

Nevada Cannabis Compliance Board
Solicitation of Input on Nevada Cannabis Compliance Regulations (NCCR)
January 31, 2024
Minutes

The Nevada Cannabis Compliance Board (CCB) held a public meeting for solicitation of input at 700 E. Warm Springs Road, Suite 150, Las Vegas, Nevada beginning at 1:00 p.m. on January 31, 2024.

Cannabis Compliance Board Members Present via video connection:

Riana Durrett, Vice Chair

Deputy Director Michael Miles called the meeting to order. Executive Director James Humm, Senior Deputy Attorneys General Chricy Harris, Emily Bordelove, Anthony Garasi and Chief of Inspection and Audit Kara Cronkhite were present on behalf of the CCB in Las Vegas; Chief of Administration Steve Gilbert and Chief of Investigations David Staley were present on behalf of the CCB in Carson City.

Instructions to join the meeting the meeting via Zoom for public comment were read aloud.

I. Public Comment

Will Adler thanked the CCB for the meeting and stated he submitted written comments for consideration.

Glenn Miller asked for clarification on how to speak on issues during public comment during this meeting. Deputy Director Miles responded that the public is permitted to comment on the regulations as each agenda item as discussed.

Deputy Director Miles introduced Director James Humm. Director Humm thanked everyone in attendance for their time and participation during these meetings. Director Humm provided an overview of the comprehensive study and emerging sector analysis survey which is underway, and encouraged consumer and industry participation to aid in understanding how the industry can be improved. Director Humm affirmed that information collected will remain confidential and individual responses will not be shared publicly or privately with the State of Nevada Cannabis Compliance Board or anyone other than the independent research team. Director Humm stated that survey findings will be included in a publicly available report when it is complete.

II. Proposed Amendments and additions to Nevada Cannabis Compliance Regulations – Events

Deputy Director Miles introduced temporary cannabis event regulations as the first item to be discussed and said that input indicated that many people desired smaller events, however CCB is limited to 10,000 attendees. Deputy Director Miles reminded the public that smaller events were not approved during two previous legislature sessions, and permits for smaller events require statutory change. Scott Rutledge of Argentum Partners and Chris Anderson were invited to discuss proposed regulatory changes submitted to the CCB.

Mr. Rutledge explained additional proposed changes to 5.041(h) regarding proposed physical address and distance setbacks and stated that details were sent to Deputy Director Miles via email. He summarized that “an applicant may request a waiver of the attestation and distance requirements in section H(1) if the proposed is a cannabis business trade show and the proposed venue is primarily controlled by public officials.”

Deputy Miles said that only one major change was made to these regulations since the previous workshop: changing from 25,000-person event to 10,000 which means that these regulations apply for events with 10,000 or more people and permits will not be issued for events with fewer than 10,000.

Amanda Connor from Connor and Connor stated that materials were not available until late in the afternoon prior to the meeting and this made it difficult to prepare comments. Ms. Connor said that it appears the event regulations seem to mirror the consumption lounge regulations, and since lounges are not yet operational, areas are not yet fully identified where the regulations may need to be revised for issues such as consumer and employee safety and product security. Ms. Connor indicated that she believes the legislature did not say they weren't permitting less than 10,000 at events, but rather they did not adopt special event permits and indicated that there may not be statutory authority for CCB to create a new license category and seeks the opportunity to voice it during another legislative session when there is established precedent and submits that this is premature.

Deputy Miles asked if there are any additional comments on Event Regulations.

Eva Black from Sala Consulting on behalf of Jardin Premium Dispensary said that they are excited to support the regulations and look forward to successful implementation.

Deputy Miles referred to Ms. Connor's comments and stated that this is a petition to adopt the Event Regulations the CCB did not create them.

Bri Padilla, from Chamber of Cannabis expressed that she found it odd to say the legislature did not approve special events and said they will push these types of events and that it would be great to continue to collaborate to learn where different sizes of events can be considered.

