

SUMMARY—Revises various provisions relating to marijuana concerning health and regulation. (BDR 40-361)

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

Effect on the State: Yes.

AN ACT relating to marijuana; revising various provisions relating to the medical use of marijuana; transferring the program for the medical use of marijuana from the Division of Public and Behavioral Health of the Department of Health and Human Services to the Department of Taxation; authorizing the registration of medical marijuana research facilities; authorizing the registration of nonprofit medical marijuana dispensaries; revising the maximum amount of marijuana that the holder of a registry identification card or letter of approval may possess; allowing the holder of a registry identification card to cultivate, grow or produce marijuana and give marijuana to another holder of a registry identification card or letter of approval in certain circumstances; revising provisions relating to registry identification cards; revising provisions relating to medical marijuana establishments; authorizing the growth and handling of industrial hemp and the production of agricultural hemp seed in certain circumstances; providing penalties; and providing other matters properly relating thereto.



Legislative Counsel's Digest:

Existing law exempts a person who holds a valid registry identification card from state prosecution for the use, possession, delivery and production of marijuana. (NRS 453A.200) Existing law also exempts a person who holds a valid medical marijuana establishment registration certificate or medical marijuana establishment agent registration card from state prosecution for possession, delivery and production of marijuana and provides for the registration and regulation of such persons and establishments. (NRS 453A.200, 453A.320-453A.370) **Sections 7, 11-13, 16, 17, 19, 21-23, 25-67, 109 and 113-117** of this bill transfer the responsibility for the governance of the medical use of marijuana from the Division of Public and Behavioral Health of the Department of Health and Human Services to the Department of Taxation.

Sections 8, 12, 24, 38, 46 and 48 of this bill authorize the existence of medical marijuana research facilities. **Section 12** of this bill establishes requirements for the certification and operation of a medical marijuana research facility. **Section 38** of this bill requires the submission of proof of the approval by the scientific review panel established by the Department of the program of research in which a medical marijuana research facility is engaged for renewal of the medical marijuana establishment registration certificate of the facility. **Section 46** of this bill prohibits research not approved by the scientific review panel. **Section 48** of this bill establishes the fees for the issuance and renewal of a marijuana establishment registration certificate for a medical marijuana research facility.



Sections 9, 11, 23 and 38-40 of this bill authorize the existence of nonprofit medical marijuana dispensaries. **Section 11** of this bill allows a nonprofit medical marijuana dispensary to accept donations of marijuana. **Section 11** also requires a nonprofit medical marijuana dispensary to provide education relating to the medical use of marijuana and, subject to the regulations of the Department, to sell at a reduced price or donate marijuana to holders of valid registry identification cards on the basis of financial need. **Section 23** of this bill applies to nonprofit medical marijuana dispensaries the provisions of law which apply to medical marijuana dispensaries. **Section 38** of this bill imposes certain requirements on a proposed nonprofit medical marijuana dispensary in addition to those which apply to proposed medical marijuana dispensaries. **Section 39** of this bill excludes nonprofit medical marijuana dispensaries from the limit on the number of medical marijuana establishment registration certificates issued to medical marijuana dispensaries and requires the Department to determine the appropriate number of nonprofit medical marijuana dispensaries.

Section 10 of this bill allows a medical marijuana establishment to be organized as a corporation and issue shares of stock. **Section 13** of this bill allows the Executive Director of the Department to impose an administrative fine for a violation of the laws or regulations of this State relating to the medical use of marijuana. **Section 20** of this bill prohibits a person who has been convicted of a felony involving fraud from being an owner, officer or board member of a medical marijuana establishment. **Sections 38, 57 and 113** of this bill require an independent testing laboratory to become accredited pursuant to standard ISO/IEC 17025 of the International Organization for Standardization. **Section 42** of this bill allows an independent contractor who



obtains a medical marijuana establishment agent registration card to work for any number of medical marijuana establishments without obtaining a separate card for each establishment and to temporarily work upon submission of an application for a card. **Section 43** of this bill provides that the transfer of a medical marijuana establishment registration certificate by the Department is not a transfer of, and does not resolve any conflict over, ownership of a medical marijuana establishment. **Sections 50 and 114** of this bill require medical marijuana establishments to install a video monitoring system which is capable of remote access by a law enforcement agency in real-time. **Section 54** of this bill prohibits certain medical marijuana establishments from offering for sale or donation edible marijuana products or marijuana-infused products that are produced in a form that is appealing to children. **Section 57** of this bill requires an independent testing laboratory to demonstrate to the Department the validity and accuracy of its testing methods. **Section 63** of this bill allows the Department to release certain information relating to holders of a medical marijuana establishment registration certificate to authorized employees of the Department or of state and local law enforcement agencies in certain circumstances.

Section 16 of this bill adds post-traumatic stress disorder as a chronic or debilitating medical condition for which a registry identification card may be issued. **Section 16** also allows a registry identification card to be issued for an unlisted medical condition if the attending provider of health care identifies the condition as chronic or debilitating. **Section 29** of this bill revises the quantity of marijuana that a holder of a registry identification card is allowed to possess. **Section 29** also authorizes the holder of a valid registry identification card or his or her designated



primary caregiver to cultivate, grow or produce marijuana and give marijuana to another holder of a registry identification card under certain circumstances. **Sections 27, 30, 31 and 67** of this bill allow the issuance of a permanent registry identification card, upon payment of a one-time fee, to a veteran or a person who suffers from a chronic or debilitating medical condition which is terminal, incurable or permanent. **Section 30** also allows a person who has previously been convicted of knowingly or intentionally selling a controlled substance to obtain a registry identification card. **Section 35** of this bill allows, with certain exceptions, a person who holds a registry identification card to be a designated primary caregiver for one person. **Section 50** of this bill allows the holder of a valid registry identification card or the designated primary caregiver of a holder of a registry identification card or letter of approval to sell usable marijuana to a medical marijuana dispensary or marijuana plants to a cultivation facility not more than once in any 3-year period.

Sections 1, 2, 5, 6, 8-73, 75 and 78-86 of this bill revise various provisions of law which prohibit the use of controlled substances or declare persons who habitually use controlled substances to have a certain status to exclude the medical use of marijuana in accordance with the laws of this State.

Existing law authorizes an institution of higher education or the State Department of Agriculture to grow or cultivate industrial hemp for purposes of research conducted under an agricultural pilot program or for other agricultural or academic research. (NRS 557.070) **Sections 88-107** of this bill create a separate program for the growth and cultivation of industrial hemp and produce agricultural hemp seed in this State. **Section 98** of this bill requires a person



who wishes to grow or handle industrial hemp or produce agricultural hemp seed to register with the State Department of Agriculture. **Sections 100-103** of this bill establish requirements for such growers, handlers and producers. **Section 105** of this bill requires the testing of commodities or products made using industrial hemp by an independent testing laboratory.

THE PEOPLE OF THE STATE OF NEVADA, REPRESENTED IN

SENATE AND ASSEMBLY, DO ENACT AS FOLLOWS:

Section 1. NRS 449.174 is hereby amended to read as follows:

449.174 1. In addition to the grounds listed in NRS 449.160, the Division may deny a license to operate a facility, hospital, agency, program or home to an applicant or may suspend or revoke the license of a licensee to operate such a facility, hospital, agency, program or home if:

(a) The applicant or licensee has been convicted of:

- (1) Murder, voluntary manslaughter or mayhem;
- (2) Assault or battery with intent to kill or to commit sexual assault or mayhem;
- (3) Sexual assault, statutory sexual seduction, incest, lewdness or indecent exposure, or any other sexually related crime that is punished as a felony;
- (4) Prostitution, solicitation, lewdness or indecent exposure, or any other sexually related crime that is punished as a misdemeanor, within the immediately preceding 7 years;
- (5) A crime involving domestic violence that is punished as a felony;



(6) A crime involving domestic violence that is punished as a misdemeanor, within the immediately preceding 7 years;

(7) Abuse or neglect of a child or contributory delinquency;

(8) A violation of any federal or state law regulating the possession, distribution or use of any controlled substance or any dangerous drug as defined in chapter 454 of NRS, *except the possession or use of marijuana in accordance with the provisions of chapter 453A of NRS*, within the immediately preceding 7 years;

(9) Abuse, neglect, exploitation, isolation or abandonment of older persons or vulnerable persons, including, without limitation, a violation of any provision of NRS 200.5091 to 200.50995, inclusive, or a law of any other jurisdiction that prohibits the same or similar conduct;

(10) A violation of any provision of law relating to the State Plan for Medicaid or a law of any other jurisdiction that prohibits the same or similar conduct, within the immediately preceding 7 years;

(11) A violation of any provision of NRS 422.450 to 422.590, inclusive;

(12) A criminal offense under the laws governing Medicaid or Medicare, within the immediately preceding 7 years;

(13) Any offense involving fraud, theft, embezzlement, burglary, robbery, fraudulent conversion or misappropriation of property, within the immediately preceding 7 years;

(14) Any other felony involving the use or threatened use of force or violence against the victim or the use of a firearm or other deadly weapon; or



(15) An attempt or conspiracy to commit any of the offenses listed in this paragraph, within the immediately preceding 7 years;

(b) The licensee has, in violation of NRS 449.125, continued to employ a person who has been convicted of a crime listed in paragraph (a); or

(c) The applicant or licensee has had a substantiated report of child abuse or neglect made against him or her and if the facility, hospital, agency, program or home provides residential services to children.

2. In addition to the grounds listed in NRS 449.160, the Division may suspend or revoke the license of a licensee to operate an agency to provide personal care services in the home, an agency to provide nursing in the home, a community health worker pool or a peer support recovery organization if the licensee has, in violation of NRS 449.125, continued to employ a person who has been convicted of a crime listed in paragraph (a) of subsection 1.

3. As used in this section:

(a) “Domestic violence” means an act described in NRS 33.018.

(b) “Facility, hospital, agency, program or home” has the meaning ascribed to it in NRS 449.119.

(c) “Medicaid” has the meaning ascribed to it in NRS 439B.120.

(d) “Medicare” has the meaning ascribed to it in NRS 439B.130.

Sec. 2. NRS 449.4332 is hereby amended to read as follows:



449.4332 In addition to the grounds listed in NRS 449.4321, the Division may deny a certificate to operate an intermediary service organization to an applicant or may suspend or revoke a certificate of a holder of a certificate to operate an intermediary service organization if:

1. The applicant for or holder of the certificate has been convicted of:

(a) Murder, voluntary manslaughter or mayhem;

(b) Assault with intent to kill or to commit sexual assault or mayhem;

(c) Sexual assault, statutory sexual seduction, incest, lewdness or indecent exposure, or any other sexually related crime that is punished as a felony;

(d) Prostitution, solicitation, lewdness or indecent exposure, or any other sexually related crime that is punished as a misdemeanor, if the conviction occurred within the immediately preceding 7 years;

(e) Abuse or neglect of a child or contributory delinquency;

(f) A violation of any federal or state law regulating the possession, distribution or use of any controlled substance or any dangerous drug as defined in chapter 454 of NRS, *except the possession or use of marijuana in accordance with the provisions of chapter 453A of NRS*, within the past 7 years;

(g) A violation of any provision of NRS 200.5099 or 200.50995;

(h) Any offense involving fraud, theft, embezzlement, burglary, robbery, fraudulent conversion or misappropriation of property, within the immediately preceding 7 years; or

(i) Any other felony involving the use of a firearm or other deadly weapon, within the immediately preceding 7 years; or



2. The holder of a certificate has continued to employ a person who has been convicted of a crime listed in subsection 1.

Sec. 3. NRS 453.096 is hereby amended to read as follows:

453.096 1. “Marijuana” means:

- (a) All parts of any plant of the genus Cannabis, whether growing or not;
- (b) The seeds thereof;
- (c) The resin extracted from any part of the plant, including concentrated cannabis; and
- (d) Every compound, manufacture, salt, derivative, mixture or preparation of the plant, its seeds or resin.

2. “Marijuana” does not include:

- (a) Industrial hemp, as defined in NRS 557.040, *and section 94 of this act*, which is grown , ~~for~~ cultivated *or handled* pursuant to the provisions of chapter 557 of NRS; or
- (b) The mature stems of the plant, fiber produced from the stems, oil or cake made from the seeds of the plant, any other compound, manufacture, salt, derivative, mixture or preparation of the mature stems (except the resin extracted therefrom), fiber, oil or cake, or the sterilized seed of the plant which is incapable of germination.

Sec. 4. NRS 453.339 is hereby amended to read as follows:

453.339 1. Except as otherwise provided in NRS 453.011 to 453.552, inclusive, a person who knowingly or intentionally sells, manufactures, delivers or brings into this State or who is knowingly or intentionally in actual or constructive possession of marijuana or concentrated cannabis shall be punished, if the quantity involved:



(a) Is 50 pounds or more, but less than 1,000 pounds, of marijuana or 1 pound or more, but less than 20 pounds, of concentrated cannabis, for a category C felony as provided in NRS 193.130 and by a fine of not more than \$25,000.

(b) Is 1,000 pounds or more, but less than 5,000 pounds, of marijuana or 20 pounds or more, but less than 100 pounds, of concentrated cannabis, for a category B felony by imprisonment in the state prison for a minimum term of not less than 2 years and a maximum term of not more than 10 years and by a fine of not more than \$50,000.

(c) Is 5,000 pounds or more of marijuana or 100 pounds or more of concentrated cannabis, for a category A felony by imprisonment in the state prison:

(1) For life with the possibility of parole, with eligibility for parole beginning when a minimum of 5 years has been served; or

(2) For a definite term of 15 years, with eligibility for parole beginning when a minimum of 5 years has been served,

↪ and by a fine of not more than \$200,000.

2. For the purposes of this section:

(a) “Marijuana” means all parts of any plant of the genus Cannabis, whether growing or not, except for industrial hemp, as defined in NRS 557.040, *and section 94 of this act*, which is grown or cultivated pursuant to the provisions of chapter 557 of NRS. The term does not include concentrated cannabis.



(b) The weight of marijuana or concentrated cannabis is its weight when seized or as soon as practicable thereafter. If marijuana and concentrated cannabis are seized together, each must be weighed separately and treated as separate substances.

Sec. 5. NRS 453.411 is hereby amended to read as follows:

453.411 1. It is unlawful for a person knowingly to use or be under the influence of a controlled substance except in accordance with a lawfully issued prescription ~~H~~ *or the provisions of chapter 453A of NRS.*

2. It is unlawful for a person knowingly to use or be under the influence of a controlled substance except when administered to the person at a rehabilitation clinic established or licensed by the Division of Public and Behavioral Health of the Department, or a hospital certified by the Department ~~H~~ *or when used in accordance with the provisions of chapter 453A of NRS.*

3. Unless a greater penalty is provided in NRS 212.160, a person who violates this section shall be punished:

(a) If the controlled substance is listed in schedule I, II, III or IV, for a category E felony as provided in NRS 193.130.

(b) If the controlled substance is listed in schedule V, for a gross misdemeanor by imprisonment in the county jail for not more than 364 days, and may be further punished by a fine of not more than \$1,000.

Sec. 6. Chapter 453A of NRS is hereby amended by adding thereto the provisions set forth as sections 7 to 13, inclusive, of this act.



Sec. 7. *“Department” means the Department of Taxation.*

Sec. 8. *“Medical marijuana research facility” means a facility described in section 12 of this act.*

Sec. 9. *“Nonprofit medical marijuana dispensary” means a medical marijuana dispensary which provides education on the medical use of marijuana and sells at a reduced price or donates marijuana or related supplies and educational materials to persons who hold valid registry identification cards on the basis of financial need.*

Sec. 10. 1. *A medical marijuana establishment may be organized as a corporation and issue shares of common or preferred stock as evidence of an ownership interest in the medical marijuana establishment.*

2. *A person may not acquire ownership of stock in a medical marijuana establishment unless the person complies with the requirements of paragraphs (a), (b) and (c) of subsection 2 of NRS 453A.334.*

Sec. 11. 1. *A nonprofit medical marijuana dispensary may:*

(a) Engage in any activity that a medical marijuana dispensary is authorized to engage in; and

(b) Subject to any limitations prescribed by regulation of the Department, accept donations of marijuana for sale at a reduced price or as a donation to persons who hold valid registry identification cards on the basis of financial need.

2. *A nonprofit medical marijuana dispensary, in consultation with the Department, shall:*



(a) Provide education to persons who hold valid registry identification cards relating to the medical use of marijuana; and

(b) Subject to any limitations prescribed by regulation of the Department, sell at a reduced price or donate marijuana to persons who hold valid registry identification cards on the basis of financial need.

3. The Department shall adopt such regulations as it determines to be necessary or advisable to carry out the provisions of this section.

Sec. 12. 1. The Department shall establish standards for and certify one or more medical marijuana research facilities to perform research relating to the medical use of marijuana, including, without limitation, the possession, cultivation and processing of marijuana, the creation of products containing marijuana and the administration of products containing marijuana to persons who may legally consume such products for scientific study.

2. To obtain certification by the Department as a medical marijuana research facility, an applicant must:

(a) Be certified pursuant to this section.

(b) Apply successfully as required pursuant to NRS 453A.322.

(c) Pay the fees required pursuant to NRS 453A.344.

3. The Department, in collaboration with the Division of Public and Behavioral Health of the Department of Health and Human Services, shall establish a scientific review panel composed of persons with the experience, knowledge and ability to evaluate:

(a) A program of research proposed by a proposed medical marijuana research facility;



(b) Revisions to a program of research proposed by a medical marijuana research facility;
and

(c) Whether a proposed medical marijuana research facility or medical marijuana research facility, as applicable, has the appropriate personnel, expertise, infrastructure, funding and any necessary approval from the Federal Government, this State or a local government to successfully perform a proposed or revised program of research, as applicable.

4. Before issuing a medical marijuana establishment registration certificate to a medical marijuana research facility, the Department shall:

(a) Require the proposed medical marijuana research facility to submit to the Department a description of the program of research that the proposed medical marijuana research facility intends to conduct and the capacity of the proposed medical marijuana research facility to conduct the proposed program of research; and

(b) If the program of research has not received approval from the Federal Government pursuant to 21 U.S.C. § 823 or other applicable provisions of federal law, transmit the information received pursuant to paragraph (a) to the scientific review panel for evaluation.

5. Before a medical marijuana research facility makes any change to its program of research which has not received approval from the Federal Government pursuant to 21 U.S.C. § 823 or other applicable provisions of federal law, the medical marijuana research facility must submit to the Department for transmission to the scientific review panel a description of the revised program of research that the medical marijuana research facility intends to



conduct and the capacity of the medical marijuana research facility to conduct the revised program of research.

6. The scientific review panel shall evaluate the information received from the Department pursuant to subsection 4 or 5 as soon as practicable and recommend to the Department whether the program of research should be approved.

7. If the scientific review panel recommends approval of a program of research or a program of research has received approval from the Federal Government pursuant to 21 U.S.C. § 823 or other applicable provisions of federal law, the Department may:

(a) Approve the issuance of a medical marijuana establishment registration certificate to the proposed medical marijuana research facility; or

(b) Authorize the medical marijuana research facility to change its program of research.

Sec. 13. *In addition to any other remedy or penalty, the Executive Director of the Department may impose an administrative fine of not more than \$10,000 per violation upon a person who violates any provision of NRS 453A.320 to 453A.370, inclusive, and sections 10 to 13, inclusive, of this act or any regulation adopted pursuant thereto.*

Sec. 14. NRS 453A.010 is hereby amended to read as follows:

453A.010 As used in this chapter, unless the context otherwise requires, the words and terms defined in NRS 453A.020 to 453A.170, inclusive, *and sections 7, 8 and 9 of this act* have the meanings ascribed to them in those sections.

Sec. 15. NRS 453A.030 is hereby amended to read as follows:



453A.030 “Attending ~~physician~~ *provider of health care*” means a ~~physician~~ *provider of health care, as defined in NRS 629.031*, who:

1. Is licensed *or certified* to practice ~~+~~
 - ~~(a) Medicine pursuant to the provisions of chapter 630 of NRS; or~~
 - ~~(b) Osteopathic medicine pursuant to the provisions of chapter 633 of NRS; and~~ *a profession which authorizes the person to issue a recommendation for the medical use of marijuana to mitigate the symptoms or effects of a chronic or debilitating medical condition;*
and
2. Has responsibility for the care and treatment of a person diagnosed with a chronic or debilitating medical condition.

