

**Nevada Cannabis Compliance Board**  
**Regulatory Workshop**  
**Packaging and Advertising Regulations (NCCR)**  
**March 28, 2024**  
**Minutes**

The Nevada Cannabis Compliance Board (CCB) held a public workshop at 700 E. Warm Springs Road, Suite 150, Las Vegas, Nevada beginning at 10:00 a.m. on March 28, 2024.

**Deputy Director Michael Miles called the meeting to order.** Executive Director James Humm, Senior Deputy Attorneys General Chricy Harris, Chief of Inspection and Audit Kara Cronkhite and Inspector Derek Entz were present on behalf of the CCB in Las Vegas.

Director Humm thanked those who completed CCB's Small Business Impact Surveys and for submitting public comment and he conveyed that CCB appreciates the opportunity to hear from everyone.

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

**I. Public Comment**

There were no public comments in Las Vegas or via Zoom dial-in.

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

Deputy Director Miles introduced Chief Cronkhite who provided an overview of the proposed amendments to NCCR 4, 5, 6, 7, 12 and 13 packaging and labeling requirements, general housekeeping and legislative changes. Chief Cronkhite advised that she will open public comment throughout the meeting to allow for additional discussion and asked that opposition to the proposed changes or additional changes be submitted directly to her in writing, along with sources.

Chief Cronkhite opened discussion on regulation 4.65, clarifying the time frame for reporting imminent health hazards to be consistent with other health agencies, and stated this clarification only applies to imminent threats to public health and safety. Continuing, Chief Cronkhite provided the following information on proposed changes:

NCCR 5.140 reduces fees for a replacement agent card.

NCCRs 6.010, 6.080, 6.085, 6.120, 7.025 are updated to align with new statutory allowances and clarify time frames for reporting.

NCCR 7.030 adds language to prevent cannabis-related accessories from appealing to children.

NCCR 7.050 increases delivery limits.

Chief Cronkhite opened discussion on proposed regulation changes to NCCR 4, 5, 6 or 7.

Amanda Connor of Conner and Connor spoke on 4.065 and expressed appreciation for the amendment. She stated that the word “immediately” means “very quick and rather prompt” and suggested that language similar to that used in 7.050 which says, “as soon as reasonably possible after the imminent health hazard and ensuring the safety of the persons in the vicinity.” Chief Cronkhite replied that CCB reviewed other agencies and the agencies all say “immediately reported.” CCB used the same language to be consistent with the FDA and other health departments.

Ms. Connor asked if the change to 6.120(1)(c)(4) will prohibit mobile billboards, which are used by several cannabis companies. Chief Cronkhite said she will review the change.

Abby Kaufmann from the Chamber of Cannabis thanked the CCB for implementing changes requested during the January 2024 workshop. (reduction of fees, consolidation on guidance and uniformity, ability to sell un-infused, prepackaged food and beverages) Ms. Kaufmann asked the CCB to consider increasing amounts to align with new purchase limits and said other states use the dollar value rather than limiting to ten ounces and requested an allowance of at least 12.5 ounces to match the new purchase and possession limits.

Layke Martin from Nevada Cannabis Association thanked the CCB for the changes and agreed that 6.120 (1)(c)(4) on mobile billboards is confusing because it references private transportation and mobile billboards and she asked for clarification on this regulation. Ms. Martin expressed her support and appreciation for CCB’s consideration of selling additional cans and bottled beverages in stores.

There were no additional public comments on proposed regulation changes to NCCR 4, 5, 6, or 7.

Chief Cronkhite provided an overview of the changes to NCCR 12 and advised that approximately 12 months will be granted to implement required packaging changes and if existing packaging remains after the 12-month implementation period, new language can be affixed to existing packaging as a temporary solution. Chief Cronkhite explained that many of the recommendations are ASTM standards and likely to be implemented by the FDA. She said that the requirements state “if not already on the packaging” and clarified that it is not required to be on both if the information is redundant, but some information must be included on the packaging due to the importance of the items such as edibles, ASTM standard recommendations and for items that may be thrown into exit bags.

NCCR 12.010 clarifies potency allowance for pills and removes subsection two. Chief Cronkhite advised that the packaging limits are set in statute and said that CCB drafted a bill to increase the limits, however limits cannot be increased at this time.

NCCR 12.015 was revised to remove redundancies and clarify packaging requirements for specific product types.

NCCR 12.030, 12.035, 12.040 and 12.045 were revised to remove redundancies and streamline labeling requirements.

Chief Cronkhite opened discussion on proposed regulation changes to NCCR 12.010 through 12.045.

Tom McLaughlin, Compliance Manager of Circle S Farms spoke on the 12.035(1)(d) cannabinoid profile requirement and asked if all above the LOQ must be listed or only the top three. Chief Cronkhite stated only the top three, and only if they are detected.

Inspector Derek Entz clarified that all cannabinoids detected above LOQ must be listed, and Chief Cronkhite added that the top three terpenes are to be listed, only if detected.

Layke Martin from Nevada Cannabis Association restated her understanding that there will be a twelve-month allowance to implement new packaging requirements, and asked if old packaging remains after the 12 months, if a sticker with updated language can be affixed to the packaging until the old packaging is used. Chief Cronkhite said that is correct and continued, if a facility would like to affix a label that is not easy to peel off as their packaging solution to submit the request to the CCB for review.

