

March 21, 2022

ELECTRONIC MAIL

NEVADA CANNABIS COMPLIANCE BOARD
555 E. Washington Avenue, Suite 4100
Las Vegas, Nevada 89101
regulations@ccb.nv.gov

Re: MARCH 22, 2022 WORKSHOP ON AMENDMENTS TO REGULATION 12.065:
Comments of Ziel Equipment, Sales & Services, Inc.

Dear Board Members:

We represent Ziel Equipment, Sales & Services, Inc. ("Ziel" or the "Company"). The purpose of this letter is to provide the Company's comments on the proposed amendments to Regulation 12.065 recently circulated by the Nevada Cannabis Compliance Board ("CCB").

IDENTITY AND INTEREST OF THE COMMENTER

Ziel is a leading developer of Radio Frequency ("RF") equipment for the reduction of microbial pathogens. The food and cannabis industries across North America, Europe, South America, and Australia utilize RF technology to safely remediate products intended for human consumption or ingestion. Ziel's devices utilize non-ionizing radiation to pasteurize products like almonds, cashews, macadamias, sesame and chia. This technology has been adapted for the cannabis industry to successfully remediate bacterial and fungal pathogens. These devices help Nevada cannabis licensees ensure that they are providing a safe product that meets the highest safety and quality standards. Moreover, Ziel's technology allows licensees to satisfy these standards through a method that is compatible with the requirements for organic certification.

COMMENTS

Regulation 12.065 addresses labeling requirements for cannabis treated with remediation technology. The amendments proposed by the CCB require that all cannabis or cannabis products that undergo remediation include a label that: (i) identifies the method of treatment, and (ii) a notice that the product has been remediated. Ziel supports the policy behind these amendments and believes that this labeling requirement promotes consumer education and choice. That said, small modifications to the proposed amendments could better inform consumers and more accurately reflect the range of circumstances where remediation is utilized.

For those reasons, Ziel respectfully requests that the CCB consider the following revisions to the proposed amendments¹:

12.065 Cannabis *remediation and irradiation* ~~treated with radiation~~. If any cannabis or cannabis product has been treated with *any ~~heating~~ thermal process, chemical, ionizing radiation, or other process for the purpose of ~~decontamination~~ consumer safety at any time, the label must include the method of treatment and the following statement: “NOTICE: This product has undergone remediation ~~for purposes of decontamination~~ to ensure consumer safety” in bold lettering. ~~radiation at any time, any and all packaging of the irradiated cannabis or cannabis product must include labeling that contains the following statement: “NOTICE: This product contains ingredients that have been treated with irradiation” in bold lettering, along with the Radura symbol as used by the U.S. Food and Drug Administration~~*

First, use of the term “thermal” instead of “heating” more accurately describes how RF technology remediates cannabis. The cannabis itself is not warmed or heated (like, for example, in an oven or microwave), processes which many cannabis consumers associate with reduced cannabis quality and potency. Rather, RF technology uses low-energy electromagnetic fields, which destroy pathogens by triggering rapid oscillation and friction in water molecules. Advising consumers that cannabis has been treated with a “thermal” process is more precise and avoids unnecessary confusion about the quality of the treated product.

Second, use of the term “decontamination” inaccurately suggests that the treated cannabis was necessarily contaminated or unsafe prior to remediation. RF remediation, like pasteurization, is commonly used in other agricultural industries to ensure product quality and improve shelf-life. These agricultural producers regularly use RF technology to pasteurize *all* their products, not just certain batches with quality concerns. While the CCB has amended Regulation 11.075 to allow licensees to also remediate cannabis that has failed quality tests, licensees across the state have implemented approved standard operating procedures that call for proactively treating *all* cannabis cultivated or processed by the licensee -- even “uncontaminated” cannabis that would nevertheless pass all required quality and safety tests. Accordingly, applying a label which states that this cannabis was “decontaminated” is misleading.

¹ EXPLANATION: Matter in (1) *blue bold italics* is new language in the proposed amendment; (2) green bold underlining is language Ziel recommends be added to the amendment; (3) ~~red strikethrough~~ is deleted language in the proposed amendment; (4) ~~purple double strikethrough~~ is language Ziel requests be deleted in this amendment.

FENNEMORE.

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As Dr. Young recognized in his remarks at the CCB's meeting on August 24, 2021, remediation is safe and effectively addresses potential cannabis quality issues. Broader adoption and use of RF treatment promotes consumer safety and the public good. Using the word "decontamination" on remediation labels, however, is inaccurate in some circumstances and could unintentionally discourage consumers from choosing treated products, thereby suppressing the adoption of this safe and effective technology. Instead, these labels should advise consumers that remediation is used to "ensure consumer safety." This notice language avoids misrepresenting that the treated cannabis was contaminated and is accurate regardless of whether the licensee proactively treats all their cannabis or only remediates cannabis which initially fails quality testing.

Finally, in implementing a labeling requirement, the CCB must act in a clear and consistent manner in approving the labels that identify the methods of treatment. Regardless of whether remediation is accomplished through a "thermal process" (like RF), or "ionizing radiation," these method identifiers must be accurate and consistently applied across like technologies. Individual licensees should not have the ability to obfuscate the utilized remediation technology by using inconsistent, confusing, or inaccurate treatment method identifiers.

We appreciate your consideration of these issues and are happy to discuss these suggestions further. Please advise if you have any questions or require additional information.

Sincerely,

FENNEMORE CRAIG, P.C.

/s/ Katherine Hoffman

Katherine L. Hoffman



JUSTICE
COMMERCE
COMMUNITY

Comments on CCB Proposed Changes to Lounge Operations

From: Scot Rutledge, Argentum Partners on behalf of the Chamber of Cannabis

To: Tyler Klimas, Executive Director, Cannabis Compliance Board

Date: March 21, 2022

Submitted via electronic mail to: regulations@ccb.nv.gov

1. Regulation 1.222 “Single-use cannabis product” defined.

“Single-use cannabis product” means a type of cannabis or adult-use cannabis product, other than a ready-to-consume cannabis product, that the Board has determined to be appropriate for consumption in a cannabis consumption lounge. Single-use cannabis products includes but are not limited to items that are designed for use in a single sitting. Such items may not contain more than 0.5 gram of usable cannabis or may not contain more than 10mg of THC in a cannabis product.

Thank you for increasing the amount of usable cannabis one individual may buy to 1 gram. We believe this comes into alignment with what most consumers are purchasing at a retail store.

We recommend creating a new section to Regulation 1.222 to allow for “group sales” of 3.5 grams of usable cannabis for two (2) or more individuals. After gathering more industry feedback, allowing up to 3.5 grams to be purchased by parties of two (2) or more will put lounge sales in alignment with the industry standardization of 1/8th packaging. Based on industry data provided in December by the Nevada Dispensary Association, we expect that many guests will visit a cannabis venue with a friend or group of friends and that buying an 1/8th and sharing will be a regular consumer practice. This will also allow for less wasteful packaging while streamlining inventory sales between retail stores and lounges. It is important to point that allowing for group sales will require additional training and education around overconsumption.

2. Regulation 4.050 Category III Violations.

We recommend adding a new section to confirm with the addition of group sales:

(33) Allowing sales of group quantities of usable cannabis to any person who is not part of a group.

3. Regulation 15.025 Prohibition on a single sale that exceeds maximum usable quantity of cannabis.

We recommend the following change to conform with the addition of group sales:

1. A cannabis consumption lounge shall not sell to any consumer at one time an amount of single-use cannabis products or ready-to-consume cannabis products which exceeds:

(a) One gram of usable cannabis for an individual sale or 3.5 grams for a group sale;

4. Regulation 6.085 Required security measures, equipment and personnel; location of outdoor cultivation facility must allow for response by local law enforcement.

11. If an emergency requires law enforcement, firefighters, emergency medical service providers, board agents or other public safety personnel to enter the premises of the business, the cannabis establishment is responsible for ensuring that all consumption, if allowed, and other activities, including sales, cease until such personnel have completed their investigation or services and have left the premises.

We recommend the following changes to bring this regulation in line with bars and restaurants that serve alcohol:

11. If an emergency requires law enforcement, firefighters, emergency medical service providers, board agents or other public safety personnel to enter the premises of the business, the cannabis establishment is responsible for cooperating with such law enforcement or public safety personnel.

We believe this language still provides for compliance by the cannabis establishment while also not disrupting the course of business in the case of an isolated situation at an area within or adjacent to the cannabis establishment where sales or consumption would not impede or disrupt the investigation. Requiring a business to cease all operations is impractical and unnecessary.

5. 15.055 Ventilation of the cannabis consumption lounge. A ventilation plan must be submitted, approved, with changes as necessary, and fully implemented prior to issuance of a final license. At a minimum the ventilation plan must include:

6. If the cannabis consumption lounge has an outdoor smoking area, the applicant must submit a smoke and odor mitigation plan that identifies the following:

(a) The enclosure and filtration system to be installed is capable of filtering visible smoke and mitigating odor emissions from leaving the outdoor smoking area;

(b) An engineering assessment approved by a certified professional engineer ensuring the enclosure and filtration system installed and operated will mitigate odor emissions from leaving the outdoor smoking area;

(c) An operation and maintenance plan showing the monitoring frequency for preventative maintenance, the timely responses to equipment malfunctions and the record keeping and employee training in place to ensure the odor control equipment to be installed and operating is maintained per manufacturer's specifications.

