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March 22, 2022

Hon. Michael Douglas, Chair
Nevada Cannabis Compliance Board
700 E. Warm Springs Road, Suite 100
Las Vegas, NV 89119

Re: Proposed NCCR Regulation 12.065

Dear Chair Douglas:

As the Cannabis Control Board (“CCB”) is aware on December 1, 2020, RAD Source Technology (“RAD”) submitted a Petition to Repeal or Amend NCCR 12.065 wherein it presented scientific evidence demonstrating the efficacy and safety of remediation through ionizing radiation¹. RAD’s Petition was considered at the regularly scheduled December CCB Meeting at which time the Board ordered that a regulatory workshop be held to consider repealing NCCR 12.065. At the regulatory workshop RAD submitted extensive scientific evidence supporting its position that the regulation be repealed as NCCR 12.065 was misleading to consumers, burdensome on cultivators and arbitrary and capricious in its application. Thereafter, RAD supplemented its Petition by providing the CCB with a January 2021 study conducted by the California Dept. of Public Health – Cannabis Testing Section, which definitively demonstrates the effectiveness of ionizing irradiation in remediating cannabis flower contaminated with pathogenic species of *Aspergillus*. To date, this is the only objective, scientific information the CCB has received relative to remediation of cannabis.

In furtherance of RAD’s Petition, in September 2021, the CCB published the Proposed Changes to NCCR 12.065 currently scheduled for consideration during today’s workshop. In response, RAD submitted a letter to the CCB articulating its concerns with the proposed language, primarily that it is not scientifically based. Additionally, said language is misleading to consumers and patients *as the failure to decontaminate a cannabis product presents much more of a potential health issue than if cannabis has been treated to prevent harmful pathogens from developing.*

Moreover, the term “radiation” pertains to any photon emitting treatment on the electromagnetic spectrum. This includes radio waves, microwaves, RF, infrared, visible light, UV, X-Ray and Gamma. With this in mind, the term “heating process” is not applicable as the technologies used to “heat” cannabis products are radiation (photons). Ionizing Radiation is a sub set of radiation,

¹ On Dec 20, 2020, the CCB posted an industry notice suspending NCCR 12.065.

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which occurs at the smaller wavelength of the spectrum (UV, Xray and Gamma), so by calling out irradiation it could be construed negatively in comparison to other forms of radiation, such as RF, sunlight, microwave, etc. Electromagnetically, these processes all involve photons, just at different wavelengths. Additionally, for reference, ionizing radiation has been used for over a decade in Canada and the Netherlands for decontamination of cannabis as it is generally regarded as safe and effective. For these reasons, RAD respectfully recommends that the CCB repeal NCCR 12.065.

Should the CCB elect to proceed with adoption of NCCR 12.065, RAD requests that the title be changed to “Decontamination of Cannabis” to avoid misleading the public by only identifying one of the hundred of ways in which cannabis can be decontaminated. Furthermore, it should be noted that the language “decontamination at any time” has broad application relative to a cultivator’s utilization of ozone, grow lights, sunlight, soil treatments, cleaning solvents, etc. Thereby, resulting in even more labeling requirements for licensees.

On behalf of RAD, we appreciate the CCB’s consideration of the points raised herein. Please do not hesitate to contact me should the Board have any questions or require additional information.

Respectfully yours,

/s/ Kimberly Maxson-Rushton

Kimberly Maxson-Rushton, Esq.

cc: CCB Members
T. Klimas, Ex. Dir.
W. Hartman, RAD
G. Terry, RAD

Director Klimas and the Board: My name is Dani Baranowski, I am a cannabis advocate, Vice President of the Chamber of Cannabis, and Brand Manager for a leading Nevada cannabis company. As shown in the two most recent demographic studies by the CCB, there is a serious lack of diversity within ownership that is not reflective of our great state. If we are to continue to work to be the “Gold Standard,” and lead the nation in best cannabis policy and practices, implementing requirements for diversity plans for the upcoming new licenses will perpetuate this. Furthermore, diversity planning will also give current license holders receiving “dispensary-adjacent lounges” the opportunity to revise their operations to contribute to the CCB’s goal of driving further social diversity and equity into the industry. Thank you for your time and consideration in workshopping consumption lounges; I am looking forward to being one more addition to diversity within the ownership/leadership demographic within the Nevada cannabis industry.

March 22, 2022
Cannabis Compliance Board
700 East Warm Springs Road Suite 100
Las Vegas, Nevada 89119

To Whom It May Concern:

Provided are general comments and concerns related to The Regulatory Workshop being held this afternoon, in particular, agenda item *J- Regulation 15, Cannabis Consumption Lounge*.

During the Public Health Committee process last year, the Washoe County Health District had the opportunity to make recommendations and voice our concerns, this comment is a reiteration of our original apprehensions. As shared previously, we do not believe that the WCHD is in the position to be responsible for the food and beverage inspection, disease investigation, or approving of plans for cannabis lounges within Washoe County. For the health and safety of the community, we urge the CCB to advocate for an industry specific agency to be charged with such tasks. An appropriate agency would have extensive and specific knowledge of cannabis food safety, as well as cannabis air quality expertise and training. An industry specific dedicated staff that has the capacity to invest their resources and time is needed in this emerging and ever changing landscape.

Provided is a non-extensive list pertaining to: reporting illnesses, disease investigation, food safety, and air ventilation and filtration.

The WCHD is welcome to having more robust conversations and want to be partners in the creation of these important regulations. We are appreciative of the open communication and willingness to work together from the CCB staff. We look forward to more conversations in the future.

6.090- Currently written, it is unclear where establishments must report incidences of illness to and what agency is responsible for disease investigation. Section 6.090(5) clearly states the establishment must report certain illnesses to CCB, but section 6.090(8) and (9) references CCB or the health authority.

15.040 And 15.105- It is unclear what agency will enforce food safety laws. There is reference to complying with federal, state, and food safety laws, however, the three separate jurisdictions within Nevada have different food safety regulations. If lounges are to be regulated by the CCB, references regarding other jurisdictions should be removed, and existing NAC Food Regulations followed by the State of Nevada should be referenced to. It wouldn't be feasible for CCB inspectors to know three separate jurisdictions different regulations.

15.055- Additional staff, extensive training and added resources would be required within the Divisions of Washoe County Health District's Environmental Health Services (EHS) and the Division of Air Quality Management (AQM). Air Quality would need additional staff and fleet to review and inspect ventilation and filtration systems. EHS does not currently review plans for cannabis facilities in Washoe County.

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15.115- With the proposed regulations the WCHD has serious concerns regarding capacity and knowledge of food safety regarding cannabis. Additional funding, staffing and extensive training would be required.

Sincerely,

Joelle Gutman Dodson, MSW
Government Affairs Liaison