Layke Martin on behalf of Nevada Cannabis Association thanked Deputy Director Miles, Chris Anderson and Director Humm for their work on the regulations. Ms. Martin shared her appreciation for the reduction in attendance to 10,000 people which may create more opportunities for events. She asked where an event can be held if a person is in one local jurisdiction. Deputy Director Miles responded that this has not yet been decided and stated it may need to be in the jurisdiction where the license is granted.

Nick Jackson representing RNBW, based in California and Nevada thanked the CCB and said he is in favor of the proposed regulations because they will benefit Las Vegas, Nevada and the cannabis industry. He stated this will provide an opportunity for cultivation and retail license holders to thrive, and by capping the events to 10,000 it will allow only professional operators to participate.

Austin Varvel representing Cookies on Flamingo said they are in favor of moving forward with these regulations because it will allow dispensaries, employees and customers to interact with each other, diversify the industry and allow for creativity.

Virginia Valentine of Nevada Resort Association, the group that requires 1500-foot separation, said there are questions about permissibility, and this could create a new category of licensing. Ms. Valentine stated that they fought very hard to get waivers in the 2019 legislation and her members will fight very hard to maintain them and clarified that it is a 1500-foot separation from non-restricted licenses.

Chris Anderson of Sala Consulting/RNBW commented on Ms. Valentine's statement that the 1500-foot distance between cannabis and gaming is a feature in the framework of these regulations and there is no change from the way any cannabis establishment must keep 1500-foot distance from any non-restricted gaming licensee. Mr. Anderson clarified that the intent is for this to be a narrow trial to determine what consumption will look like during a public event in a live entertainment setting.

III. Solicitation of Input for Possible Amendments to Nevada Cannabis Compliance Regulations 1 through 15.

Deputy Director Miles opened discussion for input on Agenda Item III and commented that many items may overlap; he asked that comments be made where there is an item of most concern. Additionally, many comments were received regarding the requirement for multiple agent cards, and he stated that the CCB is reviewing this for a possible bill draft request, and that item will require a statutory fix.

Deputy Director Miles opened discussion for Regulation 1.

Abby Kaufmann, Chamber of Cannabis spoke regarding the definition of a "lot", in 1.125(1) causing an unnecessarily high burden on cultivators because they must pay each time, and it creates an operational headache because requirements must be meticulous and spending time breaking up so small causes inefficiencies and is costly. Ms. Kaufmann stated that she understood that California defines a "lot" as no more than 50 pounds, 10 times the Nevada definition, and proposed an increase to at least 15 pounds.

Chief Kara Cronkhite advised that a Laboratory Workshop will be held and that the CCB is working to streamline testing requirements and is considering lot size. Chief Cronkhite said that the CCB will contact states other than Nevada that have larger lots to determine if there is any potential risk for public health, potency, accuracy and similar concerns should Nevada increase the lot size definition. As well, CCB is considering the route of administration and the risks.

Deputy Director Miles mentioned that a packaging and labeling workshop will be held, conforming to APA requirements and asked that people continue to provide comments and input regarding packaging, labeling and laboratory issues.

Amanda Connor commented on definitions 1.052 "Advertising": CCB sent out guidance that a new definition and distinction of advertising was issued on January 18, 2023, and she understands that the new definition that was sent via listserv is being implemented. Ms. Connor recommends updating the definition to the definition sent via listserv. Chief Steve Gilbert acknowledged and stated that this will likely go on the agenda for the packaging and labeling workshop. Ms. Connor continued: 1.081 "Conditional Licensing": her belief that this definition was adopted related to lounge licenses and expressed that there are times when licenses revert to "conditional" and "issued conditional" and that if a license is reverted to a conditional license issued subsequent it

may not apply, or they may have to go through suitability. Deputy Director Miles said that CCB is aware of this and people who get reverted to conditional may be required to go through an analysis before starting up again. Ms. Connor continued: 1.082 “Derived” has a reference to NRS 678A with x’s in it. Deputy Director Miles and Chief Cronkhite confirmed that it is a placeholder, pending what is accepted by legislators.

