

REGULATION 1

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1.000 Title. These regulations may be known and cited as Nevada Cannabis Compliance Regulations, or abbreviated N.C.C.R. or NCCR.

1.010 Promulgation, amendment, modification and repeal. The following regulations are issued pursuant to the Regulation of Cannabis, chapters 678A, 678B, 678C and 678D of the Nevada Revised Statutes, in accordance with procedures prescribed by NRS 678A.450. The Cannabis Compliance Board (“Board”) will, from time to time, promulgate, amend and repeal such regulations, consistent with the policy, objects and purposes of the Regulation of Cannabis, as it may deem necessary or desirable in carrying out the policy and provisions of the Regulation of Cannabis in Title 56 of the Nevada Revised Statutes. The NCCR becomes effective upon passage and approval. The Board hereby repeals the administrative regulations (NAC 453A and 453D) adopted by the Department of Taxation pursuant to chapters 453A and 453D of NRS governing the licensing and regulation of marijuana establishments and medical marijuana establishments. To the extent that the NCCR, is not passed and/or approved, in whole or in part, the prior version or equivalent sections of NAC 453A and/or 453D will remain in force and effect, to the extent they do not conflict with any provisions of NRS 678A through 678D, as the regulations of the Board. The applicable sections of NAC 453A and/or 453D must be interpreted in a manner so that all references to the Department of Taxation and its constituent parts are read and interpreted as being references to the Board and its constituent parts.

1.020 Construction. Nothing contained in these regulations shall be so construed as to conflict with any provision of the Regulation of Cannabis in Title 56 or of any other applicable statute.

1.030 Severability. If any provision of these regulations be held invalid, it shall not be construed to invalidate any of the other provisions of these regulations.

1.040 Definitions. As used in these regulations, unless the context otherwise requires, the words and terms defined in NRS 678A.020 to 678A.240, NRS 678B.030 to 678B.070, NRS 678C.010 to 678C.110, and NRS 678D.010 to 678D.040 have the meanings ascribed to them in those statutes.

1.050 “Act” defined. “Act” means chapters 678A, 678B, 678C and 678D of the Nevada Revised Statutes.

1.053 “Analyte” defined. “Analyte” means any compound, element, contaminant organism, species or other substance for which a cannabis sample is tested by a cannabis independent testing laboratory.

1.055 “Analytical portion” defined. “Analytical Portion” means the portion of a test sample that is being processed for a particular laboratory test.

1.057 “Applicant” defined. “Applicant” means any person who has applied for the licensing of a cannabis establishment, for the issuance of a license to a business entity, or for issuance of an agent card.

1.058 “Application” defined. “Application” means a request for the issuance of a license for a cannabis establishment, for the issuance of a license to a business entity, or for issuance of an agent card, or for approval of any act or transaction for which Board approval is required or permitted under the provisions of chapters 678A-D of NRS.

1.060 “Batch” defined. “Batch” means the usable flower and trim contained within one or more specific lots of cannabis grown by a cannabis cultivation facility from one or more seeds or cuttings of the same strain of cannabis and harvested on or before a specified final date of harvest.

1.065 “Batch number” defined. “Batch number” means a unique numeric or alphanumeric identifier assigned to a batch by a cannabis establishment when the batch is planted.

1.068 “Board Agent” defined. “Board Agent” means employee of the Board, including, but not limited to, inspectors, auditors and investigators.

1.070 “CBD” defined. “CBD” means cannabidiol, which is a primary phytocannabinoid compound found in cannabis.

1.073 “Chief Medical Officer” defined. “Chief Medical Officer” means:

1. The Chief Medical Officer appointed pursuant to NRS 439.085; or
2. The designee of the Administrator of the Division, if:
 - (a) No Chief Medical Officer has been appointed pursuant to NRS 439.085;
 - (b) The position of Chief Medical Officer appointed pursuant to NRS 439.085 is vacant;or
 - (c) The Chief Medical Officer appointed pursuant to NRS 439.085 is absent from the State.

1.075 “Combined cannabis establishment” defined. “Combined cannabis establishment” means a group of cannabis establishments of different types which:

1. Each share identical ownership; and
2. Are located on the same parcel of real estate.

1.080 “Component cannabis establishment” defined. “Component cannabis establishment” means an individual cannabis establishment which is part of a combined cannabis establishment.

1.085 “Excise tax on cannabis” defined. “Excise tax on cannabis” means any excise tax imposed by chapter 372A or 678B of NRS.

1.090 “Extraction” defined. “Extraction” has the meaning ascribed to it in NRS 453.0825.

