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CANNABIS COMPLIANCE BOARD STATE OF NEVADA

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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. R104-26

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 LCB File No. R104-26, a proposed permanent regulation that adopts and amends provisions in chapters 678A and 678B of the Nevada Administrative Code (NAC).

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 proposed permanent regulation is needed to implement Senate Bill No. 157 of the 2025 Legislative Session, which requires the CCB to adopt regulations governing the testing of cannabis and cannabis products, including requirements for representative sampling that align with ASTM International Standard ASTM D8334/D8334M. The proposed regulation is also needed to conform the regulatory definition of "lot" to NRS 678B.649, update terminology concerning private applicators, and revise existing sampling, testing, documentation, chain-of-custody, and laboratory procedures.

The purpose of the proposed regulation is to adopt ASTM D8334/D8334M by reference; establish sampling and documentation requirements for cannabis cultivation facilities and cannabis independent testing laboratories; revise quality-assurance testing requirements for cannabis destined for extraction; increase and allocate the amount of usable cannabis collected for testing, retesting, and retention; establish procedures for returning or disposing of unused portions of a sample; revise requirements governing certificates of analysis; and otherwise clarify and standardize the collection, handling, testing, and documentation of cannabis samples.

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

A copy of the proposed permanent regulation 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/>. The proposed regulation is also available in the Nevada Register of Administrative Regulations at <https://www.leg.state.nv.us/Register/2026Register/R104-26P.pdf>.

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

3.I.A. Adverse and beneficial effects: Regulated businesses

The CCB anticipates that cannabis businesses that may be affected may experience different adverse economic effects depending on the type of license and the size of their operations. Survey respondents identified potential administrative and operational burdens associated with documentation requirements, implementation of the ASTM standard, development of standard operating procedures, personnel training, sample collection and processing, chain-of-custody documentation, and storage capacity. Respondents also identified potential changes in the number of tests ordered, laboratory revenue, and the cost of quality-assurance testing. The cost and time required for individual facilities to implement the proposed changes and the effect of the changes on the cost of quality-assurance testing cannot presently be determined.

The proposed regulation may have beneficial economic effects by establishing more consistent sampling and testing procedures, clarifying documentation and chain-of-custody requirements, and reducing uncertainty concerning regulatory compliance. Larger statutory lot sizes may reduce the number of tests required for some cannabis cultivation facilities, potentially reducing testing expenses and processing time. The option to return portions of a passing sample that were collected for retesting or retention may reduce the amount of cannabis that must be destroyed.

3.I.B. Adverse and beneficial effects: Public

The CCB does not anticipate a significant direct adverse economic effect on the public. To the extent that regulated businesses incur additional testing or compliance costs, some costs could be reflected in the prices of cannabis or cannabis products.

The proposed regulation may have beneficial effects on the public by promoting consistent sampling and testing practices, improving the traceability of testing records, and increasing public confidence in the safety and integrity of cannabis and cannabis products offered in the regulated market. Any reduction in testing costs may also indirectly benefit consumers if those savings are reflected in product prices.

3.II.A. Immediate and long-term effects: Regulated businesses

Regulated businesses may experience immediate costs associated with reviewing the proposed regulation, obtaining the referenced ASTM standard, revising policies and standard operating procedures, training personnel, modifying documentation and chain-of-custody practices, and adjusting sample collection, processing, and storage procedures. The amount of these immediate costs will depend on the license type, existing procedures, and size of operations.

The long-term adverse economic effects cannot presently be determined. Cannabis independent testing laboratories may experience continuing administrative, storage, and personnel costs and may experience changes in testing volume and revenue. Cannabis cultivation and production facilities may experience changes in testing expenses and processing time.

3.II.B. Immediate and long-term effects: Public

The CCB does not anticipate a significant immediate adverse economic effect on the public, although regulated businesses could pass some initial compliance costs to consumers.

The CCB does not anticipate a significant long-term adverse economic effect on the public. Potential long-term benefits include more consistent testing practices, improved confidence in testing results, and greater consistency and traceability within the regulated cannabis market.

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

The CCB reviewed the proposed regulatory requirements, existing sampling and testing requirements, input received from cannabis-industry stakeholders, and written responses received through two small-business impact surveys concerning the proposed changes.

On October 20, 2025, the CCB distributed a 31-question survey concerning proposed changes to NCCR¹ 1, 10, and 11 to 10,531 members of the public and the cannabis industry. The survey closed on October 30, 2025, and 32 completed survey submissions were received.

