



Cannabis Compliance Board

Public Comment for

October 15, 2026

Board Meeting

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October 13, 2026

Sent Via Email

Karalin Cronkhite
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Re: Laboratory Position on Sampling Under SB 157

Dear Ms. Cronkhite,

Attached to this correspondence is the laboratories position paper on sampling under SB 157 (the "Brief") for the CCB and Board's review. The Brief has been approved by the following laboratories: 374 Labs, LLC, G3 Labs, LLC, MA and Associates, LLC, ERP, LLC, NV Cann Labs, LLC, RSR Analytical Laboratories, and DPL Nevada LLC dba Digipath Labs. The foregoing laboratories request you take the Brief into consideration when evaluating the implementation of SB 157.

Sincerely,

Adam Fulton

Adam R. Fulton, Esq.

Lab Coalition Position on Sampling Under SB 157

October 2, 2026 · Coalition of Nevada Cannabis Independent Testing Laboratories

Submitted for the Cannabis Compliance Board's October 15, 2026 hearing on LCB File No. R104-26 and the Legislative Commission's review that follows ·

Summary

The laboratories acknowledge the 15-pound flower lot enacted by Senate Bill 157 and codified at NRS 678B.649, and ask that it be implemented with a sampling regime that keeps the test result representative of the lot. Four conditions do that, and each is addressed below:

1. **A minimum 60-gram composite from a 15-pound (6,804-gram) lot** - 0.88 percent of the lot, the same coverage the Board itself originally adopted for the 5-pound lot (20 g) - collected in increments across the lot under ASTM D8334/D8334M-20.
2. **Full homogenization before any division.** The entire 60 grams is ground and mixed as one unit, then subdivided into three 20-gram aliquots: one for testing, one for retesting, one for retention. Divided before it is homogenized, the tested 20 grams represents 0.29 percent of the lot, not 0.88.
3. **Chain of custody and uniform presentation settled first.** Who holds the three aliquots, where, for how long and under what tracking, and how every cultivator must present a lot to the sampler, belong in regulatory text before the larger lot takes effect, not after.
4. **The laboratory decides disposition.** R104-26P §6(7) would let the retest and retention aliquots be returned or destroyed "at the election of the cannabis cultivation facility." That places the only evidence capable of verifying a result in the hands of the party being tested, and it should be struck.

The 0.88 percent figure is set by statistics, not by negotiation. It follows from the mass of the lot, the analytical mass the 16-test panel consumes, and the probability that a sample of a given size will contain a contaminant that is unevenly distributed through the lot. The Legislature may set the lot size; the sample that makes a result valid for that lot is a consequence of the size chosen. Preserving that basis is the only way the results the State requires can have validity, accuracy and reproducibility (Section 8).

Written comments on R104-26 are due October 14, 2026 at 5:00 p.m.; the adoption hearing is October 15, 2026 at 9:00 a.m.

1. The 15-pound lot is the law, and the laboratories accept it

NRS 678B.649, as enacted by SB 157 (2025), defines a flower lot as 15 pounds (6,804 grams) or less, trim at 45 pounds and wet material at 150 pounds, and directs the Board to adopt regulations requiring a representative sample of each lot, collected under Board standards

aligned with ASTM D8334/D8334M. R104-26P §1 replaces the 5-pound regulatory lot in NAC 678A.135 with the statutory definition, and §2 adopts D8334 by reference as it existed on June 20, 2024. The laboratories do not ask the Board or the Commission to revisit the lot size.

What the statute also requires - in the same subsection - is that the sample be *representative* of the lot. A lot three times larger is not three times more uniform. Mold and *Aspergillus* grow in pockets; pesticide residue varies flower to flower; a 15-pound lot may be harvested over several days and stored in containers of unequal size. The question before the Board is therefore not whether 15 pounds may be a lot, but how a sample drawn from 15 pounds is made to be representative of all of it. Every element of the laboratories' answer is already in the ASTM practice the statute adopts; the request is that the regulation say so in enforceable text.

2. Sixty grams, ground and homogenized as one

A 60-gram composite from a 15-pound lot is 0.88 percent of the lot - the coverage the Board itself concluded was necessary when it raised the 5-pound-lot sample to 20 grams ($20 \div 2,268$ g) in R152-24 §69(3). Sixty grams is also what R104-26P §5(3) already prescribes. The laboratories' concern is not the number; it is what happens to the 60 grams between collection and the final analytical results.

Lot	Mass collected and how it is handled	Coverage of the lot
5 lb (2,268 g), current NAC 678A.135	10 g (current NAC 678B.554)	0.44%
5 lb (2,268 g)	20 g (R152-24 §69(3))	0.88%
15 lb (6,804 g), NRS 678B.649	60 g divided into 20/20/20 <i>before</i> homogenization; 20 g tested	0.29%
15 lb (6,804 g), NRS 678B.649	60 g ground and homogenized as one unit, <i>then</i> divided 20/20/20	0.88%

The 0.88 percent exists only if the entire 60 grams is ground and homogenized together before it is divided. ASTM D8334 defines the composite as a homogenized mixture of the increments collected across the batch (§3.2.3). Once the whole composite is reduced to a uniform particle size and mixed, any 20-gram portion of it much more closely approximates the composition of all 60 grams, and therefore of every increment drawn from the lot. If instead the 60 grams is split into three 20-gram portions of intact flower - or "mixed" without grinding, as the minutes of the Board's March 3, 2026 workshop describe the process - the tested portion is simply 20 grams of flower from a 6,804-gram lot: 0.29 percent, one-third of the coverage the Board adopted for 5-pound lots, with the other 40 grams never examined.

R104-26P §5(5) requires that "before testing, all samples must be homogenized by the testing laboratory using a homogenization process which has been approved by the appropriate Board agent." It does not say that the whole composite is homogenized before the 20/20/20 division, and it does not distinguish that step from the later preparation of analytical portions for individual tests. The laboratories ask that the regulation state the sequence expressly: the entire

composite is ground and homogenized as a single unit; the three aliquots are drawn from the homogenized composite; and each laboratory validates, as part of its Board-approved process, that aliquots drawn this way agree within its stated measurement uncertainty. That validation is what an ISO/IEC 17025 assessor will ask for, and it is what turns the 60-gram figure from a collection quantity into an analysis having statistical representativeness.

Public health follows from the same arithmetic. The coalition's statistical analysis on file shows that at 0.29 percent coverage, *Aspergillus* contamination present at 3 percent prevalence goes undetected 91 percent of the time. The Board's own Public Health and Safety Bulletin 2025-01 documented flower and pre-rolls that failed microbial testing after sale at 20 Nevada retailers between April and August 2025. An under-sized or un-homogenized sample did not cause those events; it issued passing certificates to the lots that should have failed.

3. Three 20-gram aliquots: test, retest, retention

Retention is the precondition for reproducibility, not an administrative extra. A retest means something only when it is run on material from the same homogenized composite as the original test, held under the same custody and storage conditions. ASTM D8334 provides for exactly that: a composite divided into portions for testing, for retesting and for a retained sample (§§4.3.5, 6.6.2, 7.8.2). R104-26P §5(3) adopts the 20/20/20 allocation. The laboratories support it.

