

Amendment No. 667

Senate Amendment to Assembly Bill No. 164 First Reprint (BDR 40-619)
<b>Proposed by:</b> Senate Committee on Health and Human Services
<b>Amends:</b> Summary: No Title: No Preamble: No Joint Sponsorship: No Digest: Yes

ASSEMBLY ACTION			Initial and Date	SENATE ACTION			Initial and Date		
Adopted	<input type="checkbox"/>	Lost	<input type="checkbox"/>	_____	Adopted	<input type="checkbox"/>	Lost	<input type="checkbox"/>	_____
Concurred In	<input type="checkbox"/>	Not	<input type="checkbox"/>	_____	Concurred In	<input type="checkbox"/>	Not	<input type="checkbox"/>	_____
Receded	<input type="checkbox"/>	Not	<input type="checkbox"/>	_____	Receded	<input type="checkbox"/>	Not	<input type="checkbox"/>	_____

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.





## 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.

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:**

Existing law authorizes the Department of Taxation to adopt regulations governing medical marijuana establishments and marijuana establishments. (NRS 453A.370, 453D.200) Existing regulations prohibit a medical marijuana establishment from using a name, logo, sign or advertisement and a marijuana establishment from using a name, logo, sign, advertisement or packaging without obtaining the approval of the Department prior to use. (NAC 453A.402, 453D.473) **Sections 4 and 11** of this bill prohibit the Department from requiring a medical marijuana establishment or a marijuana establishment to obtain the approval of the Department before using a logo, sign or advertisement, thereby voiding the conflicting regulatory provisions.

Existing law that becomes effective January 1, 2020, imposes restrictions on advertising by a marijuana establishment. One such restriction prohibits a marijuana establishment from placing an advertisement at a sports or entertainment event to which persons who are less than 21 years of age are allowed entry. (NRS 453D.310) **Section 12** of this bill authorizes a marijuana establishment to place an advertisement at such an entertainment event if it is reasonably estimated that less than 30 percent of the persons who will attend that entertainment event are less than 21 years of age. Existing law also prohibits a marijuana establishment from advertising on certain mediums if 30 percent or more of the audience of that medium is reasonably expected to be persons who are less than 21 years of age. (NRS 453D.310) **Section 12** requires a marijuana establishment that engages in advertising for which it is required to determine the percentage of persons less than 21 years of age that may reasonably be expected to view or hear the advertisement to maintain certain documentation relating to the manner in which it determined the reasonably expected age of the audience for that advertisement. **Section 12** also authorizes the Department to impose a civil penalty on a marijuana establishment for violating certain provisions relating to advertising. **Section 4** imposes similar restrictions on advertising by a medical marijuana establishment and

26 authorizes the Department to impose a civil penalty on a medical marijuana establishment for  
27 violating such provisions. **Sections 4, 12, 12.3 and 12.7** of this bill authorize a local  
28 government to adopt an ordinance regulating the content of advertisements used by a  
29 marijuana establishment or medical marijuana establishment if such an ordinance sets forth  
30 specific prohibited content for such advertisements.

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

36 Existing law establishes the application process and fees required to obtain a medical  
37 marijuana establishment agent registration card. (NRS 453A.332) Existing regulations provide  
38 for a similar application process and similar fees to obtain a marijuana establishment agent  
39 registration card. (NAC 453D.340) **Section 6** establishes this process in statute. **Section 6:** (1)  
40 transfers, from regulation to statute, existing authority to collect a fee; and (2) limits the  
41 amount of that fee to the amount currently authorized by existing regulations. ~~[Sections 1 and  
42 6 of this bill expand the period of validity for a medical marijuana establishment agent  
43 registration card and a marijuana establishment agent registration card from 1 year to 2 years.]~~  
44 **Section 1** of this bill removes provisions authorizing a medical marijuana establishment to  
45 submit the application and fees for a medical marijuana registration card on behalf of a  
46 prospective agent.

47 Existing law requires each applicant for registration as a medical marijuana establishment  
48 agent to submit to the Department a complete set of fingerprints and written permission  
49 authorizing the Department to submit the fingerprints to the Central Repository for Nevada  
50 Records of Criminal History for submission to the Federal Bureau of Investigation for its  
51 report. (NRS 453A.332) **Section 1** of this bill eliminates this requirement and instead  
52 authorizes the Department to impose this requirement on an applicant or conduct and accept  
53 any background check the Department determines to be reliable and expedient. **Section 6**  
54 makes a similar change concerning applicants for registration as a marijuana establishment  
55 agent.

56 Existing law outlines the procedure, in accordance with federal law, for the suspension of  
57 a medical marijuana establishment agent registration card in the event that the holder fails to  
58 comply with certain requirements pertaining to the payment of child support. (NRS 453A.336,  
59 453A.338) **Sections 7 and 8** of this bill provide a similar procedure for the suspension of a  
60 marijuana establishment agent registration card.

61 Existing law specifies acts which constitute grounds for the immediate revocation of a  
62 medical marijuana establishment agent registration card. (NRS 453A.342) **Section 3** of this  
63 bill expands the grounds for revocation to include: (1) having been electronically recorded  
64 stealing marijuana, edible marijuana products or marijuana-infused products; (2) having been  
65 convicted of any crime involving the theft of marijuana or such other marijuana products; (3)  
66 having been electronically recorded consuming marijuana on the premises of a marijuana  
67 establishment; and (4) intentionally submitting false documents to the Department or a local  
68 government. **Section 9** of this bill establishes similar grounds for revoking a marijuana  
69 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 follows:

2 453A.332 1. Except as otherwise provided in this section, a person shall not  
3 volunteer or work at, contract to provide labor to or be employed by an independent  
4 contractor to provide labor to a medical marijuana establishment as a medical  
5 marijuana establishment agent unless the person is registered with the Department  
6 pursuant to this section.

