



JOE LOMBARDO
Governor

CANNABIS COMPLIANCE BOARD STATE OF NEVADA

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Chair

NOTICE OF INTENT TO ACT UPON A REGULATION

Notice of Hearing for the Adoption and Amendment of Regulations of the Nevada Cannabis Compliance Board.

LCB File No. R152-24

The Cannabis Compliance Board (CCB or Board) will hold a Public Hearing at **9:00 a.m.** on **Thursday, October 15, 2026**, to receive comments from interested persons regarding a proposed revision to Section 69(3) of R152-24, a proposed permanent regulation that adopts and amends provisions in chapters 678A-D of the Nevada Administrative Code (NAC).

R152-24 has previously been before the Board on June 20, 2024, November 20, 2025, and June 18, 2026. Following the Legislative Commission's September 24, 2026 objection to R152-24A concerning the sample-size amendment in Section 69(3), the Board will consider removing the amendment in Section 69(3) that would increase the minimum sample of usable cannabis from 10 grams to 20 grams. By removing this amendment, the existing 10-gram language would remain in Section 69(3). The proposed revision is limited to Section 69(3). The text of the remaining provisions of R152-24A would be unchanged.

The table below compares Section 69(3) as adopted in R152-24A with the text that would result from the proposed revision:

Section 69(3) in R152-24A	Section 69(3) with the proposed revision highlighted
NAC 678B.554 (NCCR 11.050) 3. A sample of usable cannabis must be at least 10 20 grams. A sample of a production run must be the lesser of 1 percent of the total product weight of the production run or 25 units of product, but not less than 5 grams of the production run. Before testing, all samples must be homogenized by the testing laboratory using a homogenization process which has been approved by the appropriate Board agent and in a manner that prevents contamination of test samples or analytical portions.	NAC 678B.554 (NCCR 11.050) 3. A sample of usable cannabis must be at least 10 grams. A sample of a production run must be the lesser of 1 percent of the total product weight of the production run or 25 units of product, but not less than 5 grams of the production run. Before testing, all samples must be homogenized by the testing laboratory using a homogenization process which has been approved by the appropriate Board agent and in a manner that prevents contamination of test samples or analytical portions.

You may attend this meeting at either of the following physical locations:

Cannabis Compliance Board
700 E. Warm Springs Rd. Room 150
Las Vegas, Nevada 89119

Department of Taxation
9850 Double R Blvd., Large Conference Room
Reno, Nevada 89521

The public may also view the meeting at the time noticed herein by live stream link located at:

<https://ccb.nv.gov/public-meetings/>

The following information is provided pursuant to the requirements of NRS 233B.0603.

1. Need and purpose of the proposed regulation or amendment

The need and purpose of the provisions of R152-24A that are not proposed for revision are stated in the November 20, 2025 amended notice of intent, attached as **Exhibit A**.

For revision to Section 69(3): In response to the Legislative Commission's September 24, 2026 objection to R152-24A concerning the sample-size amendment in Section 69(3), the proposed revision would remove the amendment to the first sentence and retain the existing 10-gram minimum.

2. How to obtain the approved or revised text of the proposed regulation prepared by LCB

A copy of R152-24A as adopted by the Board, **together with the proposed revision to Section 69(3) shown in the table above**, may be obtained from the Cannabis Compliance Board, 700 East Warm Springs Road, Suite 100, Las Vegas, Nevada 89119, by calling 775-687-6299, or by visiting the CCB's website at <https://ccb.nv.gov/public-meetings/>.

3. Estimated economic effect of regulation on businesses and the public

The estimated economic effects of the provisions of R152-24A not proposed for revision are stated in the November 20, 2025 amended notice of intent, attached as **Exhibit A**.

For revision to Section 69(3): Removing the 20-gram amendment retains the existing 10-gram minimum and makes no change to current requirements. Accordingly, the CCB estimates no adverse or beneficial economic effect on businesses, either immediately or in the long term. The CCB likewise estimates no adverse or beneficial economic effect on the public, either immediately or in the long term.

4. Methods used in determining the impact on a small business

The methods used to determine the impact of R152-24A on small businesses are described in the November 20, 2025 amended notice of intent, attached as **Exhibit A**.

For revision to Section 69(3): The CCB compared the proposed text of Section 69(3) with the existing regulation. Because the 20-gram amendment has not taken effect, removing it leaves the existing 10-gram requirement unchanged. The revision therefore does not change current requirements or impose a new impact on small businesses.

5. Estimated cost to the agency for enforcement of the proposed regulation

The estimated enforcement cost for the remaining provisions of R152-24A not proposed for revision is stated in the November 20, 2025 amended notice of intent, attached as **Exhibit A**.

For revision to Section 69(3): Because the proposed revision retains the existing 10-gram requirement, it does not change the CCB's current enforcement responsibilities and is not expected to result in additional enforcement cost.

6. Overlap or duplication of other state or local governmental agencies

For the remaining provisions of R152-24A not proposed for revision, the CCB is not aware of any regulation of another state or local governmental agency that the proposed regulation overlaps or duplicates and these provisions do not overlap or duplicate a federal regulation. *See* response in attached **Exhibit A**.

For revision to Section 69(3): The proposed revision retains the existing 10-gram requirement. The CCB is not aware of any regulation of another state or local governmental agency that the proposed revision overlaps

or duplicates. The proposed revision does not overlap or duplicate a federal regulation.

7. Regulation required by federal law

For the remaining provisions of R152-24A not proposed for revision, these provisions are not required pursuant to federal law. *See* response in attached **Exhibit A**.

For revision to Section 69(3): The proposed revision retains the existing 10-gram requirement, which is not required pursuant to federal law.

8. More stringent than federal regulations

For the remaining provisions of R152-24A not proposed for revision, the proposed regulation does not include any provision more stringent than a federal regulation governing the same activity. *See* response in attached **Exhibit A**.

For revision to Section 69(3): The proposed revision retains the existing 10-gram requirement and does not introduce any provision more stringent than a federal regulation governing the same activity.

9. Whether the regulation establishes a new fee or increases an existing fee

For the remaining provisions of R152-24A not proposed for revision, the proposed regulation does not establish a new fee or increase an existing fee. *See* response in attached **Exhibit A**.

For revision to Section 69(3): The proposed revision retains the existing 10-gram requirement and does not establish a new fee or increase an existing fee.

COMMENTS & WRITTEN SUBMISSIONS

Persons wishing to comment upon the proposed action of the CCB may appear at the scheduled public hearing or may address their comments, data, views, or arguments, in written form, to the Executive Assistant at regulations@ccb.nv.gov or by mail to the Cannabis Compliance Board, 700 East Warm Springs Road, Suite 100, Las Vegas, Nevada 89119. Written submissions must be **received** on or before **October 14, 2026** at **5:00 p.m.** If no person who is directly affected by the proposed action appears to request time to make an oral presentation, the CCB may proceed immediately to act upon any written submissions.

COPIES OF PROPOSED REGULATION

A copy of this notice and the regulation to be adopted and amended will be on file at the State Library, Archives and Public Records, 100 North Stewart Street, Carson City, Nevada 89701, for inspection by members of the public during business hours. Additional copies of the notice and the regulation to be adopted and amended will be available at the CCB's Carson City Office at 3850 Arrowhead Drive, Suite 100, Carson City, Nevada 89706, the Las Vegas office at 700 East Warm Springs Road, Suite 100, Las Vegas, Nevada 89119, and the CCB's website at <https://ccb.nv.gov/public-meetings/> for inspection and copying by members of the public during business hours. This notice and the text of the proposed regulation are also available in the State of Nevada Register of Administrative Regulations, which is prepared and published by the Legislative Counsel Bureau pursuant to NRS 233B.0653, and on the Internet at <https://www.leg.state.nv.us/>. Copies of this notice and the proposed regulation will also be mailed to members of the public at no charge upon request.

Pursuant to NRS 233B.060, the regulation posted on the CCB's website 3 working days before the hearing will be the regulation considered at the hearing.

Upon adoption of any regulation, the agency, if requested to do so by an interested person, either before adoption or within 30 days thereafter, shall issue a concise statement of the principal reasons for and against

its adoption, and incorporate therein its reason for overruling the consideration urged against its adoption.

POSTING AND DISTRIBUTION OF NOTICE

This notice of hearing has been posted at the following locations:

- Cannabis Compliance Board, 700 East Warm Springs Road, Suite 100, Las Vegas, Nevada 89119;
- Cannabis Compliance Board, 3850 Arrowhead Drive, Suite 100, Carson City, Nevada 89706;
- Cannabis Compliance Board website at <https://ccb.nv.gov/public-meetings/>; and
- Nevada Public Notice website at <https://notice.nv.gov/>.

An electronic copy of this notice was submitted to the Director of the Legislative Counsel Bureau for posting on the Legislative Counsel Bureau's website and inclusion in the State of Nevada Register of Administrative Regulations.

A copy of this notice has also been emailed to all cannabis establishment licensees through the CCB's Constant Contact Licensed Establishments listserv and to all persons who have subscribed to receive information from the CCB through its subscription page at <https://ccb.nv.gov/subscribe/>.

EXHIBIT “A”

EXHIBIT “A”



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JAMES HUMM
Executive Director

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Deputy Director

ADRIANA GUZMÁN FRALICK
Chair

NOTICE OF INTENT TO ACT UPON REGULATIONS

Notice of Hearing for the Adoption of
NCCR 1, 4, 5, 6, 7, 8, 9, 10, 11, 12, 13 & 15
Amendment to add NCCR 8, 9, 10, & 15; inadvertently omitted from notice but included in materials
Cannabis Compliance Board

The Cannabis Compliance Board will hold a Public Hearing at **9:00 a.m. on Thursday November 20th, 2025**. The purpose of the hearing is to receive comments from all interested parties regarding the adoption of proposed regulations or amendments to Nevada Cannabis Compliance Regulations **1, 4, 5, 6, 7, 8, 9, 10, 11, 12, 13 & 15**.

You may attend this meeting at either of the following physical locations:

Nevada Legislative Counsel Bureau
7120 Amigo St Room 6
Las Vegas, Nevada 89119

Nevada Legislative Counsel Bureau
401 S Carson St Room 2134
Carson City, NV 89701

The public may also view the meeting at the time noticed herein by live stream link located at:
<https://ccb.nv.gov/public-meetings/>

The following information is provided pursuant to the requirements of NRS 233B.0603:

1. Need and purpose of the proposed regulations or amendments

The Cannabis Compliance Board drafted proposed regulation changes to Nevada Cannabis Compliance Regulations ("NCCR") 1, 4, 5, 6, 7, 8, 9, 10, 11, 12, 13 & 15 to incorporate changes from the 2023 legislative session, clarify definitions, establish requirements for laboratory testing, reduce and improve packaging and advertising, establish new category violations, redefine and update existing category violations, address issues regarding disciplinary actions, exemptions, collection of fees for investigations and to provide other matters properly relating thereto.

2. How to obtain the approved or revised text of regulations prepared by LCB

You may obtain a copy of the proposed permanent regulation by writing to the Nevada Cannabis Compliance Board, 700 E. Warm Springs Rd. Suite 100, Las Vegas, NV 89119; or by calling the office at (775) 687-6299. The proposed permanent regulation is also available for review and download on the Cannabis Compliance Board website at <https://ccb.nv.gov> or on the Nevada Legislature website at <https://www.leg.state.nv.us/>.

3. Methods used in determining the impact on a small business

The Agency used informed, reasonable judgment in determining that there would not be an impact on small businesses due to the nature of the regulation changes. The proposed permanent regulations make minor changes to requirements already established and in place by license holders.

The Agency analyzed the written responses from the Small Business Impact Survey, public comment from January 31, 2024, solicitation of input meeting, and public comment from the workshops held on March 28, 2025, April 30, 2024, May 31, 2024, and June 27, 2024, to determine the likely impact of the proposed permanent regulations on small businesses. This analysis included categorizing responses to identify themes and the frequency with which impacts were named. The Agency also looked at issues named with less frequency but could potentially have impact. The Agency has determined that there will be no adverse impacts to small businesses after making these revisions.

4. Estimated economic effect of regulation on businesses and the public

a. Adverse and beneficial effects

The Agency finds that the proposed changes to NCCR 1, 4, 5, 6, 7, 8, 9, 10, 11, 12, 13 & 15 will have no adverse economic effect on small business. The changes make updates to existing regulations and lessen requirements upon small businesses in a manner that would not impose substantial burdens. The Agency anticipates that those cannabis businesses that may be impacted will realize the beneficial economic impacts by the streamlined labeling requirements made by the updated regulations.

b. Immediate and long-term effects

The proposed permanent regulations do not present any reasonable, foreseeable, or anticipated immediate or long-term economic effects on small businesses or the public.

5. Cost for enforcement of the regulations

The proposed permanent regulations present no significant foreseeable or anticipated cost or decrease in costs for enforcement. The proposed changes merely make minor updates to regulations that are already in effect.

6. Overlap or duplication of other state or local governmental agencies

The proposed permanent regulations do not overlap or duplicate any regulation of other federal, State or local governmental entities, but does reference regulatory authority granted by NRS 678A through NRS 678D.

7. Regulation required by federal law

Not Applicable

8. More stringent than federal regulations

The Department is not aware of any similar federal regulations of the same activity in which the state regulations are more stringent.

9. New or increases in existing fees

The proposed permanent regulation does not include new fees or increase an existing fee.

The proposed changes to the regulation(s) will be considered by the CCB in accordance with the provisions of NRS 233B.0603, which provides that on the date and at the time and place designated, interested persons may present their views regarding the proposed regulation. Members of the public may provide comment in person at the meeting or submit written comments in advance via email to the Executive Assistant at regulations@ccb.nv.gov. Any person desiring to present statements, arguments, or contentions concerning the proposed regulation changes may provide such in writing to the Executive Assistant at regulations@ccb.nv.gov by 5 P.M. on the day prior to the meeting. Allowances for remote appearance may be made for those with disabilities only, but such requests must be made at least eight calendar days prior to the meeting.

These item(s) will be heard by the CCB at the November 20, 2025, meeting.

The proposed changes to the regulation language will be posted on the Cannabis Compliance Board website <https://ccb.nv.gov/public-meetings/>. Any questions should be directed to regulations@ccb.nv.gov.

Notice of this meeting was posted on the Internet through the Cannabis Compliance Board website <https://ccb.nv.gov/public-meetings/> and on the Internet website maintained by the Legislative Counsel Bureau <http://leg.state.nv.us/> and the Department of Administration website <https://notice.nv.gov/>. This notice has been emailed for posting at the following locations: 700 E. Warm Springs Road, Suite 100, Las Vegas, Nevada; 3850 Arrowhead Dr, Carson City, Nevada; Department of Taxation, 4600 Kietzke Lane, Suite L235, Reno, Nevada; Nevada State Library, 100 Stewart St., Carson City, Nevada; Legislative Building, 401 S. Carson St., Carson City, Nevada; and Office of the Governor, One Nevada, 1 Harrah's Court, Las Vegas; and Gaming Control Board at 1919 College Parkway, Carson City, Nevada.

CCB Revision to Section 69(3) highlighted

Liquid cannabis product, including, without limitation, soda or tonic, including a product which contains concentrated cannabis	1. Potency analysis 2. Foreign matter inspection 3. Total Enterobacteriaceae 4. Salmonella 5. Pathogenic E. coli 6. Total aerobic count 7. Water activity or pH	1. N/A 2. None detected 3. < 1,000 colony forming units per gram 4. None detected per gram 5. None detected per gram 6. < 100,000 colony forming units per gram 7. Water activity < 0.86 or pH < 4.6
Topical cannabis product, including a product which contains concentrated cannabis	1. Potency analysis	1. N/A

3. A sample of usable cannabis must be at least 10 grams. A sample of a production run must be the lesser of 1 percent of the total product weight of the production run or 25 units of product, but not less than 5 grams of the production run. Before testing, all samples must be homogenized by the testing laboratory using a homogenization process which has been approved by the appropriate Board ~~Agent~~ agent and in a manner that prevents contamination of test samples or analytical portions.

4. The analytical portion that is used for the purposes of ~~any~~ each microbial test must be a minimum of ~~one~~ 1 gram, unless otherwise approved by the Board.

5. A cannabis establishment shall not submit wet cannabis to a cannabis independent testing laboratory for testing unless the wet cannabis is destined for extraction and weighed within 2 hours after harvest. The plant must not undergo any further processing, including, without limitation, drying the plant and subsequently selling separately the cannabis bud and cannabis trim from the plant, before being weighed.

**ADOPTED REGULATION OF THE
CANNABIS COMPLIANCE BOARD**

LCB File No. R152-24

EXPLANATION – Matter in *italics* is new; matter in brackets ~~[omitted material]~~ is material to be omitted.

AUTHORITY: §§ 1-9, 40, 42-44, 49-59, 61, 75-84 and 89, NRS 678A.450, 678B.650, 678C.490 and 678D.500; §§ 10, 11, 60 and 87, NRS 678A.450, 678B.650 and 678D.500; §§ 12 and 86, NRS 678A.450, 678B.650, 678D.480 and 678D.500; §§ 13-15, 18-36, 41, 45 and 46, NRS 678A.450 and 678B.650; § 16, NRS 678A.450, 678A.645 and 678B.650; § 17, NRS 678B.633; § 37, NRS 678A.450, 678A.530 and 678B.650; § 38, NRS 233B.120 and 678A.450; § 39, NRS 233B.100 and 678A.450; § 47, NRS 678C.200 and 678D.200; § 48, NRS 678A.450, 678B.390, 678B.647 and 678B.650; §§ 62-74 and 88, NRS 678A.450, 678B.290 and 678B.650; § 85, NRS 678D.440.

A REGULATION relating to cannabis; providing the method to compute periods of time for the purposes of regulations governing cannabis; revising provisions relating to edible cannabis products; revising provisions relating to disciplinary action taken against a licensee or registrant; establishing and revising procedures for the submission to the Cannabis Compliance Board of certain petitions; authorizing the Board to take certain actions concerning unlicensed cannabis activities; revising the period by which certain notices and reports are required to be submitted to the Board; requiring the Board to assign each cannabis establishment a cannabis establishment ID number; revising provisions relating to cannabis independent testing laboratories; requiring certain information to be reported to the Board; revising the maximum amount of cannabis and cannabis products that may be possessed by a person or sold by a cannabis sales facility in a single transaction; eliminating certain fees; revising provisions relating to certain costs collected by the Board; revising various requirements relating to the operation of a cannabis establishment; authorizing the Board to quarantine cannabis or a cannabis product under certain circumstances; revising requirements for advertising by a cannabis establishment; revising provisions relating to the sampling and testing of cannabis and cannabis products; revising requirements for the treatment or remediation of cannabis; revising packaging and labeling requirements for cannabis and cannabis products; making various other changes relating to the regulation of cannabis; and providing other matters properly relating thereto.

Legislative Counsel's Digest:

Before the enactment of Senate Bill No. 328 (S.B. 328) of the 2023 Legislative Session, existing law exempted the Cannabis Compliance Board from the requirements of the Nevada Administrative Procedure Act, which establishes the procedures for state agencies to adopt,

amend or repeal administrative regulations and adjudicate contested cases. (Chapter 233B of NRS) S.B. 328 eliminated the exemption of the Board from provisions of the Act, thereby requiring the Board to adopt, amend and repeal regulations and adjudicate contested cases in the same manner as other state agencies subject to the provisions of the Act. (Chapter 420, Statutes of Nevada 2023, at page 2526)

Sections 2-6 of this regulation define certain terms for purposes of the regulations adopted by the Board. **Section 4** defines the term “edible cannabis product” to mean an adult-use edible cannabis product or a medical edible cannabis product. **Sections 10-12, 60, 76-78, 86 and 87** of this regulation revise various provisions to specify that certain references to edible cannabis products apply only to adult-use edible cannabis products. **Section 7** of this regulation establishes the method to compute any period of time set forth in the regulations governing cannabis. **Section 8** of this regulation applies the definitions set forth in **sections 2-6** to the regulations adopted by the Board.

Existing law and regulations set forth procedures by which disciplinary action may be taken against a licensee or registrant who violates a provision of existing law governing the medical and adult-use of cannabis or any regulation adopted by the Board. (NRS 678A.500-678A.647; NCCR 4.020, 4.030, 4.070-4.135) Assembly Bill No. 76 (A.B. 76) of the 2025 Legislative Session revised those procedures to: (1) require a disciplinary hearing to be heard before a hearing officer, rather than the Board; and (2) provide for the review by the Board of the decision of a hearing officer under certain circumstances. (Chapter 459, Statutes of Nevada 2025, at page 2971) **Sections 23, 24, 31-37 and 89** of this regulation revise the procedures by which disciplinary action may be taken against a licensee or registrant. Specifically, **sections 23, 24, 33 and 89**, among other changes, make various changes to provisions of existing regulations adopted before the enactment of A.B. 76 to reflect that under existing law after the enactment of A.B. 76, disciplinary hearings are required to be heard before a hearing officer.

Existing law authorizes and requires the Board to adopt certain regulations relating to the imposition of disciplinary action against a licensee or registrant. (NRS 678A.450, 678B.650) Existing regulations establish categories of violations and set forth presumptive graduated penalties for each category of violation. (NCCR 4.035-4.060) **Sections 14, 15 and 25-29** of this regulation: (1) establish new categories of violations and the graduated penalties associated with such violations; and (2) revise the categories and presumptive graduated penalties set forth in existing regulations. **Sections 41, 46 and 59** of this regulation make conforming changes to reflect the recategorization of certain violations.

Under certain circumstances, existing law authorizes the Board, at any time, to resolve a matter involving a licensee or registrant who has allegedly violated a provision of existing law by entering into a consent or settlement agreement with the licensee or registrant. (NRS 678A.645) **Section 16** of this regulation: (1) sets forth the procedures for the approval of a consent or settlement agreement; (2) authorizes the Board or the hearing officer appointed to the case to enter a stay of the proceedings until the Board has approved or rejected a consent or settlement agreement; and (3) sets forth certain requirements for the contents of a consent or settlement agreement.

Existing law requires the Board to develop and implement a process by which a person who has been convicted of an excluded felony offense may submit to the Board a petition for an exemption from certain provisions set forth in existing law which prohibit such a person from obtaining a license or registration card. (NRS 678B.633) **Section 17** of this regulation: (1)

prescribes the contents for such a petition; and (2) establishes the process by which the Board will consider the petition.

Existing law requires the Board to adopt regulations providing for the investigation of unlicensed cannabis activities and the imposition of penalties against persons who engage in such activities. Existing law authorizes the Board to issue summonses and subpoenas and to take certain other actions in connection with such an investigation. (NRS 678A.450) **Section 18** of this regulation authorizes the Board to: (1) issue a notice of violation and an order to cease unlicensed cannabis activity to any person who engages in certain activities; and (2) take certain additional actions after the issuance of such a notice and order. **Section 19** of this regulation authorizes the Board to initiate an administrative proceeding to impose certain civil penalties if a person who has received such a notice and order continues to engage in such activities. In lieu of initiating an administrative proceeding, **section 19** additionally authorizes the Board to impose upon such a person an administrative fine of not more than \$20,000. **Section 22** of this regulation sets forth certain procedures for the imposition of such an administrative fine. **Section 21** of this regulation authorizes the Board to bring a civil action against a person who engages in unlicensed cannabis activities to recover a civil penalty of not more than \$50,000 and request that the Attorney General bring an action to enjoin the activities. **Section 20** of this regulation authorizes the Board to issue a summons or subpoena in connection with an investigation of unlicensed cannabis activities in accordance with existing law.

Section 30 of this regulation reduces the time period within which a cannabis establishment which becomes aware of an imminent health hazard must report the hazard to the Board or Board agents from within 2 hours of the discovery of the hazard to as soon as practicable after ensuring the safety of all persons in the vicinity of the hazard. (NCCR 4.065)

Section 38 of this regulation revises the procedures by which a licensee, registrant or applicant for a license or registration card may obtain a determination or advisory opinion from the Board by filing a petition for a declaratory ruling. **Section 39** of this regulation revises the procedures by which an interested party may file a petition with the Board to request the adoption, amendment or repeal of a regulation.

Section 40 of this regulation requires the Board to assign a cannabis establishment ID number to a cannabis establishment when the Board approves the application for the license of the cannabis establishment.

Existing regulations require a Board agent to enter and inspect, at least annually, each building or the premises of a cannabis establishment to ensure compliance with existing law. (NCCR 5.075) **Section 43** of this regulation requires a Board agent to enter and inspect each building or the premises of a cannabis independent testing laboratory at least biennially and conduct certain other inspections as necessary between biennial inspections. **Section 42** of this regulation removes an obsolete reference to **section 43**.

Existing regulations require a cannabis establishment to notify the Board of the closure of the cannabis establishment at least 15 days before the cannabis establishment is closed. (NCCR 5.090) **Section 44** of this regulation requires a cannabis establishment to notify the Board of a closure within 24 hours if the cannabis establishment closes temporarily due to circumstances which make operation impractical or impossible.

Section 45 of this regulation eliminates the \$75 fee required by existing regulations to accompany a request for a replacement cannabis establishment agent registration card or cannabis establishment agent registration card for a cannabis executive. (NCCR 5.140)

Sections 47 and 54 of this regulation revise the maximum amount of cannabis and cannabis products that a person is authorized to possess and that a cannabis sales facility is authorized to sell to a consumer in a single transaction.

Existing law authorizes the Board to charge a licensee or applicant for certain costs incurred by the Board and its staff for an investigation conducted for certain purposes and provides that such charges are limited to: (1) a reasonable hourly fee at a rate established by the Board by regulation for each hour spent by agents of the Board in conducting the investigation; and (2) costs for the travel expenses and per diem allowances of the agents of the Board conducting the investigation. (NRS 678B.390) Existing regulations set forth procedures for the collection of costs attributed to the oversight of cannabis establishments. (NCCR 6.025) **Section 48** of this regulation eliminates these procedures and instead: (1) establishes the hourly rate that the Board will charge for certain investigations; and (2) provides the process for charging and disputing such costs.

Section 49 of this regulation requires a cannabis establishment to notify the Board or a Board agent in writing within 24 hours after receipt of a notice for eviction.

Existing regulations set forth certain procedures that a cannabis establishment must follow if it identifies a variance or reduction in inventory, including requirements that: (1) if a significant variance is discovered, it is immediately documented, investigated and reported to the Executive Director of the Board; and (2) if the variance is not due to documented causes, the cannabis establishment determine where the loss has occurred and document corrective action. (NCCR 6.080) **Section 50** of this regulation requires a cannabis establishment to: (1) report a significant variance to the appropriate Board agent within 24 hours after the completion of the investigation; and (2) additionally notify the Board of the discrepancy within 24 hours after discovering the reduction, conduct an investigation and notify the appropriate Board agent of the results within 24 hours after the completion of the investigation.

Existing regulations require a cannabis establishment to: (1) use the seed-to-sale tracking system managed by the independent contractor selected by the Board; and (2) ensure cannabis and cannabis products are tagged as required using the seed-to-sale tracking system. (NCCR 6.082) **Section 51** of this regulation specifies that a cannabis establishment is required to ensure that all mature cannabis plants, packages containing cannabis and batches of immature plants containing 150 plants or less are properly tagged and maintained in compliance with the requirements of the seed-to-sale tracking system. **Section 51** additionally authorizes the Board to quarantine any cannabis or cannabis product which is not properly tagged or which the Board has reasonable cause to believe violates the provisions of existing law or regulations governing cannabis.

Section 52 of this regulation revises various requirements concerning the security of a cannabis establishment.

Existing regulations require a cannabis sales facility to post certain signs containing certain statements and warnings in prominent locations inside the cannabis sales facility. (NCCR 6.120) **Section 53** of this regulation requires such signs to also be posted at any customer entrance and drive-through window. **Section 53** additionally removes certain provisions of existing regulations that are duplicative of provisions set forth in existing law. Finally, **section 53** provides that a sign containing only a business name or company logo is not required to contain certain warnings.

Section 55 of this regulation revises provisions governing the products that a cannabis sales facility is authorized to sell and is prohibited from selling.

Existing regulations require a cannabis sales facility to disclose to a consumer upon request certain information relating to quality assurance tests performed for the cannabis sales facility. (NCCR 7.035, 8.010) **Section 58** of this regulation requires a cannabis cultivation facility to: (1) create a soil amendment report which discloses certain information relating to soil amendments, fertilizers, pesticides and other crop production aids applied to the growing medium or cannabis plants during production; and (2) provide the report to a cannabis sales facility with each lot of usable cannabis provided to the cannabis sales facility. **Section 56** of this regulation requires a cannabis sales facility to provide a copy of the soil amendment report upon request by a consumer.

Section 57 of this regulation revises limitations set forth in existing regulations for the maximum amounts of cannabis or cannabis products that a cannabis sales facility is authorized to deliver to consumers at any one time or in 1 calendar day. Existing regulations require a cannabis sales facility that receives a report of loss or theft to immediately report the loss or theft to the appropriate law enforcement agency, the Board and the Executive Director of the Board. (NCCR 7.050) **Section 57** instead provides that such a report must be made immediately to the appropriate law enforcement agency and, after any risk to public safety has been abated, to the Board.

Existing regulations require a cannabis cultivation facility to retain at least one person who is a certified applicator and authorized to use pesticides for certain purposes. (NCCR 10.075) Assembly Bill No. 34 of the 2021 Legislative Session revised various provisions governing the certification of persons to apply or supervise the application of restricted-use pesticides, including eliminating the term “certified applicator.” (Chapter 34, Statutes of Nevada 2021, at page 149) **Section 61** of this regulation instead requires a cannabis cultivation facility to retain at least one person who is a “private applicator,” which existing law defines, generally, to mean an applicator who is certified to apply or supervise the application of any restricted-use pesticide for the purposes of producing any agricultural commodity on property owned or rented by the applicator or the applicator’s employer. (NRS 555.2681)

Existing regulations require each cannabis independent testing laboratory to employ a scientific director and set forth certain requirements concerning the qualifications and duties of a scientific director. (NCCR 11.010) **Section 63** of this regulation requires a scientific director to: (1) reside within 200 miles of the cannabis independent testing laboratory; (2) ensure safety in the laboratory; and (3) conduct certain reviews of technical policies and procedures. Existing regulations authorize a cannabis independent testing laboratory to appoint an interim director for not more than 90 days under certain circumstances. (NCCR 11.010) **Section 63** authorizes an appropriate Board agent to extend that period of appointment. Finally, **section 63** increases, from 5 workdays to 10 workdays, the amount of time a scientific director is required to be on the premises of the laboratory each month and requires the appointment of an interim director if the scientific director is temporarily unable to comply with that requirement.

Section 64 of this regulation requires a cannabis independent testing laboratory to implement a safety program which includes certain guidelines.

