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ASSEMBLY BILL NO. 164—ASSEMBLYMAN YEAGER

FEBRUARY 15, 2019

Referred to Committee on Judiciary

SUMMARY—Revises provisions relating to marijuana.  
(BDR 40-619)

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.

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AN ACT relating to marijuana; imposing certain requirements relating to advertising by a marijuana establishment and a medical marijuana establishment; revising provisions relating to medical marijuana establishment agents; providing for the registration of agents who work or volunteer at or contract with a marijuana establishment; revising provisions relating to disciplinary action against a medical marijuana establishment agent and a marijuana establishment agent; authorizing civil penalties for certain violations relating to advertising; and providing other matters properly relating thereto.

**Legislative Counsel's Digest:**

1 Existing law authorizes the Department of Taxation to adopt regulations  
2 governing medical marijuana establishments and marijuana establishments. (NRS  
3 453A.370, 453D.200) Existing regulations prohibit a medical marijuana  
4 establishment from using a name, logo, sign or advertisement and a marijuana  
5 establishment from using a name, logo, sign, advertisement or packaging without  
6 obtaining the approval of the Department prior to use. (NAC 453A.402; section 231  
7 of Adopted Reg. of Dep't of Taxation, LCB File. No. R092-17) **Sections 4 and 11**  
8 of this bill prohibit the Department from requiring a medical marijuana  
9 establishment or a marijuana establishment to obtain the approval of the  
10 Department before using a logo, sign or advertisement, thereby voiding the  
11 conflicting regulatory provisions.

12 Existing law that becomes effective January 1, 2020, imposes restrictions on  
13 advertising by a marijuana establishment. One such restriction prohibits a  
14 marijuana establishment from placing an advertisement at a sports or entertainment  
15 event to which persons who are less than 21 years of age are allowed entry. (NRS  
16 453D.310) **Section 12** of this bill authorizes a marijuana establishment to place an  
17 advertisement at such an entertainment event if it is reasonably estimated that less



18 than 30 percent of the persons who will attend that entertainment event are less than  
19 21 years of age. Existing law also prohibits a marijuana establishment from  
20 advertising on certain mediums if 30 percent or more of the audience of that  
21 medium is reasonably expected to be persons who are less than 21 years of age.  
22 (NRS 453D.310) **Section 12** requires a marijuana establishment that engages in  
23 advertising for which it is required to determine the percentage of persons less than  
24 21 years of age that may reasonably be expected to view or hear the advertisement  
25 to maintain certain documentation relating to the manner in which it determined the  
26 reasonably expected age of the audience for that advertisement. **Section 12** also  
27 authorizes the Department to impose a civil penalty of not more than \$10,000 on a  
28 marijuana establishment for violating certain provisions relating to advertising.  
29 **Section 4** imposes similar restrictions on advertising by a medical marijuana  
30 establishment and authorizes the Department to impose a civil penalty of not more  
31 than \$10,000 on a medical marijuana establishment for violating such provisions.

32 Existing law prohibits a person from volunteering or working at, contracting to  
33 provide labor to or being employed by an independent contractor to provide labor to  
34 a medical marijuana establishment unless the person is registered with the  
35 Department and issued a medical marijuana establishment agent registration card.  
36 (NRS 453A.332) **Section 6** of this bill establishes a similar prohibition for  
37 marijuana establishments.

38 Existing law establishes the application process and fees required to obtain a  
39 medical marijuana establishment agent registration card. (NRS 453A.332) **Section**  
40 **6** establishes a similar application process and similar fees to obtain a marijuana  
41 establishment agent registration card. **Section 1** of this bill removes provisions  
42 authorizing a medical marijuana establishment to submit the application and fees  
43 for a medical marijuana registration card on behalf of a prospective agent.

44 Existing law outlines the procedure, in accordance with federal law, for the  
45 suspension of a medical marijuana establishment agent registration card in  
46 the event that the holder fails to comply with certain requirements pertaining to the  
47 payment of child support. (NRS 453A.336, 453A.338) **Sections 7 and 8** of this bill  
48 provide a similar procedure for the suspension of a marijuana establishment agent  
49 registration card.

50 Existing law specifies acts which constitute grounds for the immediate  
51 revocation of a medical marijuana establishment agent registration card. (NRS  
52 453A.342) **Section 1** of this bill expands the grounds for revocation to include: (1)  
53 having been electronically recorded stealing marijuana, edible marijuana products  
54 or marijuana-infused products; (2) having been convicted of any crime involving  
55 the theft of marijuana or such other marijuana products; (3) having been  
56 electronically recorded consuming marijuana on the premises of a marijuana  
57 establishment; and (4) intentionally submitting false documents to the Department  
58 or a local government. **Section 9** of this bill establishes similar grounds for  
59 revoking a marijuana establishment agent registration card.

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

1 **Section 1.** NRS 453A.332 is hereby amended to read as  
2 follows:

3 453A.332 1. Except as otherwise provided in this section, a  
4 person shall not volunteer or work at, contract to provide labor to or  
5 be employed by an independent contractor to provide labor to a  
6 medical marijuana establishment as a medical marijuana



1 establishment agent unless the person is registered with the  
2 Department pursuant to this section.

3 2. A person who wishes to volunteer or work at a medical  
4 marijuana establishment ~~[, or a medical marijuana establishment that~~  
5 ~~wishes to retain as a volunteer or employ such a person,]~~ shall  
6 submit to the Department an application on a form prescribed by the  
7 Department. The application must be accompanied by:

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

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

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

17 (d) A complete set of the fingerprints and written permission of  
18 the prospective medical marijuana establishment agent authorizing  
19 the Department to forward the fingerprints to the Central Repository  
20 for Nevada Records of Criminal History for submission to the  
21 Federal Bureau of Investigation for its report;

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

23 (f) Such other information as the Department may require by  
24 regulation.