7 2. A person who wishes to volunteer or work at a medical marijuana  
8 establishment ~~[, or a medical marijuana establishment that wishes to retain as a~~

1 ~~volunteer or employ such a person.]~~ shall submit to the Department an application  
2 on a form prescribed by the Department. The application must be accompanied by:

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

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

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

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

16 ~~—(e)]~~ The application fee, as set forth in NRS 453A.344; and

17 ~~{(f)}~~ (e) Such other information as the Department may require by regulation.

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

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

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

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

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

40 (e) ~~[A complete set of the fingerprints of each employee of the prospective  
41 medical marijuana establishment agent who will provide labor as a medical  
42 marijuana establishment agent and written permission of the prospective medical  
43 marijuana establishment agent and each employee of the prospective medical  
44 marijuana establishment agent authorizing the Department to forward the  
45 fingerprints to the Central Repository for Nevada Records of Criminal History for  
46 submission to the Federal Bureau of Investigation for its report;~~

47 ~~—(f)]~~ The application fee, as set forth in NRS 453A.344; and

48 ~~{(g)}~~ (f) Such other information as the Department may require by regulation.

49 4. *The Department may conduct any investigation of a prospective medical  
50 marijuana establishment agent and, for an independent contractor, each  
51 employee of the prospective medical marijuana establishment agent who will  
52 provide labor as a medical marijuana establishment agent, that the Department*

1 *deems appropriate. In connection with such an investigation, the Department*  
2 *may:*

3 *(a) Conduct or accept any background check the Department determines to*  
4 *be reliable and expedient to determine the criminal history of the prospective*  
5 *medical marijuana establishment agent or the employee;*

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

13 *(c) If the Department imposes the requirement described in paragraph (b),*  
14 *submit the fingerprints of the prospective medical marijuana establishment agent*  
15 *and each employee of the prospective medical marijuana establishment agent*  
16 *who will provide labor as a medical marijuana establishment agent to the Central*  
17 *Repository for Nevada Records of Criminal History for submission to the Federal*  
18 *Bureau of Investigation for its report.*

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

23 ~~{5.}~~ 6. A person who:

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

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

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

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

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

35 8. If an applicant for registration as a medical marijuana establishment agent  
36 satisfies the requirements of this section and is not disqualified from serving as  
37 such an agent pursuant to this section or any other applicable law, the Department  
38 shall issue to the person and, for an independent contractor, to each person  
39 identified in the independent contractor's application for registration as an  
40 employee who will provide labor as a medical marijuana establishment agent, a  
41 medical marijuana establishment agent registration card. If the Department does not  
42 act upon an application for a medical marijuana establishment agent registration  
43 card within 30 days after the date on which the application is received, the  
44 application shall be deemed conditionally approved until such time as the  
45 Department acts upon the application. A medical marijuana establishment agent  
46 registration card expires 1 year ~~{2 years}~~ after the date of issuance and may be  
47 renewed upon:

48 (a) Resubmission of the information set forth in this section; and

49 (b) Payment of the renewal fee set forth in NRS 453A.344.

50 9. A medical marijuana establishment agent registration card issued pursuant  
51 to this section to an independent contractor or an employee of an independent  
52 contractor authorizes the independent contractor or employee to provide labor to  
53 any medical marijuana establishment in this State.

1           10. A medical marijuana establishment agent registration card issued pursuant  
2 to this section to a person who wishes to volunteer or work at a medical marijuana  
3 establishment authorizes the person to volunteer or work at any medical marijuana  
4 establishment in this State for which the category of the medical marijuana  
5 establishment agent registration card authorizes the person to volunteer or work.

6           11. Except as otherwise prescribed by regulation of the Department, an  
7 applicant for registration or renewal of registration as a medical marijuana  
8 establishment agent is deemed temporarily registered as a medical marijuana  
9 establishment agent on the date on which a complete application for registration or  
10 renewal of registration is submitted to the Department. A temporary registration as  
11 a medical marijuana establishment agent expires 30 days after the date upon which  
12 the application is received.

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

14           453A.332 1. Except as otherwise provided in this section, a person shall not  
15 volunteer or work at, contract to provide labor to or be employed by an independent  
16 contractor to provide labor to a medical marijuana establishment as a medical  
17 marijuana establishment agent unless the person is registered with the Department  
18 pursuant to this section.

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

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

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

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

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

33           (e) Such other information as the Department may require by regulation.