Dani Baranowski from Chamber of Cannabis expressed her excitement about economic opportunities and asked for clarity on 1.222(5): single use cannabis defined: if there is a bottle of spirit that does not exceed the legal limit – 100 milligrams – and has a dosing device, is it possible for a bud tender, server or person dispensing drinks to create a ready-to-consume product from the 100 milligrams into a 10 milligram or less portion? Using mini bottles as a requirement would present a cost burden. Chief Cronkhite replied that it is permissible for a 100-milligram bottle with 10 servings to be used to make ready to consume items.

Will Adler said that Regulation 1 seems to be the same as it was in 2014. Lot size has been previously discussed and a petition was submitted. It was previously mentioned that a workshop would be forthcoming. Mr. Adler asked for more information regarding the third-party firm survey. Deputy Director Miles stated the reference is to a study by an independent organization. Chief Cronkhite said that it documents BOTEC and asked Mr. Adler if he was referencing the laboratory COA’s database mandated by legislation, and he replied that he was not; he was referring to Washington state in 2022 and the analysis performed and reported. Mr. Adler said that looking at other states could be helpful. Ms. Cronkhite confirmed this will be addressed during the March workshop. Deputy Director Miles commented that increasing lot size, even to 15 also increases the risk if it fails testing. Increased testing will be required for 15-pound lots of cannabis vs. 5 pound. Chief Cronkhite stated that the BOTEC study was done for Washington state and lot size was increased against recommendation. Mr. Adler continued: Assembly Bill 277, Dallas Harris’ bill increased possession limits from 1 ounce to sale amounts of 2.5 and expressed that increased delivery amounts would be helpful. Chief Cronkhite stated that CCB has authority to change that via regulation and is considering this while ensuring there is no increased risk to public safety while allowing deliveries to be profitable.

Glenn Miller agreed with stated concerns about lot size and said 5 pounds is too small because the cost of cannabis encourages illegal production of cannabis. Risk reduction requires a cost comparison with illegally made cannabis. Kilogram is a better measurement because KG could go up to 25, and 15, 25 or 50 pounds could be considered if it is the same strain and room that it is grown in, and there is a homogenized sample. A question is how do we know when we get a sample that it will be representative of that lot? It can be done with 5-pound lots but the cost forces people to look at less expensive sources.

Deputy Director Miles opened discussion for Regulation 2; there was no public comment.

Deputy Director Miles opened discussion for Regulation 3; there was no public comment.

Deputy Director Miles advised that regulation 4 is almost completely rewritten and is being reviewed by the CCB and individuals who will provide input prior to submission for a workshop. New categories are added which include the most severe penalties for revocation and category seven with lowered fines per statutory requirements, conviction waiver and additional items.

Deputy Director Miles opened discussion for Regulation 4.

Amanda Connor expressed appreciation for the changes to regulation 4. Ms. Connor continued: 4.065 “Imminent Health Hazard” currently requires reports to the board within two hours and proposed 24 hours instead of two because two is a very short time allowance to file an incident report. Chief Cronkhite clarified that it is to protect against imminent health hazards. Ms. Connor continued: 4.140 and 4.145 petition and proposed that there is no fee charged for petitions. Filing a petition has a non-refundable filing fee of \$500.00 and this cost may prevent people from filing petitions and being able to participate.

Abby Kaufmann agreed with removing the petition fee requirement from 4.145 and expressed appreciation for the workshop covering the full scope of regulations. Deputy Director Miles stated that the CCB anticipates holding an annual workshop to review all regulations. Ms. Kaufmann asked for clarity on NRS Title 56 fees deposited to the state general fund; asked if civil penalties are considered an administrative expense or separate category, per the statute and if there are opportunities for existing fees to be set aside in a different way. Deputy Director Miles replied that any change would need to be statutory because it is addressed in a budgetary process.

Layke Martin agreed with previous comments regarding the time to report an incident because different regulations require different reporting times and asked if the reporting time can be consistent and increased. Chief Cronkhite replied that she will review the regulations for consideration. Ms. Martin provided a recap of the submitted written comment to highlight the legislative direction to include disciplinary violations for unlicensed sales and wants to provide input and know how penalties will be addressed for unlicensed companies.

Deputy Director Miles opened discussion for Regulation 5.

Amanda Connor mentioned that transfers of interest were discussed during the November 2023 Board and that Chief Staley was working on language. Ms. Connor stated that 5.110 and 5.112 needs revision to reflect the last legislative changes. Deputy Director Miles stated any change will be a lengthy process due to the requirements of APA.