Sec. 16. NRS 453A.050 is hereby amended to read as follows:

453A.050 “Chronic or debilitating medical condition” means:

1. Acquired immune deficiency syndrome;
2. Cancer;
3. Glaucoma;
4. *Post-traumatic stress disorder;*
5. A medical condition or treatment for a medical condition that produces, for a specific patient, one or more of the following:
 - (a) Cachexia;
 - (b) Persistent muscle spasms, including, without limitation, spasms caused by multiple sclerosis;



- (c) Seizures, including, without limitation, seizures caused by epilepsy;
- (d) Severe nausea; or
- (e) Severe pain; or

~~15.1~~ **6.** Any other medical condition or treatment for a medical condition that is:

- (a) Classified as a chronic or debilitating medical condition by regulation of the ~~Division; or~~

Department;

(b) Approved as a chronic or debilitating medical condition pursuant to a petition submitted in accordance with NRS 453A.710 ~~H~~; *or*

(c) Determined to be, in the opinion of the attending provider of health care, chronic or debilitating and identified as such in written documentation submitted with an application for a registry identification card or letter of approval pursuant to NRS 453A.210.

Sec. 17. NRS 453A.056 is hereby amended to read as follows:

453A.056 “Cultivation facility” means a business that:

1. Is registered with the ~~Division~~ *Department* pursuant to NRS 453A.322; and
2. Acquires, possesses, cultivates, delivers, transfers, transports, supplies or sells marijuana and related supplies to:
 - (a) Medical marijuana dispensaries;
 - (b) Facilities for the production of edible marijuana products or marijuana-infused products;

or

- (c) Other cultivation facilities.

Sec. 18. NRS 453A.080 is hereby amended to read as follows:



453A.080 1. “Designated primary caregiver” means a person who:

(a) Is 18 years of age or older;

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

(c) Is designated as such in the manner required pursuant to NRS 453A.250.

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

Sec. 19. NRS 453A.102 is hereby amended to read as follows:

453A.102 “Electronic verification system” means an electronic database that:

1. Keeps track of data in real time; and

2. Is accessible by the ~~Division~~ *Department* and by registered medical marijuana establishments.

Sec. 20. NRS 453A.104 is hereby amended to read as follows:

453A.104 1. “Excluded felony offense” means:

(a) A crime of violence; ~~or~~

(b) A violation of a state or federal law pertaining to controlled substances, if the law was punishable as a felony in the jurisdiction where the person was convicted ~~or~~; *or*

(c) A crime involving fraud.

2. The term does not include:

(a) A criminal offense for which the sentence, including any term of probation, incarceration or supervised release, was completed more than 10 years before; or



(b) An offense involving conduct that would be immune from arrest, prosecution or penalty pursuant to NRS 453A.320 to 453A.370, inclusive, *and sections 10 to 13, inclusive, of this act* except that the conduct occurred before April 1, 2014, or was prosecuted by an authority other than the State of Nevada.

Sec. 21. NRS 453A.105 is hereby amended to read as follows:

453A.105 “Facility for the production of edible marijuana products or marijuana-infused products” means a business that:

1. Is registered with the ~~Division~~ *Department* pursuant to NRS 453A.322; and
2. Acquires, possesses, manufactures, delivers, transfers, transports, supplies or sells edible marijuana products or marijuana-infused products to medical marijuana dispensaries.

Sec. 22. NRS 453A.109 is hereby amended to read as follows:

453A.109 “Letter of approval” means a document issued by the ~~Division~~ *Department* to an applicant who is under 10 years of age pursuant to NRS 453A.220 which provides that the applicant is exempt from state prosecution for engaging in the medical use of marijuana.

Sec. 23. NRS 453A.115 is hereby amended to read as follows:

453A.115 *1.* “Medical marijuana dispensary” means a business that:

- ~~1.~~ *(a)* Is registered with the ~~Division~~ *Department* pursuant to NRS 453A.322; and
- ~~2.~~ *(b)* Acquires, possesses, delivers, transfers, transports, supplies, sells or dispenses marijuana or related supplies and educational materials to the holder of a valid registry identification card.

2. The term includes a nonprofit medical marijuana dispensary.



Sec. 24. NRS 453A.116 is hereby amended to read as follows:

453A.116 “Medical marijuana establishment” means:

1. An independent testing laboratory;
2. A cultivation facility;
3. A facility for the production of edible marijuana products or marijuana-infused products;

~~or~~

4. A medical marijuana dispensary ~~H~~ ; *or*

5. *A medical marijuana research facility.*

Sec. 25. NRS 453A.118 is hereby amended to read as follows:

453A.118 “Medical marijuana establishment agent registration card” means a registration card that is issued by the ~~Division~~ *Department* pursuant to NRS 453A.332 to authorize a person to volunteer or work at a medical marijuana establishment.

Sec. 26. NRS 453A.119 is hereby amended to read as follows:

453A.119 “Medical marijuana establishment registration certificate” means a registration certificate that is issued by the ~~Division~~ *Department* pursuant to NRS 453A.322 to authorize the operation of a medical marijuana establishment.

Sec. 27. NRS 453A.140 is hereby amended to read as follows:

453A.140 *1.* “Registry identification card” means a document issued by the ~~Division~~ *Department* or its designee that identifies:

~~H~~ *(a)* A person who is exempt from state prosecution for engaging in the medical use of marijuana; or



~~12.~~ (b) The designated primary caregiver, if any, of a person described in subsection 1.

2. The term includes a permanent registry identification card issued to a veteran pursuant to paragraph (c) of subsection 1 of NRS 453A.220.

Sec. 28. NRS 453A.170 is hereby amended to read as follows:

453A.170 “Written documentation” means:

1. A statement signed by the attending ~~physician~~ *provider of health care* of a person diagnosed with a chronic or debilitating medical condition; or
2. Copies of the relevant medical records of a person diagnosed with a chronic or debilitating medical condition.

Sec. 29. NRS 453A.200 is hereby amended to read as follows:

453A.200 1. Except as otherwise provided in this section and NRS 453A.300, a person who holds a valid registry identification card issued to the person pursuant to NRS 453A.220 or 453A.250 is exempt from state prosecution for:

- (a) Possession, delivery or production of marijuana;
- (b) Possession or delivery of paraphernalia;
- (c) Aiding and abetting another in the possession, delivery or production of marijuana;
- (d) Aiding and abetting another in the possession or delivery of paraphernalia;
- (e) Any combination of the acts described in paragraphs (a) to (d), inclusive; and
- (f) Any other criminal offense in which the possession, delivery or production of marijuana or the possession or delivery of paraphernalia is an element.



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

3. The exemption from state prosecution set forth in subsection 1 applies only to the extent that a person who holds a registry identification card issued to the person pursuant to paragraph (a) *or (c)* of subsection 1 of NRS 453A.220 and the designated primary caregiver, if any, of such a person:

(a) Engage in or assist in, as applicable, the medical use of marijuana in accordance with the provisions of this chapter as justified to mitigate the symptoms or effects of a person's chronic or debilitating medical condition; and

(b) Do not, at any one time, collectively possess with another who is authorized to possess, deliver or produce more than:

(1) Two and one-half ounces of ~~usable marijuana in any one 14-day period;~~ *marijuana flower, two and one-half pounds of marijuana leaf and 90 grams of crude concentrated cannabis or 30 grams of purified concentrated cannabis;*

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

(3) A ~~maximum allowable~~ quantity of edible marijuana products and marijuana-infused products as established by regulation of the ~~Division;~~ *Department.*



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

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

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

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

5. A person who holds a valid medical marijuana establishment registration certificate issued to the person pursuant to NRS 453A.322 or a valid medical marijuana establishment agent registration card issued to the person pursuant to NRS 453A.332, and who confines his or her activities to those authorized by NRS 453A.320 to 453A.370, inclusive, *and sections 10 to 13, inclusive, of this act*, and the regulations adopted by the ~~Division~~ *Department* pursuant thereto, is exempt from state prosecution for:

(a) Possession, delivery or production of marijuana;

(b) Possession or delivery of paraphernalia;

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

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

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

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



6. ~~[Notwithstanding any other provision of law and except]~~ *Except* as otherwise provided in ~~[this subsection, after a medical marijuana dispensary opens in the county of residence of a person who holds a registry identification card, including, without limitation, a designated primary caregiver, such a person is not authorized to cultivate,]~~ *subsection 3, a person who holds a valid registry identification card, and the designated primary caregiver of such a person, or the designated primary caregiver of a person who holds a letter of approval may:*

(a) *Cultivate*, grow or produce marijuana ~~[. The provisions of this subsection do not apply if:~~

~~—(a) The person who holds the registry identification card was cultivating, growing or producing marijuana in accordance with this chapter on or before July 1, 2013;~~

~~—(b) All the medical marijuana dispensaries in the county of residence of the person who holds the registry identification card close or are unable to supply the quantity or strain of marijuana necessary for the medical use of the person to treat his or her specific medical condition;~~

~~—(c) Because of illness or lack of transportation, the person who holds the registry identification card is unable reasonably to travel to a medical marijuana dispensary; or~~

~~—(d) No medical marijuana dispensary was operating within 25 miles of the residence of the person who holds the registry identification card at the time the person first applied for his or her registry identification card.]~~ *for use by the person who holds the registry identification card or*

letter of approval, as applicable; and

(b) *Give or otherwise deliver marijuana to another person who holds a valid registry identification card, and the designated primary caregiver of such a person, or the designated primary caregiver of a person who holds a letter of approval if:*



(1) No compensation in any form is received in exchange for giving or otherwise delivering the marijuana;

(2) The transaction is not in any way advertised or promoted to the public; and

(3) The amount of marijuana given or otherwise delivered does not cause any person to possess marijuana in excess of the amounts described in paragraph (b) of subsection 3.

7. As used in this section ~~["marijuana"]~~:

(a) "Crude concentrated cannabis" means concentrated cannabis, as defined in NRS 453.042, which has not been purified.

(b) "Marijuana" includes, without limitation, edible marijuana products and marijuana-infused products.

(c) "Marijuana flower" means the flower or any part thereof of a plant of the genus Cannabis.

(d) "Marijuana leaf" means the leaf or any part thereof of a plant of the genus Cannabis.

(e) "Purified concentrated cannabis" means concentrated cannabis, as defined in NRS 453.042, which has been purified.

Sec. 30. NRS 453A.210 is hereby amended to read as follows:

453A.210 1. The ~~Division~~ **Department** shall establish and maintain a program for the issuance of registry identification cards and letters of approval to persons who meet the requirements of this section.

2. Except as otherwise provided in subsections 3 and 5 and NRS 453A.225, the ~~Division~~ **Department** or its designee shall issue a registry identification card to a person who is a resident



of this State and who submits an application on a form prescribed by the ~~{Division}~~ *Department to the Department or a medical marijuana dispensary* accompanied by the following:

(a) Valid, written documentation from the person's attending ~~{physician}~~ *provider of health care* stating that:

- (1) The person has been diagnosed with a chronic or debilitating medical condition;
- (2) The medical use of marijuana may mitigate the symptoms or effects of that condition;

and

(3) The attending ~~{physician}~~ *provider of health care* has explained the possible risks and benefits of the medical use of marijuana;

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

(c) Proof satisfactory to the ~~{Division}~~ *Department* that the person is a resident of this State;

(d) The name, address and telephone number of the person's attending ~~{physician;}~~ *provider of health care;*

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

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

(2) A written, signed statement from the person's attending ~~{physician}~~ *provider of health care* in which the attending ~~{physician}~~ *provider of health care* approves of the designation of the primary caregiver; ~~{and}~~



(f) If the person elects to designate a medical marijuana dispensary at the time of application, the name of the medical marijuana dispensary ~~H~~; and

(g) If the person is applying for a permanent registry identification card issued pursuant to paragraph (c) of subsection 1 of NRS 453A.220:

(1) Evidence satisfactory to the Department that he or she has been honorably discharged from the Armed Forces of the United States; or

(2) Written documentation from the person's attending provider of health care that the person suffers from a chronic or debilitating medical condition which is terminal, incurable or permanent.

3. The ~~Division~~ Department or its designee shall issue a registry identification card to a person who is at least 10 years of age but less than 18 years of age or a letter of approval to a person who is less than 10 years of age if:

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

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

(1) The attending ~~physician~~ provider of health care of the person under 18 years of age *is a physician licensed pursuant to chapter 630 or 633 of NRS and* has explained to that person and to the custodial parent or legal guardian with responsibility for health care decisions for the person under 18 years of age the possible risks and benefits of the medical use of marijuana;



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

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

(4) The custodial parent or legal guardian with responsibility for health care decisions for the person under 18 years of age agrees to control the acquisition of marijuana and the dosage and frequency of use by the person under 18 years of age.

4. ~~The form prescribed by the Division to be used by a person applying for a registry identification card or letter of approval pursuant to this section must be a form that is in quintuplicate.~~ Upon receipt of an application that is completed and submitted pursuant to this section ~~from a person or a medical marijuana dispensary on behalf of a person,~~ the ~~Division~~ *Department* shall:

- (a) Record on the application the date on which it was received;
- (b) Retain one copy of the application for the records of the ~~Division;~~ *Department;* and
- (c) Distribute ~~the other four~~ copies of the application in the following manner:
 - (1) One copy to the person who submitted the application;
 - (2) One copy to the applicant's designated primary caregiver, if any; *and*
 - (3) ~~One copy to the Central Repository for Nevada Records of Criminal History; and~~
 - ~~(4)~~ One copy to ~~the~~



~~(I) If the attending physician of the applicant is licensed to practice medicine pursuant to the provisions of chapter 630 of NRS, the Board of Medical Examiners; or~~

~~(II) If the attending physician of the applicant is licensed to practice osteopathic medicine pursuant to the provisions of chapter 633 of NRS, the State Board of Osteopathic Medicine.~~

~~↪ The Central Repository for Nevada Records of Criminal History shall report to the Division its findings as to the criminal history, if any, of an applicant within 15 days after receiving a copy of an application pursuant to subparagraph (3) of paragraph (c). The Board of Medical Examiners or the State Board of Osteopathic Medicine, as applicable,]~~ *the professional licensing board that has issued a license or certification to the attending provider of health care.*

↪ *The applicable professional licensing board* shall report to the ~~{Division}~~ *Department* its findings as to the licensure *or certification, as applicable*, and standing of the applicant's attending ~~{physician}~~ *provider of health care* within 15 days after receiving a copy of an application pursuant to subparagraph ~~{(4)}~~ *(3)* of paragraph (c).

5. The ~~{Division shall}~~ *Department may* verify the information contained in an application submitted pursuant to this section and shall approve or deny an application within 30 days after receiving the application. The ~~{Division}~~ *Department* may contact an applicant, the applicant's attending ~~{physician}~~ *provider of health care* and designated primary caregiver, if any, by telephone to determine that the information provided on or accompanying the application is accurate. The ~~{Division}~~ *Department* may deny an application only on the following grounds:



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

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

(2) Document the applicant's consultation with an attending ~~{physician}~~ *provider of health care* regarding the medical use of marijuana in connection with that condition;

(b) The applicant failed to comply with regulations adopted by the ~~{Division}~~ *Department*, including, without limitation, the regulations adopted by the ~~{Administrator}~~ *Executive Director of the Department* pursuant to NRS 453A.740;

(c) The ~~{Division}~~ *Department* determines that the information provided by the applicant was falsified;

(d) The ~~{Division}~~ *Department* determines that the attending ~~{physician}~~ *provider of health care* of the applicant is not licensed ~~{to practice medicine or osteopathic medicine}~~ *or certified* in this State or is not in good standing, as reported by the ~~{Board of Medical Examiners or the State Board of Osteopathic Medicine, as}~~ applicable ~~{;}~~ *professional licensing board*;

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

~~(f)~~ The ~~{Division}~~ *Department* has prohibited the applicant from obtaining or using a registry identification card or letter of approval pursuant to subsection 2 of NRS 453A.300;



~~(g)~~ (f) The ~~{Division}~~ *Department* determines that the applicant, or the applicant's designated primary caregiver, if applicable, has had a registry identification card or letter of approval revoked pursuant to NRS 453A.225; or

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

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

7. A person whose application has been denied may not reapply for 6 months after the date of the denial, unless the ~~{Division}~~ *Department* or a court of competent jurisdiction authorizes reapplication in a shorter time.

8. Except as otherwise provided in this subsection, if a person has applied for a registry identification card or letter of approval pursuant to this section and the ~~{Division}~~ *Department* has not yet approved or denied the application, the person, and the person's designated primary



caregiver, if any, shall be deemed to hold a registry identification card or letter of approval upon the presentation to a law enforcement officer of the copy of the application provided to him or her pursuant to subsection 4.

9. As used in this section, “resident” has the meaning ascribed to it in NRS 483.141.

Sec. 31. NRS 453A.220 is hereby amended to read as follows:

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

(a) Issue a letter of approval or serially numbered registry identification card, as applicable, to the applicant; ~~and~~

(b) If the applicant has designated a primary caregiver, issue a serially numbered registry identification card to the designated primary caregiver ~~+~~; *and*

(c) If the applicant has submitted proof acceptable to the Department that he or she is a veteran or suffers from a chronic or debilitating medical condition which is terminal, incurable or permanent pursuant to paragraph (g) of subsection 2 of NRS 453A.210, issue a serially numbered permanent registry identification card to the applicant.

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

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

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

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



(d) The name of the applicant's designated medical marijuana dispensary, if any; *and*

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

~~(f)~~ Any other information prescribed by regulation of the ~~Division.~~ *Department.*

3. A letter of approval issued pursuant to paragraph (a) of subsection 1 must set forth:

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

(b) The date of issuance and date of expiration of the registry identification card of the designated primary caregiver;

(c) The name and address of the applicant's designated primary caregiver;

(d) The name of the applicant's designated medical marijuana dispensary, if any; and

(e) Any other information prescribed by regulation of the ~~Division.~~ *Department.*

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

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

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

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

(d) The name of the designated primary caregiver's designated medical marijuana dispensary, if any; *and*

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



—~~(f)~~ Any other information prescribed by regulation of the ~~{Division}~~ Department.

5. *A permanent registry identification card issued pursuant to paragraph (c) of subsection 1:*

(a) Must set forth:

(1) The name, address, photograph and date of birth of the applicant;

(2) The date of issuance of the permanent registry identification card;

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

(4) The name of the applicant's designated medical marijuana dispensary, if any;

(5) Whether the card was issued on the basis of the applicant's status as a veteran or as a person who suffers from a chronic or debilitating medical condition which is terminal, incurable or permanent; and

(6) Any other information prescribed by regulation of the Department; and

(b) Except as otherwise provided in subsection 3 of NRS 453A.230, does not expire.

6. Except as otherwise provided in *subsection 5*, NRS 453A.225, subsection 3 of NRS 453A.230 and subsection 2 of NRS 453A.300, a registry identification card or letter of approval issued pursuant to this section is valid for a period of 1 year and may be renewed in accordance with regulations adopted by the ~~{Division}~~ Department.

Sec. 32. NRS 453A.225 is hereby amended to read as follows:

453A.225 1. If, at any time after the ~~{Division}~~ Department or its designee has issued a registry identification card or letter of approval to a person pursuant to paragraph (a) *or (c)* of



subsection 1 of NRS 453A.220, the ~~{Division}~~ *Department* determines, on the basis of official documents or records or other credible evidence, that the person:

(a) Provided falsified information on his or her application to the ~~{Division}~~ *Department* or its designee, as described in paragraph (c) of subsection 5 of NRS 453A.210; or

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

↳ the ~~{Division}~~ *Department* shall immediately revoke the registry identification card or letter of approval issued to that person and shall immediately revoke the registry identification card issued to that person's designated primary caregiver, if any.

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

3. Upon the revocation of a registry identification card or letter of approval pursuant to this section:

(a) The ~~{Division}~~ *Department* shall send, by certified mail, return receipt requested, notice to the person whose registry identification card or letter of approval has been revoked, advising the person of the requirements of paragraph (b); and



(b) The person shall return his or her registry identification card or letter of approval to the ~~{Division}~~ *Department* within 7 days after receiving the notice sent pursuant to paragraph (a).

4. The decision of the ~~{Division}~~ *Department* to revoke a registry identification card or letter of approval pursuant to this section is a final decision for the purposes of judicial review.

5. A person whose registry identification card or letter of approval has been revoked pursuant to this section may not reapply for a registry identification card or letter of approval pursuant to NRS 453A.210 for 12 months after the date of the revocation, unless the ~~{Division}~~ *Department* or a court of competent jurisdiction authorizes reapplication in a shorter time.

Sec. 33. NRS 453A.230 is hereby amended to read as follows:

453A.230 1. A person to whom the ~~{Division}~~ *Department* or its designee has issued a registry identification card or letter of approval pursuant to paragraph (a) *or (c)* of subsection 1 of NRS 453A.220 shall, in accordance with regulations adopted by the ~~{Division:}~~ *Department:*

(a) Notify the ~~{Division}~~ *Department* of any change in the person's name, address, telephone number, designated medical marijuana dispensary, attending ~~{physician}~~ *provider of health care* or designated primary caregiver, if any; and

(b) Submit annually to the ~~{Division:}~~ *Department:*

(1) ~~{Updated}~~ *If the registry identification card or letter of approval was issued pursuant to paragraph (a) of subsection 1 of NRS 453A.220, updated* written documentation from the person's attending ~~{physician}~~ *provider of health care* in which the attending ~~{physician}~~ *provider of health care* sets forth that:

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



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

(III) The attending ~~{physician}~~ *provider of health care* has explained to the person the possible risks and benefits of the medical use of marijuana; and

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

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

(II) A written, signed statement from the person's attending ~~{physician}~~ *provider of health care* in which the attending ~~{physician}~~ *provider of health care* approves of the designation of the primary caregiver.

