

## REGULATION 5

### LICENSING, BACKGROUND CHECKS, AND REGISTRATION CARDS

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#### **5.000 Application process.**

1. It is declared policy of Nevada that all cannabis establishments, are licensed and controlled so as to better protect the public health, safety, morals, good order and welfare of inhabitants and to preserve the competitive economy and the policies of free competition of the State of Nevada. Any cannabis establishment license, business license, agent card, or approval by the Board pursuant to the provisions of chapters 678A-D of NRS is a revocable privilege, and no holder acquires any vested right therein or thereunder. No applicant for a license or other affirmative Board approval has any right to a license or the granting of the approval sought.
2. An application for a cannabis establishment license, business license, agent card, or approval by the Board is seeking the granting of a privilege, and the burden of proving the applicant's qualification to receive any license is at all times on the applicant. An applicant must accept any risk of adverse public notice, embarrassment, criticism, or other action or financial loss which may result from action with respect to an application and expressly waive any claim for damages as a result thereof.
3. An application for a cannabis establishment license, business license, agent card, or approval by the Board, shall constitute a request to the Board for a decision upon the applicant's general suitability, character, integrity, and ability to participate or engage in, or be associated with, the cannabis industry in the manner or position sought by the application; and, by filing an application with the Board, the applicant specifically consents to the making of such a decision by the Board at their election when the application, after filing, becomes moot for any reason other than death.
4. A request for withdrawal of an application may be made at any time prior to final action upon the application by the Board by filing a written request to withdraw with the Board. Final action by the Board upon an application occurs when the Board adopts its conclusion regarding the application. Unless any Board member directs a request for withdrawal be placed on an agenda for action, the Board Chair may, in the Chair's discretion, grant the request for withdrawal without prejudice. The Board may, in its discretion, deny the request, or grant the request with or without prejudice. If a request for withdrawal is granted with prejudice, the applicant is not eligible to apply again for licensing or approval until after expiration of 1 year from the date of such withdrawal
5. After completion of its investigation and proceedings respecting an application, the Board will issue the approval or denial of the application. If the Board denies an application, the denial will be accompanied by written reasons upon which the denial is based. All such denials and reasons will be made public, and no denial will be secret. Any person whose application has been denied is not eligible to apply again for licensing or approval until after expiration of 1 year from the date of such denial, unless the Board determines in its discretion otherwise.

#### **5.010 Designation of persons responsible for providing information, signing documents and ensuring certain actions are taken.**

1. When a cannabis establishment is required pursuant to this chapter or chapter 678B of NRS to provide information, sign documents, accept service of complaints or notification of violations, or ensure actions are taken, the persons identified in this subsection shall comply with the requirement on behalf of the cannabis establishment:
  - (a) If a natural person is applying for a license for a cannabis establishment, the natural person;
  - (b) If a corporation is applying for a license for a cannabis establishment, a natural person who is an officer of the corporation;
  - (c) If a limited partnership is applying for a license for a cannabis establishment, a natural person who is a partner;
  - (d) If a limited-liability company is applying for a license for a cannabis establishment, a manager or, if the limited-liability company does not have a manager, a natural person who is a member of the limited-liability company;
  - (e) If an association or cooperative is applying for a license for a cannabis establishment, a natural person who is a member of the governing board of the association or cooperative;
  - (f) If a joint venture is applying for a license for a cannabis establishment, a natural person who signed the joint venture agreement;

- (g) If a trust is applying for a license for a cannabis establishment, a natural person who is a trustee of the trust; and
  - (h) If a business organization other than those described in paragraphs (b) to (g), inclusive, is applying for a license for a cannabis establishment, a natural person who is a member of the business organization.
2. For the purposes of this chapter and chapter 678B of NRS, the following persons must comply with the provisions governing owners, officers and board members of a cannabis establishment:
- (a) If a corporation is applying for a license for a cannabis establishment, the shareholders, officers, and board members of the corporation;
  - (b) If a limited partnership is applying for a license for a cannabis establishment, the partners;
  - (c) If a limited-liability company is applying for a license for a cannabis establishment, the members and managers of the limited-liability company;
  - (d) If an association or cooperative is applying for a license for a cannabis establishment, the members of the association or cooperative;
  - (e) If a joint venture is applying for a license for a cannabis establishment, the natural persons who signed the joint venture agreement;
  - (f) If a trust is applying for a license for a cannabis establishment, the trustees of the trust, and
  - (g) If a business organization other than those described in paragraphs (a) to (f), inclusive, is applying for a license for a cannabis establishment, the members of the business organization.

#### **5.015 Qualifications for licensure.**

1. In addition to the considerations in NRS 678B.200 and NRS 678B.280, the Board may consider the following in determining whether any person qualifies to receive a license under the provisions of chapter 678B of the NRS:
- (a) The adequacy of the person's business competence and experience for the role or position for which application is made;
  - (b) The unsuitable affiliates of the person applying for the license even if the person is found suitable by the Board, but associates with, or controls, or is controlled by, or is under common control with, an unsuitable person;
  - (c) The adequacy of the proposed funding for the nature of the proposed operations; and
  - (d) The suitability of the source of funding unless the person satisfies the Board that the source of funding:
    - (1) Is a person of good character, honesty, and integrity;
    - (2) Is a person whose background, reputation and associations will not result in adverse publicity for the State of Nevada and its cannabis industry; and
  - (e) The Board may consider any other qualifications or behavior of the person that the Board determines is inconsistent with the declared policy of the State.

#### **5.020 Request for applications to operate cannabis consumption lounge: Notice by Board; required provisions; time period for submission of applications.**

1. As often as the Board deems necessary, the Board will determine whether a sufficient number of cannabis consumption lounges exist to serve the people of this State and, if the Board determines that additional cannabis consumption lounges are necessary, the Board will issue a request for applications to operate a cannabis consumption lounge. The Board will provide notice of a request for applications to operate a cannabis consumption lounge by:
- (a) Posting on the Internet website of the Board that the Board is requesting applicants to submit applications;
  - (b) Posting a copy of the request for applications at the offices of the Board, and
  - (c) Making notification of the posting locations using the electronic mailing list maintained by the Board for cannabis establishment information.

2. The Board will accept applications in response to a request for applications issued pursuant to this section for 10 business days. The Board will provide notice of a request for applications, that will specify the exact dates on which the applications will be accepted.. The applicants must strictly adhere to the written instructions the Board provides for submittal of each application.

3. If the Board receives an application in response to a request for applications issued pursuant to this section on a date other than the dates set forth in subsection 3, the Board will not consider the application and must return the application and application processing fee to the person that submitted the application.

(Amended: 7/2022)

**5.025 Submission of application by person who holds medical cannabis establishment registration certificate for cannabis establishment of same type; issuance of license; refund of fee if application not approved.** The Board may consider an application by a person who already holds a medical cannabis establishment license for no more than one license for a cannabis establishment of the same type if the person must meet all requirements of the NCCR and Title 56 of the NRS.

**5.030 Submission of application by person who holds medical cannabis establishment registration license for cannabis establishment of same type or different type; submission of application by person in response to request for applications.** Prior to requesting applications pursuant to NCCR 5.020, the Board will promulgate regulations on how a person who holds medical cannabis establishment license will submit an application for a cannabis establishment of same type or different type in response to a request by the Board pursuant to NCCR 5.020.

**5.035 Request by the board of county commissioners of the county to increase percentage of total number of medical cannabis dispensaries.** Upon request by the board of county commissioners of the county to increase percentage of total number of medical cannabis dispensaries to more than 25 percent pursuant to NRS 678B.230, the board of county commissioners of the county must:

1. Submit the request on the form prescribed by the Board;
2. Provide all information on the form prescribed by the Board, including but not limited to, the following:
  - (a) The reason for the request to increase the percentage of total number of medical cannabis dispensaries; and
  - (b) The amount of percentage increase requested.
3. The Board may deny a request to increase percentage of total number of medical cannabis dispensaries if the Board finds the proposed percentage increase will not promote the health, safety, morals, good order and general welfare of the inhabitants of the State of Nevada and the declared policy of this State.

**5.037 Request by the board of county commissioners of a county to the Board to issue a medical cannabis establishment license for one medical cannabis cultivation facility and/or one medical cannabis production facility.**

1. Upon request by the board of county commissioners of a county which does not have any medical cannabis establishments as of December 31, 2023, to the Board to issue a medical cannabis establishment license for one medical cannabis cultivation facility and/or one medical cannabis production facility pursuant to NRS 678B.220(3)(a), the board of county commissioners of the county must:

- (a) Submit the request on the form prescribed by the Board;
- (b) Provide all information on the form prescribed by the Board, including but not limited to, the following:

- (1) Confirmation that the county does not currently have a medical cannabis cultivation license and/or medical cannabis production license, as applicable.

2. The Board may deny the request made pursuant to subsection 1 only if the Board finds that the request violates statute or regulation of the board.

3. Along with the request made pursuant to subsection 1, the board of county commissioners may include community impact factors and criteria deemed important to the county which shall be incorporated into the application materials prior to the Board opening the licensing round and accepting applications in accordance with NCCR 5.037(5).

4. Should the Board grant the request to issue a medical cannabis license pursuant to this section, the Board shall open a licensing round specific to the county and accept applications as set forth in NCCR 5.037 (5).

5. Upon a request by the Board for applications to operate a cannabis establishment pursuant to NCCR 5.037, a person may apply for a cannabis establishment license that has an open application period. An application must be submitted through the Board's designated electronic licensing application system during the time listed on the open application period. No applications will be accepted before or after the open application period. The deadline for application submissions and compliance with the application instructions will be strictly enforced. The Board will grant no grace period for an application once the application period has concluded. The Board will not be held responsible for any technical or other issues that the applicant may experience with the electronic licensing application system during the application period. Failure to submit an application, in a timely manner, for any reason including technical issues, will result in a denial. Questions on the application and/or application submittal process must only be submitted in writing to an email designated explicitly for that purpose in the written application instructions. All such questions emails will be posted publicly on the Board's website and may be combined and/or re-worded for clarity purposes. Regarding such questions and emails, the Board cannot guarantee a response within any particular time frame and/or prior to the application submittal deadline. No applicant is entitled to rely on any verbal information relayed to them regarding the application submittal process. All official application instructions will be posted on the Board's website at [www.ccb.nv.gov](http://www.ccb.nv.gov). The applicant must also provide a point of contact, as required by NCCR 2.050, and update that information as required.

6. The initial application must include the following:

- (a) A one-time, nonrefundable administrative processing fee in an amount designated in NRS 678B.390 for that particular cannabis establishment license type.

- (1) Applicants are solely responsible for ensuring the Board physically receives payment for the above referenced fee no later than 5:00 p.m., Pacific Time, on the final date of the open application period, at either the Board's Carson City office located at 3850 Arrowhead Drive, Suite 100, Carson City, Nevada 89706, or the Board's Las Vegas office located at 700 East Warm Springs Road, Suite 100, Las Vegas, Nevada 89119. Payments delivered to any other locations will not be considered valid or received. Payments must strictly comply with the application instruction requirements regarding submission of payments and will be rejected for any failure to comply with those application instructions. Payments must be made via one of the following methods: (1) electronic transfer via ACH through the Board's

electronic licensing system; (2) cashier's check; (3) or money order. If payment is made by ACH, that process must be completed no later than 5:00 p.m., Pacific Time, on the final date of the open application period. If payment is made by cashier's check or money order, it still must be physically received no later than 5:00 p.m., Pacific Time, on the final date of the open application period. For applicants paying by ACH, if payment does not clear, the application will be deemed incomplete, untimely, and rejected. The Board and its staff are not required to notify applicants of the failure of their payments to clear. The Board is not responsible for any difficulties any applicant may experience in the timely submission of their electronic payment, no matter where such issues or problems may arise. For applicants paying by cashier's check or money order, such payment must be delivered in person to the Board's offices listed in this subsection, but still must be physically received no later than 5:00 p.m., Pacific Time, on the final date of the open application period. Payments must not be dropped off in any drop boxes or mail slots which will result in the associated application being deemed incomplete, untimely, and rejected. The Board shall not be responsible for any payments that are late due to misdirected deliveries from the applicant or anyone else making the in-person delivery, banking issues or mistakes, transportation problems and/or any other reasons. Payment will not be accepted via mail or any other form of commercial delivery service such as Federal Express, United Parcel Service, or DHL. Failure to timely pay the administrative proceeding processing fee will result in the associated application or applications being deemed incomplete and the Board shall reject them.

- (b) The type of cannabis establishment license the applicant is applying for;
- (c) The legal name of the proposed cannabis establishment, as reflected in the articles of incorporation or other formation documents filed with the Nevada Secretary of State;
- (d) An attestation that the applicant can, has, or will secure evidence that the applicant controls liquid assets in an amount of at least \$200,000.00 and evidence of the liquid assets;
- (e) The address where the proposed cannabis establishment will be located and, if applicable, the physical address of any co-owned or otherwise affiliated cannabis establishments;
  - (1) An attestation wherein the applicant agrees and understands that the actual location, when determined, where the cannabis establishment will be conducting business:
    - (I) must not be within 1,000 feet of a public or private school that provides formal education traditionally associated with preschool or kindergarten through grade 12 and that existed on the date on which the application for the proposed cannabis establishment was submitted to the Board;
    - (II) must not be within 300 feet of a community facility that existed on the date on which the application for the proposed cannabis establishment was submitted to the Board; and
    - (III) if the proposed cannabis establishment will be located in a county whose population is 100,000 or more, it must not be within 1,500 feet of an establishment that holds a nonrestricted gaming license described in subsection 1 or 2 of NRS 463.0177 and that existed on the date on which the application for the proposed cannabis establishment was submitted to the Board.
  - (2) While the physical address may change prior to opening the cannabis establishment, this address will be used to identify the local jurisdiction where the cannabis establishment must be located and remain pursuant to NRS 678B.500.