Tina Schellinger from the Chamber of Cannabis stated that she is in the cultivation and production segment of the industry since 2016 and commented that the requirement for employees to have multiple agent cards affects people negatively due to the cost of the agent cards and this does not encourage them to stay in the industry. She mentioned that it causes difficulty for record-keeping when the agent card number changes all the time rather than assigning one number per person. Deputy Director Miles stated that the CCB is looking at changing it so that there is one number for one person, but the requirement for multiple cards is a statutory change. Chief Cronkhite said the current method is the system they were tasked with using. Ms. Schellenger asked why the verbiage states, “can charge up to \$150.00” and why they chose to charge the maximum amount. Deputy Director Miles clarified that that it states “up to maximum amounts” while underneath it is stated that there are limited circumstances when the fees can be reduced. Because of this, the maximum fee is charged. Chief Gilbert expressed appreciation for the comments and assured Ms. Schellenger CCB is aware of the burden on employees to get multiple cards and different language is being suggested, but it will require a statutory change. Deputy Director Miles said that the CCB is also looking at the lost card fee to see if that can be lowered again.

Peggy Shaner of Chamber of Cannabis provided an example of a young employee who worked in an integrated facility who required multiple cards. Ms. Shaner is an advocate of cross-training and removing financial barriers required for multiple cards for employees so they can work in the industry and meet its diverse needs.

Abby Kaufmann discussed 5.1 agent card fees and the application fee of \$75 for a replacement card, and stated that because the background check is already done, and it is shipped within the state, the cost should be no more than \$40: a more feasible fee. Re-attestation requirements mandate that agent cards let the CCB know if there are no changes, but she opined that it should be required only if there are changes. Chief Gilbert clarified that this is a statutory requirement per 678B.340 and encouraged contacting the legislature to try to get it changed.

Rusty Graf of Black & Wadhams asked if there is intent to submit any regulations to LCB for approval pursuant to 233B. Deputy Director Miles replied that event regulations are one of the last two under review prior to the legislative session and the APA requirement. Mr. Graf asked for CCBs position as to the enforcement of the NCCRs and Deputy Director Miles said they are still enforceable and will be shifted to the NAC where the numbers will be converted. Mr. Graf asked if regulations, including those for temporary licenses, have been submitted to LCB. Deputy Director Miles responded that temporary license regulations were written prior to statute and CCB is permitted to continue working on anything prior to the statute and clarified that today's meeting is for solicitation of input only.

Sara Adams of Planet 13 asked if it is permissible to submit only one set of fingerprints because of the statutory change for medical and recreational. Chief Gilbert stated that since some licenses are being combined now, and others later depending on renewal dates, CCB is reviewing the requirement and will provide guidance. Statutory and/or regulatory change will not be required.

Katree Saunders stated she is a long-time patient and advocate and expressed concern regarding fees for cards. Ms. Saunders' card was revoked and SB277 was written to mitigate it and she said if this meant she must have multiple cards and pay multiple fees it would be an egregious fee for people who were affected by the drug war in the state of Nevada.

Deputy Director Miles opened discussion for Regulation 6.

Hadhinah Felice discussed her previously submitted written public comment on regulation 6.120 pertaining to advertising practices and responsible promotion with specific attention preventing exposure to individuals under 21 years of age. Ms. Felice stated the regulations should be integrated with guidance from May 14, 2021, and January 2023 and proposed streamlining access to critical regulatory details so referring to multiple documents is not necessary. Additional recommendation that the title to 6.120 explicitly includes the word "and guidance" to emphasize its dual purpose in the rules and providing direction for compliance in the advertising domain. Deputy Director Miles replied that some of this may be discussed during the February workshop and advised that caution is needed, and examples should not be provided in the regulations. Chief Cronkhite affirmed that some of the language that Ms. Felice offered may be able to be incorporated in the regulation. Ms. Felice continued, stating that there was a typographical error on the cannabis advertising guidance issued on May 14, the word should be "reasonably" rather than "reasonable."