Existing law requires a cannabis independent testing laboratory to become accredited pursuant to certain standards, and existing regulations require the laboratory to provide the Board with copies of each annual inspection report from the accrediting organization. (NRS 678B.290; NCCR 11.020) **Section 65** of this regulation requires the cannabis independent testing laboratory to provide the report and accreditation certificate to the Board within 3 business days after receipt of the documents from the accrediting organization.

Existing regulations require each cannabis independent testing laboratory to: (1) follow the standards and guidelines set forth in certain publications; and (2) validate or verify all quality assurance tests by observing certain standards and guidelines. (NCCR 11.025) **Section 66** of this regulation revises the list of those standards and guidelines. **Section 62** of this regulation adopts by reference the standards and guidelines which **section 66** requires the cannabis independent testing laboratory to adhere to or follow. **Section 66** additionally requires a quality control and quality assurance program maintained by a cannabis independent testing laboratory to: (1) include a written ethics policy; (2) provide training to all staff of the laboratory on the written ethics policy; and (3) require all staff of the laboratory to sign a statement which attests that the staff member will adhere to the written ethics policy.

Existing regulations set forth the testing methods that a cannabis independent testing laboratory must use and provide alternative methods that the laboratory is authorized to use if such methods are unavailable. (NCCR 11.025) **Section 66** revises the list of testing methods that a cannabis independent testing laboratory is authorized to use.

Existing regulations require each cannabis independent testing laboratory to establish certain policies relating to chain of custody and sample identification requirements. (NCCR 11.030) **Section 67** of this regulation requires each cannabis independent testing laboratory to: (1) ensure the positive identification of the cannabis or cannabis product by verifying the accuracy of certain information and matching it to the information documented in the seed-to-sale tracking system; and (2) adhere to certain chain of custody and sample identification requirements.

Section 68 of this regulation revises various requirements and procedures for the testing conducted by a cannabis independent testing laboratory for research and development purposes.

Existing regulations set forth the quality assurance tests that a cannabis independent testing laboratory is required to use to test cannabis and cannabis products. (NCCR 11.050) **Section 69** of this regulation sets forth the quality assurance tests required for usable cannabis which is destined for extraction and revises the quality assurance tests required for wet cannabis which is destined for extraction. **Sections 69 and 72** of this regulation further revise various procedures and requirements for the collection and disposal of samples of cannabis and cannabis products for testing and for the provision of a certificate of analysis by a cannabis independent testing laboratory.

Section 70 of this regulation revises the circumstances under which a cannabis independent testing laboratory is required to verify the homogeneity of the potency of an edible cannabis product.

Existing regulations set forth the procedure for performing a pesticide residue analysis and the circumstances under which a pesticide residue analysis is considered to be failed. (NCCR 11.050, 11.065) **Section 71** of this regulation requires a cannabis independent testing laboratory to establish limits of detection for every pesticide analyzed by the laboratory. **Section 71** further provides that if a pesticide which does not occur on the list of pesticides published by the State Department of Agriculture is detected in any amount which is positively identified to be equal to or greater than the limit of detection established by the cannabis independent testing laboratory, the pesticide residue analysis is considered to be failed.

Existing regulations authorize a lot or production run of cannabis that fails certain screening tests to be remediated under certain circumstances. (NCCR 11.075) **Section 73** of this regulation requires: (1) a Board agent to preapprove any process for the post-harvest treatment or remediation of cannabis; and (2) a cannabis establishment to maintain and provide to a cannabis

independent testing laboratory that collects a sample for testing documentation of post-harvest treatment or remediated lots or production runs.

Existing regulations require: (1) a cannabis establishment, upon request of the Board, to provide a sample of cannabis or a cannabis product to a cannabis independent testing laboratory; and (2) a cannabis independent testing laboratory to perform screenings and testing on the sample as directed by the Board. (NCCR 11.085) **Section 74** of this regulation revises requirements concerning the responsibility for the costs of such screenings and testing.

Section 75 of this regulation requires a cannabis cultivation facility or cannabis production facility to disclose in writing with each lot or production run provided to a cannabis sales facility or cannabis consumption lounge any process used for the purpose of reducing or eradicating microbial contamination any time post-harvest and sets forth the contents of such a disclosure. **Section 75** additionally requires a cannabis sales facility or cannabis consumption lounge to: (1) upon request, immediately provide the disclosure to a consumer or patient through certain authorized methods; and (2) post a notice in a certain manner which states that information regarding any treatment or remediation, laboratory results and soil amendments is available upon request.

Subject to certain restrictions, existing law authorizes the Board to adopt regulations setting forth requirements relating to the packaging and labeling of cannabis and cannabis products. (NRS 678A.450) Existing regulations set forth various requirements for the packaging and labeling of cannabis. (NCCR 12) **Section 77** revises, reorganizes and sets forth additional requirements for the packaging of cannabis and cannabis products sold by a cannabis establishment. **Sections 79-82** of this regulation revise labeling requirements for cannabis cultivation facilities, cannabis production facilities, cannabis sales facilities and cannabis consumption lounges.

Existing law sets forth the maximum amount of cannabis and the maximum amount of THC that may be contained in an adult-use cannabis product that is sold in a single package. (NRS 678D.420) **Section 76**: (1) removes provisions concerning such maximum amounts set forth in existing regulations that are duplicative of provisions set forth in existing law; and (2) sets forth the maximum amount of THC that may be contained in an adult-use cannabis product sold as a pill that is sold in a single package.

Existing regulations require, with certain exceptions, each single-serving edible cannabis product and each individual serving of a multiple-serving edible cannabis product containing not more than 10 milligrams of THC to be stamped or molded with a Nevada universal cannabis symbol. (NCCR 12.020) **Section 78** additionally requires each individual serving of a medical edible cannabis product to be stamped or molded with a Nevada universal cannabis symbol.

Existing regulations require, upon consumer request, a cannabis sales facility and cannabis consumption lounge to provide to the consumer accompanying material that discloses any pesticides applied to the cannabis plants and growing medium during production and processing. (NCCR 12.050) **Section 83** of this regulation requires the cannabis sales facility and cannabis consumption lounge to instead provide: (1) a copy of the soil amendment report and the certificate of analysis from the cannabis independent testing laboratory; and (2) such documents to the consumer immediately. Existing regulations additionally require a cannabis sales facility and cannabis consumption lounge to provide with all cannabis and cannabis products sold a written or electronic notification which contains certain warnings. (NCCR 12.050) **Section 83** revises the warnings that must be contained in such a notice.

Existing regulations set forth requirements governing advertising by a cannabis establishment, including warnings which must be included in such advertisements and limitations on the manner and form of such advertising. (NCCR 12.070) **Sections 9 and 84** of this regulation: (1) require such warnings to be set forth in a visible and legible manner; (2) provide that advertisements which are posted inside a cannabis establishment and not for distribution are not subject to certain advertising requirements and limitations; and (3) reorganize certain requirements relating to advertising.

Existing regulations require each cannabis establishment agent transporting cannabis or cannabis products for an adult-use cannabis distributor to make certain reports regarding: (1) motor vehicle crashes that occur during transportation; (2) any unauthorized stops; and (3) any loss or theft of cannabis or cannabis products that occurs during the transportation. Existing regulations further require an adult-use cannabis distributor that receives a report of loss or theft to immediately report the loss or theft to the appropriate law enforcement agency and to the Board. (NCCR 13.010) **Section 85** of this regulation: (1) increases from 2 hours to 24 hours the time frame in which a cannabis establishment agent transporting cannabis or cannabis products for such an adult-use cannabis distributor is required to make a report regarding a motor vehicle crash; (2) requires a cannabis establishment agent to make a report to the Board regarding any unauthorized stop within 24 hours after the stop; and (3) requires an adult-use cannabis distributor to report to the Board any loss or theft after any risk to public safety has been abated.

Section 89 repeals a requirement for the packaging of cannabis or a cannabis product which has been treated with radiation at any time to include certain statements and symbols which indicate that the product has been treated with irradiation. (NCCR 12.065) **Section 89** additionally repeals an obsolete provision regarding the applicability of certain regulations of the Board.

Section 1. NCCR 1 is hereby amended by adding thereto the provisions set forth as sections 2 to 7, inclusive, of this regulation.

Sec. 2. *“Day” means a calendar day.*

Sec. 3. *“Diversion” means the transfer of cannabis or a cannabis product from a lawful to an unlawful channel of distribution or use, including, without limitation, the transfer of cannabis or cannabis products:*

- 1. For the purpose of facilitating an unlawful sale; or*
- 2. Through the falsification of records or intentional inaccurate reporting of inventory.*

Sec. 4. *“Edible cannabis product” means:*

- 1. An adult-use edible cannabis product; or*

2. A medical edible cannabis product.

Sec. 5. “Intentionally” means voluntarily or deliberately, rather than accidentally or inadvertently. The term does not require proof of bad faith, ill will, evil intent or malice.

Sec. 6. “Knowingly” means actual knowledge that the facts exist which constitute an act or omission, or such knowledge as an ordinarily prudent person would possess using reasonable care and diligence.

Sec. 7. Except as otherwise provided by specific statute or regulation or as required by the context, the computation of any period of time prescribed by the NCCR which is stated in days or a longer period of time must be made in accordance with Rule 6(a)(1) of the Nevada Rules of Civil Procedure.

Sec. 8. NCCR 1.040 is hereby amended to read as follows:

As used in these regulations, unless the context otherwise requires, the words and terms defined in ~~NRS 678A.020 to 678A.240, NRS 678B.030 to 678B.070, NRS 678C.010~~ ***NCCR 1.050 to 1.050 to ~~678C.110, and NRS 678D.010 to 678D.040~~ 1.235, inclusive, and sections 2 to 6, inclusive, of this regulation*** have the meanings ascribed to them in those ~~statutes.~~ ***sections.***

Sec. 9. NCCR 1.052 is hereby amended to read as follows:

“Advertise” and “advertising” mean an attempt by written, electronic or graphic representation to promote a company ~~and/or~~ ***or*** company products or services. The terms include, without limitation, such representations made:

1. On radio, television, ~~and/or~~ ***or*** the internet.
2. In newspapers, magazines, directories, in-store signs and menus, circulars, brochures, or other printed matters.

3. On outdoor advertising or other signage consisting of signs, posters, displays, billboards, or any other stationary or permanently affixed advertisement promoting the sale of cannabis or cannabis products.

~~{Signage of the business name, company logos, devices, lights, figures, paintings, drawings, branding, or plaques that are used in the design of the cannabis establishment are not subject to the requirements of NCCR 12.070(1)-(3), however, each of the foregoing items must comply with the requirements detailed in NCCR 12.070(4).}~~

Sec. 10. NCCR 1.130 is hereby amended to read as follows:

“Multiple-serving edible cannabis product” means an *adult-use* edible cannabis product which is offered for sale to a consumer and contains, within a variance of 15 percent of the potency allowable, more than 10 milligrams and not more than 100 milligrams of THC. The term includes an *adult-use* edible cannabis product which contains multiple pieces, each of which contains 10 milligrams or less of THC, if the edible cannabis product offered for sale contains a total of more than 10 milligrams of THC.

Sec. 11. NCCR 1.220 is hereby amended to read as follows:

“Single-serving edible cannabis product” means an *adult-use* edible cannabis product which is offered for sale to a consumer and contains not more than 10 milligrams of THC.

Sec. 12. NCCR 1.222 is hereby amended to read as follows:

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

1. Single-use cannabis products include, but are not limited to, items that are designed for use in a single sitting.

2. ~~{A Single-use}~~ *Single-use* cannabis products may be provided in bulk to a cannabis consumption lounge for later portioning prior to sale to consumers.
3. All ~~{Single-use}~~ *single-use* cannabis products must be prepared at a licensed cannabis establishment and may not exceed the allowable serving size.
4. All items must be sold as a single serving and labeled in accordance with NCCR 12.040 or 12.045 ~~{ }~~, *as applicable*.
5. ~~{Edible}~~ *Single-use cannabis products that are adult-use edible* cannabis products in liquid form must be homogenized prior to portioning and must be dispensed and sold to consumers utilizing a commercial weighing or dispensing device certified pursuant to *chapter 581 of NRS*. ~~{581.}~~
6. Single-use cannabis products must not contain more than:
- (a) ~~{3.5}~~ *Three and one-half* grams of usable cannabis.
~~{(1) If the single-use cannabis product contains more than 1 gram of usable cannabis, it must include a written warning: "Caution This product is very potent and is not recommended for inexperienced users".}~~
 - (b) ~~{10}~~ *Ten* milligrams of THC for an edible, capsule, or tincture.
 - (c) ~~{300}~~ *Three hundred* milligrams *of* THC for ~~{inhalable extracted cannabis products}~~.
~~——(1) All single-use cannabis product sold as an inhalable extracted cannabis product must include a warning, "Caution This product is very potent and is not recommended for inexperienced users".}~~ *a single-use cannabis product that is concentrated cannabis intended for use or consumption by means of inhalation.*
 - (d) ~~{400}~~ *Four hundred* milligrams of THC for a topical.

(e) ~~100~~ *One hundred* milligrams of THC for transdermal patches or other adult-use cannabis products not mentioned in this section.

~~7~~ 7. If the single-use cannabis product :

(a) Contains more than 1 gram of usable cannabis;

(b) Is a single-use cannabis product described in paragraph (b) of subsection 6; or

(c) Is a transdermal patch or other cannabis product not mentioned in this section and

contains more than 10 milligrams of THC,

↳ it must include a written warning: “Caution- This product is very potent and is not recommended for inexperienced users”.

Sec. 13. NCCR 4 is hereby amended by adding thereto the provisions set forth as sections 14 to 22, inclusive, of this regulation.

Sec. 14. 1. *The Board or a hearing officer employed by the Board will determine a category I violation of the NCCR or title 56 of NRS as follows:*

(a) Category I violations are violations which are of a severity that precludes the continuing operations of a cannabis establishment or the maintenance of a cannabis establishment agent registration card.

(b) Category I violations include, without limitation:

(1) Conviction of an excluded felony offense, as defined in NRS 678B.050; or

(2) Diversion of cannabis or a cannabis product.

2. *Before consideration of the factors described in subsection 3 of NCCR 4.030, the Board or hearing officer will presume that the appropriate penalty for any category I violation is revocation of a license or cannabis establishment agent registration card.*

Sec. 15. 1. The Board or a hearing officer employed by the Board will determine a category VII violation of the NCCR or title 56 of NRS as follows:

(a) Category VII violations are violations which are inconsistent with the orderly regulation of the sale or production of cannabis or cannabis products and of a less serious nature than a category VI violation as described in NCCR 4.060.

(b) Category VII violations include, without limitation:

(1) Failure by a cannabis establishment agent to display or have in his or her immediate possession a cannabis establishment agent registration card or proof of temporary registration;

(2) Failing to provide written notice pursuant to NCCR 6.087 within 10 working days after the date on which a cannabis establishment agent begins or ends employment at a cannabis establishment;

(3) Failing to maintain a visitor log as required by NCCR 6.070;

(4) Failing to pay, in a timely manner, costs billed by the Board pursuant to NCCR 6.025;

(5) Failing to, within 30 days of the receipt of an invoice, pay costs for screening or testing pursuant to NCCR 11.085;

(6) Failure by a cannabis consumption lounge to provide water service pursuant to NCCR 15.095;

(7) Failing, in a timely manner, to pay taxes or file tax returns;

(8) Any variance of more than 0.25 percent of the total inventory of the cannabis establishment which is documented; or

(9) A violation of any requirement of the NCCR or title 56 of NRS that is not punishable pursuant to any other category of violation.

2. Before consideration of the factors described in subsection 3 of NCCR 4.030, the Board or hearing officer will presume that the following are appropriate penalties for a category VII violation:

(a) For the first or second category VII violation in the immediately preceding 3 years, a written formal warning.

(b) For the third category VII violation in the immediately preceding 3 years, a civil penalty of not more than \$1,500.

(c) For the fourth category VII violation in the immediately preceding 3 years, a civil penalty of not more than \$3,000.

(d) For the fifth category VII violation in the immediately preceding 3 years, a civil penalty of not more than \$5,000.

(e) For the sixth category VII violation in the immediately preceding 3 years, a civil penalty of not more than \$10,000.

(f) For the seventh or any subsequent category VII violation in the immediately preceding 3 years, one or both of the following:

(1) A civil penalty of not more than \$20,000.

(2) Suspension for not more than 10 days of a license or cannabis establishment agent registration card.

Sec. 16. 1. *A consent or settlement agreement may be entered into pursuant to subsection 5 of NRS 233B.121 or NRS 678A.645 before or after the commencement of a contested case. If such an agreement is discussed after the commencement of a contested case,*

the Board or the hearing officer appointed to the case may enter a stay of the proceedings until the Board has approved or rejected the agreement.

2. In considering such a consent or settlement agreement for approval, the Board may, by a majority vote of the members:

- (a) Approve the consent or settlement agreement;*
- (b) Reject the consent or settlement agreement; or*
- (c) Remand the consent or settlement agreement back to the parties to discuss different terms for reconsideration at a later meeting of the Board.*

3. A consent or settlement agreement entered into pursuant to NRS 678A.645 must contain the following, as applicable:

- (a) Any civil penalties stipulated to by the parties;*
- (b) Any disciplinary actions to be imposed, including the revocation or suspension of a license;*
- (c) A statement of any mitigating circumstances present and the weight given to each mitigating circumstance; and*
- (d) Any other terms and conditions relevant to the contested case.*

4. A consent or settlement agreement is not effective until the agreement is approved pursuant to subsection 2.

Sec. 17. 1. A petition submitted to the Board pursuant to NRS 678B.633 must include:

- (a) The name, residence address, telephone number, electronic mail address and, if applicable, business address of the petitioner;*
- (b) For each excluded felony offense:*
 - (1) The date of conviction for the offense;*

- (2) The date that probation or supervised release ended for the offense; and*
- (3) A certified copy of the judgment of conviction for the offense;*
- (c) A statement explaining why the petitioner believes the petitioner:*
 - (1) Will not pose a threat to the health and safety of the public; and*
 - (2) Will not negatively impact the cannabis industry in this State;*
- (d) The position, employment, ownership or other role the petitioner plans to undertake in the cannabis industry in this State if the petition is granted;*
- (e) A list of conditions and limitations the petitioner is willing to accept on his or her involvement in the cannabis industry in this State;*
- (f) The signature of the petitioner or the legal representative of the petitioner; and*
- (g) Any other information or documents requested by a Board agent.*
- 2. The Board will construe any petition submitted pursuant to this section in a manner consistent with the declared policy of this State.*
- 3. The Board may summarily deny, with or without prejudice, a petition that does not meet the requirements set forth in subsection 1.*
- 4. Upon receipt of the petition a Board agent shall:*
 - (a) Evaluate the petition and conduct any investigation that the Board agent deems necessary; and*
 - (b) Within 60 days, request any necessary additional information or documentation from the petitioner.*
- 5. If a Board agent requests additional information or documentation pursuant to subsection 4, the petitioner shall submit such information or documentation to the Board*

agent within 45 days after the request. The Board agent shall complete his or her evaluation of the petition within 45 days after the receipt of such information or documentation.

6. After a Board agent evaluates a petition pursuant to this section:

(a) The petition must be presented and considered at a meeting of the Board; and

(b) The Board will provide to the petitioner a notice which indicates the date of the meeting at which the Board will consider the petition.

7. During the meeting at which the Board considers the petition, the Board may:

(a) Close a portion of the meeting pursuant to NRS 241.030 and 241.033 to consider the petition;

(b) Question the petitioner; and

(c) After consideration of the petition, render a decision to:

(1) Grant the petition;

(2) Grant the petition with conditions; or

(3) Deny the petition with or without prejudice.

8. The Board shall, not later than 30 days after the date on which the Board rendered a decision pursuant to subsection 7, make and enter a written order in conformity with the decision.

9. The order of the Board made pursuant to subsection 8 is final and not subject to judicial review.

Sec. 18. 1. *The Board may issue a notice of violation and an order to cease unlicensed cannabis activity to any person who:*

(a) Without the appropriate license:

(1) Cultivates, processes, distributes, transports, sells or offers to sell cannabis or cannabis products; or

(2) Advertises or encourages the unlawful sale or delivery of cannabis or cannabis products, including, without limitation, by listing or disseminating through print media or the Internet an advertisement for an unlicensed cannabis business or delivery service;

(b) Makes any false, misleading or deceptive statement or representation concerning the nature of a cannabis-related product, including, without limitation, a product containing a synthetic cannabinoid and a commodity or product containing hemp, as defined by NRS 557.160, which exceeds the maximum THC concentration established by the State Department of Agriculture for hemp, in connection with the sale or the offer to sell such a product; or

(c) Owns real property where an action described in paragraph (a) or (b) is taking place.

2. A notice of violation and order to cease unlicensed activity issued pursuant to subsection 1 must be served upon the person engaged in the unlicensed activity by:

(a) Delivering personally the notice and order;

(b) Sending the notice and order by registered or certified mail; or

(c) Affixing the notice and order to the physical location where the unlicensed cannabis activity is taking place in accordance with subsection 4.

3. A person who receives a notice and order to cease unlicensed cannabis activity shall cease the unlicensed cannabis activity immediately upon being served in the manner provided by subsection 2.

4. If the Board issues a notice of violation and order to cease unlicensed cannabis activity, the Board may:

(a) Pursuant to subsection 11 of NRS 678A.440, seize and destroy any cannabis and cannabis product found in the possession of the person to whom the notice and order was issued.

(b) Affix a copy of the notice and order on the front window, a door or an exterior wall of the physical location where the unlicensed cannabis activity is taking place. Any copy of the notice and order affixed pursuant to this paragraph must be affixed not more than 5 feet from the front door of the location or another point of entry accessible to the public at a height of not less than 4 feet and not more than 6 feet. If there is no direct entrance to the location from the street, the notice and order must be posted at any point of entry in a place where potential customers or members of the public are likely to see the notice and order.

(c) Affix one or more warning stickers at or near the front door or other entry point which is accessible from the street which advises the public that the person has been ordered to stop the unlawful activity and of the public health and safety concerns of illicit cannabis.

5. A person shall not remove a notice of violation, order to cease unlicensed cannabis activity or warning sticker that has been affixed by the Board pursuant to this section unless authorized by the Board. The Board may, in accordance with section 22 of this regulation, impose against a person who violates this subsection an administrative fine of not more than \$50,000, in addition to any costs incurred by the Board because of the violation, including, without limitation, attorney's fees.

Sec. 19. 1. *Except as otherwise provided in subsection 3, if a person continues to engage in an unlicensed activity described in section 18 of this regulation after the receipt of a notice of violation and order to cease unlicensed cannabis activity issued pursuant to section 18 of this regulation, the Board may initiate an administrative proceeding to impose a civil*

penalty in accordance with chapter 233B of NRS, NRS 678A.520 to 678A.600, inclusive, and NCCR 4.070 to 4.130, inclusive. For the purposes of an administrative proceeding initiated pursuant to this subsection, any reference to a “licensee” or “cannabis establishment” in those provisions must be interpreted as applying to the person against whom the administrative proceeding is initiated.

2. At any time before or after the commencement of an administrative proceeding pursuant to subsection 1, the parties may enter into a consent or settlement agreement in accordance with NRS 233B.121, 678A.645 and section 16 of this regulation. For the purposes of any such consent or settlement agreement, any reference to a “licensee” or “cannabis establishment” in those provisions must be interpreted as applying to the person against whom the administrative proceeding has been or may be initiated.

3. In lieu of initiating an administrative proceeding pursuant to subsection 1, the Board may, in accordance with section 22 of this regulation, impose an administrative fine of not more than \$20,000 upon a person who continues to engage in an unlicensed cannabis activity described in section 18 of this regulation after receiving a notice of violation and order to cease unlicensed cannabis activity.

Sec. 20. *As part of an investigation of an unlicensed cannabis activity described in section 18 of this regulation, if the Board has cause to believe that a person has engaged in or is engaging in such an activity, the Board may issue a summons or subpoena in accordance with subsection 4 of NRS 678A.450.*

Sec. 21. *1. In addition to any other penalties, the Board may take any of the following actions against a person who engages in an unlicensed cannabis activity described in section 18 of this regulation:*

(a) Bring an action to recover a civil penalty of not more than \$50,000.

(b) Request that the Attorney General bring an action to enjoin the unlicensed cannabis activity.

2. An action brought pursuant to paragraph (a) of subsection 1 is not barred by a prior acquittal of the person in a criminal action arising out of the same act, transaction or occurrence. A final judgment or decree rendered in favor of the State in any criminal proceeding arising out of the same act, transaction or occurrence estops the person from denying the essential allegations of the criminal offense.

Sec. 22. *1. Before imposing an administrative fine upon a person pursuant to section 18 or 19 of this regulation, the Board will give written notice to the person of the intention of the Board to enter an order imposing an administrative fine and serve such notice personally or by registered or certified mail.*

2. Within 20 days after the written notice is served pursuant to subsection 1, the person may request a hearing to contest the order. If a hearing is not requested, the Board will enter a final order imposing the administrative fine. If a hearing is requested, the hearing must be conducted in accordance with the procedures described in section 19 of this regulation for an administrative proceeding.

Sec. 23. NCCR 4.020 is hereby amended to read as follows:

1. A violation of any of the provisions of ~~the~~ **title** 56 of NRS or **the** NCCR is grounds for disciplinary action by the Board, including, without limitation, immediate revocation of a license for a cannabis establishment ~~pursuant to NRS 678A.450 and NRS 678.650.~~

~~—2.— A violation of any of the provisions of Title 56 of NRS or NCCR is grounds for disciplinary action by the Board, including, without limitation, immediate revocation of~~ *or* a cannabis establishment agent registration card.

2. For the purposes of the penalty presumptions set forth in NCCR 4.035 to 4.060, inclusive, and sections 14 and 15 of this regulation:

(a) A violation occurs on the date that the cannabis establishment or cannabis establishment agent knew or reasonably should have known of the act or omission that constitutes a violation, regardless of the actual date the act or omission is determined or adjudicated to constitute a violation.

(b) If more than one violation of the same category is committed on the same day and the violations are separate and distinct, the violations constitute separate violations.

3. For the purposes of subsection 2, knowledge may be established by a statement of deficiencies letter from the Board or a Board agent or any other evidence determined to be sufficient by the Board or a hearing officer employed by the Board.

Sec. 24. NCCR 4.030 is hereby amended to read as follows:

1. The Board *or a hearing officer employed by the Board* may:

(a) Subject to the provisions of NCCR 4, impose a civil penalty of not more than ~~1\$90,0001~~ *\$20,000* per violation on any person who fails to comply with or violates any provision of the NCCR ~~and Title~~ *or title* 56 of NRS. Such a civil penalty must be paid to the State of Nevada for deposit in the State General Fund. ~~11~~

(b) ~~Except as otherwise provided in paragraph (c), suspend~~ *Suspend* or revoke a license or cannabis establishment agent registration card. ~~If the Board orders the suspension of a license or cannabis establishment agent registration card, the Board shall prescribe the time period of the~~

~~suspension in the written decision. If the Board orders the revocation of a license or cannabis establishment agent registration card, the Board shall prescribe a period of not less than 1 year and not more than 10 years during which the person may not apply for reinstatement of the license or cannabis establishment agent registration card; and~~

~~— (c) If corrective action approved by the Board will cure the noncompliance or violation but will not be completed within 30 days after issuance of the order, suspend for more than 30 days the license of a cannabis establishment or the cannabis establishment agent registration card of a person who fails to comply with or violates the provisions of the NCCR and Title 56 of NRS.]~~

2. *If the Board or hearing officer orders the:*

(a) *Suspension of a license:*

(1) *The Board or hearing officer will prescribe the time period of the suspension in the written decision; and*

(2) *A Board agent shall post a notice of closure at the facility which must remain posted until a Board agent approves its removal.*

(b) *Suspension of a cannabis establishment agent registration card, the Board or hearing officer will prescribe the time period of the suspension in the written decision.*

(c) *Revocation of a license or cannabis establishment agent registration card, the Board or hearing officer will prescribe a period of not less than 1 year and not more than 10 years during which the person may not apply for reinstatement of the license or cannabis establishment agent registration card.*

3. To determine the amount of a civil penalty assessed pursuant to this section, the Board *or hearing officer* will consider the gravity of the violation, the economic benefit or savings, if any, resulting from the violation, the size of the business of the violator, the history of compliance

with the NCCR and ~~{Title}~~ *title* 56 of NRS by the violator, action taken to remedy the violation, the effect of the penalty on the ability of the violator to continue in business , *the mitigating circumstances set forth in NRS 678A.647* and any other matter as justice may require.

Sec. 25. NCCR 4.035 is hereby amended to read as follows:

1. The Board *or a hearing officer employed by the Board* will determine a category ~~{H}~~ *II* violation of the NCCR ~~{and Title}~~ *or title* 56 of NRS as follows:

(a) Category ~~{H}~~ *II* violations are *violations which are* of a severity that make a person ineligible to receive, renew, or maintain a license . ~~{, including,}~~

(b) Category II violations include, without limitation:

(1) ~~{Conviction of an excluded felony offense;}~~ *Any variance in inventory of more than 10 percent of the total inventory of the cannabis establishment which is not documented;*

(2) Operating without all required permits, certificates, registrations ~~{and/or}~~ *and* licenses ~~{,}~~ *, including, without limitation, a business license, a special land use permit or any permit required by the Department of Taxation;*

(3) Making an intentionally false statement to the Board or Board ~~{Agents;}~~ *agents;*

(4) Intentionally destroying or concealing evidence;

(5) Intentionally failing to ~~{pay taxes to the Department of Taxation;}~~ *comply with an order or directive issued by the Board;*

(6) Allowing noisy, disorderly or unlawful activity that results in death or serious physical injury, that involves the unlawful use or attempted use of a deadly weapon against another person or that results in a sexual offense which is a category A felony;

(7) Operating a cannabis establishment while the license for the cannabis establishment is suspended or revoked;

(8) Transporting cannabis outside of the boundaries of this State, except where authorized by an agreement between the Governor of this State and a participating tribal government;

(9) Making verbal or physical threats to a Board ~~{Agent}~~ *agent* or Board member;

(10) Failing to immediately admit regulatory or law enforcement personnel *who present appropriate identification* into the premises of a cannabis establishment;

(11) Refusing to allow an inspection or obstructing regulatory personnel or *a* law enforcement officer from performing his or her official duties;

(12) ~~{Purchasing or selling cannabis that has not passed the analysis required by a cannabis independent testing laboratory without written approval from the Board;~~

~~—(13)—~~ Purchasing , ~~{or}~~ selling , *receiving, cultivating, producing or otherwise using* cannabis *that is* not found in the seed-to-sale tracking system ~~{;~~

~~—(14) Failure to properly collect taxes;}~~ or

~~{(15)}~~ *that was obtained from an unauthorized source;*

(13) Transporting or storing cannabis from an unlicensed source, other than patient or consumer samples stored at a cannabis independent testing laboratory, or diversion of cannabis or cannabis products ~~{;~~

(14) Working or volunteering at a cannabis establishment without a cannabis establishment agent registration card or permitting a person who does not have a cannabis establishment agent registration card to work or volunteer at a cannabis establishment;

(15) Failing to tag more than 10 percent of mature cannabis plants and packages required to be tagged pursuant to NCCR 6.082;

(16) Engaging in grossly negligent, unlawful or criminal conduct relating to cannabis;
or

(17) Engaging in an act or omission that poses an imminent threat to the health or safety of the public.