25 3. A person who wishes to contract to provide labor to or be  
26 employed by an independent contractor to provide labor to a  
27 medical marijuana establishment ~~[, or a medical marijuana~~  
28 ~~establishment that wishes to contract with such a person,]~~ shall  
29 submit to the Department an application on a form prescribed by the  
30 Department for the registration of the independent contractor and  
31 each employee of the independent contractor who will provide labor  
32 as a medical marijuana establishment agent. The application must be  
33 accompanied by:

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

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

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



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

7 (e) A complete set of the fingerprints of *the prospective medical*  
8 *marijuana agent, if a natural person, and* each employee of the  
9 prospective medical marijuana establishment agent who will provide  
10 labor as a medical marijuana establishment agent and written  
11 permission of the prospective medical marijuana establishment  
12 agent and each employee of the prospective medical marijuana  
13 establishment agent authorizing the Department to forward the  
14 fingerprints to the Central Repository for Nevada Records of  
15 Criminal History for submission to the Federal Bureau of  
16 Investigation for its report;

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

18 (g) Such other information as the Department may require by  
19 regulation.

20 4. A medical marijuana establishment shall notify the  
21 Department within 10 days after a medical marijuana establishment  
22 agent ceases to be employed by, volunteer at or provide labor as a  
23 medical marijuana establishment agent to the medical marijuana  
24 establishment.

25 5. A person who:

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

27 (b) Is less than 21 years of age,

28 ↪ shall not serve as a medical marijuana establishment agent.

29 6. The Department shall submit the fingerprints of an applicant  
30 for registration as a medical marijuana establishment agent to the  
31 Central Repository for Nevada Records of Criminal History for  
32 submission to the Federal Bureau of Investigation to determine the  
33 criminal history of the applicant.

34 7. The provisions of this section do not require a person who is  
35 an owner, officer or board member of a medical marijuana  
36 establishment to resubmit information already furnished to the  
37 Department at the time the establishment was registered with the  
38 Department.

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



1 establishment agent, a medical marijuana establishment agent  
2 registration card. If the Department does not act upon an application  
3 for a medical marijuana establishment agent registration card within  
4 30 days after the date on which the application is received, the  
5 application shall be deemed conditionally approved until such time  
6 as the Department acts upon the application. A medical marijuana  
7 establishment agent registration card expires 1 year after the date of  
8 issuance and may be renewed upon:

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

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

16 10. A medical marijuana establishment agent registration card  
17 issued pursuant to this section to a person who wishes to volunteer  
18 or work at a medical marijuana establishment authorizes the person  
19 to volunteer or work at any medical marijuana establishment in this  
20 State for which the category of the medical marijuana establishment  
21 agent registration card authorizes the person to volunteer or work.

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

30 **Sec. 2.** NRS 453A.332 is hereby amended to read as follows:

31 453A.332 1. Except as otherwise provided in this section, a  
32 person shall not volunteer or work at, contract to provide labor to or  
33 be employed by an independent contractor to provide labor to a  
34 medical marijuana establishment as a medical marijuana  
35 establishment agent unless the person is registered with the  
36 Department pursuant to this section.

37 2. A person who wishes to volunteer or work at a medical  
38 marijuana establishment shall submit to the Department an  
39 application on a form prescribed by the Department. The application  
40 must be accompanied by:

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

43 (b) A statement signed by the prospective medical marijuana  
44 establishment agent pledging not to dispense or otherwise divert



1 marijuana to any person who is not authorized to possess marijuana  
2 in accordance with the provisions of this chapter;

3 (c) A statement signed by the prospective medical marijuana  
4 establishment agent asserting that he or she has not previously had a  
5 medical marijuana establishment agent registration card *or*  
6 *marijuana establishment agent registration card, as defined in*  
7 *NRS 453D.030*, revoked;

8 (d) A complete set of the fingerprints and written permission of  
9 the prospective medical marijuana establishment agent authorizing  
10 the Department to forward the fingerprints to the Central Repository  
11 for Nevada Records of Criminal History for submission to the  
12 Federal Bureau of Investigation for its report;

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

14 (f) Such other information as the Department may require by  
15 regulation.

16 3. A person who wishes to contract to provide labor to or be  
17 employed by an independent contractor to provide labor to a  
18 medical marijuana establishment shall submit to the Department an  
19 application on a form prescribed by the Department for the  
20 registration of the independent contractor and each employee of the  
21 independent contractor who will provide labor as a medical  
22 marijuana establishment agent. The application must be  
23 accompanied by:

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

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

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

36 (d) A statement signed by the prospective medical marijuana  
37 establishment agent asserting that it has not previously had a  
38 medical marijuana establishment agent registration card *or*  
39 *marijuana establishment agent registration card, as defined in*  
40 *NRS 453D.030*, revoked and that none of its employees who will  
41 provide labor as a medical marijuana establishment agent have  
42 previously had a medical marijuana establishment agent registration  
43 card *or marijuana establishment agent registration card, as*  
44 *defined in NRS 453D.030*, revoked;



1 (e) A complete set of the fingerprints of the prospective medical  
2 marijuana agent, if a natural person, and each employee of the  
3 prospective medical marijuana establishment agent who will provide  
4 labor as a medical marijuana establishment agent and written  
5 permission of the prospective medical marijuana establishment  
6 agent and each employee of the prospective medical marijuana  
7 establishment agent authorizing the Department to forward the  
8 fingerprints to the Central Repository for Nevada Records of  
9 Criminal History for submission to the Federal Bureau of  
10 Investigation for its report;

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

12 (g) Such other information as the Department may require by  
13 regulation.

14 4. A medical marijuana establishment shall notify the  
15 Department within 10 days after a medical marijuana establishment  
16 agent ceases to be employed by, volunteer at or provide labor as a  
17 medical marijuana establishment agent to the medical marijuana  
18 establishment.

19 5. A person who:

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

21 (b) Is less than 21 years of age,

22 ↪ shall not serve as a medical marijuana establishment agent.

23 6. The Department shall submit the fingerprints of an applicant  
24 for registration as a medical marijuana establishment agent to the  
25 Central Repository for Nevada Records of Criminal History for  
26 submission to the Federal Bureau of Investigation to determine the  
27 criminal history of the applicant.