2. A person to whom the ~~{Division}~~ *Department* or its designee has issued a registry identification card pursuant to paragraph (b) of subsection 1 of NRS 453A.220 or pursuant to NRS 453A.250 shall, in accordance with regulations adopted by the ~~{Division,}~~ *Department*, notify the ~~{Division}~~ *Department* of any change in the person's name, address, telephone number, designated medical marijuana dispensary or the identity of the person for whom he or she acts as designated primary caregiver.

3. If a person fails to comply with the provisions of subsection 1 or 2, the registry identification card or letter of approval issued to the person shall be deemed expired. If the registry identification card or letter of approval of a person to whom the ~~{Division}~~ *Department*



or its designee issued the card or letter pursuant to paragraph (a) *or (c)* of subsection 1 of NRS 453A.220 is deemed expired pursuant to this subsection, a registry identification card issued to the person's designated primary caregiver, if any, shall also be deemed expired. Upon the deemed expiration of a registry identification card or letter of approval pursuant to this subsection:

(a) The ~~{Division}~~ *Department* shall send, by certified mail, return receipt requested, notice to the person whose registry identification card or letter of approval has been deemed expired, advising the person of the requirements of paragraph (b); and

(b) The person shall return his or her registry identification card or letter of approval to the ~~{Division}~~ *Department* within 7 days after receiving the notice sent pursuant to paragraph (a).

Sec. 34. NRS 453A.240 is hereby amended to read as follows:

453A.240 If a person to whom the ~~{Division}~~ *Department* or its designee has issued a registry identification card or letter of approval pursuant to paragraph (a) of subsection 1 of NRS 453A.220 is diagnosed by the person's attending ~~{physician}~~ *provider of health care* as no longer having a chronic or debilitating medical condition, the person shall return his or her registry identification card or letter of approval and his or her designated primary caregiver, if any, shall return his or her registry identification card to the ~~{Division}~~ *Department* within 7 days after notification of the diagnosis.

Sec. 35. NRS 453A.250 is hereby amended to read as follows:

453A.250 1. If a person who applies to the ~~{Division}~~ *Department* for a registry identification card or letter of approval or to whom the ~~{Division}~~ *Department* or its designee has



issued a registry identification card or letter of approval pursuant to paragraph (a) *or (c)* of subsection 1 of NRS 453A.220 desires or is required to designate a primary caregiver, the person must:

(a) To designate a primary caregiver at the time of application, submit to the ~~{Division}~~ *Department* the information required pursuant to paragraph (e) of subsection 2 of NRS 453A.210; or

(b) To designate a primary caregiver after the ~~{Division}~~ *Department* or its designee has issued a registry identification card or letter of approval to the person, submit to the ~~{Division}~~ *Department* the information required pursuant to subparagraph (2) of paragraph (b) of subsection 1 of NRS 453A.230.

2. A person may have only one designated primary caregiver at any one time.

3. *Except as otherwise provided in this subsection, a person who holds a valid registry identification card may not be the designated primary caregiver for more than one person. A person with a chronic or debilitating disease who holds a valid registry identification card who is the parent or guardian of more than one child who has been issued a registry identification card or letter of approval may be the designated primary caregiver for one or more of such children.*

4. If a person designates a primary caregiver after the time that the person initially applies for a registry identification card or letter of approval, the ~~{Division}~~ *Department* or its designee shall, except as otherwise provided in subsection 5 of NRS 453A.210, issue a registry



identification card to the designated primary caregiver as soon as practicable after receiving the information submitted pursuant to paragraph (b) of subsection 1.

Sec. 36. NRS 453A.300 is hereby amended to read as follows:

453A.300 1. A person who holds a registry identification card or letter of approval issued to him or her pursuant to NRS 453A.220 or 453A.250 is not exempt from state prosecution for, nor may the person establish an affirmative defense to charges arising from, any of the following acts:

(a) Driving, operating or being in actual physical control of a vehicle or a vessel under power or sail while under the influence of marijuana.

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

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

(d) Possessing marijuana in violation of NRS 453.336 or possessing paraphernalia in violation of NRS 453.560 or 453.566:

(1) If the possession of the marijuana or paraphernalia is discovered because the person engaged or assisted in the medical use of marijuana in:

(I) Any public place or in any place open to the public or exposed to public view; or

(II) Any local detention facility, county jail, state prison, reformatory or other correctional facility, including, without limitation, any facility for the detention of juvenile offenders; or

(2) If the possession of the marijuana or paraphernalia occurs on school property.



(e) Delivering marijuana to another person who he or she knows does not lawfully hold a registry identification card or letter of approval issued by the ~~{Division}~~ *Department* or its designee pursuant to NRS 453A.220 or 453A.250.

(f) Delivering marijuana for consideration to any person, regardless of whether the recipient lawfully holds a registry identification card or letter of approval issued by the ~~{Division}~~ *Department* or its designee pursuant to NRS 453A.220 or 453A.250.

2. Except as otherwise provided in NRS 453A.225 and in addition to any other penalty provided by law, if the ~~{Division}~~ *Department* determines that a person has willfully violated a provision of this chapter or any regulation adopted by the ~~{Division}~~ *Department* to carry out the provisions of this chapter, the ~~{Division}~~ *Department* may, at its own discretion, prohibit the person from obtaining or using a registry identification card or letter of approval for a period of up to 6 months.

3. As used in this section, “school property” means the grounds of any public school described in NRS 388.020 and any private school as defined in NRS 394.103.

Sec. 37. NRS 453A.310 is hereby amended to read as follows:

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

(a) Is a person who:



(1) Has been diagnosed with a chronic or debilitating medical condition within the 12-month period preceding his or her arrest and has been advised by his or her attending ~~physician~~ *provider of health care* that the medical use of marijuana may mitigate the symptoms or effects of that chronic or debilitating medical condition;

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

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

(b) Is a person who:

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

(2) Possesses, delivers or produces marijuana only in the amount described in paragraph (b) of subsection 3 of NRS 453A.200 or in excess of that amount if the person proves by a preponderance of the evidence that the greater amount is medically necessary as determined by the assisted person's attending ~~physician~~ *provider of health care* to mitigate the symptoms or effects of the assisted person's chronic or debilitating medical condition.

2. A person need not hold a registry identification card or letter of approval issued to the person by the ~~Division~~ *Department* or its designee pursuant to NRS 453A.220 or 453A.250 to assert an affirmative defense described in this section.



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

(a) Asserting a defense of medical necessity; or

(b) Presenting evidence supporting the necessity of marijuana for treatment of a specific disease or medical condition,

↪ if the amount of marijuana at issue is not greater than the amount described in paragraph (b) of subsection 3 of NRS 453A.200 and the person has taken steps to comply substantially with the provisions of this chapter.

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

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

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

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

Sec. 38. NRS 453A.322 is hereby amended to read as follows:



453A.322 1. Each medical marijuana establishment must register with the ~~{Division}~~ *Department*.

2. A person who wishes to operate a medical marijuana establishment must submit to the ~~{Division}~~ *Department* an application on a form prescribed by the ~~{Division}~~ *Department*.

3. Except as otherwise provided in NRS 453A.324, 453A.326, 453A.328 and 453A.340, not later than 90 days after receiving an application to operate a medical marijuana establishment, the ~~{Division}~~ *Department* shall register the medical marijuana establishment and issue a medical marijuana establishment registration certificate and a random 20-digit alphanumeric identification number if:

(a) The person who wishes to operate the proposed medical marijuana establishment has submitted to the ~~{Division}~~ *Department* all of the following:

- (1) The application fee, as set forth in NRS 453A.344;
- (2) An application, which must include:
 - (I) The legal name of the proposed medical marijuana establishment;
 - (II) The physical address where the proposed medical marijuana establishment will be located and the physical address of any co-owned additional or otherwise associated medical marijuana establishments, the locations of which may not be within 1,000 feet of a public or private school that provides formal education traditionally associated with preschool or kindergarten through grade 12 and that existed on the date on which the application for the proposed medical marijuana establishment was submitted to the ~~{Division}~~ *Department*, or



within 300 feet of a community facility that existed on the date on which the application for the proposed medical marijuana establishment was submitted to the ~~{Division;}~~ *Department;*

(III) Evidence that the applicant controls not less than \$250,000 in liquid assets to cover the initial expenses of opening the proposed medical marijuana establishment and complying with the provisions of NRS 453A.320 to 453A.370, inclusive ~~{;}~~ , *and sections 10 to 13, inclusive, of this act;*

(IV) Evidence that the applicant owns the property on which the proposed medical marijuana establishment will be located or has the written permission of the property owner to operate the proposed medical marijuana establishment on that property;

(V) For the applicant and each person who is proposed to be an owner, officer or board member of the proposed medical marijuana establishment, a complete set of the person's fingerprints and written permission of the person authorizing the ~~{Division}~~ *Department* to forward the fingerprints to the Central Repository for Nevada Records of Criminal History for submission to the Federal Bureau of Investigation for its report;

(VI) The name, address and date of birth of each person who is proposed to be an owner, officer or board member of the proposed medical marijuana establishment; and

(VII) The name, address and date of birth of each person who is proposed to be employed by or otherwise provide labor at the proposed medical marijuana establishment as a medical marijuana establishment agent;

(3) Operating procedures consistent with rules of the ~~{Division}~~ *Department* for oversight of the proposed medical marijuana establishment, including, without limitation:



(I) Procedures to ensure the use of adequate security measures; and

(II) The use of an electronic verification system and an inventory control system, pursuant to NRS 453A.354 and 453A.356;

(4) If the proposed medical marijuana establishment will sell or deliver edible marijuana products or marijuana-infused products, proposed operating procedures for handling such products which must be preapproved by the ~~Division;~~ *Department;*

(5) If *the proposed medical marijuana establishment will be located in a county whose population is 100,000 or more and* the city, town or county in which the proposed medical marijuana establishment will be located has enacted zoning restrictions, proof of licensure with the applicable local governmental authority or a letter from the applicable local governmental authority certifying that the proposed medical marijuana establishment is in compliance with those restrictions and satisfies all applicable building requirements; ~~and~~

(6) *If the proposed medical marijuana establishment is a nonprofit medical marijuana dispensary:*

(I) Evidence that the proposed medical marijuana establishment will be a corporation for public benefit, as defined in NRS 82.021, or a nonprofit organization that is recognized as exempt from taxation pursuant to section 501(c)(3) of the Internal Revenue Code, 26 U.S.C. § 501(c)(3), as amended;

(II) Proposed plans for the delivery of education relating to the medical use of marijuana; and



(III) Proposed operating procedures for the acceptance of marijuana donated by other medical marijuana establishments and the sale at a reduced price or as a donation of such marijuana to persons who hold valid registry identification cards on the basis of financial need; and

(7) Such other information as the ~~Division~~ *Department* may require by regulation;

(b) None of the persons who are proposed to be owners, officers or board members of the proposed medical marijuana establishment have been convicted of an excluded felony offense;

(c) None of the persons who are proposed to be owners, officers or board members of the proposed medical marijuana establishment have:

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

(2) Previously had a medical marijuana establishment agent registration card revoked; and

(d) None of the persons who are proposed to be owners, officers or board members of the proposed medical marijuana establishment are under 21 years of age.

4. For each person who submits an application pursuant to this section, and each person who is proposed to be an owner, officer or board member of a proposed medical marijuana establishment, the ~~Division~~ *Department* shall submit the fingerprints of the person to the Central Repository for Nevada Records of Criminal History for submission to the Federal Bureau of Investigation to determine the criminal history of that person.

5. Except as otherwise provided in subsection 6, if an application for registration as a medical marijuana establishment satisfies the requirements of this section and the establishment



is not disqualified from being registered as a medical marijuana establishment pursuant to this section or other applicable law, the ~~{Division}~~ *Department* shall issue to the establishment a medical marijuana establishment registration certificate. A medical marijuana establishment registration certificate expires 1 year after the date of issuance and may be renewed upon:

(a) Resubmission of the information set forth in this section; ~~{and}~~

(b) Payment of the renewal fee set forth in NRS 453A.344 ~~{}~~;

(c) If the medical marijuana establishment is an independent testing laboratory, submission of proof that the independent testing laboratory is accredited pursuant to standard ISO/IEC 17025 of the International Organization for Standardization; and

(d) If the medical marijuana establishment is a medical marijuana research facility, submission of proof that the program of research, and any changes thereto, in which the medical marijuana research facility is engaged has been approved by the scientific review panel established by the Department pursuant to section 12 of this act.

6. In determining whether to issue a medical marijuana establishment registration certificate pursuant to this section, the ~~{Division}~~ *Department* shall consider the criteria of merit set forth in NRS 453A.328.

7. As used in this section, “community facility” means:

(a) A facility that provides day care to children.

(b) A public park.

(c) A playground.

(d) A public swimming pool.



(e) A center or facility, the primary purpose of which is to provide recreational opportunities or services to children or adolescents.

(f) A church, synagogue or other building, structure or place used for religious worship or other religious purpose.

Sec. 39. NRS 453A.324 is hereby amended to read as follows:

453A.324 1. Except as otherwise provided in this section and NRS 453A.326, the ~~Division~~ **Department** shall issue medical marijuana establishment registration certificates for medical marijuana dispensaries , *other than nonprofit medical marijuana dispensaries*, in the following quantities for applicants who qualify pursuant to NRS 453A.322:

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

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

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

~~and~~

(d) In each other county, one certificate ~~+~~ ; *and*

(e) In a county whose population is less than 100,000, one certificate for each incorporated city in the county.

2. Notwithstanding the provisions of subsection 1, the ~~Division~~ **Department**:

(a) Shall not issue medical marijuana establishment registration certificates for medical marijuana dispensaries , *other than nonprofit medical marijuana dispensaries*, in such a quantity as to cause the existence within the applicable county of more than one medical marijuana dispensary , *other than a nonprofit medical marijuana dispensary*, for every ten



pharmacies that have been licensed in the county pursuant to chapter 639 of NRS. The ~~Division~~ *Department* may issue medical marijuana establishment registration certificates for medical marijuana dispensaries , *other than nonprofit medical marijuana dispensaries*, in excess of the ratio otherwise allowed pursuant to this paragraph if to do so is necessary to ensure that the ~~Division~~ *Department* issues at least one medical marijuana establishment registration certificate in each county *and incorporated city* of this State in which the ~~Division~~ *Department* has approved an application for such an establishment to operate.

(b) Shall, for any county *or incorporated city* for which no applicants qualify pursuant to NRS 453A.322, within 2 months after the end of the period during which the ~~Division~~ *Department* accepts applications pursuant to subsection ~~4, 6~~, reallocate the certificates provided for that county *or city, as applicable*, pursuant to subsection 1 to the other counties *or cities* specified in subsection 1 in the same proportion as provided in subsection 1.

3. *The governing body of a local governmental jurisdiction may request the Department to issue a certain number of medical marijuana establishment registration certificates for medical marijuana dispensaries located within the local governmental jurisdiction, other than nonprofit medical marijuana dispensaries, in addition to the medical marijuana establishment registration certificates issued pursuant to subsection 1. Upon receipt of such a request, the Department shall:*

(a) Determine whether the additional number of medical marijuana dispensaries are necessary to serve and supply the persons who hold valid registry identification cards in the local governmental jurisdiction; and



(b) If the Department determines the additional number of medical marijuana dispensaries are necessary pursuant to paragraph (a), make a corresponding number of medical marijuana establishment registration certificates available during the next period in which the Department accepts applications pursuant to subsection 6.

4. With respect to medical marijuana establishments that are not medical marijuana dispensaries, the ~~{Division}~~ *Department* shall determine the appropriate number of such establishments as are necessary to serve and supply the medical marijuana dispensaries to which the ~~{Division}~~ *Department* has granted medical marijuana establishment registration certificates.

~~{4.}~~ 5. *The Department shall determine the appropriate number of nonprofit medical marijuana dispensaries which are necessary to serve the educational needs of persons who hold valid registry identification cards and their designated primary caregivers and to supply such persons of limited financial means with an adequate amount of marijuana for medical use.*

6. The ~~{Division}~~ *Department* shall not, for more than a total of 10 business days in any 1 calendar year, accept applications to operate medical marijuana establishments.

7. *As used in this section, “local governmental jurisdiction” means a city, town, township or unincorporated area within a county.*

Sec. 40. NRS 453A.326 is hereby amended to read as follows:

453A.326 1. Except as otherwise provided in this subsection, in a county whose population is 100,000 or more, the ~~{Division}~~ *Department* shall ensure that not more than 25 percent of the total number of medical marijuana dispensaries , *other than nonprofit medical*



marijuana dispensaries, that may be certified in the county, as set forth in NRS 453A.324, are located in any one local governmental jurisdiction within the county. The board of county commissioners of the county may increase the percentage described in this subsection if it determines that to do so is necessary to ensure that the more populous areas of the county have access to sufficient distribution of marijuana for medical use.

2. To prevent monopolistic practices, the ~~Division~~ *Department* shall ensure, in a county whose population is 100,000 or more, that it does not issue, to any one person, group of persons or entity, the greater of:

(a) One medical marijuana establishment registration certificate; or

(b) More than 10 percent of the medical marijuana establishment registration certificates otherwise allocable in the county.

3. In a local governmental jurisdiction that issues business licenses ~~in~~ *in a county whose population is 100,000 or more*, the issuance by the ~~Division~~ *Department* of a medical marijuana establishment registration certificate shall be deemed to be provisional until such time as:

(a) The establishment is in compliance with all applicable local governmental ordinances or rules; and

(b) The local government has issued a business license for the operation of the establishment.

4. *In a local governmental jurisdiction that issues business licenses in a county whose population is less than 100,000, a medical marijuana establishment shall comply with all*



applicable local governmental ordinances or rules and obtain a business license for the operation of the establishment.

5. As used in this section, “local governmental jurisdiction” means a city, town, township or unincorporated area within a county.

Sec. 41. NRS 453A.328 is hereby amended to read as follows:

453A.328 In determining whether to issue a medical marijuana establishment registration certificate pursuant to NRS 453A.322, the ~~Division~~ **Department** shall, in addition to the factors set forth in that section, consider the following criteria of merit:

1. The total financial resources of the applicant, both liquid and illiquid;
2. The previous experience of the persons who are proposed to be owners, officers or board members of the proposed medical marijuana establishment at operating other businesses or nonprofit organizations;
3. The educational achievements of the persons who are proposed to be owners, officers or board members of the proposed medical marijuana establishment;
4. Any demonstrated knowledge or expertise on the part of the persons who are proposed to be owners, officers or board members of the proposed medical marijuana establishment with respect to the compassionate use of marijuana to treat medical conditions;
5. Whether the proposed location of the proposed medical marijuana establishment would be convenient to serve the needs of persons who are authorized to engage in the medical use of marijuana;



6. The likely impact of the proposed medical marijuana establishment on the community in which it is proposed to be located;

7. The adequacy of the size of the proposed medical marijuana establishment to serve the needs of persons who are authorized to engage in the medical use of marijuana;

8. Whether the applicant has an integrated plan for the care, quality and safekeeping of medical marijuana from seed to sale;

9. The amount of taxes paid to, or other beneficial financial contributions made to, the State of Nevada or its political subdivisions by the applicant or the persons who are proposed to be owners, officers or board members of the proposed medical marijuana establishment; and

10. Any other criteria of merit that the ~~{Division}~~ *Department* determines to be relevant.

Sec. 42. NRS 453A.332 is hereby amended to read as follows:

453A.332 1. Except as otherwise provided in this section, a person shall not volunteer or work at, contract to provide labor to or be employed by an independent contractor to provide labor to a medical marijuana establishment as a medical marijuana establishment agent unless the person is registered with the ~~{Division}~~ *Department* pursuant to this section.

2. A medical marijuana establishment that wishes to retain as a volunteer or employ a medical marijuana establishment agent shall submit to the ~~{Division}~~ *Department* an application on a form prescribed by the ~~{Division}~~ *Department*. The application must be accompanied by:

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



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

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

(d) A complete set of the fingerprints and written permission of the prospective medical marijuana establishment agent authorizing the ~~{Division}~~ *Department* to forward the fingerprints to the Central Repository for Nevada Records of Criminal History for submission to the Federal Bureau of Investigation for its report;

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

(f) Such other information as the ~~{Division}~~ *Department* may require by regulation.

