

facilities, testing laboratories, and production facilities of edible marijuana products) by the Division of Public and Behavioral Health State of Department of Health and Human Services (the "Division"); and

- B. NRS 453A.324 provides that the Division "shall issue" up to ten registration certificates to operate medical marijuana dispensaries in the various local jurisdictions within Washoe County, and shall further determine the appropriate number of and issue registration certificates to operate other types of medical marijuana establishments in the local jurisdictions in Washoe County; and
- C. NRS 453A.326 provides that if a local jurisdiction issues business licenses, the registration certificates described above issued by the Division are deemed to be provisional until a business license is issued and the certificated establishment complies with rules and ordinances of the local jurisdiction; and
- D. To the extent that medical marijuana establishments are registered and authorized by the State of Nevada to operate in the unincorporated Washoe County, this Board desires to provide for their licensing and regulation to protect the public health and safety and general welfare of the citizens of Washoe County; and
- E. NRS 453A.200 provides that in connection with activities by certificated establishments, certain acts are exempt from criminal prosecution by the state and its political subdivisions, which requires an amendment to Washoe County Code Sections 53.185, 53.190, and 53.195; and
- F. Since the use, cultivation, distribution, production, possession and transportation of marijuana remains illegal under federal law, and marijuana remains classified as a "controlled substance" by both Nevada and federal law, this Board does not have the authority to (and nothing in this Ordinance is intended to) authorize, promote, condone or aid the production, distribution or possession of marijuana in violation of any applicable law; and
- G. As the operation of a medical marijuana establishment is a revocable privilege (NRS 453A.320) and there is no property right for an individual or business to operate a medical marijuana establishment in the County; and
- H. Business Impact Statement. Business Impact Statements are regulated within NRS 237.030 through 237.100, inclusive, but under NRS 237.070, the provisions do not apply when changes are required by state statute and the local

government does not have the ability to impose less stringent standards. Additionally, the changes do not impose any new fees and therefore do not qualify as a rule as set forth in NRS 237.060 and 237.080.

NOW THEREFORE, THE BOARD OF COUNTY COMMISSIONERS OF THE COUNTY OF WASHOE DOES HEREBY ORDAIN:

SECTION 1.

Medical Marijuana Establishments

25.700 Medical marijuana establishments. License required; location; application requirements; renewal of business license; criminal history inquiries of property owners and related fees; warning signs; public access; waste disposal; graffiti; registration cards; revocation of business license, board hearing; immediate revocation of business license, no board hearing; denial of business license application or application for renewal; on-site use prohibited; age limitations; fee required; no county liability, indemnification; actions upon suspension or revocation; paraphernalia; display of merchandise; display of licenses; permission for entry and reasonable inspection; health district permit required; restriction on county employees.

1. Purpose and Limitations.

(a) This section shall be known as the Washoe County Medical Marijuana Establishments ("MME") Code.

(b) Nevada Constitution Article 4, Section 38 requires the State of Nevada legislature to authorize the use by a patient, upon the advice of his physician, of the plant of the genus Cannabis, and to authorize appropriate methods for the supply of the plant to patients authorized to use it. Senate Bill 374 of the 2013 Nevada legislature amends NRS Chapter 453A to require the licensing, taxation and regulation of medical marijuana establishments including dispensaries, testing, cultivation, and production facilities. To the extent that medical marijuana establishments are registered and authorized by the State, the purpose of this section is to license and regulate them in unincorporated Washoe County to protect the public health and safety and general welfare of the citizens of Washoe County.

(c) The use, cultivation, distribution, production, possession and transportation of medical marijuana remains illegal under federal law, and marijuana remains classified as a "controlled substance" by both Nevada and federal law. Nothing in this MME Code is intended to authorize, promote, condone or aid the production, distribution, or possession in violation of

any applicable law. The issuance of a license does not imply that operating a medical marijuana establishment is legal under other applicable laws nor authorizes or sanctions the violation of any applicable law.

(d) This code is to be construed to protect the public interests over medical marijuana business interests. Operation of a medical marijuana establishment is a revocable privilege (NRS 453A.320) and not a right in the County. There is no property right for an individual or business to have medical marijuana within the County.

2. License Required.

(a) It shall be unlawful for any person to operate a medical marijuana establishment in the unincorporated portions of Washoe County without first obtaining a license to operate pursuant to the requirements of this chapter. Each medical marijuana establishment must have a separate license to operate as required under this code.

(b) A medical marijuana establishment lawfully registered with the division to regulate medical marijuana and licensed within the city of Reno or Sparks that delivers medical marijuana to another registered and licensed medical marijuana establishment, a patient who holds a valid registry identification card or a designated primary caregiver within the unincorporated area of Washoe County in conformance with NRS 453A and NAC 453A is required to have a valid business license from Washoe County, but is not required to obtain a medical marijuana establishment license pursuant to this section.

(c) The license requirement set forth in this chapter shall be in addition to, and not in lieu of, any other licensing and permitting requirements imposed by any other federal, state or local law.

(d) A license issued pursuant to this section does not provide any exception, defense or immunity from other laws, nor does it create an exception, defense or immunity to any person in regard to any potential criminal liability the person may have for the production, distribution or possession of marijuana.

3. Location.

(a) Medical marijuana establishments may be located in the unincorporated portion of Washoe County in conformance with Article 302 of Chapter 110 of the Code.

(b) A medical marijuana establishment may not be located:

(1) Within 1,000 feet of a public or private school that provides formal education traditionally associated with preschool or kindergarten through grade 12, and that existed on the date on which the application for the proposed medical marijuana establishment was submitted to the County, or

(2) Within 300 feet of a community facility that existed on the date on which the application for the proposed medical marijuana establishment was submitted to the County.

(3) For purposes of this subsection, the measurement between the medical marijuana establishment and the use enumerated in subsections (1) and (2) above shall be measured by a straight line in all directions as follows:

(i) For schools or community facilities not totally enclosed in a building, from the closest point of the property line of the land used for the purposes stated in subsections (1) and (2) above to the nearest portion of the building or unit in which the medical marijuana establishment is located; or

(ii) For schools or community facilities totally enclosed within a building, from the front door of the proposed medical marijuana establishment to any closest point of the property line of a school or community facility.

(c) A medical marijuana establishment shall be located in a permanent building that meets Washoe County building code for a commercial building, and shall not be located in a manufactured or mobile home, trailer, cargo container, motor vehicle or similar personal property.

4. Application requirements. In addition to the requirements of sections 25.017 and 25.0251 of this code, each application for a medical marijuana business license shall contain:

(a) A copy of the application submitted to the division to regulate medical marijuana for a medical marijuana establishment registration certificate. The following elements, subsections (1) through (5) inclusive, of the application to the division to regulate medical marijuana are not required to be submitted to Washoe County:

(1) Documentation from a financial institution demonstrating the amount and source of liquid assets;

(2) Evidence of taxes or other beneficial financial contributions made to the State of Nevada or its political subdivisions;

(3) A narrative demonstrating past experience working with government agencies, community involvement, operating other businesses or non-profit organizations, and knowledge or experience with respect to the compassionate use of marijuana;

(4) Resumes; and

(5) A financial plan, including resources of the applicant, sources of funds, amount of funds available, and detailed budgets.

(b) A copy of the provisional registration certificate issued by the division to regulate medical marijuana for the medical marijuana establishment.

(c) A list of persons associated with the medical marijuana

establishment who have received, or will request, a medical marijuana establishment agent registration card from the division to regulate medical marijuana.

(d) A site plan with the following:

(1) Name of the medical marijuana establishment.

(2) Site address and assessor's parcel number.

(3) A statement describing what activity will occur at the site - medical marijuana cultivation facility, facility for the production of edible marijuana products or marijuana-infused products, medical marijuana independent testing laboratory, medical marijuana dispensary, or a combination of the above.

(4) The Washoe County regulatory zone for the parcel.

(5) Elevation drawings or photographs of the proposed building which demonstrate that the building is consistent with the traditional style of pharmacies and medical offices of the adjacent community.

(6) Rendering of proposed signage showing that the proposed signs are consistent with Chapter 110 of this Code. Evidence shall be submitted that the division to regulate medical marijuana has approved the name, logo, sign(s) and advertisement of the establishment.

(7) The Washoe County planning and development division shall determine compliance with County Codes for subsections (4), (5) and (6).

(e) The name and physical address of any other medical marijuana establishment within Washoe County in which any owner, officer, manager, or director of the applicant has an ownership interest in, or contractual relationship or otherwise associated with, other medical marijuana establishments.

(f) A certificate, signed by the applicant and attested, that demonstrates the distance requirements of subsection 4, Location, have been met. The certificate shall state the physical address and assessor's parcel number of each lot and the use or uses within each building, or the use of a parcel if there is no building, within 1,000 feet of the building containing the proposed medical marijuana establishment. The planning and development division shall determine compliance with County Codes for the distance requirements.

(g) The name and location of the off-site medical marijuana cultivation facility providing the medical marijuana, if applicable. The name and location of the medical marijuana independent testing laboratory providing laboratory service, if applicable.

(h) A description of all toxic, flammable or other materials regulated by a federal, state or local government with authority over the business that will be used or kept at the medical marijuana establishment, the location of such materials, how

such materials will be stored, and how such materials will be used. The Truckee Meadows Fire Protection District or the North Lake Tahoe Fire Protection District Fire Marshall shall review the application submission, as applicable, for compliance with local, state and federal regulations.

(i) A plan that complies with existing Washoe County health district regulations governing air quality for the medical marijuana establishment that prevents or controls any dust, fumes, vapors, or odor of marijuana off the premises of the establishment.

(j) If the applicant is not the property owner, a copy of the lease, rental agreement, license, or authorization letter from the property owner acknowledging and giving permission for the proposed use of the property as a medical marijuana establishment, and the name, mailing address, physical business address, and business telephone number of the property owner. If the owner is a partnership, the information shall be required of each general partner. If the owner is a corporation, the information shall be required of each officer and director.

(1) When the applicant is not the property owner, each owner, partner, officer or director having ownership of the property shall undergo a criminal history inquiry pursuant to subsection 5.

(2) The application cannot be approved until the criminal history inquiry results required from this subsection are reported to the license division. An application may be denied if an owner, partner, officer or director has been convicted of an excluded felony offense.

(k) The license division shall coordinate a review of the application and required physical inspections by the appropriate County departments and other public agencies to determine whether the proposed business will comply with all public health and safety and other applicable requirements including, without limitation, sheriff, fire, health, water, sewer, building and safety, and zoning requirements.

(1) The County department or public agency shall provide a recommendation on the application to the license division after its review and after applicable physical inspections are completed.

(2) The reviewing County department or other public agency may include conditions for the operation of the medical marijuana establishment with its recommendation. Any such conditions shall automatically become a condition on the license pursuant to section 25.0263 of this code.

(1) The license division shall verify that the licensee has valid State license(s) and/or other approval(s) and/or valid County license(s) or permit(s), as required, prior to issuing

any license.

5. Criminal history inquiries of property owners and related fees. Within 14 days of the filing a complete medical marijuana establishment business license application with the license division, each property owner, partner, officer, or director as appropriate required to have a criminal history inquiry shall present himself to the sheriff for a complete set of fingerprint impressions and to make a written reply to all such questions pertaining to the issuance of the license as may be required by the sheriff or the license division, which shall include the property owner's, partner's, officer's and/or director's social security number and date of birth. Each property owner, partner, officer and director shall provide the sheriff with written permission authorizing the sheriff to forward the impressions for a FBI/state criminal history inquiry. Pursuant to NRS 239B.010(1)(a), the sheriff shall forward the impressions to the central repository for Nevada records of criminal history for submission to the Federal Bureau of Investigation to determine if a criminal history record exists for the person.

(a) The reasonable costs of any criminal history inquiry or local police records review done by the sheriff pursuant to this section shall be the responsibility of the property owner, partner, officer or director and shall be paid to the sheriff in advance.

(b) The sheriff may waive all or part of the criminal history inquiry fee or service charge in cases of applications for renewal of licenses or where the property owner, partner, officer or director has been subject to a recent inquiry and there does not appear to be a significant change of circumstances since that last inquiry.

(c) The sheriff may charge a property owner, partner, officer or director a reasonable fee or service charge in addition to any other fees or service charges specified in this code where the circumstances mandate a more extensive inquiry than is normally required. A list of fees set by the sheriff for criminal background inquiries shall be posted in a place of clear public view.

(d) The sheriff's officer or employee charged with the duty of making the inquiry shall determine whether the property owner, partner, officer or director has any criminal convictions that would disqualify an applicant for a division to regulate medical marijuana medical marijuana establishment registration certificate pursuant to NRS 453A as amended and this code, and make a report thereon to the license division.

6. Renewal of business license. In additions to the requirements of section 25.0265 of this code, all applications for renewal of a Washoe County medical marijuana establishment

business license shall be accompanied by a copy of the renewed medical marijuana establishment registration certificate from the division to regulate medical marijuana.

7. Warning Signs. The business license division may require any reasonable warning signs to be posted in a conspicuous location in each medical marijuana establishment.

8. Public Access. Public access to medical marijuana dispensaries is limited to the hours of operation not earlier than 6:00 A.M. and not later than 8:00 P.M., or to the hours of operation approved by the division to regulate medical marijuana, whichever time period is shorter. Hours of operation must be posted in a visible location that can be seen by persons entering the medical marijuana dispensary.

9. Waste Disposal. Medical marijuana remnants, medical marijuana-infused products, bi-products, and other waste material shall be disposed of in a safe, sanitary and secure manner, in a location and manner approved by the division to regulate medical marijuana, the sheriff's office, and the health district. Any portion of the medical marijuana remnants, products or bi-products being disposed of will be rendered unusable before disposal, will be protected from being possessed or ingested by any person or animal, and shall not be placed within the facility's exterior refuse containers. Plans for the disposal of waste must be submitted to the health district for approval, and an industrial waste permit obtained from the health district prior to the license division issuing any medical marijuana establishment license pursuant to this section.

10. Graffiti. Any graffiti that may appear on the medical marijuana establishment shall be removed or covered within 48 hours, upon discovery or when notice is given by the sheriff's office.

11. Registration Cards. All agents, employees of, and volunteers working at a medical marijuana establishment shall obtain a registration card issued by the sheriff in conformance with sections 25.0451 through 25.0459, inclusive, of this code. To obtain the registration card, a copy of the division to regulate medical marijuana's medical marijuana establishment agent registration card and personal histories shall be required on forms provided by the sheriff. The sheriff's office shall note the applicant's role in the medical marijuana establishment on the registration card. Agents, employees, and volunteers shall display on their person the registration card at all times when working in a medical marijuana establishment. Registration cards may be denied, revoked or suspended when a person:

- (1) Has been convicted of an excluded felony offense;
- (2) Is less than 21 years of age;

- (3) Previously had a state medical marijuana establishment agent registration card revoked;
- (4) No longer has a valid state medical marijuana establishment agent card;
- (5) Is no longer employed by the medical marijuana establishment;
- (6) Provides false or misleading information to the County; or
- (7) Knowingly violates any provision of NRS 453A or this chapter.

12. Revocation of business license, board hearing. In addition to the provisions of sections 25.018 and 25.037 of this code, the business license for a medical marijuana establishment may be revoked if one or more of the following events occur. Revocation shall follow the provisions of sections 25.0380 through 25.0387, inclusive, of this code and shall include a hearing before the board. The division to regulate medical marijuana shall be notified by the license division in the event of a revocation.

(a) Failure to enact or maintain any provisions of this section.

(b) Misrepresentations or material misstatements of the licensee, its agents or employees.

(c) Selling, serving, giving away or dispensing medical marijuana to any person without a valid registry identification card or a patient's designated primary caregiver.

(d) Employing or using an agent, employee, or volunteer in a medical marijuana establishment who:

(1) Does not possess a valid medical marijuana establishment agent registration card and a valid Washoe County registration card;

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

(3) Is less than 21 years of age.

(e) An owner, officer or board member of the medical marijuana establishment, or the property owner on which the establishment is located, has been convicted of an excluded felony offense.

(f) Acquiring usable marijuana or mature marijuana plants from any person other than a state registered medical marijuana establishment agent, another licensed and certified medical marijuana establishment, a patient who holds a valid division to regulate medical marijuana registry identification card or the designated primary caregiver of such a patient.

(g) Failure to allow inspectors from the license division, sheriff, fire, building and safety, or the health district to conduct required inspections or to investigate complaints received, or failure to issue visitor identification badge to

the same.

13. Immediate revocation of business license, no board hearing. In addition to the provisions of sections 25.018 and 25.037 of this code, the business license for a medical marijuana establishment shall be immediately revoked upon one or more of the following events occurring. There is no hearing before the board for immediate revocation pursuant to this subsection. Immediate revocation pursuant to this subsection is subject to judicial review.

(a) Notification to the license division that the division to regulate medical marijuana has revoked the registration certificate for a medical marijuana establishment.

(b) Failure to maintain a valid and current division to regulate medical marijuana registration certificate.

14. Denial of business license application or application for renewal. In addition to the provisions of 25.018 of this code, the business license for a medical marijuana establishment application or application for renewal may be denied upon:

(a) Determination by the license division that the application or the establishment is not in compliance with the provisions of chapter 453A of NRS or this chapter; or

(b) An owner, officer or board member:

(1) Has an ownership or financial investment interest in a medical marijuana laboratory and also is an owner, officer or board member of a medical marijuana dispensary, cultivation facility or facility that produces edible marijuana products or marijuana-infused products; or

(2) Provides false or misleading information to the County.

(c) The failure or refusal of an applicant or certified, licensed establishment to comply with any of the provisions of chapter 453A of NRS or this chapter.

(d) The failure or refusal of a certified, licensed establishment to carry out the policies and procedures or comply with the statements provided to the County with the application of the establishment.

(e) The failure or refusal to cooperate fully with an investigation or inspection by the County.

(f) The failure to comply with the provisions of chapter 372A of NRS and chapter 372A of NAC governing the imposition of an excise tax on medical marijuana establishments.

(g) The failure to provide a valid and current division to regulate medical marijuana registration certificate with the county's application renewal form.

15. Onsite use prohibited. No medical marijuana shall be smoked, eaten or otherwise consumed on the premises of the establishment.

16. Age limitations. No person under 18 years of age shall

be in a medical marijuana establishment unless the person is accompanied by a parent or guardian.

17. Fee required. Any application for a medical marijuana establishment business license shall be accompanied by the application and inspection fees as established in the master business license fee schedule adopted by the board of county commissioners. Fees for inspections required as part of the business license issuance process shall be paid to the appropriate agency.

18. No county liability, indemnification.

(a) By accepting a license issued pursuant to this code, the licensee waives and releases the county, its officers, elected officials, employees, attorneys and agents from any liability for injuries, damages or liabilities of any kind that result from any arrest or prosecution of establishment owners, operators, employees, clients or customers for a violation of state or federal laws, rules or regulations.

(b) By accepting a license issued pursuant to this code, all licensees, jointly and severally if more than one, agree to indemnify, defend and hold harmless the county, its officers, elected officials, employees, attorneys, agents, insurers and self-insurance pool against all liability, claims and demands on account of any injury, loss or damage, including, without limitation, claims arising from bodily injury, personal injury, sickness, disease, death, property loss or damage, or any other loss of any kind whatsoever arising out of or in any manner connected with the operation of the medical marijuana establishment that is the subject of the license.

19. Actions upon suspension or revocation. A license may be suspended or revoked in accordance with this chapter. If the county revokes or suspends a license, the establishment may not remove any marijuana from the premises except under the supervision of the sheriff's office and must dispose of it in a manner and location approved by the division to regulate medical marijuana and/or the sheriff's office.

20. Paraphernalia. Selling, giving, or providing paraphernalia or other supplies related to the administration of medical marijuana to a patient may only be made to a patient holding a valid division to regulate medical marijuana registry identification card or to the designated primary caregiver of such a patient.

21. Display of merchandise. No medical marijuana or associated paraphernalia shall be displayed or kept in a medical marijuana establishment so as to be visible from outside the licensed premises.

22. Display of licenses. A medical marijuana establishment shall post its medical marijuana establishment registration

certificate, county business license and any other authorization to conduct business in a conspicuous place within the establishment.

23. Permission for entry and reasonable inspection.

Submission and subsequent approval of an application for a medical marijuana establishment business license constitutes permission for entry to and reasonable inspection of the establishment by the license division, sheriff, fire marshal, or the health district officer, or their designees, with or without notice. Such inspection may require more than one visit to the medical marijuana establishment.

(a) The license division, sheriff, fire marshal, or the health district officer, or their designees, may, upon receipt of a complaint against a medical marijuana establishment, except for a complaint concerning the cost of services, conduct an investigation, with or without notice, into the premises, facilities, qualifications of personnel, methods of operation, policies, procedures and records of that establishment or any other establishment which may have information pertinent to the complaint.

(b) The license division, sheriff, fire marshal, or the health district officer, or their designees, may enter and inspect any building or premises at any time, with or without notice, to:

(1) Secure compliance with any provision of chapter 453A of NRS or this chapter;

(2) Prevent a violation of any provision of chapter 453A of NRS or this chapter; or

(3) Conduct an unannounced inspection of an establishment in response to an allegation of noncompliance with chapter 453A of NRS or this chapter.

(c) The license division, sheriff, fire marshal, or the health district officer, or their designees, may enter and inspect at least annually, with or without notice, each building or the premises of a medical marijuana establishment to ensure compliance with standards and regulations for business licenses, safety, health, and sanitation.

24. Health district permit required. The production of any edible or drinkable medical marijuana product requires a commercial kitchen permit to be obtained from the Washoe County health district.

25. Restriction on county employees. No County employee responsible for implementing or enforcing the provisions of this section or chapter 453A of NRS may have a direct or indirect financial interest in a medical marijuana establishment or be employed by or volunteer at a medical marijuana establishment.

[\$1, Ord. No.]

SECTION 2.

25.013 Definitions. As used in this chapter, unless the context otherwise requires:

"Board" means the board of county commissioners.

"Breeding" means producing the offspring of cats or dogs, called a litter, to sell, trade, or give away to others.

"Charitable organization" means a nonprofit 501(c)(3) corporation, association, or organization, or a licensed medical facility or facility for the dependent.

"Community facility" as used in the section means:

1. A facility licensed by Washoe County or another jurisdiction to provide day care to children;
2. A public park;
3. A public playground associated with a public park, a school, or a licensed day care facility;
4. A public swimming pool as defined in NRS 444.065;
5. A center or facility licensed by Washoe County or another jurisdiction which provides recreational opportunities or services to children or adolescents either inside or on the property of the center or facility; or
6. A church, synagogue or other building, structure or place used for religious worship or other religious purpose.

"Contractor" means a person, except a licensed architect or a registered civil engineer acting solely in his professional capacity, who in any capacity (other than as the employee of another with wages as the sole compensation) undertakes to, or offers to undertake to, or purports to have the capacity to undertake to, or submits a bid to, or does himself or by or through others, construct, alter, repair, add to, subtract from, improve, move, wreck or demolish any building, highway, road, railroad, excavation or other structure, project, development or improvement, or to do any part thereof, including the erection of scaffolding or other structures or works in connection therewith. "Contractor" includes a subcontractor or specialty contractor, but does not include anyone who merely furnishes materials or supplies without fabricating them into, or consuming them in the performance of, the work of a contractor.

"Division to regulate medical marijuana" means the State Division of Public and Behavioral Health of the Department of Health and Human Services.

"Edible marijuana products" is defined in NRS 453A and includes, but is not limited to, products that:

1. Contain marijuana or an extract thereof;
2. Are intended for human consumption by oral ingestion; and

3. Are presented in the form of foodstuffs, extracts, oils, tinctures and other similar products.

"Employee" means a person or persons employed by or providing service to another person. The person or persons thus employed are usually paid in wages or salary, regardless of whether the compensation is paid directly to the employee or indirectly through another for the services performed.

"Excluded felony offense" is defined in NRS 453A and includes, but is not limited to:

1. A crime of violence; or
2. A violation of a state or federal law pertaining to controlled substances, if the law was punishable as a felony in the jurisdiction where the person was convicted.

The term does not include:

1. A criminal offense for which the sentence, including any term of probation, incarceration or supervised release, was completed more than 10 years before; or
2. An offense involving conduct that would be immune from arrest, prosecution or penalty pursuant to NRS 453A.320 to 453A.370, inclusive, except that the conduct occurred before April 1, 2014, or was prosecuted by an authority other than the State of Nevada.

"Facility for the production of edible marijuana products or marijuana-infused products" is defined in NRS 453A and includes but is not limited to, a business that:

1. Possesses a current and valid division to regulate medical marijuana registration certificate; and
2. Acquires, possesses, manufactures, delivers, transfers, transports, supplies or sells edible marijuana products or marijuana-infused products to medical marijuana dispensaries.

"Garage and/or Yard Sale" means the sale of personal property from a property upon which is located a residential dwelling unit. Garage and/or yard sales that do not exceed 72 hours in duration or do not occur on the same property more than twice in any six-month period do not require a business license.

"Home-based business" means any business, occupation, or activity undertaken for gain within a residential structure that is incidental and secondary to the use of that structure as a dwelling unit.

"Internal review board" means a board of at least three persons that is convened by the sheriff to hear and decide appeals of an action of the sheriff pursuant to section 25.0454.

"Intoxicating liquor" is synonymous with "alcoholic liquor" and "alcoholic beverage," and includes the four varieties of liquor: Alcohol, spirits, wine and beer, and every liquor or solid, patented or not, containing alcohol and intended for consumption by human beings as a beverage.

"License" means a revocable, limited-term grant of permission to operate a business within the County.

"License division" means the business license staff and code enforcement personnel of the department of community development.

"Litter" means 2 or more live offspring at 4 weeks of age or older from one birth of a cat or dog.

"Marijuana-infused products" is defined in NRS 453A and includes, but is not limited to, products that:

1. Are infused with marijuana or an extract thereof; and
2. Are intended for use or consumption by humans through means other than inhalation or oral ingestion.
3. The term includes, without limitation, topical products, ointments, oils and tinctures.

"Medical Marijuana" is defined in NRS 453A and means the dried leaves, flowers and seeds of a plant of the genus *Cannabis*, and any mixture or preparation thereof, that are appropriate for the medical use of marijuana. The term does not include the stalks and roots of the plant.

"Medical marijuana cultivation facility" is defined in NRS 453A and includes, but is not limited to, a business that:

1. Possesses a current and valid division to regulate medical marijuana registration certificate; and
2. Acquires, possesses, cultivates, delivers, transfers, transports, supplies or sells marijuana and related supplies to:
 - (a) Medical marijuana dispensaries;
 - (b) Facilities for the production of edible marijuana products or marijuana-infused products; or
 - (c) Other cultivation facilities.

"Medical marijuana dispensary" is defined in NRS 453A and includes, but is not limited to, a business that:

1. Possesses a current and valid division to regulate medical marijuana registration certificate; and
2. Acquires, possesses, delivers, transfers, transports, supplies, sells or dispenses marijuana or related supplies and educational materials to the holder of a valid division to regulate medical marijuana registry identification card.

"Medical marijuana establishment" is defined in NRS 453A and includes, but is not limited to, one or more of the following businesses:

1. A medical marijuana independent testing laboratory;
2. A medical marijuana cultivation facility;
3. A facility for the production of edible marijuana products or marijuana-infused products;
4. A medical marijuana dispensary; or

5. A business that has registered with the division to regulate medical marijuana to act as more than one of the types of businesses listed in subsections 2, 3 and 4 above.

"Medical marijuana independent testing laboratory" is defined in NRS 453A and includes, but is not limited to, a division to regulate medical marijuana certified, private, and independent testing laboratory to test marijuana, edible marijuana products and marijuana-infused products that are to be sold in Nevada.

"Mobile business" means a business that is not operated from a permanent structure and remains in any one location to operate for a maximum of 4 hours, in any 24 hour period, before moving to another location. Examples of mobile businesses include, but are not limited to, caterers and food/drink vendors.