David Goldwater from Inyo Fine Cannabis Dispensary commented that the 6.070 visitor's log regulation may confound those who want to be compliant. He stated it may be helpful if this regulation can be refined or deleted because there is no longer a compelling policy reason.

Amanda Connor said that 6.010 or 6.025 needs to be updated. Regarding 6.070 visitor's log: the regulation at times specifically details what must be in the log, and other times it does not. During an audit, facilities are sometimes cited for items not being on the log, but it is not enumerated in the regulations what is to be on them. Ms. Connor recommended an update to the regulations to specify what is required. Ms. Connor also recommended an update to 6.080(8)(b) and (c) to reflect the current process CCB issued. Discussing 6.085, Ms. Connor proposed and supports the idea that external hard drives should be returned to the facilities after video is reviewed because they are costly to replace.

Timothy Eli Addo commented on NCCR 6.072 and said it is pivotal to the industry and training; hygiene requirements can minimize violations and ensure compliance. Employees need time to get on board with company policy. Deputy Director Miles agreed that training is encouraged. Mr. Eli Addo stated that having skilled employees is important and the skillset needed to be a cultivator is lacking. Mr. Eli Addo said 6.075 policies and procedures need to be prioritized and CCB must be more proactive enforcing them.

David Goldwater stated that the requirement in 6.087 that everyone must have a physical agent card with them causes an issue and amounts to a loss of productivity because people may carry a picture of the card rather than the actual card. Mr. Goldwater said that allowing verification with a photocopy or likeness of a valid card would be helpful.

Abby Kaufmann discussed confusion on equivalency conversions. Chief Cronkhite clarified that the usable cannabis possession limit went from one to two and one-half ounces, but the concentrated limit only doubled, going from one-eighth of one ounce to a quarter of one ounce. Because of that it cannot equal anything other than 7,087 grams. There is no other equivalency. Ms. Kaufmann restated and asked if it is correct that one ounce of flower does not equal 3,543 mg of THC, and Chief Cronkhite confirmed that is 1/8 ounce of concentrate. Deputy Director Miles stated that a chart will be placed on the website. Ms. Kaufmann asked for guidance regarding 6.025 and Deputy Director Miles confirmed that time and effort billing is stopped for inspections and only occurs for investigations. Ms. Kaufmann noted that 6.080 is not very clear and the system for tracking the significant variance may change and was asked to request concrete guidance. Chief Cronkhite stated that adjustments can be made in Metrc if it is being entered properly and that the CCB can put out a guidance document. Ms. Kaufmann mentioned that 6.123 does not cause a large bottleneck but would like to have a time frame for the packaging requirements.

Sara Adams mentioned 6.012 seed-to-sale tracking system requirements and observed that the Metrc user guide becomes part of the regulations, but it is not updated timely, and sections may be superseded by other bulletins. She noted that it is not always easy to find things in bulletins. She stated that it would be helpful if Metrc was updated at the same time as a new rule goes into effect and that rules are not enforced if they cannot be followed. Chief Cronkhite suggested that a link or reference to a document in regulations may help. Ms. Adams observed that is difficult combing through bulletins and all states and Nevada user guides. She asked that CCB consider the need to report 24 hours after discovery which would allow the facility to investigate prior to reporting to CCB and asked if it can be modified to say "within a reasonable amount of time" while defining the standard.

Deputy Director Miles opened discussion for Regulation 7.

Amanda Connor discussed immediate reporting and significant variance, mentioning 7.050, 2.050(1) defining “immediately” and “immediately means no later than 24 hours”. Additionally referencing 7.025 and 7.030 Ms. Connor stated that there should be opportunity to sell other items at cannabis sales facilities to broaden what they can offer – not tobacco or nicotine, but perhaps chips and soda or water. Discussed 7.050 delivery restrictions and stated purchase limits should be revisited. Deputy Director Miles said that it may be increased to 10 ounces to match medical.

David Goldwater stated 7.050(4) definition of private residence is also in 1.163 but the definition of private residence excludes weekly rentals, mobile homes. People in those areas need delivery more than anyone else and we are restricted from delivering to them. Removing the restrictions and having exceptions could help many people.