28 7. The provisions of this section do not require a person who is  
29 an owner, officer or board member of a medical marijuana  
30 establishment to resubmit information already furnished to the  
31 Department at the time the establishment was registered with the  
32 Department.

33 8. If an applicant for registration as a medical marijuana  
34 establishment agent satisfies the requirements of this section and is  
35 not disqualified from serving as such an agent pursuant to this  
36 section or any other applicable law, the Department shall issue to  
37 the person and, for an independent contractor, to each person  
38 identified in the independent contractor's application for registration  
39 as an employee who will provide labor as a medical marijuana  
40 establishment agent, a medical marijuana establishment agent  
41 registration card. If the Department does not act upon an application  
42 for a medical marijuana establishment agent registration card within  
43 30 days after the date on which the application is received, the  
44 application shall be deemed conditionally approved until such time  
45 as the Department acts upon the application. A medical marijuana



1 establishment agent registration card expires 1 year after the date of  
2 issuance and may be renewed upon:

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

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

10 10. A medical marijuana establishment agent registration card  
11 issued pursuant to this section to a person who wishes to volunteer  
12 or work at a medical marijuana establishment authorizes the person  
13 to volunteer or work at any medical marijuana establishment in this  
14 State for which the category of the medical marijuana establishment  
15 agent registration card authorizes the person to volunteer or work.

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

24 **Sec. 3.** NRS 453A.342 is hereby amended to read as follows:

25 453A.342 The following acts constitute grounds for the  
26 immediate revocation of the medical marijuana establishment agent  
27 registration card of a medical marijuana establishment agent:

28 1. Having committed or committing any excluded felony  
29 offense.

30 2. Dispensing, delivering or otherwise transferring marijuana  
31 to a person other than a medical marijuana establishment agent,  
32 another medical marijuana establishment or a person who holds a  
33 valid registry identification card, including, without limitation, a  
34 designated primary caregiver.

35 3. *Having been electronically recorded by a video monitoring*  
36 *system stealing marijuana, edible marijuana products or*  
37 *marijuana-infused products.*

38 4. *Having been convicted of any crime involving the theft of*  
39 *marijuana, edible marijuana products or marijuana-infused*  
40 *products.*

41 5. *Having been electronically recorded by a video monitoring*  
42 *system smoking or otherwise consuming marijuana on the*  
43 *premises of a medical marijuana establishment.*

44 6. *Intentionally submitting to the Department or a local*  
45 *government any document required under the provisions of this*





1 *chapter which is false or contains any material misstatement of*  
2 *fact.*

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

6 **Sec. 4.** NRS 453A.360 is hereby amended to read as follows:

7 453A.360 1. Each medical marijuana dispensary and facility  
8 for the production of edible marijuana products or marijuana-  
9 infused products shall, in consultation with the Department,  
10 cooperate to ensure that all edible marijuana products and  
11 marijuana-infused products offered for sale:

12 (a) Are labeled clearly and unambiguously:

13 (1) As medical marijuana with the words "THIS IS A  
14 MEDICAL MARIJUANA PRODUCT" in bold type; and

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

17 (b) Are not presented in packaging that contains an image of a  
18 cartoon character, mascot, action figure, balloon or toy, except that  
19 such an item may appear in the logo of the facility for the  
20 production of edible marijuana products or marijuana-infused  
21 products which produced the product.

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

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

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

29 (f) Are labeled in a manner which indicates the amount of THC  
30 in the product, measured in milligrams, and includes a statement  
31 that the product contains marijuana and its potency was tested with  
32 an allowable variance of the amount determined by the Department  
33 by regulation.

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

35 2. A facility for the production of edible marijuana products or  
36 marijuana-infused products shall not produce edible marijuana  
37 products in any form that:

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

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

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



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

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

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

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

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

12 (2) A list of all ingredients used in the edible marijuana  
13 product;

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

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

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

20 (d) Require each person who handles edible marijuana products  
21 to wear a hair net and clean clothing and keep his or her fingernails  
22 neatly trimmed.

23 (e) Package all edible marijuana products or marijuana-infused  
24 products produced by the facility for the production of edible  
25 marijuana products or marijuana-infused products on the premises  
26 of the facility for the production of edible marijuana products or  
27 marijuana-infused products.

28 4. A medical marijuana dispensary or facility for the  
29 production of edible marijuana products or marijuana-infused  
30 products shall not engage in advertising that in any way makes  
31 marijuana, edible marijuana products or marijuana-infused products  
32 appeal to children, including without limitation, advertising which  
33 uses an image of a cartoon character, mascot, action figure, balloon,  
34 fruit or toy.

35 5. Each medical marijuana dispensary shall offer for sale  
36 containers for the storage of marijuana, edible marijuana products  
37 and marijuana-infused products which lock and are designed to  
38 prohibit children from unlocking and opening the container.

39 6. A medical marijuana dispensary shall:

40 (a) Include a written notification with each sale of marijuana,  
41 edible marijuana products or marijuana-infused products which  
42 advises the purchaser:

43 (1) To keep marijuana, edible marijuana products and  
44 marijuana-infused products out of the reach of children;



1 (2) That edible marijuana products can cause severe illness in  
2 children;

3 (3) That allowing children to ingest marijuana or edible  
4 marijuana products or storing marijuana or edible marijuana  
5 products in a location which is accessible to children may result in  
6 an investigation by an agency which provides child welfare services  
7 or criminal prosecution for child abuse or neglect;

8 (4) That the intoxicating effects of edible marijuana products  
9 may be delayed by 2 hours or more and users of edible marijuana  
10 products should initially ingest a small amount of the product, then  
11 wait at least 120 minutes before ingesting any additional amount of  
12 the product;

13 (5) That pregnant women should consult with a physician  
14 before ingesting marijuana or edible marijuana products;

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

19 (7) That marijuana or edible marijuana products can impair  
20 concentration, coordination and judgment and a person should not  
21 operate a motor vehicle while under the influence of marijuana or  
22 edible marijuana products; and

23 (8) That ingestion of any amount of marijuana or edible  
24 marijuana products before driving may result in criminal  
25 prosecution for driving under the influence.