When a "retest" is instead run on a fresh grab from the lot - different containers, different depth, a different day, after the lot has been moved - any difference between the two results is a mixture of sampling variance, lot heterogeneity, storage change and analytical error, and there is no way to determine which resulted in the difference, if there is one. A retest on a retained aliquot of the homogenized composite isolates the one question worth asking: did the laboratory measure this material correctly? That is the only form of test-to-retest comparison that can resolve a dispute between a laboratory and its client, support the Board's confirmation testing under NAC 678B.566(4), or meet ISO/IEC 17025's requirement that a laboratory evaluate and defend the uncertainty of every value it reports.

Two consequences follow for the text of R104-26:

- **The retest and retention aliquots must remain in laboratory custody for a defined minimum period after the certificate of analysis issues - for passing lots as well as failing ones.** §6(4) keeps a failed sample for 30 days; §6(7) lets a passing sample's retest and retention aliquots leave the laboratory the day results post. A passing certificate is the result most in need of later verification, because it is the one under which product reaches consumers. The laboratories propose a hold of not less than the 30 days already applied to failed samples, extended automatically while any retest, Board confirmation, complaint or investigation is pending.
- **A retest is run on the retained aliquot, and nothing else is called a retest.** NAC 678B.554(1) already forbids using additional material "for the purposes of resampling or repeating quality assurance tests." The 20-gram retest aliquot is the only obvious and

logical source of a retest; a new collection from the lot is a resample, and its certificate should say so.

4. Chain of custody for the homogenized sample must be settled before the change takes effect

Once the composite is ground, it is no longer flower. It is a laboratory-prepared analytical material that cannot be returned to the lot, re-sampled, or sold as what it was. That changes what chain of custody has to cover, and R104-26P does not yet cover it. NAC 678B.542 requires each laboratory to keep custody policies; §4 of the draft adds the ASTM custody and identification requirements; §6(1)(d) puts the lot number and sample weight on the package and the custody record. None of these provisions says who holds the three aliquots after homogenization, where, for how long, under what storage conditions, who may order a retest from the retained aliquot, how laboratory-prepared aliquots are carried in the seed-to-sale system as distinct from the lot, or what "return" under §6(7)(a) means for ground material carrying the lot's tag.

The Board's own notice lists chain-of-custody documentation, storage capacity and SOP development among the costs of this regulation and says their amount "cannot presently be determined." That is a reason to design the custody regime before the 15-pound lot takes effect, not to let each laboratory and each cultivator improvise one afterward. The laboratories ask that the following be fixed in regulation, or in Board-approved SOP incorporated by the regulation, before the lot change is operative:

1. **Custodian.** The laboratory that collected the sample holds all three aliquots from collection through disposal. Transfer is permitted only to the Board, or to another licensed laboratory under NAC 678B.542(7), and is logged.
2. **Storage.** Conditions (temperature, light, container, seal) approved by the Board agent under §6(4), applied to passing and failing samples alike.
3. **Hold period.** A defined minimum after the certificate issues, extended automatically while a retest, confirmation test, complaint or investigation is pending.
4. **Retest authority.** Who may request a retest - the Board, the laboratory, or the client through the Board - and the rule that the retest is run on the retained homogenized aliquot.
5. **Seed-to-sale treatment.** The composite and its three aliquots recorded as laboratory sample inventory, with homogenization, aliquoting, any retest, and disposal each logged; disposal under NAC 678B.475 and documented under NAC 678B.542(13).
6. **Disposition.** Decided by the laboratory under its accredited procedures (Section 6 below), with the cultivator informed through the seed-to-sale record.

Until those six elements are in place, a 60-gram composite from a 15-pound lot is a quantity on paper. The lot change should not be put in place ahead of the custody rules that make its sample verifiable.

5. Every cultivator must present the lot the same way

A composite is representative only if every part of the lot had an equal chance of entering it. ASTM D8334 makes that a cultivator obligation as much as a laboratory one: access to the entire batch at the time of sampling (§6.3.1); units numbered and selected at random (§7.9.4); containers of roughly equal size and weight (§7.11.1, Scheme B); increments drawn from specified locations and depths (§§7.11.3-7.11.4); and a documented sampling report (§6.4). R104-26P §3(4) requires every cultivator to adhere to the standard, and §6(1)(a) requires presentation of all packages composing the lot. What neither provision does is tell a cultivator what a compliant presentation looks like, or tell a laboratory what to do when the lot in front of it is not one.

The problem is practical. A 15-pound lot presented as one 14-pound tote and one 1-pound bag, sampled by equal-mass increments from each container, yields a composite in which the 1-pound bag supplies half the material - and no amount of grinding afterward can restore material that was never drawn. The same lot presented in fifteen 1-pound containers, numbered, all open to the sampler, yields a composite D8334 would recognize. Both are "all packages composing the lot." Only one produces a representative sample.

The laboratories ask the Board to prescribe a single presentation standard binding every cultivator, so that ASTM compliance is a regulatory duty rather than something a laboratory negotiates lot by lot with the client who pays for the test:

- the lot presented in containers of approximately equal mass, each numbered and weighed, with the container count and weights recorded on the sampling report;
- all containers opened and accessible at the time of collection, with the batch documentation required by §3(5) in hand;
- increments drawn from each selected container at the locations and depths the standard specifies; and
- a written refusal-and-correction procedure: a laboratory that finds a lot presented outside the standard declines to sample, documents why, and the cultivator re-presents the lot - without penalty to the laboratory and without the lot being sampled by another laboratory (cf. §6(8)).

6. The laboratory, not the cultivator, decides what happens to the sample

R104-26P §6(7) would let a laboratory return or dispose of the retest and retention aliquots "at the election of the cannabis cultivation facility from which the sample was collected" once a sample passes. The laboratories ask that the election be struck and that disposition of every aliquot rest with the laboratory under its accredited procedures, obviously with Board approval.

The provision inverts the relationship the statute creates. The word *independent* in "cannabis independent testing laboratory" means that the party whose product is being tested does not control the evidence of the test. Under §6(7) it would: on a passing result, the cultivator may

direct that the only material capable of verifying that result be handed back to the cultivator or destroyed. The incentives this creates all run one way.

- **Verification disappears at the client's election.** The retest and retention aliquots exist so that a passing result can be checked - by the Board under §6(4) confirmation testing, by a laboratory answering a consumer complaint, by a court. A cultivator with any doubt about a passing lot has every reason to elect disposal; the aliquots are then gone before any question is asked.
- **Return becomes a competitive term.** Cultivators choose and pay their laboratory. If 40 grams of sample per lot is returnable on request, laboratories will be compared on how readily they return it, and a laboratory that holds its aliquots as its quality system requires is at a commercial disadvantage against one that does not. The Board's notice itself frames return as an economic benefit - it "may reduce the amount of cannabis that must be destroyed" - which is exactly the pressure that should not bear on a custody decision.
- **Returned material has no honest destination.** Ground, sample-tagged material returned to a cultivator is either destroyed there - a step the laboratory could have performed under its own documented procedure - or re-enters inventory in some form. Neither outcome improves the integrity of the lot it came from.
- **The laboratory carries the accreditation risk without the control.** ISO/IEC 17025 requires a laboratory to safeguard its impartiality (§4.1) and to control the handling, storage and disposal of test items (§7.4). A regulation that gives the client a veto over disposal puts the laboratory's accreditation obligations in the client's hands.

Disposal by the laboratory, after the hold period, documented in the seed-to-sale system, is the only arrangement under which a certificate of analysis means what it says. The laboratory holds the aliquots; the laboratory (or the Board) decides when and how they are disposed of; the cultivator is informed through the record, not consulted.