Cristina Ulman representing Chamber of Cannabis agreed with David Goldwater and stated that she believes it to be discriminatory to low income housing residents and changing the verbiage to “no casinos” would make a lot of sense. Regarding 7.050: the regulation is effective in increasing revenue and profit. Increasing to 12.5 ounces mirroring SB277 will allow more revenue and she encourages looking at California, Oregon and Colorado all have a \$10,000 retail value that can be carried and allowing Nevada \$5,000 will propel revenue and help people with disabilities, seniors and shut-ins. Deputy Director Miles stated that the CCB is looking to address this due to all the reasons stated.

Abby Kaufmann stated adding delivery flexibility would assist, in addition to matching SB277. As well 7.030 restrictions, why is it easy to get additional income by selling food and drinks in some retail locations, but not for cannabis establishments. It would be an easy income and easy win. Chief Cronkhite stated that many production kitchens were previously making uninfused items for sale in the dispensaries without licenses from the health department. The industry is now more mature, and CCB can work with local health departments if language is added to our regulations.

Amber Jansen spoke on 7.050 and said that limits should be raised, but the value should be more of a concern than actual weight.

Julia Butler discussed regulation 6 and the definition of transfer types, mentioning January guidance and asked if the two lists will be communicated together. Chief Cronkhite replied that it can be looked at but does not want to reference specifics to Metrc to ensure there are no issues if different software is used or if terminology is changed. Ms. Butler asked if identical ownership transfer is defined in the regulations and if it is different from affiliates. Chief Gilbert stated he would have to look for clarification; Chief Cronkhite said it might be in the DOT regulations but would look into it.

Deputy Director Miles opened discussion for Regulation 8; there was no public comment.

Deputy Director Miles opened discussion for Regulation 9.

Abby Kaufmann spoke on regulation 9.040 and said that her committee members wish to re-adopt a portion of the previous regulation in NAC 453A.508 regarding expiration dates of flower and for flower to have an expiration date of one year from the date of harvest. Chief Cronkhite replied that consumers have submitted complaints about cannabis that was expired or old and that the CCB is

aware of this concern.

Deputy Director Miles opened discussion for Regulation 10.

Tina Schellinger discussed independent lab testing and said she is concerned about the proliferation of aspergillus and that in the world, only 200,000 people are affected by aspergillus, and these are people who may have lung cancer or severely depreciated autoimmune systems. Ms. Schellinger expressed that businesses use radiation as a method to preempt failed testing. International requirements exist for a marking to identify when fruits, vegetables, meat are irradiated, but our cannabis consumers are not aware of this. Ms. Schellinger is concerned that that people can buy moldy cannabis because the machines allow bad product. She suggested that discouraging people from using radiation treatment is allowing aspergillus, but to put it on the label and to stop allowing the companies to do bad business and not have clean product because the radiation treatment does not encourage them to do better. Chief Cronkhite acknowledged that aspergillus is ubiquitous and clarified that the CCB only requires testing for the four pathogenic species commonly found in cannabis which can cause very severe health effects. Although they can be irritants for healthy people, there are also people who may not know they are immunocompromised, and this testing protects everyone. Deputy Director Miles mentioned regulation 12.065 and stated that regulation 12 is where it orders that the label is marked with the Radura symbol, but this was put on hold almost immediately after the regulations were approved. He stated it could be reviewed again when the NACs come out and possibly consider another petition process.