We recommend removing odor and smoke mitigation requirements from Section 6 and replace with the following language:

6. If the cannabis consumption lounge has an outdoor smoking area, the applicant must adhere to local jurisdiction requirements.

Our thinking is that cannabis consumption lounges should be encouraged to locate the smoking of usable cannabis in outdoor spaces to dramatically reduce public health concerns. According to expert testimony at the CAC Subcommittee on Public Health, the primary concern with outdoor consumption is odor. Local jurisdictions are best suited to determine whether odor mitigation is warranted for zoning purposes.

6. 15.085 Law enforcement temporary closure of licensed operations.

The Board or the head of the local law enforcement agency with jurisdiction over the licensee (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 closure is necessary for the immediate preservation of the public peace, health, safety, morals, good order or public welfare, may temporarily close any cannabis consumption lounge for a period not to exceed seventy-two consecutive hours.

We suggest the following changes to this section:

The Board (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 closure is necessary for the immediate preservation of the public peace, health, safety, or public welfare, may temporarily close any cannabis consumption lounge for a period not to exceed seventy-two consecutive hours.

We believe that the CCB must ensure that the rights and due process of licensees are preserved, which is why we continue to suggest removing the reference to reassigning this Board authority to local law enforcement. Law enforcement already has the right to close establishments in general emergencies. The Board should retain ultimate decision-making power to impose a closure on its licensees for conditions that do not rise to the level of a general emergency.

From: Jennifer Gallerani <Jennifer.G@myblackbird.com>
Sent: Monday, March 21, 2022 2:32 PM
To: CCB Regulations
Cc: Tim Conder; Drea Ballard
Subject: Blackbird Public Comment - Proposed Consumption Lounge Regulations - Workshop 3/22/22

WARNING - This email originated from outside the State of Nevada. Exercise caution when opening attachments or clicking links, especially from unknown senders.

Dear CCB Board Members,

Thank you for continuing to work towards effective regulations for consumption lounges. Crooked Wine (DBA Blackbird Logistics) holds two distribution licenses in Nevada, in the cities of Reno and Las Vegas; distributing the majority of cannabis goods in the state. Please find below, our comments on the proposed regulations being discussed at the Public Workshop on March 22, 2022.

Assembly Bill 341 (AB 341) sets forth clear definitions for consumption lounges, as either: 1. retail cannabis consumption lounge; or 2. independent cannabis consumption lounge. However, the proposed changes to NCCR do not appear to make this distinction. Outside of proposed Section 15.100, the regulations apply the same provisions and limitations to consumption lounges universally. This is problematic from a distribution perspective. While it does make sense to afford delivery capability to the adjacent-type retail cannabis consumption lounges, that delivery capability should not be granted to sales facilities looking to provide wholesale goods to non-adjacent, independent consumption lounges. The latter scenario falls within the parameters of Section 13.010, where only a Distributor license type should transport cannabis and cannabis products between independent cannabis establishments. Allowing sales facilities to provide wholesale transport to independent cannabis consumption lounges dilutes the intent of the Distributor's role in the NV cannabis supply chain.

In addition to incorporating the clear definitions for the two consumption lounge types established in AB341, we suggest the following revisions to the proposed regulations:

Section 13.010 Requirements for wholesale transportation of cannabis and cannabis products.

1. A cannabis distributor may transport cannabis and cannabis products between a cannabis establishment and another cannabis establishment or between the buildings of a cannabis establishment.
2. A cannabis establishment shall not transport cannabis or cannabis products to a cannabis sales facility or independent cannabis consumption lounge unless the cannabis establishment holds a license for a cannabis distributor.

Section 7.055 (6). A cannabis sales facility may transport no more than 10 ounces (283.5 grams) of cannabis, edible cannabis products or cannabis infused-products, or any combination thereof when delivering exclusively to an adjacent, retail cannabis consumption lounge.

ALTERNATIVE: Blackbird would be comfortable repealing proposed "transport" limits between a sales facility and an exclusive, retail consumption lounge, given the proximity/adjacency and security requirements.

Section 13.040 (3). A cannabis sales facility may transport single use cannabis and cannabis products when delivering exclusively to an adjacent, retail cannabis consumption lounge. A cannabis sales facility may not transport to an independent cannabis consumption lounge unless that sales facility holds a license for a cannabis distributor.

Thank you,

--

Jennifer Gallerani (she/her)

VP of Compliance and Regulatory Affairs



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CANNECT

H O S P I T A L I T Y

January 7, 2022

Nevada Cannabis Compliance Board
1550 College Pkwy Ste 142
Carson City, NV 89706

Re: Proposed Amendments, Additions and Clarifications to Nevada Cannabis Compliance Regulations - Consumption Lounges (AB-341)

15.030(6)

Products required to be offered for sale; restrictions on sale of other products; restrictions on advertising.

6. A cannabis consumption lounge shall not recommend products to women who are pregnant or breastfeeding.

Recommendations:

Change this regulation to a sign posted inside of the venue.

Reasoning:

Due to the sensitivity of the question we should remove this requirement for the venue employees to decide who is pregnant and who is not.

Food Safety and Food Operations

1.197

“Ready-to-consume cannabis product” defined. “Ready-to-consume cannabis product” means an adult-use edible cannabis product that is:

- 1. Prepared on the premises of a cannabis consumption lounge;*
- 2. Presented in the form of a foodstuff or beverage;*
- 3. Sold in a heated or unheated state; and*
- 4. Intended for immediate consumption.*

Ready-to-consume cannabis products include, but are not limited to, edible cannabis products that have been prewashed, precooked, or otherwise prepared for consumption and do not require additional cooking or preparation, including portioning. Each serving of a ready-to-consume cannabis product must be individually dosed not to exceed 10mg THC. Menu items offered must be submitted to the appropriate CCB agent for approval. Food items under

the jurisdiction of the USDA are subject to inspection, seizure, and destruction by the USDA. Each ready-to-consume cannabis product must include the notice “THC may not be evenly distributed throughout this product.”

Seeking Clarity:

Is it only the infusion ingredient that is being referred to as “shelf-stable” ie: the tincture is the RTC product and the burger is the fresh item accompanying it. The language in section 15.105 (Ready-to-consume cannabis products) needs clarification as it relates to being able to infuse freshly cooked on-site food items.

Will these venues be able to have a fully-functioning kitchen space and cook fresh food then infuse it using single servings of a multi-serving product to create non-shelf stable, Ready-To-Consume products? (example: an Impossible burger cooked to order with 5mg thc drizzled on top. The THC being from a multi-serving tincture procured from an adult-use retail store)

4.055(1)(a)(18) Category IV Violations

(18) Failing to comply with any laws or regulations related to on site food preparation at a cannabis consumption lounge;

Seeking Clarity:

Which laws and regulations govern on-site food preparation within a cannabis consumption lounge?

15.105(3)

Ready-to-consume cannabis products.

3. All ready-to-consume cannabis products must not require time or temperature as a control for safety, resulting in a non-perishable and shelf-stable product.

Seeking Clarity:

Due to how this is written, it would appear that only “shelf-stable” products are able to be served. This would eliminate the ability to serve “fresh” prepared foods. (For example: an impossible burger cooked to order with 5mg of thc tincture drizzled on top)

Will these venues be allowed to have a fully functioning kitchen space and cook food then infuse them using single servings of a multi-serving product to create non-shelf stable Ready-To-Consume products? (For example: an infused chocolate piece used to create a s’more or dessert item)

Does this prevent any prepared food from being refrigerated or heated while waiting to get to the customer? (For example, holding an infused dish under a heat lamp before it is delivered to a customer table)

Does this prevent dishes like a pre-prepared cheesecake from being able to be infused on site using a single serving RTC product?

More clarity and explanation is needed within this section please.

15.105(e)

Shall limit sharing of ready-to-consume cannabis products.

Seeking Clarity:

Please explain how “limit” is defined? How can this be enforced?

Please clarify if we will need to “permit” sharing vs. “limit” sharing.

Would a disclaimer on a menu be sufficient to “limit” sharing?

Would a recommendation of “not sharing” be sufficient?

15.040

On-site requirements to operate a cannabis consumption lounge

1. The cannabis consumption lounge shall comply with any federal, state and local applicable laws or regulations related to on-site food preparation.

2. Required certification of certain employees.

(a) If the cannabis consumption lounge serves food, it is required that a Certified Food Protection Manager be employed by the lounge and be onsite during all hours of operation;

(b) If the cannabis consumption lounge serves food, it is required that all staff must obtain a food handler card from the local health department.

(1) If the local health department does not offer this service, staff must obtain a food handler certification from an ANSI accredited organization.

3. Required logs that must be maintained for a minimum of two years.

(a) Consumer illness log.

(1) Log to include name, date and time of consumption, type of cannabis product consumed, date and time of illness onset, illness description and contact information.

(b) Employee illness log.

(1) Log to include, at a minimum, name, dates called out due to illness, symptoms and diagnosis.

Seeking Clarity:

Which agencies are overseeing the health and food regulations within cannabis lounges? Specifically, those lounges that have full, non-infused food programs.

Recommendations:

If a cannabis consumption lounge offers shared cannabis consumption devices, cannabis consumption device rentals or any other program that utilizes shared or re-used cannabis consumption devices the cannabis consumption lounge shall:

- (1) Record a cannabis consumption device sanitation log:
 - (a) The log shall include, at a minimum, agent name, device name/type, dates, times, cleaning equipment used and cleaning chemicals used.
- (2) Submit a cannabis consumption device cleaning and sanitation plan, all operating procedures, methods of device sanitation and all chemicals used to be approved by the Cannabis Compliance Board.
- (3) Sanitize all utensils, shared or re-used cannabis consumption devices and equipment after each use.
- (4) Ensure all utensils, shared cannabis consumption devices or equipment being used are in working condition, smooth, durable, nonabsorbent and easy to clean.