- (3) Once the applicant identifies the address, the applicant is limited to locations within said local jurisdiction pursuant to NRS 678B.500.
- (f) An attestation that the applicant can, has, or will secure evidence when available that the applicant either:
  - (1) owns the property on which the cannabis establishment will be physically located, or
  - (2) has the written permission of the property owner to operate the cannabis establishment at that physical location;
- (g) The mailing address, telephone number, and electronic mail address of the applicant;
  - (1) If contacted by the Board the applicant must respond immediately, but if that is impossible, then no later than 2 business days after contact by the Board. If the applicant does not timely respond to any Board communication that fact may be used to deny the applicant from receiving a prospective, conditional or final license.
- (h) The name, address, and date of birth of each natural person proposed to be an owner, officer or board member of the proposed cannabis establishment. If the applicant or an owner is anything other than a natural person, said applicant or owner must submit the aforementioned information for all owners who hold shares or any type of ownership interest directly or indirectly in the proposed cannabis establishment that in any way equate to 5% or greater on a fully diluted basis;
- (i) Each owner, officer and board member listed in the application, must provide the agent card portal record number showing proof the person has applied for an agent card as a prospective owner, officer, or board member;
  - (1) Applicants must complete all sections of the application, including a complete set of the person's fingerprints, which must be submitted to the Central Repository for Nevada Records of Criminal History for submission to the Federal Bureau of Investigation for its report and payment.
  - (2) If any owner, officer, or board member listed in the application has been convicted of an excluded felony offense, per NRS 678B.050, the application will be removed from the process, unless said person has a pending petition, or has had a petition granted, pursuant to SB 277, Sec. 4.5, 2023 Leg., 82<sup>nd</sup> Sess. (Nv. 2023).
- (j) An affirmation that the applicant has and will implement a diversity plan as required under NCCR 5.045(2)(a)(10);
- (k) An attestation that the application will not result in a violation of NRS 678B.220(3)(a), NRS 678B.230 and NRS 678B.270;
- (l) An attestation that the information provided to the Board to apply for the license is true and correct according to the information known by the attestant at the time of the attestation; and
- (m) An attestation stating, in pertinent part, the following:
  - (1) By submitting this application, I agree to release and hold harmless the State of Nevada, the Cannabis Compliance Board, and each of their board members, board officers, employees, attorneys, and consultants from any and all liability for any and all decisions and actions taken in response to the 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.

7. At the close of the initial application, the Board and Board agents will conduct a review of the applications and rank each application based on a rubric developed and approved by the Board based on the criteria of merit as required in NRS 678B.240 and set forth in NCCR 5.039. The Board shall give additional weight and consideration to an applicant's response to NRS 678B.240(f) and NCCR 5.039(1)(e). If one applicant ranks first with the highest score, that applicant will undergo a suitability investigation. If the Board approves that applicant's suitability, that applicant shall be issued the cannabis establishment license for which they have applied. If the Board does not approve this applicant's suitability, the applicant shall be denied a cannabis establishment license and the Board shall evaluate the suitability of the next highest scoring applicant. This process shall be repeated until a cannabis license is issued.

8. In the event of a tie score, the applicants with the highest rank shall be entered into a random number generator. If an applicant is selected in the random number generator, that applicant will proceed to suitability investigation and issued a cannabis establishment license on approval by the Board. If that applicant is not deemed suitable, another applicant shall be selected for suitability evaluation via the random number generator when two or more applicants have tied for the highest score. Otherwise, the next highest scoring applicant shall undergo a suitability investigation.

9. Pursuant to S.B. 277, Sec 3, 2023 Leg., 82<sup>nd</sup> Sess. (Nv. 2023), if the Board issues a license pursuant to this regulation after January 1, 2024, said license shall be issued as an adult-use cannabis establishment license, unless the license is issued in a covered jurisdiction.

(Adopted: 2/2024)

### **5.039 Criteria and weighting of merit for evaluation of license applications for a medical cannabis establishment license.**

1. In determining whether to issue a medical cannabis establishment license pursuant to NCCR 5.037, the Board shall consider the following criteria of merit and score each application accordingly:

(a) Whether the applicant controls liquid assets in an amount determined by the Board to be sufficient to cover the initial expenses of opening the proposed medical cannabis establishment and complying with the provisions of this title. Select one below:

- 0 Points- Meets minimum requirement of \$200,000 or minimum established by the Board.
- 1 Point- Meets twice the minimum requirement of \$200,000 or minimum established by the Board.
- 2 Points- Meets three times or more of minimum requirement of \$200,000 or minimum established by the Board.

(b) The previous experience of the persons who are proposed to be owners, officers or board members of the proposed medical cannabis establishment at operating other businesses or nonprofit organizations. Select one below:

- 0 Points- No previous operating experience within the last 10 years.
- 1 Point- two or more persons within the ownership structure have responsibility and direct experience managing a company's operations or finances within the last 10 years.
- 2 Points- four or more persons within the ownership structure have responsibility and direct experience managing a company's operations or finances.

(c) The educational and life experience of the persons who are proposed to be owners, officers or board members of the proposed medical cannabis establishment. Select one of the first 3 below plus the Bonus, if appropriate:

- 0 Points- No proposed owners have undergraduate or graduate degrees and less than 5 years work experience.
- 1 Point- two or more persons in the ownership structure have undergraduate degrees (inclusive of a Bachelor's or Associate's degree or their equivalent) and/or 5 years of work experience.

- 2 Points- two or more persons have undergraduate degrees plus at least 1 person has a post graduate degree or 10 years work experience.
- (d) Any demonstrated knowledge or expertise on the part of the persons who are proposed to be owners, officers or board members of the proposed medical cannabis establishment with respect to the compassionate use of cannabis to treat medical conditions:
  - 0 Points- No demonstrated knowledge.
  - 1 Points- Demonstrated knowledge and/or experience.
- (e) The likely impact of the proposed medical cannabis establishment on the community in which it is proposed to be located. If the Board of County Commissioners issues a letter of approval for the applicant, the applicant shall be awarded 5 points.
- (f) The adequacy of the size of the proposed medical cannabis establishment to serve the needs of persons who are authorized to engage in the medical use of cannabis. Select one below:
  - 0 Points- The applicant estimates that it will cultivate less than 10 cannabis plants and/or process less than 10 pounds of cannabis per year.
  - 1 Point- The applicant estimates that it will cultivate 10 to 50 cannabis plants and/or process 10 to 50 pounds of cannabis per year.
  - 2 Points- The applicant estimates that it will cultivate 51 to 100 cannabis plants and/or process 51 to 100 pounds of cannabis per year.
  - 3 Points- The applicant estimates that it will cultivate more than 100 cannabis plants and/or process more than 100 pounds of cannabis per year.
- (g) A diversity plan that comports with NCCR 5.045(2)(a)(10): Select all that apply:
  - 0 Points- No diversity plan.
  - 5 Points – A diversity plan that fully complies with all requirements of NCCR 5.045(2)(a)(1)
- (h) Whether the applicant or the persons who are proposed to be owners, officers or board members of the proposed medical cannabis establishment or has had an ownership interest of 5% or more or board or officer position in a cannabis establishment that has admitted to a violation or been adjudicated to have violated a Category I Violation in NCCR 4.035 or a Category II Violation in NCCR 4.040.
  - 0 Points- No infraction history
  - -1 point (negative) – Two Category II Violations.
  - -2 points (negative) – Three or more Category II Violations.
  - -2 points (negative) – One or two Category I Violations.
  - -3 points (negative) – Three or more Category I Violations.

(Adopted: 2/2024)

#### **5.040 Submission of application for a cannabis consumption lounge license.**

1. Upon a request by the Board for applications to operate a cannabis consumption lounge license, a person may apply for a cannabis establishment license that has an open application period. An application must be submitted through the Board's designated electronic licensing application system during the time listed on the open application period. No applications will be accepted before or after the open application period. The deadline for application submissions and compliance with the application instructions will be strictly enforced. The Board will grant no grace period for an application once the application period has concluded. The Board will not be held responsible for any technical or other issues that the applicant may experience with the electronic licensing application system during the application period. Failure to submit an application, in a timely manner, for any reason including technical issues, will result in a denial. Questions on the application and/or application submittal process must only be submitted in writing to an email designated explicitly for that purpose in the written application instructions. All such emails will be posted publicly on the Board's website. Regarding such emails, the Board cannot guarantee a response within any particular time frame and/or prior to the application submittal deadline. No applicant is entitled to rely on any verbal information relayed to them regarding the application submittal process. All official application instructions will be posted on the Board's website at [www.ccb.nv.gov](http://www.ccb.nv.gov). The applicant must also provide a point of contact, as required by NCCR 2.050, and update that information as required.

2. An application for a cannabis establishment license is non-transferable.

3. To meet the minimum scoring guidelines, the initial application must include the following:

(a) A one-time, nonrefundable administrative processing fee in an amount designated in NRS 678B.390 for that particular cannabis establishment license type.

(1) Applicants are solely responsible for ensuring the Board physically receives payment for the above referenced fee no later than 5:00 p.m., Pacific Time, on the final date of the open application period, at either the Board's Carson City office located at 1550 College Parkway, Suite 142, Carson City, Nevada 89706, or the Board's Las Vegas office located at 700 East Warm Springs Road, Suite 100, Las Vegas, Nevada 89119. Payments delivered to any other locations will not be considered valid or received. Payments must strictly comply with the application instruction requirements regarding submission of payments and will be rejected for any failure to comply with those application instructions. Payments must be made via one of the following methods: (1) electronic transfer via ACH through the Board's electronic licensing system; (2) cashier's check; (3) or money order. If payment is made by ACH, the process must be completed no later than 5:00 p.m., Pacific Time, on the final date of the open application period. If payment is made by cashier's check or money order, it still must be physically received no later than 5:00 p.m., Pacific Time, on the final date of the open application period. For applicants paying by ACH, if payment does not clear, the application will be deemed incomplete, untimely, and rejected. The Board and its staff are not required to notify applicants of the failure of their payments to clear. The Board is not responsible for any difficulties any applicant may experience in the timely submission of their electronic payment, no matter where such issues or problems may arise. For applicants paying by cashier's check or money order, such payment must be delivered in person to the Board offices listed in this subsection, but still must be physically received no later than 5:00 p.m., Pacific Time, on the final date of the open application period. Payments must not be dropped off in any drop boxes or mail slots which will result in the associated application being deemed incomplete, untimely, and rejected. The Board shall not be responsible for any payments that are late due to misdirected deliveries from the applicant or anyone else making the in-person delivery, banking issues or mistakes, transportation problems and/or any other reasons. Payment will not be accepted via mail or any other form of commercial delivery service such as Federal Express, United Parcel Service, or DHL. Failure to timely pay the administrative proceeding fee will result in the associated application or applications being deemed incomplete and the Board shall reject them.

- (b) The type of cannabis establishment license the applicant is applying for;
- (c) The legal name of the proposed cannabis establishment, as reflected in the articles of incorporation or other formation documents filed with the Nevada Secretary of State;
- (d) An attestation that the applicant can, has, or will secure evidence that the applicant controls liquid assets in an amount of at least \$200,000.00 and will provide said evidence within the time frame required in NCCR 5.045(2)(a)(2);

- (1) If and when an applicant meets the minimum scoring guidelines on the application and is selected for a prospective license this affirmation will be verified, and if untrue, may be used to deny the applicant a conditional license.

- (e) The address where the proposed cannabis establishment will be located and, if applicable, the physical address of any co-owned or otherwise affiliated cannabis establishments;

- (1) An attestation wherein the applicant agrees and understands that the actual location, when determined, where the cannabis establishment will be conducting business:

- (I) must not be within 1,000 feet of a public or private school that provides formal education traditionally associated with preschool or kindergarten through grade 12 and that existed on the date on which the application for the proposed cannabis establishment was submitted to the Board;

- (II) must not be within 300 feet of a community facility that existed on the date on which the application for the proposed cannabis establishment was submitted to the Board; and

- (III) if the proposed cannabis establishment will be located in a county whose population is 100,000 or more, it must not be within 1,500 feet of an establishment that holds a nonrestricted gaming license described in subsection 1 or 2 of NRS 463.0177 and that existed on the date on which the application for the proposed cannabis establishment was submitted to the Board.

→ Pursuant to NRS 678B.322(2)(a), “[t]he location of a proposed retail cannabis consumption lounge: [e]xcept as otherwise provided in paragraph (b) [of NRS 678B.322], is not subject to the restrictions set forth in sub-subparagraph (II) of subparagraph (2) of paragraph (a) of subsection 3 of NRS 678B.250 so long as the adult-use cannabis retail store to which the proposed retail cannabis consumption lounge is to be attached or immediately adjacent was in compliance with such requirements at the time it was issued an adult-use cannabis establishment license”. “[T]he time [the adult-use cannabis retail store] was issued an adult-use cannabis establishment license” is interpreted to mean the time frame referenced in NRS 678B.250(3)(a)(2)(II).

- (2) While the physical address may change prior to opening the cannabis establishment, this address will be used to identify the local jurisdiction where the cannabis establishment must be located and remain pursuant to NRS 678B.500.

- (3) Once the applicant identifies the address, the applicant is limited to locations within said local jurisdiction pursuant to NRS 678B.500.

- (f) An attestation that the applicant can, has, or will secure evidence when available that the applicant either:

- (1) owns the property on which the cannabis establishment will be physically located, or

- (2) has the written permission of the property owner to operate the cannabis establishment at that physical location;

- (g) The mailing address, telephone number, and electronic mail address of the applicant;

- (1) If contacted by the Board the applicant must respond immediately, but if that is impossible, then no later than 2 business days after contact by the Board. If the applicant does not timely respond to any Board communication that fact may be used to deny the applicant from receiving a prospective, conditional or final license.

