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FIRST REPRINT

S.B. 49

SENATE BILL NO. 49—COMMITTEE ON
HEALTH AND HUMAN SERVICES

(ON BEHALF OF THE CANNABIS COMPLIANCE BOARD)

PREFILED NOVEMBER 18, 2020

Referred to Committee on Health and Human Services

SUMMARY—Revises provisions relating to cannabis.
(BDR 56-268)

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 cannabis; authorizing the Cannabis Compliance Board to employ the services of persons the Board considers necessary for the purposes of hearing disciplinary proceedings; authorizing the Executive Director of the Board to serve a complaint on a respondent who is subject to a disciplinary proceeding; authorizing the Chair of the Board to grant one or more extensions to certain deadlines for holding a hearing; removing authorization for the Board to take testimony by deposition in hearings before the Board; revising provisions governing a regulatory waiver to the registration requirement for holders of an ownership interest of less than 5 percent in a cannabis establishment; changing the labeling requirement for cannabis products; and providing other matters properly relating thereto.

Legislative Counsel's Digest:

1 Existing law grants the Cannabis Compliance Board certain powers. (NRS
2 678A.440) **Section 1** of this bill authorizes the Board to employ the services of
3 such persons it considers necessary for the purposes of hearing disciplinary
4 proceedings. Existing law requires the Board to serve the complaint upon a
5 respondent that is subject to a disciplinary proceeding. (NRS 678A.520) **Section**
6 **1.3** of this bill authorizes the Executive Director of the Board to serve the
7 respondent with such a complaint. Existing law requires a disciplinary hearing to be
8 held within 45 days after receiving the respondent's answer to a complaint unless



9 an expedited hearing is determined to be appropriate by the Board. (NRS
10 678A.520) **Section 1.3** authorizes the Chair of the Board to grant one or more
11 extensions to the 45-day requirement pursuant to a request of a party or an
12 agreement by both parties.

13 Existing law allows for testimony provided by witnesses appearing at a hearing
14 before the Board to be taken by deposition in the manner provided by the Nevada
15 Rules of Civil Procedure. (NRS 678A.530) **Section 1.7** of this bill removes the
16 authorization for the Board to take the testimony of a witness by deposition in
17 hearings before the Board.

18 Existing law requires a person who owns an ownership interest in a cannabis
19 establishment of less than 5 percent to register with the Board. (NRS 678B.340)
20 Existing law authorizes the Board to waive the registration requirement for such
21 persons pursuant to policies and procedures adopted by regulation. (NRS
22 678A.450) Existing regulations of the Board establish the policies and procedures
23 for waiving this requirement. (Nevada Cannabis Compliance Regulation 5.125)
24 **Section 2** of this bill clarifies existing law to reflect the authority of the Board to
25 adopt policies and procedures that waive the registration requirement.
26 (NRS 678A.450)

27 Existing law requires each cannabis establishment to ensure that all cannabis
28 products offered for sale are labeled with the words "THIS IS A MEDICAL
29 CANNABIS PRODUCT" or "THIS IS A CANNABIS PRODUCT." (NRS
30 678B.520) **Section 3** of this bill changes the labeling requirement to ensure that all
31 cannabis products offered for sale are labeled with the words "THIS PRODUCT
32 CONTAINS CANNABIS."

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

1 **Section 1.** NRS 678A.440 is hereby amended to read as
2 follows:

3 678A.440 In addition to any other powers granted by this title,
4 the Board has the power to:

5 1. Enter into interlocal agreements pursuant to NRS 277.080 to
6 277.180, inclusive.

7 2. Establish and amend a plan of organization for the Board,
8 including, without limitation, organizations of divisions or sections
9 with leaders for such divisions or sections.

10 3. Appear on its own behalf before governmental agencies of
11 the State or any of its political subdivisions.

12 4. Apply for and accept any gift, donation, bequest, grant or
13 other source of money to carry out the provisions of this title.

14 5. Execute all instruments necessary or convenient for carrying
15 out the provisions of this title.

16 6. Prepare, publish and distribute such studies, reports,
17 bulletins and other materials as the Board deems appropriate.

18 7. Refer cases to the Attorney General for criminal prosecution.

19 8. Maintain an official Internet website for the Board.

20 9. Monitor federal activity regarding cannabis and report its
21 findings to the Legislature.