Cannabis and Cannabis Products

1.222

“Single-use cannabis product” defined. “Single-use cannabis product” means a type of cannabis or adult-use cannabis product, other than a ready-to-consume cannabis product, that the Board has determined to be appropriate for consumption in a cannabis consumption lounge.

Single-use cannabis products includes but are not limited to items that are designed for use in a single sitting. Such items may not contain more than 0.5 grams of usable cannabis or may not contain more than 10mg of THC in a cannabis product. Pre-packaged cannabis products must be prepared at a licensed cannabis production facility, must be sold as a single serving, and may not exceed 10mg THC. All items must be pre-packaged prior to sale and labeled in accordance with NCCR 12.040 or 12045 prior to sale.

15.025 Prohibition on a single sale that exceeds maximum usable quantity of cannabis. A cannabis consumption lounge shall not sell to any consumer at one time an amount of single-use cannabis products or ready-to-consume cannabis products which exceeds:

- 1. One gram of usable cannabis. For any sale of usable cannabis containing more than 0.5 grams, the product must be transferred to a consumer in separate serving sizes containing no more than 0.5 grams;*
- 2. Concentrated cannabis or cannabis products containing not more than 20 milligrams of THC. For any sale of a cannabis product containing more than 10 milligrams of THC, the product must be transferred to a consumer in separate serving sizes containing no more than 10 milligrams of THC per serving; or*
- 3. A combination of usable and concentrated cannabis not to exceed the single sale limit.*

Recommendations:

Increase the limit of single-serve useable cannabis products to 1 gram per “single serving.” Increase the size of total allowed useable cannabis products per transaction to 3.5 grams.

Clearly define and differentiate “concentrated cannabis,” as it pertains to inhalable cannabis products, vaporizer pens, tinctures and cannabis concentrates and serving sizes. Please clarify which products fall under “cannabis products” or “useable cannabis.”

15.035(4)

4. A cannabis consumption lounge may procure multi-serving edible cannabis products from adult-use cannabis retail stores in this state and resell individual pieces to consumers.

Seeking Clarity:

Seeking clarity around processes for infusing fresh food and beverage on-site using single servings from multi-serving edibles.

What are the storage requirements for unused multi-serving products?

Will these venues be allowed to have a fully functioning kitchen space and cook fresh food then infuse using single servings of a multi-serving product to create non-shelf stable Ready-To-Consume products?

Example: Will the lounge be able to have a budtender making cannabis infused drinks on-site using non-infused ingredients, ice and glassware and infusing with THC edibles or tincture?

Training Requirements

4.055(1)(a)(15) Category IV Violations

(15) Failing to comply with required employee training;

Seeking Clarity:

What methods will the CCB use to prove that employee training is being followed, vetted and recorded properly? (certified training materials, training records maintenance, minimum number of years to keep training records)

Recommendations:

“A provider of a cannabis training program must submit to the Cannabis Compliance Board: Evidence satisfactory to the Cannabis Compliance Board that each instructor for the program is competent and qualified to provide instruction in the curriculum of the program; and A complete copy of the curriculum for the program.”

“If an cannabis training program will be offered through distance education, the applicant must submit to the Cannabis Compliance Board evidence satisfactory to the CCB that: (a) The program complies with all regulations; and (b) The program is provided by a person or entity approved by the Cannabis Compliance Board.”

6.072 and 15.045

Training and instruction required before agent may begin work or service as volunteer.

7. In addition to the training set forth in subsection 1, cannabis consumption lounges shall ensure that instruction is provided to a cannabis establishment agent before that person begins to work or volunteer at or provide labor as a cannabis establishment agent to the cannabis consumption lounge. Such instruction must include, without limitation:

Recommendations:

The addition of more training topics to cover common operational practices:

- Clinical effects of cannabis on the human body including cannabis consumption methods, serving sizes and potency information;
- Proper sanitation of consumption devices, facility cleanliness and health standards for edible food and cannabis products;
- Methods of discontinuing the service of cannabis and cannabis products to persons who are identified as over-intoxicated;
- Applicable statutory and regulatory federal, state and local laws concerning the selling and serving of cannabis and cannabis products;
- Preventing and halting fights, acts of affray and other disturbances of the peace;
- Methods of preventing:
 - The entry of minors into cannabis lounges;
 - The purchase, consumption and possession of cannabis and cannabis products by minors, including, without limitation, the recognition of altered or falsified forms of identification; and
 - The selling and furnishing of cannabis and cannabis products to minors;

- Detecting the acceptable forms of identification and associated documents and procedures;

Reasoning:

These are critical training topics that should be included for safe, sanitary and responsible operations within a cannabis lounge.

From: Briana Martinez <BMartinez@kcnvlaw.com>
Sent: Monday, March 21, 2022 4:44 PM
To: CCB Regulations
Cc: Jane Maurer; Jennifer Martinez
Subject: Public Comment for CCB Consumption Lounge Workshop

WARNING - This email originated from outside the State of Nevada. Exercise caution when opening attachments or clicking links, especially from unknown senders.

Hello,

Briana Martinez from Kaempfer Crowell submitting public comment based on the latest proposed regulations.

1. Based on the proposed NCCR 15.090, consumption of any cannabis cannot be visible from outside of its premises. Will the CCB require specific window coverings to prevent the general public from looking into the consumption lounge? For example, if a lounge serves cannabis infused drinks and the public can look in through the windows of the lounge, this would likely be viewed as a violation of NCCR and NRS.

Thank you for the opportunity to submit public comment on the proposed regulations.

Briana

KAEMPFER

CROWELL

Briana E. Martinez
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Comments on revised cannabis remediation labeling regulations NCCR 12.065

Submitted by:
Jill Ellsworth, Founder & CEO
On behalf of Willow Industries, Inc.

Thank you for the opportunity to comment on the proposed changes to NCCR 12.065, concerning labeling requirements for cannabis that has undergone remediation. We appreciate the work the Cannabis Compliance Board has done on this issue since the workshop held on January 19, 2021.

We believe that the proposed changes are an improvement to the previous regulation, but that some of the other changes are unclear and will create unnecessary confusion for the industry and consumers alike. **We therefore recommend amending the regulation further to improve clarity for operators and consumers.**

Recommendation:

We recommend making the following changes:

1. Revise the regulation to clarify that it only applies to products that failed a test and were remediated, not products that have been proactively treated with a kill-step prior to testing.
2. Revise the required label text to improve clarity about the purpose of remediation, and eliminate confusion between decontamination and remediation.
3. Establish definitions for “decontamination” and “remediation” that differentiate between the two processes.

Suggested language:

Modify the proposed changes to NCCR Regulation 12 as follows:

12.065 Cannabis remediation ~~and irradiation~~. If any cannabis or cannabis product has been remediated, ~~treated with any heating process, chemical, ionizing radiation, or other process for the purpose of decontamination at any time~~, the label must include the method of treatment and the following statement: “NOTICE: This product has undergone remediation using [ozone, irradiation, hydrogen peroxide, or other specific method] to ensure compliance with testing standards” ~~for purposes of decontamination~~ in bold lettering.

Add the following definitions to Regulation 1, Issuance of Regulations; Construction; Definitions:

1.xxx “Decontamination” defined. “Decontamination” means a process that attempts to remove or reduce to an acceptable level a contaminant in a batch or lot. The term includes, but is not limited to, processes such as heating, irradiation, ozone, radio frequency, and chemical treatment. Decontamination includes both a kill-step undertaken before testing, or remediation conducted in response to a failed test.

1.xxx “Remediation” defined. “Remediation” means decontamination performed after a batch or lot has failed testing, in an attempt to reduce a contaminant to an acceptable level. The term includes processing failed flower or trim to remain in that current state or into a solvent-based concentrate.

Reasoning:

As currently drafted, there are a few major problems with the text of 12.065.

The regulation uses the words “decontamination” and “remediation,” but these terms are never defined in Nevada statutes or regulations, and are used interchangeably in a way that is inconsistent with emerging national standards among other state programs. At best, the phrase “this product has undergone remediation for purposes of decontamination” is redundant; at worst, the phrase may cause confusion among patients and consumers who are trying to be informed about the products they are purchasing.

In the decontamination industry, “decontamination” is typically used to refer to any process that aims to eliminate or reduce contaminants in a product, while “remediation” specifically means decontamination that takes place after a failed test in an attempt to bring that failed product back down to passing levels. This means **all remediation is decontamination, but not all decontamination is remediation**. For example, many operators choose to proactively decontaminate product before testing — known as a “kill-step” — which would **not** be considered remediation because the product has **not** failed any tests.

Using those definitions, the current draft of 12.065 would require a product that underwent a kill-step to bear a label saying it was remediated, implying a failed test that did not happen. Rather than educate consumers, this would misinform them. We believe that **this label should only be required for products that failed a test and were remediated, not products that were decontaminated with a proactive kill-step**.

We would also support labeling for products that undergo a kill-step, as long as that label accurately conveys that it was a preventative measure and not conducted in response to a failed test.

To ensure understanding among operators and consumers alike, we also propose establishing these definitions in Regulation 1. We based these definitions on the differences outlined previously, as well as the definitions used in other states’ programs (ex. Colorado).