(h) The name, address, and date of birth of each natural person proposed to be an owner, officer or board member of the proposed cannabis establishment. If the applicant or an owner is anything other than a natural person, said applicant or owner must submit the aforementioned information for all owners who hold shares or any type of ownership interest directly or indirectly in any way that equate to 5% or greater;

(1) All owners within the ownership structure for the cannabis establishment must be listed if the person owns 5% or greater interest in any entity within the ownership structure.

(i) For cannabis consumption lounges only, an affirmation that no person who owns 5% or greater interest in any entity within the ownership structure has applied for another cannabis consumption lounge license.

(1) If any application has an owner who owns 5% or greater interest in any entity within the ownership organization chart and said owner is also on any other application wherein they are listed as an owner who owns 5% or greater interest in any entity within the ownership structure, all such applications will be removed from consideration. Any application removed for any reason will not have its administrative processing fee returned; it is a non-refundable fee.

(j) For each owner, officer and board member listed in the application, please provide the agent card portal record number showing proof the person has applied for an agent card as a prospective owner, officer, or board member;

(1) Payment of the agent card fee will not be required until the applicant has met the minimum scoring guidelines on the application and has been selected for a prospective license. Applicants must complete all other sections of the application, including a complete set of the person's fingerprints, which must be submitted to the Central Repository for Nevada Records of Criminal History for submission to the Federal Bureau of Investigation for its report.

(2) If any owner, officer, or board member listed in the application has been convicted of an excluded felony offense, per NRS 678B.050, the application will be removed from the process.

(k) An affirmation that the applicant has and will implement a diversity plan as required under NCCR 5.045(2)(a)(10);

(1) An applicant shall upload the diversity plan as further detailed below in NCCR 5.045(2)(a)(10)(I).

(l) An attestation that the information provided to the Board to apply for the license is true and correct according to the information known by the attestant at the time of the attestation; and

(m) An attestation stating, in pertinent part, the following:

(1) 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 actions taken in response to the 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.

(Amended: 8/2022)

**5.045 Cannabis consumption lounge prospective and conditional licenses.** There is no guarantee that an applicant who meets the minimum scoring guidelines and is selected by the random number selector for a prospective license will also receive a conditional license. To receive a conditional license, an applicant must be found suitable by the Board only after a suitability investigation is completed by Board Agents.

1. In the event the number of licenses for a consumption lounge type are limited, and if the application meets the minimum scoring guidelines to qualify, the application will be entered into a random number selector to determine which applicants will be selected. If selected through the random number selector, the application will be eligible for a prospective license for a cannabis establishment. If there is no limit on the number of licenses to be awarded in any particular licensing period, a random number selector will not be used. However, the applicant must meet the minimum scoring guidelines before they can proceed to a suitability investigation by the Board Agents and suitability review by the Board to receive a conditional license.

2. If the applicant has met the minimum scoring guidelines on the application and was selected for a prospective license for a cannabis consumption lounge, the applicant must fully cooperate with Board Agents to conduct a suitability investigation.

(a) An applicant who receives a letter informing them that they received a prospective license and that they will be proceeding to a suitability investigation by Board Agents must upload the following documents within 120-days of receipt of such letter. There will be no extensions granted to the 120-day deadline with the exception of the funding requirement pursuant to subsection (2) below:

- (1) If the applicant is applying for a license for a cannabis consumption lounge, the proposed hours of operation during which the cannabis consumption lounge plans to be open to consumers;
- (2) Evidence that the applicant controls \$200,000.00 in liquid assets;
- (3) Operating procedures consistent with the NCCRs to ensure the use of adequate security measures;
- (4) Operating procedures consistent with the NCCRs for the use of an inventory control system;
- (5) Operating procedures consistent with the NCCRs for handling such cannabis or adult-use cannabis products;
- (6) Whether the owners, officers or board members of the proposed cannabis consumption lounge have direct experience with the operation of a cannabis establishment in Nevada and whether they have demonstrated a record of operating such an establishment in compliance with Nevada's laws and regulations for an adequate period of time to demonstrate success;
- (7) Whether the owners, officers or board members of the proposed cannabis consumption lounge have direct experience with the operation of a cannabis establishment in a state, jurisdiction or country other than Nevada and whether they have demonstrated a record of operating such an establishment in compliance with the laws and regulations of that state, jurisdiction or country.
- (8) The educational and life experience of the persons who are proposed to be owners, officers or board members of the proposed cannabis consumption lounge;
- (9) The experience of key personnel that the applicant intends to employ in operating the cannabis consumption lounge for which the applicant seeks a license and a short description of the role in which each personnel will serve for the organization and their responsibilities;

(10) A diversity plan which must be in the form of a detailed written plan that includes objectives, timetables, and evaluation metrics and describes the steps an applicant will take to ensure that the cannabis consumption lounge will promote the meaningful inclusion of diverse groups. The Board will determine whether the stated goals outlined in each Diversity Plan are reasonable and represent a good faith effort to assure that the applicant, who has met the minimum scoring guidelines on the application, accords all persons an equal opportunity in contracting and employment. As used in NRS 678B, diversity refers to minorities, women, and the inclusion of other persons of backgrounds which are disproportionately underrepresented. However, the inclusion of other underrepresented groups, including, but not limited to, veterans, persons with disabilities, and LGBTQ+, is encouraged.

(I) The Diversity Plan, referenced in subsection (10) above, must include the following information:

(i) The demographic information of each owner, officer, board member, employee, and independent contractor as currently known by the applicant;

(ii) Strategies for obtaining a diverse group of owners, officers, board members, employees, including executive positions, management, and independent contractors;

(iii) Employee hiring and retention diversity goals adopted by the applicant;

(iv) A plan for diversity related outreach or events the applicant will conduct to support its diversity goals in ownership, investment, management, employment, and contracting;

(v) Any materials from the applicant on its mentoring, training, or professional development programs for diverse groups;

(vi) Proposed timelines and benchmarks for achieving the diversity goals outlined in the Diversity Plan, or in the alternative, a narrative describing the applicant's ability to record and report on the components of the Diversity Plan;

(vi) Any other information that demonstrates the applicant's commitment to diversity in ownership, investment, management, employment, and contracting; and

(vii) Any other information or documentation required by the Board.

(11) Last two fiscal year financial statements (or a statement explaining why the financial statements are not available), including an income statement, balance sheet and earnings before interest, taxes, depreciation, and amortization (EBITDA);

(12) Resumes or curriculum vitae for all owners, officers, and board members;

(13) Two-year business plan and first-year operating budget for the cannabis establishment;

(14) History of the company; and

(15) If a publicly-traded company, the most recent Non-Objecting Beneficial Owner (NOBO) list.

(b) An applicant who receives a letter informing them that they received a prospective license based on the social equity criteria and is proceeding to a suitability investigation by Board Agents must upload the following documents in addition to the documents listed in subsection (a) within 120 days of receipt of such letter:

(1) Evidence that a social equity applicant's residence is in an approved census tract by displaying an original or certified copy of any two of the following documents:

(I) A receipt from the rent or lease of a residence located in an approved census tract;

(II) A lease of a residence located in an approved census tract on which the applicant appears as the lessee during a lease term within the previous five years;

(III) A record from a public utility for a service address located in an approved census tract dated within the previous five years;

- (IV) A bank or credit card statement indicating a residential address located in an approved census tract dated within the previous five years;
- (V) A stub from an employment check indicating a residential address located in an approved census tract;
- (VI) A document from a state or federal court indicating a residential address located in an approved census tract dated within the previous five years;
- (VII) A document issued by an insurance company or its agent, including, without limitation, an insurance card, binder or bill, indicating a residential address located in an approved census tract;
- (VIII) A record, receipt or bill from a medical provider indicating a residential address located in an approved census tract;
- (IX) Tax records for the most recent tax year, other than the records described in paragraph (XI), indicating a residential address located in an approved census tract;
- (X) A statement or bill requesting payment, other than a bill from a medical provider, indicating a residential address located in an approved census tract dated within the previous five years;
- (XI) A record of property taxes assessed or paid for the most recent tax year for a residence located in an approved census tract;
- (XII) A deed of trust or other documentation of a current mortgage for a residence located in an approved census tract;
- (XIII) A record from an educational institution in an approved census tract which establishes that the applicant is currently enrolled in the educational institution or an identification card issued by the educational institution dated within the previous five years that contains the address in which the applicant resided;
- (XIV) A receipt from a hotel, motel, recreational vehicle park or campground located in an approved census tract indicating not fewer than 30 days of consecutive residency which is dated within the previous five years;
- (XV) A voter registration card issued to the applicant within the previous five years;
- (XVI) Documentation of receipt of benefits in an approved census tract under any state program of public assistance dated within the previous five years;
- (XVII) A Leave and Earnings Statement, or an equivalent or successor form, indicating residency in an approved census tract, of an applicant who is a member of the military and who is deployed outside of Nevada while serving on active duty dated within the previous five years;
- (XVIII) A notarized statement from the owner of a residence located in an approved census tract indicating that the applicant physically resides at the residence dated within the previous five years;
- (XIX) Documentation indicating that the applicant is a person for whom a fictitious address has been issued pursuant to NRS 217.462 to 217.471, inclusive; or
- (XX) A form approved by the Board as proof of the applicant's residence in an approved census tract.
- (XXI) As used in this section, "military" means the Armed Forces of the United States, a reserve component thereof or the National Guard.

(2) A social equity applicant must provide proof of conviction for a cannabis offense for either the applicant and/or the applicant's parent, sibling, or child. Required documents are as follows:

- (I) Certified copy of the Judgment of conviction; and/or
- (II) Proceedings sheet and/or court minutes.

(c) The documents listed under subsection (a) of subsection 2 are the minimum documents applicants, who have met the minimum scoring guidelines on the applications, are required to upload to the designated electronic licensing application system. If there are no responsive documents to one of the minimum required documents, the applicant must submit an explanation of why they omitted the document. The applicant must turn over any other documents requested by the Board. They must also facilitate in a timely matter any interview of an owner, officer, or board member requested by the Board or Board Agents. If the Board or Board Agents contact the applicant for any reason, the applicant must respond immediately. If an immediate response is not possible, the applicant must respond, no later than 2 business days after contact by the Board or Board Agents. If the applicant fails to respond to any Board or Board Agent communication in a timely manner, that fact may be used to deny the applicant from receiving a prospective, conditional or final license.

(d) When Board Agents complete a suitability investigation, a presentation shall be scheduled at an open and public meeting in front of the Board. The applicant and any requested owner, officer, or board member must be in attendance and prepared to give an affirmative presentation to the Board regarding its application for a license and final suitability determination. The applicant must be prepared to answer any and all questions posed by the Board during the open and public meeting.

(e) The Board will determine on a case-by-case basis the relative weight to give, if any, to any criterion of merit considered and established by the Board.

(f) Once an applicant's conditional license has been issued, the applicant's Diversity Plan will no longer be confidential.

(Amended: 7/2022)

#### **5.050 Cannabis consumption lounge final licenses.**

1. If the applicant who has met the minimum scoring guidelines on the application receives a conditional license for a cannabis consumption lounge, the applicant must obtain the final license and become operational within the time limit set in NCCR 5.085. The applicant must work closely with state and local governments and officials to meet all necessary requirements to receive the final license which include, but are not limited to, the following:

- (a) Compliance with the zoning and land use rules adopted by the local government in which the establishment will operate;
- (b) Issuance of a permanent or temporary business license for the operation of the cannabis establishment by the local government;
- (c) Completion of a pre-opening final inspection of the cannabis establishment by the Board that results in a statement of no deficiencies or approved plan of correction;
- (d) Establishment and implementation of any and all other requirements as required by the specific regulations that governs the cannabis establishment license type awarded as well as any other requirement of the Board or local government; and
- (e) Full payment of all annual license renewal fees and outstanding time and effort billings.

(Amended: 7/2022)

**5.053 Petition for re-evaluation of suitability by the Board.** If the applicant who has met the minimum scoring guidelines on the application is denied a conditional license, they may petition the Board if they wish to have their suitability reevaluated based on said denial. The applicant must file their petition with the Board within 30 days from the date on the written denial letter from the Board. The petition must explain why the Board's evaluation of suitability that resulted in the denial of the conditional license was improper and provide any other information and/or documentation for the Board's determination. The Board may deny the petition or set the petition for a hearing within 90 days of receiving the petition.  
(Adopted: 7/2022)

**5.055 Selection of social equity applicants.** Whenever the State of Nevada allocates licenses to social equity applicants during an open application period for a type of cannabis establishment license, a social equity applicant must meet the following criteria:

1. Social equity applicants are identified, and these criteria shall be added to the application process, as persons who:

(a) Have at least 51% ownership in the business;

(b) Have resided in one of the following census tracts nationwide for no less than the previous five years meeting the following two criteria:

(1) A census tract with an Area Deprivation Index score of seven (7) state-only decile or higher; and

(2) A census tract that has an incarceration rate in the 90th percentile, or roughly 3.3% of everyone who grew up in the census tract was in jail or incarcerated at the time of the 2010 Decennial Census.

(c) Are included in at least one of the following categories:

(1) Convicted of a non-violent felony and/or misdemeanor cannabis offense; or

(2) Their immediate family member (parent, sibling, or child) was convicted of a felony cannabis offense and who lived in or currently lives in a census tract, designated by the Board, where:

(I) A census tract with an Area Deprivation Index score of seven (7) state-only decile; and

(II) A census tract that has an incarceration rate in the 90th percentile, or roughly 3.3% of everyone who grew up in the census tract was in jail or incarcerated at the time of the 2010 Decennial Census.

