

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; prohibiting the production of edible marijuana products or marijuana-infused products that are or appear to be lollipops or may appeal to children; establishing certain requirements for the production, packaging and labeling of products by a facility for the production of edible marijuana products or marijuana-infused products; prohibiting advertising by a medical marijuana establishment that would be appealing to children; requiring a medical marijuana dispensary to offer certain containers for sale and provide notification with each sale of marijuana; establishing similar provisions for recreational marijuana establishments with a delayed effective date; establishing limits on the quantity of marijuana for recreational use that may be sold in a single package; establishing certain restrictions on advertising by a recreational marijuana establishment; prohibiting regulation of certain matters relating to marijuana which is more restrictive than or conflicts with state law or regulation by a local government; providing penalties; and providing other matters properly relating thereto.



* S B 3 4 4 R 2 *

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 and establishes certain other requirements for such
 7 products. **Section 1** prohibits a facility for the production of edible marijuana
 8 products or marijuana-infused products from producing such a product in any form
 9 that is or appears to be a lollipop or may appeal to children. **Section 1** requires a
 10 facility for the production of edible marijuana products or marijuana-infused
 11 products which produces cookies or brownies to seal such a product in a bag or
 12 other container which is not transparent and establishes certain other requirements
 13 for the production, packaging and labeling of an edible marijuana product or
 14 marijuana-infused product by such a facility. **Section 1** prohibits a medical
 15 marijuana dispensary or facility for the production of edible marijuana products or
 16 marijuana-infused products from engaging in advertising that would make
 17 marijuana, edible marijuana products or marijuana-infused products appeal to
 18 children. **Section 1** requires a medical marijuana dispensary to offer for sale
 19 containers for the storage of marijuana, edible marijuana products and marijuana-
 20 infused products which lock and are designed to prohibit children from unlocking
 21 and opening the container. **Section 1** requires a medical marijuana dispensary to
 22 provide a written notification of certain information, including, to keep marijuana,
 23 edible marijuana products and marijuana-infused products out of the reach of
 24 children with each sale of marijuana or such products. **Section 1** requires at least
 25 one employee of a facility for the production of edible marijuana products or
 26 marijuana-infused products or a medical marijuana dispensary which sells edible
 27 marijuana products to be certified to handle food in certain circumstances.

28 **Section 2** of this bill establishes similar requirements for recreational marijuana
 29 establishments at a future date. Additionally, **section 2** requires each marijuana
 30 product to be sold in a single package and establishes limits on the amount of THC
 31 such products may contain per package and, if applicable, per unit. **Section 2** also
 32 imposes certain requirements for and restrictions on advertising by a recreational
 33 marijuana establishment.

34 **Sections 3-8** of this bill prohibit a local government from regulating a
 35 marijuana establishment or medical marijuana establishment in a manner which is
 36 more restrictive than or conflicts with a law or regulation of this State.

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 ~~fast~~ :
 9 (1) *As* medical marijuana ~~†~~



1 ~~2.~~ with the words ***“THIS IS A MEDICAL MARIJUANA***
2 ***PRODUCT”*** in bold type; and

3 (2) As required by NRS 453A.320 to 453A.370, inclusive,
4 and any regulations adopted pursuant thereto.

5 (b) Are not presented in packaging that ~~is appealing to children.~~
6 ~~3.~~ contains an image of a cartoon character, mascot, action
7 figure, balloon or toy, except that such an item may appear in the
8 logo of the facility for the production of edible marijuana products
9 or marijuana-infused products which produced the product.

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

12 ~~4.~~ (d) Are packaged and labeled in such a manner as to allow
13 tracking by way of an inventory control system.

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

17 (f) Are labeled in a manner which indicates the amount of
18 THC in the product, measured in milligrams, and includes a
19 statement that the product contains marijuana and its potency was
20 tested with an allowable variance of the amount determined by the
21 independent testing laboratory which performed the testing.

22 (g) Are not labeled or marketed as candy.

23 2. A facility for the production of edible marijuana products
24 or marijuana-infused products shall not produce edible marijuana
25 products in any form that:

26 (a) Is or appears to be a lollipop.

27 (b) Bears the likeness or contains characteristics of a real or
28 fictional person, animal or fruit, including, without limitation, a
29 caricature, cartoon or artistic rendering.

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

32 (d) Is made by applying concentrated cannabis, as defined in
33 NRS 453.042, to a commercially available candy or snack food
34 item other than dried fruit, nuts or granola.

35 3. A facility for the production of edible marijuana products
36 or marijuana-infused products shall:

37 (a) Seal any edible marijuana product that consists of cookies
38 or brownies in a bag or other container which is not transparent.