7. What the laboratories ask

Of the Board, before R104-26 is adopted:

1. **Keep** §1 (statutory lot definition) and §5(3) (60-gram composite allocated 20/20/20).
2. **Amend §5(5)** to state that the entire 60-gram composite is ground and homogenized as a single unit before division, that the three 20-gram aliquots are drawn from the homogenized composite, and that each laboratory validates the equivalence of aliquots drawn this way as part of its Board-approved homogenization process.
3. **Strike the cultivator election from §6(7).** Provide instead that the laboratory holds the retest and retention aliquots for a defined minimum period after the certificate issues - not less than the 30 days applied to failed samples under §6(4) - extended while any retest, confirmation test, complaint or investigation is pending, and then disposes of them under NAC 678B.475 with seed-to-sale documentation. Correct the cross-reference in §6(7) from "NRS 678B.554" to NAC 678B.554.

4. **Add the custody elements in Section 4** - custodian, storage, hold period, retest authority, seed-to-sale treatment of laboratory-prepared aliquots - to §4 or §6.
5. **Add a uniform presentation standard and a refusal-and-correction procedure** (Section 5) to §3, so that ASTM compliance is a regulatory duty on every cultivator, as intended.
6. **Continue the October 15 hearing** and return the file to the Legislative Counsel with these amendments. The Board may adopt only the July 30 text as noticed (NRS 233B.064(1)); it cannot make these changes at the October meeting. The 15-pound lot should take effect with its sampling regime complete, not ahead of it.

In the alternative, if the Board adopts a sampling regime that does not preserve the statistical basis of the result, the laboratories ask that §5(9) be amended to require the disclaimer set out in Section 8 on every certificate of analysis and on the label of every product sold from the lot.

Of the Legislative Commission, if the July 30 text is adopted unchanged: on review under NRS 233B.067, to consider whether a regulation that lets the tested party direct disposal of the retest and retention aliquots, and that does not require the composite to be homogenized before it is divided, carries out the Legislature's intent that each lot be tested on a representative sample.

8. The certificate must mean what it says

The representative sample size is determined by statistics and science, not by politics. Three quantities fix it, and none is a matter of opinion: the mass of the lot, the analytical mass the 16 required tests consume, and the probability that a sample of a given size will capture a contaminant that is unevenly distributed through the lot. The Legislature is entitled to set the lot size. The sample that makes a result valid for that lot is a consequence of the size chosen, and it does not change because of the politics involved. It's

If the test results issued by Nevada's laboratories are to have validity, accuracy and reproducibility - which is the only reason to require them - the science and statistics behind them must be preserved in the regulation. A certificate of analysis that attests to a 15-pound lot on the basis of 20 grams of unhomogenized flower, with the retest and retention aliquots disposed of at the client's election, does not protect a consumer. It permits the lot to be sold with the State's assurance attached. If this is the chosen path the laboratories respectfully request that they not be associated with this unfounded assurance. A laboratory accredited to ISO/IEC 17025 cannot report a result as representative of a lot when the sampling basis will not support the claim, and §7.8 of that standard requires the report to state the limitation.

If the Board nonetheless adopts a sampling regime that does not preserve the statistical basis of the result, the laboratories ask that the regulation require the limitation to be stated where the purchaser and the consumer will see it. R104-26P §5(9)(b) already requires one disclaimer on every certificate of analysis; an additional disclaimer related to the testing is not something new. The laboratories propose the following text:

- **On the certificate of analysis:** "NOTICE: The sample for this analysis was collected and prepared under a sampling protocol mandated by the State of Nevada. That protocol

does not yield a statistically representative sample of the lot from which the sample was drawn. The results reported here describe the material tested and should not be relied on as a description of the lot or of any product sold from it."

- **On the label of each product sold from the lot:** "Tested on a State-mandated sample that is not statistically representative of this lot. The laboratory results describe the sample, but not necessarily this product."

A disclaimer is not what the laboratories want. They want the sample that makes a disclaimer unnecessary: 60 grams, ground and homogenized as one, divided into three aliquots held by the laboratory. But if the State chooses a testing regime that cannot provide that level of scientific accuracy and reproducibility the certificate and the package should say so.

Sources

- NRS 678B.649 (lot definitions; representative-sample, ASTM-alignment and minimum-weight requirements), leg.state.nv.us; S.B. 157 (2025), enrolled.
- LCB File No. R104-26P (July 30, 2026), §§1-6, [Nevada Register](#); CCB Notice of Intent to Act Upon a Regulation, R104-26 (hearing October 15, 2026; comments due October 14, 2026; economic-effect statement §3), ccb.nv.gov/public-meetings.
- NAC 678A.135, 678B.475, 678B.542, 678B.554, 678B.566 (current text), leg.state.nv.us; R152-24 RP1 §69(3) (20-gram sample for the 5-pound lot).
- ASTM D8334/D8334M-20, *Standard Practice for Sampling of Cannabis/Hemp Post-Harvest Batches for Laboratory Analyses*. Section references (§§3.2.3, 4.3.5, 6.3.1, 6.4, 6.6.2, 7.8.2, 7.9.4, 7.11.1-7.11.4) are as recorded in the coalition's October 1, 2026 analysis, *Arguments for Deferring Fifteen Pound Cannabis Lots*, and should be checked against the standard's text before filing.
- ISO/IEC 17025:2017, §4.1 (impartiality), §7.4 (handling of test items), §7.6 (measurement uncertainty), [iso.org](https://www.iso.org); NRS 678B.290(4) (accreditation required).
- CCB Public Health and Safety Bulletin 2025-01 (September 12, 2025); CCB workshop minutes, March 3, 2026.

Devon Kelley

From: matt dealin <realmoneygreen@gmail.com>
Sent: Wednesday, October 14, 2026 5:01 PM
To: CCB Regulations
Subject: Public Comment on LCB File No. R103-26

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Re: Public Comment on LCB File No. R103-26 — Proposed Permanent Regulation of the Cannabis Compliance Board

Dear Chair Berry and Members of the Board:

My name is Antuan Robinson. I am the founder of MEDSnSIN LLC, a selected prospective licensee for an independent cannabis consumption lounge under the social equity program. My application for Puff and Play, an independent cannabis consumption lounge, is approaching conditional licensure. The \$200,000 liquid-asset requirement is my last hurdle.

I write in support of keeping the liquid-asset requirement at \$200,000 for retail and independent consumption lounge applicants (NAC 678B.062, Sec. 14), rather than raising it to the \$250,000 proposed for other license types. But I want the Board to understand what the requirement does to a social equity applicant in my position.

Because I cannot meet the \$200,000 alone, I have to bring in investors — and those investors know I cannot get the license out the door without them. That gives them the leverage in every negotiation over equity, control, and deal terms. Even with ownership protections in place, the imbalance shows up in valuation, governance, and buyout terms. The requirement, as structured, functions as a transfer of bargaining power from the applicant to capital — which cuts against the program's purpose of building genuine ownership by social equity applicants.

I respectfully ask the Board to adopt phased proof of liquid assets for qualifying social equity applicants: a portion demonstrated at the application stage, with the full \$200,000 verified before final licensure. This preserves the Board's prudential goal — no undercapitalized operator reaches the finish line — while removing the gate that hands investors their leverage. The applicant's walk-away position should not be zero.

Thank you for the opportunity to comment. I am available to discuss this further and plan to watch the livestream.