34           3. A person who wishes to contract to provide labor to or be employed by an  
35 independent contractor to provide labor to a medical marijuana establishment shall  
36 submit to the Department an application on a form prescribed by the Department  
37 for the registration of the independent contractor and each employee of the  
38 independent contractor who will provide labor as a medical marijuana  
39 establishment agent. The application must be accompanied by:

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

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

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

50           (d) A statement signed by the prospective medical marijuana establishment  
51 agent asserting that it has not previously had a medical marijuana establishment  
52 agent registration card *or marijuana establishment agent registration card, as*  
53 *defined in NRS 453D.030*, revoked and that none of its employees who will

1 provide labor as a medical marijuana establishment agent have previously had a  
2 medical marijuana establishment agent registration card *or marijuana*  
3 *establishment agent registration card, as defined in NRS 453D.030*, revoked;

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

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

6 4. The Department may conduct any investigation of a prospective medical  
7 marijuana establishment agent and, for an independent contractor, each employee  
8 of the prospective medical marijuana establishment agent who will provide labor as  
9 a medical marijuana establishment agent, that the Department deems appropriate. In  
10 connection with such an investigation, the Department may:

11 (a) Conduct or accept any background check the Department determines to be  
12 reliable and expedient to determine the criminal history of the prospective medical  
13 marijuana establishment agent or the employee;

14 (b) Require a prospective medical marijuana establishment agent, if a natural  
15 person, and each employee of a prospective medical marijuana establishment agent  
16 who will provide labor as a medical marijuana establishment agent to submit to the  
17 Department a complete set of fingerprints and written permission authorizing the  
18 Department to forward the fingerprints to the Central Repository for Nevada  
19 Records of Criminal History for submission to the Federal Bureau of Investigation  
20 for its report; and

21 (c) If the Department imposes the requirement described in paragraph (b),  
22 submit the fingerprints of the prospective medical marijuana establishment agent  
23 and each employee of the prospective medical marijuana establishment agent who  
24 will provide labor as a medical marijuana establishment agent to the Central  
25 Repository for Nevada Records of Criminal History for submission to the Federal  
26 Bureau of Investigation for its report.

27 5. A medical marijuana establishment shall notify the Department within 10  
28 days after a medical marijuana establishment agent ceases to be employed by,  
29 volunteer at or provide labor as a medical marijuana establishment agent to the  
30 medical marijuana establishment.

31 6. A person who:

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

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

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

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

39 8. If an applicant for registration as a medical marijuana establishment agent  
40 satisfies the requirements of this section and is not disqualified from serving as  
41 such an agent pursuant to this section or any other applicable law, the Department  
42 shall issue to the person and, for an independent contractor, to each person  
43 identified in the independent contractor's application for registration as an  
44 employee who will provide labor as a medical marijuana establishment agent, a  
45 medical marijuana establishment agent registration card. If the Department does not  
46 act upon an application for a medical marijuana establishment agent registration  
47 card within 30 days after the date on which the application is received, the  
48 application shall be deemed conditionally approved until such time as the  
49 Department acts upon the application. A medical marijuana establishment agent  
50 registration card expires 1 year after the date of issuance and may be renewed upon:

51 (a) Resubmission of the information set forth in this section; and

52 (b) Payment of the renewal fee set forth in NRS 453A.344.



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

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

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

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

18           453A.342 The following acts constitute grounds for the immediate revocation  
19 of the medical marijuana establishment agent registration card of a medical  
20 marijuana establishment agent:

21           1. Having committed or committing any excluded felony offense.

22           2. Dispensing, delivering or otherwise transferring marijuana to a person  
23 other than a medical marijuana establishment agent, another medical marijuana  
24 establishment or a person who holds a valid registry identification card, including,  
25 without limitation, a designated primary caregiver.

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

28           4. *Having been convicted of any crime involving the theft of marijuana,*  
29 *edible marijuana products or marijuana-infused products.*

30           5. *Having been electronically recorded by a video monitoring system*  
31 *smoking or otherwise consuming marijuana on the premises of a medical*  
32 *marijuana establishment.*

33           6. *Intentionally submitting to the Department or a local government any*  
34 *document required under the provisions of this chapter which is false or contains*  
35 *any material misstatement of fact.*

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

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

40           453A.360 1. Each medical marijuana dispensary and facility for the  
41 production of edible marijuana products or marijuana-infused products shall, in  
42 consultation with the Department, cooperate to ensure that all edible marijuana  
43 products and marijuana-infused products offered for sale:

44           (a) Are labeled clearly and unambiguously:

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

40 (e) Package all edible marijuana products or marijuana-infused products  
41 produced by the facility for the production of edible marijuana products or  
42 marijuana-infused products on the premises of the facility for the production of  
43 edible marijuana products or marijuana-infused products.

44 4. A medical marijuana dispensary or facility for the production of edible  
45 marijuana products or marijuana-infused products shall not engage in advertising  
46 that in any way makes marijuana, edible marijuana products or marijuana-infused  
47 products appeal to children, including without limitation, advertising which uses an  
48 image of a cartoon character, mascot, action figure, balloon, fruit or toy.

49 5. Each medical marijuana dispensary shall offer for sale containers for the  
50 storage of marijuana, edible marijuana products and marijuana-infused products  
51 which lock and are designed to prohibit children from unlocking and opening the  
52 container.

53 6. A medical marijuana dispensary shall:

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

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

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

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

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

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

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

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

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

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

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

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

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

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

41 (1) *Is false or misleading;*

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

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

46 (4) *Depicts a child or other person who is less than 21 years of age*  
47 *consuming marijuana, edible marijuana products or marijuana-infused products*  
48 *or objects suggesting the presence of a child, including, without limitation, toys,*  
49 *characters or cartoons, or contains any other depiction which is designed in any*  
50 *manner to be appealing to or encourage consumption of marijuana, edible*  
51 *marijuana products or marijuana-infused products by a person who is less than*  
52 *21 years of age.*