39 (b) Affix a label to each edible marijuana product which
40 includes without limitation, in a manner which must not mislead
41 consumers, the following information:

42 (1) The words “Keep out of reach of children”;

43 (2) A list of all ingredients used in the edible marijuana
44 product;



1 (3) *A list of all allergens in the edible marijuana product;*
2 *and*

3 (4) *The total weight of marijuana contained in the edible*
4 *marijuana product or an equivalent measure of THC*
5 *concentration.*

6 (c) *Maintain a washing area with hot water, soap and a hand*
7 *dryer or disposable towels which is located away from any area in*
8 *which edible marijuana products are cooked or otherwise*
9 *prepared.*

10 (d) *Require each person who handles edible marijuana*
11 *products to wear a hair net and clean clothing and keep his or her*
12 *fingernails neatly trimmed.*

13 (e) *Package all edible marijuana products or marijuana-*
14 *infused products produced by the facility for the production of*
15 *edible marijuana products or marijuana-infused products on the*
16 *premises of the facility for the production of edible marijuana*
17 *products or marijuana-infused products.*

18 4. *A medical marijuana dispensary or facility for the*
19 *production of edible marijuana products or marijuana-infused*
20 *products shall not engage in advertising that in any way makes*
21 *marijuana, edible marijuana products or marijuana-infused*
22 *products appeal to children, including without limitation,*
23 *advertising which uses an image of a cartoon character, mascot,*
24 *action figure, balloon, fruit or toy.*

25 5. *Each medical marijuana dispensary shall offer for sale*
26 *containers for the storage of marijuana, edible marijuana*
27 *products and marijuana-infused products which lock and are*
28 *designed to prohibit children from unlocking and opening the*
29 *container.*

30 6. *A medical marijuana dispensary shall:*

31 (a) *Include a written notification with each sale of marijuana,*
32 *edible marijuana products or marijuana-infused products which*
33 *advises the purchaser:*

34 (1) *To keep marijuana, edible marijuana products and*
35 *marijuana-infused products out of the reach of children;*

36 (2) *That edible marijuana products can cause severe illness*
37 *in children;*

38 (3) *That allowing children to ingest marijuana or edible*
39 *marijuana products or storing marijuana or edible marijuana*
40 *products in a location which is accessible to children may result in*
41 *an investigation by an agency which provides child welfare*
42 *services or criminal prosecution for child abuse or neglect;*

43 (4) *That the intoxicating effects of edible marijuana*
44 *products may be delayed by 2 hours or more and users of edible*
45 *marijuana products should initially ingest a small amount of the*



1 *product, then wait at least 120 minutes before ingesting any*
2 *additional amount of the product;*

3 *(5) That pregnant women should consult with a physician*
4 *before ingesting marijuana or edible marijuana products;*

5 *(6) That ingesting marijuana or edible marijuana products*
6 *with alcohol or other drugs, including prescription medication,*
7 *may result in unpredictable levels of impairment and that a person*
8 *should consult with a physician before doing so;*

9 *(7) That marijuana or edible marijuana products can*
10 *impair concentration, coordination and judgment and a person*
11 *should not operate a motor vehicle while under the influence of*
12 *marijuana or edible marijuana products; and*

13 *(8) That ingestion of any amount of marijuana or edible*
14 *marijuana products before driving may result in criminal*
15 *prosecution for driving under the influence.*

16 *(b) Enclose all marijuana, edible marijuana products and*
17 *marijuana-infused products in opaque, child-resistant packaging*
18 *upon sale.*

19 *7. A medical marijuana dispensary shall allow any person*
20 *who is at least 21 years of age to enter the premises of the medical*
21 *marijuana dispensary, regardless of whether such a person holds*
22 *a valid registry identification card or letter of approval.*

23 *8. If the health authority, as defined in NRS 446.050, where a*
24 *facility for the production of edible marijuana products or*
25 *marijuana-infused products or medical marijuana dispensary*
26 *which sells edible marijuana products is located requires persons*
27 *who handle food at a food establishment to obtain certification,*
28 *the facility for the production of edible marijuana products or*
29 *marijuana-infused products or medical marijuana dispensary*
30 *shall ensure that at least one employee maintains such*
31 *certification.*

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

34 *1. Each retail marijuana store and marijuana product*
35 *manufacturing facility shall, in consultation with the Department,*
36 *cooperate to ensure that all marijuana products offered for sale:*

37 *(a) Are labeled clearly and unambiguously:*

38 *(1) As marijuana with the words "THIS IS A MARIJUANA*
39 *PRODUCT" in bold type; and*

40 *(2) As required by this chapter and any regulations adopted*
41 *pursuant thereto.*

42 *(b) Are not presented in packaging that contains an image of a*
43 *cartoon character, mascot, action figure, balloon or toy, except*
44 *that such an item may appear in the logo of the marijuana product*
45 *manufacturing facility which produced the product.*



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

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

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

8 (f) Are labeled in a manner which indicates the number of
9 servings of THC in the product, measured in servings of a
10 maximum of 10 milligrams per serving, and includes a statement
11 that the product contains marijuana and its potency was tested
12 with an allowable variance of the amount determined by the
13 marijuana testing facility which performed the testing.

14 (g) Are not labeled or marketed as candy.

15 2. A marijuana product must be sold in a single package. A
16 single package must not contain:

17 (a) For a marijuana product sold as a capsule, more than 100
18 milligrams of THC per capsule or more than 800 milligrams of
19 THC per package.

20 (b) For a marijuana product sold as a tincture, more than 800
21 milligrams of THC.

