
18 *volunteers at an independent testing laboratory, must include,*  
19 *without limitation:*

20 *1. The information necessary to fully inform and counsel a*  
21 *patient or designated primary caregiver on the proper dosage of*  
22 *edible marijuana products and marijuana-infused products or the*  
23 *administration of any other form of usable marijuana.*

24 *2. The information necessary to fully inform and counsel a*  
25 *patient or designated primary caregiver about the potential side*  
26 *effects of marijuana and the adverse interactions marijuana may*  
27 *have with other medications used by the patient.*

28 *3. The information necessary to fully inform and counsel a*  
29 *patient or designated primary caregiver about the most*  
30 *appropriate strain of marijuana for the patient based on the*  
31 *information provided by the patient or designated primary*  
32 *caregiver and any other information known to the medical*  
33 *marijuana establishment agent.*

34 *4. The information necessary to fully and properly develop a*  
35 *history for a patient and to track the medical use of marijuana by*  
36 *the patient.*

37 *5. The information necessary to fully inform and counsel a*  
38 *patient or designated primary caregiver about the most*  
39 *appropriate method for consuming marijuana based on the*  
40 *information provided by the patient or designated primary*  
41 *caregiver and any other information known to the medical*  
42 *marijuana establishment agent, including, without limitation, that*  
43 *consuming marijuana in a public place is prohibited by law.*



1       6. *The information necessary to detect signs of the misuse of*  
2 *marijuana by the patient or designated primary caregiver or the*  
3 *diversion of marijuana.*

4       7. *The proper handling and storage of marijuana, including,*  
5 *without limitation, information about the packing of marijuana*  
6 *and signs that marijuana has been mishandled or improperly*  
7 *stored.*

8       8. *The proper labeling of marijuana, including, without*  
9 *limitation, information necessary to determine errors in the*  
10 *labeling of marijuana.*

11       9. *The warnings and educational materials that a medical*  
12 *marijuana establishment is required to provide to a patient or*  
13 *designated primary caregiver when dispensing marijuana.*

14       10. *The information necessary to verify a registry*  
15 *identification card and to detect a falsified registry identification*  
16 *card.*

17       11. *The states that allow the medical use of marijuana which*  
18 *have reciprocity with this State and the requirements to lawfully*  
19 *dispense marijuana to a resident of such a state.*

20       12. *Basic sanitary standards, including, without limitation,*  
21 *handwashing, food handling and the use of toilet facilities.*

22       13. *The proper methods for segregating and storing*  
23 *marijuana for testing purposes and for withholding marijuana*  
24 *from being dispensed until the marijuana has passed all required*  
25 *testing.*

26       14. *The requirements relating to inventory and chain of*  
27 *custody for tracking the production and distribution of marijuana.*

28       15. *The requirements for the disposal of marijuana which*  
29 *failed the required testing and will not be converted into another*  
30 *usable form.*

31       16. *The minimum requirements for security for each type of*  
32 *medical marijuana establishment.*

33       17. *The types of advertising and marketing which are allowed*  
34 *or prohibited.*

35       18. *The requirements to obtain or renew a medical marijuana*  
36 *establishment agent registration card pursuant to this chapter and*  
37 *any regulations adopted pursuant thereto.*

38       19. *The definitions of the terms “usable marijuana,” “edible*  
39 *marijuana products” and “marijuana-infused products” and the*  
40 *distinctions between those definitions.*

41       20. *The types of marijuana, edible marijuana products and*  
42 *marijuana-infused products that cause impairment and the types*  
43 *of marijuana, edible marijuana products and marijuana-infused*  
44 *products that do not cause impairment.*





1       21. *The information necessary to detect that a person is*  
2 *impaired by marijuana.*

3       22. *The information necessary to handle a disturbance*  
4 *created by a patient or designated primary caregiver.*

5       23. *The information necessary to handle a breach of security.*

6       24. *The actions that a medical marijuana establishment agent*  
7 *should take if he or she suspects or determines that diversion of*  
8 *marijuana has occurred.*

9       25. *The information necessary to comply with all local*  
10 *ordinances and rules which apply to the medical marijuana*  
11 *establishment at which the medical marijuana establishment agent*  
12 *is employed or volunteers.*

13       **Sec. 10.** *The course of instruction for the education and*  
14 *training for a medical marijuana establishment agent who is*  
15 *employed by or volunteers at an independent testing laboratory*  
16 *must include, without limitation:*

17       1. *The specific requirements for the testing of usable*  
18 *marijuana, edible marijuana products and marijuana-infused*  
19 *products.*

20       2. *The proper methods for withholding marijuana from being*  
21 *dispensed until the marijuana has passed all required testing and*  
22 *for identifying marijuana which has failed any aspect of required*  
23 *testing.*

24       3. *The minimum requirements for security for an*  
25 *independent testing laboratory.*

26       4. *The requirements to obtain or renew a medical marijuana*  
27 *establishment agent registration card pursuant to this chapter and*  
28 *any regulations adopted pursuant thereto.*

29       5. *The requirements relating to inventory and chain of*  
30 *custody for tracking marijuana which is being tested.*

31       6. *The information necessary to detect whether marijuana is*  
32 *being diverted and the actions that a medical marijuana*  
33 *establishment agent should take if he or she suspects or*  
34 *determines that diversion of marijuana has occurred.*

35       7. *The information necessary to handle a breach of security.*

36       8. *Information relating to good laboratory practices and*  
37 *standard operating procedures for independent testing*  
38 *laboratories.*

39       9. *The information necessary to comply with all local*  
40 *ordinances and rules which apply to the independent testing*  
41 *laboratory at which the medical marijuana establishment agent is*  
42 *employed or volunteers.*

43       **Sec. 11.** *1. The provider may provide education and*  
44 *training for medical marijuana establishment agents online or at*  
45 *the facility of the provider.*



1       2. *The provider shall not issue a certificate of completion to a*  
2 *medical marijuana establishment agent unless the medical*  
3 *marijuana establishment agent completes a proctored final*  
4 *examination on the contents of the course of instruction taken by*  
5 *the medical marijuana establishment agent at the facility of the*  
6 *provider. Upon successful completion of the final examination, the*  
7 *provider shall issue a certificate of completion to the medical*  
8 *marijuana establishment agent.*

9       **Sec. 12.** *1. Except as otherwise provided in this subsection,*  
10 *the provider may charge a fee of not more than \$250 to offer a*  
11 *course of instruction for a medical marijuana establishment*  
12 *agent. The Division may, by regulation and upon the request of*  
13 *the provider, change the fee that may be charged by the provider.*

14       2. *The medical marijuana establishment that retains as a*  
15 *volunteer or employs a medical marijuana establishment agent*  
16 *shall:*

17       (a) *Pay the fee assessed pursuant to subsection 1 directly to the*  
18 *provider; or*

19       (b) *Reimburse the medical marijuana establishment agent for*  
20 *the payment of the fee assessed pursuant to subsection 1.*

21       3. *The Division shall collect from the provider a fee of \$25*  
22 *for each certificate of completion issued by the provider.*

23       **Sec. 13.** *1. The Division shall establish and maintain a*  
24 *program for the issuance of registry identification cards for*  
25 *animals to persons who meet the requirements of this section.*

26       2. *Except as otherwise provided in subsection 4 and NRS*  
27 *453A.225, the Division or its designee shall issue a registry*  
28 *identification card for animals to a person who is a resident of this*  
29 *State and who submits an application on a form prescribed by the*  
30 *Division accompanied by the following:*

31       (a) *Valid, written documentation from the veterinarian who*  
32 *regularly provides care to the animal stating that:*

33       (1) *The animal has been diagnosed with a chronic or*  
34 *debilitating medical condition;*

35       (2) *The medical use of marijuana may mitigate the*  
36 *symptoms or effects of that condition; and*

37       (3) *The veterinarian has explained the possible risks and*  
38 *benefits of the medical use of marijuana for animals;*

39       (b) *The name, address, telephone number, social security*  
40 *number and date of birth of the person;*

41       (c) *An affidavit signed by the person attesting that he or she is*  
42 *the owner of the animal;*

43       (d) *Proof satisfactory to the Division that the person is a*  
44 *resident of this State; and*



1 (e) *The name, address and telephone number of the*  
2 *veterinarian who regularly provides care to the animal.*

3 3. *Upon receipt of an application that is completed and*  
4 *submitted pursuant to this section, the Division shall:*

5 (a) *Record on the application the date on which it was*  
6 *received;*

7 (b) *Retain one copy of the application for the records of the*  
8 *Division; and*

9 (c) *Distribute a copy of the application to:*

10 (1) *The person who submitted the application;*

11 (2) *The Central Repository for Nevada Records of Criminal*  
12 *History; and*

13 (3) *The Nevada State Board of Veterinary Medical*  
14 *Examiners.*

15 ➔ *The Central Repository for Nevada Records of Criminal*  
16 *History shall report to the Division its findings as to the criminal*  
17 *history, if any, of a person filing an application within 15 days*  
18 *after receiving a copy of an application pursuant to subparagraph*  
19 *(2) of paragraph (c). The Nevada State Board of Veterinary*  
20 *Medical Examiners shall report to the Division its findings as to*  
21 *the licensure and standing of the veterinarian who regularly*  
22 *provides care to the animal identified in the application within 15*  
23 *days after receiving a copy of an application pursuant to*  
24 *subparagraph (3) of paragraph (c).*

25 4. *The Division shall verify the information contained in an*  
26 *application submitted pursuant to this section and shall approve or*  
27 *deny an application within 30 days after receiving the application.*  
28 *The Division may contact an applicant and the veterinarian who*  
29 *regularly provides care to the applicant's animal by telephone to*  
30 *determine that the information provided on or accompanying the*  
31 *application is accurate. The Division may deny an application only*  
32 *on the following grounds:*

33 (a) *The applicant failed to provide the information required*  
34 *pursuant to subsection 2 to:*

35 (1) *Establish the chronic or debilitating medical condition*  
36 *of the applicant's animal; or*

37 (2) *Document the applicant's consultation with the*  
38 *veterinarian who regularly provides care to the applicant's animal*  
39 *regarding the medical use of marijuana in connection with that*  
40 *condition;*

41 (b) *The applicant failed to comply with regulations adopted by*  
42 *the Division, including, without limitation, the regulations adopted*  
43 *pursuant to NRS 453A.740 or section 18 of this act;*

44 (c) *The Division determines that the information provided by*  
45 *the applicant was falsified;*



1 (d) The Division determines that the veterinarian who  
2 regularly provides care to the applicant's animal is not licensed to  
3 practice veterinary medicine in this State or is not in good  
4 standing, as reported by the Nevada State Board of Veterinary  
5 Medical Examiners;

6 (e) The Division has prohibited the applicant from obtaining  
7 or using a registry identification card or a registry identification  
8 card for animals pursuant to subsection 2 of NRS 453A.300; or

9 (f) The Division determines that the applicant has had a  
10 registry identification card or registry identification card for  
11 animals revoked pursuant to NRS 453A.225 or section 15 of this  
12 act.

13 5. The decision of the Division to deny an application for a  
14 registry identification card for animals is a final decision for the  
15 purposes of judicial review. Only the person whose application has  
16 been denied has standing to contest the determination of the  
17 Division. A judicial review authorized pursuant to this subsection  
18 must be limited to a determination of whether the denial was  
19 arbitrary, capricious or otherwise characterized by an abuse of  
20 discretion and must be conducted in accordance with the  
21 procedures set forth in chapter 233B of NRS for reviewing a final  
22 decision of an agency.

23 6. A person whose application has been denied may not  
24 reapply for 6 months after the date of the denial, unless the  
25 Division or a court of competent jurisdiction authorizes  
26 reapplication in a shorter time.

27 7. Except as otherwise provided in this subsection, if a person  
28 has applied for a registry identification card for animals pursuant  
29 to this section and the Division has not yet approved or denied the  
30 application, the person shall be deemed to hold a registry  
31 identification card for animals upon the presentation to a law  
32 enforcement officer of the copy of the application provided to him  
33 or her pursuant to subsection 3.

34 8. As used in this section, "resident" has the meaning  
35 ascribed to it in NRS 483.141.

36 **Sec. 14. 1.** If the Division approves an application pursuant  
37 to subsection 4 of section 13 of this act, the Division or its designee  
38 shall, as soon as practicable after the Division approves the  
39 application, issue a serially numbered registry identification card  
40 for animals to the applicant.