Nicole Buffong representing the Chamber of Cannabis and Minorities for Medical Marijuana spoke on behalf of Jason Greninger who submitted written comment expressing concerns that it is not the radiation, but that remediated flower is allowed to be sold to consumers. She continued: Testing is performed as a safety measure to ensure consumers are not smoking mold. There is an expense to remediate after failing for mold and prophylactic irradiation defeats the purpose of the rule. Ms. Buffong stated that it is important to know the actual number exposed to molds in cannabis and the effects. She mentioned that Speaker Yeager told her that warnings did not need to be put on the label because it could be found in the soil report. Chief Cronkhite clarified that it was a recommendation from people who were not in favor of the 12.065 regulation labeling requirement. The suggestion was to add it to the soil amendment report. CCB explained that nobody knows what a soil amendment report is, how to find or ask for it and it was an inappropriate place because the soil is not being amended. Ms. Buffong proposed a workshop to discuss the regulation and where the consumers can find the information on who uses radiation and who does not. Deputy Director Miles said that there is not an enforceable regulation because it was put on hold and the legislation did not approve proposed language to put it on the label and it is being worked on. Ms. Buffong asked if there is a process regarding SOPs for cultivation and grows to ensure a standard is followed. Chief Cronkhite explained that violations are observed during every inspection and the regulations provide the detail such as personal hygiene, sanitation of equipment, utensils, floors, ceilings, as well as building maintenance which prevents product contamination. Each facility must have an SOP, yet sometimes they choose not to follow them, or they may overwater or do something that encourages microbial growth. Facilities are inspected and audited at least once a year and issues are addressed. Deputy Director Miles said that it is possible that the NACs will order any remediation to be listed in the soil amendments, and if it is in the NAC the public can petition or come to CCB at a workshop and discuss it again, and we can again start the process.

Hadhinah Felice said she met with radiation machine people in 2021 and was told the machine was pre-approved by CCB and asked if it is still approved? Chief Cronkhite explained that Ms. Felice can

ask for the facility for the approval in writing and that CCB pre-approves all equipment that touches cannabis.

David Goldwater spoke on 15.080(3) referencing the disposal of cannabis and posed the idea that cannabis is being wasted in the lounges despite SOPs and Metrc entries. The waste disposal system is not seamless and affects the employees. He explained his concern that there is a possibility for lounge employees to take unused cannabis, weigh it, and subtract it from what is sold. Chief Cronkhite stated that she, Audit Supervisor Keoki Allen or Cannabis Program Supervisor Jason Banales can provide guidance. Mr. Goldwater suggested review of 10.080(3) to modify or fine-tune the regulation to address this concern.

Amanda Connor continued the discussion on 10.080(3) which states “waste containing cannabis must be rendered unusable by grinding” and said there is no exception listed. Clients requested not to grind and CCB Inspectors have denied the request and offered mixing as an alternate method approved by the Board. Ms. Connor recommended language “unusable by grinding if not already ground or in a liquid state” or “unusable by grinding unless approved by the Board”.

Timothy Eli Addo expressed concern on how laboratories operate, and how there are many issues regarding the standards for testing, including potency tests. He discussed the large difference in revenue between pharmaceutical and cannabis industry testing and how consumers will suffer if revenue stream to the labs is restricted. He expressed concern for the decline in industry quality and sales. Mr. Eli Addo suggested looking into mycotoxins and making regulations stricter because cultivators and facilities bypass the process and have bad habits of using radiation as a business model.

Deputy Director Miles opened discussion for Regulation 11.

Bruce Burnett, representing Ace Analytical Laboratory discussed regulation 11 and how 1.125 ties into it. He requested for the CCB to implement the database required by the Nevada legislature under NRS 678B.635 and for the RLACS [Random laboratory assurance checks] to be put back in place under 11.085, previously part of NRS 678B.540.

Abby Kaufmann spoke on behalf of Jason Greninger who submitted written comment asking for consideration regarding 11.080(9) and (13) stated it would be helpful for the packaging and labeling workshops. Ms. Kaufmann asked for guidance on the approved electronic medium for scanning on the label in regulation 12 and expressed concern if it moves to an online database. Chief Cronkhite said that the database will be front-facing and there will be access to lab results on the CCB website, allowing comparison to the label. Multiple options will be available for the industry to use and communicate preference to CCB. Ms. Kaufmann said that under 11.085 it seems odd that cultivation or production facilities are responsible for all costs for random testing if there is nothing to determine how often random compliance checks are performed.

Amanda Connor spoke on 11.065 regarding the use of approved pesticides, and how there is no ability to test for an unapproved pesticide that may be found to be used. Ms. Connor stated there is no way to provide information to consumers or to CCB if it was on the end product and suggested the ability to test would benefit public safety. Chief Cronkhite replied that it may be a problem requiring the labs to be capable of testing multiple pesticides and said that additional or limited testing could be done through an R&D request.