2. Before consideration of the factors described in subsection ~~H(a)~~ *3 of NCCR 4.030*, the Board *or hearing officer* will presume that the following are appropriate penalties for ~~violations of the NCCR and Title 56 of NRS;~~ *a category II violation:*

(a) For ~~the first~~ *category II* violation ~~which is the:~~
~~(1) First violation~~ in the immediately preceding 3 years, ~~the~~ *one or both of the following:*

(1) A civil penalty of not more than \$90,000 and a \$20,000.

(2) A suspension for not more than 30 days or revocation of a license or cannabis establishment agent registration card.

~~(2) Second or subsequent~~

(b) For the second category II violation in the immediately preceding 3 years:

(1) A civil penalty of not more than \$20,000 and the suspension of a license or cannabis establishment agent registration card for not more than 30 days; or

(2) Revocation of a license or cannabis establishment agent registration card.

(c) For the third or subsequent category II violation in the immediately preceding 3 years,
revocation of a license or cannabis establishment agent registration card.

~~(b) Notwithstanding the foregoing, a single violation of NCCR 4.035(1)(a)(15) for diversion of cannabis or cannabis products requires revocation of a license, certificate, and/or cannabis establishment agent registration card.~~

Sec. 26. NCCR 4.040 is hereby amended to read as follows:

1. The Board *or a hearing officer employed by the Board* will determine a category ~~III~~ *III* violation of the NCCR ~~{and Title}~~ *or title* 56 of NRS as follows:

(a) Category ~~III~~ *III* violations are violations *which are* of a severity that create a present threat to public health or safety . ~~{, including,}~~

(b) Category III violations include, without limitation:

(1) Making an unintentional false statement or representation of fact to the Board or Board ~~{Agents;}~~ *agents;*

(2) Unintentionally destroying or concealing evidence;

(3) Failing to verify the age of, or selling or otherwise providing cannabis , ~~{or}~~ cannabis *products or* paraphernalia to, a person who is less than 21 years of age ~~{;}~~ *unless the person holds a registry identification card or letter of approval;*

(4) Allowing a person who is less than 21 years of age to enter or remain in a cannabis establishment or transport vehicle unless the person holds a registry identification card or letter of approval;

(5) ~~{Permitting sales by}~~ *Without the written approval of* a ~~{person without a}~~ *Board agent, transferring or taking possession of* cannabis ~~{establishment agent registration card unless}~~ that ~~{person is deemed to be temporarily registered;}~~ *has not passed all required testing performed by a cannabis independent testing laboratory;*

(6) ~~{Effecting a change in ownership and/or ownership interest without complying}~~ *Unintentionally failing to comply* with ~~{all the requirements of NCCR 5.110 and/or any additional}~~ *an order or directive issued by the* Board ; ~~{guidance and orders regarding transfers of interest.}~~

(7) *Failing to appear before the Board when notified to appear without providing notice or a reasonable excuse;*

(8) Allowing noisy, disorderly or unlawful activity that involves *the* use of a dangerous weapon against another person with intent to cause death or serious physical injury;

~~[(8) Allowing a person who is less than 21 years of age]~~

(9) *Failing to* ~~[work or volunteer at the cannabis establishment;~~

~~—(9)] install video cameras as required by NCCR 6.085;~~

(10) Failing to cease operation and notify the Board or Board ~~[Agents]~~ *agents* during an imminent health hazard ~~;~~

~~—(10) Purchasing, cultivate, produce]~~ *or resuming operation without approval after the Board has required a cessation of operations due to an imminent health hazard;*

(11) *Without the approval of a Board agent, modifying quantities or* ~~[otherwise use]~~ *weights of* cannabis ~~[from an unapproved source;~~

~~—(11) Not properly segregating medical patient retail sales from adult use retail sales;]~~ *or cannabis products after the cannabis or cannabis products have been tested;*

(12) *Without the approval of a Board agent, retesting cannabis or cannabis products;*

(13) Operating ~~[an]~~ *any* unapproved ~~[extraction unit;~~

~~—(13) Selling an amount of cannabis in excess of transaction limits;]~~ *equipment that poses a risk of harm to human health or safety;*

(14) *Failing to maintain a laboratory quality assurance program or quality control program;*

(15) Failing to maintain ~~[required security]~~ *an* alarm ~~[and surveillance systems;~~

~~—(15)] system pursuant to NCCR 6.085;~~

(16) Any intentional variance from approved procedures in a laboratory;

~~[(16)]~~ (17) Failing to notify the Board or Board ~~[Agents]~~ *agents* of a loss of possession or control of a cannabis ~~[facility]~~ *establishment* within 24 hours;

~~[(17) Transferring.]~~

(18) *Without the approval of a Board agent, transferring,* moving, or disturbing cannabis or cannabis product which has been quarantined by the Board ~~[without Board approval;~~

~~—(18)] ;~~

(19) Failing to ~~[renew the cannabis establishment license on time;]~~ *tag more than 5 percent but not more than 10 percent of mature cannabis plants and packages required to be tagged pursuant to NCCR 6.082;*

(20) *Any variance in inventory of more than 5 percent but not more than 10 percent of the total inventory of the cannabis establishment which is not documented;* or

~~[(19)]~~ (21) Any violation of NCCR *5.170* or 11.070.

2. Before consideration of the factors described in subsection ~~[1(a)]~~ *3 of NCCR 4.030*, the Board *or hearing officer* will presume that the following are appropriate penalties for ~~[violations of the NCCR and Title 56 of NRS:]~~ *a category III violation:*

(a) For ~~[a]~~ *the first* category ~~[[I]]~~ *III* violation ~~[which is the:~~

~~—(1) First violation]~~ in the immediately preceding 3 years, ~~[a]~~ *one or both of the following:*

(1) *A* civil penalty of not more than ~~[\$25,000 and a]~~ *\$15,000.*

(2) *A* suspension for not more than 20 days of a license or cannabis establishment agent registration card.

~~[(2) Second]~~

(b) For the second category III violation in the immediately preceding 3 years, ~~at~~ one or both of the following:

(1) A civil penalty of not more than ~~(\$75,000 and a)~~ \$15,000.

(2) A suspension for not more than 30 days of a license or cannabis establishment agent registration card.

~~[(3) Third]~~

(c) For the third category III violation in the immediately preceding 3 years, a civil penalty of not more than \$20,000 and a suspension for not more than 30 days of a license or cannabis establishment agent registration card.

(d) For the fourth or subsequent category III violation in the immediately preceding 3 years, revocation of a license or cannabis establishment agent registration card.

Sec. 27. NCCR 4.050 is hereby amended to read as follows:

1. The Board *or a hearing officer employed by the Board* will determine a category ~~III~~ *IV* violation of the NCCR ~~and Title~~ *or title* 56 of NRS as follows:

(a) Category ~~III~~ *IV* violations are violations *which are* of a severity that create a potential threat to public health or safety . ~~including~~

(b) Category IV violations include, without limitation:

(1) Transporting cannabis in an unauthorized vehicle;

(2) ~~Allowing~~ *Except for a single-use cannabis product or a ready-to-consume cannabis product consumed in a cannabis consumption lounge, allowing* consumption by any person of alcohol, cannabis ~~(except at a consumption lounge)~~ or other intoxicants on the premises of the cannabis establishment or in areas adjacent to the premises of the cannabis establishment which are under the licensee's control, including, without limitation, a parking lot;

- (3) Failing to keep any required records, including seed-to-sale tracking requirements;
- (4) ~~Failing to tag plants as required;~~ *Any variance in inventory of more than 2 percent but not more than 5 percent of the total inventory of the cannabis establishment which is not documented;*
- (5) Failing to follow an approved security plan;
- (6) Allowing disorderly activity;
- (7) Allowing any activity which violates the laws of this State;
- (8) Failing to *properly* notify the Board or *a* Board ~~Agents within 24 hours~~ *agent* after discovery of a serious incident or criminal activity on the premises of the cannabis establishment;
- (9) ~~Unintentionally failing to pay taxes to the Department of Taxation;~~ *For any reason other than maintenance or repair, tampering with, disengaging or otherwise disabling a security system without authorization from a Board agent;*
- (10) Selling unauthorized products ~~;~~ *or using unauthorized ingredients in the production of cannabis products;*
- (11) Failing to ~~notify the Board or Board Agents of~~ *repair* a ~~modification or expansion of the facilities of the cannabis establishment or a change in equipment or menu of the cannabis establishment;~~ *video camera as required by NCCR 6.085;*
- (12) ~~Violating packaging or labeling requirements including seed-to-sale tracking system requirements;~~ *Failing to use sanitizer as required;*
- (13) Storing or delivering ~~an~~ unapproved cannabis ~~product~~ or a cannabis product outside the seed-to-sale tracking system;
- (14) Failing to meet requirements for the disposal of cannabis waste ~~;~~ *, including, without limitation, failing to render waste containing cannabis unusable;*

- (15) Using unauthorized pesticides, soil amendments, fertilizers or other crop production aids;
- (16) Exceeding the maximum serving requirements for cannabis products;
- (17) Exceeding a reasonable time frame for *transit for delivery of cannabis or cannabis products* without approval from the Board or Board ~~Agents;~~ *agents;*
- (18) ~~Transporting or storing cannabis from an unlicensed source, other than patient samples stored at a cannabis interdependent testing laboratory, or diversion~~ *Any violation of cannabis or cannabis products;* *subsection 2 of NRS 678C.410;*
- (19) Picking up, unloading or delivering cannabis at an unauthorized location;
- (20) Failing to comply with requirements for hand washing and employee hygiene, including, without limitation, using a bare hand on a cannabis product;
- (21) Failing to ~~maintain~~ *adhere to* proper *time and* temperature *controls for the safety* of ~~potentially hazardous~~ food or cannabis products;
- (22) Selling or failing to dispose of cannabis, cannabis products or food items that are spoiled or contaminated;
- (23) Failing to tag *, as required pursuant to NCCR 6.082:*
- (I) More than 2 percent but not more than 5 percent of the total inventory of the cannabis establishment of mature cannabis* ~~or a~~ *plants and packages; or*
- (II) Any batch of immature cannabis* ~~product as required;~~ *plants which contains 150 immature cannabis plants or less that do not require individual tags;*
- (24) Failing to follow seed-to-sale tracking system requirements while transporting or delivering cannabis or cannabis products ;

(25) Failing to properly update the licensee's point of contact with the Board ~~+~~ *within 10 days after a change thereto;*

(26) ~~Failure to maintain quality assurance/quality control program in a laboratory; or~~
Operating any unapproved equipment in a manner which is not punishable as a category III violation;

(27) Failure to maintain updated standard operating procedures;

(28) Allowing sales of any products at a cannabis consumption lounge that are not permitted to be sold at a cannabis consumption lounge;

(29) Allowing the removal of any single-use cannabis products or ready-to-consume cannabis products from a cannabis consumption lounge;

(30) Permitting the use or consumption of cannabis by any person displaying any visible signs of overconsumption at a cannabis consumption lounge;

(31) Failing to develop, implement, ~~and/or~~ *or* maintain a plan to mitigate the risk of impaired driving at a cannabis consumption lounge; ~~or~~

(32) Failing to maintain a separate room in a cannabis consumption lounge for cannabis smoking, vaping, and inhalation in a cannabis consumption lounge, unless all such activities are prohibited in the cannabis consumption lounge ~~+~~;

(33) Failing to comply with the provisions of NCCR 5.110;

(34) Failing to renew a license for a cannabis establishment on or before the date on which the license expires;

(35) Failing to maintain or ensure that an employee maintains any license, certificate, permit or accreditation required by the NCCR or title 56 of NRS, including, without limitation,

a cannabis establishment agent registration card, food protection manager certification or certification as a private applicator issued pursuant to chapter 555 of NRS;

(36) Failing to maintain separate operations and segregate inventory as required by NCCR 5.155;

(37) Failing to respond to an issuing entity within the designated time frame provided by law after the receipt of a statement of deficiencies or other document provided pursuant to the NCCR or title 56 of NRS which provides notice of a violation of the provisions of the NCCR or title 56 of NRS;

(38) Failing to adhere to the requirements of a plan of correction;

(39) Any violation of NCCR 11 relating to the collection or handling of samples for laboratory testing or analysis;

(40) Improperly storing cannabis, cannabis products, food or beverages;

(41) Failing to adequately clean and sanitize surfaces, equipment or utensils as required by NCCR 9.095 and 10.040;

(42) Failing to maintain hand-washing sinks pursuant to NCCR 6.095;

(43) Any infestation by pests that are not multi-generational or on contact surfaces;

(44) Failing to properly notify the Board of a reduction in the amount of cannabis in the inventory of the cannabis establishment or the completion of an investigation pursuant to subsection 9 of NCCR 6.080; or

(45) Failing to maintain a quality control unit as required.

2. Before consideration of the factors described in subsection ~~1(a)~~ 3 of NCCR 4.030, the Board *or hearing officer* will presume that the following are appropriate penalties for ~~violations of the NCCR and Title 56 of NRS;~~ *a category IV violation:*

(a) For ~~{a}~~ *the first* category ~~{HH}~~ *IV* violation ~~{which is the:~~

~~——(1) First violation}~~ in the immediately preceding 3 years, a civil penalty of not more than ~~}\${10,000}.~~

~~——(2) Second}~~ *\$5,000.*

(b) *For the second category IV* violation in the immediately preceding 3 years, a civil penalty of not more than ~~}\${30,000 and/or a suspension for not more than 10 days of a license or cannabis establishment agent registration card}.~~

~~——(3) Third}~~ *\$10,000.*

(c) *For the third category IV* violation in the immediately preceding 3 years, ~~{a}~~ *one or both of the following:*

(1) *A* civil penalty of not more than ~~}\${90,000 and/or a}~~ *\$20,000.*

(2) *A* suspension for not more than ~~{20}~~ *10* days of a license or cannabis establishment agent registration card.

~~{(4) Fourth}~~

(d) *For the fourth category IV* violation in the immediately preceding 3 years, ~~{a}~~ *one or both of the following:*

(1) *A* civil penalty of not more than ~~}\${90,000 and a}~~ *\$20,000.*

(2) *A* suspension for not more than ~~{60}~~ *20* days of a license or cannabis establishment agent registration card.

~~{(5) Fifth or subsequent}~~

(e) *For the fifth or sixth category IV* violation in the immediately preceding 3 years, ~~{revocation}~~ *one or both of the following:*

(1) *A civil penalty of not more than \$20,000.*

(2) *Revocation* of a license or cannabis establishment agent registration card.

(f) *For the seventh or subsequent category IV violation in the immediately preceding 3 years, revocation of a license or cannabis establishment agent registration card.*

Sec. 28. NCCR 4.055 is hereby amended to read as follows:

1. The Board *or a hearing officer employed by the Board* will determine a category ~~IV~~ *V* violation of the NCCR ~~and Title~~ *or title* 56 of NRS as follows:

(a) Category ~~IV~~ *V* violations *are violations that* create a climate which is conducive to abuses associated with the sale or production of cannabis or cannabis products. ~~including,~~

(b) *Category V violations include,* without limitation:

(1) Failing to ~~display or have in~~, *before* the ~~immediate possession~~ *implementation of a modification or expansion* of ~~each~~ *the facilities of a* cannabis establishment ~~agent a cannabis establishment agent registration card~~ or ~~proof~~ *the modification* of ~~temporary registration;~~ *the equipment used or menu offered by a cannabis establishment:*

(I) Notify the Board or a Board agent in writing of the modification or expansion;
and

(II) Obtain the approval of a Board agent for the modification or expansion;

(2) Removing, altering or covering a notice of suspension of a license or any other required notice or sign;

(3) Violating advertising requirements;

(4) ~~Displaying products in a manner visible to the general public from a public right of way;~~

~~—(5)~~ Failing to ~~respond~~ *adhere* to ~~an administrative notice of a violation~~ *packaging* or ~~failing to pay fines;~~

~~——(6) Violating restrictions on sampling;~~

~~——(7) labeling requirements;~~

(5) Failing to maintain a standardized scale as required;

~~{(8) Improper storing of cannabis, cannabis products or other foods;~~

~~——(9) Failing to properly wash, rinse and sanitize product contact surfaces as required;~~

~~——(10) Failing to maintain hand washing facilities that are stocked, accessible and limited to hand washing only;~~

~~——(11) Infestation by pests that are not multigenerational or on contact surfaces;~~

~~——(12) Failing to properly use sanitizer as required;~~

~~——(13) Violating any transportation or delivery requirements not described in another category of violations;~~

~~——(14)~~ (6) Failing to properly respond to a Board or Board ~~{Agent's}~~ agent's request for documentation, information, video, or other records; ~~{or}~~

~~——(15)~~ (7) Failing to comply with required employee training;

~~{(16)}~~ (8) Failing to offer required consumer education, support materials, warnings, ~~{and/or}~~ or notices to a cannabis consumption lounge consumer;

~~{(17)}~~ (9) Failing to comply with any laws or regulations related to on-site food preparation at a cannabis consumption lounge; ~~{or}~~

~~——(18)~~ (10) Failing to comply with ventilation requirements at a cannabis consumption lounge ~~{;}~~;

(11) *Providing or offering cannabis or cannabis products for no cost without a purchase;*

(12) Failing to follow any standard operating procedures required to be developed or maintained by the cannabis establishment pursuant to the NCCR or title 56 of NRS;

(13) Failing to ensure that any video cameras installed as part of a security system maintain an unobstructed and complete view of all areas which contain cannabis or cannabis products;

(14) Failing to properly reconcile the disposal of cannabis and cannabis products with the seed-to-sale tracking system;

(15) Failing to document in the inventory control system established pursuant to NCCR 6.080 the name and number of the cannabis establishment agent registration card of the cannabis establishment agent responsible for the harvest or disposal of cannabis;

(16) Any violation of subsection 2 of NCCR 11.015; or

(17) Selling an amount of cannabis or cannabis products in a single transaction in excess of the limits for such a transaction.

2. Before consideration of the factors described in subsection ~~1(a)~~ *3 of NCCR 4.030*, the Board *or hearing officer* will presume that the following are appropriate penalties for ~~violations of the NCCR and Title 56 of NRS:~~

~~—(a) For~~ a category ~~IV~~ *V* violation ~~{which is}~~ :

(a) For the ~~1:~~

~~—(1) First~~ *first category V* violation in the immediately preceding 3 years, a civil penalty of not more than ~~1\$5,000.~~

~~—(2) Second~~ *\$2,500.*

(b) For the second category V violation in the immediately preceding 3 years, a civil penalty of not more than ~~1~~\$10,000 and/or a suspension for not more than 7 days of a license or cannabis establishment agent registration card.

~~— (3) Third~~ *\$5,000.*

(c) For the third category V violation in the immediately preceding 3 years, a civil penalty of not more than ~~1~~\$20,000 and/or a suspension for not more than 10 days of a license or cannabis establishment agent registration card.

~~— (4) Fourth~~ *\$10,000.*

(d) For the fourth category V violation in the immediately preceding 3 years, ~~1a~~ one or both of the following:

(1) A civil penalty of not more than ~~1~~\$40,000 and/or a ~~1~~\$20,000.

(2) A suspension for not more than ~~120~~ 10 days of a license or cannabis establishment agent registration card.

~~*{(5) Fifth}*~~

(e) For the fifth category V violation in the immediately preceding 3 years, a civil penalty of not more than ~~1~~\$80,000 ~~1~~\$20,000 and a suspension for not more than ~~130~~ 20 days of a license or cannabis establishment agent registration card.

~~*{(6) Sixth or subsequent}*~~

(f) For the sixth category V violation in the immediately preceding 3 years, a civil penalty of not more than \$20,000 and a suspension for not more than 30 days of a license or cannabis establishment agent registration card.

(g) For the seventh category V violation in the immediately preceding 3 years, a civil penalty of not more than \$20,000 and a suspension for not more than 60 days of a license or cannabis establishment agent registration card.

(h) For the eighth or ninth category V violation in the immediately preceding 3 years, a civil penalty of not more than \$20,000 or the revocation of a license or cannabis establishment agent registration card.

(i) For the tenth or subsequent category V violation in the immediately preceding 3 years, the revocation of a license or cannabis establishment agent registration card.

Sec. 29. NCCR 4.060 is hereby amended to read as follows:

1. The Board *or a hearing officer employed by the Board* will determine a category ~~IV~~ VI violation of the NCCR ~~and Title~~ *or title* 56 of NRS as follows:

(a) Category ~~IV~~ VI violations are *violations that are* inconsistent with the orderly regulation of the sale or production of cannabis or cannabis products. ~~including~~

(b) Category VI violations include, without limitation:

(1) Failing to ~~submit monthly tax or sales reports or payments;~~ *notify the Board or a Board agent of a notice of eviction pursuant to NCCR 6.060;*

(2) Failing to *properly* notify the Board or Board ~~Agents~~ *agents* of a temporary closure of the cannabis establishment within 24 hours ~~of~~ *after* the closure;

(3) Failing to post any required signs;

(4) Failing to notify the Board of a change in the name of the cannabis establishment ~~;~~ *within 10 days of the change;*

(5) ~~Making~~ *Displaying cannabis or a cannabis product in* a ~~payment with a check returned for insufficient funds;~~ *manner visible to persons outside of a cannabis establishment;*

(6) Failing to ~~{comply with}~~ *pay in a timely manner* any ~~{other requirements not described in another category of violations;}~~ *civil penalty or fine assessed pursuant to the NCCR or title 56 of NRS;*

(7) Failing to properly submit quarterly inventory reports, monthly sales reports, or other reports required by the Board;

(8) ~~{Failure}~~ *Failing* to ~~{pay for all costs involved in screening or testing related to quality assurance compliance checks within 30 days;}~~ *tag more than 0.25 percent but not more than 2 percent of the total inventory of the cannabis establishment of mature cannabis plants and packages;*

(9) Operating a cannabis consumption lounge, or cannabis sales facility, outside of its designated hours of operation or failing to properly post the hours of operation of a cannabis consumption lounge, or cannabis sales facility;

(10) Failing to ~~{provide required water service at a cannabis consumption lounge; or}~~ *properly affix seed-to-sale identification tags;*

(11) Failing to comply with requirements regarding visibility of consumption from the public at a cannabis consumption lounge ~~{H}~~ ;

(12) Violating any transportation or delivery requirements not described in NCCR 4.035 to 4.060, inclusive, and sections 14 and 15 of this regulation;

(13) Testing a lot which weighs more than the applicable weight limit for the lot;

(14) Any variance in inventory more than 0.25 percent but not more than 2 percent of the total inventory of the cannabis establishment which is not documented;

(15) Failing to produce, upon request by the Board or a Board agent pursuant to NCCR 6.085, a clear still photograph from any video camera image with the date and time of the recorded events displayed;

(16) Failing to accept or reject into the seed-to-sale tracking system any delivery of cannabis or a cannabis product within 24 hours after receipt; or

(17) Failing to comply with any requirements of NCCR 6.082 not punishable pursuant to any other provision of NCCR 4.035 to 4.060, inclusive, and sections 14 and 15 of this regulation.

2. Before consideration of the factors described in subsection ~~1(a)~~ **3** of NCCR 4.030, the Board *or hearing officer* will presume that the following are appropriate penalties for ~~violations of the NCCR and Title 56 of NRS:~~

~~—(a) For~~ a category ~~IV~~ **VI** violation ~~{which is the:~~

~~—(1) First~~ :

(a) For the first category VI violation in the immediately preceding 3 years, a warning.

~~{(2) Second}~~

(b) For the second category VI violation in the immediately preceding 3 years, a civil penalty of not more than ~~1~~**\$2,500**.

~~—(3) Third~~ **\$1,500**.

(c) For the third category VI violation in the immediately preceding 3 years, a civil penalty of not more than ~~1~~**\$5,000 and/or a suspension for not more than 3 days of a license or cannabis establishment agent registration card.**

~~—(4) Fourth~~ **\$3,000**.

(d) For the fourth category VI violation in the immediately preceding 3 years, a civil penalty of not more than ~~10,000 and/or a suspension for not more than 7 days of a license or cannabis establishment agent registration card.~~

~~(5) Fifth~~ \$5,000.

(e) For the fifth category VI violation in the immediately preceding 3 years, a civil penalty of not more than ~~20,000 and/or a suspension for not more than 10 days of a license or cannabis establishment agent registration card.~~

~~(6) Sixth~~ \$10,000.

(f) For the sixth or subsequent *category VI* violations in the immediately preceding 3 years, ~~at~~ *one or both of the following:*

(1) A civil penalty of not more than ~~40,000 and/or a~~ \$20,000.

(2) A suspension for not more than 20 days of a license or cannabis establishment agent registration card.

Sec. 30. NCCR 4.065 is hereby amended to read as follows:

1. The Board, through its Board ~~Agents,~~ *agents*, will determine whether an event is an imminent health hazard that requires immediate correction or cessation of operations to prevent injury or serious illness based on the nature, severity and duration of any anticipated injury, illness or disease and the number of injuries or illnesses to members of the public which may occur . Events that are presumed to be imminent health hazards include, without limitation:

- (a) Interruption of electrical service;
- (b) Lack of potable water or hot water;
- (c) Grossly unsanitary occurrences or conditions including, without limitation, pest infestation or sewage or liquid waste not being disposed of in an approved manner;

- (d) Lack of adequate refrigeration;
- (e) Lack of adequate toilet and hand-washing facilities for employees;
- (f) Misuse of poisonous or toxic materials;
- (g) A suspected outbreak of foodborne illness;
- (h) A fire or flood;
- (i) Governor's emergency directives; or
- (j) Any other condition or circumstance which endangers public health.

2. If a cannabis ~~facility~~ *establishment* becomes aware of any such condition listed above, independently and not through ~~the Board's Agent,~~ *a Board agent*, it must report said hazard to the Board or *a Board* ~~Agents within two hours of the hazard's discovery,~~ *agent as soon as practicable after ensuring the safety of all persons in the vicinity of the hazard.*

Sec. 31. NCCR 4.070 is hereby amended to read as follows:

~~The~~ *In addition to the requirements set forth in NRS 678A.520, a* complaint must contain the following information:

- 1. The date of the violation or, if the date of the violation is unknown, the date that the violation was identified;
- 2. The address or description of the location where the violation occurred;
- 3. ~~The section of the NCCR and Title 56 of NRS that was violated and a description of the violation;~~
- ~~4. The amount of the civil penalty that the Board may impose or a description of the action the Board may take for the violation;~~

~~—5.1~~ A description of the payment process, including a description of the time within which and the place to which any civil penalty must be paid if the respondent does not wish to dispute the complaint;

~~16.1~~ 4. An order prohibiting the continuation or repeated occurrence of the violation described in the complaint;

~~17.1~~ 5. A description of the complaint process, including, without limitation, the time within which *the* respondent must serve an answer to the complaint and the place to which the answer must be served; and

~~18.1~~ 6. The name of the Board ~~Agent~~ *agent* who performed the investigation.

Sec. 32. NCCR 4.090 is hereby amended to read as follows:

1. Parties to proceedings governed by this regulation may appear personally or through an attorney, except that the parties must personally attend any hearing on the merits unless such attendance has been waived pursuant to NCCR ~~12.1~~ *2.025 or 2.040*.

2. When a party has appeared through an attorney, service of all notices, motions, orders, decisions, and other papers shall thereafter be made upon the attorney.

3. When a party is represented by an attorney, the attorney shall sign all motions, oppositions, notices, requests, and other papers on behalf of the party, including requests for subpoenas.

4. An attorney may withdraw from representing a person upon notice to the person or licensee, and the Board. The notice must include the reason for the requested withdrawal. The attorney must notify the person or licensee of an opportunity to object to the withdrawal. If the party or licensee objects to the withdrawal, the person or licensee must so notify the Board ~~H~~ *not later than 7 days after receipt of the notice*. The Board may deny the request if there may be

an unreasonable delay in the case or the substantial rights of the person or licensee may be prejudiced.

5. If the Board finds that an attorney has violated any provision of this section, the Board may bar the attorney from participating in the case or may impose such other sanctions as the Board deems appropriate.

6. A person or licensee subject to a hearing pursuant to this chapter is responsible for all costs related to the presentation of the defense.

Sec. 33. NCCR 4.095 is hereby amended to read as follows:

1. Within 10 days after the respondent answers the complaint pursuant to NRS 678A.520 and demands a hearing, or if the Board orders a hearing even if the respondent waives his or her right to a hearing, the parties shall hold an early case conference at which the parties and a hearing officer employed by the Board ~~or as permitted by NAC 616C.2753, or a delegated member of the Board, a panel of the Board, or the Board~~ must preside. At the early case conference, the parties shall in good faith:

(a) Set the earliest possible hearing date *and the estimated duration of the hearing* agreeable to the parties and the hearing officer ~~or a delegated member of the Board, panel of the Board,~~ or ~~the Board, including the estimated duration of the hearing no~~ *not* later than 45 days after receiving the respondent's answer unless an *extension is granted pursuant to subsection 8 of NRS 678A.520, or an* expedited hearing is determined to be appropriate;

(b) Set dates:

- (1) By which all documents must be exchanged;
- (2) By which witness lists must be exchanged;
- (3) By which all prehearing motions and responses thereto must be filed; and

- (4) For any other foreseeable actions that may be required for the matter;
- (c) Discuss or attempt to resolve all or any portion of the evidentiary or legal issues in the matter;
- (d) Discuss the potential for settlement of the matter on terms agreeable to the parties; and
- (e) Discuss and deliberate any other issues that may facilitate the timely and fair conduct of the matter.

