

Senate Committee on Judiciary

This measure may be considered for action during today's work session.

SENATE BILL 236

Requires a license or permit issued by a local government to operate certain businesses in which the use of marijuana is allowed or to allow the use of marijuana at certain events. (BDR 20-43)

Sponsored by: Senator Segerblom
Date Heard: March 9, 2017, April 3, 2017
Fiscal Impact: Effect on Local Government: No.
Effect on the State: No.

Senate Bill 236 authorizes local governments, including county commissions and city governments, to adopt ordinances allowing persons who wish to operate businesses or hold special events in which the use of marijuana is allowed to obtain the appropriate license or permit. It also establishes the requirements for operating such a business or event and allows local governments to collect fees for such.

The bill also prohibits governments from placing arbitrary limits on these licenses and permits, prohibits issuance of such to any business or event where persons under 21 years of age are allowed, and exempts a person from prosecution who holds one of these licenses or permits as well as those who consume marijuana at such a business or event. Finally, the bill makes conforming changes relating to the use of medical marijuana.

Amendments: The sponsor has proposed an amendment to the bill, which removes certain exemptions from liability and provides that a "business in which the use of marijuana is allowed" may not be located within 300 feet of a community facility. The amendments are attached for the Committee's review.

MOCK-UP

PROPOSED AMENDMENT 3730 TO
SENATE BILL NO. 236

PREPARED FOR SENATOR SEGERBLOM
APRIL 11, 2017

PREPARED BY THE LEGAL DIVISION

**NOTE: THIS DOCUMENT SHOWS PROPOSED AMENDMENTS IN
CONCEPTUAL FORM. THE LANGUAGE AND ITS PLACEMENT IN THE
OFFICIAL AMENDMENT MAY DIFFER.**

EXPLANATION: Matter in (1) *blue bold italics* is new language in the original bill; (2) variations of green bold underlining is language proposed to be added in this amendment; (3) ~~red strikethrough~~ is deleted language in the original bill; (4) ~~purple double strikethrough~~ is language proposed to be deleted in this amendment; (5) orange double underlining is deleted language in the original bill proposed to be retained in this amendment.

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

Section 1. Chapter 244 of NRS is hereby amended by adding thereto
a new section to read as follows:

1. The board of county commissioners of each county may, by ordinance, require each person who wishes to operate a business in which the use of marijuana is allowed or hold a special event at which the use of marijuana is allowed in an unincorporated area of the county to obtain a license issued by the board before the person operates the business or a permit issued by the board before the person holds the special event.

2. The ordinance must require each applicant for such a license or permit to submit an application for the license or permit to the board of county commissioners in a form prescribed by the board.

3. The board of county commissioners shall not issue a license or permit pursuant to this section if the proposed business in which the use of marijuana is allowed or special event:

(a) Would be located within 1,000 feet of a public or private school or 300 feet of a community facility;

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1 (b) Would allow the consumption of marijuana at any place which is
2 viewable from a public place; or

3 (c) Would allow any person who is less than 21 years of age to enter
4 the business or special event.

5 4. The board of county commissioners may:

6 (a) Establish and collect a fee for the issuance or renewal of a license
7 issued pursuant to this section which does not exceed the fee charged for
8 a business license for similar businesses;

9 (b) Establish and collect a fee for the issuance of a permit issued
10 pursuant to this section which does not exceed the fee charged for other
11 special event permits;

12 (c) Grant or deny applications for licenses and permits and impose
13 reasonable conditions, limitations or restrictions upon the license or
14 permit; and

15 (d) Establish any other requirements necessary to carry out the
16 provisions of this section.

17 5. The board of county commissioners shall not arbitrarily or
18 unreasonably limit the number of licenses or permits issued pursuant to
19 this section.

20 6. ~~4. A person who holds a license or permit issued pursuant to this~~
21 ~~section or who consumes marijuana at a business in which the use of~~
22 ~~marijuana is allowed licensed pursuant to this section or a special event~~
23 ~~at which the use of marijuana is allowed which has received a permit~~
24 ~~pursuant to this section in a place which is not viewable from a public~~
25 ~~place is exempt from state prosecution for:~~

26 ~~(a) Possession, delivery or production of marijuana;~~

27 ~~(b) Possession or delivery of paraphernalia;~~

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

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

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

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

37 ~~7. As used in this section:~~

38 (a) "Business in which the use of marijuana is allowed" means a
39 business which allows marijuana to be consumed on the premises of the
40 business and which is licensed pursuant to this section.

41 (b) "Community facility" means:

42 (1) A facility that provides day care services for children.