3. A medical marijuana establishment that wishes to contract with an independent contractor to provide labor as a medical marijuana establishment agent shall *confirm that the independent contractor holds a medical marijuana establishment agent registration card. If the independent contractor does not hold a medical marijuana establishment agent registration card, the medical marijuana establishment shall* submit to the ~~{Division}~~ *Department* an application on a form prescribed by the ~~{Division}~~ *Department* for the registration of the independent contractor and each employee of the independent contractor who will provide labor as a medical marijuana establishment agent. The application must be accompanied by:



(a) The name, address and, if the prospective medical marijuana establishment agent has a state business registration, the business identification number assigned by the Secretary of State upon compliance with the provisions of chapter 76 of NRS;

(b) The name, address and date of birth of each employee of the prospective medical marijuana establishment agent who will provide labor as a medical marijuana establishment agent;

(c) A statement signed by the prospective medical marijuana establishment agent pledging not to dispense or otherwise divert marijuana to, or allow any of its employees to dispense or otherwise divert marijuana to, any person who is not authorized to possess marijuana in accordance with the provisions of this chapter;

(d) A statement signed by the prospective medical marijuana establishment agent asserting that it has not previously had a medical marijuana establishment agent registration card revoked and that none of its employees who will provide labor as a medical marijuana establishment agent have previously had a medical marijuana establishment agent registration card revoked;

(e) A complete set of the fingerprints of each employee of the prospective medical marijuana establishment agent who will provide labor as a medical marijuana establishment agent and written permission of the prospective medical marijuana establishment agent and each employee of the prospective medical marijuana establishment agent authorizing the ~~Division~~ **Department** to forward the fingerprints to the Central Repository for Nevada Records of Criminal History for submission to the Federal Bureau of Investigation for its report;

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



(g) Such other information as the ~~{Division}~~ *Department* may require by regulation.

4. A medical marijuana establishment shall notify the ~~{Division}~~ *Department* within 10 days after a medical marijuana establishment agent ceases to be employed by, volunteer at or provide labor as a medical marijuana establishment agent to the medical marijuana establishment.

5. A person who:

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

(b) Is less than 21 years of age,

↪ shall not serve as a medical marijuana establishment agent.

6. The ~~{Division}~~ *Department* shall submit the fingerprints of an applicant for registration as a medical marijuana establishment agent to the Central Repository for Nevada Records of Criminal History for submission to the Federal Bureau of Investigation to determine the criminal history of the applicant.

7. The provisions of this section do not require a person who is an owner, officer or board member of a medical marijuana establishment to resubmit information already furnished to the ~~{Division}~~ *Department* at the time the establishment was registered with the ~~{Division}~~ *Department*.

8. If an applicant for registration as a medical marijuana establishment agent satisfies the requirements of this section and is not disqualified from serving as such an agent pursuant to this section or any other applicable law, the ~~{Division}~~ *Department* shall issue to the person and, for an independent contractor, to each person identified in the independent contractor's application for registration as an employee who will provide labor as a medical marijuana establishment



agent, a medical marijuana establishment agent registration card. If the ~~{Division}~~ *Department* does not act upon an application for a medical marijuana establishment agent registration card within 30 days after the date on which the application is received, the application shall be deemed conditionally approved until such time as the ~~{Division}~~ *Department* acts upon the application. A medical marijuana establishment agent registration card expires 1 year after the date of issuance and may be renewed upon:

- (a) Resubmission of the information set forth in this section; and
- (b) Payment of the renewal fee set forth in NRS 453A.344.

9. A medical marijuana establishment agent registration card issued pursuant to this section to an independent contractor or an employee of an independent contractor authorizes the independent contractor or employee to provide labor to any medical marijuana establishment in this State.

10. Except as otherwise prescribed by regulation of the Department, an applicant for registration or renewal of registration as a medical marijuana establishment agent is deemed temporarily registered as a medical marijuana establishment agent on the date on which a complete application for registration or renewal of registration is submitted to the Department. A temporary registration as a medical marijuana establishment agent expires 30 days after the date upon which an application is received.

Sec. 43. NRS 453A.334 is hereby amended to read as follows:

453A.334 1. Except as otherwise provided in subsection 2, the following are nontransferable:



(a) A medical marijuana establishment agent registration card.

(b) A medical marijuana establishment registration certificate.

2. A medical marijuana establishment may transfer all or any portion of its ownership to another party, and the ~~{Division}~~ *Department* shall transfer the medical marijuana establishment registration certificate issued to the establishment to the party acquiring ownership, if the party who will acquire ~~{the}~~ *an* ownership *interest* of *25 percent or more in* the medical marijuana establishment submits:

(a) Evidence satisfactory to the ~~{Division}~~ *Department* that ~~{the}~~ *, as applicable:*

(1) The party has complied with the provisions of sub-subparagraph (III) of subparagraph (2) of paragraph (a) of subsection 3 of NRS 453A.322 for the purpose of operating the medical marijuana establishment.

(2) If the medical marijuana establishment is a nonprofit medical marijuana dispensary, the party has complied with the provisions of subparagraph (6) of paragraph (a) of subsection 3 of NRS 453A.322 for the purpose of operating the nonprofit medical marijuana dispensary.

(b) For the party and each person who is proposed to be an owner, officer or board member of the proposed medical marijuana establishment, the name, address and date of birth of the person, a complete set of the person's fingerprints and written permission of the person authorizing the ~~{Division}~~ *Department* to forward the fingerprints to the Central Repository for Nevada Records of Criminal History for submission to the Federal Bureau of Investigation for its report.



(c) Proof satisfactory to the ~~{Division}~~ *Department* that, as a result of the transfer of ownership, no person, group of persons or entity will, in a county whose population is 100,000 or more, hold more than one medical marijuana establishment registration certificate or more than 10 percent of the medical marijuana establishment registration certificates allocated to the county, whichever is greater.

3. The transfer of a medical marijuana establishment registration certificate pursuant to subsection 2 does not constitute a transfer of ownership of a medical marijuana establishment and shall not be construed to resolve any conflict which may exist over the ownership of a medical marijuana establishment.

Sec. 44. NRS 453A.336 is hereby amended to read as follows:

453A.336 1. In addition to any other requirements set forth in this chapter, an applicant for the issuance or renewal of a medical marijuana establishment agent registration card or medical marijuana establishment registration certificate shall:

(a) Include the social security number of the applicant in the application submitted to the ~~{Division}~~ *Department*.

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

2. The ~~{Division}~~ *Department* shall include the statement required pursuant to subsection 1 in:



(a) The application or any other forms that must be submitted for the issuance or renewal of the medical marijuana establishment agent registration card or medical marijuana establishment registration certificate; or

(b) A separate form prescribed by the ~~{Division}~~ *Department*.

3. A medical marijuana establishment agent registration card or medical marijuana establishment registration certificate may not be issued or renewed by the ~~{Division}~~ *Department* if the applicant:

(a) Fails to submit the statement required pursuant to subsection 1; or

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

4. If an applicant indicates on the statement submitted pursuant to subsection 1 that the applicant is subject to a court order for the support of a child and is not in compliance with the order or a plan approved by the district attorney or other public agency enforcing the order for the repayment of the amount owed pursuant to the order, the ~~{Division}~~ *Department* shall advise the applicant to contact the district attorney or other public agency enforcing the order to determine the actions that the applicant may take to satisfy the arrearage.

Sec. 45. NRS 453A.338 is hereby amended to read as follows:

453A.338 1. If the ~~{Division}~~ *Department* receives a copy of a court order issued pursuant to NRS 425.540 that provides for the suspension of all professional, occupational and



recreational licenses, certificates and permits issued to a person who is the holder of a medical marijuana establishment agent registration card or medical marijuana establishment registration certificate, the ~~{Division}~~ *Department* shall deem the card or certificate issued to that person to be suspended at the end of the 30th day after the date on which the court order was issued unless the ~~{Division}~~ *Department* receives a letter issued to the holder of the card or certificate by the district attorney or other public agency pursuant to NRS 425.550 stating that the holder of the card or certificate has complied with the subpoena or warrant or has satisfied the arrearage pursuant to NRS 425.560.

2. The ~~{Division}~~ *Department* shall reinstate a medical marijuana establishment agent registration card or medical marijuana establishment registration certificate that has been suspended by a district court pursuant to NRS 425.540 if the ~~{Division}~~ *Department* receives a letter issued by the district attorney or other public agency pursuant to NRS 425.550 to the person whose card or certificate was suspended stating that the person whose card or certificate was suspended has complied with the subpoena or warrant or has satisfied the arrearage pursuant to NRS 425.560.

Sec. 46. NRS 453A.340 is hereby amended to read as follows:

453A.340 The following acts constitute grounds for immediate revocation of a medical marijuana establishment registration certificate:

1. Dispensing, delivering or otherwise transferring marijuana to a person other than a medical marijuana establishment agent, another medical marijuana establishment or a person



who holds a valid registry identification card, including, without limitation, a designated primary caregiver.

2. Acquiring usable marijuana or mature marijuana plants from any person other than a medical marijuana establishment agent, another medical marijuana establishment or a person who holds a valid registry identification card, including, without limitation, a designated primary caregiver.

3. Violating a regulation of the ~~Division,~~ *Department*, the violation of which is stated to be grounds for immediate revocation of a medical marijuana establishment registration certificate.

4. Failure to pay a fee imposed pursuant to NRS 453A.330.

5. Engaging in research not approved by the scientific review panel established by the Department pursuant to section 12 of this act.

Sec. 47. NRS 453A.342 is hereby amended to read as follows:

453A.342 The following acts constitute grounds for the immediate revocation of the medical marijuana establishment agent registration card of a medical marijuana establishment agent:

1. Having committed or committing any excluded felony offense.
2. Dispensing, delivering or otherwise transferring marijuana to a person other than a medical marijuana establishment agent, another medical marijuana establishment or a person who holds a valid registry identification card, including, without limitation, a designated primary caregiver.



3. Violating a regulation of the ~~Division,~~ *Department*, the violation of which is stated to be grounds for immediate revocation of a medical marijuana establishment agent registration card.

Sec. 48. NRS 453A.344 is hereby amended to read as follows:

453A.344 1. Except as otherwise provided in subsection 2, the ~~Division~~ *Department* shall collect not more than the following maximum fees:

For the initial issuance of a medical marijuana establishment registration certificate for a medical marijuana dispensary.....	\$30,000
For the renewal of a medical marijuana establishment registration certificate for a medical marijuana dispensary.....	5,000
For the initial issuance of a medical marijuana establishment registration certificate for a cultivation facility	3,000
For the renewal of a medical marijuana establishment registration certificate for a cultivation facility	1,000
For the initial issuance of a medical marijuana establishment registration certificate for a facility for the production of edible marijuana products or marijuana-infused products	3,000
For the renewal of a medical marijuana establishment registration certificate for a facility for the production of edible marijuana products or marijuana-infused products.....	1,000



For each person identified in an application for the initial issuance of a medical marijuana establishment agent registration card75

For each person identified in an application for the renewal of a medical marijuana establishment agent registration card75

For the initial issuance of a medical marijuana establishment registration certificate for an independent testing laboratory5,000

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

For the initial issuance of a medical marijuana establishment registration certificate for a medical marijuana research facility5,000

For the renewal of a medical marijuana establishment registration certificate for a medical marijuana research facility3,000

2. In addition to the fees described in subsection 1, each applicant for a medical marijuana establishment registration certificate must pay to the ~~{Division:}~~ *Department:*

- (a) A one-time, nonrefundable application fee of \$5,000; and
- (b) The actual costs incurred by the ~~{Division:}~~ *Department* in processing the application, including, without limitation, conducting background checks.

3. Any revenue generated from the fees imposed pursuant to this section:



(a) Must be expended first to pay the costs of the ~~{Division}~~ *Department* in carrying out the provisions of NRS 453A.320 to 453A.370, inclusive ~~{;}~~, *and sections 10 to 13, inclusive, of this act;* and

(b) If any excess revenue remains after paying the costs described in paragraph (a), such excess revenue must be paid over to the State Treasurer to be deposited to the credit of the State Distributive School Account in the State General Fund.

Sec. 49. NRS 453A.350 is hereby amended to read as follows:

453A.350 1. Each medical marijuana establishment must:

(a) Be located in a ~~{separate building or facility that is located in a}~~ commercial or industrial zone or overlay;

(b) Comply with all local ordinances and rules pertaining to zoning, land use and signage;

(c) Have an appearance, both as to the interior and exterior, that is professional, orderly ~~{}~~ *and dignified ;* ~~{and consistent with the traditional style of pharmacies and medical offices;}~~ and

(d) Have discreet and professional signage . ~~{that is consistent with the traditional style of signage for pharmacies and medical offices.}~~

2. A medical marijuana establishment may move to a new location under the jurisdiction of the same local government as its original location and regardless of the distance from its original location if the operation of the medical marijuana establishment at the new location has been approved by the local government. A local government may approve a new location pursuant to this subsection only in a public hearing for which written notice is given at least 7 working days before the hearing.



Sec. 50. NRS 453A.352 is hereby amended to read as follows:

453A.352 1. The operating documents of a medical marijuana establishment must include procedures:

(a) For the oversight of the medical marijuana establishment; and

(b) To ensure accurate recordkeeping, including, without limitation, the provisions of NRS 453A.354 and 453A.356.

2. Except as otherwise provided in this subsection, a medical marijuana establishment ~~+~~

~~—(a) That is a medical marijuana dispensary must have a single entrance for patrons, which must be secure, and~~

shall implement strict security measures to deter and prevent the theft of marijuana and unauthorized entrance into areas containing marijuana.

~~+(b) That is not a medical marijuana dispensary must have a single secure entrance and shall implement strict security measures to deter and prevent the theft of marijuana and unauthorized entrance into areas containing marijuana.~~

~~→~~ The provisions of this subsection do not supersede any state or local requirements relating to minimum numbers of points of entry or exit, or any state or local requirements relating to fire safety.

3. A medical marijuana establishment is prohibited from acquiring, possessing, cultivating, manufacturing, delivering, transferring, transporting, supplying or dispensing marijuana for any purpose except to:

(a) Directly or indirectly assist patients who possess valid registry identification cards; and



(b) Assist patients who possess valid registry identification cards or letters of approval by way of those patients' designated primary caregivers.

↪ For the purposes of this subsection, a person shall be deemed to be a patient who possesses a valid registry identification card or letter of approval if he or she qualifies for nonresident reciprocity pursuant to NRS 453A.364.

4. All cultivation or production of marijuana that a cultivation facility carries out or causes to be carried out must take place in an enclosed, locked facility at the physical address provided to the ~~Division~~ *Department* during the registration process for the cultivation facility. Such an enclosed, locked facility must be accessible only by medical marijuana establishment agents who are lawfully associated with the cultivation facility, except that limited access by persons necessary to perform construction or repairs or provide other labor is permissible if such persons are supervised by a medical marijuana establishment agent.

5. A medical marijuana dispensary and a cultivation facility may acquire usable marijuana or marijuana plants from a person who holds a valid registry identification card, including, without limitation, a designated primary caregiver. Except as otherwise provided in this subsection, the patient or caregiver, as applicable, must receive no compensation for the marijuana. A patient who holds a valid registry identification card, and the designated primary caregiver of such a patient, or the designated primary caregiver of a person who holds a letter of approval may sell usable marijuana to a medical marijuana dispensary ~~one time~~ *not more than once in any 3-year period* and may sell marijuana plants to a cultivation facility ~~one time~~ *not more than once in any 3-year period*.



6. A medical marijuana establishment shall not allow any person to consume marijuana on the property or premises of the establishment.

7. *Except as otherwise provided in NRS 453A.354 or 453A.356, a medical marijuana establishment shall, within 48 hours after gathering such information, destroy any personal information of a person, including, without limitation, the name, address or date of birth of the person, which was gathered for marketing purposes.*

8. Medical marijuana establishments are subject to reasonable inspection by the ~~Division~~ *Department* at any time, and a person who holds a medical marijuana establishment registration certificate must make himself or herself, or a designee thereof, available and present for any inspection by the ~~Division~~ *Department* of the establishment.

9. *Each medical marijuana establishment shall install a video monitoring system which must, at a minimum:*

(a) *Allow for the transmission and storage, by digital or analog means, of a video feed which displays the interior and exterior of the medical marijuana establishment; and*

(b) *Be capable of being accessed remotely by a law enforcement agency in real-time upon request.*

10. *A facility for the production of edible marijuana products or marijuana-infused products and a medical marijuana dispensary may acquire industrial hemp, as defined in section 94 of this act, from a grower or handler registered by the State Department of Agriculture pursuant to sections 88 to 107, inclusive, of this act. A facility for the production of edible marijuana products or marijuana-infused products may use industrial hemp to*



manufacture edible marijuana products and marijuana-infused products. A medical marijuana dispensary may dispense industrial hemp and edible marijuana products and marijuana-infused products manufactured using industrial hemp.

11. A medical marijuana establishment or an association of medical marijuana establishments may, in accordance with the provisions of chapter 610 of NRS, propose and enter into an agreement to carry out a program of apprenticeship for medical marijuana establishment agents.

12. A dual licensee, as defined in NRS 453D.030, shall comply with the regulations adopted by the Department pursuant to paragraph (k) of subsection 1 of NRS 453D.200 with respect to the medical marijuana establishment operated by the dual licensee.

Sec. 51. NRS 453A.354 is hereby amended to read as follows:

453A.354 1. Each medical marijuana establishment, in consultation with the ~~Division,~~ *Department*, shall maintain an electronic verification system.

2. The electronic verification system required pursuant to subsection 1 must be able to monitor and report information, including, without limitation:

(a) In the case of a medical marijuana dispensary, for each person who holds a valid registry identification card and who purchased *or received a donation of* marijuana from the dispensary in the immediately preceding 60-day period:

- (1) The number of the card;
- (2) The date on which the card was issued; and
- (3) The date on which the card will expire.



(b) For each medical marijuana establishment agent who is employed by or volunteers at the medical marijuana establishment, the number of the person's medical marijuana establishment agent registration card.

(c) In the case of a medical marijuana dispensary, such information as may be required by the ~~{Division}~~ *Department* by regulation regarding persons who are not residents of this State and who have purchased *or received a donation of* marijuana from the dispensary.

(d) Verification of the identity of a person to whom marijuana, edible marijuana products or marijuana-infused products are sold , *donated* or otherwise distributed.

(e) Such other information as the ~~{Division}~~ *Department* may require.

3. Nothing in this section prohibits more than one medical marijuana establishment from co-owning an electronic verification system in cooperation with other medical marijuana establishments, or sharing the information obtained therefrom.

4. A medical marijuana establishment must exercise reasonable care to ensure that the personal identifying information of persons who hold registry identification cards *or letters of approval* which is contained in an electronic verification system is encrypted, protected and not divulged for any purpose not specifically authorized by law.

Sec. 52. NRS 453A.356 is hereby amended to read as follows:

453A.356 1. Each medical marijuana establishment, in consultation with the ~~{Division,}~~ *Department*, shall maintain an inventory control system.

2. The inventory control system required pursuant to subsection 1 must be able to monitor and report information, including, without limitation:



(a) Insofar as is practicable, the chain of custody and current whereabouts, in real time, of medical marijuana from the point that it is ~~harvested~~ *planted* at a cultivation facility until it is sold *or donated* at a medical marijuana dispensary and, if applicable, if it is processed at a facility for the production of edible marijuana products or marijuana-infused products;

(b) The name of each person or other medical marijuana establishment, or both, to which the establishment sold *or donated* marijuana;

(c) In the case of a medical marijuana dispensary, the date on which it sold *or donated* marijuana to a person who holds a registry identification card and, if any, the quantity of edible marijuana products or marijuana-infused products sold, measured both by weight and potency; and

(d) Such other information as the ~~Division~~ *Department* may require.

3. Nothing in this section prohibits more than one medical marijuana establishment from co-owning an inventory control system in cooperation with other medical marijuana establishments, or sharing the information obtained therefrom.

4. A medical marijuana establishment must exercise reasonable care to ensure that the personal identifying information of persons who hold registry identification cards *or letters of approval* which is contained in an inventory control system is encrypted, protected and not divulged for any purpose not specifically authorized by law.

Sec. 53. NRS 453A.358 is hereby amended to read as follows:

453A.358 Each medical marijuana dispensary shall ensure all of the following:



1. The weight, concentration and content of THC in all marijuana, edible marijuana products and marijuana-infused products that the dispensary sells *or donates* is clearly and accurately stated on the product sold ~~+~~ *or donated*.

2. That the dispensary does not sell *or donate* to a person, in any one 14-day period, an amount of marijuana for medical purposes that exceeds the limits set forth in NRS 453A.200.