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

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

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

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

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

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

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

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

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

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

23           10. *If a medical marijuana establishment engages in advertising for which*  
24 *it is required to determine the percentage of persons who are less than 21 years of*  
25 *age and who may reasonably be expected to view or hear the advertisement, the*  
26 *medical marijuana establishment shall maintain documentation for not less than*  
27 *5 years after the date on which the advertisement is first broadcasted, published*  
28 *or otherwise displayed that demonstrates the manner in which the medical*  
29 *marijuana establishment determined the reasonably expected age of the audience*  
30 *for that advertisement.*

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

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

37           (b) *Handbills, pamphlets, cards or other types of advertisements that are*  
38 *distributed, excluding an advertisement placed in a newspaper of general*  
39 *circulation, trade publication or other form of print media;*

40           (c) *Any stationary or moving display that is located on or near the premises*  
41 *of a medical marijuana establishment; and*

42           (d) *The content of any advertisement used by a medical marijuana*  
43 *establishment if the ordinance sets forth specific prohibited content for such an*  
44 *advertisement.*

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

47           13. *In addition to any other penalties provided for by law, the Department*  
48 *may impose a civil penalty upon a medical marijuana establishment that violates*  
49 *the provisions of subsection 9 or 10 as follows:*

50           (a) *For the first violation in the immediately preceding 2 years, a civil*  
51 *penalty not to exceed \$1,250.*

52           (b) *For the second violation in the immediately preceding 2 years, a civil*  
53 *penalty not to exceed \$2,500.*

1 (c) For the third violation in the immediately preceding 2 years, a civil  
2 penalty not to exceed \$5,000.

3 (d) For the fourth violation in the immediately preceding 2 years, a civil  
4 penalty not to exceed \$10,000.

5 14. As used in this section, "motor vehicle used for public transportation"  
6 does not include a taxicab, as defined in NRS 706.124.

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

9 **Sec. 6. 1.** Except as otherwise provided in this section, a person shall not  
10 volunteer or work at, contract to provide labor to or be employed by an  
11 independent contractor to provide labor to a marijuana establishment as a  
12 marijuana establishment agent unless the person is registered with the  
13 Department pursuant to this section.

14 2. A person who wishes to volunteer or work at a marijuana establishment  
15 shall submit to the Department an application on a form prescribed by the  
16 Department. The application must be accompanied by:

17 (a) The name, address and date of birth of the prospective marijuana  
18 establishment agent;

19 (b) A statement signed by the prospective marijuana establishment agent  
20 pledging not to dispense or otherwise divert marijuana to any person who is not  
21 authorized to possess marijuana in accordance with the provisions of this  
22 chapter;

23 (c) A statement signed by the prospective marijuana establishment agent  
24 asserting that he or she has not previously had a medical marijuana  
25 establishment agent registration card or marijuana establishment agent  
26 registration card revoked;

27 (d) An application fee not to exceed \$75; and

28 (e) Such other information as the Department may require by regulation.

29 3. A person who wishes to contract to provide labor to or be employed by an  
30 independent contractor to provide labor to a marijuana establishment shall  
31 submit to the Department an application on a form prescribed by the Department  
32 for the registration of the independent contractor and each employee of the  
33 independent contractor who will provide labor as a marijuana establishment  
34 agent. The application must be accompanied by:

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

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

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

46 (d) A statement signed by the prospective marijuana establishment agent  
47 asserting that it has not previously had a marijuana establishment agent  
48 registration card or medical marijuana agent registration card revoked and none  
49 of its employees who will provide labor as a marijuana establishment agent have  
50 previously had a medical marijuana establishment agent registration card or  
51 marijuana establishment registration card revoked;

1 (e) An application fee not to exceed \$75 for the prospective marijuana  
2 establishment agent and for each employee of the prospective marijuana  
3 establishment who will provide labor as a marijuana establishment agent; and

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

5 4. The Department may conduct any investigation of a prospective  
6 marijuana establishment agent and, for an independent contractor, each  
7 employee of the prospective marijuana establishment agent who will provide  
8 labor as a marijuana establishment agent, that the Department deems  
9 appropriate. In connection with such an investigation, the Department may:

10 (a) Conduct or accept any background check the Department determines to  
11 be reliable and expedient to determine the criminal history of the prospective  
12 marijuana establishment agent or the employee;

13 (b) Require a prospective marijuana establishment agent, if a natural person,  
14 and each employee of a prospective marijuana establishment agent who will  
15 provide labor as a marijuana establishment agent to submit to the Department a  
16 complete set of fingerprints and written permission authorizing the Department to  
17 forward the fingerprints to the Central Repository for Nevada Records of  
18 Criminal History for submission to the Federal Bureau of Investigation for its  
19 report; and

20 (c) If the Department imposes the requirement described in paragraph (b),  
21 submit the fingerprints of the prospective marijuana establishment agent and  
22 each employee of the prospective marijuana establishment agent who will provide  
23 labor as a marijuana establishment agent to the Central Repository for Nevada  
24 Records of Criminal History for submission to the Federal Bureau of  
25 Investigation for its report.

26 5. A marijuana establishment shall notify the Department within 10 days  
27 after a marijuana establishment agent ceases to be employed by, volunteer at or  
28 provide labor as a marijuana establishment agent to the marijuana  
29 establishment.

30 6. A person who:

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

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

33 ↪ shall not serve as a marijuana establishment agent.