41 2. A registry identification card for animals issued pursuant  
42 to subsection 1 must set forth:

43 (a) The name, address, photograph and date of birth of the  
44 applicant;



1       **(b) The date of issuance and date of expiration of the registry**  
2 **identification card for animals;**

3       **(c) The name and address of the applicant's animal; and**

4       **(d) Any other information prescribed by regulation of the**  
5 **Division.**

6       **3. Except as otherwise provided in subsection 2 of NRS**  
7 **453A.300 and sections 15 and 16 of this act, a registry**  
8 **identification card for animals issued pursuant to this section is**  
9 **valid for a period of 1 year and may be renewed in accordance**  
10 **with regulations adopted by the Division.**

11       **Sec. 15. 1. If, at any time after the Division or its designee**  
12 **has issued a registry identification card for animals to a person**  
13 **pursuant to subsection 1 of section 14 of this act, the Division**  
14 **determines, on the basis of official documents or records or other**  
15 **credible evidence, that the person provided falsified information**  
16 **on his or her application to the Division or its designee, as**  
17 **described in paragraph (c) of subsection 4 of section 13 of this act,**  
18 **the Division shall immediately revoke the registry identification**  
19 **card for animals issued to that person.**

20       **2. Upon the revocation of a registry identification card for**  
21 **animals pursuant to this section:**

22       **(a) The Division shall send, by certified mail, return receipt**  
23 **requested, notice to the person whose registry identification card**  
24 **for animals has been revoked, advising the person of the**  
25 **requirements of paragraph (b); and**

26       **(b) The person shall return his or her registry identification**  
27 **card for animals to the Division within 7 days after receiving the**  
28 **notice sent pursuant to paragraph (a).**

29       **3. The decision of the Division to revoke a registry**  
30 **identification card for animals pursuant to this section is a final**  
31 **decision for the purposes of judicial review.**

32       **4. A person whose registry identification card for animals has**  
33 **been revoked pursuant to this section may not reapply for a**  
34 **registry identification card pursuant to section 13 of this act for 12**  
35 **months after the date of the revocation, unless the Division or a**  
36 **court of competent jurisdiction authorizes reapplication in a**  
37 **shorter time.**

38       **Sec. 16. 1. A person to whom the Division or its designee**  
39 **has issued a registry identification card for animals pursuant to**  
40 **subsection 1 of section 14 of this act shall, in accordance with**  
41 **regulations adopted by the Division:**

42       **(a) Notify the Division of any change in the person's name,**  
43 **address, telephone number or veterinarian who regularly provides**  
44 **care to the person's animal; and**



1 (b) Submit annually to the Division updated written  
2 documentation from the veterinarian who regularly provides care  
3 to the person's animal in which the veterinarian sets forth that:

4 (1) The animal continues to suffer from a chronic or  
5 debilitating medical condition;

6 (2) The medical use of marijuana may mitigate the  
7 symptoms or effects of that condition; and

8 (3) The veterinarian has explained to the person the  
9 possible risks and benefits of the medical use of marijuana for  
10 animals.

11 2. If a person fails to comply with the provisions of subsection  
12 1, the registry identification card for animals issued to the person  
13 shall be deemed expired. Upon the deemed expiration of a registry  
14 identification card for animals pursuant to this subsection:

15 (a) The Division shall send, by certified mail, return receipt  
16 requested, notice to the person whose registry identification card  
17 for animals has been deemed expired, advising the person of the  
18 requirements of paragraph (b); and

19 (b) The person shall return his or her registry identification  
20 card for animals to the Division within 7 days after receiving the  
21 notice sent pursuant to paragraph (a).

22 **Sec. 17.** If the animal owned by a person to whom the  
23 Division or its designee has issued a registry identification card for  
24 animals pursuant to subsection 1 of section 14 of this act is  
25 diagnosed by the veterinarian who regularly provides care for the  
26 animal as no longer having a chronic or debilitating medical  
27 condition, the person shall return his or her registry identification  
28 card for animals to the Division within 7 days after notification of  
29 the diagnosis.

30 **Sec. 18.** The Division shall adopt regulations relating to the  
31 medical use of marijuana for animals which must include, without  
32 limitation:

33 1. Requirements for the formulation, manufacturing and  
34 labeling of edible marijuana products and marijuana-infused  
35 products for animals.

36 2. Procedures for determining the appropriate dosage of  
37 marijuana for an animal considering the species and weight of the  
38 animal.

39 3. The types of edible marijuana products and marijuana-  
40 infused products that may be dispensed for animals.

41 4. Procedures for the procurement by a veterinarian of edible  
42 marijuana products and marijuana-infused products from a  
43 medical marijuana dispensary.

44 5. A standard for the concentration of THC in any edible  
45 marijuana product or marijuana-infused product intended to be



1 *dispensed for animals which ensures that the edible marijuana*  
2 *product or marijuana-infused product contains does not contain a*  
3 *sufficient amount of THC to cause an effect.*

4 **Sec. 19.** *Each cultivation facility shall sell at least 85 percent*  
5 *of the usable marijuana it harvests. If a cultivation facility fails to*  
6 *sell 85 percent or more of the usable marijuana it harvests:*

7 *1. Within 1 year after the harvest of the usable marijuana,*  
8 *the Division shall impose an administrative fine of not more than*  
9 *the fair market value of the unsold usable marijuana.*

10 *2. Within 2 years after the harvest of the usable marijuana,*  
11 *the Division shall impose an administrative fine of not more than*  
12 *twice the fair market value of the unsold usable marijuana.*

13 *3. Within 3 years after the harvest of the usable marijuana,*  
14 *the Division shall revoke the medical marijuana establishment*  
15 *registration certificate of the cultivation facility.*

16 **Sec. 20.** *1. The Division shall, by regulation, prescribe a*  
17 *process for tracking individual marijuana plants from the time of*  
18 *planting until the time of final sale to the holder of a valid registry*  
19 *identification card or registry identification card for animals.*

20 *2. On or before January 1, 2016, each medical marijuana*  
21 *establishment shall adopt the process prescribed by the Division*  
22 *pursuant to subsection 1.*

23 **Sec. 21.** *1. The governing body of a political subdivision of*  
24 *this State may not adopt any ordinance or regulation which*  
25 *restricts the ability of a medical marijuana dispensary to obtain*  
26 *marijuana and related supplies from any cultivation facility in this*  
27 *State which is registered pursuant to NRS 453A.322.*

28 *2. The provisions of subsection 1 supersede and preempt any*  
29 *ordinance or regulation adopted by the governing body of a*  
30 *political subdivision of this State governing the supply of*  
31 *marijuana and related supplies by a cultivation facility to a*  
32 *medical marijuana dispensary.*

33 **Sec. 22.** NRS 453A.010 is hereby amended to read as follows:  
34 453A.010 As used in this chapter, unless the context otherwise  
35 requires, the words and terms defined in NRS 453A.020 to  
36 453A.170, inclusive, *and sections 4, 5 and 6 of this act* have the  
37 meanings ascribed to them in those sections.

38 **Sec. 23.** NRS 453A.120 is hereby amended to read as follows:

39 453A.120 *1. "Medical use of marijuana" means:*

40 ~~1-1~~ *(a) The possession, delivery, production or use of*  
41 *marijuana;*

42 ~~2-1~~ *(b) The possession, delivery or use of paraphernalia used to*  
43 *administer marijuana; or*

44 ~~3-1~~ *(c) Any combination of the acts described in* ~~subsections 1~~  
45 ~~and 2-1~~ *paragraphs (a) and (b),*





1 ↪ as necessary for the exclusive benefit of a person to mitigate the  
2 symptoms or effects of his or her chronic or debilitating medical  
3 condition.

4 *2. The term includes the use of marijuana by animals in*  
5 *accordance with the provisions of sections 13 to 18, inclusive, of*  
6 *this act and any regulations adopted by the Division pursuant to*  
7 *section 18 of this act.*

8 **Sec. 24.** NRS 453A.155 is hereby amended to read as follows:  
9 453A.155 “THC” means delta-9-tetrahydrocannabinol, which  
10 is ~~the primary~~ *an* active ingredient in marijuana.

11 **Sec. 25.** NRS 453A.200 is hereby amended to read as follows:  
12 453A.200 1. Except as otherwise provided in this section and  
13 NRS 453A.300, a person who holds a valid registry identification  
14 card *or registry identification card for animals* issued to the person  
15 pursuant to NRS 453A.220 or 453A.250 *or section 14 of this act* is  
16 exempt from state prosecution for:

- 17 (a) Possession, delivery or production of marijuana;
- 18 (b) Possession or delivery of paraphernalia;
- 19 (c) Aiding and abetting another in the possession, delivery or  
20 production of marijuana;
- 21 (d) Aiding and abetting another in the possession or delivery of  
22 paraphernalia;
- 23 (e) Any combination of the acts described in paragraphs (a) to  
24 (d), inclusive; and
- 25 (f) Any other criminal offense in which the possession, delivery  
26 or production of marijuana or the possession or delivery of  
27 paraphernalia is an element.

28 2. In addition to the provisions of subsections 1 and 5, no  
29 person may be subject to state prosecution for constructive  
30 possession, conspiracy or any other criminal offense solely for being  
31 in the presence or vicinity of the medical use of marijuana in  
32 accordance with the provisions of this chapter.

33 3. The exemption from state prosecution set forth in subsection  
34 1 applies only to the extent that a person who holds a registry  
35 identification card issued to the person pursuant to paragraph (a) of  
36 subsection 1 of NRS 453A.220 and the designated primary  
37 caregiver, if any, of such a person ~~is~~ *or a person who holds a*  
38 *registry identification card for animals pursuant to subsection 1 of*  
39 *section 14 of this act:*

40 (a) Engage in or assist in, as applicable, the medical use of  
41 marijuana in accordance with the provisions of this chapter as  
42 justified to mitigate the symptoms or effects of the person’s *or an*  
43 *animal’s, as appropriate,* chronic or debilitating medical condition;  
44 and





1 (b) Do not, at any one time, collectively possess, deliver or  
2 produce more than:

3 (1) *For a person who holds a registry identification card*  
4 *pursuant to paragraph (a) of subsection 1 of NRS 453A.220 and*  
5 *the designated primary caregiver, if any, of such a person:*

6 (I) Two and one-half ounces of usable marijuana in any  
7 one 14-day period;

8 ~~(2)~~ (II) Twelve marijuana plants, irrespective of whether  
9 the marijuana plants are mature or immature; and

10 ~~(3)~~ (III) A maximum allowable quantity of edible  
11 marijuana products and marijuana-infused products as established  
12 by regulation of the Division ~~(I)~~; and

13 (2) *For a person who holds a registry identification card for*  
14 *animals pursuant to subsection 1 of section 14 of this act, a*  
15 *maximum allowable quantity of edible marijuana products and*  
16 *marijuana-infused products as established by regulation of the*  
17 *Division.*

18 ↪ The persons described in this subsection must ensure that the  
19 usable marijuana and marijuana plants described in this subsection  
20 are safeguarded in an enclosed, secure location.

21 4. If the persons described in subsection 3 possess, deliver or  
22 produce marijuana in an amount which exceeds the amount  
23 described in paragraph (b) of that subsection, those persons:

24 (a) Are not exempt from state prosecution for possession,  
25 delivery or production of marijuana.

26 (b) May establish an affirmative defense to charges of  
27 possession, delivery or production of marijuana, or any combination  
28 of those acts, in the manner set forth in NRS 453A.310.

29 5. A person who holds a valid medical marijuana establishment  
30 registration certificate issued to the person pursuant to NRS  
31 453A.322 or a valid medical marijuana establishment agent  
32 registration card issued to the person pursuant to NRS 453A.332,  
33 and who confines his or her activities to those authorized by NRS  
34 453A.320 to 453A.370, inclusive, and the regulations adopted by  
35 the Division pursuant thereto, *and a veterinarian who dispenses*  
36 *edible marijuana products or marijuana-infused products*  
37 *obtained from such a person to a person who holds a registry*  
38 *identification card for animals* is exempt from state prosecution  
39 for:

40 (a) Possession, delivery or production of marijuana;

41 (b) Possession or delivery of paraphernalia;

42 (c) Aiding and abetting another in the possession, delivery or  
43 production of marijuana;

44 (d) Aiding and abetting another in the possession or delivery of  
45 paraphernalia;



1 (e) Any combination of the acts described in paragraphs (a) to  
2 (d), inclusive; and

3 (f) Any other criminal offense in which the possession, delivery  
4 or production of marijuana or the possession or delivery of  
5 paraphernalia is an element.