"Outdoor community event" means an assembly of more than 100 and less than 1000 persons on any 1 day of the event gathered together for any purpose, at any location, other than a permanent building or permanent installation that has been constructed for and will accommodate the number of persons gathered therein.

"Outdoor festival" means an assembly of 1,000 or more persons on any 1 day of the event gathered together for any purpose, at any location, other than a permanent building or permanent installation that has been constructed for and will accommodate the number of persons gathered therein.

"Paraphernalia" is defined in NRS 453A and includes, but is not limited to, accessories, devices and other equipment that is necessary or useful for a person to engage in the medical use of marijuana.

"Registration card" means a revocable, limited-term clearance to work in certain occupations or capacities within the County, issued by the sheriff to a natural person.

"Residential dwelling unit" means any building or portion thereof used for residential purposes with living facilities which include provisions for sleeping eating, cooking and sanitation as required by NRS and/or County Code.

"Work permit" means a revocable, limited-term grant of permission to work in certain occupations within the County, issued by the sheriff to a natural person, and is synonymous with "work card."

"Working day" or "work day" means a day when the offices of the license division are open to the public, and does not include legal holidays as defined in NRS 236.015.

[Part §1, Ord. No. 306; A Ord. Nos. 353, 423, 497, 632, 817, 827, 1014, 1015, 1099, 1138, 1228, 1260, 1336, 1422]

SECTION 3.

53.185 Possession of one ounce or less of marijuana prohibited; penalties.

1. As used in this section:

(a) "Marijuana" has the meaning ascribed to it in NRS 453.096.

(b) "Court" means a justice court in Washoe County in which a fine is imposed for a violation of subsection 2 of this section.

2. A person shall not knowingly or intentionally possess one ounce or less of marijuana unless the marijuana was obtained directly from, or pursuant to, a prescription of a physician, osteopathic physician's assistant, physician's assistant, dentist, podiatric physician, optometrist, advanced practitioner of nursing or veterinarian while acting in the course of his professional practice, or except as otherwise authorized by the provisions of NRS Chapter 453 (Controlled Substances) 453.005 to 453.552, inclusive and subject to the limited exemptions from prosecution and the provisions of NRS Chapter 453A (Medical Use of Marijuana).

3. A person who violates the provisions of subsection 2 of this section is guilty of a misdemeanor and upon conviction shall be punished:

(a) For the first offense:

(1) By a fine of not more than \$600.00 or

(2) Shall be examined by an approved facility for the treatment of abuse of drugs to determine whether he is a drug addict and is likely to be rehabilitated through treatment and, if the examination reveals that he is a drug addict and is likely to be rehabilitated through treatment, assigned to a program of treatment and rehabilitation pursuant to NRS 453.580.

(b) For the second offense:

(1) By a fine of not more than \$1,000.00 or

(2) Shall be assigned to a program of treatment and rehabilitation pursuant to NRS 453.580.

4. Fines imposed by a court pursuant to subsection 3 of this section shall be remitted monthly to the County Treasurer and shall be placed in a special account. Money in the account may only be disbursed when requested by the court and must be evenly allocated by the Treasurer among:

(a) Nonprofit programs for the treatment of abuse of alcohol or drugs that are certified by the Health Division of the Department;

(b) A program of treatment and rehabilitation established by a court pursuant to NRS 453.580, if any; and

(c) Local law enforcement agencies, in a manner determined by

the court.

['1, Ord. No. 1306 eff. 7-7-06; A Ord. No.]

SECTION 4.

53.190 Possession of drugs which may not be introduced into interstate commerce: Penalty; exemptions.

1. Subject to the limited exemptions from criminal prosecution and the provisions of NRS Chapter 453A (Medical Marijuana), any person within this County who possesses, procures, obtains, processes, produces, derives, manufactures, sells, offers for sale, gives away or otherwise furnishes any drug which may not be lawfully introduced into interstate commerce under the Federal Food, Drug and Cosmetic Act is guilty of a misdemeanor.

2. The provisions of this section do not apply:

(a) To physicians licensed to practice in this state who have been authorized by the Food and Drug Administration to possess experimental drugs for the purpose of conducting research to evaluate the effectiveness of such drugs and who maintain complete and accurate records of the use of such drugs and submit clinical reports as required by the Food and Drug Administration.

['11, Ord. No. 592; A Ord. No.]

SECTION 5.

53.195 Use and possession of drug paraphernalia; penalties; definitions.

1. Subject to the limited exemptions from criminal prosecution and the provisions in NRS Chapter 453A (Medical Marijuana), any person who uses, or possesses with the primary intent to use, drug paraphernalia to plant, propagate, cultivate, grow, harvest, manufacture, compound, convert, produce, prepare, test, analyze, pack, repack, store, contain, conceal, inject, ingest, inhale or otherwise introduce into the human body a controlled substance is guilty of a misdemeanor.

2. "Controlled substance" means any Schedule I, II, III, IV or V substance as enumerated through regulation by the state board of pharmacy.

3. "Drug paraphernalia" means all equipment, products and materials of any kind which are used, primarily intended or designed for use in planting, propagating, cultivating, growing, harvesting, manufacturing, compounding, converting, producing, preparing, testing, analyzing, packaging, repackaging, storing,

containing, concealing, injecting, ingesting, inhaling or otherwise introducing into the human body a controlled substance. The term includes, but is not limited to:

(a) Kits used, primarily intended or designed for use in planting, propagating, cultivating, growing or harvesting of any species of plant which is a controlled substance or from which a controlled substance can be derived;

(b) Kits used, primarily intended or designed for use in manufacturing, compounding, converting, producing or preparing controlled substances;

(c) Isomerization devices used, primarily intended or designed for use in increasing the potency of any species of plant which is a controlled substance;

(d) Testing equipment used, primarily intended or designed for use in identifying, or in analyzing the strength, effectiveness or purity of controlled substances;

(e) Scales and balances used, primarily intended or designed for use in weighing or measuring controlled substances;

(f) Diluents and adulterants, such as quinine hydrochloride, mannitol, mannite, dextrose and lactose, used, primarily intended or designed for use in cutting controlled substances;

(g) Separation gins and sifters used, primarily intended or designed for use in removing twigs and seeds from, or in otherwise cleaning or refining marijuana;

(h) Blenders, bowls, containers, spoons and mixing devices used, primarily intended or designed for use in compounding controlled substances;

(i) Capsules, balloons, envelopes and other containers used, primarily intended or designed for use in packaging small quantities of controlled substances;

(j) Containers and other objects used, primarily intended or designed for use in storing or concealing controlled substances; and

(k) Objects used, primarily intended or designed for use in ingesting, inhaling or otherwise introducing marijuana, cocaine, hashish or hashish oil into the human body, such as:

(i) Metal, wooden, acrylic, glass, stone, plastic or ceramic pipes with or without screens, permanent screens, hashish heads or punctured metal bowls;

(ii) Water pipes;

(iii) Smoking masks;

(iv) Roach clips, which are objects used to hold burning material, such as a marijuana cigarette, that has become too small or too short to be held in the hand;

(v) Cocaine spoons and cocaine vials;

(vi) Carburetor pipes and carburetion tubes and devices;

(vii) Chamber pipes;

- (viii) Electric pipes;
- (ix) Air-driven pipes;
- (x) Chillums;
- (xi) Bongs; and
- (xii) Ice pipes or chillers.

4. In determining whether an object is an item of drug paraphernalia, a court or other authority shall consider, in addition to all other logically relevant factors, the following:

- (a) Statements by an owner or by anyone in control of the object concerning its use;
 - (b) Prior controlled substance convictions, if any, of an owner or of anyone in control of the object;
 - (c) The proximity of the object, in time and space, to another controlled substance violation;
 - (d) The proximity of the object to controlled substances;
 - (e) The existence of any residue of controlled substances on the object;
 - (f) Direct or circumstantial evidence of the intent of any owner, or of anyone in control of the object, to deliver it to persons whom he knows, or should reasonably know, intend to use the object to facilitate a controlled substance violation;
 - (g) Instructions, oral or written, provided with the object concerning its use;
 - (h) Descriptive materials accompanying the object which explain or depict its use;
 - (i) National and local advertising concerning its use;
 - (j) Expert testimony concerning its use.
- [1, Ord. No. 930; A Ord. No.]

SECTION 6.

Table 110.302.05.3
TABLE OF USES (Commercial Use Types)
(See Sections 110.302.10 and 110.302.15 for explanation)

Commercial Use Types (Section 110.304.25)	LDR	MDR	HDR	LDS/L DS 2	MDS/ MDS 4	HDS	LDU	MDU	HDU	GC	NC	TC	I	PSP	PR	OS	GR	GRA
Administrative Offices	-	-	-	-	-	-	P	P	P	A	A	A	A	A	P	-	-	-
Adult Characterized Business (see Chapter 25, Washoe County Code)	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-
Animal Sales and Services																		
Commercial Kennels	S ₂	S ₂	S ₂	S ₂	-	-	-	-	-	S ₂	-	-	S ₂	-	-	-	S ₂	S ₂
Commercial Stables	S ₂	S ₂	S ₂	S ₂	-	-	-	-	-	-	-	S ₂	-	-	S ₂	-	S ₂	S ₂
																	*See Article 226 for Warm Springs parcels.	

Commercial Use Types (Section 110.304.25)	LDR	MDR	HDR	LDS/L DS 2	MDS/ MDS 4	HDS	LDU	MDU	HDU	GC	NC	TC	I	PSP	PR	OS	GR	GRA
Dog Training Services (see Article 330)	A	A	A	A	A	A	A	A	A	A	A	A	A	A	A	A	A	A
Grooming and Pet Stores	-	-	-	S ₂	S ₂	S ₂	S ₂	S ₂	S ₂	A	A	-	-	-	-	-	-	-
Pet Cemeteries	P	P	P	-	-	-	-	-	-	S ₂	-	-	-	A	-	-	P	-
Veterinary Services, Agricultural	P	P	P	P	-	-	-	-	-	S ₂	-	-	-	-	-	-	S ₂	S ₂
Veterinary Services, Pets	-	-	-	S ₂	S ₂	S ₂	S ₂	S ₂	S ₂	A	A	-	P	-	-	-	-	S ₂
Automotive and Equipment																		
Automotive Repair	-	-	-	-	-	-	-	-	-	P	-	-	A	-	-	-	-	-
Automotive Sales and Rentals	-	-	-	-	-	-	-	-	S ₂	A	A	A	A	-	-	-	-	-
Cleaning	-	-	-	-	-	-	S ₂	S ₂	S ₂	A	A	A	A	-	-	-	-	-
Commercial Parking	-	-	-	-	-	-	P	P	P	A	A	A	A	P	-	-	-	-
Equipment Repair and Sales	-	-	-	-	-	-	-	-	-	S ₂	-	-	A	-	-	-	-	-
Fabricated Housing Sales	-	-	-	-	-	-	-	-	-	A	-	-	A	-	-	-	-	-
Storage of Operable Vehicles	-	-	-	-	-	-	-	-	-	S ₂	-	-	A	-	-	-	-	-
Truck Stops	-	-	-	-	-	-	-	-	-	S ₂	-	S ₂	S ₂	-	-	-	-	-
Building Maintenance Services	-	-	-	-	-	-	-	-	-	A	A	-	A	-	-	-	-	-
Commercial Centers																		
Neighborhood Centers	-	-	-	S ₂	S ₂	S ₂	P	P	P	A	A	A	A	-	-	-	-	-
Community Centers	-	-	-	-	-	-	-	-	-	S ₂	S ₂	S ₂	-	-	-	-	-	-
Regional Centers	-	-	-	-	-	-	-	-	-	S ₂	-	S ₂	-	-	-	-	-	-
Commercial Educational Services	-	-	-	-	-	-	P	P	P	A	A	-	A	A	-	-	-	-
Commercial Recreation																		
Commercial Campground Facilities/RV Park	-	-	-	-	-	-	-	-	-	-	-	S ₂	-	-	S ₂	-	S ₂	S ₂
Destination Resorts	-	-	-	-	-	-	-	-	-	-	-	S ₂	-	-	S ₂	-	S ₂	S ₂
Indoor Entertainment	-	-	-	-	-	-	-	-	-	A	P	A	-	P	-	-	-	-
Indoor Sports and Recreation	-	-	-	-	-	-	-	-	-	S ₂	S ₂	P	S ₂	P	P	-	-	-
Limited Gaming Facilities	-	-	-	-	-	-	-	-	-	P	P	P	S ₂	-	-	-	-	-
Marinas	-	-	-	-	-	-	-	-	-	P	-	P	-	P	P	-	P	S ₂
Outdoor Entertainment	-	-	-	-	-	-	-	-	-	-	-	S ₂	S ₂	-	S ₂	-	-	-
Outdoor Sports and Recreation	S ₂	S ₂	S ₂	S ₂	S ₂	S ₂	S ₂	S ₂	S ₂	P	P	P	P	S ₂	P	-	P	S ₂
Outdoor Sports Club	S ₂	-	-	-	-	-	-	-	-	-	-	S ₂	-	S ₂	P	-	S ₂	S ₂
Unlimited Gaming Facilities	-	-	-	-	-	-	-	-	-	-	-	S ₂	-	-	-	-	-	-
Communication Facilities																		
Commercial Antennas	S ₂	S ₂	S ₂	-	-	-	-	-	-	S ₂	S ₂	-	S ₂	S ₂	-	-	S ₂	-
Satellite Dish Antennas	See Article 324																	
Wireless Communication Facilities	See Article 324																	
Construction Sales and Services	-	-	-	-	-	-	-	-	-	S ₂	-	-	A	-	-	-	-	-
Continuum of Care Facilities, Seniors	-	-	-	-	S ₂	S ₂	S ₂	S ₂	S ₂	S ₂	S ₂	-	-	-	-	-	-	-
Convention and Meeting Facilities	-	-	-	-	-	-	-	-	-	P	P	P	-	P	S ₂	-	-	-
Data Center	-	-	-	-	-	-	-	-	-	S ₂	S ₂	S ₂	A	S ₂	-	-	S ₂	-

Commercial Use Types (Section 110.304.25)	LDR	MDR	HDR	LDS/L DS 2	MDS/ MDS 4	HDS	LDU	MDU	HDU	GC	NC	TC	I	PSP	PR	OS	GR	GRA
Eating and Drinking Establishments																		
Convenience	--	--	--	--	--	--	S ₂	S ₂	S ₂	A	A	A	P	--	--	--	--	--
Full Service	--	--	--	--	--	--	S ₂	S ₂	S ₂	A	A	A	P	--	--	--	--	--
Financial Services	--	--	--	--	--	--	S ₂	S ₂	S ₂	A	A	A	P	--	--	--	--	--
Funeral and Intermment Services																		
Cemeteries	P	P	P	--	--	--	--	--	--	S ₂	--	--	--	A	--	--	P	S ₂
Undertaking	--	--	--	--	--	--	--	--	--	A	A	--	--	--	--	--	--	--
Gasoline Sales and Service Stations	--	--	--	--	--	--	S ₂	S ₂	S ₂	A	A	A	A	--	--	--	S ₂	--
Helicopter Services																		
Heliport	--	--	--	--	--	--	--	--	--	S ₂	--	--	S ₂	S ₂	--	--	S ₂	--
Helistop	S ₂	--	--	--	--	--	--	--	--	S ₂	S ₂	S ₂	S ₂	S ₂	--	--	S ₂	--
Liquor Sales																		
Off-Premises	--	--	--	--	--	--	P	P	P	A	A	A	P	--	--	--	--	--
On-Premises	--	--	--	--	--	--	P	P	P	A	P	A	P	--	--	--	--	--
Lodging Services																		
Bed and Breakfast Inns	S ₂	S ₂	S ₂	S ₂	S ₂	S ₂	S ₂	S ₂	S ₂	S ₂	--	P	--	--	--	--	S ₂	S ₂
Condominium Hotel	--	--	--	--	--	--	--	--	--	A	S ₂	A	--	--	--	--	--	--
Hostels	--	--	--	--	--	--	--	--	--	--	--	P	--	--	P	--	--	--
Hotels and Motels	--	--	--	--	--	--	--	--	--	A	S ₂	A	--	--	--	--	--	--
Vacation Time Shares	--	--	--	--	--	--	--	--	--	--	--	P	--	--	--	--	--	--
Medical Marijuana Establishments																		
Medical Marijuana Cultivation Facility	--	--	--	--	--	--	--	--	--	A	--	--	A	--	--	--	--	--
Facility for the Production of Edible Marijuana or Marijuana- infused Products	--	--	--	--	--	--	--	--	--	A	--	--	A	--	--	--	--	--
Independent Testing Laboratory	--	--	--	--	--	--	--	--	--	A	--	--	A	--	--	--	--	--
Medical Marijuana Dispensary	--	--	--	--	--	--	--	--	--	A	A	A	A	--	--	--	--	--
Medical Services	--	--	--	--	--	--	S ₂	S ₂	S ₂	A	A	--	--	A	--	--	--	--
Nursery Sales																		
Retail	--	--	--	--	--	--	--	--	--	A	A	--	A	--	--	--	--	--
Wholesale	S ₂	S ₂	S ₂	--	--	--	--	--	--	A	--	--	A	--	--	--	S ₂	A
Personal Services	--	--	--	--	--	--	P	P	P	A	A	A	--	--	--	--	--	--
Personal Storage	--	--	--	--	--	--	S ₂	S ₂	S ₂	A	S ₂	--	A	--	--	--	--	--
Professional Services	--	--	--	--	--	--	P	P	P	A	A	--	P	--	--	--	--	--
Recycle Center																		
Full Service Recycle Center	--	--	--	--	--	--	--	--	--	S ₂	--	--	A	--	--	--	--	--
Remote Collection Facility	S ₂	S ₂	S ₂	S ₂	S ₂	S ₂	P	P	P	P	P	P	A	P	P	--	--	--
Residential Hazardous Substance Recycle Center	--	--	--	--	--	--	--	--	--	S ₂	--	--	S ₂	--	--	--	--	--
Repair Services, Consumer	--	--	--	--	--	--	--	--	--	A	A	--	A	--	--	--	--	--

Commercial Use Types (Section 110.304.25)	LDR	MDR	HDR	LDS/L DS 2	MDS/ MDS 4	HDS	LDU	MDU	HDU	GC	NC	TC	I	PSP	PR	OS	GR	GRA
Retail Sales																		
Convenience	--	--	--	S ₂	S ₂	S ₂	S ₂	S ₂	S ₂	A	A	A	A	--	--	--	--	--
Specialty Stores	--	--	--	--	--	--	--	--	--	A	P	A	--	--	--	--	--	--
Comparison Shopping Centers	--	--	--	--	--	--	--	--	--	A	--	A	--	--	--	--	--	--
Secondhand Sales	--	--	--	--	--	--	--	--	--	A	--	--	--	--	--	--	--	--
Transportation Services	--	--	--	--	--	--	--	--	--	A	A	A	A	--	--	--	--	--

Key: -- = Not allowed; A = Allowed; P = Administrative Permit; PR = Park Commission Approval pursuant to Section 110.104.40(c);
S₁ = Planning Commission Special Use Permit; S₂ = Board of Adjustment Special Use Permit

Sources: Sedway Cooke Associates and Washoe County Department of Community Development

SECTION 7.

Section 110.304.25 Commercial Use Types. Commercial use types include the distribution and sale or rental of goods, and the provision of services other than those classified as civic or industrial use types. All permanent commercial uses are required to operate from a commercial structure.

- (a) **Administrative Offices.** Administrative offices use type refers to offices or private firms or organizations which are primarily used for the provision of executive, management or administrative services. Typical uses include administrative offices and services including travel, secretarial services, telephone answering, photo-copying and reproduction, and business offices of public utilities, organizations and associations, or other use classifications when the service rendered is that customarily associated with administrative office services.
- (b) **Adult Characterized Business.** Adult characterized business use type refers to uses defined in Washoe County Code, Chapter 25.
- (c) **Animal Sales and Services.** Animal sales and services use type refers to establishments or places of business primarily engaged in animal-related sales and services. Animals kept as domestic pets or as accessory uses to a residential use are regulated by the accessory use provisions of Article 330, Domestic Pets and Livestock. The following are animal sales and services use types:
 - (1) **Commercial Kennels.** Commercial kennels refers to kennel services for dogs, cats and similar animals. Typical uses include commercial animal breeding with four (4) or more animals (dogs), boarding kennels, pet motels, or dog training centers. Commercial kennels require a parcel size minimum of two-and-one-half (2.5) acres regardless of the regulatory zone within which it is located.
 - (2) **Commercial Stables.** Commercial stables refers to boarding or raising of three (3) or more horses, but excludes horses used primarily for agricultural operations which are classified under animal production. Typical uses include commercial stables, riding clubs and riding instruction facilities.
 - (3) **Grooming and Pet Stores.** Grooming and pet stores refers to grooming or selling of dogs, cats and similar small animals. Typical uses include dog bathing and clipping salons, pet grooming shops, or pet stores and shops.

- (4) Pet Cemeteries. Pet cemeteries refers to services involving the preparation of dead animals for burial and the keeping of animal bodies on cemetery grounds as well as cremation of dead animals. Regardless of the regulatory zone in which it is located, a pet cemetery must be located on a parcel at least two-and-one-half (2.5) acres in size. Cremation of dead animals shall take place in an area designated only for the cremation of pets and which complies with any applicable federal or state statute or regulation or local ordinance.
 - (5) Veterinary Services, Agricultural. Veterinary services, agricultural refers to veterinary services specializing in the care and treatment of large animals. Veterinary services for small animals including pet clinics, dog and cat hospitals, or animal hospitals may be included to provide full veterinary services. Veterinary services, agriculture requires a parcel size minimum of two-and-one-half (2.5) acres regardless of the regulatory zone within which it is located. Typical uses include veterinary offices for livestock.
 - (6) Veterinary Services, Pets. Veterinary services, pets refers to veterinary services for small animals. Typical uses include pet clinics, dog and cat hospitals, or animal hospitals.
 - (7) Dog Training Services. Dog training services use type means the training of dogs with their owners or owners' designee, where both owner and dog participate in dog training classes.
- (d) Automotive and Equipment. Automotive and equipment use type refers to establishments or places of business primarily engaged in automotive-related or heavy equipment sales or services. The following are automotive and equipment use types:
- (1) Automotive Repair. Automotive repair refers to repair of automobiles and the sale, installation and servicing of automobile equipment and parts. Typical uses include muffler shops, automobile repair garages or automobile glass shops.
 - (2) Automotive Sales and Rentals. Automotive sales and rentals refers to on-site sales and/or rentals of automobiles, non-commercial trucks, motorcycles, motor homes and trailers together with incidental maintenance. Typical uses include automobile dealers, car rental agencies, or recreational vehicle sales and rental agencies.
 - (3) Cleaning. Cleaning refers to washing and polishing of automobiles. Typical uses include automobile laundries or car washes.
 - (4) Commercial Parking. Commercial parking refers to parking of operable motor vehicles on a temporary basis within a privately owned off-street parking area with or without a fee. Commercial parking is that which is not designated for any identified use. Typical uses include commercial parking lots or garages.
 - (5) Equipment Repair and Sales. Equipment repair and sales refers to repair of motor vehicles such as aircraft, boats, recreational vehicles, trucks, etc.; the sale, installation and servicing of automobile equipment and parts; and body repair, painting and steam cleaning. Typical uses include truck transmission shops, body shops, storage of manufactured homes, motor freight maintenance groups or agricultural equipment sales.

- (6) Fabricated Housing Sales. Fabricated housing sales refers to the sales of new and used modular housing, manufactured homes and/or mobile homes; and ancillary minor repair of modular housing, manufactured homes and/or mobile homes sold from the same location as the new or used units. Typical uses include mobile homes sales lots and minor repairs of units sold on site that do not include changes in walls and do not include changes in undercarriage plumbing or support systems.
- (7) Storage of Operable Vehicles. Storage of operable vehicles refers to storage of operable vehicles, recreational vehicles and boat trailers. Typical uses include storage areas within personal storage facilities and storage yards for commercial vehicles.
- (8) Truck Stops. Truck stops refers to businesses engaged in the sale of fuel and lubricants primarily for trucks, routine repair and maintenance of trucks, and associated uses such as selling food and truck accessories.
- (e) Building Maintenance Services. Building maintenance services use type refers to establishments primarily engaged in the provision of maintenance and custodial services to firms rather than individuals. Typical uses include janitorial, landscape maintenance or window cleaning services.
- (f) Commercial Centers. Commercial centers use type refers to a group of unified commercial establishments built on a site which is planned, developed, owned and managed as an operating unit. The following are commercial center use types:
 - (1) Neighborhood Centers. Neighborhood centers refers to sales of convenience goods (foods, drugs and sundries) and personal services, those which meet the daily needs of an immediate neighborhood trade area. A neighborhood center typically includes convenience retail and services a population of 2,500 to 40,000 people, typically has a service area radius of one-half to one-and-one-half miles, and has a typical range of 15,000 to 50,000 square feet of gross leasable area.
 - (2) Community Centers. Community centers refers to shopping establishments containing some services of the neighborhood center plus other services providing a greater depth and range of merchandise than contained in the neighborhood center. A community center may be built around a department store or a variety store as the major tenant. A community center generally serves a trade area population of 40,000 to 50,000 people, typically has a service area radius of one to three miles, and has a typical range of 50,000 to 150,000 square feet of gross leasable area.
 - (3) Regional Centers. Regional centers refers to centers that provide shopping goods, general merchandise, apparel, furniture and home furnishings in full depth and variety. They usually are built around more than one department store. Typical design uses the pedestrian mall, either open or enclosed, as a connector between major anchor stores. A regional center serves as a major commercial center for the entire region and typically has more than 150,000 square feet of gross leasable area.
- (g) Commercial Educational Services. Commercial educational services use type refers to educational services provided by private institutions or individuals with the primary

purpose of preparing students for jobs in trade or profession. Typical uses include business and vocational schools, music schools and hair styling schools.

- (h) Commercial Recreation. Commercial recreation use type refers to commercial establishments or places of business primarily engaged in the provision of sports, entertainment or recreation for participants or spectators. The following are commercial recreation use types:
- (1) Commercial Campground Facilities/RV Park. Commercial campground facilities/RV park refers to areas and services for two (2) or more campsites, accommodating camping vehicles and tents, which are used by the general public as temporary living quarters for recreational purposes. Typical uses include recreational vehicle campgrounds.
 - (2) Destination Resorts. Destination resorts refers to commercial enterprises for recreation that can include lodging. Typical uses include ski resorts, dude ranches, and hunting and fishing lodges.
 - (3) Indoor Entertainment. Indoor entertainment refers to predominantly spectator uses conducted within an enclosed building. Typical uses include motion picture theaters, meeting halls and dance halls.
 - (4) Indoor Sports and Recreation. Indoor sports and recreation refers to predominantly participant sports conducted within an enclosed building. Typical uses include bowling alleys, billiard parlors, ice and roller skating rinks, indoor racquetball courts and athletic clubs.
 - (5) Limited Gaming Facilities. Limited gaming facilities refers to establishments which contains no more than fifteen (15) slot machines (and no other game or gaming device) where the operation of the slot machine is incidental to the primary business of the establishment.
 - (6) Marinas. Marinas refers to docking, storage, rental and minor repair of recreational and fishing boats. Typical uses include recreational boat marinas and boat rental establishments.
 - (7) Outdoor Entertainment. Outdoor entertainment refers to predominantly spectator-type uses conducted in open or partially enclosed or screened facilities. Typical uses include sports arenas, racing facilities and amusement parks.
 - (8) Outdoor Sports and Recreation. Outdoor sports and recreation refers to predominantly participant sports conducted in open or partially enclosed or screened facilities. Typical uses include driving ranges, miniature golf courses, golf courses, swimming pools and tennis courts.
 - (9) Outdoor Sports Club. Outdoor sports club refers to sports clubs using agricultural land or open space for hunting, shooting or fishing purposes. Typical uses include duck clubs, hunting clubs, skeet clubs and rifle ranges.
 - (10) Unlimited Gaming Facilities. Unlimited gaming facilities refers to an establishment which contains fifteen (15) or more electronic gaming devices or operation of other gaming devices as authorized by the State of Nevada.