22 (c) For a marijuana product sold as a food product, more than
23 100 milligrams of THC.

24 (d) For a marijuana product sold as a topical product, a
25 concentration of more than 6 percent THC or more than 800
26 milligrams of THC per package.

27 (e) For a marijuana product sold as a suppository or
28 transdermal patch, more than 100 milligrams of THC per
29 suppository or transdermal patch or more than 800 milligrams of
30 THC per package.

31 (f) For any other marijuana product, more than 800
32 milligrams of THC.

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

35 (a) Is or appears to be a lollipop or ice cream.

36 (b) Bears the likeness or contains characteristics of a real or
37 fictional person, animal or fruit, including, without limitation, a
38 caricature, cartoon or artistic rendering.

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

41 (d) Is made by applying concentrated marijuana to a
42 commercially available candy or snack food item other than dried
43 fruit, nuts or granola.

44 4. A marijuana product manufacturing facility shall:



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1 (a) Seal any marijuana product that consists of cookies or
2 brownies in a bag or other container which is not transparent.

3 (b) Affix a label to each marijuana product intended for
4 human consumption by oral ingestion which includes, without
5 limitation, in a manner which must not mislead consumers, the
6 following information:

7 (1) The words "Keep out of reach of children";

8 (2) A list of all ingredients used in the marijuana product;

9 (3) A list of all allergens in the marijuana product; and

10 (4) The total weight of marijuana contained in the
11 marijuana product or an equivalent measure of THC
12 concentration.

13 (c) Maintain a washing area with hot water, soap and a hand
14 dryer or disposable towels which is located away from any area in
15 which marijuana products intended for human consumption by
16 oral ingestion are cooked or otherwise prepared.

17 (d) Require each person who handles marijuana products
18 intended for human consumption by oral ingestion to wear a hair
19 net and clean clothing and keep his or her fingernails neatly
20 trimmed.

21 (e) Package all marijuana products produced by the marijuana
22 product manufacturing facility on the premises of the marijuana
23 product manufacturing facility.

24 5. A retail marijuana store or marijuana product
25 manufacturing facility shall not engage in advertising that in any
26 way makes marijuana or marijuana products appeal to children,
27 including, without limitation, advertising which uses an image of
28 a cartoon character, mascot, action figure, balloon, fruit or toy.

29 6. Each retail marijuana store shall offer for sale containers
30 for the storage of marijuana and marijuana products which lock
31 and are designed to prohibit children from unlocking and opening
32 the container.

33 7. A retail marijuana store shall:

34 (a) Include a written notification with each sale of marijuana
35 or marijuana products which advises the purchaser:

36 (1) To keep marijuana and marijuana products out of the
37 reach of children;

38 (2) That marijuana and marijuana products can cause
39 severe illness in children;

40 (3) That allowing children to ingest marijuana or
41 marijuana products, or storing marijuana or marijuana products
42 in a location which is accessible to children may result in an
43 investigation by an agency which provides child welfare services
44 or criminal prosecution for child abuse or neglect;



1 (4) *That the intoxicating effects of marijuana products may*
2 *be delayed by 2 hours or more and users of marijuana products*
3 *should initially ingest a small amount of the product, then wait at*
4 *least 120 minutes before ingesting any additional amount of the*
5 *product;*

6 (5) *That pregnant women should consult with a physician*
7 *before ingesting marijuana or marijuana products;*

8 (6) *That ingesting marijuana or marijuana products with*
9 *alcohol or other drugs, including prescription medication, may*
10 *result in unpredictable levels of impairment and that a person*
11 *should consult with a physician before doing so;*

12 (7) *That marijuana or marijuana products can impair*
13 *concentration, coordination and judgment and a person should*
14 *not operate a motor vehicle while under the influence of*
15 *marijuana or marijuana products; and*

16 (8) *That ingestion of any amount of marijuana or*
17 *marijuana products before driving may result in criminal*
18 *prosecution for driving under the influence.*

19 (b) *Enclose all marijuana and marijuana products in opaque,*
20 *child-resistant packaging upon sale.*

21 8. *If the health authority, as defined in NRS 446.050, where a*
22 *marijuana product manufacturing facility or retail marijuana*
23 *store which sells marijuana products intended for human*
24 *consumption by oral ingestion is located requires persons who*
25 *handle food at a food establishment to obtain certification, the*
26 *marijuana product manufacturing facility or retail marijuana*
27 *store shall ensure that at least one employee maintains such*
28 *certification.*

29 9. *A marijuana establishment:*

30 (a) *Shall not engage in advertising which contains any*
31 *statement or illustration that:*

32 (1) *Is false or misleading;*

33 (2) *Promotes overconsumption of marijuana or marijuana*
34 *products;*

35 (3) *Depicts the actual consumption of marijuana or*
36 *marijuana products; or*

37 (4) *Depicts a child or other person who is less than 21 years*
38 *of age consuming marijuana or marijuana products or objects*
39 *suggesting the presence of a child, including, without limitation,*
40 *toys, characters or cartoons, or contains any other depiction which*
41 *is designed in any manner to be appealing to or encourage*
42 *consumption of marijuana or marijuana products by a person who*
43 *is less than 21 years of age.*

44 (b) *Shall not advertise in any publication or on radio,*
45 *television or any other medium if 30 percent or more of the*



1 audience of that medium is reasonably expected to be persons who
2 are less than 21 years of age.