43 (2) A public park.

44 (3) A playground.

45 (4) A public swimming pool.

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

3 (6) *A church, synagogue or other building, structure or place*
4 *used for religious worship or other religious purpose.*

5 (7) *A center or facility, the primary purpose of which is the*
6 *treatment or rehabilitation for the abuse of alcohol or drugs.*

7 (c) *"Marijuana" has the meaning ascribed to it in*
8 *NRS 453.096.*

9 (d) *"Paraphernalia" means accessories, devices and other equipment*
10 *that is necessary or useful for a person to engage in the use of*
11 *marijuana.*

12 **Sec. 2.** Chapter 268 of NRS is hereby amended by adding thereto a
13 new section to read as follows:

14 1. *The governing body of an incorporated city in this State, whether*
15 *organized pursuant to general law or special charter, may, by ordinance,*
16 *require each person who wishes to operate a business in which the use of*
17 *marijuana is allowed or hold a special event at which the use of*
18 *marijuana is allowed in the incorporated city to obtain a license issued*
19 *by the governing body before the person operates the business or a*
20 *permit issued by the governing body before the person holds the special*
21 *event.*

22 2. *The ordinance must require each applicant for such a license or*
23 *permit to submit an application for the license or permit to the governing*
24 *body of the incorporated city in a form prescribed by the governing body.*

25 3. *The governing body of the incorporated city shall not issue a*
26 *license or permit pursuant to this section if the proposed business in*
27 *which the use of marijuana is allowed or special event:*

28 (a) *Would be located within 1,000 feet of a public or private school or*
29 *300 feet of a community facility;*

30 (b) *Would allow the consumption of marijuana at any place which is*
31 *viewable from a public place; or*

32 (c) *Would allow any person who is less than 21 years of age to enter*
33 *the business or special event.*

34 4. *The governing body of the incorporated city may:*

35 (a) *Establish and collect a fee for the issuance or renewal of a license*
36 *issued pursuant to this section which does not exceed the fee charged for*
37 *a business license for similar businesses;*

38 (b) *Establish and collect a fee for the issuance of a permit issued*
39 *pursuant to this section which does not exceed the fee charged for other*
40 *special event permits;*

41 (c) *Grant or deny applications for licenses and permits and impose*
42 *reasonable conditions, limitations or restrictions upon the license or*
43 *permit; and*

44 (d) *Establish any other requirements necessary to carry out the*
45 *provisions of this section.*

1 5. The governing body of the incorporated city shall not arbitrarily
2 or unreasonably limit the number of licenses or permits issued pursuant
3 to this section.

4 6. ~~6. A person who holds a license or permit issued pursuant to this~~
5 ~~section or who consumes marijuana at a business in which the use of~~
6 ~~marijuana is allowed licensed pursuant to this section or a special event~~
7 ~~at which the use of marijuana is allowed which has received a permit~~
8 ~~pursuant to this section in a place which is not viewable from a public~~
9 ~~place is exempt from state prosecution for:~~

10 ~~— (a) Possession, delivery or production of marijuana;~~

11 ~~— (b) Possession or delivery of paraphernalia;~~

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

14 ~~— (d) Aiding and abetting another in the possession or delivery of~~
15 ~~paraphernalia;~~

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

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

21 ~~7. As used in this section:~~

22 (a) "Business in which the use of marijuana is allowed" means a
23 business which allows marijuana to be consumed on the premises of the
24 business and which is licensed pursuant to this section.

25 (b) "Community facility" means:

26 (1) A facility that provides day care services for children.

27 (2) A public park.

28 (3) A playground.

29 (4) A public swimming pool.

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

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

34 (7) A center or facility, the primary purpose of which is the
35 treatment or rehabilitation for the abuse of alcohol or drugs.

36 (c) "Marijuana" has the meaning ascribed to it in
37 NRS 453.096.

38 (d) "Paraphernalia" means accessories, devices and other equipment
39 that is necessary or useful for a person to engage in the use of
40 marijuana.