Conclusion:

Thank you again for your work on this issue, and respectfully request that you make further amendments to 12.065 to ensure it provides consumers with useful information rather than causing confusion or misunderstanding.

We appreciate your consideration on this matter, and please do not hesitate to contact us if you have any questions or would like additional information.

Thank you,

A handwritten signature in black ink that reads "Jill Ellsworth". The script is fluid and cursive, with the first letters of each word being capitalized and prominent.

Jill Ellsworth
Founder / CEO
Willow Industries, Inc.
jill@willowindustries.com
www.willowindustries.com



Sala Consulting

11700 W. Charleston Blvd
Ste. 170-700
Las Vegas, NV 89135

Cannabis Compliance Board
Tyler Klimas, Executive Director
555 E. Washington Avenue, Suite 5100
Las Vegas, NV 89101
Submitted via email: regulations@ccb.nv.gov

March 21, 2022

Dear Director Klimas and Cannabis Compliance Board Members,

On behalf of Planet 13 Holdings, thank you for the opportunity to provide input on the proposed cannabis consumption lounge NCCRs and for your consideration of the recommendations below. We are proud to work with you to create a safe and successful foundation for the implementation of lounges as envisioned by the Legislature in AB 341.

Again, thank you for your consideration of these recommended changes to the proposed cannabis consumption lounge NCCRs.

Sincerely,

Chris Anderson
President
Sala Consulting

New

~~Deleted~~

Added following the December 14, 2021 Workshop

~~Removed following the December 14, 2021 Workshop~~

Suggested removal following the December 14, 2021 Workshop

Suggested addition following the December 14, 2021 Workshop

1.193 “Prospective License” defined. “Prospective License” means refers to the status of an application for a license for a cannabis establishment license wherein the licensee applicant has met the minimum scoring guidelines to qualify for licensure and has been selected to proceed to a suitability investigation by the Board Agents and suitability review by the Board but has not been found suitable by the Board. This is not a license for a cannabis establishment by a random number generator but has yet to be found suitable by the Board. Retail sales facility licensees are deemed to hold a prospective license for a cannabis consumption lounge.

- Given the high application fee being paid to subsidize the consumption lounge licensing process and the experience sales facilities have in the industry, retail lounge licenses should be issued in a streamlined fashion to existing retail sales facilities, as envisioned in AB 341.

Regulation 1.222

1.222 “Single-use cannabis product” defined. “Single-use cannabis product” means a type of cannabis or adult-use cannabis product, other than a ready-to-consume cannabis product, that the Board has determined to be appropriate for consumption in a cannabis consumption lounge. Single-use cannabis products includes but are not limited to items that are designed for use in a single sitting. Such items may not contain more than 0.5 grams of usable cannabis for an individual sale, 3.5 grams for a group sale, or may not contain more than 10mg of THC in a cannabis product. Inhalable extracted cannabis products may not exceed 50mg THC, except that pre-filled vaporizing cartridges may contain up to 0.3 grams of concentrated cannabis.

- We request the Board consider allowing for widely-available containers of 3.5 grams of flower to be sold to a consumer group of two or more persons. This change will enable lounges to offer concierge flower-related services and larger popular pre-rolled menu items.

Additionally, we request that the Board allow lounges to sell the smallest vaporizing cartridges available – per CAC Subcommittee on Public Health findings, vaporizing will reduce the drawbacks of secondhand smoke in consumption areas.

Regulation 4.050 Category III Violations.

(33) Allowing sales of group quantities of usable cannabis to any person who is not part of a group.

- Conforming change for group purchase recommendations.

5.040 Submission of application for a cannabis establishment license.

1.(9)(I) (I) ~~Please note, Payment of the agent card fee will not be required until the applicant, who has met the minimum scoring guidelines on the application, has successfully been selected for awarded a prospective cannabis establishment license. Applicants must complete all other sections of the application must be completed, including, if the person does not currently hold a valid agent card, a complete set of the person's submission of the fingerprints, which must be submitted of the person to the Central Repository for Nevada Records of Criminal History for submission to the Federal Bureau of Investigation for its report to determine the criminal history of that person.~~

2.(2)(e) Prior to each application period, the Board will determine and notify on a case-by-case basis the relative weight to give, if any, to any criterion of merit considered and established by the Board.

2.(10)(I) The Diversity Plan, referenced in subsection (10) above, is encouraged to must include the following information:

(12)(I) By submitting this application, I agree to release and hold harmless the State of Nevada, the Cannabis Compliance Board, and each of their employees, attorneys, and consultants from any and all liability for any and all decisions and/or actions taken in response to information and data submitted by me or obtained by the Cannabis Compliance Board regarding this application, including, but not limited to, any rejection and/or denial of this application.

- Please do not require owners and officers to duplicate the fingerprints CCB already has on file.
- Revise section (2)(e) on criteria of merit to make clear that the criteria will be made public to ensure transparency.
- Do not require all of the specific Diversity Plan elements included in section 2.(10) as some of this is impracticable, particularly for publicly-traded companies whose leadership do not have discretion over shareholder composition.
- We ask that the Board delete (12)(I) in its entirety. There is no justification or authority to extend immunity beyond the protections in NRS Chapter 41.

Regulation 6.085 Required security measures, equipment and personnel; location of outdoor cultivation facility must allow for response by local law enforcement. (Effective on August 1, 2022)

(3) (VIII) In a cannabis consumption lounge, security personnel are required to continually monitor real time security camera footage while the facility is open for business; and 11. If an emergency requires law enforcement, firefighters, emergency medical service providers, board agents or other public safety personnel to enter the premises of the business, the cannabis establishment is responsible for cooperating with such law enforcement or public safety personnel. ensuring that all consumption, if allowed, and other activities, including sales, cease until such personnel have completed their investigation or services and have left the premises.

- Please delete this provision in its entirety, as it requires a new position dedicated to monitoring security cameras. Mandating a specific occupational position at each lounge is an undue financial burden and an unproven safety measure.
- Consider bringing this regulation in line with standards for bars and restaurants that serve alcohol. Ceasing all operations is impracticable and unnecessary.

15.025 Prohibition on a single sale that exceeds maximum usable quantity of cannabis.

1. A cannabis consumption lounge shall not sell to any consumer at one time an amount of single-use cannabis products or ready-to-consume cannabis products which exceeds:

(a) One gram of usable cannabis. for an individual sale or 3.5 grams for a group sale;

(c) Inhalable extracted cannabis products may not exceed 50mg THC, except that pre-filled vaporizing cartridges may contain up to 0.3 grams of concentrated cannabis.

- Changes to conform with comments to Regulation 1.222.

15.030 Products required to be offered for sale; restrictions on sale of other products; restrictions on advertising.

2. Each cannabis consumption lounge must offer low dose options of cannabis products containing no more than 2mg THC in a cannabis product or 0.5 grams of usable cannabis.

- Menu options should be determined by consumer choice.

15.040 On-site requirements to operate a cannabis consumption lounge

3. Required logs that must be maintained for a minimum of two years.

(a) Consumer illness log for illnesses reported by a consumer after consumption or overconsumption that the consumer believes is related to the consumption or overconsumption.

- Further suggested clarification to focus on desired illness reporting.

15.055 Ventilation of the cannabis consumption lounge. A ventilation plan must be submitted, approved, with changes as necessary, and fully implemented prior to issuance of a final license. At a minimum the ventilation plan must include:

6. If the cannabis consumption lounge has an outdoor smoking area, the applicant must adhere to local jurisdiction requirements. submit a smoke and odor mitigation plan that identifies the following:

(a) The enclosure and filtration system to be installed is capable of filtering visible smoke and mitigating odor emissions from leaving the outdoor smoking area;
(b) An engineering assessment approved by a certified professional engineer ensuring the enclosure and filtration system installed and operated will mitigate odor emissions from leaving the outdoor smoking area;
(c) An operation and maintenance plan showing the monitoring frequency for preventative maintenance, the timely responses to equipment malfunctions and the record keeping and employee training in place to ensure the odor control equipment to be installed and operating is maintained per manufacturer's specifications. ~~a filtration system sufficient to remove visible smoke from the smoking area and eliminate odor at the property line;~~

- Consider removing odor and smoke mitigation requirements for outdoor areas. Lounges should be encouraged to locate in outdoor spaces to dramatically reduce public health concerns. According to expert testimony at the CAC Subcommittee on Public Health, the primary concern with outdoor consumption is odor. Local jurisdictions are best suited to determine whether odor mitigation is warranted for zoning purposes.

15.085 Law enforcement temporary closure of licensed operations. The Board or the head of the local law enforcement agency with jurisdiction over the licensee (or authorized designee) in an emergency, for cause, or upon code violation of a specific act which endangers the public welfare;

- To preserve the rights and due process of licensees, we continue to suggest removing the reference to reassigning this Board authority to local law enforcement. Today, law enforcement has the right to close establishments in general emergencies. The Board should retain ultimate decision-making power to impose a closure on its licensees for conditions that do not rise to the level of a general emergency.



March 21, 2022

Cannabis Compliance Board
700 Warm Springs Road, Suite 100
Las Vegas, NV 89119

Subject: Comment on Proposed Revisions to Consumption Lounge NCCRs

Dear Members of the Cannabis Compliance Board and Director Klimas,

On behalf of the Nevada Cannabis Association, thank you for considering our comments on the proposed revisions to the Consumption Lounge NCCRs. We appreciate the thoughtful and transparent approach that CCB staff has taken in drafting and revising the regulations.