3 (c) Shall not place an advertisement:

4 (1) Within 1,000 feet of a public or private school,
5 playground, public park or library, but may maintain such an
6 advertisement if it was initially placed before the school,
7 playground, public park or library was located within 1,000 feet of
8 the location of the advertisement;

9 (2) On or inside of a motor vehicle used for public
10 transportation or any shelter for public transportation; or

11 (3) At a sports or entertainment event to which persons who
12 are less than 21 years of age are allowed entry.

13 (d) Shall not advertise or offer any marijuana or marijuana
14 product as “free” or “donated” without a purchase.

15 (e) Shall ensure that all advertising by the marijuana
16 establishment contains such warnings as may be prescribed by the
17 Department, which must include, without limitation, the following
18 words:

19 (1) “Keep out of reach of children”; and

20 (2) “For use only by adults 21 years of age and older”.

21 10. Nothing in subsection 9 shall be construed to prohibit a
22 local government, pursuant to chapter 244, 268 or 278 of NRS,
23 from adopting an ordinance for the regulation of advertising
24 relating to marijuana which is more restrictive than the provisions
25 of subsection 9 relating to:

26 (a) The number, location and size of signs, including, without
27 limitation, any signs carried or displayed by a natural person;

28 (b) Handbills, pamphlets, cards or other types of
29 advertisements that are distributed, excluding an advertisement
30 placed in a newspaper of general circulation, trade publication or
31 other form of print media; and

32 (c) Any stationary or moving display that is located on or near
33 the premises of a marijuana establishment.

34 **Sec. 3.** Chapter 244 of NRS is hereby amended by adding
35 thereto a new section to read as follows:

36 1. A board of county commissioners shall not enact or
37 enforce any ordinance which is more restrictive than or conflicts
38 with a law or regulation of this State relating to:

39 (a) The packaging, labeling, testing, dosage or potency of
40 marijuana, edible marijuana products, marijuana products or
41 marijuana-infused products;

42 (b) The kinds of marijuana, edible marijuana products,
43 marijuana products and marijuana-infused products authorized to
44 be sold pursuant to chapters 453A and 453D of NRS and any
45 regulations adopted pursuant to chapter 453A of NRS;



- 1 (c) *The use of pesticides in the cultivation of marijuana;*
- 2 (d) *The tracking of marijuana from seed to sale;*
- 3 (e) *The transportation of marijuana, edible marijuana*
- 4 *products, marijuana products or marijuana-infused products*
- 5 *other than the direct transportation of marijuana, edible*
- 6 *marijuana products, marijuana products or marijuana-infused*
- 7 *products to a consumer and a requirement to notify the county of*
- 8 *any transportation of marijuana, edible marijuana products,*
- 9 *marijuana products or marijuana-infused products;*
- 10 (f) *The issuance or verification of a registry identification*
- 11 *card, letter of approval or written documentation;*
- 12 (g) *The training or certification of medical marijuana*
- 13 *establishment agents or employees of a marijuana establishment;*
- 14 *or*

15 (h) *The creation or maintenance of a registry or other system*

16 *to obtain and track information relating to customers of*

17 *marijuana establishments or holders of a registry identification*

18 *card or letter of approval.*

19 2. *As used in this section:*

20 (a) *“Edible marijuana products” has the meaning ascribed to*

21 *it in NRS 453A.101.*

22 (b) *“Letter of approval” has the meaning ascribed to it in*

23 *NRS 453A.109.*

24 (c) *“Marijuana establishment” has the meaning ascribed to it*

25 *in NRS 453D.030.*

26 (d) *“Marijuana products” has the meaning ascribed to it in*

27 *NRS 453D.030.*

28 (e) *“Marijuana-infused products” has the meaning ascribed to*

29 *it in NRS 453A.112.*

30 (f) *“Medical marijuana establishment” has the meaning*

31 *ascribed to it in NRS 453A.116.*

32 (g) *“Medical marijuana establishment agent” has the meaning*

33 *ascribed to it in NRS 453A.117.*

34 (h) *“Registry identification card” has the meaning ascribed to*

35 *it in NRS 453A.140.*

36 (i) *“Written documentation” has the meaning ascribed to it in*

37 *NRS 453A.170.*

38 **Sec. 4.** NRS 244.335 is hereby amended to read as follows:

39 244.335 1. Except as otherwise provided in subsections 2, 3

40 and 4, and NRS 244.33501, a board of county commissioners may:

41 (a) Except as otherwise provided in NRS 244.331 to 244.3345,

42 inclusive, 598D.150 and 640C.100, **and section 3 of this act,**

43 regulate all character of lawful trades, callings, industries,

44 occupations, professions and business conducted in its county

45 outside of the limits of incorporated cities and towns.