- (i) Communication Facilities. Communication facilities use type refers to establishments primarily engaged in the transmission and/or receiving of electromagnetic waves. Typical uses include television stations, radio stations, satellite dishes, antennas and wireless communication facilities. Refer to Article 324, Communication Facilities, for subcategories of communication facilities.
- (j) Construction Sales and Services. Construction sales and services use type refers to establishments or places of business primarily engaged in construction activities and incidental storage, as well as the retail or wholesale sale from the premises, of materials used in the construction of buildings or other structures. This use type does not include retail sales of paint, fixtures and hardware, or those uses classified as one of the automotive and equipment use types. This use type does not refer to actual construction sites. Typical uses include tool and equipment rental, or sales and building material stores.
- (k) Continuum of Care Facilities, Seniors. Continuum of care facilities for seniors use type refers to establishments that provide range housing, activities and health services to allow for adults to age in place. Residential density and parking standards shall be determined in the special use permit process; all other development standards shall apply. Facilities may include independent living, assisted living, nursing care, and hospice care as well as accessory housing for staff, and medical facilities and services for residents.
- (l) Convention and Meeting Facilities. Convention and meeting facilities use type refers to establishments which primarily provide convention and meeting facilities. Typical uses include convention facilities and wedding chapels.
- (m) Data Center. Data Center use type refers to establishments or places of business primarily engaged in the storage/housing of equipment, such as computers, servers, switches, routers, data storage devices, and related equipment for the purpose of storing, managing, processing, and exchanging of digital data and information.
- (n) Eating and Drinking Establishments. Eating and drinking establishments use type refers to establishments or places of business primarily engaged in the sale of prepared food and beverages for on-premises consumption, but excludes those uses classified under the liquor sales use type. The following are eating and drinking establishments use types:
 - (1) Convenience. Convenience refers to establishments or places of business primarily engaged in the preparation and retail sale of food and beverages, and have a short customer turnover rate (typically less than one hour). Typical uses include drive-in and fast-food restaurants, ice cream parlors, sandwich shops and delicatessens.
 - (2) Full Service. Full service refers to establishments or places of business primarily engaged in the sale of prepared food and beverages on the premises, which generally have a customer turnover rate of one hour or longer, and which include sales of alcoholic beverages at the table or at a bar as an accessory or secondary service. Typical uses include full-service restaurants.
- (o) Financial Services. Financial services use type refers to establishments primarily engaged in the provision of financial and banking services. Typical uses include banks, savings and loan institutions, loan and lending activities, and check cashing facilities.

- (p) Funeral and Interment Services. Funeral and interment services use type refers to provision of services involving the care, preparation or disposition of human dead. The following are funeral and interment services use types:
- (1) Cemeteries. Cemeteries refers to undertaking services and services involving the keeping of bodies provided on cemetery grounds. Typical uses include crematoriums, mausoleums and columbariums.
 - (2) Undertaking. Undertaking refers to services involving the preparation of the dead for burial and arranging and managing funerals. Typical uses include funeral homes or mortuaries.
- (q) Gasoline Sales and Service Stations. Gasoline sales and service stations use type refers to retail sales of petroleum products from the premises of the establishment and incidental sale of tires, batteries, replacement items, lubricating services and minor repair services. Typical uses include automobile service stations.
- (r) Helicopter Services. Helicopter services use type refers to areas used by helicopter or steep-gradient aircraft. The following are helicopter services use types:
- (1) Heliport. Heliport refers to areas used by helicopters or by other steep-gradient aircraft, which includes passenger and cargo facilities, maintenance and overhaul, fueling service, storage space, tie-down space, hangers and other accessory buildings, and open space.
 - (2) Helistop. Helistop refers to areas on a roof or on the ground used by helicopters or steep-gradient aircraft for the purpose of picking up or discharging passengers or cargo, but not including fueling service, maintenance or overhaul.
- (s) Liquor Sales. Liquor sales use type refers to retail sales of alcoholic beverages for consumption either on or off the premises of the establishment, but excludes uses classified under either the retail sales or eating and drinking establishments use types. The following are liquor sales use types:
- (1) Off-Premises. Off-premises refers to sale of liquor for off-site consumption. Typical uses include a packaged liquor sales.
 - (2) On-Premises. On-premises refers to sale of liquor for on-site consumption. Typical uses include taverns, cabarets, service bars, retail beer and wine sales.
- (t) Lodging Services. Lodging services use type refers to establishments primarily engaged in the provision of lodging on a less-than-weekly basis within incidental food, drink, and other sales and services intended for the convenience of guests, but excludes those classified under residential group home and commercial recreation. The following are lodging services use types:
- (1) Bed and Breakfast Inns. Bed and breakfast inns refers to single family dwellings with guest rooms (no cooking facilities in guest rooms) where, for compensation, meals and lodging are provided.
 - (2) Condominium Hotel. Condominium hotel refers to temporary residences for transient guests, primarily persons who have residence elsewhere, with access to each room through an interior hall and lobby or outside porch or landing, and

when the hotel rooms are owned as separate real estate; and the remainder of the property including amenities, open space, etc. is either owned in common by the hotel room owners and managed by an association, or owned by a separate entity in which a fee for use of the amenities, open space, etc. may or may not be charged the hotel room owners.

- (3) Hostels. Hostels refers to supervised transient facilities offering dormitory type lodging, usually with a minimum of facilities.
 - (4) Hotels and Motels. Hotels and motels refers to temporary residences for transient guests, primarily persons who have residence elsewhere, with access to each room through an interior hall and lobby or outside porch or landing.
 - (5) Vacation Time Shares. Vacation time shares refers to real properties that are subject to a time share program.
- (u) Medical Marijuana Establishment. Medical marijuana establishment use type, as defined by NRS 453A, refers to commercial establishments, facilities, or places of business primarily engaged in the cultivation, production, acquisition, supply, sale or distribution of medical marijuana products and related supplies and services. All medical marijuana establishments must be registered and/or certified with the State Division of Public and Behavioral Health of the Department of Health and Human Services "Division." A business may register with the Division to act as more than one of the medical marijuana establishment use types listed below in subsections one (1) through four (4). The following are medical marijuana establishment use types:
- (1) Medical Marijuana Cultivation Facility. Medical marijuana cultivation facility, as defined by NRS 453A, refers to a business that acquires, possesses, cultivates, delivers, transfers, transports, supplies or sells marijuana and related supplies to medical marijuana dispensaries, facilities for the production of edible marijuana products or marijuana-infused products, or other cultivation facilities.
 - (2) Facility for the Production of Edible Marijuana Products or Marijuana-infused Products. Facility for the production of edible marijuana products or marijuana-infused products, as defined by NRS 453A, refers to a business that acquires, possesses, manufactures, delivers, transfers, transports, supplies or sells edible marijuana products or marijuana-infused products to medical marijuana dispensaries.
 - (3) Independent Testing Laboratory. Independent testing laboratory, as defined by NRS 453A, refers to private, and independent testing laboratories to test marijuana, edible marijuana products and marijuana-infused products that are to be sold in the State of Nevada.
 - (4) Medical Marijuana Dispensary. Medical marijuana dispensary, as defined by NRS 453A, refers to a business that acquires, possesses, delivers, transfers, transports, supplies, sells or dispenses marijuana or related supplies and educational materials to the holder of a valid registry identification card issued by the Division.
- (v) Medical Services. Medical services use type refers to establishments primarily engaged in the provision of personal health services ranging from prevention, diagnosis and treatment, or rehabilitation services provided by physicians, dentists, nurses and other

health personnel as well as the provision of medical testing and analysis services, but excludes those classified as any civic use type. Typical uses include medical offices, dental laboratories, health maintenance organizations, immediate care facilities or sports medicine facilities.

- (w) Nursery Sales. Nursery sales use type refers to the sales of plants, flowers and related nursery items. The following are nursery sales use types:
 - (1) Retail. Retail refers to retail sale of plants and flowers and related nursery items. Typical uses include retail nurseries and home garden stores.
 - (2) Wholesale. Wholesale refers to wholesaling of plants and flowers, with incidental retail sales. Typical uses include wholesale nurseries.
- (x) Personal Services. Personal services use type refers to establishments primarily engaged in the provision of informational, instructional, personal improvement and similar services of a non-professional nature, but excludes services classified as commercial recreation or lodging services. Typical uses include photography studios, driving schools or weight loss centers.
- (y) Personal Storage. Personal storage use type refers to storage services primarily for personal effects and household goods within an enclosed storage area having individual access, but excludes workshops, hobby shops, manufacturing or commercial activity. Typical uses include mini-warehouses.
- (z) Professional Services. Professional services use type refers to establishments which provide professional services to individuals or businesses, but excludes offices servicing walk-in customers which are classified under the administrative offices use type. Typical uses include law offices, real estate offices, insurance offices and architectural firms.
- (aa) Recycle Center. Recycle center use type refers to facilities for the collection, as a commercial enterprise, of household recyclables such as newspapers, bottles and cans. Recycle centers do not include recycle facilities existing as a part of a refuse pickup service or recycle bins used for donations to non-profit organizations. The following are recycle center use types:
 - (1) Full Service Recycle Center. Full service recycle center refers to large, fully attended recycle centers accepting paper, plastic and glass household recyclables and may include processing or sorting of the recyclables.
 - (2) Remote Collection Facility. Remote collection facility refers to a center for the acceptance, by redemption or purchase, of recyclable materials from the public. Such a facility does not process the recyclables on site. Typical uses include reverse vending machines.
 - (3) Residential Hazardous Substance Recycle Center. Residential hazardous substance recycle center refers to specialized recycling centers that receive household hazardous substances such as household paint, household cleaners and automobile engine oil.
- (bb) Repair Services, Consumer. Repair services, consumer use type refers to establishments primarily engaged in the provision of repair services to individuals and

households rather than firms, but excludes automotive repair. Typical uses include appliance repair shops, apparel repair firms or instrument repair firms.

- (cc) Retail Sales. Retail sales use type refers to retail sales of commonly used goods and merchandise, either free-standing or within a commercial center, but excludes those uses classified under other use types. The following are retail sales use types:
- (1) Convenience. Convenience refers to establishments which provide a limited number of frequently or recurrently needed personal items or services for residents of an immediate neighborhood. Typical uses include convenience stores, small grocery stores, barber shops, beauty parlors, dry cleaners and self-service laundromats.
 - (2) Specialty Stores. Specialty stores refers to establishments which provide a variety of retail or personal services needs for residents in the larger community area. Typical uses include supermarkets, super drugs stores, clothing boutiques, antiques, bookstores, furniture stores and auto parts.
 - (3) Comparison Shopping Centers. Comparison shopping centers refers to retail establishments that provide a wide variety of retail and personal services that cater to the regional needs. Typical uses include full-line department stores and warehouse-styled retail outlets.
- (dd) Secondhand Sales. Secondhand sales use type refers to establishments primarily engaged in the sale of goods and merchandise which are not being sold for the first time, but excludes those classified as animal sales and services and automotive and equipment. Typical uses include secondhand stores and thrift shops.
- (ee) Transportation Services. Transportation services use type refers to establishments which provide private transportation of persons and goods. Typical uses include taxi services and commercial postal services.

[Amended by Ord. 875, provisions eff. 8/3/93; Ord. 906, provisions eff. 7/27/94; Ord. 1004, provisions eff. 1/30/98; Ord. 1023, provisions eff. 7/1/98; Ord. 1097, provisions eff. 7/28/00; Ord. 1179, provisions eff. 12/6/02; Ord. 1238, provisions eff. 6/4/04; Ord. 1288, provisions eff. 3/24/06; Ord. 1347, provisions eff. 11/2/07; Ord. 1433, provisions eff. 3/5/10; Ord. 1481, provisions eff. 2/3/12; Ord. 1497, provisions eff. 10/5/12; Ord. xxxx, provisions eff. xx/xx/xx.]

SECTION 8.

Table 110.410.10.3

OFF-STREET PARKING SPACE REQUIREMENTS (Commercial Use Types)
(See Section 110.410.10 for explanation)

Commercial Use Types (Section 110.304.25)	Spaces Required		
	Per 1,000 Square Feet Building Space	Per Employee During Peak Employment Shift	Other
Administrative Offices	4	1	
Adult Entertainment	5	1	
Animal Sales and Services			
Commercial Kennels		1	.25 per animal at design capacity
Commercial Stables		1	.25 per horse at design capacity
Grooming and Pet Stores	2.5	1	
Pet Cemeteries		1	
Veterinary Services, Agricultural	2	1	
Veterinary Services, Pets	4	1	
Automotive and Equipment			
Automotive Repair		1	3 per service bay
Automotive Sales and Rentals	.5	1	
Cleaning	2	1	
Commercial Parking		1	
Equipment Repair and Sales	2	1	
Fabricated Housing Sales	.5	1	
Storage of Operable Vehicles		1	
Truck Stops	4	1	
Building Maintenance Services	2		
Continuum of Care Facilities, Seniors		As specified by use permit	As specified by use permit
Commercial Antennas			1 per antenna tower
Commercial Centers (All Types)			Less than 15,000 square feet: 5 spaces per 1,000 square feet; 15,000 to 400,000 square feet: 4 spaces per 1,000 square feet; more than 400,000 square feet: 5 spaces per 1,000 square feet
Commercial Educational Services		1	.5 per student
Commercial Recreation			
Commercial Campground Facilities		1	
Destination Resorts		1	1 per room
Indoor Entertainment		1	1 per 3 seats
Indoor Sports and Recreation	5	1	

Commercial Use Types (Section 110.304.25)	Spaces Required		
	Per 1,000 Square Feet Building Space	Per Employee During Peak Employment Shift	Other
Limited Gaming Facilities	4	1	
Marinas		As specified by use permit	
Outdoor Entertainment		As specified by use permit	
Outdoor Sports and Recreation		As specified by use permit	
Outdoor Sports Club		As specified by use permit	
Unlimited Gaming Facilities	8	1	
Construction Sales and Services	2 for retail and 1 for storage area		
Convention and Meeting Facilities		1	1 per seat if not associated with lodging facilities; .5 per seat otherwise
Eating and Drinking Establishments			
Convenience	10	1	
Full Service	10	1	
Financial Services	3	1	
Funeral and Internment Services			
Cemeteries		1	
Undertaking		1	1 per 3 seats
Gasoline Sales and Service Stations		1	3 per service bay (service bay not credited as required space)
Helicopter Services			
Heliport		1	5 per helicopter space
Helistop		1	5 per helicopter space
Liquor Sales			
Off-Premises	4	1	
On-Premises	10	1	
Lodging Services			
Bed and Breakfast Inns		1	1 per room
Hostels		1	.25 per bed
Hotels and Motels		1	1 per room
Vacation Time Shares			1.6 for 1 bedroom units, 2.1 for 2 bedroom and larger units; 1 of which must be in an enclosed garage or carport

Commercial Use Types (Section 110.304.25)	Spaces Required		
	Per 1,000 Square Feet Building Space	Per Employee During Peak Employment Shift	Other
Medical Marijuana Establishment			
Medical Marijuana Cultivation Facility		1	
Facility for the Production of Edible or Infused Marijuana Products		1	
Independent Testing Laboratory		1	
Medical Marijuana Dispensary	3	1	
Medical Services	5	1	
Nursery Sales			
Retail	3	1	
Wholesale	3	1	
Personal Services	4		
Personal Storage		1	1 loading space per unit, internal access drives may be used
Professional Services	4	1	
Recycle Center			
Full Service Recycle Center	3	1	
Remote Collection Facility			3 spaces per collective device
Residential Hazardous Substance Recycle Center	3	1	
Repair Services, Consumer	2.5	1	
Retail Sales			
Comparison Shopping Centers	3	1	
Convenience	5	1	
Specialty Stores	3	1	
Secondhand Sales	2.5	1	
Transportation Services		1	

Passage and Effective Date (Medical Marijuana Establishments)

This Ordinance was proposed on 3-25-14 by Board Member
Jung.

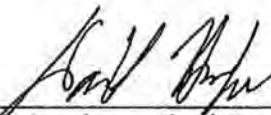
This Ordinance was passed on 4-8-14.

Those voting "aye" were Humke, Walder, Hartung, Jung, Benkiglen

Those voting "nay" were none.

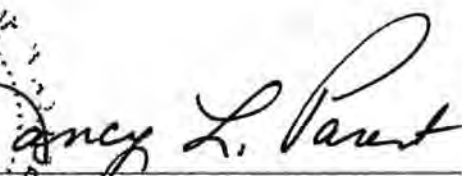
Those absent were none.

Those abstaining were none.



David Humke, Chairman
Washoe County Commission

ATTEST:



Nancy Parent, County Clerk

This Ordinance shall be in force and effect immediately upon the date of the second publication of such Ordinance as required by NRS 244.100.

EXHIBIT F

[Rev. 11/21/2013 11:50:29 AM--2013]

CHAPTER 453A - MEDICAL USE OF MARIJUANA

GENERAL PROVISIONS

<u>NRS 453A.010</u>	Definitions.
<u>NRS 453A.020</u>	"Administer" defined.
<u>NRS 453A.030</u>	"Attending physician" defined.
<u>NRS 453A.040</u>	"Cachexia" defined.
<u>NRS 453A.050</u>	"Chronic or debilitating medical condition" defined.
<u>NRS 453A.053</u>	"Crime of violence" defined. [Effective April 1, 2014.]
<u>NRS 453A.056</u>	"Cultivation facility" defined. [Effective April 1, 2014.]
<u>NRS 453A.060</u>	"Deliver" and "delivery" defined.
<u>NRS 453A.080</u>	"Designated primary caregiver" defined.
<u>NRS 453A.090</u>	"Division" defined.
<u>NRS 453A.100</u>	"Drug paraphernalia" defined. [Effective through March 31, 2014.]
<u>NRS 453A.101</u>	"Edible marijuana products" defined. [Effective April 1, 2014.]
<u>NRS 453A.102</u>	"Electronic verification system" defined. [Effective April 1, 2014.]
<u>NRS 453A.103</u>	"Enclosed, locked facility" defined. [Effective April 1, 2014.]
<u>NRS 453A.104</u>	"Excluded felony offense" defined. [Effective April 1, 2014.]
<u>NRS 453A.105</u>	"Facility for the production of edible marijuana products or marijuana-infused products" defined. [Effective April 1, 2014.]
<u>NRS 453A.107</u>	"Independent testing laboratory" defined. [Effective April 1, 2014.]
<u>NRS 453A.108</u>	"Inventory control system" defined. [Effective April 1, 2014.]
<u>NRS 453A.110</u>	"Marijuana" defined.
<u>NRS 453A.112</u>	"Marijuana-infused products" defined. [Effective April 1, 2014.]
<u>NRS 453A.115</u>	"Medical marijuana dispensary" defined. [Effective April 1, 2014.]
<u>NRS 453A.116</u>	"Medical marijuana establishment" defined. [Effective April 1, 2014.]
<u>NRS 453A.117</u>	"Medical marijuana establishment agent" defined. [Effective April 1, 2014.]
<u>NRS 453A.118</u>	"Medical marijuana establishment agent registration card" defined. [Effective April 1, 2014.]
<u>NRS 453A.119</u>	"Medical marijuana establishment registration certificate" defined. [Effective April 1, 2014.]
<u>NRS 453A.120</u>	"Medical use of marijuana" defined.
<u>NRS 453A.125</u>	"Paraphernalia" defined. [Effective April 1, 2014.]
<u>NRS 453A.130</u>	"Production" defined.
<u>NRS 453A.140</u>	"Registry identification card" defined.
<u>NRS 453A.150</u>	"State prosecution" defined.
<u>NRS 453A.155</u>	"THC" defined. [Effective April 1, 2014.]
<u>NRS 453A.160</u>	"Usable marijuana" defined.
<u>NRS 453A.170</u>	"Written documentation" defined.

LIMITED EXEMPTION FROM STATE PROSECUTION; REGISTRY IDENTIFICATION CARDS

<u>NRS 453A.200</u>	Holder of valid registry identification card exempt from state prosecution for certain acts involving marijuana and drug paraphernalia; mere presence of person in vicinity of medical use of marijuana; limitation on exemption from state prosecution; affirmative defense. [Effective through March 31, 2014.]
<u>NRS 453A.200</u>	Holder of valid registry identification card or medical marijuana establishment registration certificate exempt from state prosecution for certain acts involving marijuana and paraphernalia; no crime for mere presence in vicinity of medical use of marijuana; limitation on exemption from state prosecution; affirmative defense; holder of card prohibited from cultivating, growing or producing marijuana if dispensary opens in county of residence; exceptions. [Effective April 1, 2014, and through March 31, 2016.]
<u>NRS 453A.200</u>	Holder of valid registry identification card or medical marijuana establishment registration certificate exempt from state prosecution for certain acts involving marijuana and paraphernalia; no crime for mere presence in vicinity of medical use of marijuana; limitation on exemption from state prosecution; affirmative defense; holder of card prohibited from cultivating, growing or producing marijuana if dispensary opens in county of residence; exceptions. [Effective April 1, 2016.]
<u>NRS 453A.210</u>	Registry identification cards: Program for issuance; application; required accompanying information; distribution of copies of application; verification of information contained in application; permissible grounds for denial of application; judicial review of decision to deny application; reapplication; applicant and caregiver deemed to hold card pending approval or denial of application. [Effective through March 31, 2014.]
<u>NRS 453A.210</u>	Registry identification cards: Program for issuance; application; required accompanying information; distribution of copies of application; verification of information contained in application; permissible grounds for denial of application; judicial review of decision to deny application; reapplication; applicant and caregiver deemed to hold card pending approval or denial of application. [Effective April 1, 2014.]

<u>NRS 453A.220</u>	Registry identification cards: Issuance to applicant; issuance to primary caregiver if primary caregiver has been designated at time of application; required contents; duration; renewal. [Effective through March 31, 2014.]
<u>NRS 453A.220</u>	Registry identification cards: Issuance to applicant; issuance to primary caregiver if primary caregiver has been designated at time of application; required contents; duration; renewal. [Effective April 1, 2014.]
<u>NRS 453A.225</u>	Registry identification cards: Revocation; duties; judicial review; reapplication prohibited for 12 months.
<u>NRS 453A.230</u>	Registry identification card: Holder to notify Division of certain changes in information; required annual update of documentation from attending physician; designation of primary caregiver after initial issuance of card; deemed expiration of card. [Effective through March 31, 2014.]
<u>NRS 453A.230</u>	Registry identification card: Holder to notify Division of certain changes in information; required annual update of documentation from attending physician; designation of primary caregiver after initial issuance of card; deemed expiration of card. [Effective April 1, 2014.]
<u>NRS 453A.240</u>	Registry identification cards: Card to be returned to Division following diagnosis of absence of chronic or debilitating medical condition.
<u>NRS 453A.250</u>	Registry identification cards: General requirements concerning designation of primary caregiver; user of medical marijuana not to have more than one designated primary caregiver; timing of issuance of card to caregiver if caregiver designated after initial issuance of card to patient.

PROHIBITED ACTS; AFFIRMATIVE DEFENSES

<u>NRS 453A.300</u>	Acts for which registry identification cardholder is not exempt from state prosecution and may not raise affirmative defense; additional penalty. [Effective through March 31, 2014.]
<u>NRS 453A.300</u>	Acts for which registry identification cardholder is not exempt from state prosecution and may not raise affirmative defense; additional penalty. [Effective April 1, 2014.]
<u>NRS 453A.310</u>	Affirmative defenses.

PRODUCTION AND DISTRIBUTION OF MEDICAL MARIJUANA

REGISTRATION OF MEDICAL MARIJUANA ESTABLISHMENTS AND MEDICAL MARIJUANA ESTABLISHMENT AGENTS

<u>NRS 453A.320</u>	Purpose of registration; no vested right acquired by holder of registration certificate or registration card. [Effective April 1, 2014.]
<u>NRS 453A.322</u>	Registration of establishments: Requirements; expiration and renewal. [Effective April 1, 2014.]
<u>NRS 453A.324</u>	Registration of establishments: Limitation on total number of certificates that can be issued in each county; limitation on number of days Division may accept applications in calendar year. [Effective April 1, 2014.]
<u>NRS 453A.326</u>	Registration of establishments in larger counties: Limitation on number of medical marijuana dispensaries located in any one governmental jurisdiction within county; limitation on number of certificates issued to any one person; certificates deemed provisional pending compliance with local requirements and issuance of local business license. [Effective April 1, 2014.]
<u>NRS 453A.328</u>	Registration of establishments: Considerations in determining whether to issue registration certificate. [Effective April 1, 2014.]
<u>NRS 453A.332</u>	Agents required to register with Division; requirements for registration; establishment required to notify Division if agent ceases to be employed by or volunteer at establishment; expiration and renewal of registration. [Effective April 1, 2014.]
<u>NRS 453A.334</u>	Registration cards and registration certificates nontransferable. [Effective April 1, 2014.]
<u>NRS 453A.336</u>	Payment of child support: Statement by applicant for registration card or registration certificate; grounds for denial; duties of Division. [Effective April 1, 2014, and until the date of the repeal of 42 U.S.C. § 666, the federal law requiring each state to establish procedures for withholding, suspending and restricting the professional, occupational and recreational licenses for child support arrearages and for noncompliance with certain processes relating to paternity or child support proceedings.]
<u>NRS 453A.338</u>	Suspension of registration card or registration certificate for failure to pay child support or comply with certain subpoenas or warrants; reinstatement of registration card or registration certificate. [Effective April 1, 2014, and until the date of the repeal of 42 U.S.C. § 666, the federal law requiring each state to establish procedures for withholding, suspending and restricting the professional, occupational and recreational licenses for child support arrearages and for noncompliance with certain processes relating to paternity or child support proceedings.]
<u>NRS 453A.340</u>	Grounds for immediate revocation of registration certificate. [Effective April 1, 2014.]
<u>NRS 453A.342</u>	Grounds for immediate revocation of registration card. [Effective April 1, 2014.]
<u>NRS 453A.344</u>	Fees. [Effective April 1, 2014.]

REQUIREMENTS CONCERNING OPERATION OF MEDICAL MARIJUANA ESTABLISHMENTS

<u>NRS 453A.350</u>	Location, land use, appearance and signage. [Effective April 1, 2014.]
<u>NRS 453A.352</u>	Operating documents; security measures; actions of establishment with respect to marijuana required to be for certain purpose; requirements for cultivation; dispensary and cultivation facility authorized to acquire marijuana from patient; allowing consumption on premises prohibited; inspection. [Effective April 1, 2014.]
<u>NRS 453A.354</u>	Electronic verification system. [Effective April 1, 2014.]
<u>NRS 453A.356</u>	Inventory control system. [Effective April 1, 2014.]

- NRS 453A.358 Duties of medical marijuana dispensaries relating to sale of medical marijuana and related products and relating to notice of legal limits on possession of medical marijuana. [Effective April 1, 2014.]
- NRS 453A.360 Requirements concerning edible marijuana products and marijuana-infused products. [Effective April 1, 2014.]
- NRS 453A.362 Requirements concerning storage and removal of medical marijuana. [Effective April 1, 2014.]

MISCELLANEOUS PROVISIONS

- NRS 453A.364 Recognition of nonresident cards. [Effective April 1, 2014, and through March 31, 2016.]
- NRS 453A.364 Recognition of nonresident cards. [Effective April 1, 2016.]
- NRS 453A.366 Designation of medical marijuana dispensary. [Effective April 1, 2014.]
- NRS 453A.368 Testing laboratories. [Effective April 1, 2014.]
- NRS 453A.370 Regulations. [Effective April 1, 2014.]

SEARCH AND SEIZURE

- NRS 453A.400 Possession of registry identification card not permissible grounds for search or inspection; care and return of seized property; determination that person is engaged or assisting in medical use of marijuana in accordance with provisions of chapter. [Effective through March 31, 2014.]
- NRS 453A.400 Possession of registry identification card, registration certificate or registration card not permissible grounds for search or inspection; care and return of seized property; determination that person is engaged in, facilitating or assisting in medical use of marijuana in accordance with provisions of chapter. [Effective April 1, 2014.]
- NRS 453A.410 Forfeiture of assets seized. [Effective April 1, 2014.]