2. Social equity applicants shall have the administrative processing fee reduced by 75%.

(Amended: 7/2022)

**5.057 Lack of an ordinance from local governmental jurisdiction conclusively establishes no limit on business licensees for cannabis consumption lounges in local governmental jurisdiction.** If, by the date that the Board issues a request for applications to operate a cannabis consumption lounge, a local governmental jurisdiction has not adopted an ordinance limiting the amount of business licenses issued to cannabis consumption lounges, then this conclusively establishes no limit exists in the local governmental jurisdiction for purposes of NRS 678B.327 for that specific application period.

(Adopted 8/2022)

**5.060 Issuance of license if Board receives less applications than available cannabis establishment licenses for an open application period; issuance of license if adult-use cannabis retail store applies for a retail cannabis consumption lounge.**

1. If during an open application period the Board receives fewer applications than there are available licenses and the applications comply with NCCR 5.040, the applicants that have met the minimum scoring guidelines on the application will proceed to a suitability investigation by Board Agents and suitability review by the Board.
2. If an applicant who holds a final license for an adult-use cannabis retail store applies for a retail cannabis consumption lounge during an open application period, submits a application that complies with NCCR 5.040, and meets the minimum scoring guidelines on the application and any other requirements set forth in Title 56 of the NRS and the NCCR, the applicant will proceed to a suitability investigation by Board Agents and suitability review by the Board.

(Amended: 7/2022)

**5.065 Procedure to request a reduction of initial issuance and renewal fees for independent cannabis consumption conditional licenses.**

1. A person in possession of a conditional license for an independent cannabis consumption lounge can apply to the Board to have their initial and renewal fees under NRS 678B.390 reduced due to financial hardship. This request must include the following:
  - (a) An attestation that the cannabis independent cannabis consumption lounge will become operational within 12 months of the date of the request to reduce fees.
  - (b) Evidence of financial hardship satisfactory to the Board which includes:
    - (1) Evidence that the cannabis independent cannabis consumption lounge's outstanding costs and expenses are greater than the assets available to satisfy these costs and expenses;
    - (2) Evidence that the independent cannabis establishment consumption lounge has exhausted all financial options; and
    - (3) Evidence of any other compelling reason to reduce the renewal fees under NRS 678B.390.

The Board will make the ultimate determination as to whether the request establishes financial hardship.

2. Initial requests for reducing fees pursuant to this section must be submitted at least 30-days before the 12-month deadline referred to in NCCR 5.085 subsection 1 expires.

(Amended: 7/2022)

**5.070 Inspections.**

1. Board Agents or the Executive Director may, at any time they determine an inspection is needed, conduct an investigation into the premises, facilities, qualifications of personnel, methods of operation, policies and procedures of any cannabis establishment and of any person proposing to engage in the operation of a cannabis establishment. An inspection of a facility may include, without limitation, investigation of standards for safety from fire on behalf of the Board by the local fire protection agency. If a local fire protection agency is not available, the State Fire Marshal may conduct the inspection after the cannabis establishment pays the appropriate fee to the State Fire Marshal for such inspection.
2. The Board will not issue a license for a cannabis establishment until the Board Agents complete an inspection of the cannabis establishment. Such an inspection may require more than one visit to the cannabis establishment.
3. Board Agents may conduct a preliminary walk-through of a cannabis establishment, upon request and subject to the availability of inspectors, to assist with questions and identify issues for correction before the inspection of the cannabis establishment. Before requesting a preliminary walk-through, a cannabis establishment must complete all construction and be near completion of all other requirements of the laws and regulations of this State. If a Board Agent conducts a preliminary walk-through at the request of a cannabis establishment, the Board will issue an invoice to the cannabis establishment for the costs of the preliminary walk-through, including, without limitation, travel and inspection activities.

4. In addition to complying with the provisions of chapters 372A and 678B of NRS and chapter 372A of NAC governing the imposition of an excise tax on cannabis establishments, a cannabis establishment may not operate until it has been issued a license from the Board.
5. The Board will not issue a license for a cannabis establishment until the Board has received a satisfactory report of full compliance with and completion of all applicable public safety inspections required by state and local jurisdictions, including, without limitation, fire, building, health and air quality inspections, except as otherwise provided in NCCR 5.075.

**5.075 Authority of Board and Executive Director relating to inspections and investigations, summoning of witnesses and issuance of subpoenas, administration of oaths and administration of provisions of chapter.**

1. Submission of an application for a license for a cannabis establishment constitutes permission for entry to and reasonable inspection of the cannabis establishment by the Board and Board Agents, with or without notice. An inspector conducting an inspection pursuant to this section does not need to be accompanied during the inspection.
2. The Executive Director may, upon receipt of a complaint against a cannabis establishment, except for a complaint concerning the cost of services, a complaint concerning the efficacy of cannabis or a complaint related to consumer service issues, conduct an investigation during the operating hours of the cannabis establishment, with or without notice, into the premises, facilities, qualifications of personnel, methods of operation, policies, procedures and records of that cannabis establishment or any other cannabis establishment which may have information pertinent to the complaint.
3. Board Agents may enter and inspect any building or premises at any time, with or without notice, to:
  - (a) Secure compliance with any provision of the NCCR or Title 56 of NRS;
  - (b) Prevent a violation of any provision of the NCCR or Title 56 of NRS; or
  - (c) Conduct an unannounced inspection of a cannabis establishment in response to an allegation of noncompliance with the NCCR or Title 56 of NRS.
4. The Board may:
  - (a) Summon witnesses to appear and testify on any subject material to its responsibilities under this chapter or Title 56 of NRS. No property owner and no officer, director, superintendent, manager or agent of any company or corporation, whose property is wholly in one county, shall be required to appear, without his or her consent, at a place other than the county seat or at the nearest town to his or her place of residence or the principal place of business of such company or corporation. Such summons may be served by personal service by the Executive Director or his or her agent or by the sheriff of the county.
  - (b) Except as otherwise provided in this paragraph, issue subpoenas to compel the attendance of witnesses and the production of books and papers and may seek to enforce the subpoenas by petition to any court of competent jurisdiction in the manner provided by law. The Board will not issue a subpoena to compel the production of books and papers that contain individually identifiable health information.
5. Any member of the Board, the Executive Director or any officer of the Board designated by the Board or Executive Director may administer oaths to witnesses.
6. The Board and Board Agents may:
  - (a) Inspect and examine all premises wherein cannabis is manufactured, sold or distributed;
  - (b) Inspect all equipment and supplies in, upon or about such premises;
  - (c) Summarily seize and remove from such premises any cannabis or cannabis products and impound any equipment, supplies, documents or records for the purpose of examination and inspection;

- (d) Demand access to and inspect, examine, photocopy and audit all papers, books and records of any applicant or licensee, on his or her premises, or elsewhere as practicable, and in the presence of the applicant or licensee, or his or her agent, relating to the gross income produced by any cannabis establishment, and require verification of income, and all other matters affecting the enforcement of the policy or any of the provisions of this chapter or any chapter of Title 56 of NRS; and
  - (e) Demand access to and inspect, examine, photocopy and audit all papers, books and records of any affiliate of a licensee whom the Board knows or reasonably suspects is involved in the financing, operation or management of the licensee. The inspection, examination, photocopying and audit may take place on the premises of the affiliate or another location, as practicable, and in the presence of the affiliate or its agent.
7. Board Agents will enter and inspect at least annually, with or without notice, each building or the premises of a cannabis establishment to ensure compliance with the provisions of this chapter and Title 56 of NRS. Nothing in this subsection shall be construed to prohibit an appropriate local administrative authority from conducting an inspection of the facilities or operations of a cannabis establishment as provided by the ordinance of a local government.
  8. Board Agents will enter and inspect, with or without notice, any building or premises operated by a cannabis establishment within 72 hours after the Board is notified that the cannabis establishment is operating without a license for the cannabis establishment.
  9. Board Agents will inspect the medical cannabis establishment and the cannabis establishment of a dual licensee at the same time using the same inspection team to ensure consistency and efficiency. Board Agents will conduct such an inspection in a manner which is not unduly burdensome for the dual licensee.
  - 10 The Board or Board Agents may consult with any person or entity, as needed, in any of the Board's audits, inspections, and/or investigations. This includes, but is not limited to, allowing such persons or staff from said entities to accompany Board Agents during inspections, and/or investigations.
  11. The Board will administer the provisions of the NCCR and Title 56 of NRS for the protection of the public and in the public interest in accordance with the policy of this State.
  12. As used in this section, "individually identifiable health information" means information which identifies a natural person, or from which the identity of a natural person may reasonably be ascertained, and which relates to:
    - (a) The past, present or future physical or mental health or condition of the person; or
    - (b) The provision of health care to the person.

**5.085 Surrender of conditional license if cannabis establishment has not received final inspection; extension of time for final inspection; fee not refundable.**

1. If a cannabis establishment has not received a final inspection within 12 months after the date on which the Board issued a conditional license to the cannabis establishment, the cannabis establishment must surrender the license to the Board. The Board may extend the period specified in this subsection if the Board, in its discretion, determines that extenuating circumstances prevented the cannabis establishment from receiving a final inspection within the period specified in this subsection or if factors outside the control of the cannabis establishment caused a delay in satisfying the requirements of NRS 678B.320(1). Any request made under this subsection must be made in writing at least 30-days before the original 12-month period expires.
2. If a cannabis establishment surrenders a license to the Board pursuant to this section, the applicable licensing fee paid by the cannabis establishment is not refundable.

(Amended: 7/2022)

**5.090 Notification to Board if cannabis establishment is closing; immediate surrender of license upon permanent closure.** If a cannabis establishment is closing, the person identified in subsection 1 of NCCR 2.050 for the cannabis establishment must notify the Board of the closing at least 15 days before the cannabis establishment is closed. If the intent is to permanently close the cannabis establishment it must surrender its license to the Board immediately upon closing.

**5.095 Renewal of license.** A person or entity that wishes to renew a license for a cannabis establishment must annually submit to the Board:

1. Payment of the annual licensing fee for the renewal of the license. Payment must include the identification numbers of the establishment and the name of the entity applying to renew the license.
2. Any such other information required by the Board upon request.
3. If a person or entity fails to renew its license by the expiration date, then the licensee shall cease operations until its license is renewed. If the person or entity fails to renew its license within ninety (90) days of the expiration date, then the license shall be deemed voluntarily surrendered.

**5.100 Grounds for denial of issuance or renewal of license; notice of denial; opportunity to correct situation.**

1. The Board may deny an application for the issuance or renewal of a license for a cannabis establishment on any of the following grounds:
  - (a) Violation by the applicant or the cannabis establishment of any of the provisions of the NCCR or Title 56 of NRS.
  - (b) The failure or refusal of an applicant or cannabis establishment to comply with any of the provisions of the NCCR or Title 56 of NRS.
  - (c) The failure or refusal of a cannabis establishment to carry out the policies and procedures or comply with the statements provided to the Board in the application of the cannabis establishment.
  - (d) Operating a cannabis establishment without a license, including, but not limited to, the failure to timely submit a renewal application, the failure to timely pay renewal fees, or failure to pay all time and effort billing.
  - (e) The failure or refusal to return an adequate plan of correction to the Board within 10 business days after receipt of a statement of deficiencies.
  - (f) The failure or refusal to correct any deficiency specified by the Board within the period specified in a plan of correction approved by the Board.
  - (g) The failure or refusal to cooperate fully with an investigation or inspection by the Board or Board Agents.
  - (h) The failure to comply with the provisions of chapters 372A and Title 56 of NRS and chapter 372A of NAC governing the imposition of an excise tax on cannabis establishments.
  - (i) An owner, officer or board member of the cannabis establishment intentionally provides information that the Board determines is false or misleading.
  - (j) Failure to adhere to all local requirements, including but not limited to licensing requirements.
2. If the Board denies an application for issuance or renewal of a license for a cannabis establishment, the Board may provide notice to the applicant or cannabis establishment that includes, without limitation, the specific reasons for the denial.

(Amended: 7/2022)

**5.110 Requirements for transfer of all or a portion of ownership interest; reimbursement of costs to Board; notice to Board; disclosure of facts pertaining to representative capacity of certain persons to Board; permission of Board required for registering certain information in the books and records of the cannabis establishment; investigation.**

1. A transfer of an ownership interest in any amount in a cannabis establishment is not effective until the Board has been notified on a form prescribed by the Board of the intent to transfer an ownership interest in the cannabis establishment and the Board has found that each person to whom an ownership interest is proposed to be transferred is individually qualified to be an owner of the cannabis establishment.
2. A cannabis establishment shall, in accordance with this section and upon submission of a statement signed by a person authorized to submit such a statement by the governing documents of the cannabis establishment, transfer all or any portion of its ownership to another party, and the Board shall transfer the license issued to the cannabis establishment to the party acquiring ownership, if the party who will acquire the ownership of the cannabis establishment submits:
  - (a) If the party will acquire the entirety of the ownership interest in the cannabis establishment, evidence satisfactory to the Board that the party has complied with the NCCR and Title 56 of the NRS for the purpose of operating the cannabis establishment;
  - (b) For the party and each person who is proposed to be an owner, officer or board member of the cannabis establishment, the name, address and date of birth of the person, a complete set of the fingerprints of the prospective cannabis establishment agent must be submitted by the applicant to the Central Repository for Nevada Records of Criminal History for submission to the Federal Bureau of Investigation for its report; and
  - (c) Proof satisfactory to the Board that, as a result of the transfer of ownership, no person, group of persons or entity will, in a county whose population is 100,000 or more, hold more than one license for a cannabis establishment or more than 10 percent of the licenses for cannabis establishments allocated to the county, whichever is greater.
3. A cannabis establishment shall reimburse the Board for all costs incurred by the Board and Board Agents to determine whether any change in ownership or other change was made to circumvent the provisions of this section which prohibit the transfer of a license for a cannabis establishment or to otherwise review or investigate a change in ownership.
4. A person shall not sell, purchase, assign, lease, grant or foreclose a security interest or otherwise transfer, convey or acquire in any manner whatsoever any interest of any sort whatsoever in or to any cannabis establishment or any portion thereof, whether the license for the cannabis establishment is conditional or not, or enter into or create a voting trust agreement or any other agreement of any sort in connection with any cannabis establishment or any portion thereof, except in accordance with this chapter and Title 56 of NRS.
5. A cannabis establishment shall notify the Board, on a form prescribed by the Board, each time an ownership interest in any amount in the cannabis establishment is transferred. This form must be signed by:
  - (a) All owners of the cannabis establishment; or
  - (b) All officers of the cannabis establishment; or
  - (c) All board members of the cannabis establishment.
6. A person without a valid cannabis establishment agent registration card for a cannabis establishment shall notify the Board prior to any:
  - (a) Transfer or conveyance of any interest in or to a cannabis establishment, or any portion thereof; or
  - (b) investment therein; or
  - (c) exercise of a significant level of control over; or
  - (d) participation in the profits thereof→by or to any person acting as agent or trustee or in any other representative capacity for or on behalf of another person. Such notification must disclose of all facts pertaining to such action, including, without limitation, a description of the reason for the transfer and any contract or other agreement describing the transaction. Such person must be issued a cannabis establishment agent registration card for the cannabis establishment at issue, on approval by the Board of the proposed action.