Respectfully,
Antuan Robinson, Founder
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October 14, 2026

Cannabis Compliance Board
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Via email to: Regulations@ccb.nv.gov

Subject: Written Comment on LCB File No. R103-26

Dear Chair Berry and Members of the Cannabis Compliance Board:

On behalf of the Nevada Cannabis Association, thank you for the opportunity to comment on LCB File No. R103-26. We appreciate CCB staff's efforts to address issues raised during the workshop process. Several concerns remain, and we recommend the revisions outlined below.

I. Section 1: Hold Order Catch-All Language

Senate Bill 168 authorizes a hold order only when cannabis or a cannabis product both fails to satisfy a statutory or regulatory requirement *and* "constitutes a substantial hazard to the public health." We appreciate the revisions to Section 1 that incorporate this two-part standard. They address a substantial portion of the concerns we raised at the December workshop.

One issue remains in Section 1(2)(i). The catch-all uses a threat to public health or public safety as its threshold. Although the opening language of subsection 2 states the statutory standard, paragraph (i) uses different language. That difference creates ambiguity about the circumstances in which an agent may issue a hold.

The Legislature established a specific threshold, and the catch-all should use that same threshold, without substituting a general threat for a substantial hazard.

We ask the Board to revise Section 1(2)(i) to read:

"Has failed to comply with a requirement of title 56 of NRS or any regulation adopted pursuant thereto and any other circumstance is present that is deemed by a Board agent **to constitute a substantial hazard to the public health.**"

This revision would preserve the catch-all while making clear that the statutory standard applies.

Further, we recommend deleting "including, without limitation, the summary suspension of a license" from Section 1(6). While we acknowledge Section 1(6) authorizes, but does not require, summary suspension, it would be more appropriate to address penalties for a violation of the hold order in the same manner as other violations under the existing disciplinary framework set forth in NAC 678A.500-678A.550.

II. Section 19: Training Requirements

Section 19 requires training on the seed-to-sale tracking system without limiting that requirement to agents who use the system. It also refers to training requirements established by the Board.



Those training requirements are currently listed in an FAQs section of the CCB's website and are subject to change outside of the rulemaking process.

We support requiring employees who use Metrc to receive appropriate training in the software before independently performing those duties. However, many (if not most) employees do not use Metrc as part of their work. Requiring those employees to receive training on operating the system does not reflect their responsibilities.

We ask the Board to limit this requirement to agents whose duties involve using the seed-to-sale tracking system. Further, Metrc training requirements should be spelled out in the regulations just as other training requirements are. We ask the Board to revise Section 19(1)(d) as follows:

(d) For a cannabis establishment agent whose duties include using the seed-to-sale tracking system, training on the functions of the system necessary to perform those duties.

III. Section 22: Cameras

The existing requirement under Section 22(1)(c)(3)(IV) already mandates camera coverage of entrances, exits, vault areas, and point-of-sale locations. Adding "unobstructed" and "the entirety of" could require additional cameras or other costly modifications to compliant security systems. Without an identified incident or deficiency demonstrating that existing coverage is inadequate, those added costs are not justified. We recommend deleting the proposed terms "unobstructed" and "the entirety of," while retaining the existing coverage requirement.

Section 22(1)(c)(3)(VIII) increases the required battery backup for cameras and recording equipment from five minutes to 60 minutes. NCA opposes this change because of the potential equipment and installation costs for establishments whose systems meet the current requirement. The responses to the Board's small business impact survey identified increased battery backup costs as a concern. Despite those responses from businesses, the hearing notice concluded that the regulations will not impose a significant economic burden.

We asked members about the potential cost of this change. One operator estimated an additional \$7,000–\$10,000 to extend recording equipment backup from thirty to sixty minutes, even though its system already exceeds the current five-minute requirement. Costs will vary by facility size and existing equipment, but affected establishments would have to invest further in systems that already meet or exceed current requirements. For these reasons, we urge the Board to retain the five-minute requirement.

IV. Section 27: Duplicative Manual ID Checks

Section 27 would require every cannabis purchaser's identification to be verified three times: manually at entry, manually again at sale, and electronically at either location. Age verification is essential, but requiring two manual reviews in addition to electronic verification is excessive.

Nevada's alcohol and tobacco laws do not require this combination of checks. Nevada prohibits alcohol sales to persons under 21, but NRS 202.055 does not mandate a manual ID check for every purchaser, separate checks at entry and sale, or electronic scanning. For tobacco, NRS 370.521(2) provides a compliance safeguard for sellers who request, receive and reasonably rely on valid proof that the purchaser is at least 21. NRS 370.521(3) requires scanning or



another automated age-verification system for purchasers under 40, with a limited exception for face-to-face transactions in certain casino areas. It does not require separate manual checks at entry and sale in addition to electronic verification. Nevada has no statewide minimum purchasing age or ID verification requirement for hemp-derived cannabinoid products sold in smoke shops.

Section 27 describes its verification requirements as being “in compliance with NRS 678B.545.” That statute requires age verification using government-issued photo identification and a Board-approved scanner before sale. It does not require two separate manual checks. NRS 678D.310(6) separately prohibits underage entry, subject to the medical patient exception, but does not require two manual checks.

NCA supports maintaining flexibility to conduct electronic verification at either entry or sale, without an additional mandatory manual review at the point of sale. Establishments should be able to retain their existing scanner locations and procedures while verifying age before entry and satisfying the statutory scanner requirement before sale. NCA recommends the following language:

- 1. Except as otherwise authorized by chapter 678C of NRS, before allowing a consumer to enter a cannabis sales facility, a cannabis establishment agent shall verify that the consumer is at least 21 years of age by checking valid government-issued identification containing a photograph of the consumer. This verification may be performed manually or using an identification scanner approved by an appropriate agent of the Board.*
- 2. Before selling cannabis or a cannabis product to a consumer, a cannabis establishment agent shall verify the age of the consumer using an identification scanner approved by an appropriate agent of the Board to determine the validity of the consumer’s government-issued identification, in accordance with NRS 678B.545. Scanner verification performed at the point of entry satisfies this requirement for a sale made during the same visit. A separate manual verification at the point of sale is not required.*

V. Section 31: Waste Destruction

NCA opposes the additional pre-approval and photographic documentation requirements in Section 31.

Section 31(5) requires a separate disposal request and approval when disposal exceeds specified weight or unit thresholds, subject to the exception for routine cultivation waste in subsection 6. For material subject to approval, this creates another administrative step for disposal already reported through Metrc. The CCB has previously enforced this policy through written guidance



and now seeks to incorporate it into the regulations. However, in practice, this guidance results in dividing destruction into smaller quantities so as to fall under the threshold requiring pre-approval, making waste handling less efficient. Establishments should be able to carry out compliant destruction after providing notice, without waiting for permission to dispose of waste.

Section 31(7)(b) requires “time-stamped photographic evidence” in addition to disposal within view of surveillance cameras. This is duplicative. Employees would have to separately photograph destruction activities and retain those photographs, documenting the same event already captured by required surveillance footage. Members report that waste destruction can take an hour and, at some facilities, occurs daily. The proposed regulation does not specify which part of the process must be photographed. These additional requirements would add recurring employee time and document storage costs to routine disposal activities which are already documented through surveillance and destruction logs and maintained under existing record retention regulations.