41 Sec. 3. ~~NRS 453A.300 is hereby amended to read as follows:~~

42 ~~453A.300 1. A person who holds a registry identification card or~~
43 ~~letter of approval issued to him or her pursuant to NRS 453A.220 or~~
44 ~~453A.250 is not exempt from state prosecution for, nor may the person~~

1 ~~establish an affirmative defense to charges arising from, any of the~~
2 ~~following acts:~~

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

5 ~~—(b) Engaging in any other conduct prohibited by NRS 484C.110,~~
6 ~~484C.120, 484C.130, 484C.430, subsection 2 of NRS 488.400, NRS~~
7 ~~488.410, 488.420, 488.425 or 493.130.~~

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

10 ~~—(d) Possessing marijuana in violation of NRS 453.336 or possessing~~
11 ~~paraphernalia in violation of NRS 453.560 or 453.566.~~

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

14 ~~—(I) [Any] Except as otherwise provided in section 1 or 2 of this~~
15 ~~act, any public place or in any place open to the public or exposed to~~
16 ~~public view; or~~

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

20 ~~—(2) If the possession of the marijuana or paraphernalia occurs on~~
21 ~~school property.~~

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

25 ~~—(f) Delivering marijuana for consideration to any person, regardless of~~
26 ~~whether the recipient lawfully holds a registry identification card or letter~~
27 ~~of approval issued by the Division or its designee pursuant to NRS~~
28 ~~453A.220 or 453A.250.~~

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

36 ~~—3. As used in this section, “school property” means the grounds of~~
37 ~~any public school described in NRS 388.020 and any private school as~~
38 ~~defined in NRS 394.103.] (Deleted by amendment.)~~

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CLARK COUNTY 2017 Legislative Session PROPOSED AMENDMENT

April 3, 2017

Senate Bill 236 by Senator Segerblom
Amendment submitted to Senate Committee on Judiciary

Bill Title: AN ACT relating to marijuana; authorizing a county or city to require a person who wishes to operate a business in which the use of marijuana is allowed or to hold a special event at which the use of marijuana is allowed to obtain a license or permit; and providing other matters properly relating thereto.

Purpose/Intent of Proposed Amendment: Please note that the proposed amendment includes the same changes for the city sections of the bill as for the county sections. In this explanation, we refer only to the county section.

1. In Section 1, subsection 4(c), a board of county commissioners is prohibited from imposing unreasonable conditions, limitations or restrictions upon the license of permit. The amendment proposes to change the language to allow a board to impose conditions, limitations or restrictions that are not "unreasonably impracticable" using the definition in IP1 (2016 Ballot Question #2).
2. In Section 1, subsection 5, a board of county commissioners cannot "arbitrarily or unreasonably" limit the number of license or permits. Since the provision does not indicate who determines what is arbitrary or unreasonable, the amendment proposes to delete the subsection.
3. In Section 1, subsection 6, the proposed amendment deletes "licensed" – the word appears to be included inadvertently. The amendment repeats "a person" in two places for clarity.

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4. In Section 1, in order to clarify exactly who is exempt from prosecution pursuant to the bill, the proposed amendment suggests adding definitions for "special event", and "unreasonably impracticable" and indicating what "delivery" and "production" do not include.
5. In Section 1, designate property of a public airport as an area where a permit or license could NOT be issued.
6. Adds a July 1, 2017, effective date.

County Contact: Alex Ortiz

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Administrative Services

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Text of Proposed Amendment:

PROPOSED AMENDMENT by CLARK COUNTY

EXPLANATION: Matter in (1) *blue bold italics* is new language in the original bill; (2) variations of *green bold underlining* is language proposed to be added in this amendment; (3) ~~red strikethrough~~ is deleted language in the original bill; (4) ~~purple double strikethrough~~ is language proposed to be deleted in this amendment (5) *orange double underlining* is deleted language in the original bill proposed to be retained in this amendment.

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

- 1 **Section 1.** Chapter 244 of NRS is hereby amended by adding
2 thereto a new section to read as follows:
3 1. *The board of county commissioners of each county may, by*
4 *ordinance, require each person who wishes to operate a business*
5 *in which the use of marijuana is allowed or hold a special event at*
6 *which the use of marijuana is allowed in an unincorporated area*
7 *of the county to obtain a license issued by the board before the*
8 *person operates the business or a permit issued by the board*
9 *before the person holds the special event.*
10 2. *The ordinance must require each applicant for such a*
11 *license or permit to submit an application for the license or permit*
12 *to the board of county commissioners in a form prescribed by the*
13 *board.*
14 3. *The board of county commissioners shall not issue a*
15 *license or permit pursuant to this section if the proposed business*
16 *in which the use of marijuana is allowed or special event:*
17 (i) *Would be located within 1,000 feet of a public or private*
18 *school or community facility;*
19 (b) *Would be located on the property of a*
20 *public airport;*
21 (c) *Would allow the consumption of marijuana at any place*
22 *which is viewable from a public place; or*
23 ~~(e)~~ (d) *Would allow any person who is less than 21 years of age*
24 *to*
25 *enter the business or special event.*
26 4. *The board of county commissioners may:*
27 (a) *Establish and collect a fee for the issuance or renewal of a*
 license issued pursuant to this section which does not exceed the
 fee charged for a business license for similar businesses;
 (b) *Establish and collect a fee for the issuance of a permit*