7. A cannabis establishment, or an owner, officer or board member thereof, shall not cause or permit any stock certificate or other evidence of beneficial interest in the cannabis establishment to be registered in the books or records of the cannabis establishment in the name of any person other than the true and lawful owner of the beneficial interest without the written permission of the Board.
8. If the person receiving an ownership interest is not a natural person, the recipient must disclose the percentage of the ownership interest in the cannabis establishment received by each person who has an ownership interest in the recipient.
9. A request to transfer an ownership interest in a cannabis establishment which holds a conditional license must be accompanied by a notarized attestation, signed by a person authorized to submit such an attestation by the governing documents of the cannabis establishment, declaring that the prospective owner will build and operate the cannabis establishment at standards that meet or exceed the criteria contained in the original application for the cannabis establishment.
10. The owners of a cannabis establishment may request the transfer of any portion or the entirety of the ownership interest in the cannabis establishment to any existing owner or combination of existing owners of the cannabis establishment by submitting to the Board:
  - (a) A completed Transfer of Interest Form prescribed by the Board;
  - (b) An affidavit by the owners of the cannabis establishment requesting the transfer affirming under oath that they are authorized to request the transfer of interest and all current owners and interested parties authorize and consent to the transfer of interest;
  - (c) All contracts or other agreements which describe the ownership transaction;
  - (d) Proof satisfactory to the Board that no monopoly will be created; and
  - (e) If such transfer shall increase an ownership interest of an owner with less than a five (5) percent interest to an interest of five (5) percent or more, and this level of interest is maintained for forty-five (45) consecutive days, whether voting or beneficial, then all statutory and regulatory requirements pertaining to owners with five (5) percent interest or more apply as of thirty (30) days after the forty-fifth (45) consecutive day. The cannabis establishment must notify the Board within five (5) business days after it becomes aware of any ownership equal to or exceeding five (5) percent for more than forty-five (45) consecutive days. At the discretion of the Board, the thirty (30) day requirement set forth in this subsection may be extended upon written request of the licensee.
11. The owners of a cannabis establishment may request the transfer of any portion or the entirety of the ownership interest in the cannabis establishment to any natural person who holds an ownership interest in another cannabis establishment or any person whose ownership interest is entirely held by natural persons who hold an ownership interest in another cannabis establishment by submitting to the Board:
  - (a) A completed Transfer of Interest Form prescribed by the Board;
  - (b) An affidavit by the owners of the cannabis establishment requesting the transfer affirming under oath that they are authorized to request the transfer of interest and all current owners and interested parties authorize and consent to the transfer of interest;
  - (c) All contracts or other agreements which describe the ownership transaction;
  - (d) Identification of each cannabis establishment in which any person who is proposed to receive an ownership interest in the cannabis establishment which is the subject of the request holds an ownership interest;
  - (e) A proposed organizational chart for the cannabis establishment which is the subject of the request;
  - (f) A copy of any document required to be filed with the Secretary of State, if applicable;
  - (g) A copy of any document required to be revised as a result of the proposed transfer relating to a fictitious name, if applicable;
  - (h) An updated description of all shares issued in the cannabis establishment and the shares issued per owner as a result of the proposed transfer, if applicable;
  - (i) A copy of a business license issued to the cannabis establishment by a locality which is revised to reflect the proposed transfer, if applicable; and
  - (j) Proof satisfactory to the Board that no monopoly will be created.

12. The owners of a cannabis establishment may request the transfer of any portion or the entirety of the ownership interest in the cannabis establishment to any natural person, regardless of whether the natural person holds an ownership interest in another cannabis establishment, or any person whose ownership interest is not entirely held by natural persons who hold an ownership interest in another cannabis establishment by submitting to the Board:

- (a) A completed Transfer of Interest Form prescribed by the Board;
- (b) An affidavit by the owners of the cannabis establishment requesting the transfer affirming under oath that they are authorized to request the transfer of interest and all current owners and interested parties authorize and consent to the transfer of interest;
- (c) All contracts or other agreements which describe the ownership transaction;
- (d) A complete set of the fingerprints of the prospective cannabis establishment agent must be submitted by the applicant to the Central Repository for Nevada Records of Criminal History for submission to the Federal Bureau of Investigation for its report;
- (e) Proof that a complete application for a cannabis establishment agent registration card has been submitted for each person who will receive an ownership interest;
- (f) A proposed organizational chart for the cannabis establishment;
- (g) A copy of any document required to be filed with the Secretary of State, if applicable;
- (h) A copy of any document required to be revised as a result of the proposed transfer relating to a fictitious name, if applicable;
- (i) An updated description of all shares issued in the cannabis establishment and the shares issued per owner as a result of the proposed transfer, if applicable;
- (j) A copy of a business license issued to the cannabis establishment by a locality which is revised to reflect the proposed transfer, if applicable; and
- (k) Proof satisfactory to the Board that no monopoly will be created.

13. The Board Agents will conduct such investigation of a request submitted pursuant to subsection 10, 11 or 12 and of each person proposed to receive an ownership interest in a cannabis establishment as a result of such a request as the Board Agents determine is necessary. If the Board, as a result of such an investigation, determines additional information is necessary to complete the investigation, the cannabis establishment shall submit such information to the Board in a timely fashion. Upon completion of the investigation, the Board will:

- (a) If the requested change in ownership does not violate any provision of the NCCR or Title 56 of NRS or any other relevant law or regulation:
  - (1) Notify the cannabis establishment in writing that the request has been approved;
  - (2) Update its records to reflect the new ownership of the cannabis establishment; and
  - (3) Notify the locality in which the cannabis establishment is located of the change in ownership of the cannabis establishment.
- (b) If the requested change in ownership violates any provision of the NCCR, Title 56 of NRS or any other relevant law or regulation, notify the cannabis establishment in writing that the request has been denied and state the reason for denial.

14. Except for persons possessing a valid agent card and associated with a licensed cannabis establishment or licensed business entity, each employee, agent, personal representative, lender or holder of indebtedness of a cannabis licensee who, in the opinion of the Board, has the power to exercise a significant influence over the licensee's operation of a cannabis establishment may be required to apply for a license. A person required to be licensed pursuant to this section shall apply for a license within 30 days after the Board requests that the person do so.

15. An independent cannabis consumption lounge licensee may not transfer the license until 2 years from the date on which the independent cannabis consumption lounge license became operational, except an independent cannabis consumption lounge licensee may transfer any ownership interest if:

- (a) Any such transfer does not result in the original ownership dropping below 51%.
- (b) Death or incapacitation of original owners requires such transfer providing:
  - (1) If the original ownership qualified as a social equity applicant pursuant to NCCR 5.055, the resulting ownership must also qualify as a social equity applicant.
  - (2) Must follow the requirements of NCCR 5.170.

(c) In cases of financial distress, ownership disputes, or possible impairment to the health or safety of the public, and/or in any other situations the Board finds appropriate, a licensee of an independent cannabis consumption lounge or any one of its owners may request the Board to order a cannabis receiver to take possession and control of the independent cannabis consumption lounge license.

(Amended: 7/2022)

**5.112 Procedures for waiving requirements of NCCR 5.110 regarding any transfer of ownership of less than 5 percent.**

1. The Board may waive the requirement to obtain Board approval for a transfer of a portion of ownership interest of less than 5 percent:

(a) The cannabis establishment can request a waiver of the requirement on a form prescribed by the Board, including, but not limited to, the following information:

(1) An explanation as to why Board approval should be waived for a transfer of ownership interest of less than 5 percent;

(2) A list of all owners of any ownership interest in the Cannabis Establishment, and their address, as of the date of the waiver application, unless it is a person who holds an ownership interest of less than 5 percent of a publicly traded company then the disclosure will be pursuant to Regulation 5.127;

(3) A certification by the cannabis establishment that any person who holds an ownership interest of less than 5 percent does not exert control or hold a position of authority over the cannabis establishment and any of the other persons who claim ownership in the cannabis establishment; and

(4) Any other information requested by the Board necessary to promote the health, safety, morals, good order and general welfare of the inhabitants of the State of Nevada and the declared policy of this State.

2. Any such waiver approved by the Board pursuant to this regulation, is valid for a time specified by the Board at its discretion.

3. The Board may deny or rescind any previously approved waiver pursuant to this regulation at its discretion.

4. For purposes of NRS 678B.340(4), with respect only to transfers of interest and cannabis establishment agent registration cards for those who do not volunteer or work at, contract to provide labor to or be employed by an independent contractor to provide labor to a cannabis establishment as a cannabis establishment agent, the term “prospective cannabis establishment agent” shall be deemed to exclude any passive investor in a company owning less than 5 percent of the shares of that company.

(Amended: 10/2020)

**5.115 Contracts or agreements with certain unsuitable or unlicensed persons prohibited; termination of contract or agreement.**

1. A person who has:

(a) Been denied a license or agent card by the Board;

(b) Been found unsuitable by the Board; or

(c) Had a license, agent card or other approval revoked by the Board,

→shall not enter or attempt to enter into any contract or agreement with a licensee, either directly or indirectly, through any business organization under such a person’s control that involves the operations of a licensee without the prior approval of the Board. This provision does not prohibit any person from purchasing any goods or services for personal use from a licensee at retail prices that are available to the general public.

2. Every contract or agreement with a person that is subject to the provisions of subsection 1 shall be deemed to include a provision for its termination without liability on the part of the licensee. Failure to expressly include that condition in the contract or agreement is not a defense in any action brought pursuant to this section to terminate the agreement.

**5.120 Submission of information by cannabis establishment to obtain or renew registration card for person employed by or contracted with establishment or for volunteer; fingerprinting and application fee; issuance of registration card; temporary registration.**

1. A person who wishes to volunteer or work at a cannabis establishment, or a cannabis establishment that wishes to retain as a volunteer or employ such a person, shall submit to the Board an application on a form prescribed by the Board. The application must be accompanied by:

- (a) The name, address and date of birth of the prospective cannabis establishment agent;
- (b) A statement signed by the prospective cannabis establishment agent pledging not to dispense or otherwise divert cannabis to any person who is not authorized to possess cannabis in accordance with the provisions of this title;
- (c) A statement signed by the prospective cannabis establishment agent asserting that he or she has not previously had a cannabis establishment agent registration card revoked;
- (d) A complete set of the fingerprints of the prospective cannabis establishment agent must be submitted by the applicant to the Central Repository for Nevada Records of Criminal History for submission to the Federal Bureau of Investigation for its report;
- (e) A statement prescribed by the Division of Welfare and Supportive Services of the Department of Health and Human Services pursuant to NRS 425.520. The statement must be completed and signed by the applicant;
- (f) The application fee;
- (g) A list and description of each of the following which has not been previously reported to the Board:
  - (1) A conviction of any felony offense;
  - (2) A civil penalty or judgment entered against the agent card holder; and
  - (3) The initiation by a federal, state or local government of an investigation or proceeding against the agent card holder.

(h) Any such other information required by the Board upon request.