1 **10. *Employ the services of such persons the Board considers***
2 ***necessary for the purposes of hearing disciplinary proceedings.***

3 **Sec. 1.3.** NRS 678A.520 is hereby amended to read as
4 follows:

5 678A.520 1. If the Board proceeds with disciplinary action
6 pursuant to NRS 678A.510, the Board ***or the Executive Director***
7 shall serve a complaint upon the respondent either personally, or by
8 registered or certified mail at the address of the respondent that is on
9 file with the Board. Such complaint must be a written statement of
10 charges and must set forth in ordinary and concise language the acts
11 or omissions with which the respondent is charged. The complaint
12 must specify the statutes and regulations which the respondent is
13 alleged to have violated, but must not consist merely of charges
14 raised in the language of the statutes or regulations. The complaint
15 must provide notice of the right of the respondent to request a
16 hearing. The Chair of the Board may grant an extension to respond
17 to the complaint for good cause.

18 2. Unless granted an extension, the respondent must answer
19 within 20 days after the service of the complaint. In the answer the
20 respondent:

21 (a) Must state in short and plain terms the defenses to each claim
22 asserted.

23 (b) Must admit or deny the facts alleged in the complaint.

24 (c) Must state which allegations the respondent is without
25 knowledge or information to form a belief as to their truth. Such
26 allegations shall be deemed denied.

27 (d) Must affirmatively set forth any matter which constitutes an
28 avoidance or affirmative defense.

29 (e) May demand a hearing. Failure to demand a hearing
30 constitutes a waiver of the right to a hearing and to judicial review
31 of any decision or order of the Board, but the Board may order a
32 hearing even if the respondent so waives his or her right.

33 3. Failure to answer or to appear at the hearing constitutes an
34 admission by the respondent of all facts alleged in the complaint.
35 The Board may take action based on such an admission and on other
36 evidence without further notice to the respondent. If the Board takes
37 action based on such an admission, the Board shall include in the
38 record which evidence was the basis for the action.

39 4. The Board shall determine the time and place of the hearing
40 as soon as is reasonably practical after receiving the respondent's
41 answer. The Board shall deliver or send by registered or certified
42 mail a notice of hearing to all parties at least 10 days before the
43 hearing. The hearing must be held within 45 days after receiving the
44 respondent's answer unless an expedited hearing is determined to be
45 appropriate by the Board, in which event the hearing must be held as



1 soon as practicable. *The Chair of the Board may grant one or more*
2 *extensions to the 45-day requirement pursuant to a request of a*
3 *party or an agreement by both parties.*

4 **Sec. 1.7.** NRS 678A.530 is hereby amended to read as
5 follows:

6 678A.530 ~~[H-]~~ Before a hearing before the Board, and during
7 a hearing upon reasonable cause shown, the Board shall issue
8 subpoenas and subpoenas duces tecum at the request of a party. All
9 witnesses appearing pursuant to subpoena, other than parties,
10 officers or employees of the State of Nevada or any political
11 subdivision thereof, are entitled to receive fees and mileage in the
12 same amounts and under the same circumstances as provided by law
13 for witnesses in civil actions in the district courts. Witnesses entitled
14 to fees or mileage who attend hearings at points so far removed
15 from their residences as to prohibit return thereto from day to day
16 are entitled, in addition to witness fees and in lieu of mileage, to the
17 per diem compensation for subsistence and transportation authorized
18 for state officers and employees for each day of actual attendance
19 and for each day necessarily occupied in traveling to and from the
20 hearings. Fees, subsistence and transportation expenses must be paid
21 by the party at whose request the witness is subpoenaed. The Board
22 may award as costs the amount of all such expenses to the
23 prevailing party.

24 ~~[2.— The testimony of any material witness residing within or~~
25 ~~without the State of Nevada may be taken by deposition in the~~
26 ~~manner provided by the Nevada Rules of Civil Procedure.]~~

27 **Sec. 2.** NRS 678B.340 is hereby amended to read as follows:
28 678B.340 1. Except as otherwise provided in ~~[this section,]~~

29 *any policies and procedures adopted by the Board pursuant to*
30 *paragraph (e) of subsection 1 of NRS 678A.450,* a person shall not
31 hold an ownership interest in a cannabis establishment of less than 5
32 percent, volunteer or work at, contract to provide labor to or be
33 employed by an independent contractor to provide labor to a
34 cannabis establishment as a cannabis establishment agent unless the
35 person is registered with the Board pursuant to this section.