ACTIONS OF PROFESSIONAL LICENSING BOARDS

- NRS 453A.500 Board of Medical Examiners and State Board of Osteopathic Medicine prohibited from taking disciplinary action against attending physician on basis of physician's participation in certain activities in accordance with chapter.
- NRS 453A.510 Professional licensing board prohibited from taking disciplinary action against licensee on basis of licensee's participation in certain activities in accordance with chapter.

RESEARCH; APPROVAL OF FEDERAL GOVERNMENT

- NRS 453A.600 Program for evaluation and research of medical use of marijuana: Establishment by University of Nevada School of Medicine; federal approval; participants and subjects; quarterly report to Interim Finance Committee.
- NRS 453A.610 Program for evaluation and research of medical use of marijuana: Duties of University of Nevada School of Medicine concerning confidentiality; certain items of information not subject to subpoena, discovery or inspection.
- NRS 453A.620 Program for evaluation and research of medical use of marijuana: Authority of Department of Administration of University of Nevada School of Medicine concerning gifts, grants, donations and contributions; deposit of money in State Treasury.
- NRS 453A.630 Program for evaluation and research of medical use of marijuana: Deposit, use and disposition of money; Department of Administration of University of Nevada School of Medicine to administer account.

MISCELLANEOUS PROVISIONS

- NRS 453A.700 Duties of Division concerning confidentiality; certain items of information not subject to subpoena, discovery or inspection.
- NRS 453A.710 Addition of diseases and conditions to list of qualifying chronic or debilitating medical conditions: Petition; regulations.
- NRS 453A.720 Authority of the Administrator of the Division concerning gifts, grants, donations and contributions; deposit of money in State Treasury.
- NRS 453A.730 Deposit, use and disposition of money; administration of account.
- NRS 453A.740 Regulations; fees. [Effective through March 31, 2014.]
- NRS 453A.740 Regulations; fees. [Effective April 1, 2014.]
- NRS 453A.800 Costs associated with medical use of marijuana not required to be paid or reimbursed; medical use of marijuana not required to be accommodated in workplace. [Effective through March 31, 2014.]
- NRS 453A.800 Costs associated with medical use of marijuana not required to be paid or reimbursed; medical use of marijuana not required to be allowed in workplace; medical needs of employee who engages in medical use of marijuana to be accommodated by employer in certain circumstances. [Effective April 1, 2014.]
- NRS 453A.810 State not responsible for deleterious outcomes.

GENERAL PROVISIONS

NRS 453A.010 Definitions. As used in this chapter, unless the context otherwise requires, the words and terms defined in NRS 453A.020 to 453A.170, inclusive, have the meanings ascribed to them in those sections.
(Added to NRS by 2001, 3054; A 2013, 3716)

NRS 453A.020 "Administer" defined. "Administer" has the meaning ascribed to it in NRS 453.021.
(Added to NRS by 2001, 3054)

NRS 453A.030 "Attending physician" defined. "Attending physician" means a physician who:

1. Is licensed to practice:
 - (a) Medicine pursuant to the provisions of chapter 630 of NRS; or
 - (b) Osteopathic medicine pursuant to the provisions of chapter 633 of NRS; and
2. Has responsibility for the care and treatment of a person diagnosed with a chronic or debilitating medical condition.

(Added to NRS by 2001, 3054; A 2003, 1180, 1430)

NRS 453A.040 "Cachexia" defined. "Cachexia" means general physical wasting and malnutrition associated with chronic disease.
(Added to NRS by 2001, 3054)

NRS 453A.050 "Chronic or debilitating medical condition" defined. "Chronic or debilitating medical condition" means:

1. Acquired immune deficiency syndrome;
2. Cancer;
3. Glaucoma;
4. A medical condition or treatment for a medical condition that produces, for a specific patient, one or more of the following:
 - (a) Cachexia;
 - (b) Persistent muscle spasms, including, without limitation, spasms caused by multiple sclerosis;
 - (c) Seizures, including, without limitation, seizures caused by epilepsy;
 - (d) Severe nausea; or
 - (e) Severe pain; or
5. Any other medical condition or treatment for a medical condition that is:
 - (a) Classified as a chronic or debilitating medical condition by regulation of the Division; or
 - (b) Approved as a chronic or debilitating medical condition pursuant to a petition submitted in accordance with NRS 453A.710.

(Added to NRS by 2001, 3054)

NRS 453A.053 "Crime of violence" defined. [Effective April 1, 2014.] "Crime of violence" means any felony:

1. Involving the use or threatened use of force or violence against the person or property of another; or
2. For which there is a substantial risk that force or violence may be used against the person or property of another in the commission of the felony.

(Added to NRS by 2013, 3700, effective April 1, 2014)

NRS 453A.056 "Cultivation facility" defined. [Effective April 1, 2014.] "Cultivation facility" means a business that:

1. Is registered with the Division pursuant to NRS 453A.322; and
2. Acquires, possesses, cultivates, delivers, transfers, transports, supplies or sells marijuana and related supplies to:
 - (a) Medical marijuana dispensaries;
 - (b) Facilities for the production of edible marijuana products or marijuana-infused products; or
 - (c) Other cultivation facilities.

(Added to NRS by 2013, 3701, effective April 1, 2014)

NRS 453A.060 "Deliver" and "delivery" defined. "Deliver" or "delivery" has the meaning ascribed to it in NRS 453.051.
(Added to NRS by 2001, 3054)

NRS 453A.080 "Designated primary caregiver" defined.

1. "Designated primary caregiver" means a person who:
 - (a) Is 18 years of age or older;
 - (b) Has significant responsibility for managing the well-being of a person diagnosed with a chronic or debilitating medical condition; and
 - (c) Is designated as such in the manner required pursuant to NRS 453A.250.
2. The term does not include the attending physician of a person diagnosed with a chronic or debilitating medical condition.

(Added to NRS by 2001, 3054)

NRS 453A.090 "Division" defined. "Division" means the Division of Public and Behavioral Health of the Department of Health and Human Services.

(Added to NRS by 2001, 3055; A 2013, 3062)

NRS 453A.100 "Drug paraphernalia" defined. [Effective through March 31, 2014.] "Drug paraphernalia" has the meaning ascribed to it in NRS 453.554.

(Added to NRS by 2001, 3055)

NRS 453A.101 "Edible marijuana products" defined. [Effective April 1, 2014.] "Edible marijuana products" means products that:

1. Contain marijuana or an extract thereof;
2. Are intended for human consumption by oral ingestion; and
3. Are presented in the form of foodstuffs, extracts, oils, tinctures and other similar products.

(Added to NRS by 2013, 3701, effective April 1, 2014)

NRS 453A.102 "Electronic verification system" defined. [Effective April 1, 2014.] "Electronic verification system" means an electronic database that:

1. Keeps track of data in real time; and
2. Is accessible by the Division and by registered medical marijuana establishments.

(Added to NRS by 2013, 3701, effective April 1, 2014)

NRS 453A.103 "Enclosed, locked facility" defined. [Effective April 1, 2014.] "Enclosed, locked facility" means a closet, display case, room, greenhouse or other enclosed area that meets the requirements of NRS 453A.362 and is equipped with locks or other security devices which allow access only by a medical marijuana establishment agent and the holder of a valid registry identification card.

(Added to NRS by 2013, 3701, effective April 1, 2014)

NRS 453A.104 "Excluded felony offense" defined. [Effective April 1, 2014.]

1. "Excluded felony offense" means:

- (a) A crime of violence; or
- (b) A violation of a state or federal law pertaining to controlled substances, if the law was punishable as a felony in the jurisdiction where the person was convicted.

2. The term does not include:

- (a) A criminal offense for which the sentence, including any term of probation, incarceration or supervised release, was completed more than 10 years before; or
- (b) An offense involving conduct that would be immune from arrest, prosecution or penalty pursuant to NRS 453A.320 to 453A.370, inclusive, except that the conduct occurred before April 1, 2014, or was prosecuted by an authority other than the State of Nevada.

(Added to NRS by 2013, 3701, effective April 1, 2014)

NRS 453A.105 "Facility for the production of edible marijuana products or marijuana-infused products" defined. [Effective April 1, 2014.] "Facility for the production of edible marijuana products or marijuana-infused products" means a business that:

1. Is registered with the Division pursuant to NRS 453A.322; and
2. Acquires, possesses, manufactures, delivers, transfers, transports, supplies or sells edible marijuana products or marijuana-infused products to medical marijuana dispensaries.

(Added to NRS by 2013, 3701, effective April 1, 2014)

NRS 453A.107 "Independent testing laboratory" defined. [Effective April 1, 2014.] "Independent testing laboratory" means a facility described in NRS 453A.368.

(Added to NRS by 2013, 3701, effective April 1, 2014)

NRS 453A.108 "Inventory control system" defined. [Effective April 1, 2014.] "Inventory control system" means a process, device or other contrivance that may be used to monitor the chain of custody of marijuana used for medical purposes from the point of cultivation to the end consumer.

(Added to NRS by 2013, 3702, effective April 1, 2014)

NRS 453A.110 "Marijuana" defined. "Marijuana" has the meaning ascribed to it in NRS 453.096.

(Added to NRS by 2001, 3055)

NRS 453A.112 "Marijuana-infused products" defined. [Effective April 1, 2014.]

1. "Marijuana-infused products" means products that:

- (a) Are infused with marijuana or an extract thereof; and
- (b) Are intended for use or consumption by humans through means other than inhalation or oral ingestion.

2. The term includes, without limitation, topical products, ointments, oils and tinctures.

(Added to NRS by 2013, 3702, effective April 1, 2014)

NRS 453A.115 "Medical marijuana dispensary" defined. [Effective April 1, 2014.] "Medical marijuana dispensary" means a business that:

1. Is registered with the Division pursuant to NRS 453A.322; and
 2. Acquires, possesses, delivers, transfers, transports, supplies, sells or dispenses marijuana or related supplies and educational materials to the holder of a valid registry identification card.
- (Added to NRS by 2013, 3702, effective April 1, 2014)

NRS 453A.116 "Medical marijuana establishment" defined. [Effective April 1, 2014.] "Medical marijuana establishment" means:

1. An independent testing laboratory;
 2. A cultivation facility;
 3. A facility for the production of edible marijuana products or marijuana-infused products;
 4. A medical marijuana dispensary; or
 5. A business that has registered with the Division and paid the requisite fees to act as more than one of the types of businesses listed in subsections 2, 3 and 4.
- (Added to NRS by 2013, 3702, effective April 1, 2014)

NRS 453A.117 "Medical marijuana establishment agent" defined. [Effective April 1, 2014.] "Medical marijuana establishment agent" means an owner, officer, board member, employee or volunteer of a medical marijuana establishment.

(Added to NRS by 2013, 3702, effective April 1, 2014)

NRS 453A.118 "Medical marijuana establishment agent registration card" defined. [Effective April 1, 2014.] "Medical marijuana establishment agent registration card" means a registration card that is issued by the Division pursuant to NRS 453A.332 to authorize a person to volunteer or work at a medical marijuana establishment.

(Added to NRS by 2013, 3702, effective April 1, 2014)

NRS 453A.119 "Medical marijuana establishment registration certificate" defined. [Effective April 1, 2014.] "Medical marijuana establishment registration certificate" means a registration certificate that is issued by the Division pursuant to NRS 453A.322 to authorize the operation of a medical marijuana establishment.

(Added to NRS by 2013, 3702, effective April 1, 2014)

NRS 453A.120 "Medical use of marijuana" defined. "Medical use of marijuana" means:

1. The possession, delivery, production or use of marijuana;
 2. The possession, delivery or use of paraphernalia used to administer marijuana; or
 3. Any combination of the acts described in subsections 1 and 2,
- as necessary for the exclusive benefit of a person to mitigate the symptoms or effects of his or her chronic or debilitating medical condition.
- (Added to NRS by 2001, 3055)

NRS 453A.125 "Paraphernalia" defined. [Effective April 1, 2014.] "Paraphernalia" means accessories, devices and other equipment that is necessary or useful for a person to engage in the medical use of marijuana.

(Added to NRS by 2001, 3055; A 2013, 3716, effective April 1, 2014)—(Substituted in revision for NRS 453A.100)

NRS 453A.130 "Production" defined. "Production" has the meaning ascribed to it in NRS 453.131.

(Added to NRS by 2001, 3055)

NRS 453A.140 "Registry identification card" defined. "Registry identification card" means a document issued by the Division or its designee that identifies:

1. A person who is exempt from state prosecution for engaging in the medical use of marijuana; or
2. The designated primary caregiver, if any, of a person described in subsection 1.

(Added to NRS by 2001, 3055; A 2009, 618)

NRS 453A.150 "State prosecution" defined. "State prosecution" means prosecution initiated or maintained by the State of Nevada or an agency or political subdivision of the State of Nevada.

(Added to NRS by 2001, 3055)

NRS 453A.155 "THC" defined. [Effective April 1, 2014.] "THC" means delta-9-tetrahydrocannabinol, which is the primary active ingredient in marijuana.

(Added to NRS by 2013, 3702, effective April 1, 2014)

NRS 453A.160 "Usable marijuana" defined.

1. "Usable marijuana" means:
 - (a) The dried leaves and flowers of a plant of the genus *Cannabis*, and any mixture or preparation thereof, that are appropriate for the medical use of marijuana; and
 - (b) The seeds of a plant of the genus *Cannabis*.
 2. The term does not include the stalks and roots of the plant.
- (Added to NRS by 2001, 3055; A 2003, 1430)

NRS 453A.170 "Written documentation" defined. "Written documentation" means:

1. A statement signed by the attending physician of a person diagnosed with a chronic or debilitating medical condition; or
 2. Copies of the relevant medical records of a person diagnosed with a chronic or debilitating medical condition.
- (Added to NRS by 2001, 3055)

LIMITED EXEMPTION FROM STATE PROSECUTION; REGISTRY IDENTIFICATION CARDS**NRS 453A.200 Holder of valid registry identification card exempt from state prosecution for certain acts involving marijuana and drug paraphernalia; mere presence of person in vicinity of medical use of marijuana; limitation on exemption from state prosecution; affirmative defense. [Effective through March 31, 2014.]**

1. Except as otherwise provided in this section and NRS 453A.300, a person who holds a valid registry identification card issued to the person pursuant to NRS 453A.220 or 453A.250 is exempt from state prosecution for:

- (a) Possession, delivery or production of marijuana;
- (b) Possession or delivery of drug paraphernalia;
- (c) Aiding and abetting another in the possession, delivery or production of marijuana;
- (d) Aiding and abetting another in the possession or delivery of drug paraphernalia;
- (e) Any combination of the acts described in paragraphs (a) to (d), inclusive; and
- (f) Any other criminal offense in which the possession, delivery or production of marijuana or the possession or delivery of drug paraphernalia is an element.

2. In addition to the provisions of subsection 1, no person may be subject to state prosecution for constructive possession, conspiracy or any other criminal offense solely for being in the presence or vicinity of the medical use of marijuana in accordance with the provisions of this chapter.

3. The exemption from state prosecution set forth in subsection 1 applies only to the extent that a person who holds a registry identification card issued to the person pursuant to paragraph (a) of subsection 1 of NRS 453A.220 and the designated primary caregiver, if any, of such a person:

- (a) Engage in or assist in, as applicable, the medical use of marijuana in accordance with the provisions of this chapter as justified to mitigate the symptoms or effects of the person's chronic or debilitating medical condition; and
- (b) Do not, at any one time, collectively possess, deliver or produce more than:
 - (1) One ounce of usable marijuana;
 - (2) Three mature marijuana plants; and
 - (3) Four immature marijuana plants.

4. If the persons described in subsection 3 possess, deliver or produce marijuana in an amount which exceeds the amount described in paragraph (b) of that subsection, those persons:

- (a) Are not exempt from state prosecution for possession, delivery or production of marijuana.
- (b) May establish an affirmative defense to charges of possession, delivery or production of marijuana, or any combination of those acts, in the manner set forth in NRS 453A.310.

(Added to NRS by 2001, 3055)

NRS 453A.200 Holder of valid registry identification card or medical marijuana establishment registration certificate exempt from state prosecution for certain acts involving marijuana and paraphernalia; no crime for mere presence in vicinity of medical use of marijuana; limitation on exemption from state prosecution; affirmative defense; holder of card prohibited from cultivating, growing or producing marijuana if dispensary opens in county of residence; exceptions. [Effective April 1, 2014, and through March 31, 2016.]

1. Except as otherwise provided in this section and NRS 453A.300, a person who holds a valid registry identification card issued to the person pursuant to NRS 453A.220 or 453A.250 is exempt from state prosecution for:

- (a) Possession, delivery or production of marijuana;
- (b) Possession or delivery of paraphernalia;
- (c) Aiding and abetting another in the possession, delivery or production of marijuana;
- (d) Aiding and abetting another in the possession or delivery of paraphernalia;
- (e) Any combination of the acts described in paragraphs (a) to (d), inclusive; and
- (f) Any other criminal offense in which the possession, delivery or production of marijuana or the possession or delivery of paraphernalia is an element.

2. In addition to the provisions of subsections 1 and 5, no person may be subject to state prosecution for constructive possession, conspiracy or any other criminal offense solely for being in the presence or vicinity of the medical use of marijuana in accordance with the provisions of this chapter.

3. The exemption from state prosecution set forth in subsection 1 applies only to the extent that a person who holds a registry identification card issued to the person pursuant to paragraph (a) of subsection 1 of NRS 453A.220 and the designated primary caregiver, if any, of such a person:

- (a) Engage in or assist in, as applicable, the medical use of marijuana in accordance with the provisions of this chapter as justified to mitigate the symptoms or effects of the person's chronic or debilitating medical condition; and
- (b) Do not, at any one time, collectively possess, deliver or produce more than:
 - (1) Two and one-half ounces of usable marijuana in any one 14-day period;
 - (2) Twelve marijuana plants, irrespective of whether the marijuana plants are mature or immature; and
 - (3) A maximum allowable quantity of edible marijuana products and marijuana-infused products as established by regulation of the Division.

➤ The persons described in this subsection must ensure that the usable marijuana and marijuana plants described in this subsection are safeguarded in an enclosed, secure location.

4. If the persons described in subsection 3 possess, deliver or produce marijuana in an amount which exceeds the amount described in paragraph (b) of that subsection, those persons:

- (a) Are not exempt from state prosecution for possession, delivery or production of marijuana.
- (b) May establish an affirmative defense to charges of possession, delivery or production of marijuana, or any combination of those acts, in the manner set forth in NRS 453A.310.

5. A person who holds a valid medical marijuana establishment registration certificate issued to the person pursuant to NRS 453A.322 or a valid medical marijuana establishment agent registration card issued to the person pursuant to NRS 453A.332, and who confines his or her activities to those authorized by NRS 453A.320 to 453A.370, inclusive, and the regulations adopted by the Division pursuant thereto, is exempt from state prosecution for:

- (a) Possession, delivery or production of marijuana;
- (b) Possession or delivery of paraphernalia;
- (c) Aiding and abetting another in the possession, delivery or production of marijuana;
- (d) Aiding and abetting another in the possession or delivery of paraphernalia;
- (e) Any combination of the acts described in paragraphs (a) to (d), inclusive; and
- (f) Any other criminal offense in which the possession, delivery or production of marijuana or the possession or delivery of paraphernalia is an element.

6. Notwithstanding any other provision of law and except as otherwise provided in this subsection, after a medical marijuana dispensary opens in the county of residence of a person who holds a registry identification card or his or her designated primary caregiver, if any, such persons are not authorized to cultivate, grow or produce marijuana. The provisions of this subsection do not apply if:

- (a) The person who holds the registry identification card or his or her designated primary caregiver, if any, was cultivating, growing or producing marijuana in accordance with this chapter on or before July 1, 2013;
- (b) All the medical marijuana dispensaries in the county of residence of the person who holds the registry identification card or his or her designated primary caregiver, if any, close or are unable to supply the quantity or strain of marijuana necessary for the medical use of the person to treat his or her specific medical condition;
- (c) Because of illness or lack of transportation, the person who holds the registry identification card and his or her designated primary caregiver, if any, are unable reasonably to travel to a medical marijuana dispensary; or
- (d) No medical marijuana dispensary was operating within 25 miles of the residence of the person who holds the registry identification card at the time the person first applied for his or her registry identification card.

7. As used in this section, "marijuana" includes, without limitation, edible marijuana products and marijuana-infused products.

(Added to NRS by 2001, 3055; A 2013, 3716, effective April 1, 2014)

NRS 453A.200 Holder of valid registry identification card or medical marijuana establishment registration certificate exempt from state prosecution for certain acts involving marijuana and paraphernalia; no crime for mere presence in vicinity of medical use of marijuana; limitation on exemption from state prosecution; affirmative defense; holder of card prohibited from cultivating, growing or producing marijuana if dispensary opens in county of residence; exceptions. [Effective April 1, 2016.]

1. Except as otherwise provided in this section and NRS 453A.300, a person who holds a valid registry identification card issued to the person pursuant to NRS 453A.220 or 453A.250 is exempt from state prosecution for:

- (a) Possession, delivery or production of marijuana;
- (b) Possession or delivery of paraphernalia;
- (c) Aiding and abetting another in the possession, delivery or production of marijuana;
- (d) Aiding and abetting another in the possession or delivery of paraphernalia;
- (e) Any combination of the acts described in paragraphs (a) to (d), inclusive; and
- (f) Any other criminal offense in which the possession, delivery or production of marijuana or the possession or delivery of paraphernalia is an element.

2. In addition to the provisions of subsections 1 and 5, no person may be subject to state prosecution for constructive possession, conspiracy or any other criminal offense solely for being in the presence or vicinity of the medical use of marijuana in accordance with the provisions of this chapter.

3. The exemption from state prosecution set forth in subsection 1 applies only to the extent that a person who holds a registry identification card issued to the person pursuant to paragraph (a) of subsection 1 of NRS 453A.220 and the designated primary caregiver, if any, of such a person:

- (a) Engage in or assist in, as applicable, the medical use of marijuana in accordance with the provisions of this chapter as justified to mitigate the symptoms or effects of the person's chronic or debilitating medical condition; and
- (b) Do not, at any one time, collectively possess, deliver or produce more than:
 - (1) Two and one-half ounces of usable marijuana in any one 14-day period;
 - (2) Twelve marijuana plants, irrespective of whether the marijuana plants are mature or immature; and
 - (3) A maximum allowable quantity of edible marijuana products and marijuana-infused products as established by regulation of the Division.

➤ The persons described in this subsection must ensure that the usable marijuana and marijuana plants described in this subsection are safeguarded in an enclosed, secure location.

4. If the persons described in subsection 3 possess, deliver or produce marijuana in an amount which exceeds the amount described in paragraph (b) of that subsection, those persons:

- (a) Are not exempt from state prosecution for possession, delivery or production of marijuana.
- (b) May establish an affirmative defense to charges of possession, delivery or production of marijuana, or any combination of those acts, in the manner set forth in NRS 453A.310.

5. A person who holds a valid medical marijuana establishment registration certificate issued to the person pursuant to NRS 453A.322 or a valid medical marijuana establishment agent registration card issued to the person pursuant to NRS 453A.332, and who confines his or her activities to those authorized by NRS 453A.320 to 453A.370, inclusive, and the regulations adopted by the Division pursuant thereto, is exempt from state prosecution for:

- (a) Possession, delivery or production of marijuana;
- (b) Possession or delivery of paraphernalia;
- (c) Aiding and abetting another in the possession, delivery or production of marijuana;
- (d) Aiding and abetting another in the possession or delivery of paraphernalia;
- (e) Any combination of the acts described in paragraphs (a) to (d), inclusive; and
- (f) Any other criminal offense in which the possession, delivery or production of marijuana or the possession or delivery of paraphernalia is an element.

6. Notwithstanding any other provision of law and except as otherwise provided in this subsection, after a medical marijuana dispensary opens in the county of residence of a person who holds a registry identification card or his or her designated primary caregiver, if any, such persons are not authorized to cultivate, grow or produce marijuana. The provisions of this subsection do not apply if:

- (a) All the medical marijuana dispensaries in the county of residence of the person who holds the registry identification card or his or her designated primary caregiver, if any, close or are unable to supply the quantity or strain of marijuana necessary for the medical use of the person to treat his or her specific medical condition;
- (b) Because of illness or lack of transportation, the person who holds the registry identification card and his or her designated primary caregiver, if any, are unable reasonably to travel to a medical marijuana dispensary; or
- (c) No medical marijuana dispensary was operating within 25 miles of the residence of the person who holds the registry identification card at the time the person first applied for his or her registry identification card.

7. As used in this section, "marijuana" includes, without limitation, edible marijuana products and marijuana-infused products.

(Added to NRS by 2001, 3055; A 2013, 3716, 3718, effective April 1, 2016)

NRS 453A.210 Registry identification cards: Program for issuance; application; required accompanying information; distribution of copies of application; verification of information contained in application; permissible grounds for denial of application; judicial review of decision to deny application; reapplication; applicant and caregiver deemed to hold card pending approval or denial of application. [Effective through March 31, 2014.]

1. The Division shall establish and maintain a program for the issuance of registry identification cards to persons who meet the requirements of this section.

2. Except as otherwise provided in subsections 3 and 5 and NRS 453A.225, the Division or its designee shall issue a registry identification card to a person who is a resident of this State and who submits an application on a form prescribed by the Division accompanied by the following:

- (a) Valid, written documentation from the person's attending physician stating that:
 - (1) The person has been diagnosed with a chronic or debilitating medical condition;
 - (2) The medical use of marijuana may mitigate the symptoms or effects of that condition; and
 - (3) The attending physician has explained the possible risks and benefits of the medical use of marijuana;
- (b) The name, address, telephone number, social security number and date of birth of the person;
- (c) Proof satisfactory to the Division that the person is a resident of this State;
- (d) The name, address and telephone number of the person's attending physician; and
- (e) If the person elects to designate a primary caregiver at the time of application:
 - (1) The name, address, telephone number and social security number of the designated primary caregiver; and
 - (2) A written, signed statement from the person's attending physician in which the attending physician approves of the designation of the primary caregiver.

3. The Division or its designee shall issue a registry identification card to a person who is under 18 years of age if:

- (a) The person submits the materials required pursuant to subsection 2; and
- (b) The custodial parent or legal guardian with responsibility for health care decisions for the person under 18 years of age signs a written statement setting forth that:
 - (1) The attending physician of the person under 18 years of age has explained to that person and to the custodial parent or legal guardian with responsibility for health care decisions for the person under 18 years of age the possible risks and benefits of the medical use of marijuana;
 - (2) The custodial parent or legal guardian with responsibility for health care decisions for the person under 18 years of age consents to the use of marijuana by the person under 18 years of age for medical purposes;
 - (3) The custodial parent or legal guardian with responsibility for health care decisions for the person under 18 years of age agrees to serve as the designated primary caregiver for the person under 18 years of age; and
 - (4) The custodial parent or legal guardian with responsibility for health care decisions for the person under 18 years of age agrees to control the acquisition of marijuana and the dosage and frequency of use by the person under 18 years of age.

4. The form prescribed by the Division to be used by a person applying for a registry identification card pursuant to this section must be a form that is in quintuplicate. Upon receipt of an application that is completed and submitted pursuant to this section, the Division shall:

- (a) Record on the application the date on which it was received;
- (b) Retain one copy of the application for the records of the Division; and
- (c) Distribute the other four copies of the application in the following manner:
 - (1) One copy to the person who submitted the application;
 - (2) One copy to the applicant's designated primary caregiver, if any;

(3) One copy to the Central Repository for Nevada Records of Criminal History; and

(4) One copy to:

(I) If the attending physician of the applicant is licensed to practice medicine pursuant to the provisions of chapter 630 of NRS, the Board of Medical Examiners; or

(II) If the attending physician of the applicant is licensed to practice osteopathic medicine pursuant to the provisions of chapter 633 of NRS, the State Board of Osteopathic Medicine.