2. A person who wishes to contract to provide labor to or be employed by an independent contractor to provide labor to a cannabis establishment, or a cannabis establishment that wishes to contract with such a person, shall submit to the Board an application on a form prescribed by the Board for the registration of the independent contractor and each employee of the independent contractor who will provide labor as a cannabis establishment agent. The application must be accompanied by:

- (a) The name, address and, if the prospective cannabis establishment agent has a state business license, the business identification number assigned by the Secretary of State upon compliance with the provisions of chapter 76 of NRS;
- (b) The name, address and date of birth of each employee of the prospective cannabis establishment agent who will provide labor as a cannabis establishment agent;
- (c) A statement signed by the prospective cannabis establishment agent pledging not to dispense or otherwise divert cannabis to, or allow any of its employees to dispense or otherwise divert cannabis to, any person who is not authorized to possess cannabis in accordance with the provisions of this title;
- (d) A statement signed by the prospective cannabis establishment agent asserting that it has not previously had a cannabis establishment agent registration card revoked and that none of its employees who will provide labor as a cannabis establishment agent have previously had a cannabis establishment agent registration card revoked;
- (e) A complete set of the fingerprints of each employee of the prospective cannabis establishment agent who will provide labor as a cannabis establishment agent and written permission of the prospective cannabis establishment agent and each employee of the prospective cannabis establishment must be submitted by the applicant to the Central Repository for Nevada Records of Criminal History for submission to the Federal Bureau of Investigation for its report;
- (f) A statement prescribed by the Division of Welfare and Supportive Services of the Department of Health and Human Services pursuant to NRS 425.520. The statement must be completed and signed by the applicant.
- (g) The application fee;

- (h) A list and description of each of the following which has not been previously reported to the Board:
    - (1) A conviction of any felony offense;
    - (2) A civil penalty or judgment entered against the agent card holder; and
    - (3) The initiation by a federal, state or local government of an investigation or proceeding against the agent card holder.
  - (i) Any such other information required by the Board upon request.
3. Any person who wishes to hold an ownership interest in a cannabis establishment of less than 5 percent shall submit to the Board an application on a form prescribed by the Board. The application must be accompanied by:
- (a) The name, address and date of birth of the prospective cannabis establishment agent;
  - (b) A statement signed by the prospective cannabis establishment agent pledging not to dispense or otherwise divert cannabis to any person who is not authorized to possess cannabis in accordance with the provisions of this title;
  - (c) A statement signed by the prospective cannabis establishment agent asserting that he or she has not previously had a cannabis establishment agent registration card revoked;
  - (d) A complete set of the fingerprints of the prospective cannabis establishment agent must be submitted by the applicant to the Central Repository for Nevada Records of Criminal History for submission to the Federal Bureau of Investigation for its report;
  - (e) Any information required by the Board to complete an investigation into the background of the prospective cannabis establishment agent, including, without limitation, financial records and other information relating to the business affairs of the prospective cannabis establishment agent;
  - (f) A statement prescribed by the Division of Welfare and Supportive Services of the Department of Health and Human Services pursuant to **NRS 425.520**. The statement must be completed and signed by the applicant.
  - (g) A list and description of each of the following which has not been previously reported to the Board:
    - (1) A conviction of any felony offense;
    - (2) A civil penalty or judgment entered against the agent card holder; and
    - (3) The initiation by a federal, state or local government of an investigation or proceeding against the agent card holder.
  - (h) For each owner, officer and board member of the cannabis establishment, whether the owner, officer or board member:
    - (1) Has served as an owner, officer or board member for a medical cannabis establishment or cannabis establishment that has had its medical cannabis establishment registration certificate or license, as applicable, revoked;
    - (2) Is an attending provider of health care currently providing written documentation for the issuance of registry identification cards or letters of approval;
    - (3) Is a law enforcement officer;
    - (4) Is an employee or contractor of the Board; or
    - (5) Has an ownership or financial investment interest in any other medical cannabis establishment or cannabis establishment.
  - (i) The application fee,
  - (j) Any such other information required by the Board upon request.
4. A cannabis establishment shall notify the Board within 10 business days after a cannabis establishment agent ceases to hold an ownership interest in the cannabis establishment of less than 5 percent, be employed by, volunteer at or provide labor as a cannabis establishment agent to the cannabis establishment.
5. A person who:
- (a) Has been convicted of an excluded felony offense;
  - (b) Is less than 21 years of age; or
  - (c) Is not qualified, in the determination of the Board pursuant to NRS 678B.200,  
→ shall not serve as a cannabis establishment agent.

6. If an applicant for registration as a cannabis establishment agent satisfies the requirements of this section, is found to be qualified by the Board pursuant to NRS 678B.200 and is not disqualified from serving as such an agent pursuant to this section or any other applicable law, the Board shall issue to the person and, for an independent contractor, to each person identified in the independent contractor's application for registration as an employee who will provide labor as a cannabis establishment agent, a cannabis establishment agent registration card.

7. A person to whom a cannabis establishment agent registration card is issued or for whom such a registration card is renewed shall submit to the Board on the date of the first anniversary of the issuance or renewal an affidavit attesting that in the preceding year there has been no change in the information previously provided to the Board which would subject the person to disciplinary action by the Board.

8. A cannabis establishment agent registration card issued pursuant to this section to an independent contractor, or an employee of an independent contractor authorizes the independent contractor or employee to provide labor to any cannabis establishment in this State.

9. A cannabis establishment agent registration card issued pursuant to this section to a person who wishes to volunteer or work at a cannabis establishment authorizes the person to volunteer or work at any cannabis establishment in this State for which the category of the cannabis establishment agent registration card authorizes the person to volunteer or work.

10. Except as otherwise prescribed by regulation of the Board, an applicant for registration or renewal of registration as a cannabis establishment agent is deemed temporarily registered as a cannabis establishment agent on the date on which a complete application for registration or renewal of registration is submitted to the Board. A temporary registration as a cannabis establishment agent expires 45 days after the date upon which the application is received.

11. A cannabis establishment agent registration card will expire 2 years after the date of issuance.

12. If a cannabis establishment agent registration cardholder wishes to remain a cardholder they must, prior to the expiration date of the card:

(a) Resubmit the information set forth in this section; and

(b) Pay the renewal fee set forth in NRS 678B.390.

(Amended: 2/2021)

#### **5.125 Policies and procedures for waiving requirement to obtain a cannabis agent registration card for any owner, officer and board member who holds an ownership interest of less than 5 percent.**

1. The Board may waive the requirement to obtain a cannabis agent registration card for any person who holds an ownership interest of less than 5 percent in a cannabis establishment if:

(a) The person or cannabis establishment requests waiver of the requirement on a form prescribed by the Board, including the following information:

(1) An explanation as to why the cannabis agent registration card requirement should be waived for the person who holds an ownership interest of less than 5 percent;

(2) Identification and address for each person asking for a waiver of the cannabis agent registration card requirement, unless it is a person who holds an ownership interest of less than 5 percent of a publicly traded company then the disclosure will be pursuant to Regulation 5.127;

(3) A certification by the cannabis establishment that the person who holds an ownership interest of less than 5 percent does not exert control or hold a position of authority over the cannabis establishment or any of the other persons who claim ownership in the cannabis establishment;

(4) Any other information requested by the Board necessary to promote the health, safety, morals, good order and general welfare of the inhabitants of the State of Nevada and the declared policy of this State; and

(5) If a person who holds an ownership interest of less than 5 percent is found to exert control or hold a position of authority over the cannabis establishment that person will be required to obtain a cannabis agent registration card.

2. Any such waiver approved by the Board pursuant to this regulation, is valid for a time specified by the Board at its discretion.
3. The Board may deny or rescind any previously approved waiver pursuant to this regulation at its discretion.
4. For purposes of NRS 678B.340(4), with respect only to transfers of interest and cannabis establishment agent registration cards for those who do not volunteer or work at, contract to provide labor to or be employed by an independent contractor to provide labor to a cannabis establishment as a cannabis establishment agent, the term “prospective cannabis establishment agent” shall be deemed to exclude any passive investor in a company owning less than 5 percent of the shares of that company.

(Amended: 10/2020)

**5.127 When a publicly traded company must give an updated list of owners to the Board.**

1. Within seven (7) days following notice of the annual meeting or general meeting of shareholders, each publicly traded company having an ownership interest in a cannabis establishment shall notify the Board of the date of its next annual meeting and shall provide a copy of the shareholder notice and meeting information circular to the Board.
2. A publicly traded company having an interest in a cannabis establishment, or cannabis establishment registered with a stock exchange and/or each establishment offering, having offered, or planning to offer shares for sale or portions of a company for sale must submit disclosures annually within thirty (30) days following the company’s annual meeting and also at any other time when a general shareholders meeting is required relating to changes of control of the public company. Such disclosures must include:
  - (a) An updated list of all officers and board members, and an updated list of all owners with an ownership interest of five (5) percent or more as of the record date disclosed to the CCB under 5.127(1) above, whether voting or beneficial interest including a valid and current name and address of each person disclosed;
  - (b) An updated list of all beneficial owners regardless of amount or type of ownership. If a list of all beneficial owners cannot be obtained through reasonable cost and/or effort, the publicly traded company must provide an updated list of all non-objecting beneficial owners having an ownership interest in the cannabis establishment as of the record date disclosed to the CCB under 5.127(1), and explain why it cannot obtain a full list of all beneficial owners through reasonable cost and effort;
3. These are minimum requirements and do not in any way abridge or impact the Board or CCB staff from requesting further information or documentation. This section does not remove any requirements that would otherwise apply to a publicly traded company or any other entity subject to regulation by the Nevada Cannabis Compliance Board.

(Adopted: 10/2020)

**5.130 Submission of information by cannabis establishment to obtain or renew a registration card for a cannabis executive; temporary registration; registration card for a cannabis executive required for officer, board member and person holding 5 percent or more ownership interest in cannabis establishment.**

1. Each person who holds 5 percent or more of the ownership interest in a cannabis establishment, or is an officer, managing member or board member, shall obtain a cannabis establishment agent registration card for a cannabis executive.
2. A person who wishes to hold an ownership interest in a cannabis establishment of more than 5 percent, or is an officer, managing member or board member, shall submit to the Board an application on a form prescribed by the Board for a cannabis establishment agent registration card for a cannabis executive. The application must be accompanied by:
  - (a) The name, address and date of birth of the applicant;
  - (b) A statement signed by the applicant asserting that he or she has not previously had a cannabis establishment agent registration card for a cannabis executive revoked;
  - (c) A complete set of the fingerprints of the prospective cannabis establishment executive agent must be submitted by the applicant to the Central Repository for Nevada Records of Criminal History for submission to the Federal Bureau of Investigation for its report;

- (d) Any information required by the Board to complete an investigation into the background of the applicant, including, without limitation, financial records and other information relating to the business affairs of the applicant;
  - (e) The application fee;
  - (f) A list and description of each of the following which has not been previously reported to the Board:
    - (1) A conviction of any felony offense;
    - (2) A civil penalty or judgment entered against the agent card holder; and
    - (3) The initiation by a federal, state or local government of an investigation or proceeding against the agent card holder.
  - (g) Any such other information required by the Board upon request.
3. If the Board determines the applicant is qualified to receive a cannabis establishment agent registration card for a cannabis executive, the Board shall issue to the person a cannabis establishment agent registration card for a cannabis executive.
4. A cannabis establishment agent registration card for a cannabis executive will expire 2 years after the date of issuance.
5. If a cannabis establishment agent registration cardholder for a cannabis executive wishes to remain a cardholder they must, prior to the expiration date of the card:
- (a) Resubmit the information set forth in this section; and
  - (b) Pay the renewal fee set forth in NRS 678B.390.
6. A person to whom a cannabis establishment agent registration card for a cannabis executive is issued or for whom such a registration card is renewed shall submit to the Board on the date of the first anniversary of the issuance or renewal an affidavit attesting that in the preceding year there has been no change in the information previously provided to the Board which would subject the person to disciplinary action by the Board.
7. A cannabis establishment shall notify the Board within 10 business days after becoming aware a cannabis executive ceases to hold an ownership interest in the cannabis establishment of over 5 percent.
8. A person who:
- (a) Has been convicted of an excluded felony offense; or
  - (b) Is less than 21 years of age,  
→ shall not serve as a cannabis executive
9. If an applicant for registration as a cannabis executive satisfies the requirements of this section and is not disqualified from serving as a cannabis executive **pursuant** to this section or any other applicable law or regulation, the Board will issue to the person a cannabis establishment agent registration card for a cannabis executive.

(Amended: 2/2021)

**5.135 Submission of applications electronically.** An applicant submitting an application for a cannabis establishment agent registration card or cannabis establishment agent registration card for a cannabis executive pursuant to NCCR 5.130 or renewing, amending, changing or replacing a cannabis establishment agent registration card or cannabis establishment agent registration card for a cannabis executive shall submit the application electronically in the format prescribed by the Board.

**5.140 Registration cards: Requirements for requesting replacement card.** To request a replacement cannabis establishment agent registration card or cannabis establishment agent registration card for a cannabis executive that has been lost, stolen or destroyed, the cannabis establishment agent shall submit to the Board, within 3 working days after the card was lost, stolen or destroyed, a request for a replacement card which must include:

- 1. The name and date of birth of the cardholder;
- 2. If known, the number of the lost, stolen or destroyed cannabis establishment agent registration card or cannabis establishment agent registration card for a cannabis executive;

3. If the cardholder cannot provide the number of the lost, stolen or destroyed cannabis establishment agent registration card or cannabis establishment agent registration card for a cannabis executive, a copy of:

(a) Any valid government-issued identification card of the cardholder which includes a photograph of the person; or

(b) A cannabis establishment agent registration card or cannabis establishment agent registration card for a cannabis executive previously issued to the person.

4. An application fee of \$75.

(Amended: 8/2021)

**5.145 Registration cards: Requirements for changing name or address.** To make a change to the name or address on a cannabis establishment agent registration card or cannabis establishment agent registration card for a cannabis executive, the cannabis establishment agent must submit to the Board a request for the change, which must include:

1. The name on and the number of the current cannabis establishment agent registration card or cannabis establishment agent registration card for a cannabis executive of the cardholder;

2. The new name or address of the cardholder;

3. The effective date of the new name or address of the cardholder;

4. For a change of the address of the cardholder, the county and state in which the new address is located; and

5. For a change of the name of the cardholder, a copy of any valid government-issued identification card of the cardholder which includes a photograph of the person and the new name and address of the cardholder.

6. Failure to update your name or address within forty-five days constitutes a category V violation pursuant to NCCR 4.060.

**5.150 Categories of registration cards.**

1. The Board will issue cannabis establishment agent registration cards for each of the following categories:

(a) A cannabis cultivation facility;

(b) A cannabis distributor;

(c) A cannabis production facility;

(d) A cannabis independent testing laboratory;

(e) A cannabis sales facility; or

(f) An independent contractor who provides labor to a cannabis establishment or an employee of such an independent contractor;

(g) A cannabis receiver; or

(h) A cannabis consumption lounge

2. Each cannabis establishment agent registration card issued pursuant to NCCR 5.120 must indicate the applicable category. A person who is employed by or volunteers at a cannabis establishment and to whom a cannabis establishment agent registration card is issued may only be employed by or volunteer at the type of cannabis establishment for which he or she is registered. Such a person may hold more than one category of cannabis establishment agent registration card and may volunteer or work at any cannabis establishment in this State for which the category of the cannabis establishment agent registration card authorizes the person to volunteer or work.