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

38 8. If an applicant for registration as a marijuana establishment agent  
39 satisfies the requirements of this section and is not disqualified from serving as  
40 such an agent pursuant to this section or any other applicable law, the  
41 Department shall issue to the person and, for an independent contractor, to each  
42 person identified in the independent contractor's application for registration as  
43 an employee who will provide labor as a marijuana establishment agent, a  
44 marijuana establishment agent registration card. If the Department does not act  
45 upon an application for a marijuana establishment registration card within 30  
46 days after the date on which the application is received, the application shall be  
47 deemed conditionally approved until such time as the Department acts upon the  
48 application. A marijuana establishment agent registration card expires ~~2 years~~  
49 1 year after the date of issuance and may be renewed upon:

50 (a) Resubmission of the information set forth in this section; and

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

52 9. A marijuana establishment agent registration card issued pursuant to  
53 this section to an independent contractor or an employee of an independent

1 *contractor authorizes the independent contractor or employee to provide labor to*  
2 *any marijuana establishment in this State.*

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

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

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

18 *(a) Include the social security number of the applicant in the application*  
19 *submitted to the Department.*

20 *(b) Submit to the Department the statement prescribed by the Division of*  
21 *Welfare and Supportive Services of the Department of Health and Human*  
22 *Services pursuant to NRS 425.520. The statement must be completed and signed*  
23 *by the applicant.*

24 **2. The Department shall include the statement required pursuant to**  
25 **subsection 1 in:**

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

28 *(b) A separate form prescribed by the Department.*

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

31 *(a) Fails to submit the statement required pursuant to subsection 1; or*

32 *(b) Indicates on the statement submitted pursuant to subsection 1 that the*  
33 *applicant is subject to a court order for the support of a child and is not in*  
34 *compliance with the order or a plan approved by the district attorney or other*  
35 *public agency enforcing the order for the repayment of the amount owed*  
36 *pursuant to the order.*

37 **4. If an applicant indicates on the statement submitted pursuant to**  
38 **subsection 1 that the applicant is subject to a court order for the support of a**  
39 **child and is not in compliance with the order or a plan approved by the district**  
40 **attorney or other public agency enforcing the order for the repayment of the**  
41 **amount owed pursuant to the order, the Department shall advise the applicant to**  
42 **contact the district attorney or other public agency enforcing the order to**  
43 **determine the actions that the applicant may take to satisfy the arrearage.**

44 **Sec. 8. 1. If the Department receives a copy of a court order issued**  
45 **pursuant to NRS 425.540 that provides for the suspension of all professional,**  
46 **occupational and recreational licenses, certificates and permits issued to a person**  
47 **who is the holder of a marijuana establishment agent registration card, the**  
48 **Department shall deem the card issued to that person to be suspended at the end**  
49 **of the 30th day after the date on which the court order was issued unless the**  
50 **Department receives a letter issued to the holder of the card by the district**  
51 **attorney or other public agency pursuant to NRS 425.550 stating that the holder**  
52 **of the card has complied with the subpoena or warrant or has satisfied the**  
53 **arrears pursuant to NRS 425.560.**

1           2. *The Department shall reinstate a marijuana establishment agent*  
2 *registration card that has been suspended by a district court pursuant to NRS*  
3 *425.540 if the Department receives a letter issued by the district attorney or other*  
4 *public agency pursuant to NRS 425.550 to the person whose card was suspended*  
5 *stating that the person whose card was suspended has complied with the*  
6 *subpoena or warrant or has satisfied the arrearage pursuant to NRS 425.560.*

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

10           1. *Having committed or committing any excluded felony offense.*

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

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

16           4. *Having been convicted of any crime involving the theft of marijuana or*  
17 *marijuana products.*

18           5. *Having been electronically recorded by a video monitoring system*  
19 *smoking or otherwise consuming marijuana on the premises of a marijuana*  
20 *establishment.*

21           6. *Intentionally submitting to the Department or a local government any*  
22 *document required under the provisions of this chapter which is false or contains*  
23 *any material misstatement of fact.*

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

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

28           453D.030 As used in this chapter, unless the context otherwise requires:

29           1. "Community facility" means a facility licensed to provide day care to  
30 children, a public park, a public playground, a public swimming pool, a center or  
31 facility the primary purpose of which is to provide recreational opportunities or  
32 services to children or adolescents, or a church, synagogue, or other building,  
33 structure, or place used for religious worship or other religious purpose.

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

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

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

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

44           6. "Excluded felony offense" means a conviction of an offense that would  
45 constitute a category A felony if committed in Nevada or convictions for two or  
46 more offenses that would constitute felonies if committed in Nevada. "Excluded  
47 felony offense" does not include:

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

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



1           7. “Locality” means a city or town, or, in reference to a location outside the  
2 boundaries of a city or town, a county.

3           8. “Marijuana” means all parts of any plant of the genus *Cannabis*, whether  
4 growing or not, the seeds thereof, the resin extracted from any part of the plant, and  
5 every compound, manufacture, salt, derivative, mixture, or preparation of the plant,  
6 its seeds, or resin. “Marijuana” does not include:

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

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

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

19           10. “Marijuana distributor” means an entity licensed to transport marijuana  
20 from a marijuana establishment to another marijuana establishment.

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

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

29           13. ***“Marijuana establishment agent registration card” means a registration***  
30 ***card that is issued by the Department pursuant to section 6 of this act to authorize***  
31 ***a person to volunteer or work at a marijuana establishment.***

32           14. “Marijuana product manufacturing facility” means an entity licensed to  
33 purchase marijuana, manufacture, process, and package marijuana and marijuana  
34 products, and sell marijuana and marijuana products to other marijuana product  
35 manufacturing facilities and to retail marijuana stores, but not to consumers.