→ The Central Repository for Nevada Records of Criminal History shall report to the Division its findings as to the criminal history, if any, of an applicant within 15 days after receiving a copy of an application pursuant to subparagraph (3) of paragraph (c). The Board of Medical Examiners or the State Board of Osteopathic Medicine, as applicable, shall report to the Division its findings as to the licensure and standing of the applicant's attending physician within 15 days after receiving a copy of an application pursuant to subparagraph (4) of paragraph (c).

5. The Division shall verify the information contained in an application submitted pursuant to this section and shall approve or deny an application within 30 days after receiving the application. The Division may contact an applicant, the applicant's attending physician and designated primary caregiver, if any, by telephone to determine that the information provided on or accompanying the application is accurate. The Division may deny an application only on the following grounds:

(a) The applicant failed to provide the information required pursuant to subsections 2 and 3 to:

(1) Establish the applicant's chronic or debilitating medical condition; or

(2) Document the applicant's consultation with an attending physician regarding the medical use of marijuana in connection with that condition;

(b) The applicant failed to comply with regulations adopted by the Division, including, without limitation, the regulations adopted by the Administrator pursuant to NRS 453A.740;

(c) The Division determines that the information provided by the applicant was falsified;

(d) The Division determines that the attending physician of the applicant is not licensed to practice medicine or osteopathic medicine in this State or is not in good standing, as reported by the Board of Medical Examiners or the State Board of Osteopathic Medicine, as applicable;

(e) The Division determines that the applicant, or the applicant's designated primary caregiver, if applicable, has been convicted of knowingly or intentionally selling a controlled substance;

(f) The Division has prohibited the applicant from obtaining or using a registry identification card pursuant to subsection 2 of NRS 453A.300;

(g) The Division determines that the applicant, or the applicant's designated primary caregiver, if applicable, has had a registry identification card revoked pursuant to NRS 453A.225; or

(h) In the case of a person under 18 years of age, the custodial parent or legal guardian with responsibility for health care decisions for the person has not signed the written statement required pursuant to paragraph (b) of subsection 3.

6. The decision of the Division to deny an application for a registry identification card is a final decision for the purposes of judicial review. Only the person whose application has been denied or, in the case of a person under 18 years of age whose application has been denied, the person's parent or legal guardian, has standing to contest the determination of the Division. A judicial review authorized pursuant to this subsection must be limited to a determination of whether the denial was arbitrary, capricious or otherwise characterized by an abuse of discretion and must be conducted in accordance with the procedures set forth in chapter 233B of NRS for reviewing a final decision of an agency.

7. A person whose application has been denied may not reapply for 6 months after the date of the denial, unless the Division or a court of competent jurisdiction authorizes reapplication in a shorter time.

8. Except as otherwise provided in this subsection, if a person has applied for a registry identification card pursuant to this section and the Division has not yet approved or denied the application, the person, and the person's designated primary caregiver, if any, shall be deemed to hold a registry identification card upon the presentation to a law enforcement officer of the copy of the application provided to him or her pursuant to subsection 4. A person may not be deemed to hold a registry identification card for a period of more than 30 days after the date on which the Division received the application.

9. As used in this section, "resident" has the meaning ascribed to it in NRS 483.141.

(Added to NRS by 2001, 3056; A 2003, 1431; 2005, 686; 2009, 618)

NRS 453A.210 Registry identification cards: Program for issuance; application; required accompanying information; distribution of copies of application; verification of information contained in application; permissible grounds for denial of application; judicial review of decision to deny application; reapplication; applicant and caregiver deemed to hold card pending approval or denial of application. [Effective April 1, 2014.]

1. The Division shall establish and maintain a program for the issuance of registry identification cards to persons who meet the requirements of this section.

2. Except as otherwise provided in subsections 3 and 5 and NRS 453A.225, the Division or its designee shall issue a registry identification card to a person who is a resident of this State and who submits an application on a form prescribed by the Division accompanied by the following:

(a) Valid, written documentation from the person's attending physician stating that:

(1) The person has been diagnosed with a chronic or debilitating medical condition;

(2) The medical use of marijuana may mitigate the symptoms or effects of that condition; and

(3) The attending physician has explained the possible risks and benefits of the medical use of marijuana;

(b) The name, address, telephone number, social security number and date of birth of the person;

(c) Proof satisfactory to the Division that the person is a resident of this State;

(d) The name, address and telephone number of the person's attending physician;

(e) If the person elects to designate a primary caregiver at the time of application:

- (1) The name, address, telephone number and social security number of the designated primary caregiver; and
- (2) A written, signed statement from the person's attending physician in which the attending physician approves of the designation of the primary caregiver; and

(f) If the person elects to designate a medical marijuana dispensary at the time of application, the name of the medical marijuana dispensary.

3. The Division or its designee shall issue a registry identification card to a person who is under 18 years of age if:

(a) The person submits the materials required pursuant to subsection 2; and

(b) The custodial parent or legal guardian with responsibility for health care decisions for the person under 18 years of age signs a written statement setting forth that:

(1) The attending physician of the person under 18 years of age has explained to that person and to the custodial parent or legal guardian with responsibility for health care decisions for the person under 18 years of age the possible risks and benefits of the medical use of marijuana;

(2) The custodial parent or legal guardian with responsibility for health care decisions for the person under 18 years of age consents to the use of marijuana by the person under 18 years of age for medical purposes;

(3) The custodial parent or legal guardian with responsibility for health care decisions for the person under 18 years of age agrees to serve as the designated primary caregiver for the person under 18 years of age; and

(4) The custodial parent or legal guardian with responsibility for health care decisions for the person under 18 years of age agrees to control the acquisition of marijuana and the dosage and frequency of use by the person under 18 years of age.

4. The form prescribed by the Division to be used by a person applying for a registry identification card pursuant to this section must be a form that is in quintuplicate. Upon receipt of an application that is completed and submitted pursuant to this section, the Division shall:

(a) Record on the application the date on which it was received;

(b) Retain one copy of the application for the records of the Division; and

(c) Distribute the other four copies of the application in the following manner:

(1) One copy to the person who submitted the application;

(2) One copy to the applicant's designated primary caregiver, if any;

(3) One copy to the Central Repository for Nevada Records of Criminal History; and

(4) One copy to:

(I) If the attending physician of the applicant is licensed to practice medicine pursuant to the provisions of chapter 630 of NRS, the Board of Medical Examiners; or

(II) If the attending physician of the applicant is licensed to practice osteopathic medicine pursuant to the provisions of chapter 633 of NRS, the State Board of Osteopathic Medicine.

➡ The Central Repository for Nevada Records of Criminal History shall report to the Division its findings as to the criminal history, if any, of an applicant within 15 days after receiving a copy of an application pursuant to subparagraph (3) of paragraph (c). The Board of Medical Examiners or the State Board of Osteopathic Medicine, as applicable, shall report to the Division its findings as to the licensure and standing of the applicant's attending physician within 15 days after receiving a copy of an application pursuant to subparagraph (4) of paragraph (c).

5. The Division shall verify the information contained in an application submitted pursuant to this section and shall approve or deny an application within 30 days after receiving the application. The Division may contact an applicant, the applicant's attending physician and designated primary caregiver, if any, by telephone to determine that the information provided on or accompanying the application is accurate. The Division may deny an application only on the following grounds:

(a) The applicant failed to provide the information required pursuant to subsections 2 and 3 to:

(1) Establish the applicant's chronic or debilitating medical condition; or

(2) Document the applicant's consultation with an attending physician regarding the medical use of marijuana in connection with that condition;

(b) The applicant failed to comply with regulations adopted by the Division, including, without limitation, the regulations adopted by the Administrator pursuant to NRS 453A.740;

(c) The Division determines that the information provided by the applicant was falsified;

(d) The Division determines that the attending physician of the applicant is not licensed to practice medicine or osteopathic medicine in this State or is not in good standing, as reported by the Board of Medical Examiners or the State Board of Osteopathic Medicine, as applicable;

(e) The Division determines that the applicant, or the applicant's designated primary caregiver, if applicable, has been convicted of knowingly or intentionally selling a controlled substance;

(f) The Division has prohibited the applicant from obtaining or using a registry identification card pursuant to subsection 2 of NRS 453A.300;

(g) The Division determines that the applicant, or the applicant's designated primary caregiver, if applicable, has had a registry identification card revoked pursuant to NRS 453A.225; or

(h) In the case of a person under 18 years of age, the custodial parent or legal guardian with responsibility for health care decisions for the person has not signed the written statement required pursuant to paragraph (b) of subsection 3.

6. The decision of the Division to deny an application for a registry identification card is a final decision for the purposes of judicial review. Only the person whose application has been denied or, in the case of a person under 18 years of age whose application has been denied, the person's parent or legal guardian, has standing to contest the determination of the Division. A judicial review authorized pursuant to this subsection must be limited to a determination of whether the denial was arbitrary, capricious or otherwise characterized by an abuse of discretion and must be conducted in accordance with the procedures set forth in chapter 233B of NRS for reviewing a final decision of an agency.

7. A person whose application has been denied may not reapply for 6 months after the date of the denial, unless the Division or a court of competent jurisdiction authorizes reapplication in a shorter time.

8. Except as otherwise provided in this subsection, if a person has applied for a registry identification card pursuant to this section and the Division has not yet approved or denied the application, the person, and the person's designated primary caregiver, if any, shall be deemed to hold a registry identification card upon the presentation to a law enforcement officer of the copy of the application provided to him or her pursuant to subsection 4.

9. As used in this section, "resident" has the meaning ascribed to it in NRS 483.141.

(Added to NRS by 2001, 3056; A 2003, 1431; 2005, 686; 2009, 618; 2013, 3719, effective April 1, 2014)

NRS 453A.220 Registry identification cards: Issuance to applicant; issuance to primary caregiver if primary caregiver has been designated at time of application; required contents; duration; renewal. [Effective through March 31, 2014.]

1. If the Division approves an application pursuant to subsection 5 of NRS 453A.210, the Division or its designee shall, as soon as practicable after the Division approves the application:

(a) Issue a serially numbered registry identification card to the applicant; and

(b) If the applicant has designated a primary caregiver, issue a serially numbered registry identification card to the designated primary caregiver.

2. A registry identification card issued pursuant to paragraph (a) of subsection 1 must set forth:

(a) The name, address, photograph and date of birth of the applicant;

(b) The date of issuance and date of expiration of the registry identification card;

(c) The name and address of the applicant's designated primary caregiver, if any; and

(d) Any other information prescribed by regulation of the Division.

3. A registry identification card issued pursuant to paragraph (b) of subsection 1 must set forth:

(a) The name, address and photograph of the designated primary caregiver;

(b) The date of issuance and date of expiration of the registry identification card;

(c) The name and address of the applicant for whom the person is the designated primary caregiver; and

(d) Any other information prescribed by regulation of the Division.

4. Except as otherwise provided in NRS 453A.225, subsection 3 of NRS 453A.230 and subsection 2 of NRS 453A.300, a registry identification card issued pursuant to this section is valid for a period of 1 year and may be renewed in accordance with regulations adopted by the Division.

(Added to NRS by 2001, 3058; A 2005, 688; 2009, 620)

NRS 453A.220 Registry identification cards: Issuance to applicant; issuance to primary caregiver if primary caregiver has been designated at time of application; required contents; duration; renewal. [Effective April 1, 2014.]

1. If the Division approves an application pursuant to subsection 5 of NRS 453A.210, the Division or its designee shall, as soon as practicable after the Division approves the application:

(a) Issue a serially numbered registry identification card to the applicant; and

(b) If the applicant has designated a primary caregiver, issue a serially numbered registry identification card to the designated primary caregiver.

2. A registry identification card issued pursuant to paragraph (a) of subsection 1 must set forth:

(a) The name, address, photograph and date of birth of the applicant;

(b) The date of issuance and date of expiration of the registry identification card;

(c) The name and address of the applicant's designated primary caregiver, if any;

(d) The name of the applicant's designated medical marijuana dispensary, if any;

(e) Whether the applicant is authorized to cultivate, grow or produce marijuana pursuant to subsection 6 of NRS 453A.200; and

(f) Any other information prescribed by regulation of the Division.

3. A registry identification card issued pursuant to paragraph (b) of subsection 1 must set forth:

(a) The name, address and photograph of the designated primary caregiver;

(b) The date of issuance and date of expiration of the registry identification card;

(c) The name and address of the applicant for whom the person is the designated primary caregiver;

(d) The name of the designated primary caregiver's designated medical marijuana dispensary, if any;

(e) Whether the designated primary caregiver is authorized to cultivate, grow or produce marijuana pursuant to subsection 6 of NRS 453A.200; and

(f) Any other information prescribed by regulation of the Division.

4. Except as otherwise provided in NRS 453A.225, subsection 3 of NRS 453A.230 and subsection 2 of NRS 453A.300, a registry identification card issued pursuant to this section is valid for a period of 1 year and may be renewed in accordance with regulations adopted by the Division.

(Added to NRS by 2001, 3058; A 2005, 688; 2009, 620; 2013, 3722, effective April 1, 2014)

NRS 453A.225 Registry identification cards: Revocation; duties; judicial review; reapplication prohibited for 12 months.

1. If, at any time after the Division or its designee has issued a registry identification card to a person pursuant to paragraph (a) of subsection 1 of NRS 453A.220, the Division determines, on the basis of official documents or records or other credible evidence, that the person:

(a) Provided falsified information on his or her application to the Division or its designee, as described in paragraph

(c) of subsection 5 of NRS 453A.210; or

(b) Has been convicted of knowingly or intentionally selling a controlled substance, as described in paragraph (e) of subsection 5 of NRS 453A.210,

the Division shall immediately revoke the registry identification card issued to that person and shall immediately revoke the registry identification card issued to that person's designated primary caregiver, if any.

2. If, at any time after the Division or its designee has issued a registry identification card to a person pursuant to paragraph (b) of subsection 1 of NRS 453A.220 or pursuant to NRS 453A.250, the Division determines, on the basis of official documents or records or other credible evidence, that the person has been convicted of knowingly or intentionally selling a controlled substance, as described in paragraph (e) of subsection 5 of NRS 453A.210, the Division shall immediately revoke the registry identification card issued to that person.

3. Upon the revocation of a registry identification card pursuant to this section:

(a) The Division shall send, by certified mail, return receipt requested, notice to the person whose registry identification card has been revoked, advising the person of the requirements of paragraph (b); and

(b) The person shall return his or her registry identification card to the Division within 7 days after receiving the notice sent pursuant to paragraph (a).

4. The decision of the Division to revoke a registry identification card pursuant to this section is a final decision for the purposes of judicial review.

5. A person whose registry identification card has been revoked pursuant to this section may not reapply for a registry identification card pursuant to NRS 453A.210 for 12 months after the date of the revocation, unless the Division or a court of competent jurisdiction authorizes reapplication in a shorter time.

(Added to NRS by 2005, 685; A 2009, 621)

NRS 453A.230 Registry identification card: Holder to notify Division of certain changes in information; required annual update of documentation from attending physician; designation of primary caregiver after initial issuance of card; deemed expiration of card. [Effective through March 31, 2014.]

1. A person to whom the Division or its designee has issued a registry identification card pursuant to paragraph (a) of subsection 1 of NRS 453A.220 shall, in accordance with regulations adopted by the Division:

(a) Notify the Division of any change in the person's name, address, telephone number, attending physician or designated primary caregiver, if any; and

(b) Submit annually to the Division:

(1) Updated written documentation from the person's attending physician in which the attending physician sets forth that:

(I) The person continues to suffer from a chronic or debilitating medical condition;

(II) The medical use of marijuana may mitigate the symptoms or effects of that condition; and

(III) The attending physician has explained to the person the possible risks and benefits of the medical use of marijuana; and

(2) If the person elects to designate a primary caregiver for the subsequent year and the primary caregiver so designated was not the person's designated primary caregiver during the previous year:

(I) The name, address, telephone number and social security number of the designated primary caregiver; and

(II) A written, signed statement from the person's attending physician in which the attending physician approves of the designation of the primary caregiver.

2. A person to whom the Division or its designee has issued a registry identification card pursuant to paragraph (b) of subsection 1 of NRS 453A.220 or pursuant to NRS 453A.250 shall, in accordance with regulations adopted by the Division, notify the Division of any change in the person's name, address, telephone number or the identity of the person for whom he or she acts as designated primary caregiver.

3. If a person fails to comply with the provisions of subsection 1 or 2, the registry identification card issued to the person shall be deemed expired. If the registry identification card of a person to whom the Division or its designee issued the card pursuant to paragraph (a) of subsection 1 of NRS 453A.220 is deemed expired pursuant to this subsection, a registry identification card issued to the person's designated primary caregiver, if any, shall also be deemed expired. Upon the deemed expiration of a registry identification card pursuant to this subsection:

(a) The Division shall send, by certified mail, return receipt requested, notice to the person whose registry identification card has been deemed expired, advising the person of the requirements of paragraph (b); and

(b) The person shall return his or her registry identification card to the Division within 7 days after receiving the notice sent pursuant to paragraph (a).

(Added to NRS by 2001, 3059; A 2009, 622)

NRS 453A.230 Registry identification card: Holder to notify Division of certain changes in information; required annual update of documentation from attending physician; designation of primary caregiver after initial issuance of card; deemed expiration of card. [Effective April 1, 2014.]

1. A person to whom the Division or its designee has issued a registry identification card pursuant to paragraph (a) of subsection 1 of NRS 453A.220 shall, in accordance with regulations adopted by the Division:

(a) Notify the Division of any change in the person's name, address, telephone number, designated medical marijuana dispensary, attending physician or designated primary caregiver, if any; and

(b) Submit annually to the Division:

(1) Updated written documentation from the person's attending physician in which the attending physician sets forth that:

(I) The person continues to suffer from a chronic or debilitating medical condition;

(II) The medical use of marijuana may mitigate the symptoms or effects of that condition; and

(III) The attending physician has explained to the person the possible risks and benefits of the medical use of marijuana; and

(2) If the person elects to designate a primary caregiver for the subsequent year and the primary caregiver so designated was not the person's designated primary caregiver during the previous year:

(I) The name, address, telephone number and social security number of the designated primary caregiver; and

(II) A written, signed statement from the person's attending physician in which the attending physician approves of the designation of the primary caregiver.

2. A person to whom the Division or its designee has issued a registry identification card pursuant to paragraph (b) of subsection 1 of NRS 453A.220 or pursuant to NRS 453A.250 shall, in accordance with regulations adopted by the Division, notify the Division of any change in the person's name, address, telephone number, designated medical marijuana dispensary or the identity of the person for whom he or she acts as designated primary caregiver.

3. If a person fails to comply with the provisions of subsection 1 or 2, the registry identification card issued to the person shall be deemed expired. If the registry identification card of a person to whom the Division or its designee issued the card pursuant to paragraph (a) of subsection 1 of NRS 453A.220 is deemed expired pursuant to this subsection, a registry identification card issued to the person's designated primary caregiver, if any, shall also be deemed expired. Upon the deemed expiration of a registry identification card pursuant to this subsection:

(a) The Division shall send, by certified mail, return receipt requested, notice to the person whose registry identification card has been deemed expired, advising the person of the requirements of paragraph (b); and

(b) The person shall return his or her registry identification card to the Division within 7 days after receiving the notice sent pursuant to paragraph (a).

(Added to NRS by 2001, 3059; A 2009, 622; 2013, 3723, effective April 1, 2014)

NRS 453A.240 Registry identification cards: Card to be returned to Division following diagnosis of absence of chronic or debilitating medical condition. If a person to whom the Division or its designee has issued a registry identification card pursuant to paragraph (a) of subsection 1 of NRS 453A.220 is diagnosed by the person's attending physician as no longer having a chronic or debilitating medical condition, the person and his or her designated primary caregiver, if any, shall return their registry identification cards to the Division within 7 days after notification of the diagnosis.

(Added to NRS by 2001, 3060; A 2009, 623)

NRS 453A.250 Registry identification cards: General requirements concerning designation of primary caregiver; user of medical marijuana not to have more than one designated primary caregiver; timing of issuance of card to caregiver if caregiver designated after initial issuance of card to patient.

1. If a person who applies to the Division for a registry identification card or to whom the Division or its designee has issued a registry identification card pursuant to paragraph (a) of subsection 1 of NRS 453A.220 desires to designate a primary caregiver, the person must:

(a) To designate a primary caregiver at the time of application, submit to the Division the information required pursuant to paragraph (e) of subsection 2 of NRS 453A.210; or

(b) To designate a primary caregiver after the Division or its designee has issued a registry identification card to the person, submit to the Division the information required pursuant to subparagraph (2) of paragraph (b) of subsection 1 of NRS 453A.230.

2. A person may have only one designated primary caregiver at any one time.

3. If a person designates a primary caregiver after the time that the person initially applies for a registry identification card, the Division or its designee shall, except as otherwise provided in subsection 5 of NRS 453A.210, issue a registry identification card to the designated primary caregiver as soon as practicable after receiving the information submitted pursuant to paragraph (b) of subsection 1.

(Added to NRS by 2001, 3060; A 2003, 1433; 2009, 623)

PROHIBITED ACTS; AFFIRMATIVE DEFENSES

NRS 453A.300 Acts for which registry identification cardholder is not exempt from state prosecution and may not raise affirmative defense; additional penalty. [Effective through March 31, 2014.]

1. A person who holds a registry identification card issued to him or her pursuant to NRS 453A.220 or 453A.250 is not exempt from state prosecution for, nor may the person establish an affirmative defense to charges arising from, any of the following acts:

(a) Driving, operating or being in actual physical control of a vehicle or a vessel under power or sail while under the influence of marijuana.

(b) Engaging in any other conduct prohibited by NRS 484C.110, 484C.120, 484C.130, 484C.430, subsection 2 of NRS 488.400, NRS 488.410, 488.420, 488.425 or 493.130.

(c) Possessing a firearm in violation of paragraph (b) of subsection 1 of NRS 202.257.

(d) Possessing marijuana in violation of NRS 453.336 or possessing drug paraphernalia in violation of NRS 453.560 or 453.566, if the possession of the marijuana or drug paraphernalia is discovered because the person engaged or assisted in the medical use of marijuana in:

(1) Any public place or in any place open to the public or exposed to public view; or

(2) Any local detention facility, county jail, state prison, reformatory or other correctional facility, including, without limitation, any facility for the detention of juvenile offenders.

(e) Delivering marijuana to another person who he or she knows does not lawfully hold a registry identification card issued by the Division or its designee pursuant to NRS 453A.220 or 453A.250.

(f) Delivering marijuana for consideration to any person, regardless of whether the recipient lawfully holds a registry identification card issued by the Division or its designee pursuant to NRS 453A.220 or 453A.250.

2. Except as otherwise provided in NRS 453A.225 and in addition to any other penalty provided by law, if the Division determines that a person has willfully violated a provision of this chapter or any regulation adopted by the Division to carry out the provisions of this chapter, the Division may, at its own discretion, prohibit the person from obtaining or using a registry identification card for a period of up to 6 months.

(Added to NRS by 2001, 3060; A 2005, 169, 689; 2009, 623, 1887)

NRS 453A.300 Acts for which registry identification cardholder is not exempt from state prosecution and may not raise affirmative defense; additional penalty. [Effective April 1, 2014.]

1. A person who holds a registry identification card issued to him or her pursuant to NRS 453A.220 or 453A.250 is not exempt from state prosecution for, nor may the person establish an affirmative defense to charges arising from, any of the following acts:

(a) Driving, operating or being in actual physical control of a vehicle or a vessel under power or sail while under the influence of marijuana.

(b) Engaging in any other conduct prohibited by NRS 484C.110, 484C.120, 484C.130, 484C.430, subsection 2 of NRS 488.400, NRS 488.410, 488.420, 488.425 or 493.130.

(c) Possessing a firearm in violation of paragraph (b) of subsection 1 of NRS 202.257.

(d) Possessing marijuana in violation of NRS 453.336 or possessing paraphernalia in violation of NRS 453.560 or 453.566, if the possession of the marijuana or paraphernalia is discovered because the person engaged or assisted in the medical use of marijuana in:

(1) Any public place or in any place open to the public or exposed to public view; or

(2) Any local detention facility, county jail, state prison, reformatory or other correctional facility, including, without limitation, any facility for the detention of juvenile offenders.

(e) Delivering marijuana to another person who he or she knows does not lawfully hold a registry identification card issued by the Division or its designee pursuant to NRS 453A.220 or 453A.250.

(f) Delivering marijuana for consideration to any person, regardless of whether the recipient lawfully holds a registry identification card issued by the Division or its designee pursuant to NRS 453A.220 or 453A.250.

2. Except as otherwise provided in NRS 453A.225 and in addition to any other penalty provided by law, if the Division determines that a person has willfully violated a provision of this chapter or any regulation adopted by the Division to carry out the provisions of this chapter, the Division may, at its own discretion, prohibit the person from obtaining or using a registry identification card for a period of up to 6 months.

(Added to NRS by 2001, 3060; A 2005, 169, 689; 2009, 623, 1887; 2013, 3724, effective April 1, 2014)

NRS 453A.310 Affirmative defenses.

1. Except as otherwise provided in this section and NRS 453A.300, it is an affirmative defense to a criminal charge of possession, delivery or production of marijuana, or any other criminal offense in which possession, delivery or production of marijuana is an element, that the person charged with the offense:

(a) Is a person who:

(1) Has been diagnosed with a chronic or debilitating medical condition within the 12-month period preceding his or her arrest and has been advised by his or her attending physician that the medical use of marijuana may mitigate the symptoms or effects of that chronic or debilitating medical condition;

(2) Is engaged in the medical use of marijuana; and

(3) Possesses, delivers or produces marijuana only in the amount described in paragraph (b) of subsection 3 of NRS 453A.200 or in excess of that amount if the person proves by a preponderance of the evidence that the greater amount is medically necessary as determined by the person's attending physician to mitigate the symptoms or effects of the person's chronic or debilitating medical condition; or

(b) Is a person who:

(1) Is assisting a person described in paragraph (a) in the medical use of marijuana; and

(2) Possesses, delivers or produces marijuana only in the amount described in paragraph (b) of subsection 3 of NRS 453A.200 or in excess of that amount if the person proves by a preponderance of the evidence that the greater amount is medically necessary as determined by the assisted person's attending physician to mitigate the symptoms or effects of the assisted person's chronic or debilitating medical condition.

2. A person need not hold a registry identification card issued to the person by the Division or its designee pursuant to NRS 453A.220 or 453A.250 to assert an affirmative defense described in this section.

3. Except as otherwise provided in this section and in addition to the affirmative defense described in subsection 1, a person engaged or assisting in the medical use of marijuana who is charged with a crime pertaining to the medical use of marijuana is not precluded from:

(a) Asserting a defense of medical necessity; or

(b) Presenting evidence supporting the necessity of marijuana for treatment of a specific disease or medical condition, if the amount of marijuana at issue is not greater than the amount described in paragraph (b) of subsection 3 of NRS 453A.200 and the person has taken steps to comply substantially with the provisions of this chapter.

4. A defendant who intends to offer an affirmative defense described in this section shall, not less than 5 days before trial or at such other time as the court directs, file and serve upon the prosecuting attorney a written notice of the defendant's intent to claim the affirmative defense. The written notice must:

(a) State specifically why the defendant believes he or she is entitled to assert the affirmative defense; and

(b) Set forth the factual basis for the affirmative defense.

— A defendant who fails to provide notice of his or her intent to claim an affirmative defense as required pursuant to this subsection may not assert the affirmative defense at trial unless the court, for good cause shown, orders otherwise.

(Added to NRS by 2001, 3061; A 2009, 624)

PRODUCTION AND DISTRIBUTION OF MEDICAL MARIJUANA

Registration of Medical Marijuana Establishments and Medical Marijuana Establishment Agents

NRS 453A.320 Purpose of registration; no vested right acquired by holder of registration certificate or registration card. [Effective April 1, 2014.] The purpose for registering medical marijuana establishments and medical marijuana establishment agents is to protect the public health and safety and the general welfare of the people of this State. Any medical marijuana establishment registration certificate issued pursuant to NRS 453A.322 and any medical marijuana establishment agent registration card issued pursuant to NRS 453A.332 is a revocable privilege and the holder of such a certificate or card, as applicable, does not acquire thereby any vested right.

