

Proposed Public Health Recommendations – Nevada Cannabis Advisory Commission Public
Health Subcommittee – October 19, 2021

Prepared by Jennifer Pearson, MPH, PhD

***All recommendations were approved unanimously unless otherwise noted.

Air quality recommendations

1. Confine all indoor cannabis smoking, vaping, and dabbing to a Designated Smoking Room
 - a. This will NOT eliminate risk, especially for workers. Additional means are necessary to protect workers.

2. To reduce risk that air pollution from the Designated Smoking Room enters other parts of the consumption lounge, require the following:
 - a. Completely separated from rest of lounge by solid partitions or glass without openings other than doors.
 - b. All Smoking Room doors must be self-closing and installed with a gasket to provide a seal where the door meets the stop.
 - c. Must have a separate heating, ventilation, and air-conditioning system so that Smoking Room air is not recirculated into other parts of the lounge.
 - d. Smoking Room air must be directly exhausted to the outdoors by a filtration system so that it cannot enter the non-smoking area through windows, doors, outdoor intakes, etc.
 - e. Filtration system must be sufficient to remove visible smoke and adequate to eliminate odor at the property line.
 - f. Lounges must be in freestanding buildings (e.g., not in a strip mall) to eliminate risk that air pollution from a cannabis consumption lounge affects neighboring properties.

3. Mandate work protocols and indoor air quality standards that minimize employees' secondhand smoke exposure
 - a. Consider using EPA Ambient Air Quality Standards for non-Smoking Room lounge spaces, focusing on 8-hr average and 15 min peak CO₂ and PM 2.5 concentration guidelines
 - b. Mandate responsibility of air quality monitoring/enforcement/record keeping to the lounge itself. In other words, the lounge needs to make the case that they are meeting the CCB's standards.
 - c. Do NOT use current NV indoor air quality standards for smoking areas of casinos & bars. They are inadequate for the protection of public health.

4. Consumption lounges must design Smoking Rooms and work protocols such that:
 - a. Need for employees to enter Smoking Room is minimized

- b. Employees can monitor activities in the Smoking Room from a smoke-free room
 - c. Employees can fulfill regular patron requests without entering the Smoking Room (e.g., serving more products, answering questions, taking payment)
 - d. Employees must wear adequate PPE (e.g., KN95 masks) to minimize secondhand smoke exposure while in the Smoking Room
5. Mandate indoor air quality standards and protocols that reduce risk of cardiopulmonary or other acute health effects for workers and patrons while in the Smoking Room
 - a. Ways to accomplish these goals:
 - i. Include exhaust hoods over all seating areas
 - ii. Limit capacity
 6. Mandate that outdoor Smoking Areas meet the following standards:
 - a. Filtration system sufficient must remove visible smoke from the smoking area and eliminate odor at the property line.
 - b. Must not be visible from the property line
 - c. Must provide same protections to employees as in Recommendation #4
 7. Do not allow tobacco smoking/nicotine vaping in cannabis consumption lounges
 - a. Cigarette smoking #1 cause of preventable death in USA. Indoor smoking bans discourage consumption & encourage cessation. NV has poor record on indoor smoking bans. Don't concede more ground.
 - b. It will be difficult to enforce prohibition against bringing in outside cannabis products if tobacco smoking/nicotine vaping is allowed.
 - c. The Nevada Clean Indoor Air Act likely already prohibits this, but we thought it was important to include our recommendation for the record.

Health notices and disclosures recommendations

8. Health notices and disclosures at consumption lounges should be the same or similar to disclosures that are required at existing cannabis facilities and cannabis products. This will provide consistent information to the public, which is beneficial for public education, and consistent regulation, which is beneficial for the industry. We have used NCCR 12.050 as a baseline, but recommend some small changes to these disclosures that should be applied to all cannabis products in recommendation #9.
9. A cannabis consumption lounge must provide with all usable cannabis and cannabis products served a written notification which contains the following warnings:
 - a. "The intoxicating effects of cannabis may be delayed by 2 hours or more. Users of cannabis products should initially ingest a small amount of the product containing no more than 10 milligrams of THC, then wait at least 2 hours before ingesting any additional amount of cannabis;"
 - b. "Cannabis or cannabis products may have intoxicating effects and may be habit forming. Smoking is hazardous to your health;"