6 6. Notwithstanding any other provision of law and except as  
7 otherwise provided in this subsection, after a medical marijuana  
8 dispensary opens in the county of residence of a person who holds a  
9 registry identification card or his or her designated primary  
10 caregiver, if any, such persons are not authorized to cultivate, grow  
11 or produce marijuana. The provisions of this subsection do not apply  
12 if:

13 (a) The person who holds the registry identification card or his  
14 or her designated primary caregiver, if any, was cultivating, growing  
15 or producing marijuana in accordance with this chapter on or before  
16 July 1, 2013;

17 (b) All the medical marijuana dispensaries in the county of  
18 residence of the person who holds the registry identification card or  
19 his or her designated primary caregiver, if any, close or are unable  
20 to supply the quantity or strain of marijuana necessary for the  
21 medical use of the person to treat his or her specific medical  
22 condition;

23 (c) Because of illness or lack of transportation, the person who  
24 holds the registry identification card and his or her designated  
25 primary caregiver, if any, are unable reasonably to travel to a  
26 medical marijuana dispensary; or

27 (d) No medical marijuana dispensary was operating within 25  
28 miles of the residence of the person who holds the registry  
29 identification card at the time the person first applied for his or her  
30 registry identification card.

31 7. As used in this section, "marijuana" includes, without  
32 limitation, edible marijuana products and marijuana-infused  
33 products.

34 **Sec. 26.** NRS 453A.210 is hereby amended to read as follows:

35 453A.210 1. The Division shall establish and maintain a  
36 program for the issuance of registry identification cards to persons  
37 who meet the requirements of this section.

38 2. Except as otherwise provided in subsections 3 and 5 and  
39 NRS 453A.225, the Division or its designee shall issue a registry  
40 identification card to a person who is a resident of this State and  
41 who submits an application on a form prescribed by the Division  
42 accompanied by the following:

43 (a) Valid, written documentation from the person's attending  
44 physician stating that:



1 (1) The person has been diagnosed with a chronic or  
2 debilitating medical condition;

3 (2) The medical use of marijuana may mitigate the symptoms  
4 or effects of that condition; and

5 (3) The attending physician has explained the possible risks  
6 and benefits of the medical use of marijuana;

7 (b) The name, address, telephone number, social security  
8 number and date of birth of the person;

9 (c) Proof satisfactory to the Division that the person is a resident  
10 of this State;

11 (d) The name, address and telephone number of the person's  
12 attending physician; *and*

13 (e) If the person elects to designate a primary caregiver at the  
14 time of application:

15 (1) The name, address, telephone number and social security  
16 number of the designated primary caregiver; and

17 (2) A written, signed statement from the person's attending  
18 physician in which the attending physician approves of the  
19 designation of the primary caregiver . ~~}; and~~

20 ~~—(f) If the person elects to designate a medical marijuana~~  
21 ~~dispensary at the time of application, the name of the medical~~  
22 ~~marijuana dispensary.]~~

23 3. The Division or its designee shall issue a registry  
24 identification card to a person who is under 18 years of age if:

25 (a) The person submits the materials required pursuant to  
26 subsection 2; and

27 (b) The custodial parent or legal guardian with responsibility for  
28 health care decisions for the person under 18 years of age signs a  
29 written statement setting forth that:

30 (1) The attending physician of the person under 18 years of  
31 age has explained to that person and to the custodial parent or legal  
32 guardian with responsibility for health care decisions for the person  
33 under 18 years of age the possible risks and benefits of the medical  
34 use of marijuana;

35 (2) The custodial parent or legal guardian with responsibility  
36 for health care decisions for the person under 18 years of age  
37 consents to the use of marijuana by the person under 18 years of age  
38 for medical purposes;

39 (3) The custodial parent or legal guardian with responsibility  
40 for health care decisions for the person under 18 years of age agrees  
41 to serve as the designated primary caregiver for the person under 18  
42 years of age; and

43 (4) The custodial parent or legal guardian with responsibility  
44 for health care decisions for the person under 18 years of age agrees



1 to control the acquisition of marijuana and the dosage and frequency  
2 of use by the person under 18 years of age.

3 4. ~~【The form prescribed by the Division to be used by a person  
4 applying for a registry identification card pursuant to this section  
5 must be a form that is in quintuplicate.】~~ Upon receipt of an  
6 application that is completed and submitted pursuant to this section,  
7 the Division shall:

8 (a) Record on the application the date on which it was received;

9 (b) Retain one copy of the application for the records of the  
10 Division; and

11 (c) Distribute ~~【the other four copies】~~ **a copy** of the application  
12 ~~【in the following manner:~~

13 ~~—— (1) One copy to the】~~ **to:**

14 (I) **The** person who submitted the application;

15 (2) ~~【One copy to the】~~ **The** applicant's designated primary  
16 caregiver, if any;

17 (3) ~~【One copy to the】~~ **The** Central Repository for Nevada  
18 Records of Criminal History; and

19 (4) ~~【One copy to:~~

20 ~~—— (I)】~~ If the attending physician of the applicant is licensed  
21 to practice ~~【medicine】~~ :

22 (I) **Medicine** pursuant to the provisions of chapter 630 of  
23 NRS, the Board of Medical Examiners; or

24 (II) ~~【If the attending physician of the applicant is licensed  
25 to practice osteopathic】~~ **Osteopathic** medicine pursuant to the  
26 provisions of chapter 633 of NRS, the State Board of Osteopathic  
27 Medicine.

28 ➔ The Central Repository for Nevada Records of Criminal History  
29 shall report to the Division its findings as to the criminal history, if  
30 any, of an applicant within 15 days after receiving a copy of an  
31 application pursuant to subparagraph (3) of paragraph (c). The  
32 Board of Medical Examiners or the State Board of Osteopathic  
33 Medicine, as applicable, shall report to the Division its findings as to  
34 the licensure and standing of the applicant's attending physician  
35 within 15 days after receiving a copy of an application pursuant to  
36 subparagraph (4) of paragraph (c).

37 5. The Division shall verify the information contained in an  
38 application submitted pursuant to this section and shall approve or  
39 deny an application within 30 days after receiving the application.  
40 The Division may contact an applicant, the applicant's attending  
41 physician and designated primary caregiver, if any, by telephone to  
42 determine that the information provided on or accompanying the  
43 application is accurate. The Division may deny an application only  
44 on the following grounds:



1 (a) The applicant failed to provide the information required  
2 pursuant to subsections 2 and 3 to:

3 (1) Establish the applicant's chronic or debilitating medical  
4 condition; or

5 (2) Document the applicant's consultation with an attending  
6 physician regarding the medical use of marijuana in connection with  
7 that condition;

8 (b) The applicant failed to comply with regulations adopted by  
9 the Division, including, without limitation, the regulations adopted  
10 by the Administrator pursuant to NRS 453A.740;

11 (c) The Division determines that the information provided by  
12 the applicant was falsified;

13 (d) The Division determines that the attending physician of the  
14 applicant is not licensed to practice medicine or osteopathic  
15 medicine in this State or is not in good standing, as reported by the  
16 Board of Medical Examiners or the State Board of Osteopathic  
17 Medicine, as applicable;

18 ~~[(e) The Division determines that the applicant, or the~~  
19 ~~applicant's designated primary caregiver, if applicable, has been~~  
20 ~~convicted of knowingly or intentionally selling a controlled~~  
21 ~~substance;~~

22 ~~—[(f)]~~ The Division has prohibited the applicant from obtaining or  
23 using a registry identification card *or a registry identification card*  
24 *for animals* pursuant to subsection 2 of NRS 453A.300;

25 ~~[(g)]~~ (f) The Division determines that the applicant, or the  
26 applicant's designated primary caregiver, if applicable, has had a  
27 registry identification card *or registry identification card for*  
28 *animals* revoked pursuant to NRS 453A.225 ~~[(h)]~~ *or section 15 of this*  
29 *act; or*

30 ~~[(h)]~~ (g) In the case of a person under 18 years of age, the  
31 custodial parent or legal guardian with responsibility for health care  
32 decisions for the person has not signed the written statement  
33 required pursuant to paragraph (b) of subsection 3.

34 6. The decision of the Division to deny an application for a  
35 registry identification card is a final decision for the purposes of  
36 judicial review. Only the person whose application has been denied  
37 or, in the case of a person under 18 years of age whose application  
38 has been denied, the person's parent or legal guardian, has standing  
39 to contest the determination of the Division. A judicial review  
40 authorized pursuant to this subsection must be limited to a  
41 determination of whether the denial was arbitrary, capricious or  
42 otherwise characterized by an abuse of discretion and must be  
43 conducted in accordance with the procedures set forth in chapter  
44 233B of NRS for reviewing a final decision of an agency.



1 7. A person whose application has been denied may not  
2 reapply for 6 months after the date of the denial, unless the Division  
3 or a court of competent jurisdiction authorizes reapplication in a  
4 shorter time.

5 8. Except as otherwise provided in this subsection, if a person  
6 has applied for a registry identification card pursuant to this section  
7 and the Division has not yet approved or denied the application, the  
8 person, and the person's designated primary caregiver, if any, shall  
9 be deemed to hold a registry identification card upon the  
10 presentation to a law enforcement officer of the copy of the  
11 application provided to him or her pursuant to subsection 4.

12 9. As used in this section, "resident" has the meaning ascribed  
13 to it in NRS 483.141.

14 **Sec. 27.** NRS 453A.220 is hereby amended to read as follows:

15 453A.220 1. If the Division approves an application pursuant  
16 to subsection 5 of NRS 453A.210, the Division or its designee shall,  
17 as soon as practicable after the Division approves the application:

18 (a) Issue a serially numbered registry identification card to the  
19 applicant; and

20 (b) If the applicant has designated a primary caregiver, issue a  
21 serially numbered registry identification card to the designated  
22 primary caregiver.

23 2. A registry identification card issued pursuant to paragraph  
24 (a) of subsection 1 must set forth:

25 (a) The name, address, photograph and date of birth of the  
26 applicant;

27 (b) The date of issuance and date of expiration of the registry  
28 identification card;

29 (c) The name and address of the applicant's designated primary  
30 caregiver, if any;

31 ~~(d) [The name of the applicant's designated medical marijuana~~  
32 ~~dispensary, if any;~~

33 ~~—(e)]~~ Whether the applicant is authorized to cultivate, grow or  
34 produce marijuana pursuant to subsection 6 of NRS 453A.200; and

35 ~~[(f)]~~ (e) Any other information prescribed by regulation of the  
36 Division.

37 3. A registry identification card issued pursuant to paragraph  
38 (b) of subsection 1 must set forth:

39 (a) The name, address and photograph of the designated primary  
40 caregiver;

41 (b) The date of issuance and date of expiration of the registry  
42 identification card;

43 (c) The name and address of the applicant for whom the person  
44 is the designated primary caregiver;



1 (d) ~~[The name of the designated primary caregiver's designated~~  
2 ~~medical marijuana dispensary, if any;~~

3 ~~—(e)]~~ Whether the designated primary caregiver is authorized to  
4 cultivate, grow or produce marijuana pursuant to subsection 6 of  
5 NRS 453A.200; and

6 ~~[(f)]~~ (e) Any other information prescribed by regulation of the  
7 Division.

8 4. Except as otherwise provided in NRS 453A.225, subsection  
9 3 of NRS 453A.230 and subsection 2 of NRS 453A.300, a registry  
10 identification card issued pursuant to this section is valid for a  
11 period of 1 year and may be renewed in accordance with regulations  
12 adopted by the Division.

13 **Sec. 28.** NRS 453A.225 is hereby amended to read as follows:

14 453A.225 1. If, at any time after the Division or its designee  
15 has issued a registry identification card to a person pursuant to  
16 paragraph (a) of subsection 1 of NRS 453A.220, the Division  
17 determines, on the basis of official documents or records or other  
18 credible evidence, that the person ~~is~~

19 ~~—(a) Provided]~~ *provided* falsified information on his or her  
20 application to the Division or its designee, as described in paragraph  
21 (c) of subsection 5 of NRS 453A.210, ~~is or~~

22 ~~—(b) Has been convicted of knowingly or intentionally selling a~~  
23 ~~controlled substance, as described in paragraph (e) of subsection 5~~  
24 ~~of NRS 453A.210,~~

25 ~~→]~~ the Division shall immediately revoke the registry identification  
26 card issued to that person and shall immediately revoke the registry  
27 identification card issued to that person's designated primary  
28 caregiver, if any.