(Added to NRS by 2013, 3710, effective April 1, 2014)

NRS 453A.322 Registration of establishments: Requirements; expiration and renewal. [Effective April 1, 2014.]

1. Each medical marijuana establishment must register with the Division.
2. A person who wishes to operate a medical marijuana establishment must submit to the Division an application on a form prescribed by the Division.

3. Except as otherwise provided in NRS 453A.324, 453A.326, 453A.328 and 453A.340, not later than 90 days after receiving an application to operate a medical marijuana establishment, the Division shall register the medical marijuana establishment and issue a medical marijuana establishment registration certificate and a random 20-digit alphanumeric identification number if:

(a) The person who wishes to operate the proposed medical marijuana establishment has submitted to the Division all of the following:

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

(2) An application, which must include:

(I) The legal name of the proposed medical marijuana establishment;

(II) The physical address where the proposed medical marijuana establishment will be located and the physical address of any co-owned additional or otherwise associated medical marijuana establishments, the locations of which may not be within 1,000 feet of a public or private school that provides formal education traditionally associated with preschool or kindergarten through grade 12 and that existed on the date on which the application for the proposed medical marijuana establishment was submitted to the Division, or within 300 feet of a community facility that existed on the date on which the application for the proposed medical marijuana establishment was submitted to the Division;

(III) Evidence that the applicant controls not less than \$250,000 in liquid assets to cover the initial expenses of opening the proposed medical marijuana establishment and complying with the provisions of NRS 453A.320 to 453A.370, inclusive;

(IV) Evidence that the applicant owns the property on which the proposed medical marijuana establishment will be located or has the written permission of the property owner to operate the proposed medical marijuana establishment on that property;

(V) For the applicant and each person who is proposed to be an owner, officer or board member of the proposed medical marijuana establishment, a complete set of the person's fingerprints and written permission of the person authorizing the Division to forward the fingerprints to the Central Repository for Nevada Records of Criminal History for submission to the Federal Bureau of Investigation for its report;

(VI) The name, address and date of birth of each person who is proposed to be an owner, officer or board member of the proposed medical marijuana establishment; and

(VII) The name, address and date of birth of each person who is proposed to be employed by or otherwise provide labor at the proposed medical marijuana establishment as a medical marijuana establishment agent;

(3) Operating procedures consistent with rules of the Division for oversight of the proposed medical marijuana establishment, including, without limitation:

(I) Procedures to ensure the use of adequate security measures; and

(II) The use of an electronic verification system and an inventory control system, pursuant to NRS 453A.354 and 453A.356;

(4) If the proposed medical marijuana establishment will sell or deliver edible marijuana products or marijuana-infused products, proposed operating procedures for handling such products which must be preapproved by the Division;

(5) If the city, town or county in which the proposed medical marijuana establishment will be located has enacted zoning restrictions, proof of licensure with the applicable local governmental authority or a letter from the applicable local governmental authority certifying that the proposed medical marijuana establishment is in compliance with those restrictions and satisfies all applicable building requirements; and

(6) Such other information as the Division may require by regulation;

(b) None of the persons who are proposed to be owners, officers or board members of the proposed medical marijuana establishment have been convicted of an excluded felony offense;

(c) None of the persons who are proposed to be owners, officers or board members of the proposed medical marijuana establishment have:

(1) Served as an owner, officer or board member for a medical marijuana establishment that has had its medical marijuana establishment registration certificate revoked; or

(2) Previously had a medical marijuana establishment agent registration card revoked; and

(d) None of the persons who are proposed to be owners, officers or board members of the proposed medical marijuana establishment are under 21 years of age.

4. For each person who submits an application pursuant to this section, and each person who is proposed to be an owner, officer or board member of a proposed medical marijuana establishment, the Division shall submit the fingerprints of the person to the Central Repository for Nevada Records of Criminal History for submission to the Federal Bureau of Investigation to determine the criminal history of that person.

5. Except as otherwise provided in subsection 6, if an application for registration as a medical marijuana establishment satisfies the requirements of this section and the establishment is not disqualified from being registered as a medical marijuana establishment pursuant to this section or other applicable law, the Division shall issue to the establishment a medical marijuana establishment registration certificate. A medical marijuana establishment registration certificate expires 1 year after the date of issuance and may be renewed upon:

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

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

6. In determining whether to issue a medical marijuana establishment registration certificate pursuant to this section, the Division shall consider the criteria of merit set forth in NRS 453A.328.

7. As used in this section, "community facility" means:

(a) A facility that provides day care to children.

(b) A public park.

(c) A playground.

(d) A public swimming pool.

(e) A center or facility, the primary purpose of which is to provide recreational opportunities or services to children or adolescents.

(f) A church, synagogue or other building, structure or place used for religious worship or other religious purpose.

(Added to NRS by 2013, 3702, effective April 1, 2014)

NRS 453A.324 Registration of establishments: Limitation on total number of certificates that can be issued in each county; limitation on number of days Division may accept applications in calendar year. [Effective April 1, 2014.]

1. Except as otherwise provided in this section and NRS 453A.326, the Division shall issue medical marijuana establishment registration certificates for medical marijuana dispensaries in the following quantities for applicants who qualify pursuant to NRS 453A.322:

(a) In a county whose population is 700,000 or more, 40 certificates;

(b) In a county whose population is 100,000 or more but less than 700,000, ten certificates;

(c) In a county whose population is 55,000 or more but less than 100,000, two certificates; and

(d) In each other county, one certificate.

2. Notwithstanding the provisions of subsection 1, the Division shall not issue medical marijuana establishment registration certificates for medical marijuana dispensaries in such a quantity as to cause the existence within the applicable county of more than one medical marijuana dispensary for every ten pharmacies that have been licensed in the county pursuant to chapter 639 of NRS. The Division may issue medical marijuana establishment registration certificates for medical marijuana dispensaries in excess of the ratio otherwise allowed pursuant to this subsection if to do so is necessary to ensure that the Division issues at least one medical marijuana establishment registration certificate in each county of this State in which the Division has approved an application for such an establishment to operate.

3. With respect to medical marijuana establishments that are not medical marijuana dispensaries, the Division shall determine the appropriate number of such establishments as are necessary to serve and supply the medical marijuana dispensaries to which the Division has granted medical marijuana establishment registration certificates.

4. The Division shall not, for more than a total of ten business days in any one calendar year, accept applications to operate medical marijuana establishments.

(Added to NRS by 2013, 3705, effective April 1, 2014)

NRS 453A.326 Registration of establishments in larger counties: Limitation on number of medical marijuana dispensaries located in any one governmental jurisdiction within county; limitation on number of certificates issued to any one person; certificates deemed provisional pending compliance with local requirements and issuance of local business license. [Effective April 1, 2014.]

1. Except as otherwise provided in this subsection, in a county whose population is 100,000 or more, the Division shall ensure that not more than 25 percent of the total number of medical marijuana dispensaries that may be certified in the county, as set forth in NRS 453A.324, are located in any one local governmental jurisdiction within the county. The board of county commissioners of the county may increase the percentage described in this subsection if it determines that to do so is necessary to ensure that the more populous areas of the county have access to sufficient distribution of marijuana for medical use.

2. To prevent monopolistic practices, the Division shall ensure, in a county whose population is 100,000 or more, that it does not issue, to any one person, group of persons or entity, the greater of:

(a) One medical marijuana establishment registration certificate; or

(b) More than 10 percent of the medical marijuana establishment registration certificates otherwise allocable in the county.

3. In a local governmental jurisdiction that issues business licenses, the issuance by the Division of a medical marijuana establishment registration certificate shall be deemed to be provisional until such time as:

(a) The establishment is in compliance with all applicable local governmental ordinances or rules; and

(b) The local government has issued a business license for the operation of the establishment.

4. As used in this section, "local governmental jurisdiction" means a city, town, township or unincorporated area within a county.

(Added to NRS by 2013, 3705, effective April 1, 2014)

NRS 453A.328 Registration of establishments: Considerations in determining whether to issue registration certificate. [Effective April 1, 2014.] In determining whether to issue a medical marijuana establishment registration certificate pursuant to NRS 453A.322, the Division shall, in addition to the factors set forth in that section, consider the following criteria of merit:

1. The total financial resources of the applicant, both liquid and illiquid;
2. The previous experience of the persons who are proposed to be owners, officers or board members of the proposed medical marijuana establishment at operating other businesses or nonprofit organizations;
3. The educational achievements of the persons who are proposed to be owners, officers or board members of the proposed medical marijuana establishment;
4. Any demonstrated knowledge or expertise on the part of the persons who are proposed to be owners, officers or board members of the proposed medical marijuana establishment with respect to the compassionate use of marijuana to treat medical conditions;
5. Whether the proposed location of the proposed medical marijuana establishment would be convenient to serve the needs of persons who are authorized to engage in the medical use of marijuana;
6. The likely impact of the proposed medical marijuana establishment on the community in which it is proposed to be located;
7. The adequacy of the size of the proposed medical marijuana establishment to serve the needs of persons who are authorized to engage in the medical use of marijuana;
8. Whether the applicant has an integrated plan for the care, quality and safekeeping of medical marijuana from seed to sale;
9. The amount of taxes paid to, or other beneficial financial contributions made to, the State of Nevada or its political subdivisions by the applicant or the persons who are proposed to be owners, officers or board members of the proposed medical marijuana establishment; and
10. Any other criteria of merit that the Division determines to be relevant.

(Added to NRS by 2013, 3706, effective April 1, 2014)

NRS 453A.332 Agents required to register with Division; requirements for registration; establishment required to notify Division if agent ceases to be employed by or volunteer at establishment; expiration and renewal of registration. [Effective April 1, 2014.]

1. Except as otherwise provided in this section, a person shall not volunteer or work at a medical marijuana establishment as a medical marijuana establishment agent unless the person is registered with the Division pursuant to this section.

2. A medical marijuana establishment that wishes to retain as a volunteer or employ a medical marijuana establishment agent shall submit to the Division an application on a form prescribed by the Division. The application must be accompanied by:

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

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

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

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

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

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

3. A medical marijuana establishment shall notify the Division within 10 days after a medical marijuana establishment agent ceases to be employed by or volunteer at the medical marijuana establishment.

4. A person who:

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

(b) Is less than 21 years of age,

➤ shall not serve as a medical marijuana establishment agent.

5. The Division shall submit the fingerprints of an applicant for registration as a medical marijuana establishment agent to the Central Repository for Nevada Records of Criminal History for submission to the Federal Bureau of Investigation to determine the criminal history of the applicant.

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

7. If an applicant for registration as a medical marijuana establishment agent satisfies the requirements of this section and is not disqualified from serving as such an agent pursuant to this section or any other applicable law, the Division shall issue to the person a medical marijuana establishment agent registration card. If the Division does not act upon an application for a medical marijuana establishment agent registration card within 30 days after the date on which the application is received, the application shall be deemed conditionally approved until such time as the Division acts upon

the application. A medical marijuana establishment agent registration card expires 1 year after the date of issuance and may be renewed upon:

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

(Added to NRS by 2013, 3707, effective April 1, 2014)

NRS 453A.334 Registration cards and registration certificates nontransferable. [Effective April 1, 2014.]

The following are nontransferable:

1. A medical marijuana establishment agent registration card.
2. A medical marijuana establishment registration certificate.

(Added to NRS by 2013, 3708, effective April 1, 2014)

NRS 453A.336 Payment of child support: Statement by applicant for registration card or registration certificate; grounds for denial; duties of Division. [Effective April 1, 2014, and until the date of the repeal of 42 U.S.C. § 666, the federal law requiring each state to establish procedures for withholding, suspending and restricting the professional, occupational and recreational licenses for child support arrearages and for noncompliance with certain processes relating to paternity or child support proceedings.]

1. In addition to any other requirements set forth in this chapter, an applicant for the issuance or renewal of a medical marijuana establishment agent registration card or medical marijuana establishment registration certificate shall:

(a) Include the social security number of the applicant in the application submitted to the Division.

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

2. The Division shall include the statement required pursuant to subsection 1 in:

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

(b) A separate form prescribed by the Division.

3. A medical marijuana establishment agent registration card or medical marijuana establishment registration certificate may not be issued or renewed by the Division if the applicant:

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

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

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

(Added to NRS by 2013, 3708, effective April 1, 2014)

NRS 453A.338 Suspension of registration card or registration certificate for failure to pay child support or comply with certain subpoenas or warrants; reinstatement of registration card or registration certificate. [Effective April 1, 2014, and until the date of the repeal of 42 U.S.C. § 666, the federal law requiring each state to establish procedures for withholding, suspending and restricting the professional, occupational and recreational licenses for child support arrearages and for noncompliance with certain processes relating to paternity or child support proceedings.]

1. If the Division receives a copy of a court order issued pursuant to NRS 425.540 that provides for the suspension of all professional, occupational and recreational licenses, certificates and permits issued to a person who is the holder of a medical marijuana establishment agent registration card or medical marijuana establishment registration certificate, the Division shall deem the card or certificate issued to that person to be suspended at the end of the 30th day after the date on which the court order was issued unless the Division receives a letter issued to the holder of the card or certificate by the district attorney or other public agency pursuant to NRS 425.550 stating that the holder of the card or certificate has complied with the subpoena or warrant or has satisfied the arrearage pursuant to NRS 425.560.

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

(Added to NRS by 2013, 3709, effective April 1, 2014)

NRS 453A.340 Grounds for immediate revocation of registration certificate. [Effective April 1, 2014.] The following acts constitute grounds for immediate revocation of a medical marijuana establishment registration certificate:

1. Dispensing, delivering or otherwise transferring marijuana to a person other than a medical marijuana establishment agent, another medical marijuana establishment, a patient who holds a valid registry identification card or the designated primary caregiver of such a patient.

2. Acquiring usable marijuana or mature marijuana plants from any person other than a medical marijuana establishment agent, another medical marijuana establishment, a patient who holds a valid registry identification card or the designated primary caregiver of such a patient.

3. Violating a regulation of the Division, the violation of which is stated to be grounds for immediate revocation of a medical marijuana establishment registration certificate.

(Added to NRS by 2013, 3709, effective April 1, 2014)

NRS 453A.342 Grounds for immediate revocation of registration card. [Effective April 1, 2014.] The following acts constitute grounds for the immediate revocation of the medical marijuana establishment agent registration card of a medical marijuana establishment agent:

1. Having committed or committing any excluded felony offense.
2. Dispensing, delivering or otherwise transferring marijuana to a person other than a medical marijuana establishment agent, another medical marijuana establishment, a patient who holds a valid registry identification card or the designated primary caregiver of such a patient.
3. Violating a regulation of the Division, the violation of which is stated to be grounds for immediate revocation of a medical marijuana establishment agent registration card.

(Added to NRS by 2013, 3710, effective April 1, 2014)

NRS 453A.344 Fees. [Effective April 1, 2014.]

1. Except as otherwise provided in subsection 2, the Division shall collect not more than the following maximum fees:

For the initial issuance of a medical marijuana establishment registration certificate for a medical marijuana dispensary.....	\$30,000
For the renewal of a medical marijuana establishment registration certificate for a medical marijuana dispensary.....	5,000
For the initial issuance of a medical marijuana establishment registration certificate for a cultivation facility.....	3,000
For the renewal of a medical marijuana establishment registration certificate for a cultivation facility.....	1,000
For the initial issuance of a medical marijuana establishment registration certificate for a facility for the production of edible marijuana products or marijuana-infused products.....	3,000
For the renewal of a medical marijuana establishment registration certificate for a facility for the production of edible marijuana products or marijuana-infused products.....	1,000
For the initial issuance of a medical marijuana establishment agent registration card.....	75
For the renewal of a medical marijuana establishment agent registration card.....	75
For the initial issuance of a medical marijuana establishment registration certificate for an independent testing laboratory.....	5,000
For the renewal of a medical marijuana establishment registration certificate for an independent testing laboratory.....	3,000

2. In addition to the fees described in subsection 1, each applicant for a medical marijuana establishment registration certificate must pay to the Division:

- (a) A one-time, nonrefundable application fee of \$5,000; and
- (b) The actual costs incurred by the Division in processing the application, including, without limitation, conducting background checks.

3. Any revenue generated from the fees imposed pursuant to this section:

- (a) Must be expended first to pay the costs of the Division in carrying out the provisions of NRS 453A.320 to 453A.370, inclusive; and

- (b) If any excess revenue remains after paying the costs described in paragraph (a), such excess revenue must be paid over to the State Treasurer to be deposited to the credit of the State Distributive School Account in the State General Fund.

(Added to NRS by 2013, 3706, effective April 1, 2014)

Requirements Concerning Operation of Medical Marijuana Establishments

NRS 453A.350 Location, land use, appearance and signage. [Effective April 1, 2014.] Each medical marijuana establishment must:

1. Be located in a separate building or facility that is located in a commercial or industrial zone or overlay;
2. Comply with all local ordinances and rules pertaining to zoning, land use and signage;
3. Have an appearance, both as to the interior and exterior, that is professional, orderly, dignified and consistent with the traditional style of pharmacies and medical offices; and
4. Have discreet and professional signage that is consistent with the traditional style of signage for pharmacies and medical offices.

(Added to NRS by 2013, 3704, effective April 1, 2014)

NRS 453A.352 Operating documents; security measures; actions of establishment with respect to marijuana required to be for certain purpose; requirements for cultivation; dispensary and cultivation facility authorized to acquire marijuana from patient; allowing consumption on premises prohibited; inspection. [Effective April 1, 2014.]

1. The operating documents of a medical marijuana establishment must include procedures:

- (a) For the oversight of the medical marijuana establishment; and
- (b) To ensure accurate recordkeeping, including, without limitation, the provisions of NRS 453A.354 and 453A.356.

2. Except as otherwise provided in this subsection, a medical marijuana establishment:

(a) That is a medical marijuana dispensary must have a single entrance for patrons, which must be secure, and shall implement strict security measures to deter and prevent the theft of marijuana and unauthorized entrance into areas containing marijuana.

(b) That is not a medical marijuana dispensary must have a single secure entrance and shall implement strict security measures to deter and prevent the theft of marijuana and unauthorized entrance into areas containing marijuana.

➤ The provisions of this subsection do not supersede any state or local requirements relating to minimum numbers of points of entry or exit, or any state or local requirements relating to fire safety.

3. A medical marijuana establishment is prohibited from acquiring, possessing, cultivating, manufacturing, delivering, transferring, transporting, supplying or dispensing marijuana for any purpose except to:

(a) Directly or indirectly assist patients who possess valid registry identification cards; and

(b) Assist patients who possess valid registry identification cards by way of those patients' designated primary caregivers.

➤ For the purposes of this subsection, a person shall be deemed to be a patient who possesses a valid registry identification card if he or she qualifies for nonresident reciprocity pursuant to NRS 453A.364.

4. All cultivation or production of marijuana that a cultivation facility carries out or causes to be carried out must take place in an enclosed, locked facility at the physical address provided to the Division during the registration process for the cultivation facility. Such an enclosed, locked facility must be accessible only by medical marijuana establishment agents who are lawfully associated with the cultivation facility, except that limited access by persons necessary to perform construction or repairs or provide other labor is permissible if such persons are supervised by a medical marijuana establishment agent.

5. A medical marijuana dispensary and a cultivation facility may acquire usable marijuana or marijuana plants from a patient who holds a valid registry identification card, or the designated primary caregiver of such a patient. Except as otherwise provided in this subsection, the patient or caregiver, as applicable, must receive no compensation for the marijuana. A patient who holds a valid registry identification card, and the designated primary caregiver of such a patient, may sell usable marijuana to a medical marijuana dispensary one time and may sell marijuana plants to a cultivation facility one time.

6. A medical marijuana establishment shall not allow any person to consume marijuana on the property or premises of the establishment.

7. Medical marijuana establishments are subject to reasonable inspection by the Division at any time, and a person who holds a medical marijuana establishment registration certificate must make himself or herself, or a designee thereof, available and present for any inspection by the Division of the establishment.

(Added to NRS by 2013, 3710, effective April 1, 2014)

NRS 453A.354 Electronic verification system. [Effective April 1, 2014.]

1. Each medical marijuana establishment, in consultation with the Division, shall maintain an electronic verification system.

2. The electronic verification system required pursuant to subsection 1 must be able to monitor and report information, including, without limitation:

(a) In the case of a medical marijuana dispensary, for each person who holds a valid registry identification card and who purchased marijuana from the dispensary in the immediately preceding 60-day period:

- (1) The number of the card;
- (2) The date on which the card was issued; and
- (3) The date on which the card will expire.

(b) For each medical marijuana establishment agent who is employed by or volunteers at the medical marijuana establishment, the number of the person's medical marijuana establishment agent registration card.

(c) In the case of a medical marijuana dispensary, such information as may be required by the Division by regulation regarding persons who are not residents of this State and who have purchased marijuana from the dispensary.

(d) Verification of the identity of a person to whom marijuana, edible marijuana products or marijuana-infused products are sold or otherwise distributed.

(e) Such other information as the Division may require.

3. Nothing in this section prohibits more than one medical marijuana establishment from co-owning an electronic verification system in cooperation with other medical marijuana establishments, or sharing the information obtained therefrom.

4. A medical marijuana establishment must exercise reasonable care to ensure that the personal identifying information of persons who hold registry identification cards which is contained in an electronic verification system is encrypted, protected and not divulged for any purpose not specifically authorized by law.

(Added to NRS by 2013, 3711, effective April 1, 2014)

NRS 453A.356 Inventory control system. [Effective April 1, 2014.]

1. Each medical marijuana establishment, in consultation with the Division, shall maintain an inventory control system.

2. The inventory control system required pursuant to subsection 1 must be able to monitor and report information, including, without limitation:

(a) Insofar as is practicable, the chain of custody and current whereabouts, in real time, of medical marijuana from the point that it is harvested at a cultivation facility until it is sold at a medical marijuana dispensary and, if applicable, if it is processed at a facility for the production of edible marijuana products or marijuana-infused products;

(b) The name of each person or other medical marijuana establishment, or both, to which the establishment sold marijuana;

(c) In the case of a medical marijuana dispensary, the date on which it sold marijuana to a person who holds a registry identification card and, if any, the quantity of edible marijuana products or marijuana-infused products sold, measured both by weight and potency; and

(d) Such other information as the Division may require.

3. Nothing in this section prohibits more than one medical marijuana establishment from co-owning an inventory control system in cooperation with other medical marijuana establishments, or sharing the information obtained therefrom.

4. A medical marijuana establishment must exercise reasonable care to ensure that the personal identifying information of persons who hold registry identification cards which is contained in an inventory control system is encrypted, protected and not divulged for any purpose not specifically authorized by law.

(Added to NRS by 2013, 3712, effective April 1, 2014)

NRS 453A.358 Duties of medical marijuana dispensaries relating to sale of medical marijuana and related products and relating to notice of legal limits on possession of medical marijuana. [Effective April 1, 2014.] Each medical marijuana dispensary shall ensure all of the following:

1. The weight, concentration and content of THC in all marijuana, edible marijuana products and marijuana-infused products that the dispensary sells is clearly and accurately stated on the product sold.

2. That the dispensary does not sell to a person, in any one 14-day period, an amount of marijuana for medical purposes that exceeds the limits set forth in NRS 453A.200.

3. That, posted clearly and conspicuously within the dispensary, are the legal limits on the possession of marijuana for medical purposes, as set forth in NRS 453A.200.

4. That, posted clearly and conspicuously within the dispensary, is a sign stating unambiguously the legal limits on the possession of marijuana for medical purposes, as set forth in NRS 453A.200.

(Added to NRS by 2013, 3712, effective April 1, 2014)

NRS 453A.360 Requirements concerning edible marijuana products and marijuana-infused products. [Effective April 1, 2014.] Each medical marijuana dispensary and facility for the production of edible marijuana products or marijuana-infused products shall, in consultation with the Division, cooperate to ensure that all edible marijuana products and marijuana-infused products offered for sale:

1. Are labeled clearly and unambiguously as medical marijuana.

2. Are not presented in packaging that is appealing to children.

3. Are regulated and sold on the basis of the concentration of THC in the products and not by weight.

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

(Added to NRS by 2013, 3714, effective April 1, 2014)

NRS 453A.362 Requirements concerning storage and removal of medical marijuana. [Effective April 1, 2014.]

1. At each medical marijuana establishment, medical marijuana must be stored only in an enclosed, locked facility.

2. Except as otherwise provided in subsection 3, at each medical marijuana dispensary, medical marijuana must be stored in a secure, locked device, display case, cabinet or room within the enclosed, locked facility. The secure, locked device, display case, cabinet or room must be protected by a lock or locking mechanism that meets at least the security rating established by Underwriters Laboratories for key locks.

3. At a medical marijuana dispensary, medical marijuana may be removed from the secure setting described in subsection 2:

(a) Only for the purpose of dispensing the marijuana;

(b) Only immediately before the marijuana is dispensed; and

(c) Only by a medical marijuana establishment agent who is employed by or volunteers at the dispensary.

(Added to NRS by 2013, 3712, effective April 1, 2014)

Miscellaneous Provisions

NRS 453A.364 Recognition of nonresident cards. [Effective April 1, 2014, and through March 31, 2016.]

1. The State of Nevada and the medical marijuana dispensaries in this State which hold valid medical marijuana establishment registration certificates will recognize a nonresident card only under the following circumstances:

(a) The state or jurisdiction from which the holder or bearer obtained the nonresident card grants an exemption from criminal prosecution for the medical use of marijuana;

(b) The state or jurisdiction from which the holder or bearer obtained the nonresident card requires, as a prerequisite to the issuance of such a card, that a physician advise the person that the medical use of marijuana may mitigate the symptoms or effects of the person's medical condition;

(c) The nonresident card has an expiration date and has not yet expired;

(d) The holder or bearer of the nonresident card signs an affidavit in a form prescribed by the Division which sets forth that the holder or bearer is entitled to engage in the medical use of marijuana in his or her state or jurisdiction of residence; and

(e) The holder or bearer of the nonresident card agrees to abide by, and does abide by, the legal limits on the possession of marijuana for medical purposes in this State, as set forth in NRS 453A.200.

2. For the purposes of the reciprocity described in this section:

(a) The amount of medical marijuana that the holder or bearer of a nonresident card is entitled to possess in his or her state or jurisdiction of residence is not relevant; and

(b) Under no circumstances, while in this State, may the holder or bearer of a nonresident card possess marijuana for medical purposes in excess of the limits set forth in NRS 453A.200.

3. As used in this section, "nonresident card" means a card or other identification that:

(a) Is issued by a state or jurisdiction other than Nevada; and

(b) Is the functional equivalent of a registry identification card, as determined by the Division.

(Added to NRS by 2013, 3713, effective April 1, 2014)

NRS 453A.364 Recognition of nonresident cards. [Effective April 1, 2016.]

1. The State of Nevada and the medical marijuana dispensaries in this State which hold valid medical marijuana establishment registration certificates will recognize a nonresident card only under the following circumstances:

(a) The state or jurisdiction from which the holder or bearer obtained the nonresident card grants an exemption from criminal prosecution for the medical use of marijuana;

(b) The state or jurisdiction from which the holder or bearer obtained the nonresident card requires, as a prerequisite to the issuance of such a card, that a physician advise the person that the medical use of marijuana may mitigate the symptoms or effects of the person's medical condition;

(c) The nonresident card has an expiration date and has not yet expired;

(d) The state or jurisdiction from which the holder or bearer obtained the nonresident card maintains a database which preserves such information as may be necessary to verify the authenticity or validity of the nonresident card;

(e) The state or jurisdiction from which the holder or bearer obtained the nonresident card allows the Division and medical marijuana dispensaries in this State to access the database described in paragraph (d);

(f) The Division determines that the database described in paragraph (d) is able to provide to medical marijuana dispensaries in this State information that is sufficiently accurate, current and specific as to allow those dispensaries to verify that a person who holds or bears a nonresident card is entitled lawfully to do so; and

(g) The holder or bearer of the nonresident card agrees to abide by, and does abide by, the legal limits on the possession of marijuana for medical purposes in this State, as set forth in NRS 453A.200.