3. That, posted clearly and conspicuously within the dispensary, are the legal limits on the possession of marijuana for medical purposes, as set forth in NRS 453A.200.

4. That, posted clearly and conspicuously within the dispensary, is a sign stating unambiguously the legal limits on the possession of marijuana for medical purposes, as set forth in NRS 453A.200.

Sec. 54. NRS 453A.360 is hereby amended to read as follows:

453A.360 Each medical marijuana dispensary and facility for the production of edible marijuana products or marijuana-infused products shall, in consultation with the ~~Division,~~ *Department*, cooperate to ensure that all edible marijuana products and marijuana-infused products offered for sale ~~+~~ *or donation*:

1. Are labeled clearly and unambiguously as medical marijuana.
2. Are not *produced in a form or* presented in packaging that is appealing to children.
3. Are regulated and sold *or donated* on the basis of the concentration of THC in the products and not by weight.
4. Are packaged and labeled in such a manner as to allow tracking by way of an inventory control system.



Sec. 55. NRS 453A.364 is hereby amended to read as follows:

453A.364 1. The State of Nevada and the medical marijuana dispensaries in this State which hold valid medical marijuana establishment registration certificates will recognize a nonresident ~~{card}~~ *authorization for the medical use of marijuana* only under the following circumstances:

(a) The state or jurisdiction from which the holder or bearer obtained the nonresident ~~{card}~~ *authorization for the medical use of marijuana* grants an exemption from criminal prosecution for the medical use of marijuana;

(b) The state or jurisdiction from which the holder or bearer obtained the nonresident ~~{card}~~ *authorization for the medical use of marijuana* requires, as a prerequisite to the issuance of such ~~{a card,}~~ *an authorization*, that a ~~{physician}~~ *provider of health care* advise the person that the medical use of marijuana may mitigate the symptoms or effects of the person's medical condition;

(c) ~~{The nonresident card has an expiration date and has not yet expired;}~~

~~—(d)}~~ The holder or bearer of the nonresident ~~{card}~~ *authorization for the medical use of marijuana* signs an affidavit in a form prescribed by the ~~{Division}~~ *Department* which sets forth that the holder or bearer is entitled to engage in the medical use of marijuana in his or her state or jurisdiction of residence; and

~~{(e)}~~ (d) The holder or bearer of the nonresident ~~{card}~~ *authorization for the medical use of marijuana* agrees to abide by, and does abide by, the legal limits on the possession of marijuana for medical purposes in this State, as set forth in NRS 453A.200.



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

(a) The amount of medical marijuana that the holder or bearer of a nonresident ~~card~~ *authorization for the medical use of marijuana* is entitled to possess in his or her state or jurisdiction of residence is not relevant; and

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

3. As used in this section, “nonresident ~~card~~” *authorization for the medical use of marijuana*” means ~~a card or other identification that:~~

~~—(a) Is issued by~~ *an authorization by* a state or jurisdiction other than Nevada ~~;~~ *and*

~~—(b) Is the functional equivalent of a registry identification card or letter of approval, as determined by the Division.~~ *for a person to engage in the medical use of marijuana.*

Sec. 56. NRS 453A.366 is hereby amended to read as follows:

453A.366 1. A patient who holds a valid registry identification card or letter of approval 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~~ *Department* within the time specified by the ~~Division.~~ *Department.*

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

Sec. 57. NRS 453A.368 is hereby amended to read as follows:



453A.368 1. The ~~Division~~ *Department* shall establish standards for and certify one or more private and independent testing laboratories to test marijuana, edible marijuana products and marijuana-infused products that are to be sold in this State.

2. Such an independent testing laboratory must be able to ~~determine~~ :

(a) Determine accurately, with respect to marijuana, edible marijuana products and marijuana-infused products that are sold or will be sold at medical marijuana dispensaries in this State:

~~(a)~~ *(1)* The concentration therein of THC and cannabidiol.

~~(b)~~ *(2)* The presence and identification of molds and fungus.

~~(c)~~ *(3)* The composition of the tested material.

~~(d)~~ *(4)* The presence of chemicals in the tested material, including, without limitation, pesticides, herbicides or growth regulators.

(b) Demonstrate the validity and accuracy of the methods used by the independent testing laboratory to test marijuana, edible marijuana products and marijuana-infused products.

3. To obtain certification by the ~~Division~~ *Department* on behalf of an independent testing laboratory, an applicant must:

(a) Apply successfully as required pursuant to NRS 453A.322.

(b) Pay the fees required pursuant to NRS 453A.344.

(c) Agree to become accredited pursuant to standard ISO/IEC 17025 of the International Organization for Standardization within 1 year after certification.

Sec. 58. NRS 453A.369 is hereby amended to read as follows:



453A.369 *1. The ~~Division~~ Department may enter into an interlocal agreement pursuant to NRS 277.080 to 277.180, inclusive, to carry out the provisions of NRS 453A.320 to 453A.370, inclusive ~~H~~, and sections 10 to 13, inclusive, of this act.*

2. A local government may enact ordinances relating to zoning and land use and ordinances establishing building requirements of general applicability and require a medical marijuana establishment to comply with such ordinances.

3. Except as otherwise provided in this section, a local government shall not:

(a) Impose any tax or fee on a medical marijuana establishment operating within the scope of a medical marijuana establishment registration certificate issued pursuant to NRS 453A.320 to 453A.370, inclusive, and sections 10 to 13, inclusive, of this act.

(b) Require a medical marijuana establishment operating within the scope of a medical marijuana establishment registration certificate issued pursuant to NRS 453A.320 to 453A.370, inclusive, and sections 10 to 13, inclusive, of this act to obtain from the local government any certificate, license or permit to operate within that scope.

(c) Impose any other requirement upon a medical marijuana establishment which is not of general applicability to all businesses within the jurisdiction of the local government.

Sec. 59. NRS 453A.370 is hereby amended to read as follows:

453A.370 The ~~Division~~ Department shall adopt such regulations as it determines to be necessary or advisable to carry out the provisions of NRS 453A.320 to 453A.370, inclusive ~~H~~, and sections 10 to 13, inclusive, of this act. Such regulations are in addition to any requirements set forth in statute and must, without limitation:



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

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

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

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

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

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

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

(f) Procedures pursuant to which a medical marijuana dispensary will be notified by the ~~Division~~ *Department* if a patient who holds a valid registry identification card or letter of approval has chosen the dispensary as his or her designated medical marijuana dispensary, as described in NRS 453A.366.



(g) Minimum requirements for industrial hemp, as defined in section 94 of this act, which is used by a facility for the production of edible marijuana products or marijuana-infused products to manufacture edible marijuana products or marijuana-infused products or dispensed by a medical marijuana dispensary.

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

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

(b) To reflect gifts and grants received by the ~~Division~~ *Department* pursuant to NRS 453A.720.

4. Set forth the amount of usable marijuana , *edible marijuana products and marijuana-infused products* that a medical marijuana dispensary may dispense to a person who holds a valid registry identification card, including, without limitation, a designated primary caregiver . ~~[, in any one 14-day period.]~~ Such an amount must not exceed the limits set forth in NRS 453A.200.

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

6. In cooperation with the ~~Board of Medical Examiners and the State Board of Osteopathic Medicine,~~ *applicable professional licensing boards*, establish a system to:



(a) Register and track attending ~~{physicians}~~ *providers of health care* who advise their patients that the medical use of marijuana may mitigate the symptoms or effects of the patient's medical condition;

(b) Insofar as is possible, track and quantify the number of times an attending ~~{physician}~~ *provider of health care* described in paragraph (a) makes such an advisement; and

(c) Provide for the progressive discipline of attending ~~{physicians}~~ *providers of health care* who advise the medical use of marijuana at a rate at which the ~~{Division}~~ *Department* and ~~{Board}~~ *applicable board* determine and agree to be unreasonably high.

7. Establish different categories of medical marijuana establishment agent registration cards, including, without limitation, criteria for training and certification, for each of the different types of medical marijuana establishments at which such an agent may be employed or volunteer or provide labor as a medical marijuana establishment agent.

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

~~—9.†~~ Address such other matters as may assist in implementing the program of dispensation contemplated by NRS 453A.320 to 453A.370, inclusive ~~{†}~~, *and sections 10 to 13, inclusive, of this act.*

Sec. 60. NRS 453A.400 is hereby amended to read as follows:



453A.400 1. The fact that a person possesses a registry identification card or letter of approval issued to the person by the ~~{Division}~~ *Department* or its designee pursuant to NRS 453A.220 or 453A.250, a medical marijuana establishment registration certificate issued to the person by the ~~{Division}~~ *Department* or its designee pursuant to NRS 453A.322 or a medical marijuana establishment agent registration card issued to the person by the ~~{Division}~~ *Department* or its designee pursuant to NRS 453A.332 does not, alone:

- (a) Constitute probable cause to search the person or the person's property; or
- (b) Subject the person or the person's property to inspection by any governmental agency.

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

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

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

(c) Upon:

- (1) A decision not to prosecute;
- (2) The dismissal of charges; or
- (3) Acquittal,



↪ the law enforcement agency shall, to the extent permitted by law, return to that person any usable marijuana, marijuana plants, paraphernalia or other related property that was seized. The provisions of this subsection do not require a law enforcement agency to care for live marijuana plants.

Sec. 61. NRS 453A.500 is hereby amended to read as follows:

453A.500 The ~~{Board of Medical Examiners or the State Board of Osteopathic Medicine, as}~~ applicable ~~{}~~ *professional licensing boards* shall not take any disciplinary action against an attending ~~{physician}~~ *provider of health care* on the basis that the attending ~~{physician}~~ *provider of health care*:

1. Advised a person whom the attending ~~{physician}~~ *provider of health care* has diagnosed as having a chronic or debilitating medical condition, or a person whom the attending ~~{physician}~~ *provider of health care* knows has been so diagnosed by another ~~{physician}~~ *provider of health care* licensed ~~{to practice medicine}~~ pursuant to the ~~{provisions of chapter 630 of NRS or licensed to practice osteopathic medicine pursuant to the provisions of chapter 633 of NRS;}~~ *laws of this State*:

(a) About the possible risks and benefits of the medical use of marijuana; or

(b) That the medical use of marijuana may mitigate the symptoms or effects of the person's chronic or debilitating medical condition,

↪ if the advice is based on the attending ~~{physician's}~~ *provider of health care's* personal assessment of the person's medical history and current medical condition.



2. Provided the written documentation required pursuant to paragraph (a) *or (g)* of subsection 2 of NRS 453A.210 for the issuance of a registry identification card or letter of approval or pursuant to subparagraph (1) of paragraph (b) of subsection 1 of NRS 453A.230 for the renewal of a registry identification card or letter of approval if:

(a) Such documentation is based on the attending ~~{physician's}~~ *provider of health care's* personal assessment of the person's medical history and current medical condition; and

(b) The ~~{physician}~~ *attending provider of health care* has advised the person about the possible risks and benefits of the medical use of marijuana.

Sec. 62. NRS 453A.510 is hereby amended to read as follows:

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

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

2. The person acts as or has acted as the designated primary caregiver of a person who holds a registry identification card or letter of approval issued to him or her pursuant to paragraph (a) *or (c)* of subsection 1 of NRS 453A.220.

Sec. 63. NRS 453A.700 is hereby amended to read as follows:

453A.700 1. Except as otherwise provided in this section, NRS 239.0115 and subsection 4 of NRS 453A.210, the ~~{Division}~~ *Department* shall not disclose:

(a) The contents of any tool used by the ~~{Division}~~ *Department* to evaluate an applicant or its affiliate.



(b) Any information, documents or communications provided to the ~~{Division}~~ *Department* by an applicant or its affiliate pursuant to the provisions of this chapter, without the prior written consent of the applicant or affiliate or pursuant to a lawful court order after timely notice of the proceedings has been given to the applicant or affiliate.

(c) The name or any other identifying information of:

(1) An attending ~~{physician;}~~ *provider of health care;* or

(2) A person who has applied for or to whom the ~~{Division}~~ *Department* or its designee has issued a registry identification card or letter of approval.

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

2. Notwithstanding the provisions of subsection 1, the ~~{Division}~~ *Department* or its designee may release the name and other identifying information of a person to whom the ~~{Division}~~ *Department* or its designee has issued a registry identification card , ~~{or}~~ letter of approval *or medical marijuana establishment registration certificate* to:

(a) Authorized employees of the ~~{Division}~~ *Department* or its designee as necessary to perform official duties of the ~~{Division;}~~ *Department;* and

(b) Authorized employees of state and local law enforcement agencies, only as necessary to verify that a person is the lawful holder of a registry identification card or letter of approval issued to him or her pursuant to NRS 453A.220 or 453A.250 ~~{}~~ *or a medical marijuana establishment registration certificate issued pursuant to NRS 453A.322.*



Sec. 64. NRS 453A.710 is hereby amended to read as follows:

453A.710 1. A person may submit to the ~~{Division}~~ *Department* a petition requesting that a particular disease or condition be included among the diseases and conditions that qualify as chronic or debilitating medical conditions pursuant to NRS 453A.050.

2. The ~~{Division}~~ *Department* shall adopt regulations setting forth the manner in which the ~~{Division}~~ *Department* will accept and evaluate petitions submitted pursuant to this section. The regulations must provide, without limitation, that:

(a) The ~~{Division}~~ *Department* will approve or deny a petition within 180 days after the ~~{Division}~~ *Department* receives the petition; and

(b) The decision of the ~~{Division}~~ *Department* to deny a petition is a final decision for the purposes of judicial review.

Sec. 65. NRS 453A.720 is hereby amended to read as follows:

453A.720 1. The ~~{Administrator}~~ *Executive Director* of the ~~{Division}~~ *Department or his or her designee* may apply for or accept any gifts, grants, donations or contributions from any source to carry out the provisions of this chapter.

2. Any money the ~~{Administrator}~~ *Executive Director of the Department or his or her designee* receives pursuant to subsection 1 must be deposited in the State Treasury pursuant to NRS 453A.730.

Sec. 66. NRS 453A.730 is hereby amended to read as follows:



453A.730 1. Any money the ~~Administrator~~ *Executive Director* of the ~~Division~~ *Department or his or her designee* receives pursuant to NRS 453A.720 or that is appropriated to carry out the provisions of this chapter:

(a) Must be deposited in the State Treasury and accounted for separately in the State General Fund;

(b) May only be used to carry out:

(1) The provisions of this chapter, including the dissemination of information concerning the provisions of this chapter and such other information as determined appropriate by the ~~Administrator~~ *Executive Director of the Department*; and

(2) Alcohol and drug abuse programs pursuant to NRS 458.094; and

(c) Does not revert to the State General Fund at the end of any fiscal year.

2. *The Executive Director of the Department shall annually:*

(a) Determine the amount of money necessary to carry out the provisions of this chapter pursuant to subparagraph (1) of paragraph (b) of subsection 1;

(b) Notify the Administrator of the Division of Public and Behavioral Health of the Department of Health and Human Services of any amount of money in the account in excess of the amount determined pursuant to paragraph (a); and

(c) In consultation with the Administrator of the Division of Public and Behavioral Health of the Department of Health and Human Services, use the excess money in the account to carry out alcohol and drug abuse programs pursuant to NRS 458.094.



3. The ~~{Administrator}~~ *Executive Director* of the ~~{Division}~~ *Department* shall administer the account. Any interest or income earned on the money in the account must be credited to the account. Any claims against the account must be paid as other claims against the State are paid.

Sec. 67. NRS 453A.740 is hereby amended to read as follows:

453A.740 The ~~{Administrator}~~ *Executive Director* of the ~~{Division}~~ *Department of Taxation* shall adopt such regulations as the ~~{Administrator}~~ *Executive Director* determines are necessary to carry out the provisions of this chapter. The regulations must set forth, without limitation:

1. Procedures pursuant to which the ~~{Division}~~ *Department of Taxation* will issue a registry identification card or letter of approval or, in cooperation with the Department of Motor Vehicles, cause a registry identification card to be prepared and issued to a qualified person as a type of identification card described in NRS 483.810 to 483.890, inclusive. The procedures described in this subsection must provide that the ~~{Division}~~ *Department of Taxation* will:

(a) Issue a registry identification card or letter of approval to a qualified person; or
(b) Designate the Department of Motor Vehicles to issue a registry identification card to a person if:

(1) The person presents to the Department of Motor Vehicles valid documentation issued by the ~~{Division}~~ *Department of Taxation* indicating that the ~~{Division}~~ *Department of Taxation* has approved the issuance of a registry identification card to the person; and



(2) The Department of Motor Vehicles, before issuing the registry identification card, confirms by telephone or other reliable means that the ~~{Division}~~ *Department of Taxation* has approved the issuance of a registry identification card to the person.

2. That if the ~~{Division}~~ *Department of Taxation* issues a registry identification card pursuant to subsection 1, the ~~{Division}~~ *Department of Taxation* may charge and collect any fee authorized for the issuance of an identification card described in NRS 483.810 to 483.890, inclusive.

3. Fees for:

(a) Providing to an applicant an application for a registry identification card or letter of approval, which fee must not exceed \$25; ~~{and}~~

(b) Processing *an application for* and issuing a registry identification card or letter of approval, which fee must not exceed \$75 ~~{+}~~ ; *and*

(c) Processing an application for and renewing a registry identification card or letter of approval issued pursuant to paragraph (a) or (b) of subsection 1 of NRS 453A.220 or NRS 453A.250, which fee must not exceed \$75.

4. Procedures for the collection and remission to the Department of Taxation of the fees established pursuant to subsection 3 by a medical marijuana dispensary from a person who submits an application for a registry identification card to the medical marijuana dispensary for transmission to the Department.

Sec. 68. NRS 455A.170 is hereby amended to read as follows:



455A.170 1. A skier or snowboarder shall not engage in skiing or snowboarding, or embark on a chair lift that is proceeding predominantly uphill, while intoxicated or under the influence of a controlled substance as defined in chapter 453 of NRS unless in accordance with a lawfully issued prescription ~~+~~ *or the provisions of chapter 453A of NRS.*

2. A skier or snowboarder who is involved in a collision in which another person is injured shall provide his or her name and current address to the injured person, the operator or a member of the patrol:

(a) Before the skier or snowboarder leaves the vicinity of the collision; or

(b) As soon as reasonably possible after leaving the vicinity of the collision to secure aid for the injured person.

3. A person who violates a provision of this section is guilty of a misdemeanor.

Sec. 69. NRS 455B.290 is hereby amended to read as follows:

455B.290 1. A person shall not enter or use a skateboard park to skateboard, roller skate, ride a bicycle or operate a scooter while intoxicated or under the influence of a controlled substance, unless in accordance with a lawfully issued prescription ~~+~~ *or the provisions of chapter 453A of NRS.*

2. A person using a skateboard park who is involved in a collision or an accident in which another person is injured shall provide his or her name and current address to the injured person and the skateboard park operator or an authorized agent or employee of the operator:

(a) Before the person leaves the vicinity of the collision or accident; or



(b) As soon as reasonably possible after leaving the vicinity of the collision or accident to secure aid for the injured person.

3. A person who violates a provision of this section is guilty of a misdemeanor.

Sec. 70. NRS 458.290 is hereby amended to read as follows:

458.290 As used in NRS 458.290 to 458.350, inclusive, unless the context otherwise requires, “drug addict” means any person who habitually takes or otherwise uses any controlled substance, other than any maintenance dosage of a narcotic or habit-forming drug administered pursuant to chapter 453 of NRS ~~H~~ *or marijuana used in accordance with the provisions of chapter 453A of NRS*, to the extent that the person endangers the health, safety or welfare of himself or herself or any other person.

Sec. 71. NRS 62B.270 is hereby amended to read as follows:

62B.270 1. A public institution or agency to which a juvenile court commits a child or the licensing authority of a private institution to which a juvenile court commits a child, including, without limitation, a facility for the detention of children, shall secure from appropriate law enforcement agencies information on the background and personal history of each employee of the institution or agency to determine whether the employee has been convicted of:

- (a) Murder, voluntary manslaughter or mayhem;
- (b) Any other felony involving the use of a firearm or other deadly weapon;
- (c) Assault with intent to kill or to commit sexual assault or mayhem;
- (d) Sexual assault, statutory sexual seduction, incest, lewdness, indecent exposure or any other sexually related crime;



(e) Abuse or neglect of a child or contributory delinquency;

(f) A violation of any federal or state law regulating the possession, distribution or use of any controlled substance or any dangerous drug as defined in chapter 454 of NRS ~~454~~, *except the possession or use of marijuana in accordance with the provisions of chapter 453A of NRS.*

(g) Abuse, neglect, exploitation, isolation or abandonment of older persons or vulnerable persons, including, without limitation, a violation of any provision of NRS 200.5091 to 200.50995, inclusive, or a law of any other jurisdiction that prohibits the same or similar conduct; or

(h) Any offense involving fraud, theft, embezzlement, burglary, robbery, fraudulent conversion or misappropriation of property within the immediately preceding 7 years.

