

ASSEMBLY BILL NO. 411—COMMITTEE ON JUDICIARY

MARCH 27, 2023

Referred to Committee on Judiciary

SUMMARY—Requires certain medical facilities to allow certain patients who are terminally ill to engage in the medical use of cannabis at the medical facility. (BDR 56-1041)

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; requiring certain medical facilities to allow certain patients who are terminally ill to engage in the medical use of cannabis at the medical facility; providing certain exceptions; and providing other matters properly relating thereto.

Legislative Counsel’s Digest:

1 Existing law sets forth various provisions governing the medical use of
2 cannabis. (Chapter 678C of NRS) Existing law exempts a person who holds a valid
3 registry identification card or letter of approval from state prosecution for certain
4 offenses relating to cannabis. (NRS 678C.200, 678C.210) **Section 2** of this bill
5 requires a medical facility to allow a patient of the medical facility to engage in the
6 medical use of cannabis at the medical facility if the patient: (1) holds a valid
7 registry identification card or letter of approval; and (2) is terminally ill. **Section 2**
8 defines “medical facility” for the purposes of that requirement to include a: (1)
9 facility for hospice care; (2) facility for intermediate care; (3) facility for skilled
10 nursing; and (4) hospital. **Section 2** imposes certain requirements on a medical
11 facility relating to the medical use of cannabis by a patient at the medical facility
12 and prohibits a medical facility from allowing a patient to engage in the medical
13 use of cannabis at the medical facility by smoking cannabis or otherwise
14 consuming cannabis by means of inhalation.

15 **Section 3** of this bill exempts a medical facility from complying with the
16 requirements of **section 2** if a federal agency has taken certain actions against the
17 medical facility for complying with such requirements, or adopted regulations
18 prohibiting the medical use of cannabis in medical facilities. **Section 3** provides
19 that the exemption provided to a medical facility expires on the date on which the
20 federal agency notifies the medical facility that the medical facility may allow
21 patients to engage in the medical use of cannabis at the medical facility.



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

1 **Section 1.** Chapter 678C of NRS is hereby amended by adding
2 thereto the provisions set forth as sections 2 and 3 of this act.

3 **Sec. 2. 1.** *Except as otherwise provided in this section and*
4 *section 3 of this act, a medical facility shall allow a patient of the*
5 *medical facility to engage in the medical use of cannabis at the*
6 *medical facility if the patient:*

7 (a) *Holds a valid registry identification card or letter of*
8 *approval; and*

9 (b) *Is terminally ill.*

10 2. *A medical facility that allows a patient described in*
11 *subsection 1 to engage in the medical use of cannabis at the*
12 *medical facility shall:*

13 (a) *Require the patient to provide to the medical facility a copy*
14 *of the registry identification card or letter of approval of the*
15 *patient;*

16 (b) *Note in the medical records of the patient that the patient*
17 *engages in the medical use of cannabis;*

18 (c) *Require the patient to store any cannabis or cannabis*
19 *products of the patient in a locked container;*

20 (d) *Develop and disseminate written guidelines for engaging in*
21 *the medical use of cannabis at the medical facility; and*

22 (e) *Adopt such other reasonable restrictions on the manner in*
23 *which the patient stores cannabis and engages in the medical use*
24 *of cannabis that the medical facility deems necessary to ensure:*

25 (1) *The health and safety of other patients, guests and*
26 *employees of the medical facility;*

27 (2) *The compliance of the medical facility with other laws*
28 *of this State; and*

29 (3) *The safe operation of the medical facility.*

30 3. *A medical facility that allows a patient described in*
31 *subsection 1 to engage in the medical use of cannabis at the*
32 *medical facility shall not allow the patient to engage in the*
33 *medical use of cannabis by smoking cannabis or otherwise*
34 *consuming cannabis by means of inhalation.*

35 4. *The provisions of this section do not require:*

36 (a) *A medical facility that is providing emergency medical*
37 *services to a patient to allow the patient to engage in the medical*
38 *use of cannabis while the patient is receiving such services.*

39 (b) *The attending provider of health care of a patient at a*
40 *medical facility to provide the signature required pursuant to*
41 *paragraph (a) of subsection 2 of NRS 678C.220 for the issuance of*
42 *a registry identification card or letter of approval or, pursuant to*



1 *subparagraph (1) of paragraph (b) of subsection 1 of NRS*
2 *678C.250, for the renewal of a registry identification card or letter*
3 *of approval.*

4 *5. A medical facility is not required to comply with the*
5 *provisions of this section as a condition for the issuance or*
6 *renewal of a license pursuant to chapter 449 of NRS.*

7 *6. As used in this section:*

8 *(a) "Medical facility" means:*

9 *(1) A facility for hospice care, as defined in NRS 449.0033.*

10 *(2) A facility for intermediate care, as defined in*
11 *NRS 449.0038.*

12 *(3) A facility for skilled nursing, as defined in*
13 *NRS 449.0039.*

14 *(4) A hospital, as defined in NRS 449.012.*

15 *(b) "Terminally ill" has the meaning ascribed to it in*
16 *NRS 449.0195.*

17 **Sec. 3. 1. Except as otherwise provided in subsection 2, a**
18 **medical facility is exempt from complying with the provisions of**
19 **section 2 of this act if the United States Department of Justice, the**
20 **Centers for Medicare and Medicaid Services of the United States**
21 **Department of Health and Human Services or any other federal**
22 **agency:**

23 *(a) Initiates an enforcement action against the medical facility*
24 *that involves the compliance of the medical facility with the*
25 *provisions of section 2 of this act;*

26 *(b) Adopts regulations expressly prohibiting the medical use of*
27 *cannabis in medical facilities; or*

28 *(c) Provides notice to the medical facility that the medical*
29 *facility is prohibited from complying with section 2 of this act.*

30 **2. The exemption provided for a medical facility pursuant to**
31 **subsection 1 expires on the date on which the United States**
32 **Department of Justice, the Centers for Medicare and Medicaid**
33 **Services or the other federal agency that took any action described**
34 **in subsection 1 notifies the medical facility that the medical facility**
35 **may allow patients to engage in the medical use of cannabis at the**
36 **medical facility.**

37 **3. The provisions of this section do not authorize a medical**
38 **facility to prohibit a patient described in subsection 1 of section 2**
39 **of this act from engaging in the medical use of cannabis at the**
40 **medical facility solely on the basis of:**

41 *(a) The inclusion of cannabis on the list of controlled*
42 *substances included in schedule I pursuant to the federal*
43 *Controlled Substances Act, as amended, 21 U.S.C. §§ 801 et seq.;*
44 *or*



1 ***(b) Any other federal law or regulation restricting the use of***
2 ***cannabis that was in effect before July 1, 2023.***

3 ***4. As used in this section, “medical facility” has the meaning***
4 ***ascribed to it in section 2 of this act.***

5 **Sec. 4.** This act becomes effective on July 1, 2023.