2. For the purposes of the reciprocity described in this section:

(a) The amount of medical marijuana that the holder or bearer of a nonresident card is entitled to possess in his or her state or jurisdiction of residence is not relevant; and

(b) Under no circumstances, while in this State, may the holder or bearer of a nonresident card possess marijuana for medical purposes in excess of the limits set forth in NRS 453A.200.

3. As used in this section, "nonresident card" means a card or other identification that:

(a) Is issued by a state or jurisdiction other than Nevada; and

(b) Is the functional equivalent of a registry identification card, as determined by the Division.

(Added to NRS by 2013, 3713; A 2013, 3728, effective April 1, 2016)

NRS 453A.366 Designation of medical marijuana dispensary. [Effective April 1, 2014.]

1. A patient who holds a valid registry identification card and his or her designated primary caregiver, if any, may select one medical marijuana dispensary to serve as his or her designated medical marijuana dispensary at any one time.

2. A patient who designates a medical marijuana dispensary as described in subsection 1:

(a) Shall communicate the designation to the Division within the time specified by the Division.

(b) May change his or her designation not more than once in a 30-day period.

(Added to NRS by 2013, 3713, effective April 1, 2014)

NRS 453A.368 Testing laboratories. [Effective April 1, 2014.]

1. The Division shall establish standards for and certify one or more private and independent testing laboratories to test marijuana, edible marijuana products and marijuana-infused products that are to be sold in this State.

2. Such an independent testing laboratory must be able to determine accurately, with respect to marijuana, edible marijuana products and marijuana-infused products that are sold or will be sold at medical marijuana dispensaries in this State:

(a) The concentration therein of THC and cannabidiol.

(b) Whether the tested material is organic or non-organic.

(c) The presence and identification of molds and fungus.

(d) The presence and concentration of fertilizers and other nutrients.

3. To obtain certification by the Division on behalf of an independent testing laboratory, an applicant must:

(a) Apply successfully as required pursuant to NRS 453A.322.

(b) Pay the fees required pursuant to NRS 453A.344.

(Added to NRS by 2013, 3714, effective April 1, 2014)

NRS 453A.370 Regulations. [Effective April 1, 2014.] The Division shall adopt such regulations as it determines to be necessary or advisable to carry out the provisions of NRS 453A.320 to 453A.370, inclusive. Such regulations are in addition to any requirements set forth in statute and must, without limitation:

1. Prescribe the form and any additional required content of registration and renewal applications submitted pursuant to NRS 453A.322 and 453A.332.

2. Set forth rules pertaining to the safe and healthful operation of medical marijuana establishments, including, without limitation:
 - (a) The manner of protecting against diversion and theft without imposing an undue burden on medical marijuana establishments or compromising the confidentiality of the holders of registry identification cards.
 - (b) Minimum requirements for the oversight of medical marijuana establishments.
 - (c) Minimum requirements for the keeping of records by medical marijuana establishments.
 - (d) Provisions for the security of medical marijuana establishments, including, without limitation, requirements for the protection by a fully operational security alarm system of each medical marijuana establishment.
 - (e) Procedures pursuant to which medical marijuana dispensaries must use the services of an independent testing laboratory to ensure that any marijuana, edible marijuana products and marijuana-infused products sold by the dispensaries to end users are tested for content, quality and potency in accordance with standards established by the Division.
 - (f) Procedures pursuant to which a medical marijuana dispensary will be notified by the Division if a patient who holds a valid registry identification card has chosen the dispensary as his or her designated medical marijuana dispensary, as described in NRS 453A.366.
 3. Establish circumstances and procedures pursuant to which the maximum fees set forth in NRS 453A.344 may be reduced over time:
 - (a) To ensure that the fees imposed pursuant to NRS 453A.344 are, insofar as may be practicable, revenue neutral; and
 - (b) To reflect gifts and grants received by the Division pursuant to NRS 453A.720.
 4. Set forth the amount of usable marijuana that a medical marijuana dispensary may dispense to a person who holds a valid registry identification card, or the designated primary caregiver of such a person, in any one 14-day period. Such an amount must not exceed the limits set forth in NRS 453A.200.
 5. As far as possible while maintaining accountability, protect the identity and personal identifying information of each person who receives, facilitates or delivers services in accordance with this chapter.
 6. In cooperation with the Board of Medical Examiners and the State Board of Osteopathic Medicine, establish a system to:
 - (a) Register and track attending physicians who advise their patients that the medical use of marijuana may mitigate the symptoms or effects of the patient's medical condition;
 - (b) Insofar as is possible, track and quantify the number of times an attending physician described in paragraph (a) makes such an advisement; and
 - (c) Provide for the progressive discipline of attending physicians who advise the medical use of marijuana at a rate at which the Division and Board determine and agree to be unreasonably high.
 7. Establish different categories of medical marijuana establishment agent registration cards, including, without limitation, criteria for training and certification, for each of the different types of medical marijuana establishments at which such an agent may be employed or volunteer.
 8. Provide for the maintenance of a log by the Division of each person who is authorized to cultivate, grow or produce marijuana pursuant to subsection 6 of NRS 453A.200. The Division shall ensure that the contents of the log are available for verification by law enforcement personnel 24 hours a day.
 9. Address such other matters as may assist in implementing the program of dispensation contemplated by NRS 453A.320 to 453A.370, inclusive.
- (Added to NRS by 2013, 3714, effective April 1, 2014)

SEARCH AND SEIZURE

NRS 453A.400 Possession of registry identification card not permissible grounds for search or inspection; care and return of seized property; determination that person is engaged or assisting in medical use of marijuana in accordance with provisions of chapter. [Effective through March 31, 2014.]

1. The fact that a person possesses a registry identification card issued to the person by the Division or its designee pursuant to NRS 453A.220 or 453A.250 does not, alone:
 - (a) Constitute probable cause to search the person or the person's property; or
 - (b) Subject the person or the person's property to inspection by any governmental agency.
 2. Except as otherwise provided in this subsection, if officers of a state or local law enforcement agency seize marijuana, drug paraphernalia or other related property from a person engaged or assisting in the medical use of marijuana:
 - (a) The law enforcement agency shall ensure that the marijuana, drug paraphernalia or other related property is not destroyed while in the possession of the law enforcement agency.
 - (b) Any property interest of the person from whom the marijuana, drug paraphernalia or other related property was seized must not be forfeited pursuant to any provision of law providing for the forfeiture of property, except as part of a sentence imposed after conviction of a criminal offense.
 - (c) Upon a determination by the district attorney of the county in which the marijuana, drug paraphernalia or other related property was seized, or the district attorney's designee, that the person from whom the marijuana, drug paraphernalia or other related property was seized is engaging in or assisting in the medical use of marijuana in accordance with the provisions of this chapter, the law enforcement agency shall immediately return to that person any usable marijuana, marijuana plants, drug paraphernalia or other related property that was seized.
- ➔ The provisions of this subsection do not require a law enforcement agency to care for live marijuana plants.

3. For the purposes of paragraph (c) of subsection 2, the determination of a district attorney or the district attorney's designee that a person is engaging in or assisting in the medical use of marijuana in accordance with the provisions of this chapter shall be deemed to be evidenced by:

- (a) A decision not to prosecute;
- (b) The dismissal of charges; or
- (c) Acquittal.

(Added to NRS by 2001, 3062; A 2009, 625)

NRS 453A.400 Possession of registry identification card, registration certificate or registration card not permissible grounds for search or inspection; care and return of seized property; determination that person is engaged in, facilitating or assisting in medical use of marijuana in accordance with provisions of chapter. [Effective April 1, 2014.]

1. The fact that a person possesses a registry identification card issued to the person by the Division or its designee pursuant to NRS 453A.220 or 453A.250, a medical marijuana establishment registration certificate issued to the person by the Division or its designee pursuant to NRS 453A.322 or a medical marijuana establishment agent registration card issued to the person by the Division or its designee pursuant to NRS 453A.332 does not, alone:

- (a) Constitute probable cause to search the person or the person's property; or
- (b) Subject the person or the person's property to inspection by any governmental agency.

2. Except as otherwise provided in this subsection, if officers of a state or local law enforcement agency seize marijuana, paraphernalia or other related property from a person engaged in, facilitating or assisting in the medical use of marijuana:

(a) The law enforcement agency shall ensure that the marijuana, paraphernalia or other related property is not destroyed while in the possession of the law enforcement agency.

(b) Any property interest of the person from whom the marijuana, paraphernalia or other related property was seized must not be forfeited pursuant to any provision of law providing for the forfeiture of property, except as part of a sentence imposed after conviction of a criminal offense.

(c) Upon a determination by the district attorney of the county in which the marijuana, paraphernalia or other related property was seized, or the district attorney's designee, that the person from whom the marijuana, paraphernalia or other related property was seized is engaging in or assisting in the medical use of marijuana in accordance with the provisions of this chapter, the law enforcement agency shall immediately return to that person any usable marijuana, marijuana plants, paraphernalia or other related property that was seized.

➔ The provisions of this subsection do not require a law enforcement agency to care for live marijuana plants.

3. For the purposes of paragraph (c) of subsection 2, the determination of a district attorney or the district attorney's designee that a person is engaging in or assisting in the medical use of marijuana in accordance with the provisions of this chapter shall be deemed to be evidenced by:

- (a) A decision not to prosecute;
- (b) The dismissal of charges; or
- (c) Acquittal.

(Added to NRS by 2001, 3062; A 2009, 625; 2013, 3724, effective April 1, 2014)

NRS 453A.410 Forfeiture of assets seized. [Effective April 1, 2014.]

1. If a law enforcement agency legally and justly seizes evidence from a medical marijuana establishment on a basis that, in consideration of due process and viewed in the manner most favorable to the establishment, would lead a reasonable person to believe that a crime has been committed, the relevant provisions of NRS 179.1156 to 179.121, inclusive, apply insofar as they do not conflict with the provisions of this chapter.

2. As used in this section, "law enforcement agency" has the meaning ascribed to it in NRS 239C.065.

(Added to NRS by 2013, 3714, effective April 1, 2014)

ACTIONS OF PROFESSIONAL LICENSING BOARDS

NRS 453A.500 Board of Medical Examiners and State Board of Osteopathic Medicine prohibited from taking disciplinary action against attending physician on basis of physician's participation in certain activities in accordance with chapter. The Board of Medical Examiners or the State Board of Osteopathic Medicine, as applicable, shall not take any disciplinary action against an attending physician on the basis that the attending physician:

1. Advised a person whom the attending physician has diagnosed as having a chronic or debilitating medical condition, or a person whom the attending physician knows has been so diagnosed by another physician licensed to practice medicine pursuant to the provisions of chapter 630 of NRS or licensed to practice osteopathic medicine pursuant to the provisions of chapter 633 of NRS:

(a) About the possible risks and benefits of the medical use of marijuana; or

(b) That the medical use of marijuana may mitigate the symptoms or effects of the person's chronic or debilitating medical condition,

➔ if the advice is based on the attending physician's personal assessment of the person's medical history and current medical condition.

2. Provided the written documentation required pursuant to paragraph (a) of subsection 2 of NRS 453A.210 for the issuance of a registry identification card or pursuant to subparagraph (1) of paragraph (b) of subsection 1 of NRS 453A.230 for the renewal of a registry identification card, if:

(a) Such documentation is based on the attending physician's personal assessment of the person's medical history and current medical condition; and

(b) The physician has advised the person about the possible risks and benefits of the medical use of marijuana.
(Added to NRS by 2001, 3063; A 2003, 1180, 1434)

NRS 453A.510 Professional licensing board prohibited from taking disciplinary action against licensee on basis of licensee's participation in certain activities in accordance with chapter. A professional licensing board shall not take any disciplinary action against a person licensed by the board on the basis that:

1. The person engages in or has engaged in the medical use of marijuana in accordance with the provisions of this chapter; or

2. The person acts as or has acted as the designated primary caregiver of a person who holds a registry identification card issued to him or her pursuant to paragraph (a) of subsection 1 of NRS 453A.220.

(Added to NRS by 2001, 3063)

RESEARCH; APPROVAL OF FEDERAL GOVERNMENT

NRS 453A.600 Program for evaluation and research of medical use of marijuana: Establishment by University of Nevada School of Medicine; federal approval; participants and subjects; quarterly report to Interim Finance Committee.

1. The University of Nevada School of Medicine shall establish a program for the evaluation and research of the medical use of marijuana in the care and treatment of persons who have been diagnosed with a chronic or debilitating medical condition.

2. Before the School of Medicine establishes a program pursuant to subsection 1, the School of Medicine shall aggressively seek and must receive approval of the program by the Federal Government pursuant to 21 U.S.C. § 823 or other applicable provisions of federal law, to allow the creation of a federally approved research program for the use and distribution of marijuana for medical purposes.

3. A research program established pursuant to this section must include residents of this state who volunteer to act as participants and subjects, as determined by the School of Medicine.

4. A resident of this state who wishes to serve as a participant and subject in a research program established pursuant to this section may notify the School of Medicine and may apply to participate by submitting an application on a form prescribed by the Department of Administration of the School of Medicine.

5. The School of Medicine shall, on a quarterly basis, report to the Interim Finance Committee with respect to:

(a) The progress made by the School of Medicine in obtaining federal approval for the research program; and

(b) If the research program receives federal approval, the status of, activities of and information received from the research program.

(Added to NRS by 2001, 3064)

NRS 453A.610 Program for evaluation and research of medical use of marijuana: Duties of University of Nevada School of Medicine concerning confidentiality; certain items of information not subject to subpoena, discovery or inspection.

1. Except as otherwise provided in this section and NRS 239.0115, the University of Nevada School of Medicine shall maintain the confidentiality of and shall not disclose:

(a) The contents of any applications, records or other written materials that the School of Medicine creates or receives pursuant to the research program described in NRS 453A.600; or

(b) The name or any other identifying information of a person who has applied to or who participates in the research program described in NRS 453A.600.

↪ Except as otherwise provided in NRS 239.0115, the items of information described in this subsection are confidential, not subject to subpoena or discovery and not subject to inspection by the general public.

2. Notwithstanding the provisions of subsection 1, the School of Medicine may release the name and other identifying information of a person who has applied to or who participates in the research program described in NRS 453A.600 to:

(a) Authorized employees of the State of Nevada as necessary to perform official duties related to the research program; and

(b) Authorized employees of state and local law enforcement agencies, only as necessary to verify that a person is a lawful participant in the research program.

(Added to NRS by 2001, 3064; A 2007, 2111)

NRS 453A.620 Program for evaluation and research of medical use of marijuana: Authority of Department of Administration of University of Nevada School of Medicine concerning gifts, grants, donations and contributions; deposit of money in State Treasury.

1. The Department of Administration of the University of Nevada School of Medicine may apply for or accept any gifts, grants, donations or contributions from any source to carry out the provisions of NRS 453A.600.

2. Any money the Department of Administration receives pursuant to subsection 1 must be deposited in the State Treasury pursuant to NRS 453A.630.

(Added to NRS by 2001, 3065)

NRS 453A.630 Program for evaluation and research of medical use of marijuana: Deposit, use and disposition of money; Department of Administration of University of Nevada School of Medicine to administer account.

1. Any money the Department of Administration of the University of Nevada School of Medicine receives pursuant to NRS 453A.620 or that is appropriated to carry out the provisions of NRS 453A.600:

(a) Must be deposited in the State Treasury and accounted for separately in the State General Fund;
 (b) May only be used to carry out the provisions of NRS 453A.600, including the dissemination of information concerning the provisions of that section and such other information as is determined appropriate by the Department of Administration; and

(c) Does not revert to the State General Fund at the end of any fiscal year.

2. The Department of Administration of the School of Medicine shall administer the account. Any interest or income earned on the money in the account must be credited to the account. Any claims against the account must be paid as other claims against the State are paid.

(Added to NRS by 2001, 3065)

MISCELLANEOUS PROVISIONS

NRS 453A.700 Duties of Division concerning confidentiality; certain items of information not subject to subpoena, discovery or inspection.

1. Except as otherwise provided in this section, NRS 239.0115 and subsection 4 of NRS 453A.210, the Division and any designee of the Division shall maintain the confidentiality of and shall not disclose:

(a) The contents of any applications, records or other written documentation that the Division or its designee creates or receives pursuant to the provisions of this chapter; or

(b) The name or any other identifying information of:

(1) An attending physician; or

(2) A person who has applied for or to whom the Division or its designee has issued a registry identification card.

↪ Except as otherwise provided in NRS 239.0115, the items of information described in this subsection are confidential, not subject to subpoena or discovery and not subject to inspection by the general public.

2. Notwithstanding the provisions of subsection 1, the Division or its designee may release the name and other identifying information of a person to whom the Division or its designee has issued a registry identification card to:

(a) Authorized employees of the Division or its designee as necessary to perform official duties of the Division; and

(b) Authorized employees of state and local law enforcement agencies, only as necessary to verify that a person is the lawful holder of a registry identification card issued to him or her pursuant to NRS 453A.220 or 453A.250.

(Added to NRS by 2001, 3063; A 2007, 2112; 2009, 626)

NRS 453A.710 Addition of diseases and conditions to list of qualifying chronic or debilitating medical conditions: Petition; regulations.

1. A person may submit to the Division a petition requesting that a particular disease or condition be included among the diseases and conditions that qualify as chronic or debilitating medical conditions pursuant to NRS 453A.050.

2. The Division shall adopt regulations setting forth the manner in which the Division will accept and evaluate petitions submitted pursuant to this section. The regulations must provide, without limitation, that:

(a) The Division will approve or deny a petition within 180 days after the Division receives the petition; and

(b) The decision of the Division to deny a petition is a final decision for the purposes of judicial review.

(Added to NRS by 2001, 3064; A 2009, 626)

NRS 453A.720 Authority of the Administrator of the Division concerning gifts, grants, donations and contributions; deposit of money in State Treasury.

1. The Administrator of the Division may apply for or accept any gifts, grants, donations or contributions from any source to carry out the provisions of this chapter.

2. Any money the Administrator receives pursuant to subsection 1 must be deposited in the State Treasury pursuant to NRS 453A.730.

(Added to NRS by 2001, 3065; A 2009, 626)

NRS 453A.730 Deposit, use and disposition of money; administration of account.

1. Any money the Administrator of the Division receives pursuant to NRS 453A.720 or that is appropriated to carry out the provisions of this chapter:

(a) Must be deposited in the State Treasury and accounted for separately in the State General Fund;

(b) May only be used to carry out:

(1) The provisions of this chapter, including the dissemination of information concerning the provisions of this chapter and such other information as determined appropriate by the Administrator; and

(2) Alcohol and drug abuse programs pursuant to NRS 458.094; and

(c) Does not revert to the State General Fund at the end of any fiscal year.

2. The Administrator of the Division shall administer the account. Any interest or income earned on the money in the account must be credited to the account. Any claims against the account must be paid as other claims against the State are paid.

(Added to NRS by 2001, 3066; A 2009, 627; 2011, 2853; 2013, 3062)

NRS 453A.740 Regulations; fees. [Effective through March 31, 2014.] The Administrator of the Division shall adopt such regulations as the Administrator determines are necessary to carry out the provisions of this chapter. The regulations must set forth, without limitation:

1. Procedures pursuant to which the Division will, in cooperation with the Department of Motor Vehicles, cause a registry identification card to be prepared and issued to a qualified person as a type of identification card described in NRS 483.810 to 483.890, inclusive. The procedures described in this subsection must provide that the Division will:

(a) Issue a registry identification card to a qualified person after the card has been prepared by the Department of Motor Vehicles; or

(b) Designate the Department of Motor Vehicles to issue a registry identification card to a person if:

(1) The person presents to the Department of Motor Vehicles valid documentation issued by the Division indicating that the Division has approved the issuance of a registry identification card to the person; and

(2) The Department of Motor Vehicles, before issuing the registry identification card, confirms by telephone or other reliable means that the Division has approved the issuance of a registry identification card to the person.

2. Criteria for determining whether a marijuana plant is a mature marijuana plant or an immature marijuana plant.

3. Fees for:

(a) Providing to an applicant an application for a registry identification card, which fee must not exceed \$50; and

(b) Processing and issuing a registry identification card, which fee must not exceed \$150.

(Added to NRS by 2001, 3066; A 2003, 1434; 2009, 627)

NRS 453A.740 Regulations; fees. [Effective April 1, 2014.] The Administrator of the Division shall adopt such regulations as the Administrator determines are necessary to carry out the provisions of this chapter. The regulations must set forth, without limitation:

1. Procedures pursuant to which the Division will, in cooperation with the Department of Motor Vehicles, cause a registry identification card to be prepared and issued to a qualified person as a type of identification card described in NRS 483.810 to 483.890, inclusive. The procedures described in this subsection must provide that the Division will:

(a) Issue a registry identification card to a qualified person after the card has been prepared by the Department of Motor Vehicles; or

(b) Designate the Department of Motor Vehicles to issue a registry identification card to a person if:

(1) The person presents to the Department of Motor Vehicles valid documentation issued by the Division indicating that the Division has approved the issuance of a registry identification card to the person; and

(2) The Department of Motor Vehicles, before issuing the registry identification card, confirms by telephone or other reliable means that the Division has approved the issuance of a registry identification card to the person.

2. Fees for:

(a) Providing to an applicant an application for a registry identification card, which fee must not exceed \$25; and

(b) Processing and issuing a registry identification card, which fee must not exceed \$75.

(Added to NRS by 2001, 3066; A 2003, 1434; 2009, 627; 2013, 3725, effective April 1, 2014)

NRS 453A.800 Costs associated with medical use of marijuana not required to be paid or reimbursed; medical use of marijuana not required to be accommodated in workplace. [Effective through March 31, 2014.] The provisions of this chapter do not:

1. Require an insurer, organization for managed care or any person or entity who provides coverage for a medical or health care service to pay for or reimburse a person for costs associated with the medical use of marijuana.

2. Require any employer to accommodate the medical use of marijuana in the workplace.

(Added to NRS by 2001, 3065)

NRS 453A.800 Costs associated with medical use of marijuana not required to be paid or reimbursed; medical use of marijuana not required to be allowed in workplace; medical needs of employee who engages in medical use of marijuana to be accommodated by employer in certain circumstances. [Effective April 1, 2014.] The provisions of this chapter do not:

1. Require an insurer, organization for managed care or any person or entity who provides coverage for a medical or health care service to pay for or reimburse a person for costs associated with the medical use of marijuana.

2. Require any employer to allow the medical use of marijuana in the workplace.

3. Require an employer to modify the job or working conditions of a person who engages in the medical use of marijuana that are based upon the reasonable business purposes of the employer but the employer must attempt to make reasonable accommodations for the medical needs of an employee who engages in the medical use of marijuana if the employee holds a valid registry identification card, provided that such reasonable accommodation would not:

(a) Pose a threat of harm or danger to persons or property or impose an undue hardship on the employer; or

(b) Prohibit the employee from fulfilling any and all of his or her job responsibilities.

(Added to NRS by 2001, 3065; A 2013, 3726, effective April 1, 2014)

NRS 453A.810 State not responsible for deleterious outcomes. The State must not be held responsible for any deleterious outcomes from the medical use of marijuana by any person.

(Added to NRS by 2001, 3066)

Gardnerville Town Board

AGENDA ACTION SHEET



1. **For Possible Action:** Discussion to approve or deny continuing the Town of Gardnerville's membership to the Nevada League of Cities and Municipalities for fiscal year 2014 2015 at a cost to the town of \$2,800 and determine the number of the board members participating in the annual Nevada League of Cities conference, held at the Texas Station, City of North Las Vegas, Las Vegas Nevada, with public comment prior to Board action.
2. **Recommended Motion:** Motion to approve the fiscal year 2014-2015 Nevada League of Cities and Municipalities membership dues in the amount of \$2,890.01.

Funds Available: ☐ Yes ☒ N/A

3. **Department:** Administration

Prepared by: Tom Dallaire

4. **Meeting Date:** June 3, 2014 **Time Requested:** 45 minutes

5. **Agenda:** ☐ Consent ☒ Administrative

Background Information:

The Board needs to collectively determine if the town is going to pay the \$2,890.01 for membership dues for fiscal year 2014 and 2015 for the Nevada League of Cities.

And if we have approved continuing to be members of the Nevada League of Cities, how many board members will be attending the conference in Las Vegas?

The Nevada League of Cities 55th Annual Conference will be held on September 23-25, 2014 in North Las Vegas. The registration fee for the conference won't be more than \$295 per person. The room rate is \$29 (plus \$9.99 hotel service fee) at the Texas Station which is the conference hotel.

Flying southwest would be around \$200 per person, plus the shuttle or taxi, food per diem, airport parking permit, and travel mileage to the airport, or just mileage to Vegas if someone drives.

So bottom line cost on the conference would be approximately \$900 for food, hotel, airport parking fees, shuttle fees, (or mileage: 840 mile round trip), and flight to and from Vegas for each person attending. (you will have to pay for spouses traveling to the conference, I do not know what that registration fee is yet)

6. **Other Agency Review of Action:** ☒ Douglas County ☐ N/A
Genoa "it's not a good fit for our town"

7. **Board Action:**

☐ Approved ☐ Approved with Modifications
☐ Denied ☐ Continued

Sent: Thursday, April 03, 2014 7:46 AM

To: Dallaire, Tom

Subject: RE: The new rate structure.

Hello Tom,

Well this is interesting. Here is how the dues are currently being calculated and why there is an increase.

First the Board changed the membership structure. There are no more affiliate members that have limited opportunity to advance in NLC&M leadership. All members of the League are now just that, members. This change eliminated the 25% difference in dues paid by member cities and affiliate members (Towns and GIDs).

Second, the per capita assessments were also changed. The old formula had 5 graduations again with different assessments for cities and affiliates. The adopted structure has four graduations.

Third, the Board adopted a base assessment of \$1,200 per year for all members and eliminated the minimum dues assessment. The Board also changed the maximum from \$40,000 to \$50,000. The base rate and the maximum will be adjusted annually based on CPI. Below is a comparison of Gardnerville's dues for the current year and the upcoming one.

2013 – 14 Dues

Population 5,495 X .26 (affiliate rate for members with population between 5,001 and 10,000) = \$1,428.70

2014 – 15 Dues

Base assessment \$1,200 + Per Capita assessment (Population 5,541 X .305) \$1,690.01 = \$2,890.01

These changes were necessary to return the League to a more sound fiscal position. The League has been using reserves for the last few years and has about depleted them. Our reserves are down to around \$80k and \$40k of that is allocated to this year's budget. (I am trying my best not to get there but may have to use some of the allocation).

All of this information was discussed at the last board meeting and the backup material was provided in the board packages that went out prior to the meeting.

The Board also adopted a provision where any member can petition the Executive Board for a temporary reduction in dues in the case of financial hardship.

I hope this helps. Let me know if I need to do anything further.

Regards,

Wes Henderson

Executive Director

775-882-2121

Cell 775-881-8273



Nevada League of Cities & Municipalities

310 S. Curry Street
Carson City, NV 89703
775-882-2121

March 18, 2014

Tom Dallaire
Town Manager
1407 Highway 395 North
Gardnerville, NV 89410

RECEIVED
MAR 19 2014

BY:

Dear Mr. ^{TOM}Dallaire:

We would like to thank Gardnerville for their membership in the League. We are working hard to make the League a more robust association and value your support. The League derives our strength from our members and your continued membership is vital to our success.

The NLC&M Board of Directors adopted a revised dues structure at their February 28th meeting. Member dues now include a \$1,200 base and a per capita assessment. The structure is below.

NLC&M Dues Structure	
Base Dues*	\$1,200
Population Range	Per Capita Assessment
0 – 3,000	.00
3,001 – 25,000	.305
25,001 – 125,000	.205
Over 125,001	.155
Maximum*	\$50,000
*Base and Maximum adjusted annually by CPI	

We have committed to providing each member with a dues estimate by March 31st to assist you as you prepare your budgets for the upcoming fiscal year. Your dues estimate for FY2104-15 is detailed below.