1.095 “Fair market value” defined. “Fair market value” means the value established by the Department of Taxation based on the price that a buyer would pay to a seller in an arm’s length transaction for cannabis in the wholesale market.

1.100 “Foreign matter” defined. “Foreign matter” means:

1. Stems which are 3 millimeters or more in diameter and constitute more than 5 percent of the cannabis product; or
2. Any physical contaminant which is included in the cannabis product, including but not limited to powdery mildew or insects.

1.105 “Growing unit” defined. “Growing unit” means an area within a cannabis cultivation facility in which growing operations are performed at all stages of growth. The term includes, without limitation, multiple rooms or areas that collectively are used to perform growing operations at all stages of growth regardless of whether each individual room or area has the capability to perform growing operations at all stages of growth.

1.110 “Imminent health hazard” defined. “Imminent health hazard” means a situation that requires immediate correction or cessation of operations to prevent injury or serious illness as determined by the Board pursuant to NCCR 4.065.

1.115 “Label” defined. “Label” means written or printed material affixed to or included with cannabis or a cannabis product to provide identification or other information.

1.120 “Letter of approval” defined.

1. “Letter of approval” has the meaning ascribed to it in NRS 678C.070.
2. The term does not include:
 - (a) A letter issued by the Division accepting an application for a registry identification card;
 - (b) A recommendation or referral letter issued by a physician;
 - (c) A letter issued by another state or jurisdiction approving the medical use of cannabis; or
 - (d) Any other document which the Division determines does not meet the definition set forth in subsection 1.

1.125 “Lot” defined. “Lot” means:

1. The flowers from one or more cannabis plants of the same batch, in a quantity that weighs 5 pounds (2,268 grams) or less;
2. The leaves or other plant matter from one or more cannabis plants of the same batch, other than full female flowers, in a quantity that weighs 15 pounds (6,804 grams) or less; or
3. The wet flower, leaves or other plant matter from one or more cannabis plants of the same batch used only for extraction, in a quantity that weighs 125 pounds (56,700 grams) or less within 2 hours of harvest.

1.130 “Multiple-serving edible cannabis product” defined. “Multiple-serving edible cannabis product” means an edible cannabis product which is offered for sale to a consumer and contains, within a variance of 15 percent of the potency allowable, more than 10 milligrams and not more than 100 milligrams of THC. The term includes an edible cannabis product which contains multiple pieces, each of which contains 10 milligrams or less of THC, if the edible cannabis product offered for sale contains a total of more than 10 milligrams of THC.

1.135 “Packaging” defined. “Packaging” means the materials used to wrap or protect goods.

1.137 “Person” defined. “Person” means natural persons, applicant, limited partnerships, limited-liability companies, corporations, publicly traded corporations, private investment companies, trusts, holding company, or other form of business organization such as defined by the Board.

1.140 “Pesticide” defined. “Pesticide” has the meaning ascribed to it in NRS 586.195.

1.145 “Physician” defined. “Physician” has the meaning ascribed to it in NRS 0.040.

1.150 “Potential total THC” defined. “Potential total THC” means the sum of the percentage by weight of tetrahydrocannabinolic acid multiplied by 0.877 plus the percentage by weight of Delta-9 tetrahydrocannabinol and Delta-8 tetrahydrocannabinol.

1.155 “Potentially hazardous cannabis products and ingredients” defined.

1. “Potentially hazardous cannabis products and ingredients” means an edible item that is natural or synthetic and that requires temperature control because the item is in a form capable of supporting:
 - (a) The rapid and progressive growth of infectious or toxigenic microorganisms;
 - (b) The growth and toxin production of *Clostridium botulinum*; or
 - (c) In raw shell eggs, the growth of *Salmonella enteritidis*.
2. The term includes, without limitation:
 - (a) An animal item that is raw or heat-treated;
 - (b) An item of plant origin that is heat-treated or consists of raw seed sprouts;
 - (c) Cut melons and tomatoes;
 - (d) Garlic-in-oil mixtures that are not modified in a way that results in mixtures which prohibit growth; and
 - (e) Whipped and/or infused butter.
3. The term does not include:
 - (a) An ingredient with a value of water activity of not more than 0.85;
 - (b) An ingredient with a pH level of not more than 4.6 when measured at 75°+/- 4°F (24°+/- 2.2°C); or
 - (c) An ingredient, in a hermetically sealed and unopened container, that is commercially processed to achieve and maintain commercial sterility under conditions of nonrefrigerated storage and distribution.