29 2. ~~[If, at any time after the Division or its designee has issued a~~  
30 ~~registry identification card to a person pursuant to paragraph (b) of~~  
31 ~~subsection 1 of NRS 453A.220 or pursuant to NRS 453A.250, the~~  
32 ~~Division determines, on the basis of official documents or records or~~  
33 ~~other credible evidence, that the person has been convicted of~~  
34 ~~knowingly or intentionally selling a controlled substance, as~~  
35 ~~described in paragraph (e) of subsection 5 of NRS 453A.210, the~~  
36 ~~Division shall immediately revoke the registry identification card~~  
37 ~~issued to that person.~~

38 ~~—3.]~~ Upon the revocation of a registry identification card  
39 pursuant to this section:

40 (a) The Division shall send, by certified mail, return receipt  
41 requested, notice to the person whose registry identification card has  
42 been revoked, advising the person of the requirements of paragraph  
43 (b); and



1 (b) The person shall return his or her registry identification card  
2 to the Division within 7 days after receiving the notice sent pursuant  
3 to paragraph (a).

4 ~~[4.]~~ 3. The decision of the Division to revoke a registry  
5 identification card pursuant to this section is a final decision for the  
6 purposes of judicial review.

7 ~~[5.]~~ 4. A person whose registry identification card has been  
8 revoked pursuant to this section may not reapply for a registry  
9 identification card pursuant to NRS 453A.210 for 12 months after  
10 the date of the revocation, unless the Division or a court of  
11 competent jurisdiction authorizes reapplication in a shorter time.

12 **Sec. 29.** NRS 453A.230 is hereby amended to read as follows:

13 453A.230 1. A person to whom the Division or its designee  
14 has issued a registry identification card pursuant to paragraph (a) of  
15 subsection 1 of NRS 453A.220 shall, in accordance with regulations  
16 adopted by the Division:

17 (a) Notify the Division of any change in the person's name,  
18 address, telephone number, ~~[designated—medical—marijuana~~  
19 ~~dispensary.]~~ attending physician or designated primary caregiver, if  
20 any; and

21 (b) Submit annually to the Division:

22 (1) Updated written documentation from the person's  
23 attending physician in which the attending physician sets forth that:

24 (I) The person continues to suffer from a chronic or  
25 debilitating medical condition;

26 (II) The medical use of marijuana may mitigate the  
27 symptoms or effects of that condition; and

28 (III) The attending physician has explained to the person  
29 the possible risks and benefits of the medical use of marijuana; and

30 (2) If the person elects to designate a primary caregiver for  
31 the subsequent year and the primary caregiver so designated was not  
32 the person's designated primary caregiver during the previous year:

33 (I) The name, address, telephone number and social  
34 security number of the designated primary caregiver; and

35 (II) A written, signed statement from the person's  
36 attending physician in which the attending physician approves of the  
37 designation of the primary caregiver.

38 2. A person to whom the Division or its designee has issued a  
39 registry identification card pursuant to paragraph (b) of subsection 1  
40 of NRS 453A.220 or pursuant to NRS 453A.250 shall, in  
41 accordance with regulations adopted by the Division, notify the  
42 Division of any change in the person's name, address ~~[.]~~ or  
43 telephone number ~~[, designated—medical—marijuana—dispensary.]~~ or  
44 the identity of the person for whom he or she acts as designated  
45 primary caregiver.





1 3. If a person fails to comply with the provisions of subsection  
2 1 or 2, the registry identification card issued to the person shall be  
3 deemed expired. If the registry identification card of a person to  
4 whom the Division or its designee issued the card pursuant to  
5 paragraph (a) of subsection 1 of NRS 453A.220 is deemed expired  
6 pursuant to this subsection, a registry identification card issued to  
7 the person's designated primary caregiver, if any, shall also be  
8 deemed expired. Upon the deemed expiration of a registry  
9 identification card pursuant to this subsection:

10 (a) The Division shall send, by certified mail, return receipt  
11 requested, notice to the person whose registry identification card has  
12 been deemed expired, advising the person of the requirements of  
13 paragraph (b); and

14 (b) The person shall return his or her registry identification card  
15 to the Division within 7 days after receiving the notice sent pursuant  
16 to paragraph (a).

17 **Sec. 30.** NRS 453A.300 is hereby amended to read as follows:

18 453A.300 1. A person who holds a registry identification  
19 card *or registry identification card for animals* issued to him or her  
20 pursuant to NRS 453A.220 or 453A.250 *or section 14 of this act* is  
21 not exempt from state prosecution for, nor may the person establish  
22 an affirmative defense to charges arising from, any of the following  
23 acts:

24 (a) Driving, operating or being in actual physical control of a  
25 vehicle or a vessel under power or sail while under the influence of  
26 marijuana. *As used in this paragraph, "under the influence of*  
27 *marijuana" does not, in the absence of actual impairment, include*  
28 *the mere presence of marijuana or marijuana metabolite in the*  
29 *body, blood, breath or urine of a person.*

30 (b) Engaging in any other conduct prohibited by NRS 484C.110,  
31 484C.120, 484C.130, 484C.430, subsection 2 of NRS 488.400, NRS  
32 488.410, 488.420, 488.425 or 493.130.

33 (c) Possessing a firearm in violation of paragraph (b) of  
34 subsection 1 of NRS 202.257.

35 (d) Possessing marijuana in violation of NRS 453.336 or  
36 possessing paraphernalia in violation of NRS 453.560 or 453.566, if  
37 the possession of the marijuana or paraphernalia is discovered  
38 because the person engaged or assisted in the medical use of  
39 marijuana in:

40 (1) Any public place or in any place open to the public or  
41 exposed to public view; or

42 (2) Any local detention facility, county jail, state prison,  
43 reformatory or other correctional facility, including, without  
44 limitation, any facility for the detention of juvenile offenders.



1 (e) Delivering marijuana to another person who he or she knows  
2 does not lawfully hold a registry identification card *or registry*  
3 *identification card for animals* issued by the Division or its  
4 designee pursuant to NRS 453A.220 or 453A.250 ~~or~~ *or section 14*  
5 *of this act.*

6 (f) Delivering marijuana for consideration to any person,  
7 regardless of whether the recipient lawfully holds a registry  
8 identification card *or registry identification card for animals* issued  
9 by the Division or its designee pursuant to NRS 453A.220 or  
10 453A.250 ~~or~~ *or section 14 of this act.*

11 2. Except as otherwise provided in NRS 453A.225 *and section*  
12 *15 of this act* and in addition to any other penalty provided by law,  
13 if the Division determines that a person has willfully violated a  
14 provision of this chapter or any regulation adopted by the Division  
15 to carry out the provisions of this chapter, the Division may, at its  
16 own discretion, prohibit the person from obtaining or using a  
17 registry identification card *or registry identification card for*  
18 *animals* for a period of up to 6 months.

19 **Sec. 31.** NRS 453A.310 is hereby amended to read as follows:

20 453A.310 1. Except as otherwise provided in this section and  
21 NRS 453A.300, it is an affirmative defense to a criminal charge of  
22 possession, delivery or production of marijuana, or any other  
23 criminal offense in which possession, delivery or production of  
24 marijuana is an element, that the person charged with the offense:

25 (a) Is a person who:

26 (1) Has been diagnosed with a chronic or debilitating  
27 medical condition within the 12-month period preceding his or her  
28 arrest and has been advised by his or her attending physician that the  
29 medical use of marijuana may mitigate the symptoms or effects of  
30 that chronic or debilitating medical condition;

31 (2) Is engaged in the medical use of marijuana; and

32 (3) Possesses, delivers or produces marijuana only in the  
33 amount described in *subparagraph (1) of* paragraph (b) of  
34 subsection 3 of NRS 453A.200 or in excess of that amount if the  
35 person proves by a preponderance of the evidence that the greater  
36 amount is medically necessary as determined by the person's  
37 attending physician to mitigate the symptoms or effects of the  
38 person's chronic or debilitating medical condition; ~~or~~

39 (b) Is a person who:

40 (1) Is assisting a person described in paragraph (a) in the  
41 medical use of marijuana; and

42 (2) Possesses, delivers or produces marijuana only in the  
43 amount described in *subparagraph (1) of* paragraph (b) of  
44 subsection 3 of NRS 453A.200 or in excess of that amount if the  
45 person proves by a preponderance of the evidence that the greater



1 amount is medically necessary as determined by the assisted  
2 person's attending physician to mitigate the symptoms or effects of  
3 the assisted person's chronic or debilitating medical condition.

4 *(c) Is a person who possesses, delivers or produces marijuana*  
5 *only in the amount described in subparagraph (2) of paragraph*  
6 *(b) of subsection 3 of NRS 453A.200 or in excess of that amount if*  
7 *the person proves by a preponderance of the evidence that the*  
8 *greater amount is medically necessary as determined by the*  
9 *veterinarian who regularly provides care to the animal to mitigate*  
10 *the symptoms or effects of the animal's chronic or debilitating*  
11 *medical condition.*

12 2. A person need not hold a registry identification card *or*  
13 *registry identification card for animals* issued to the person by the  
14 Division or its designee pursuant to NRS 453A.220 or 453A.250 *or*  
15 *section 14 of this act* to assert an affirmative defense described in  
16 this section.

17 3. Except as otherwise provided in this section and in addition  
18 to the affirmative defense described in subsection 1, a person  
19 engaged or assisting in the medical use of marijuana who is charged  
20 with a crime pertaining to the medical use of marijuana is not  
21 precluded from:

22 (a) Asserting a defense of medical necessity; or

23 (b) Presenting evidence supporting the necessity of marijuana  
24 for treatment of a specific disease or medical condition,  
25 ↪ if the amount of marijuana at issue is not greater than the amount  
26 described in paragraph (b) of subsection 3 of NRS 453A.200 and the  
27 person has taken steps to comply substantially with the provisions of  
28 this chapter.

29 4. A defendant who intends to offer an affirmative defense  
30 described in this section shall, not less than 5 days before trial or at  
31 such other time as the court directs, file and serve upon the  
32 prosecuting attorney a written notice of the defendant's intent to  
33 claim the affirmative defense. The written notice must:

34 (a) State specifically why the defendant believes he or she is  
35 entitled to assert the affirmative defense; and

36 (b) Set forth the factual basis for the affirmative defense.

37 ↪ A defendant who fails to provide notice of his or her intent to  
38 claim an affirmative defense as required pursuant to this subsection  
39 may not assert the affirmative defense at trial unless the court, for  
40 good cause shown, orders otherwise.

41 **Sec. 32.** NRS 453A.324 is hereby amended to read as follows:

42 453A.324 1. Except as otherwise provided in ~~this section~~  
43 ~~and~~ NRS 453A.326, the Division shall issue medical marijuana  
44 establishment registration certificates for medical marijuana



1 dispensaries in ~~[the following quantities for applicants who qualify~~  
2 ~~pursuant to NRS 453A.322:~~

3 ~~—(a) In a county whose population is 700,000 or more, 40~~  
4 ~~certificates;~~

5 ~~—(b) In a county whose population is 100,000 or more but less~~  
6 ~~than 700,000, ten certificates;~~

7 ~~—(c) In a county whose population is 55,000 or more but less than~~  
8 ~~100,000, two certificates; and~~

9 ~~—(d) In each other county,] a quantity of at least one certificate [.]~~  
10 ~~for each 20,000 people in this State. The Division shall ensure~~  
11 ~~that:~~

12 *(a) Except as otherwise provided in paragraph (b), the number*  
13 *of certificates authorized for issuance pursuant to this subsection*  
14 *are apportioned to each county in this State on the basis of each*  
15 *county's population; and*

16 *(b) Each county in this State is apportioned at least one*  
17 *certificate.*

18 ~~2. [Notwithstanding the provisions of subsection 1, the~~  
19 ~~Division shall not issue medical marijuana establishment~~  
20 ~~registration certificates for medical marijuana dispensaries in such a~~  
21 ~~quantity as to cause the existence within the applicable county of~~  
22 ~~more than one medical marijuana dispensary for every ten~~  
23 ~~pharmacies that have been licensed in the county pursuant to chapter~~  
24 ~~639 of NRS. The Division may issue medical marijuana~~  
25 ~~establishment registration certificates for medical marijuana~~  
26 ~~dispensaries in excess of the ratio otherwise allowed pursuant to this~~  
27 ~~subsection if to do so is necessary to ensure that the Division issues~~  
28 ~~at least one medical marijuana establishment registration certificate~~  
29 ~~in each county of this State in which the Division has approved an~~  
30 ~~application for such an establishment to operate.~~

31 ~~—3. With] *Except as otherwise provided in subsection 3, with*~~  
32 ~~respect to medical marijuana establishments that are not medical~~  
33 ~~marijuana dispensaries, the Division shall determine the appropriate~~  
34 ~~number of such establishments as are necessary to serve and supply~~  
35 ~~the medical marijuana dispensaries to which the Division has~~  
36 ~~granted medical marijuana establishment registration certificates.~~

37 *3. Notwithstanding the number of medical marijuana*  
38 *establishments determined to be appropriate by the Division*  
39 *pursuant to subsection 2, the Division shall issue a medical*  
40 *marijuana establishment registration certificate to a medical*  
41 *marijuana establishment which is operated:*

42 *(a) For the purpose of researching the medical use of*  
43 *marijuana; and*

44 *(b) By a physician licensed pursuant to chapter 630 or 633 of*  
45 *NRS.*



1 4. The Division shall not, for more than a total of 10 business  
2 days in any 1 calendar year, accept applications to operate medical  
3 marijuana establishments.