2. A formal hearing must be held at the time and date set ~~{at the early case conference}~~ *pursuant to subsection 1 and presided over* by ~~†~~:

~~—(a) The Board;~~

~~—(b) A† a hearing officer . †; or~~

~~—(c) A panel of three members of the Board.†~~

3. The hearing will be conducted as set forth in NRS 678A.540. ~~{If the hearing is held before a hearing officer or panel of the Board, the hearing officer or panel shall issue, within 30 days of the last date of the hearing, findings of fact and conclusions of law for the Board's review pursuant to NCCR 4.135(1).}~~

4. ~~{For purposes of NRS 678A.550 and the regulations regarding conduct of a hearing, a Board member shall be deemed present at a hearing when said Board member has reviewed the full written or audio transcript of the hearing and all evidence submitted at the hearing.}~~ *The dates set pursuant to paragraph (b) of subsection 1 may be continued to a later date by agreement of the parties with the approval of the Chair or the hearing officer.*

Sec. 34. NCCR 4.100 is hereby amended to read as follows:

1. If a person applies for reinstatement of a license or cannabis establishment agent registration card that has been revoked , ~~{pursuant to this chapter,}~~ the person shall:

- (a) Submit an application on a form supplied by the Board.
- (b) Satisfy all the current requirements for the issuance of an initial license or cannabis establishment agent registration card.
- (c) Attest that, in this State or any other jurisdiction:
 - (1) The person has not, during the period of revocation, violated any state or federal law relating to cannabis, and no criminal or civil action involving such a violation is pending against the person; and
 - (2) No other regulatory body has, during the period of revocation, taken disciplinary action against the person, and no such disciplinary action is pending against the person.
- (d) Satisfy any additional requirements for reinstatement of the license or cannabis establishment agent registration card prescribed by the Board.

2. The Board will consider each application for reinstatement of a license or cannabis establishment agent registration card submitted pursuant to this section. In determining whether to reinstate the license or cannabis establishment agent registration card, the Board will consider the following criteria:

- (a) The severity of the act resulting in the revocation of the license or cannabis establishment agent registration card.
- (b) The conduct of the person after the revocation of the license or cannabis establishment agent registration card.
- (c) The amount of time elapsed since the revocation of the license or cannabis establishment agent registration card.
- (d) The veracity of the attestations made by the person pursuant to subsection 1.

(e) The degree of compliance by the person with any additional requirements for reinstatement of the license or cannabis establishment agent registration card prescribed by the Board.

(f) The degree of rehabilitation demonstrated by the person.

3. If the Board reinstates the license or cannabis establishment agent registration card, the Board may place any conditions, limitations or restrictions on the license or cannabis establishment agent registration card as it deems necessary.

4. The Board may deny reinstatement of the license or cannabis establishment agent registration card if the person fails to comply with any provisions of this section.

5. This section shall not be interpreted to give any party or other person a right to reinstatement of the license or cannabis establishment agent registration card.

Sec. 35. NCCR 4.105 is hereby amended to read as follows:

1. ~~If, due to the actions of a cannabis establishment, there could be an impairment of the health and safety of the public, the Executive Director, or the Deputy Director in his absence, will convene an emergency Board meeting telephonically.~~

~~—2.1~~ Pursuant to subsection 3 of NRS 233B.127, if the Board finds that the public health, safety or welfare imperatively requires emergency action, the Board may issue an order of summary suspension of the license of a cannabis establishment or a cannabis establishment agent registration card pending proceedings for revocation or other action. An order of summary suspension issued by the Board must contain findings of the exigent circumstances which warrant the issuance of the order of summary suspension, and a suspension under such an order is effective immediately.

~~{3-}~~ 2. The Board *or its designee* will give notice to a licensee or person that is subject to an order of summary suspension of the facts or conduct that warrant the order and the deficiencies that must be corrected to lift the order. A cannabis establishment whose license has been suspended pursuant to ~~{section 2}~~ *subsection 1* shall develop a plan of correction for each deficiency and submit the plan to the Board for approval within 10 business days after receipt of the order of summary suspension. The plan of correction must include specific requirements for corrective action, which must include times within which the deficiencies are to be corrected. A licensee or person that is subject to an order of summary suspension shall not operate until the Board or its designee has confirmed that the deficiencies identified in the order have been corrected.

~~{4-}~~ 3. If the plan submitted pursuant to ~~{section 3}~~ *subsection 2* is not acceptable to the Board or its designee, the Board may direct the cannabis establishment to resubmit a plan of correction or the Board may develop a directed plan of correction with which the cannabis establishment must comply. The Board's acceptance of a plan of correction does not preclude the Board from assessing fines ~~{and/or pursuing}~~ *or pursuing* disciplinary action against the licensee for any violations connected with the suspension.

~~{5-}~~ 4. A licensee or person that is subject to an order of summary suspension may request a hearing regarding the order within 10 business days after the order is issued. A hearing on the summary suspension must be held within 30 days after that request for hearing.

Sec. 36. NCCR 4.110 is hereby amended to read as follows:

1. Within 20 calendar days after the service of the answer by the first answering respondent, and thereafter as each respondent answers the complaint, the parties shall confer for the purpose of complying with subsection 3 . ~~{of this section.}~~

2. Within 5 calendar days after a request for hearing regarding an order of summary suspension, the parties shall confer for the purpose of complying with subsection 3. ~~of this section.~~

3. At each conference the parties shall:

(a) Exchange copies of all documents and other evidence then reasonably available to a party which are then intended to be offered as evidence in support of the party's case in chief; and

(b) Exchange written lists of persons each party then intends to call as a ~~material~~ witness in support of that party's case in chief. Each witness shall be identified by name, if known, position, business address, and a brief description of the purpose for which the witness will be called. If no business address is available, the party shall provide a home address for the witness, or shall make the witness available for service of process. ~~For the purpose of this paragraph, a "material witness" is a person whose testimony relates to a genuine issue in dispute which might affect the outcome of the proceeding.~~

4. The investigative file for a case, *or any portion thereof*, is not discoverable unless Board counsel intends to present materials from the investigative file as evidence in support of the case. The investigative file for the case includes all communications, records, affidavits or reports acquired or created as part of the investigation of the case, whether or not acquired through a subpoena related to the investigation of the person. Discovery of the investigative file is limited ~~to~~ solely to those documents the Board Counsel intends to use as evidence in support of its case, as disclosed prior to the hearing.

5. A party may not serve any written discovery on another party, inclusive of interrogatories, requests for production, requests for admissions ~~and/or~~ *or* depositions by written questions.

6. ~~{Pursuant to NRS 678A.530(2), a party may take the deposition of a material witness.~~
- ~~—(a) A party who wishes to take a deposition of a material witness must request such a deposition at any early case conference held in the matter or submit a written application at least 30 days before the hearing. The application must:~~
- ~~—(1) Set forth the reason why the deposition is necessary; and~~
- ~~—(2) Be accompanied by the appropriate orders for deposition.~~
- ~~—(b) A material witness is a witness who has percipient knowledge of the alleged misconduct of the licensee. If there is any dispute as to whether a particular witness is material, such dispute shall be submitted to the Chair or hearing officer and they shall rule on whether such witness is material.~~
- ~~—(c) The Chair or the hearing officer shall approve or deny the application within 5 days after the receipt of the application.~~
- ~~—(d) If a material witness deposition is allowed it shall be conducted in accordance with the Nevada rules of civil procedure and not last more than one day/seven hours unless good cause is shown.~~
- ~~—(e) Depositions of non-material witnesses may be permitted in two very limited circumstances:~~
- ~~—(1) If the potential witnesses resides outside of Nevada; or~~
- ~~—(2) If the witness is not available to testify during the hearing.~~
- ~~—(f) If the parties cannot agree on whether a non-material witness can be deposed, such dispute shall be submitted to the Chair or the hearing officer and they shall rule on this issue, taking into account whether the burden and expense of the proposed deposition outweighs its likely benefit.~~

~~—7.1~~ It shall be a continuing obligation of the parties to produce documents, witness lists, and other matters governed by this section as such become identified by and available to the parties. A party may amend its responses to the requirements of this section by informing the adverse party that documents previously produced or witnesses previously listed, will not be introduced in that party's case in chief.

7. A party may not supplement any information provided pursuant to this section after the applicable date is set pursuant to NCCR 4.095 unless the party demonstrates good cause for the failure of the party to timely disclose such information. If good cause is shown, the opposing party must be granted a reasonable period of time to disclose witnesses and documents that rebut the new evidence supplemented pursuant to this subsection.

Sec. 37. NCCR 4.130 is hereby amended to read as follows:

1. The executive assistant shall issue subpoenas, including subpoenas duces tecum, upon the request of a party, in accordance with this section.

2. Subpoenas may be issued ~~only for the following purposes:~~

~~—(a) To compel a nonparty witness to appear and give oral testimony at a deposition as provided by NRS 678A.530(2); and~~

~~—(b) To~~ compel any person to appear at the hearing on the merits of the case, to give oral testimony alone, or to produce documents or other tangible things.

3. Subpoenas shall be submitted to the executive assistant for issuance on a form approved by the Chair. Concurrently with the submission of the subpoena to the executive assistant, the requesting party shall serve a copy on all other parties to the proceeding, and shall file proof of such service with the Board.

4. Subpoenas will not be issued in blank. A subpoena submitted for issuance must contain the title and number of the case, the name of the person to whom it will be directed, the date, time, and place of the hearing or deposition, and the name and signature of the requesting party or the requesting party's attorney. A subpoena duces tecum must in addition contain a complete description of specific documents or other tangible things that the witness will be required to produce at the hearing.

5. Unless the witness agrees otherwise, a subpoena issued ~~for the purpose provided by subsection 2(b)~~ *pursuant to this section* must be served by the requesting party at least 10 calendar days prior to the hearing or deposition. A subpoena will be issued during the hearing or upon less than 10 days' notice only upon order of the Board for reasonable cause shown by the requesting party.

Sec. 38. NCCR 4.140 is hereby amended to read as follows:

1. ~~Any~~ *Pursuant to NRS 233B.120, any* applicant for licensure, licensed cannabis establishment, or holder of *a* registry identification card may obtain a determination or advisory opinion from the Board as to the applicability of any provision of chapters 678A ~~through~~ *to* 678D *, inclusive*, of NRS or any regulation adopted pursuant thereto by bringing a petition for a declaratory ruling before the Board. No other persons or entities may petition the Board for a declaratory ruling.

2. A declaratory ruling is an extraordinary remedy that will be considered by the Board only when the objective of the petitioner cannot reasonably be achieved by other means and when the ruling would be significant to the regulation of cannabis. The Board will construe any statute or regulation reviewed pursuant to this section in a manner consistent with the declared policy of the State of Nevada.

3. A petition for a declaratory ruling ~~{shall}~~ *must* be filed with the Executive Director ~~together with a nonrefundable filing fee in the amount of \$500.00~~

~~4. The petition for a declaratory ruling~~ *and* must contain:

- (a) The name, business address , *electronic mail address* and telephone number of the petitioner;
- (b) A statement of the nature of the interest of the petitioner in obtaining the declaratory ruling;
- (c) A statement identifying the specific statute or regulation in question;
- (d) A clear and concise statement of the interpretation or position of the petitioner relative to the statute or regulation order in question;
- (e) A description of any contrary interpretation, position or practice that gives rise to the petition;
- (f) A statement of the facts and law that support the interpretation of the petitioner, along with a table of legal authorities;
- (g) A statement showing why the subject matter is appropriate for Board action in the form of a declaratory ruling and why the objective of the petitioner cannot reasonably be achieved by other administrative remedy;
- (h) A statement identifying all persons or groups who the petitioner believes will be affected by the declaratory ruling, including the cannabis industry as a whole, and the manner in which the petitioner believes each person will be affected; and
- (i) The signature of the petitioner or the petitioner's legal representative.

4. If a petitioner files a petition that does not contain all the information set forth in subsection 3, the Board may summarily dismiss the petition with or without prejudice.

5. A petitioner may not file a petition for declaratory ruling involving questions or matters that are issues in a ~~{disciplinary action or civil penalty action with}~~ *contested case which is before* the Board in which the petitioner is a party or has a financial ~~{and/or}~~ *or* ownership interest in a party .

6. ~~{The}~~ *Except as otherwise provided in this subsection, the* Board will consider a petition for *a* declaratory ruling at the next scheduled Board meeting ~~{, provided that}~~ *if* the petition is filed with the Executive Director ~~{15}~~ *at least 20* calendar days prior to that scheduled Board meeting. ~~{If}~~ *Unless the petitioner shows good cause, if* the petition is not filed with the Executive Director ~~{15}~~ *at least 20* calendar days prior to next scheduled Board meeting, the petition will be considered at the following scheduled Board meeting.

7. In considering a petition for a declaratory ruling at the Board's meeting, the Board, by majority vote of the members, may take any of the following actions:

- (a) Dismiss the petition and close the case . ~~{}~~
- (b) Order a hearing with oral argument on the petition and set a date for said hearing, which may be at a subsequently scheduled Board meeting . ~~{}~~
- (c) Issue an order permitting any other licensee or applicant to file a brief supporting or opposing the petition. If the Board chooses this option, supporting or opposing briefs shall be due 10 calendar days after the Board meeting during which the petition is considered and any reply briefs shall be due 5 calendar days thereafter. All such briefs must be timely filed and served on the Executive Director and the other parties involved, or will not be considered. ~~{Each such brief must be accompanied by a non-refundable filing fee of \$250;}~~

(d) After hearing the petition and reviewing any additional briefing, ~~if applicable,~~ issue an order granting ~~the petition,~~ denying ~~the petition with or without prejudice~~ or granting ~~the petition~~ in part and denying ~~the petition~~ in part. ~~the petition.~~

8. The petitioner may not obtain judicial review of any ~~Board~~ order entered *by the Board* pursuant to this ~~regulation.~~

~~9. The petitioner, or any other party filing a brief under subsection 7(c), may request a waiver of the filing fee pursuant to a showing of financial hardship.~~ *section.*

Sec. 39. NCCR 4.145 is hereby amended to read as follows:

1. ~~Any~~ *Pursuant to NRS 233B.100, any* interested party may petition the Board to request the adoption, amendment or repeal of a regulation. ~~under NCCR pursuant to NRS 678A.460(1)(d).~~

2. The Board will construe any such petition pursuant to this section in a manner consistent with the declared policy of the State of Nevada.

3. A petition to the Board to request the adoption, amendment or repeal of a regulation ~~shall~~ *must* be filed with the Executive Director ~~together with a nonrefundable filing fee in the amount of \$500.00.~~

~~4. The petition to request the adoption, amendment or repeal of a regulation must~~ *and* contain:

(a) The name, business address, *electronic mail address* and telephone number of the petitioner;

(b) A statement of the substance or nature of the regulation, amendment or repeal requested;

(c) A statement identifying the specific regulation in question;

(d) A clearly drafted proposed new regulation to be adopted, a clearly drafted amendment to a specific regulation or a detailed statement of what regulation is to be repealed and why, depending on the specific request;

(e) A statement identifying all persons or groups who the petitioner believes will be affected by the adoption, amendment or repeal of a regulation, including the cannabis industry as a whole, ~~{and}~~ the manner in which the petitioner believes each person will be affected ~~{}~~ *and any relevant supporting data and evidence;* and

(f) The signature of the petitioner or the petitioner's legal representative.

4. If a petitioner files a petition that does not contain all the information set forth in subsection 3, the Board may summarily dismiss the petition with or without prejudice.

5. A petitioner may not file a petition for adoption, amendment or repeal of a regulation that involves regulations that are issues in a ~~{disciplinary action or civil penalty action with}~~ *contested case which is before* the Board in which the petitioner is a party or has a financial ~~{and/or}~~ *or* ownership interest in a party.

6. ~~{The}~~ *Except as otherwise provided in this section, the* Board will ~~{consider}~~, *within 30 days after the submission of* a petition ~~{for adoption, amendment or repeal of a regulation at the next scheduled Board meeting, provided that the petition is filed with the Executive Director 15 calendar days prior to that scheduled Board meeting. If the petition is not filed with the Executive Director 15 calendar days prior to next scheduled}~~ *pursuant to this section, either deny the petition in writing stating the reasons for the denial or initiate regulation-making proceedings. The* Board ~~{meeting, the petition will be considered at the following scheduled Board meeting.}~~ *may extend the 30-day deadline with the consent of the petitioner. The Board may delegate to the Chair the duty to decide whether to deny a petition.*

7. In considering a petition for adoption, amendment or repeal of a regulation at the Board's meeting, the Board, by majority vote of the members, may take any of the following actions:

(a) ~~Dismiss the petition with no action taken;~~

~~—(b) Refer~~ *If the petitioner has consented to extend the 30-day deadline pursuant to subsection 6, refer* the petition to the Cannabis Advisory Commission for consideration and recommendations;

~~[(c)]~~ (b) Order a hearing with oral argument on the petition and set a date for said hearing, which may be at a subsequently scheduled Board meeting;

~~[(d)]~~ (c) Issue an order permitting any other ~~licensee or applicant~~ *interested person* to file a brief supporting or opposing the petition ~~[- If the Board chooses this option, supporting or opposing briefs shall be due 10 calendar]~~ *, which must be:*

(1) *Submitted not later than 2 days* ~~after~~ *before* the *date on which the* Board ~~meeting during which~~ *is required to make a determination on* the petition ~~is considered and any reply briefs shall be due 5 calendar days thereafter. All such briefs must be timely filed and served]~~ ;
and

(2) *Served* on the Executive Director and ~~the~~ *any* other parties involved ~~[- or will not be considered. Each such brief must be accompanied by a non-refundable filing fee of \$250;~~

~~—(e)] ; or~~

(d) After hearing the petition and reviewing *, if applicable*, any additional briefing ~~[- (if applicable)]~~ issue an order granting, denying, or granting in part and denying in part, the petition. *The petition may be denied, with or without prejudice, for any reason deemed appropriate by the Board, including, without limitation:*

(1) The petitioner has failed to adequately comply with the requirements of this section or NRS 233B.100;

(2) The petitioner does not constitute an interested person;

(3) The petition contradicts the laws of this State or the declared policy of this State;

(4) The matters set forth in the petition are moot or already addressed in an existing statute or regulation; or

(5) The petition lacks sufficient data or evidence for the Board to make a decision on the petition.

8. Except as otherwise provided in subsection 6, before considering a petition pursuant to subsection 7, the Board may submit the petition to a hearing officer employed by the Board to review the petition and recommend to the Board a course of action to take on the petition. In reviewing a petition, the hearing officer may consult with staff of the Board and any attorney representing the Board.

9. If a petition is summarily dismissed without prejudice or denied without prejudice pursuant to subsection 4 or 7, the petitioner may file a new or amended petition to attempt to cure any deficiencies in the petition.

10. The petitioner may not obtain judicial review of any ~~[Board]~~ order entered by the Board pursuant to this ~~[regulation]~~.

~~*9. The petitioner, or any other party filing a brief under subsection 7(d), may request a waiver of the filing fee pursuant to a showing of financial hardship.] section.*~~

11. As used in this section, “interested person” means a licensee, an applicant for a license, a group or association of licensees or applicants for a license or a person or group of persons directly affected by provisions of the NCCR or title 56 of NRS.

Sec. 40. NCCR 5.000 is hereby amended to read as follows:

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~~ *registration* card, or approval by the Board pursuant to the provisions of chapters 678A ~~to 678D~~ *to 678D, inclusive*, 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~~ *registration* 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~~ *registration* 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~~ *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~~ *after* the date of such withdrawal .

5. After completion of its investigation and proceedings respecting an application, the Board will issue ~~the~~ :

(a) *An approval of the application and assign a cannabis establishment ID number to the cannabis establishment;* or

(b) *A denial of the application ,* ~~If the Board denies an application, the denial will be~~ accompanied by written reasons upon which the denial is based.

6. All ~~such~~ denials *issued pursuant to subsection 5* and *the* reasons ~~will~~ *for the denials must* be made public ~~and~~ and ~~no denial will~~ *must not* be *kept* secret.

7. Any person whose application has been denied *pursuant to subsection 5* is not eligible to apply again for licensing or approval until ~~after expiration of~~ 1 year ~~from~~ *after* the date of such denial, unless the Board determines in its discretion otherwise.

Sec. 41. NCCR 5.039 is hereby amended to read as follows:

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:

- o 0 Points- Meets minimum requirement of \$200,000 or minimum established by the Board.
- o 1 Point- Meets twice the minimum requirement of \$200,000 or minimum established by the Board.
- o 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:

- o 0 Points- No previous operating experience within the last 10 years.
- o 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.
- o 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:

- o 0 Points- No proposed owners have undergraduate or graduate degrees and less than 5 years work experience.

o 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~~ *or* 5 years of work experience.

o 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:

o 0 Points- No demonstrated knowledge.

o 1 Points- Demonstrated knowledge ~~and/or~~ *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:

o 0 Points- The applicant estimates that it will cultivate less than 10 cannabis plants ~~and/or~~ *or* process less than 10 pounds of cannabis per year.

o 1 Point- The applicant estimates that it will cultivate 10 to 50 cannabis plants ~~and/or~~ *or* process 10 to 50 pounds of cannabis per year.

o 2 Points- The applicant estimates that it will cultivate 51 to 100 cannabis plants ~~and/or~~ *or* process 51 to 100 pounds of cannabis per year.

o 3 Points- The applicant estimates that it will cultivate more than 100 cannabis plants ~~and/or~~ *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:

- o 0 Points- No diversity plan.
- o 5 Points – A diversity plan that fully complies with all requirements of NCCR

~~5.045(2)(a)(1)~~ **5.045(2)(a)(10).**

(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~~ **section 14 of this regulation** or a Category II Violation in NCCR ~~4.040~~ **4.035.**

- o 0 Points- No infraction history .
- o -1 point (negative) – Two Category II Violations.
- o -2 points (negative) – Three or more Category II Violations.
- o -2 points (negative) – One or two Category I Violations.
- o -3 points (negative) – Three or more Category I Violations.

Sec. 42. NCCR 5.070 is hereby amended to read as follows:

1. Board ~~Agents~~ **agents** or the Executive Director may, at any time ~~they~~ **the Board agents or Executive Director** 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}~~ *agents* complete an inspection of the cannabis establishment. Such an inspection may require more than one visit to the cannabis establishment.

3. Board ~~{Agents}~~ *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}~~ *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.}~~

Sec. 43. NCCR 5.075 is hereby amended to read as follows:

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}~~ or a Board ~~{Agents}~~ agent, 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. A Board ~~{Agents}~~ agent 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}~~ title 56 of NRS;
- (b) Prevent a violation of any provision of the NCCR or ~~{Title}~~ 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}~~ 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}~~ 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~~ *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~~ *the NCCR* or any chapter of ~~Title~~ *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. *Except as otherwise provided in this subsection, a Board ~~{Agents}~~ agent 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}~~ the NCCR and ~~{Title}~~ title 56 of NRS. A Board agent will enter and inspect each building or the premises of a cannabis independent testing laboratory at least biennially and conduct other inspections, including inspections to investigate a complaint, as necessary between biennial inspections.*

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}~~ 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}~~ 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}~~ agents will conduct such an inspection in a manner which is not unduly burdensome for the dual licensee.

10 The Board or Board ~~{Agents}~~ agents may consult with any person or entity, as needed, in any of the Board's audits, inspections ~~{, and/or}~~ or investigations. This includes, but is not limited to, allowing such persons or staff from said entities to accompany Board ~~{Agents}~~ agents during inspections ~~{, and/or}~~ or investigations.

11. The Board will administer the provisions of the NCCR and ~~{Title}~~ *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.

Sec. 44. NCCR 5.090 is hereby amended to read as follows:

~~{H}~~

1. Except as otherwise provided in subsection 2, if a cannabis establishment is closing, the person identified in subsection 1 of NCCR 2.050 for the cannabis establishment ~~{must}~~ shall notify the Board of the ~~{closing}~~ closure 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.

2. If a cannabis establishment closes temporarily due to circumstances which make operation impractical or impossible, including, without limitation, a loss of functioning utilities, the cannabis establishment shall notify the Board or a Board agent in writing of the closure within 24 hours after the closure.

Sec. 45. NCCR 5.140 is hereby amended to read as follows:

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; *and*
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.}~~

Sec. 46. NCCR 5.145 is hereby amended to read as follows:

1. 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.}~~ *(a)* 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.}~~ *(b)* The new name or address of the cardholder;

~~{3.}~~ *(c)* The effective date of the new name or address of the cardholder;

~~{4.}~~ *(d)* For a change of the address of the cardholder, the county and state in which the new address is located; and

~~{5.}~~ (e) 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.}~~ 2. Failure to update ~~{your}~~ a name or address within forty-five days constitutes a category ~~{V}~~ VI violation pursuant to NCCR 4.060.

Sec. 47. NCCR 6.010 is hereby amended to read as follows:

~~{1.}~~ The maximum allowable quantity of ~~{adult-use}~~ cannabis *and cannabis* products a person may possess is

~~{(a) One ounce (28.35 grams)} :~~

1. *Two and one-half ounces or 70.875 grams* of usable cannabis ~~{~~

~~—(b)} ;~~

2. The equivalent to ~~{one-eighth}~~ *one-fourth* ounce of concentrated cannabis, not to exceed ~~{3,543}~~ *7,087* milligrams of THC;

~~{(c) 3,543}~~

3. *Seven thousand eighty-seven* milligrams of THC contained within ~~{edible}~~ cannabis products; or

~~{(d)}~~ 4. A combination of usable ~~{and}~~ *cannabis*, concentrated cannabis *and cannabis products* not to exceed the legal limit.

~~{2. The maximum allowable quantity of medical cannabis products a holder of a valid registry identification card may possess is:~~

~~—(a) Two and one half ounces (70.875 grams) of usable cannabis.~~

~~—(b) 10,000 milligrams of THC concentrate;~~

~~—(c) 10,000 milligrams of THC contained within one or more edible cannabis products; or~~

~~—(d) A combination of usable and concentrated cannabis not to exceed the legal limit.~~

Sec. 48. NCCR 6.025 is hereby amended to read as follows:

1. For ~~[the ongoing activities of the Board relating to the oversight]~~ *an investigation* of ~~[cannabis establishments]~~ *a licensee or an applicant for a license described in subsection 5 of NRS 678B.390*, the Board will ~~[collect an assessment from each cannabis establishment]~~ *charge* *the licensee or applicant* for the ~~[time and effort]~~ *costs* attributed to the ~~[oversight of the cannabis establishment]~~ *investigation* at an hourly rate ~~[established by the Board. Necessary]~~ *of \$111 for each hour spent by Board agents conducting the investigation. The Board will additionally charge costs for* travel ~~[accommodations]~~ *expenses* accrued by Board agents ~~[including airfare]~~ and ~~[hotel stays, will also be billed to the cannabis establishment. These activities where the hourly rate for time and effort will be charged include, but are not limited to:~~

- ~~—(a) Any type of routine inspection;~~
- ~~—(b) Any type of routine audit;~~
- ~~—(c) Hearing preparation and attendance for Board agents;~~
- ~~—(d) Investigations of complaints submitted to the Board by a consumer, or any other outside individual or entity, if said complaint is substantiated;~~
- ~~—(e) Investigations based on any type of requested transfer of interest;~~
- ~~—(f) Investigations based on any type of requested waiver;~~
- ~~—(g) Investigations based on an application for a new cannabis establishment license; and~~
- ~~—(h) Any other type of inspection, audit, or investigation deemed necessary by the Board.]~~ *per diem allowances.*

2. ~~[The assessment for time and effort]~~ *Before conducting an investigation described in subsection 5 of NRS 678B.390, the Board* will ~~[be based upon]~~ *provide* the ~~[hourly rate~~

~~established~~ licensee or applicant an estimate of the anticipated costs for the ~~Board agents as determined by the budget of the Board. Licensees will be notified of any fee changes.~~

investigation.

3. ~~{Cannabis establishments and its agents}~~ *The Board will ~~{not be billed for}~~ provide to a licensee or applicant for a license charged for an investigation pursuant to this section an ~~{investigation regarding an application for a registration card. Furthermore, cannabis establishments will not be billed for Petitions filed pursuant to NCCR 4.140 or 4.145.}~~ invoice with an itemized list of the costs charged by the Board. Except as otherwise provided in subsection 5, the licensee or applicant shall pay the costs within 60 days after receipt of the invoice. A licensee or applicant for a license may request documentation prepared by the Board or the Board agents conducting the investigation relating to the costs of the investigation by sending the request by electronic mail to ccbtimeandeffort@ccb.nv.gov.*

4. ~~{As used in this section, “substantiated” means supported}~~ *A licensee or an applicant for a license charged for an investigation pursuant to this section may:*

(a) Dispute any itemized cost to the Board; or ~~{established}~~

(b) Request a reduction of the total amount charged for the investigation if the total amount charged by the Board exceeds the estimate of the anticipated costs provided pursuant to subsection 2 by ~~{evidence or proof}~~ 25 percent or more.

5. *If a licensee or applicant for a license disputes an itemized cost or requests a reduction of the total amount charged for an investigation pursuant to subsection 4, payment of the costs is stayed until the Board makes a final determination on the dispute or reduction.*

Sec. 49. NCCR 6.060 is hereby amended to read as follows:

1. Except as otherwise provided in this section, a cannabis establishment shall operate according to the plans and specifications included within the application for a license for the cannabis establishment submitted pursuant to NRS ~~687B.210, NRS 687B.250.~~ *678B.210 or 678B.250, as applicable.*

2. A cannabis establishment may operate in a manner that deviates from the plans or specifications included within its application for a license if the change would comply with state and local laws, regulations and ordinances and the cannabis establishment provides the Board with a written notification of its intent to make the change which includes, without limitation:

- (a) The name, physical address and license number of the cannabis establishment; and
- (b) A description of the proposed change.

3. Upon receipt of a written notification pursuant to subsection 2, the Board will add the information to the file that the Board maintains on the cannabis establishment and send a letter of approval or denial.

4. A cannabis establishment which has completed a change to its facilities, pursuant to ~~section~~ *subsection* 2, shall submit documentation of the change to the Board as soon as practicable, but in no event later than the date of the next scheduled inspection of the cannabis establishment by the Board.

5. The Board ~~Agents~~ *agents* will inspect or audit any change to the facilities of a cannabis establishment that the Executive Director deems necessary of inspection or auditing at the next inspection of the cannabis establishment by the Board ~~Agents~~ *agents* or at such other time as the Executive Director determines to be appropriate after the date that the cannabis establishment projects for completion of the change or notifies the Board of the completion of the change, whichever is earlier.

6. A cannabis establishment shall not commence the operation of any material change to the facilities or operations of the cannabis establishment until the Board ~~Agents~~ *agents* complete an inspection or audit of the change or notifies the cannabis establishment that an inspection or audit is not necessary. Material changes include, without limitation, modifications to:

(a) The infrastructure of the facilities of the cannabis establishment, including, without limitation, modifications requiring demolition or new construction of walls, plumbing, electrical infrastructure, heating, ventilation, or air conditioning; and

(b) The operating capability of the cannabis establishment, including, without limitation, the implementation of a new extraction device or removal of an existing extraction device, a change to the growing method from the method previously used and inspected or a change to the lighting technology, hydroponic system, pod or other contained growing system. The addition of one or more new pods which are identical to a pod that has already been inspected is not a material change.

7. A cannabis establishment must be operational within 30 days of receiving its final inspection and is issued a license to operate, and must maintain all minimum requirements at all times. If a facility plans to be inactive for more than 30 days, a plan must be presented to the Board for approval.