Establishments should not have to document the same activity repeatedly in different formats. Additional paperwork should not become a condition of routine compliance. NCA recommends the following amendments to Section 31:

1. In subsection 5, delete the second sentence, which requires a separate disposal request and Board approval for disposal exceeding the specified quantities. Retain the existing requirement to provide notice through the seed-to-sale tracking system.
2. In subsection 6, delete “without a separate disposal request submitted through the electronic licensing system pursuant to subsection 5” to conform to the removal of the approval requirement. Retain the provision allowing routine cultivation waste to be destroyed and documented through the seed-to-sale tracking system.
3. Delete subsection 7(b), which requires retention of time-stamped photographic evidence. Retain subsection 7(a), requiring surveillance recordings, and subsection 7(c), requiring documentation of the destruction method and responsible employee. Redesignate subsection 7(c) as subsection 7(b).

VI. Pre-Approvals

NCA is concerned that the regulations broadly require Board pre-approval for too many routine business activities. Licensees already need pre-approval for packaging, new menu items, and ingredient sources. Section 31 adds language to the regulations requiring pre-approval for certain waste disposal.

These requirements add up. Each creates more work for licensees and Board staff and requires businesses to wait for permission to carry out activities already governed by regulatory standards.

The burden is compounded by problems with Accela. NCA previously sent a letter to CCB staff documenting widespread problems with the Accela software affecting productivity and compliance. Most respondents reported delays or errors nearly every time they used the system. Adding more approval requirements makes routine operations further dependent on a system that licensees have already identified as a barrier to compliance.



Conclusion

We respectfully request the Board adopt the revisions outlined above. These changes would preserve public health protections, age verification, inventory tracking, and security requirements while removing duplicative checks, documentation, and approval processes.

We appreciate the revisions made during the workshop process and ask the Board to address these remaining concerns before adopting LCB File No. R103-26.

Respectfully,

A handwritten signature in black ink, appearing to read "L Martin". The signature is fluid and cursive, with a long horizontal stroke extending from the end.

Layke A. Martin, Esq.
Executive Director
Nevada Cannabis Association



October 14, 2026

Cannabis Compliance Board
700 Warm Springs Road, Suite 100
Las Vegas, NV 89119
Via email to: Regulations@ccb.nv.gov

Subject: Written Comment on LCB File No. R104-26

Dear Chair Berry and Members of the Cannabis Compliance Board:

On behalf of the Nevada Cannabis Association, we appreciate the opportunity to comment on LCB File No. R104-26. As we have stated throughout the workshop and hearing process, the proposed fixed 60-gram sample requirement is inconsistent with Senate Bill 157 (2025) and imposes unnecessary costs on licensees. It would require cultivators to surrender more flower for testing without assurance that returned material can be sold, increasing inventory losses and reducing revenue from each harvest.

Senate Bill 157 established a practical sampling framework that scales sample sizes to lot sizes. A fixed 60-gram requirement departs from that framework and would hit smaller cultivators hardest because they often do not harvest enough of a single strain to benefit from larger lots.

I. The Proposed Changes Are Inconsistent with Senate Bill 157

Senate Bill 157 states that:

- (c) For each lot of cannabis flower, the total aggregate weight of all representative samples to be collected for testing from the lot to be:*
 - (1) For a lot weighing less than 5 pounds, not less than 10 grams;*
 - (2) For a lot weighing 5 pounds or more but less than 10 pounds, not less than 15 grams; and*
 - (3) For a lot weighing 10 pounds or more but not more than 15 pounds, not less than 20 grams.*

Although the sample amounts are minimums, the use of three tiers reflects a proportional approach. This is evident not only from the language of the statute itself but also from extensive testimony during committee hearings on the bill. See Minutes of the March 5, 2025 Meeting of the Senate Committee on Commerce and Labor.

Senator Edgar Flores's March 1, 2026 letter to the CCB stated that the fixed 60-gram proposal does not reflect the legislative intent behind Senate Bill 157. As the bill's sponsor, he explained that the Legislature deliberately tied sample sizes to lot sizes to protect consumers while avoiding unnecessary product destruction and costs. He also explained that the direction to "align" with ASTM was a policy choice, not an instruction to adopt the standard verbatim. Returning unused samples does not eliminate the added handling, storage, transportation and compliance costs. His letter urged the Board to preserve proportional sampling and concluded that a fixed sample size is inconsistent with that framework.

Furthermore, the Legislature considered larger sample requirements and removed them before final passage. Assembly Amendment No. 779 replaced a schedule that included 30- and 40-gram



samples with the proportional 10-, 15-, and 20-gram framework enacted in Senate Bill 157. A fixed 60-gram requirement would abandon that framework and exceed even the larger sample weights the Legislature removed.

Failure to carry out legislative intent is a ground for Legislative Commission objection under NRS 233B.067(5)(c), which provides for returning the regulation to the agency. Senator Flores's letter supports that objection by explaining how the fixed 60-gram requirement departs from the framework the Legislature adopted. The Board should address this conflict before adopting the regulation.

II. ASTM D8334/D8334M Does Not Compel the Board to Adopt a 60-Gram Sample Size

The CCB's position throughout the workshop process has been that ASTM D8334/D8334M "Standard Practice for Sampling of Cannabis/Hemp Post-Harvest Batches for Laboratory Analyses" requires a composite, representative sample of 60 grams to be collected, regardless of lot size. However, the ASTM standard itself expressly defers to local requirements.

Section 1.2 of the ASTM standard states: "Where procedural aspects of this practice differ from local regulatory or jurisdictional requirements, the local regulatory or jurisdictional authority's directives shall take precedence." That provision allows Nevada to apply ASTM principles through regulations tailored to its statutory requirements. It does not compel the Board to impose a fixed 60-gram sample or abandon the proportional structure in SB 157.

III. ASTM D8334/D8334M Does Not Require Disclosure of Growing Conditions to Labs

Section 3, proposed NAC 678B.472(5), requires cultivators to maintain documentation of growing conditions and agricultural treatments and make that documentation available to laboratories at sample collection. ASTM does not require cultivators to disclose this information to laboratories. The proposed regulations add a disclosure requirement involving potentially proprietary information without establishing why laboratories need it. We recommend removing this requirement. It would impose additional recordkeeping and require disclosure of proprietary information without establishing a need for either.

IV. Returning Sampled Product Does Not Ensure Recovery of Its Value

Section 5, proposed NAC 678B.554(3), requires a 60-gram sample, divided into 20 grams for initial testing, 20 grams for possible retesting and 20 grams for retention. According to Section 6, proposed NAC 678B.566(7), after a passing result, the laboratory may return the retesting and retention portions at the cultivator's election, with the return documented in the seed-to-sale tracking system. However, permission to return those 40 grams does not ensure that they remain saleable.

We surveyed our licensee members about whether returned product could be sold. Members raised concerns about drying, storage and handling conditions, transportation and delays that could prevent the returned flower from being reunited with its original lot before packaging or sale. The proposed regulations also require all samples to be homogenized before testing through a Board-approved process. If the returned portions have been ground or otherwise physically altered through homogenization, they may no longer be saleable as intact flower or retain their original value. The return provision therefore does not ensure recovery of the sampled flower's value. Returned material should not be credited with its original flower value without evidence that cultivators can recover that value.

V. A Fixed 60-Gram Sample Would Impose Substantial Costs, Particularly on Smaller Cultivators

Increasing the maximum lot size from 5 to 15 pounds gives cultivators an opportunity to reduce testing and compliance costs. However, requiring a 60-gram sample from every lot would impose additional costs, particularly on cultivators that cannot consistently assemble larger lots.