36           ~~13.~~ 15. “Marijuana products” means products comprised of marijuana or  
37 concentrated marijuana and other ingredients that are intended for use or  
38 consumption, such as, but not limited to, edible products, ointments, and tinctures.

39           ~~14.~~ 16. “Marijuana paraphernalia” means any equipment, products, and  
40 materials of any kind which are used, intended for use, or designed for use in  
41 planting, propagating, cultivating, growing, harvesting, manufacturing,  
42 compounding, converting, producing, preparing, testing, analyzing, packaging,  
43 repacking, storing, or containing marijuana, or for ingesting, inhaling, or otherwise  
44 introducing marijuana into the human body.

45           ~~15.~~ 17. “Marijuana testing facility” means an entity licensed to test  
46 marijuana and marijuana products, including for potency and contaminants.

47           ~~16.~~ 18. “Process” means to harvest, dry, cure, trim, and separate parts of the  
48 marijuana plant by manual or mechanical means, such as sieving or ice water  
49 separation, but not by chemical extraction or chemical synthesis.

50           ~~17.~~ 19. “Public place” means an area to which the public is invited or in  
51 which the public is permitted regardless of age. “Public place” does not include a  
52 retail marijuana store.

1 ~~18.~~ 20. “Retail marijuana store” means an entity licensed to purchase  
2 marijuana from marijuana cultivation facilities, to purchase marijuana and  
3 marijuana products from marijuana product manufacturing facilities and retail  
4 marijuana stores, and to sell marijuana and marijuana products to consumers.

5 ~~19.~~ 21. “Unreasonably impracticable” means that the measures necessary to  
6 comply with the regulations require such a high investment of risk, money, time, or  
7 any other resource or asset that the operation of a marijuana establishment is not  
8 worthy of being carried out in practice by a reasonably prudent businessperson.

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

10 453D.200 1. Not later than January 1, 2018, the Department shall adopt all  
11 regulations necessary or convenient to carry out the provisions of this chapter. The  
12 regulations must not prohibit the operation of marijuana establishments, either  
13 expressly or through regulations that make their operation unreasonably  
14 impracticable. The regulations shall include:

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

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

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

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

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

24 (f) Requirements for the testing and labeling of marijuana and marijuana  
25 products sold by marijuana establishments including a numerical indication of  
26 potency based on the ratio of THC to the weight of a product intended for oral  
27 consumption;

28 (g) Requirements for record keeping by marijuana establishments;

29 (h) Reasonable restrictions on signage, marketing, display, and advertising ~~11~~,  
30 *except that such restrictions must not require a marijuana establishment to*  
31 *obtain the approval of the Department before using a logo, sign or advertisement;*

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

34 (j) Procedures and requirements to enable the transfer of a license for a  
35 marijuana establishment to another qualified person and to enable a licensee to  
36 move the location of its establishment to another suitable location;

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

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

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

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

44 3. The Department may by motion or on complaint, after investigation, notice  
45 of the specific violation, and an opportunity for a hearing, pursuant to the  
46 provisions of chapter 233B of NRS, suspend, revoke, or fine a licensee for the  
47 violation of this chapter or for a violation of a regulation adopted by the  
48 Department pursuant to this section.

49 4. The Department may immediately suspend the license of any marijuana  
50 establishment if the marijuana establishment knowingly sells, delivers, or otherwise  
51 transfers marijuana in violation of this chapter or knowingly purchases marijuana  
52 from any person not licensed pursuant to this chapter or to chapter 453A of NRS.  
53 The Department must provide an opportunity for a hearing pursuant to the

1 provisions of NRS 233B.121 within a reasonable time from a suspension pursuant  
2 to this subsection.

3 5. To ensure that individual privacy is protected:

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

7 (b) A retail marijuana store must not be required to acquire and record personal  
8 information about consumers other than information typically acquired in a  
9 financial transaction conducted at a retail liquor store.

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

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

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

15 453D.310 1. Each retail marijuana store and marijuana product  
16 manufacturing facility shall, in consultation with the Department, cooperate to  
17 ensure that all marijuana products offered for sale:

18 (a) Are labeled clearly and unambiguously:

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

21 (2) As required by this chapter and any regulations adopted pursuant  
22 thereto.

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

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

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

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

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

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

39 2. A marijuana product must be sold in a single package. A single package  
40 must not contain:

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

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

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

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

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

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

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

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

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

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

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

11          4. A marijuana product manufacturing facility shall:

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

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

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

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

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

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

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

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

29          (e) Package all marijuana products produced by the marijuana product  
30 manufacturing facility on the premises of the marijuana product manufacturing  
31 facility.

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

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

39          7. A retail marijuana store shall:

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

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

43           (2) That marijuana and marijuana products can cause severe illness in  
44 children;

45           (3) That allowing children to ingest marijuana or marijuana products, or  
46 storing marijuana or marijuana products in a location which is accessible to  
47 children may result in an investigation by an agency which provides child welfare  
48 services or criminal prosecution for child abuse or neglect;

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

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

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

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

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

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

13 8. If the health authority, as defined in NRS 446.050, where a marijuana  
14 product manufacturing facility or retail marijuana store which sells marijuana  
15 products intended for human consumption by oral ingestion is located requires  
16 persons who handle food at a food establishment to obtain certification, the  
17 marijuana product manufacturing facility or retail marijuana store shall ensure that  
18 at least one employee maintains such certification.