3. If a cannabis establishment agent also holds a valid medical cannabis establishment agent registration card, the cannabis establishment agent is authorized to work in any cannabis establishment or dual licensee for which the category of the cannabis establishment agent registration card and medical cannabis establishment agent registration card authorizes the person to volunteer or work.

(Amended: 7/2022)

**5.155 Legal status as separate entity; issuance of license by the Board; shared secured storage area; requirements for buildings and location; inspection and other requirements to commence operations; expansion of operations; powers and duties in operation; request for exception from inspection.**

1. Each component cannabis establishment retains its individual legal status as a separate entity from the combined cannabis establishment of which it is a part and each other component cannabis establishment which is a part of the same combined cannabis establishment.
2. The Board will not issue to a combined cannabis establishment a license for a cannabis establishment, but the combined cannabis establishment will instead be deemed to exist for the efficient operation and regulation of the component cannabis establishments which are a part of the combined cannabis establishment and will be issued a license by the Board upon a determination by the Board that the combined cannabis establishment has complied with the provisions of this section.
3. The component cannabis establishments of a combined cannabis establishment may share a single, secured storage area if the inventory from each component cannabis establishment is securely segregated within the secured storage area apart from the inventory of all other component cannabis establishments.
4. The building infrastructure, security systems and other facilities, including, without limitation, common entrances, exits, break rooms, locker rooms, loading docks and other areas determined by the Board to be expedient for business and appropriate for the site, may be combined and shared among the component cannabis establishments of a combined cannabis establishment.
5. Each component cannabis establishment must be located in a commercial or industrial zone or overlay as approved by the locality and comply with all local ordinances and rules pertaining to zoning, land use and signage.
6. Each component cannabis establishment within a combined cannabis establishment must be inspected before commencing operations. A component cannabis establishment need not actually commence or intend to immediately commence operations to satisfy the requirements of this subsection.
7. For the purposes of subsection 6, a component cannabis establishment is ready to commence operations if the component cannabis establishment:
  - (a) Is a cannabis cultivation facility and has demonstrated the successful installation and operation of lights, plumbing, heating, ventilation and air-conditioning systems, humidity control systems, carbon dioxide control systems and all other growing technical facilities, including all related control systems, for at least one growing unit. A growing unit must:
    - (1) Be serviced by all building facilities and technology and have all other features described to perform growing operations at all stages of growth in the application for a medical cannabis licenser license for the cultivation facility or cannabis cultivation facility;
    - (2) Have the capacity to nourish clones, germinate seedlings, attain vegetative growth, flower plants to maturity, dry and cure cut plants, trim and package finished plants and store finished cannabis product in compliance with NRS 678, as applicable; and
    - (3) Consist of one or more growing tables, enclosed pods or rooms.
  - (b) Is a facility for the production of edible cannabis products or cannabis-infused products, as defined in Title 56 of NRS or cannabis production facility and has demonstrated the proper, safe installation of all extraction, cooking or other equipment and all plumbing, ventilation, solvent lines, electricity, electrical lines, refrigerators and all other production equipment.
8. A component cannabis establishment which has demonstrated that it is ready to commence operations pursuant to subsection 7 may expand operations within a previously inspected and approved space to the level described in its application for a license for a cannabis establishment without further inspection or approval. The Board and Board Agents may inspect such a component cannabis establishment as often as it determines to be necessary.

9. Before the Board will issue a license for a combined cannabis establishment, all walls, ceilings, floors, electrical cabling, plumbing, general lighting for purposes other than cultivation and ducting for heating, ventilation or air-conditioning systems for each component cannabis establishment must be completed as specified in the floorplan submitted to the Board as part of the application for a license for a cannabis establishment for the component cannabis establishment at a level sufficient to obtain a license of occupancy issued by the locality.

10. Each license issued by the Board to a combined cannabis establishment must specify which types of cannabis establishments are approved to operate at the location of the combined cannabis establishment.

11. A combined cannabis establishment may:

(a) Allow the cannabis establishment agents or medical cannabis establishment agents of each component cannabis establishment to move between the component cannabis establishments of the combined cannabis establishment if each such cannabis establishment agent or medical cannabis establishment agent holds and carries on his or her person a cannabis establishment agent registration card or medical cannabis establishment agent registration card, as applicable, for each kind of cannabis establishment or medical cannabis establishment to be entered.

(b) Allow a cannabis establishment agent or medical cannabis establishment agent of any component cannabis establishment to perform work functions for any component cannabis establishment if each such cannabis establishment agent or medical cannabis establishment agent holds and carries on his or her person a cannabis establishment agent registration card or medical cannabis establishment agent registration card, as applicable, for each kind of cannabis establishment or medical cannabis establishment at which work functions are performed.

(c) Share equipment which is not specific to the operation of a component cannabis establishment, including, without limitation, motor vehicles, among all component cannabis establishments.

(d) Not allow a component cannabis establishment to share equipment which is specific to the operation of the component cannabis establishment, including, without limitation, extraction devices which are specifically used by a cannabis production facility or cultivation lights which are specifically used by a cannabis cultivation facility, with another component cannabis establishment.

12. Each component cannabis establishment shall maintain separate operations from other component cannabis establishments and the combined cannabis establishment of which the component cannabis establishment is a part by:

(a) Holding a license for a cannabis establishment or a medical cannabis establishment license and being individually approved, separate from all other cannabis establishments or medical cannabis establishments operating on the same parcel of real estate, to operate as a business by all relevant jurisdictions and authorities, as applicable.

(b) Maintaining separately from all other component cannabis establishments and being able to present financial records which comply with generally accepted accounting principles.

(c) Filing all financial disclosures and tax documents separately from all other component cannabis establishments.

**5.160 Notification to the Board of subsequent events.**

1. All cannabis establishment registration agent card holders must provide notification to the board of the following within 5 days of occurrence.
  - (a) A conviction of any felony offense;
  - (b) A civil penalty or judgment entered against the cannabis establishment registration agent card holder; and
  - (c) The initiation by a federal, state or local government of an investigation or proceeding against the cannabis establishment registration agent card holder.
2. The Point of Contact must provide notification to the board of the following within 5 days of becoming aware of:
  - (a) A civil penalty or judgment entered against a cannabis establishment registration agent card holder; or
  - (b) The initiation by a federal, state or local government of an investigation or proceeding against the cannabis establishment.

**5.170 Death or incapacity of a cannabis establishment owner.**

1. If a natural person who holds an ownership interest in a cannabis establishment of 5 percent or more on a fully diluted basis, dies, or becomes incapacitated and/or disabled, which thereby prevents said person from operating and/or managing a cannabis establishment in compliance with Nevada law:
  - (a) The cannabis establishment must notify the Executive Director as soon as reasonably practicable of the death, incapacity, or disability of said natural person, but in no event less than 5 business days after discovery of said death, incapacity, or disability. Such notice must include the full legal name of the natural person at issue and a description of the ownership interest held, including the percentage of ownership interest on a fully diluted basis. In addition, the cannabis establishment shall provide proof satisfactory to the Board of the death, incapacity, or disability. On such notice, the Executive Director may seek further information and/or documents to further investigate the deceased or incapacitated person's role in operating and/or managing the cannabis establishment. If the Executive Director determines said individual exercised significant control in operating and/or managing the cannabis establishment, the Executive Director may seek an order from the Board for the cannabis establishment to show cause why a cannabis receiver should not be placed over the cannabis establishment to take possession of, manage the operations of, and take any other actions necessary and authorized by the Board; or
  - (b) On the death of any natural person holding an ownership interest in a cannabis establishment of greater than 50 percent, whether directly or indirectly through one or more legal entities, said cannabis establishment must apply to the Board within 7 days of the discovery of the death for approval of a cannabis receiver over the cannabis establishment to take possession of, manage the operations of, and take any other actions necessary and authorized by the Board and/or a court, unless or until such time the Board determines such cannabis receiver is no longer needed. Said cannabis establishment must also file an action with the appropriate court seeking court appointment of a cannabis receiver within those 7 days.
  - (c) In cases where a successor or successors, as set forth in subsection (2), have undergone a successful suitability evaluation by the Board within the 6 months prior to the death, incapacity, or disability, the Board, at its discretion, may waive the receivership requirements of this regulation.
2. Within 120 days of the enactment of this regulation, for a natural person who holds an ownership interest in a cannabis establishment of greater than 50%, whether directly or indirectly through one or more legal entities, said cannabis establishment must provide the Board with a plan of succession of the ownership interest on said person's death, incapacity, or disability. Such a cannabis establishment must provide notice of any change to said plan of succession of the ownership interest within 5 business days of such change. The plan of succession and any subsequent changes thereto are not public documents and are confidential.
3. If the Executive Director, or in the Executive Director's absence, the Deputy Director, determines there could be an impairment of the health, safety, or welfare of the public due to

the death, incapacity, or disability of a cannabis establishment owner, the Executive Director, or in his or her absence the Deputy Director, may convene an emergency Board meeting either in person, via telephone, or via video conference, to determine whether to approve an application for a cannabis establishment agent registration card for a cannabis receiver to take possession and/or control of the subject cannabis establishment or whether a summary suspension must be imposed pursuant to NRS 233B.127(3). If the deceased, incapacitated, or disabled cannabis establishment owner was holding an ownership interest of greater than 50%, it will be assumed that there could be an impairment of the health, safety, or welfare of the public.

4. Within 30 calendar days, or longer if good cause is shown, of the death, incapacity, or disability of any natural person set forth in this regulation, the cannabis establishment at issue must seek approval for the transfer of the ownership interest from such natural person or their estate to another natural person or entity pursuant to NCCR 5.110, and the natural person or entity proposed to receive the deceased, incapacitated, or disabled natural person's ownership interest must meet all requirements of NCCR 5.110. Depending on the level of ownership interest, the degree of control of the cannabis establishment by the deceased, incapacitated, or disabled natural person, and/or any other factors the Board's Executive Director deems relevant, the Board's Executive Director may take measures to expedite the processing of the transfer of interest, if appropriate and feasible.

5. If the current cannabis receiver over a cannabis establishment has died or become incapacitated or disabled, the cannabis establishment must so notify the Executive Director as soon as reasonably practicable of the death, incapacity, or disability of said cannabis receiver, but in no event less than 5 business days after discovery of said death, incapacity, or disability.

6. Each violation and/or instance of failure to comply with any of the requirements of this regulation is a Category III violation, subjecting the offender and/or offenders to disciplinary action under NCCR 4.

(Adopted 11/2023)

#### **5.175 Placement and appointment of a cannabis receiver.**

1. The Court appointment of a receiver over a cannabis establishment must take place prior to the Board's approval of an application for a cannabis establishment agent registration card for a cannabis receiver, thereby placing the applicant as the cannabis receiver over the cannabis establishment, unless exigent circumstances require the Board immediately approve a cannabis receiver. Should such exigent circumstances exist, then the cannabis receiver, their counsel, or any other interested party must file a petition with the Court for appointment of a receiver within 14 days of the Board's approval of the cannabis receiver. Exigent circumstances may include, but are not limited to, the following: (1) the death, disability, and/or incapacitation of the owner of a cannabis establishment who had significant control over the cannabis establishment; (2) the cannabis establishment is in a state of financial distress that precludes or may preclude the safe operation of the business; (3) any ownership disputes or other situations that prevent the business from operating in compliance with Nevada law; (4) any other circumstances which could impair the health, safety, or welfare of the public; and/or (5) a cannabis receiver previously placed over the cannabis establishment and/or appointed by a court dies or has become incapacitated or disabled.

(a) If a court has appointed a receiver pursuant to chapters 32, 78, or 86 of the Nevada Revised Statutes, and/or any other provision of Nevada law, over a cannabis establishment, that receiver must apply for and secure approval from the Board to receive a cannabis establishment agent registration card for a cannabis receiver pursuant to NCCR 5.180, prior to operating the cannabis establishment. If any owner or creditor of a cannabis establishment, or any other person, seeks an order of appointment for a receiver from a court of competent jurisdiction over a cannabis establishment, that moving party or parties must name the Board as an interested party in any such court action and provide notice to the Board of the filing of such action within 14 days of the filing of such action. Any such action filed seeking the appointment of a receiver over the cannabis establishment must request that the order of appointment be subject to the Board's approval of an application for a cannabis establishment agent registration card for a cannabis receiver. The

requirements of this section also apply to any binding arbitration proceeding in which an appointment of a receiver is sought. The requirements of this section also apply, even if the parties to any action stipulate the appointment of a particular person as a receiver.

(b) If a court has not yet appointed a receiver pursuant to any provisions of Nevada law and the Board has approved an application for a cannabis establishment agent registration card for a cannabis receiver, any of the cannabis establishment's owners, the person holding the cannabis receiver agent card, or any other interested person, must apply for or make a motion for appointment of the Board's approved cannabis receiver with a court of competent jurisdiction within 14 calendar days of the Board's approval of placement of that cannabis receiver.

2. Upon the occurrence of the events or circumstances set forth in subsection 1, or contemporaneously therewith, a cannabis establishment or any one of its owners, creditors, and/or any other interested party may request the Board issue an order approving an application for cannabis establishment agent registration card for a cannabis receiver to take possession, control of, manage the operations of, and perform any other actions necessary for the subject cannabis establishment. On request from a cannabis establishment or any of its owners, creditors, and/or other interested party, the Board may hold a hearing on said request and hear from any owners or other interested persons opposed to the approval of the proposed cannabis receiver's application. After such hearing, the Board shall decide whether to approve the cannabis receiver's application. The Board may allow for an emergency meeting, if the Executive Director, or in his or her absence, the Deputy Director, determines there could be an impairment of the health, safety, or welfare of the public.