On January 27, 2026, the CCB distributed a 19-question survey concerning revised proposed changes to NCCR 1, 10, and 11 to 10,153 members of the public and the cannabis industry. The survey closed on February 9, 2026, and 19 completed survey submissions were received.

Each survey and the corresponding proposed language were distributed through the CCB's Constant Contact email platform and made available on the CCB's website. The CCB categorized responses to identify recurring themes and the frequency with which potential impacts were identified. The CCB also considered potential impacts identified by individual respondents even when those impacts were not frequently reported.

Based on its review, the CCB determined that the proposed regulation may have different economic effects on small businesses depending on the type of cannabis establishment license held and the size and nature of the business's operations. The precise cost or amount of those effects cannot presently be determined.

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

The proposed regulation is not expected to result in a significant additional cost to the CCB for enforcement. CCB staff will incorporate the revised sampling, documentation, and testing requirements into existing inspection, audit, and compliance procedures. The CCB may incur limited initial administrative costs associated with training staff and updating inspection materials and internal procedures, but those costs are expected to be absorbed through existing resources.

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

The CCB is not aware of any regulation of another state or local governmental agency that the proposed regulation overlaps or duplicates. The proposed regulation does not overlap or duplicate a federal regulation.

7. Regulation required by federal law

The proposed regulation is not required pursuant to federal law.

8. More stringent than federal regulations

The proposed regulation does not include any provision that is more stringent than a federal regulation governing the same activity.

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

The proposed regulation 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**

¹ The survey instruments used the Nevada Cannabis Compliance Regulations (NCCR) numbering in effect when the surveys were distributed. Following the enactment of Senate Bill No. 328 of the 2023 Legislative Session, which removed the CCB's exemption from the Nevada Administrative Procedure Act, the NCCR provisions were recodified in the NAC. See the CCB's NCCR-to-NAC Conversion Index at https://ccb.nv.gov/wp-content/uploads/2026/06/Guidance-NCCR-NAC_INDEX_FINAL.pdf.

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 monthly 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/>.

**PROPOSED REGULATION OF THE
CANNABIS COMPLIANCE BOARD**

LCB File No. R104-26

July 30, 2026

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

AUTHORITY: §§ 1 and 3, NRS 678A.450, 678B.649, 678B.650, 678C.490 and 678D.500; §§ 2 and 4-6, NRS 678A.450, 678B.290, 678B.649 and 678B.650.

A REGULATION relating to cannabis; revising procedures and requirements for the sampling of cannabis and cannabis products; requiring a cannabis cultivation facility to maintain and make available to a cannabis independent testing laboratory certain documentation for each batch of cannabis cultivated; revising provisions relating to cannabis independent testing laboratories; revising procedures and requirements for the testing of cannabis and cannabis products; and providing other matters properly relating thereto.

Legislative Counsel’s Digest:

Existing law requires the Cannabis Compliance Board to adopt regulations setting forth requirements for licensees and registrants relating to the testing of cannabis and cannabis products. Existing law requires the regulations to set forth certain requirements, including the requirement that representative samples of each lot of cannabis be tested by a cannabis independent testing laboratory and various requirements concerning the collection of such representative samples. Existing law defines the term “lot” for the purpose of those provisions. (NRS 678B.649) **Section 1** of this regulation establishes that, for the purposes of the provisions of existing regulations governing cannabis, the term “lot” has the meaning ascribed to it in those provisions of existing law.

Existing law requires the regulations adopted by the Board relating to the testing of cannabis and cannabis products to require the collection of representative samples of a lot to be conducted in accordance with standards established by the Board, which must align with the most recent version of the ASTM International Standard ASTM D8334/8334M, “Standard Practice for Sampling of Cannabis/Hemp Post-Harvest Batches for Laboratory Analyses.” (NRS 678B.649) **Section 2** of this regulation adopts that standard by reference, as it existed on June 20, 2024, and sets forth procedures by which the Board may approve a new edition or revision to the standard.

Section 3 of this regulation requires each cannabis cultivation facility to adhere to the standard adopted by reference in **section 2**. Additionally, **section 3** requires a cannabis cultivation facility to maintain certain documentation concerning each batch of cannabis cultivated and make the documentation available to a cannabis independent testing laboratory at the time the laboratory collects a sample of the batch.

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. (NAC 678B.472) 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 3** 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 establish certain policies relating to chain of custody and sample identification requirements. (NAC 678B.542) **Section 4** 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 set forth in the standard adopted by reference in **section 2**.