26 (b) Enclose all marijuana, edible marijuana products and  
27 marijuana-infused products in opaque, child-resistant packaging  
28 upon sale.

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

33 8. If the health authority, as defined in NRS 446.050, where a  
34 facility for the production of edible marijuana products or  
35 marijuana-infused products or medical marijuana dispensary which  
36 sells edible marijuana products is located requires persons who  
37 handle food at a food establishment to obtain certification, the  
38 facility for the production of edible marijuana products or  
39 marijuana-infused products or medical marijuana dispensary shall  
40 ensure that at least one employee maintains such certification.

41 **9. *A medical marijuana establishment:***

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



1 (1) *Is false or misleading;*

2 (2) *Promotes overconsumption of marijuana, edible*  
3 *marijuana products or marijuana-infused products;*

4 (3) *Depicts the actual consumption of marijuana, edible*  
5 *marijuana products or marijuana-infused products; or*

6 (4) *Depicts a child or other person who is less than 21 years*  
7 *of age consuming marijuana, edible marijuana products or*  
8 *marijuana-infused products or objects suggesting the presence of*  
9 *a child, including, without limitation, toys, characters or cartoons,*  
10 *or contains any other depiction which is designed in any manner*  
11 *to be appealing to or encourage consumption of marijuana, edible*  
12 *marijuana products or marijuana-infused products by a person*  
13 *who is less than 21 years of age.*

14 (b) *Shall not advertise in any publication or on radio,*  
15 *television or any other medium if 30 percent or more of the*  
16 *audience of that medium is reasonably expected to be persons who*  
17 *are less than 21 years of age.*

18 (c) *Shall not place an advertisement:*

19 (1) *Within 1,000 feet of a public or private school,*  
20 *playground, public park or library, but may maintain such an*  
21 *advertisement if it was initially placed before the school,*  
22 *playground, public park or library was located within 1,000 feet of*  
23 *the location of the advertisement;*

24 (2) *On or inside of a motor vehicle used for public*  
25 *transportation or any shelter for public transportation;*

26 (3) *At a sports event to which persons who are less than 21*  
27 *years of age are allowed entry; or*

28 (4) *At an entertainment event if it is reasonably estimated*  
29 *that 30 percent or more of the persons who will attend that*  
30 *entertainment event are less than 21 years of age.*

31 (d) *Shall not advertise or offer any marijuana, edible*  
32 *marijuana product or marijuana-infused product as “free” or*  
33 *“donated” without a purchase.*

34 (e) *Shall ensure that all advertising by the medical marijuana*  
35 *establishment contains such warnings as may be prescribed by the*  
36 *Department, which must include, without limitation, the following*  
37 *words:*

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

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

40 10. *If a medical marijuana establishment engages in*  
41 *advertising for which it is required to determine the percentage of*  
42 *persons who are less than 21 years of age and who may*  
43 *reasonably be expected to view or hear the advertisement, the*  
44 *medical marijuana establishment shall maintain documentation*  
45 *for not less than 5 years after the date on which the advertisement*



1 *is first broadcasted, published or otherwise displayed that*  
2 *demonstrates the manner in which the medical marijuana*  
3 *establishment determined the reasonably expected age of the*  
4 *audience for that advertisement.*

5 *11. Nothing in subsection 9 shall be construed to prohibit a*  
6 *local government, pursuant to chapter 244, 268 or 278 of NRS,*  
7 *from adopting an ordinance for the regulation of advertising*  
8 *relating to marijuana which is more restrictive than the provisions*  
9 *of subsection 9 relating to:*

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

12 *(b) Handbills, pamphlets, cards or other types of*  
13 *advertisements that are distributed, excluding an advertisement*  
14 *placed in a newspaper of general circulation, trade publication or*  
15 *other form of print media; and*

16 *(c) Any stationary or moving display that is located on or near*  
17 *the premises of a medical marijuana establishment.*

18 *12. The Department shall not require a medical marijuana*  
19 *establishment to obtain the approval of the Department before*  
20 *using a logo, sign or advertisement.*

21 *13. The Department may impose a civil penalty upon a*  
22 *medical marijuana establishment of not more than \$10,000 for*  
23 *each violation of subsection 9 or 10 by the medical marijuana*  
24 *establishment.*

25 **Sec. 5.** Chapter 453D of NRS is hereby amended by adding  
26 thereto the provisions set forth as sections 6 to 9, inclusive, of this  
27 act.

28 **Sec. 6. 1.** *Except as otherwise provided in this section, a*  
29 *person shall not volunteer or work at, contract to provide labor to*  
30 *or be employed by an independent contractor to provide labor to a*  
31 *marijuana establishment as a marijuana establishment agent*  
32 *unless the person is registered with the Department pursuant to*  
33 *this section.*

34 **2.** *A person who wishes to volunteer or work at a marijuana*  
35 *establishment shall submit to the Department an application on a*  
36 *form prescribed by the Department. The application must be*  
37 *accompanied by:*

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

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

44 *(c) A statement signed by the prospective marijuana*  
45 *establishment agent asserting that he or she has not previously*



1 *had a medical marijuana establishment agent registration card or*  
2 *marijuana establishment agent registration card revoked;*

3 *(d) A complete set of the fingerprints and written permission of*  
4 *the prospective marijuana establishment agent authorizing the*  
5 *Department to forward the fingerprints to the Central Repository*  
6 *for Nevada Records of Criminal History for submission to the*  
7 *Federal Bureau of Investigation for its report;*

8 *(e) An application fee not to exceed \$75; and*

9 *(f) Such other information as the Department may require by*  
10 *regulation.*

11 *3. A person who wishes to contract to provide labor to or be*  
12 *employed by an independent contractor to provide labor to a*  
13 *marijuana establishment shall submit to the Department an*  
14 *application on a form prescribed by the Department for the*  
15 *registration of the independent contractor and each employee of*  
16 *the independent contractor who will provide labor as a marijuana*  
17 *establishment agent. The application must be accompanied by:*