8. If a cannabis establishment receives a notice of eviction, the cannabis establishment must notify the Board or a Board agent, in writing, within 24 hours after receipt of the notice.

Sec. 50. NCCR 6.080 is hereby amended to read as follows:

1. Each cannabis establishment shall designate in writing a cannabis establishment agent who has oversight of the inventory control system of the cannabis establishment.

2. Except as otherwise provided in subsection 4, a cannabis establishment shall only acquire cannabis or cannabis products from another Nevada licensed cannabis establishment, including, without limitation, a cannabis cultivation facility, a cannabis production facility or a cannabis sales facility.

3. Pursuant to ~~#{Title#}~~ title 56 of NRS, a cannabis consumption lounge may only acquire single-use cannabis products, cannabis and adult-use cannabis products needed for ready-to-consume cannabis products from a cannabis sales facility.

4. A cannabis cultivation facility may acquire seeds for the cultivation of cannabis from any person if the acquisition of the seeds does not violate the provisions of ~~#{Title#}~~ title 56 of NRS. A cannabis cultivation facility may also acquire cannabis or cannabis products from a consumer if the acquisition does not violate the provisions of ~~#{Title#}~~ title 56 of NRS.

5. With the exception of a cannabis consumption lounge, a cannabis establishment shall not acquire concentrated cannabis or products containing concentrated cannabis from another cannabis establishment, except that a cannabis sales facility or a cannabis production facility may acquire concentrated cannabis or products containing concentrated cannabis from a cannabis production facility. A cannabis cultivation facility may sell crude collected resins to a cannabis sales facility if the crude collected resins are:

- (a) From a single batch;
- (b) Unaltered; and
- (c) Not combined, except as provided in subsection ~~#{5#}~~ 6.

6. A cannabis cultivation facility may combine lots of crude collected resins which have been collected in accordance with subsection ~~#{4#}~~ 5 and have passed all testing pursuant to NCCR 11.050 prior to combining.

7. Each cannabis establishment, except a cannabis independent testing laboratory, shall establish and implement an inventory control system that documents:

(a) Each day's beginning inventory, acquisitions, harvests, sales, disbursements, disposal of unusable cannabis and ending inventory, including, without limitation, the:

- (1) Number of plants and cuttings;
- (2) Weight of flowers, measured in grams;
- (3) Weight of trim, measured in grams;
- (4) Quantity of THC, measured in milligrams; and
- (5) Weight of seeds, measured in grams.

(b) When acquiring cannabis from another cannabis establishment:

(1) A description of the cannabis acquired, including the amount, strain and batch number, lot number and production run number, or any combination thereof;

(2) The name and identification number of the license of the cannabis establishment providing the cannabis;

(3) The name and the number of the cannabis establishment agent registration card of the cannabis establishment agent providing the cannabis;

(4) The name and the number of the cannabis establishment agent registration card of the cannabis establishment agent receiving the cannabis on behalf of the cannabis establishment; and

(5) The date of acquisition.

(c) When acquiring cannabis from a medical cannabis establishment : ~~registered pursuant to this Act;~~

(1) A description of the cannabis acquired, including the amount, strain and batch number, lot number and production run number, or any combination thereof;

- (2) The name and identification number of the medical cannabis establishment
~~registration certificate~~ *license* of the medical cannabis establishment providing the cannabis;
 - (3) The name and the number of the ~~medical~~ cannabis establishment agent registration card of the ~~medical~~ cannabis establishment agent providing the cannabis;
 - (4) The name and the number of the cannabis establishment agent registration card of the cannabis establishment agent receiving the cannabis on behalf of the cannabis establishment; and
 - (5) The date of acquisition.
- (d) For each batch of cannabis cultivated:
- (1) The batch number, lot number and production run number, as applicable.
 - (2) Whether the batch originated from cannabis seeds or cannabis cuttings.
 - (3) The strain of the cannabis seeds or cannabis cuttings planted.
 - (4) The number of cannabis seeds or cannabis cuttings planted.
 - (5) The date on which the cannabis seeds or cuttings were planted.
 - (6) A list of all chemical additives used in the cultivation, including, without limitation, nonorganic pesticides, herbicides and fertilizers.
 - (7) The number of cannabis plants grown to maturity.
 - (8) Harvest information, including, without limitation:
 - (I) The date of harvest;
 - (II) The final yield weight of processed usable cannabis, in grams; and
 - (III) The name and the number of the cannabis establishment agent registration card of the cannabis establishment agent responsible for the harvest.
 - (9) The disposal of cannabis that is not usable cannabis, including:

- (I) A description of and reason for the cannabis being disposed of, including, if applicable, the number of failed or other unusable cannabis plants;
- (II) The date of disposal;
- (III) Confirmation that the cannabis was rendered unusable before disposal;
- (IV) The method of disposal; and
- (V) The name and the number of the cannabis establishment agent registration card of the cannabis establishment agent responsible for the disposal.
- (e) When providing cannabis to another cannabis establishment:
- (1) The amount, strain, batch number, lot number and production run number, as applicable, of cannabis provided to the cannabis establishment;
- (2) The name and license number of the other cannabis establishment;
- (3) The name and the number of the cannabis establishment agent registration card of the cannabis establishment agent who received the cannabis on behalf of the other cannabis establishment; and
- (4) The date on which the cannabis was provided to the cannabis establishment.
- (f) When receiving edible cannabis products from another cannabis establishment:
- (1) A description of the edible cannabis products received from the cannabis establishment, including the total weight of each edible cannabis product and the amount of THC, measured in milligrams, and the production run number of the cannabis in each edible cannabis product.
- (2) The total amount and production run number of cannabis in the edible cannabis products.
- (3) The name and:

(I) License number of the cannabis establishment providing the edible cannabis products to the receiving cannabis establishment;

(II) The number of the cannabis establishment agent registration card of the cannabis establishment agent providing the edible cannabis products to the receiving cannabis establishment; and

(III) The number of the cannabis establishment agent registration card of the cannabis establishment agent receiving the edible cannabis products on behalf of the receiving cannabis establishment.

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

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

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

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

(3) The name and:

(I) License number of the cannabis establishment providing the cannabis products to the receiving cannabis establishment;

(II) The number of the cannabis establishment agent registration card of the cannabis establishment agent providing the cannabis products to the receiving cannabis establishment; and

(III) The number of the cannabis establishment agent registration card of the cannabis establishment agent receiving the cannabis products on behalf of the receiving cannabis establishment.

- (4) The date on which the cannabis products were provided to the cannabis establishment.
- (h) When receiving concentrated cannabis or products containing concentrated cannabis from a cannabis production facility:
- (1) A description of the concentrated cannabis or products containing concentrated cannabis received from the cannabis production facility, including the total weight of each product, the amount of THC , ~~[(except a cannabis independent testing laboratory)]~~ measured in milligrams, and the production run number for each product;
- (2) The name and:
- (I) License number of the cannabis establishment providing the concentrated cannabis or products containing concentrated cannabis to the receiving cannabis establishment;
- (II) The number of the cannabis establishment agent registration card of the cannabis establishment agent providing the concentrated cannabis or products containing concentrated cannabis to the receiving cannabis establishment; and
- (III) The number of the cannabis establishment agent registration card of the cannabis establishment agent receiving the concentrated cannabis or products containing concentrated cannabis on behalf of the receiving cannabis establishment ~~[-]~~ ; and
- (3) The date on which the concentrated cannabis or products containing concentrated cannabis were provided to the cannabis establishment.
8. Each cannabis establishment shall:
- (a) Establish and maintain a seed-to-sale tracking system which adequately documents the flow of materials through the manufacturing process.
- (b) Establish procedures which reconcile the raw material used to the finished product on the basis of each job. Significant variances must be documented, investigated by management

personnel and immediately reported to the ~~{Executive Director}~~ *appropriate Board agent* and to the cannabis establishment that ordered the concentrated cannabis or cannabis product.

(c) Provide for quarterly physical inventory counts to be performed by persons independent of the manufacturing process which are reconciled to the perpetual inventory records. Significant variances must be documented, investigated by management personnel and ~~{immediately}~~ reported to the ~~{Executive Director}~~ *appropriate Board agent within 24 hours after the completion of the investigation.*

9. If a cannabis establishment identifies a reduction in the amount of cannabis in the inventory of the cannabis establishment which is not due to documented causes, the cannabis establishment shall :

- (a) Notify the Board of the discrepancy within 24 hours after discovering the reduction;*
- (b) Conduct an investigation to* determine where the loss has occurred ~~{and take}~~ ;
- (c) Take* and document corrective action ~~{}~~ ; *and*
- (d) Notify the Board of the results of any investigation conducted by the cannabis establishment within 24 hours after the completion of the investigation.*

10. If the reduction in the amount of cannabis in the inventory of the cannabis establishment is due to suspected criminal activity by a cannabis establishment agent, the cannabis establishment shall report the cannabis establishment agent to the Board *in writing* and to the appropriate law enforcement agencies within 24 hours. The Board may require the cannabis establishment to provide additional information as it determines necessary to conduct an investigation.

~~{10}~~ 11. A cannabis establishment shall:

(a) Maintain the documentation required by subsections ~~5, 6 and~~ 7, 8 and 9 at the cannabis establishment for at least 5 years after the date on the document; and

(b) Provide the documentation required by subsections ~~5, 6 and~~ 7, 8 and 9 to the Board or Board ~~Agents~~ agents for review upon request.

Sec. 51. NCCR 6.082 is hereby amended to read as follows:

1. A cannabis establishment shall:

~~11-1~~ (a) Use the seed-to-sale tracking system managed by the independent contractor selected by the Board;

~~12-1~~ (b) Connect to the seed-to-sale tracking system using the independent contractor's application programming interface;

~~13-1~~ (c) Pay any fees assessed by the independent contractor for using the seed-to-sale tracking system, including, without limitation, user fees or application programming interface fees; and

~~14-1~~ (d) Ensure cannabis and cannabis products, *including, without limitation, all mature cannabis plants, packages containing cannabis and all batches of immature plants containing 150 plants or less*, are properly tagged ~~as required using~~ and maintained in compliance with *the requirements of the* the seed-to-sale tracking system.

2. The Board may quarantine any cannabis or cannabis product which is not properly tagged pursuant to this section or which the Board has reasonable cause to believe fails to comply with the provisions of the NCCR or title 56 of NRS. A person shall not transfer, move or disturb any cannabis or cannabis product that has been quarantined without the approval of a Board agent.

Sec. 52. NCCR 6.085 is hereby amended to read as follows:

1. To prevent unauthorized access to cannabis at a cannabis establishment, the cannabis establishment must *develop a written standard operating procedure for security and* have:

(a) ~~{One single secure entrance}~~ *All entrances* of the physical building ~~{}~~ *secured in accordance with this section.*

(b) No visible cannabis or cannabis products from outside the establishment.

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

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

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

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

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

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

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

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

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

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

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

(VI) A method for storing video recordings from the video cameras for at least 30 calendar days in a secure on-site or off-site location or through a service or network that provides on-demand access to the recordings and providing copies of the recordings to the Board and Board ~~{Agents,}~~ *agents* for review upon request, on portable, external hard drives or other media as directed by the Board or Board ~~{Agents,}~~ *agents*, at the expense of the cannabis establishment, and within a reasonable timeframe as determined by the Board or Board ~~{Agents,}~~ *agents*. Adequately sized portable, external drives must be immediately available to store a minimum of seven days (168 Hours) of video from a minimum of seven cameras. External drives must be USB 3.0 or greater and formatted with FAT32 or exFAT and will not be returned to the establishment;

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

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

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

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

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

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

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

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

(d) Policies and procedures:

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

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

(3) That prevent loitering, other than consumers already admitted to a cannabis consumption lounge;

(4) For conducting electronic monitoring;

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

(6) For limiting the amount of money available in any retail areas of the cannabis establishment and for training employees on this practice;

(7) For notifying the public of the minimal amount of money available, which may include, without limitation, the posting of a sign;

(8) For maintaining communication with law enforcement agencies; and

(9) For providing and receiving notifications regarding burglary, attempted burglary, robbery, attempted robbery and other suspicious activity.

2. Each video camera used pursuant to subparagraph (3) of paragraph ~~[(a)]~~ (c) of subsection 1 must:

(a) Include a date and time generator which possesses the capability to display the date and time of recorded events on the recording in a manner that does not significantly obstruct the recorded view; and

(b) Be installed in a manner that will prevent the video camera from being readily obstructed, tampered with or disabled.

3. A cannabis establishment shall make a reasonable effort to repair any malfunction of security equipment within 72 hours after the malfunction is discovered. ~~[(A)]~~ *Within 24 hours after discovering the malfunction, the* cannabis establishment shall ~~notify~~ :

(a) *Notify* the Board and *, if requested,* local law enforcement ; ~~within 24 hours after a malfunction is discovered~~ and ~~provide~~

(b) *Provide to the Board* a plan of correction. ~~Failure to correct a malfunction within 72 hours after the malfunction is discovered is a violation of this section.~~

4. *A cannabis establishment shall not tamper with, disengage or otherwise disable any component of a security system unless it is for the purpose of repair or maintenance of that component.* If a video camera used pursuant to subparagraph (3) of paragraph ~~[(a)]~~ (c) of subsection 1 malfunctions ~~[(a)]~~ *or is disabled for the purpose of repair or maintenance,* the cannabis establishment shall immediately provide alternative video camera coverage or use other security measures, such as assigning additional supervisory or security personnel, to provide for the security of the cannabis establishment. If the cannabis establishment uses other security

measures, the cannabis establishment must immediately notify the Executive Director, and the Executive Director will determine whether the other security measures are adequate.

5. Each cannabis establishment shall maintain a log that documents each malfunction and repair of the security equipment of the cannabis establishment pursuant to subsections 3 and 4. The log must state the date, time and nature of each malfunction, the efforts taken to repair the malfunction and the date of each effort, the reason for any delay in repairing the malfunction, the date the malfunction is repaired and, if applicable, any alternative security measures that were taken. The log must also list, by date and time, all communications with the Board, Board ~~[Agents]~~ *agents* or Executive Director concerning each malfunction and corrective action. The cannabis establishment shall maintain the log for at least 1 year after the date of last entry in the log.

6. Each cannabis establishment must employ a security manager or director who must be responsible for:

- (a) Conducting a semiannual audit of security measures to ensure compliance with the state procedures of the cannabis establishment and identify potential security issues;
- (b) Training employees on security measures, emergency response and robbery prevention and response before starting work and on an annual basis; and
- (c) Evaluating the credentials of any third party who intends to provide security to the cannabis establishment before the third party is hired by or enters into a contract with the cannabis establishment.

7. Each cannabis establishment shall ensure that the security manager or director of the cannabis establishment, at least one employee of the cannabis establishment or the employees of any third party who provides security to the cannabis establishment has completed or will

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

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

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

9. Cannabis establishments must ensure that armed security officers do not violate the provisions of NRS 202.257 (possessing a firearm while under the influence of a controlled substance). In addition, a cannabis consumption lounge shall prohibit consumers from bringing firearms into a consumption lounge, including posting of signs providing notice of same.

10. A cannabis establishment shall operate the business in a decent, orderly, and respectable manner. A licensee shall not knowingly permit any activity or acts of disorderly conduct, nor

shall a licensee permit rowdiness, undue noise, or other disturbances or activity offensive to a reasonable person, neighboring business, or to the residents of the neighborhood in which the business is located.

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

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

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

14. Employees are prohibited from consuming cannabis while on duty and at work. The cannabis establishment shall create appropriate procedures to ensure employees do not show up to work or remain at work intoxicated.

Sec. 53. NCCR 6.120 is hereby amended to read as follows:

1. ~~†A†~~ *In addition to the restrictions set forth in paragraph (c) of subsection 11 of NRS 678B.520, a* cannabis establishment ~~†:~~

~~—(a) Shall not engage in advertising which contains any statement or illustration that:~~

~~—(1) Is false or misleading;~~

~~—(2) Promotes overconsumption of cannabis or cannabis products;~~

~~— (3) Depicts the actual consumption of what appears to be cannabis or cannabis products;~~
~~or~~

~~— (4) Depicts a child or other person who appears to be less than 21 years of age consuming cannabis or cannabis products or objects suggesting the presence of a child, including, without limitation, toys, characters or cartoons, or contains any other depiction which is designed in any manner to be appealing to or encourage consumption of cannabis or cannabis products by a person who is less than 21 years of age.~~

~~— (b) Shall not advertise in any publication or on radio, television or any other medium if 30 percent or more of the audience of that medium is reasonably expected to be persons who are less than 21 years of age.~~

~~— (c) Shall~~ **shall** not place an advertisement:

~~{(1) Within 1,000 feet of a public or private school, playground, public park or library, but may maintain such an advertisement if it was initially placed before the school, playground, public park or library was located within 1,000 feet of the location of the advertisement;~~

~~— (2) On or inside of a motor vehicle used for public transportation or any shelter for public transportation;~~

~~— (3) At a sports or entertainment event to which persons who are less than 21 years of age are allowed entry;~~

~~— (4)~~

(a) On or inside of a motor vehicle used by a cannabis establishment for private transportation;

~~{(5)}~~ **(b)** On signs carried by a natural person, including, without limitation, handbills, pamphlets, cards or other types of advertisements that are distributed to the general public, but

excluding an advertisement placed in a newspaper of general circulation, trade publication or other form of print media; ~~and~~

~~—(6) or~~

(c) Where prohibited by local ordinance.

~~[(d) Shall not advertise or offer any cannabis or cannabis product as “free” or “donated” without a purchase.~~

~~—(e) Shall ensure that all advertising by the cannabis establishment contains such warnings as may be prescribed by the Board, which must be visible, legible, and include, without limitation, the following words:~~

~~—(1) “Keep out of reach of children”; and~~

~~—(2) “For use only by adults 21 years of age and older.”]~~

2. A cannabis sales facility shall post signs in prominent locations inside *the* cannabis sales facility, *including, without limitation, any customer entrance and drive-through window*, which state activities that are strictly prohibited and punishable by law, including, without limitation, the following statements:

(a) “No minors permitted on the premises unless the minor holds a letter of approval and is accompanied by a designated primary caregiver”;

(b) “No on-site or public consumption of any cannabis or cannabis products”;

(c) “Distribution to persons under the age of 21 is prohibited”;

(d) ~~["Except for medical cannabis patients, possession"]~~ *“Possession* of over ~~[1 ounce]~~ *2.5 ounces* of usable cannabis, ~~[a]~~ cannabis ~~[product]~~ *products* containing more than ~~[3,543]~~ *7,087* milligrams of THC or a combination of the two which exceeds the legal limit is prohibited”; and

(e) “Transportation of cannabis or cannabis products across state lines is prohibited.”

3. *A sign containing only a business name or company logo is not required to contain the words “Keep out of reach of children” or “For use only by adults 21 years of age and older.”*

Sec. 54. NCCR 7.025 is hereby amended to read as follows:

A cannabis sales facility shall not sell to any consumer an amount of cannabis or cannabis products which exceeds:

1. ~~{One ounce (28.35 grams)}~~ *Two and one-half ounces or 70.875 grams* of usable cannabis ; ~~{other than concentrated cannabis;}~~
2. ~~{One-eighth}~~ *The equivalent to one-fourth* ounce of concentrated cannabis ~~{or cannabis products containing not more than 3,543}~~ , *not to exceed 7,087* milligrams of THC; ~~{or}~~
3. *Seven thousand eighty seven milligrams of THC contained within cannabis products;*
or
4. A combination of usable ~~{and}~~ *cannabis*, concentrated cannabis *and cannabis products* not to exceed the legal limit.

Sec. 55. NCCR 7.030 is hereby amended to read as follows:

1. ~~{A}~~ *Except as otherwise provided in subsection 3, a* cannabis sales facility shall only offer for sale ~~{cannabis, cannabis}~~ :

- (a) *Cannabis;*
- (b) *Cannabis* products ~~{, cannabis}~~ ;
- (c) *Cannabis* paraphernalia ~~{, cannabis-related}~~ ;
- (d) *Cannabis-related* accessories, ~~{products}~~ *including:*
 - (1) *Items for the consumption or storage of cannabis;*
 - (2) *Lighters;*
 - (3) *Air purifiers; and*

(4) Branded merchandise;

(e) Products containing CBD ; and ~~{products}~~

(f) Products containing ~~{industrial}~~ hemp , *as defined in NRS 557.160*, which are related to cannabis.

2. Each cannabis sales facility shall offer for sale containers for the storage of cannabis and cannabis products which lock and are designed to prohibit children from unlocking and opening the container.

3. A cannabis sales facility shall not sell any food, beverage or personal care item that does not contain cannabis ~~{}~~ , *except that a cannabis sales facility may sell any food described in subsection 2 of NAC 446.042.*

4. A cannabis sales facility shall not sell ~~{any}~~ :

(a) Any product that contains nicotine ~~{}~~.

~~—5. A cannabis sales facility shall not sell any} ;~~

(b) Any product that contains alcohol if the product would require the cannabis sales facility to hold a license issued pursuant to chapter 369 of NRS ~~{}~~.

~~—6.} ; or~~

(c) Any cannabis-related accessory which:

(1) Appeals to children;

(2) Depicts an image of a cartoon character, mascot, action figure, balloon, fruit or toy;

or

(3) Is modeled after a product which is primarily consumed by or marketed to children.

5. A cannabis sales facility shall not ~~{sell}~~ :

(a) *Sell* cannabis or cannabis products to a consumer through the use of, or accept a sale of cannabis or cannabis products from, a third party, intermediary business, broker or any other business that does not hold a license for a cannabis sales facility in this State ~~+~~

~~—7. A cannabis sales facility shall not~~ ;

(b) *Enter into a* contract with a third party or intermediary business to advertise delivery to consumers ~~[-This section applies to advertising only and not delivery services-~~

~~—8. A cannabis sales facility shall not recommend~~ ; *or*

(c) *Recommend* products to women that are pregnant or breastfeeding.

6. *As used in this section, “branded merchandise” means any item which is not cannabis or a cannabis product and which contains the logo or other branding of a cannabis sales facility, including, without limitation, an article of clothing, pen, bag or other similar item that contains such a logo or such branding.*

Sec. 56. NCCR 7.035 is hereby amended to read as follows:

1. A cannabis sales facility must store all usable cannabis, concentrated cannabis and cannabis products behind a counter or other barrier to ensure a consumer does not have direct access to the cannabis, concentrated cannabis or cannabis products.

2. Upon the request of a consumer, a cannabis sales facility must disclose the name of the cannabis *independent* testing ~~[-facility]~~ *laboratory* which performed the required quality assurance tests for the cannabis sales facility and *provide to the consumer a copy of* the ~~[-corresponding]~~ certificate of analysis ~~[-]~~ *and a copy of the soil amendment report prepared pursuant to NCCR 8.010.*

3. A cannabis sales facility may only sell usable cannabis obtained from a cannabis cultivation facility in this State.

4. ~~{Except as otherwise provided in subsection 6, a}~~ **A** cannabis sales facility may only sell concentrated cannabis and cannabis products obtained from a cannabis ~~{product manufacturing}~~ **production** facility in this State.

5. Except as otherwise provided in subsection ~~{6,}~~ **7**, a cannabis sales facility may not sell a product other than usable cannabis, concentrated cannabis or cannabis products which contain any level of THC or CBD without the approval of the appropriate Board ~~{Agent,}~~ **agent**.

6. Each cannabis sales facility shall maintain a file which contains a certificate of analysis for any ~~{such}~~ **product** approved ~~{product}~~ **pursuant to subsection 5 and any hemp or commodity or product made using hemp** at the cannabis sales facility and shall make the file available for review upon request.

~~{6,}~~ **7.** The provisions of subsection ~~{4 does}~~ **5 do** not apply to ~~{industrial}~~ hemp ~~{, as defined in NRS 557.040,}~~ which is certified and registered with the State Department of Agriculture ~~{,}~~ **or any commodity or product made using such hemp**.

8. As used in this section, "hemp" has the meaning ascribed to it in NRS 557.160.

Sec. 57. NCCR 7.050 is hereby amended to read as follows:

1. A cannabis sales facility shall not **at any one time** deliver more than ~~{5}~~ **12.5** ounces ~~{(141.75 grams)}~~ **or 354.3 grams** of ~~{cannabis or an equivalent amount of cannabis products to any combination of consumers within a single trip.}~~

~~—2.— A medical cannabis sales facility shall not deliver more than 10 ounces (283.5 grams) of~~ cannabis, edible cannabis products ~~{or}~~ **, adult-use** cannabis-infused products, **medical cannabis-infused products** or any combination thereof when making a sales delivery ~~{exclusively}~~ to **any combination of consumers**, persons who hold a valid registry identification card or **persons who are** designated as a primary caregiver.

~~{3.}~~ 2. A cannabis sales facility shall not deliver cannabis or cannabis products to a consumer at any location that has been issued a gaming license, as defined in NRS 463.0159.

~~{4.}~~ 3. A cannabis sales facility shall not knowingly deliver more than ~~{1-ounce (28.35 grams)}~~ *2.5 ounces or 70.875 grams* of cannabis or cannabis products to a consumer in a private residence in one calendar day.

~~{5.}~~ 4. A cannabis sales facility shall not deliver cannabis or cannabis products to any person other than the consumer who ordered the cannabis or cannabis products. Before delivering cannabis or cannabis products to a consumer, the cannabis establishment agent delivering the cannabis or cannabis products for a cannabis sales facility shall:

(a) Confirm by telephone that the consumer ordered the cannabis or cannabis products and verify the identity of the consumer; and

(b) Enter the details of such a confirmation in a log which must be made available for inspection by an appropriate law enforcement agency, the Board and Board ~~{Agents-~~
~~—6.}~~ *agents.*

5. A cannabis sales facility shall not allow a cannabis establishment agent to deliver cannabis or cannabis products unless the cannabis or cannabis products are:

(a) Stored in a lockbox or locked cargo area within the vehicle being used for delivery;

(b) Not visible from outside the vehicle; and

(c) Contained in sealed packages and containers which remain unopened during delivery.

↪ For the purpose of this subsection, the trunk of a vehicle is not considered to be a lockbox or locked cargo area unless the trunk cannot be accessed from within the vehicle and can only be accessed using a key which is different from the key used to access and operate the vehicle.

~~{7.}~~ 6. A cannabis sales facility shall ensure that a cannabis establishment agent delivering cannabis or cannabis products for the cannabis sales facility has a means of communicating with the cannabis sales facility while he or she provides delivery.

~~{8.}~~ 7. A person shall not be present within any vehicle while it is being used for the delivery of cannabis or cannabis products unless the person is a cannabis establishment agent for the cannabis sales facility providing delivery of the cannabis or cannabis products or an independent contractor retained by the cannabis sales facility to provide delivery.

~~{9.}~~ 8. Each cannabis establishment agent delivering cannabis or cannabis products must:

(a) Report to ~~{a person designated by the cannabis establishment to receive such reports}~~ *the appropriate Board agent* any motor vehicle crash that occurs during the delivery as soon as reasonably possible after the crash occurs, but in no instance shall such time to report exceed ~~{12}~~ 24 hours;

(b) Report to Board ~~{Agents}~~ *agents* any unauthorized stop; and

(c) Report to a person designated by the cannabis establishment to receive such reports any loss or theft of cannabis or cannabis products that occurs during the delivery immediately after the cannabis establishment agent becomes aware of the loss or theft.

9. A cannabis sales facility that receives a report of loss or theft pursuant to ~~{this}~~ paragraph *(c) of subsection 8* must immediately report the loss or theft to the appropriate law enforcement agency ~~{}~~ *and, after any risk to public safety has been abated,* to the Board. ~~{and to the Executive Director.}~~

Sec. 58. NCCR 8.010 is hereby amended to read as follows:

1. A cannabis cultivation facility must ~~{disclose}~~ *provide* in writing with each lot of usable cannabis provided to a cannabis sales facility:

(a) ~~{A}H~~ *A soil amendment report which discloses all* soil amendments, fertilizers, pesticides, and other crop production aids applied to the growing medium or cannabis plant included in the lot; and

(b) The name of the cannabis *independent* testing ~~{facility}~~ *laboratory* which performed the required quality assurance tests and the certificate of analysis for the lot.

2. A cannabis cultivation facility may provide a cannabis sales facility free display samples of usable cannabis packaged in a sample jar protected by a plastic or metal mesh screen to allow consumers to smell the product before purchase. A sample jar may not contain more than 3.5 grams of usable cannabis. The sample jar must not be left unattended and must be sealed shut. The sample jar and the usable cannabis within may not be sold to a consumer and must be either returned to the cannabis cultivation facility which provided the usable cannabis and sample jar or destroyed by the cannabis sales facility after use and documented by the cannabis sales facility using its inventory control system pursuant to NCCR 6.080. A cannabis production facility may provide uninfused edibles as display samples.

3. The provisions of chapters 372A of NRS and chapter 372A of NAC regarding the excise tax on cannabis apply to free samples of usable cannabis provided pursuant to subsection 2.

Sec. 59. NCCR 9.015 is hereby amended to read as follows:

Based on the risks inherent to the operation of a cannabis production facility and a cannabis consumption lounge which serves food, the persons responsible for managing each such facility shall demonstrate to the Board knowledge of disease prevention, and the requirements of ~~{Title}~~ *title* 56 of NRS and *the* NCCR, by:

1. Complying with the provisions of ~~the~~ *title* 56 of NRS and *the* NCCR and having no category I, II, ~~III(b) or~~ III *or IV* violations pursuant to NCCR ~~4.035-4.050~~ *4.035 to 4.050, inclusive, and section 14 of this regulation* during inspections.
2. Ensuring that at least one employee is available during all operating hours in which food is being prepared or served, which is a certified food protection manager who has shown proficiency in the required information through passing a test that is part of a program which certifies a person to be a food protection manager and which:
 - (a) Has been evaluated and listed by an accrediting agency as conforming to national standards for organizations that certify persons as food protection managers; or
 - (b) Provides to such persons other training acceptable to the Board.
3. Responding correctly to the questions of an inspector of cannabis establishments regarding:
 - (a) The relationship between the prevention of disease and the personal hygiene of a cannabis establishment agent engaged in the extraction of concentrated cannabis or production of cannabis products.
 - (b) The prevention of the transmission of disease by a cannabis establishment agent engaged in the extraction of concentrated cannabis or production of cannabis products who has a disease or medical condition that may transmit disease.
 - (c) The symptoms associated with the diseases that are transmissible through cannabis products and ingredients.
 - (d) The significance of the relationship between maintaining the temperature for a certain amount of time for potentially hazardous cannabis products and ingredients and the prevention of illness transmission.