Base	2013 Certified Population Estimate	Per Capita Assessment	Per Capita Calculation (Population times Per Capita Assessment)	Total FY2014-15 Dues (Base plus Per Capita Assessment)
\$1,200	5,541	0.305	\$1,690.01	\$2,890.01

In approving the dues structure, the Board of Directors adopted a provision allowing a member to apply to the Executive Board for a temporary reduction in dues in case of severe financial hardship. If you need to apply for a temporary reduction please submit your application to this office by April 20th.

Again, thank you for your membership and support of the Nevada League of Cities and Municipalities. Please contact me with any questions you may have or whenever we can be of assistance.

Sincerely,



Wes Henderson
Executive Director

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Confirmed

Reno/Tahoe, NV to Las Vegas, NV

Air

Total Price: **\$162.00**

ITINERARY

DEPART SEP 23 TUE	07:00 AM	Depart Reno/Tahoe, NV (RNO) on Southwest Airlines	Flight #1719 	Tuesday, September 23, 2014
	08:15 AM	Arrive in Las Vegas, NV (LAS)	WIFI available	Travel Time 1 h 15 m (Nonstop) Wanna Get Away
RETURN SEP 25 THU	08:00 PM	Depart Las Vegas, NV (LAS) on Southwest Airlines	Flight #745 	Thursday, September 25, 2014
	09:15 PM	Arrive in Reno/Tahoe, NV (RNO)	WIFI available	Travel Time 1 h 15 m (Nonstop) Wanna Get Away

Quick Air Links

Check In
Change Flight
Check Flight Status

Account Login

Enroll Now!

Account Number or Username

Password (Case Sensitive)

☐ Remember Me

Need help logging in?

Manage Travel

Shopping Cart

What you need to know to travel:

Don't forget to check in for your flight(s) 24 hours before your trip on southwest.com or your mobile device.

Southwest Airlines does not have assigned seats, so you can choose your seat when you board the plane. You will be assigned a boarding position based on your checkin time. The earlier you check in, within 24 hours of your flight, the earlier you get to board.

PRICE: ADULT

Trip	Routing	Fare Type View Fare Rules	Fare Details	Quantity	Total
Depart	RNO-LAS	Wanna Get Away Excellent Value	<ul style="list-style-type: none"> No Change Fees Refundable (fare difference applies) Reusable Funds Non-transferable (no name changes allowed) Wanna Get Away® fares are subject to change without notice 	1	\$81.00
Return	LAS-RNO	Wanna Get Away Excellent Value	<ul style="list-style-type: none"> No Change Fees Refundable (fare difference applies) Reusable Funds Non-transferable (no name changes allowed) Wanna Get Away® fares are subject to change without notice 	1	\$81.00

Enroll in Rapid Rewards and earn at least 782 Points per person for this trip. Already a Member? Log in to ensure you are getting the points you deserve.

You can't find this great fare on any other website. Southwest fares are only on Southwest.com.

1st and 2nd Checked Bags Fly Free.

Weight and size limits apply

Bag Charge

\$0.00

Subtotal **\$162.00**

Fare Breakdown

Air Total:
\$162.00

Air

Modify | Remove

SEP 23	Depart	Flt 1719
TUE	RNO	LAS
	7:00 AM	8:15 AM
Adult Air fare per person		
Wanna Get Away fare		
\$81.00		
SEP 25	Return	Flt 745
THU	LAS	RNO
	8:00 PM	9:15 PM
Adult Air fare per person		
Wanna Get Away fare		
\$81.00		
Cost Breakdown		
Adult \$162.00 x 1		
\$162.00		
Govt. Taxes & Fees		
We'll reserve the flight upon purchase completion.		

Trip Total **\$162.00**

Not ready to book yet? Save this trip and book later.

Save Flight | Checkout

Rapid Rewards

Modify Trip

Purchase your shopping cart...

By clicking 'Continue', you agree to accept the fare rules and want to continue with this purchase



Get **\$100 Statement Credit*** after first purchase
 & Earn **10,000 Bonus Points**

Apply Now

*Ticket price and statement credit may post on separate statements.

Ticket Price: \$162.00

Credit Card Statement: -\$100.00

Total After Statement Credit: **\$62.00**

Add a Hotel

We'll keep an eye on your cart for you while you shop. Products not confirmed until purchase.



3 Star Rating

Excalibur Hotel Casino

\$33/night

Rapid Rewards Partner

View Details

Search for hotels in Las Vegas (09/23/2014 - 09/25/2014)

Close To (optional)

Center of destination

within 30 miles

Show Only (optional)

Hotel Chains

Shop All Hotel Chains

Find Hotels

8-5

Add a Car

constitutes acceptance of our Terms and Conditions Privacy Policy

Pickup Date

09/23/2014

Dropoff Date

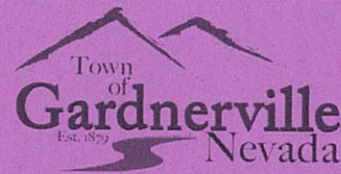
09/25/2014

[Shop All](#)

8-6

Gardnerville Town Board

AGENDA ACTION SHEET



1. **For Possible Action:** Discussion on any future 2015 legislative issues or bill draft requests the town would like to submit to the League for consideration in presenting to the 2015 legislature, with public comment prior to Board action.

2. **Recommended Motion:** Based on discussion.

Funds Available: ☐ Yes ☒ N/A

3. **Department:** Administration

Prepared by: Tom Dallaire

4. **Meeting Date:** June 3, 2014 **Time Requested:** 10 minutes

5. **Agenda:** ☐ Consent ☒ Administrative

6. **Background Information:**

The Nevada League of Cities will be asking their members on any bill drafts they would like to propose to present the next legislative session beginning February 2015.

After attending the national main street conference in Detroit this month, I think it would be good to try to get Nevada to jump on board with this program and get our main street program to be a designated reporting main street program. There are many discussions going on at the national level on how we can get our program to be a designated program with or without the state involvement. But I think with a national main street presentation to the Nevada League of Cities members, that would create a large interest in the program in Nevada, and the state would have to jump on board.

Do the board members have any other items they are concerned about that may need to be watched or added to the bill draft requests for the 2015 legislative session?

7. **Other Agency Review of Action:** ☐ Douglas County ☐ N/A

8. **Board Action:**

☐ Approved

☐ Denied

☐ Approved with Modifications

☐ Continued

Gardnerville Town Board

AGENDA ACTION SHEET



1. **For Possible Action:** Discussion to approve, approve with conditions, continue or deny the proposed Town of Gardnerville Employee Evaluation and Merit System; with public comment prior to Board action, (approx. 10 minutes)
2. **Recommended Motion:** Approve the board selected Town of Gardnerville Employee Evaluation and Merit System based on board discussion and determine merits for those who are at the maximum pay scale.
Funds Available: ☒ Yes ☐ N/A
4% max. Merit was approved for the 2014-2015

3. **Department:** Administration

Prepared by: Tom Dallaire

4. **Meeting Date:** June 3, 2014 **Time Requested:** 10 minutes

5. **Agenda:** ☐ Consent ☒ Administrative

6. **Background Information:** Human resources asked town staff to provide a merit system for town staff to be used in the performance review process. Last month Board members asked staff to come back with some options for the merit rating system. The following pages give some merit system options compared to Minden and East Fork revised system. If the merit increases limit is changed during budget discussions, the scoring system would also need to be re-evaluated on an annual basis.

County Code 200.23 established a 0-6% merit pay increase. A letter from the county manager's office established a merit system to be used starting in August 2006. The past couple years (since 2009) the county has had 0% merits. The town elected to do a 0%, 2%, 4% and 4% for the next fiscal year. The county HR staff is looking for direction from the town board as to what scale the town will be using, and what does the board want to do with the employees that are at their position maximum pay.

Currently County Code section 200.23 (see attached) states a max. lump sum will be limited to 0.5% for a 5% merit and 1% for an overall score of 6% merit. The lump sum amount will not exceed the amount the merit increase would have provided if the employee were not at the top of the range.

7. **Other Agency Review of Action:** ☐ Douglas County ☐ N/A

8. **Board Action:**

☐ Approved ☐ Approved with Modifications
☐ Denied ☐ Continued

Staff Avg. performance score over the past four (4) years.

85.8
88.6
87.1
88.5
83.9
87
87.8

86.96 Average of all staff employed more than 4 year

Excluding the manager who has a different evaluation system

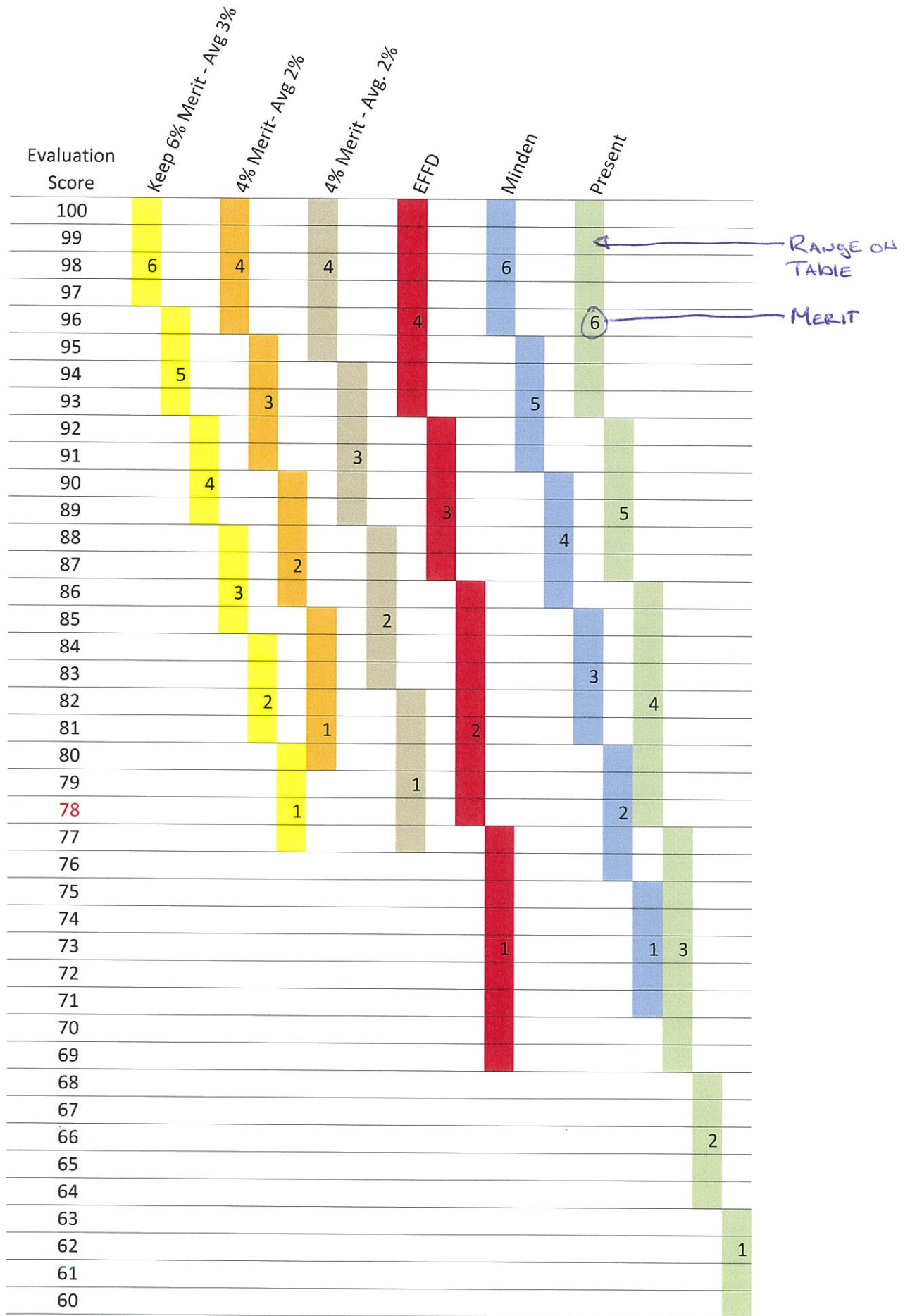
Present Scoring (Max merit 4%)	Minden Scoring Counting on avg of 4% merit	EFFD Scoring
100-93 6%	100-96 6%	
92-87 5%	95-91 5%	
86-78 4%	90-86 4%	100-93 4%
77-69 3%	85-81 3%	92-87 3%
68-64 2%	80-76 2%	86-78 2%
63-60 1%	75-70 1%	77-69 1%
59-0 0%	69-0 0%	68-0 0%

Keep 6% Merit - Avg 3%	4% Merit- Avg 2%	4% Merit - Avg. 2%
100-97 6%		
96-93 5%		
92-89 4%	100-96 4%	100-95 4%
88-85 3%	95-91 3%	94-89 3%
84-81 2%	90-86 2%	88-83 2%
80-77 1%	85-81 1%	82-77 1%
76-0 0%	80-0 0%	76-0 0%

Maximum wages	Assume: \$	40,000 annual salary	Hourly rate	Annual Salary after merit	Actual relative bonus
			19.23		
		1% Raise	19.42	\$ 40,400	\$ 400
		2% raise	19.62	\$ 40,800	\$ 800
		3% raise	19.81	\$ 41,200	\$ 1,200
		4% raise	20.00	\$ 41,600	\$ 1,600
		5% raise	20.19	\$ 42,000	\$ 2,000
		6% raise	20.38	\$ 42,400	\$ 2,400

One time bonus for People that are max'd on pay scale

one time lump sum of	0.25%	\$ 100
one time lump sum of	0.50%	\$ 200
one time lump sum of	0.75%	\$ 300
one time lump sum of	1%	\$ 400



**DOUGLAS COUNTY ADMINISTRATIVE
POLICIES AND PROCEDURES**

NUMBER: 200.23

EFFECTIVE DATE: 10/28/91

REVISED: 09/00, 09/02, 06/05/03
03/01/06, 09/18/08

AUTHORITY: BOC

COUNTY MANAGER: 

PAGE 1 OF 4

SUBJECT: EMPLOYEE PERFORMANCE EVALUATIONS AND MERIT INCREASES

- I. PURPOSE:** To establish a policy regarding the evaluation of an employee's on-the-job performance and to financially recognize an employee's level of performance through a merit increase system.
- II. POLICY:**
- A. Each employee's performance will be reviewed and appraised six months from date of hire, upon completion of the probationary period at 12 months, and annually thereafter. The annual anniversary date of hire or promotion will serve as the basis for the appraisal period. The employee's immediate supervisor is responsible for conducting the review, which will consist of a written evaluation, according to standard County format, and a discussion of the evaluation with the employee. If the immediate supervisor has supervised an employee for less than 6 months, the supervisor may obtain input regarding the employee's performance from the former supervisor, if available. The purpose of the appraisal is to help the supervisor evaluate each employee's performance in an objective, consistent, and standard manner.
 - B. The appraisal is intended to be used as a tool to encourage open communication between the employee and the supervisor. Supervisors are responsible for being objective in judging and rating performance according to established standards. Additionally, the evaluation interview should be used to discuss career development potential and advancement goals with the employee. In turn, the evaluation should provide the employee with an understanding of the employee's position in terms of County performance standards.
 - C. There will be a direct link between salary and wage increases and annual performance evaluations through a merit increase. A regular employee that has not reached the maximum pay rate within the salary range will be eligible for a merit pay increase of 0-6%. Merit pay increases will not exceed the top of the pay range of the employee. Effective 8/12/06, regular employees who would be eligible for a 5% or 6% merit increase due to an overall

performance rating of Exceptional, and who are at the top of their pay range or would exceed the top of their pay range with the implementation of the merit increase, will be eligible for a lump sum payment of up to 1.0% of their base pay. The lump sum payment will not exceed the amount the merit increase would have provided if the employee were not at the top of the range. The maximum lump sum bonus will be limited to 0.5% for an overall score of 5% and 1% for an overall score of 6%.

III. PROCEDURE:

- A. NOTIFICATION: The Human Resources office will be responsible for providing a list of evaluation due dates to supervisors and department heads each month. Although Human Resources will distribute this report at least 30 days prior to the required evaluation effective dates, it is also the supervisor's responsibility to track their employee's appraisal periods.
- B. INITIAL PERFORMANCE EVALUATION: An evaluation will be completed for each new employee 6 months after date of hire, and again at approximately 12 months from date of hire to assist in determining if the employee will be retained and placed on regular employment status. Failure to pass probation decisions must be determined prior to the end of the 12-month period. An employee who has completed 12 consecutive months of employment, unless there are extenuating circumstances, will be assumed to have performed satisfactorily and to have passed probation. This section includes all part-time and administrative oncall (Marriage License Clerks and floating clerical oncall help) employees, who are eligible to become regular part-time employees. Temporary employees will be evaluated at completion of appointment, if directed by the department head, but are not eligible to become regular employees.
- C. ANNUAL PERFORMANCE EVALUATION: The annual appraisal period is an employee's annual anniversary date of hire or promotion date. All employees (excluding those within a probationary period, seasonal and temporary employees) will receive an evaluation and, if warranted, a merit salary increase of 0-6% not to exceed the top of the pay range of the employee, depending upon their evaluation under the pay for performance system. Merit salary increases will be effective on the first day of the pay period that the employee's anniversary date falls within. A merit increase for an employee who is on a leave of absence of six months or more during an annual performance period will be prorated to reflect time actually worked during the leave of absence.

D. PROCESS:

1. The evaluation must be completed in accordance with the standard county format, be reviewed and signed by the department head, be reviewed with and signed by the employee, and be forwarded to the Human Resources office with, if applicable, a signed Personnel Action Form (PAF) indicating the amount of the merit increase. The PAF and evaluation should be submitted to Human Resources no later than the pay period preceding the effective date, which is the first day of the pay period in which the anniversary date falls.
2. Any late evaluations with a PAF recommending a merit increase must be submitted directly to the County Manager with a memo of explanation as to why the documents are late. If the documents are delayed solely because of a supervisory, administrative or clerical error or oversight, the increase must be retroactive and made effective as of the date it was due. If the documents are delayed, due to a lack of cooperation by the employee during the process, the increase may not be retroactive.

E. EVALUATION MEETINGS:

1. Immediate supervisors should meet with each employee being evaluated at the beginning and conclusion of the appraisal period.
2. The meeting held at the beginning of the period should include a review of the performance standards expected, and objectives upon which the employee's work will be evaluated for the current appraisal period. The employee should be encouraged to participate in the establishment and/or revision of objectives and action plans when possible.
3. The meeting held at the conclusion of the appraisal period should be used to discuss performance accomplishments and deficiencies for the past appraisal period, as well as any areas needing improvement, review the annual evaluation document, and establish objectives and action plans for the next period.
4. Both 2 and 3 may be conducted during the same meeting. The discussion should include two distinct topics: past performance and future requirements, objectives and/or expectations.
5. The performance appraisal process may also be utilized for performance coaching sessions and for monitoring development plan progress.

F. COMPLETION OF EVALUATION:

1. The employee will receive a copy of the completed evaluation and a copy of the document will be included in the employee's personnel file. Each employee must acknowledge that the performance appraisal was reviewed, made available, and discussed by signing in the appropriate space on the appraisal document. This does not indicate that the employee agrees or disagrees with the content of the appraisal, but merely that the document has been reviewed and discussed.

200.23

PAGE 4 OF 4

2. Each employee has the opportunity to respond orally or in writing, or both, to the employee's appraisal. Any written comments will become part of the employee's personnel record. Any further action must be in accordance with applicable contract procedures.

IV. RESPONSIBILITY FOR REVIEW: The Human Resources Manager will review this policy as needed or at least once every 3 years.

09/14/08

**DOUGLAS COUNTY ADMINISTRATIVE
POLICIES AND PROCEDURES**

NUMBER: 200.16
EFFECTIVE DATE: 11/5/98
REVISED: 01/20/00, 12/19/02
06/05/03, 08/16/12
AUTHORITY: BOC
COUNTY MANAGER: JMA
PAGE 1 OF 2

SUBJECT: RECOGNITION OF EXCELLENCE

- I. PURPOSE:** To establish policy and procedures to recognize and reward exemplary job performance.
- II. POLICY:** A Department Head or Elected Official may nominate a regular part-time or full-time employee for a one-time lump sum bonus up to 3% of the employee's annual salary, and/or 1-3 days paid administrative leave, to reward and recognize superior performance. The employee shall not be notified of his/her consideration unless he/she is selected to receive the award. The Recognition of Excellence Award program and policy is an employee benefit and management right, and therefore may be revised or discontinued at any time. This benefit may be provided as follows:
- A. A committee, appointed by the County Manager, shall determine if such performance meets the criteria and the program standards outlined in this policy, or
- B. The Board of County Commissioners may provide this benefit to staff reporting directly to them.
- III. PROCEDURE:** Any individual not classified as a bargaining unit employee presently working for the County 30 hours or more per week as a regular employee that meets the established criteria may be nominated by the employee's supervisor. Effective July 1, 2012, all Douglas County Employee's Association (DCEA) employees are eligible for this benefit subject to the restrictions set forth in this policy. The supervisor's Department Head or Elected Official must indicate concurrence with the nomination in writing, and submit the recommendation to the County Manager.
- A. The nomination narration should be to the point. A factual summation of achievements for selected criteria and justification is all that is required.
- B. The County Manager shall have the nomination reviewed by a 3-member committee consisting of Department Heads and/or Elected Officials. The committee shall then make a recommendation to the County Manager.

- C. The County Manager will be the final authority for approval or disapproval of any selection, and may modify the recommended award.
- D. Nominations and selections shall be made on the basis of an employee meeting a minimum of two of the following specifications which contributed to the mission of the County:
 - 1. Specific accomplishments that contributed to the increased efficiency, economy, and/or quality of County operations.
 - 2. Superior performance, which achieved results and accomplishments that clearly go beyond what is expected of the position.
 - 3. Initiated and implemented a project or program that resulted in significant ongoing savings to the County, or generated new or significantly increased, ongoing revenue for the County.
 - 4. Individual efforts that generated lasting or significant positive public relations for the County as demonstrated through citizen or County employee feedback and compliments by way of telephone, letter, etc. This may also be demonstrated by employee's exceptional judgment, communication skills, and strong rapport in dealing with the public or other County departments under adverse pressure situations.
 - 5. Provided suggestions or proposals that resulted in significant cost savings for the County through staff efficiency, effectiveness, or equipment/materials purchase or usage. Consistently maintained the County's best interests related to quality, cost and usage.
 - 6. Demonstrated outstanding individual effort while responding to an emergency that threatened life or property.
 - 7. Provided and/or implemented suggestions or proposals that significantly reduced the potential for employee or citizen injury or lawsuit through the elimination of a safety hazard or risk exposure.
 - 8. Ensured the mission of a work unit is accomplished during a difficult period by successfully completing additional work on a project assignment while maintaining the employee's own workload.
- E. Employees selected to receive an award for excellence will receive a one-time lump sum payment up to 3% of their annual salary and/or a reward of up to 24 hours off with pay.
- F. Time off granted as an Excellence Award must be scheduled and authorized by the supervisor, and taken within six months after the date the award is made. If the time is not taken off within this time period, it is lost and may not be restored.

08/16/12

10-7

Gardnerville Town Board

AGENDA ACTION SHEET



1. **Not For Possible Action:** Discussion on the Town Attorney's Monthly Report of activities for May 2014.
2. **Recommended Motion: N/A**
Funds Available: ☐ Yes ☒ N/A
3. **Department:** Administration

Prepared by: Tom Dallaire
4. **Meeting Date:** June 3, 2014 **Time Requested:** 5 minutes
5. **Agenda:** ☐ Consent ☒ Administrative
6. **Background Information:** Presented at meeting.
7. **Other Agency Review of Action:** ☐ Douglas County ☐ N/A
8. **Board Action:**
☐ Approved ☐ Approved with Modifications
☐ Denied ☐ Continued

Gardnerville Town Board

AGENDA ACTION SHEET



1. **Not For Possible Action:** Discussion on the Town Manager/Engineer's Monthly Report of activities for May 2014.
2. **Recommended Motion:** N/A
Funds Available: ☐ Yes ☒ N/A
3. **Department:** Administration

Prepared by: Tom Dallaire
4. **Meeting Date:** June 3, 2014 **Time Requested:** 10 minutes
5. **Agenda:** ☐ Consent ☒ Administrative
6. **Background Information:** See attached.
7. **Other Agency Review of Action:** ☐ Douglas County ☒ N/A
8. **Board Action:**
☐ Approved ☐ Approved with Modifications
☐ Denied ☐ Continued



Linda Slater, Chairman
Lloyd Higuera, Vice Chairman
Ken Miller, Board Member
Mike Philips, Board Member
Mary Wenner, Board Member

Town Manager Monthly Report June 2014 Board Meeting

- A. The Ranch to Gardnerville Phase II C - E:** no progress on this development. The building department is wanting to finalize houses in the second phase.
- B. Hellwinkel Channel:** Denny Peters had another issue from the lost computer re-creating some of the older version of the model that is in his report. He is finishing up the report now. We need to look for another firm to help us with the storm drain master plan of the Mission Street-395 Gardnerville station project.
- C. Gardnerville Station (former Eagle Gas):** I have an NDOT presentation coming up on May 8th. Candace is working on the environmental letters requesting any information from the government agencies they can find on the subject site. This is part of the CDBG process. We are waiting on McGinley and Associates to get the NDEP approval to proceed with the site investigation.
- D. NDOT Sidewalk:** Once we get the Chichester project completed we will be working on the sidewalk improvements. We are going to split the cost of the concrete slab at Heritage Bank. The slab has sunk over the years due to the soil settlement over a sewer lateral and we are looking at fixing two handicap ramps on North Hampton, adjacent to Lampe Park. The ramps on Waterloo we were told by the county will be redone with the Waterloo road work possibly next year.
- E. Kingslane:** Town staff is working on the improvement plans for 60% NDOT submittal. We have had many other things come up and need to get some time to focus on these plans.
- F. 756 Cottonwood Slough crossing:** NDOT needs to find an additional \$170,000 to do the project. NV Energy has given NDOT a price of \$50,000 to move one power pole. That's absurd. So we are looking into other ways to get the pole relocated. Maybe my interlocal agreement has some options.
- G. Chichester crack patching:** SNC performed the work and is completely done with all the cracks scheduled for repair.
- H. Office Items:**
- Attended the chamber meeting and gave them an update on town activities.
 - Nathan from Beneficial Designs has made a little more progress on the sidewalk evaluation and is on Hussman now. They will jump over to Chichester when they are done with that. They are working on the transition plan. We will have a meeting with Douglas County GIS, and Beneficial Designs to discuss the priority evaluation process for the report on Thursday.
 - Held a staff meeting to discuss the merit system structure. Maintenance staff prefers to see it stay the same as it is now.



Linda Slater, Chairman
Lloyd Higuera, Vice Chairman
Ken Miller, Board Member
Mike Phillips, Board Member
Mary Wenner, Board Member

- Worked on July 4th event plan to get the middle school reserved for our event. The run is a go.
- Reviewed applications for the seasonal position, held interviews and two seasonal employees will start this Monday.
- Thank you to Minden Rotary, Geoff, Town staff and Mary for all the help on Heritage Park facelift project. It should be complete this week.
- Coordinated a U-Haul truck to get the flowers picked up on Monday. Thank you to Linda Dibble for all her flower committee's work on getting the plants grown this year. We are excited about getting them up this year.
- Met with the bar owners about Carson Valley Days. That is coordinated.
- Met with two Eagle Scouts about projects for the town.
 - Joe Campbell -Gardner park facelift.
 - Jared Funk - Arbor Gardens entrance property landscaping
 - Zack Cruz - Heritage Park gardens wood bridge over the wetlands area
- Attended the National Main Street Conference in Detroit.
I will have a summary handout of the class I attended for your review at the meeting.