36 2. A person who wishes to volunteer or work at a cannabis
37 establishment shall submit to the Board an application on a form
38 prescribed by the Board. The application must be accompanied by:

39 (a) The name, address and date of birth of the prospective
40 cannabis establishment agent;

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



1 (c) A statement signed by the prospective cannabis
2 establishment agent asserting that he or she has not previously had a
3 cannabis establishment agent registration card revoked;

4 (d) The application fee, as set forth in NRS 678B.390; and

5 (e) Such other information as the Board may require by
6 regulation.

7 3. A person who wishes to contract to provide labor to or be
8 employed by an independent contractor to provide labor to a
9 cannabis establishment shall submit to the Board an application on a
10 form prescribed by the Board for the registration of the independent
11 contractor and each employee of the independent contractor who
12 will provide labor as a cannabis establishment agent. The
13 application must be accompanied by:

14 (a) The name, address and, if the prospective cannabis
15 establishment agent has a state business license, the business
16 identification number assigned by the Secretary of State upon
17 compliance with the provisions of chapter 76 of NRS;

18 (b) The name, address and date of birth of each employee of the
19 prospective cannabis establishment agent who will provide labor as
20 a cannabis establishment agent;

21 (c) A statement signed by the prospective cannabis
22 establishment agent pledging not to dispense or otherwise divert
23 cannabis to, or allow any of its employees to dispense or otherwise
24 divert cannabis to, any person who is not authorized to possess
25 cannabis in accordance with the provisions of this title;

26 (d) A statement signed by the prospective cannabis
27 establishment agent asserting that it has not previously had a
28 cannabis establishment agent registration card revoked and that
29 none of its employees who will provide labor as a cannabis
30 establishment agent have previously had a cannabis establishment
31 agent registration card revoked;

32 (e) The application fee, as set forth in NRS 678B.390; and

33 (f) Such other information as the Board may require by
34 regulation.

35 4. ~~[A]~~ *Except as otherwise provided in any policies and*
36 *procedures adopted by the Board pursuant to paragraph (e) of*
37 *subsection 1 of NRS 678A.450, a person who wishes to hold an*
38 *ownership interest in a cannabis establishment of less than 5 percent*
39 *shall submit to the Board an application on a form prescribed by the*
40 *Board. The application must be accompanied by:*

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

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



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

3 (c) A statement signed by the prospective cannabis
4 establishment agent asserting that he or she has not previously had a
5 cannabis establishment agent registration card revoked;

6 (d) Any information required by the Board to complete an
7 investigation into the background of the prospective cannabis
8 establishment agent, including, without limitation, financial records
9 and other information relating to the business affairs of the
10 prospective cannabis establishment agent;

11 (e) The application fee, as set forth in NRS 678B.390; and

12 (f) Such other information as the Board may require by
13 regulation.

14 5. The Board may conduct any investigation of a prospective
15 cannabis establishment agent and, for an independent contractor,
16 each employee of the prospective cannabis establishment agent who
17 will provide labor as a cannabis establishment agent, that the Board
18 deems appropriate. In connection with such an investigation, the
19 Board may:

20 (a) Conduct or accept any background check the Board
21 determines to be reliable and expedient to determine the criminal
22 history of the prospective cannabis establishment agent or the
23 employee;

24 (b) Require a prospective cannabis establishment agent, if a
25 natural person, and each employee of a prospective cannabis
26 establishment agent who will provide labor as a cannabis
27 establishment agent to submit to the Board a complete set of
28 fingerprints and written permission authorizing the Board to forward
29 the fingerprints to the Central Repository for Nevada Records of
30 Criminal History for submission to the Federal Bureau of
31 Investigation for its report; and

32 (c) If the Board imposes the requirement described in paragraph
33 (b), submit the fingerprints of the prospective cannabis
34 establishment agent and each employee of the prospective
35 cannabis establishment agent who will provide labor as a cannabis
36 establishment agent to the Central Repository for Nevada Records
37 of Criminal History for submission to the Federal Bureau of
38 Investigation for its report.

39 6. A cannabis establishment shall notify the Board within 10
40 business days after a cannabis establishment agent ceases to hold an
41 ownership interest in the cannabis establishment of less than
42 5 percent, be employed by, volunteer at or provide labor as a
43 cannabis establishment agent to the cannabis establishment.