- (e) The hazards involved in the consumption of raw or undercooked meat, poultry and eggs.
- (f) The required temperatures and times for safe cooking of potentially hazardous cannabis products and ingredients, including, without limitation, meat, poultry and eggs.
- (g) The required temperatures and times for the safe refrigerated storage, hot holding, cooling and reheating of potentially hazardous cannabis products and ingredients.
- (h) The relationship between the prevention of illness transmission and the management and control of:
 - (1) Cross contamination;
 - (2) Hand contact with finished cannabis products and ingredients;
 - (3) Hand washing; and
 - (4) Maintaining the establishment in a clean condition and in good repair.
- (i) The correct procedures for cleaning and sanitizing utensils and the surfaces of equipment that have direct contact with cannabis products and ingredients.
- (j) The identification of poisonous or toxic materials in the facility and the procedures necessary to ensure that those materials are safely stored, dispensed, used and disposed of according to applicable state and federal laws and regulations.

Sec. 60. NCCR 9.045 is hereby amended to read as follows:

1. Each cannabis production facility shall contract with a cannabis *independent* testing ~~facility~~ *laboratory* to perform testing to ensure the homogeneity of the potency of the product on each edible cannabis product produced by the facility. A cannabis production facility shall not sell an edible cannabis product unless the appropriate Board ~~Agent~~ *agent* has preapproved the production of the edible cannabis product and a cannabis *independent* testing ~~facility~~

laboratory has verified the homogeneity of the potency of the product as described in NCCR 11.060.

2. ~~{A}~~ *An adult-use* cannabis production facility shall not sell an *adult-use* edible cannabis product other than a multiple-serving edible cannabis product or a single-serving edible cannabis product. An *adult-use* edible cannabis product sold as a multiple-serving edible cannabis product must not contain more than 100 milligrams of THC. An *adult-use* edible cannabis product sold as a single-serving edible cannabis product must not contain more than 10 milligrams of THC.

3. A cannabis product manufacturing facility shall not sell an edible cannabis product unless the appropriate Board ~~{Agent}~~ *agent* has approved that:

(a) The recipe and production procedures for the edible cannabis product will ensure consistent concentration of THC for the edible cannabis product; and

(b) The cannabis production facility has demonstrated that its process for producing the edible cannabis product produces a homogenous product.

4. Any change in the recipe, production run size or equipment used to produce an edible cannabis product must be approved by the appropriate Board ~~{Agent}~~ *agent*. The Board ~~{Agent}~~ *agent* may require new approval or testing pursuant to this section for such a change.

Sec. 61. NCCR 10.075 is hereby amended to read as follows:

1. Each cannabis establishment shall ensure that it has written procedures:

(a) Assigning responsibility for sanitation and describing in sufficient detail the cleaning schedules, methods, equipment and materials to be used in cleaning the buildings and facilities of the cannabis establishment; and

(b) For the use of appropriate rodenticides, insecticides, fungicides, fumigating agents and cleaning and sanitizing agents by the cannabis establishment.

2. Each cannabis establishment shall ensure that the written procedures described in subsection 1 are followed. A copy of these procedures shall be provided promptly to the Board or Board ~~Agents~~ *agents* upon request.

3. All sanitation procedures of a cannabis establishment apply to work performed by contractors or temporary cannabis establishment agents for the cannabis establishment as well as work performed by full-time cannabis establishment agents during the ordinary course of operations.

4. Each cannabis cultivation facility shall retain at least one person who is a ~~certified~~ *private* applicator, as defined in NRS ~~555.2618, who is authorized to use pesticides for:~~
~~—(a) If the cannabis cultivation facility engages in the cultivation of cannabis indoors, greenhouse and nursery pest control pursuant to subparagraph (2) of paragraph (c) of subsection 1 of NAC 555.640; and~~
~~—(b) If the cannabis cultivation facility engages in the cultivation of cannabis outdoors, agricultural pest control of animals or plants pursuant to paragraph (a) or (b) of subsection 1 of NAC 555.640.~~ *555.2681.*

Sec. 62. NCCR 11 is hereby amended by adding thereto a new section to read as follows:

1. The Board hereby adopts by reference the following publications, as those publications existed on June 20, 2024, which must be complied with only as required by specific regulation:
(a) The standards set forth in subparagraphs (1) to (4), inclusive, published by ASTM International. A copy of each standard is available by mail from ASTM International, 100 Barr Harbor Drive, P.O. Box C700, West Conshohocken, Pennsylvania 19428-2959, or at the Internet address <https://www.astm.org> for the price of \$72:

(1) ASTM D8282, “Standard Practice for Laboratory Test Method Validation and Method Development”;

(2) ASTM D8347, “Standard Guide for Requirements for Analytical Laboratory Related Professions Within the Cannabis and Hemp Industries”;

(3) ASTM D8244, “Standard Guide for Analytical Laboratory Operations Supporting the Cannabis/Hemp Industry”; and

(4) ASTM D8334/D8334M, “Standard Practice for Sampling of Cannabis/Hemp Post-Harvest Batches for Laboratory Analyses.”

(b) The Official Methods of Analysis of AOAC International, published by AOAC International. A copy of that publication may be obtained at the Internet address <https://global.oup.com/academic/product/official-methods-of-analysis-of-aoac-international-9780197610138> for the price of \$1,000.

(c) “Appendix J AOAC International Methods Committee Guidelines for Validation of Microbiological Methods for Food and Environmental Surfaces” of the Official Methods of Analysis of AOAC International, published by AOAC International. The Appendix may be accessed free of charge at the Internet address <https://academic.oup.com/aoac-publications/book/45491/chapter/392388961>.

(d) “Appendix K Guidelines for Dietary Supplements and Botanicals” of the Official Methods of Analysis of AOAC International, published by AOAC International. The Appendix may be accessed free of charge at the Internet address <https://academic.oup.com/aoac-publications/book/45491/chapter/392389499>.

(e) International Standard ISO 16140-3 “Microbiology of the Food Chain - Method Validation - Part 3: Protocol For The Verification Of Reference Methods And Validated

Alternative Methods In A Single Laboratory,” published by the International Organization for Standardization. A copy of that standard may be obtained from the American National Standards Institute at the Internet address <https://webstore.ansi.org/SDO/ISO> for the price of \$295.20 for members and \$369.00 for nonmembers.

(f) Cannabis Inflorescence: Standards of Identity, Analysis, and Quality Control, published by the American Herbal Pharmacopoeia. A copy of that publication may be obtained from the American Herbal Pharmacopoeia, P.O. Box 66809, Scotts Valley, California 95067, or at the Internet address <http://www.herbal-ahp.org>, for the price of \$44.95 for a print copy or \$39.95 for a digital copy.

(g) The OECD Series on Principles of Good Laboratory Practice and Compliance Monitoring, published by the Organisation for Economic Co-operation and Development. A copy of that publication may be obtained free of charge from the Organisation for Economic Co-operation and Development at the Internet address https://www.oecd-ilibrary.org/environment/oecd-series-on-principles-of-good-laboratory-practice-and-compliance-monitoring_2077785x.

(h) International Standard ISO/IEC 17025 “General Requirements For The Competence Of Testing And Calibration Laboratories,” published by the International Organization for Standardization. A copy of that publication may be obtained from the American National Standards Institute at the Internet address <https://webstore.ansi.org/SDO/ISO> for the price of \$234.40 for members and \$293.00 for nonmembers.

(i) The Guidelines for Laboratories Performing Microbiological and Chemical Analyses of Food, Dietary Supplements, Pharmaceuticals, and Cannabis: An Aid to Interpretation of

ISO/IEC 17025:2017, published by AOAC International. A copy of that publication may be obtained from AOAC International at the Internet address <https://www.aoac.org/aoac-accreditation-guidelines-for-laboratories-alacc/> for the price of \$265 for members and \$336 for nonmembers.

(j) “Recommendations for Regulators - Cannabis Operations,” published by the American Herbal Products Association. A copy of that publication is available free of charge at the Internet address https://www.ahpa.org/Files/Document%20Library/AHPAGuidancePolicies/Cannabis_Operations_Recommendations_Regulators.pdf.

(k) “WHO Expert Committee on Specifications for Pharmaceutical Preparations: Fifty-fourth report, Annex 4: Good chromatography practices,” published by the World Health Organization. A copy of that publication is available free of charge at the Internet address <https://cdn.who.int/media/docs/default-source/medicines/norms-and-standards/guidelines/trs1025/trs1025-annex4.pdf>.

(l) “Guidance Document for Single Laboratory Validation of Quantitative Analytical Methods – Guidance Used in Support of Pre-and-Post-Registration Data Requirements for Plant Protection and Biocidal Products,” published by the Organisation for Economic Co-operation and Development. A copy of the publication is available free of charge at the Internet address https://www.oecd.org/en/publications/2014/07/guidance-document-for-single-laboratory-validation-of-quantitative-analytical-methods-guidance-used-in-support-of-pre-and-post-registration-data-requirements-for-plant-protection-and-biocidal-products_82b45579.html.

(m) The Bacteriological Analytical Manual (BAM), published by the United States Food and Drug Administration. A copy of that publication is available free of charge at the Internet address <https://www.fda.gov/food/laboratory-methods-food/bacteriological-analytical-manual-bam>.

(n) The Elemental Analysis Manual (EAM) for Food and Related Products, published by the United States Food and Drug Administration. A copy of that publication is available free of charge at the Internet address <https://www.fda.gov/food/laboratory-methods-food/elemental-analysis-manual-eam-food-and-related-products>.

(o) The Pesticide Analytical Manual (PAM), published by the United States Food and Drug Administration. A copy of that publication is available free of charge at the Internet address <https://www.fda.gov/food/laboratory-methods-food/pesticide-analytical-manual-pam>.

(p) The Microbiology Laboratory Guidebook, published by the Food Safety and Inspection Service of the United States Department of Agriculture. A copy of that publication is available free of charge at the Internet address <https://www.fsis.usda.gov/news-events/publications/microbiology-laboratory-guidebook>.

(q) Laboratory Safety Guidance, published by the Occupational Safety and Health Administration of the United States Department of Labor. A copy of the publication is available free of charge at the Internet address <https://www.osha.gov/sites/default/files/publications/OSHA3404laboratory-safety-guidance.pdf>.

(r) The following Standard Method Performance Requirements, published by AOAC International, which are available free of charge at the Internet address <https://www.aoac.org/resources>:

- (1) Standard Method Performance Requirements (SMPRs) for Determination of Heavy Metals in Cannabis-Containing Beverages.
- (2) Standard Method Performance Requirements (SMPRs) for Determination of Pesticides in Cannabis-Containing Beverages.
- (3) Standard Method Performance Requirements (SMPRs) for Quantitation of Cannabinoids in Beverages.
- (4) Standard Method Performance Requirements (SMPRs) for Quantitative Analysis of Mycotoxins in Cannabis Biomass and Cannabis-Derived Products.
- (5) Standard Method Performance Requirements (SMPRs) for Viable Yeast and Mold Count Enumeration in Cannabis and Cannabis Products.
- (6) Standard Method Performance Requirements (SMPRs) for Mycotoxin Screening Technique in Cannabis Plant Material and Cannabis Derivatives.
- (7) Standard Method Performance Requirements (SMPRs) for Detection of Shiga Toxin-Producing Escherichia coli in Cannabis and Cannabis Products.
- (8) Standard Method Performance Requirements (SMPR) for Quantitation of Cannabinoids in Edible Chocolate.
- (9) Standard Method Performance Requirements (SMPR) for Identification and Quantitation of Selected Pesticide Residues in Dried Cannabis Materials.
- (10) Standard Method Performance Requirements (SMPR) for Quantitation of Cannabinoids in Cannabis Concentrates.
- (11) Standard Method Performance Requirements (SMPR) for Quantitation of Cannabinoids in Dried Plant Materials.

(12) Standard Method Performance Requirements (SMPR) for Detection of Aspergillus in Cannabis and Cannabis Products.

(13) Standard Method Performance Requirements (SMPR) for Quantitation of Cannabinoids in Plant Materials of Hemp (Low THC Varieties Cannabis sp.).

(14) Standard Method Performance Requirements (SMPRs) for Detection of Salmonella species in Cannabis and Cannabis Products.

(15) Standard Method Performance Requirements (SMPRs) for Determination of Heavy Metals in a Variety of Cannabis and Cannabis-Derived Products.

(16) Standard Method Performance Requirements (SMPR) for Identification and Quantitation of Selected Residual Solvents in Cannabis-Derived Materials.

2. If a new edition of or revision to a publication adopted by reference in subsection 1 is published, the Board will review the new edition or revision and, within 30 days after the completion of the review, determine whether the revision or new edition is appropriate for application in this State. If the Board does not approve a new edition of or revision to an adopted publication within 30 days after the completion of the review, the new edition or revision is deemed to be disapproved by the Board.

Sec. 63. NCCR 11.010 is hereby amended to read as follows:

1. Each cannabis independent testing laboratory must employ a scientific director who must *reside within 200 miles of the laboratory and* be responsible for:

(a) Establishing and maintaining a quality control and quality assurance program that ensures the quality of the cannabis independent testing laboratory's services, and that is capable of identifying any failure of quality when it occurs;

(b) Supervising all staff of the cannabis independent testing laboratory; ~~and~~

(c) *Ensuring safety in the cannabis independent testing laboratory, including hazardous substance control;*

(d) *Reviewing all new technical policies and procedures and any substantial changes to existing technical policies and procedures before the implementation of such policies and procedures and documenting such a review;*

(e) *Reviewing, at least biennially, all technical policies and procedures after their implementation to ensure that the technical policies and procedures are complete, current and scientifically valid and relevant and documenting such a review; and*

(f) Actively participating in the operation of the testing laboratory to the extent necessary to assure compliance with the provisions of ~~this Act.~~ *the NCCR and title 56 of NRS.*

2. The scientific director of a cannabis independent testing laboratory must have earned:

(a) A doctorate degree in science from an accredited college or university and have at least 2 years of post-degree laboratory experience;

(b) A master's degree in science from an accredited college or university and have at least 4 years of post-degree laboratory experience; or

(c) A bachelor's degree in science from an accredited college or university and have at least 6 years of post-degree laboratory experience.

3. If a scientific director is no longer employed by a cannabis independent testing laboratory, the cannabis independent testing laboratory shall not be permitted to conduct any testing ~~+~~ *unless an interim director is appointed pursuant to this section.* An interim director that meets the minimum qualifications *for a scientific director pursuant to this section* may be appointed for ~~no~~ *not* more than 90 days ~~+~~ *unless an extension is granted by the appropriate Board agent.*

4. A cannabis independent testing laboratory shall ~~immediately~~ inform the Board ~~upon~~ of the appointment of a new scientific director ~~or~~ *or interim director within 3 business days after the appointment.*

5. A scientific director shall be available to the personnel of a testing laboratory, in person or by telephonic or other electronic means, for any necessary consultation.

6. The scientific director must be on the premises of the testing laboratory at least ~~5~~ *10* workdays each month. *If a scientific director is temporarily unable to meet this requirement, the testing laboratory shall appoint an interim director that meets the minimum qualifications for a scientific director pursuant to this section for a period of time not to exceed 90 days unless an extension is granted by the appropriate Board agent.*

7. *The scientific director:*

(a) May not delegate the responsibility of conducting and documenting a review described in paragraph (d) of subsection 1.

(b) May delegate the responsibility of conducting and documenting a review described in paragraph (e) of subsection 1 to a person who has sufficient skill, knowledge and experience.

Sec. 64. NCCR 11.015 is hereby amended to read as follows:

1. A cannabis independent testing laboratory shall not handle, test or analyze cannabis unless:

(a) The cannabis independent testing laboratory has been issued a license;

(b) The cannabis independent testing laboratory is independent from all other persons involved in the cannabis industry in Nevada; and

(c) No person with a direct or indirect interest in the cannabis independent testing laboratory has a direct or indirect financial interest in:

- (1) A cannabis sales facility;
- (2) A cannabis production facility;
- (3) A cannabis cultivation facility;
- (4) ~~1A~~ *An adult-use* cannabis distributor;
- (5) A provider of health care who provides or has provided written documentation for the issuance of registry identification cards or letters of approval;
- (6) Any other entity that may benefit from the cultivation, manufacture, dispensing, sale, purchase or use of cannabis or cannabis products ~~H~~; or
- (7) A cannabis consumption lounge.

2. A cannabis independent testing laboratory shall implement business practices which are structured and managed so as to safeguard impartiality in testing including:

- (a) A testing laboratory may not offer a different fee schedule or waive payment in the event of failing or otherwise undesirable test results; and
- (b) Refunds, rebates or any other return of payment in the form of alternate compensation is not permitted for the reason of failing or otherwise undesirable test results.

3. A cannabis independent testing laboratory is not required to use ~~1a~~ *an adult-use* cannabis distributor to collect or move samples for testing.

4. A cannabis independent testing laboratory shall implement a safety program which adopts all applicable guidelines from Laboratory Safety Guidance adopted by reference in section 62 of this regulation.

Sec. 65. NCCR 11.020 is hereby amended to read as follows:

1. ~~Each cannabis independent testing laboratory must agree to become accredited pursuant to standard ISO/IEC 17025 of the International Organization for Standardization within 1 year after licensure. The scope of accreditation must cover all analytes pursuant to NCCR 11.050~~

~~—2.1~~ Each cannabis independent testing laboratory that claims to be accredited *as described in subsection 4 of NRS 678B.290* must provide the Board with copies of each annual inspection report from the accrediting organization, including, without limitation, any deficiencies identified in and any corrections made in response to the report.

~~13.1~~ *The annual inspection report and accreditation certificate must be provided to the Board within 3 business days after receipt of the documents from the accrediting organization.*

2. Inspection by an accrediting organization is not a substitute for inspection by the Board or Board ~~Agents.~~ *agents.*

Sec. 66. NCCR 11.025 is hereby amended to read as follows:

1. Each cannabis independent testing laboratory must ~~1.1~~ *adhere to the following publications adopted by reference in section 62 of this regulation:*

(a) ~~Follow the most current version of the~~ *ASTM D8282, “Standard Practice for Laboratory Test Method Validation and Method Development”;*

(b) *ASTM D8347, “Standard Guide for Requirements for Analytical Laboratory Related Professions Within the Cannabis and Hemp Industries”;*

(c) *ASTM D8244, “Standard Guide for Analytical Laboratory Operations Supporting the Cannabis/Hemp Industry”;*

(d) *ASTM D8334/D8334M, “Standard Practice for Sampling of Cannabis/Hemp Post-Harvest Batches for Laboratory Analyses”;*

(e) *Cannabis Inflorescence: Standards of Identity, Analysis, and Quality Control* ~~monograph~~
published by the American Herbal Pharmacopoeia.

~~—(b) Follow the Recommendations~~;

(f) *“Recommendations for Regulators - ~~—~~ Cannabis ~~Operations published by the~~*
American Herbal Products Association.

~~—(c) Be accredited pursuant to standard ISO/IEC 17025 of the International Organization for~~
~~Standardization by an impartial organization that operates in conformance with standard~~
~~ISO/IEC 17011 of the International Organization for Standardization and is a signatory to the~~
~~Mutual Recognition Arrangement of the International Laboratory Accreditation Cooperation.~~

~~—(d) Follow the~~ *Operations”;*

(g) *“WHO Expert Committee on Specifications for Pharmaceutical Preparations: Fifty-*
fourth report, Annex 4: Good chromatography practices”;

(h) *“Guidance Document for Single Laboratory Validation of Quantitative Analytical*
Methods – Guidance Used in Support of Pre-and-Post-Registration Data Requirements for
Plant Protection and Biocidal Products”;

(i) *International Standard ISO/IEC 17025 “General Requirements For The Competence*
Of Testing And Calibration Laboratories”; and

(j) *Guidelines for Laboratories Performing Microbiological and Chemical Analyses of Food,*
Dietary Supplements, ~~and~~ Pharmaceuticals ~~—~~, and Cannabis : An Aid to ~~the~~
Interpretation of ISO/IEC ~~17025:2005 (2015) published by AOAC International.~~ 17025:2017.

2. Each cannabis independent testing laboratory shall demonstrate proficiency in testing
samples using the analytical methods approved by the Board or the appropriate Board ~~Agent~~
agent by participating in the approved proficiency testing program for all required analytes

within 6 months after the date upon which the cannabis independent testing laboratory is issued a license.

3. The Board may require an independent third party to inspect ~~{and/or}~~ *or* monitor the analytical testing methodologies and technical competence of the cannabis independent testing laboratory on an ongoing basis.

4. Each cannabis independent testing laboratory shall:

(a) Adopt and follow minimum good laboratory practices which must, at a minimum, satisfy the *OECD Series on Principles of Good Laboratory Practice* ~~{(GLP)}~~ and *Compliance Monitoring* ~~{published by the Organisation for Economic Co-operation and Development.}~~ *adopted by reference in section 62 of this regulation.*

(b) Become certified by the International Organization for Standardization and agree to have the inspections and reports of the International Organization for Standardization made available to the Board or Board ~~{Agents.}~~ *agents.*

(c) Maintain internal standard operating procedures. A copy of these procedures shall be provided promptly to the Board or Board ~~{Agents}~~ *agents* upon request.

(d) Maintain a quality control and quality assurance program ~~+~~
~~—5.†~~ *which:*

- (1) Includes a written ethics policy;*
- (2) Provides training to all staff of the cannabis independent testing laboratory on the written ethics policy; and*
- (3) Requires all staff of the cannabis independent testing laboratory to sign a statement which attests that the staff member will adhere to the written ethics policy.*

5. The Board ~~{Agents}~~ *agents* or an independent third party authorized by the Board may conduct an inspection of the practices, procedures and programs adopted, followed and maintained pursuant to subsection 4 and inspect all records of the cannabis independent testing laboratory.

6. ~~{A}~~ *Except as otherwise provided in this subsection, a* cannabis independent testing laboratory must use, when available ~~{H}~~ *and approved by the appropriate Board agent*, testing methods that have undergone validation by the *Official Methods of Analysis of AOAC International*, *adopted by reference in section 62 of this regulation, or* the Performance Tested Methods Program of the Research Institute of AOAC International. ~~{H}~~ *If such methods are not available, the cannabis independent testing laboratory may use:*

(a) Methodologies published by the International Organization for Standardization or the United States Pharmacopeia;

(b) Methodologies published in the following publications adopted by reference in section 62 of this regulation:

(1) The Bacteriological Analytical Manual ~~{of the Food and Drug Administration, the International Organization for Standardization, the United States Pharmacopeia, the}~~ *(BAM);*

(2) The Elemental Analysis Manual (EAM);

(3) The Pesticide Analytical Manual (PAM); and

(4) The Microbiology Laboratory Guidebook ~~{of the Food Safety and Inspection Service of the United States Department of Agriculture or an equivalent}~~ ;

(c) A third-party validation study which is equivalent to the methodologies described in paragraph (b) and which is approved by the Board ~~{H}~~ ; *or*

(d) If no ~~[such]~~ testing method *described in paragraph (a), (b) or (c)* is available, a cannabis independent testing laboratory may use an alternative testing method or a testing method developed by the cannabis independent testing laboratory ~~[upon demonstrating]~~ *if the independent testing laboratory demonstrates* the validity of the testing method *in cannabis matrices* to and ~~[receiving the]~~ *receives* approval ~~[of]~~ *from* the *appropriate* Board ~~[]~~ *agent*.

7. All quality assurance tests *required* pursuant to NCCR 11.050 ~~[shall]~~ *must comply with the applicable Standard Method Performance Requirements (SMPRs) adopted by reference in paragraph (r) of subsection 1 of section 62 of this regulation and* be validated or verified ~~[by the cannabis independent testing laboratory observing the guidelines of the most recent version of standard]~~ *in accordance with the following publications adopted by reference in section 62 of this regulation, as applicable:*

(a) ASTM D8282 , ~~[]~~ “Standard Practice for Laboratory Test Method Validation and Method Development” ~~[published by the American Society for Testing and Materials (ASTM) and available at www.astm.org, or any subsequent standard as approved by the appropriate Board Agent.~~

~~—8. The Board hereby adopts by reference:~~

~~—(a) The Cannabis Inflorescence: Standards of Identity, Analysis, and Quality Control monograph published by the American Herbal Pharmacopoeia. A copy of that publication may be obtained from the American Herbal Pharmacopoeia, P.O. Box 66809, Scotts Valley, California 95067, or at the Internet address <http://www.herbal-ahp.org/>~~

~~—(b) The OECD Series on Principles of Good Laboratory Practice (GLP) and Compliance Monitoring published by the Organisation for Economic Co-operation and Development. A copy of that publication may be obtained free of charge from the Organisation for Economic Co-~~

operation and Development at the Internet address

<http://www.oecd.org/env/ehs/testing/oecdseriesonprinciplesofgoodlaboratorypracticeglpandcompliance/monitoring.htm>

~~—(c) Standard ISO/IEC 17025 published by the International Organization for Standardization. A copy of that publication may be obtained from the American National Standards Institute at the Internet address~~

~~<https://webstore.ansi.org/RecordDetail.aspx?sku=ISO%2fIEC+17025%3a2005>~~

~~—(d) The Guidelines for Laboratories Performing Microbiological and Chemical Analyses of Food, Dietary Supplements, and Pharmaceuticals—An Aid to the Interpretation of ISO/IEC 17025:2005 (2015) published by AOAC International. A copy of that publication may be obtained from AOAC International at the Internet address <https://www.aoac.org/aoac-accreditation-guidelines-for-laboratories-alace/>;~~

(b) “Appendix J AOAC International Methods Committee Guidelines for Validation of Microbiological Methods for Food and Environmental Surfaces”;

(c) “Appendix K Guidelines for Dietary Supplements and Botanicals”; and

(d) International Standard ISO 16140-3 “Microbiology of the Food Chain - Method Validation - Part 3: Protocol For The Verification Of Reference Methods And Validated Alternative Methods In A Single Laboratory.”

Sec. 67. NCCR 11.030 is hereby amended to read as follows:

Each cannabis independent testing laboratory must establish *and adhere to* policies for an adequate chain of custody and sample identification requirements for samples of products provided to the cannabis independent testing laboratory for testing or research purposes, including, without limitation, policies and requirements for:

1. Issuing instructions for the minimum sample and storage requirements;
2. Documenting *in the seed-to-sale tracking system* the condition of the external package and integrity seals utilized to prevent contamination of, or tampering with, the sample;
3. Documenting *in the seed-to-sale tracking system* the ~~condition~~ *description* and amount of the sample provided at the time of *collection or* receipt;
4. Documentation of any pertinent sample identifiers, including but not limited to product type, product name, strain name, seed-to-sale tracking number, ~~batch/lot~~ *batch or lot* number and production run number as appropriate;
5. Documenting all persons handling the original samples, aliquots and extracts;
6. Providing adequate identification on sample containers throughout all phases of testing, including, but not limited to aliquots, dilutions, tubes, slides, culture plates, extracts, data files, images, and other secondary samples created during the processing or testing of a sample. The sample ~~identifier(s)~~ *identifiers* on any sample container must be indelible, legible, and able to withstand all stages of processing and conditions of storage;
7. Documenting all transfers of samples, aliquots and extracts referred to another cannabis independent testing laboratory for additional testing or whenever requested by a client;
8. Maintaining a current list of authorized cannabis establishment agents and restricting entry to the laboratory to only those authorized;
9. Securing the cannabis independent testing laboratory during nonworking hours;
10. Securing short- and long-term storage areas when not in use;
11. Utilizing a secured area to log-in and aliquot samples;
12. Ensuring samples are stored appropriately; ~~and~~
13. Documenting the disposal of samples, aliquots and extracts ~~+~~;

14. Ensuring the positive identification of the cannabis or cannabis product by verifying the accuracy of the seed-to-sale tracking information present on the source package immediately before sample collection and matching the information to the information documented in the seed-to-sale tracking system; and

15. Adhering to the chain of custody and sample identification requirements of ASTM D8334/D8334M, “Standard Practice for Sampling of Cannabis/Hemp Post-Harvest Batches for Laboratory Analyses,” as adopted by reference in section 62 of this regulation.

Sec. 68. NCCR 11.045 is hereby amended to read as follows:

1. A cannabis cultivation facility or a cannabis production facility may conduct operations and request limited laboratory testing by a cannabis independent testing laboratory for research and development purposes.

2. A cannabis cultivation facility or cannabis production facility described in subsection 1 shall:

(a) Notify *and receive approval from* the appropriate Board ~~{Agent}~~ *agents* of its intent to conduct research and development on a form prescribed by the Board by electronic mail before sending a sample to a cannabis independent testing laboratory;

(b) ~~{Receive approval from the appropriate Board Agent for the requested research and development studies}~~

~~—(e)}~~ Quarantine each batch, lot or production run in a separate quarantine area and label each batch, lot or production run with a distinctive label containing “R&D QUARANTINE” as a header and footer in *at least* 20-point white font and a red background;

~~{(d)}~~ (c) Account for all cannabis subject to quarantine pursuant to paragraph (b) in the seed-to-sale tracking system;

~~(e)~~ (d) Limit all research and development operations to clearly segregated and designated areas or rooms marked “R&D CULTIVATION AREA” or “R&D PRODUCTION AREA” on 8 1/2 by 11-inch *or larger* signs with a red background and white lettering, posted at the entrance to the area or room and along the walls of the area or room, with a minimum of one sign for every 300 square feet of the area or room; ~~and~~

~~(f)~~ (e) Perform research and development operations in a grow room only if the plants used for such operations are designated and separated from other plants ~~and~~ ; *and*

(f) Before the collection of the samples, provide to the cannabis independent testing laboratory that will be performing testing on the cannabis the research and development approval form approved pursuant to paragraph (a).

3. A cannabis cultivation facility or cannabis production facility operating as described in subsection 1 may request limited testing protocols from a cannabis independent testing laboratory for research and development purposes. A cannabis independent testing laboratory shall not perform any laboratory tests on research and development samples which were not specifically indicated as part of the approved study. *If laboratory tests are conducted on a lot or production run pursuant to this subsection, a cannabis cultivation facility or cannabis production facility must, for the final testing of a lot or production run, use the same cannabis independent testing laboratory which performed laboratory tests pursuant to this subsection. The Board may grant a variance for good cause from the requirements for testing samples for research and development purposes.*

4. A cannabis independent testing laboratory that performs testing for a cannabis cultivation facility or cannabis production facility described in subsection 1 shall report the results of the testing to the cannabis establishment and to the Board ~~by electronic mail~~ *in a manner*

prescribed by the Board. The cannabis independent testing laboratory shall clearly mark the test results with “R&D TESTING ONLY -- NOT FOR RESALE” on the top of each page of the report in 20-point white font and a red background.