Katree Saunders expressed her concern on the use of radiation on medical cannabis and said that large production and corporations prioritize profit over patient well-being by introducing radiation and other remediation techniques to grade the terpene profile without oversight. She proposed using a radiation detector at cultivation locations to check levels of radiation and document them, allowing it to be traced back if needed. Chief Cronkhite replied that NCCR 12.065 will be addressed by legislation, and CCB regulates the use of RAD source machines along with the Department of Public and Behavioral Health radiation control program. Chief Cronkhite stated that there are limits to how levels that can be used and recommended that Ms. Saunders reach out directly to facilities to ask if she could visit under a visitor policy.

Deputy Director Miles said that CCB is still working on 12.065 and hopes to speak to the legislative commission; CCB will advise the public if, and when, a date is scheduled.

Chief Cronkhite explained that CCB does not have the ability to require radiation information on the packaging / label and stated that facilities are not prohibited from including it. As such, she encouraged this practice for consumer awareness.

Tina Schellinger commented that there is a variance between different dispensaries and what they want to include on the packaging. Ms. Schellinger proposed standardizing label requirements and said there is a large cost requirement to re-label products. Chief Cronkhite replied that CCB does not get involved in facility business practices, and if there is preference to package a certain way, it is permitted as long as it meets compliance requirements. Ms. Schellinger discussed concerns with RAD source potency variations and how products with mold or fungi will still pass, and this affects people who have low tolerance levels.

Gerardo Gonzalez of Talkin & Tokin said there should be labels for ozone machines and noted that he had a picture of a THC product with a sticker that could be peeled off, revealing a California sticker. He asked if it is allowed for product or samples at Nevada events with California stickers. Chief Cronkhite said it is not allowed. Mr. Gonzalez expressed concerns with cultivators, and expired bags when opened, product was filled with white mildew/mold. Chief Cronkhite replied that labs are required to look for powdery mildew under a microscope and suggested he submit a complaint on the CCB website.

Abby Kaufmann on 12.015, stating she was happy to see the label requirements and asked why bags must be child-proofed for multiple openings before leaving the store. Chief Cronkhite replied that it must maintain effectiveness for multiple openings in the way a pill bottle is; a heat proof tear bag would not be childproof and children or pets could get into the product. There are no restrictions on reuse of bags, and an exit bag can be reused, or consumers can bring their own bags to help reduce waste. Chief Cronkhite said that discarded exit bags can be recycled, washed, sanitized and reused. Ms. Kaufmann asked for uniformity in packaging and labeling and suggestions for clarity and reduction of waste. Chief Cronkhite explained that CCB is working to streamline the labeling requirement. Ms. Kaufman expressed concern regarding label inclusion of final harvest date, testing date, expiration date and requirements to aid in ensuring product freshness. Chief Cronkhite said that the date of harvest provides the most information regarding freshness of the product and CCB is receptive to additional input regarding the harvest date.

There were no additional public comments on proposed regulation changes to NCCR 12.010 through 12.045.

Chief Cronkhite stated NCCR 12.050 was cleaned up to remove redundancies and to provide the soil amendment report or laboratory certificate of analysis to consumers upon request which could be an electronic medium such as a QR code.

NCCR 12.00 was revised for clarification on advertising requirements in response to removing fruit, but reminded that is in statute, and would require a legislative change.

NCCR 13.010 clarifies reporting timelines for transportation issues.

Chief Cronkhite opened discussion on proposed regulation changes to NCCR 12.050 through 12.070 or 13.010.

Katree Saunders asked for clarification on what would be removed regarding the soil amendment report. Chief Cronkhite replied that the soil amendment report does include pesticides and it will remain in one report.

Tom McLaughlin asked about the cartoon character specification in 12.070 and asked if it was limited to trademarked characters or original characters created, such as a mascot. He asked if something in a “pin up style” would be acceptable. Chief Cronkhite said to submit it to CCB to ask if its complaint and stated if it is an already approved symbol of the establishment that will not be restricted.

Inspector Entz added that this topic is going through ASTM standards and there is ambiguity as to what is appealing to minors, and CCB will follow ASTM standards. He stated that CCB would like to remove the ambiguity, but it is a difficult topic.

There were no additional public comments on proposed regulation changes to NCCR 12.050 through 12.070 or 13.010. Chief Cronkhite concluded the discussion on proposed regulation changes.

### **III. Public Comment.**

Deputy Director Miles opened Agenda Item III and asked for public comment in Las Vegas.

Abby Kaufmann stated that a submitted, written public comment from her committee reflects several changes within the scope of NCCRs 4, 5, 6, 7, 12 and 13 but not for the regulations specifically listed for the workshop. She would like the petition fee to be removed in 4.145 and would like to understand the true extent of statutory limitations for agent cards. Also, she noted that CCB is not charging fees for oversight and stated that 6.025 should reflect the same and that increasing 7.050 to 12.5 ounces. Ms. Kaufmann reiterated the importance of uniformity and encouraged industry participants and stakeholders to participate in future small business impact surveys.

Katree Saunders acknowledged fee reduction for lost cards and asked if there will be fee reductions for cards in general. Deputy Director Miles stated that CCB cannot comment on that.

Tina Schellinger thanked CCB for the reduction in replacement card fees and commented that there is not a clear definition of what each agent card represents, and asked if one agent card can be required to cover all job descriptions.

There were no additional public comments in Las Vegas or online.

### **IV. Adjournment**

Meeting adjourned at 10:44 a.m.