44 7. A person who:

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



1 (b) Is less than 21 years of age; or
2 (c) Is not qualified, in the determination of the Board pursuant to
3 NRS 678B.200,

4 ↪ shall not serve as a cannabis establishment agent.

5 8. The provisions of this section do not require a person who is
6 an owner, officer or board member of a cannabis establishment to
7 resubmit information already furnished to the Board at the time the
8 establishment was licensed with the Board.

9 9. If an applicant for registration as a cannabis establishment
10 agent satisfies the requirements of this section, is found to be
11 qualified by the Board pursuant to NRS 678B.200 and is not
12 disqualified from serving as such an agent pursuant to this section or
13 any other applicable law, the Board shall issue to the person and, for
14 an independent contractor, to each person identified in the
15 independent contractor's application for registration as an employee
16 who will provide labor as a cannabis establishment agent, a cannabis
17 establishment agent registration card. If the Board does not act upon
18 an application for a cannabis establishment agent registration card
19 within 45 days after the date on which the application is received,
20 the application shall be deemed conditionally approved until such
21 time as the Board acts upon the application. A cannabis
22 establishment agent registration card expires 2 years after the date of
23 issuance and may be renewed upon:

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

25 (b) Payment of the renewal fee set forth in NRS 678B.390.

26 10. A person to whom a cannabis establishment agent
27 registration card is issued or for whom such a registration card is
28 renewed shall submit to the Board on the date of the first
29 anniversary of the issuance or renewal an affidavit attesting that in
30 the preceding year there has been no change in the information
31 previously provided to the Board which would subject the person to
32 disciplinary action by the Board.

33 11. A cannabis establishment agent registration card issued
34 pursuant to this section to an independent contractor or an employee
35 of an independent contractor authorizes the independent contractor
36 or employee to provide labor to any cannabis establishment in this
37 State.

38 12. A cannabis establishment agent registration card issued
39 pursuant to this section to a person who wishes to volunteer or work
40 at a medical cannabis establishment authorizes the person to
41 volunteer or work at any cannabis establishment in this State for
42 which the category of the cannabis establishment agent registration
43 card authorizes the person to volunteer or work.

44 13. Except as otherwise prescribed by regulation of the Board,
45 an applicant for registration or renewal of registration as a cannabis



1 establishment agent is deemed temporarily registered as a cannabis
2 establishment agent on the date on which a complete application for
3 registration or renewal of registration is submitted to the Board. A
4 temporary registration as a cannabis establishment agent expires 45
5 days after the date upon which the application is received.

6 **Sec. 3.** NRS 678B.520 is hereby amended to read as follows:

7 678B.520 1. Each cannabis establishment shall, in
8 consultation with the Board, cooperate to ensure that all cannabis
9 products offered for sale:

10 (a) Are labeled clearly and unambiguously:

11 (1) As cannabis ~~[or medical cannabis]~~ with the words ~~["THIS~~
12 ~~IS A MEDICAL CANNABIS PRODUCT"]~~ or ~~["THIS IS A~~
13 ~~CANNABIS PRODUCT,"~~ as applicable,] **"THIS PRODUCT**
14 **CONTAINS CANNABIS"** in bold type; and

15 (2) As required by the provisions of this chapter and chapters
16 678C and 678D of NRS.

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 cannabis production
20 facility which produced the product.

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

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

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

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

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

34 2. A cannabis production facility shall not produce cannabis
35 products in any form that:

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

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

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

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

45 3. A cannabis production facility shall:



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

3 (b) Affix a label to each cannabis product which includes
4 without limitation, in a manner which must not mislead consumers,
5 the following information:

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

7 (2) A list of all ingredients used in the cannabis product;

8 (3) A list of all allergens in the cannabis product; and

9 (4) The total content of THC measured in milligrams.

10 (c) Maintain a hand washing area with hot water, soap and
11 disposable towels which is located away from any area in which
12 cannabis products are cooked or otherwise prepared.

13 (d) Require each person who handles cannabis products to
14 restrain his or her hair, wear clean clothing and keep his or her
15 fingernails neatly trimmed.

16 (e) Package all cannabis products produced by the cannabis
17 production facility on the premises of the cannabis production
18 facility.

19 4. A cannabis establishment shall not engage in advertising that
20 in any way makes cannabis or cannabis products appeal to children,
21 including, without limitation, advertising which uses an image of a
22 cartoon character, mascot, action figure, balloon, fruit or toy.

