

**PROPOSED REGULATION OF THE
STATE DEPARTMENT OF AGRICULTURE**

LCB File No. R095-01

September 18, 2001

EXPLANATION – Matter in *italics* is new; matter in brackets ~~omitted material~~ is material to be omitted.

AUTHORITY: §§1-7, NRS 453A.740; §8, NRS 453A.210 and 453A.740; §§9 and 10, NRS 453A.740; §11, NRS 453A.230 and 453A.740; §12, NRS 453A.220 and 453A.740; §13, NRS 453A.740.

Section 1. Chapter 453A of NAC is hereby amended by adding thereto the provisions set forth as sections 2 to 13, inclusive, of this regulation.

Sec. 2. *As used in sections 2 to 13, inclusive, of this regulation, unless the context otherwise requires, the words and terms defined in sections 3 to 7, inclusive, of this regulation have the meanings ascribed to them in those sections.*

Sec. 3. *“Attending physician” has the meaning ascribed to it in NRS 453A.030.*

Sec. 4. *“Chronic or debilitating medical condition” has the meaning ascribed to it in NRS 453A.050.*

Sec. 5. *“Department” means the state department of agriculture.*

Sec. 6. *“Designated primary caregiver” has the meaning ascribed to it in NRS 453A.080.*

Sec. 7. *“Registry identification card” has the meaning ascribed to it in NRS 453A.140.*

Sec. 8. *In addition to the materials required by NRS 453A.210, an application for a registry identification card must include:*

1. A written statement signed by the applicant’s attending physician verifying that he was presented with a photographic identification of the applicant and the designated primary

caregiver, if any, and that the applicant and the designated primary caregiver, if any, are the persons named in the application;

2. On forms prescribed by the department, any information required by the central repository for Nevada records of criminal history;

3. On forms prescribed by the department, any information required by the department of motor vehicles;

4. A complete set of the fingerprints of the applicant and the designated primary caregiver, if any, taken by a state or local law enforcement agency;

5. A notarized medical marijuana program waiver and liability release form that is prescribed by the department and signed by the applicant and designated primary caregiver, if any;

6. A notarized acknowledgement form that is prescribed by the department and signed by the applicant and designated primary caregiver, if any; and

7. If the applicant is under 18 years of age, a minor release form signed by the designated primary caregiver of the minor.

Sec. 9. 1. *A person with a chronic or debilitating disease to whom a registry identification card has been issued may not be a designated primary caregiver.*

2. A designated primary caregiver may not be the designated primary caregiver to more than one person.

Sec. 10. 1. *If the state department of agriculture approves an application for a registry identification card:*

(a) The department will provide the applicant and designated primary caregiver, if any, with written notice of its approval by registered mail.

(b) The applicant and designated primary caregiver, if any, must present the written notice and proof of identity to an appropriate office of the department of motor vehicles in order to receive a registry identification card. Upon the presentation of the written notice and proof of identity, the department of motor vehicles shall prepare and issue a registry identification card to the applicant and designated primary caregiver, if any, after it has confirmed by telephone or other reliable means that the state department of agriculture has approved the issuance of the card.

2. If the department denies an application for a registry identification card, the department will provide the applicant and designated primary caregiver, if any, with written notice of its denial by registered mail.

Sec. 11. A person who is required to comply with the provisions of NRS 453A.230 shall notify the department of any change in the information required by that section within 7 days after the change in that information.

Sec. 12. 1. Except as otherwise provided in subsection 2, a person to whom a registry identification card has been issued may renew that card by:

(a) Submitting to the state department of agriculture a form for renewal prescribed by the department and the materials required by NRS 453A.210 and section 8 of this regulation; and

(b) Returning his expired registry identification card to the department of motor vehicles.

2. A person who wishes to renew his registry identification card is not required to comply with the provisions of subsection 4 of section 8 of this regulation.

Sec. 13. For the purposes of chapter 453A of NRS:

1. "Immature marijuana plant" means a marijuana plant with no observable flowers or buds.

2. *“Mature marijuana plant” means a marijuana plant which has flowers or buds that are readily observable by an unaided visual examination.*