Proposed Changes to NCCR 1

Retail lounge application process

Assembly Bill 341 set the very high price tag of a \$100,000 nonrefundable administrative fee for retail lounge licenses, which was intended to be used to fund the CCB to expedite the retail lounge license application and approval process. Retail lounge licenses should be issued in a streamlined fashion to existing retail sales facilities, provided that the retail licensees demonstrate that they meet the statutory requirements of Section 10 of AB 341.

At a minimum, the definition of a prospective license can be revised to include cannabis sales facility licensees, as suggested below:

NCCR 1.193. "Prospective License" defined. "Prospective License" refers to the status of an application for a license for a cannabis establishment license wherein the applicant has met the minimum scoring guidelines to qualify for licensure and has been selected to proceed to a suitability investigation by the Board. This is not a license for a cannabis establishment. ***Cannabis sales facility licensees are deemed to hold a prospective license for a consumption lounge.***

Revising definition of single use product to allow group sales (NCCR 1.222)

As demonstrated in the responses to our December survey, the majority of consumers plan to visit lounges with friends. Similar to how a group of customers can purchase a

pitcher of beer instead of individual bottles, group sales would allow a group of customers to purchase and share up to an eighth of an ounce. In order to keep this in line with the one gram per serving limit, we would suggest that group sales be limited to a total of 3.5 grams and be available only to groups of three or more customers.

Proposed Changes to NCCR 5

Extension of immunity (NCCR 5.040(1)(b)(12)(I))

5.040(1)(b)(12)(I) should be stricken. NRS Chapter 41 already protects state employees or contractors from civil liability for injuries or actions taken while performing their official job duties in good faith. Qualified immunity does not apply where employees act in bad faith or in violation of established law. There is no justification or authority to extend immunity beyond the well-established doctrine of qualified immunity codified in NRS Chapter 41.

Relative weight for criteria of merit (NCCR 5.040(2)(e))

We suggest the following revision which increases transparency, complies with NRS 678B.280, and gives applicants clear and actionable information regarding how their applications will be scored.

NCCR 5.040(2)(e). *Prior to the opening of any licensing round*, the Board will determine *and publish on a case-by-case basis* the relative weight ~~to~~ *it will* give, if any, to any criterion of merit considered and established by the Board.

Proposed Changes to NCCR 6

NCCR 6.085(11) requires all cannabis establishments to stop all sales and/or consumption if law enforcement, firefighters, EMS, or board agents enter the premises. This should be edited to require employees to cooperate with emergency personnel, but not to require sales and consumption to cease across the entire establishment.

NCCR 6.085(11). If an emergency requires law enforcement, firefighters, emergency medical service providers, Board Agents or other public safety personnel to enter the premises of the business, the cannabis establishment is responsible for *cooperating with law enforcement or emergency personnel. ensuring that all consumption, if allowed, and other activities, including sales, cease until such personnel have completed their investigation or services and have left the premises.*



Proposed Changes to NCCR 7 & 13 Regarding Distribution to Lounges

Proposed Changes to NCCR 13

Section 13 should be revised to allow a retail sales facility to transport cannabis products to its own retail consumption lounge which is attached or adjacent. Additionally, the Section should be revised to allow distribution licensees to transport products from cannabis sales facilities to independent lounges.

NCCR 13.010 Requirements for wholesale transportation of cannabis and cannabis products.

1. A cannabis distributor may transport cannabis and cannabis products between a cannabis establishment and another cannabis establishment or between the buildings of a cannabis establishment.
2. A cannabis establishment shall not transport cannabis or cannabis products to a cannabis sales facility *or between a cannabis sales facility and an independent cannabis consumption lounge* unless the cannabis establishment holds a license for a cannabis distributor.

Section 13.040 (3). A cannabis sales facility may transport single use cannabis and cannabis products *when delivering exclusively to an attached or adjacent retail* cannabis consumption lounge. *A cannabis sales facility may not transport to an independent cannabis consumption lounge unless that sales facility holds a license for a cannabis distributor.*

Amount to be transported (NCCR 7.055(6))

Proposed Section 7.055(b) should be removed because sales facilities will be transporting to their own lounges which are attached or adjacent, and transportation of product between sales facilities and independent lounges will be handled by distribution licensees in a similar manner as distribution between sales facilities.

Proposed Changes to NCCR 15

Lounge licenses attached to sales facilities (NCCR 15.100)

Assembly Bill 341 provided that a retail lounge must be attached or adjacent to a retail store. The draft of the proposed regulations, however, eliminates “adjacent” and requires that the lounge be “permanently attached” to the retail store. This is much more restrictive than what was contemplated in the bill. Based on existing real estate in Nevada’s urban areas, this requirement could prevent many potential lounge locations from opening. If the concern is to prevent a temporary, pop-up, or mobile lounge, then the language could be crafted as suggested below to require that the lounge be located



in a structure that is permanent. Meanwhile, that permanent structure could still be adjacent to an existing sales facility.

15.100(2). The physical premises of the cannabis consumption lounge must be ~~in some direct way permanently attached to the cannabis sales facility. For purposes of this regulation, "permanently attached" means that the physical premises of the cannabis consumption lounge cannot be removed from the cannabis sales facility without substantial damage to either premises.~~ ***housed in a permanent structure that is attached or adjacent to the cannabis sales facility.***

Outdoor ventilation (NCCR 15.055)

Subsection (6) should be removed. It requires outdoor areas to contain an enclosure and filtration system, similar to indoor areas. Lounges should be encouraged to promote use of outdoor smoking areas, without requiring extensive construction of enclosures or additional filtration systems outdoors. If a lounge has an outdoor area, that should be addressed in its odor mitigation plan.

Thank you for the opportunity to provide comment and for your consideration.

Respectfully,

A handwritten signature in black ink, appearing to read "L. Martin".

Layke A. Martin, Esq.
Executive Director
Nevada Cannabis Association



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Daniel Giudici
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March 21, 2022

Via E-Mail -

Cannabis Compliance Board
Hon. Michael, Douglas, Chairman
Tyler Klimas, Executive Director
700 E Warm Springs Road, Ste 100
Las Vegas, NV 89119

Re: Public Comment – Workshop – March 22, 2022

Dear Chairman Douglas, Members of the Board, and Director Klimas,

On behalf of our client Mary Brown, Vice President of Client Experiences for Elevationsss LLC, we would like to commend the Board and Staff on their collaboration with the public concerning these proposed regulations. The Board's transparency and willingness to work with the public will result in the creation of excellent regulations. Our client is thankful for the opportunity to participate.

Attached to this letter as Exhibit A are amendments that our client would like to see made to the proposed regulations.

Beyond what is attached, our client would also propose adding to the regulations a provision to establish a donation program for the benefit of medical cannabis patients.

Thank you for your attention to this matter, and we look forward to working with the Board and Staff on finalizing the proposed regulations.

Sincerely,

Daniel Giudici

Revised as of March 11, 2022

Proposed Changes to NCCR Regulation 1

New

~~Deleted~~

Added following the December 14, 2021, Workshop:

~~Removed following the December 14, 2021, Workshop:~~

1.197 “Ready-to-consume cannabis product” defined.

1.222 “Single-use cannabis product” defined.

1.197 “Ready-to-consume cannabis product” defined. “Ready-to-consume cannabis product” means an adult-use edible cannabis product that is:

1. Prepared ~~in a lounge~~ on the premises of a cannabis consumption lounge;
2. Presented in the form of a foodstuff or beverage;
3. Sold in a heated or unheated state; and
4. Intended for immediate consumption.

Ready-to-consume cannabis products include, but are not limited to, edible cannabis products that have been prewashed, precooked, or otherwise prepared for consumption and do not require additional cooking or preparation, including portioning. Each serving of a ready-to-consume cannabis product must be individually dosed not to exceed 10mg THC. Menu items offered must be submitted to the appropriate CCB agent for approval. Food items under the jurisdiction of the USDA are subject to inspection, seizure, and destruction by the USDA. Each ready-to-consume cannabis product must include the notice “THC may not be evenly distributed throughout this product.”

1.222 “Single-use cannabis product” defined. “Single-use cannabis product” means a type of cannabis or adult-use cannabis product, other than a ready-to-consume cannabis product, that the Board has determined to be appropriate for consumption in a cannabis consumption lounge. Single-use cannabis products includes but are not limited to items that are designed for use in a single sitting. Such items may not contain more than ~~0.5 grams~~ of usable cannabis or may not contain more than 10mg of THC in a cannabis product. Inhalable extracted cannabis products may not exceed ~~50~~ 400mg of THC. Topical cannabis products may not exceed ~~100~~ 300mg of THC. Pre-packaged cannabis products must be prepared at a licensed cannabis production facility, must be sold as a single serving, and may not exceed ~~the allowable serving size~~ 10mg THC. All items must be pre-packaged prior to sale and labeled in accordance with NCCR 12.040 or 12.045

Commented [DG1]: Proposed amendment

Proposed Changes to NCCR Regulation 6

New

~~Deleted~~

~~Added following the December 13, 2021, Workshop~~

~~Removed following the December 14, 2021,
Workshop.~~

6.070 Persons authorized on premises; visitor identification badge and other requirements for other persons; maintenance and availability of visitor log.

