

Proposed Regulations for Potential Action at 10/12/21 Public Safety Subcommittee Meeting

Prepared by Steve Yeager

A. IMPAIRMENT AND OVERCONSUMPTION

• ***Certification Training Program Standards [based off of CO 3-515]***

The employee training program shall include at least four hours of instruction time for initial training and two hours of supplemental instruction time each year thereafter.

• ***Certification Training Class Core Curriculum [based off of CO 3-520]***

Training provided by a cannabis consumption lounge must include all Nevada statutes and regulations related to cannabis consumption lounges. Training must include, but is not limited to:

1. Identifying signs of visible impairment including alcohol and drug impairment;
2. Resources to mitigate impaired driving, including safe transportation options available to customers;
3. Understanding customer's varying experience with cannabis and options for lower dose products;
4. Resources available regarding responsible cannabis use;
5. Ceasing all consumption and other activities until law enforcement, firefighters, emergency medical service providers, or other public safety personnel have completed any investigation or services and left the cannabis consumption lounge;
6. Methods for licensees to identify themselves during an interaction with law enforcement, CCB employees, or local regulators;
7. Poly-substance interactions including but not limited to interactions of cannabis with alcohol, prescription and over-the-counter medications, and other substances;
8. Risks and potential responses to adverse events such as overconsumption, dehydration, poly-substance use, or other similar events.
9. Strategies to de-escalate interactions with intoxicated customers and potentially dangerous situations which could include development of an emergency action plan.

• ***Impairment and Education [based off CO 6-905(I)]***

A cannabis consumption lounge shall not permit the use or consumption of cannabis by any person displaying any visible signs of intoxication.

No consumption of alcohol is permitted in a cannabis consumption lounge. A licensee is responsible for preventing the consumption of alcohol within its licensed premises.

A licensee is responsible for preventing the smoking of tobacco and tobacco products within its licensed premises.

A licensee must provide customer education materials regarding the safe consumption of cannabis. Customer education materials may be made available in print or digital form and shall at a minimum include the following statements:

“WARNING: Using cannabis, in any form, while you are pregnant or breastfeeding passes THC to your baby and may be harmful to your baby. There is no known safe amount of cannabis use during pregnancy or breastfeeding.

Create a transportation plan ahead of time. Don’t operate a vehicle impaired.

Impairing effects of cannabis may be delayed.”

[Note: The subcommittee believes the ongoing regulatory process will likely lead to an expansion of this warning and the subcommittee encourages the CCB to work with interested parties on the precise wording and design of this information so that it grabs the attention of the customer. In addition, the subcommittee urges a regular review of the information with an eye towards updating its content and format, as needed.]

- ***Reporting of Medical Incidents to the CCB***

Each licensee shall, within 48 hours, report to the CCB any medical incident stemming from a customer’s consumption of cannabis that necessitated medical treatment.

- ***Leaving with Unused Product [based off of CO 6-925]***

A licensee shall not permit a customer to leave the licensed premises with any unconsumed cannabis unless the licensee has ensured that the unconsumed cannabis is packaged and labeled in accordance with the requirements of Nevada law and/or regulation.

- ***Impaired Driving***

Each licensee shall develop a plan to mitigate the risk of impaired driving, including making information readily available to the customer about transportation options. Each licensee is encouraged to adopt practices that discourage impaired driving, such as a 24 hour no tow policy and/or a potential partnership with ride share to offer discounted rides both to and from the premises to customers.

If the CCB learns of an increase in impaired driving stemming from the location of a particular licensee, the CCB shall work with the licensee on an appropriate risk mitigation plan.

B. SECURITY

- ***NRS 202.257***

Licensees must ensure that armed security officers do not violate the provisions of NRS 202.257 (possessing a firearm while under the influence of a controlled substance). In addition, licenses shall prohibit customers from bringing firearms into a consumption lounge.

- ***Orderliness [based off of CO 6-905(I)]***

A licensee shall operate the business in a decent, orderly, and respectable manner. A licensee shall not knowingly permit any activity or acts of disorderly conduct nor shall a licensee permit rowdiness, undue noise, or other disturbances or activity offensive to the senses of the average citizen, or to the residents of the neighborhood in which the business is located.