4 **Sec. 33.** NRS 453A.328 is hereby amended to read as follows:  
5 453A.328 In determining whether to issue a medical marijuana  
6 establishment registration certificate pursuant to NRS 453A.322, the  
7 Division shall ~~[7-11]~~:

8 *1. If an applicant has obtained a medical marijuana*  
9 *establishment registration certificate for a cultivation facility or a*  
10 *facility for the production of edible marijuana products or*  
11 *marijuana-infused products and been denied a medical marijuana*  
12 *establishment registration certificate for a medical marijuana*  
13 *dispensary at the same location, issue the next medical*  
14 *marijuana establishment registration certificate available*  
15 *pursuant to NRS 453A.324 and 453A.326 to the applicant for the*  
16 *medical marijuana dispensary.*

17 *2. In all other circumstances, in* addition to the factors set  
18 forth in ~~[that section,]~~ *NRS 453A.322*, consider the following  
19 criteria of merit:

20 ~~[1-]~~ *(a)* The total financial resources of the applicant, both  
21 liquid and illiquid;

22 ~~[2-]~~ *(b)* The previous experience of the persons who are  
23 proposed to be owners, officers or board members of the proposed  
24 medical marijuana establishment at operating other businesses or  
25 nonprofit organizations;

26 ~~[3-]~~ *(c)* The educational achievements of the persons who are  
27 proposed to be owners, officers or board members of the proposed  
28 medical marijuana establishment;

29 ~~[4-]~~ *(d)* Any demonstrated knowledge or expertise on the part of  
30 the persons who are proposed to be owners, officers or board  
31 members of the proposed medical marijuana establishment with  
32 respect to the compassionate use of marijuana to treat medical  
33 conditions;

34 ~~[5-]~~ *(e)* Whether the proposed location of the proposed medical  
35 marijuana establishment would be convenient to serve the needs of  
36 persons who are authorized to engage in the medical use of  
37 marijuana;

38 ~~[6-]~~ *(f)* The likely impact of the proposed medical marijuana  
39 establishment on the community in which it is proposed to be  
40 located;

41 ~~[7-]~~ *(g)* The adequacy of the size of the proposed medical  
42 marijuana establishment to serve the needs of persons who are  
43 authorized to engage in the medical use of marijuana;



1 ~~18.1~~ (h) Whether the applicant has an integrated plan for the  
2 care, quality and safekeeping of medical marijuana from seed to  
3 sale;

4 ~~19.1~~ (i) The amount of taxes paid to, or other beneficial financial  
5 contributions made to, the State of Nevada or its political  
6 subdivisions by the applicant or the persons who are proposed to be  
7 owners, officers or board members of the proposed medical  
8 marijuana establishment; and

9 ~~110.1~~ (j) Any other criteria of merit that the Division determines  
10 to be relevant.

11 **Sec. 34.** NRS 453A.332 is hereby amended to read as follows:

12 453A.332 1. Except as otherwise provided in this section, a  
13 person shall not volunteer or work at a medical marijuana  
14 establishment as a medical marijuana establishment agent unless the  
15 person is registered with the Division pursuant to this section.

16 2. A medical marijuana establishment that wishes to retain as a  
17 volunteer or employ a medical marijuana establishment agent shall  
18 submit to the Division an application on a form prescribed by the  
19 Division. The application must be accompanied by:

20 (a) The name, address and date of birth of the prospective  
21 medical marijuana establishment agent;

22 (b) A statement signed by the prospective medical marijuana  
23 establishment agent pledging not to dispense or otherwise divert  
24 marijuana to any person who is not authorized to possess marijuana  
25 in accordance with the provisions of this chapter;

26 (c) A statement signed by the prospective medical marijuana  
27 establishment agent asserting that he or she has not previously had a  
28 medical marijuana establishment agent registration card revoked;

29 (d) A complete set of the fingerprints and written permission of  
30 the prospective medical marijuana establishment agent authorizing  
31 the Division to forward the fingerprints to the Central Repository for  
32 Nevada Records of Criminal History for submission to the Federal  
33 Bureau of Investigation for its report;

34 (e) The application fee, as set forth in NRS 453A.344; and

35 (f) Such other information as the Division may require by  
36 regulation.

37 3. A medical marijuana establishment shall notify the Division  
38 within 10 days after a medical marijuana establishment agent ceases  
39 to be employed by or volunteer at the medical marijuana  
40 establishment. *The Division may not deem a medical marijuana  
41 establishment agent card void and no longer valid as a result of  
42 the cessation of such employment or volunteer service if, within 30  
43 days after such cessation, the medical marijuana establishment  
44 agent submits proof acceptable to the Division that he or she is*



1 *newly employed by or volunteering at a different medical*  
2 *marijuana establishment.*

3 4. A person who:

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

5 (b) Is less than 21 years of age,

6 ↪ shall not serve as a medical marijuana establishment agent.

7 5. The Division shall submit the fingerprints of an applicant for  
8 registration as a medical marijuana establishment agent to the  
9 Central Repository for Nevada Records of Criminal History for  
10 submission to the Federal Bureau of Investigation to determine the  
11 criminal history of the applicant.

12 6. The provisions of this section do not require a person who is  
13 an owner, officer or board member of a medical marijuana  
14 establishment to resubmit information already furnished to the  
15 Division at the time the establishment was registered with the  
16 Division.

17 7. If an applicant for registration as a medical marijuana  
18 establishment agent satisfies the requirements of this section and is  
19 not disqualified from serving as such an agent pursuant to this  
20 section or any other applicable law, the Division shall issue to the  
21 person a medical marijuana establishment agent registration card. If  
22 the Division does not act upon an application for a medical  
23 marijuana establishment agent registration card within 30 days after  
24 the date on which the application is received, the application shall  
25 be deemed conditionally approved until such time as the Division  
26 acts upon the application. A medical marijuana establishment agent  
27 registration card expires 1 year after the date of issuance and may be  
28 renewed upon:

29 (a) Resubmission of the information set forth in this section;

30 ~~and~~

31 (b) *Receipt of a certificate of completion pursuant to section 11*  
32 *of this act; and*

33 (c) Payment of the renewal fee set forth in NRS 453A.344.

34 **Sec. 35.** NRS 453A.334 is hereby amended to read as follows:

35 453A.334 ~~The~~

36 *1. Except as otherwise provided in subsection 2, the* following  
37 are nontransferable:

38 ~~1.]~~ (a) A medical marijuana establishment agent registration  
39 card.

40 ~~2.]~~ (b) A medical marijuana establishment registration  
41 certificate.

42 *2. For 3 years after the date on which a person is issued a*  
43 *medical marijuana establishment registration certificate, not more*  
44 *than 49 percent of the person's ownership interest in the medical*  
45 *marijuana establishment may be sold or otherwise transferred.*





1 *The entire ownership interest of the person may be sold or*  
2 *otherwise transferred and the medical marijuana establishment*  
3 *registration certificate may be transferred to the new holder of*  
4 *the ownership interest on or after 3 years following the issuance of*  
5 *the medical marijuana establishment registration certificate to the*  
6 *original holder of the certificate.*

7 **Sec. 36.** NRS 453A.360 is hereby amended to read as follows:

8 453A.360 1. Each medical marijuana dispensary and facility  
9 for the production of edible marijuana products or marijuana-  
10 infused products shall, in consultation with the Division, cooperate  
11 to ensure that all edible marijuana products and marijuana-infused  
12 products offered for sale:

13 ~~[1-]~~ (a) Are labeled clearly and unambiguously as medical  
14 marijuana.

15 ~~[2-]~~ (b) Are not presented in packaging that is appealing to  
16 children.

17 ~~[3-]~~ (c) Are regulated and sold on the basis of the concentration  
18 of THC in the products and not by weight.

19 ~~[4-]~~ (d) Are packaged and labeled in such a manner as to allow  
20 tracking by way of an inventory control system.

21 **2. *A facility for the production of edible marijuana products***  
22 ***or marijuana-infused products is not subject to the provisions of***  
23 ***chapter 446 of NRS.***

24 **Sec. 37.** NRS 453A.364 is hereby amended to read as follows:

25 453A.364 1. The State of Nevada and the medical marijuana  
26 dispensaries in this State which hold valid medical marijuana  
27 establishment registration certificates will recognize a nonresident  
28 card only under the following circumstances:

29 (a) The state or jurisdiction from which the holder or bearer  
30 obtained the nonresident card grants an exemption from criminal  
31 prosecution for the medical use of marijuana;

32 (b) The state or jurisdiction from which the holder or bearer  
33 obtained the nonresident card requires, as a prerequisite to the  
34 issuance of such a card, that a physician advise the person that the  
35 medical use of marijuana may mitigate the symptoms or effects of  
36 the person's medical condition;

37 (c) The nonresident card has an expiration date and has not yet  
38 expired;

39 (d) The state or jurisdiction from which the holder or bearer  
40 obtained the nonresident card maintains a database which preserves  
41 such information as may be necessary to verify the authenticity or  
42 validity of the nonresident card;

43 (e) The state or jurisdiction from which the holder or bearer  
44 obtained the nonresident card allows the Division and medical





1 marijuana dispensaries in this State to access the database described  
2 in paragraph (d);

3 (f) The Division determines that the database described in  
4 paragraph (d) *or, if the Division is not able to access the database*  
5 *described in paragraph (d), the Division* is able to provide to  
6 medical marijuana dispensaries in this State information that is  
7 sufficiently accurate, current and specific as to allow those  
8 dispensaries to verify that a person who holds or bears a nonresident  
9 card is entitled lawfully to do so; and

10 (g) The holder or bearer of the nonresident card agrees to abide  
11 by, and does abide by, the legal limits on the possession of  
12 marijuana for medical purposes in this State, as set forth in  
13 NRS 453A.200.

14 2. For the purposes of the reciprocity described in this section:

15 (a) The amount of medical marijuana that the holder or bearer of  
16 a nonresident card is entitled to possess in his or her state or  
17 jurisdiction of residence is not relevant; and

18 (b) Under no circumstances, while in this State, may the holder  
19 or bearer of a nonresident card possess marijuana for medical  
20 purposes in excess of the limits set forth in NRS 453A.200.

21 3. As used in this section, "nonresident card" means a card or  
22 other identification that:

23 (a) Is issued by a state or jurisdiction other than Nevada; and

24 (b) Is the functional equivalent of a registry identification card,  
25 as determined by the Division.

26 **Sec. 38.** NRS 453A.370 is hereby amended to read as follows:

27 453A.370 The Division shall adopt such regulations as it  
28 determines to be necessary or advisable to carry out the provisions  
29 of NRS 453A.320 to 453A.370, inclusive. Such regulations are in  
30 addition to any requirements set forth in statute and must, without  
31 limitation:

32 1. Prescribe the form and any additional required content of  
33 registration and renewal applications submitted pursuant to NRS  
34 453A.322 and 453A.332.

35 2. Set forth rules pertaining to the safe and healthful operation  
36 of medical marijuana establishments, including, without limitation:

37 (a) The manner of protecting against diversion and theft without  
38 imposing an undue burden on medical marijuana establishments or  
39 compromising the confidentiality of the holders of registry  
40 identification cards.