1. Except as otherwise provided in this section, the only persons who may be on the premises of a cannabis sales facility are:
 - (a) A registered cannabis establishment agent for a cannabis sales facility;
 - (b) A patient who holds a valid registry identification card or letter of approval;
 - (c) The designated primary caregiver of a patient who holds a valid registry identification card or letter of approval;
 - (d) A person who is not a resident of this State but is deemed to hold a valid registry identification card pursuant to NRS 678C.470;
 - (e) A person inspecting the cannabis establishment, including, without limitation, a local government authority, pursuant to this Act or NCCR; or
 - (f) Any person not listed in paragraph (a) to (e), inclusive, who is at least 21 years of age.
2. Except as otherwise provided in this section, the only persons who may be on the premises of a cannabis consumption lounge are:
 - (a) A registered cannabis establishment agent for a cannabis consumption lounge;
 - (b) A person inspecting the cannabis establishment, including, without limitation, a local government authority, pursuant to NRS 678A-D or NCCR; or
 - (c) Any person not listed in paragraphs (a) and (b), inclusive, who is at least 21 years of age.
3. The only persons who may be on the premises of a cannabis establishment other than a cannabis sales facility or a cannabis consumption lounge are:
 - (a) A registered cannabis establishment agent for that facility type; or
 - (b) A person inspecting the cannabis establishment, including, without limitation, a local government authority, pursuant to this ACT or NCCR.
4. Any person other than a person authorized to be on the premises of a cannabis establishment pursuant to subsections 1 or 2 must obtain a visitor identification badge from a cannabis establishment agent before entering the premises of the cannabis establishment.
5. A person who obtains a visitor identification badge pursuant to subsection 3, including, without limitation, an outside vendor or contractor:
 - (a) Must be escorted and monitored by a cannabis establishment agent at all times he or she is on the premises of the cannabis establishment;
 - (b) Must visibly display his or her visitor identification badge at all times he or she is on the premises of the cannabis establishment;
 - (c) Must not handle any cannabis or money whatsoever; and
 - (d) Must return the visitor identification badge to a cannabis establishment agent upon leaving the premises of the cannabis establishment.
6. Each cannabis establishment shall maintain a visitor log which includes the name of the visitor and the date, time and specific purpose of each visit by a person other than a person authorized to be on the premises of the cannabis establishment pursuant to subsection 1 or 2.

The cannabis establishment shall make its visitor log available to the Board or Board Agents upon request.

7. Each regular, seasonal or temporary employee of, volunteer or person who provides labor as a cannabis establishment agent at a cannabis establishment must obtain a cannabis establishment agent registration card pursuant to the provisions of NRS 678B and may not be authorized to be on the premises of the cannabis establishment by obtaining a visitor identification badge pursuant to the provisions of this section.

8. Live animals shall be allowed on the premises only under the following conditions:

- (a) Decorative fish in aquariums
- (b) Patrol dogs accompanying police or security officers
- (c) In areas that are not used for cannabis storage or preparation, and that are usually open for consumers, including but not limited to sales areas, service animals that are controlled by the disabled employee or consumer, if a health or safety hazard will not result from the presence or activities of the service animal.
- (d) Nothing in this Section shall be construed to supersede, or be in conflict with, the Americans with Disability Act.

6.072 Training and instruction required before agent may begin work or service as volunteer.

7. In addition to the training set forth in subsection 1, cannabis consumption lounges shall ensure that instruction is provided to a cannabis establishment agent before that person begins to work or volunteers or provides labor as a cannabis establishment agent at the cannabis consumption lounge. Such instruction must include, without limitation:

- (a) Methods for identifying signs of visible overconsumption of cannabis and/or impairment from alcohol and/or other drugs impairment, including alcohol and drug impairment;
- (b) Resources to mitigate impaired driving, including safe transportation options available to consumers;
- (c). Strategies for inquiring about and understanding a consumer's varying experience with cannabis and options for lower dose cannabis products; (d) Policies for 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 vacated the cannabis establishment;
- (e) Guidelines for employees and licensees to identify themselves during an interaction with law enforcement, Board Agents, or local regulators;
- (f) Signs of poly-substance interactions including but not limited to interactions of cannabis with alcohol, prescription, and over-the-counter medications and other substances;
- (g) Risks and potential responses to adverse events such as overconsumption, dehydration, poly-substance use, or other similar events;
- (h) Procedures to de-escalate interactions with intoxicated consumers and potentially dangerous situations, which include but are not limited to development of an emergency action plan;

- (i) Approaches for sexual assault prevention associated with overconsumption or poly-substance intoxication; and
(j) Resources available for responsible cannabis use.

(Adopted: 10/2020)

6.075 Development, documentation and implementation of certain policies and procedures; maintenance and availability. A cannabis establishment shall:

1. Develop, document and implement policies and procedures regarding:
 - (a) Job descriptions and employment contracts, including, without limitation:
 - (1) The duties, authority, responsibilities and qualifications of personnel;
 - (2) Supervision of personnel;
 - (3) Training in and adherence to confidentiality requirements;
 - (4) Periodic performance evaluations;
 - (5) Disciplinary actions; and
 - (6) Disclosure of potential health risks involved with the performance of job duties.
 - (b) Business records, such as manual or computerized records of assets and liabilities, monetary transactions, journals, ledgers and supporting documents, including, without limitation, agreements, checks, invoices and vouchers.
 - (c) Inventory control, including, without limitation:
 - (1) Tracking;
 - (2) Packaging;
 - (3) Acquiring cannabis from other cannabis establishments;
 - (4) Disposing of unusable cannabis containing cannabis rendered unusable or unused cannabis; and
 - (5) Returning for a refund cannabis or cannabis products to the cannabis establishment from which the cannabis or cannabis products were acquired.
 - (d) If applicable, consumer education and support, including, without limitation:
 - (1) The availability of different strains of cannabis and the purported effects of the different strains;
 - (2) Information about the purported effectiveness of various methods, forms and routes of administering cannabis;
 - (3) The prohibition on the smoking or consumption of cannabis in public places, places open to the public, within a cannabis facility, except within licensed cannabis consumption lounges, and places exposed to public view;
 - (4) Education on how cannabis impairs a person's ability to operate a moving vehicle and that driving, operating or being in actual physical control of a vehicle while under the influence of cannabis or while impaired by cannabis is unlawful; and
 - (5) That possession of cannabis exceeding a certain quantity remains a felony with various legal consequences.
2. Maintain copies of the policies and procedures developed pursuant to subsection 1 at the cannabis establishment and provide copies to the Board or Board Agents for review upon request.

6.080 Inventory control system; authorized sources for acquisition of cannabis and cannabis products; duties of establishment if loss incurred; maintenance and availability of documentation.

1. Each cannabis establishment shall designate in writing a cannabis establishment agent who has oversight of the inventory control system of the cannabis establishment.
2. Except as otherwise provided in subsections 3 and 4, a cannabis establishment shall only acquire cannabis or cannabis products from another Nevada licensed cannabis establishment, including, without limitation, a cannabis cultivation facility, a cannabis production facility or a cannabis sales facility.
3. Pursuant to Title 56 of NRS, a cannabis consumption lounge may only acquire single-use cannabis products and cannabis products needed for ready-to-consume cannabis products from a cannabis sales facility.
4. A cannabis cultivation facility may acquire seeds for the cultivation of cannabis from any person if the acquisition of the seeds does not violate the provisions of Title 56 of NRS. A cannabis cultivation facility may also acquire cannabis or cannabis products from a consumer if the acquisition does not violate the provisions of Title 56 of NRS.
5. With the exception of a cannabis consumption lounge, a cannabis establishment shall not acquire concentrated cannabis or products containing concentrated cannabis from another cannabis establishment, except that a cannabis sales facility or a cannabis production facility may acquire concentrated cannabis or products containing concentrated cannabis from a cannabis production facility. A cannabis cultivation facility may sell crude collected resins to a cannabis sales facility if the crude collected resins are:
 - (a) From a single batch;
 - (b) Unaltered; and
 - (c) Not combined, except as provided in subsection 6.
6. A cannabis cultivation facility may combine lots of crude collected resins which have been collected in accordance with subsection 4 and have passed all testing pursuant to NCCR 11.050 prior to combining.
7. Each cannabis establishment, except a cannabis independent testing laboratory, shall establish and implement an inventory control system that documents:
 - (a) Each day's beginning inventory, acquisitions, harvests, sales, disbursements, disposal
of unusable cannabis and ending inventory, including, without limitation, the:
 - (1) Number of plants and cuttings;
 - (2) Weight of flowers, measured in grams;
 - (3) Weight of trim, measured in grams;
 - (4) Quantity of THC, measured in milligrams; and
 - (5) Weight of seeds, measured in grams.
 - (b) When acquiring cannabis from another cannabis establishment:
 - (1) A description of the cannabis acquired, including the amount, strain and batch number, lot number and production run number, or any combination thereof;
 - (2) The name and identification number of the license of the cannabis establishment providing the cannabis;
 - (3) The name and the number of the cannabis establishment agent registration card of the cannabis establishment agent providing the cannabis;
 - (4) The name and the number of the cannabis establishment agent registration card of the cannabis establishment agent receiving the cannabis on behalf of the cannabis establishment; and