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

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

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

31 *(d) A statement signed by the prospective marijuana*  
32 *establishment agent asserting that it has not previously had a*  
33 *marijuana establishment agent registration card or medical*  
34 *marijuana agent registration card revoked and none of its*  
35 *employees who will provide labor as a marijuana establishment*  
36 *agent have previously had a medical marijuana establishment*  
37 *agent registration card or marijuana establishment registration*  
38 *card revoked;*

39 *(e) A complete set of the fingerprints of the prospective*  
40 *marijuana establishment agent, if a natural person, and each*  
41 *employee of the prospective marijuana establishment agent who*  
42 *will provide labor as a marijuana establishment agent and written*  
43 *permission of the prospective marijuana establishment agent and*  
44 *each employee of the prospective marijuana establishment agent*  
45 *authorizing the Department to forward the fingerprints to the*



1 *Central Repository for Nevada Records of Criminal History for*  
2 *submission to the Federal Bureau of Investigation for its report;*

3 *(f) An application fee not to exceed \$75 for the prospective*  
4 *marijuana establishment agent and for each employee of the*  
5 *prospective marijuana establishment who will provide labor as a*  
6 *marijuana establishment agent; and*

7 *(g) Such other information as the Department may require by*  
8 *regulation.*

9 *4. A marijuana establishment shall notify the Department*  
10 *within 10 days after a marijuana establishment agent ceases to be*  
11 *employed by, volunteer at or provide labor as a marijuana*  
12 *establishment agent to the marijuana establishment.*

13 *5. A person who:*

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

15 *(b) Is less than 21 years of age,*

16 *↳ shall not serve as a marijuana establishment agent.*

17 *6. The Department shall submit the fingerprints of an*  
18 *applicant for registration as a marijuana establishment agent to*  
19 *the Central Repository for Nevada Records of Criminal History*  
20 *for submission to the Federal Bureau of Investigation to*  
21 *determine the criminal history of the applicant.*

22 *7. The provisions of this section do not require a person who*  
23 *is an owner, officer or board member of a marijuana*  
24 *establishment to resubmit information already furnished to the*  
25 *Department at the time the establishment was registered with the*  
26 *Department.*

27 *8. If an applicant for registration as a marijuana*  
28 *establishment agent satisfies the requirements of this section and*  
29 *is not disqualified from serving as such an agent pursuant to this*  
30 *section or any other applicable law, the Department shall issue to*  
31 *the person and, for an independent contractor, to each person*  
32 *identified in the independent contractor's application for*  
33 *registration as an employee who will provide labor as a marijuana*  
34 *establishment agent, a marijuana establishment agent registration*  
35 *card. If the Department does not act upon an application for a*  
36 *marijuana establishment registration card within 30 days after the*  
37 *date on which the application is received, the application shall be*  
38 *deemed conditionally approved until such time as the Department*  
39 *acts upon the application. A marijuana establishment agent*  
40 *registration card expires 1 year after the date of issuance and may*  
41 *be renewed upon:*

42 *(a) Resubmission of the information set forth in this section;*  
43 *and*

44 *(b) Payment of a renewal fee not to exceed \$75.*





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

6 10. A marijuana establishment agent registration card issued  
7 pursuant to this section to a person who wishes to volunteer or  
8 work at a marijuana establishment authorizes the person to  
9 volunteer or work at any marijuana establishment in this State for  
10 which the category of the marijuana establishment agent  
11 registration card authorizes the person to volunteer or work.

12 11. Except as otherwise prescribed by regulation of the  
13 Department, an applicant for registration or renewal of  
14 registration as a marijuana establishment agent is deemed  
15 temporarily registered as a marijuana establishment agent on the  
16 date on which a complete application for registration or renewal  
17 of registration is submitted to the Department. A temporary  
18 registration as a marijuana establishment agent expires 30 days  
19 after the date upon which the application is received.

20 **Sec. 7. 1.** In addition to any other requirements set forth in  
21 this chapter, an applicant for the issuance or renewal of a  
22 marijuana establishment agent registration card shall:

23 (a) Include the social security number of the applicant in the  
24 application submitted to the Department.

25 (b) Submit to the Department the statement prescribed by the  
26 Division of Welfare and Supportive Services of the Department of  
27 Health and Human Services pursuant to NRS 425.520. The  
28 statement must be completed and signed by the applicant.

29 2. The Department shall include the statement required  
30 pursuant to subsection 1 in:

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

34 (b) A separate form prescribed by the Department.

35 3. A marijuana establishment agent registration card may not  
36 be issued or renewed by the Department if the applicant:

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

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





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

10 **Sec. 8.** *1. If the Department receives a copy of a court*  
11 *order issued pursuant to NRS 425.540 that provides for the*  
12 *suspension of all professional, occupational and recreational*  
13 *licenses, certificates and permits issued to a person who is the*  
14 *holder of a marijuana establishment agent registration card, the*  
15 *Department shall deem the card issued to that person to be*  
16 *suspended at the end of the 30th day after the date on which the*  
17 *court order was issued unless the Department receives a letter*  
18 *issued to the holder of the card by the district attorney or other*  
19 *public agency pursuant to NRS 425.550 stating that the holder of*  
20 *the card has complied with the subpoena or warrant or has*  
21 *satisfied the arrearage pursuant to NRS 425.560.*

22 *2. The Department shall reinstate a marijuana establishment*  
23 *agent registration card that has been suspended by a district court*  
24 *pursuant to NRS 425.540 if the Department receives a letter issued*  
25 *by the district attorney or other public agency pursuant to NRS*  
26 *425.550 to the person whose card was suspended stating that the*  
27 *person whose card was suspended has complied with the subpoena*  
28 *or warrant or has satisfied the arrearage pursuant to*  
29 *NRS 425.560.*

30 **Sec. 9.** *The following acts constitute grounds for the*  
31 *immediate revocation of the marijuana establishment agent*  
32 *registration card of a marijuana establishment agent:*

33 *1. Having committed or committing any excluded felony*  
34 *offense.*

35 *2. Dispensing, delivering or otherwise transferring marijuana*  
36 *to a person who is not authorized by law to possess marijuana in*  
37 *accordance with the provisions of this chapter.*