41 (b) Minimum requirements for the oversight of medical  
42 marijuana establishments.

43 (c) Minimum requirements for the keeping of records by  
44 medical marijuana establishments.



1 (d) Provisions for the security of medical marijuana  
2 establishments, including, without limitation, requirements for the  
3 protection by a fully operational security alarm system of each  
4 medical marijuana establishment.

5 (e) Procedures pursuant to which medical marijuana  
6 dispensaries must use the services of an independent testing  
7 laboratory to ensure that any marijuana, edible marijuana products  
8 and marijuana-infused products sold by the dispensaries to end users  
9 are tested for content, quality and potency in accordance with  
10 standards established by the Division.

11 ~~[(f) Procedures pursuant to which a medical marijuana~~  
12 ~~dispensary will be notified by the Division if a patient who holds a~~  
13 ~~valid registry identification card has chosen the dispensary as his or~~  
14 ~~her designated medical marijuana dispensary, as described in~~  
15 ~~NRS 453A.366.]~~

16 3. Establish circumstances and procedures pursuant to which  
17 the maximum fees set forth in NRS 453A.344 may be reduced over  
18 time:

19 (a) To ensure that the fees imposed pursuant to NRS 453A.344  
20 are, insofar as may be practicable, revenue neutral; and

21 (b) To reflect gifts and grants received by the Division pursuant  
22 to NRS 453A.720.

23 4. Set forth the amount of usable marijuana that a medical  
24 marijuana dispensary may dispense to a person who holds a valid  
25 registry identification card, or the designated primary caregiver of  
26 such a person, in any one 14-day period. Such an amount must not  
27 exceed the limits set forth in NRS 453A.200.

28 5. As far as possible while maintaining accountability, protect  
29 the identity and personal identifying information of each person who  
30 receives, facilitates or delivers services in accordance with this  
31 chapter.

32 6. In cooperation with the Board of Medical Examiners and the  
33 State Board of Osteopathic Medicine, establish a system to:

34 (a) Register and track attending physicians who advise their  
35 patients that the medical use of marijuana may mitigate the  
36 symptoms or effects of the patient's medical condition;

37 (b) Insofar as is possible, track and quantify the number of times  
38 an attending physician described in paragraph (a) makes such an  
39 advisement; and

40 (c) Provide for the progressive discipline of attending physicians  
41 who advise the medical use of marijuana at a rate at which the  
42 Division and Board determine and agree to be unreasonably high.

43 7. Establish different categories of medical marijuana  
44 establishment agent registration cards, including, without limitation,  
45 criteria for training and certification, for each of the different types



1 of medical marijuana establishments at which such an agent may be  
2 employed or volunteer.

3 8. Provide for the maintenance of a log by the Division of each  
4 person who is authorized to cultivate, grow or produce marijuana  
5 pursuant to subsection 6 of NRS 453A.200. The Division shall  
6 ensure that the contents of the log are available for verification by  
7 law enforcement personnel 24 hours a day.

8 9. Address such other matters as may assist in implementing  
9 the program of dispensation contemplated by NRS 453A.320 to  
10 453A.370, inclusive.

11 **Sec. 39.** NRS 453A.400 is hereby amended to read as follows:  
12 453A.400 1. The fact that a person possesses a registry  
13 identification card issued to the person by the Division or its  
14 designee pursuant to NRS 453A.220 or 453A.250, *a registry*  
15 *identification card for animals issued to the person by the Division*  
16 *or its designee pursuant to section 14 of this act*, a medical  
17 marijuana establishment registration certificate issued to the person  
18 by the Division or its designee pursuant to NRS 453A.322 or a  
19 medical marijuana establishment agent registration card issued to  
20 the person by the Division or its designee pursuant to NRS  
21 453A.332 does not, alone:

22 (a) Constitute probable cause to search the person or the  
23 person's property; or

24 (b) Subject the person or the person's property to inspection by  
25 any governmental agency.

26 2. Except as otherwise provided in this subsection, if officers  
27 of a state or local law enforcement agency seize marijuana,  
28 paraphernalia or other related property from a person engaged in,  
29 facilitating or assisting in the medical use of marijuana:

30 (a) The law enforcement agency shall ensure that the marijuana,  
31 paraphernalia or other related property is not destroyed while in the  
32 possession of the law enforcement agency.

33 (b) Any property interest of the person from whom the  
34 marijuana, paraphernalia or other related property was seized must  
35 not be forfeited pursuant to any provision of law providing for the  
36 forfeiture of property, except as part of a sentence imposed after  
37 conviction of a criminal offense.

38 (c) Upon a determination by the district attorney of the county in  
39 which the marijuana, paraphernalia or other related property was  
40 seized, or the district attorney's designee, that the person from  
41 whom the marijuana, paraphernalia or other related property was  
42 seized is engaging in or assisting in the medical use of marijuana in  
43 accordance with the provisions of this chapter, the law enforcement  
44 agency shall immediately return to that person any usable



1 marijuana, marijuana plants, paraphernalia or other related property  
2 that was seized.

3 ↪ The provisions of this subsection do not require a law  
4 enforcement agency to care for live marijuana plants.

5 3. For the purposes of paragraph (c) of subsection 2, the  
6 determination of a district attorney or the district attorney's designee  
7 that a person is engaging in or assisting in the medical use of  
8 marijuana in accordance with the provisions of this chapter shall be  
9 deemed to be evidenced by:

10 (a) A decision not to prosecute;

11 (b) The dismissal of charges; or

12 (c) Acquittal.

13 **Sec. 40.** NRS 453A.500 is hereby amended to read as follows:

14 453A.500 *1.* The Board of Medical Examiners or the State  
15 Board of Osteopathic Medicine, as applicable, shall not take any  
16 disciplinary action against an attending physician on the basis that  
17 the attending physician:

18 ~~[(a)]~~ (a) Advised a person whom the attending physician has  
19 diagnosed as having a chronic or debilitating medical condition, or a  
20 person whom the attending physician knows has been so diagnosed  
21 by another physician licensed to practice medicine pursuant to the  
22 provisions of chapter 630 of NRS or licensed to practice osteopathic  
23 medicine pursuant to the provisions of chapter 633 of NRS:

24 ~~[(a)]~~ (1) About the possible risks and benefits of the medical  
25 use of marijuana; or

26 ~~[(b)]~~ (2) That the medical use of marijuana may mitigate the  
27 symptoms or effects of the person's chronic or debilitating medical  
28 condition,

29 ↪ if the advice is based on the attending physician's personal  
30 assessment of the person's medical history and current medical  
31 condition.

32 ~~[(2)]~~ (b) Provided the written documentation required pursuant  
33 to paragraph (a) of subsection 2 of NRS 453A.210 for the issuance  
34 of a registry identification card or pursuant to subparagraph (1) of  
35 paragraph (b) of subsection 1 of NRS 453A.230 for the renewal of a  
36 registry identification card, if:

37 ~~[(a)]~~ (1) Such documentation is based on the attending  
38 physician's personal assessment of the person's medical history and  
39 current medical condition; and

40 ~~[(b)]~~ (2) The physician has advised the person about the  
41 possible risks and benefits of the medical use of marijuana.

42 *2. The Nevada State Board of Veterinary Medical Examiners*  
43 *shall not take any disciplinary action against a veterinarian on the*  
44 *basis that the veterinarian:*



1 (a) *Advised a person for whose animal the veterinarian*  
2 *regularly provides care that, based on his or her personal*  
3 *assessment of the animal's medical history and current medical*  
4 *condition:*

5 (1) *The animal has a chronic or debilitating medical*  
6 *condition;*

7 (2) *There are possible risks and benefits of the medical use*  
8 *of marijuana; or*

9 (3) *The medical use of marijuana may mitigate the*  
10 *symptoms or effects of the animal's chronic or debilitating*  
11 *medical condition.*

12 (b) *Provided the written documentation required pursuant to*  
13 *paragraph (a) of subsection 2 of section 13 of this act for the*  
14 *issuance of a registry identification card for animals or pursuant*  
15 *to paragraph (b) of subsection 1 of section 16 of this act for the*  
16 *renewal of a registry identification card for animals, if:*

17 (1) *Such documentation is based on the veterinarian's*  
18 *personal assessment of the animal's medical history and current*  
19 *medical condition; and*

20 (2) *The veterinarian has advised the owner of the animal*  
21 *about the possible risks and benefits of the medical use of*  
22 *marijuana.*

23 **Sec. 41.** NRS 453A.510 is hereby amended to read as follows:

24 453A.510 A professional licensing board shall not take any  
25 disciplinary action against a person licensed by the board on the  
26 basis that:

27 1. The person engages in or has engaged in the medical use of  
28 marijuana in accordance with the provisions of this chapter; ~~for~~

29 2. The person acts as or has acted as the designated primary  
30 caregiver of a person who holds a registry identification card issued  
31 to him or her pursuant to paragraph (a) of subsection 1 of NRS  
32 453A.220 ~~for~~; or

33 3. *The person acts or has acted as the veterinarian of an*  
34 *animal whose owner holds a registry identification card for*  
35 *animals issued to him or her pursuant to subsection 1 of section*  
36 *14 of this act.*

37 **Sec. 42.** NRS 453A.700 is hereby amended to read as follows:

38 453A.700 1. Except as otherwise provided in this section,  
39 NRS 239.0115 and subsection 4 of NRS 453A.210, *and subsection*  
40 *3 of section 13 of this act*, the Division and any designee of the  
41 Division shall maintain the confidentiality of and shall not disclose:

42 (a) The contents of any applications, records or other written  
43 documentation that the Division or its designee ~~creates or~~ receives  
44 pursuant to the provisions of this chapter; or

45 (b) The name or any other identifying information of:



1 (1) An attending physician; or

2 (2) A person who has applied for or to whom the Division or  
3 its designee has issued a registry identification card ~~[ ]~~ *or registry*  
4 *identification card for animals.*

5 ↪ Except as otherwise provided in NRS 239.0115, the items of  
6 information described in this subsection are confidential, not subject  
7 to subpoena or discovery and not subject to inspection by the  
8 general public.

9 2. Notwithstanding the provisions of subsection 1, the Division  
10 or its designee may release the name and other identifying  
11 information of a person to whom the Division or its designee has  
12 issued a registry identification card *or registry identification card*  
13 *for animals* to:

14 (a) Authorized employees of the Division or its designee as  
15 necessary to perform official duties of the Division; and

16 (b) Authorized employees of state and local law enforcement  
17 agencies, only as necessary to verify that a person is the lawful  
18 holder of a registry identification card *or registry identification card*  
19 *for animals* issued to him or her pursuant to NRS 453A.220 or  
20 453A.250 ~~[ ]~~ *or section 14 of this act.*

21 **Sec. 43.** NRS 453A.740 is hereby amended to read as follows:

22 453A.740 The Administrator of the Division shall adopt such  
23 regulations as the Administrator determines are necessary to carry  
24 out the provisions of this chapter. The regulations must set forth,  
25 without limitation:

26 1. Procedures pursuant to which the Division will, in  
27 cooperation with the Department of Motor Vehicles, cause a registry  
28 identification card *or registry identification card for animals* to be  
29 prepared and issued to a qualified person as a type of identification  
30 card described in NRS 483.810 to 483.890, inclusive. The  
31 procedures described in this subsection must provide that the  
32 Division will:

33 (a) Issue a registry identification card *or registry identification*  
34 *card for animals* to a qualified person after the card has been  
35 prepared by the Department of Motor Vehicles; or

36 (b) Designate the Department of Motor Vehicles to issue a  
37 registry identification card *or registry identification card for*  
38 *animals* to a person if:

39 (1) The person presents to the Department of Motor Vehicles  
40 valid documentation issued by the Division indicating that the  
41 Division has approved the issuance *to the person* of a registry  
42 identification card ~~[to the person;]~~ *or registry identification card for*  
43 *animals, as applicable;* and

44 (2) The Department of Motor Vehicles, before issuing the  
45 registry identification card ~~[ ]~~ *or registry identification card for*



1 *animals, as applicable*, confirms by telephone or other reliable  
2 means that the Division has approved the issuance of a registry  
3 identification card to the person.

4 2. Fees for:

5 (a) Providing to an applicant an application for a registry  
6 identification card ~~§~~ *or registry identification card for animals*,  
7 which fee must not exceed \$25; and

8 (b) Processing and issuing a registry identification card ~~§~~ *or*  
9 *registry identification card for animals*, which fee must not exceed  
10 \$75.