Timothy Eli Addo asked if there is a serialization component to the COA technology that will be the database. Chief Cronkhite explained that the Metrc tag number, lot number, production run number should direct to the lab result. Mr. Eli Addo said he is concerned about recalls of defective products in the cannabis industry and serialization may help to spot issues so they can be removed from the market in a timely manner. Chief Cronkhite agreed and explained that the current process uses the Metrc tag number, production run or lot number and what is available to trace all packages back and use Metrc to place administrative holds on product. As well, CCB advises the facilities to let them know about the administrative hold and that the product(s) cannot be sold or transferred.

Sara Adams provided an email from Chris Ren regarding Nevada testing which is based on wet weight instead of dry weight and how the potency of flower can be lower than California where tests are based on dry weight. Ms. Adams discussed testing infused pre-rolls testing as flower and the potency displayed on the COA as a percentage. She identified an issue that the percentage of THC is on the total weight of the pre-roll which could include the blunt wrapper. Including the wrapper in the test may skew the percentage of THC. The amount of blunt paper may be increased depending on the type of flower and could also interfere with THC potency. Ms. Adams proposed a solution of asking the lab to provide the THC per unit rather than as a percentage. Infused pre-rolls could be considered enhanced flower and be subject to the same package requirements as flower with no THC milligram limit. Ms. Adams discussed regulation 11.075 retesting internal policy which says if a batch fails, it is not eligible for retest, and commented that what makes something ineligible for retest is not written, there's no list and is determined on a case-by-case basis. Chief Cronkhite said that there is a list for sending to extraction or remediation after failure and retesting can be added. Ms. Adams suggested additional guidance made available to the industry in the form of a manual could explain how determinations are made for retest or modification requests, and this would streamline the process of submitting requests. Chief Cronkhite explained that CCB is working on a violations standards document but there is no timeframe for making it available for the industry at this time.

Katree Saunders discussed the importance of the reading remediation for radiation go on the labeling and packaging to protect consumers.

Deputy Director Miles opened discussion for Regulation 12.

Amanda Connor proposed a reevaluation of regulation 12.010 on maximum single serving size on products and gave the example of more than one ounce of usable cannabis. Ms. Connor stated that sales facilities can sell to lounges, and she proposed an exemption if they sell bulk for the lounge to use.

David Goldwater associated his comments with Ms. Connor and discussed 12.015(2) as being poorly written.

Sara Adams discussed 12.065 and asked about NCCR moving to NAC and the first version to appear and asked about approvals and disapprovals. Deputy Director Miles clarified that the legislators approved the regulations and told CCB what it must be and explained that there are procedures on how to handle the regulations when they go to the legislature commission. Ms. Adams proposed that 12.030, 12.035 and 12.015 include language in each of the regulations to state all these elements are required to be on the packaging do not if they already appear on the label that is permanently affixed. Language relating to "permanently affixed" and if it appears in one place it is not required in another.

Deputy Director Miles opened discussion for Regulation 13.

Amanda Connor discussed 13.010 and commented on reporting loss or theft immediately, contrasting with 6.130(1) allows 24 hours for loss or theft and suggested 24 hours for both.

Deputy Director Miles opened discussion for Regulation 14; there was no public comment.

Deputy Director Miles opened discussion for Regulation 15; there was no public comment.

Deputy Director Miles said that the CCB looks to hold a solicitation of input meeting annually going forward and expressed appreciation to everyone for their time and participation.

IV. Public Comment

Abby Kaufmann asked for tentative workshop dates as soon as possible, and a tentative schedule to allow people to plan and be available to attend.

Amanda Connor apologized for misunderstanding Deputy Director Miles' prior statement regarding special events regulations not being subject to the APA and stated that a petition was made in July 2022 which was denied, and in an August 2023 workshop. SB328 states that regulations proposed by the Board after the effective date of the act of SB328 (June 14, 2023) must be part of the APA and wanted to clarify that.

Timothy Eli Addo mentioned event regulations and new data that is available in scientific communities and correlating experiments with policies moving forward.

V. Adjournment

Meeting adjourned at 4:10 p.m.