38 *3. Having been electronically recorded by a video monitoring*  
39 *system stealing marijuana or marijuana products.*

40 *4. Having been convicted of any crime involving the theft of*  
41 *marijuana or marijuana products.*

42 *5. Having been electronically recorded by a video monitoring*  
43 *system smoking or otherwise consuming marijuana on the*  
44 *premises of a marijuana establishment.*



1 *6. Intentionally submitting to the Department or a local*  
2 *government any document required under the provisions of this*  
3 *chapter which is false or contains any material misstatement of*  
4 *fact.*

5 *7. Violating a regulation of the Department, the violation of*  
6 *which is stated to be grounds for immediate revocation of a*  
7 *marijuana establishment agent registration card.*

8 **Sec. 10.** NRS 453D.030 is hereby amended to read as follows:

9 453D.030 As used in this chapter, unless the context otherwise  
10 requires:

11 1. "Community facility" means a facility licensed to provide  
12 day care to children, a public park, a public playground, a public  
13 swimming pool, a center or facility the primary purpose of which is  
14 to provide recreational opportunities or services to children or  
15 adolescents, or a church, synagogue, or other building, structure, or  
16 place used for religious worship or other religious purpose.

17 2. "Concentrated marijuana" means the separated resin,  
18 whether crude or purified, obtained from marijuana.

19 3. "Consumer" means a person who is 21 years of age or older  
20 who purchases marijuana or marijuana products for use by persons  
21 21 years of age or older, but not for resale to others.

22 4. "Department" means the Department of Taxation.

23 5. "Dual licensee" means a person or group of persons who  
24 possess a current, valid registration certificate to operate a medical  
25 marijuana establishment pursuant to chapter 453A of NRS and a  
26 license to operate a marijuana establishment under this chapter.

27 6. "Excluded felony offense" means a conviction of an offense  
28 that would constitute a category A felony if committed in Nevada or  
29 convictions for two or more offenses that would constitute felonies  
30 if committed in Nevada. "Excluded felony offense" does not  
31 include:

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

35 (b) An offense involving conduct that would be immune from  
36 arrest, prosecution, or penalty pursuant to chapter 453A of NRS,  
37 except that the conduct occurred before the effective date of chapter  
38 453A of NRS (October 1, 2001), or was prosecuted by an authority  
39 other than the State of Nevada.

40 7. "Locality" means a city or town, or, in reference to a  
41 location outside the boundaries of a city or town, a county.

42 8. "Marijuana" means all parts of any plant of the genus  
43 Cannabis, whether growing or not, the seeds thereof, the resin  
44 extracted from any part of the plant, and every compound,



1 manufacture, salt, derivative, mixture, or preparation of the plant, its  
2 seeds, or resin. "Marijuana" does not include:

3 (a) The mature stems of the plant, fiber produced from the  
4 stems, oil, or cake made from the seeds of the plant, any other  
5 compound, manufacture, salt, derivative, mixture, or preparation of  
6 the mature stems (except the resin extracted therefrom), fiber, oil, or  
7 cake, the sterilized seed of the plant which is incapable of  
8 germination; or

9 (b) The weight of any other ingredient combined with marijuana  
10 to prepare topical or oral administrations, food, drink, or other  
11 products.

12 9. "Marijuana cultivation facility" means an entity licensed to  
13 cultivate, process, and package marijuana, to have marijuana tested  
14 by a marijuana testing facility, and to sell marijuana to retail  
15 marijuana stores, to marijuana product manufacturing facilities, and  
16 to other marijuana cultivation facilities, but not to consumers.

17 10. "Marijuana distributor" means an entity licensed to  
18 transport marijuana from a marijuana establishment to another  
19 marijuana establishment.

20 11. "Marijuana establishment" means a marijuana cultivation  
21 facility, a marijuana testing facility, a marijuana product  
22 manufacturing facility, a marijuana distributor, or a retail marijuana  
23 store.

24 12. *"Marijuana establishment agent" means an owner,*  
25 *officer, board member, employee or volunteer of a marijuana*  
26 *establishment, an independent contractor who provides labor*  
27 *relating to the cultivation, processing or distribution of marijuana*  
28 *or the production of marijuana or marijuana products for a*  
29 *marijuana establishment or an employee of such an independent*  
30 *contractor.*

31 13. *"Marijuana establishment agent registration card" means*  
32 *a registration card that is issued by the Department pursuant to*  
33 *section 6 of this act to authorize a person to volunteer or work at a*  
34 *marijuana establishment.*

35 14. "Marijuana product manufacturing facility" means an  
36 entity licensed to purchase marijuana, manufacture, process, and  
37 package marijuana and marijuana products, and sell marijuana and  
38 marijuana products to other marijuana product manufacturing  
39 facilities and to retail marijuana stores, but not to consumers.

40 ~~H3~~ 15. "Marijuana products" means products comprised of  
41 marijuana or concentrated marijuana and other ingredients that are  
42 intended for use or consumption, such as, but not limited to, edible  
43 products, ointments, and tinctures.

44 ~~H4~~ 16. "Marijuana paraphernalia" means any equipment,  
45 products, and materials of any kind which are used, intended for



1 use, or designed for use in planting, propagating, cultivating,  
2 growing, harvesting, manufacturing, compounding, converting,  
3 producing, preparing, testing, analyzing, packaging, repacking,  
4 storing, or containing marijuana, or for ingesting, inhaling, or  
5 otherwise introducing marijuana into the human body.

6 ~~15.1~~ 17. “Marijuana testing facility” means an entity licensed  
7 to test marijuana and marijuana products, including for potency and  
8 contaminants.

9 ~~16.1~~ 18. “Process” means to harvest, dry, cure, trim, and  
10 separate parts of the marijuana plant by manual or mechanical  
11 means, such as sieving or ice water separation, but not by chemical  
12 extraction or chemical synthesis.

13 ~~17.1~~ 19. “Public place” means an area to which the public is  
14 invited or in which the public is permitted regardless of age. “Public  
15 place” does not include a retail marijuana store.