2. An employee of the public or private institution or agency must submit to the public institution or agency or the licensing authority, as applicable, two complete sets of fingerprints and written authorization to forward those fingerprints to the Central Repository for Nevada Records of Criminal History for submission to the Federal Bureau of Investigation for its report.

3. The public institution or agency or the licensing authority, as applicable, may exchange with the Central Repository or the Federal Bureau of Investigation any information concerning the fingerprints submitted.

4. The public institution or agency or the licensing authority, as applicable, may charge an employee investigated pursuant to this section for the reasonable cost of that investigation.

5. When a report from the Federal Bureau of Investigation is received by the Central Repository, the Central Repository shall immediately forward a copy of the report to the public



institution or agency or the licensing authority, as applicable, for a determination of whether the employee has been convicted of a crime listed in subsection 1.

6. A person who is required to submit to an investigation required pursuant to this section shall not have contact with a child without supervision in a public or private institution or agency to which a juvenile court commits a child, including, without limitation, a facility for the detention of children, before the investigation of the background and personal history of the person has been conducted.

7. The public institution or agency or the licensing authority, as applicable, shall conduct an investigation of each employee of the institution or agency pursuant to this section at least once every 5 years after the initial investigation.

Sec. 72. NRS 62G.223 is hereby amended to read as follows:

62G.223 1. A department of juvenile justice services shall secure from appropriate law enforcement agencies information on the background and personal history of each applicant for employment with the department of juvenile justice services, and each employee of the department of juvenile justice services, to determine:

(a) Whether the applicant or employee has been convicted of:

- (1) Murder, voluntary manslaughter, involuntary manslaughter or mayhem;
- (2) Any felony involving the use or threatened use of force or violence or the use of a firearm or other deadly weapon;
- (3) Assault with intent to kill or to commit sexual assault or mayhem;
- (4) Battery which results in substantial bodily harm to the victim;



- (5) Battery that constitutes domestic violence that is punishable as a felony;
- (6) Battery that constitutes domestic violence, other than a battery described in subparagraph (5), within the immediately preceding 3 years;
- (7) Sexual assault, statutory sexual seduction, incest, lewdness, indecent exposure or an offense involving pornography and a minor;
- (8) A crime involving pandering or prostitution, including, without limitation, a violation of any provision of NRS 201.295 to 201.440, inclusive;
- (9) Abuse or neglect of a child, including, without limitation, a violation of any provision of NRS 200.508 or 200.5083 or contributory delinquency;
- (10) A violation of any federal or state law regulating the possession, distribution or use of any controlled substance or any dangerous drug as defined in chapter 454 of NRS ~~§~~, *except the possession or use of marijuana in accordance with the provisions of chapter 453A of NRS.*
- (11) A violation of any federal or state law prohibiting driving or being in actual physical control of a vehicle while under the influence of intoxicating liquor or a controlled substance that is punishable as a felony;
- (12) A violation of any federal or state law prohibiting driving or being in actual physical control of a vehicle while under the influence of intoxicating liquor or a controlled substance, other than a violation described in subparagraph (11), within the immediately preceding 3 years;
- (13) Abuse, neglect, exploitation, isolation or abandonment of older persons or vulnerable persons, including, without limitation, a violation of any provision of NRS 200.5091 to



200.50995, inclusive, or a law of any other jurisdiction that prohibits the same or similar conduct; or

(14) Any offense involving arson, fraud, theft, embezzlement, burglary, robbery, fraudulent conversion, misappropriation of property or perjury within the immediately preceding 7 years; or

(b) Whether there are criminal charges pending against the applicant or employee for a violation of an offense listed in paragraph (a).

2. A department of juvenile justice services shall request information from:

(a) The Statewide Central Registry concerning an applicant for employment with the department of juvenile justice services, or an employee of the department of juvenile justice services, to determine whether there has been a substantiated report of child abuse or neglect made against the applicant or employee; and

(b) The central registry of information concerning the abuse or neglect of a child established by any other state in which the applicant or employee resided within the immediately preceding 5 years to ensure satisfactory clearance with that registry.

3. Each applicant for employment with the department of juvenile justice services, and each employee of the department of juvenile justice services, must submit to the department of juvenile justice services:

(a) A complete set of his or her fingerprints and written authorization to forward those fingerprints to the Central Repository for Nevada Records of Criminal History for submission to the Federal Bureau of Investigation for its report; and



(b) Written authorization for the department of juvenile justice services to obtain any information that may be available from the Statewide Central Registry or the central registry of information concerning the abuse or neglect of a child established by any other state in which the applicant or employee resided within the immediately preceding 5 years.

4. The department of juvenile justice services may exchange with the Central Repository or the Federal Bureau of Investigation any information concerning the fingerprints submitted pursuant to this section.

5. When a report from the Federal Bureau of Investigation is received by the Central Repository, the Central Repository shall immediately forward a copy of the report to the department of juvenile justice services for a determination of whether the applicant or employee has criminal charges pending against him or her for a crime listed in paragraph (a) of subsection 1 or has been convicted of a crime listed in paragraph (a) of subsection 1.

6. A department of juvenile justice services shall conduct an investigation of each employee of the department pursuant to this section at least once every 5 years after the initial investigation.

7. As used in this section, "Statewide Central Registry" means the Statewide Central Registry for the Collection of Information Concerning the Abuse or Neglect of a Child established by NRS 432.100.

Sec. 73. NRS 62G.353 is hereby amended to read as follows:

62G.353 1. A department of juvenile justice services shall secure from appropriate law enforcement agencies information on the background and personal history of each applicant for



employment with the department of juvenile justice services, and each employee of the department of juvenile justice services, to determine:

(a) Whether the applicant or employee has been convicted of:

- (1) Murder, voluntary manslaughter, involuntary manslaughter or mayhem;
- (2) Any felony involving the use or threatened use of force or violence or the use of a firearm or other deadly weapon;
- (3) Assault with intent to kill or to commit sexual assault or mayhem;
- (4) Battery which results in substantial bodily harm to the victim;
- (5) Battery that constitutes domestic violence that is punishable as a felony;
- (6) Battery that constitutes domestic violence, other than a battery described in subparagraph (5), within the immediately preceding 3 years;
- (7) Sexual assault, statutory sexual seduction, incest, lewdness, indecent exposure or an offense involving pornography and a minor;
- (8) A crime involving pandering or prostitution, including, without limitation, a violation of any provision of NRS 201.295 to 201.440, inclusive;
- (9) Abuse or neglect of a child, including, without limitation, a violation of any provision of NRS 200.508 or 200.5083 or contributory delinquency;
- (10) A violation of any federal or state law regulating the possession, distribution or use of any controlled substance or any dangerous drug as defined in chapter 454 of NRS ~~§~~, *except the possession or use of marijuana in accordance with the provisions of chapter 453A of NRS.*



(11) A violation of any federal or state law prohibiting driving or being in actual physical control of a vehicle while under the influence of intoxicating liquor or a controlled substance that is punishable as a felony;

(12) A violation of any federal or state law prohibiting driving or being in actual physical control of a vehicle while under the influence of intoxicating liquor or a controlled substance, other than a violation described in subparagraph (11), within the immediately preceding 3 years;

(13) Abuse, neglect, exploitation, isolation or abandonment of older persons or vulnerable persons, including, without limitation, a violation of any provision of NRS 200.5091 to 200.50995, inclusive, or a law of any other jurisdiction that prohibits the same or similar conduct; or

(14) Any offense involving arson, fraud, theft, embezzlement, burglary, robbery, fraudulent conversion, misappropriation of property or perjury within the immediately preceding 7 years; or

(b) Whether there are criminal charges pending against the applicant or employee for a violation of an offense listed in paragraph (a).

2. A department of juvenile justice services shall request information from:

(a) The Statewide Central Registry concerning an applicant for employment with the department of juvenile justice services, or an employee of the department of juvenile justice services, to determine whether there has been a substantiated report of child abuse or neglect made against the applicant or employee; and



(b) The central registry of information concerning the abuse or neglect of a child established by any other state in which the applicant or employee resided within the immediately preceding 5 years to ensure satisfactory clearance with that registry.

3. Each applicant for employment with the department of juvenile justice services, and each employee of the department of juvenile justice services, must submit to the department of juvenile justice services:

(a) A complete set of his or her fingerprints and written authorization to forward those fingerprints to the Central Repository for Nevada Records of Criminal History for submission to the Federal Bureau of Investigation for its report; and

(b) Written authorization for the department of juvenile justice services to obtain any information that may be available from the Statewide Central Registry or the central registry of information concerning the abuse or neglect of a child established by any other state in which the applicant or employee resided within the immediately preceding 5 years.

4. The department of juvenile justice services may exchange with the Central Repository or the Federal Bureau of Investigation any information concerning the fingerprints submitted pursuant to this section.

5. When a report from the Federal Bureau of Investigation is received by the Central Repository, the Central Repository shall immediately forward a copy of the report to the department of juvenile justice services for a determination of whether the applicant or employee has criminal charges pending against him or her for a crime listed in paragraph (a) of subsection 1 or has been convicted of a crime listed in paragraph (a) of subsection 1.



6. A department of juvenile justice services shall conduct an investigation of each employee of the department pursuant to this section at least once every 5 years after the initial investigation.

7. As used in this section, “Statewide Central Registry” means the Statewide Central Registry for the Collection of Information Concerning the Abuse or Neglect of a Child established by NRS 432.100.

Sec. 74. NRS 176.01247 is hereby amended to read as follows:

176.01247 1. There is hereby created the Subcommittee on the Medical Use of Marijuana of the Commission.

2. The Chair of the Commission shall appoint the members of the Subcommittee. The Subcommittee must consist of legislative and nonlegislative members, including, without limitation:

(a) At least four Legislators, who may or may not be members of the Commission.

(b) A representative of the ~~Division of Public and Behavioral Health of the~~ Department of ~~Health and Human Services.~~ *Taxation.*

(c) A patient who holds a valid registry identification card to engage in the medical use of marijuana pursuant to chapter 453A of NRS.

(d) An owner or operator of a cultivation facility that is certified to operate pursuant to chapter 453A of NRS.

(e) An owner or operator of a facility for the production of edible marijuana products or marijuana-infused products that is certified to operate pursuant to chapter 453A of NRS.



(f) An owner or operator of a medical marijuana dispensary that is certified to operate pursuant to chapter 453A of NRS.

(g) A representative of the Attorney General.

(h) A representative of a civil liberties organization.

(i) A representative of an organization which advocates for persons who use marijuana for medicinal purposes.

(j) A representative of a law enforcement agency located within the jurisdiction of Clark County.

(k) A representative of a law enforcement agency located within the jurisdiction of Washoe County.

(l) A representative of local government.

3. The Chair of the Commission shall designate one of the legislative members of the Commission as Chair of the Subcommittee.

4. The Subcommittee shall meet at the times and places specified by a call of the Chair. A majority of the members of the Subcommittee constitutes a quorum, and a quorum may exercise any power or authority conferred on the Subcommittee.

5. The Subcommittee shall:

(a) Consider issues concerning the medical use of marijuana, the dispensation of marijuana for medical use and the implementation of provisions of law providing for the dispensation of marijuana for medical use; and



(b) Evaluate, review and submit a report to the Commission with recommendations concerning such issues.

6. Any Legislators who are members of the Subcommittee are entitled to receive the salary provided for a majority of the members of the Legislature during the first 60 days of the preceding session for each day's attendance at a meeting of the Subcommittee.

7. While engaged in the business of the Subcommittee, to the extent of legislative appropriation, each member of the Subcommittee is entitled to receive the per diem allowance and travel expenses provided for state officers and employees generally.

Sec. 75. NRS 201.090 is hereby amended to read as follows:

201.090 As used in NRS 201.100 and 201.110, unless the context otherwise requires, a "neglected child," "delinquent child" or "child in need of supervision" means any person less than 18 years of age:

1. Who is found begging, receiving or gathering alms, or who is found in any street, road or public place for the purpose of so doing, whether actually begging or doing so under the pretext of selling or offering for sale any article, or of singing or playing on any musical instrument, or of giving any public entertainment or accompanying or being used in aid of any person so doing.

2. Who has no parent or guardian, who has no parent or guardian willing to exercise or capable of exercising proper parental control, or who has no parent or guardian actually exercising such proper parental control, and who is in need of such control.

3. Who is destitute, or who is not provided with the necessities of life by his or her parents, and who has no other means of obtaining such necessities.



4. Whose home is an unfit place for the child, by reason of neglect, cruelty or depravity of either of his or her parents, or of his or her guardians or other person in whose custody or care the child is.

5. Who is found living in any house of ill fame, or with any disreputable person.

6. Who is found wandering and either has no home, no settled place of abode, no visible means of subsistence or no proper guardianship.

7. Who frequents the company of criminals, vagrants or prostitutes, or persons so reputed, or who is in any house of prostitution or assignation.

8. Who unlawfully visits a saloon where any spirituous, vinous or malt liquors are sold, bartered, exchanged or given away.

9. Who habitually uses intoxicating liquors or who , *except for the medical use of marijuana in accordance with the provisions of chapter 453A of NRS*, uses opium, cocaine, morphine, or other similar drug without the direction of a competent physician.

10. Who persistently or habitually refuses to obey the reasonable and proper orders or directions of his or her parents, guardian or custodian, or who is beyond the control of such person.

11. Who is a habitual truant from school.

12. Who is leading, or from any cause is in danger of leading, an idle, dissolute, lewd or immoral life.

13. Who writes or uses vile, obscene, profane or indecent language, or is guilty of indecent, immoral or lascivious conduct.



14. Who violates any law of this State or any ordinance of any town, city or county of this State defining crime.

↪ Any child who is a runaway, unmanageable or a habitual truant is a child in need of supervision as that term is used in title 5 of NRS, and is not a delinquent child.

Sec. 76. NRS 372A.290 is hereby amended to read as follows:

372A.290 1. An excise tax is hereby imposed on each wholesale sale in this State of marijuana by a cultivation facility to another medical marijuana establishment at the rate of 2 percent of the sales price of the marijuana. The excise tax imposed pursuant to this subsection is the obligation of the cultivation facility.

2. An excise tax is hereby imposed on each wholesale sale in this State of edible marijuana products or marijuana-infused products by a facility for the production of edible marijuana products or marijuana-infused products to another medical marijuana establishment at the rate of 2 percent of the sales price of those products. The excise tax imposed pursuant to this subsection is the obligation of the facility for the production of edible marijuana products or marijuana-infused products which sells the edible marijuana products or marijuana-infused products to the other medical marijuana establishment.

3. An excise tax is hereby imposed on each retail sale in this State of marijuana, edible marijuana products or marijuana-infused products by a medical marijuana dispensary at the rate of 2 percent of the sales price of the marijuana, edible marijuana products or marijuana-infused products. The excise tax imposed pursuant to this subsection:

(a) Is the obligation of the medical marijuana dispensary.



(b) Is separate from and in addition to any general state and local sales and use taxes that apply to retail sales of tangible personal property.

(c) Must be considered part of the total retail price to which general state and local sales and use taxes apply.

4. The revenues collected from the excise taxes imposed pursuant to subsections 1, 2 and 3 must be distributed as follows:

(a) Seventy-five percent must be paid over as collected to the State Treasurer to be deposited to the credit of the State Distributive School Account in the State General Fund.

(b) Twenty-five percent must be expended to pay the costs of the ~~{Division of Public and Behavioral Health of the}~~ Department ~~{of Health and Human Services}~~ in carrying out the provisions of NRS 453A.320 to 453A.370, inclusive ~~{}~~, *and sections 10 to 13, inclusive, of this act.*

5. As used in this section:

(a) “Edible marijuana products” has the meaning ascribed to it in NRS 453A.101.

(b) “Marijuana-infused products” has the meaning ascribed to it in NRS 453A.112.

(c) “Medical marijuana establishment” has the meaning ascribed to it in NRS 453A.116.

Sec. 77. NRS 424.031 is hereby amended to read as follows:

424.031 1. The licensing authority or a person or entity designated by the licensing authority shall obtain from appropriate law enforcement agencies information on the background and personal history of each applicant for a license to conduct a foster home, person who is licensed to conduct a foster home, employee of that applicant or licensee, and resident of a foster



home who is 18 years of age or older, other than a resident who remains under the jurisdiction of a court pursuant to NRS 432B.594, to determine whether the person investigated has been arrested for, has charges pending for or has been convicted of:

- (a) Murder, voluntary manslaughter or mayhem;
- (b) Any other felony involving the use or threatened use of force or violence against the victim or the use of a firearm or other deadly weapon;
- (c) Assault with intent to kill or to commit sexual assault or mayhem;
- (d) Sexual assault, statutory sexual seduction, incest, lewdness, indecent exposure or any other sexually related crime or a felony relating to prostitution;
- (e) Abuse or neglect of a child or contributory delinquency;
- (f) A violation of any federal or state law regulating the possession, distribution or use of any controlled substance or any dangerous drug as defined in chapter 454 of NRS ~~454~~, *except the possession or use of marijuana in accordance with the provisions of chapter 453A of NRS;*
- (g) Abuse, neglect, exploitation, isolation or abandonment of older persons or vulnerable persons, including, without limitation, a violation of any provision of NRS 200.5091 to 200.50995, inclusive, or a law of any other jurisdiction that prohibits the same or similar conduct;
- (h) Any offense involving fraud, theft, embezzlement, burglary, robbery, fraudulent conversion or misappropriation of property within the immediately preceding 7 years;



(i) Any offense relating to pornography involving minors, including, without limitation, a violation of any provision of NRS 200.700 to 200.760, inclusive, or a law of any other jurisdiction that prohibits the same or similar conduct;

(j) Prostitution, solicitation, lewdness or indecent exposure, or any other sexually related crime that is punishable as a misdemeanor, within the immediately preceding 7 years;

(k) A crime involving domestic violence that is punishable as a felony;

(l) A crime involving domestic violence that is punishable as a misdemeanor, within the immediately preceding 7 years;

(m) A criminal offense under the laws governing Medicaid or Medicare, within the immediately preceding 7 years;

(n) Any offense involving the sale, furnishing, purchase, consumption or possession of alcoholic beverages by a minor including, without limitation, a violation of any provision of NRS 202.015 to 202.067, inclusive, or driving a vehicle under the influence of alcohol or a controlled substance in violation of chapter 484C of NRS or a law of any other jurisdiction that prohibits the same or similar conduct, within the immediately preceding 7 years; or

(o) An attempt or conspiracy to commit any of the offenses listed in this subsection within the immediately preceding 7 years.

2. A licensing authority or a person or entity designated by the licensing authority may conduct an investigation of the background and personal history of a person who is 18 years of age or older who routinely supervises a child in a foster home in the same manner as described in subsection 1.



3. The licensing authority or its approved designee may charge each person investigated pursuant to this section for the reasonable cost of that investigation.

4. Unless a preliminary Federal Bureau of Investigation Interstate Identification Index name-based check of the records of criminal history has been conducted pursuant to NRS 424.039, a person who is required to submit to an investigation pursuant to subsection 1 shall not have contact with a child in a foster home without supervision before the investigation of the background and personal history of the person has been conducted.

5. The licensing authority or its designee:

(a) Shall conduct an investigation of each licensee, employee and resident pursuant to this section at least once every 5 years after the initial investigation; and

(b) May conduct an investigation of any person who is 18 years of age or older who routinely supervises a child in a foster home at such times as it deems appropriate.