- (5) The date of acquisition.
- (c) When acquiring cannabis from a medical cannabis establishment registered pursuant to this Act:
 - (1) A description of the cannabis acquired, including the amount, strain and batch number, lot number and production run number, or any combination thereof;
 - (2) The name and identification number of the medical cannabis establishment registration certificate of the medical cannabis establishment providing the cannabis;
 - (3) The name and the number of the medical cannabis establishment agent registration card of the medical cannabis establishment agent providing the cannabis;
 - (4) The name and the number of the cannabis establishment agent registration card of the cannabis establishment agent receiving the cannabis on behalf of the cannabis establishment; and
 - (5) The date of acquisition.
- (d) For each batch of cannabis cultivated:
 - (1) The batch number, lot number and production run number, as applicable.
 - (2) Whether the batch originated from cannabis seeds or cannabis cuttings.
 - (3) The strain of the cannabis seeds or cannabis cuttings planted.
 - (4) The number of cannabis seeds or cannabis cuttings planted.
 - (5) The date on which the cannabis seeds or cuttings were planted.
 - (6) A list of all chemical additives used in the cultivation, including, without limitation, nonorganic pesticides, herbicides and fertilizers.
 - (7) The number of cannabis plants grown to maturity.
 - (8) Harvest information, including, without limitation:
 - (I) The date of harvest;
 - (II) The final yield weight of processed usable cannabis, in grams; and
 - (III) The name and the number of the cannabis establishment agent registration card of the cannabis establishment agent responsible for the harvest.
 - (9) The disposal of cannabis that is not usable cannabis, including:
 - (I) A description of and reason for the cannabis being disposed of, including, if applicable, the number of failed or other unusable cannabis plants;
 - (II) The date of disposal;
 - (III) Confirmation that the cannabis was rendered unusable before disposal;
 - (IV) The method of disposal; and
 - (V) The name and the number of the cannabis establishment agent registration card of the cannabis establishment agent responsible for the disposal.
- (e) When providing cannabis to another cannabis establishment:
 - (1) The amount, strain, batch number, lot number and production run number, as applicable, of cannabis provided to the cannabis establishment;
 - (2) The name and license number of the other cannabis establishment;
 - (3) The name and the number of the cannabis establishment agent registration card of the cannabis establishment agent who received the cannabis on behalf of the other cannabis establishment; and
 - (4) The date on which the cannabis was provided to the cannabis establishment.
- (f) When receiving edible cannabis products from another cannabis establishment:
 - (1) A description of the edible cannabis products received from the cannabis establishment, including the total weight of each edible cannabis product and

the amount of THC, measured in milligrams, and the production run number of the cannabis in each edible cannabis product.

(2) The total amount and production run number of cannabis in the edible cannabis products.

(3) The name and:

- (I) License number of the cannabis establishment providing the edible cannabis products to the receiving cannabis establishment;
- (II) The number of the cannabis establishment agent registration card of the cannabis establishment agent providing the edible cannabis products to the receiving cannabis establishment; and
- (III) The number of the cannabis establishment agent registration card of the cannabis establishment agent receiving the edible cannabis products on behalf of the receiving cannabis establishment.

(4) The date on which the edible cannabis products were provided to the cannabis establishment.

(g) When receiving cannabis products from another cannabis establishment:

(1) A description of the cannabis products received from the cannabis establishment, including the total weight of each cannabis product and the amount of THC, measured in milligrams, and production run number of the cannabis in each cannabis product.

(2) The total amount and production run number of cannabis in the cannabis products.

(3) The name and:

- (I) License number of the cannabis establishment providing the cannabis products to the receiving cannabis establishment;
- (II) The number of the cannabis establishment agent registration card of the cannabis establishment agent providing the cannabis products to the receiving cannabis establishment; and
- (III) The number of the cannabis establishment agent registration card of the cannabis establishment agent receiving the cannabis products on behalf of the receiving cannabis establishment.

(4) The date on which the cannabis products were provided to the cannabis establishment.

(h) When receiving concentrated cannabis or products containing concentrated cannabis from a cannabis production facility:

(1) A description of the concentrated cannabis or products containing concentrated cannabis received from the cannabis production facility, including the total weight of each product, the amount of THC (except a cannabis independent testing laboratory), measured in milligrams, and the production run number for each product;

(2) The name and:

- (I) License number of the cannabis establishment providing the concentrated cannabis or products containing concentrated cannabis to the receiving cannabis establishment;
- (II) The number of the cannabis establishment agent registration card of the cannabis establishment agent providing the concentrated cannabis or products containing concentrated cannabis to the receiving cannabis establishment; and
- (III) The number of the cannabis establishment agent registration card of the cannabis establishment agent receiving the concentrated cannabis or products containing concentrated cannabis on behalf of the receiving cannabis

establishment.

(3) The date on which the concentrated cannabis or products containing concentrated cannabis were provided to the cannabis establishment.

8. Each cannabis establishment shall:

- (a) Establish and maintain a seed-to-sale **tracking inventory** system which adequately documents the flow of materials through the manufacturing process.
- (b) Establish procedures which reconcile the raw material used to the finished product on the basis of each job. Significant variances must be documented, investigated by management personnel and immediately reported to the Executive Director and to the cannabis establishment that ordered the concentrated cannabis or cannabis product.
- (c) Provide for quarterly physical inventory counts to be performed by persons independent of the manufacturing process which are reconciled to the perpetual inventory records. Significant variances must be documented, investigated by management personnel and immediately reported to the Executive Director.

9. If a cannabis establishment identifies a reduction in the amount of cannabis in the inventory of the cannabis establishment which is not due to documented causes, the cannabis establishment shall determine where the loss has occurred and take and document corrective action. If the reduction in the amount of cannabis in the inventory of the cannabis establishment is due to suspected criminal activity by a cannabis establishment agent, the cannabis establishment shall report the cannabis establishment agent to the Board and to the appropriate law enforcement agencies within 24 hours. The Board may require the cannabis establishment to provide additional information as it determines necessary to conduct an investigation.

10. A cannabis establishment shall:

- (a) Maintain the documentation required by subsections 5, 6, and 7 at the cannabis establishment for at least 5 years after the date on the document; and
- (b) Provide the documentation required by subsections 5, 6, and 7 to the Board or Board Agents for review upon request.

(Amended: 8/2021)

6.082 Use of seed-to-sale tracking system; payment of fees. A cannabis establishment shall:

1. Use the seed-to-sale tracking system managed by the independent contractor selected by the Board;
2. Connect to the seed-to-sale tracking system using the independent contractor's application programming interface;
3. Pay any fees assessed by the independent contractor for using the seed-to-sale tracking system, including, without limitation, user fees or application programming interface fees; and
4. Ensure cannabis and cannabis products are tagged as required using the seed-to-sale **tracking inventory** system.

6.085 Required security measures, equipment and personnel; location of outdoor cultivation facility must allow for response by local law enforcement. *Effective on August 1, 2022*

1. To prevent unauthorized access to cannabis at a cannabis establishment, the cannabis establishment must have:
 - (a) One single secure entrance of the physical building;
 - (b) No visible cannabis or cannabis products from outside the establishment.

(c) Security equipment to deter and prevent unauthorized entrance into limited access areas that includes, without limitation:

(1) Devices or a series of devices to detect unauthorized intrusion, which may include a signal system interconnected with a radio frequency method, such as cellular or private radio signals, or other mechanical or electronic device, and which, for a cannabis cultivation facility which engages in outdoor cultivation, covers the entirety of the cultivation area and the perimeter and exterior area of the cannabis cultivation facility;

(2) Exterior lighting to facilitate surveillance which, for a cannabis cultivation facility which engages in outdoor cultivation:

(I) When the lighting would not interfere with the growing cycle of a crop, covers the entirety of the cultivation area and the perimeter and exterior area of the cannabis cultivation facility; and

(II) When the lighting would interfere with the growing cycle of a crop, covers the perimeter and exterior area of the cannabis cultivation facility;

(3) Electronic monitoring, including, without limitation, each of the following:

(I) At least one call-up monitor that is ~~55~~¹⁹ inches or equivalent or more;

(II) A printer capable of immediately producing a clear still photo from any video camera image, which photo must be provided to the Board or Board Agents for review upon request;

(III) Video cameras with a recording resolution of at least 1920 x 1080, or the equivalent, at a rate of at least 15 frames per second which provide coverage of all entrances and exits of the building, any room or area that holds a vault and any point-of-sale location, which record 24 hours per day, which are capable of being accessed remotely by the Board and any other a law enforcement agency in real time ~~upon request~~ and which may record motion only. The information necessary to remotely access the camera footage must be entered into the cannabis establishment's Accela portal. A video camera providing coverage of a point-of-sale location must allow for the identification of any person purchasing cannabis. In a cannabis consumption lounge, the entire area that is used by consumers must be covered by video cameras;

(IV) Video cameras with a recording resolution of at least 720 x 480, or the equivalent, at a rate of at least 15 frames per second which provide coverage of all limited access areas not described in sub-subparagraph (III) and any activity in or adjacent to the establishment, which record 24 hours per day, which are capable of being accessed remotely by a law enforcement agency, the Board, and Board Agents in real time upon request, which may record motion only and which, for a cannabis cultivation facility which engages in outdoor cultivation, cover the entirety of the cultivation area and the perimeter and exterior area of the cannabis cultivation facility. The information necessary to remotely access the camera footage must be entered into the cannabis establishment's Accela portal within the Board's electronic licensing system;

(V) A video camera which is capable of identifying any activity occurring within the cannabis establishment in low light conditions 24 hours per day;

(VI) A method for storing video recordings from the video cameras for at

least 30 calendar days in a secure on-site or off-site location or through a service or network that provides on-demand access to the recordings and providing copies of the recordings to the Board and Board Agents for review upon request, on portable external hard drives or other media as directed by the Board or Board Agents, at the expense of the cannabis establishment, and within a reasonable time frame as determined by the Board or Board Agents.