1.160 “Premises” defined. “Premises” means:

1. Any temporary or permanent structure, including, without limitation, any building, house, room, apartment, tenement, shed, carport, garage, shop, warehouse, store, mill, barn, stable, outhouse or tent; or
2. Any conveyance, including, without limitation, any vessel, boat, vehicle, airplane, glider, house trailer, travel trailer, motor home or railroad car, whether located above ground or underground and whether inhabited or not.

1.163 “Private Residence” defined. “Private Residence” means any building, buildings, or part of a building owned or leased by a public or private entity which serves as a private, non-transient residential dwelling unit. Private residences include, but are not limited to, single family homes, town houses, duplexes, condominiums, mobile homes, and apartments. Private residences do not include hotels, weekly hotels, monthly hotels, motels, camps, campers, motor homes, and/or other vehicles and industrial and commercial facilities that do not also serve as residences. Private residences also do not include universities, colleges, and/or schools, as well as their housing, residences, and/or dormitories.

1.165 “Production run” defined. “Production run” means:

1. For the extraction of concentrated cannabis by a cannabis establishment, the combination of one or more lots used to make the same product in one homogenous mixture produced using the same method which results in not more than 2.2 pounds (997.90 grams) of concentrated cannabis.
2. For the production of cannabis products by a cannabis production facility, one homogenous mixture produced at the same time using the same method and which may include a combination of concentrated cannabis and other materials for the production of cannabis products.

1.170 “Production run number” defined. “Production run number” means a unique numeric or alphanumeric identifier assigned to a production run by a cannabis product facility which accounts for each batch or lot or any concentrated cannabis used in the production run.

1.175 “Proficiency testing” defined. “Proficiency testing” means the evaluation, relative to a given set of criteria, of the performance, under controlled conditions, of a cannabis independent testing laboratory in analyzing unknown samples provided by an external source.

1.180 “Proficiency testing program” defined. “Proficiency testing program” means the program established by the Board pursuant to NCCR 11.040 to evaluate the proficiency of cannabis independent testing laboratory in this State.

1.185 “Proficiency testing provider” defined. “Proficiency testing provider” means a person or organization operating a proficiency testing program which has been certified as meeting the requirements of standard ISO/IEC 17043 of the International Organization for Standardization.

1.190 “Proficiency testing sample” defined. “Proficiency testing sample” means a sample, the composition of which is unknown to the cannabis independent testing laboratory, provided to a cannabis independent testing laboratory to test whether the cannabis independent testing laboratory can produce analytical results within certain criteria.

1.195 “Public transportation” defined. “Public transportation” means:

1. Buses;
2. Trains;
3. Subways;
4. Other forms of transportation which charge a fare and are available to the public; and
5. Public transportation does not include a taxicab, pursuant to NRS 678D.430(7).

1.200 “Sample protocols” defined. “Sample protocols” means the procedures specified by the Board which are required to be used to obtain samples of cannabis for quality assurance testing.

1.205 “Security equipment” defined. “Security equipment” means a system of video cameras, monitors, recorders, video printers, motion detectors, exterior lighting, electronic monitoring and other ancillary equipment used for surveillance of a cannabis establishment.

1.210 “Seed-to-sale tracking system” defined. “Seed-to-sale tracking system” means an electronic database which is used to monitor the current chain of custody of cannabis from the point of acquisition or planting to the end consumer and which is accessible by the Board, Board Agents and by cannabis establishments.

1.215 “Separate operations” defined. “Separate operations” means any area in which a component cannabis establishment must maintain legal and operational separation from all other component cannabis establishments within a combined cannabis establishment.

1.220 “Single-serving edible cannabis product” defined. “Single-serving edible cannabis product” means an edible cannabis product which is offered for sale to a consumer and contains not more than 10 milligrams of THC.

1.225 “Surveillance” defined. “Surveillance” means the capability to observe and record activities being conducted outside and inside a cannabis establishment.

1.230 “Taxpayer” defined. “Taxpayer” means cannabis establishments as required.

1.235 “Vending Machine” defined. “Vending Machine” is an automated machine that provides items to consumers.

1.240 “Cannabis” interpreted to exclude industrial hemp. For the purpose of Title 56 of NRS, the Board will interpret “cannabis” to exclude industrial hemp, as defined in NRS 557.040, which is grown or cultivated pursuant to chapter 557 of NRS.

1.245 “Immature cannabis plant” and “mature cannabis plant” interpreted. For the purposes of Title 56 of NRS:

1. “Immature cannabis plant” means a cannabis plant with no observable flowers or buds.
2. “Mature cannabis plant” means a cannabis plant which has flowers or buds that are readily observable by an unaided visual examination.