1 (b) Except as otherwise provided in NRS 244.3359 and 576.128,
2 fix, impose and collect a license tax for revenue or for regulation, or
3 for both revenue and regulation, on such trades, callings, industries,
4 occupations, professions and business.

5 2. The county license boards have the exclusive power in their
6 respective counties to regulate entertainers employed by an
7 entertainment by referral service and the business of conducting a
8 dancing hall, escort service, entertainment by referral service or
9 gambling game or device permitted by law, outside of an
10 incorporated city. The county license boards may fix, impose and
11 collect license taxes for revenue or for regulation, or for both
12 revenue and regulation, on such employment and businesses.

13 3. A board of county commissioners shall not require that a
14 person who is licensed as a contractor pursuant to chapter 624 of
15 NRS obtain more than one license to engage in the business of
16 contracting or pay more than one license tax related to engaging in
17 the business of contracting, regardless of the number of
18 classifications or subclassifications of licensing for which the person
19 is licensed pursuant to chapter 624 of NRS.

20 4. The board of county commissioners or county license board
21 shall not require a person to obtain a license or pay a license tax on
22 the sole basis that the person is a professional. As used in this
23 subsection, "professional" means a person who:

24 (a) Holds a license, certificate, registration, permit or similar
25 type of authorization issued by a regulatory body as defined in NRS
26 622.060 or who is regulated pursuant to the Nevada Supreme Court
27 Rules; and

28 (b) Practices his or her profession for any type of compensation
29 as an employee.

30 5. The county license board shall provide upon request an
31 application for a state business registration pursuant to chapter 76 of
32 NRS. No license to engage in any type of business may be granted
33 unless the applicant for the license:

34 (a) Signs an affidavit affirming that the business has complied
35 with the provisions of chapter 76 of NRS; or

36 (b) Provides to the county license board the business
37 identification number of the applicant assigned by the Secretary of
38 State pursuant to NRS 225.082 which the county may use to
39 validate that the applicant is currently in good standing with the
40 State and has complied with the provisions of chapter 76 of NRS.

41 6. No license to engage in business as a seller of tangible
42 personal property may be granted unless the applicant for the
43 license:

44 (a) Presents written evidence that:



1 (1) The Department of Taxation has issued or will issue a
2 permit for this activity, and this evidence clearly identifies the
3 business by name; or

4 (2) Another regulatory agency of the State has issued or will
5 issue a license required for this activity; or

6 (b) Provides to the county license board the business
7 identification number of the applicant assigned by the Secretary of
8 State pursuant to NRS 225.082 which the county may use to
9 validate that the applicant is currently in good standing with the
10 State and has complied with the provisions of paragraph (a).

11 7. Any license tax levied for the purposes of NRS 244.3358 or
12 244A.597 to 244A.655, inclusive, constitutes a lien upon the real
13 and personal property of the business upon which the tax was levied
14 until the tax is paid. The lien has the same priority as a lien for
15 general taxes. The lien must be enforced:

16 (a) By recording in the office of the county recorder, within 6
17 months after the date on which the tax became delinquent or was
18 otherwise determined to be due and owing, a notice of the tax lien
19 containing the following:

20 (1) The amount of tax due and the appropriate year;

21 (2) The name of the record owner of the property;

22 (3) A description of the property sufficient for identification;

23 and

24 (4) A verification by the oath of any member of the board of
25 county commissioners or the county fair and recreation board; and

26 (b) By an action for foreclosure against the property in the same
27 manner as an action for foreclosure of any other lien, commenced
28 within 2 years after the date of recording of the notice of the tax
29 lien, and accompanied by appropriate notice to other lienholders.

30 8. The board of county commissioners may delegate the
31 authority to enforce liens from taxes levied for the purposes of NRS
32 244A.597 to 244A.655, inclusive, to the county fair and recreation
33 board. If the authority is so delegated, the board of county
34 commissioners shall revoke or suspend the license of a business
35 upon certification by the county fair and recreation board that the
36 license tax has become delinquent, and shall not reinstate the license
37 until the tax is paid. Except as otherwise provided in NRS 239.0115
38 and 244.3357, all information concerning license taxes levied by an
39 ordinance authorized by this section or other information concerning
40 the business affairs or operation of any licensee obtained as a result
41 of the payment of such license taxes or as the result of any audit or
42 examination of the books by any authorized employee of a county
43 fair and recreation board of the county for any license tax levied for
44 the purpose of NRS 244A.597 to 244A.655, inclusive, is
45 confidential and must not be disclosed by any member, officer or



1 employee of the county fair and recreation board or the county
2 imposing the license tax unless the disclosure is authorized by the
3 affirmative action of a majority of the members of the appropriate
4 county fair and recreation board. Continuing disclosure may be so
5 authorized under an agreement with the Department of Taxation or
6 Secretary of State for the exchange of information concerning
7 taxpayers.