5. A batch, lot or production run produced for research and development purposes pursuant to this section which fails quality assurance testing need not be destroyed ~~††~~ *but must not be remediated without approval from the Board.*

6. A batch, lot or production run originally produced for research and development purposes pursuant to this section may not be sold to a cannabis sales facility until the batch, lot or production run has undergone and passed all *quality assurance* testing . ~~†required by NCCR 6.100.†~~

Sec. 69. NCCR 11.050 is hereby amended to read as follows:

1. Each cannabis independent testing laboratory must use the sampling protocols and the general body of required quality assurance tests for usable cannabis, as received, concentrated cannabis and cannabis products set forth in this section. Such tests may include moisture content, potency analysis, foreign matter inspection, microbial screening, pesticide and other chemical residue and metals screening and residual solvents levels. A cannabis independent testing laboratory may request permission from the appropriate Board ~~†Agent†~~ *agent* to obtain additional sample material for the purposes of completing required quality assurance tests but may not use such material for the purposes of resampling or repeating quality assurance tests. A cannabis independent testing laboratory may retrieve samples from the premises of another cannabis establishment and transport the samples directly to the cannabis independent testing laboratory. A cannabis independent testing laboratory transporting samples may make multiple stops if:

(a) Each stop is for the sole purpose of retrieving a sample from a cannabis establishment;
and

(b) All samples remain secured at all times.

2. The tests required pursuant to subsection 1 by a cannabis independent testing laboratory are as follows:

Product	Tests Required	Action Levels
Usable cannabis, infused pre-rolls and crude collected resins, as received, excluding wet cannabis	1. Moisture content 2. Potency analysis 3. Terpene analysis 4. Foreign matter inspection 5. Mycotoxin screening 6. Heavy metal screening 7. Pesticide residue analysis 8. Herbicide screening 9. Growth regulator screening 10. Total yeast and mold 11. Total Enterobacteriaceae 12. Salmonella 13. Pathogenic E. coli 14. Aspergillus fumigatus 15. Aspergillus flavus 16. Aspergillus terreus	1. < 15% 2. N/A 3. N/A 4. None detected 5. < 20 µg/kg for the total of Aflatoxins B1, B2, G1 and G2 combined and < 20 µg/kg for Ochratoxin A 6. Arsenic: < 2 ppm, Cadmium: < 0.82 ppm, Lead: < 1.2 ppm, Mercury: < 0.4 ppm 7. See NAC 555.640 NCCR 11.065 8. See NAC 555.640 NCCR 11.065 9. See NAC 555.640 NCCR 11.065

	17. <i>Aspergillus niger</i> {18. Total coliform}	10. < 10,000 colony forming units per gram 11. < 1,000 colony forming units per gram 12. None detected per gram 13. None detected per gram 14. None detected per gram 15. None detected per gram 16. None detected per gram 17. None detected per gram {18. < 1,000 colony forming units per gram}
<i>Usable cannabis, as received, which is destined for extraction</i>	1. <i>Foreign matter inspection</i> 2. <i>Mycotoxin screening</i> 3. <i>Heavy metal screening</i> 4. <i>Pesticide residue analysis</i> 5. <i>Herbicide screening</i> 6. <i>Growth regulator screening</i> 7. <i>Total Enterobacteriaceae</i> 8. <i>Salmonella</i> 9. <i>Pathogenic E. coli</i>	1. <i>None detected</i> 2. <i>< 20 µg/kg for the total of Aflatoxins B1, B2, G1 and G2 combined and < 20 µg/kg for Ochratoxin A</i> 3. <i>Arsenic: < 2 ppm, Cadmium: < 0.82 ppm, Lead: < 1.2 ppm, Mercury: < 0.4 ppm</i> 4. <i>See NCCR 11.065</i> 5. <i>See NCCR 11.065</i> 6. <i>See NCCR 11.065</i> 7. <i>< 1,000 colony forming units per gram</i> 8. <i>None detected per gram</i> 9. <i>None detected per gram</i>

Wet cannabis, as received, which is destined for extraction	1. Potency analysis 2. Terpene analysis 3. Foreign matter inspection 4. 2. Mycotoxin screening 5. 3. Heavy metal screening 6. 4. Pesticide residue analysis 7. 5. Herbicide screening 8. 6. Growth regulator screening 9. Total yeast and mold 10. 7. Total Enterobacteriaceae 11. 8. Salmonella 12. 9. Pathogenic E. coli 13. Aspergillus fumigatus 14. Aspergillus flavus 15. Aspergillus terreus 16. Aspergillus niger 17. Total coliform	1. N/A 2. N/A 3. None detected 4. 2. < 20 µg/kg for the total of Aflatoxins B1, B2, G1 and G2 combined and < 20 µg/kg for Ochratoxin A 5. 3. Arsenic: < 2 ppm Cadmium: < 0.82 ppm Lead: < 1.2 ppm Mercury: < 0.4 ppm 6. 4. See NCCR 11.065 7. 5. See NCCR 11.065 8. 6. See NCCR 11.065 9. < 10,000 colony forming units per gram 10. 7. < 1,000 colony forming units per gram 11. 8. None detected per gram 12. 9. None detected per gram 13. None detected per gram 14. None detected per gram 15. None detected per gram 16. None detected per gram 17. < 1,000 colony forming units per gram
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Extract of cannabis (nonsolvent) like hashish, bubble hash, infused dairy butter, mixtures of extracted products or oils or fats derived from natural sources, including concentrated cannabis extracted with ethanol or CO2	1. Potency analysis 2. Foreign matter inspection 3. Mycotoxin screening 4. Heavy metal screening 5. Pesticide residue analysis 6. Total yeast and mold 7. Total Enterobacteriaceae 8. Salmonella 9. Pathogenic E. coli 10. Aspergillus fumigatus	1. N/A 2. None detected 3. < 20 µg/kg for the total of Aflatoxins B1, B2, G1 and G2 combined and < 20 µg/kg for Ochratoxin A 4. Arsenic: < 2 ppm Cadmium: < 0.82 ppm Lead: < 1.2 ppm Mercury: < 0.4 ppm
	11. Aspergillus flavus 12. Aspergillus terreus 13. Aspergillus niger	5. See NCCR 11.065 6. < 1,000 colony forming units per gram 7. < 100 colony forming units per gram 8. None detected per gram 9. None detected per gram 10. None detected per gram 11. None detected per gram 12. None detected per gram 13. None detected per gram

Extract of cannabis (solvent-based) made with any approved solvent, including concentrated cannabis extracted by means other than with ethanol or CO2	- Potency analysis - Foreign matter inspection - Residual solvent test - Mycotoxin screening - Heavy metal screening - Pesticide residue analysis - Total yeast and mold - Total Enterobacteriaceae - Salmonella - Pathogenic E. coli - Aspergillus fumigatus - Aspergillus flavus - Aspergillus terreus - Aspergillus niger	- N/A - None detected < 500 ppm < 20 µg/kg for the total of Aflatoxins B1, B2, G1 and G2 combined and < 20 µg/kg for Ochratoxin A - Arsenic: < 2 ppm Cadmium: < 0.82 ppm Lead: < 1.2 ppm Mercury: < 0.4 ppm - See NCCR 11.065 < 1,000 colony forming units per gram < 100 colony forming units per gram - None detected per gram - None detected per gram - None detected per gram - None detected per gram - None detected per gram - None detected per gram
Edible cannabis product, including a product which contains concentrated cannabis	- Potency analysis - Foreign matter inspection - Total Enterobacteriaceae - Salmonella - Pathogenic E. coli - Total aerobic count - Water activity or pH	- N/A - None detected < 1,000 colony forming units per gram - None detected per gram - None detected per gram < 100,000 colony forming units per gram - Water activity < 0.86 or pH < 4.6

Liquid cannabis product, including, without limitation, soda or tonic, including a product which contains concentrated cannabis	1. Potency analysis 2. Foreign matter inspection 3. Total Enterobacteriaceae 4. Salmonella 5. Pathogenic E. coli 6. Total aerobic count 7. Water activity or pH	1. N/A 2. None detected 3. < 1,000 colony forming units per gram 4. None detected per gram 5. None detected per gram 6. < 100,000 colony forming units per gram 7. Water activity < 0.86 or pH < 4.6
Topical cannabis product, including a product which contains concentrated cannabis	1. Potency analysis	1. N/A

3. A sample of usable cannabis must be at least 10 grams. A sample of a production run must be the lesser of 1 percent of the total product weight of the production run or 25 units of product, but not less than 5 grams of the production run. Before testing, all samples must be homogenized by the testing laboratory using a homogenization process which has been approved by the appropriate Board ~~Agent~~ agent and in a manner that prevents contamination of test samples or analytical portions.

4. The analytical portion that is used for the purposes of ~~any~~ each microbial test must be a minimum of ~~one~~ 1 gram, unless otherwise approved by the Board.

5. A cannabis establishment shall not submit wet cannabis to a cannabis independent testing laboratory for testing unless the wet cannabis is destined for extraction and weighed within 2 hours after harvest. The plant must not undergo any further processing, including, without limitation, drying the plant and subsequently selling separately the cannabis bud and cannabis trim from the plant, before being weighed.

6. ~~{As used in this section, “as received” means the unaltered state in which a sample was collected, without any processing or conditioning, which accounts for all mass, including moisture content.}~~ A cannabis independent testing laboratory shall not report the results of usable cannabis on a dry weight basis.

7. A cannabis independent testing laboratory shall *, upon request,* provide the final certificate of analysis to the Board ~~{and to}~~ *pursuant to NCCR 11.070. Unless an extension is granted by the Board, the* cannabis ~~{establishment from which}~~ *independent testing laboratory shall provide* the ~~{sample was collected}~~ *certificate of analysis to the Board* within 2 business days after ~~{obtaining}~~ the ~~{results.}~~ *request is received.*

8. The certificate of analysis ~~{shall}~~ *must* include ~~{a}~~ :

(a) *A photo of the product, as received* ~~{+}~~ *; and*

(b) *A disclaimer in 8-point font which states “The test results listed in this certificate of analysis may not reflect the current state of the product if more than one year has passed since testing due to product changes during storage.”*

9. *As used in this section, “as received” means the unaltered state in which a sample was collected, without any processing or conditioning, which accounts for all mass, including moisture content.*

Sec. 70. NCCR 11.060 is hereby amended to read as follows:

1. Except as otherwise provided in subsection 2, a cannabis independent testing laboratory shall perform testing to verify the homogeneity of the potency of an edible cannabis product by testing multiple samples from a single production run.

2. A cannabis independent testing laboratory that tests an edible cannabis product which has previously had the homogeneity of the potency of the edible cannabis product verified by a

cannabis independent testing laboratory and which has not undergone a change in recipe may verify the homogeneity of the edible cannabis product by testing one or more single units or servings from a production run of the edible cannabis product.

3. The cannabis independent testing laboratory ~~will~~ *shall* verify the homogeneity of the potency of the edible cannabis product only if:

- (a) The concentration of THC ~~and weight~~ of each sample is within 15 percent above or below the intended concentration of THC ; ~~and weight;~~ and
- (b) ~~No combination of samples which comprise 10 percent or less~~ *For an adult-use edible cannabis product, the concentration* of ~~the cannabis product contain 20 percent or more of the total~~ THC ~~in~~ *of each sample does not exceed* the ~~cannabis product;~~ *relevant limit prescribed by subsection 2 of NCCR 9.045.*

Sec. 71. NCCR 11.065 is hereby amended to read as follows:

1. A cannabis establishment shall only use a pesticide in the cultivation or production of cannabis or cannabis products if the pesticide appears on the list of pesticides published by the State Department of Agriculture pursuant to NRS 586.550.

2. When performing pesticide residue analysis pursuant to NCCR 11.050, a cannabis independent testing laboratory shall analyze for the pesticides which occur on the list of pesticides published by the State Department of Agriculture pursuant to NRS 586.550 at the detection levels specified by the State Department of Agriculture and for any other substances required by the Board. If:

(a) A pesticide which occurs on the list of pesticides published by the State Department of Agriculture pursuant to NRS 586.550 is detected at a level which exceeds the level specified by the State Department of Agriculture; or

(b) A pesticide which does not occur on the list of pesticides published by the State Department of Agriculture pursuant to NRS 586.550 is detected in any amount which is positively ~~verified,~~ *identified by the cannabis independent testing laboratory to be equal to or greater than the limit of detection established by the laboratory pursuant to subsection 3*, the pesticide residue analysis is failed.

3. A cannabis independent testing laboratory shall establish a limit of detection for every pesticide analyzed by the laboratory, which must:

(a) Be lower than the limit of quantitation for the pesticide; and

(b) Not exceed 0.1 ppm (µg/g).

Sec. 72. NCCR 11.070 is hereby amended to read as follows:

1. Immediately before packaging:

(a) Usable cannabis for sale to a cannabis sales facility, cannabis production facility or another cannabis cultivation facility, a cannabis cultivation facility shall segregate all harvested cannabis into homogenized lots of flower and trim, respectively, and allow a cannabis independent testing laboratory to select a homogenous representative sample for testing from each lot the cannabis cultivation facility has segregated. The cannabis *independent* testing laboratory which performs the test must collect the samples. If the cannabis cultivation facility has segregated the lot of harvested cannabis into packages or container sizes smaller than the entire lot, the cannabis cultivation facility must present all packages ~~comprising~~ *composing* the lot to the cannabis independent testing laboratory, and the testing laboratory must sample and test each package containing harvested cannabis from the lot. *If a lot that will be sampled pursuant to this paragraph has been remediated, the cannabis cultivation facility shall, before*

any sample collection, notify the cannabis independent testing laboratory that the lot has been remediated.

(b) Concentrated cannabis or cannabis products, a cannabis production facility shall *segregate all concentrated cannabis and cannabis products into production runs and* allow a cannabis independent testing laboratory to select a random *homogeneous representative* sample from each ~~{lot or}~~ production run for testing . ~~{by the cannabis independent testing laboratory.}~~

The cannabis independent testing laboratory performing the testing must collect the samples. *If a production run of concentrated cannabis or cannabis products is stored in multiple containers, the cannabis production facility must present all containers which compose the production run to the cannabis independent testing laboratory and the cannabis independent testing laboratory must sample and test each container. If a production run that will be sampled pursuant to this paragraph has been remediated, the cannabis production facility shall, before any sample collection, notify the cannabis independent testing laboratory that the production run has been remediated.*

(c) The cannabis independent testing laboratory selecting a sample shall seal the sample within the package to ensure sample integrity. The sample shall be collected in a tamper resistant package or in a package that is sealed with tamper resistant tape immediately after the sample is placed in the package.

(d) The cannabis independent testing laboratory shall ensure the seed-to-sale identification tag is affixed to the sample package. The batch, lot or production run number and the weight or quantity of the sample shall be documented on the sample package and on the chain of custody.

2. ~~{A}~~ *If a* cannabis independent testing laboratory ~~{that}~~ collects a sample *from a cannabis cultivation facility or cannabis production facility* pursuant to this section ~~{shall test}~~ :

(a) The cannabis independent testing laboratory shall:

(1) Test the sample as provided in NCCR 11.050.

(2) When collecting a sample, adhere to ASTM D8334/D8334M, "Standard Practice for Sampling of Cannabis/Hemp Post-Harvest Batches for Laboratory Analyses" adopted by reference in section 62 of this regulation, including, without limitation, the aseptic sampling procedures described in that publication.

(b) The cannabis cultivation facility or cannabis production facility shall:

(1) Provide the person who is collecting the sample with access to a hand-washing sink.

(2) Maintain video camera coverage of the sampling process.

3. From the time that a lot or production run has been homogenized for sample testing and eventual packaging and sale to a cannabis sales facility, cannabis production facility or, if applicable, another cannabis cultivation facility, the cannabis establishment which provided the sample shall segregate and withhold from use the entire lot or production run, except the samples that have been removed by the cannabis independent testing laboratory for testing, until the cannabis independent testing laboratory provides the certificate of analysis from its tests and analysis. During this period of segregation, the cannabis establishment which provided the sample shall maintain the lot or production run in a secure, clearly designated, cool and dry location so as to prevent the cannabis from becoming contaminated or losing its efficacy. Under no circumstances shall the cannabis establishment which provided the sample sell the cannabis or cannabis products, as applicable, to a cannabis sales facility, cannabis production facility or, if applicable, another cannabis cultivation facility before the time that the cannabis independent testing laboratory has completed its testing and analysis and provided the certificate of analysis to the cannabis establishment which provided the sample.

4. ~~{Except as otherwise provided in subsection 5, a cannabis independent testing laboratory shall immediately return or dispose of any sample received pursuant to this section upon the completion of any testing, use or research. If a cannabis independent testing laboratory disposes of a sample received pursuant to this section, the cannabis independent testing laboratory shall document the disposal of the sample using its seed-to-sale tracking system pursuant to NCCR 6.080 and 6.082.~~

~~—5.†~~ A cannabis independent testing laboratory shall keep any sample which fails testing, or which is collected by the Board for confirmation testing for 30 days after failure or collection. A sample which is kept pursuant to this subsection must be stored in a manner approved by the appropriate Board ~~{Agent.}~~ *agent*. A cannabis independent testing laboratory shall dispose of a sample kept pursuant to this subsection after 30 days have elapsed after failure or collection ~~†~~

~~—6.†~~ *and document the disposal of the sample using the seed-to-sale tracking system.*

5. Except as otherwise provided in NCCR 11.075, if a sample provided to a cannabis independent testing laboratory pursuant to this section does not pass the testing required by NCCR 11.050, the cannabis establishment which provided the sample shall dispose of the entire lot or production run from which the sample was taken and document the disposal of the sample using ~~{its inventory control}~~ *the seed-to-sale tracking* system ~~{pursuant to NCCR 6.080 and 6.082.~~

~~—7.†~~ 6. If a sample provided to a cannabis independent testing laboratory pursuant to this section passes the testing required by NCCR 11.050, the cannabis independent testing laboratory shall release the entire lot or production run for immediate manufacturing, packaging and labeling for sale to a cannabis sales facility, a cannabis production facility or, if applicable, another cannabis cultivation facility.

~~18.1~~ 7. A cannabis establishment shall not use more than one cannabis independent testing laboratory to test the same lot or production run of cannabis without the approval of the appropriate Board ~~Agent.~~

~~9.1~~ *agent.*

8. A cannabis independent testing laboratory shall file with the Board, in a manner prescribed by the Board, an electronic copy of the certificate of analysis for all tests performed by the cannabis independent testing laboratory, regardless of the outcome of the test, including all testing required by NCCR 11.050 to 11.065, inclusive. ~~It, at the same time that it transmits those results to the facility which provided the sample.~~

~~10. An electronic mail message transmitted pursuant to subsection 9 must be formatted~~ *The certificate of analysis must be reported* as follows:

(a) ~~The subject line of the electronic mail message must be the name of the cannabis establishment from which the sample was collected.~~

~~(b)~~ The name of the electronic file containing the certificate of analysis must be ~~it~~ *in the following format:*

(1) ~~Except as otherwise provided in subparagraph (2) or (3), the Facility~~ *The cannabis establishment* ID assigned by the Board to the cannabis independent testing laboratory, followed by an underscore, followed by the ~~four-digit identifier~~ *cannabis establishment ID* assigned by the Board to the cannabis establishment from which the sample was collected, followed by an underscore, followed by ~~it~~

~~(I) If the sample was from a production run, the production run number; or~~

~~(II) If the sample was not from a production run, the batch number;~~ *the identification number assigned to the sample in the seed-to-sale tracking system,* followed by an underscore,

followed by the ~~{Hot number.}~~ *product name assigned to the sample in the seed-to-sale tracking system.*

(2) If the certificate of analysis is from a retesting of a previously failed sample, *the format prescribed by subparagraph (1), followed by* an underscore followed by the word “Retest.” ~~{“ must be appended to the end of the name of the electronic file.”}~~

(3) If the certificate of analysis has been amended, *the format prescribed by subparagraph (1), followed by* an underscore followed by the word “Amended” must be appended to the end of the name of the electronic file.

~~{(e)}~~ (b) If the certificate of analysis ~~{has}~~ :

(1) *Has* been amended, the electronic copy of the certificate of analysis must state “Amended” in 20-point bold red font at the center of the top of the first page of the report and must contain a statement of the reason for the amendment that clearly and completely describes the change in 10-point *red* font.

~~{(1)}~~ (2) *Is from a retesting of a failed sample, the electronic copy of the certificate of analysis must:*

(I) *State “Retest” in 20-point bold red font at the center of the top of the first page of the report and the certificate must be accompanied by the retest approval issued by a Board agent to the laboratory; and*

(II) *Be accompanied by the retest approval for the sample issued by a Board agent to the cannabis independent testing laboratory and a list of samples pertaining to the retest approval.*

9. *A cannabis independent testing laboratory shall not provide preliminary test results to a cannabis cultivation facility or cannabis production facility, including, without limitation,*

an employee or representative of a cannabis cultivation facility or cannabis production facility, before submitting the certificate of analysis to the Board.

10. The Board will take immediate disciplinary action against any cannabis establishment which fails to comply with the provisions of this section or falsifies records related to this section, including, without limitation, revoking the license of the cannabis establishment.

~~{12.}~~ **11.** A cannabis independent testing laboratory may subcontract its testing of cannabis or cannabis products only to another cannabis independent testing laboratory.

~~{13.}~~ *If a cannabis independent testing laboratory subcontracts its testing pursuant to this subsection, the name and cannabis establishment ID of the cannabis independent testing laboratory which performs the testing must be included on the final certificate of analysis in at least 8-point font.*

12. The Board may publish on ~~{their}~~ *its Internet* website all ~~{Certificates}~~ *certificates* of ~~{Analysis}~~ *analysis* issued to ~~{them}~~ *it* in the preceding time.

Sec. 73. NCCR 11.075 is hereby amended to read as follows:

1. Upon approval of the appropriate Board ~~{Agent,}~~ *agent*, a lot or production run of cannabis that fails a residual solvents, pH, water activity (aw), homogeneity, or microbial screening test may be remediated or used to make an extract. After processing, the remediated lot or extract must pass all required quality assurance tests.

2. If a sample from a cannabis production facility fails a quality assurance test, the entire production run from which the sample was taken automatically fails the quality assurance test.

3. At the request of a cannabis cultivation facility or a cannabis production facility, the appropriate Board ~~{Agent}~~ *agent* may, on a case-by-case basis, authorize a retest to validate the

results of a failed test. The cannabis cultivation facility or cannabis production facility is responsible for all costs involved in a retest performed pursuant to this section.

4. A cannabis cultivation facility or a cannabis production facility may not request a retest pursuant to this section if the lot or production run has undergone any type of remediation since the time samples were initially taken for testing. *A cannabis independent testing laboratory shall not retest a lot, production run or test sample of cannabis or a cannabis product or implement internal procedures for the retesting of cannabis or cannabis products without the approval of the appropriate Board agent.*

5. A cannabis cultivation facility or a cannabis production facility shall submit a request for retesting to the appropriate Board ~~{Agent}~~ agent in writing and on a form designated by the Board.

6. If the appropriate Board ~~{Agent}~~ agent grants a request for retesting, the Board ~~{Agent}~~ agent will select the cannabis independent testing laboratory that will perform the retest.

7. Except as otherwise provided in this subsection, a cannabis cultivation facility or a cannabis production facility may submit a request for retesting of not more than 50 lots or production runs each calendar year. For any subsequent failure of a quality assurance test in a calendar year, the facility shall request permission from the Board for an additional 50 tests, destroy the lot or the entire production run, or request to send the lot or production run to extraction or remediation. The Board may extend authority to the Executive Director of the ~~{ECB}~~ Board to approve such requests. If the additional 50 retests are approved, a cannabis cultivation facility or a cannabis production facility must obtain the results of two retests in the category which failed, from two different cannabis independent testing laboratories. For the retested lot or production run to be approved for sale, both retests must provide passing results. If

both retests provide passing results, the certificate of analysis with the higher quantifiable results will be recorded. If it is not clear which certificate has higher results, the appropriate ~~board~~ *Board* agent will select the one to be recorded. No more than one such request for additional tests is permitted within a calendar year. A lot which only fails a quality assurance test for moisture content must not be counted for the purpose of this subsection.

(a) To request permission from the Board for an additional 50 tests, a cannabis cultivation facility or a cannabis production facility must file a petition with the Board which must include the following:

- (1) Request for the additional 50 tests;
- (2) List the prior 50 lots or production runs that failed, what they failed for, and which cannabis independent testing laboratory performed the test; and
- (3) List whether the prior 50 lots or production runs passed pursuant to a retest, and which cannabis independent testing laboratories performed the retests.

8. A failed quality assurance test for pesticide residue must be retested by the State Department of Agriculture unless otherwise approved by the Board or appropriate Board ~~Agent~~ *agent*.

9. If a sample passes the same quality assurance test upon retesting, the cannabis cultivation facility or cannabis production facility need not destroy the lot or production run and may sell the lot or production run to a cannabis cultivation facility, cannabis sales facility or cannabis production facility, as applicable.

10. If a sample fails the same quality assurance test upon retesting, the Board ~~Agent~~ *agent* denies a request for retesting or a cannabis cultivation facility or a cannabis production facility

does not request retesting after a sample fails a quality assurance test, the facility shall destroy the entire lot or production run from which the sample was taken.

11. Any process for the post-harvest treatment or remediation of cannabis must be preapproved by a Board agent. A cannabis establishment that conducts any post-harvest remediation or treatment of cannabis or has any cannabis of the cannabis establishment remediated or treated by another cannabis establishment shall:

(a) Maintain documentation of post-harvest treatment or remediated lots or production runs, including the date and method of treatment or remediation; and

(b) Provide copies of the documentation maintained pursuant to paragraph (a) to any cannabis independent testing laboratory that collects a sample of a post-harvest treatment or remediated lot or production run for testing.

Sec. 74. NCCR 11.085 is hereby amended to read as follows:

1. Upon the request of the Board, a cannabis ~~facility~~ *establishment* must provide a cannabis independent testing laboratory designated by the Board with a sample of cannabis or a cannabis product in an amount determined by the cannabis independent testing laboratory to be sufficient for random quality assurance compliance checks in a secure manner such that the cannabis independent testing laboratory can confirm that it has received and is testing the correct sample.

2. The cannabis independent testing laboratory that receives a sample pursuant to subsection 1 shall, as directed by the Board:

(a) Screen the sample for pesticides, chemical residues, herbicides, growth regulators and unsafe levels of metals;

(b) Perform any other quality assurance test deemed necessary by the Board; and

(c) Report its results to the Board.

3. ~~The~~ *If the Board requests screening or testing to be conducted pursuant to this section for the purpose of an investigation of a cannabis cultivation facility , ~~the~~ cannabis production facility or cannabis independent testing laboratory, the cannabis cultivation facility, cannabis production facility or cannabis independent testing laboratory* is responsible for all costs involved in screening or testing performed pursuant to this section ~~H~~ , *even if no violation was discovered. Any costs imposed pursuant to this subsection must be paid to the cannabis independent testing laboratory performing the screening or testing within 30 days after the receipt of an invoice for the costs.*

4. *If the Board requests screening or testing to be conducted pursuant to this section for the purpose of an investigation to verify the accuracy of the test results of a cannabis independent testing laboratory, the cannabis independent testing laboratory that issued the results under investigation is responsible for all costs involved in screening or testing performed pursuant to this section.*

Sec. 75. NCCR 12 is hereby amended by adding thereto a new section to read as follows:

1. *A cannabis cultivation facility or cannabis production facility must disclose in writing with each lot or production run provided to a cannabis sales facility or cannabis consumption lounge any process used for the purpose of reducing or eradicating microbial contamination any time post-harvest. The disclosure must include, without limitation, the date of the treatment or remediation and information on the process used by the cannabis cultivation facility or cannabis production facility and may provide such information through an electronic medium, including, without limitation, a quick response code or a link to an Internet website.*

2. Upon request, a cannabis sales facility or cannabis consumption lounge shall immediately provide the disclosure provided by a cannabis cultivation facility or cannabis production facility pursuant to subsection 1 to the consumer or patient through any of the following means:

- (a) A paper copy of the disclosure.*
- (b) An electronic copy of the disclosure.*
- (c) Inclusion on the package or label provided to the consumer.*

3. A cannabis sales facility or cannabis consumption lounge shall post a notice which states that information regarding any treatment or remediation, laboratory results and soil amendments is available upon request. The notice must be posted conspicuously at each location in the cannabis sales facility or cannabis consumption lounge at which cannabis or cannabis products are sold, including drive-through windows, in at least 18-point font.

4. Nothing in this section prohibits a cannabis establishment from including on a package or label a statement that the cannabis or cannabis product has not been treated or remediated after harvest.

Sec. 76. NCCR 12.010 is hereby amended to read as follows:

1. ~~Unless preparing bulk packages only for delivery to another cannabis establishment and not for sale to a consumer, a cannabis establishment that packages cannabis or cannabis products must individually package, label and seal the cannabis or cannabis products in a single package for sale.~~ A ~~cannabis sales facility shall only sell cannabis or cannabis products in a~~ single package ~~which must not contain:~~

~~—(a) More than 1 ounce (28.35 grams) of usable cannabis.~~

~~—(b) For a~~ *for an adult-use* cannabis product sold as a ~~{capsule,}~~ *pill must not contain* more than 100 milligrams of THC per capsule or more than 800 milligrams of THC per package.

~~{(c) For a cannabis product sold as a tincture, more than 800 milligrams of THC.~~

~~—(d) For a cannabis product sold as an edible cannabis product, more than 100 milligrams of THC.~~

~~—(e) For a cannabis product sold as a topical product, a concentration of more than 6 percent THC or more than 800 milligrams of THC per package.~~

~~—(f) For a cannabis product sold as a suppository or transdermal patch, more than 100 milligrams of THC per suppository or transdermal patch or more than 800 milligrams of THC per package.~~

~~—(g) For any other cannabis product, more than 800 milligrams of THC.}~~

2. ~~{An edible cannabis product must be packaged in a manner which indicates the number of servings of THC in the product, measured in servings of a maximum of 10 milligrams of THC per serving, and include a statement that the edible cannabis product contains cannabis and its potency was tested with an allowable variance of plus or minus 15 percent of the allowable limit.~~

~~—3.}~~ For cannabis or cannabis products that are intended to be sold to a consumer, the text used on all labeling must be printed in at least 8-point font and may not be in italics.

Sec. 77. NCCR 12.015 is hereby amended to read as follows:

1. ~~{Any edible}~~ *Except as otherwise provided in NCCR 12.040, any* cannabis *or cannabis* product ~~{containing}~~ *sold by a* cannabis *establishment* must:

(a) Be clearly and unambiguously packaged as cannabis with *, if not already included on a label affixed to or included with the container or package containing the cannabis or cannabis product,* the words **“THIS PRODUCT CONTAINS CANNABIS”** and ~~{includes the}~~ warning

“KEEP OUT OF REACH OF CHILDREN” in bold type that clearly identifies that the product contains cannabis. ~~††~~

(b) Be packaged in a manner which is not modeled after a brand of products primarily consumed by or marketed to children. ~~††~~

(c) Be presented in packaging which does not contain an image of a cartoon character, mascot, action figure, balloon or toy, except that *, for a cannabis product,* such an item may appear in the logo of the cannabis production facility which produced the product. ~~††~~

(d) Not be packaged or marketed as candy. ~~††~~

(e) ~~††~~ *Be packaged in packaging that is of a food-grade material and which protects the contents from contamination.*

(f) When sold at a cannabis sales facility, be placed into a package or directly packaged in opaque, child-resistant packaging in accordance with 16 C.F.R. Part 1700 and the requirements set forth in this section. The child-resistant packaging must maintain its effectiveness for multiple openings before leaving the cannabis sales facility with the consumer.