The inventory costs are substantial even if laboratory fees remain unchanged. One member reported approximately 936 tests annually, a current 10-gram sample and an average testing fee of \$300. At the same test count, a 60-gram requirement would increase annual sampled product from 9,360 grams to 56,160 grams. Using the Department of Taxation's current fair market value of \$1,037 per pound and assuming no recovered sale value, the estimated value of lost saleable flower would increase from approximately \$21,399 to \$128,393, an additional \$106,994 annually. Laboratory fees would remain \$280,800.¹

Larger lots can reduce testing expenses, but many licensees we surveyed reported that they could use larger lots for only some harvests. One member reported frequently harvesting less than 15 pounds of a single strain, with some harvests producing only a few pounds. That member estimated that larger lots would reduce annual flower tests by 30 percent, from 780 to 546. Using an assumed fee of \$300 per test, annual testing expenses would decline by \$70,200. However, using a fair market value of \$1,037 per pound and assuming no recovered value for returned flower, the increased sample requirement would remove an additional \$57,063 in flower value from sale, leaving approximately \$13,137 in annual net benefit before additional handling or transportation costs.

A larger member's model illustrates the potential savings when more flower can be consolidated into 15-pound lots. The licensee projected a reduction from approximately 2,104 annual tests to 942. At an assumed fee of \$300 per test, annual testing expenses would decline by approximately \$348,600. Using the member's actual average sample weight of 11.54 grams, a fair market value of \$1,037 per pound and no recovered value for returned flower, the 60-gram requirement would remove approximately \$73,707 in additional flower value from sale. The resulting annual net benefit would be approximately \$274,893 before additional handling or transportation costs.

This shows that larger lots can provide substantial savings for cultivators able to consolidate production, but those savings are not equally available to businesses with smaller or more varied harvests. These savings arise from fewer tests under the larger lot sizes authorized by Senate Bill 157. The fixed 60-gram requirement reduces those savings by increasing the amount of saleable flower removed from each lot.

Conclusion

Senate Bill 157 established a proportional sampling framework, and ASTM allows local requirements to take precedence. The statutory directive to align with ASTM does not require a fixed 60-gram sample or justify abandoning the framework the Legislature adopted.

LCB File No. R104-26 would impose substantial inventory losses and additional handling costs without establishing why every lot requires the same sample weight. Returning sampled material

¹ These models assume an unchanged fee of \$300 per test. Some members questioned whether laboratories would maintain their current prices for larger lots, but future pricing has not been confirmed. The projected savings therefore remain conditional.



does not address those losses when its resale value remains uncertain. The proposal also requires licensees to disclose proprietary information beyond what the ASTM standard requires.

NCA urges the Board to reject the fixed 60-gram requirement and the additional proprietary disclosure requirements. The Board should implement Senate Bill 157 as intended, preserving proportional sampling and the opportunity to reduce costs through larger lots.

Respectfully,

A handwritten signature in black ink, appearing to read "L. Martin".

Layke A. Martin, Esq.
Executive Director
Nevada Cannabis Association

October 6, 2026

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

Re: Public Comment on Proposed Permanent Regulation LCB File No. R103-26

Dear Members of the Cannabis Compliance Board:

Green Thumb Industries Inc. (“GTI”) respectfully submits this public comment in response to the Cannabis Compliance Board’s (“CCB” or the “Board”) Notice of Intent to Act Upon a Regulation, LCB File No. R103-26. GTI is a licensed cannabis operator in the State of Nevada and a committed partner in building a well-regulated, compliant, and thriving cannabis market. We appreciate the Board’s ongoing efforts to clarify and modernize Nevada’s cannabis regulatory framework and offer the following comments on three provisions of the proposed regulation.

I. Packaging Changes: Request for Market-Appropriate Sell-Through Period (Section 33)

GTI supports the Board’s authority to update packaging and labeling requirements to advance consumer safety and regulatory consistency. However, we respectfully request that any new packaging requirements adopted pursuant to Section 33 of the proposed regulation include a reasonable sell-through period for cannabis establishments holding inventory in packaging that was compliant at the time of manufacture but would not satisfy the new requirements.

Cannabis operators invest significantly in packaging procurement, design, printing, and labeling. Requiring immediate compliance upon the effective date of new packaging rules would force licensees to destroy or discard substantial quantities of compliant, lawfully manufactured inventory and existing packaging stock, resulting in material financial harm, product waste, and operational disruption. We also note that this concern extends to stickering and labeling remediation costs: even where a sticker or label overlay may theoretically bring packaging into compliance, the labor, materials, and operational burden of applying such remediation at scale represents a significant and avoidable cost.

We respectfully request that the Board adopt a market-appropriate sell-through period, which we suggest should be no less than twelve (12) months from the effective date of any new packaging requirement, during which cannabis establishments may continue to sell products packaged in pre-existing compliant packaging, and may continue to use pre-purchased packaging stock bearing prior-compliant labeling, either as-is or with an approved sticker overlay, without penalty. This approach is consistent with how packaging transitions are managed in other regulated consumer goods industries and reflects the practical realities of cannabis supply chains.

II. Agent Training: Request to Remove "Independently Perform" Language

GTI respectfully requests that the Board remove the newly proposed language in Section 19 (proposed NAC 678B.208(1), (2), (4), (5), and (6)) that would require training and instruction to be completed before a cannabis establishment agent "begins to independently perform any duties" at a cannabis establishment.

As proposed, this language would require that all required training, including instruction on seed-to-sale tracking, handling of cannabis plants, and facility-specific procedures, be completed in full before an agent performs *any* independent function, however routine. While GTI fully supports robust pre-assignment training, this standard does not reflect the practical reality of how agricultural and production environments operate. In cannabis cultivation and processing in particular, as in many agricultural industries, hands on experience in the actual work environment is itself an essential and irreplaceable component of training. Presentations, courses, and classroom-style instruction can convey foundational knowledge but cannot substitute for supervised, practical, on-the-job learning.

The effect of the proposed language would be to expose establishments to regulatory risk when a new agent performs any task alongside an experienced supervisor during the training period, even where such supervised performance is entirely appropriate.

We recommend that the Board retain the prior standard requiring training before a person "begins to work or volunteer" or, in the alternative, clarify that the "independently perform" standard applies only to unsupervised work, and that supervised, on-the-job training activity does not constitute independent performance for purposes of this requirement. This would preserve the intent of ensuring agent competency while recognizing the legitimacy of experiential, hands-on training models.

III. Security — Request to Remove Plant Growth Cycle Camera Requirement (Section 22)

GTI respectfully requests that the Board remove any proposed provision in Section 22 requiring video surveillance cameras to be installed in a manner that accounts for the changing height and density of cannabis plants throughout their growth cycles.

Cannabis cultivation involves significant and continuous variation in plant canopy height, density, and spatial configuration as plants progress through vegetative and flowering stages. Requiring camera installations to account for these dynamic conditions would effectively mandate either (1) an impractical number of fixed cameras positioned to achieve coverage across all possible plant growth configurations; or (2) continuous adjustment and repositioning of cameras throughout each grow cycle, neither of which is technically feasible or operationally practical at scale.

Existing security regulations already require comprehensive video surveillance coverage of all areas where cannabis is cultivated, handled, and stored. Those requirements are adequate to ensure the regulatory and law enforcement purposes underlying the surveillance mandate. Adding a plant-growth-cycle accommodation requirement would impose substantial and ongoing capital and labor costs on cultivators without a commensurate benefit to public safety or regulatory oversight. We urge the Board to remove this requirement.