If an emergency requires law enforcement, firefighters, emergency medical service providers, or other public safety personnel to enter the premises of the business, the licensee is responsible for ensuring that

all consumption and other activities, including sales, cease until such personnel have completed their investigation or services and have left the premises.

Employees shall be prohibited from consuming cannabis while working.

A licensee must report directly to the CCB any criminal activity requiring an in-person response from law enforcement within 48 hours after an owner or employee of the business learns of the event.

If the CCB learns of an increase in criminal activity at or near the location of a particular licensee, the CCB shall work with the licensee on an appropriate risk mitigation plan.

- ***Law Enforcement Temporary Suspension of License [Based off of Clark County Code 8.08.170]***

The Sheriff (or authorized designee) in an emergency, for cause, or upon code violation of a specific act which endangers the public welfare; and finding that such suspension is necessary for the immediate preservation of the public peace, health, safety, morals, good order or public welfare, may suspend any cannabis consumption lounge license for a period not to exceed eight consecutive hours.

[Note: the 8 hours is a starting point, as the public safety subcommittee understands that the precise wording and contours of this provision will likely require some additional collaboration between CCB regulators and Nevada’s law enforcement agencies.]

C. NOTICES AND WARNINGS

- ***Required Signage [Based off of CO 6-905(F)]***

A licensee shall ensure all areas of ingress and egress to the consumption area(s) be clearly identified by the posting of a sign which shall not be less than 12 inches wide and 12 inches long, composed of letters not less than a half inch in height, which shall state, “Consumption Area – No One Under 21 Years of Age Allowed.”

A licensee shall post one or more signs outside of the licensed premises that indicate loitering is prohibited and consumption of cannabis is only permitted in designated areas out of public view.

Licensees must post, at all times and in a prominent place inside the consumption area, a warning that is at minimum twelve inches high and twelve inches wide that reads as follows:

“Must be 21 or older to enter

Cannabis may only be consumed in designated areas out of public view

No consumption of alcohol or tobacco products on site

We reserve the right to refuse entry or service for reasons including visible intoxication

It is against the law to drive while impaired by cannabis

Firearms are prohibited”

D. CONSUMPTION AREA REQUIREMENTS

- ***Visibility [Based off of CO 6-905(E)]***

A licensee shall ensure that the display and consumption of any cannabis is not visible from outside of its licensed premises.

A licensee may have a consumption area outdoors under the following conditions:

- a. The licensee shall ensure that all cannabis is kept out of plain sight and is not visible from a public place without the use of optical aids, such as telescopes or binoculars, or aircraft; and
- b. The licensee shall ensure that the consumption area is surrounded by a sight-obscuring wall, fence, hedge, or other opaque or translucent barrier that also prevents cannabis products from being transferred to anyone outside the consumption area.

E. PRODUCTS AND CONSUMPTION METHODS

• ***Additional Health and Safety Regulations [Based off of CO 6-910]***

If a licensee provides customers with reusable equipment or devices to aid in the use or consumption of cannabis, the licensee shall ensure the equipment or device is sanitized properly. A licensee shall maintain standard operating procedures regarding reusable equipment and device sanitation practices. Failure to maintain records and/or sanitize reusable equipment may constitute a license violation affecting public safety

• ***Quantity and Potency Limits [Based off of CO 6-925]***

All sales of cannabis by a cannabis consumption lounge to a customer shall not exceed the following sales limits per customer:

1. More than two grams of flower;
2. More than one-half of one gram of Concentrate; or
3. A cannabis product containing more than 20 milligrams of active THC. For any sale of a cannabis product containing more than 10 milligrams of active THC, the product must be transferred to a customer in separate serving sizes containing no more than 10 milligrams of active THC per serving.

[Note: These are starting points derived from Colorado regulations, but the precise limits should be more fully developed in the upcoming regulatory process. In addition, the public safety subcommittee believes the decision about whether to establish time limits for customers should be left to the licensee because the viability of a time limit will likely depend on the licensee's business concept.]

• ***On site food preparation***

The licensee shall comply with any applicable laws or regulations related to on-site food preparation.

• ***Water Service***

Water shall be provided without request and free of charge to all customers.

• ***Disposal of Unused Product by the Customer***

All licensees shall account for and destroy any cannabis product left behind by the customer pursuant to CCB requirements.