~~Adequately sized portable, external drives must be immediately available to store a minimum of seven days (168 hours) of video from a minimum of seven cameras. External drives must be USB 3.0 or greater and formatted with FAT32 or exFAT and will not be returned to the establishment.~~

~~The blank portable, external hard drives must be available at the cannabis establishment at all times and there must be at least one drive capable of holding a full thirty days of video footage of the entire cannabis establishment;~~

(VII) A failure notification system that provides an audible and visual notification of any failure in the electronic monitoring system;

(VIII) ~~In a cannabis consumption lounge, security personnel are required to continually monitor real time security camera footage while the facility is open for business; and~~

~~(IX) Sufficient battery backup for video cameras and recording equipment to support at least 5 minutes of recording in the event of a power outage;~~

(4) Immediate automatic or electronic notification to alert local law enforcement agencies of an unauthorized breach of security at the cannabis establishment in the interior of each building of the cannabis establishment; and

(5) For a cannabis cultivation facility which engages in outdoor cultivation:

(I) An alarm system and video cameras which are monitored 24 hours per day;

(II) An exterior barrier, determined to be appropriate by local law enforcement, which is located around the perimeter of the cannabis cultivation facility and which consists of a solid block wall or chain link fence with a height of at least 8 feet and an additional fence with a height of at least 8 feet located at least 10 feet and not more than 20 feet inside of the solid block wall or chain link fence; and

(III) A secure brick and mortar building which is approved by the appropriate Board Agent as suitable to dry and store cannabis and which meets the security and sanitation requirements for a cannabis cultivation facility which engages in indoor cultivation of cannabis.

(d) Policies and procedures:

(1) That restrict access to the areas of the cannabis establishment that contain cannabis to persons authorized to be in those areas only;

(2) That provide for the identification of persons authorized to be in the areas of the cannabis establishment that contain cannabis;

(3) That prevent loitering, other than consumers at a cannabis consumption lounge;

(4) For conducting electronic monitoring;

(5) For the use of the automatic or electronic notification to alert local law enforcement agencies of an unauthorized breach of security at the cannabis establishment;

- (6) For limiting the amount of money available in any retail areas of the cannabis establishment and for training employees on this practice;
 - (7) For notifying the public of the minimal amount of money available, which may include, without limitation, the posting of a sign;
 - (8) For maintaining communication with law enforcement agencies; and
 - (9) For providing and receiving notifications regarding burglary, attempted burglary, robbery, attempted robbery and other suspicious activity.
2. Each video camera used pursuant to subparagraph (3) of paragraph (a) of subsection 1 must:
- (a) Include a date and time generator which possesses the capability to display the date and time of recorded events on the recording in a manner that does not significantly obstruct the recorded view; and
 - (b) Be installed in a manner that will prevent the video camera from being readily obstructed, tampered with or disabled.
3. A cannabis establishment shall make a reasonable effort to repair any malfunction of security equipment within 72 hours after the malfunction is discovered. A cannabis establishment shall notify the Board and local law enforcement within 24 hours after a malfunction is discovered and provide a plan of correction. Failure to correct a malfunction within 72 hours after the malfunction is discovered is a violation of this section.
4. If a video camera used pursuant to subparagraph (3) of paragraph (a) of subsection 1 malfunctions, the cannabis establishment shall immediately provide alternative video camera coverage or use other security measures, such as assigning additional supervisory or security personnel, to provide for the security of the cannabis establishment. If the cannabis establishment uses other security measures, the cannabis establishment must immediately notify the Executive Director, and the Executive Director will determine whether the other security measures are adequate.
5. Each cannabis establishment shall maintain a log that documents each malfunction and repair of the security equipment of the cannabis establishment pursuant to subsections 3 and 4. The log must state the date, time and nature of each malfunction, the efforts taken to repair the malfunction and the date of each effort, the reason for any delay in repairing the malfunction, the date the malfunction is repaired and, if applicable, any alternative security measures that were taken. The log must also list, by date and time, all communications with the Board, Board Agents or Executive Director concerning each malfunction and corrective action. The cannabis establishment shall maintain the log for at least 1 year after the date of last entry in the log.
6. Each cannabis establishment must employ a security manager or director who must be responsible for:
- (a) Conducting a semiannual audit of security measures to ensure compliance with the state procedures of the cannabis establishment and identify potential security issues;
 - (b) Training employees on security measures, emergency response and robbery prevention and response before starting work and on an annual basis; and
 - (c) Evaluating the credentials of any third party who intends to provide security to the cannabis establishment before the third party is hired by or enters into a contract with the cannabis establishment.
7. Each cannabis establishment shall ensure that the security manager or director of the cannabis establishment, at least one employee of the cannabis establishment or the employees of any third party who provides security to the cannabis establishment has completed or will

complete within three months of being hired, to be proven by written attestation from the employee and the training officer, the following training:

- (a) Training in theft prevention or a related subject;
- (b) Training in emergency response or a related subject;
- (c) Training in the appropriate use of force or a related subject that covers when the use of force is and is not necessary;
- (d) Training in the use and administration of first aid, including cardiopulmonary resuscitation;
- (e) Training in the protection of a crime scene or a related subject;
- (f) Training in the control of access to protected areas of a cannabis establishment or a related subject;
- (g) Not less than 8 hours of on-site training in providing security services; and
- (h) Not less than 8 hours of classroom training in providing security services.

8. A cannabis cultivation facility which engages in the outdoor cultivation of cannabis must be located in such a manner as to allow local law enforcement to respond to the cannabis cultivation facility within 15 minutes after being contacted unless the local law enforcement agency determines some other response time is acceptable.

9. Cannabis establishments 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, a cannabis consumption lounge shall prohibit consumers from bringing firearms into a consumption lounge.

10. A cannabis establishment 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 a reasonable person, the senses of the average citizen, a neighboring business, or to the residents of the neighborhood in which the business is located.

11. If an emergency requires law enforcement, firefighters, emergency medical service providers, Board Agents or other public safety personnel to enter the premises of the business, the cannabis establishment is responsible for ensuring that all consumption, if allowed, and other activities, including sales, cease until such personnel have completed their investigation or services and have left the premises.

12. A cannabis establishment must report directly to the Board any criminal activity requiring an in-person response from law enforcement within 24 hours after an owner or employee of the business learns of the event.

13. If the Board learns of an increase in criminal activity at or near the location of a particular cannabis establishment, the Board shall require the licensee to create an appropriate risk mitigation plan.

14. Employees shall be prohibited from consuming cannabis while on duty and at work.

15. A cannabis consumption lounge may implement appropriate security measures to ensure that employees are protected.

Commented [DG2]: Proposed amendment

6.090 Cleanliness and health of cannabis establishment agents.

1. A cannabis establishment agent shall immediately report to the person in charge if the agent knows he or she has:

(a) A symptom of gastrointestinal infection, including, without limitation, diarrhea, vomiting or jaundice, except as otherwise provided in paragraph 9;

(b) A diagnosed infection by a disease agent that can be transmitted from a person through food or cannabis, including, without limitation, *Salmonella* species, *Shigella* species, Shiga toxin-producing *Escherichia coli*, Hepatitis A virus or Norovirus; or

(c) A lesion that appears inflamed or contains pus and that is not covered as described in subparagraph (d) of paragraph 3;

5. The cannabis establishment shall, within 24 hours, notify the CCB about any cannabis establishment agent known to have:

(a) Jaundice, except as otherwise provided in paragraph 9; or

(b) A diagnosed infection by a disease agent that can be transmitted from a person through food or cannabis, including, without limitation, *Salmonella* species, *Shigella* species, Shiga toxin-producing *Escherichia coli*, Hepatitis A virus or Norovirus;

6. The person in charge shall exclude or restrict a cannabis establishment agent from working in or around any place where bulk or unpackaged food, beverages, cannabis or cannabis products are prepared, sold or offered for sale if the agent is known to have:

(a) A lesion that appears inflamed or contains pus and that is not covered as described in subparagraph (d) of paragraph 3;

7. The person in charge shall exclude a cannabis establishment agent from working in or around any place where bulk or unpackaged food, cannabis or cannabis products are prepared, sold or offered for sale if the agent is known to have a diagnosed infection by a disease agent that can be transmitted from a person through food or cannabis, including, without limitation, *Salmonella* species, *Shigella* species, Shiga toxin-producing *Escherichia coli*, Hepatitis A virus or Norovirus;

(a) A symptom of gastrointestinal infection, including, without limitation, diarrhea, vomiting or jaundice, except as otherwise provided in paragraph 9;

(b) An infection by *Salmonella typhi* within the last 3 months, unless approved to be released from exclusion by the health authority; or

(c) An infection by *Shigella* species, Shiga toxin-producing *Escherichia coli*, Hepatitis A virus, Norovirus or a *Salmonella* species other than *Salmonella typhi*, within the last 30 days, unless the food employer is approved to be released from exclusion by the health authority;

8. The person in charge and the cannabis establishment agents of a cannabis establishment shall comply with any order issued by the health authority or CCB for excluding agents from the cannabis establishment or restricting agent activities because of a diagnosed or suspected infection by a disease agent that can be transmitted from a person through food or cannabis until the health authority or CCB rescinds the order;

9. Upon approval from the health authority, a cannabis establishment agent with a symptom of gastrointestinal illness, including, without limitation, diarrhea or jaundice, may work in a cannabis establishment without special restriction, provided that the agent furnishes written medical documentation to the health authority and CCB from a health practitioner that the symptom is due to a medical condition not

transmissible from the agent through food or cannabis, including, without limitation, Crohn's disease, irritable bowel syndrome, ulcerative colitis or Hepatitis C.

