

SENATE BILL NO. 344—SENATORS FARLEY AND SEGERBLOM

MARCH 20, 2017

Referred to Committee on Judiciary

SUMMARY—Revises various provisions relating to the labeling, packaging and advertising of marijuana. (BDR 40-451)

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

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

AN ACT relating to marijuana; revising standards for the labeling and packaging of marijuana for medical use; establishing limits on the quantity of marijuana for medical use that may be sold in a single package; prohibiting the production of edible marijuana products or marijuana-infused products that appear to be candy or may appeal to children; requiring a facility for the production of edible marijuana products or marijuana-infused products which produces cookies or brownies to seal such a product in a container which is not transparent; prohibiting advertising by a medical marijuana establishment that would be appealing to children; establishing similar provisions for recreational marijuana establishments with delayed effect; providing penalties; and providing other matters properly relating thereto.

Legislative Counsel’s Digest:

1 Existing law requires each medical marijuana dispensary and facility for the
2 production of edible marijuana products or marijuana-infused products in this State
3 to meet certain requirements for the packaging and labeling of such products. (NRS
4 453A.360) **Section 1** of this bill requires each edible marijuana product or
5 marijuana-infused product offered for sale to be labeled with the amount of
6 servings of THC in the product. **Section 1** requires each edible marijuana product
7 or marijuana-infused product to be sold in a single package and establishes limits
8 on the amount of THC such products may contain per package and, if applicable,
9 per unit. **Section 1** prohibits a facility for the production of edible marijuana
10 products or marijuana-infused products from producing such a product in any form
11 that appears to be candy or may appeal to children. **Section 1** requires a facility for



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12 the production of edible marijuana products or marijuana-infused products which
13 produces cookies or brownies to seal such a product in a bag or other container
14 which is not transparent. Finally, **section 1** prohibits a medical marijuana
15 dispensary or facility for the production of edible marijuana products or marijuana-
16 infused products from engaging in advertising that would make marijuana, edible
17 marijuana products or marijuana-infused products appeal to children. **Section 2** of
18 this bill establishes similar requirements for recreational marijuana establishments
19 at a future date.

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

1 **Section 1.** NRS 453A.360 is hereby amended to read as
2 follows:
3 453A.360 *1.* Each medical marijuana dispensary and facility
4 for the production of edible marijuana products or marijuana-
5 infused products shall, in consultation with the Division, cooperate
6 to ensure that all edible marijuana products and marijuana-infused
7 products offered for sale:
8 ~~1-1~~ *(a)* Are labeled clearly and unambiguously as medical
9 marijuana ~~1-1~~.
10 ~~2-1~~ *and as required by NRS 453A.320 to 453A.370, inclusive,*
11 *and any regulations adopted pursuant thereto.*
12 *(b)* Are not presented in packaging that is appealing to
13 children ~~1-1~~.
14 ~~3-1~~ *, including, without limitation, packaging containing an*
15 *image of a cartoon character, mascot, action figure, balloon, fruit*
16 *or toy.*
17 *(c)* Are regulated and sold on the basis of the concentration of
18 THC in the products and not by weight.
19 ~~4-1~~ *(d)* Are packaged and labeled in such a manner as to allow
20 tracking by way of an inventory control system.
21 *(e)* *Are not packaged and labeled in a manner which is*
22 *modeled after a brand of products primarily consumed by or*
23 *marketed to children.*
24 *(f)* *Are labeled in a manner which indicates the number of*
25 *servings of THC in the product, measured in servings of a*
26 *maximum of 25 milligrams per serving, and includes a statement*
27 *that the product contains marijuana and its potency was tested*
28 *with an allowable variance of the amount determined by the*
29 *independent testing laboratory which performed the testing.*
30 *2. An edible marijuana product or marijuana-infused product*
31 *must be sold in a single package. A single package must not*
32 *contain:*



1 (a) For an edible marijuana product sold as a capsule, more
2 than 100 milligrams of THC per capsule or more than 400
3 milligrams of THC per package.

4 (b) For an edible marijuana product sold as a tincture, more
5 than 400 milligrams of THC.

6 (c) For an edible marijuana product other than a capsule or
7 tincture, more than 400 milligrams of THC.

8 (d) For a marijuana-infused product sold as a topical product,
9 a concentration of more than 6 percent THC or more than 400
10 milligrams of THC per package.