Existing regulations set forth the quality assurance tests that a cannabis independent testing laboratory is required to use to test cannabis and cannabis products. (NRS 678B.554) **Section 5** 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 5 and 6** of this regulation 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. Among other revisions, **section 5** increases the required size of a sample of usable cannabis from at least 10 grams to at least 60 grams, consisting of: (1) 20 grams to be used for the required quality assurance testing; (2) 20 grams to be used for any retesting that may be required; and (3) 20 grams to be retained as a retention aliquot.

Among other revisions, **section 6** imposes certain procedures and requirements upon a cannabis independent testing laboratory, cannabis cultivation facility and cannabis production facility with respect to the collection and testing of samples of cannabis, including, for the cannabis independent testing laboratory, the requirement to adhere to the standard adopted by reference in **section 2** when collecting a sample. Additionally, **section 6** authorizes a cannabis independent testing laboratory that receives test results indicating that a sample of usable cannabis has passed required testing, at the election of the cannabis cultivation facility from which the sample was collected, to either return to the facility or dispose of the portions of the sample collected for the purposes of retesting and retention as a retention aliquot.

Section 1. NAC 678A.135 is hereby amended to read as follows:

678A.135 “Lot” ~~means:~~

~~—1. The flowers from one or more cannabis plants of the same batch, in a quantity that weighs 5 pounds (2,268 grams) or less;~~

~~—2. The leaves or other plant matter from one or more cannabis plants of the same batch, other than full female flowers, in a quantity that weighs 15 pounds (6,804 grams) or less; or~~
~~—3. The wet flower, leaves or other plant matter from one or more cannabis plants of the same batch used only for extraction, in a quantity that weighs 125 pounds (56,700 grams) or less within 2 hours of harvest.]~~ *has the meaning ascribed to it in NRS 678B.649.*

Sec. 2. Chapter 678B of NAC is hereby amended by adding thereto a new section to read as follows:

1. The Board hereby adopts by reference ASTM D8334/D8334M, “Standard Practice for Sampling of Cannabis/Hemp Post-Harvest Batches for Laboratory Analyses,” published by ASTM International, as it existed on June 20, 2024, which must be complied with only as required by specific regulation. A copy of this 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.

2. If a new edition of or revision to the 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 the publication within 30 days after the completion of the review, the new edition or revision is deemed to be disapproved by the Board.

Sec. 3. NAC 678B.472 is hereby amended to read as follows:

678B.472 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 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 adhere to ASTM D8334/D8334M, “Standard Practice for Sampling of Cannabis/Hemp Post-Harvest Batches for Laboratory Analyses,” as adopted by reference in section 2 of this regulation.*

5. *For each batch cultivated by a cannabis cultivation facility, the cannabis cultivation facility shall:*

(a) Maintain documentation of growing conditions and agricultural treatments, including, without limitation, documentation of:

(1) The application of any agricultural treatment;

(2) If the batch was cultivated indoors:

(I) Light exposure;

(II) Temperature; and

(III) Humidity; and

(3) If the batch was cultivated outdoors:

(I) Field dust;

(II) Wind conditions; and

(III) Potential contamination from overspray and drift from adjacent areas; and

(b) At the time a sample of the batch is collected by a cannabis independent testing laboratory, make the documentation maintained pursuant to paragraph (a) available to the cannabis independent testing laboratory.

6. 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. 4. NAC 678B.542 is hereby amended to read as follows:

678B.542 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, without limitation, 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, without limitation, 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 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.
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.

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 2 of this regulation.

Sec. 5. NAC 678B.554 is hereby amended to read as follows:

678B.554 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 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	- Moisture content - Potency analysis - Terpene analysis - Foreign matter inspection - Mycotoxin screening - Heavy metal screening - Pesticide residue analysis - Herbicide screening - Growth regulator screening - Total yeast and mold - Total Enterobacteriaceae - Salmonella - Pathogenic E. coli - Aspergillus fumigatus - Aspergillus flavus - Aspergillus terreus - Aspergillus niger Total coliform	< 15% - N/A - N/A - None detected < 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 NAC 678B.563 - See NAC 678B.563 - See NAC 678B.563 < 10,000 colony forming units per gram < 1,000 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 < 1,000 colony forming units per gram
Usable cannabis, as received, which is destined for extraction	Foreign matter inspection	- None detected < 20 µg/kg for the total of Aflatoxins B1, B2, G1 and G2 combined and < 20 µg/kg for Ochratoxin A