- c. “Ingesting cannabis or cannabis products with alcohol or other drugs, including prescription medications, may result in unpredictable levels of impairment and a person should consult with a physician before doing so;”
 - d. “There may be mental or physical health risks associated with consumption of cannabis products, including but not limited to cardiovascular problems, psychosis, or exacerbation of anxiety and/or depression. People with health concerns should consult with a physician before ingesting cannabis.”
 - e. “Cannabis or cannabis products can impair concentration, coordination and judgment. Do not operate a vehicle or machinery under the influence of cannabis or cannabis products;”
 - f. “Ingestion of any amount of cannabis or cannabis products before driving may result in criminal prosecution for driving under the influence.”
 - g. “Overconsumption of cannabis or cannabis products may cause negative health effects such as nausea, vomiting, anxiety, agitation, paranoia, and psychosis. Individuals with symptoms of overconsumption should seek immediate medical attention.”
 - i. The text used on all accompanying material and warnings must be printed in at least 12-point font and may not be in italics.
10. The committee also recommends that the following notices be publicly posted in lounges:
- h. “WARNING: Pregnant or breastfeeding people should not use cannabis or cannabis products. Using cannabis during pregnancy or while breastfeeding may be harmful to your baby’s development.”
 - i. This statement must be conspicuously posted in a minimum of 40-point font in every restroom (not just women’s restrooms) of a cannabis consumption lounge.
 - ii. Statement should be gender neutral and avoid using terms such as “women” or “females” etc.
 - iii. Committee members discussed recommending that this be posted in every restaurant bathroom in NV as a public education campaign similar to how alcohol warning signage must be posted in bars and food establishments per NRS 446.842.
 - i. “WARNING: This is a smoking lounge. Occupants will be exposed to secondhand smoke. Secondhand smoke is hazardous to your health.”
 - i. This statement must be conspicuously posted in a minimum of 72-point font on every point of entry point to a smoking consumption lounge.
11. Note – one commissioner was locked out of their office during voting for this section but verbally indicated support for all recommendations in this section once they were able to re-join the meeting.

Ready-to-consume product recommendations

12. Allow lounges to procure multi-serving items from dispensaries (e.g., chocolate bars) and resell individual pieces (max 10 mg/piece) to consumers
 - a. Max pieces sold is only limited by possession limit
 - b. Metrc may need modification to allow selling of fractional units
 - c. Higher concentration medical items may need oversight to reduce chance of sharing between customers and overindulgence
 - i. 4/5 supported this recommendation. One commissioner was concerned that a limit of 10 mg/serving or plate would be a disservice to consumers, especially medical consumers, and the industry.
13. To facilitate creation of meals created and served at the lounge (e.g., pasta), producers may create premeasured single-dosage (10 mg) cannabis oils (or other shelf-stable forms) or bulk diluted cannabis oils that are pretested and cleared by the labs (follow all edible testing requirements). These oils may be added to dishes onsite (avoiding high heat which will change the chemical makeup of the oil).
 - d. This approach will minimize testing requirements and allow the consumer to request dosage they want.
14. Ready-to-consume foods should be clearly marked with the cannabis dose in the dish (e.g., using a sticker on the plate). The customer should be notified as to which part of the dish is infused.
15. Allergen information should be included in the cannabis-infused dish menu.
16. Lounges should allow limited sharing of cannabis items bought on-site, with considerations for transmission of germs. This should not be considered “distribution,” which is aimed at black market products, not products bought at the lounge.
17. Since no leftovers may be removed from the lounge, products should be sold in smaller quantities to minimize waste and reduce the risk of over-indulgence.
 - e. 4/5 commissioners supported this recommendation. One commissioner noted that she hoped this recommendation would not be required if the prohibition against leftovers was removed; another commissioner agreed with her that the prohibition on leftovers didn’t have a clear public health purpose.
18. Consumption lounge storage/disposal practices must meet the same standards as any other cannabis facility.
19. Recommend allowing lounges to purchase from cultivation and producers directly.
 - f. Lounges may need specialty products that are only consumed at lounges (e.g., bulk culinary cannabis infused oil; small serving vape pens); purchasing through a dispensary is a disadvantage for independent lounges.