16 ~~18.1~~ 20. “Retail marijuana store” means an entity licensed to  
17 purchase marijuana from marijuana cultivation facilities, to  
18 purchase marijuana and marijuana products from marijuana product  
19 manufacturing facilities and retail marijuana stores, and to sell  
20 marijuana and marijuana products to consumers.

21 ~~19.1~~ 21. “Unreasonably impracticable” means that the  
22 measures necessary to comply with the regulations require such a  
23 high investment of risk, money, time, or any other resource or asset  
24 that the operation of a marijuana establishment is not worthy of  
25 being carried out in practice by a reasonably prudent  
26 businessperson.

27 **Sec. 11.** NRS 453D.200 is hereby amended to read as follows:

28 453D.200 1. Not later than January 1, 2018, the Department  
29 shall adopt all regulations necessary or convenient to carry out the  
30 provisions of this chapter. The regulations must not prohibit the  
31 operation of marijuana establishments, either expressly or through  
32 regulations that make their operation unreasonably impracticable.  
33 The regulations shall include:

34 (a) Procedures for the issuance, renewal, suspension, and  
35 revocation of a license to operate a marijuana establishment;

36 (b) Qualifications for licensure that are directly and  
37 demonstrably related to the operation of a marijuana establishment;

38 (c) Requirements for the security of marijuana establishments;

39 (d) Requirements to prevent the sale or diversion of marijuana  
40 and marijuana products to persons under 21 years of age;

41 (e) Requirements for the packaging of marijuana and marijuana  
42 products, including requirements for child-resistant packaging;

43 (f) Requirements for the testing and labeling of marijuana and  
44 marijuana products sold by marijuana establishments including a



1 numerical indication of potency based on the ratio of THC to the  
2 weight of a product intended for oral consumption;

3 (g) Requirements for record keeping by marijuana  
4 establishments;

5 (h) Reasonable restrictions on signage, marketing, display, and  
6 advertising ~~§~~, *except that such restrictions must not require a*  
7 *marijuana establishment to obtain the approval of the Department*  
8 *before using a logo, sign or advertisement;*

9 (i) Procedures for the collection of taxes, fees, and penalties  
10 imposed by this chapter;

11 (j) Procedures and requirements to enable the transfer of a  
12 license for a marijuana establishment to another qualified person  
13 and to enable a licensee to move the location of its establishment to  
14 another suitable location;

15 (k) Procedures and requirements to enable a dual licensee to  
16 operate medical marijuana establishments and marijuana  
17 establishments at the same location;

18 (l) Procedures to establish the fair market value at wholesale of  
19 marijuana; and

20 (m) Civil penalties for the failure to comply with any regulation  
21 adopted pursuant to this section or for any violation of the  
22 provisions of NRS 453D.300.

23 2. The Department shall approve or deny applications for  
24 licenses pursuant to NRS 453D.210.

25 3. The Department may by motion or on complaint, after  
26 investigation, notice of the specific violation, and an opportunity for  
27 a hearing, pursuant to the provisions of chapter 233B of NRS,  
28 suspend, revoke, or fine a licensee for the violation of this chapter or  
29 for a violation of a regulation adopted by the Department pursuant  
30 to this section.

31 4. The Department may immediately suspend the license of  
32 any marijuana establishment if the marijuana establishment  
33 knowingly sells, delivers, or otherwise transfers marijuana in  
34 violation of this chapter or knowingly purchases marijuana from any  
35 person not licensed pursuant to this chapter or to chapter 453A of  
36 NRS. The Department must provide an opportunity for a hearing  
37 pursuant to the provisions of NRS 233B.121 within a reasonable  
38 time from a suspension pursuant to this subsection.

39 5. To ensure that individual privacy is protected:

40 (a) The Department shall not require a consumer to provide a  
41 retail marijuana store with identifying information other than  
42 government-issued identification to determine the consumer's age;  
43 and

44 (b) A retail marijuana store must not be required to acquire and  
45 record personal information about consumers other than information



1 typically acquired in a financial transaction conducted at a retail  
2 liquor store.

3 6. The Department shall conduct a background check of each  
4 prospective owner, officer, and board member of a marijuana  
5 establishment license applicant.

6 7. The Department shall inspect marijuana establishments as  
7 necessary to enforce this chapter or the regulations adopted pursuant  
8 to this section.

9 **Sec. 12.** NRS 453D.310 is hereby amended to read as follows:

10 453D.310 1. Each retail marijuana store and marijuana  
11 product manufacturing facility shall, in consultation with the  
12 Department, cooperate to ensure that all marijuana products offered  
13 for sale:

14 (a) Are labeled clearly and unambiguously:

15 (1) As marijuana with the words "THIS IS A MARIJUANA  
16 PRODUCT" in bold type; and

17 (2) As required by this chapter and any regulations adopted  
18 pursuant thereto.

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

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

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

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

30 (f) Are labeled in a manner which indicates the number of  
31 servings of THC in the product, measured in servings of a maximum  
32 of 10 milligrams per serving, and includes a statement that the  
33 product contains marijuana and its potency was tested with an  
34 allowable variance of the amount determined by the Department by  
35 regulation.

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

37 2. A marijuana product must be sold in a single package. A  
38 single package must not contain:

39 (a) For a marijuana product sold as a capsule, more than 100  
40 milligrams of THC per capsule or more than 800 milligrams of THC  
41 per package.

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

44 (c) For a marijuana product sold as a food product, more than  
45 100 milligrams of THC.



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

4 (e) For a marijuana product sold as a suppository or transdermal  
5 patch, more than 100 milligrams of THC per suppository or  
6 transdermal patch or more than 800 milligrams of THC per package.

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

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

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

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

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

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

20 4. A marijuana product manufacturing facility shall:

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

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

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

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

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

30 (4) The total weight of marijuana contained in the marijuana  
31 product or an equivalent measure of THC concentration.

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

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

39 (e) Package all marijuana products produced by the marijuana  
40 product manufacturing facility on the premises of the marijuana  
41 product manufacturing facility.