11 (e) For a marijuana-infused product sold as a suppository or
12 transdermal patch, more than 100 milligrams of THC per
13 suppository or transdermal patch or more than 400 milligrams of
14 THC per package.

15 (f) For a marijuana-infused product other than a topical
16 product, suppository or transdermal patch, more than 400
17 milligrams of THC.

18 3. A facility for the production of edible marijuana products
19 or marijuana-infused products shall not produce edible marijuana
20 products in any form that:

21 (a) Appears to be candy.

22 (b) Is similar in appearance to a cartoon character, mascot,
23 action figure, balloon, fruit or toy.

24 (c) Is modeled after a brand of products primarily consumed
25 by or marketed to children.

26 (d) Is made by applying concentrated cannabis, as defined in
27 NRS 453.042, to a commercially available candy or snack food
28 item.

29 4. A facility for the production of edible marijuana products
30 or marijuana-infused products shall seal any edible marijuana
31 product that consists of cookies or brownies in a bag or other
32 container which is not transparent.

33 5. A medical marijuana dispensary or facility for the
34 production of edible marijuana products or marijuana-infused
35 products shall not engage in advertising that in any way makes
36 marijuana, edible marijuana products or marijuana-infused
37 products appeal to children, including, without limitation,
38 advertising which uses an image of a cartoon character, mascot,
39 action figure, balloon, fruit or toy.

40 **Sec. 2.** Chapter 453D of NRS is hereby amended by adding
41 thereto a new section to read as follows:

42 1. Each retail marijuana store and marijuana product
43 manufacturing facility shall, in consultation with the Department,
44 cooperate to ensure that all marijuana products offered for sale:



1 (a) Are labeled clearly and unambiguously as marijuana and
2 as required by this chapter and any regulations adopted pursuant
3 thereto.

4 (b) Are not presented in packaging that is appealing to
5 children, including, without limitation, packaging containing an
6 image of a cartoon character, mascot, action figure, balloon, fruit
7 or toy.

8 (c) Are regulated and sold on the basis of the concentration of
9 THC in the products and not by weight.

10 (d) Are packaged and labeled in such a manner as to allow
11 tracking by way of an inventory control system.

12 (e) Are not packaged and labeled in a manner which is
13 modeled after a brand of products primarily consumed by or
14 marketed to children.

15 (f) Are labeled in a manner which indicates the number of
16 servings of THC in the product, measured in servings of a
17 maximum of 25 milligrams per serving, and includes a statement
18 that the product contains marijuana and its potency was tested
19 with an allowable variance of the amount determined by the
20 marijuana testing facility which performed the testing.

21 2. A marijuana product must be sold in a single package. A
22 single package must not contain:

23 (a) For a marijuana product sold as a capsule, more than 100
24 milligrams of THC per capsule or more than 400 milligrams of
25 THC per package.

26 (b) For a marijuana product sold as a tincture, more than 400
27 milligrams of THC.

28 (c) For a marijuana product sold as a food product, more than
29 400 milligrams of THC.

30 (d) For a marijuana product sold as a topical product, a
31 concentration of more than 6 percent THC or more than 400
32 milligrams of THC per package.

33 (e) For a marijuana product sold as a suppository or
34 transdermal patch, more than 100 milligrams of THC per
35 suppository or transdermal patch or more than 400 milligrams of
36 THC per package.

37 (f) For any other marijuana product, more than 400
38 milligrams of THC.

39 3. A marijuana product manufacturing facility shall not
40 produce marijuana products in any form that:

41 (a) Appears to be candy.

42 (b) Is similar in appearance to a cartoon character, mascot,
43 action figure, balloon, fruit or toy.

44 (c) Is modeled after a brand of products primarily consumed
45 by or marketed to children.



1 *(d) Is made by applying concentrated marijuana to a*
2 *commercially available candy or snack food item.*

3 *4. A marijuana product manufacturing facility shall seal any*
4 *marijuana product that consists of cookies or brownies in a bag or*
5 *other container which is not transparent.*

6 *5. A retail marijuana store or marijuana product*
7 *manufacturing facility shall not engage in advertising that in any*
8 *way makes marijuana or marijuana products appeal to children,*
9 *including, without limitation, advertising which uses an image of*
10 *a cartoon character, mascot, action figure, balloon, fruit or toy.*

11 **Sec. 3.** 1. This section and section 1 of this act become
12 effective on July 1, 2017.

13 2. Section 2 of this act becomes effective on January 1, 2020.

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