Product	Tests Required	Action Levels
	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>	<i>total of Aflatoxins B1, B2, G1 and G2 combined and < 20 µg/kg for Ochratoxin A</i> <i>3. Arsenic: < 2 ppm</i> <i>Cadmium: < 0.82 ppm</i> <i>Lead: < 1.2 ppm</i> <i>Mercury: < 0.4 ppm</i> <i>4. See NAC 678B.563</i> <i>5. See NAC 678B.563</i> <i>6. See NAC 678B.563</i> <i>7. < 1,000 colony forming units per gram</i> <i>8. None detected per gram</i> <i>9. 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 6. Cadmium: < 0.82 ppm 7. Lead: < 1.2 ppm 8. Mercury: < 0.4 ppm 9. 4. See NAC 678B.563 10. 5. See NAC 678B.563 11. 6. See NAC 678B.563 12. 7. < 10,000 colony forming units per gram 13. 8. < 1,000 colony forming units per gram 14. 9. None detected per gram 15. 10. None detected per gram 16. 11. None detected per gram 17. 12. None detected per gram 18. 13. None detected per gram

Product	Tests Required	Action Levels
		gram 14. —None detected per gram 15. —None detected per gram 16. —None detected per gram 17. —< 1,000 colony forming units per gram]
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 CO ₂	- Potency analysis - Foreign matter inspection - 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 < 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 NAC 678B.563 < 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
Extract of cannabis (solvent-based) made with any approved solvent, including concentrated cannabis extracted by means other than with ethanol or CO ₂	- Potency analysis - Foreign matter inspection - Residual solvent test - Mycotoxin screening - Heavy metal screening - Pesticide residue analysis - Total yeast and mold	- 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

Product	Tests Required	Action Levels
	8. Total Enterobacteriaceae 9. Salmonella 10. Pathogenic E. coli 11. Aspergillus fumigatus 12. Aspergillus flavus 13. Aspergillus terreus 14. Aspergillus niger	Ochratoxin A 5. Arsenic: < 2 ppm - Cadmium: < 0.82 ppm - Lead: < 1.2 ppm - Mercury: < 0.4 ppm 6. See NAC 678B.563 7. < 1,000 colony forming units per gram 8. < 100 colony forming units 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 14. None detected per gram
Edible cannabis product, 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
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

Product	Tests Required	Action Levels
		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 ~~140~~ 60 grams ~~1~~, *consisting of:*

(a) Twenty grams to be used for the testing required by subsection 1;

(b) Twenty grams to be used for any retesting that may be required; and

(c) Twenty grams to be retained as a retention aliquot.

4. 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.

5. 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.

~~14~~ 6. 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.

~~15~~ 7. 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.

~~16~~ 8. A cannabis independent testing laboratory shall , *upon request*, provide the final certificate of analysis to the Board ~~and to~~ *pursuant to NAC 678B.566. 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.*

~~{7.}~~ **9.** The certificate of analysis ~~{shall}~~ *must* include ~~{a}~~ :

(a) A photo of the product, as received ~~f~~

~~—8.}~~ *; 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 1 year has passed since testing due to product changes during storage.”

10. 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.

Sec. 6. NAC 678B.566 is hereby amended to read as follows:

678B.566 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 NAC 678B.554.

(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 2 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 NAC 678B.214 and 678B.217.~~

~~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. 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 NAC 678B.569, if a sample provided to a cannabis independent testing laboratory pursuant to this section does not pass the testing required by NAC 678B.554, 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 NAC 678B.214 and 678B.217.~~

~~7.]~~ 6. If a sample provided to a cannabis independent testing laboratory pursuant to this section passes the testing required by NAC 678B.554, 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.

7. Upon receipt of test results showing that a sample of usable cannabis has passed the testing required by NAC 678B.554, the cannabis independent testing laboratory that performed the testing may, at the election of the cannabis cultivation facility from which the sample was collected:

(a) Return the amounts collected pursuant to paragraphs (b) and (c) of subsection 3 of NRS 678B.554 to the cannabis cultivation facility; or

(b) Dispose of the amounts collected pursuant to paragraphs (b) and (c) of subsection 3 of NRS 678B.554.

↪ The cannabis independent testing laboratory shall appropriately document any action taken pursuant to paragraph (a) or (b) using the seed-to-sale tracking system.

8. 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. 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 NAC 678B.554 to 678B.563, inclusive . ~~[-, 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 ~~{}~~ *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 ~~{}~~

~~——(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 ~~{lot 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.

~~{(c)}~~ (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.

~~{11.}~~ (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.

10. 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.

11. 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. 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.

14. The Board may publish on ~~their~~ *its Internet* website all certificates of analysis issued to ~~them~~ *it* in the preceding time.