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28 *issued pursuant to this section which does not exceed the fee*
29 *charged for other special event permits;*

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- 1 (c) Grant or deny applications for licenses and permits and
2 impose ~~reasonable~~ conditions, limitations or restrictions upon the
3 license or permit **that are not unreasonably impracticable**; and
4 (d) Establish any other requirements necessary to carry out the
5 provisions of this section.
- 6 ~~5. The board of county commissioners shall not arbitrarily or~~
7 ~~unreasonably limit the number of licenses or permits issued~~
8 ~~pursuant to this section.~~
- 9 ~~6.~~ A person who holds a license or permit issued pursuant to
10 this section or **a person** who consumes marijuana at a business
11 in which
12 the use of marijuana is allowed ~~licensed~~ pursuant to this section
13 or **a person who consumes marijuana at** a special event at
14 which the use of marijuana is allowed which
15 has received a permit pursuant to this section in a place which is
16 not viewable from a public place is exempt from state prosecution
17 for:
- 18 (a) Possession, delivery or production of marijuana;
19 (b) Possession or delivery of paraphernalia;
20 (c) Aiding and abetting another in the possession, delivery or
21 production of marijuana;
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 the possession or delivery
28 of paraphernalia is an element.
- 29 ~~7.~~ **6.** As used in this section:
- 30 (a) "Business in which the use of marijuana is allowed"
31 means a business which allows marijuana to be consumed on the
32 premises of the business and which is licensed pursuant to this
33 section.
- 34 (b) "Community facility" means:
- 35 (1) A facility that provides day care services for children.
36 (2) A public park.
37 (3) A playground.
38 (4) A public swimming pool.
39 (5) A center or facility, the primary purpose of which is to
40 provide recreational opportunities or services to children or
41 adolescents.
42 (6) A church, synagogue or other building, structure or
43 place used for religious worship or other religious purpose.
44 (7) A center or facility, the primary purpose of which is the
45 treatment or rehabilitation for the abuse of alcohol or drugs.

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- 44 (c) “Delivery” does not include the delivery or transportation
of marijuana, edible marijuana products or marijuana-
infused products from the location that holds a license or
permit pursuant to this section to another location.
- 45 (d) “Marijuana” has the meaning ascribed to it in
NRS 453.096.

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- 1 ~~(d)~~ (e) "Paraphernalia" means accessories, devices and
2 other
3 equipment that is necessary or useful for a person to engage in the
4 use of marijuana.

(f) "Production" does not include the cultivation of marijuana or the production of edible marijuana products or marijuana-infused products as regulated pursuant to NRS Chapter 453A.

(g) "Special event" means an event or function that takes place on a limited basis that occurs no more than three times per year, that restricts attendance to persons who are 21 years of age or older and are held at a location that does not allow the viewing of the use of marijuana from a public place. The term does not include a temporary event held at a location which is designed to host concerts, sporting events, conventions, trade shows and any other similar events.

(h) "Unreasonably impracticable" means that the measures necessary to comply with the regulations require such a high investment of risk, money, time, or any other resource or asset that the operation of a business licensed or a special event permitted pursuant to this section is not worthy of being carried out in practice by a reasonably prudent businessperson.

4 **Sec. 2.** Chapter 268 of NRS is hereby amended by adding
5 thereto a new section to read as follows:

6 1. The governing body of an incorporated city in this State,
7 whether organized pursuant to general law or special charter,
8 may, by ordinance, require each person who wishes to operate a
9 business in which the use of marijuana is allowed or hold a
10 special event at which the use of marijuana is allowed in the
11 incorporated city to obtain a license issued by the governing body
12 before the person operates the business or a permit issued by the
13 governing body before the person holds the special event.

14 2. The ordinance must require each applicant for such a
15 license or permit to submit an application for the license or permit
16 to the governing body of the incorporated city in a form prescribed
17 by the governing body.