11 **Sec. 44.** NRS 453A.800 is hereby amended to read as follows:  
12 453A.800 1. The provisions of this chapter do not:

13 ~~§~~ (a) Require an insurer, organization for managed care or  
14 any person or entity who provides coverage for a medical or health  
15 care service to pay for or reimburse a person for costs associated  
16 with the medical use of marijuana.

17 ~~§~~ (b) Require any employer to allow the medical use of  
18 marijuana in the workplace.

19 ~~§~~ (c) Require an employer to modify the job or working  
20 conditions of a person who engages in the medical use of marijuana  
21 that are based upon the reasonable business purposes of the  
22 employer but the employer must attempt to make reasonable  
23 accommodations for the medical needs of an employee who engages  
24 in the medical use of marijuana if the employee holds a valid  
25 registry identification card, provided that such reasonable  
26 accommodation would not:

27 ~~§~~ (1) Pose a threat of harm or danger to persons or property  
28 or impose an undue hardship on the employer; or

29 ~~§~~ (2) Prohibit the employee from fulfilling any and all of his  
30 or her job responsibilities.

31 2. *For the purposes of paragraph (c) of subsection 1, there is*  
32 *a rebuttable presumption that an employee who holds a valid*  
33 *registry identification card and engages in the medical use of*  
34 *marijuana which contains no THC has satisfied the requirements*  
35 *of subparagraphs (1) and (2) of paragraph (c) of subsection 1 and*  
36 *is entitled to reasonable accommodation. An employer shall not*  
37 *retaliate or discriminate against an employee who requests a*  
38 *reasonable accommodation on the basis of the rebuttable*  
39 *presumption provided in this subsection.*

40 **Sec. 45.** NRS 207.335 is hereby amended to read as follows:

41 207.335 1. It is unlawful for any person to counterfeit or  
42 forge or attempt to counterfeit or forge a registry identification card  
43 ~~§~~ *or registry identification card for animals.*





1 2. Any person who violates the provisions of subsection 1 is  
2 guilty of a category E felony and shall be punished as provided in  
3 NRS 193.130.

4 3. As used in this section ~~[, "registry"]~~ :

5 (a) *"Registry identification card"* has the meaning ascribed to it  
6 in NRS 453A.140.

7 (b) *"Registry identification card for animals" has the meaning*  
8 *ascribed to it in section 6 of this act.*

9 **Sec. 46.** NRS 484C.080 is hereby amended to read as follows:

10 484C.080 "Prohibited substance" means any of the following  
11 substances if the person who uses the substance has not been issued  
12 a valid prescription to use the substance and the substance is  
13 classified in schedule I or II pursuant to NRS 453.166 or 453.176  
14 when it is used:

15 1. Amphetamine.

16 2. Cocaine or cocaine metabolite.

17 3. Heroin or heroin metabolite (morphine or 6-monoacetyl  
18 morphine).

19 4. Lysergic acid diethylamide.

20 5. Marijuana or marijuana metabolite ~~[, ]~~ , *but only if the*  
21 *person with marijuana or marijuana metabolite in his or her body,*  
22 *blood, breath or urine is actually impaired by the marijuana or*  
23 *marijuana metabolite.*

24 6. Methamphetamine.

25 7. Phencyclidine.

26 **Sec. 47.** NRS 484C.110 is hereby amended to read as follows:

27 484C.110 1. It is unlawful for any person who:

28 (a) Is under the influence of intoxicating liquor;

29 (b) Has a concentration of alcohol of 0.08 or more in his or her  
30 blood or breath; or

31 (c) Is found by measurement within 2 hours after driving or  
32 being in actual physical control of a vehicle to have a concentration  
33 of alcohol of 0.08 or more in his or her blood or breath,

34 ➤ to drive or be in actual physical control of a vehicle on a highway  
35 or on premises to which the public has access.

36 2. It is unlawful for any person who:

37 (a) Is under the influence of a controlled substance;

38 (b) Is under the combined influence of intoxicating liquor and a  
39 controlled substance; or

40 (c) Inhales, ingests, applies or otherwise uses any chemical,  
41 poison or organic solvent, or any compound or combination of any  
42 of these, to a degree which renders the person incapable of safely  
43 driving or exercising actual physical control of a vehicle,

44 ➤ to drive or be in actual physical control of a vehicle on a highway  
45 or on premises to which the public has access. The fact that any





1 person charged with a violation of this subsection is or has been  
2 entitled to use that drug under the laws of this State is not a defense  
3 against any charge of violating this subsection.

4 3. It is unlawful for any person to drive or be in actual physical  
5 control of a vehicle on a highway or on premises to which the public  
6 has access with an amount of a prohibited substance in his or her  
7 blood or urine that is equal to or greater than:

	Urine	Blood
	Nanograms	Nanograms
Prohibited substance	per milliliter	per milliliter
13 (a) Amphetamine	500	100
14 (b) Cocaine	150	50
15 (c) Cocaine metabolite	150	50
16 (d) Heroin	2,000	50
17 (e) Heroin metabolite:		
18 (1) Morphine	2,000	50
19 (2) 6-monoacetyl morphine	10	10
20 (f) Lysergic acid diethylamide	25	10
21 (g) <del>Marijuana</del>	<del>10</del>	<del>2</del>
22 <del>(h) Marijuana metabolite</del>	<del>15</del>	<del>5</del>
23 <del>(i) Methamphetamine</del>	500	100
24 <del>(j) (h) Phencyclidine</del>	25	10

25  
26 4. If consumption is proven by a preponderance of the  
27 evidence, it is an affirmative defense under paragraph (c) of  
28 subsection 1 that the defendant consumed a sufficient quantity of  
29 alcohol after driving or being in actual physical control of the  
30 vehicle, and before his or her blood or breath was tested, to cause  
31 the defendant to have a concentration of alcohol of 0.08 or more in  
32 his or her blood or breath. A defendant who intends to offer this  
33 defense at a trial or preliminary hearing must, not less than 14 days  
34 before the trial or hearing or at such other time as the court may  
35 direct, file and serve on the prosecuting attorney a written notice of  
36 that intent.

37 5. A person who violates any provision of this section may be  
38 subject to the additional penalty set forth in NRS 484B.130.

39 **Sec. 48.** NRS 484C.120 is hereby amended to read as follows:

40 484C.120 1. It is unlawful for any person who:

- 41 (a) Is under the influence of intoxicating liquor;
- 42 (b) Has a concentration of alcohol of 0.04 or more but less than  
43 0.08 in his or her blood or breath; or
- 44 (c) Is found by measurement within 2 hours after driving or  
45 being in actual physical control of a commercial motor vehicle to



1 have a concentration of alcohol of 0.04 or more but less than 0.08 in  
2 his or her blood or breath,

3 ↪ to drive or be in actual physical control of a commercial motor  
4 vehicle on a highway or on premises to which the public has access.

5 2. It is unlawful for any person who:

6 (a) Is under the influence of a controlled substance;

7 (b) Is under the combined influence of intoxicating liquor and a  
8 controlled substance; or

9 (c) Inhales, ingests, applies or otherwise uses any chemical,  
10 poison or organic solvent, or any compound or combination of any  
11 of these, to a degree which renders the person incapable of safely  
12 driving or exercising actual physical control of a commercial motor  
13 vehicle,

14 ↪ to drive or be in actual physical control of a commercial motor  
15 vehicle on a highway or on premises to which the public has access.

16 The fact that any person charged with a violation of this subsection  
17 is or has been entitled to use that drug under the laws of this State is  
18 not a defense against any charge of violating this subsection.

19 3. It is unlawful for any person to drive or be in actual physical  
20 control of a commercial motor vehicle on a highway or on premises  
21 to which the public has access with an amount of a prohibited  
22 substance in his or her blood or urine that is equal to or greater than:

24		Urine	Blood
25		Nanograms	Nanograms
26	Prohibited substance	per milliliter	per milliliter
27			
28	(a) Amphetamine	500	100
29	(b) Cocaine	150	50
30	(c) Cocaine metabolite	150	50
31	(d) Heroin	2,000	50
32	(e) Heroin metabolite:		
33	(1) Morphine	2,000	50
34	(2) 6-monoacetyl morphine	10	10
35	(f) Lysergic acid diethylamide	25	10
36	(g) <del>Marijuana</del>	<del>10</del>	<del>2</del>
37	<del>(h) Marijuana metabolite</del>	<del>15</del>	<del>5</del>
38	<del>(i) Methamphetamine</del>	500	100
39	<del>(j)</del> (h) Phencyclidine	25	10

40  
41 4. If consumption is proven by a preponderance of the  
42 evidence, it is an affirmative defense under paragraph (c) of  
43 subsection 1 that the defendant consumed a sufficient quantity of  
44 alcohol after driving or being in actual physical control of the  
45 commercial motor vehicle, and before his or her blood or breath was



1 tested, to cause the defendant to have a concentration of alcohol of  
2 0.04 or more in his or her blood or breath. A defendant who intends  
3 to offer this defense at a trial or preliminary hearing must, not less  
4 than 14 days before the trial or hearing or at such other time as the  
5 court may direct, file and serve on the prosecuting attorney a written  
6 notice of that intent.

7 5. A person who violates any provision of this section may be  
8 subject to the additional penalty set forth in NRS 484B.130.

9 6. As used in this section:

10 (a) "Commercial motor vehicle" means a motor vehicle or  
11 combination of motor vehicles used in commerce to transport  
12 passengers or property if the motor vehicle:

13 (1) Has a gross combination weight rating of 26,001 or more  
14 pounds which includes a towed unit with a gross vehicle weight  
15 rating of more than 10,000 pounds;

16 (2) Has a gross vehicle weight rating of 26,001 or more  
17 pounds;

18 (3) Is designed to transport 16 or more passengers, including  
19 the driver; or

20 (4) Regardless of size, is used in the transportation of  
21 materials which are considered to be hazardous for the purposes of  
22 the federal Hazardous Materials Transportation Act, 49 U.S.C. §§  
23 5101 et. seq., and for which the display of identifying placards is  
24 required pursuant to 49 C.F.R. Part 172, Subpart F.

25 (b) The phrase "concentration of alcohol of 0.04 or more but  
26 less than 0.08 in his or her blood or breath" means 0.04 gram or  
27 more but less than 0.08 gram of alcohol per 100 milliliters of the  
28 blood of a person or per 210 liters of his or her breath.

29 **Sec. 49.** NRS 484C.220 is hereby amended to read as follows:

30 484C.220 1. As agent for the Department, the officer who  
31 obtained the result of a test given pursuant to NRS 484C.150 or  
32 484C.160 shall immediately serve an order of revocation of the  
33 license, permit or privilege to drive on a person who has a  
34 concentration of alcohol of 0.08 or more in his or her blood or  
35 breath or has a detectable amount of a prohibited substance *other*  
36 *than marijuana* in his or her blood or urine, if that person is  
37 present, and shall seize the license or permit to drive of the person.  
38 The officer shall then advise the person of his or her right to  
39 administrative and judicial review of the revocation pursuant to  
40 NRS 484C.230 and, except as otherwise provided in this subsection,  
41 that the person has a right to request a temporary license. If the  
42 person currently is driving with a temporary license that was issued  
43 pursuant to this section or NRS 484C.230, the person is not entitled  
44 to request an additional temporary license pursuant to this section or  
45 NRS 484C.230, and the order of revocation issued by the officer



1 must revoke the temporary license that was previously issued. If the  
2 person is entitled to request a temporary license, the officer shall  
3 issue the person a temporary license on a form approved by the  
4 Department if the person requests one, which is effective for only 7  
5 days including the date of issuance. The officer shall immediately  
6 transmit the person's license or permit to the Department along with  
7 the written certificate required by subsection 2.

8 2. When a police officer has served an order of revocation of a  
9 driver's license, permit or privilege on a person pursuant to  
10 subsection 1, or later receives the result of an evidentiary test which  
11 indicates that a person, not then present, had a concentration of  
12 alcohol of 0.08 or more in his or her blood or breath or had a  
13 detectable amount of a prohibited substance *other than marijuana*  
14 in his or her blood or urine, the officer shall immediately prepare  
15 and transmit to the Department, together with the seized license or  
16 permit and a copy of the result of the test, a written certificate that  
17 the officer had reasonable grounds to believe that the person had  
18 been driving or in actual physical control of a vehicle with a  
19 concentration of alcohol of 0.08 or more in his or her blood or  
20 breath or with a detectable amount of a prohibited substance *other*  
21 *than marijuana* in his or her blood or urine, as determined by a  
22 chemical test. The certificate must also indicate whether the officer  
23 served an order of revocation on the person and whether the officer  
24 issued the person a temporary license.

