
SENATE BILL NO. 396—SENATORS SPEARMAN, SEGERBLOM, PARKS;
ATKINSON, CANCELA, DENIS, FARLEY, FORD, RATTI AND
WOODHOUSE

MARCH 20, 2017

JOINT SPONSORS: ASSEMBLYMEN BROOKS AND CARRILLO

Referred to Committee on Judiciary

SUMMARY—Revises provisions relating to the medical use of
marijuana or industrial hemp. (BDR 54-53)

FISCAL NOTE: Effect on Local Government: No.
Effect on the State: No.

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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 health; authorizing the medical use of
marijuana or industrial hemp by a provider of health care
or massage therapist on a patient or client; prohibiting
disciplinary action against a provider of health care or
massage therapist for administering or recommending the
use of marijuana or industrial hemp; revising the medical
conditions for which a person may obtain a registry
identification card; and providing other matters properly
relating thereto.

Legislative Counsel’s Digest:

1 Existing law exempts a person who holds a valid registry identification card
2 from state prosecution for the possession, delivery and production of marijuana.
3 (NRS 453A.200) **Section 1** of this bill authorizes a provider of health care or
4 massage therapist to: (1) administer a marijuana-infused product or a similar
5 product containing industrial hemp to a patient or client if the patient or client
6 provides the product for administration; and (2) recommend the use of marijuana or
7 industrial hemp by a patient or client to treat a condition. **Section 1** also exempts a
8 provider of health care or massage therapist from certain crimes for making such an
9 administration or recommendation. Finally, **section 1** prohibits a professional
10 licensing board from taking disciplinary action against a provider of health care or
11 massage therapist for making such an administration or recommendation.

12 Existing law authorizes a person to obtain a registry identification card if, in
13 addition to other requirements, the person submits valid, written documentation



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14 from the person's attending physician stating that the person has been diagnosed
15 with a chronic or debilitating medical condition. (NRS 453A.210) **Section 3** of this
16 bill includes opioid addiction within the definition of "chronic or debilitating
17 medical condition." (NRS 453A.050)

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

1 **Section 1.** Chapter 629 of NRS is hereby amended by adding
2 thereto a new section to read as follows:

3 *1. A provider of health care or massage therapist may:*

4 *(a) Administer a marijuana-infused product or a product*
5 *containing industrial hemp which is intended for use or*
6 *consumption by humans through means other than inhalation or*
7 *oral ingestion to a patient or client if the patient or client provides*
8 *the product to the provider of health care or massage therapist to*
9 *administer to the patient or client; and*

10 *(b) Recommend to a patient or client the use of marijuana or*
11 *industrial hemp to treat a condition.*

12 *2. A provider of health care or massage therapist who*
13 *administers a marijuana-infused product or a product containing*
14 *industrial hemp or recommends the use of marijuana or industrial*
15 *hemp pursuant to subsection 1 is exempt from state prosecution*
16 *for:*

17 *(a) Possession, delivery or production of marijuana or*
18 *industrial hemp;*

19 *(b) Possession or delivery of paraphernalia;*

20 *(c) Aiding and abetting another in the possession, delivery or*
21 *production of marijuana or industrial hemp;*

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

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

26 *(f) Any other criminal offense in which the possession,*
27 *delivery or production of marijuana or industrial hemp or the*
28 *possession or delivery of paraphernalia is an element,*

29 *↳ for such an administration or recommendation.*

30 *3. A professional licensing board shall not take any*
31 *disciplinary action against a provider of health care or massage*
32 *therapist licensed by the board on the basis that the person has*
33 *administered a marijuana-infused product or a product containing*
34 *industrial hemp or recommended the use of marijuana or*
35 *industrial hemp pursuant to subsection 1.*

36 *4. As used in this section:*



1 (a) *“Industrial hemp” has the meaning ascribed to it in*
2 *NRS 557.040.*

3 (b) *“Marijuana” has the meaning ascribed to it in*
4 *NRS 453.096.*

5 (c) *“Marijuana-infused product” has the meaning ascribed to*
6 *it in NRS 453A.112.*

7 (d) *“Massage therapist” means a person who is licensed to*
8 *engage in the practice of massage therapy pursuant to chapter*
9 *640C of NRS.*

10 (e) *“Paraphernalia” has the meaning ascribed to it in*
11 *NRS 453A.125.*

12 **Sec. 2.** NRS 629.580 is hereby amended to read as follows:

13 629.580 1. A person who provides wellness services in
14 accordance with this section, but who is not licensed, certified or
15 registered in this State as a provider of health care, is not in
16 violation of any law based on the unlicensed practice of health care
17 services or a health care profession unless the person:

18 (a) Performs surgery or any other procedure which punctures the
19 skin of any person;

20 (b) Sets a fracture of any bone of any person;

21 (c) Prescribes or administers X-ray radiation to any person;

22 (d) ~~Prescribes~~ *Except as otherwise provided in section 1 of*
23 *this act, prescribes* or administers a prescription drug or device or a
24 controlled substance to any person;

25 (e) Recommends to a client that he or she discontinue or in any
26 manner alter current medical treatment prescribed by a provider of
27 health care licensed, certified or registered in this State;

28 (f) Makes a diagnosis of a medical disease of any person;

29 (g) Performs a manipulation or a chiropractic adjustment of the
30 articulations of joints or the spine of any person;

31 (h) Treats a person’s health condition in a manner that
32 intentionally or recklessly causes that person recognizable and
33 imminent risk of serious or permanent physical or mental harm;

34 (i) Holds out, states, indicates, advertises or implies to any
35 person that he or she is a provider of health care;

36 (j) Engages in the practice of medicine in violation of chapter
37 630 or 633 of NRS, the practice of homeopathic medicine in
38 violation of chapter 630A of NRS or the practice of podiatry in
39 violation of chapter 635 of NRS, unless otherwise expressly
40 authorized by this section;

41 (k) Performs massage therapy as that term is defined in NRS
42 640C.060; or

43 (l) Provides mental health services that are exclusive to the
44 scope of practice of a psychiatrist licensed pursuant to chapter 630



1 or 633 of NRS, or a psychologist licensed pursuant to chapter 641 of
2 NRS.

