

Silver State Government Relations



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Chair and Members of the Board,

I am writing to provide public comment regarding the implementation of SB 157, with a particular focus on the statutory changes to allowable lot sizes.

As the primary proponent of SB 157 during the 2025 legislative session, we were directly engaged in both the policy development and legislative intent underlying this measure. The bill was carefully constructed to address operational inefficiencies within Nevada's cannabis regulatory framework, and among its provisions, the adjustment of lot sizes was one of the most straightforward and deliberately unambiguous components.

The Legislature's intent on this issue was clear: to expand lot sizes in a manner that improves efficiency, reduces unnecessary operational burdens, and better aligns Nevada with established practices in other regulated markets. Notably, this policy change was not conditioned on the adoption of new sampling methodologies, nor was it intended to be dependent on external standard-setting bodies or evolving technical interpretations.

However, the regulatory path taken since passage has introduced complications that were neither contemplated by the Legislature nor necessary to effectuate the statutory change.

As reflected in the administrative record:

- Staff indicated readiness to implement revised lot sizes as of October 1, 2025, albeit coupled with a new sampling framework derived from an interpretation of ASTM standards.
- That position was subsequently withdrawn, leading to the November 19, 2025 workshop, where these concepts were formally introduced for stakeholder consideration.
- Additional workshops, including the March 3, 2026 proceeding, further expanded the scope of proposed changes, continuing to link lot size implementation with evolving and increasingly complex sampling requirements.

While stakeholder dialogue on sampling protocols is both appropriate and necessary, the result of this approach has been to functionally condition a clear statutory directive on the resolution of a separate regulatory issue. By linking these two issues, the current process has introduced avoidable delay into what should be a readily implementable policy change.

This delay is not without consequence. Under the timelines established in the Nevada Administrative Procedure Act, continued expansion of the regulatory scope associated with SB 157 risks pushing final implementation well beyond a reasonable timeframe, potentially

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extending into or past the next legislative session in 2027. Such an outcome would undermine the effectiveness of the statute and frustrate the policy objectives the Legislature sought to achieve.

Importantly, the Board is not without options. The Nevada Cannabis Compliance Board retains the authority to implement statutory provisions in a manner that is faithful to legislative intent, even where additional regulatory refinement may follow. There is no legal or practical requirement that the expansion of lot sizes be delayed pending final resolution of sampling methodologies, particularly where those methodologies remain the subject of ongoing debate.

Accordingly, there is a clear and actionable path forward: The Board can direct staff to proceed with implementation of the expanded lot sizes authorized under SB 157 on an expedited basis, independent of any additional sampling rulemaking.

Taking this step would:

- Give immediate effect to a clear legislative directive
- Provide tangible operational benefits to licensees without compromising product safety
- Allow staff and stakeholders the necessary time to thoughtfully evaluate and refine sampling standards without holding up unrelated regulatory progress

In effect, it would restore alignment between legislative intent and regulatory execution. At its core, this is a question of sequencing, not substance. The Board can act now on what is settled, while continuing to work through what is not.

We respectfully urge the Board to exercise its authority to decouple these issues and move forward with implementation of SB 157's lot size provisions without further delay.

Thank you for your time and consideration.

All the best,

Will Adler
Principal
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On behalf of GTI