25 3. The Department, upon receipt of such a certificate for which  
26 an order of revocation has not been served, after examining the  
27 certificate and copy of the result of the chemical test, if any, and  
28 finding that revocation is proper, shall issue an order revoking the  
29 person's license, permit or privilege to drive by mailing the order to  
30 the person at the person's last known address. The order must  
31 indicate the grounds for the revocation and the period during which  
32 the person is not eligible for a license, permit or privilege to drive  
33 and state that the person has a right to administrative and judicial  
34 review of the revocation and to have a temporary license. The order  
35 of revocation becomes effective 5 days after mailing.

36 4. Notice of an order of revocation and notice of the  
37 affirmation of a prior order of revocation or the cancellation of a  
38 temporary license provided in NRS 484C.230 is sufficient if it is  
39 mailed to the person's last known address as shown by any  
40 application for a license. The date of mailing may be proved by the  
41 certificate of any officer or employee of the Department, specifying  
42 the time of mailing the notice. The notice is presumed to have been  
43 received upon the expiration of 5 days after it is deposited, postage  
44 prepaid, in the United States mail.



1       **Sec. 50.** NRS 484C.230 is hereby amended to read as follows:

2       484C.230 1. At any time while a person is not eligible for a  
3 license, permit or privilege to drive following an order of revocation  
4 issued pursuant to NRS 484C.220, the person may request in writing  
5 a hearing by the Department to review the order of revocation, but  
6 the person is only entitled to one hearing. The hearing must be  
7 conducted within 15 days after receipt of the request, or as soon  
8 thereafter as is practicable, in the county where the requester resides  
9 unless the parties agree otherwise. The Director or agent of the  
10 Director may issue subpoenas for the attendance of witnesses and  
11 the production of relevant books and papers and may require a  
12 reexamination of the requester. Unless the person is ineligible for a  
13 temporary license pursuant to NRS 484C.220, the Department shall  
14 issue an additional temporary license for a period which is sufficient  
15 to complete the administrative review.

16       2. The scope of the hearing must be limited to the issue of  
17 whether the person, at the time of the test, had a concentration of  
18 alcohol of 0.08 or more in his or her blood or breath or a detectable  
19 amount of a prohibited substance *other than marijuana* in his or her  
20 blood or urine. Upon an affirmative finding on this issue, the  
21 Department shall affirm the order of revocation. Otherwise, the  
22 order of revocation must be rescinded.

23       3. If, after the hearing, the order of revocation is affirmed, the  
24 person whose license, privilege or permit has been revoked is  
25 entitled to a review of the same issues in district court in the same  
26 manner as provided by chapter 233B of NRS. The court shall notify  
27 the Department upon the issuance of a stay, and the Department  
28 shall issue an additional temporary license for a period which is  
29 sufficient to complete the review.

30       4. If a hearing officer grants a continuance of a hearing at the  
31 request of the person whose license was revoked, or a court does so  
32 after issuing a stay of the revocation, the officer or court shall notify  
33 the Department, and the Department shall cancel the temporary  
34 license and notify the holder by mailing the order of cancellation to  
35 the person's last known address.

36       **Sec. 51.** NRS 488.410 is hereby amended to read as follows:

37       488.410 1. It is unlawful for any person who:

38       (a) Is under the influence of intoxicating liquor;

39       (b) Has a concentration of alcohol of 0.08 or more in his or her  
40 blood or breath; or

41       (c) Is found by measurement within 2 hours after operating or  
42 being in actual physical control of a vessel to have a concentration  
43 of alcohol of 0.08 or more in his or her blood or breath,

44       ↪ to operate or be in actual physical control of a vessel under power  
45 or sail on the waters of this State.



1 2. It is unlawful for any person who:  
 2 (a) Is under the influence of a controlled substance;  
 3 (b) Is under the combined influence of intoxicating liquor and a  
 4 controlled substance; or  
 5 (c) Inhales, ingests, applies or otherwise uses any chemical,  
 6 poison or organic solvent, or any compound or combination of any  
 7 of these, to a degree which renders the person incapable of safely  
 8 operating or exercising actual physical control of a vessel under  
 9 power or sail,  
 10 ↪ to operate or be in actual physical control of a vessel under power  
 11 or sail on the waters of this State.

12 3. It is unlawful for any person to operate or be in actual  
 13 physical control of a vessel under power or sail on the waters of this  
 14 State with an amount of a prohibited substance in his or her blood or  
 15 urine that is equal to or greater than:

16 Prohibited substance	17 Urine 18 Nanograms per 19 milliliter	20 Blood 21 Nanograms per 22 milliliter
23 (a) Amphetamine	24 500	25 100
26 (b) Cocaine	27 150	28 50
29 (c) Cocaine metabolite	30 150	31 50
32 (d) Heroin	33 2,000	34 50
35 (e) Heroin metabolite:		
36 (1) Morphine	37 2,000	38 50
39 (2) 6-monoacetyl morphine	40 10	41 10
42 (f) Lysergic acid diethylamide	43 25	44 10
45 (g) <del>Marijuana</del>	<del>10</del>	<del>2</del>
<del>(h) Marijuana metabolite</del>	<del>15</del>	<del>5</del>
<del>(i) Methamphetamine</del>	500	100
<del>(j)</del> (h) Phencyclidine	25	10

35 4. If consumption is proven by a preponderance of the  
 36 evidence, it is an affirmative defense under paragraph (c) of  
 37 subsection 1 that the defendant consumed a sufficient quantity of  
 38 alcohol after operating or being in actual physical control of the  
 39 vessel, and before his or her blood was tested, to cause the  
 40 defendant to have a concentration of 0.08 or more of alcohol in his  
 41 or her blood or breath. A defendant who intends to offer this defense  
 42 at a trial or preliminary hearing must, not less than 14 days before  
 43 the trial or hearing or at such other time as the court may direct, file  
 44 and serve on the prosecuting attorney a written notice of that intent.

45 5. Except as otherwise provided in NRS 488.427, a person who  
 violates the provisions of this section is guilty of a misdemeanor.



1       **Sec. 52.** Section 8 of this act is hereby amended to read as  
2 follows:

3               Sec. 8. 1. The provider shall not allow a person to  
4 provide education and training for medical marijuana  
5 establishment agents unless the person has been certified by  
6 the Division as an instructor.

7               2. The Division shall, by regulation, provide for the  
8 certification of instructors. The regulations adopted pursuant  
9 to this subsection must set forth:

10              (a) The qualifications necessary for the issuance of a  
11 certificate as an instructor, including, without limitation, the  
12 topic areas in which a person must establish proficiency and  
13 the education and experience required for such certification.

14              (b) Any continuing education necessary for the renewal of  
15 a certificate as an instructor issued pursuant to this section.

16              (c) The grounds for initiating disciplinary action against a  
17 person who holds a certificate, including, without limitation,  
18 the grounds for placing conditions, limitations or restrictions  
19 on a certificate and for the suspension or revocation of a  
20 certificate.

21              3. An instructor may not be required to obtain a medical  
22 marijuana establishment agent registration card as a condition  
23 for such certification.

24              4. An instructor shall not provide instruction which  
25 involves the actual handling or transportation of marijuana.

26              ~~5. In addition to any other requirements set forth in this~~  
27 ~~chapter and regulations adopted pursuant thereto, an applicant~~  
28 ~~for issuance or renewal of a certificate as an instructor shall:~~

29              ~~—(a) Include the social security number of the applicant in~~  
30 ~~the application submitted to the Division.~~

31              ~~—(b) Submit to the Division the statement prescribed by the~~  
32 ~~Division of Welfare and Supportive Services of the~~  
33 ~~Department of Health and Human Services pursuant to NRS~~  
34 ~~425.520. The statement must be completed and signed by the~~  
35 ~~applicant.~~

36              ~~6. The Division shall include the statement required~~  
37 ~~pursuant to subsection 5 in:~~

38              ~~—(a) The application or any other forms that must be~~  
39 ~~submitted for the issuance or renewal of the certificate of the~~  
40 ~~instructor; or~~

41              ~~—(b) A separate form prescribed by the Division.~~

42              ~~7. A certificate as an instructor may not be issued or~~  
43 ~~renewed by the Division if the applicant:~~

44              ~~—(a) Fails to submit the statement required pursuant to~~  
45 ~~subsection 5; or~~



1 ~~—(b) Indicates on the statement submitted pursuant to~~  
2 ~~subsection 5 that the applicant is subject to a court order for~~  
3 ~~the support of a child and is not in compliance with the order~~  
4 ~~or a plan approved by the district attorney or other public~~  
5 ~~agency enforcing the order for the repayment of the amount~~  
6 ~~owed pursuant to the order.~~

7 ~~—8. If an applicant indicates on the statement submitted~~  
8 ~~pursuant to subsection 5 that the applicant is subject to a court~~  
9 ~~order for the support of a child and is not in compliance with~~  
10 ~~the order or a plan approved by the district attorney or other~~  
11 ~~public agency enforcing the order for the repayment of the~~  
12 ~~amount owed pursuant to the order, the Division shall advise~~  
13 ~~the applicant to contact the district attorney or other public~~  
14 ~~agency enforcing the order to determine the actions that the~~  
15 ~~applicant may take to satisfy the arrearage.~~

16 ~~—9. If the Division receives a copy of a court order~~  
17 ~~issued pursuant to NRS 425.540 that provides for the~~  
18 ~~suspension of all professional, occupational and recreational~~  
19 ~~licenses, certificates and permits issued to a person who is the~~  
20 ~~holder of a certificate as an instructor, the Division~~  
21 ~~shall deem the certificate issued to that person to be~~  
22 ~~suspended at the end of the 30th day after the date on which~~  
23 ~~the court order was issued unless the Division receives a letter~~  
24 ~~issued to the holder of the certificate, by the district attorney~~  
25 ~~or other public agency pursuant to NRS 425.550, stating~~  
26 ~~that the holder of the certificate has complied with the~~  
27 ~~subpoena or warrant or has satisfied the arrearage pursuant to~~  
28 ~~NRS 425.560.~~

29 ~~—10. The Division shall reinstate the certificate of an~~  
30 ~~instructor which has been suspended by a district court~~  
31 ~~pursuant to NRS 425.540 if the Division receives a letter~~  
32 ~~issued by the district attorney or other public agency pursuant~~  
33 ~~to NRS 425.550 to the person whose certificate was~~  
34 ~~suspended stating that the person whose certificate was~~  
35 ~~suspended has complied with the subpoena or warrant or has~~  
36 ~~satisfied the arrearage pursuant to NRS 425.560.]~~

37 **Sec. 53.** The Division of Public and Behavioral Health of the  
38 Department of Health and Human Services shall adopt the  
39 regulations:

40 1. Required by sections 18 and 20 of this act on or before  
41 December 1, 2015.

42 2. Required by sections 7 and 8 of this act on or before  
43 January 1, 2016.

44 **Sec. 54.** NRS 453A.366 is hereby repealed.





1     **Sec. 55.** 1. This section and sections 2 to 36, inclusive, 38 to  
2 51, inclusive, 53 and 54 of this act become effective on October 1,  
3 2015.

4     2. Section 37 of this act becomes effective on April 1, 2016.

5     3. Section 52 of this act becomes effective on the date on  
6 which the provisions of 42 U.S.C. § 666 requiring each state to  
7 establish procedures under which the state has authority to withhold  
8 or suspend, or to restrict the use of professional, occupational and  
9 recreational licenses of persons who:

10     (a) Have failed to comply with a subpoena or warrant relating to  
11 a proceeding to determine the paternity of a child or to establish or  
12 enforce an obligation for the support of a child; or

13     (b) Are in arrears in the payment for the support of one or more  
14 children,

15     ↪ are repealed by the Congress of the United States.

---

---

### TEXT OF REPEALED SECTION

---

---

#### **453A.366 Designation of medical marijuana dispensary.**

1. A patient who holds a valid registry identification card and his or her designated primary caregiver, if any, may select one medical marijuana dispensary to serve as his or her designated medical marijuana dispensary at any one time.

2. A patient who designates a medical marijuana dispensary as described in subsection 1:

(a) Shall communicate the designation to the Division within the time specified by the Division.

(b) May change his or her designation not more than once in a 30-day period.

H