3 2. Any person providing wellness services in this State who is
4 not licensed, certified or registered in this State as a provider of
5 health care and who is advertising or charging a fee for wellness
6 services shall, before providing those services, disclose to each
7 client in a plainly worded written statement:

8 (a) The person's name, business address and telephone number;

9 (b) The fact that he or she is not licensed, certified or registered
10 as a provider of health care in this State;

11 (c) The nature of the wellness services to be provided;

12 (d) The degrees, training, experience, credentials and other
13 qualifications of the person regarding the wellness services to be
14 provided; and

15 (e) A statement in substantially the following form:
16

17 It is recommended that before beginning any wellness
18 plan, you notify your primary care physician or other licensed
19 providers of health care of your intention to use wellness
20 services, the nature of the wellness services to be provided
21 and any wellness plan that may be utilized. It is also
22 recommended that you ask your primary care physician or
23 other licensed providers of health care about any potential
24 drug interactions, side effects, risks or conflicts between any
25 medications or treatments prescribed by your primary care
26 physician or other licensed providers of health care and the
27 wellness services you intend to receive.
28

29 ↪ A person who provides wellness services shall obtain from each
30 client a signed copy of the statement required by this subsection,
31 provide the client with a copy of the signed statement at the time of
32 service and retain a copy of the signed statement for a period of not
33 less than 5 years.

34 3. A written copy of the statement required by subsection 2
35 must be posted in a prominent place in the treatment location of the
36 person providing wellness services in at least 12-point font.
37 Reasonable accommodations must be made for clients who:

38 (a) Are unable to read;

39 (b) Are blind or visually impaired;

40 (c) Have communication impairments; or

41 (d) Do not read or speak English or any other language in which
42 the statement is written.

43 4. Any advertisement for wellness services authorized pursuant
44 to this section must disclose that the provider of those services is not



1 licensed, certified or registered as a provider of health care in this
2 State.

3 5. A person who violates any provision of this section is guilty
4 of a misdemeanor. Before a criminal proceeding is commenced
5 against a person for a violation of a provision of this section, a
6 notification, educational or mediative approach must be utilized by
7 the regulatory body enforcing the provisions of this section to bring
8 the person into compliance with such provisions.

9 6. This section does not apply to or control:

10 (a) Any health care practice by a provider of health care
11 pursuant to the professional practice laws of this State, or prevent
12 such a health care practice from being performed.

13 (b) Any health care practice if the practice is exempt from the
14 professional practice laws of this State, or prevent such a health care
15 practice from being performed.

16 (c) A person who provides health care services if the person is
17 exempt from the professional practice laws of this State, or prevent
18 the person from performing such a health care service.

19 (d) A medical assistant, as that term is defined in NRS 630.0129
20 and 633.075, an advanced practitioner of homeopathy, as that term
21 is defined in NRS 630A.015, or a homeopathic assistant, as that
22 term is defined in NRS 630A.035.

23 7. As used in this section, “wellness services” means healing
24 arts therapies and practices, and the provision of products, that are
25 based on the following complementary health treatment approaches
26 and which are not otherwise prohibited by subsection 1:

27 (a) Anthroposophy.

28 (b) Aromatherapy.

29 (c) Traditional cultural healing practices.

30 (d) Detoxification practices and therapies.

31 (e) Energetic healing.

32 (f) Folk practices.

33 (g) Gerson therapy and colostrum therapy.

34 (h) Healing practices using food, dietary supplements, nutrients
35 and the physical forces of heat, cold, water and light.

36 (i) Herbology and herbalism.

37 (j) Reflexology and Reiki.

38 (k) Mind-body healing practices.

39 (l) Nondiagnostic iridology.

40 (m) Noninvasive instrumentalities.

41 (n) Holistic kinesiology.

42 **Sec. 3.** NRS 453A.050 is hereby amended to read as follows:

43 453A.050 “Chronic or debilitating medical condition” means:

44 1. Acquired immune deficiency syndrome;

45 2. Cancer;



- 1 3. Glaucoma;
2 4. *Opioid addiction*;
3 5. A medical condition or treatment for a medical condition
4 that produces, for a specific patient, one or more of the following:
5 (a) Cachexia;
6 (b) Persistent muscle spasms, including, without limitation,
7 spasms caused by multiple sclerosis;
8 (c) Seizures, including, without limitation, seizures caused by
9 epilepsy;
10 (d) Severe nausea; or
11 (e) Severe pain; or
12 ~~5.~~ 6. Any other medical condition or treatment for a medical
13 condition that is:
14 (a) Classified as a chronic or debilitating medical condition by
15 regulation of the Division; or
16 (b) Approved as a chronic or debilitating medical condition
17 pursuant to a petition submitted in accordance with NRS 453A.710.
18 **Sec. 4.** This act becomes effective on July 1, 2017.