18 3. The governing body of the incorporated city shall not issue
19 a license or permit pursuant to this section if the proposed
20 business in which the use of marijuana is allowed or special event:

21 (a) Would be located within 1,000 feet of a public or private
22 school or community facility;

23 (b) Would be located on the property of a

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public airport;

- 24 **(c)** Would allow the consumption of marijuana at any place
which is viewable from a public place; or
- 25 ~~(c)~~ **(d)** Would allow any person who is less than 21 years of age
to
- 26 enter the business or special event.
- 27 4. The governing body of the incorporated city may:
- 28 (a) Establish and collect a fee for the issuance or renewal of a
29 license issued pursuant to this section which does not exceed the
30 fee charged for a business license for similar businesses;
- 31 (b) Establish and collect a fee for the issuance of a permit
32 issued pursuant to this section which does not exceed the fee
33 charged for other special event permits;
- 34 (c) Grant or deny applications for licenses and permits and
35 impose ~~reasonable~~ conditions, limitations or restrictions upon the
36 license or permit **that are not unreasonably impracticable**; and
- 37 (d) Establish any other requirements necessary to carry out the
38 provisions of this section.
- 39 ~~5. The governing body of the incorporated city shall not~~
~~40 arbitrarily or unreasonably limit the number of licenses or permits~~
~~41 issued pursuant to this section.~~
- 42 ~~6.~~ A person who holds a license or permit issued pursuant to
43 this section or **a person** who consumes marijuana at a business
in which
- 44 the use of marijuana is allowed ~~licensed~~ pursuant to this section
45 or **a person who consumes marijuana at** a special event at
which the use of marijuana is allowed which

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1 has received a permit pursuant to this section in a place which is
2 not viewable from a public place is exempt from state prosecution
3 for:

- 4 (a) Possession, delivery or production of marijuana;
- 5 (b) Possession or delivery of paraphernalia;
- 6 (c) Aiding and abetting another in the possession, delivery or
7 production of marijuana;
- 8 (d) Aiding and abetting another in the possession or delivery of
9 paraphernalia;
- 10 (e) Any combination of the acts described in paragraphs (a) to
11 (d), inclusive; and
- 12 (f) Any other criminal offense in which the possession,
13 delivery or production of marijuana or the possession or delivery
14 of paraphernalia is an element.

15 ~~7.~~ 6. As used in this section:

16 (a) "Business in which the use of marijuana is allowed"
17 means a business which allows marijuana to be consumed on the
18 premises of the business and which is licensed pursuant to this
19 section.

20 (b) "Community facility" means:

- 21 (1) A facility that provides day care services for children.
- 22 (2) A public park.
- 23 (3) A playground.
- 24 (4) A public swimming pool.
- 25 (5) A center or facility, the primary purpose of which is to
26 provide recreational opportunities or services to children or
27 adolescents.
- 28 (6) A church, synagogue or other building, structure or
29 place used for religious worship or other religious purpose.
- 30 (7) A center or facility, the primary purpose of which is the
31 treatment or rehabilitation for the abuse of alcohol or drugs.

32 (c) Delivery" does not include the delivery or transportation
of marijuana, edible marijuana products or marijuana-
infused products from the location that holds a license or
permit pursuant to this section to another location.

33 (d) "Marijuana" has the meaning ascribed to it in
NRS 453.096.

34 ~~(d)~~ (e) "Paraphernalia" means accessories, devices and
other

35 equipment that is necessary or useful for a person to engage in the
36 use of marijuana.

(f) "Production" does not include the cultivation of marijuana
or the production of edible marijuana products or marijuana-infused
products as regulated pursuant to NRS Chapter 453A.

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(g) “Special event” means an event or function that takes place on a limited basis that occurs no more than three times per year, that restricts attendance to persons who are 21 years of age or older and are held at a location that does not allow the viewing of the use of marijuana from a public place. The term does not include a temporary event held at a location which is designed to host concerts, sporting events, conventions, trade shows and any other similar events.

(h) “Unreasonably impracticable” means that the measures necessary to comply with the regulations require such a high investment of risk, money, time, or any other resource or asset that the operation of a business licensed or a special event permitted pursuant to this section is not worthy of being carried out in practice by a reasonably prudent businessperson.

37 **Sec. 3.** NRS 453A.300 is hereby amended to read as follows:
38 453A.300 1. A person who holds a registry identification
39 card or letter of approval issued to him or her pursuant to NRS
40 453A.220 or 453A.250 is not exempt from state prosecution for, nor
41 may the person establish an affirmative defense to charges arising
42 from, any of the following acts:
43 (a) Driving, operating or being in actual physical control of a
44 vehicle or a vessel under power or sail while under the influence of
45 marijuana.

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(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]~~ *Except as otherwise provided in section 1 or 2 of this act, 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 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 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 determines that a person has willfully violated a provision of this chapter or any regulation adopted by the Division to carry out the provisions of this chapter, the Division 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. 4. This act becomes effective on July 1, 2017.