8 **Sec. 5.** Chapter 268 of NRS is hereby amended by adding
9 thereto a new section to read as follows:

10 *1. The governing body of an incorporated city, whether*
11 *organized under general law or special charter, shall not enact or*
12 *enforce any ordinance which is more restrictive than or conflicts*
13 *with a law or regulation of this State relating to:*

14 *(a) The packaging, labeling, testing, dosage or potency of*
15 *marijuana, edible marijuana products, marijuana products or*
16 *marijuana-infused products;*

17 *(b) The kinds of marijuana, edible marijuana products,*
18 *marijuana products and marijuana-infused products authorized to*
19 *be sold pursuant to chapters 453A and 453D of NRS and any*
20 *regulations adopted pursuant to chapter 453A of NRS;*

21 *(c) The use of pesticides in the cultivation of marijuana;*

22 *(d) The tracking of marijuana from seed to sale;*

23 *(e) The transportation of marijuana, edible marijuana*
24 *products, marijuana products or marijuana-infused products*
25 *other than the direct transportation of marijuana, edible*
26 *marijuana products, marijuana products or marijuana-infused*
27 *products to a consumer and a requirement to notify the city of any*
28 *transportation of marijuana, edible marijuana products,*
29 *marijuana products or marijuana-infused products;*

30 *(f) The issuance or verification of a registry identification*
31 *card, letter of approval or written documentation;*

32 *(g) The training or certification of medical marijuana*
33 *establishment agents or employees of a marijuana establishment;*
34 *or*

35 *(h) The creation or maintenance of a registry or other system*
36 *to obtain and track information relating to customers of*
37 *marijuana establishments or holders of a registry identification*
38 *card or letter of approval.*

39 *2. As used in this section:*

40 *(a) "Edible marijuana products" has the meaning ascribed to*
41 *it in NRS 453A.101.*

42 *(b) "Letter of approval" has the meaning ascribed to it in*
43 *NRS 453A.109.*

44 *(c) "Marijuana establishment" has the meaning ascribed to it*
45 *in NRS 453D.030.*



1 (d) *“Marijuana products” has the meaning ascribed to it in*
2 *NRS 453D.030.*

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

5 (f) *“Medical marijuana establishment” has the meaning*
6 *ascribed to it in NRS 453A.116.*

7 (g) *“Medical marijuana establishment agent” has the meaning*
8 *ascribed to it in NRS 453A.117.*

9 (h) *“Registry identification card” has the meaning ascribed to*
10 *it in NRS 453A.140.*

11 (i) *“Written documentation” has the meaning ascribed to it in*
12 *NRS 453A.170.*

13 **Sec. 6.** NRS 268.095 is hereby amended to read as follows:

14 268.095 1. Except as otherwise provided in subsection 4 and
15 NRS 268.0951, the city council or other governing body of each
16 incorporated city in this State, whether organized under general law
17 or special charter, may:

18 (a) Except as otherwise provided in subsection 2 and NRS
19 268.0968 and 576.128, *and section 5 of this act*, fix, impose and
20 collect for revenues or for regulation, or both, a license tax on all
21 character of lawful trades, callings, industries, occupations,
22 professions and businesses conducted within its corporate limits.

23 (b) Assign the proceeds of any one or more of such license taxes
24 to the county within which the city is situated for the purpose or
25 purposes of making the proceeds available to the county:

26 (1) As a pledge as additional security for the payment of any
27 general obligation bonds issued pursuant to NRS 244A.597 to
28 244A.655, inclusive;

29 (2) For redeeming any general obligation bonds issued
30 pursuant to NRS 244A.597 to 244A.655, inclusive;

31 (3) For defraying the costs of collecting or otherwise
32 administering any such license tax so assigned, of the county fair
33 and recreation board and of officers, agents and employees hired
34 thereby, and of incidentals incurred thereby;

35 (4) For operating and maintaining recreational facilities
36 under the jurisdiction of the county fair and recreation board;

37 (5) For improving, extending and bettering recreational
38 facilities authorized by NRS 244A.597 to 244A.655, inclusive; and

39 (6) For constructing, purchasing or otherwise acquiring such
40 recreational facilities.

41 (c) Pledge the proceeds of any tax imposed on the revenues from
42 the rental of transient lodging pursuant to this section for the
43 payment of any general or special obligations issued by the city for
44 a purpose authorized by the laws of this State.



1 (d) Use the proceeds of any tax imposed pursuant to this section
2 on the revenues from the rental of transient lodging:

3 (1) To pay the principal, interest or any other indebtedness
4 on any general or special obligations issued by the city pursuant to
5 the laws of this State;

6 (2) For the expense of operating or maintaining, or both, any
7 facilities of the city; and

8 (3) For any other purpose for which other money of the city
9 may be used.

10 2. The city council or other governing body of an incorporated
11 city shall not require that a person who is licensed as a contractor
12 pursuant to chapter 624 of NRS obtain more than one license to
13 engage in the business of contracting or pay more than one license
14 tax related to engaging in the business of contracting, regardless of
15 the number of classifications or subclassifications of licensing for
16 which the person is licensed pursuant to chapter 624 of NRS.

17 3. The proceeds of any tax imposed pursuant to this section
18 that are pledged for the repayment of general obligations may be
19 treated as "pledged revenues" for the purposes of NRS 350.020.