GTI thanks the Board for the opportunity to comment on the proposed regulation and for its ongoing engagement with the regulated cannabis community. We remain committed to full compliance with Nevada's



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cannabis laws and regulations and to supporting the Board's mission of maintaining a safe, well-regulated market.

Sincerely,

A handwritten signature in black ink, appearing to read "Becca", written over a horizontal line.

Becca Rutenberg
Chief of Staff, Legal & Regulatory
Green Thumb Industries Inc.

October 6, 2026

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

Re: Public Comment on Proposed Permanent Regulation LCB File No. R104-26

Dear Members of the Cannabis Compliance Board:

Green Thumb Industries Inc. (“GTI”) respectfully submits this public comment in response to the Cannabis Compliance Board's (“CCB” or the “Board”) Notice of Intent to Act Upon a Regulation, LCB File No. R104-26. GTI is a licensed cannabis operator in the State of Nevada and a committed partner in building a well-regulated, compliant, and thriving cannabis market. We appreciate the Board's ongoing efforts to clarify and modernize Nevada's cannabis regulatory framework and offer the following comments on three provisions of the proposed regulation.

We write specifically to oppose the requirement set forth in proposed NAC 678B.472(5), which would require cannabis cultivation facilities to: (a) maintain detailed documentation of growing conditions and agricultural treatments including indoor light exposure, temperature and humidity, or outdoor field dust, wind conditions, and potential contamination from overspray and adjacent areas and (b) make that documentation available to cannabis independent testing laboratories at the time of sample collection. **GTI urges the Board to remove Section 678B.472(5)(a)(1)–(3) and 678B.472(5)(b) from the proposed regulation for the following reasons:**

1. This information is proprietary and competitively sensitive.

The documentation required under proposed Section 678B.472(5) goes to the core of a cultivation facility's intellectual property: its growing protocols, environmental controls, and agricultural inputs. Indoor cultivators invest heavily in developing and refining light schedules, climate parameters, and treatment regimens that define product quality and differentiate their operations in a competitive market. Requiring routine disclosure of this information to independent testing laboratories which may service multiple competing licensees creates a real and unnecessary risk of proprietary information being exposed to competitors. The proposed regulation provides no mechanism to protect the confidentiality of this data once shared.

2. This information is not necessary for a testing laboratory to perform its function.

The role of a cannabis independent testing laboratory is to analyze samples against established action levels for contaminants and quality parameters. A laboratory does not need to know a batch's light cycle, temperature range, humidity levels, wind exposure, or agricultural treatment history in order to accurately and reliably test a sample. Test results are determined by what is present in the sample, not by the growing conditions that

preceded collection. Mandating this disclosure conflates testing compliance with cultivation oversight, which are distinct regulatory functions.

3. An as-needed disclosure mechanism is sufficient and more appropriate.

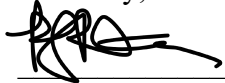
GTI does not oppose the Board having access to cultivation documentation when there is a specific reason to review it. If a batch fails testing and the Board or a laboratory has reason to believe that growing conditions may be relevant to understanding the failure, the Board can and already has regulatory authority to request that documentation. A targeted, cause-based disclosure requirement achieves any legitimate regulatory purpose without the overbroad and routine exposure of proprietary business information that Section 678B.472(5)(b) would require.

4. The proposed requirement imposes administrative burden without commensurate regulatory benefit.

Survey respondents in the Board's own small business impact review identified documentation requirements as a source of administrative and operational burden. Requiring cultivation facilities to compile and present growing-condition documentation to testing laboratories at every sampling event, regardless of any testing concern, adds cost and complexity with no identified corresponding benefit to public safety or testing integrity.

GTI thanks the Board for the opportunity to comment on the proposed regulation and for its ongoing engagement with the regulated cannabis community. We remain committed to full compliance with Nevada's cannabis laws and regulations and to supporting the Board's mission of maintaining a safe, well-regulated market.

Sincerely,



Becca Rutenberg
Chief of Staff, Legal & Regulatory
Green Thumb Industries Inc.

Devon Kelley

From: Contessa Petrini <contessapetrini@cloakquillresearch.org>
Sent: Wednesday, September 30, 2026 8:35 AM
To: CCB Regulations
Subject: Re: LCB File Nos. R103-26 and R104-26, public hearing October 15, 2026

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INTRODUCTION

I write as a research scientist whose work centers on measurement validity, data integrity, and bias detection in analytical workflows. My comments address the testing, licensing, and packaging provisions of the two proposed regulations. Each comment states the proposal as published, the methodological concern, and a specific recommended change. I ask that the Board adopt these recommendations or provide a written, data-grounded explanation for declining them.

I. TESTING (R104-26)

Comment 1. ASTM D8334/D8334M incorporated by reference: specify edition and validation protocol

The proposal adopts ASTM D8334/D8334M by reference to govern representative sampling. Aligning Nevada's sampling rules with a published consensus standard is a sound step.

Concern: The notice does not identify which edition of the standard applies, which sections of it are binding, or what validation protocol the Board will accept for alternative sampling methods. A laboratory cannot verify compliance against a standard whose applicable scope is undefined.

Recommendation: Name the specific edition of ASTM D8334/D8334M, enumerate the binding sections, and publish the validation criteria the Board will use to approve scientifically valid alternative methods.

Comment 2. The 60-gram sample requirement: publish the statistical basis or scale to lot size

The proposal increases the minimum usable-cannabis sample from 10 grams to 60 grams, allocated as 20 grams for required testing, 20 grams for potential retesting, and 20 grams as a retention aliquot.

Concern: Sample mass is a measurement-design parameter. A fixed 60-gram sample applied to lots of widely different sizes produces an uneven sampling fraction, so the same rule yields different measurement confidence across facilities. It also increases inventory loss up to sixfold with no published rationale linking 60 grams to lot heterogeneity or to the confidence required of the result.

Recommendation: Publish the statistical basis for 60 grams, including the lot sizes, heterogeneity assumptions, and target confidence it was designed against. If a single fixed mass cannot be justified across all lot sizes, scale the required sample mass to lot size following the representative-sampling logic of ASTM D8334 itself, and provide a transition period for small cultivators to revise SOPs, train staff, and adjust storage.

Comment 3. Certificates of analysis and chain of custody: require verifiable, traceable records

The proposal revises requirements governing certificates of analysis and laboratory chain of custody.

Concern: A certificate of analysis is only as useful as its traceability. Paper or unstructured formats allow transcription errors and make independent verification impractical.

Recommendation: Require machine-readable certificates of analysis with unique sample identifiers that link each result to the sampled lot, the sampling event, and the custody record. Standardized, verifiable records are what allow the Board, licensees, and the public to confirm that the tested material is the material sold.

Comment 4. Quality-assurance testing for cannabis destined for extraction: define acceptance criteria

The proposal revises quality-assurance testing requirements for cannabis destined for extraction.

Concern: Without published acceptance criteria and defined retest triggers, pass/fail determinations will vary by laboratory, and licensees cannot design their processes to a reproducible target.

Recommendation: Publish quantitative acceptance criteria for extraction-destined cannabis and the specific conditions that trigger retesting, so results are reproducible across laboratories.

II. LICENSING (R103-26)

Comment 5. Disciplinary proceedings before hearing officers: require written findings

The proposal revises disciplinary procedures so that further Board review occurs only when a party requests it or the Board initiates it.