(g) For an edible cannabis product, be packaged in a manner that, if not already included on a label affixed to or included with the container or package containing the edible cannabis product:

(1) Includes:

(I) A Nevada universal cannabis symbol approved by the Board to indicate that the product contains cannabis; ~~†and~~

~~—(†) (II)~~ *The net weight of the product;*

~~{(g)}~~ *(III)* A list of all ingredients and all major food allergens as identified in 21 U.S.C. § ~~{343; and~~

~~—(h)}~~ *321(qq);*

(IV) A notice that the actual amount of THC may be within 15 percent of the stated amount for the edible cannabis product; *and*

(V) A warning that states “Caution: Intoxicating effects may be delayed by 2 or more hours”; and

(2) Indicates the number of servings of THC in the edible cannabis product. If the edible cannabis product is an adult-use edible cannabis product, the number of servings must be measured in servings of a maximum of 10 milligrams of THC per serving.

2. ~~{When sold at a cannabis sales facility, any cannabis or cannabis product must be placed into a package or directly packaged in opaque, child resistant packaging in accordance with 16 C.F.R. Part 1700 and the standards specified in subsection 3 or 4. The child-resistant packaging must maintain its effectiveness for multiple openings before leaving the cannabis sales facility with the consumer.~~

~~—3.— Except as otherwise provided in subsection 4, cannabis products in solid or liquid form must be packaged in a food-grade material or container.~~

~~—4.— Edible}~~ *Adult-use edible* cannabis products in liquid form containing more than 10 milligrams *of* THC must be packaged using a resealable cap in a container that:

(a) Clearly demarks each serving of cannabis in a way that enables a reasonable person to intuitively determine how much of the product constitutes a single serving of THC; or

(b) Includes a device that allows a reasonable person to intuitively measure and serve a single serving of THC.

↪ The portion of such a container that demarks each serving of cannabis need not be opaque.

~~{5. Any container or packaging containing usable cannabis, concentrated cannabis or cannabis products must protect the contents from contamination and must be of a food grade material.~~

~~— 6. An edible cannabis product must be sealed in a container which is not transparent and sold in packaging which is opaque.~~

~~— 7.~~ **3.** Each single serving in a multiple-serving edible cannabis product must be physically demarked in a way that enables a reasonable person to intuitively determine how much of the edible cannabis product constitutes a single serving. Each demarked serving must be easily separable in a manner that allows an average person who is 21 years of age or over to physically separate, with minimal effort, an individual serving of the edible cannabis product.

~~{8.}~~ **4.** If an *adult-use* edible cannabis product is of a kind that is impracticable to clearly demark each serving of cannabis with the dose in milligrams of THC, the *adult-use* edible cannabis product must:

- (a) Contain not more than 10 milligrams of THC per unit of sale; or
- (b) Be sold in a package that contains more than one individually wrapped single-serving edible cannabis product.

Sec. 78. NCCR 12.020 is hereby amended to read as follows:

1. Except as otherwise provided in subsection **2 or 3**, each single-serving edible cannabis product, ~~{and}~~ each individual serving containing not more than 10 milligrams of THC of a multiple-serving edible cannabis product *and each individual serving of a medical edible cannabis product* must be stamped or molded with a Nevada universal cannabis symbol approved by the Board to indicate that the product contains cannabis.

2. ~~{An}~~ *If an* edible cannabis product ~~{that}~~ is impractical to stamp or mold with a Nevada universal cannabis symbol, including, without limitation, bulk goods or powders, each individual serving must be individually wrapped with the Nevada universal cannabis symbol on the wrapper. *An* exemption from stamping or molding product must be requested on a form prescribed by the Board.

3. An edible cannabis product in liquid form which is packaged as required by NCCR 12.015 need not be stamped or molded as described in this section.

Sec. 79. NCCR 12.030 is hereby amended to read as follows:

~~{1. A}~~ *If not already included on the container or package, a* cannabis cultivation facility shall label all cannabis before it sells the cannabis to another cannabis establishment ~~{and shall securely affix to or include with the package a label that includes, without limitation, in legible English:~~

- ~~—(a) The name of the cannabis establishment and its cannabis establishment ID;~~
- ~~—(b) If the cannabis establishment is operated by a dual licensee, the cannabis establishment ID number of the medical cannabis cultivation facility operated by the dual licensee;~~
- ~~—(c) The batch number;~~
- ~~—(d) The lot number;~~
- ~~—(e) The date of final harvest;~~
- ~~—(f) The date of final testing;~~
- ~~—(g) The date on which the product was packaged;~~
- ~~—(h) The cannabinoid profile and potency levels and terpenoid profile of the top three terpenes as determined by the cannabis testing facility, which may include the potential total THC but must not include any other calculated level of THC;~~

- ~~—(i) The quantity of cannabis being sold;~~
- ~~—(j) A warning that states: “THIS PRODUCT CONTAINS CANNABIS”; and~~
- ~~—(k) A warning that states: “Keep out of Reach of Children.”~~
- ~~—2. The label required by subsection 1 for a container or package containing usable cannabis sold by a cannabis cultivation facility must be in substantially the following form:~~

~~TK’s Cannabis Products
Cannabis establishment ID: RCXXX
Medical Cannabis establishment ID: CXXX (if applicable)

Production Run Number: 1234

THIS PRODUCT CONTAINS CANNABIS

Keep out of Reach of Children

Produced on: 01/01/2020
Best if used by: 03/17/2020 (for edibles only)
Cannabinoid profile:

Total THC content (mg):
THC content per serving +/- 15%: (for edibles only)
Serving size—1 piece
This product contains concentrated cannabis
produced with butane.

Ingredients: Wheat, Sugar, Milk Chocolate
Allergy Warning: Peanuts, Tree Nuts, Eggs, Wheat, Soy
Net Weight: 100mg}~~

with information necessary for the functionality of the seed-to-sale tracking system.

Sec. 80. NCCR 12.035 is hereby amended to read as follows:

~~{1. A}~~ *If not already included on the container or package, a* cannabis production facility shall label all cannabis products before it sells the cannabis products to a cannabis sales facility or another cannabis production facility ~~{and shall securely affix to or include with the package a label that includes, without limitation, in legible English and in a manner which must not mislead consumers:~~

- ~~—(a) The name of the cannabis establishment and its cannabis establishment ID;~~
- ~~—(b) If the cannabis establishment is operated by a dual licensee, the cannabis establishment ID number of the medical cannabis facility for the production of cannabis operated by the dual licensee;~~
- ~~—(c) The production run number;~~
- ~~—(d) A warning that states: “Keep out of reach of children.”~~
- ~~—(e) The date of production;~~
- ~~—(f) The cannabinoid profile and potency levels as determined by the cannabis testing facility;~~
- ~~—(g) If the product is an edible cannabis product, the expiration date;~~
- ~~—(h) The total amount of THC in the cannabis product, measured in milligrams;~~
- ~~—(i) The total amount of THC in each serving of the edible cannabis product;~~
- ~~—(j) A list of all ingredients and all major food allergens as identified in 21 U.S.C. § 343;~~
- ~~—(k) The net weight of the product;~~
- ~~—(l) If concentrated cannabis or a cannabis extract was added to the product, a disclosure of the type of extraction process used and any solvent, gas or other chemical used in the extraction process or any other compound added to the concentrated cannabis;~~
- ~~—(m) If the product is an edible cannabis product other than extracts and tinctures, the serving size; and~~
- ~~—(n) A warning that states: “THIS PRODUCT CONTAINS CANNABIS.”~~
- ~~—2. The label required by subsection 1 for a container or package containing edible cannabis products sold by a cannabis production facility must be in substantially the following form:~~

~~TK's Cannabis Products
Cannabis establishment ID: RCXXX
Medical Cannabis establishment ID: CXXX (if applicable)

Production Run Number: 1234

THIS PRODUCT CONTAINS CANNABIS

Keep out of Reach of Children

Produced on: 01/01/2020
Best if used by: 03/17/2020 (for edibles only)
Cannabinoid profile:
Total THC content (mg):
THC content per serving +/- 15%: (for edibles only)
Serving size — 1 piece
This product contains concentrated cannabis-
produced with butane.

Ingredients: Wheat, Sugar, Milk Chocolate
Allergy Warning: Peanuts, Tree Nuts, Eggs, Wheat, Soy
Net Weight: 100mg~~

with information necessary for the functionality of the seed-to-sale tracking system.

Sec. 81. NCCR 12.040 is hereby amended to read as follows:

1. ~~{A}~~ *If not already included on the container or package, a* cannabis sales facility and cannabis consumption lounge must affix to ~~{,}~~ *or* include with ~~{, or supply through an electronic medium approved by the appropriate board agent}~~ each container or package containing usable cannabis sold at retail or ready-to-consume cannabis product and single-use cannabis product *that is usable cannabis* sold at consumption lounges, ~~{if not already included on the container or package,}~~ *or provide through an electronic medium approved by the appropriate Board agent with each sale of such cannabis or cannabis products,* a label which must include, without limitation:

(a) The business or trade name and the cannabis establishment ID of the cannabis cultivation facility that cultivated and sold the usable cannabis;

(b) ~~If the cannabis cultivation facility is operated by a dual licensee, the cannabis establishment~~ *The inventory* ID number ~~of the medical cannabis cultivation facility operated~~, *commonly known as the “parent tag,” which is assigned* by the ~~dual licensee~~;

~~—(c) The batch number;~~

~~—(d) The lot number;~~

~~—(e)~~ *seed-to-sale tracking system;*

(c) The quantity sold, including the net weight measured in ounces and grams or by volume, as appropriate;

~~(f)~~ (d) The name and address of the cannabis sales facility or cannabis consumption lounge;

~~(g)~~ (e) The *detected* cannabinoid profile, ~~and~~ potency levels and terpenoid profile *of the top three terpenes, if detected*, as determined by the cannabis independent testing laboratory, which may include the potential total THC but must not include any other calculated level of THC;

~~(h) A warning that states: “This product may have intoxicating effects and may be habit forming.”~~

~~—(i) The statement: “This product may be unlawful outside of the State of Nevada”;~~

~~—(j)~~ (f) The date on which the cannabis was harvested;

~~(k)~~ (g) A warning that states: “THIS PRODUCT CONTAINS CANNABIS”;

~~(l)~~ *and*

(h) A warning that states: “Keep out of Reach of Children.” ~~”; and~~

2. The label required by subsection 1 for a container or package containing usable cannabis sold at retail must be in substantially the following form:

We Care Cannabis sales facility or cannabis consumption lounge
123 Main Street, Carson City, NV 89701

THIS PRODUCT CONTAINS CANNABIS

16.7% THC 1.5% CBD 0.3% CBN

Myrcene 5.6 mg/g Limonene 5.1 mg/g

Valencene 3.5 mg/g

MM's Plant Emporium

Cannabis establishment ID: RCXXX

~~{Medical establishment ID: CXXX (if applicable)}~~

Inventory Package ID: 1234

Keep out of Reach of Children

~~{Batch #: 1234~~

~~Lot #: 1234}~~

Final harvest: 01/01/2020

~~{WARNING:~~

~~This product may have intoxicating effects and may be habit forming.}~~

Net Weight: .25 ounces (7 grams)

~~{This product may be unlawful outside the State of Nevada}~~

3. Ready-to-consume cannabis products offered for sale at a cannabis consumption lounge do not require packaging before sale, but, in addition to the requirements of this section and NCCR 12.045, all of the required disclosures set forth in NCCR 15 must be provided to the consumer.

Sec. 82. NCCR 12.045 is hereby amended to read as follows:

1. ~~{A}~~ *If not already included on the container or package, a* cannabis sales facility and cannabis consumption lounge must affix to ~~{}~~ *or* include with ~~{, or supply through an electronic medium approved by the appropriate board agent}~~ each container or package containing cannabis products sold at retail or ready-to-consume cannabis product and ~~{Single-use}~~ *single-use* cannabis product *that is not usable cannabis* sold at consumption lounges, ~~{if not already on the container package,}~~ *or provide through an electronic medium approved by the appropriate*

Board agent with each sale of such a cannabis product, a label which must not mislead consumers and must include, without limitation:

(a) The business or trade name and the cannabis establishment ID of the cannabis production facility that manufactured and sold the product;

(b) ~~If the cannabis production facility is operated by a dual licensee, the cannabis establishment~~ *The inventory package* ID number ~~of the medical facility for the production of edible cannabis products or cannabis-infused products operated~~, *commonly known as the “parent tag,” which is assigned* by the ~~dual licensee,~~ *seed-to-sale tracking system;*

(c) ~~The production run number that accounts for all lot numbers of all cannabis used in the extraction of the concentrated cannabis or contained in the product, as recorded in the inventory control system of the cannabis production facility that sold the concentrated cannabis or product;~~

~~—(d)~~ The name and address of the cannabis sales facility or cannabis consumption lounge;

~~(e) The~~

(d) If the cannabis product is not an edible cannabis product, the date on which the cannabis product was manufactured;

~~(f)~~ *(e)* If the product is an edible ~~and a suggested use by~~ *cannabis product, the expiration* date;

~~(g)~~ *(f)* The *detected* cannabinoid profile, ~~and~~ potency levels ~~of the product,~~ *and terpenoid profile of the top three terpenes, if detected,* as determined by the cannabis independent testing laboratory that tested the product;

~~(h)~~ *(g)* For edible cannabis products, the total amount of THC in each serving of the product ~~and a notice that the actual amount of THC in each serving may be within 15 percent of the stated amount;~~

~~—(i) ;~~

~~(h)~~ A list of all ingredients and all major food allergens as identified in 21 U.S.C. § ~~1343~~.

~~—(j) 321(qq);~~

~~(i)~~ The concentration of THC in the product, measured in milligrams;

~~{(k)}~~ ~~(j)~~ The net weight of the ~~{cannabis or}~~ cannabis product;

~~{(l)} For edible cannabis products, a warning that states: “Caution: When eaten or swallowed, the intoxicating effects of this product may be delayed by 2 or more hours”;~~

~~—(m) (k)~~ If concentrated cannabis or a cannabis extract was added to the product, a disclosure of the type of extraction process and any solvent, gas or other chemical used in the extraction process, or any other compound added to the concentrated cannabis or the cannabis extract;

~~{(n)} A warning that states: “This product may have intoxicating effects and may be habit forming”;~~

~~—(o) (l)~~ A warning that states: “Keep out of Reach of Children”

~~{(p)} A statement that: “This product may be unlawful outside of the State of Nevada”; and~~

~~—(q) ; and~~

~~(m)~~ A warning that states: “THIS PRODUCT CONTAINS CANNABIS.”

2. The label required by subsection 1 for a container or package containing concentrated cannabis or cannabis products sold at retail must be in substantially the following form:

We Care Cannabis sales facility or cannabis consumption lounge
123 Main Street, Carson City, NV 89701

~~{THIS PRODUCT CONTAINS CANNABIS}~~

Cookie

Net Weight: 2 ounces (56 grams)

Produced on: 1/1/2020 *(if applicable)*

~~{Best if used by:}~~ *Expires on:* 6/3/2020 *(for edibles only)*

Cannabinoid profile:

Terpenoid profile:

Total THC Content (mg):

THC content per serving ~~{+/-15%:}~~ : *(for edibles only)*

~~{CAUTION: When eaten or swallowed the intoxicating effects of this product can be delayed by 2 or more hours.~~

~~Keep out of Reach of Children~~

~~This product may be unlawful outside the State of Nevada.~~

Manufactured at: KC's Kitchen

Cannabis establishment ID: RCXXX

~~{Medical cannabis establishment ID: CXXX (if applicable)}~~

~~Production Run #5463}~~

Inventory Package ID Number: 1234

INGREDIENTS: Flour, Butter, Canola Oil, Sugar, Chocolate, Cannabis, Strawberries

CONTAINS ALLERGENS: Milk, Wheat

Contains cannabis extract processed with butane.

~~{WARNING: This product may have intoxicating effects and may be habit forming.}~~

Sec. 83. NCCR 12.050 is hereby amended to read as follows:

1. Upon consumer request, a cannabis sales facility and cannabis consumption lounge must *immediately* provide with all usable cannabis and cannabis products sold at retail or ready-to-consume cannabis ~~{product}~~ *products* and single-use cannabis ~~{product}~~ *products* sold at

cannabis consumption lounges, *the* accompanying ~~{material that discloses any pesticides applied to the cannabis plants and growing medium during production and processing.}~~ *soil amendment report and a copy of the certificate of analysis from the cannabis independent testing laboratory.*

2. A cannabis sales facility and cannabis consumption lounge must provide with all usable cannabis and cannabis products sold at retail or ready-to-consume cannabis ~~{product}~~ *products* and single-use cannabis ~~{product}~~ *products* sold at cannabis consumption lounges, a written notification or an electronic notification through an electronic medium approved by the appropriate ~~{board}~~ *Board* agent which contains the following warnings:

- (a) That cannabis and cannabis products must be kept out of the reach of children;
- (b) That cannabis and cannabis products can cause severe illness in children;
- (c) That allowing children to ingest cannabis or cannabis products or storing cannabis or cannabis products in a location which is accessible to children may result in an investigation by an agency which provides child welfare services or criminal prosecution for child abuse or neglect;
- (d) ~~{“THE” “INTOXICATING EFFECTS {OF CANNABIS} MAY BE DELAYED BY 2 HOURS OR MORE {AND}, SO USERS {OF CANNABIS PRODUCTS} SHOULD INITIALLY INGEST {A SMALL AMOUNT OF THE PRODUCT CONTAINING} NO MORE THAN 10 MILLIGRAMS OF THC, THEN WAIT AT LEAST 2 HOURS BEFORE INGESTING ANY ADDITIONAL {AMOUNT OF} CANNABIS”}~~;
- (e) ~~{“Cannabis or cannabis products may have intoxicating effects and”}~~ *“This product* may be ~~{habit forming. Smoking is hazardous to your health.”}~~ *unlawful outside of the State of Nevada.”*;

(f) “Ingesting cannabis or cannabis products with alcohol or other drugs, including prescription medication, may result in unpredictable levels of impairment and a person should consult with a physician before doing so.”;

(g) “There may be mental or physical health risks associated with consumption of cannabis or cannabis products, including but not limited to cardiovascular problems, psychosis, or exacerbation of anxiety ~~and/or~~ *or* depression. People with health concerns should consult with a physician before ingesting cannabis.”;

(h) “WARNING: Pregnant or breastfeeding people should not use cannabis or cannabis products. Using cannabis during pregnancy or while breastfeeding may be harmful to your baby’s development.”;

(i) “Cannabis or cannabis products can impair concentration, coordination and judgment. Do not operate a vehicle or machinery under the influence of cannabis or cannabis ~~products”;~~ *products.”;*

(j) “Ingestion of any amount of cannabis or cannabis products before driving may result in criminal prosecution for driving under the influence.” *; and*

(k) “Overconsumption of cannabis or cannabis products may cause negative health effects such as nausea, vomiting, anxiety, agitation, paranoia, and psychosis. Individuals with symptoms of overconsumption should seek immediate medical attention.”

3. For cannabis consumption lounges that allow inhalation of cannabis, the following warning must be included with the warnings listed in ~~NCCR-12.050~~ subsection 2 : ~~{a-k above:~~

~~—(a)~~ “WARNING: This is a smoking lounge. Occupants will be exposed to secondhand smoke. Secondhand smoke is hazardous to your ~~health”;~~ *health.”*

4. The text used on all accompanying material and warnings must be printed in at least 12-point font and may not be in italics.

Sec. 84. NCCR 12.070 is hereby amended to read as follows:

~~{A}~~

1. Except as otherwise provided in subsection 2, a cannabis establishment shall ensure that all advertising by the cannabis establishment contains ~~{such}~~ :

(a) In a visible and legible manner, the following warnings ~~{as may be prescribed by the Board, which must include, without limitation, the following words:~~

~~—1.} :~~

(1) “Keep out of reach of children”; and

~~{2.}~~ *(2) “For use only by adults 21 years of age and older”; and*

~~{3.— Shall ensure that all advertising by the cannabis establishment contains:~~

~~—(a)}~~ *(b) The following information in a visible and legible manner:*

(1) The name of the cannabis establishment; and

~~{(b)}~~ *(2) The ~~{adult-use}~~ cannabis establishment ~~{identification}~~ ID number assigned to the cannabis establishment by the Board ~~{-H-}~~ or, if a cannabis establishment holds more than one license, ~~{the cannabis establishment must include any one of}~~ either the adult-use cannabis establishment ~~{identification}~~ ID number or the medical cannabis establishment ~~{identification}~~ ID number . ~~{in all of the cannabis establishment’s advertisements.~~*

~~—4.—A}~~

2. The requirements of subsection 1 do not apply to:

(a) Signage of the business name, company logos, devices, lights, figures, paintings, drawings, branding or plaques that are used in the design of the cannabis establishment; or

(b) Advertisements which are posted inside a licensed cannabis establishment and are not for distribution, including, without limitation, displays or images for the promotion of a brand.

3. *Except as otherwise provided in subsection 4, a* cannabis establishment shall not engage in advertising that ~~is~~ :

(a) In any way makes cannabis or cannabis products appeal to children, including , without limitation, advertising which uses an image of a cartoon character, mascot, action figure, balloon, fruit or toy ~~[- The cannabis establishment shall ensure that the advertisement is not]~~ ; *or*

(b) Is modeled after a brand of products primarily consumed by or marketed to children.

4. *The limitations set forth in subsection 3 on the use of fruit for advertising cannabis or a cannabis product:*

(a) Do apply to signage of the business name, company logos, devices, lights, figures, paintings, drawings, branding or plaques that are used in the design of the cannabis establishment.

(b) Do not apply to a display or image for the promotion of a brand which is posted inside a licensed cannabis establishment and not for distribution.

Sec. 85. NCCR 13.010 is hereby amended to read as follows:

1. ~~[A]~~ *An adult-use* cannabis distributor may transport cannabis and cannabis products between a cannabis establishment and another cannabis establishment or between the buildings of a cannabis establishment.

2. A cannabis establishment shall not transport cannabis or cannabis products to a cannabis sales facility and an independent cannabis consumption lounge unless the cannabis establishment holds a license for ~~[a]~~ *an adult-use* cannabis distributor.

3. ~~1A1~~ *An adult-use* cannabis distributor shall not purchase or sell cannabis or cannabis products, or deliver cannabis or cannabis products to a consumer under their distribution license.

4. ~~1A1~~ *An adult-use* cannabis distributor may enter into an agreement or contract with a cannabis establishment for the transport of cannabis or cannabis products. Such an agreement or contract may include, without limitation, provisions relating to insurance coverage, climate control and theft by a third party or an employee.

5. ~~1A1~~ *An adult-use* cannabis distributor, and each cannabis establishment agent employed by the *adult-use* cannabis distributor who is involved in the transportation, is responsible for cannabis and cannabis products once the *adult-use* cannabis distributor takes control of the cannabis or cannabis products and leaves the premises of a cannabis establishment.

6. ~~1A1~~ *An adult-use* cannabis distributor shall not allow a cannabis establishment agent to transport cannabis or cannabis products unless:

(a) The cannabis establishment agent carries a copy, for the duration of the transportation, of the transportation manifest generated using the seed-to-sale tracking system pursuant to NCCR ~~13.0301~~ *13.015* for the transportation;

(b) Each cannabis establishment agent involved in the transportation has, in his or her immediate possession, his or her cannabis establishment agent registration card or verification of temporary authorization;

(c) The cannabis or cannabis products are stored in a sanitary and secure manner in a lockbox or locked cargo area within the vehicle being used for delivery and not visible from outside the vehicle;

(d) The vehicle being used for delivery has no advertising, signage or other markings relating to cannabis; and

(e) The cannabis establishment agent transporting cannabis or cannabis products for the *adult-use* cannabis distributor on behalf of a cannabis establishment has a means of communicating with the cannabis establishment.

7. Each cannabis establishment agent transporting cannabis or cannabis products for ~~an~~ *adult-use* cannabis distributor must:

(a) Report to a person designated by the *adult-use* cannabis distributor to receive such reports and to the Board any motor vehicle crash that occurs during the transportation within ~~12~~ 24 hours after the crash occurs;

(b) Report to the Board any unauthorized stop ~~12~~ *within 24 hours after the stop*; and

(c) Report to a person designated by the *adult-use* cannabis distributor to receive such reports any loss or theft of cannabis or cannabis products that occurs during the transportation immediately after the cannabis establishment agent becomes aware of the loss or theft. ~~12~~ *An adult-use* cannabis distributor that receives a report of loss or theft pursuant to this paragraph must immediately report the loss or theft to the appropriate law enforcement agency and *, after any risk to public safety has been abated,* to the Board.

8. Each *adult-use* cannabis distributor shall maintain a log of all reports received pursuant to subsection 7 for review by the Board or Board ~~Agents~~ *agents* upon request.

9. Any cannabis or cannabis product which is damaged or refused by the receiving cannabis establishment must be transported back to the originating cannabis establishment.

Sec. 86. NCCR 15.035 is hereby amended to read as follows:

1. A cannabis consumption lounge must store all single-use cannabis products, and ready-to-consume cannabis products behind a counter or other barrier to ensure a consumer does not

have direct access to the products. Such products must be stored in a manner that prevents physical, biological, or chemical contamination.

2. Upon the request of a consumer, a cannabis consumption lounge must disclose the name of the cannabis independent testing laboratory which performed the required quality assurance tests and *issued* the corresponding certificate of analysis.

3. A cannabis consumption lounge may only sell single-use cannabis products obtained from an adult-use cannabis retail store in this State.

4. A cannabis consumption lounge may procure ~~{multi-serving}~~ *multiple-serving* edible cannabis products from adult-use cannabis retail stores in this State and resell individual servings to consumers.

5. A cannabis consumption lounge may only use cannabis, concentrated cannabis, and cannabis products which have been obtained from an adult-use cannabis retail store in this State.

6. A cannabis consumption lounge may not sell a product other than single-use cannabis products or ready-to-consume cannabis products which contain any level of THC or CBD without the approval of the appropriate Board ~~{Agent.}~~ *agent*. Each cannabis consumption lounge shall maintain a file which contains a certificate of analysis for any such approved product at the cannabis consumption lounge and shall make the file available for review upon request.

Sec. 87. NCCR 15.040 is hereby amended to read as follows:

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

2. ~~{Required certification of certain employees.}~~

~~—(a) If the cannabis consumption lounge serves food, including *adult-use* edible cannabis products, ~~it is required that~~ *the cannabis consumption lounge shall:*~~

(a) Employ a Certified Food Protection Manager, as certified by an American National Standards Institute (ANSI) accredited program ~~to be employed by the lounge and~~ ;

(b) Require the Certified Food Protection Manager to be onsite during all hours of operation in which food is being prepared or served;

~~It is required that if the cannabis consumption lounge serves food, including edible cannabis products, it is required and~~

(c) Require that all employees which handle food ~~must~~ obtain a food handler card from the local health department ~~to~~

~~—(1) If or, if the local health department does not offer this service, employees must~~ obtain a food handler certification from an American National Standards Institute (ANSI) accredited organization.

3. ~~Required logs that must be maintained~~ *A cannabis consumption lounge shall maintain the following logs* for ~~a minimum of two~~ *at least 2* years : ~~to~~

(a) Consumer illness log for illnesses reported after consumption or overconsumption ~~to~~

~~—(1) Log to~~ , *which must* include , *without limitation, the* name ~~to~~ *of the consumer*, date and time of consumption, type of food or cannabis consumed, date and time of illness onset, illness description and contact information ~~to~~ *of the consumer*.

(b) Employee illness log ~~to~~

~~—(1) Log to~~ , *which must* include, ~~at a minimum,~~ *without limitation, the* name ~~to~~ *of the employee*, dates called out due to illness, symptoms and diagnosis.

~~to be communicable~~

4. A cannabis consumption lounge shall report any communicable illnesses ~~that must be reported~~ in accordance with NCCR 6.090 and ~~NRS~~ chapter 441A ~~of~~ of NRS.

Sec. 88. This regulation is hereby amended by adding thereto the following transitory language which has the force and effect of law but which will not be codified in the Nevada Administrative Code:

As soon as practicable after the effective date of this regulation, the Cannabis Compliance Board will review any new edition of or revision to a publication adopted by reference in section 62 of this regulation that was published after June 20, 2024, and before the effective date of this regulation and, within 30 days after the completion of the review, determine whether the new edition or revision is appropriate for application in this State. If the Board does not approve a new edition of or revision to an adopted publication within 30 days after the completion of the review, the new edition or revision is deemed to be disapproved by the Board.

Sec. 89. NCCR 4.010, 4.135 and 12.065 are hereby repealed.

TEXT OF REPEALED SECTIONS

4.010 Applicability. NCCR 4 shall apply to disciplinary proceedings governed by NRS 678A.500 to 678A.640. Unless otherwise ordered by the Chair, this regulation shall apply to all such proceedings that are pending on the effective date of this regulation.

4.135 Disposition of charges: Adjudication by Board.

1. Prior to the adjudication, at least three members of the Board shall review a full transcript of the hearing or the phonographic recording of the hearing to ensure they have heard all the evidence presented and shall review the findings of fact and conclusions of law submitted after the hearing.

2. At the adjudication, the Board shall consider any findings of fact and conclusions of law submitted after the hearing and shall allow:

(a) Board agent or counsel for the Board to present a disciplinary recommendation and argument;

(b) The respondent or counsel of the respondent to present an argument, if they wish to, in opposition to or support of the disciplinary recommendation; and

(c) The Board may limit the time within which the parties and the complainant may make their arguments and statements.

3. At the conclusion of the presentations of the parties, the Board shall deliberate and may by a majority vote impose discipline based upon the evidence, findings of fact and conclusions of law and the presentations of the parties.

4. If the Board finds that a violation has occurred, it shall by order any and all discipline authorized by this Chapter and Title 56 of the NRS.

5. Within 30 days after the conclusion of the adjudication by the Board, the Board shall issue a final order, that imposes discipline and incorporates the findings of fact and conclusions of law obtained from the hearing. An order that imposes discipline and the findings of fact and conclusions of law supporting that order are public records.

12.065 Cannabis treated with radiation. If any cannabis or cannabis product has been treated with radiation at any time, any and all packaging of the irradiated cannabis or cannabis

product must include labeling that contains the following statement: “NOTICE: This product contains ingredients that have been treated with irradiation” in bold lettering, along with the Radura symbol as used by the U.S. Food and Drug Administration.