Sec. 78. NRS 424.145 is hereby amended to read as follows:

424.145 1. The licensing authority or a person designated by the licensing authority shall obtain from appropriate law enforcement agencies information on the background and personal history of each applicant for or holder of a license to conduct a foster care agency and each owner, member of the governing body, employee, paid consultant, contractor, volunteer or vendor of that applicant or licensee who may come into direct contact with a child placed by the foster care agency, to determine whether the person investigated has been arrested for, has charges pending for or has been convicted of:

(a) Murder, voluntary manslaughter or mayhem;



- (b) Any other felony involving the use or threatened use of force or violence against the victim or the use of a firearm or other deadly weapon;
- (c) Assault with intent to kill or to commit sexual assault or mayhem;
- (d) Sexual assault, statutory sexual seduction, incest, lewdness, indecent exposure or any other sexually related crime or a felony relating to prostitution;
- (e) Abuse or neglect of a child or contributory delinquency;
- (f) A violation of any federal or state law regulating the possession, distribution or use of any controlled substance or any dangerous drug as defined in chapter 454 of NRS ~~454~~, *except the possession or use of marijuana in accordance with the provisions of chapter 453A of NRS*;
- (g) Abuse, neglect, exploitation, isolation or abandonment of older persons or vulnerable persons, including, without limitation, a violation of any provision of NRS 200.5091 to 200.50995, inclusive, or a law of any other jurisdiction that prohibits the same or similar conduct;
- (h) Any offense involving fraud, theft, embezzlement, burglary, robbery, fraudulent conversion or misappropriation of property within the immediately preceding 7 years;
- (i) Any offense relating to pornography involving minors, including, without limitation, a violation of any provision of NRS 200.700 to 200.760, inclusive, or a law of any other jurisdiction that prohibits the same or similar conduct;
- (j) Prostitution, solicitation, lewdness or indecent exposure, or any other sexually related crime that is punishable as a misdemeanor, within the immediately preceding 7 years;
- (k) A crime involving domestic violence that is punishable as a felony;



(l) A crime involving domestic violence that is punishable as a misdemeanor, within the immediately preceding 7 years;

(m) A criminal offense under the laws governing Medicaid or Medicare, within the immediately preceding 7 years;

(n) Any offense involving the sale, furnishing, purchase, consumption or possession of alcoholic beverages by a minor, including, without limitation, a violation of any provision of NRS 202.015 to 202.067, inclusive, or driving a vehicle under the influence of alcohol or a controlled substance in violation of chapter 484C of NRS or a law of any other jurisdiction that prohibits the same or similar conduct, within the immediately preceding 7 years; or

(o) An attempt or conspiracy to commit any of the offenses listed in this subsection within the immediately preceding 7 years.

2. Unless a preliminary Federal Bureau of Investigation Interstate Identification Index name-based check of the records of criminal history has been conducted pursuant to NRS 424.039, a person who is required to submit to an investigation pursuant to this section shall not have contact with a child in a foster home without supervision before the investigation of the background and personal history of the person is completed.

3. The licensing authority or its designee shall conduct an investigation of each holder of a license to conduct a foster care agency and each owner, member of a governing body, employee, paid consultant, contractor, volunteer or vendor who may come into direct contact with a child placed by the foster care agency pursuant to this section at least once every 5 years after the initial investigation.



Sec. 79. NRS 432A.170 is hereby amended to read as follows:

432A.170 1. The Division may, upon receipt of an application for a license to operate a child care facility, conduct an investigation into the:

(a) Buildings or premises of the facility and, if the application is for an outdoor youth program, the area of operation of the program;

(b) Qualifications and background of the applicant or the employees of the applicant;

(c) Method of operation for the facility; and

(d) Policies and purposes of the applicant.

2. The Division shall secure from appropriate law enforcement agencies information on the background and personal history of every applicant, licensee or employee of an applicant or licensee, or every resident of a child care facility who is 18 years of age or older, other than a resident who remains under the jurisdiction of a court pursuant to NRS 432B.594, or participant in an outdoor youth program who is 18 years of age or older, to determine whether the person has been convicted of:

(a) Murder, voluntary manslaughter or mayhem;

(b) Any other felony involving the use of a firearm or other deadly weapon;

(c) Assault with intent to kill or to commit sexual assault or mayhem;

(d) Sexual assault, statutory sexual seduction, incest, lewdness, indecent exposure or any other sexually related crime;

(e) Abuse or neglect of a child or contributory delinquency;



(f) A violation of any federal or state law regulating the possession, distribution or use of any controlled substance or any dangerous drug as defined in chapter 454 of NRS ~~454~~, *except the possession or use of marijuana in accordance with the provisions of chapter 453A of NRS;*

(g) Abuse, neglect, exploitation, isolation or abandonment of older persons or vulnerable persons, including, without limitation, a violation of any provision of NRS 200.5091 to 200.50995, inclusive, or a law of any other jurisdiction that prohibits the same or similar conduct; or

(h) Any offense involving fraud, theft, embezzlement, burglary, robbery, fraudulent conversion or misappropriation of property within the immediately preceding 7 years.

3. The Division shall request information concerning every applicant, licensee or employee of an applicant or licensee, or every resident of a child care facility who is 18 years of age or older, other than a resident who remains under the jurisdiction of a court pursuant to NRS 432B.594, or participant in an outdoor youth program who is 18 years of age or older, from:

(a) The Central Repository for Nevada Records of Criminal History for submission to the Federal Bureau of Investigation for its report pursuant to NRS 432A.175; and

(b) The Statewide Central Registry for the Collection of Information Concerning the Abuse or Neglect of a Child established pursuant to NRS 432.100 to determine whether there has been a substantiated report of child abuse or neglect made against any of them.

4. The Division may charge each person investigated pursuant to this section for the reasonable cost of that investigation.



5. The information required to be obtained pursuant to subsections 2 and 3 must be requested concerning an:

(a) Employee of an applicant or licensee, resident of a child care facility who is 18 years of age or older, other than a resident who remains under the jurisdiction of a court pursuant to NRS 432B.594, or participant in an outdoor youth program who is 18 years of age or older not later than 3 days after the employee is hired, the residency begins or the participant begins participating in the program, and then at least once every 5 years thereafter.

(b) Applicant at the time that an application is submitted for licensure, and then at least once every 5 years after the license is issued.

6. A person who is required to submit to an investigation required pursuant to this section shall not have contact with a child in a child care facility without supervision before the investigation of the background and personal history of the person has been conducted.

Sec. 80. NRS 432A.440 is hereby amended to read as follows:

432A.440 1. A provider shall provide to potential clients a form for a written record of a physical examination. The form must:

(a) Describe with particularity the physical demands of the outdoor youth program and the environment where the program will be conducted; and

(b) Contain spaces for the results of:

(1) A test of urine for the presence of a controlled substance ~~H~~, *except for the presence of marijuana if used in accordance with the provisions of chapter 453A of NRS;*

(2) An examination of blood count;



- (3) A test of urine for infections;
- (4) An examination of electrolytes;
- (5) A test for pregnancy;
- (6) An assessment of ability to cope with physical stress; and
- (7) A determination by the physician as to whether detoxification is necessary before enrollment in the outdoor youth program.

2. A field administrator shall not allow a client to participate in an outdoor youth program unless the field administrator maintains in the base camp and a member of the field staff, who is responsible for the supervision of the client, carries in a waterproof container:

(a) A written record of the physical examination of the client, conducted not more than 30 days before the client commences participation in the program, consisting of the form furnished by the provider pursuant to subsection 1, completed and executed by a physician who is licensed to practice in this state; and

(b) A written history of the health of the client that covers a period ending on a date within 30 days before the client commences participation in the program. The history must be verified by a parent or guardian and contain any limitations on the activities of the client and any prescriptions to be taken by or administered to the client.

Sec. 81. NRS 432A.530 is hereby amended to read as follows:

432A.530 A field administrator shall ensure that:

1. A client receives any necessary:

(a) Medication;



(b) First aid, including treatment for injury, disease and venomous bites; and

(c) Medical treatment from qualified medical personnel,

↳ as promptly as the circumstances and location of the client allows.

2. A first-aid kit is immediately accessible at all activities conducted pursuant to the program, and that the kit contains supplies appropriate to the location, environment and type of activity.

3. Equipment is readily available for the emergency medical evacuation of persons participating in the program.

4. Controlled substances are given to clients only as authorized pursuant to a lawfully issued prescription **+** *or in accordance with the provisions of chapter 453A of NRS.*

5. All medications, whether sold by prescription or over the counter, are kept in the possession of a member of the staff and provided to clients as needed.

6. A member of the staff:

(a) Supervises the ingestion or other use of any medication by a client; and

(b) Maintains a record, including the time, dosage and effect, of any medication ingested or otherwise used by a client.

Sec. 82. NRS 432B.198 is hereby amended to read as follows:

432B.198 1. An agency which provides child welfare services shall secure from appropriate law enforcement agencies information on the background and personal history of each applicant for employment with the agency, and each employee of the agency, to determine:

(a) Whether the applicant or employee has been convicted of:



- (1) Murder, voluntary manslaughter, involuntary manslaughter or mayhem;
- (2) Any felony involving the use or threatened use of force or violence or the use of a firearm or other deadly weapon;
- (3) Assault with intent to kill or to commit sexual assault or mayhem;
- (4) Battery which results in substantial bodily harm to the victim;
- (5) Battery that constitutes domestic violence that is punishable as a felony;
- (6) Battery that constitutes domestic violence, other than a battery described in subparagraph (5), within the immediately preceding 3 years;
- (7) Sexual assault, statutory sexual seduction, incest, lewdness, indecent exposure or an offense involving pornography and a minor;
- (8) A crime involving pandering or prostitution, including, without limitation, a violation of any provision of NRS 201.295 to 201.440, inclusive;
- (9) Abuse or neglect of a child, including, without limitation, a violation of any provision of NRS 200.508 or 200.5083 or contributory delinquency;
- (10) A violation of any federal or state law regulating the possession, distribution or use of any controlled substance or any dangerous drug as defined in chapter 454 of NRS ~~H~~, *except the possession or use of marijuana in accordance with the provisions of chapter 453A of NRS*;
- (11) A violation of any federal or state law prohibiting driving or being in actual physical control of a vehicle while under the influence of intoxicating liquor or a controlled substance that is punishable as a felony;



(12) A violation of any federal or state law prohibiting driving or being in actual physical control of a vehicle while under the influence of intoxicating liquor or a controlled substance, other than a violation described in subparagraph (11), within the immediately preceding 3 years;

(13) Abuse, neglect, exploitation, isolation or abandonment of older persons or vulnerable persons, including, without limitation, a violation of any provision of NRS 200.5091 to 200.50995, inclusive, or a law of any other jurisdiction that prohibits the same or similar conduct; or

(14) Any offense involving arson, fraud, theft, embezzlement, burglary, robbery, fraudulent conversion, misappropriation of property or perjury within the immediately preceding 7 years; or

(b) Whether there are criminal charges pending against the applicant or employee for a violation of an offense listed in paragraph (a).

2. An agency which provides child welfare services shall request information from:

(a) The Statewide Central Registry concerning an applicant for employment with the agency, or an employee of the agency, to determine whether there has been a substantiated report of child abuse or neglect made against the applicant or employee; and

(b) The central registry of information concerning the abuse or neglect of a child established by any other state in which the applicant or employee resided within the immediately preceding 5 years to ensure satisfactory clearance with that registry.



3. Each applicant for employment with an agency which provides child welfare services, and each employee of an agency which provides child welfare services, must submit to the agency:

(a) A complete set of his or her fingerprints and written authorization to forward those fingerprints to the Central Repository for Nevada Records of Criminal History for submission to the Federal Bureau of Investigation for its report; and

(b) Written authorization for the agency to obtain any information that may be available from the Statewide Central Registry or the central registry of information concerning the abuse or neglect of a child established by any other state in which the applicant or employee resided within the immediately preceding 5 years.

4. An agency which provides child welfare services may exchange with the Central Repository or the Federal Bureau of Investigation any information concerning the fingerprints submitted pursuant to this section.

5. When a report from the Federal Bureau of Investigation is received by the Central Repository, the Central Repository shall immediately forward a copy of the report to the agency which provides child welfare services for a determination of whether the applicant or employee has criminal charges pending against him or her for a crime listed in paragraph (a) of subsection 1 or has been convicted of a crime listed in paragraph (a) of subsection 1.

6. An agency which provides child welfare services shall conduct an investigation of each employee of the agency pursuant to this section at least once every 5 years after the initial investigation.



7. As used in this section, “Statewide Central Registry” means the Statewide Central Registry for the Collection of Information Concerning the Abuse or Neglect of a Child established by NRS 432.100.

Sec. 83. NRS 433.554 is hereby amended to read as follows:

433.554 1. An employee of a public or private mental health facility or any other person, except a consumer, who:

(a) Has reason to believe that a consumer of the Division or of a private facility offering mental health services has been or is being abused or neglected and fails to report it;

(b) Brings intoxicating beverages or a controlled substance into any division facility occupied by consumers unless specifically authorized to do so by the administrative officer or a staff physician of the facility;

(c) Is under the influence of liquor or a controlled substance while employed in contact with consumers, unless in accordance with a lawfully issued prescription ~~+~~ *or the provisions of chapter 453A of NRS;*

(d) Enters into any transaction with a consumer involving the transfer of money or property for personal use or gain at the expense of the consumer; or

(e) Contrives the escape, elopement or absence of a consumer,

↪ is guilty of a misdemeanor, in addition to any other penalties provided by law.

2. In addition to any other penalties provided by law, an employee of a public or private mental health facility or any other person, except a consumer, who willfully abuses or neglects a consumer:



(a) For a first violation that does not result in substantial bodily harm to the consumer, is guilty of a gross misdemeanor.

(b) For a first violation that results in substantial bodily harm to the consumer, is guilty of a category B felony.

(c) For a second or subsequent violation, is guilty of a category B felony.

↪ A person convicted of a category B felony pursuant to this section shall be punished by imprisonment in the state prison for a minimum term of not less than 1 year and a maximum term of not more than 6 years, or by a fine of not more than \$5,000, or by both fine and imprisonment.

3. A person who is convicted pursuant to this section is ineligible for 5 years for appointment to or employment in a position in the state service and, if the person is an officer or employee of the State, the person forfeits his or her office or position.

4. A conviction pursuant to this section is, when applicable, grounds for disciplinary action against the person so convicted and the facility where the violation occurred. The Division may recommend to the appropriate agency or board the suspension or revocation of the professional license, registration, certificate or permit of a person convicted pursuant to this section.

5. For the purposes of this section:

(a) "Abuse" means any willful and unjustified infliction of pain, injury or mental anguish upon a consumer, including, but not limited to:

- (1) The rape, sexual assault or sexual exploitation of the consumer;
- (2) The use of any type of aversive intervention;



(3) Except as otherwise provided in NRS 433.5486, a violation of NRS 433.549; and

(4) The use of physical, chemical or mechanical restraints or the use of seclusion in violation of federal law.

↪ Any act which meets the standard of practice for care and treatment does not constitute abuse.

(b) “Consumer” includes any person who seeks, on the person’s own or others’ initiative, and can benefit from, care, treatment and training in a public or private institution or facility offering mental health services, or from treatment to competency in a public or private institution or facility offering mental health services. The term includes a consumer of the Division of Child and Family Services of the Department.

(c) “Neglect” means any omission to act which causes injury to a consumer or which places the consumer at risk of injury, including, but not limited to, the failure to follow:

(1) An appropriate plan of treatment to which the consumer has consented; and

(2) The policies of the facility for the care and treatment of consumers.

↪ Any omission to act which meets the standard of practice for care and treatment does not constitute neglect.

(d) “Standard of practice” means the skill and care ordinarily exercised by prudent professional personnel engaged in health care.

Sec. 84. NRS 433B.183 is hereby amended to read as follows:

433B.183 1. A division facility which provides residential treatment to children shall secure from appropriate law enforcement agencies information on the background and personal history of an employee of the facility to determine whether the employee has been convicted of:



- (a) Murder, voluntary manslaughter or mayhem;
 - (b) Any other felony involving the use of a firearm or other deadly weapon;
 - (c) Assault with intent to kill or to commit sexual assault or mayhem;
 - (d) Sexual assault, statutory sexual seduction, incest, lewdness, indecent exposure or any other sexually related crime;
 - (e) Abuse or neglect of a child or contributory delinquency;
 - (f) A violation of any federal or state law regulating the possession, distribution or use of any controlled substance or any dangerous drug as defined in chapter 454 of NRS ~~454~~, *except the possession or use of marijuana in accordance with the provisions of chapter 453A of NRS*;
 - (g) Abuse, neglect, exploitation, isolation or abandonment of older persons or vulnerable persons, including, without limitation, a violation of any provision of NRS 200.5091 to 200.50995, inclusive, or a law of any other jurisdiction that prohibits the same or similar conduct; or
 - (h) Any offense involving fraud, theft, embezzlement, burglary, robbery, fraudulent conversion or misappropriation of property within the immediately preceding 7 years.
2. An employee must submit to the Division two complete sets of fingerprints and written authorization to forward those fingerprints to the Central Repository for Nevada Records of Criminal History for submission to the Federal Bureau of Investigation for its report.
3. The Division may exchange with the Central Repository or the Federal Bureau of Investigation any information concerning the fingerprints submitted.



4. The Division may charge an employee investigated pursuant to this section for the reasonable cost of that investigation.

5. An employee who is required to submit to an investigation required pursuant to this section shall not have contact with a child in a division facility without supervision before the investigation of the background and personal history of the employee has been conducted.

6. The division facility shall conduct an investigation of each employee pursuant to this section at least once every 5 years after the initial investigation.

Sec. 85. NRS 433B.340 is hereby amended to read as follows:

433B.340 1. An employee of the Division or other person who:

(a) Has reason to believe that a consumer has been or is being abused or neglected and fails to report it;

(b) Brings intoxicating beverages or a controlled substance into any building occupied by consumers unless specifically authorized to do so by the administrative officer or a staff physician of the facility;

(c) Is under the influence of liquor or a controlled substance while employed in contact with consumers, unless in accordance with a lawfully issued prescription ~~§~~ *or the provisions of chapter 453A of NRS;*

(d) Enters into any transaction with a consumer involving the transfer of money or property for personal use or gain at the expense of the consumer; or

(e) Contrives the escape, elopement or absence of a consumer,

↪ is guilty of a misdemeanor.



2. An employee of the Division or other person who willfully abuses or neglects any consumer:

(a) If no substantial bodily harm to the consumer results, is guilty of a gross misdemeanor.

(b) If substantial bodily harm to the consumer results, is guilty of a category B felony and shall be punished by imprisonment in the state prison for a minimum term of not less than 1 year and a maximum term of not more than 6 years, or by a fine of not more than \$5,000, or by both fine and imprisonment.

3. A person who is convicted pursuant to this section is ineligible for 5 years for appointment to or employment in a position in the state service and, if he or she is an officer or employee of the State, the person forfeits his or her office or position.

4. For the purposes of this section:

(a) "Abuse" means any willful or reckless act or omission to act which causes physical or mental injury to a consumer, including, but not limited to:

(1) The rape, sexual assault or sexual exploitation of the consumer;

(2) Striking the consumer;

(3) The use of excessive force when placing the consumer in physical restraints; and

(4) The use of physical or chemical restraints in violation of state or federal law.

↳ Any act or omission to act which meets the standard practice for care and treatment does not constitute abuse.

(b) "Neglect" means any act or omission to act which causes injury to a consumer or which places the consumer at risk of injury, including, but not limited to, the failure to:



- (1) Establish or carry out an appropriate plan of treatment for the consumer;
- (2) Provide the consumer with adequate nutrition, clothing or health care; and
- (3) Provide a safe environment for the consumer.

↪ Any act or omission to act which meets the standard practice for care and treatment does not constitute neglect.

(c) “Standard practice” is the skill and care ordinarily exercised by prudent medical personnel.

Sec. 86. NRS 435.645 is hereby amended to read as follows:

435.645 1. An employee of a public or private facility offering services for persons with intellectual disabilities and persons with related conditions or any other person, except a consumer, who:

(a) Has reason to believe that a consumer of the Division or of a private facility offering services for consumers with intellectual disabilities and consumers with related conditions has been or is being abused or neglected and fails to report it;

(b) Brings intoxicating beverages or a controlled substance into any division facility occupied by consumers unless specifically authorized to do so by the administrative officer or a staff physician of the facility;

(c) Is under the influence of liquor or a controlled substance while employed in contact with consumers, unless in accordance with a lawfully issued prescription ~~§~~ *or the provisions of chapter 453A of NRS;*



(d) Enters into any transaction with a consumer involving the transfer of money or property for personal use or gain at the expense of the consumer; or

(e) Contrives the escape, elopement or absence of a consumer,

↪ is guilty of a misdemeanor, in addition to any other penalties provided by law.

2. In addition to any other penalties provided by law, an employee of a public or private facility offering services for persons with intellectual disabilities and persons with related conditions or any other person, except a consumer, who willfully abuses or neglects a consumer:

(a) For a first violation that does not result in substantial bodily harm to the consumer, is guilty of a gross misdemeanor.

(b) For a first violation that results in substantial bodily harm to the consumer, is guilty of a category B felony.

(c) For a second or subsequent violation, is guilty of a category B felony.

↪ A person convicted of a category B felony pursuant to this section shall be punished by imprisonment in the state prison for a minimum term of not less than 1 year and a maximum term of not more than 6 years, or by a fine of not more than \$5,000, or by both fine and imprisonment.

3. A person who is convicted pursuant to this section is ineligible for 5 years for appointment to or employment in a position in the state service and, if the person is an officer or employee of the State, the person forfeits his or her office or position.

4. A conviction pursuant to this section is, when applicable, grounds for disciplinary action against the person so convicted and the facility where the violation occurred. The Division may



recommend to the appropriate agency or board the suspension or revocation of the professional license, registration, certificate or permit of a person convicted pursuant to this section.