19 9. A marijuana establishment:

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

22 (1) Is false or misleading;

23 (2) Promotes overconsumption of marijuana or marijuana products;

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

25 (4) Depicts a child or other person who is less than 21 years of age  
26 consuming marijuana or marijuana products or objects suggesting the presence of a  
27 child, including, without limitation, toys, characters or cartoons, or contains any  
28 other depiction which is designed in any manner to be appealing to or encourage  
29 consumption of marijuana or marijuana products by a person who is less than 21  
30 years of age.

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

34 (c) Shall not place an advertisement:

35 (1) Within 1,000 feet of a public or private school, playground, public park  
36 or library, but may maintain such an advertisement if it was initially placed before  
37 the school, playground, public park or library was located within 1,000 feet of the  
38 location of the advertisement;

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

41 (3) At a sports ~~for entertainment~~ event to which persons who are less than  
42 21 years of age are allowed entry ~~to~~; or

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

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

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

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

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

1           10. *If a marijuana establishment engages in advertising for which it is*  
2 *required to determine the percentage of persons who are less than 21 years of age*  
3 *and who may reasonably be expected to view or hear the advertisement, the*  
4 *marijuana establishment shall maintain documentation for not less than 5 years*  
5 *after the date on which the advertisement is first broadcasted, published or*  
6 *otherwise displayed that demonstrates the manner in which the marijuana*  
7 *establishment determined the reasonably expected age of the audience for that*  
8 *advertisement.*

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

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

15           (b) Handbills, pamphlets, cards or other types of newspapers that are  
16 distributed, excluding an advertisement placed in a newspaper of general  
17 circulation, trade publication or other form of print media; ~~and~~

18           (c) Any stationary or moving display that is located on or near the premises of  
19 a marijuana establishment ~~and~~; and

20           (d) *The content of any advertisement used by a marijuana establishment if*  
21 *the ordinance sets forth specific prohibited content for such an advertisement.*

22           12. *In addition to any other penalties provided for by law, the Department*  
23 *may impose a civil penalty upon a marijuana establishment that violates the*  
24 *provisions of subsection 9 or 10 as follows:*

25           (a) *For the first violation in the immediately preceding 2 years, a civil*  
26 *penalty not to exceed \$1,250.*

27           (b) *For the second violation in the immediately preceding 2 years, a civil*  
28 *penalty not to exceed \$2,500.*

29           (c) *For the third violation in the immediately preceding 2 years, a civil*  
30 *penalty not to exceed \$5,000.*

31           (d) *For the fourth violation in the immediately preceding 2 years, a civil*  
32 *penalty not to exceed \$10,000.*

33           13. *As used in this section, "motor vehicle used for public transportation"*  
34 *does not include a taxicab, as defined in NRS 706.124.*

35           **Sec. 12.3.** NRS 244.35253 is hereby amended to read as follows:

36           244.35253 1. Except as otherwise provided in this section, a board of  
37 county commissioners shall not fix, impose or collect a license tax for revenue or  
38 for regulation, or for both revenue and regulation, on a marijuana establishment or  
39 medical marijuana establishment located in the county.

40           2. Except as otherwise provided in subsection 3, a board of county  
41 commissioners may fix, impose and collect a license tax for revenue or for  
42 regulation, or for both revenue and regulation, on a marijuana establishment or  
43 medical marijuana establishment located in the county outside of the limits of  
44 incorporated cities and towns as a:

45           (a) Flat fee;

46           (b) Percentage of the gross revenue of the marijuana establishment or medical  
47 marijuana establishment; or

48           (c) Combination of a flat fee and a percentage of gross revenue of the  
49 marijuana establishment or medical marijuana establishment.

50           3. The total amount of a license tax imposed on a marijuana establishment or  
51 medical marijuana establishment pursuant to subsection 2, regardless of whether  
52 the license tax is imposed in the form described in paragraph (a), (b) or (c) of

1 subsection 2, must not exceed 3 percent of the gross revenue of the marijuana  
2 establishment or medical marijuana establishment, as applicable.

3 4. In addition to any amount of money collected as a license tax pursuant to  
4 subsection 2, a board of county commissioners may fix, impose and collect:

5 (a) Any fees required pursuant to chapter 278 of NRS;

6 (b) A one-time flat fee for an application for the issuance of a business license  
7 for a marijuana establishment or medical marijuana establishment located in the  
8 county outside of the limits of incorporated cities and towns in an amount that does  
9 not exceed any similar fee imposed on a business pursuant to this chapter and  
10 chapter 369 of NRS; and

11 (c) A licensing tax for a business activity engaged in by a marijuana  
12 establishment or medical marijuana establishment located in the county outside of  
13 the limits of incorporated cities and towns for which registration pursuant to chapter  
14 453A of NRS or licensing pursuant to chapter 453D of NRS is not required only if:

15 (1) The board of county commissioners is granted the authority to require  
16 such a license by some other provision of law; and

17 (2) The amount of the licensing tax does not exceed the amount imposed  
18 by the board of county commissioners on other similar businesses.

19 5. A board of county commissioners shall not enact or enforce any ordinance  
20 which is more restrictive than or conflicts with a law or regulation of this State  
21 relating to:

22 (a) The packaging, labeling, testing, dosage or potency of marijuana, edible  
23 marijuana products, marijuana products or marijuana-infused products;

24 (b) The kinds of marijuana, edible marijuana products, marijuana products and  
25 marijuana-infused products authorized to be sold pursuant to chapters 453A and  
26 453D of NRS and any regulations adopted pursuant to chapter 453A of NRS;

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

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

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

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

37 (g) The training or certification of medical marijuana establishment agents or  
38 employees of a marijuana establishment; ~~and~~

39 (h) The creation or maintenance of a registry or other system to obtain and  
40 track information relating to customers of marijuana establishments or holders of a  
41 registry identification card or letter of approval ~~and~~; **or**

42 ***(i) The content of any advertisement used by a marijuana establishment or  
43 medical marijuana establishment unless the ordinance sets forth specific  
44 prohibited content for such an advertisement.***

45 6. A person who obtains a business license described in this section is subject  
46 to all other licensing and permitting requirements of the State and any other  
47 counties and cities in which the person does business.