Concern: Moving adjudication from the full Board to hearing officers changes who weighs evidence and sets precedent. Decisions without written findings cannot be audited for consistency, and licensees cannot learn the rules from outcomes they cannot read.

Recommendation: Require written findings of fact and a concise statement of reasons for every disciplinary decision, made available to the parties and, with confidential information redacted, to the public.

Comment 6. Hold orders and substantial hazards to public health: define triggers and review timelines

The proposal establishes procedures for hold orders and substantial hazards to public health under AB 76.

Concern: A hold order halts operations and destroys perishable inventory. If the factual predicates that trigger a hold are not defined in measurable terms, and the timeline for review is not bounded, the instrument functions as an open-ended freeze rather than a calibrated public-health protection.

Recommendation: Define the factual predicates for a hold order in specific, observable terms and set a maximum time to initial review, so affected establishments have a defined path to lift the order.

Comment 7. Small-business impact findings: commit to a post-implementation cost review

The R103-26 notice reports three small-business surveys distributed to 10,286, 10,282, and 10,092 recipients, with 16, 8, and 10 completed responses, respectively. The R104-26 notice reports surveys to 10,531 and 10,153 recipients with 32 and 19 completed responses. Every response rate is below 0.4 percent. The R104-26 notice itself states that the effect of the changes on quality-assurance testing costs "cannot presently be determined."

Concern: Response rates below 0.4 percent cannot support a confident finding of no significant adverse economic effect. The Board's own text concedes the cost picture is unknown for R104-26.

Recommendation: Treat the economic-impact findings as preliminary and

commit in the adopting statement to a post-implementation review at 12 months using actual cost and testing-volume data from licensees, with results published before any subsequent amendment cycle.

III. PACKAGING (R103-26)

Comment 8. Packaging and labeling revisions: validate new labeling requirements for comprehension

The proposal revises packaging and labeling requirements, including advertising and signage provisions.

Concern: Labeling requirements only protect consumers if consumers understand them. New requirements for serving marks and delayed-effects descriptions on edibles will fail their purpose if the language is not tested against actual reader comprehension.

Recommendation: Retain the opaque, child-resistant packaging requirements and the 10-milligram THC per-serving limit for adult-use edibles, and require that any new mandatory labeling language meet a defined readability standard and be validated for consumer comprehension before finalization.

SUMMARY OF REQUESTED CHANGES

1. Specify the ASTM D8334 edition, binding sections, and alternative-method validation protocol (R104-26).
2. Publish the statistical basis for the 60-gram sample or scale sample mass to lot size, with a small-cultivator transition period (R104-26).
3. Require machine-readable certificates of analysis with unique sample identifiers (R104-26).
4. Publish quantitative acceptance criteria and retest triggers for extraction-destined cannabis (R104-26).
5. Require written findings and a concise statement of reasons for disciplinary decisions (R103-26).
6. Define hold-order triggers in observable terms and bound the review timeline (R103-26).
7. Commit to a 12-month post-implementation cost review using actual licensee data (R103-26 and R104-26).
8. Validate new labeling language for consumer comprehension before finalization (R103-26).

I am available to provide technical input on sampling statistics and measurement validation as the Board finalizes these regulations.

Respectfully submitted,

--

Contessa Petrini

Founder & Chief Scientist

Cloak and Quill Research 501(c)(3)

Traditional Wisdom. Modern Validation. Shared Prosperity.

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 Email: contessapetrini@cloakquillresearch.org

 Phone: 248-954-1228

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Building ethical AI infrastructure for traditional knowledge preservation and healthcare equity

Devon Kelley

From: contessapetrini@cloakquillresearch.org
Sent: Monday, October 12, 2026 9:57 AM
To: CCB Regulations
Subject: Supplemental Written Comments: LCB File Nos. R103-26 and R104-26, public hearing October 15, 2026

[You don't often get email from contessapetrini@cloakquillresearch.org. Learn why this is important at <https://aka.ms/LearnAboutSenderIdentification>]

WARNING - This email originated from outside the State of Nevada. Exercise caution when opening attachments or clicking links, especially from unknown senders.

Dear Ms. Kelley,

Please accept the following supplemental written comments for the October 15, 2026 board hearing, supplementing my written comments of September 30, 2026.

SUPPLEMENTAL WRITTEN COMMENTS

To: Nevada Cannabis Compliance Board
Re: October 15, 2026 Hearing; testing and sampling provisions (R104-26; R152-24 as adopted)
From: Contessa Petrini, Founder and Chief Scientist, Cloak & Quill Research, Henderson, Nevada
Date: October 12, 2026

These comments supplement my written comments of September 30, 2026, on R103-26 and R104-26. I write as the founder of a nonprofit research organization engaged in botanical characterization and quality assessment of plant-derived products, including analytical testing review and sampling and chain-of-custody evaluation for Nevada cannabis testing laboratories.

1. Support for the 20/20/20 sample structure

The proposed 60-gram sample, divided into 20 grams for required testing, 20 grams reserved for retesting, and 20 grams retained, is sound laboratory practice. A dedicated retest aliquot collected at the same time as the test aliquot avoids re-sampling bias: a second sample drawn later from a lot is not the same measurement. A retention aliquot enables independent dispute resolution without re-entering the supply chain. I support this structure.

2. Homogenization must precede subdivision

The critical control in the sampling chain is the order of operations.

The entire collected sample must be homogenized together before it is subdivided into test, retest, and retention aliquots. Homogenizing only the test portion after subdivision destroys the representativeness of the retest and retention aliquots, because the portions then reflect different parts of the original lot rather than the lot as a whole. R152-24 as adopted already requires laboratory homogenization under a Board-approved process; I recommend the Board state explicitly, in R104-26 or guidance, that homogenization of the full collected sample precedes any subdivision. This is the difference between three measurements of the lot and three measurements of three different sub-samples.

3. ASTM D8334/D8334M adoption

Adopting ASTM D8334/D8334M for representative sampling, including aseptic technique, is the right standard. I recommend the Board publish implementation guidance alongside the rule: what constitutes an acceptable aseptic sampling procedure in a cultivation environment, and how the required video documentation of sampling will be reviewed.

Standards without implementation guidance produce uneven compliance.

4. Chain of custody and sample identification

The proposed documentation, chain-of-custody, and sample-identification requirements are central to data integrity, not paperwork. In testing-laboratory assessment work, chain-of-custody gaps are among the most common findings, and they are also among the cheapest to fix relative to their evidentiary value. I support these provisions and recommend the Board treat chain-of-custody completeness as a routine inspection item.

5. Publish the statistical basis for the 60-gram figure

The proposed 60-gram sample is a substantial increase in per-lot testing material over current requirements, with direct cost consequences for cultivators, particularly small operators. Larger samples do improve representativeness for heterogeneous plant material, and I do not oppose the increase on principle. But the Board should publish the statistical basis for the specific figure: the assumed lot heterogeneity, the target confidence level, and the resulting margin of error. A transparent statistical justification lets the industry evaluate the tradeoff between analytical confidence and cost, and it gives testing laboratories a defensible basis for their own method validation.

Closing

Nevada's testing framework is strongest when each requirement can be traced to a measurement principle: representative sampling, controlled homogenization, documented custody, and validated analysis. R104-26 moves in that direction. I appreciate the Board's consideration of these comments.

Respectfully submitted,

Contessa Petrini

Founder and Chief Scientist, Cloak & Quill Research contessapetrini@cloakquillresearch.org