42 5. A retail marijuana store or marijuana product manufacturing  
43 facility shall not engage in advertising that in any way makes  
44 marijuana or marijuana products appeal to children, including,



1 without limitation, advertising which uses an image of a cartoon  
2 character, mascot, action figure, balloon, fruit or toy.

3 6. Each retail marijuana store shall offer for sale containers for  
4 the storage of marijuana and marijuana products which lock and are  
5 designed to prohibit children from unlocking and opening the  
6 container.

7 7. A retail marijuana store shall:

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

10 (1) To keep marijuana and marijuana products out of the  
11 reach of children;

12 (2) That marijuana and marijuana products can cause severe  
13 illness in children;

14 (3) That allowing children to ingest marijuana or marijuana  
15 products, or storing marijuana or marijuana products in a location  
16 which is accessible to children may result in an investigation by an  
17 agency which provides child welfare services or criminal  
18 prosecution for child abuse or neglect;

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

24 (5) That pregnant women should consult with a physician  
25 before ingesting marijuana or marijuana products;

26 (6) That ingesting marijuana or marijuana products with  
27 alcohol or other drugs, including prescription medication, may result  
28 in unpredictable levels of impairment and that a person should  
29 consult with a physician before doing so;

30 (7) That marijuana or marijuana products can impair  
31 concentration, coordination and judgment and a person should not  
32 operate a motor vehicle while under the influence of marijuana or  
33 marijuana products; and

34 (8) That ingestion of any amount of marijuana or marijuana  
35 products before driving may result in criminal prosecution for  
36 driving under the influence.

37 (b) Enclose all marijuana and marijuana products in opaque,  
38 child-resistant packaging upon sale.

39 8. If the health authority, as defined in NRS 446.050, where a  
40 marijuana product manufacturing facility or retail marijuana store  
41 which sells marijuana products intended for human consumption by  
42 oral ingestion is located requires persons who handle food at a food  
43 establishment to obtain certification, the marijuana product  
44 manufacturing facility or retail marijuana store shall ensure that at  
45 least one employee maintains such certification.





1 9. A marijuana establishment:

2 (a) Shall not engage in advertising which contains any statement  
3 or illustration that:

4 (1) Is false or misleading;

5 (2) Promotes overconsumption of marijuana or marijuana  
6 products;

7 (3) Depicts the actual consumption of marijuana or  
8 marijuana products; or

9 (4) Depicts a child or other person who is less than 21 years  
10 of age consuming marijuana or marijuana products or objects  
11 suggesting the presence of a child, including, without limitation,  
12 toys, characters or cartoons, or contains any other depiction which is  
13 designed in any manner to be appealing to or encourage  
14 consumption of marijuana or marijuana products by a person who is  
15 less than 21 years of age.

16 (b) Shall not advertise in any publication or on radio, television  
17 or any other medium if 30 percent or more of the audience of that  
18 medium is reasonably expected to be persons who are less than 21  
19 years of age.

20 (c) Shall not place an advertisement:

21 (1) Within 1,000 feet of a public or private school,  
22 playground, public park or library, but may maintain such an  
23 advertisement if it was initially placed before the school,  
24 playground, public park or library was located within 1,000 feet of  
25 the location of the advertisement;

26 (2) On or inside of a motor vehicle used for public  
27 transportation or any shelter for public transportation; ~~for~~

28 (3) At a sports ~~for entertainment~~ event to which persons  
29 who are less than 21 years of age are allowed entry ~~to~~; **or**

30 ***(4) At an entertainment event if it is reasonably estimated***  
31 ***that 30 percent or more of the persons who will attend that***  
32 ***entertainment event are less than 21 years of age.***

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

35 (e) Shall ensure that all advertising by the marijuana  
36 establishment contains such warnings as may be prescribed by the  
37 Department, which must include, without limitation, the following  
38 words:

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

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

41 10. ***If a marijuana establishment engages in advertising for***  
42 ***which it is required to determine the percentage of persons who***  
43 ***are less than 21 years of age and who may reasonably be expected***  
44 ***to view or hear the advertisement, the marijuana establishment***  
45 ***shall maintain documentation for not less than 5 years after the***



1 *date on which the advertisement is first broadcasted, published or*  
2 *otherwise displayed that demonstrates the manner in which the*  
3 *marijuana establishment determined the reasonably expected age*  
4 *of the audience for that advertisement.*

5 **11.** Nothing in subsection 9 shall be construed to prohibit a  
6 local government, pursuant to chapter 244, 268 or 278 of NRS, from  
7 adopting an ordinance for the regulation of advertising relating to  
8 marijuana which is more restrictive than the provisions of  
9 subsection 9 relating to:

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

12 (b) Handbills, pamphlets, cards or other types of advertisements  
13 that are distributed, excluding an advertisement placed in a  
14 newspaper of general circulation, trade publication or other form of  
15 print media; and

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

18 **12.** *The Department may impose a civil penalty upon a*  
19 *marijuana establishment of not more than \$10,000 for each*  
20 *violation of subsection 9 or 10 by the marijuana establishment.*

21 **Sec. 13.** Any regulations adopted by the Department of  
22 Taxation that conflict with the amendatory provisions of this act are  
23 void. The Legislative Counsel shall remove those regulations from  
24 the Nevada Administrative Code as soon as practicable after  
25 January 2, 2020.

26 **Sec. 14.** 1. This section and sections 1, 3 and 13 of this act  
27 become effective on October 1, 2019.

28 2. Sections 2 and 4 to 12, inclusive, of this act become  
29 effective on January 2, 2020.

30 3. Sections 7 and 8 of this act expire by limitation on the date  
31 on which the provisions of 42 U.S.C. § 666 requiring each state to  
32 establish procedures under which the state has authority to withhold  
33 or suspend, or to restrict the use of professional, occupational and  
34 recreational licenses of persons who:

35 (a) Have failed to comply with a subpoena or warrant relating to  
36 a proceeding to determine the paternity of a child or to establish or  
37 enforce an obligation for the support of a child; or

38 (b) Are in arrears in the payment for the support of one or more  
39 children,

40 ↪ are repealed by the Congress of the United States.