20 4. The city council or other governing body of an incorporated
21 city shall not require a person to obtain a license or pay a license tax
22 on the sole basis that the person is a professional. As used in this
23 subsection, "professional" means a person who:

24 (a) Holds a license, certificate, registration, permit or similar
25 type of authorization issued by a regulatory body as defined in NRS
26 622.060 or who is regulated pursuant to the Nevada Supreme Court
27 Rules; and

28 (b) Practices his or her profession for any type of compensation
29 as an employee.

30 5. The city licensing agency shall provide upon request an
31 application for a state business registration pursuant to chapter 76 of
32 NRS. No license to engage in any type of business may be granted
33 unless the applicant for the license:

34 (a) Signs an affidavit affirming that the business has complied
35 with the provisions of chapter 76 of NRS; or

36 (b) Provides to the city licensing agency the business
37 identification number of the applicant assigned by the Secretary of
38 State pursuant to NRS 225.082 which the city may use to validate
39 that the applicant is currently in good standing with the State and
40 has complied with the provisions of chapter 76 of NRS.

41 6. No license to engage in business as a seller of tangible
42 personal property may be granted unless the applicant for the
43 license:

44 (a) Presents written evidence that:



1 (1) The Department of Taxation has issued or will issue a
2 permit for this activity, and this evidence clearly identifies the
3 business by name; or

4 (2) Another regulatory agency of the State has issued or will
5 issue a license required for this activity; or

6 (b) Provides to the city licensing agency the business
7 identification number of the applicant assigned by the Secretary of
8 State pursuant to NRS 225.082 which the city may use to validate
9 that the applicant is currently in good standing with the State and
10 has complied with the provisions of paragraph (a).

11 7. Any license tax levied under the provisions of this section
12 constitutes a lien upon the real and personal property of the business
13 upon which the tax was levied until the tax is paid. The lien has the
14 same priority as a lien for general taxes. The lien must be enforced:

15 (a) By recording in the office of the county recorder, within 6
16 months following the date on which the tax became delinquent or
17 was otherwise determined to be due and owing, a notice of the tax
18 lien containing the following:

19 (1) The amount of tax due and the appropriate year;

20 (2) The name of the record owner of the property;

21 (3) A description of the property sufficient for identification;

22 and

23 (4) A verification by the oath of any member of the board of
24 county commissioners or the county fair and recreation board; and

25 (b) By an action for foreclosure against such property in the
26 same manner as an action for foreclosure of any other lien,
27 commenced within 2 years after the date of recording of the notice
28 of the tax lien, and accompanied by appropriate notice to other
29 lienholders.

30 8. The city council or other governing body of each
31 incorporated city may delegate the power and authority to enforce
32 such liens to the county fair and recreation board. If the authority is
33 so delegated, the governing body shall revoke or suspend the license
34 of a business upon certification by the board that the license tax has
35 become delinquent, and shall not reinstate the license until the tax is
36 paid. Except as otherwise provided in NRS 239.0115 and 268.0966,
37 all information concerning license taxes levied by an ordinance
38 authorized by this section or other information concerning the
39 business affairs or operation of any licensee obtained as a result of
40 the payment of those license taxes or as the result of any audit or
41 examination of the books of the city by any authorized employee of
42 a county fair and recreation board for any license tax levied for the
43 purpose of NRS 244A.597 to 244A.655, inclusive, is confidential
44 and must not be disclosed by any member, official or employee of
45 the county fair and recreation board or the city imposing the license



1 tax unless the disclosure is authorized by the affirmative action of a
2 majority of the members of the appropriate county fair and
3 recreation board. Continuing disclosure may be so authorized under
4 an agreement with the Department of Taxation or the Secretary of
5 State for the exchange of information concerning taxpayers.

6 9. The powers conferred by this section are in addition and
7 supplemental to, and not in substitution for, and the limitations
8 imposed by this section do not affect the powers conferred by, any
9 other law. No part of this section repeals or affects any other law or
10 any part thereof, it being intended that this section provide a
11 separate method of accomplishing its objectives, and not an
12 exclusive one.

13 **Sec. 7.** Chapter 269 of NRS is hereby amended by adding
14 thereto a new section to read as follows:

15 *1. The town board or board of county commissioners in any*
16 *unincorporated town shall not enact or enforce any ordinance*
17 *which is more restrictive than or conflicts with a law or regulation*
18 *of this State relating to:*

19 *(a) The packaging, labeling, testing, dosage or potency of*
20 *marijuana, edible marijuana products, marijuana products or*
21 *marijuana-infused products;*

22 *(b) The kinds of marijuana, edible marijuana products,*
23 *marijuana products and marijuana-infused products authorized to*
24 *be sold pursuant to chapters 453A and 453D of NRS and any*
25 *regulations adopted pursuant to chapter 453A of NRS;*

26 *(c) The use of pesticides in the cultivation of marijuana;*

27 *(d) The tracking of marijuana from seed to sale;*

28 *(e) The transportation of marijuana, edible marijuana*
29 *products, marijuana products or marijuana-infused products*
30 *other than the direct transportation of marijuana, edible*
31 *marijuana products, marijuana products or marijuana-infused*
32 *products to a consumer and a requirement to notify the*
33 *unincorporated town of any transportation of marijuana, edible*
34 *marijuana products, marijuana products or marijuana-infused*
35 *products;*