5. For the purposes of this section:

(a) "Abuse" means any willful and unjustified infliction of pain, injury or mental anguish upon a consumer, including, but not limited to:

- (1) The rape, sexual assault or sexual exploitation of the consumer;
- (2) The use of any type of aversive intervention;
- (3) Except as otherwise provided in NRS 433.5486, a violation of NRS 433.549; and
- (4) The use of physical, chemical or mechanical restraints or the use of seclusion in

violation of federal law.

↪ Any act which meets the standard of practice for care and treatment does not constitute abuse.

(b) "Consumer" includes any person who seeks, on the person's own or others' initiative, and can benefit from, care, treatment and training in a public or private institution or facility offering services for persons with intellectual disabilities and persons with related conditions.

(c) "Neglect" means any omission to act which causes injury to a consumer or which places the consumer at risk of injury, including, but not limited to, the failure to follow:

- (1) An appropriate plan of treatment to which the consumer has consented; and
- (2) The policies of the facility for the care and treatment of consumers.

↪ Any omission to act which meets the standard of practice for care and treatment does not constitute neglect.



(d) “Standard of practice” means the skill and care ordinarily exercised by prudent professional personnel engaged in health care.

Sec. 87. Chapter 557 of NRS is hereby amended by adding thereto the provisions set forth as sections 88 to 107, inclusive, of this act.

Sec. 88. *As used in sections 88 to 107, inclusive, of this act, unless the context otherwise requires, the words and terms defined in sections 89 to 96, inclusive, of this act have the meanings ascribed to them in those sections.*

Sec. 89. *“Agricultural hemp seed” means the seed of any plant of the genus Cannabis that:*

- 1. Is sold to or intended to be sold to a grower for planting; or*
- 2. Remains in an unprocessed or partially processed condition that is capable of germination.*

Sec. 90. *“Crop” means all industrial hemp grown by a grower.*

Sec. 91. *“Department” means the State Department of Agriculture.*

Sec. 92. *“Grower” means a person who is registered by the Department and produces industrial hemp.*

Sec. 93. *“Handler” means a person who is registered by the Department and receives industrial hemp for processing into commodities, products or agricultural hemp seed.*

Sec. 94. *1. “Industrial hemp” means:*



(a) Any plant of the genus Cannabis and any part of such plant other than a seed, whether growing or not, with a THC concentration of not more than 0.3 percent on a dry weight basis; and

(b) A seed of any plant of the genus Cannabis that:

(1) Is part of a crop;

(2) Is retained by a grower for future planting;

(3) Is agricultural hemp seed;

(4) Is intended for processing into or for use as agricultural hemp seed; or

(5) Has been processed in a manner that renders it incapable of germination.

2. "Industrial hemp" does not include any commodity or product made using industrial hemp.

Sec. 95. "Producer" means a person who is registered by the Department and produces agricultural hemp seed.

Sec. 96. "THC" has the meaning ascribed to it in NRS 453A.155.

Sec. 97. The provisions of sections 88 to 107, inclusive, of this act do not apply to the Department or an institution of higher education which grows or cultivates industrial hemp pursuant to NRS 557.010 to 557.080, inclusive.

Sec. 98. 1. A person shall not grow or handle industrial hemp or produce agricultural hemp seed unless the person is registered with the Department as a grower, handler or producer, as applicable.



2. *A person who grows or handles industrial hemp must register with the Department as a grower or handler, as applicable.*

3. *A person who produces agricultural hemp seed must register with the Department as a producer unless the person is:*

(a) A grower registered pursuant to subsection 2 who retains agricultural hemp seed solely pursuant to subsection 3 of section 103 of this act; or

(b) A grower or handler registered pursuant to subsection 2 who processes seeds of any plant of the genus Cannabis which are incapable of germination into commodities or products.

↳ A person may not register as a producer unless the person is also registered as a grower or handler.

4. *A person who wishes to register with the Department as a grower, handler or producer must submit to the Department the fee established pursuant to subsection 7 and an application, on a form prescribed by the Department, which includes:*

(a) The name and address of the applicant;

(b) The name and address of the applicant's business in which industrial hemp or agricultural hemp seed will be grown, handled or produced, if different than that of the applicant; and

(c) Such other information as the Department may require by regulation.



5. *Registration as a grower, handler or producer expires on December 31 of each year and may be renewed upon submission of an application for renewal containing such information as the Department may require by regulation.*

6. *Registration as a grower, handler or producer is not transferable. If a grower, handler or producer changes its business name or the ownership of the grower, handler or producer changes, the grower, handler or producer must obtain a new registration pursuant to sections 88 to 107, inclusive, of this act.*

7. *The Department shall establish by regulation fees for the issuance and renewal of registration as a grower, handler or producer in an amount necessary to cover the cost of carrying out sections 88 to 107, inclusive, of this act.*

Sec. 99. 1. *In addition to any other requirements set forth in sections 88 to 107, inclusive, of this act, an applicant for registration or the renewal of a registration as a grower, handler or producer shall:*

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

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

2. *The Department shall include the statement required pursuant to subsection 1 in:*

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



(b) A separate form prescribed by the Department.

3. Registration as a grower, handler or producer may not be issued or renewed by the Department if the applicant:

(a) Fails to submit the statement required pursuant to subsection 1; or

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

4. If an applicant indicates on the statement submitted pursuant to subsection 1 that the applicant is subject to a court order for the support of a child and is not in compliance with the order or a plan approved by the district attorney or other public agency enforcing the order for the repayment of the amount owed pursuant to the order, the Department shall advise the applicant to contact the district attorney or other public agency enforcing the order to determine the actions that the applicant may take to satisfy the arrearage.

Sec. 100. 1. *If the Department receives a copy of a court order issued pursuant to NRS 425.540 that provides for the suspension of all professional, occupational and recreational licenses, certificates and permits issued to a person who is registered as a grower, handler or producer, the Department shall deem the registration issued to that person to be suspended at the end of the 30th day after the date on which the court order was issued unless the Department receives a letter issued to the registrant by the district attorney or other public*



agency pursuant to NRS 425.550 stating that the registrant has complied with the subpoena or warrant or has satisfied the arrearage pursuant to NRS 425.560.

2. The Department shall reinstate the registration of a grower, handler or producer that has been suspended by a district court pursuant to NRS 425.540 if the Department receives a letter issued by the district attorney or other public agency pursuant to NRS 425.550 to the person whose registration was suspended stating that the person whose registration was suspended has complied with the subpoena or warrant or has satisfied the arrearage pursuant to NRS 425.560.

Sec. 101. *1. In addition to any other requirements set forth in sections 88 to 107, inclusive, of this act, an applicant for the renewal of a registration as a grower, handler or producer must indicate in the application submitted to the Department whether the applicant has a state business registration. If the applicant has a state business registration, the applicant must include in the application the business identification number assigned by the Secretary of State upon compliance with the provisions of chapter 76 of NRS.*

2. Registration as a grower, handler or producer may not be renewed by the Department if:

(a) The applicant fails to submit the information required by subsection 1; or

(b) The State Controller has informed the Department pursuant to subsection 5 of NRS 353C.1965 that the applicant owes a debt to an agency that has been assigned to the State Controller for collection and the applicant has not:

(1) Satisfied the debt;



(2) Entered into an agreement for the payment of the debt pursuant to NRS 353C.130;

or

(3) Demonstrated that the debt is not valid.

3. As used in this section:

(a) "Agency" has the meaning ascribed to it in NRS 353C.020.

(b) "Debt" has the meaning ascribed to it in NRS 353C.040.

Sec. 102. 1. A grower or handler shall keep such records as the Department may prescribe by regulation and, upon 3 days' notice, make such records available to the Department for inspection during normal business hours. The Department may inspect records pursuant to this subsection to determine whether a person has complied with the provisions of sections 88 to 107, inclusive, of this act, the regulations adopted pursuant thereto and any lawful order of the Department.

2. The Department may inspect any growing crop and take a representative sample for analysis in the field. If testing of such a sample in the field determines that the crop contains a THC concentration of more than 0.3 percent on a dry weight basis, the Department may detain, seize or embargo the crop.

Sec. 103. 1. Each grower shall provide the Department with a description of the property on which the crop of the grower is or will be located. Such a description must be in a manner prescribed by the Department and include, without limitation, global positioning system coordinates.



2. *A grower may use any method for the propagation of industrial hemp to produce industrial hemp, including, without limitation, planting seeds or starts, using clones or cuttings or cultivating industrial hemp in a greenhouse.*

3. *A grower may retain agricultural hemp seed for the purpose of propagating industrial hemp in future years.*

Sec. 104. 1. *The Department may adopt regulations establishing quality standards and requirements for the packaging and labeling of agricultural hemp seed.*

2. *A producer shall comply with:*

(a) *Any regulation adopted by the Department pursuant to subsection 1; and*

(b) *The provisions of NRS 587.015 to 587.123, inclusive, and any regulations adopted pursuant thereto.*

3. *The Department shall provide adequate information to growers to identify producers from which a grower may purchase agricultural hemp seed.*

Sec. 105. 1. *A grower, handler or producer may submit industrial hemp or a commodity or product made using industrial hemp to an independent testing laboratory for testing pursuant to this section and an independent testing laboratory may perform such testing.*

2. *A handler may not sell a commodity or product made using industrial hemp which is intended for human consumption unless the commodity or product has been submitted to an independent testing laboratory for testing and the independent testing laboratory has confirmed that the commodity or product satisfies the standards established by the Department*



of Taxation pursuant to NRS 453A.370 for the content, quality and potency of marijuana, edible marijuana products and marijuana-infused products.

3. The Department shall adopt regulations establishing protocols and procedures for the testing of commodities and products made using industrial hemp, including, without limitation, determining appropriate standards for sampling and for the size of batches for testing.

4. The Department may adopt regulations requiring the submission of a sample of a crop of industrial hemp by a grower to an independent testing laboratory to determine whether the crop has a THC concentration of not more than 0.3 percent on a dry weight basis. The regulations may include, without limitation:

(a) Protocols and procedures for the testing of a crop, including, without limitation, determining appropriate standards for sampling and for the size of batches for testing; and

(b) A requirement that an independent testing laboratory provide the results of the testing directly to the Department in a manner prescribed by the Department.

5. As used in this section:

(a) “Independent testing laboratory” means a facility certified as an independent testing laboratory pursuant to NRS 453A.368.

(b) “Intended for human consumption” means intended for ingestion or inhalation by a human or for topical application to the skin or hair of a human.

Sec. 106. 1. The Department may refuse to issue or renew, suspend or revoke the registration of a grower, handler or producer for a violation of any provision of sections 88 to



107, inclusive, of this act, the regulations adopted pursuant thereto or any lawful order of the Department.

2. In addition to any other penalty provided by law, the Department may impose an administrative fine on any person who violates the provisions of sections 88 to 107, inclusive, of this act, the regulations adopted pursuant thereto or any lawful order of the Department in an amount not to exceed \$2,500.

3. All fines collected by the Department pursuant to subsection 2 must be deposited with the State Treasurer for credit to the State General Fund.

Sec. 107. *Any person who grows or handles industrial hemp or produces agricultural hemp seed without being registered with the Department pursuant to section 98 of this act is guilty of a misdemeanor and shall be punished by imprisonment in the county jail for not more than 6 months, or by a fine of not more than \$1,000, or by both fine and imprisonment. The prosecuting attorney and the Department may recover the costs of the proceeding, including investigative costs and attorney's fees, against a person convicted of a misdemeanor pursuant to this section.*

Sec. 108. NRS 557.010 is hereby amended to read as follows:

557.010 As used in ~~[this chapter,]~~ *NRS 557.010 to 557.080, inclusive*, unless the context otherwise requires, the words and terms defined in NRS 557.020 to 557.060, inclusive, have the meanings ascribed to them in those sections.

Sec. 109. NRS 557.080 is hereby amended to read as follows:



557.080 The State Board of Agriculture may adopt regulations to carry out the provisions of ~~{this chapter,}~~ *NRS 557.010 to 557.080, inclusive*, including, without limitation, regulations necessary to:

1. Establish and carry out an agricultural pilot program;
2. Provide for the certification and registration of sites used for growing or cultivating industrial hemp; and
3. Restrict or prohibit the use or processing of industrial hemp for the creation, manufacture, sale or use of cannabidiol or any compound, salt, derivative, mixture or preparation of cannabidiol.

Sec. 110. NRS 630.369 is hereby amended to read as follows:

630.369 1. A person, other than a physician, shall not inject a patient with any chemotherapeutic agent classified as a prescription drug unless:

- (a) The person is licensed or certified to perform medical services pursuant to this title;
- (b) The administration of the injection is within the scope of the person's license or certificate; and
- (c) The person administers the injection under the supervision of a physician. The Board shall prescribe the requirements for supervision pursuant to this subsection.

2. As used in this section:

- (a) "Dangerous drug" has the meaning ascribed to it in NRS 454.201.
- (b) "Prescription drug" means:



(1) A controlled substance or dangerous drug that may be dispensed to an ultimate user only pursuant to a lawful prescription ~~§~~ *or in accordance with the provisions of chapter 453A of NRS;* and

(2) Any other substance or drug substituted for such a controlled substance or dangerous drug.

Sec. 111. NRS 641C.065 is hereby amended to read as follows:

641C.065 1. “Clinical practice of counseling alcohol and drug abusers” means:

(a) The application of counseling to reduce or eliminate the habitual use of alcohol or other drugs, other than any maintenance dosage of a narcotic or habit-forming drug administered pursuant to chapter 453 of NRS ~~§~~ *or marijuana administered pursuant to chapter 453A of NRS;* and

(b) The identification, evaluation and diagnosis of and treatment for a mental illness when a person with mental illness is also an alcoholic or abuser of drugs.

2. The term does not include:

(a) The diagnosis or treatment of a psychotic disorder; or

(b) The use of a psychological or psychometric assessment test to determine intelligence, personality, aptitude and interests.

Sec. 112. NRS 641C.100 is hereby amended to read as follows:

641C.100 “Practice of counseling alcohol and drug abusers” means the application of counseling to reduce or eliminate the habitual use of alcohol or other drugs, other than any



maintenance dosage of a narcotic or habit-forming drug administered pursuant to chapter 453 of NRS ~~H~~ *or marijuana administered pursuant to chapter 453A of NRS.*

Sec. 113. 1. Notwithstanding the provisions of NRS 453A.322, as amended by section 38 of this act, a person who obtains a medical marijuana establishment registration certificate for the operation of an independent testing laboratory before July 1, 2017:

(a) May renew his or her medical marijuana establishment registration certificate upon:

(1) Resubmission of the information set forth in NRS 453A.322; and

(2) Payment of the renewal fee set forth in NRS 453A.344; and

(b) Shall obtain accreditation pursuant to standard ISO/IEC 17025 of the International Organization for Standardization on or before January 1, 2019.

2. The Department of Taxation shall revoke the medical marijuana establishment registration certificate of an independent testing laboratory described in subsection 1 which fails to obtain the accreditation described in paragraph (b) of subsection 1 on or before January 1, 2019.

Sec. 114. Notwithstanding the provisions of NRS 453A.352, as amended by section 50 of this act, a person who obtains a medical marijuana establishment registration certificate before July 1, 2017, shall install a video monitoring system as required by subsection 8 of NRS 453A.352, as amended by section 50 of this act, on or before January 1, 2019.

Sec. 115. 1. The amendatory provisions of this act do not affect the validity of an unexpired registry identification card, letter of approval, medical marijuana establishment registration certificate or medical marijuana establishment agent registration card that was issued



by the Division of Public and Behavioral Health of the Department of Health and Human Services before July 1, 2017. However, upon the expiration of such a registry identification card, letter of approval, medical marijuana establishment registration certificate or medical marijuana establishment agent registration card, a person who wishes to retain the limited exemption from state prosecution which is set forth in NRS 453A.200 must:

(a) Reapply to the Department of Taxation for a new registry identification card, letter of approval, medical marijuana establishment registration certificate or medical marijuana establishment agent registration card issued by that agency.

(b) Pay any necessary fees as set forth in NRS 453A.344 or 453A.740 or any regulations adopted pursuant to chapter 453A of NRS.

2. As used in this section:

(a) “Letter of approval” has the meaning ascribed to it in NRS 453A.109.

(b) “Medical marijuana establishment agent registration card” has the meaning ascribed to it in NRS 453A.118.

(c) “Medical marijuana establishment registration certificate” has the meaning ascribed to it in NRS 453A.119.

(d) “Registry identification card” has the meaning ascribed to it in NRS 453A.140.

Sec. 116. 1. The administrative regulations adopted by the Division of Public and Behavioral Health of the Department of Health and Human Services pursuant to chapter 453A of NRS remain in force and are hereby transferred to become the administrative regulations of the Department of Taxation on July 1, 2017. On and after July 1, 2017, these regulations must be



interpreted in a manner so that all references to the Division of Public and Behavioral Health of the Department of Health and Human Services and its constituent parts are read and interpreted as being references to the Department of Taxation and its constituent parts, regardless of whether those references have been conformed pursuant to section 117 of this act at the time of interpretation.

2. Any contracts or other agreements entered into by the Division of Public and Behavioral Health of the Department of Health and Human Services and its constituent parts pursuant to chapter 453A of NRS are binding upon the Department of Taxation on and after July 1, 2017, rather than the Division of Public and Behavioral Health of the Department of Health and Human Services and its constituent parts. Such contracts and other agreements may be enforced by the Department of Taxation on and after July 1, 2017.

3. Any action taken by the Division of Public and Behavioral Health of the Department of Health and Human Services or its constituent parts pursuant to chapter 453A of NRS before July 1, 2017, remains in effect as if taken by the Department of Taxation or its constituent parts on and after July 1, 2017.

Sec. 117. The Legislative Counsel shall:

1. In preparing the reprint and supplements to the Nevada Revised Statutes, appropriately change any references to an officer, agency or other entity whose name is changed or whose responsibilities are transferred pursuant to the provisions of this act to refer to the appropriate officer, agency or other entity.



2. In preparing supplements to the Nevada Administrative Code, appropriately change any references to an officer, agency or other entity whose name is changed or whose responsibilities are transferred pursuant to the provisions of this act to refer to the appropriate officer, agency or other entity.

Sec. 118. 1. NRS 453A.090 is hereby repealed.

2. Section 22.3 of chapter 547, Statutes of Nevada 2013, at page 3718 is hereby repealed.

Sec. 119. 1. This act becomes effective on July 1, 2017.

2. Sections 99 and 100 of this act expire by limitation on the date on which the provisions of 42 U.S.C. § 666 requiring each state to establish procedures under which the state has authority to withhold or suspend, or to restrict the use of professional, occupational and recreational licenses of persons who:

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

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

↪ are repealed by the Congress of the United States.



**TEXT OF REPEALED SECTION OF NRS AND
TEXT OF REPEALED SECTION OF STATUTES OF NEVADA**

453A.090 “Division” defined. “Division” means the Division of Public and Behavioral Health of the Department of Health and Human Services.

Section 22.3 of chapter 547, Statutes of Nevada 2013, at page 3718:

Sec. 22.3. NRS 453A.200 is hereby amended to read as follows:

453A.200 1. Except as otherwise provided in this section and NRS 453A.300, a person who holds a valid registry identification card issued to the person pursuant to NRS 453A.220 or 453A.250 is exempt from state prosecution for:

- (a) Possession, delivery or production of marijuana;
- (b) Possession or delivery of paraphernalia;
- (c) Aiding and abetting another in the possession, delivery or production of marijuana;
- (d) Aiding and abetting another in the possession or delivery of paraphernalia;
- (e) Any combination of the acts described in paragraphs (a) to (d), inclusive; and
- (f) Any other criminal offense in which the possession, delivery or production of marijuana or the possession or delivery of paraphernalia is an element.



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

3. The exemption from state prosecution set forth in subsection 1 applies only to the extent that a person who holds a registry identification card issued to the person pursuant to paragraph (a) of subsection 1 of NRS 453A.220 and the designated primary caregiver, if any, of such a person:

(a) Engage in or assist in, as applicable, the medical use of marijuana in accordance with the provisions of this chapter as justified to mitigate the symptoms or effects of the person's chronic or debilitating medical condition; and

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

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

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

(3) A maximum allowable quantity of edible marijuana products and marijuana-infused products as established by regulation of the Division.

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



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

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

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

5. A person who holds a valid medical marijuana establishment registration certificate issued to the person pursuant to section 10 of this act or a valid medical marijuana establishment agent registration card issued to the person pursuant to section 13 of this act, and who confines his or her activities to those authorized by sections 10 to 20, inclusive, of this act and the regulations adopted by the Division pursuant thereto, is exempt from state prosecution for:

(a) Possession, delivery or production of marijuana;

(b) Possession or delivery of paraphernalia;

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

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

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

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



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

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

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

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

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

7. As used in this section, “marijuana” includes, without limitation, edible marijuana products and marijuana-infused products.