48 7. As used in this section:

49 (a) "Edible marijuana products" has the meaning ascribed to it in NRS  
50 453A.101.

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

52 (c) "Marijuana establishment" has the meaning ascribed to it in NRS  
53 453D.030.

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

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

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

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

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

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

11 **Sec. 12.7.** NRS 268.0977 is hereby amended to read as follows:

12 268.0977 1. Except as otherwise provided in this section, the governing  
13 body of an incorporated city, whether organized under general law or special  
14 charter, shall not fix, impose or collect for revenues or for regulation, or both, a  
15 license tax on a marijuana establishment or medical marijuana establishment  
16 located within its corporate limits.

17 2. Except as otherwise provided in subsection 3, the governing body of an  
18 incorporated city, whether organized under general law or special charter, may fix,  
19 impose and collect for revenues or for regulation, or both, a license tax on a  
20 marijuana establishment or medical marijuana establishment located within its  
21 corporate limits as a:

22 (a) Flat fee;

23 (b) Percentage of the gross revenue of the marijuana establishment or medical  
24 marijuana establishment; or

25 (c) Combination of a flat fee and a percentage of gross revenue of the  
26 marijuana establishment or medical marijuana establishment.

27 3. The total amount of a license tax imposed on a marijuana establishment or  
28 medical marijuana establishment pursuant to subsection 2, regardless of whether  
29 the license tax is imposed in the form described in paragraph (a), (b) or (c) of  
30 subsection 2, must not exceed 3 percent of the gross revenue of the marijuana  
31 establishment or medical marijuana establishment, as applicable.

32 4. In addition to any amount of money collected as a license tax pursuant to  
33 subsection 2, the governing body of an incorporated city, whether organized under  
34 general law or special charter, may fix, impose and collect:

35 (a) Any fees required pursuant to chapter 278 of NRS;

36 (b) A one-time flat fee for an application for the issuance of a business license  
37 for a marijuana establishment or medical marijuana establishment located within its  
38 corporate limits in an amount that does not exceed any similar fee imposed on a  
39 business pursuant to this chapter and chapter 369 of NRS; and

40 (c) A licensing tax for a business activity engaged in by a marijuana  
41 establishment or medical marijuana establishment located within its corporate  
42 limits for which registration pursuant to chapter 453A of NRS or licensing pursuant  
43 to chapter 453D of NRS is not required only if:

44 (1) The governing body is granted the authority to require such a license by  
45 some other provision of law; and

46 (2) The amount of the licensing tax does not exceed the amount imposed  
47 by the governing body on other similar businesses.

48 5. The governing body of an incorporated city, whether organized under  
49 general law or special charter, shall not enact or enforce any ordinance which is  
50 more restrictive than or conflicts with a law or regulation of this State relating to:

51 (a) The packaging, labeling, testing, dosage or potency of marijuana, edible  
52 marijuana products, marijuana products or marijuana-infused products;



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

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

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

6 (e) The transportation of marijuana, edible marijuana products, marijuana  
7 products or marijuana-infused products other than the direct transportation of  
8 marijuana, edible marijuana products, marijuana products or marijuana-infused  
9 products to a consumer and a requirement to notify the city of any transportation of  
10 marijuana, edible marijuana products, marijuana products or marijuana-infused  
11 products;

12 (f) The issuance or verification of a registry identification card, letter of  
13 approval or written documentation;

14 (g) The training or certification of medical marijuana establishment agents or  
15 employees of a marijuana establishment; ~~for~~

16 (h) The creation or maintenance of a registry or other system to obtain and  
17 track information relating to customers of marijuana establishments or holders of a  
18 registry identification card or letter of approval ~~for~~; *or*

19 *(i) The content of any advertisement used by a marijuana establishment or*  
20 *medical marijuana establishment unless the ordinance sets forth specific*  
21 *prohibited content for such an advertisement.*

22 6. A person who obtains a business license described in this section is subject  
23 to all other licensing and permitting requirements of the State and any other  
24 counties and cities in which the person does business.

25 7. As used in this section:

26 (a) “Edible marijuana products” has the meaning ascribed to it in NRS  
27 453A.101.

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

29 (c) “Marijuana establishment” has the meaning ascribed to it in NRS  
30 453D.030.

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

32 (e) “Marijuana-infused products” has the meaning ascribed to it in NRS  
33 453A.112.

34 (f) “Medical marijuana establishment” has the meaning ascribed to it in NRS  
35 453A.116.

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

38 (h) “Registry identification card” has the meaning ascribed to it in NRS  
39 453A.140.

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

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

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

47 2. Sections 2 and 4 to 12.7, inclusive, of this act become effective on January  
48 2, 2020.

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

- 1           (a) Have failed to comply with a subpoena or warrant relating to a proceeding  
2 to determine the paternity of a child or to establish or enforce an obligation for the  
3 support of a child; or  
4           (b) Are in arrears in the payment for the support of one or more children,  
5        ↳ are repealed by the Congress of the United States.