23 5. Each cannabis sales facility shall offer for sale containers for
24 the storage of cannabis and cannabis products which lock and are
25 designed to prohibit children from unlocking and opening the
26 container.

27 6. A cannabis sales facility shall:

28 (a) Include a written notification with each sale of cannabis or
29 cannabis products which advises the purchaser:

30 (1) To keep cannabis and cannabis products out of the reach
31 of children;

32 (2) That cannabis products can cause severe illness in
33 children;

34 (3) That allowing children to ingest cannabis or cannabis
35 products or storing cannabis or cannabis products in a location
36 which is accessible to children may result in an investigation by an
37 agency which provides child welfare services or criminal
38 prosecution for child abuse or neglect;

39 (4) That the intoxicating effects of edible cannabis products
40 may be delayed by 2 hours or more and users of edible cannabis
41 products should initially ingest a small amount of the product, then
42 wait at least 120 minutes before ingesting any additional amount of
43 the product;

44 (5) That pregnant women should consult with a physician
45 before ingesting cannabis or cannabis products;



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

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

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

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

14 7. A cannabis sales facility shall allow any person who is at
15 least 21 years of age to enter the premises of the cannabis sales
16 facility.

17 8. If the health authority, as defined in NRS 446.050, where a
18 cannabis production facility or cannabis sales facility which sells
19 edible cannabis products is located requires persons who handle
20 food at a food establishment to obtain certification, the cannabis
21 production facility or cannabis sales facility shall ensure that at least
22 one employee maintains such certification.

23 9. A cannabis production facility may sell a commodity or
24 product made using hemp, as defined in NRS 557.160, or containing
25 cannabidiol to a cannabis sales facility.

26 10. In addition to any other product authorized by the
27 provisions of this title, a cannabis sales facility may sell:

28 (a) Any commodity or product made using hemp, as defined in
29 NRS 557.160;

30 (b) Any commodity or product containing cannabidiol with a
31 THC concentration of not more than 0.3 percent; and

32 (c) Any other product specified by regulation of the Board.

33 11. A cannabis establishment:

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

36 (1) Is false or misleading;

37 (2) Promotes overconsumption of cannabis or cannabis
38 products;

39 (3) Depicts the actual consumption of cannabis or cannabis
40 products; or

41 (4) Depicts a child or other person who is less than 21 years
42 of age consuming cannabis or cannabis products or objects
43 suggesting the presence of a child, including, without limitation,
44 toys, characters or cartoons, or contains any other depiction which is
45 designed in any manner to be appealing to or encourage



1 consumption of cannabis or cannabis products by a person who is
2 less than 21 years of age.

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

7 (c) Shall not place an advertisement:

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

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

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

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

20 (d) Shall not advertise or offer any cannabis or cannabis product
21 as “free” or “donated” without a purchase.

22 (e) Shall ensure that all advertising by the cannabis
23 establishment contains such warnings as may be prescribed by the
24 Board, which must include, without limitation, the following words:

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

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

27 12. Nothing in subsection 11 shall be construed to prohibit a
28 local government, pursuant to chapter 244, 268 or 278 of NRS, from
29 adopting an ordinance for the regulation of advertising relating to
30 cannabis which is more restrictive than the provisions of subsection
31 11 relating to:

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

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

38 (c) Any stationary or moving display that is located on or near
39 the premises of a cannabis establishment; and

40 (d) The content of any advertisement used by a cannabis
41 establishment if the ordinance sets forth specific prohibited content
42 for such an advertisement.

43 13. If a cannabis establishment engages in advertising for
44 which it is required to determine the percentage of persons who are
45 less than 21 years of age and who may reasonably be expected to



1 view or hear the advertisement, the cannabis establishment shall
2 maintain documentation for not less than 5 years after the date on
3 which the advertisement is first broadcasted, published or otherwise
4 displayed that demonstrates the manner in which the cannabis
5 establishment determined the reasonably expected age of the
6 audience for that advertisement.

7 14. In addition to any other penalties provided for by law, the
8 Board may impose a civil penalty upon a cannabis establishment
9 that violates the provisions of subsection 11 or 13 as follows:

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

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

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

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

18 15. As used in this section, "motor vehicle used for public
19 transportation" does not include a taxicab, as defined in
20 NRS 706.124.

21 **Sec. 4.** This act becomes effective upon passage and approval.