36 *(f) The issuance or verification of a registry identification*
37 *card, letter of approval or written documentation;*

38 *(g) The training or certification of medical marijuana*
39 *establishment agents or employees of a marijuana establishment;*
40 *or*

41 *(h) The creation or maintenance of a registry or other system*
42 *to obtain and track information relating to customers of*
43 *marijuana establishments or holders of a registry identification*
44 *card or letter of approval.*

45 *2. As used in this section:*



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

3 (b) *“Letter of approval” has the meaning ascribed to it in*
4 *NRS 453A.109.*

5 (c) *“Marijuana establishment” has the meaning ascribed to it*
6 *in NRS 453D.030.*

7 (d) *“Marijuana products” has the meaning ascribed to it in*
8 *NRS 453D.030.*

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

11 (f) *“Medical marijuana establishment” has the meaning*
12 *ascribed to it in NRS 453A.116.*

13 (g) *“Medical marijuana establishment agent” has the meaning*
14 *ascribed to it in NRS 453A.117.*

15 (h) *“Registry identification card” has the meaning ascribed to*
16 *it in NRS 453A.140.*

17 (i) *“Written documentation” has the meaning ascribed to it in*
18 *NRS 453A.170.*

19 **Sec. 8.** NRS 269.170 is hereby amended to read as follows:

20 269.170 1. Except as otherwise provided in subsection 5 and
21 NRS 576.128, 598D.150 and 640C.100, **and section 7 of this act,**
22 the town board or board of county commissioners may, in any
23 unincorporated town:

24 (a) Fix and collect a license tax on, and regulate, having due
25 regard to the amount of business done by each person so licensed,
26 and all places of business and amusement so licensed, as follows:

27 (1) Artisans, artists, assayers, auctioneers, bakers, banks and
28 bankers, barbers, boilermakers, cellars and places where soft drinks
29 are kept or sold, clothes cleaners, foundries, laundries, lumberyards,
30 manufacturers of soap, soda, borax or glue, markets, newspaper
31 publishers, pawnbrokers, funeral directors and wood and coal
32 dealers.

33 (2) Bootmakers, cobblers, dressmakers, milliners,
34 shoemakers and tailors.

35 (3) Boardinghouses, hotels, lodging houses, restaurants and
36 refreshment saloons.

37 (4) Barrooms, gaming, manufacturers of liquors and other
38 beverages, and saloons.

39 (5) Billiard tables, bowling alleys, caravans, circuses,
40 concerts and other exhibitions, dance houses, melodeons,
41 menageries, shooting galleries, skating rinks and theaters.

42 (6) Corrals, hay yards, livery and sale stables and wagon
43 yards.



1 (7) Electric light companies, illuminating gas companies,
2 power companies, telegraph companies, telephone companies and
3 water companies.

4 (8) Carts, drays, express companies, freight companies, job
5 wagons, omnibuses and stages.

6 (9) Brokers, commission merchants, factors, general agents,
7 mercantile agents, merchants, traders and stockbrokers.

8 (10) Drummers, hawkers, peddlers and solicitors.

9 (11) Insurance agents, brokers, analysts, adjusters and
10 managing general agents within the limitations and under the
11 conditions prescribed in NRS 680B.020.

12 (b) Fix and collect a license tax upon all professions, trades or
13 business within the town not specified in paragraph (a).

14 2. No license to engage in business as a seller of tangible
15 personal property may be granted unless the applicant for the license
16 presents written evidence that:

17 (a) The Department of Taxation has issued or will issue a permit
18 for this activity, and this evidence clearly identifies the business by
19 name; or

20 (b) Another regulatory agency of the State has issued or will
21 issue a license required for this activity.

22 3. Any license tax levied for the purposes of NRS 244A.597 to
23 244A.655, inclusive, constitutes a lien upon the real and personal
24 property of the business upon which the tax was levied until the tax
25 is paid. The lien must be enforced in the same manner as liens for ad
26 valorem taxes on real and personal property. The town board or
27 other governing body of the unincorporated town may delegate the
28 power to enforce such liens to the county fair and recreation board.

29 4. The governing body or the county fair and recreation board
30 may agree with the Department of Taxation for the continuing
31 exchange of information concerning taxpayers.

32 5. The town board or board of county commissioners shall not
33 require a person to obtain a license or pay a license tax on the sole
34 basis that the person is a professional. As used in this subsection,
35 "professional" means a person who:

36 (a) Holds a license, certificate, registration, permit or similar
37 type of authorization issued by a regulatory body as defined in NRS
38 622.060, or who is regulated pursuant to the Nevada Supreme Court
39 Rules; and

40 (b) Practices his or her profession for any type of compensation
41 as an employee.

42 **Sec. 9.** 1. This section and sections 1 and 3 to 8, inclusive, of
43 this act become effective on July 1, 2017.



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

⑩



* S B 3 4 4 R 2 *