3. If the Board receives notice of, or otherwise discovers that, a cannabis establishment:

(a) Is, or is imminently to be, in a state of financial distress that precludes or may preclude safe operation of the business;

(b) Is involved in ownership disputes or involved in other situations that prevent the business from operating in compliance with Nevada law, such as the immediate resignation of the cannabis establishment's board of directors, managers, or other natural persons in control of the cannabis establishment;

(c) Has had a court filing requesting the appointment of a receiver over its operations or a court order for appointment of a receiver to take possession and charge of a cannabis establishment;

(d) Is the subject of an event or circumstances which could impair the health, safety, or welfare of the public; and/or

(e) Has an approved and/or court appointed cannabis receiver who has died or become incapacitated or disabled,

the Board may order a summary suspension of the license or licenses of a cannabis establishment pursuant to NRS 233B(3), or in the alternative to said summary suspension and to allow the cannabis establishment to continue operations, may order the placement of a cannabis receiver over the cannabis establishment and/or approve an application for a cannabis establishment agent registration card for a cannabis receiver, if such an application is pending. If such an application is pending, the Board may hold a hearing and hear from any owners of the cannabis establishment and other interested parties. After such hearing, the Board shall decide whether to approve an application for a cannabis establishment agent registration card for a cannabis receiver thereby placing the cannabis receiver over the cannabis establishment. The Board may allow for an emergency meeting if the Executive Director, or in his or her absence, the Deputy Director, determines there could be an impairment of the health, safety, or welfare of the public. If no such application is pending for Board approval of a cannabis receiver, and the Board determines a cannabis receiver is necessary pursuant to this subsection, any owner of the cannabis establishment or interested party (including a creditor) may propose a person to act as cannabis receiver and that person may file an application for a cannabis establishment agent registration card for a cannabis receiver with the Board pursuant to the NCCR. The Board may then consider approval of such person to receive a cannabis receiver agent card and set a hearing to consider such approval as set forth in this subsection.

4. If the Board does not approve an application for a cannabis establishment agent registration card for a cannabis receiver appointed by the court, the person or party who obtained the court appointment must propose a different natural person for cannabis receiver, that new proposed cannabis receiver must submit an application to the Board for approval and, upon approval by the Board, that person or party who proposed the new cannabis receiver, or the person now holding the cannabis receiver agent card, must apply for their appointment with a court of competent jurisdiction as set forth in subsection 1(b), above. This process shall be repeated, as needed, until final CCB approval and court appointment of the appropriate cannabis receiver is achieved.

5. If the Board approves an application for a cannabis establishment agent registration card for a cannabis receiver, thereby placing the applicant as cannabis receiver over the cannabis establishment prior to court appointment, and the court subsequently does not approve appointment of said cannabis receiver, the person or party who requested the application and appointment of that cannabis receiver must propose a different natural person for cannabis receiver, that new proposed cannabis receiver must submit an application to the Board for approval and, upon approval by the Board, that person who proposed the new cannabis receiver must petition or move the court for appointment of the new proposed cannabis receiver. This process shall be repeated as needed until final CCB approval and court appointment of the appropriate cannabis receiver is achieved.

6. If the Board orders the placement of a cannabis receiver pursuant to this regulation and no person has applied for approval of a cannabis receiver agent card, or no person is able or willing to act as cannabis receiver, within 10 calendar days of the Board's order for placement of a receiver, the Board shall hold a hearing, with notice to the cannabis establishment, to determine if summary suspension of the license is warranted, pursuant to NRS 233B.127 and NCCR 4.105, and may suspend the license of the cannabis establishment at issue until such time as a natural person is willing and able to act as a cannabis receiver over said cannabis establishment. If no person is able or willing to act as a cannabis receiver after 90 days from the Board's order of suspension, all licenses of the subject cannabis establishment must be deemed voluntarily surrendered. The Board may extend the deadlines in this subsection for good cause shown.

7. Prior to holding a hearing to approve the application of a cannabis receiver, the Chair of the Board may issue a conditional approval for a cannabis receiver applicant to receive a cannabis receiver agent card. The Board delegates such conditional approval to the Chair in circumstances in which the cannabis receiver applicant holds a valid certificate of qualification under NCCR 5.195, and/or has been appointed by a Court of competent jurisdiction, and/or has been approved to be a cannabis receiver over one or more licensees in the last two years, and/or when exigent circumstances exist that require the cannabis receiver applicant to begin exercising his duties as soon as possible, and/or in other circumstances that the Chair deems appropriate. Such conditional approval shall be valid until a subsequent regular Board meeting, at which time the Board will hold a vote for final approval. A cannabis receiver with conditional approval may commence his duties as a cannabis receiver on receipt of a temporary cannabis receiver agent card.

8. Unless exigent circumstances exist, in situations in which interested parties dispute whether a cannabis establishment should be placed into a receivership, the Board will defer to the findings of a court of competent jurisdiction on the issue as to whether a receivership is appropriate for the cannabis establishment at issue.

(Adopted 11/2023)

**5.180 Application and requirements for a cannabis receiver.**

1. A person who wishes to act as a cannabis receiver for a cannabis establishment must first apply for a cannabis establishment agent registration card for a cannabis receiver and comply with all requirements for obtaining a cannabis establishment agent card under NRS 678B.340.
2. If the court has appointed a receiver over a cannabis establishment prior to the Board's approval of said receiver, the receiver must notify the point of contact of the cannabis establishment, and all known owners of the cannabis establishment, of the court appointment, before the Board approves an application for a cannabis establishment agent registration card for a cannabis receiver over the cannabis establishment.
3. Prior to the consideration of approval of a cannabis receiver, the Board's agents may conduct a physical inspection, audit, or investigation with or without notice of the subject cannabis establishment to determine whether the cannabis establishment is in compliance with Nevada law.
4. In addition to the procedures in subsection 1, a natural person who wishes to act as a receiver for a cannabis establishment must complete an application on a form approved by the Board, which provides all information required in NRS 678B.355(2)(a) through (g), and must comply with all requirements of NRS 678B.355, as well as provide the following documents with the application:
  - (a) A resume or curriculum vitae updated within one month of submittal which describes and details the proposed receiver's experience as a court appointed receiver and business experience in the cannabis industry in Nevada and/or any other state. Should the receiver applicant have no experience in the Nevada cannabis industry, said applicant shall identify personnel or consultants with Nevada cannabis industry experience who will assist the applicant during the course of the receivership;
  - (b) Proof of liquid assets in at least the amount of \$250,000, proof of professional and/or E & O liability insurance covering the acts and/or omissions of the receiver for his duties as a cannabis establishment receiver, or proof of ability to finance the receivership through receivership certificates or other secure sources of funding;
  - (c) Proof that the proposed receiver has notified, or has made a good faith effort to notify, the point of contact and owners of record with the Board for the subject cannabis establishment of the proposed receiver's application and/or court appointment as a receiver;
  - (d) An affirmation that the proposed receiver does not hold an ownership interest in any cannabis establishment in Nevada and that the proposed receiver will not hold a cannabis receiver agent card for more than 10 percent of the cannabis establishments allocable in any one county;
  - (e) A list of all other Nevada cannabis establishments over which the proposed receiver has acted as a cannabis receiver, with an affirmation that the new placement as cannabis receiver will not result in any conflicts of interests with any prior or concurrent cannabis receiver placements; and
  - (f) An affirmation that the proposed receiver is fully independent and will not retain counsel who has represented the subject cannabis establishment or any of its owners within the past five years.
5. The Board may request and require the proposed receiver to provide any additional documents and/or information to assist the Board in determining the suitability of the receiver.
6. Upon receipt of all the required information and documents, the Board shall set and hold a hearing to consider approval of the cannabis receiver. At the discretion of the Executive Director, said hearing may take place on an emergency basis or may be held during a regularly scheduled Board meeting.

(Adopted 11/2023)

**5.190 Duties and responsibilities of a cannabis receiver.**

1. A cannabis receiver's duties include but are not limited to the following:
  - (a) To take possession and control of the subject cannabis establishment and manage the operations of the cannabis establishment in the best interests of the cannabis establishment;
  - (b) To provide monthly reports of the receiver's activities and recommendations to the Executive Director;
  - (c) To prepare monthly financial reports and recommendations on disposal of assets, advise of any issues which could be detrimental to the financial health of the cannabis establishment, liquidation, or license surrender, as appropriate;
  - (d) To manage and make decisions for any pending litigation involving the cannabis establishment;
  - (e) To manage and make decisions regarding any administrative proceedings, including the authority to settle any disciplinary proceedings with the CCB and/or any other regulatory agency;
  - (f) To respond to requests for information and documents from the Board's staff regarding any investigation of regulatory violations and/or transfer of interest requests;
  - (g) To ensure the cannabis establishment complies with Title 56 of the Nevada Revised Statutes, the NCCR, and any other provisions of Nevada law;
  - (h) To facilitate transfer of interest requests necessary to conclude the receivership, and/or other appropriate transfer of interest requests, where applicable;
  - (i) To retain and employ consultants, attorneys, contractors, management companies, and/or any other individuals or entities to assist in operating the cannabis establishment as necessary, provided said individuals obtain prior CCB approvals and/or cannabis establishment agent registration cards when required by law;
  - (j) To ensure that there is adequate cash flow to operate the cannabis establishment in a compliant manner;
  - (k) Any other duties as ordered by a court of competent jurisdiction; and
  - (l) Any other duties set forth in the Board's order approving the application of the cannabis receiver and thereby placing the applicant as cannabis receiver over the cannabis establishment.
2. A cannabis receiver may retain counsel to represent the cannabis receiver. A receiver may retain other counsel separate and apart from the receiver's designated counsel to represent the cannabis establishment in disciplinary actions, business matters, and/or any other matters in which the cannabis establishment requires legal representation.
3. A cannabis receiver shall remain in place and continue with his or her duties and responsibilities until the Board issues an order discharging the cannabis receiver. Any owner of the cannabis establishment in receivership or the cannabis receiver may apply for discharge of the cannabis receiver at any time, but the Board must approve the removal of the cannabis receiver by a majority vote at a public meeting. If the cannabis establishment license or licenses over which the receiver has been placed are sold or transferred to another person or entity, the Board may issue an order discharging the cannabis receiver on or after the Board's approval of that transfer of interest without a further vote.
4. The cannabis establishment subject to the receivership is responsible for the payment of all fees and costs of the cannabis receiver, unless a court or the Board orders otherwise and/or designates another person or entity to be responsible for payment of the receiver's fees and costs.
5. A cannabis receiver, as the holder of a cannabis establishment agent card, is subject to all the requirements of Title 56 of the Nevada Revised Statutes and the NCCRs and is subject to disciplinary action for the receiver's violations of any statutes or regulations in the same manner as any holder of cannabis establishment agent registration card. The receivership estate for the cannabis establishment under receivership shall be responsible for any civil penalties imposed upon the cannabis establishment that do not involve the direct statutory or regulatory violations by the cannabis receiver.

6. The Board, or any other interested party, may seek the removal or replacement of a Board-approved, or court-appointed, receiver upon proof sufficient to the Board that the Board-approved, or court-appointed, receiver has not satisfied, or is otherwise unable to satisfy, those duties provided in this section.

(Adopted 11/2023)

**5.195 Certificate of qualification for a cannabis receiver.**

1. A natural person who wishes to be deemed qualified as a cannabis receiver may apply to the Board for a Certificate of Qualification as a cannabis receiver.

2. To apply for a Certificate of Qualification, a person shall complete a form approved by the Board for this purpose, which provides all information required in NRS 678B.355(2)(a) through (g), as well as the following documents:

(a) A resume or curriculum vitae updated within one month of submittal which describes and details the proposed receiver's experience as a court appointed receiver and business experience in the cannabis industry in Nevada and/or any other state;

(b) An affirmation that the proposed receiver does not hold an ownership interest in any cannabis establishment in Nevada; and

(c) A list of all other Nevada cannabis establishments over which the proposed receiver has acted as a cannabis receiver, if any.

3. Upon receipt of the application materials set forth in subsection (2), above, the Board's staff shall complete a review of the applicant's suitability, after which the Board shall set a date for a hearing, which may take place at a regularly scheduled Board meeting. At said hearing, the Board may question the applicant and shall then vote on whether to award a Certificate of Qualification.

4. A Certificate of Qualification is valid for two years from the date of issuance and may be renewed thereafter every two years on a form approved by the Board.

5. The Board shall list on its website all current holders of Certificates of Qualifications.

6. Should a person who holds a Certificate of Qualification apply as a cannabis receiver over a specific cannabis establishment, said person shall do so via a form approved by the Board and submit the required documents and materials listed in NCCR 5.180(4)(b) through 4(f), as well as an agent card application for a cannabis receiver for the specific cannabis establishment.

7. On receipt of the application and materials set forth in subsection (6), the Board shall delegate approval of the placement of the applicant as a cannabis receiver to the Chair. At the Chair's discretion, the Chair may set a hearing on the application before the entire Board.

8. The Certificate of Qualification is not confidential and may be submitted when any interested party petitions or moves a court for the appointment of a cannabis receiver.

9. The Board may suspend any Certificate of Qualification issued, if the Board files and serves a disciplinary action against the cannabis receiver's cannabis establishment agent registration card and may revoke any Certificate of Qualification issued if the Board disciplines the cannabis receiver's cannabis establishment agent registration card. The Board may revoke any Certificate of Qualification on application by any interested party and on good cause shown for such revocation.

(Adopted 11/2023)