Occupational health and training recommendations

20. Require that all consumption lounges log and report any illnesses (e.g., foodborne illness, illness due to overconsumption of cannabis) observed on site or reported to the lounge to the regulatory authority responsible for investigating outbreaks.
 - g. Log to include: Date and time of consumption, type of consumption, date and time of illness onset, illness description, contact information

- n. Overconsumption
 - o. Sexual assault
 - p. Attempts to drive while intoxicated
27. Adopt the food regulations of the local/state health authority or adopt equivalent regulations modeled after the FDA Food Code that adequately address all aspects of food safety.
28. Temporarily restrict serving of temperature controlled for safety (TCS) foods as defined by the FDA (dairy, meat, cooked vegetables, foods that require refrigeration etc.) while other aspects of food safety regulations are established.
- q. Reasoning: Allow consumption lounges to open with simpler, safer foods first, phasing in TCS Foods at a later time. This will allow the regulatory agency time to develop or adopt appropriate regulations and train staff and industry on food safety. Could have different tiers of consumption lounge permits for serving food based on activities/risk level.
 - r. This recommendation did not receive full support
29. Address the specific concerns for lounges serving TCS foods as defined by the FDA (dairy, meat, cooked vegetables, foods that require refrigeration etc.) separately.
- s. More general than #17 – TCS foods are the highest-risk tier of food service; adding cannabis infusion adds an additional level of difficulty and uncertainty. There are a lot of stakeholders across the state that will need to be included in the regulatory process for TCS foods. CCB may consider a different, more in-depth process for generating cannabis-infused TCS food regulations.
30. Customers may bring vape pens/pipes/other devices to consume cannabis at the lounge. Require all devices to either be:
- t. If brought in by customer, staff must verify that it is empty upon arrival and departure
 - u. If provided by lounge, device must be used on site and discarded before leaving (if a closed system like a vape) or emptied (if carryout not allowed) and carried out by customer
 - v. Reasoning: There is no clear guidance on proper cleaning and sanitization of cannabis consumption devices (e.g., waterpipes, vapes with tanks) from federal agencies. Reduces liability for lounges if they are not responsible for the cleaning and sanitization of devices for use by multiple parties.

Inspection recommendations

31. Inspectors should have REHS (registered environmental health specialist), FD190 certification (manufactured food safety), and familiarity with cannabis product testing reports.

32. Teams of REHS and CCB inspectors could provide the degree of expertise needed to conduct comprehensive inspections.
 - w. 4/5 commissioners in support. Concern that health departments don't have the capacity to add consumption lounges to their list of responsibilities.

Recommendations Approved Unanimously at the 10/12/21 Public Safety Subcommittee Meeting

Prepared by Steve Yeager, Chair

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.

[Note: Because Section 24(4) of AB341 (2021) prohibits the removal of product from a cannabis consumption lounge if the product was purchased there, the subcommittee chose not to recommend the above language relating to leaving with unused product. If, however, the Legislature chooses to remove this prohibition at some point, the subcommittee believes it is important to ensure that any unconsumed product leaving the lounge is packaged and labeled appropriately.]

- ***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(1)]***

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 primary law enforcement agency (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 seventy-two consecutive hours.

[Note: the 72 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.

Social Equity, Diversity, and Inclusion

CAC Subcommittee

Chair, A'Esha Goins

Members, Bryan Scott, Dallas Harris, Kema Ogden, Tina Ulman

- I. Social Equity Applicant Eligibility
 - a. Social Equity Applicants will be determined via a pass/fail process before submitting their full applications
- II. Application Fees
 - a. 75% fee reduction for social equity applicants
 - b. 50% fee reduction for immediate family members
- III. Social Equity Applicant Are Identified as Persons Who Have:
 - a. At least 51% ownership in the business
 - b. Have resided in Nevada for no less than the previous five year in zip code where:
 - i. 75% of the children are participating in a federal free lunch program
 - ii. current high arrest area
 - iii. and/or at least 20% of the persons are receiving SNAP benefits
 - c. And one of the following
 - i. Have a non-violent and/or misdemeanor cannabis related offense
 - ii. Immediate family member (parent, sibling, or child) was formerly convicted of a cannabis related offense and has lived in or currently lives in a zip code where:
 - 1. 75% of the children are participating in a federal free lunch program
 - 2. current high arrest area
 - 3. and/or at least 20% of the persons are receiving SNAP benefits
- IV. Prohibition of Application Stacking
- V. Social Equity Licenses to Remain Social Equity Licenses
 - a. In the event of a transfer of interest, CCB will distribute license to a new Social Equity eligible applicant
- VI. Diversity Applicant Certification
 - a. To be considered a diversity applicant, certification must be obtained through CCB approved certification boards

b. Diversity should be defined as women, minorities, veterans, and those with disabilities